

# Ministerial Juridic Persons And Their Communion With Diocesan Bishops

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**O**ne of the basic principles underlying the application of the *Code of Canon Law* is that the apostolic activity of the faithful is to be carried out in communion with the bishop of the place where the ministry is being exercised (canon 209). This principle finds numerous applications in the church's legislation, depending on the activity and the persons involved.

Indeed, for an apostolic work to be recognized as "Catholic," it must be in communion with the church and its leadership.

While some of our apostolic works flow directly from the bishop's initiative, such as the establishment of parishes and their various activities, others are conducted by persons who offer their services to the faith community, especially through works of education, health care and social services.

**Religious institutes ministering in a diocese.** For centuries, religious institutes have been sponsoring these services and helped in numerous ways to build up the faith community. Either invited into a diocese at the bishop's request or accepted by him, they have carried out their mission in accordance with their specific charism and purpose. Sound relationships between the diocesan bishop and the religious institutes present in his diocese usually were the result of mutual consultation (canon 678.3), leading to a strong spirit of communion. Both the bishop and the superiors had their respective responsibilities. Good working relations between them fostered cooperation that led to the strengthening of the church (canon 680).

Although traditionally the religious institutes were particularly responsible for the operations of the activity, as well as for its financing and staffing, three areas in particular were entrusted to the

special responsibility of the bishop: (1) the care of souls; (2) the public exercise of divine worship; and (3) other works of the apostolate (canon 678.1). This corresponds with canon 394's recognition of the bishop's responsibility to foster and coordinate works of the apostolate in the diocese.

More recently, however, the activities of religious institutes have been seriously limited because of a shortage of personnel. Institutes have had to withdraw from ministries that they had exercised oftentimes for well over a century. Providentially, however, the religious were preparing the way for being replaced by other entities involving laypeople in the formal sponsorship and governance of the works. This change necessarily brought with it growing pains, and both bishops and the laity, together with religious, are

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seeking to find ways to continue the various apostolic activities in full communion with the church.

**The call to the laity to exercise their baptismal commitment.** We recall that Vatican II clearly stated that the call to mission in the church arises initially not from ordination or religious profession, but rather from baptism and confirmation (canon 225). The baptized now are being called upon to live their baptismal commitment in ways that beforehand were relatively rare. The response to this call has been far beyond original expectations, so much so that in many dioceses, committed laypersons hold numerous positions of major responsibility.

**The laity operating through juridic persons.** While sometimes the apostolate of the laity is assumed on an individual basis, more frequently it is carried out through various recognized entities, such as associations and movements of the Christian faithful, or through sponsorship structures known as “juridic persons.” A juridic person generally could be understood to be the church’s canonical equivalent of a corporation set up for one or more specific purposes. Each juridic person functions through legitimately designated physical persons who function as its representative according to its approved statutes. It represents the church in the same way that religious institutes did in previous times.

While we were familiar with entities such as parishes, dioceses, seminaries, religious houses and provinces, we were less familiar with other possible entities that could also be established to carry out their mission “in the name of the church” (canon 116.1). These entities are generally called “public juridic persons” because their ministry is formally sanctioned by church authority and is carried out publicly under its auspices. Most of the new juridic persons were organized by the religious, who wished to transfer their works to a new entity that would guarantee its continuation as Catholic. The original governing body, replacing the congregational leadership, often was composed of both laity and religious.

The Holy See has seen fit to recognize this possibility in newer ways. It has sanctioned the establishment of a number of such entities in the fields

of health care, education and social services. This implies profound trust and confidence in the potential for the laity to assume direct responsibility for such undertakings.

A juridic person that has been formally recognized by church authority is as “Catholic” as any other recognized entity. It functions in accordance with its statutes, just as religious institutes operate according to their approved constitutions.

More recently, in order to distinguish some of the newer juridic persons from those that had been in existence for centuries, these are now being called “ministerial juridic persons,” with the focus being on their ministry exercised in the diocese. Some MJPs are pontifical, as are some religious institutes; others are diocesan. In the former case, those responsible for the ministry relate directly to the Holy See for matters concerning

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their internal governance; in the latter, they are more directly accountable to the diocesan bishop. But, when it comes to the traditional three areas — care of souls, the exercise of divine worship, and the actual Catholic identity of the apostolic works — both the pontifical and the diocesan MJPs are accountable to the diocesan bishop of the place where their ministry is being exercised.

**MJPs and accountability to the diocesan bishop.** In the case of a health care ministry, the care of souls could find its practical expression in the designation of persons called upon to serve as chaplains in the institutions (canon 565). This could become complicated at times when there is an interfaith pastoral care department. In the exercise of their ministry, chaplains belonging to other churches or ecclesial communities would not be subject to the diocesan bishop, but rather to their own religious authorities, as well, of course, as to the directors of the institution who establish its mission and values and oversee its opera-

tions. Although the *Code of Canon Law* identifies chaplains as priests, today we find many deacons and laypersons entrusted with the day-to-day responsibilities relating to the office of chaplain. The same is found in Catholic educational institutions, in prison chaplaincy and, in some countries, in the military chaplaincy. These are interesting developments and call for careful monitoring and supervision. Part Two of the *Ethical and Religious Directives for Catholic Health Care Services* provides extensive commentary on pastoral care and the authority and responsibility of the diocesan bishop.

As for divine worship, this would apply to the chapels or oratories found in the institutions and, more particularly, to the celebration of the Eucharist. The same section of the ERDs treats the celebration of the sacraments in health care institutions. In the case of an interfaith chapel, appropriate arrangements would be made with the bishop for the celebration of various liturgical functions, such as funerals or baptisms in case of necessity. Of course, priests always can visit individual patients and celebrate some of the sacraments with them, without having been designated as chaplains in the institution.

The third area of mutual cooperation concerns the identity of the apostolic work itself. In matters relating to health care, this has focused on the application of the appropriate ethical and religious directives in effect in the diocese. In the United States, these directives are generally found in the ERDs issued by the United States Conference of Catholic Bishops and applied in each diocese by the diocesan bishop, who remains the interpreter of the various norms and sees to their proper application. Statutes of MJPs regularly include, in their statement of purpose, that the ERDs are observed as interpreted or applied by the diocesan bishop where a facility is located.

Although in theory this can be rather clear, the fact that much of the U.S. health care ministry now is carried out by systems that usually are interdiocesan and function in many states, let alone in other countries, as well, raises special issues. It could be very difficult for a system that directs institutions in, for instance, 10 or more dioceses to have to deal with interpretations of the ERDs that vary from place to place, depending on the out-

look of the diocesan bishop or his representative.

This, obviously, calls for new, imaginative ways of promoting coordination and a relatively common approach to ecclesial communion. Good liaison between the bishop and those in charge of the institution can help avoid painful situations in which serious misunderstandings could arise. Resolution would be sought first with the administrators of the local facility; later the matter might go to the governing body of the PJP, as in the past it might have gone to a provincial or general superior.

**Recognition of the rightful responsibilities of the laity.** Not everyone in the church is at ease when dealing with laypersons who are now in charge of apostolic works carried out in the name of the church, and with thousands of employees

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working under their guidance. There is an underlying feeling in some places that these persons in leadership positions could not possibly know enough about the church and its teachings to ensure a continued Catholic presence and identity in the ministry.

Although it often was taken for granted, before, that priests and religious had the appropriate background to deal with complicated ethical and pastoral matters, the same would not have been said as readily in the past regarding laypersons. But, upon closer examination, this assumption was found to be incorrect. The simple fact of being a priest or a religious did not mean that the person in question had the necessary knowledge. Indeed, in many parishes and church-related institutions today, some laypersons have deep theological and pastoral training.

**Formation programs for lay leadership in MJPs.** Nevertheless, in spite of many excellent exceptions, it must be recognized that, in a number of instances, the laypersons who represented the

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MJPs did not have the same background formation enabling them to move smoothly through the various ecclesiastical practices and policies they could meet along the way. For this reason, intense efforts have been made by the MJPs and others to ensure in-depth doctrinal and pastoral formation, not only for those with overall responsibility for the activities of the MJPs themselves, but also for those who were in charge of various levels within the systems. This formation program, which often extends over a number of years, is probably one of the unexpected graces that has erupted from the change in leadership of our various apostolic works. What in many cases was previously seen as a job or simply as a form of employment, is now seen and considered to be a ministry and an apostolic action carried out in the name of Christ.

One area that has been developed significantly is the awareness of the need for the proper stewardship of temporal goods. Indeed, property and assets belonging to a public MJP are by definition ecclesiastical goods, and they are subject to the

church's rules relating to their acquisition, administration and alienation. In certain instances relating to administration and to alienation of temporal goods, the diocesan bishop has to give an opinion letter on the matter before these acts can be carried out.

We still are in a learning curve, but the results are now becoming more and more tangible. Laypersons who are duly qualified not only can assume responsibility for extensive ministries but also are able to represent them competently when dealing with church authorities and their representatives. The role of the diocesan bishop has not changed. What has changed is the person to whom he turns if there are questions or concerns beyond the level of the administration of the local facility.

**Towards continual building up of communion.** Any progress, when different entities are involved, calls for continued dialogue, consultation and hard work. The church now has available an untapped wealth to be found in so many of its members who resolutely have taken the path of living their baptismal commitment in unforeseen ways. We have to learn to trust them, their judgment and their practical experience. In this way, the church will flourish, and Christ's saving message can be made more readily available to all.

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