PONTIFICIA UNIVERSITAS LATERANENSIS
FACULTAS IURIS CANONICI

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THE NATURE AND DISPOSITIONS OF TEMPORAL GOODS OF RELIGIOUS INSTITUTES

A Study Analysis of canon 634 (*CIC* 1983)

Excerptum Thesis ad Doctoratum in Iure Canonico consequendum

Romae 2025

DEDICATION

This work is dedicated to the beloved Founders of the ESM to refresh their great zeal of planting and developing the Church in Africa. It is also in honor of Saint JOHN PAUL PP. II, whose Foundation has helped me to complete this program of doctorate in Canon Law.

IMPRIMI POTEST

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Roma, 08 luglio 2025

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ACKNOLEDGEMENT

I thank God who is able to accomplish far more than all I can ask or imagine, by his power at work within me. To him be the glory in the Church and in Christ Jesus to all generations forever and ever.

I thank the Evangelizing Sisters of Mary wherever they are for their sacrifices, contributions towards my studies. My sincere appreciations go to the Superior General, Anna Mary Henrietta Nyangoma and her respective Counselors for the opportunity offered to me to complete my studies. I appreciate every effort and support from them throughout the time of my studies in Rome. I thank Sr. Dr. Jacinta Mary Adhiambo (ESM) for editing and proof reading my work.

I thank the administration of the Catholic University of Lateran, Rome, for the facilities and conducive environment for study and research. I thank particularly the Faculty of Canon Law and all the staff for their tireless efforts and dedication throughout the learning process.

Sincere gratitude to my supervisors very Rev. Clar.us Prof. Cristian Begus and Correlatores: Clar.us Prof. Jimenez Echave Aitor and Clar.us Prof. Loda Natale for availing themselves to guide in the process of research and writing of this thesis. I thank them especially for their scholarly insights and critical observations and assessment of my thesis, which kept me in focus to the completion of this work. May God bless them.

I thank my friends and benefactors of all capacities for their spiritual and material support during my study. I thank specially John Paul II Foundation for the award of scholarship which has enabled me to complete this program of study in Rome. My heartfelt thanks to Sr Franca Fusato (CM), Sr. Fernanda and Cesiolo Community of Comboni Sisters for their support. I thank Rosa Maria my Italian teacher, my classmates and all the people of good will who have assisted me in the whole process of my study in any way. God Bless them all.

GENERAL SCHEME

DEDICATION

ACKNOWLEDGEMENT

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ABBREVIATIONS

AAS	*Acta Apostolic Sedis*
Can.	Canon
Cann.	Canons
CCC	Catechism of the Catholic Church
CCEO	Code of Canons of the Eastern Churches
CIC	*Codex Iuris Canonici*
CICLSAL	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life
Cfr.	Confer
CLS	Canon Law Societies
(ed.)	Editor
Ed.	Edition
ESM	Evangelizing Sisters of May
Gn	Genesis
Ibid	*Ibidem*
IVC	*Istituti di Vita Consacrata*
IVCPCE	*De Institutis Vitae Consecratae per professionem consiliorum Evangelicorum*
Jas	James
Jn	John
Mt	Mathew
Pub	Publication
PCCICR	*Pontificia Commissio Codici Iuris Canonici Recognoscendo*
PP	Papa
p./pp.	Page/ pages
SVA	*Società di Vita Apostolica*
Vol	Volume

GENERAL INTRODUCTION

The topic of this thesis is the temporal goods of religious institutes in the Church. The interest to study this particular subject is to examine particular characters of these goods, their relationship with the goods of the Church and capability of religious institutes on them. Even though the dissertation concerns the temporal goods of the religious institutes principally these institutions are not independent entities from the Church. The historical and theological reality makes it necessary to study the topic within the status and interpretation of the Church. This background will help to look at the position of religious institutes in the Church as well as their material possessions and properties. The subject matter will develop from the understanding of the concept of temporal goods in the Church. The study will further examine the distinctiveness of the same goods in canonical legislations from the 1917 to 1983 Codes of Canon Law. This will help to determine the legal definition of the concept of temporal goods of the Church and their juridical aspects. It will also highlight competence of the Church on temporal goods and that of religious institutes on the same. Particular areas of interest will be ownership, acquisition, administration, contracts, alienation and pious foundations including all other related matters.

To bring out the objectives of this research more complete, the related literatures will also be carefully selected in the process of study. These writings will be important in the developments and deepening of the subject matter. They are significant also for their contributions in interpretation, expanding, clarifying and updating the topic to date. The study will take into consideration the Papal and Conciliar documents, some documents of the Roman Curia and related writings. The research will be further be enriched by scholarly writings and insights of canonists, canon law study conferences, major superiors' general conferences, professors and other observers in matters related to this particular study. Conventions of bishops of particular regions and individual bishops in their dioceses will also be given attention. The revision work and study of different commissions and schemas on temporal goods of the Church will also be considered in the study process of this particular topic.

The specific focus of the topic will be examined under canon 634 of the 1983 Code of Canon Law. Attention will be given to the text of the canon. Each terminology will be analyzed separately to allow easier understanding and application. Moreover, the study will concentrate on the requirements and conditions of law in regard the material assets of religious institutes. The process will first present the development of the canon 634 including its sources and formation through the codification in the 1983 Code of Canon Law. Then

will survey the elements of the text consisting of definitions and distinctions and all related information for clarity. After the clarification of terminology, attention will be given to the specification of juridical capacity of religious institutes on temporal goods and related matters. Areas implied of challenges on temporal goods of religious institutes will be underlined for reflection.

The relevance of canon 634 will be applied in the institute of the Evangelizing Sisters of Mary in accordance with their constitution. The ESM is one of religious institutes that have been established in the recent years in mission land, in the Eastern part of Africa. In this work the ESM represents local religious institutes of men and women that have been founded especially in such areas. The application will demonstrate clearly the nature and characteristics of the assets of religious institutes. Further, it will demonstrate the capability of a religious institute on temporal goods. It will also point out the significance and purpose of capacity endowed upon religious institutes on temporal goods. Besides will highlight the way elements of law in regard temporal goods of religious institutes are organized, harmonized and administered. It will begin by giving a brief juridical foundation of religious institute in the Church. Then will prescribe the material goods of a religious institute and their goals in that of the institute of the ESM. Further, it will consider the concept of proper law in its coordination with the universal law in regard material possession of the institute. The application will display the aspects of law on the capacity of institute on temporal goods in accordance with the proper law of the institute and the general law of the Church. Finally, canonical recommendations on common areas of concern in relation to temporal goods of religious institutes will be highlighted. These will enhance administration of temporal goods in religious institutes particularly ESM. They will also help to maintain order and harmony and besides ensure care and security on the goods of the institute.

To address clearly the objectives of the whole research, the work will be divided in three chapters. Chapter one will study the general concept and rights of the Church on temporal goods. Chapter two will deal specifically with the temporal goods of religious institutes according to canon 634 of the 1983 Code of Canon Law. Chapter three will make the application of the canon to the religious institute of the ESM.

STATEMENT OF THE PROBLEM

The question of study is: What does the Canon Law offer in resolving conflicts and setbacks concerning properties of religious institutes? This question triggers the researcher to find answers due to underway problems in regard them. Some experiences expose some controversial situations in mission on material assets owned by religious institutes. These are observed between some priests and convents of sisters or even a bishop and religious

congregation. More often these situations involve either a piece of land or institutions like schools, hospitals or dispensaries or other generating projects. In other circumstances the claims are presented either by individual families or civilians. These arguments include some lands or houses that have been either bought by the institute or donated to it. There are also debates that since religious take the vow of poverty why should they own anything at all or have interests in material things? Some controversial cases are evidenced even in public newspapers and internet. For example, a dispute is noted in public court between a priest and a religious congregation concerning the ownership of a hospital[1]. There could be more which are not brought to public notice.

A researcher once involved in leadership of the institute as a counselor in charge of properties was personally confronted by some of mentioned challenges. Other related cases concern lack of common interests, transparency and accountability. The researcher had an exposure through workshops, seminars and meetings with other religious communities where some of the above concerns were discussed. The result of the sharing confirms to common problems especially in areas of ownership and administration. Either other challenge is on the coordination of competences, sales, and donation of properties and obligation of institute toward the members.

Disputes are inevitable, and that is why laws are always in place to defend justice and to maintain order, peace and harmony. It leaves to question as to why some cases and situations highlighted above in the Church remain unresolved, prolonged or in silence withdrawal. Others end up in civil courts and authorities! Such acts are destructions to the society and make the credibility of the life both of priests and religious questionable. All these make one to ask; is the canon law failing to achieve its purpose? What is lacking or what has not been put in place? Do the temporal goods of the Church have common ends why controversies and disharmony? This research has been undertaken to explore answers to such uncertainties. In addition, it is to instill canonical knowledge in the areas of material possession of religious institutes in the Church. It is also to highlight the reciprocal of duties and rights in regard to material assets of religious institutes. Moreover, it is to encourage proper implementation of laws in regard to these goods. In addition is to give confidence to the persons endowed with responsibility in the administration of temporal goods to place valid acts regarding them.

[1] http://kenyalaw.org/caselaw/cases/view/141865/

WORKING HYPOTHESIS

The working hypothesis could be sought out in the lack of the knowledge of law. Either person in administration offices may assume the faculty of the office is sufficient to act even without the application of law in matters regarding temporal goods. It can also be due to tendency of the religious institutes to disregard the vigilance of the Church in the governance of goods pertaining to them. It may also be in the lack of effective implementation of the requirements of law; disintegration of canon law and proper law in regard temporal goods of the Church and religious institutes. In other instances, may be lack of due and genuine processes and proper documents necessary for any genuine claim of ownership of properties. The conflicts could also emerge from presumes acts of acquisition and possession of temporal goods in the name of gifts, donation and good faith. It may also be in the lack of lawful required conditions which may result into invalid acts. In other ways it may be in the lack of virtue which result into individualism and greedy of material possession. Also lack of knowledge of the obligations the members of religious institutes assumed by the profession of the vow of poverty. Not the least, it may also be merely decadence of religious life and personal responsibility.

SIGNIFICANT OF THE STUDY

This study has been undertaken to impart canonical knowledge of the temporal goods of religious institutes. Canon 634 confers right to temporal goods on religious institutes and their legitimate provinces and houses[2] The canon further enlists essential elements in relation to the given right and their disposition. Canon 1255 affirms the public juridical persons as subjects of the right on temporal goods in the Church. A religious institute is a public juridical person, thus a

subject of this right. Canon 1256 settles the ownership of the goods acquired by the public juridical person. Canon 1257 defines the acquired goods of public juridical persons as Ecclesiastical goods. The governance of such goods is binding under Divine and human laws and the statutes of the public juridical person who has acquired them. Human law includes church and civil laws that regulate material goods and in addition, the constitutions that Church approves for each institute. Canon law requires the implementation of all the "disciplinary norms of book V" on temporal goods and elsewhere within the code. The application of the same norms for religious institutes are as stated in canons 634 to 640. These are always in harmony with the proper law as a complement in those matters canon law remits to it.

[2] Cfr. CIC 1983, Cann. 634, 608-9, 621.

The provisions of law in the area of temporal goods of religious institutes are of vital importance to ensure their care and protection from any claim. It is necessary that the members of religious institutes, the superiors and all who have the responsibility in administration be enlightened in aspects of law on the same goods. Knowledge of rights and duties in regard to the goods of religious institutes is also necessary to maintain harmony and to enhance personal responsibility. Knowledge of law will ensure proper administration of temporal goods in relation to witness of life and mission of the institute. It is also important given that religious are called to be vigilant and respect the norms of the Church and the proper law of their institutes on temporal goods[3]. This thesis will deepen the understanding of the juridical elements and provisions of law in regard the temporal goods of religious institutes in relation with the question of study.

METHOD OF STUDY

The method of approach is: historical, canonical, doctrinal and humanistic. The historical canonical and deductive method will help to explore the foundation of legal rights of religious institutes on temporal goods. It is also descriptive exegetical and analytical as it makes analysis of the canon under study and related canons. It is also social and humanistic as it addresses human situations and challenges.

The first chapter presents the general understanding of the concept of temporal goods in the Church. It includes historical development of the notion, capability of the Church on temporal goods, their definitions and classifications. Furthermore, it defines the status of religious persons in the Church, their duties and rights including that on temporal goods. In addition to these, this chapter will also view the revision work on temporal goods of the Church in general and in particular those of religious institutes from the 1917 code of canon law through the codification of the present code.

The second chapter presents the juridical capacity of religious institutes on temporal goods according to the 1983 Code of Canon Law in the light of canon 634. First it will examine the sources and formation of the canon, also the work of different commissions and schemas. Then it will give the analysis of contents of the text of the canon including their identifications, definitions, distinctions and conditions. At the conclusion some areas in emphasis of the care and protection of goods in religious institutes will be underlined.

The third chapter presents practical application of canon 634 in the institute of Evangelizing Sisters of Mary. It gives brief foundation of the institute of the ESM. Furthermore, it defines the temporal goods of the institute and their goals.

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[3] Cf. V. DE PAOLIS, "Temporal Goods of the Church in the New Code with Particular References to Institutes of Consecrated Life", in *The Jurist,* 43 (1983), pp. 343- 360.

Besides, the application will introduce the concept of proper law, its autonomy and limits. It will harmonize the role of proper law in conjunction with the general law of the Church on temporal goods. It will provide detailed prescription of the capacity of the ESM on temporal goods according to their constitutions. At the end some recommendations will be given to enhance the administration of temporal goods in religious institutes particularly the ESM.

SCOPE AND LIMITATION

This dissertation is dedicated to the temporal goods of religious institutes. It focuses on the capacity and elements of law. This approach is limited according to the question of study that motivated this research and the observations in the statement of problem. The study of this capacity and elements of law in regard to temporal goods of religious institutes are discussed within the context of canon law and proper law. The topic remains too wide to be exhausted in single research and approach. The research remains open for further developments through other approaches.

Since this work is profoundly huge a consideration is given to restructure and to publish only chapter two.

CHAPTER TWO

THE NATURE AND DISPOSITIONS OF TEMPORAL GOODS OF RELIGIOUS INSTITUTES: A STUDY ANALYSIS OF CANON 634 CIC 1983

2.1 INTRODUCTION

The canonical recognition of religious persons and the related duties and rights in regard material goods has been established in the previous chapter. This chapter is sought to investigate canonical implications of canon 634 *CIC* 1983, with a focus on examining the status of temporal goods held by religious institutes within the Church. The primary objective is to elucidate the precise ownership and administration structures governing properties owned by these institutes. The impetus for this investigation stems from the Church's call for religious institutes to revitalize their economic frameworks in response to the contemporary economic challenges. In the face of today's economic crises, there is a pressing need for religious institutes to enhance their awareness of economic issues, offering guidelines for effective asset management. The interest is especially in matters concerning the acquisition, possession, administration and alienation of these goods. The first part will review the development of the canon its sources and formation. Then will explore further the contents of its text and finally highlight some areas of evaluation and challenges.

2.2 DEVELOPMENT OF THE CANON 634 1983 *CIC*

This part presents the process of promulgation of canon 634. Knowing the past or the roots of something helps us to treasure the present. When we own the present consciously helps with insight of direction of the future. Issues addressed today may not necessarily be new. The wisdom of the past may tell us.

2.2.1 THE SOURCES OF CANON 634

The source of the canon means the basis or the foundation from where it draws the current meaning and interpretations. The first chapter already created familiarity with the development of canonical legislation in regard temporal goods general. Here the specific concern is canon 634 of the 1983 Code of

Canon law. The first source of this canon is canons 531 and 1495 §2 of the 1917 Code of Canon Law. Other supplementary sources are taken from the documents of the Second Vatican Council: the Decrees on the Up-To-Date Renewal of Religious Life, *Pefectae Caritatis* n.13 and Ministry and Life of Priests, *Presbyterorum Ordinis* n. 17.

2.2.1.1. CIC 1917 Canon 531

Canon 531 affirms and extends the capacity of religious institutes on temporal goods. "Not [only] Religious [institutes], but also their provinces and houses are capable of acquiring and possessing temporal goods". This includes, "goods with stable incomes or foundations"[4]. However, this capacity can be excluded or restricted in the rules and constitutions proper for each institute[5]. Right at this the universal law recognizes the role of proper law and constitution of each institute in the area of material goods. In complement the limits proper for each institute must be given in the proper law and constitutions of each institute. This is important for the administrators of goods of institutes to apply the law attentively and adequately. However, the constitution and proper law are not to be applied in isolation. Other related canons concerning the material goods are to be taken into consideration. This can be either from the general or particular norms and where required also civil law. Through the ministry of the Church religious participate in the mission of Christ assumed in baptism in a particular manner of life[5]. Therefore, the right on temporal goods is given them to enable them to fulfill this mission in the Church. The capacity is given by the Church, to be used within the Church and at service of the mission of the Church.

2.2.1.2. CIC 1917 Canon 1495 § 2

The right of religious institutes as juridical person on temporal goods is born from the Church. Canon 1495 prescribes the primary and secondary subjects of this right and also conditions pertaining to it. The rights on temporal goods in the Church belong to the Catholic Church as a community of believers and to the Apostolic See. These have a native right freely and independent of civil authority on temporal goods for the pursuit of their own ends[6]. Individual Churches and other moral persons that the Church erects into juridical personality by its authority are partakers of this right. They have the right of

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[4] Cfr. E.N. PETERS (ed.), *The 1917 or Pio-Benedictine Code of Canon Law,* (in English translation), San Francesco, 2001, Can. 531. [5]Cfr. CIC 1917 Can. 531: "Non modo religio, sed etiam provincial et domus sunt capaces acquirendi et possidendi bona temporalia cum reditibus stabilibus seu fundatis, nisi earum capacitas in regulis et constitutionibus excludatur aut coarctetur."

[5] Cfr. *Codex Iuris Canonici,* Auctoritate IOANNIS PAULI PP. II, promulgatus, Typis Polyglottis Vaticanis, in *AAS*, LXXV 75 (1983-II), pp.1-317, Latin-English edition, Washington D.C 1992, cann 207 § 2, 208.

[6] Cfr. CIC 1917 Can. 1495 § 1.

acquiring, retaining and administering temporal goods according to the norms of canon law[7]. Here the boundary limit of the right on temporal goods is extended from the Catholic Church and Apostolic See to individual Churches and lawful erected juridical persons[8]. The individual Churches and moral persons are entities erected by the Church authority. The same authority endows them with juridical personality. The rights and obligations of the moral persons become the accumulated rights and obligations of the members of the group[9]. Thus, the subjects of the right on temporal goods within the Church comprise the universal Church, the Holy See, and any juridical person in the Church[10].

The right addressed in canon 1495 § 2 is inseparable from the innate right of the Church on temporal goods and its mission[11]. Such a right is not absolute for the juridical persons. It is governed by canon law under the control of the hierarchy, especially the Pope[12]. Further, the right is to be exercised in harmony with the goals of the Church and its mission[13]. This is clearly expressed in the 1917 Code that temporal goods are means the Church needs to carry out its spiritual goals: the salvation of souls[14]. The Church exists to preach the Word of God and to lead all souls to their eternal destiny, God. Canon 1495 lays very fundamental aspects pertaining the right of religious institutes on material goods. The use is always in harmony with the Church according to norms of canon law. Contrary acts may easily create conflicts either also undermines witness of evangelical poverty proper to each institute.

2.2.1.3 Perfectae Caritatis n. 13

The Decree *Perfectae Caritatis* n. 13, deals with evangelical poverty which the religious profess in imitation of Christ[15]. The religious profess the vow of poverty in relation to material goods. It is to "Challenge the materialism

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[7] Cfr. CIC 1917 Can. 1495 § 2: "Etiam ecclesiis singularibus aliisque personis moralibus quae ab ecclesiastica auctoritate in iuridican erectae sint, ius est, ad normam sacrorum canonum, bona temporalia acquirendi, retinendi et administrandi."

[8] Cfr. CIC 1917 Can. 1495 § 2: "Etiam ecclesiis singularibus aliisque personis moralibus quae ab ecclesiastica auctoritate in iuridicam personam erectae sint, ius est, ad normam sacrorum canonum, bona temporalia acquirendi, retinendi et administrandi."

[9] Cfr. A. GAUTHIER, "Juridical Persons in the Code of Canon Law", in *Studia Canonica,* 25 (1990), pp. 81-84; also; P. RAYANNA, "Moral or Juridical Person?" in *The Jurist,* 18 (1958), p. 460; (Cumulative rights and obligations recognized by the Code of members of a group, Can. 310).

[10] Cfr. CIC 1917 Can. 1497 § 1.

[11] Cfr. CIC 1917 Can. 1495 § 1.

[12] Cfr. CIC 1917 Cann. 1495, 1518.

[13] Cfr. CIC 1917 Cann. 1495, 1496.

[14] Cfr. V. DE PAOLIS, "Temporal Goods of the Church in the New Code with Particular Reference to Institutes of Consecrated Life", p. 343.

[15] Cfr. CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de Accommodata Renovatione Vitae Religiosae *Perfectae Caritatis,* in *AAS* 58 (1966-1), p. 708, n. 13.

which craves possessions, heedless of the needs and sufferings of the weakest and lacking concern for the balance of natural resources"[16]. Evangelical poverty is the poverty of Christ himself[17]. Its primary meaning is to witness that God is the true wealth of human heart[18]. The poverty of Christ freely embraced and lived in imitation of him becomes a symbol of Christ for the world[19]. Christ became poor to enrich the others. Similarly, religious take on evangelical poverty in imitation of him in order to improve the lives of others in all areas that need redemption[20]. Besides, it is to give witness to the spiritual values to manifest to all the right order of values in all earthily goods and activities. Thus, religious poverty is something that each individual religious must personally treasure to heart and in freedom. Laws are there to safeguard common good, order and justice. The virtue of religious poverty goes beyond the requirements of law. Each religious is to consider self-poor in fact and in spirit having God and heaven as the only treasure.

Perfectae Caritatis n. 13 further introduces new forms of witness to evangelical poverty in relation to material goods. In addition to individual witness to poverty, calls also for corporal witness of the same. While the individual bears spiritual witness to evangelical poverty the community together is to manifest the witness of the same in a way more concrete and practical. This involves the whole community[21]. These new forms require all religious to treasure the common law of work for their sustenance[22]. Through work religious are able to maintain themselves and also to care for the poor among and around them[23]. By means of work religious provide themselves with whatever need for living and for sustaining their mission. Above all religious are to put their trust in God for both spiritual and material welfare. Thus, work is not to replace spiritual activities that the worship of God requires. A particular consideration and importance of proper law is also underlined in this number. It is in proper law that the specific character of poverty proper to each

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[16] IOANNES PAULUS PP. II, Adhortatio Apostolica Post- SynodalisPost- Synodali *Vita Consecrata*, n. 89, in *AAS* LXXXVIII (1996), p. 464.

[17] Cfr. H. VORGRIMLER, *et al* (eds.), *Commentary on the Documents of Vatican II,* Vol. II, Herder and Herder, New York 1968, p. 360.

[18] Cfr. IOANNES PAULUS PP. II, Adhortatio Apostolica Post- SynodalisPost- Synodali *Vita Consecrata*, n. 90, in *AAS* LXXXVIII (1996), p. 465.

[19] Cfr. M. WALTER, (ed.), *The Documents of Vatican II*, in a New and Definitive Translation with Commentaries and Notes by Catholic, Protestants and Orthodox Authorities, Herder and Herder Association Press, New York 1966, p. 475.

[20] Ibid.

[21] Cfr. H. VORGRIMLER *et al* (eds.), *Commentary on the Documents of Vatican II,* Vol. II, p. 360.

[22] Cfr. M. WALTER, (ed.), *The Documents of Vatican II*, in a New and Definitive Translation with Commentaries and Notes by Catholic, Protestants and Orthodox Authorities, p. 475.

[23] Cfr. H. VORGRIMLER *et al* (eds.), *Commentary on the Documents of Vatican II,* Vol. II, p. 360. [25] *Perfectae Caritatis,* in (English translation), in A. FLANNERY, (ed.), The Conciliar and Post Conciliar Documents, 28 October 1965, SAINT PAULS Bandra, Mumbai 2004, n. 13, p. 551.

institute must be expressed. It is stated, "Religious congregations may, in their constitutions, permit their members to renounce their inheritances, both those which have already been acquired and those which may be acquired in the future"[25]. In fact, this principle gives the basis of all the practice of all religious evangelical poverty. This as we shall see later demonstrates the different ways poverty is lived in each institute. Each religious must know his or her rule well to avoid unhealthy comparison and competitions.

Besides their own and mission demands, religious are to consider according to the local conditions to bear "a quasi-collective witness to poverty". This means they must be willing to "contribute part of what they possess for the other needs of the Church and for the support of the poor"[24]. This contribution may refer even to a real property provided the formalities of law imply. The love and tenderness of Christ is first experienced within the religious communities with one another. The ones who are better supplied must assist those among them who suffer need[25]. Then it opens up to provinces and houses of different institutes. "Those who have more are to help those who are in need"[28]. Furthermore, this number supports the right of religious institutes to possess whatever they need for their temporal life and work provided it "is allowed in their rules and constitutions". However, it exhorts, "they should avoid any semblance of luxury, excessive wealth and accumulation of property"[26]. Since this can hinder public witness of Christ and evangelical poverty. The meaning of this teaching is deep rooted in a life lived in renewed vigor of following the poverty of Christ[27]. This obligation lacks precise definition, however in some cases is of vital importance[28]. It is a luxurious ambition to acquire extra lands, cars, big buildings when people around hardly can afford a day`s meal.

2.2.1.4. Presbyterorum Ordinis n. 17

Decree *Presbyterorum Ordinis* n. 17 portrays the reflection of voluntary poverty in relation with the world and wordily goods. Inner individual freedom and detachment from the world and its goods is basic. It builds "right attitudes to the world and earthily goods". It is from this that one stands to witness right

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[24] Cfr. The response of Jesus to the rich young man: "If you wish to be perfect, go and sell what you own and give the money to the poor, and you will have treasure in heaven; then come and follow me" (Mt 19: 21). The concrete needs of the poor are expounded in Mt 25: 34-46; also, Jas 2:15-16; 1Jn 3:17.

[25] Cfr. H. VORGRIMLER, *et al* (eds.), *Commentary on the Documents of Vatican II,* Vol. II, p. 476. [28] *Perfectae Caritatis,* in (English translation), in A. FLANNERY, (ed.), The Conciliar and Post Conciliar Documents, n. 13, p. 551.

[26] Ibid.

[27] Cfr. H. VORGRIMLER *et al.* (eds.), *Commentary on the Documents of Vatican II,* Vol. II, p. 361.

[28] Cfr. Ibid.

values and attitudes of material good of the earth. The fact is that one cannot give what she or he does not have. This number acknowledges the need and use of material goods in fulfillment of the mission of Christ. This mission is carried out in the world[29]. The Church is entrusted with the mission of Christ which is carried out in the midst of the world. Thus, it claims right to temporal goods for these ends. The Church needs worldly goods to accomplish its mission which concerns personal and integral development of a man. The goods acquired for this purpose must be used according to the teaching of Christ and regulations of the Church[30].

Further, the number articulates a general norm concerning the administration of the properties of the Church. Accordingly, the temporal goods are to be used "Only for those purposes to which the teaching of Christ and the direction of the Church allow them to be used" Thus; the ordained ministers are entrusted with the task of management of ecclesiastical property. They are to do this properly according to the norms of ecclesiastical laws and as the nature of these goods require. This means, the goods of the Church should be administered so as to meet the purpose for which Church acquires and possesses material goods[31]. The priority must be given to the common mission of the Church and all pertains to its development. While formally laity had been restricted in this matter, here it is advisable to avail their expertise.

The administrators of ecclesiastical goods further are exhorted to use the property only to achieve the purposes for which the Church owns them. For this reason, this number restates the purpose of these goods. The goods of the Church are for, "The organization of divine worship, the provision of decent support of the clergy and the apostolate and charity, especially for the benefit of those in need" [32]. This statement is rather exclusive of other ministers other than clergy. But later studies and formulations will amend this.

2.2.2 FORMATION OF CANON 634 CIC 1983

The formation of the canon means the actual process through which the canon was created. It was envisioned the renewal of patrimonial right that the nature of religious life in relation to material goods needs special and consideration because of the vow of poverty. The following is the implementation of this recommendation[36].

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[29] Cfr. M. WALTER, *The Documents of Vatican II,* in a New and Definitive Translation with Commentaries and Notes, p. 567.
[30] Cfr. Ibid., p. 568.
[31] Cfr. H. VORGRIMLER *et al.* (eds.), *Commentary on the Documents of Vatican II,* Vol. II, p. 291.
[32] Cfr. CONCILIUM ŒCUMENICUM VATICANUM II, Decretum De Presbyterorum Ministerio *Et Vita Presbyterorum Ordinis,* n. 17, in *AAS* LVIII 58 *(*1965), p. 1017, also CIC 1983, Cann. 222 §2, 1254 §2, 281.
[36]Cfr. PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, in *Communicationes,* XII 1 (1980), pp.175-176.

2.2.2.1. The First Draft

The first draft of canon 634 appeared for the first time in *Vita Consacrata* 37. It is stated in two paragraphs as follows:

> §1. "*Instituta religiosa eorumque partes (Provinciae, Regiones, domus vel quocumque alio nomine veniant) capaces sunt acquirendi, possidendi at administrandi bona temporalia*"[33].
>
> § 2. "*Ob peculiarem tamen indolem horum Institutorum, Constitutiones (ius prorpium) definire, coarctare vel etiam excludere possunt huiusmodi capacitatem*"[34].

Concerning paragraph one, Monsignor Secretary of the study commission immediately noticed the ambiguity in the expression of "Parties" *partes.* He suggested that instead of "parties" be stated clearly "Institute", "Province" and "Houses"[35]. According to him, the expression "parties" was too indistinct to be recognized of the capacity dealt with and the connected juridical personality[36]. In paragraph two; Monsignor suggested to say: "*Constitutiones definiant huiusmodi capacitatem atque ob peculiarem indolem horum Institutorum coarctare vel etiam excludere possunt huiusmodi capacitatem*"[37]. This expression puts weight on the constitution of each institute in the limit or exclusion of capacity on temporal goods. Finally, he suggested the addition of a new third paragraph from the Decree *Perfectae Caritatis,* concerning the collective poverty of the Institutes[38]. The above proposals laid the foundation for sharing and discussions among the members of the commission as following.

Regarding the addition of a new third paragraph on the text the first Consultant suggested the proposed idea would be included in the norms concerning poverty in the Institutes of Consecrated Life [39]. The fourth Consultant while in agreement with the idea of addition of the third paragraph in the text, he expressed a new opinion of the possibility of combining paragraph one and two into one text[40] as follows:

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[33] PCCICR, in *Communicationes,* XII 1 (1980), Can. 19, p. 175.

[34] PCCICR, in *Communicationes,* XII 1 (1980), pp.175-176.

[35] Ibid. Mons. Segretario: Nel §1 si dica chiaramente "Institutum", "Provincia", e "Domus."

[36] Cfr. Ibid. l'espressione "partes" è troppo vaga per riconoscerle la capacità di cui si tratta e la relative personalità giuridica.

[37] Ibid.

[38] Cfr. PCCICR, in *Communicationes,* XII 1 (1980), Can. 19, pp. 175-76: Si portebbe poi aggiungere, preso dal Decr. "Perfectae caritatis", in nuovo § circa la povertà collettiva degli Istituti.

[39] Cfr. PCCICR, in *Communicationes,* XII 1 (1980), Can. 19, p. 176: Il primo Consultore condivide l'osservazione di Mons. Segretario circa il §1. Riguardo al nuovo § 3 forse sarebbe meglio includere l'idea proposta insieme alle norme circa la povertà negli Instituti di vita consacrata.

[40] Cfr. Ibid. Il quarto Consultore concorda co le osservazioni di Mons. Segretario e con quella del primo Consultore circa il nuovo § 3. Inoltre pensa che i §§1 e 2 si potrebbero unire in un testo unico.

> "*Instituta religiosa propter peculiarem eorum indolem possunt sibi coarctare vel etiam excludere capacitatem quae circa bona temporalia agnoscitur personis iuridicis in iure universali Ecclesiae*"[41].

This above statement combining paragraph one and two highlighted the idea of juridical person discussed in patrimonial canon 13 about the temporal goods of the Church. This however, did not determine clearly all the legal personalities in the Church[42]. In response to this, the seventh Consultant considered that canon 531 of the 1917 could be taken back, since it appeared sufficient and very clear in this matter.[43] To suit in the idea of legal personality, the sixth Consultant reformulated the comments of Monsignor Secretary in regard paragraphs one and two. According to him it could be expressly said that, the Institute, the Provinces and the Houses are legal personalities by law itself *ipso iure*[44]. Then the whole text would read as follows:

> "*Instituta, Provinciae et domus, utpote personae uridicae ispo iure, capaces sunt acquirendi, possdendi, administrandi at alienandi bona temporalia, nisi haec capacitas in Constitutionibus excludatur vel coarctetur*"[45].

This expression sounded more complete and clearer includes even the capacity to alienate goods which was lacking in the first draft. The third, fifth, ninth and eleventh Consultants and others liked the text[46]. The tenth Consultant approved this formula proposed by the sixth Consultant. However, he had a concern about the small religious communities living in flats. This was responded by the third and the sixth Consultants. They said that these small religious communities too shall have a legal personality provided they are true religious houses, juridically constituted, autonomous and with their own proper Superior[47]. Given the above statements, Monsignor Secretary asked whether the formula that was proposed by the third Consultant was liked and seven members were pleased[48].

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[41] Ibid.

[42] Cfr. Ibid.

[43] Cfr. PCCICR, in *Communicationes,* XII 1 (1980), Il settimo Consultore pensa che si potrebbe semplicemente riprendere il che appare sufficient e molto chiaro. Can. 19, p.176.

[44] Cfr. Ibid. Il sesto Cosultore condivide l'osservazione del Segretario riguardo ai §§ 1-2, forse dicendo espressamente che l'Istituto, le Province e le case sono persone giuridiche ipso iure.

[45] Ibid.

[46] Cfr. Ibid. Piace il sesto al terzo, al quinto, al nono e all'undicessimo Cosultore e altri.

[47] Cfr. PCCICR, in *Communicationes,* XII 1 (1980), Il decimo Cosultore approva la formula proposta dal sesto Consulrore: bisognerebbe però porsi la questione delle piccole communità religiose che vivono in appartamenti. (Il terso e il sesto Consultore rispondono che esse potranno avere la personalità giuridica se sono vere case religiose, errete giuridicamente, autonome, con proprio Superiore, ecc.).

[48] Cfr. Ibid. Atteso quanto sopra, Mons. Segretario domanda se piaccia la formula proposta dal terzo Consultore (placet 7).

Concerning the new paragraph as was proposed earlier, the majority was pleased with the idea to insert it in the norm[49]. Seven consultants approved and were pleased that the norm be inserted in the present canon under study, as paragraph two[54]. The text was as follows: "*Viten tamen omnem speciem luxus, immoderate lucre et bonorum cumulationis*" [50], and ten consultants were pleased[51].

Thus, in the discussions, most of the terms in the first draft were dropped. The terms which were retained from the formal texts are: *acquirendi, possidendi, administrandi* and *bona temporalia*. The change incurred in the text is that paragraph one and two were combined into one and a new paragraph was formulated. The new text which was formulated after these changes included the capacity to alienate, and it reads:

> §1. "*Instituta, Provinciae et domus, utpote personae iuridicae ispo iure, capaces sunt acquirendi, possidendi, administrandi at alienandi bona temporalia, nisi haec capacitas in Constitutionibus excludatur vel coarctetur*"[52].
>
> §2. *Vitent tamen omnem speciem luxus, immoderate lucre et bonorum cumulationis*[58]

2.2.2.2 In the 1980 Schema

The already formulated text was treated as canon 560 in the 1980 Schema still under study commission. Canon 560 § 1, affirms that "institutes, provinces and houses, insofar as they are juridical persons *ipso iure*, are capable of acquiring, possessing, administering, and alienating temporal goods, unless this capacity has been excluded or abridged in the constitutions"[59]. However, to this assertion of the right of religious institutes, the canon adds a caution that "nevertheless, they should avoid all appearances of luxury, immoderate wealth and amassing of goods"[60]. In the same section, it is indicated also that the temporal goods of a religious institute "in so far as they are ecclesiastical goods" are to be regulated by the norms of the patrimonial law of the universal Church, "unless it is expressly stated otherwise"[53]. In this Schema, the text did not incur more changes. It was received and retained as it was formulated and amended already by the previous study and discussions. It reads:

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[49]Cfr.
Ibid.
[54]Cfr.
Ibid.
[50] PCCICR, in *Communicationes,* XII 1 (1980), "Vitent tamen omnem speciem luxus, immoderate lucri et bonorum cumulationis." Can. 19 §2, p. 176.
[51] Cfr. Ibid.
[52] PCCICR, in *Communicationes,* XII 1 (1980), Can. 19 § 2, p. 176 [58]Ibid. [59] J.L. LOURDES, "The Vow of Poverty and the Temporal Goods of Religious According to the Proposed Code", in *Proceedings of the Forty-Fourth Annual Convention,* Canon Law Society of America, Washington 1983, p. 210. [60]Ibid. 1980 schema, Can. 560 §2.
[53] Ibid. Can. 561.

> §1. *Instituta, Provinciae et domus, utpote personae iuridicae ispo iure, capaces sunt acquirendi, possidendi, administrandi at alienandi bona temporalia, nisi haec capacitas in Constitutionibus excludatur vel coarctetur*.
>
> § 2. *Vitent tamen omnem speciem luxus, immoderate lucre et bonorum cumulationis*.

2.2.2.3. In the 1982 Schema

The text is treated in this Schema as *Codicis* 634 and remained as expressed in canon 560 of the 1980 Schema. In this Schema only a modification of few words was done on the text. In paragraph one; the text remained without any change whatsoever. In paragraph two, the word *omnem* was modified and replaced by the word, *quamlibet* in the text of 1982 Schema. This was the only change effected in the text. The text was retained and presented unchanged[54].

2.2.2.4. In the Codification of the 1983

The text of the 1982 *Schema Codicis* 634 was accepted without any change into the 1983 Code of Canon Law. The text is recognized as canon 634 in two paragraphs. It reads:

> *§1. Since they are by virtue of the law juridical person, institutes, provinces and houses have the capacity to acquire, posses, administer and alienate temporal goods, unless this capacity is excluded or limited in the constitutions*[55].
>
> *§2. They are, however, to avoid all appearance of luxury, excessive gain and the accumulation of goods*[56].

This canon holds great importance for the sustenance of life and mission of religious institutes. The equivalent text in the Code of Eastern Churches reads: "A monastery, monastic federation, order, congregations and their provinces and legitimately erected houses are by law itself juridical persons. However, the statutes can exclude or restrict their capacity to acquire, possess, administer, and alienate temporal goods"[57]. In addition, a society and its legitimately erected provinces and houses are, by the law itself, juridical persons[58]. Also, secular institutes and their legitimately erected provinces and houses are by law itself, juridical persons[59].

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[54] Cfr. PCCICR, in *Communicationes*, XII 1 (1980), pp. 175-76.

[55] Cfr. *Codex Iuris Canonici*, Auctoritate IOANNIS PAULI PP. II, promulgatus, Typis Polyglottis Vaticanis, in *AAS*, LXXV 75 (1983-II), "Instituta, provinciae et domus, utpote personae iuridicae ipso iure, capaces sunt acquirendi, possidendi, administrandi et alienandi bona temporalia, nisi haec capacitas in constitutionisbus excludatur vel coarctetur". Can. 634 § 1, p. 116.

[56] Cfr. Ibid. CIC 1983 Can. 634 §2: Vitent tamen quamlibet speciem luxus, immoderate lucre et bonorum cumulationis.

[57] *Codex Canonum Ecclesiarum Orientalium*, Auctoritate IOANNIS PAULI PP. II, promulgatus, Typis Polyglottis Vaticanis, in *AAS*, LXXXII 82 (1990-II), Cann. 423, 558 §1, 567 § 1, pp. 1151, 1177, 1178.

[58] Cfr. *CCEO* 1990 Can. 558 §1

[59] Cfr. *CCEO* 1990 Cann. 423, 558 §1, 567 §1.

Canon 634 especially paragraph one links religious institutes in a special way to the Church as collaborators and partakers together in the same mission according to the nature of each. It is in this that this capacity finds proper meaning and interpretation. The second paragraph relates right of religious institutes on temporal goods to the vow of poverty that religious professes. It is also to help in the living out the vow of poverty meaningfully in everything. The canon gives right to religious institutes, provinces and houses on temporal goods. The purpose is to enhance the life and mission that the Church entrusts to these institutes. This mission is extended in their different provinces and houses instituted for the same purpose throughout the world.

2.3. STUDY ANALYSIS OF CANON 634 (*CIC* 1983)

Once the law is promulgated it is reasonable and good for the intended persons. This section is intended to examine the contents of the canon in concrete situations related to material goods. The underlined concepts examined include; juridical persons by virtue of law; religious institutes; provinces and houses of religious institutes and capacity of religious institutes on temporal goods. The canon states;

> "Since they are by virtue of the law juridical persons, institutes, provinces and houses have the capacity to acquire, possess, administer and alienate temporal goods, unless this capacity is excluded or limited in the constitutions. They are, however to avoid all appearance of luxury, excessive gain and the accumulation of goods"[60].

2.3.1. JURIDICAL PERSON BY VIRTUE OF LAW

The term "juridical" relates to law and the administration of justice in courts and judges[61]. A juridical person is a body of persons or things which is being created either by divine or human law. The 1983 code uses the expression "Juridical person"[62] for "Moral person"[63] that was used in the 1917 code. "By virtue of law" implies that the law establishes a juridical person as well recognizes it as subject of duties and rights[64]. The official recognition is obtained through a decree of establishment[73]. Such institutions are regulated by law itself in regard to their life and administration.

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[60] Cf. CIC 1983, can. 634.Admonition presented in this canon is a positive response to the challenges of materialism in our society today "which graves possessions, heedless of the needs and sufferings of the weakest, and lacking any concern for the balance of natural resources" (IOANNES PAULUS PP. II, Adhortatio Apostolica Post- Synodalis *Vita Consecrata*, in *AAS LXXXVIII* (1996), 423, n. 50, in English translation, *The Consecrated Life*, Post-Synodal Exhortation *Vita Consecrata* , p. 90).

[61] Cf. J. BURKE, *A Dictionary of Canon Law,* Revised and updated by R. LEZÒHUPSKI,Paulines Publications Africa, Nairobi 2014, p. 182.

[62] Cf. *CIC* 1983, can. 113 §2.

[63] Cf. *CIC* 1917, can. 1495 §2.

[64] J. BURKE, *A Dictionary of Canon Law,* Revised and updated by R. LEZÒHUPSKI, Paulines Publications Africa, Nairobi 2014, p. 182, col.1

2.3.1.1. Types of Persons in the Church

The 1917 Code recognized two kinds of persons within the Catholic Church as subjects of rights and duties, namely, physical, and moral persons[74]. However, the term "juridical person" was also mentioned in few cases[75]. A. GAUTHIER observes that the term moral person and juridical person in the 1917 Code were used equivalently[65]. Similarly, the 1983 Code of Canon Law expresses that natural or physical[77] and juridical persons[66] within the Catholic Church are subjects of rights and duties in canon law[79]. The code clarifies that Catholic Church, and the Apostolic Sea is a moral person by divine ordinance[67], while other juridical person by merely human law[81]. Nevertheless, the code allocates moral person within the category of juridical person[68]. In any case both terms imply all entities constituted by the ecclesiastical authorities within the Catholic Church[69].

2.3.1.1.1. Physical Person

The physical persons in the Catholic Church are natural human beings who have been baptized [70] or received into it[85]. The sacrament of Baptism incorporates them into the community of believers, the Church, with rights and obligations[86]. In virtue of their baptism, the law gives them rights and duties according to each one's particular conditions and status in life[87]. These rights and duties, bind them always as they remain Christians and in ecclesiastical communion unless when interrupted by a lawful issued sanction[88].

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[65] Cf. A. GAUTHIER, "Juridical Persons in the Code of Canon Law", in *Studia canonica, 25* (1991), p. 81. [77] Cf. *CIC* 1983, can. 113 §2.

[66] Cf. *Ibid.* "The juridical person is considered to be a subject of rights and obligations this seems to imply that in general, juridical personality is required for canonical recognition of juridical capacity" (E. MOLANO, "Juridical Persons" in E. CAPARROS*et al* (ed.), *Code of Canon Law Annotated*, second edition revised and updated of the 6th Spanish language edition, Wilson&LafleurLimitée Montréal 2004, p. 98).

[79] Cf. *CIC* 1983 can. 113.

[67] Cf. *CIC* 1983, can. 113, §1; according to the statement of Jesus, "So I now say to you: You are Peter and, on this rock, I will build my Church. And gates of the underworld can never hold out against it". (*Mt* 16:18) [81] E. MOLANO, "Juridical Persons", in E. CAPARROS*et al.* (eds.), *Code of Canon Law Annotated*, can. 113, commentary, p. 98.

[68] "The present Code prefers the term "juridical person" to that of "moral person" used in the *CIC/*1917. The new term more clearly refers to a technical and juridical expedient that is independent of the substantial nature or substratum on which its juridical personality is based" (E. MOLANO, "Juridical Persons" in E. CAPARROS*et al* (ed.), *Code of Canon Law Annotated,* 6th Spanish language edition, p. 98).

[69] Cf. *CIC* 1917, cann. 687, 100, 1489 1491, 1495 § 2, 1497.

[70] Cf. *CIC* 1983, Can. 96.

2.3.1.1.2. Juridical Person

Juridical person is also an entity of natural persons within the Catholic Church who besides baptism are endowed with juridical status and capacity[71]. The juridical persons in the Catholic Church are of two categories, namely, of persons *universitas personarum* and of things *universitas rerum*[72]. Persons or things are constituted into juridical person by the provisions of law itself. They are also formed by the consent of a competent ecclesiastical authority[73]. The Catholic Church "considers such entities to be subjected to its power of governance and has the will to obligate them to abide by its laws"[74].

The act of constituting obtains a juridical person status of a person with ability to act independently within the limits of law. Thus, juridical persons and personality are intrinsically connected to indicate subjects of rights and duties in law[75] as their nature requires[76]. The mission of the Church transcends abilities and span of individual natural person. Therefore, it requires combined efforts of many persons in continuous succession over long periods of time[77]. Just like other social bodies, the Church pursues and achieves its goals through distinctive bodies acting in its name and mandate[78]. The Church authority considers instituting juridical person as instruments to assist in mission and act in the name of the Church[79].

The category of persons involves physical natural persons. It is collegial when the members decide its conduct by participating together in making its decisions. This process is accomplished either by equal rights or in accordance with the law and statutes. It is non-collegial where the aspect of discernment and decision making as a community is not required[80]. The category of things consists of possessions spiritual or material known also as pious foundations.

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[71] E. MOLANO, "Juridical Persons" in E. CAPARROS*et al* (ed.), *Code of Canon Law Annotated,* second edition revised and updated of the 6th Spanish language edition, Wilson&LafleurLimitée Montréal 2004, pp. 97-98.

[72] Cf. *CIC* 1983, can. 115§1: The *CIC* 1983"abandons the previous distinction of moral persons as collegial or noncollegial and adopts that of *Universitas personarum e universitas rerum.*The division is made according to the reality on which the personality is based; that is, according to whether the juridical person is an aggregate of persons or of things" (E. MOLANO, "Juridical Persons", in E. CAPARROS*et al.* (eds.), *Code of Canon Law Annotated* , can. 115, commentary, p. 100).

[73] Cf. *CIC* 1983, can. 114 §1.

[74] Cf. *CIC* 1983, can. 11.

[75] Cf. J. BURKE, *A Dictionary of Canon Law,* revision ed. Don Bosco Publications, Abuja 2006, p. 376.

[76] Cf. *CIC* 1983, can. 113 §2. "From their rebirth in Christ, there exist among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up the Body of Christ according to each one`s own condition and function" (CIC 1983, can. 208). Also R.J. KASLYN, "Christian Faithful", in J. P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* can. 204 commentary p. 245.

[77] R.T. KENNEDY, "Juridic Persons", in J. P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* can. 113 commentary p. 154.

[78] Cf. V. DE PAOLIS, *La vita consecrata nella Chiesa,* p. 401.

[79] Cf. *CIC* 1983, cann. 113, 114 §1.

[80] Cf. *CIC* 1983, can. 115 §2.

These are directed to individual, or a college of physical persons as required in law and statutes [81] . Pious foundations are either autonomous or non-autonomous[100].

Autonomous pious foundations comprise things intended for works of piety, apostolate, and charity either spiritual or temporal[82]. An autonomous pious foundation is established by the ecclesiastical authority and as such obtains juridical personality [83] . Non-autonomous pious foundations are affiliated to the constituted juridical person. They involve offerings directed to any juridical person for certain goals. Some of these donations may be attached with some obligations which the concerned juridical person must fulfill them. The donor can expressly request for mass intentions or certain percentage of annual income be spent for works of piety, apostolate, or charity[84]. They can also direct the income to other defined ecclesiastical activities.
Ecclesiastical authority emphasizes that, "The will of the faithful is sacred and must be respected by whoever accepts material support from them"[85].

Once the prescribed period and conditions of non-autonomous expires, for those juridical persons subject to diocesan Bishop the goods are transferred to diocesan fund [86] . Otherwise, the goods are directed to respond other expressed intentions of the donor. In situations where such goods are neither given to diocesan fund nor to other intentions of the donor, the goods fall to the juridical person itself [87] . Canon law requires keeping well the documents especially for nonautonomous pious foundations for future reference to avoid future conflicts.

2.3.1.2. Types of Juridical Persons

Juridical person is either public or private. The status of public and private persons in canon law is distinguished by their nature and origin[88]. This distinction between public and private juridical persons is important for

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[81] Cf. *CIC* 1983, can. 115 §3. [100] Cf. *CIC* 1983, can. 1303.

[82] Cf. *CIC* 1983, can. 114 §2.

[83] Cf. *CIC* 1983, can. 1303 §1 1º. "The *universitas rerum*is also called an autonomous foundation, that is, one on which juridical personality has been conferred in order to distinguish it from foundations which do not have juridical personality and form part of another juridical person" E. MOLANO, "Juridical Persons" in E. CAPARROS, *et al* (ed.), *Code of Canon Law Annotated,* p. 100).

[84] Cf. *CIC* 1983, can. 1303 §1 2º.

[85] CICLSAL, *The Management of the Ecclesiastical Goods of Institutes of Consecrated Life and Societies of Apostolic Life,* English trans. By G. CAROL, Libreria Editrice Vaticana Roma, 2014, p. also, V. DE PAOLIS,*La Vita Consacrata nella Chiesa,* Venice 2010, p. 405.

[86] Cf. M.L. ALARCÒN, "Pious Dispositions in General and Pious Foundations" in in E. CAPARROS, *et al* (eds.), *Code of Canon Law Annotated,* can. 1303 §2, commentary, p. 1010; *CIC* 1983, can. 1274 §1.

[87] Cf. *CIC* 1983, can. 1274 §1.

[88] Cfr. V. DE PAOLIS, *La vita consacrata nella Chiesa,* Edizione rivista e ampliata a cura di V. Mosca, Marcianum Press, Venezia 2011, pp. 399-402.

understanding the juridical capacity of a religious institute on temporal goods. This is necessary because both public and private juridical persons have the ability in Canon law, to acquire, to retain, to administer and to alienate temporal goods[89]. Nevertheless, not all temporal goods belonging to the juridical persons belong to the Church. Nor are all goods of juridical persons are regulated by the Canon Law[90]. Thus, distinction is important to clarify the subjects of the temporal goods of the Church. As already mentioned, just like any other social body, the Church pursues and achieves its goals through distinctive bodies acting in its name and mandate[91]. Some of these entities are of divine institution, such as the Catholic Church and the Apostolic See.

2.3.1.2.1. Public Juridical Persons

The public juridical persons are legal persons either *universitates personarum* or *universitatesrerum*[92]. A clarification of the characteristics of the public juridical person is necessary for the understanding the significance of its public nature[93]. Public juridical persons are constituted by the authority of the Church. They act in the name and on the mandate of the Church in view of the common public good of the Church itself, the salvation of souls[94]. All their activities are ordered in pursuit of the mission entrusted them by hierarchical authority of the Church. The objectives of the mission of public juridical persons are determined by the Church authority who erects them[95]. Public juridical persons act within the limits prescribed by the law[96]. Knowledge of the characteristics of public juridical person is necessary to understand the implication of its publicity[97].

2.3.1.2.2. Private Juridical Persons

The private legal entities emanate from the will of Christ faithful. The baptized have right in law to freely establish and direct associations for charitable or pious purposes. However, as persons within the Church, their existence and efforts must be recommended by the Church authority[98]. Nevertheless, the act of recognition by the Church does not change their nature

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[89] Cf. *CIC* 1983, can. 1255.
[90] Cf. *CIC* 1983, can. 1257.
[91] Cf. V. DE PAOLIS,*La vita consecrata nella Chiesa,* p. 401.
[92] Cf. *CIC* 1983, can. 115 §1, "Juridic persons in the Church are either aggregates of persons *Universitates personarum,* or aggregates of things *universitates rerum".*
[93] Cf. V. DE PAOLIS,*La vita consecrata nella Chiesa,* pp. 401-2.
[94] Cf. *CIC* 1983, cann.312, 116 § 1 and 1752.
[95] Cf.*CIC* 1983, can. 578.
[96] Cf. *CIC* 1983, cann. 301 § 1, 313, 675 § 3, 834 § 2, 1108 § 2, 1192 § 1, 1282, also, R.T. KENNEDY, "Public Juridical Persons", *New Commentary on the Code of Canon Law,* in J.P. BEAL, *et al* (eds.), CIC 1983, can. 116 commentaries.
[97] Cf. V. DE PAOLIS,*La vita consecrata nella Chiesa,* pp. 401-2.
[98] Cf. *CIC* 1983, can. 301 §1.

but remain private associations[99]. Their formation is motivated by common purposes in agreement among themselves[100]. They can freely hold meetings in pursue of these purposes on their own common efforts[101]. Private legal persons act in their own name as they strive together to achieve their common objectives for the common good of the society[102]. Their representatives act on behalf of the members and under their directives. Status of these associations may be civil or canonical[103]. The associations of private legal persons in the Catholic Church are distinct from institute of consecrated life and societies of apostolic life.

2.3.2. RELIGIOUS INSTITUTES

2.3.2.1. Identification

To speak about religious institute presupposes identification because there are several institutes of consecrated life in the Church. Canon 488 of the 1917 Code of Canon Law states the norms regulating religious life and institutes of consecrated life in general. This is restated in canon 573 of the 1983 Code of Canon Law. The Church at all times preserves the theological aspect and integrity of religious and institutes of consecrated life in the norms she promulgates. It is observed that the earlier documents on the same tried to preserve such unity by multiplying common norms to suit the similarities and dissimilarities of religious and secular charisms of the time[104]. However, the same and diverse aspects of life made it difficult to speak on some issues directly. There were also difficulties implied in finding suitable way to address common and varying issues. Besides all these the unity of both religious and secular institutes needed to remain uninterrupted[105]. Thus "The unity in diversity of religious and secular charisms" of consecrated life was a great problem to resolve in the structures of law"[106]. The solution to these problems was not so much in adding the detailed norms but rather a reflection of norms beyond the former structures. This necessitated a need for a study commission to identify unique and distinctive elements proper only to religious institutes.

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[99] Cf. *CIC* 1983, can. 299 §2.
[100] Cf. *CIC* 1983, cann.299 §1, 215.
[101] *CIC* 1983, can. 215.
[102] Cf. V. DE PAOLIS,*La vita consacrata nella Chiesa*, p. 400.
[103] J. HERVADA, "The obligations and Rights of all Christ`s Faithful" in E. CAPARROS*et al* (eds.), *Code of Canon Law Annotated, CIC* 1983, can. 215, commentary p. 174. Canonical associations are regulated by canons 298-329. They" may be of three kinds; common to all the faithful, clerical only or for lay people only" (cf. J.L. GUTIÈRREZ, "Association of Christ`s Faithful" in E. CAPARROS*et al* (eds.), *Code of Canon Law Annotated*, p. 246.
[104] Cfr. S.L. HOLLAND, "Institutes of Consecrated Life [573-606]" in J.A. CORIDEN, *et al* (eds.), *The Code of Canon Law. A Text and Commentary,* Paulist Press, New York 1985, p. 453.
[105] Ibid.
[106] Ibid.

2.3.2.2. Coetus studiorum: De Instituties Vitae Consecratae per Professionem Consiliorum Evangelicorum

The specification of a conception of a religious institute is a great contribution of a study commission that was established for this purpose[107]. Given to this, the commission examined the distinctive elements pertaining only to religious institutes in the strict sense *stricto sensu.* The objective of the commission was based on the observations of the previous advisory bodies on the special schema of *"De Religiosis"* o *"De Institutis Religiosis"*[108]. This started the discussion on introducing a preliminary canon concerning religious institute *de institute religiousis* but left open for further consideration. This became the basis for the study objective of this group study.

2.3.2.2.1. Theological Elements of Religious Life

The commission made first the review on the elements common for all forms of consecrated life from the doctrinal point of view. Religious consecration involves: Consecration of the whole person, union established by God, total sacrifice of life, the person offered to God and worship in charity[109]. There was no doubt that the preliminary doctrinal canon on religious consecration was also relevant for religious institute. The attention was given toward a preliminary canon regarding the juridical elements of religious institute. The idea is that these elements would be of distinctive nature for religious institute. However, a consultant added that the two canons must be mutually related[110].

2.3.2.2.2. Preliminary Canon for Religious Institutes

A consultant suggested approaching this by identifying first the juridical elements[111]. The group agreed to establish specific elements as basic to specify the legal data of religious institute. The idea was accepted with the addition of

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[107] "dall'8 al 13 ottobre 1979 ha avuto luogo nella sede questa Pontificia Commissione la sesta session del Gruppo special di studio, costituito per l'esame delle osservazioni trasmesse dagli Organismi consultivi circa lo schema: 'De Instituties Vitae Consecratae per Professionem Consiliorum Evangelicorum'" (cfr. PCCICR, in *Communicationes* 12-13 (1980-81), p. 130.

[108] Cfr. PCCICR, in *Communicationes,* 10-11 (1978-79), p. 337.

[109] Ibid.

[110] Cfr. PCCICR, in *Communicationes,* 12-13 (1980-81), p. 131, "Il quarto consultore: I due canoni (il preliminare a carattere dotrinale ad il Can. 1 a carattere giuridico) non si escludono ma si completano a vicenda".

[111] Cfr. PCCICR, in *Communicationes,* 12-13 (1980-81), p. 131). "Il quinto Consultore continua a pensare che nonsia cecessario il canone preliminare; esso, infatti, non e' giuridico, e questi elementi teologici sarebbe meglio lasciarli alla dottrina; attraverso, invece, gli element giuridici, si avrebbe la vera differenziazione teologica". [131] Cfr. Ibid. "Si sottopone a votazione questa proposta con il seguente risultato: placet 6, non placet 3, astenuti 2". [132] PCCICR, in *Communicationes,* 11 (1979), p. 345, (Formular proposta dal nono Consultore).

a suggestion to create a single canon with two paragraphs. While paragraph one contains doctrinal elements, paragraph two prescribes the juridical elements, the idea was accepted[131]. Thus, the following formula previously proposed by a consultant was brought to consideration, it reads,

> *"vita religiosa ut tutius personae consacratio, mirabile in ecclesia manifestat connubium a Dio conditum, future saeculi signum. Ita religious plenam suam consummate donationem veluti sacrificium Deo oblatum quo tota eius exsistential summa fit religio et continuus in caritate Dei cultus*"[132].

With a vote this formula was accepted as paragraph one of canon one of "Religious life"[112]. However, some felt uncomfortable with expression that such an act of consecration is a supreme act of religion *Summa fit religio*. After some clarifications the expression was removed from the formula. It was suggested that the phrase *summa fit religio* be replaced by *"tota eius existential fit continuus in caritate Dei cultus*"[134]. This modification was accepted on text and by consensus the amended formula was confirmed and passed on as canon one[113].

As for paragraphs one and two of the canons, the following was proposed;

> §1, *In quelibet instituto religioso tria evangelica consilia in professione saltem perpetua vel definitive ab omnibus sodalibus assume debenti, voto public fermata, et vita fraternal in communi peragenda est ad normam iuris proprii (cuiuslibet institute or iuxt determinationem iuris proprii institutorum)*[114].
>
> §2, *Testimonium publicum ab his institutis Christo et Ecclesiae reddendum illam secumfert a mundo separationem indoli et fini cuiusque institute propriam necnon habitum a iure proprio praescriptum qua signum consecrationis vitae*[115].

Suggestion paragraph one was basically accepted as containing the essential elements but there was a suggestion to remove *saltem perpetua vel definitive* and to replace with "*in professione voto public fermata*". This idea recognized a need of probationary period after novitiate where a religious is to be bound by vows temporarily. Lack of this bond a person would not be religious. This led to the removal of "other commitments" mentioned in the instruction on the renewal of religious life"[116]. After some clarifications this amendment was favored. This joined with the mind of canon 488 of the 1917 code, the following formula was proposed, "*institutum religiosum est*

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[112] Cfr . PCCICR, in *Communicationes,* 12-13 (1980-81), p. 132). "Questa formular sarebbe il § 1 del Can. 1 'De vita religiosa'. Il risultato della votazione e' il sequente: Placet 7, non placet 4". [134] Ibid.

[113] Ibid.

[114] PCCICR, in *Communicationes,* 11-12 (1980-81), p. 132.

[115] Ibid.

[116] Cfr. CONCILIUM ŒCUMENICUM VATICANUM II, Instruction on the Renewal of Religious Life *Renovationis Causam,* n. 9b, 6 January, 1969, (English translation), in A. FLANNERY (ed.), *Vatican Council II and Post Conciliar Documents,* ST PAULS Bandra, Mumbai, 2004, p. 573.

association publica in qua sodales, secundum ius proprium. Vota publica, perpetua vel temporaria elapse tamen tempore renovanda nuncupant atque vitam fraternam in communi ducunt"

On this a question of clarification was raised on whether those who have not taken perpetual or definitive vows are religious. This question clearly spearheads the definition of a religious in the strict tense. The response was "if they have temporary vows, they are religious and if instead of vows have other sacred virtues *vincoli sacri* they are not religious. This was satisfactory. Further determination and details regarding the specific character of these vows was referred to the particular law. After these clarifications and correction on the formula was accepted as paragraph one of the can.1 on religious institutes. It reads, "*instititam religiosum est societas in qua sodales secundum ius proprium vota publica perpetua vel temporaria elapso tamen tempore renovanda nuncupant atque vitam fraternam in communi ducunt*"[117].

Concerning suggestion of paragraph two, there were various opinions among the consultant. Some consultants considered a separation from the world essential and outstanding element of religious life. Others reasoned that the religious habit is substantial element of public witness. Besides, a suggestion was given to put religious habit in the norms regarding religious obligations *de obligationibus religiosorum*. By a vote it was decided to remit the religious habit to the norms on the religious obligations. Thus, the separation from the world remained an essential element of religious life. In regard "public expression" the following expression was favoured, *testimonium publicum a religiosis Christo*[118].

Thus, canon one concerning religious institutes was complete in three paragraphs. Paragraph one contains doctrinal or theological prescriptions of religious life. Paragraph two and three underline the elements proper for a religious institute. These elements comprise; societies, public vows, common life, public testimony and separation from the world. These elements are fundamental for the concept of religious institutes and the norms in regard them specifically. They are also necessary for addressing issues pertain them directly for instance, temporal goods. These elements diversify religious institutes from other institutes of consecrated life in the Church as we shall see later[119].

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[117] PCCICR, in *Communicationes,* 11-12 (1980-81), p. 134. "Il risultato della votazione e' il sequente: Placet 8, non placet 3".

[118] PCCICR, in *Communicationes,* 11-12 (1980-81), p. 134.

[119] Cfr. D.X. ANDÈS, "Gli istituti Religiosi (cann. 607-709)", in *Vita Consacrata* XIX (1983), p. 558. [142] Cf. *CIC* 1983Can. 607 §2.

2.3.2.3. Religious Institutes in the 1983 CIC

The 1983 Code defines a religious institute as a society in which, in accordance with their own law, the members pronounce public vows either perpetual or temporary and live a fraternal life in common[142]. This definition prescribes the distinctive mode of life assumed specifically in religious institute. As a society, religious institute is "an organized group of persons with a special nature, spirit and the end. When canonically erected, institute of this nature becomes a public juridical person[120]. The members of such a society profess public vows to live them in community life in common as brothers and sisters[121]. Similarly, G. MICHAEL, defines a religious institute as a society of men or women in the Church who profess public vows of poverty, chastity and obedience. Besides, they share a common life and worship of the Lord[122].

The word "society" comes from *socius* and *sequor,* meaning to follow, to walk together, to be accompanied, to follow someone in common purposes[123]. The first and primary element is to "Follow". This requires consciousness of someone or something that a religious is following. Canon 662 states, "Religious are to find their supreme rule of life in the following of Christ as proposed in the Gospel and as expressed in the constitutions of their own institute". Thus, the Gospel and the constitution proper for each institute are essential pillars of direction. These two make the criteria and basic methods of actualizing the following of Christ. The Gospel suggests many ways of following Christ, but the constitution of each institute expresses the specific way of following Christ. The constitution comprises the mind of the founder or foundress. These designs of the founders bind the institute and the individual members to obey as to preserve their own identity[124].

2.3.2.3.1. Public Vows

In religious profession, members bind themselves by a public vow to observe all the obligations arising from the counsels as prescribes in the proper constitutions. A vow is an intended free promise made to God of something good for a possible and better good required by the virtue of religion to be fulfilled[125]. A religious vow is public when it is accepted in the name of the Church by a lawful superior who acts in its name otherwise, it is private[126]. A

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[120] R.M. MACDERMOTT, "Institutes of Consecrated Life [Cann. 573-730]", in J.P. BEAL,*et al* (eds.), *New Commentary on the Code of Canon Law,* can. 607 §2, p. 771.
[121] Ibid.
[122] G. MICHAEL*et al* (eds.), "Religious Institute"*The Modern Catholic Encyclopedia,* Gill & Macmillan, New York 1994, , p. 434.
[123] Cf. D.J. ANDRÉS, in M. ÅNGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* p. 1579.
[124] Cf. *CIC* 1983, can. 578.
[125] Cf. *CIC* 1983, can. 1191.
[126] Cf. *CIC* 1983, can. 1192 § 1.

religious public vow is either perpetual or temporary to be "renewed when the time elapses"[127]. The Church consecrates the members to God through the ministry of the Church. The publicity is manifested by the act of profession, done in accord with the order approved by the Church *ordo professionis.* Having these elements, religious profession becomes an act of liturgy and worship[128]. The professed members are incorporated into the institute with rights and obligations defined by the law[152]. Every ecclesial association organized as a society whose members take public vows, live in common. Besides, they separate themselves from the world in a manner prescribed by the proper laws of each institute[129].

2.3.2.3.2. Public Vow of Poverty and Temporal Goods

The vow of poverty is directly related to material assets besides the spiritual aspect. The pledge of poverty which religious take through public vows in imitation of Christ entails series of obligations in relation to material goods. In effect, the profession of evangelical counsel of poverty involves a life which is poor in reality and in spirit; sober and industrious and stranger to earthly riches. Besides, it requires dependence and limitation in the use and the disposition of goods. The details of these obligations are be provided in the proper law of each institute[130]. In practice these obligations require further directives and rearrangements of whatever temporal goods which give the right of benefit accrued to the professed in any way.

2.3.2.3.3. Effects of the Vow of Poverty

After the profession of the public vow of poverty, regarding accrues of individual religious, canon law states that, "Whatever a religious acquires by personal labor or on behalf of the institute belongs to the institute". Besides, "Whatever comes to a religious in any way through pension, grant or insurance also passes to the institute". The contrary is, if the law of the institute decrees otherwise[131]. This makes it clear that whatever a member of religious institutes produces or receives on behalf of it after profession is no more a personal property but of the institute. Things acquired through personal work and efforts include salaries, remunerations, stipends, fees, goods, and payments among others belong to the institute.

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[127] *CIC* 1983, can. 607 §2.
[128] Cf. *CIC* 1983, can. 834 §2. [152] Cf. *CIC* 1983, can. 654.
[129] Cf. *CIC* 1983, can. 607 §3.
[130] Cf. *CIC* 1983, can. 600.
[131] Cf. *CIC* 1983, can 668 §3.

The benefits of a member comprise forms of pensions, house allowance, hardship allowances, social security, medical care payments to mention but a few. All these belong to the institute even though ordinarily they are issued in the name of an individual religious member. The name is already incorporated into the institute with duties and rights. In the case of a late vocation where these benefits existed before the religious profession the proper law is to provide[132]. It is obvious that misunderstandings can occur in regard to these benefits in future and especially when a member is not alive. To resolve such situations, the religious institute would seek a way to establish a civil valid document on financial relationship between the members and the institute.

2.3.2.3.4. Regarding Personal property

Canon 668 provides the regulations in regard to personal property before and after profession of evangelical counsel of poverty. The proper law of each institute provides differently on this matter. Some require renunciation of property right at admission. Others admit with properties while others still restrict or allow personal property partially. In regard personal property, canon law does not regulate for the novices and other initial levels of religious formation. The regulation of religious life canonically begins with religious profession, this means at the time when a person takes the vows.

Canon law requires that before first profession members are to surrender the administration of their goods to the person of their choice in accordance with the constitution. In the same way, they are to make clear about the use and beneficiaries of the same goods. These actions serve as long as the person is alive. Further, canon law cares that at least before perpetual profession members make a will which is also valid in civil law. This will is to execute the same goods after the death of the religious[133]. These prescriptions must be applied even in cases where acquisition of an inheritance happens to the religious in the course of life of vows. Once these three actions have been placed concerning the property, they have effect in law. To incur a change over the goods or to place any action in respect to their disposition, the members need the permission of the competent superior in accordance with the proper law[158]. Where renunciation was already done at admission it is not required again before profession, the former remains valid.

2.3.2.3.5. Regarding Renunciation

Renunciation means surrendering ones right for a better and greater good. This act is expressed through a vow in accordance to the proper law of

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[132] Cf. F. MORRISEY, "The Vow of Poverty and Personal Patrimony", *CLS* 72 (December 1987), pp. 28-30, also, *SCR*, March 16, 1922, in *AAS* 14 (1922), p. 196.
[133] Cf. *CIC* 1983, cann. 668 §1. *CCEO* 1990, cann. 467, 525 §2,
530. [158] CIC 1983, can. 668 §2

each institute. The renunciation is either total or partial. In cases where the nature of the institute requires the members a total renunciation, the act must be placed before perpetual profession. Such an act has an effect in law from the day of profession[134]. The act of renunciation is to be in the form that is also valid in civil law. This same procedure applies even where a perpetual professed member "wishes in accordance with the norms of proper law and permission of supreme moderator to renounce goods in whole or in part"[135].

Total renunciation entails the relinquishment of all possessions owned by the member at the time of making the commitment, as well as any future acquisitions. It is crucial for this provision to be clearly outlined in the applicable legal documents and thoroughly elucidated during the formation process. Canonically, the religious who decides to renounce their goods totally "lose the capacity to retain and to possess goods[136]. Whatever they acquire after the renunciation belongs to the institute in accordance with the prescriptions of the law of the institute"[137]. Consequently, any contrary act a member places after the profession is considered invalid[163]. The member who has lost the capacity of ownership can always refuse the donations or wills directed to him or her. However, in the cases where such are accepted the title of property go either to institute, province or a house as directed by the proper law[138].

Partial renunciation applies to those institutes who by their nature do not require a member to renounce personal property nor the ownership. Such institutes can permit perpetually professed member to renounce their properties either all or in part[139]. This implies a divisible property either one gives the whole or a part of it. The conditions for such renunciations must be detailed in the proper law of institute. A religious member in such institutes while renounces all or part of the property she or he owns at present, retains the capacity to own property. Consequently, may acquire even more in the future.

The additional properties after renunciation require the religious who has acquired them to place other actions of order on them. The religious may do this by withdrawing his or her act of administration of such goods. He or she may also make another renunciation or combine both actions to provide for the new acquired goods. The religious who has acquired the property is free to make choice of the beneficiaries of the renounced goods. These can be the institute where this religious belongs or a member of his or her family. Other

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[134] Cf. *CIC* 1983, can. 668 §4.
[135] Ibid.
[136] *CIC* 1983, can. 668 §5.
[137] *Ibid.*
[163] *Ibid.*
[138] Cf. M. MACDERMOTT, "Institutes of Consecrated Life [Cann. 573-730]", in J.P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* can. 668, p. 837.
[139] Cf. *CIC* 1983 , can. 668 §4.

choices may include a needy person, charitable activities and the like. Regarding the choice of the institute as a beneficiary of such goods, the conditions can differ from one institute to another. While some may accept, others may not for the future security of both the institute and the religious who renounces the goods[140].

2.3.2.4. The Common Life

All institutes of consecrated life are called into communion of life. "The fraternal life proper for each institute unites all members into a special family in Christ"[141]. This communion of life is to be defined in such a way that it "proves to be a mutual assistance for all to fulfill their vocation". By their fraternal union of brothers or sisters "rooted and based in charity, the members are to be the example of the universal reconciliation in Christ"[142]. Here the canon uses the clause "Fraternal life" to distinguish "communion of life" from the juridical common life prescribed for religious institutes[143]. The basic distinctive elements of religious life are emphasized by living and doing things together in common. This necessity makes the community life essential for members of religious institute. It also enables them to carry out the dictates of their life together in common. Every member is bound to observe all common activities without any excuse.

Common life of religious institutes requires cohabitation. This means that members live in the same house of the institute and under the same roof. To observe common life, religious are required to live in their own house. Absence is not allowed except with the permission of the superior of the house. When it concerns a long absence of a member from the house, the permission of the major superior with the consent of her council is required. Moreover, there should be justifiable reason and not for more than one year except for reasons related to illness or apostolate in the name of the institute[144]. Common life proper to religious institutes requires sharing resources in common. "Whatever a religious acquires through personal effort or by reason of the institute, the religious acquires for the institute. Whatever accrues to a religious in any way by reason of pension, subsidy, or insurance is acquired for the institute unless the proper law states otherwise"[145]. This aspect is important because it is related to the obligation of institutes to support their members. "An institute must supply the members with all those things which are necessary to achieve the purpose of their vocation according to the norms of the

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[140] Cf. M. MACDERMOTT, "Institutes of Consecrated Life [Cann. 573-730]", in J.P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* can. 668, p. 837.
[141] Cf. *CIC* 1983, can. 602.
[142] *Ibid.*
[143] Cf. *CIC* 1983, can. 607 §2.
[144] Cf. *CIC* 1983, can. 665 §1.
[145] Cf. *CIC* 1983, can. 668 §3.

constitutions"[146]. The financial strength of an institute of religious life depends very much on the faithfulness and generosity of its members.

Other requirements of common life in religious institutes include common habit or style of dressing[147] and submission to the same discipline, common superiors, and observance of the same proper law[148]. Included also is common apostolate according to the nature and purpose of each institute[175]. The common life proper to religious institutes requires that all members are commissioned in the name of the institute[149]. The communion proper to the religious institute requires Eucharist as the core focus in every local community[150]. In addition, the communion of life in religious institutes obliges the members to share communal prayer[151]. That is why common life of religious institutes demands integrative common center of complex liturgical and spiritual practices, such as sacraments, prayers and piety. No other form of consecrated life can be identified as having a need for such intensity and attention to details regarding communal life as religious consecrated life[152].

2.3.2.5. Separation from the World

The public witness of Christ that the religious are called to give to Christ necessitates a separation from the world proper to the nature of each institute[153]. Religious are set apart to carry out the mission of Christ in the secular world. The public witness of a life of chaste, poor and obedience separate them from the world. The monastic and religious tradition define the "world" as the seat of evil and of the Evil One, subject to the slavery of sin, the world that radically denies the present and future kingdom[154]. Interpreting this separation in such a negative light today may hinder our ability to make a positive impact on the world from an external vantage point. Christ serves as an example, descending into the human experience within the world to illuminate a path forward.

To give witness of right order to worldly values, religious set themselves apart. "They treasure their fellowmen in a deeper way in the heart of Christ and cooperate with them spiritually, to ensure the building of human society which has Christ as its foundation and goal"[155]. The life of chaste celibacy, poverty

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[146] *CIC* 1983, can. 670.
[147] Cf. *CIC* 1983, can. 669.
[148] Cf. D.J. ANDRÉS, in M. ANGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* p. 1581. [175] Cf. *CIC* 1983, can 675 §1.
[149] Cf. *CIC* 1983, cann. 671, 682.
[150] Cf. *CIC* 1983, cann. 608, 934 §1 1º.
[151] Cf. *CIC* 1983, can. 663 §2.
[152] Cf. D.J. ANDRÉS, in M. ANGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law*,p. 1582.
[153] Cf. *CIC* 1983, can. 607 §3.
[154] . D.J. ANDRÉS, in M. ANGEL*et al* (ed.), *Exegetical Commentary on the Code of Canon Law,* p. 1582.
[155] CONCILIUM ŒCUMENICUM VATICANUM II,Constitutio Dogmatica De Ecclesia, *Lumen Gentium*, in *AAS*, LVII, (1965), 52, n. 46.

and dependence challenges the sexual gratification, pleasure-seeking and individualism which often prevail in society[156]. The public witness to Christ is the reason that sets them apart from the worldly values and achievements opposed to Christian life[157]. To achieve this goal, religious sacrifice their personal goals for those of the institute in service to the Church. The proper law designs the manner and the practice of this separation according to the nature and ends proper to each institute.

2.3.3. RELIGIOUS PROVINCES AND HOUSES

The provinces and houses of religious institutes result from the inner division of the institution to facilitate its internal organization and governance. Such entities are given their own juridical recognition but belong to the same institute under one major superior as supreme moderator. Care is to be taken that these arrangements do not become source of divisions, discriminations, unhealthy competition and independence. This could weaken the life of the institute and mission.

2.3.3.1. Provinces

A province is "A grouping of several houses which constitute an immediate part of the same institute under the same superior"[185]. For a province to be recognized, it must be canonically erected by a legitimate superior according to the constitutions[158]. Additionally, "A province indicates a part of the same order or congregation consisting of several houses which a major superior governs directly"[159]. The act of dividing the institutes into provinces requires redefining their boundaries. In some cases, other boundaries are suppressed and new ones erected. The competent authority for division and erection of the province is determined by the norms of law proper for each institute[160].

A province is a union of at least three separate houses which have been canonically established by lawful authority and are governed by a lawful superior[161]. These communities together form a province which is a juridical person with capacity to acquire and to administer temporal goods[162]. The canonical formalities of a province apply also to every similar structure that

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[156] Cf. IOANNES PAULUS PP. II, Adhortatio Apostolica Post-Synodalis*Vita Consecrata*, in *AAS*, LXXXVIII (1996), *Vita Consecrata*, in *AAS* LXXXVIII (1996), 418, n. 45.

[157] Cf. CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de Accommodata Renovatione Vitae Religiosae *Perfectae Caritatis*, in *AAS*, LVIII, (1966), 711, n. 24. also, *CIC* 1983, can. 673.

[185] *CIC* 1983, can. 621.

[158] Ibid.

[159] *CCEO* 1990, can. 508 §1.

[160] Cf. *CCEO* 1990, can. 508 §2.

[161] Cf. *CIC* 1983, cann. 115 §2, 621.

[162] Cf. *CIC* 1983, can. 634 §1.

unites several houses which have not been prescribed in the Code. Each institute whether of pontifical or diocesan right must define in its proper law the structures it creates for its internal organization and configure them in relation to a province[163]. Some institutes for instance, have divisions by name "Zones" or "delegations" whose prescriptions are not in the code.
The establishment of a province of a religious institute formally was reserved to the Apostolic See[164]. The 1983 Code of Canon Law remits to the proper law of each institute to determine the time and manner of establishing or suppressing a province[165]. In relation to the same, the constitution of each institute is to identify the internal authority for establishing and suppressing a province and other structures within the institute[166]. The establishment is effected through a formal decree by the superior general with the council. It may also be created by the general chapter in a similar manner.

Once a province is created it possesses its own distinct governance and administration under a distinct superior entitled, a provincial superior. The ordinary power vested on the provincial superior though distinct, is subordinate to the general governance and administration[167]. The purpose of this division is to facilitate the governance of the institute, community life, and the pastoral ministry[168]. Thus, the canonical provisions to constitute a province are: at least three houses, means of subsistence and autonomy, defined territory, a provincial superior, a system of good governance, communal life, apostolate and canonical establishment by a formal decree[169].

2.3.3.2. Houses

Religious houses are residences where religious live.[170] Residence does not mean a simple shelter but concerns the apostolate that is attached with the presence of the religious in a given time and place. Religious houses are either constituted or erected[171]. Constituted houses are those which have been established in response to apostolic activities. These houses are established by the competent authority of the institute in accord with the prescriptions of the proper law. The parishes, hospitals, schools, convents and similar communities are constituted houses. These houses are not coffered with juridical personality.

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[163] Cf. D.J. ANDRÉS,*El derecho de los religiosos, Commentario al Código*, Roma 1984, pp. 110-11.
[164] Cf. *CIC* 1917, can. 494 §1.
[165] Cf. *CIC* 1983, can. 581, also, G. SHEEHY,*Canon Law and Spirit,* Liturgical Press Collegeville, Minnesota 1995, p. 707.
[166] Cf. *CIC* 1983, can. 581.
[167] Cf. Ibid.
[168] . D.J. ANDRÉS, in M. ANGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* p. 1632.
[169] Cf. Ibid.,
[170] Cf. F.G. MORISSEY, "Temporal Goods and their Administration", in M. ANGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* p. 1673.
[171] Cf. *CIC* 1983, cann. 608, 609.

The constituted houses are required by the Canon Law in relation to the life style of religious. Religious are obliged to live in lawful established houses under the authority of a superior designated according to the norms of law[172].

Erected houses are those which have been constituted in a stable manner to serve the goals of the institute in service of its mission[173]. By "Stable manner" means such houses have permanency of life in relation to the institute itself. Ordinarily, general and provincial houses and formation houses of an institute are examples of canonically erected houses. These are lawfully erected by a competent superior as designated by the constitutions. A prior written consent of the Diocesan Bishop is required for the erection of such houses[174]. The consent of the bishop is necessary because of the implication of the juridical status of these houses in relation to the whole institute. They are directly involved in matters pertaining the delegations and administration of temporal goods in accord with the norms of the constitutions. A lawfully erected house enjoys public juridical personality by virtue of law[175].

Thus, a house which has been canonically erected has a perpetual nature[176]. The element of perpetuity distinguishes the canonically erected houses from the constituted house. Erected houses enjoy greater stability than the constituted houses of the institute. The houses under consideration in canon 634 *CIC* 1983 are those which have been canonically erected as juridical persons. Such houses have the capacity to acquire, possess, administer and alienate temporal goods, unless this capacity is excluded or limited in the constitutions. They enjoy all the rights and obligations pertaining to a juridical person although such rights can be restricted by the proper law of the institute[177].

2.3.4. JURIDICAL CAPACITY OF RELIGIOUS INSTITUTES ON TEMPORAL GOOD

2.3.4.1. Concepts "Church" and "Ecclesiastical goods"

The perception of temporal goods pertaining to religious institutes requires clear understanding and application of the terms, "church" and "ecclesiastical goods". The 1983 code defines the term "church" to signify the universal church or Apostolic See. Specifically, in canons which regulate temporal goods, term "church" includes any public juridical person within the Church. The former can be distinguished from the context and the nature of

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[172] Cf. *CIC* 198, can. 608.

[173] Cf. *CIC* 1983, can. 609.

[174] Cf. M. MACDERMOTT, "Institutes of Consecrated Life [Cann. 573-730]", in J.P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* p. 773.

[175] Cf. *CIC* 1983, can. 634 §1.

[176] Cf. *CIC* 1983, can. 120 §1.

[177] Cf. M. MACDERMOTT, "Religious Institute [Cann. 607-709]", in J.P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* pp.773-74.

matter under consideration[178]. Thus, in this study the word "church" also implies the religious institutes[179], since by virtue of law are public juridical person[180]. The temporal goods of the Church are "ecclesiastical goods". These are all temporal goods which belong to the universal Church, Apostolic See and any other public juridical person in the Church[181]. They include corporeal and incorporeal, movable and immovable material assets that the Church needs for its mission[182]. Thus, all temporal goods of the Church are regulated in book V of the 1983 code of Canon Law with exception of matters regulated elsewhere within the code.

2.3.4.2. Concept of Juridical Capacity

Juridical capacity is a legal ability of an entity or organization to perform an act that can have legal effect. This capacity enables a person to perform a juridical act validly[183]. O. ROBLEDA prescribes a juridical act as "An external manifested act of the will by which a certain juridical effect is intended"[184]. What distinguish a juridical act from other acts are the juridical consequences that the law attaches to such an act[185]. These juridical effects affect the person placing the act[186]. Moreover, if the person is endowed with authority to do so on behalf of others the consequences will also bind others[187]. A sale, a purchase or a property given on loan are concrete examples of juridical acts that can have intended effects in law.

The juridical capacity of religious institute on temporal goods is the right that canon law endows to religious institutes. It enables the institutes to place lawful acts on the goods belonging to them. The same law prescribes same right to legitimate houses of religious institutes. A religious institute, provinces and houses are equally juridical persons and therefore subjects of patrimonial right in the Church[188]. As stated in canon 634, religious institutes, provinces and houses have right of acquiring, administering, and alienating temporal goods within the Church. This right is inherent to the Church in pursuit of its proper

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[178] Cf. *CIC* 1983, can. 1258.
[179] Cf. *CIC* 1983, can. 115 § 1.
[180] Cf. *CIC* 1983, can. 634.
[181] Cf. *CIC* 1983, can. 1257 § 1.
[182] Cf. *CIC* 1983, can. 1254.
[183] Cf. J. BURKE, *A Dictionary of Canon Law*, First Revised Edition, Don Bosco Publications, Abuja 2006, p. 375.
[184] Cf. O. ROBLEDA, "De Conceptu actus iuridicis", in Periodica, 51 (1962), pp. 413-46. Trans. By M. HUGHES in "A New Title in the Code: Juridical Acts", in *Studia Canonica*, 14 (1980), pp. 391-403.
[185] Cf. M. WIJLENS, "Juridic Act: Cann. 124-28", in J. P. BEAL et, *al* (eds.), *New Commentary on the Code of Canon Law*, p. 177.
[186] Ibid.
[187] Ibid.
[188] Cf. *CIC* 1983, can. 1255.

objectives[189]. Canon law through competent authority of the Church confers this right directly to religious institutes without intervention of civil authority. The religious institutes and their juridical regions and houses partake this right in communion and cooperation with the whole Church for the same goal[190].

A juridical act implied above is distinguished from a juridical fact. The former requires the will of the person in performing such an act and the intention to make the law react to the act. The latter entails the actions which have automatically legal consequences by virtue of law itself and does not require the will of the person. Furthermore, a juridical act is unilateral when it is issued by one person independently of another. It is bilateral and multilateral when placed by two or more persons, for example, in cases of contracts, wills and testaments.

A juridical act can be placed by a physical person, or a college. Such persons must have the ability required by law for placing the act[191]. They must also be qualified for a specific act in question[192]. This means that it is not all capable persons to place a juridical act are necessarily qualified to do so. Canon law is always clear regarding competences and where required remits such to the proper law of each institute. There can be expressions like; we are all grownups, perpetually professed, members of the congregation and have the ability necessary to act but if it lacks the qualification required in law for placing such an act it is not recognized by law[193].

A juridical act to be valid must contain all the essential elements which constitute the act as required by the law. The formalities prescribed by the law such as consultation[194] and obtaining the consent must be applied[195]. It is in support of this that E. MOLANO says that a juridical act must be placed freely and must have suitable object without which the act is null[196].

Although independent from civil power, the Church recognizes the role of civil law in matters under their competence for social order. The Church urges the stewards of ecclesiastical goods to observe diligently the provisions of canon and civil laws. Similarly, the provisions of the founders, donors and lawful authority on temporal goods entrusted to them. Provisions of law are necessary to ensure security and protection of the goods they administer. This is so in order to avoid the dangers which can incur because of their

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[189] Cf. *CIC* 1983, can. 1254 §1.
[190] Cf. *CIC* 1983, can. 1254 §2.
[191] Cf. *CIC* 1983, cann. 96-97.
[192] Cf. PCCICR, in *Communicationes*, XIV (1982), 145, also, *CCEO* 1990, can. 931 §1.
[193] Cf. *CIC* 1983, can. 1620 2º.
[194] Cf. M. WIJLENS, "Juridic Acts: Cann. 124-28", in J.P. BEAL *et, al* (eds.), *New Commentary on the Code of Canon Law*, p. 180.
[195] Ibid.
[196] Cf. E. MOLANO, "Juridical Acts", in E. CAPARROS *et al* (eds.), *Code of Canon Law Annotated*, can 124 Commentary.

negligence[197]. Therefore, the stewards are to "ensure that the ownership of ecclesiastical goods is safeguarded in ways which are valid in civil law[198].

2.3.4.3. Capacity to Acquire Temporal Goods

Acquisition implies the act of taking a title of temporal goods that is, establishing right of ownership and making a property one's own[199]. Ownership can also be used interchangeably with property. The Code uses the term 'possess' for the religious institutes[200] and 'retain' for the inherent right of the Church on temporal goods[201]. F.G. MORISSEY says that, in practice, the two terms as used by the Code have the same meaning[202]. The right of "possessing" goods is the same as the right of "retaining" them[231]. In the tradition, this right applied more to material things like lands, assets attached to it, sheepfolds, and harvests of human labor. Moreover, development of technology and means of communication has widened the horizon of ownership. Today we talk not only of material assets but also the possession of professional skills [203]. Contemporarily, forms of ownership are varied and diversified valuable sources of security[204]. These may not necessarily be tangible material goods, for instance, journals, articles, books and personal skills widely displayed even on the internet. One can easily realize that not all are displayed on free offer but in fulfillment of their producers' conditions.

A property is either public or private. Public property belongs to the state while private to individual persons or organizations and institutions. The temporal goods of the Church and religious institutes as institutions are private properties. As already mentioned, all properties accrued by religious institutes and in their name are ecclesiastical goods[205]. The religious institutes have the obligation to regulate them in accord with the norms of book V and the proper law of the institute in agreement with it[235].

Ownership of individual persons is either personal or private juridical persons otherwise to public juridical persons. The private juridical person

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[197] *CIC* 1983, can. 1284 §2 3º .

[198] Cf. *CIC* 1983, can. 1284 §2 2º.

[199] Cf. D. TIRAPU, "Acquisition of Goods", in M. ANGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* vol. IV/1, can 1259, commentary, p. 46.

[200] Cf. *CIC* 1983, can. 634 §1.

[201] Cf. *CIC* 1983, can. 1254 §1.

[202] Cf. F.G. MORRISEY,*Exegetical Commentary on the Code of Canon Law*, can. 638 §1, p. 1674. [231] Cf. *CIC* 1983, can. 1254.

[203] Cf. CONCILIUM ŒCUMENICUM VATICANUM II, Constitutio Pastoralis De Ecclesia in Mundo Huius Temporis *Gaudium et Spes*, in *AAS* LVIII (1966), 1092, n. 71.

[204] Ibid. p. 859.

[205] Cf.CONGRAGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *The Management of The Ecclesiastical Goods of Institutes of Consecrated Life and Societies of Apostolic Life,* Proceedings of the International Symposium Rome, March 8-9, 2014, English translation by J. BRAZ DE AVIZ, p.69;*CIC* 1983, can. 1257 §1. [235]Cf. 1983, can. 635 § 1.

comprises devotional prayer groups, associations, and pious movements of Christ faithful within the Church. Properties of these groups are not ecclesiastical goods[206]. The temporal goods of the private legal persons remain private as those belonging to the individual person. Such goods are not governed by the norms of the Canon Law. They are rather guided by their own statutes unless where canon law provides in certain cases[207]. This category also includes properties of individual religious who renounces them partially to assume commitment of the vow of poverty. Normally such goods are given to the institutes for use. These goods are not to be confused nor mixed with those belonging to the institute[208]. The administration of such goods should be done separately from the ecclesiastical one. Goods of individual religious are not ecclesiastical goods[209].

2.3.4.3.1. Means of Acquisition

The Church acquires temporal goods in any way which, by either natural or positive law, it is lawful for others to do so[240]. By expression, "any way," refers to the methods or means through which the ownership of a thing is acquired[210]. It also implies, "the juridical means that establish the relationship between a thing and a subject that enjoys the protection of law"[211]. Canon law requires the act of acquisition to be valid means placed according to the prescriptions of the law. Moreover, such an act must be just, fair, acceptable in contrast to deceit.

Natural law is considered primary means to acquire ownership. One can acquire the same lawfully either through canon law or civil law[212]. Areas of acquisition of goods need accurate application of law to avoid unnecessary future controversies on the same. The Church authority has innated right to demand from its faithful the things necessary to carry out its mission[213]. The application of "innate" right here excludes the meaning of the Church as expressed in canon 1258. The Christian faithful are also free to donate temporal goods for good of the Church[214].

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[206] Cf. *CIC* 1983, can. 1257 §2.
[207] Cfr. V. DE PAOLIS,*La vita consacrata nella Chiesa,* p. 395.
[208] Cf. *CIC* 1983, can. 668 §3.
[209] Cf. *CIC* 1983, can. 1257
§2. Cf. *CIC* 1983, can.
1259.
[210] Cf. D. TIRAPU, "Acquisition of Goods", in M. ANGEL*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* p. 45.
[211] F. AZNAR, *La administración de los bienes temporales de la Iglesia. Legislación universal y particular espoñola,* Salamanca 1984, p. 79.
[212] Cf. *CIC* 1917, can. 1499 §1.
[213] Cf. *CIC* 1983, can. 1260.
[214] Cf. *CIC* 1983, cann. 1260, 222.

The 1983 Code of law provides other various spontaneous and specific ways through which the Church acquires temporal goods. It establishes that the spontaneous offerings given either to the superiors or to the administrator of any ecclesiastical juridical person, even a private one is given to the juridical person itself[215]. Such donations are to be received always except for a justifiable reason they can be refused. In the case that involves a public juridical person the refusal requires the permission of the Ordinary. Where the same person must accept such offerings with obligation to be fulfilled in regard to them, the permission of the same Ordinary is required[216]. In addition to the public juridical person and permission, the relevant conditions of canon 1295 to safeguard the juridical person must be observed[217]. In other cases, the condition to accept such donations may necessitate the observance of restricted alienation for the same purpose[218].

Other specific mode of acquisition recognized by the Church include, fund raising, ordinary and extraordinary taxes, collections and offerings from the services rendered, begging alms, prescriptions, income from the existing goods and contracts to purchases[219]. Each of these methods is guided by a norm of law which must be observed. Disorders and controversies result from lack of knowledge of law and its proper application. Civil law also provides appropriate rights to acquisition of goods. These include occupancy of a thing that lacks the owner, gifts, buying or sales, accessions and testaments. The provisions of canon law on lawful and valid means of acquisition and possession of goods apply also to the religious institutes, provinces, and the legal houses[220].

2.3.4.3.2. Objectives of Acquisition

The motive of acquisition and possession of goods must correspond to the proper objectives of Church ownership of material goods. The common purpose includes, order of divine worship, care for the decent support of the members and exercise of works of the sacred apostolate and of charity, especially toward the needy[221]. The goods acquired in the first place are to provide for the needs of worship. This is not limited only to hosts, candles and wine but also comprises building or renovating the chapel, liturgical books, furniture, and vestments among others. All what contributes to good and serene atmosphere of prayer and worship for the community are for divine worship.

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[215] Cf. *CIC* 1983, can. 1267 §1, also, PCCICR, in *Communicationes*, XII (1980), p. 405.
[216] Cf. *CIC* 1983, can. 1267 §2.
[217] Cf. *CIC* 1983, can. 1295.
[218] Cf. *CIC* 1983, cann. 1291-1294.
[219] Cf. *CIC* 1983, cann. 1261, 1263, 1265, 1268, 1271, 1274, 1290.
[220] Cf. *CIC* 1983, can. 634 §1.
[221] *CIC* 1983, cann. 1254 § 2, 222 § 2, 281.

The provisions for the members imply the spiritual and material needs to enable them render fitting services to the people of God. Besides are necessities such as shelter, water, food and clothing, the medical insurance and infirmary, education, ongoing formation. The religious institutes have the obligation to supply the members with everything that is necessary in accordance with constitutions for the fulfillment of their vocation[222]. The rights of the members are in reciprocal to the obligation of the institute to provide[223]. Temporal goods are necessary for the service of the mission of the Church and its requirements[224]. The institute has not only an obligation to supply its members with everything, but also to contribute generously to the needs of the local Church[225]. In time of grave necessity, the diocesan bishop can impose an extraordinary tax on the institute[226].

Canon law respects the constitutions of the religious institutes which have been formulated in conformity with it. The constitutions which are norms of life for religious stipulate the purpose why the institute was founded and the means of achieving its goal[227]. The rules and constitutions of religious institutes contain norms of administration and governance of the whole institute. Besides, it contains the regulations pertaining temporal goods which must be faithfully observed[259]. E. MOLANO explicitly says, "The defense and protection of freedom and the ability to acquire and dispose of temporal goods are two permanent functions for the service of which the law grants juridical personality"[228]. Hence, a complete knowledge of the provisions of the code governing the acquisition of goods also requires information of canon 121-123. These provide for acquisition of temporal goods in the situations of consolidation, division, and extinction of public juridical persons within the Church.

2.3.4.3.3. Restrictions of Acquisition

Canon Law allows the constitutions to limit the right of possession for the provinces and houses. It is the proper law of the institute to determine the manner of limiting the right of possessing goods for its members. In other cases, it may withdraw the power to possess from some communities. This is meant

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[222] Cf. *CIC* 1983, can. 670.

[223] Cf. T. RINCÒN, "Obligations and rights of Institutes and of their Members", in E. CAPARROS,*et al* (eds.), *Code of Canon Law Annotated,* can. 670, commentary, p. 535.

[224] Cf. V. DE PAOLIS, "Temporal Goods of the Church in the New Code with Particular Reference to Institutes of Consecrated Life", p. 344.

[225] Cf. *CIC* 1983, can. 640.

[226] Cf. *CIC* 1983, can. 1263.

[227] Cf. R. M. MCDERMOTT, "Institutes of Consecrated Life (Cann. 573-730)", in J. P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* can. 587 p. 753. [259] Cf. *CIC* 1983, cann. 586, 578.

[228] E. MOLANO, "Juridical Persons", in E. CAPARROS*et al* (eds.), *Code of Canon Law Annotated,* can. 113 §2, p. 98.

to emphasize the poverty proper to the institute and in check with unnecessary accumulation of goods[229]. Unnecessary accumulation of goods applies not only to the surpluses but also unutilized goods such as lands, buildings, and cars among others. Today this is justified by fear of the future, care of the sick, the aged and other unknown anxieties! This is human reality but weakens the sense of living the present moment fruitfully, prayerfully, trusting in the Divine Providence and mission. The limits of the capacity on temporal goods implied in can. 634 §2 concern not only the monetary but also acquisitions, possession and reception of goods attached with conditions.

2.3.4.4. Capacity to Administer Temporal goods

Administration means management or governance. Administration of temporal goods implies acts of governing and managing such goods in view of their objectives. Such acts refer to the discharging duties of an administrator[230]. This is a person entrusted with the office to preserve, to care for or improve the properties already acquired. As already mentioned in canon 1256 and 1257 § 1, the "ownership of ecclesiastical goods is invested in public juridical person in the Church"[231]. Administration is one of essential elements of ownership to achieve the intended aim[232]. The administration of ecclesiastical goods is hierarchical and so ranks from the higher to the inferior levels.

2.3.4.4.1. Supreme Administrator

The Pope is the Vicar of Christ and Pastor of the entire Church. Just like any human family has the father as head, so does the Church as the spiritual family. The Pope as head of the Church "has full, supreme and universal power over the whole Church, a power which he can always exercise unhindered"[233]. Canon law explicitly expresses, "By virtue of his office, the Roman Pontiff not only has power over the universal Church but also has pre-eminent ordinary power over all particular Churches and their groupings"[234]. The Roman Pontiff by primacy of governance is the supreme administrator and steward of all ecclesiastical goods[235]. He exercises this role in joined responsibility with

[229] Cf. *CIC* 1983, can. 634 §2.
[230] Cf. G. SHEEHY,*et al* (eds.), *Canon Law and Spirit,* p. 707.
[231] Cf. R.T. KENNEDY, "Administration of Temporal Good [Cann. 1273-1289]", in J.P. BEAL*et al* (eds.), *New Commentary on the Code of Canon Law,* Can. 1273, p. 1474.
[232] Cf. *CIC* 1983, can. 1254 § 1.
[233] CONCILIUM ŒCUMENICUM VATICANUM II, Constitutio Dogmatica De Ecclesia, *Lumen Gentium* in *AAS,*
LVII, (1965), 25, n. 22.
[234] Cf. *CIC* 1983, cann. 333, 331.
[235] Cf. *CIC* 1983, can. 1273.

bishops and conferences of Bishops in their Churches and the whole universal Church[236].

He has the right to determine according to the needs of the Church whether to exercise his office personally or in a collegial manner[269]. The Temporal goods in fulfillment of the mission of the Church is one dimension of his office. Thus, he has full control over all ecclesiastical goods wherever and to whomever they may belong within the Church. However, in the Church, the duty of administration is collaborative. This responsibility is exercised for and in the name of the Church. The administration of temporal goods in the Church operates through hierarchy of competence, responsibility, and accountability. This is to ensure that goods acquired by the Church are safeguarded and achieve the purposes for which the Church owns them[237]. This knowledge is important because no administrator of ecclesiastical goods acts in isolation from the system and law. All administrators of ecclesiastical goods whether cleric or lay (religious)at all levels partake in this unique role. They are to perform this role with diligence of a householder[271]. V. De PAOLIS observes that, the Roman Pontiff is the visible sign and guarantor of the unity of the Church[238]. Thus, the universal law manifests this communion also in the exercises of the administration of the ecclesiastical goods within the Church.

2.3.4.5. Overseers of Ecclesiastical Goods

2.3.4.5.1. Local Ordinaries

The goods for which the Pope is supreme administrator are not only those belonging to the universal Church present in local Churches but also to other public juridical persons in the Church[239]. The actual ecclesiastical goods are with public juridical persons within the Church under the authority of the Roman Pontiff[240]. Canon 1276 cites the subsidiary roles and competences in the administration of ecclesiastical goods. It states, "It is for the ordinary to exercise careful vigilance over the administration of all the goods which belong to public juridical persons subject to him". Besides the rights and traditions involved in this issue, "The ordinaries are to take care of the ordering of the entire matter of the administration of ecclesiastical goods by issuing special

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[236] Cf. *CIC* 1983, cann. 447, 333 §2. [269]*CIC* 1983, can. 333 §2.

[237] Cf. CONCILIUM ŒCUMENICUM VATICANUM II, Decretum De Presbyterorum Ministerio Et Vita*Presbyterorum Ordinis,* in *AAS,* LVIII *(*1965),1017, n. 17. [271] Cf. *CIC* 1983, can. 1284.

[238] Cf. V. DE PAOLIS "Temporal Goods of the Church in the New Code with particular references to Institutes of Consecrated Life", pp. 343-60.

[239] Cf. *CIC* 1983, can. 1257 §1.

[240] Cf. *CIC* 1983, cann. 1256, 1257 §1.

instructions within the limits of universal and particular law"[241]. The term "ordinary" in this case implies not only diocesan Bishop but also all who exercise ordinary power within the Church[242]. These are given the role of overseer over all the ecclesiastical goods within their area of governance. The bishop is an overseer not only of goods of his diocese but also of all juridical persons present in his jurisdiction, religious institutes inclusive.

2.3.4.5.2. Superior General of Religious Institutes

More explicitly canon 1279 restates the subsidiary responsibilities of the ordinary other than the diocesan Bishop and that equivalent to him. It states, "The administration of ecclesiastical goods pertains to the one who immediately governs the person to which the goods belong"[243]. The "person" in mention here is the juridical person[244]. The canon law calls individuals who govern institute of religious life "Major Superior"[245] or Supreme Moderators, and most often Superior General by the proper law[246]. "Major Superiors are individual physical persons who exercise authority by reasons of their office over a whole institute"[247]. Nevertheless, canon 622 prescribes the limit of the power of the major superior. He or she holds power over all the provinces, houses and members of an institute but exercised according to the proper law. Other superiors hold power within the limit of their function[248].

It is given that the authority of the superior general is personal by the virtue of her or his office and has right to decide and to order that which must be done[249]. However, structures of collegiality, unity and subsidiary to complement this office are recommended by the same law[250]. Thus, in accordance with the norms of the constitutions, superiors are to have their own council, whose assistance they must use in carrying out their function[251]. In each institute governed by a major superior, there is to be a financial officer distinct from the major superior and constituted according to the norm of proper law. The financial officer is to manage the administration of goods under the direction of the superior general[252]. As for the superior general, she has direct

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[241] *CIC* 1983, can. 1276 §2.
[242] Cf. *CIC* 1983, cann. 368, 381.
[243] CIC 1983, can. 1279 §1.
[244] Cf. *CIC* 1983, can. 1256.
[245] Cf. *CIC* 1983, can. 620.
[246] Á. MARZOA,*et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* Midwest Theological Forum Chicago, Illinois 2004, can. 620.
[247] R. SMITH, "The Governance of Institutes [Can. 617-640]", in J.P. BEAL, *et al* (eds.), *New Commentary on the Code of Canon Law,* can. 620, p. 782.
[248] Cf. *CIC* 1983, can. 622.
[249] Cf. *CIC* 1983, can. 618.
[250] Cf. *CIC* 1983, can. 627.
[251] Cf. *CIC* 1983, can. 627 § 1.
[252] Cf. *CIC* 1983, can. 636 § 1.

responsibility to supervise the administration of temporal goods of the religious institute by virtue of law in collaboration with the general council[253].

In relation to the role of superior general in regard temporal goods, canon law gives right to the relevant ordinary, the overseer,[254] to intervene in cases of negligence by the immediate administrator. Administrators of ecclesiastical goods are urged to respect this supervisory role of the ordinaries and the intervention of a competence of ecclesiastical authority. This is intended so to regulate the exercise of rights including those of administrators for the interest of common good[255]. That is why canon law requires every juridical person to establish finance committee or at least two counselors (can. 1280). These are to assist the performance of the duties of administrators as prescribed by the constitutions. The proper law is to determine the manner of this assistance which can either be by means of advice or consent[256].

2.3.4.6. Acts of Administration

Canon law distinguishes between ordinary and extraordinary acts of administration[257]. Ordinary acts of administration entail the conservation and expenditures of resources and the oversight of financial matters needed for the day-to-day management of the goods of the institute[258]. These are for instance, payrolls, depositing money in different accounts, maintaining, and repairing the house among many others.

Ordinary acts of administration concern those matters under the control of the administrator in response to the needs of daily living, which remain within the limit of the office which she or he is appointed or delegated[259]. The regular activities of an administrator are, provision of food, medical attention, and ordinary maintenance within the house, receiving and dispersing money to their destinations and withdrawing of money. In summary, in ordinary administration the administrator executes the budget already in place. Therefore, when he or she carries acts of ordinary administration does not require special permission except for unforeseen.

The acts of extraordinary administration exceed the purpose and manner of ordinary administration[260]. The administrator and other financial officers neither perform them by the virtue of their office nor by delegation. To perform

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[253] Cf. *CIC* 1983, can. 634, §1.
[254] Cf. *CIC* 1983, can. 1276.
[255] Cf. *CIC* 1983, can. 223 §2.
[256] Cf. T. RINCÒN, "Administration of Temporal Goods", in E. CAPARROS*et al* (eds.), *Code of Canon Law Annotated,* can. 1280 commentary, p. 987.
[257] Cf. *CIC* 1983, cann. 1277, 1281 §1, 638 §1.
[258] Cf. J. P. BEAL*et al* (eds.), New *Commentary on the Code of Canon Law,* Theological Publications in India, Bangalore 2003, p. 802.
[259] Cf. *CIC* 1983, can. 1281.
[260] Cf. *CIC* 1983, cann. 1281 §1, 638 § 1.

such acts, one needs authorization of a higher superior. These acts involve spending money beyond sets limits and transfer of goods from a province or house to another within the institute. Others concern the acceptance or refusal of gifts attached to conditions, major repairs and others like acts of alienation and purchases. To place these and similar acts, the administrator requires prior written permission of competent ordinary[261]. The proper law of the institute, within the limits of the universal law must define the acts which exceed the purpose and the manner of ordinary administration[262]. The proper law is to establish elements necessary for the validity of the acts of extraordinary administration[263].

In addition to superiors, the proper law has to designate other officials to perform valid juridical acts of ordinary administration within the limits of their office[298]. These officers include assistant superiors, bursars and members in charge of certain apostolate within the institute, generating projects, mission appeals and gardens among others. The law demands that all administrators perform their duties with diligence of a good householder[264]. Besides, for the administrator to perform acts of major importance within ordinary administration, the permission of the superior is required[265]. These may not be extraordinary acts as such, but the weight of the matter and consequences can require prudence consideration of the superior.

2.3.4.6.1. Restrictions of Acts of Administration

Canon 1277 highlights the requirements necessary for the diocesan Bishop to put in consideration regarding the ordinary and extraordinary acts of administration of ecclesiastical goods. Similarly, the major superior governs the religious institute as the administrator of the temporal goods belonging to it. In the same way the diocesan Bishop governs the diocese and is the administrator of the material assets belonging to it[266].

The expression of the statement of canon 1281 §1 has a connotation of restrictions in acts of ordinary and extraordinary by other administrators than the diocesan Bishop[267]. Taking into consideration the prescriptions of canon 1257 §2, there is no doubt that canon 1281 concerns the public juridical persons. An administrator of ecclesiastical goods is free to place acts of ordinary administration within the limits of canon law and proper law. To place acts that go beyond these limits, she or he needs a prior ‘written faculty’ by the

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[261] Cf. *CIC* 1983, can. 1281 §2.
[262] Cf. *CIC* 1983, can. 638 §1.
[263] Cf. F.G. MORRISEY,*Exegetical Commentary on the Code of Canon Law,* Can. 638 §1, p. 1681. [298] Cf. *CIC* 1983, can. 638 §2.
[264] Cf. *CIC* 1983, can. 1284 §§1,2.
[265] Cf. *CIC* 1983, can. 1277.
[266] Cf. *CIC* 1983, cann. 1271 §1, 1277, 127 §1.
[267] Cf. *CIC* 1983, cann. 1279 §1.

ordinary without which such acts are invalid. The "Ordinary" in this context may be either a diocesan Bishop or a religious superior of the public juridical person to whom goods belong. Canon law remits to proper law of each religious institute to define other acts that deal with material resources which exceed the limit and manner of ordinary administration[268]. The same law must establish the conditions necessary for validity of an extraordinary administration. In the cases where the statutes of the public juridical person fail to do this, it is in the competence of the diocesan Bishop to determine such acts for the public juridical persons subject to him.

A public juridical person such as a religious institute is not responsible for the invalid acts of its administrators committed because of lack of following proper canonical procedures. However, a religious institute is answerable for the unlawful but valid acts of its administrators. In all cases the public juridical person has a right of taking action on any of its administrator who causes it damage by invalid or unlawful acts[269]. In canon law the act is valid when it is placed according to the provisions of law, otherwise it is invalid. In civil law the act is lawful if it has been placed according to the procedures of the same law, or else it is unlawful. This difference may create a situation where in canon law the act is invalid whereas, in civil law the same act is valid. An act of extraordinary administration is invalid when it lacks prior written faculty from the superior, while the same act can be accepted as valid in civil law because of duly followed proper procedures. To resolve such as a conflict, a public juridical person must seek for an advice from an expert or a civil lawyer. Preferably, the incorporation of the "invalidity of canonically unauthorized" actions of the administrator must be recognized in civil law as well.

The limits of the universal law are given by the law itself or norms of the conferences of Bishops for particular region and individual Bishop for his jurisdiction. Since the constitutions of the institute necessarily do not include the details of these acts, each religious institute needs to establish appropriate norms for the administration of temporal goods to enforce poverty proper to the institute.[270] F. Morissey says that the most common form is for the institute to have a directory for the administration of temporal goods.[271] Superiors and officers designated by law to deal with administration of goods can validly perform acts of ordinary administration within the limit of their office. The Church emphasizes that, the ordinary, extraordinary, and major importance acts of administration must be defined in the rules and financial directory of the religious institute[272].

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[268] Cf. *CIC* 1983, can. 638 §1.
[269] Cf. *CIC* 1983, cann. 1281 §3, 128.
[270] Cf. *CIC* 1983, cann. 635 §2, 634-640, 668, 1257 §1.
[271] Cf. F.G. MORRISEY, *Exegetical Commentary on the Code of Canon Law*, Can. 638§1, p. 1681.
[272] Cfr. DE CONFERENCE DES SUPERIEURS DE FRANCE, CONFERENCE FRANÇAISE DES

2.3.4.6.2. Accountability

Accountability is the process of identifying, measuring, analyzing, and communicating the economic situation needed by the management to plan, evaluate and control the operations of an organization[273]. Canon law requires accountability on the administration of the properties of the Church. All administrators are duty bound to diligence and vigilance on the goods placed in their care[274]. This means, they are to safeguard the ownership of the properties as required by canon and civil laws and as well the proper laws. The disposal of goods is to be done correctly as per intended intentions and goals. Thus, administrators are to make proper disposal of the surpluses and keep accurate reports of income and expenditures[275]. Even surpluses must be used for the common good of the juridical person. Each administrator is under obligation to render the accounts of the administration[311].

The proper law of the institute must determine the specific time and manner of giving the accountability. It is a common practice for local bursars to submit either a month or three months report to the superiors. Similarly, the provincial bursar submits either a six months or yearly report. In the same way, the general treasurer presents a regular report to the major superior and the council. The general council as well presents the report pertaining to the whole institute to the general chapter[276]. To crown the process of accountability, the major superior presents the accountability of administration to the ecclesiastical authority in accordance with norms of Canon law and the constitutions. Therefore, accountability of ecclesiastical goods is a collaborative responsibility of all the administrators of the same goods at all levels within the Church.

2.3.4.7. Capacity to Alienate Temporal Goods

Alienation of goods means the direct transfer of ownership of a property from one person to another by sale or donations.[277] Canon 1291 speaks of restricted alienation of ecclesiastical goods. This creates an idea that there are other kinds of alienations which are allowed while others limited. This is due to the purposes for which the Church acquires material goods especially with

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SUPERIEURES MAJEURES, COMITE CANONIQUE DES RELIGIEUX, "Les actes d'administration ordinaire et extraordinaire", in *Directoire canonique,* Paris 1986, pp. 239-41.

[273] Cf. D.E. KIESO - J. J. WEYGANDT, *Intermediate Accounting,* 9th edition, John Wiley & sons, Inc., New York 1998, p. 3.

[274] Cf. *CIC* 1983, can. 1284§1, §2 1º.

[275] Cf. *CIC* 1983, can. 1284 §2,

2º-9º. [311] Cf. *CIC* 1983, can. 636

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[276] Cf. J.J. DANAHER, "The New Code and Catholic Health Facilities: Fundamental Obligations of Administrators," in *The Jurist,* 44 (1984), pp. 143-152.

[277] Cf. G. SHEEHY,*et al* (eds.), *Canon Law and Spirit,* p.732.

reference to their use for the poor and needy[278]. Based on this, alienation of ecclesiastical goods for the sake of charity is a requirement of law where a need may apply [279]. This is explicitly stated, "Within the limits of ordinary administration" administrators of ecclesiastical goods are allowed "to make donations for the purposes of piety or Christian charity from movable goods" on condition they do not belong to the stable patrimony[280].

There are cases when the Church restricts some alienation for the protection of the life of each public juridical person within the Church. This is to safeguard the properties entrusted to their stewardship for the mission of the Church. It is given that, the transfer of a property that has been lawfully designated as a stable patrimony of a public juridical person requires the permission of a competent authority according to the norms of law. This requirement applies also to the alienation of stable property whose value exceeds the sums defined by law[281]. The canon is strict to the alienation of a stable property of the public juridical person. It also restricts the observance of the limits of law regarding the sums prescribed either by universal or law. In some cases, for religious such sums are prescribed by the Apostolic See.

In addition to the restricted transfer of ownership, is the alienation of ecclesiastical goods to relatives. It is forbidden to sell and lease ecclesiastical goods to the very administrators and their relatives. This restriction extends up to fourth degree of consanguinity and affinity. The law requires special written permission of competent authority to place such an act. This obligation is emphasized to rule out corruption of nepotism in the Church. In the case of religious, the competent authority is the immediate superior in the administration[318].

2.3.4.7.1. Other acts of Alienation

In the same breadth, there are other acts of contracts and transactions which explicitly do not mean a transfer of a property. These can put the patrimonial condition of the religious institutes at risk[282]. For instance, for leasing, taking loans and the like, keen consideration is recommended[320]. These are joined with acts necessary for claiming the alienation which has been placed invalidly but acceptable in civil law[321]. A property that has been given away

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[278] Cf. *CIC* 1983, can. 1254 §2.

[279] Cf. *CIC* 1983, can. 640.

[280] Cf. *CIC* 1983, can. 1285.

[281] Cf. *CIC* 1983, can. 1291-1294; R. McDERMOTT, "Alienation of Property of a Religious Institute Canons 638§3, 1290-1294" *The Consecrated Life Cases, Commentary, Documents, Readings,* CLSA 2006, pp. 119-123. [318]Cf. *CIC* 1983, cann. 1293-1295, 1298.

[282] Cf. *CIC* 1983, can. 1295. [320] Cf. *CIC* 1983, can. 1297. [321] Cf. *CIC* 1983, can. 1296.

without following proper formalities of canon law but is valid in civil law can be claimed back.

All acts of transfer of title of property are subject to the prescriptions which govern alienation. This provision applies equally to the use of total or partial immovable goods; fixed capitals in forms of lands, buildings or money for other purposes than was intended[283]. Other acts of alienation include selling a significant property; donation of fund for a purpose other than it was intended and entering long term lease. Furthermore, giving the control of an institution to another group and borrowing large amount of money constitute acts of alienation[284]. For any transaction foreseen in law that may affect the patrimonial condition of a public juridical person, permission of competent superior with the consent of her council is required for validity[285].

> Patrimonial condition implies the state of any property of the institute, whether movable or unmovable, fixed or in use[286]. The patrimonial condition of the institute is damaged by all acts of administration including alienations which cause serious damage to the financial state of the institute. The Holy See defines specific sum applicable to religious in every region[287]. When the transfer exceeds the amount defined by the Holy See for each region, the permission of the same authority is required[288]. This norm is also implied when alienating properties given to the Church as a fulfillment of a promise and precious objects of valuable art and history[289]. In regions where the Holy See has not explicitly given the maximum limit, the religious are to apply the limits determined by the national Episcopal Conference. For the monasteries *sui iuris,* (Can. 615) and institutes of diocesan right to alienate goods validly, they must obtain the consent of the local Ordinary[290].

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[283] Cf.F.G. MORISSEY, "Conveyance of Ecclesiastical Goods", in *Proceedings of the 38th Annual Convention* (CLSA 1976), pp. 123-37.

[284] Cf. F. MORRISEY, "Ordinary and Extraordinary Administration: Can. 1277", in *The Jurist*, 48 (1988), pp. 709-

726; also, "The Alienation of Temporal Goods in Contemporary Practice", in *Studia Canonica,* 29 (1995), pp. 293316.

[285] Cf. *CIC* 1983, can. 638 § 3.

[286] Cf. PCCICR, in*Communicationes,*XVI (1984), p. 35.

[287] Cf. PCCICR, in *Communicationes*, XII (1980), pp. 177-182); Holy See is used to signify the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

[288] Cf. F.G. MORRISEY, *Exegetical Commentary on the Code of Canon Law,* p. 1683.

[289] Cf. *CIC* 1983, can. 1291.

[290] Cf. *CIC* 1983, can. 638 § 4.

2.3.4.7.2. Conditions for Alienation

The law requires that a request for alienation of goods includes the explanation of the just reason[291], a written evaluation of an expert on the goods to be alienated, a brief history of the property and the map and the consent of the council[292]. Besides, all security measures prescribed by the lawful authority must be observed[293]. In the case of a divisible property, for validity, the request must indicate the parts alienated before[294]. In normal circumstances, an asset must neither be alienated, nor any affair be concluded for a price which is less than indicated in the judgment of the expert. However, if for reasons which endanger religious state, it is convenient to alienate for a lower price. The competence to discern these extraordinary cases and opportunity to alienate at a lower price is of the one who grants the permission to alienate[295].

The money received from the alienation is to be invested carefully for the advantage of the juridical person otherwise it is to be expended prudently in accord with the purpose of the alienation[296]. The use of the money of alienation is justified by necessities such as when a land is sold to allow the renovation of the religious house or to build a formation house and the like. The requirements prescribed by the legitimate authority must be observed to avoid damages on the institute. The law further urges that matter of alienation and any contract be done according to the civil law for their validity unless provided by the canon law[336].

2.3.4.7.3. Capacity to enter Contracts

The understanding of the capability of religious institutes, provinces and houses on temporal goods is not limited to canon 634 only. A better perception and application is acquired through the related canons within the Code. At times a greater insight can be drawn from either its sources or the latter Code of the Eastern Churches[297]. The 1983 Code recommends especially the canonical provisions on provinces[338]; ordinary and extraordinary administration and alienation [298] ; acquisition, administration, and contracts, particularly

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[291] Cf. *CIC* 1983 can. 1293 §1.

[292] Cf. A.P. BENNETT, "The Practical Effects on the Fiscal Administration of Church Finances of Book Five: The Law Regarding Church Possessions", in CLSA Proceedings of the Forty-Second Annual Convention, October 2023, New York 1980, p. 171-178; CIC 1983 Can. 1292 §1.

[293] Cf. *CIC* 1983, can. 1293 §2.

[294] Cf. *CIC* 1983, can. 1292 §3.

[295] Cf. *CIC* 1983, can. 1294 §1.

[296] Cf. *CIC* 1983, can. 1294 §2.

[336]Cf. *CIC* 1983, can. 1290.

[297] Cfr. *CCEO*1990, cann. 1007-1054, also, C. RAFFAELE, "I beni temporali della Chiesa", in P. V. PINTO,*Commento al Codice dei Canonici delle Chiese Orientali,* Libreria Editrice, Vaticana 2001, pp. 845-76.

[338] Cf.can. 621.

[298] Cf. *CIC* 1983, can. 638.

alienation[299]. In addition, canon law urges attention to the related matters particularly contracts that it remits to the civil law[300]. It states, "The general and particular provisions which the civil law in a territory has established for contracts and their disposition are to be observed with the same effects in canon law"[301]. This is to the extent that the same matters are subject to the "power of governance of the Church"[302]. Canon law canonizes and makes the local civil law its own, with the same effect. Civil laws are to be observed in such matters if they are not contrary to divine ordinances. In addition, civil law is to be observed in those situations where neither universal nor laws of the Church have provided specific norms on contracts and transactions.

The Church calls particular attention to matters regarding contracts because they play great role on temporal goods. Material assets involve diverse kinds of contracts. The administrator of ecclesiastical goods within ordinary administration deals with variety of things in terms of contracts. Others may be normal, for example, those concerning payment of salaries, purchases, supplies and maintenances especially of stable properties. In case of any problem of entering or voiding a contract related to ecclesiastical goods, canon law permits the administrator to seek the advice and guidance of a competent civil lawyer on the matter. However, care must be taken in the selection of the lawyer. In relation to cases of contracts, canon law emphasizes the importance of proof by means of witnesses, testimonies, and formalities of law[303]. This is explicitly the position of the Church in respect to pious dispositions and foundations donated to aid the Church to fulfill its objectives[304].

2.3.5. AREAS OF EVALUATION AND CHALLENGES

2.3.5.1. Fidelity to the Patrimony

In the first place, the mission of each institute in the Church genuinely interprets the motive for all activities of religious in relation to material goods. The charism of each institute becomes the determinant aspect of acquisition, possession and administration of temporal goods[305]. "Fidelity to the founding charism and subsequent spiritual heritage, together with finality proper to each institute, remains the first criterion for evaluating the administration,

[299] Cf. *1983,* cann. 1259-98.
[300] Cf. *CIC* 1983, can. 22.
[301] Cf. *CIC* 1983, can. 1290.
[302] Ibid.
[303] Cf. *CIC* 1983, can. 1547.
[304] Cf. *CIC* 1983, can. 1254 §1.
[305] Cfr. CIC 1983 Can. 578.

management and all works carried out in institute at all level" [306]. Evangelization is mutually bounded with possession of material goods in the Church which must be explicitly expressed in day to day living in different situations of life.

Canon law recommends the bishops to establish diocesan and inter-diocesan funds to provide for the clergy and others who serve the Church[307]. On religious it gives the obligation to the institute to provide members with whatever necessary for living their vocation[308]. The institute is persons; this means the members through the obligations arising from vows especially poverty are primary resources of the institute. Attitudes of selfishness, individualism and lack of common interest affect the financial condition of an institute. It is also a challenge to the religious institutes when its strength is reduced by the aging of the members, sickness and even death, also the scarcity of vocation. Reasonable and orderly investments within the institute need keen consideration. These are areas of anxieties especially today. In consideration of this, "Attentive vigilance is needed in order to ensure that the goods of the institutes are administered with prudence and transparency, that they are protected and preserved combining primary charismatic, spiritual dimension with economic dimension and with efficiency which has its own humus in the administration tradition of the institute which does not tolerate wastes and which is attentive to using resources properly"[309]

2.3.5.2. The Role of Proper Law

The universal law recognizes the place of proper law in relation to the use and administration of temporal goods. Canon law remits to proper law various issues related to the possession and administration of material goods. The proper law is to limit the capacity of institutes on material goods. It is necessary to see that every institute works out these requirements in their proper law. Sometimes the norms of constitutions are facilitated by supplement rules and directories. Such limits are to be respected by the members. This is to ensure the harmony necessary for placing juridical acts on material assets and also their claims. The role of proper law in the area of temporal goods is of vital importance. It gives balance to the general norms and thus creates harmony and avoids conflicts. The proper law demonstrates clearly the character of the institute in relation to material goods. The exclusions, restrictions should be

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[306] IOANNES PAULUS PP. II, Adhortatio Apostolica Post- SynodalisPost- Synodali *Vita Consecrata*, n. 45, in *AAS* LXXXVIII (1996), 377, in (English translation), *The Consecrated Life*, Paulines Publication Africa, Nairobi 1996, p.
45.

[307] Cfr. CIC 1983 Cann. 1274, 281.

[308] Cfr. CIC 1983 Can. 670.

[309] IOANNES PAULUS PP. II, The *Consecrated Life,* n. 45.

spelled out in the constitutions. The controls of excessive, immoderate wealth and accumulation of goods is also the role of proper law[310]. The proper law is to define the stable assets of the institutes. The institutes are given right to establish norms on the use and administration of goods. This is to ensure poverty proper to each is fostered, protected and expressed[311].

2.3.5.3. Autonomous And Limit of The Proper Law

The proper law is at the service of the universal law. The Church has given autonomous of life to all religious institutes by allowing each institute to be governed by their own proper law[353]. In nature the proper law is mutually related to the general law of the Church through which the religious institutes are erected. The religious institutes are public institutions of persons in the Church. They are subjects of patrimonial right on temporal goods of the Church[312]. They are to exercise this right in harmony with the general norms that governs the temporal goods of the Church[313]. The purchase of properties and establishment pious foundations independent of the formalities of law may stir only conflicts.

2.3.5.4. Fidelity to the Vow of Poverty

The sharing of resources is one of the obligations of a religious in relation to communal life proper to religious institutes by the vow of evangelical poverty. Whatever a religious accrues after religious profession belongs to the institute[314]. The experience shows that some individualism and selfish attitudes creates difficulty for the law to achieve its purpose. The mutual exchange of duties and rights between the institute and the members become difficult. Either also the fulfillment of the mission entrusted to the institute suffers. It is necessary religious to understand the provisions of their constitutions well to avoid relativism and unhealthy competitions in the use of material assets.

2.3.5.5. Canonization of Civil Laws

In exercise of patrimonial right on material goods is necessary to know the law in place for each case and the appropriate formalities for correct legal action. These include both canonical and civil. This is necessary for check point of any genuine claim in regard issues of material goods in relation to social

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[310] Cfr.CIC 1983 Can. 634.
[311] Cfr. CIC 1983 Can. 635 §2. [353] Cfr. CIC 1983 Can. 578.
[312] Cfr. CIC 1983 Can. 634 §1.
[313] Cfr. CIC 1983 Can. 635 §1.
[314] Cfr. CIC 1983 Can. 668 §3.

justice[315]. All actions in regard to temporal goods is directed by law and also necessary steps for placing a particular action, either of acquisition, possession, administration, leasing and others. All kinds of contracts require great attention[316]. Prior study is recommended and consultation to remove any doubt to avoid future controversies. Moreover, canon law recommends the preservation of proper documents in archives.

2.3.5.6. Acts of Administration

These are either ordinary or extraordinary. The vigilance and administration of temporal goods in all levels is prescribed in law. The responsible persons in all cases are given in the norms of law. This goes together with limits of law in the exercise of the right on temporal goods. All these considerations call for respect if the law has to achieve its goals. There are different competences over the same goods which need to be respected. There is the supremacy of governance of the Roman Pontiff and general law of the Church. There are ordinaries at the local administration and particular laws. There are administrators of ecclesiastical goods belonging to other juridical persons and proper law or statutes. Moreover, there are also financial officers established according to the proper law of each religious institute for resources management within the institute itself. Due formalities, procedures of laws and due permissions and conditions are to be respected to avoid conflicts in action. Either also is necessary for placing valid actions in administration of goods.

2.3.5.7. Implementation of Law

This means the use of law. Sometimes the proper application of law may demand a long process in some cases while in others fairly short. Humanly short ways are less demanding and are preferable. Some if not many of controversies in regard material assets results from these short and private ways of doing things especially in regard to contracts. Since material goods have the interests of the public it is necessary that the law be applied in full. The law is a sure means for the protection of justice and rights of all persons in all cases. Non-observance of the requirements of law could be one source of conflicts in areas of temporal goods. Either also ignorant of law.

CONCLUSION

The analysis of Canon 634 of the 1983 Code of Canon Law sheds light on how religious institutes manage their temporal goods. The Church grants religious institutes the right to possess whatever is essential for their temporal

[315] Cfr. CIC 1983 Can. 1286.

[316] Cfr. D. TIRAPU, "Acquisition of Goods", in M. ANGEL *et al* (eds.), *Exegetical Commentary on the Code of Canon Law,* vol. IV/1, can 1259, commentary, p. 46.

well-being and the specific mission entrusted to them. Temporal goods of these institutes encompass all assets, both consumable and stable, including foundations owned by the institute. The study further clarified that temporal goods acquired in the name of the institute rightfully belong to the institute. It emphasizes that those acquired lawfully in the institute's name are considered ecclesiastical goods, signifying that the temporal goods of religious institutes essentially fall under Church properties. The regulation of these goods is guided by Canon Law, in accordance with the proper law of the institute, while also taking into account civil law when necessary.

GENERAL CONCLUSION

Canon 634 of the 1983 Code of Canon Law delineates the legal implications surrounding the acquisition, administration, alienation, and other juridical acts related to temporal goods. It goes on to elaborate on acts of administration, making a distinction between ordinary and extraordinary acts. The responsibilities of administrators of ecclesiastical goods and the conditions pertaining to their roles have been also specified. The canon law ensures that legal action can be taken in cases of misconduct or negligence by administrators of ecclesiastical goods. A religious institute retains the right to take action against any administrator causing damage through invalid or unlawful acts. The institute, however, is not held responsible for invalid acts resulting from a lack of proper canonical procedures on the part of its administrators. Conversely, the institute is accountable for the unlawful, yet valid acts performed by its administrators.

To maintain clarity, canon law mandates that the valid and lawful acts in the administration of temporal goods and their conditions must be explicitly defined. This requirement underscores the importance of prescribing these acts in the proper law of each institute or finance directory. However, it is evident that in cases of negligence in the administration of ecclesiastical goods, the bishop retains the right to intervene. The bishop’s actions are aimed at ensuring the protection of the financial well-being of the institute in question. The study has underscored the clear and harmonious relationship between canon law, civil law, and the proper law in safeguarding the properties of religious institutes. The goods acquired by religious institutes and their legal residences are classified as ecclesiastical goods, subject to governance by the norms outlined in Book V of the Code of Canon Law on temporal goods and guided by the specific laws of each institute. Furthermore, the analysis emphasizes that religious institutes are canonically established entities within the Church, serving as instruments of the Gospel message. The distinctive characteristics of public vows, communal life, and separation from the world are exclusive to religious institutes. As a result, individuals who freely choose religious life must adhere to all the obligations outlined for religious institutes in Canon Law and as approved in their constitutions.

The Church entrusts religious institutes, through their diverse charisms, with specific missions carried out in its name. To fulfill these missions, the Church grants the right to religious institutes, their legal residences, and provinces to acquire, possess, administer, and dispose of temporal goods. They are also empowered to dispose of goods acquired in the institute's name for the

same purpose. Canon law advises a vigilant adherence to legal norms, without neglecting civil law where applicable, in the sensitive area of material goods for religious individuals, particularly in the face of the prevailing trends of materialism and consumerism in contemporary society. In the current context, the challenge of upholding evangelical vow poverty as part of religious witness is more complicated and sensitive than it was in the past. To stay focused, religious individuals must remain committed to the charism and traditions of the Church and their respective institutes. Fidelity to God through vows, a zealous commitment to mission, sincere service, and sharing with those in need are crucial means of evangelization in today's world.

BIBLIOGRAPHY

PRIMARY SOURCES

JURIDICAL SOURCES

BENEDICTUS PP. XV. *Codex Iuris Canonici,* Pii X Pontificis Maximi iussu digestus Benedicti Papæ XV auctoritate promulgates, in *AAS,* IX (1917), II, 3-521.

BENEDICTUS PP. XV, *Codex Iuris Canonici,* English Transilation with Extensive Scholarly Apparatus, by PETERS E.N., Ignatius Press, San Francisco 2001.

IOANNES PAULUS PP. II, *Codex Iuris Canonici,* auctoritate Ioannis Pauli PP. II promulgates, in *AAS,* LXXV (1983), Pars II, 1-320.

IOANNES PAULUS PP. II, *Codex Iuris Canonici,* Latin-English ed., Canon Law Society of America, Washington D.C 1999.

IOANNES PAULUS PP. II, *Codex Canonum Ecclesiarum Orientalium,* auctoritate Ioannis Pauli Papæ II promulgates, in *AAS,* LXXXII (1990), 1061-1363.

IOANNES PAULUS PP. II, *Codex Canonum Ecclesiarum Orientalium,* Latin-English ed., Canon Law Society of America, Washington D.C 1992.

CAPARROS E., *Code of Canon Law Annotated,* Wilson & Lafleur Limitée, Montréal.

GALLEN J.F., *Canon Law for Religious: An Explanation,* Alba House, New York 1983.

PETERS E.N., "General Introduction", in *Incrementa in Progressu 1983 Codicis Iuris Canonici, Paulinus Publication, Canada 2005, p. xiii.*

SHEEHY G., *Canon Law and Spirit,* Liturgical Press Collegeville, Minnesota 1995.

CONCILIAR DOCUMENTS AND RELATED WRITINGS

CONCILIUM ŒCUMENICUM VATICANUM II, Constitutio dogmatic de Ecclesia: *Lumen Gentium,* in *AAS,* LVII (1965), 5-71.

CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de Pastorali Episcoporum munere in Ecclesia: *Christus Dominus,* in *AAS,* LVIII (1966), 673-701.

CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de accomodata renovation vitæ religiosæ:*Perfectæ Caritatis,* in *AAS,* LVIII (1966), 702-712.

CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de activitate missionali Ecclesiæ: *Ad Gentes,* in *AAS,* LVIII (1966), 947-990.

CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de apostolatu laicorum: *Apostolicam Actuositatem,* in *AAS,* LVIII (1966), 837-864.

CONCILIUM ŒCUMENICUM VATICANUM II, Declaratio de libertate religiosa: *Dignitatis Humanæ,,* in *AAS,* LVIII (1966), 929-946.

CONCILIUM ŒCUMENICUM VATICANUM II, Decretum de Presbyterorum ministerio et vita: *Presbyterorum Ordinis,* in *AAS,* LVIII (1966), 991-1024.

CONCILIUM ŒCUMENICUM VATICANUM II, Constitutio Pastoralis de Ecclesia in Mundo Huius Temporis: *Gaudium et Spes,* in *AAS,* LVIII (1966), 1025-1120.

TANNER N.P., *Decrees of the Ecumenical Councils,* vol. II, *Trent to Vatican II,* Sheed & Ward and Georgetown University Press, New York 1990, p. 1117.

VORGRIMLER H., ET ALII (eds.), *Commentary on the Documents of Vatican II,* Vol. II, Herder and Herder, New York 1968, p. 360.

WALTER M., (ed.), *The Documents of Vatican II,* in a New and Definitive Translation with Commentaries and Notes by Catholic, Protestants and Orthodox Authorities, Herder and Herder Association Press, New York 1966, p. 475.

PAPAL DOCUMENTS

LEO PP. XIII, Encyclical Letter *Rerum Novarum: Acta Leonis XIII,* 11 (1892), pp. 97-144.

PIUS PP. XI, EncyclicalLetter, *Quadragesimo Anno,* in *AAS,* XXIII (1931), p. 199.

PIUS PP. XII, Radio Broadcast on Pentecost, 1 June 1941, in *AAS,* XXXIII (1941), p. 199.

PIUS PP. XII, Apostolic Constitution *Sponsa Christi Ecclesia,* 21 November 1950, in *AAS,* XLIII (1951), pp. 5-24.

IOANNES PP. XXIII, Encyclical Letter *Mater et Magistra,* in *AAS* LIII (1961), pp. 417-21

IOANNES PP. XXIII, Radio and Television Message, 11 September 1962, in *AAS,* LIV (1962), p. 682.

IOANNES PP. XXIII, Encyclical Letter *Pacem in Terris,* in *AAS* LV (1963), pp. 272-3.

PAULUS PP. VI, Norms for Implementing the Decree: On the Up-To-Date Renewal of Religius Life *Ecclesiae Sanctae II,* 6 August, 1966, n. 23,

PAULUS PP. VI, Encyclical Letter *Populorum Progressio,* March 26 1967, nn. 14, 48-9, in *AAS,* LIX (1967), pp. 281-84.

PAULUS PP. VI, Apostolic Letter *Octogesima Adveniens,* 46 in *AAS* LXIII (1971), pp. 433-435.

PAULUS PP. VI, Apostolic Exhortation, *Evangelii Nuntiandi* 8 December 1975, in *AAS* LVIII (1975) pp. 7-76.

IOANNES PAULUS PP. II, Apostolic Constitution *Sacrae Disciplinae Leges,* 25 January 1983, in *AAS* LXXV (1983-II), 7-14.,

IOANNES PAULUS PP. II, Constitutio Apostolica De Romana Curia, *Pastor Bonus* in *AAS* LXXX (1988-II), pp. 886-88.

IOANNES PAULUS PP. II, Litteræ Encyclicæ: *Redemptoris Missio,* in *AAS,* LXXXIII (1991), 249-340.June 10 (1979, in *AAS,* LXIII (1971), pp. 631-632.

IOANNES PAULUS PP. II, Encyclical *Centesimus Annus,* 1 May 1991, nn. 42, 30-43, in *AAS,* LXXXIII (1991), pp. 793-867.

IOANNES PAULUS PP. II, *The Catechism of the Catholic Church,* Paulines Publications Africa Nairobi, 1995 n. 2420.

IOANNES PAULUS PP. II, Adhortatio Apostolica Post- Synodalis *Vita Consecrata,* n. 89, in *AAS* LXXXVIII (1996), p. 464.

FRANCISCUS PP., Apostolic Exhortation, *Evangelii Gaudium* 24 November, 2013, *in AAS* 105 (2013), p. 1038

DOCUMENTS OF ROMAN CURIAL

CONFÉRENCE DES SUPÉRIEURS DE FRANCE, CONFÉRENCE FRANÇAISE DES SUPÉRIEURES MAJEURES, COMITE CANONIQUE DES RELIGIEUX, "Les actes d'administration ordinaire et extraordinaire", in *Directoire canonique,* Paris 1986, pp. 239-41

CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *The Management of the Ecclessiastical Goods of Institutes of Consecrated life and Societies of Apostolic Life,* Libreria Editrice Vaticana Roma, 2014.

CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *Guidelines for the Administration of the Assets in Institute of Consecrated Life and in Societies of Apostolic Life,* Libreria Editrice Vaticana 2015.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta* Commissionis: in *Communicationes,* V (1973), p. 94.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* X-XI (1978–1979), 337.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* XI (1979), 345.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* XII/1 (1980), 175–176.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* XII (1980), 177–182.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* 12 (1980), 405.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* 12–13 (1980–1981), 131, 132, 134.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* 14 (1982), 145.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Acta Communicationes,* 16 (1984), 35.

SACRED CONGREGATION FOR RELIGIOUS, Decree on Pensions and Subsidies for Military Service prior to Religious Profession, March 16, 1922 in *AAS* XIV (1922), 196.

SYNOD OF BISHOPS, II Ordinary General Assembly, *The Consecrated Life and its Role in the Church and in the World. Instrumentum Laboris,* Libreria Editrice Vaticana 1994.

SYNOD OF BISHOPS, II Special Assembly for Africa *Lineamenta. The Church in Africa in service to Reconciliation, Justice and Peace,* Paulines Publications Africa, Nairobi 2006.

The Convention Between the Catholic Diocese of Moshi and The Non-clerical Institute of Consecrated Life or Society of Apostolic Life, Moshi 2009.

SECONDARY SOURCES

DICTIONARIES/ ENCYCLOPEDIAS AND COMMENTARIES

ALLEN R.E., (ed.), *The Concise Oxford Dictionary of Current English*, Eight ed., Clarendon Press-Oxford 1990, pp.1256

ANDRÉS D.J., *El derecho de los religiosos, Commentario al Código*, Roma 1984, pp. 110-11

ANDRÉS D.J., *Le forme di vita consacrata. Commentario teologico-giuridico al Codice di Diritto Canonico,* sesta edizione di el derecho de los religiosos, Ediurcla, Rome 2008, p. 101.

BEAL J.P., ET ALII (eds.), New *Commentary on the Code of Canon Law,* Theological Publications in India, Bangalore 2003, p. 802.

BEAL J.P., ET ALII (eds.), *New Commentary on the Code of Canon Law,* Theological Publications India, Bangalore 2010.

BURKE J., *A Dictionary of Canon Law: An African Inculturated Edition,* Revised and updated by R. LEŻOHUPSKI, Paulines Publications Africa Nairobi, 2014.

CAPARROS E., ET ALII (eds.), *Code of Canon Law Annotated,* Wilson & Lafleur Limitée, Montréal 2004.

CATHOLIC UNIVERSITY OF AMERICA ((cur.), *New Catholic Encyclopedia,* vol. X, Jack & Associates, Inc., Palatine, III, Washington 1981.

CLARKE P.B., ET ALII (eds.), *Dictionary of Ethics,* Theology and Society, Routledge 29 West 35th Street, New York 1997, s.v. "Property", pp. 686-690.

DE V. PAOLIS, "Beni ecclesiastici", in *Nuovo dizioniario di diritto canonico,* San Paolo, Milano 1993, p. 100.

HORNBY A.S., ET ALII (eds.), *Oxford Advanced Learner's Dictionary of Current English,* Ninth ed., Oxford University Press, 2015, p. 676.

KORTH B.E., ET ALII (eds.), *Canon Law. A Text and Commentary,* Fourth ed., The Bruce Publishing Milwaukee, New York 1963, p. 235

LEZÒHUPSKI R., *A Dictionary of Canon Law,* rev. ed., Paulines Publications Africa, Nairobi 2014.

MARZOA A.J., ET ALII (eds.), *Exegetical Commentary on the Code of Canon Law,* vol. II/2, Wilson & Lafleur Limitée, Montréal 2004.

MICHAEL G., ET ALII (eds.), *The Modern Catholic Encyclopedia,* Gill & Macmillan, New York 1994, s.v. "Religious Institute", p. 434,

PINTO P.V., *Commento al Codice dei Canonici delle Chiese Orientali,* Libreria Editrice, Vaticana 2001

STRAVINSKAS M.J. (ed.), *Our Sunday Visitor`s Catholic Encyclopedia,* Our Sunday Visitor, Inc. Huntington, Indiana 1991.

WOYWOD S., ET ALII (ed.), *A Practical Commentary on the Code of Canon Law,* Rev. ed., vol. 1, Joseph, F. Wagner, Inc., New York 1948, p. 233.

BOOKS AND ARTICLES

ANDÈS D.X., "Gli istituti Religiosi (cann. 607-709)", in *Vita Consacrata* XIX (1983), p. 558.

ANDRÉS D.J., *La Vita Consecrata,* Roma 1999.

AVILA C., *Ownership Early Christian Teaching,* Sheed and Ward, New York 1983

AZNAR F., *La administración de los bienes temporales de la Iglesia. Legislación universal y particular espoñola,* Salamanca 1984.

BOT L.M., "Le droit universel et le droit particulier dans la vie consacrée", in *"Le ius particulare" dans le droit canonique actuel,* pp. 173-193.

BOUSCAREN T.L., *et al* (ed.), "Church Property" in Canon Law: A Text and Commentary, Fourth Revised ed, The Bruce Publishing company Milwaukee 1963, pp. 800-1).

BOUSCAREN T.L., *et al* (ed.), "Temporal Goods and their Administration" in Canon Law: A Text and Commentary, Fourth Rev. ed., pp. 255-56.

BRIAN E.F., *Introduction to the History of the Sources of Canon Law: The Ancient Law up to the Decretum of Gratian,* Wilson & Lafleur Canada, 2007.

BURKE J., *A Dictionary of Canon Law,* First Revised Edition, Don Bosco Publications, Abuja 2006.

COCCOPALMERIO F., "L`élaboration du droitp articulier pour les Églises particulières dans le contexte de la loi universelle de l'Église", in *"Le ius particulare" dans le droit canonique actuel* (Sous la direction de arc Aoun et Jeanne-Marie Tuffery- Andrieu, Editions Artège, Perpignam 2012.

CHRISTIAN B., *Diritto Patrimoniale, Canonico,* Lateran University Press, Vaticano 2007.

CHRISTMAS L., *The canon 584 CCEO and the Missionary Action of the Church,* Rome 1997.

DANAHER J.J., "The New Code and Catholic Health Facilities: Fundamental Obligations of Administrators," in *The Jurist,* 44 (1984), pp. 143-152.

DE PAOLIS V., *La vita consacrata nella Chiesa,* Edizione rivista e ampliata a cura di Vincenzo Mosca, Macianum Press, Venezia 2011.

DE PAOLIS V., "Beni ecclesiastici", in *Nuovo dizioniario di diritto canonico,* San Paolo, Milano 1993, p. 100.

DE PAOLIS V., *I beni temporali della Chiesa,* Edizioni Dehoniani, Bologna 1996.

DE PAOLIS V. "Temporal Goods of the Church in the New Code with Particular References to Institutes of Consecrated Life", in *The Jurist,* 43 (1983), pp. 343-360.

DOMINGO A.X., "Le innovazioninellibro II parteIII delnouvo Codice di Diritto Canonico sugli IVC e SVA (Cann. 573-746)", in *Vita Consacrata* (XIX)1983) mensile per Istitutireligiosi e Secolari, Editrice Ancora Milano1983, p. 567.

FREMANTLE A., *The Papal Encyclicals in their Historical Context, The Teachings of the Popes from Peter to John XXIII,* New American Library, New York 1963, pp. 337, 339.

GAUTHIER A., "Juridical Persons in the Code of Canon Law", in *Studia Canonica,* 25 (1990), pp. 81-84

HITE J., "Church Law on Property and Contracts", in *The Jurist,* 44 (1984), pp. 117-133.

HOLLAND S., "Glossary", in J. HITE, *et al* (ed.), *A Handbook on Cann.573-746,* p. 335.

HOLLAND S.L., "Institutes of Consecrated Life [573-606]" in J.A. CORIDEN, *et al* (eds.), *The Code of Canon Law. A Text and Commentary,* Paulist Press, New York 1985, p. 453.

JIMENEZ E.A., *Nell Servizio dell' Identita' Charsmatica,* Libreria Editrice Vaticana, 2017.

KALILOMBE P., "A Call to Self-reliance of the Church in Africa", in *African Ecclesial*

KENNEDY R.T., "Juridic Persons", in J. P. BEAL *et al* (eds.), New *Commentary on the Code of Canon Law,* can. 113 commentary p. 154.

KENNEDY R.T., "Administration of Temporal Good [Cann. 1273-1289]", in J.P. BEAL *et al* (eds.), *New Commentary on the Code of Canon Law,* Can. 1273, p. 1474.

KIESO D.E - WEYGANDT J.J., *Intermediate Accounting,* 9th ed., John Wiley & sons, Inc., New York 1998.

LONEMA F., "The Concept of License Applied to the Alienation of Ecclesiastical Goods", in African Christian Studies Vol. 27, n. 2 (June 2011), p. 76

LOURDES J.L., "The Vow of Poverty and the Temporal Goods of Religious According to the Proposed Code", in *Proceedings of the Forty-Fourth Annual Convention,* (CLSA), Washington 1983, pp. 207-218.

MARTIN De AGAR J.T., *A Handbook on Canon Law,* Wilson & Lafleur, Canada 1999.

MAcDERMOTT R.M., "Can. 588" in J.P. BEAL ET ALII (eds.), *New Commentary on the Code of Canon Law,* p. 756.

MAcDERMOTT R.M., "607", in J.P. BEAL ET ALII (eds.), *New Commentary on the Code of Canon Law,* pp.773-74.

MAcDERMOTT R.M., "668", in J.P. BEAL ET ALII (eds.), *New Commentary on the Code of Canon Law,* pp. 837.

MELVILLE G-MIXSON J.D., (eds.), *The World of Medieval Monasticism: Its History and Forms of Life.* Cistercian Publication Collegeville, Minnesota 2016.

MOLANO E., "Juridical Persons" in E. CAPARROS *et al* (ed.), *Code of Canon Law Annotated,* second edition revised and updated of the 6th Spanish language edition, Wilson & Lafleur Limitée Montréal 2004, pp. 97-98.

MORISSEY F.G., "Conveyance of Ecclesiastical Goods", in *Proceedings of the 38th Annual Convention* (CLSA 1976), pp. 123-37

MORISSEY F.J., "Temporal Goods and their Administration", in M. ANGEL ET ALII (eds.), *Exegetical Commentary on the Code of Canon Law,* p. 1673

MORRISEY F.G., "Ordinary and extraordinary administration: Can. 1277", in *The Jurist,* 48 (1988), pp. 709-726.

MORRISEY F., "The Alienation of Temporal Goods in Contemporary Practice", in *Studia Canonica,* 29 (1995), pp. 293-316.

MORRISEY F., "The Vow of Poverty and Personal Patrimony", *CLS* 72 (December 1987), pp. 28-30

MYERS J.J. "Foreword" in *The Pio-Benedictine Code of Canon Law,* English Trans., Ignatius Press, New York 2001, p. xxi.

RAFFAELE C., "I beni temporali della Chiesa", in P. V. PINTO, *Commento al Codice dei Canonici delle Chiese Orientali,* Libreria Editrice, Vaticana 2001, pp. 845-76.

RAYANNA P., "Moral or Juridical Person?" in *The Jurist,* 18 (1958), p. 460

RINCÒN T., "Administration of Temporal Goods", in E. CAPARROS *et al* (eds.), *Code of Canon Law Annotated,* Can. 1280 commentary, p. 987.

RINCÒN T., "Obligations and rights of Institutes and of their members", in E. CAPARROS, *et al* (eds.), *Code of Canon Law Annotated,* Can. 670, commentary, p. 535.

RINCÒN T., "Religious Institutes", in E. CAPARROS ET ALII (eds.), *Code of Canon Law Annotated,* CIC 1983, Can. 574, p. 474.

ROBLEDA O., "De Conceptu actus iuridicis", in Periodica, 51 (1962), pp. 413-46. Trans. By HUGHES M., in "A New Title in the Code: Juridical Acts", in *Studia Canonica,* 14 (1980), pp. 391-403.

SMITH R., "The Governance of Institutes [Can. 617-640]", in J.P. BEAL, ET ALII (eds.), *New Commentary on the Code of Canon Law,* Can. 620, p. 782.

SUGAWARA Y., *Religious Poverty: Form Vatican II Council to 1994 Synod of Bishops,* Loyola Press, 1997, p. 127-8.

TIRAPU D., "Acquisition of Goods", in M. ANGEL ET ALII (eds.), *Exegetical Commentary on the Code of Canon Law,* Vol. IV/1, Wilson & Lafleur Limitée, Montréal 2004, pp. 41-80.

TIRAPU D., "The Directory for the Administration of Temporal Goods in Religious Institutes", in *Unico Ecclesiae servitio. Études de droit canonique offertes à Germain Lesage,* Ottawa 1991, pp. 267-285.

WIJLENS M., "Juridic Acts: Cann. 124-28", in J.P. BEAL et, *al* (eds.), *New Commentary on the Code of Canon Law,* p. 180.

OTHERS

EVANGELIZING SISTERS OF MARY, *The Constitutions,* Marianum Press, Kisubi 1977.

EVANGELIZING SISTERS OF MARY, *The Constitutions,* Immaculate Printers, Nairobi 1988.

EVANGELIZING SISTERS OF MARY, *Chapter Resolutions,* "Financial Administration" 2nd General Chapter, Nairobi 1994.

MARENGONI J., *Guide to Prayer,* Nova Stampa di Verona, 1979

PIERALBA F., *History of the Evangelizing Sisters of Mary,* Unpublished Document, Nairobi 1992.

https://archive.org/stream/jstor-25011854/25011854_djvu.txt

http://kenyalaw.org/caselaw/cases/view/141865/

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