



# INTERNATIONAL FORUM ON THE LAY MARIST VOCAATION

STAGE II

July 2021 - June 2022

WELCOMING, NURTURING, LIVING AND SHARING OUR VOCATION.

Sheet 4 - Annex 4

Legal structures

ITINERARIES AND PROCESSES OF FORMATION AND MENTORING - SHEET 4 / 4

## POSSIBLESIBLE LEGAL STRUCTURES FOR THE LAITY

Annex 4

### ASSOCIATION

From "Léxico Marista"

A group of people who come together to the same aim and, when applicable, the legal personality they create. Therefore, the term *association* indicates the union of individuals with a specific purpose, an entity formed by a group of associates or partners for the stable pursuit of a common goal. When an association is founded, it is usually endowed with legal personality, becoming therefore a legal person different from its members, and owning the assets they ascribe to it, which they can use to pursue the goals stated by the association's statutes.

In general terms and for the purpose of our lexicon,

we will consider two forms of association: *nonprofit organizations* and *associations of the faithful*. A *nonprofit organization* is a private entity with full legal personality formed by natural persons pursuing cultural, educational, promotional, sporting or other similar purposes, and promoting sociocultural activities among its members and/or third parties<sup>1</sup>. In synthesis, a nonprofit organization is a private legal person representing a group of natural persons who, with due authorization from the State, come together to engage in activities aimed at the common good. Their distinctive feature is the fact that they pursue no commercial or economic revenue, and therefore the term *nonprofit*.



<sup>1</sup> Wikipedia, *Asociación civil* (nonprofit organization).



An *association of the faithful* is a form of organization contemplated by Canon Law that falls under ecclesiastical authority. Associations of the faithful can be private or public. *Public associations of the faithful* are erected by Church authority. The decree erecting a public association also establishes its ecclesiastical legal person and ascribes, to the necessary extent, a mission on behalf of the Church according to the purpose of the association<sup>2</sup>. The Holy See is the competent authority when it comes to erecting an international public association of the faithful. Episcopal Conferences can erect national associations, and Bishops, diocesan associations. The process of establishing, reviewing or changing the statutes of a public association requires the respective ecclesiastical authority's approval. In a non-clerical association, a lay person can become president.

*Private associations of the faithful* – precisely because they are directed and administered by the same faithful in agreement with their statutes – are freer in relation to a number of legal obligations, although Canon Law, according to 2 Cf. Code of Canon Law 312-320.

According to the case, still applies to them. To be recognized as such by Canon Law, these associations only need to write their statutes and have them reviewed by the competent Church authority; in other words, they need a Church authority to acknowledge their existence and certify their Christian authenticity. *Private associations of the faithful* can acquire legal personality through a decree from the Church authority. Their assets – with or without legal personality – are not considered Church property, and are administered according to the statutes, unless expressly indicated otherwise. According to the type of members, there can be *common associations of the faithful* – consisting of both clergy and laity, only laity, or only clergy<sup>3</sup> – and *clerical associations of the faithful*, which are under the direction of clerics, exercise Holy Orders, and are recognized as such by the competent authority<sup>4</sup>.

<sup>3</sup> Cf. cc. 327-329.

<sup>4</sup> Cf. c. 302.



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