

Art. 39. The Administration of the Goods of the Association

§1. The Association of Salesian Cooperators, in that it is a public ecclesiastical juridic person, has the ability to acquire, possess, administer, and alienate temporal goods, according to the norms of the Law. The goods owned by the Association as such are ecclesiastical goods.

§2. The Rector Major, with the World Council, administers the goods of the Association at the World Level and is the competent authority in granting to the Local and Provincial Councils the permissions needed to establish acts of extraordinary administration and alienation which do not require the intervention of the Apostolic See.

§3. The Councils, through a Treasurer chosen from within the Council, care for the management of the goods of the Association. The Treasurer also prepares the "Statement of Cash Flow" to present annually to the Council of the next higher Level.

CONSIDERATIONS

Core Themes

1. Administration of Ecclesiastical Goods
2. The Legal Representative
3. Administrative Functions

Keys to Understanding

A. Administration of Ecclesiastical Goods

In order to deepen one's understanding of the topic "administration," we must clarify, first of all, what it means to be an Association which is recognized by the Holy See as a "public juridic ecclesiastical person" in such a way that everyone has the same vision regarding action and operation in our Centers and on our Councils. The term "administration" has a double semantic meaning which ought not lead us into error. "To administrate," in fact, can mean to carry out the proper function of the ecclesiastical authority, which differs from that of legislating and judging and which consists of acts of governance within the law. Alongside this meaning belonging to the sphere of the power of jurisdiction, there is another of an economic kind, which seeks to preserve funds, to make money, and to improve the patrimony. It must be kept in mind, then, that the ecclesiastical Legislator uses the term in both senses: when, for example, he regulates the administrative act, he is evidently making reference to the first definition; when, however, he establishes the need for a public juridic ecclesiastical person to have a Treasurer, he is using it in the sense of the second definition of "administering". (see Canon 1279)

It is important to be aware of this distinction when it comes time to evaluate, in particular, "the administration of goods" because, in such an evaluation, the Legislator will use both senses of the term 'administration' in respect to Church property. Concretely-speaking, when Canon 1273 qualifies the Roman Pontiff as the supreme administrator of ecclesiastical goods, he refers to the power of jurisdiction of the Pope over the Church and, therefore, over the goods of public juridic persons for the purposes proper

to the Church, rather than to an administrative function of an economic power based on the power of an owner over his goods.

The administration of the assets of the "public juridic ecclesiastical person" points out, first of all, the attribution of supervision of administration to the Ordinary. This supervision includes the right of inspection; of requiring accounts, of establishing the modalities of a fair and orderly administration; of granting permission for certain administrative acts of a certain weight or relevance. (See Canons 1277, 1281, 1285, 1292). This supervision *does not* include, therefore, the right to *substitute* the representation in administration, except when other legitimate titles or the general law (e.g., for the Religious) give him greater permission. *The canonical norm stipulates that the Ordinary can make up for the representation only in case of negligence of the legal representative, or, where that is attributed to him by particular law or by the statutes.* (See Canons 1276,1277, 1279, 1281, 1285, 1292)

It also attributes to the Ordinary *regulatory* authority over *the administration* of ecclesiastical goods in accordance with instructions given in conformity with the universal and particular law, and taking account individual rights and legitimate customs and circumstances. The Ordinary, therefore, as appropriate, may issue instructions to clarify and specify the manner and timing of the implementation of laws concerning Church property, in the spirit and within the limits of the universal law, both complementary and particular (Episcopal Conference, Assembly of Bishops of the Ecclesiastical Provinces, Diocesan Laws), effective for all juridic persons subject to him. (see Canon 1276; and "Animating Economic Solidarity")

The temporal goods of the Association are governed not only by the norms cited in the *Statutes* and *Regulations* of the *Project of Apostolic Life*, but primarily in the Canons of the *Code of Canon Law*, which are integrated into its articles.

The possession and use of the Association's temporal goods, inasmuch as they are ecclesiastical goods, must be commensurate with the achievement of the ends proper to the Association; those responsible for the goods of the Association, on the Local, Provincial, and World levels are held to respect the cited norms, adjusting themselves to the same principles. This administration of ecclesiastical goods falls to the one who governs first-hand the persons to whom the goods pertain. By applying this principle in different areas, within the competence of the administration of the goods of the Association, the Salesian Cooperators make use of the general principle offered in Canon 118 concerning the canonical representation of ecclesiastical entities, which states: "Representing a *public juridic person* and acting in its name are those whose competence is acknowledged by universal or particular law or by its own statutes. Representing a private juridic person are those whose competence is granted by statute."

B. *The Legal Representative*

Since the Association of Salesian Cooperators (ASSCC) is a *public juridic ecclesiastical person*, it draws its origins from the authority of the Church (Canon 301 §3), acts in Her name (Canon 116 §1) and derives from the Church its ability to administer its goods (Canon 1255) and to pursue those ends proper to the Church. (Canon 301 §1).

Within the Association, the Ordinary is the Rector Major at all levels – Local, Provincial, and World – and he carries out the functions of the Supreme Moderator of it. He is the guarantor to the Holy See on the universal scope in his capacity as the "Superior of the Association." To exercise this function,

he ordinarily avails himself of the World Coordinator and the SEM. Given his great personal responsibility to the Association, he can commission:

- As his delegate, the SDB Provincial for the Provincial and Local Levels, from the moment that: "within the area of the specific responsibilities to the Society of St. Francis de Sales, he makes the ministry of the Rector Major present." (*Statutes* 35) and
- The respective Council as regards the specific nature of the role of the public juridic person: this is assumed directly and freely by the World, Provincial, and Local Councils of the Salesian Cooperators. In its autonomy, it is represented by its own Coordinator. It has the ability to administer, to acquire, and to alienate goods of the Association in all those operations which are pertinent and relative to property, possessions, and contracts.

In order to carry out acts of extraordinary administration, the Local, Provincial, and World Councils of the Association of Salesian Cooperators must request permission from the competent authority according to the norms of law and sanction it under the rule of law only after gaining the consent and approval of the Rector Major. (*Statutes* 39 §2) It falls to the Rector Major, availing himself of the SEM concerning economic affairs, to concede to the Councils (Local, Provincial, and World) the permission to carry out acts of extraordinary administration and alienations which do not require the intervention of the Apostolic See* – without which the Acts could be made invalidly.

*[Canon 1292 §2. The permission of the Holy See is also required for the valid alienation of goods. §3. If the asset to be alienated is divisible, the parts already alienated must be mentioned when seeking permission for the alienation; otherwise the permission is invalid. §4. Those who by advice or consent must take part in alienating goods are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and of previous alienations. Canon 1293 §1. The alienation of goods whose value exceeds the defined minimum amount also requires the following: 1/ a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason; 2/ a written appraisal by experts of the asset to be alienated. §2. Other precautions prescribed by legitimate authority are also to be observed to avoid harm to the Church. (*Code of Canon Law*)]

C. Acquisition and Alienation of Goods

In that the Association is a public juridic ecclesiastical person, it can acquire temporal goods by every just means of natural or positive law permitted to others, except for the term "Church" in Book V of the *Code of Canon Law*. One particular way of acquiring temporal goods is foreseen in the Convention for the Local Centers and the Provincial Council:

- in the fusion of Centers, the new Center assumes the active and passive relationships of the two previous ones, except if there is a different disposition stated in the Decree of Fusion;

- in the suppression of Centers, “the temporal goods and suppressed Centers, including the active and passive economic relationships, pass to the Provincial Council, except if a different disposition is stated in the Decree of Suppression” (see *Code of Canon Law* Book V No. 4); the transfer of the rights of ownership of the goods of the Association of Salesian Cooperators is understood as being from the Association itself to a different subject.

According to the *Code of Canon Law*, “any transaction which can worsen the patrimonial condition of a juridic person” also falls under the topic of alienation. (Canon 1295)

“The permission of the authority competent according to the norm of law is required for the valid alienation of goods which constitute by legitimate designation the stable patrimony of a public juridic person and whose value exceeds the sum defined by law”. (Canon 1291)

The object being alienated, as in other pejorative contracts, is, therefore, that which constitutes, through allocation done according to the norms of Civil or Canon Law, the stable patrimony of the Association as such; in other words:

- acts of transfer concerning the rights to patrimonial contents to another subject such as through a sale, exchange, or a donation, whose value is superior to the maximum amount whose imports has been established by the Bishops’ Conference of one’s respective country, which, in practice, is different according to the economic situations of the various regions of the world;
- acts which bring with it burdens regarding the patrimony and put its solidity in danger (such as mortgages, easements, loans, leases, guarantees, perpetuity, waiver of accepting donations or modal legacies, usufruct, transaction); or
- acts of management which, in the economic context of the moment, may carry with them a risk as concerns criteria of prudent and honest administration, even under a pastoral profile even under the pastoral profile, specifically:
 - ✓ starting, entering into, or assuming participation in entrepreneurial activities (whether industrial were considered commercial, and having fiscal ends);
 - ✓ introduction of third parties as regards the possession of immovable goods outside duly-approved negotiations;
 - ✓ investments for works of construction, remodeling, or restoration; or
 - ✓ change in the destination of the use of immovable goods.

By applying the dispositions of Canon Law and of the Association of Salesian Cooperators, the World, Provincial, and Local Councils, within the sphere of their competence, may validly alienate immovable goods of the Association, under two conditions:

- ✓ only if the price falls below the maximum amount fixed by the Bishops’ Conference; and
- ✓ only after the approval of the Rector Major and after having received the prior permission on the part of the World Council.

Besides such permission, the *Code of Canon Law* also demands the intervention of the Apostolic See regarding the validity of alienation in the following cases:

- when the value exceeds the maximum amount,

- when under consideration are goods given to the Church by vow, and
- when under consideration are goods precious for artistic or historical reasons.

It seems opportune also to recall that 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 insofar as the matters are subject to the power of governance of the Church unless the provisions are contrary to Divine Law or Canon Law provides otherwise, and without prejudice to the prescript of Canon 1547, regarding witnesses in various cases.

References

ASSCC *Commentario Regolamenti di Vita Apostolica; Progetto di Vita Apostolica; Animare Solidarietà Economica*.

Francesco, *Evangelii Gaudium*, 217 – 237.

Francesco, *Lumen Fidei*, 2013, 50-51.

Pontificio Consiglio per i Laici, “Gli Statuti delle Associazioni”. Mons.Miguel Delgado Galindo *Linee orientative per la gestione dei beni*, LEV 2014.

[Translator’s Note: The following two works may be of help in understanding the legalities and reality of the interplay between Canon Law and Civil Law in the USA and Canada: *Church Property—A Commentary on Canon Law Governing Temporal Goods in the United States and Canada* by John A. Renken. Ottawa: Saint Paul University, 2009. Also, please see: *Guidelines for the Administration of the Assets in Institutes of Consecrated Life and Societies of Apostolic Life*.]

from the *Code of Canon Law*

Can. 1292 §2. The permission of the Holy See is also required for the valid alienation of goods whose value exceeds the maximum amount, goods given to the Church by vow, or goods precious for artistic or historical reasons.

Can. 1295 The requirements of cann. 1291-1294, to which the statutes of juridic persons must also conform, must be observed not only in alienation but also in any transaction which can worsen the patrimonial condition of a juridic person.

Can. 1293 §1. The alienation of goods whose value exceeds the defined minimum amount also requires the following:

- 1/ a just cause, such as urgent necessity, evident advantage, piety, charity, or some other grave pastoral reason;
- 2/ a written appraisal by experts of the asset to be alienated

from the *Regulations of the Project of Apostolic Life*

Art. 36 The Administration of the Goods of the Association

The Rector Major, with the World Council, administers the goods of the Association at the World level.

He represents the competent authority to grant to the Local and Provincial Councils the permissions to accomplish extraordinary acts of administration and of the alienation of goods, which do not require the intervention of the Holy See, with the directives of Article 39 §3 of the *Statutes* remaining in full force, and in accordance with what is specified in the ASE document.

from the 2018 *Animating Economic Solidarity*

Chapter 1

Animating Economic Solidarity

1.1 Why Economic Solidarity Exists

The Association of Salesian Cooperators exists for the purpose of realizing Don Bosco's very mission for the good of the young and, above all, for the poorest and most abandoned, by contributing to the salvation of youth in a fraternal form as an Association. (Statutes, Articles 2 and 6, in *Project of Apostolic Life*).

In order to put into effect its mission, however, the Association needs the initiatives and contributions of each Salesian Cooperator, in a spirit of solidarity: "*Help each other carry one another's burdens, and in this way, you will obey the law of Christ.*" (Galatians 6:2). It is not enough to express a solidarity which is restricted to one's own Local Center because the Association embraces all the Centers; therefore, it is absolutely necessary for us to realize that we are all like little strands united together into one cord so that, like members of one family, we can support each other reciprocally.

Therefore: "*With responsibility and a sense of belonging, every Salesian Cooperator supports the economic autonomy of the Association so that it can carry out its mission.*" (Statutes, Article 22 §2, in *Project of Apostolic Life*)

The Association is one single entity only and economic solidarity is the life blood that helps and nourishes the Local, Provincial, and World Councils in the development of each one's proper task of governance and animation for the good of the mission.

Why do we speak of economic solidarity?

What is solidarity? It is taking care of the other; it is a form of participation, and, in short, it is **presence!**

Why do we use the term "economic"? Because in the spirit of solidarity, we are all called to participate, according to the "*charity dictated by each one's heart,*" in supporting the Association.

This global vision of the Association inevitably means that every higher level of governance should make known to the next lower level of governance, at the proper time and through the sharing of a detailed budget, what are its monetary needs for the expenses incurred in carrying out its mission.

To sustain his innumerable works, economically-speaking, Don Bosco relied on three channels:

- the generous gift of self
- asking others for help
- trust in Divine Providence

1.2 How to Animate Economic Solidarity

Economic Solidarity is able to exist and does exist only thanks to the Salesian Cooperators who, animated by a sense of belonging to the Association and of co-responsibility, contribute economically to the running and fulfillment of the mission at the local, provincial, and world levels. (Regulations, Article 8)

In the *Project of Apostolic Life*, **Economic Solidarity** is spoken of in the *Statutes* in Article 22 §2 and in the *Regulations* in the following articles: Article 8; Article 21 §1; Article 22 §2; Article 25 §5; Article 26 §2.

The common denominator among all these articles is **economic solidarity, founded upon: generosity, co-responsibility, and a sense of belonging!** If these elements are missing, the entire plan is devoid of meaning.

The management of economic solidarity avails itself, therefore, of some sharing instruments and operating elements which are kept uniform for greater clarity and efficacy.

These elements may be defined thus:

- the sharing of economic solidarity; and
- the Association's budget and cash flow statements – the sharing instruments.

➤ **SHARING ECONOMIC SOLIDARITY**

The starting point for this entire "economic solidarity" operation is that of making known the economic needs of the Association to the Salesian Cooperators.

It is evident that all the Salesian Cooperators must support the funding of the expenditures for the functioning of the entire Association at the various levels; therefore, it is necessary that there be clarity of understanding about what the actual needs are. To this end, *“The Association, through the World Council, elaborates an annual plan of economic solidarity based on animation needs for the development of the entire Association.”* (Regulations, Article 8 §3, in *Project of Apostolic Life*)

The World Council, therefore, through its Treasurer, draws up a budget of the expenses that the Council presumes necessary to sustain it for the current year, based on the activities it has planned for that year at the world level.

The contributions and the resources necessary to request of each Province are calculated on the basis of two items: the Gross Domestic Product, or GDP, of the territorial region to which each province belongs and the number of Salesian Cooperators in said province, as communicated by the province itself via the annual census.

Assignment of a Tax Identification Number (TIN)

Attentive to the signs of the times, and so that the Association's service for the good of the young may receive public recognition – especially as a non-profit organization - and obtain subsidies that enable it to dedicate itself more effectively to its mission, Provinces and Local Centers are permitted to ask for their own TIN – tax ID number.

Regulations Article 5 §2 of the *Project of Apostolic Life* states, in fact: “*The Association can take the steps necessary to be recognized as a civic nonprofit organization in those places in which they consider it opportune*”. The Statutes of the *Project of Apostolic Life* – in Article 12 §3 – also makes reference to this point, where it is written that: “*Salesian Cooperators can carry out their apostolic commitment in works run autonomously by the Association and in initiatives which respond to the most pressing needs of their locality.*”

Chapter 3

Guidelines for Presenting Plans for a Proposed Project

3.1 Introduction

*Salesian Cooperators know they are ‘in intimate solidarity’ with the society in which they live and for which they are called to be light, salt, and leaven. They believe in the interior resources of the person. They share the values of their own culture and they commit themselves to work so that it may be guided by Christian humanism. They promote new realities with a critical Christian sense. They integrate into their life ‘all that which is good’ adopting a listening stance, especially as regards the young, in discerning the signs of the times. Faced with socio-cultural challenges and difficulties, they adopt a critical and constructive attitude. They work with commitment to spread a Christian culture and ethic of welcome and solidarity in society. (Statutes, Article 16, in *Project of Apostolic Life*)*

Motivated by this article of the *Project of Apostolic Life*, the World Executive Secretary (SEM) holds that the Association of Salesian Cooperators can give itself full concreteness by immersing itself in society through the realization of planned initiatives promoted by the Association itself. In fact, through some concrete projects, the Salesian Cooperators can approach the young to help them become “*good Christians, upright citizens, and future inhabitants of Paradise*”.

Carrying out projects means, precisely, that when “*faced with socio-cultural challenges and difficulties, they adopt a critical and constructive attitude*” – especially where those challenges and difficulties which the young encounter in every part of the world are concerned. Discerning the signs of the times means, therefore, seeing and recognizing the needs of our young people through listening to their cries for help and then transforming those cries into opportunities for human and spiritual growth.

For this reason, the SEM has deemed it opportune to draft a short and helpful guide for those Local Centers and Provinces which intend to present to the World Council some projects to be financed and realized.