

# The Administrator's Duty of Vigilance

The Latin term *vigilantia* is used approximately 20 times in the *Code of Canon Law*.

The word is applied most often in reference to the duty of a bishop with regard to his oversight of some portion of the people of God or ecclesiastical goods: seminarians, associations of Christ's faithful, the exercise of the apostolate, autonomous monasteries, Catholic formation and education in schools, administration of goods of public juridic persons, pious dispositions and trusts.<sup>1</sup> Others entrusted with the duty of vigilance are the Apostolic See with regard to liturgical regulations (Canon 838.2); pastors of parishes with regard to proclamation of the Word and devout celebration of the sacraments (Canon 528); parents with regard to the preparation of children for the Eucharist (Canon 914); those in charge of Catholic schools with regard to ensuring that the education is at least as outstanding as in other schools (Canon 806.2); and those who take part in the administration of ecclesiastical goods with regard to the performance of their duties (Canon 1284).

These last two canons will be of special interest to us.

Vigilance is one of those terms that is used without elaboration or explanation and no parameters are established to illustrate what it looks like or what it entails. Vigilance is subject to interpretation by the one with the duty. Often the term *vigilantia* is translated in the code with terms such as entrust, oversee, ensure, supervise or watch over — therefore giving a cursory interpretation but no more direction as to its exercise. For some, seeing an annual report might be enough, while for others, quarterly, monthly or weekly reports or updates may be required.

How one exercises vigilance may depend on how one reads the word. Vigilance is one of those words just brimming with potential. The basic definition of vigilance is "the quality or state of being vigilant; forbearance of sleep; wakefulness."<sup>2</sup> It is the disposition of one who keeps vigil. To keep vigil implies a watchfulness, an

alertness that perseveres, usually through the night.

In the code, the bishop (and the handful of others mentioned) has the duty of vigilance, but the Gospel expands the mandate to all as followers of Christ. The vigilance exhorted by Jesus was in anticipation of the day of judgment, but the disposition is no less relevant, as evident in the following two passages:

■ "Be on guard, then, because you do not know when the master of the house is coming — it might be in the evening or at midnight or before dawn or at sunrise. If he comes suddenly, he must not find you asleep. What I say to you, then, I say to all: watch!"<sup>3</sup>

■ "Be ready for whatever comes, dressed for action and with your lamps lit, like servants who are waiting for their master to come back ... how happy are those servants whose master finds them awake and ready when he returns ... even if he should come at midnight or even later!"<sup>4</sup>

From this perspective, we can look at the two canons that engage us in the ministry of health care and the need for vigilance. In a previous column by Fr. Francis Morrisey, OMI, Ph.D., J.C.D., he illustrated the applicability of Canon 806 to Catholic health care:

"Although this canon does not apply directly to health care institutions — indeed, there is no mention of such institutions in the *Code of Canon Law* — it applies to educational activities in the church, and, by analogy (in accordance with Canon 19) could — and perhaps should — be applied to our various hospitals and related institutions. With appropriate adjustments, we could say that Canon 806 notes that those in charge of a Catholic health care work are to ensure, under the supervision of the bishop, that the care provided by it is, in its standards,



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at least as outstanding as that provided by other similar institutions in the region. In other words, if the name of the church is to be attached to a specific undertaking, the work must be one of high quality.”<sup>5</sup>

This call to *ensure* a certain quality of care is the duty of vigilance. It is articulated as the duty of “those in charge.” Yet all who are engaged at any level, in what ultimately becomes the direct care of the most vulnerable and in need through Catholic health care, have the duty of vigilance over the quality and indeed excellence of that care.

The second canon has to do with the administration of the temporal goods of the church. Catholic health care facilities, be they sponsored by a diocese, a religious institute, or another public juridic person, are ecclesiastical goods and therefore subject to the canons on temporal goods and their administration. Canon 1284 gives a significant, although not exhaustive, list of the required duties of administrators of goods. Yet the canon prefaces the tasks at hand by setting the tone: “All administrators are to perform their duties with the diligence of a good householder. Therefore they must be vigilant ...” (Canon 1284.1 and 1284.2.1). Indeed Canon 1282 addresses “all persons who lawfully take part in the administration of ecclesiastical goods,”

so although not everyone involved in the administrative process must take an oath at the execution of their office (Canon 1283.1), all have some part in the duty of vigilance. Some tasks belong properly and solely to one person or office, while others cannot be the concern of a single person, and thus require the vigilance of “all who take part.”

But here again, the use of the term does not direct us to what its exercise might look like. If all are called to share in the duty of vigilance then it would indicate that vigilance is not one person doing everything, nor is it micro-managing those who have direct responsibility over particular tasks. Vigilance speaks of an awareness, alert and watchful — though not leering or lurking. In recent years we have seen large corporations fall and the executives claim ignorance of what was happening. The characteristic of the “diligence of a good householder” referred to in Canon 1284 echoes the words of Jesus: “If the owner of a house knew the time when the thief would come, you can be sure that he would stay awake and not let the thief break into his house.”<sup>6</sup> One who keeps vigil is awake during the night while others sleep. Our call to and exercise of vigilance means never being caught in the dark. ■



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#### NOTES

1. See canons 235.2; 259.2; 305.1; 323; 392.2; 615; 804.1; 806.2; 1276.1; 1301.2; and 1302.2.
2. *Webster's Revised Unabridged Dictionary*. MICRA, Inc., <http://dictionary.reference.com>.
3. *Mk 13:35-37* (Good News Bible).
4. *Lk 12:35-38*; see also *Mt 25:1-13* and *Mt 24:43-51* for similar references.
5. Francis Morrissey, “What Does Canon Law Say about the Quality of Sponsored Works?” *Health Progress*, 88, no. 2 (March-April 2007): 10-11.
6. *Mt 24:43*.