

Does Canon Law Speak of Sponsorship of Catholic Works?

No. But, in a sense, this is advantageous.

The term “sponsorship” is not used in the *Code of Canon Law*. In a sense, this is very advantageous because it means that the term is not bound by special parameters. Over the course of time, various forms of sponsorship in the church have been tried and tested. No single form has proven to be correct, with the others being judged inferior, or even bad. The forms are different, and nothing more. Therefore, it is not possible to quote canons that give us an answer to the questions about sponsorship we are considering. Rather, we have to find the answers in the life of the church itself and in the responses given to new situations being faced by church leaders on a daily basis.

It is generally accepted today that “sponsorship” entails the use of a particular name and the exercise of certain ecclesial and internal responsibilities that arise from this use. It often entails elements of “quality control.” To a certain extent, sponsorship could be considered somewhat parallel to a franchise. If there is no accountability, then there is a serious risk of fraud and deception. A person’s good name—whether the “person” is an individual or a group—is of primary importance today; and sponsorship responsibilities are exercised in relation to what the name stands for. In our case, we are referring to works undertaken in the name of Christ, on behalf of the Catholic Church.

Traditionally, sponsorship had emphasized a position of corporate strength and independence

through ownership and control via reserved powers. Today, as new relations are established with other providers, a presence is required that relies more on the ability to influence. Questions of ownership are becoming more and more blurred.

Sponsorship in canon law has little if any meaning if it is not related more particularly to the mission and ministry of the church. The church’s mission is threefold: to teach, to sanctify, and to serve God’s people. Undoubtedly, health care fits in among the elements of ecclesial service.

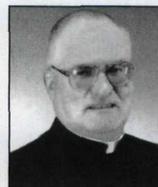
SPONSORSHIP AND CATHOLICITY

It has generally been held that for a work to be identified as “Catholic,” it must, in one way or another, be related to a juridic person in the church, such as a diocese, a religious institute, one of the institute’s provinces, or even one of its established houses (canon 634). Although, in general, this statement is obviously true, we must keep in mind that there could be situations in which no formal juridical person is involved and yet the work is considered to be “Catholic.”

For instance, a diocesan bishop could determine that an activity being carried out by a number of lay diocesans is in conformity with the church’s goals and purposes and, having made that determination, grant that activity formal recognition. The activity would then be listed in the *Official Catholic Directory*, without the bishop assuming a direct sponsorship responsibility for it.

I would not wish to push the point too far at this time. Some might say that, in such instances, the work in question is simply sponsored by the diocese. But it might be good to keep certain options open, in case there should arise other situations that call for a slight adjustment in our traditional way of thinking.

Keeping in mind this possible exception, we



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can nevertheless operate under the presumption that, indeed, a work must have a canonical sponsor to be considered as fully within the ambit of the church's mission.

In general, religious institutes (or such component parts as provinces, regions, sectors, and so forth) have been identified among the principal sponsors of apostolic works. At times, though, the work did not have an existence distinct from the local community to which it was related, or at least distinct from the province or the institute itself. The work did not have separate canonical recognition. On many occasions, it has been very difficult to determine which came first—the work or the community that operated it. However, because a local house that has been canonically established, and not simply constituted, is a juridic person, that house too could be the canonical sponsor of a given apostolic undertaking. The *Code of Canon Law* provides that every local community must be constituted (canon 608). Among these communities, some are more stable and are also canonically established, with their own juridic personality (canon 609).

Lately, new entities established specifically for sponsorship purposes have been recognized either by bishops or by the Holy See. These entities, usually known as “public juridic persons” (but sometimes also called “foundations”) assume the sponsorship responsibilities previously assumed by a religious institute (or one of its parts) or a diocese. In some instances, these entities also assume all the ownership and property rights previously held by the original institute or diocese. The documents of foundation would determine whether such is indeed the case.

As various theological and historical studies have shown, the term “sponsorship” is relatively new in church circles. It was originally given wide circulation as part of a threefold approach to health care works: ownership, sponsorship, and control. Over time, the distinctions among these three dimensions have become more and more blurred. For instance, we can have sponsorship with or without ownership; ownership with or without control, or with very little control; and control with various forms of sponsorship. ✦

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