

# Canonical Issues Associated with Ministerial Public Juridic Persons

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# CANONICAL ISSUES ASSOCIATED WITH MINISTERIAL PUBLIC JURIDIC PERSONS

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Summary: A ministerial public juridic person refers to a public juridic person established to provide a canonical structure for the apostolate of a religious institute or ministry, in areas such as health care, education, social services, and the like. This study examines ministerial public juridic persons and the canon law that governs them. It also identifies and analyzes issues associated with this relatively new canonical structure of ecclesial ministries, including the involvement of the laity in stewardship and governance and how such structures can embody the principles of synodality.

## Introduction

The *Final Document* of the Synod of Bishops, issued in October 2024, called for greater involvement of the lay faithful in the life and ministry of the Church: “The lay faithful, both men and women, should be given greater opportunities for participation, also exploring new forms of service and ministry in response to the pastoral needs of our time in a spirit of collaboration and differentiated co-responsibility” (n. 77). Specifically, the report acknowledged the need for “greater access of laymen and laywomen to positions of responsibility in dioceses and ecclesiastical institutions, including seminaries, theological institutes and faculties, more fully enacting existing provisions” (n. 77b).<sup>1</sup> “Ecclesiastical institutions” refer to various forms of ministerial engagement in a variety of social sectors, including health care, education, social services, and other similar ventures. While many of these ecclesiastical institutions have long included the involvement of the lay faithful, the governance of such institutions has been largely the purview of ecclesiastical authorities or religious institutes of consecrated life, both men and women.

In more recent years, many religious congregations are seeking ways to ensure that their charism and apostolates carry on, particularly as the founding religious institutes diminish in number or come to completion. Efforts to do so rely largely on the increased involvement of the lay faithful, which should not be seen merely as a stopgap measure. As the *Synthesis Report* of the 2023 synodal assembly emphasized, “As members of the faithful People of God, all the baptised are co-responsible for mission, each according to his or her vocation, competence and experience. Therefore, all contribute to imagining and discerning steps to reform Christian communities and the Church as a whole.”<sup>2</sup>

The creation of ministerial public juridic persons (MPJP) is one way this “co-responsibility for mission” has been expressed, offering a unique and privileged opportunity for the engagement of the lay faithful. These entities are legally recognized by the Church to act in its name and,

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<sup>1</sup> *Final Document: For a Synodal Church: Communion, Participation, Mission* can be found here: [https://www.synod.va/content/dam/synod/news/2024-10-26\\_final-document/ENG---Documento-finale.pdf](https://www.synod.va/content/dam/synod/news/2024-10-26_final-document/ENG---Documento-finale.pdf)

<sup>2</sup> *Synthesis Report: A Synodal Church in Mission*, 18a. The document can be found here: <https://www.synod.va/content/dam/synod/assembly/synthesis/english/2023.10.28-ENG-Synthesis-Report.pdf>

notably, often include or are led by laypersons. MPJPs have emerged as a means not only to secure the future of apostolates of religious congregations but also to express canonico-theological principles of co-responsibility of all the baptized. MPJPs are relatively new structures in the life of the Church. As such, the *Code of Canon Law* provides little guidance on how such institutes are to be structured and governed. This presentation will begin by first examining the canonical notion of ministerial public juridic persons, along with the emergence of sponsorship models of various ministries. Subsequent sections will examine current challenges and opportunities. MPJPs represent both a practical and prophetic development in the Church's life, offering a model of shared mission, rooted in the baptismal vocation of all the faithful.

## 1 – Overview of Juridic Persons

In canon law, juridic persons are foundational legal constructs through which the Church organizes its communal and institutional life. The concept of juridic persons is codified in the 1983 *Code of Canon Law*, particularly in Book I (cc. 113–123). These entities possess the capacity to acquire rights and duties independently of the individuals who comprise them, functioning analogously to corporations in civil law. The purpose of such juridic persons must be in keeping with the mission of the Church and transcend the purpose of the individuals involved (c. 114, § 1). Such purposes are understood to be those pertaining to “works of piety, of the apostolate, or of charity, whether spiritual or temporal” (c. 114, § 2).<sup>3</sup>

Juridic persons are entities constituted by ecclesiastical authority either by the prescript of law or by special concession given in a decree by the competent authority (c. 114, § 1). Juridic persons are either an aggregate of persons (*universitates personarum*) or an aggregate of things (*universitates rerum*). An aggregate of persons is collegial if the members decide its conduct by participating together in making decisions, whether by equal right or not, in accordance with the law and the statutes; otherwise, it is non-collegial (c. 115, § 2). A collegial aggregate of persons, for instance, is a religious institute, which is recognized by the prescript of law, since its members participate in decision making by representation in chapters or councils (c. 634). Dioceses and parishes are non-collegial aggregates of persons since governance is entrusted to one person, such as the diocesan bishop for a diocese and a pastor or parish priest for a parish (see cc. 381, § 1; 515, § 1).<sup>4</sup> An aggregate of things, or an autonomous foundation, consists of goods or things, whether spiritual or material, and is directed, in accordance with the law and the statutes, by one or more physical persons or by a college (c. 115, § 3). Transferred sponsorship of religious apostolates, when established as juridic persons, often take this form.<sup>5</sup>

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<sup>3</sup> Bock surveys recent jurisprudence in the United States and identifies challenges threatening the constitutional rights of juridic persons and associations of the Christian faithful, such as Catholic charities and other religious entities. See James A. Bock, “Juridic Persons, Associations and the First Amendment of the U.S. Constitution,” in *Studia canonica*, 58 (2024), 479-515.

<sup>4</sup> Jordan Hite, *A Primer on Public and Private Juridic Persons: Applications to the Healthcare Ministry*, Washington, DC, Catholic Health Association of the United States, 2000, 6. See also Albert Gauthier, “Juridical Persons in the *Code of Canon Law*,” in *Studia canonica*, 25 (1991), 87.

<sup>5</sup> Sharon Holland, “Vatican Expert Unpacks Canonical PJP Process,” in *Health Progress* (September-October, 2011), 54.

The *Code of Canon Law* also distinguishes between two types of juridic persons: public and private. According to c. 116 §1, “Public juridical persons are aggregates of persons or of things which are established by the competent ecclesiastical authority so that, within the limits allotted to them in the name of the Church, and in accordance with the provisions of law, they might fulfil the specific task entrusted to them for the public good. Other juridical persons are private.” Since they act in the name of the Church (*in nomine Ecclesiae*), the property and assets of a public juridic person are considered ecclesiastical goods and are governed accordingly according to the Book V of the *Code of Canon Law* and their own statutes (c. 1257, §1). This has implications particularly regarding the authorizations needed for the valid alienation of stable patrimony (cc. 1291-1292), and the submission of annual financial reports to the competent ecclesiastical authorities (c. 1284, §2, 8°).

Fox identifies how public juridic persons, which act *in nomine Ecclesiae*, differ from private juridic persons:

The mission entrusted to a public juridic person and its activities are public functions of the Church, performed in its name, and are not private acts of the juridical person. There are consequently two principal limitations placed on actions of the public juridic person. One is that it must act within the scope entrusted to it, within its mission; acting beyond these boundaries would be illicit. The other is that it must act according to the norm of law (can. 116, §1); its autonomy is exercised within the limits established by Church law. It cannot act in an entirely independent manner.<sup>6</sup>

Private juridic persons, on the other hand, are more autonomous since they act in their own name, not in the name of the Church, and are brought into existence only by decree of the competent ecclesiastical authority (c. 116, §2). Public and private juridic persons are governed by statutes approved by ecclesiastical authority (c. 117), and they remain subject to ecclesiastical oversight.

The *Code of Canon Law* does not identify which ecclesiastical authorities are competent to establish juridic persons but, drawing on parallel places in the Code (cf. c. 17), concerning associations of the faithful, we see that the Holy See, the conference of bishops, and the diocesan bishop are identified (cc. 312 and 322, §1).<sup>7</sup> At the level of the Holy See, it is the competence of the Dicastery for Consecrated Life and Societies of Apostolic Life to establish public juridic persons that are created to continue the apostolic works begun by religious institutes. Whether this will remain so is an open question. In the meantime, the creation of an interdicasterial commission<sup>8</sup>

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<sup>6</sup> Joseph Fox, “Introductory Thoughts About Public Ecclesiastical Juridic Persons and Their Civilly Incorporated Apostolates,” in *Acts of the Colloquium: Public Ecclesiastical Juridic Persons and Their Civilly Incorporated Apostolates* (e.g. Universities, Healthcare Institutions, Social Services Agencies) in the Catholic Church in the U.S.A.: Canonical-Civil Aspects: 24 April 1998, Rome, Italy, Rome, Pontifical University of Saint Thomas Aquinas, 1998, 250-251.

<sup>7</sup> Mary Wright, “The Development of the Ministerial Public Juridic Persons: Questions and Challenges, in CLSANZ *Proceedings* (2018), 18-19. See also Jordan Hite, Sharon Holland, and Francis G. Morrissey, *A Guide to Understanding Public Juridic Persons in the Catholic Health Ministry*, Washington, DC, Catholic Health Association of the United States, 2012, 69.

<sup>8</sup> *Praedicate Evangelium*, art. 27, §5 provides for the creation of interdicasterial commissions to deal with matters touching on the competencies of various dicasteries of the Roman Curia: “When deemed necessary, in order

for the review, approval, and oversight of public juridic persons of this type, as proposed by Euart, would ensure an integrated approach and broader perspective.<sup>9</sup>

More recently, the term “ministerial” public juridic person has been utilized, to distinguish these new entities from other public juridic persons, such as dioceses, parishes, and religious institutes of consecrated life. “A *ministerial* PJP has the role and responsibilities of stewardship or sponsorship of ministries, enabling the ministries to relate directly to the church, comparably to when they were sponsored by the religious institute/s which instigated each PJP.”<sup>10</sup> This distinction, however, is not found in the *Code of Canon Law*; ministerial public juridic persons remain canonically public juridic persons and are governed according to the same prescripts of law.<sup>11</sup> The emergence of ministerial public juridic persons was necessitated by the diminishment of the number of religious actively engaged in the apostolic works and governance of various ministries, but they should be seen as more than a practical solution. The increasing role of the laity in the stewardship of these ministries should be seen as “a specific affirmation of the vocation that all Christians share to witness to the Gospel by deeds of love and service in the world and within the church.”<sup>12</sup>

## 2 – Sponsorship

The term “sponsorship” is relatively new and is not used in the *Code of Canon Law*.<sup>13</sup> This permits some degree of flexibility since the term is utilized in a variety of contexts to designate structural relationships, delineations of responsibilities, and forms of accountability to ecclesiastical authorities. Francis Morrissey, OMI, who was instrumental in setting up so many of the healthcare “sponsors” which now exist in Canada, the United States, and Australia, noted that sponsorship generally entails three elements: “(1) the use of one’s name; (2) the exercise of certain governance responsibilities that arise from this use; and (3) some forms of accountability to Church

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to deal with matters requiring mutual and frequent consultation, the head of the Dicastery that has begun to deal with the matter or to whom the matter was first referred, establishes a special interdicasterial commission with the prior approval of the Roman Pontiff.” It is conceivable that the interdicasterial commission could include representatives from the Dicastery for Consecrated Life and Societies of Apostolic Life, the Dicastery for Culture and Education, the Dicastery for Bishops, the Dicastery for the Laity, the Family and Life, and the Dicastery for Promoting Integral Human Development.

<sup>9</sup> In view of the complexity of these requests, Euart also proposes the use of consultants or *periti* to assist the Dicastery in the review of petitions and supporting documentation. See S. Euart, “Ministerial Public Juridic Person Model for Canonical Governance,” in *Studia canonica*, 55 (2021), 337.

<sup>10</sup> Gabrielle McMullen and Paul Oakley, “Ministerial PJPs Advancing Lay Leadership in the Australian Church,” in *The Australasian Catholic Record*, 97 (2020), 453.

<sup>11</sup> S. Euart, “Ministerial Public Juridic Person Model for Canonical Governance,” in *Studia canonica*, 55 (2021), 330.

<sup>12</sup> “Ministerial Juridic Person: The Growing Role for Laity in Canonical Sponsorship of Catholic Health Care,” in *Health Progress* 95, no. 5 (2014), 60.

<sup>13</sup> For a more comprehensive overview of the origins of sponsorship and its treatment in canonical writings, see Paweł Kaleta and Francis G. Morrissey, “Sponsorship of Catholic Health Care and Other Apostolic Works in the Church: Legal and Practical Aspects,” in *Studia canonica*, 52 (2018), 510-517.

authorities.”<sup>14</sup> Likewise, Sharon Euart describes the particular relationship between the sponsoring religious institute and their sponsored ministries as involving “elements of governance, influence, and advocacy.”<sup>15</sup>

The Canon Law Society of America adopted the following working definition, which will be adopted for use in this study: “Sponsorship of an apostolate or ministry is a formal relationship between a recognized Catholic organization and a legally formed entity entered into for the sake of promoting and sustaining the Church’s mission in the world.”<sup>16</sup> Utilizing this working definition, Morrissey makes the following precisions:

- when the definition speak of “apostolate or ministry,” it indicates a corporate work, as distinguished from the work of individuals;
- a “formal relationship” would presuppose one that is guaranteed both by canon law and by civil law;
- the term “recognized” is used to indicate approval by the diocesan bishop or by the Holy See;
- the word “organization” refers to a religious institute, a group of institutes acting as co-sponsors, a diocese, a public juridic person, or any other canonical entity (such as an association of the faithful). While the canonical juridical person is itself the sponsor, it functions through specific individuals designated to carry out the duties of sponsorship.
- the expression, “the Church’s mission in the world” was designed to cover the various activities carried out by the Catholic Church in furtherance of the mission entrusted to it by its founder.
- It follows that the definition used here could apply to Catholic Charities to educational institutions, to works of social services, and to healthcare institutions.<sup>17</sup>

In its earliest and simplest form, sponsorship referred to the apostolate of religious, whether in the area of health care, education, or other social services, over which the institute had direct ownership and in which the members of the institute had an active presence. As apostolates grew in size and complexity, a need to civilly incorporate the work, separate from the founding institute, was often identified.<sup>18</sup> Likewise, following the Second Vatican Council, the lay faithful

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<sup>14</sup> Francis G. Morrissey, “Various Types of Sponsorship,” in Rosemary Smith, Warren Brown, and Nancy Reynolds (eds.), *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, Canon Law Society of America, 2006, 19.

<sup>15</sup> S. Euart, “Ministerial Public Juridic Person Model for Canonical Governance,” in *Studia canonica*, 55 (2021), 321.

<sup>16</sup> Rosemary Smith, Warren Brown, and Nancy Reynolds (eds.), *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, Canon Law Society of America, 2006, ii.

<sup>17</sup> Francis G. Morrissey, “Various Types of Sponsorship,” in Rosemary Smith, Warren Brown, and Nancy Reynolds (eds.), *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, Canon Law Society of America, 2006, 19-20.

<sup>18</sup> Civil incorporation may take three distinct forms: “The first is the public ecclesiastical juridic person that also has civil juridic personality with its apostolate included as an integral part of its civil incorporation with no

increasingly took on leadership functions, often due to diminishing numbers of religious working in such apostolates. This called for new governance models and structures to be developed, such as the creation of boards of directors or trustees, composed of lay persons, where a variety of “reserved powers” were retained by the founding religious institute.<sup>19</sup>

More recently, in instances where religious institutes are unable to exercise reserved powers due to their own diminishment in numbers, other solutions have been proposed, such as the creation of juridic persons, which assume the responsibilities of the founding religious institute(s). Such juridic persons assume the sponsorship responsibilities, providing a canonically recognized structure to facilitate the preservation of the Catholic identity of the incorporated apostolates and to ensure accountability to ecclesiastical authorities.<sup>20</sup>

### 3 – Challenges and Opportunities

This section explores the distinctive challenges and opportunities associated with MPJPs. Particular attention is given to three key areas: how MPJPs promote and support the collaboration of lay persons in the Church’s life and mission, the ongoing task of articulating and safeguarding Catholic identity in a pluralistic context, and the importance of fostering open, respectful, and collaborative relationships with ecclesiastical authorities. By examining these dimensions, the section seeks to illuminate both the complexities and the promise inherent in the evolving role of MPJPs.

#### 3.1 – Role of the Laity

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variation of its canonical status. The second is civil incorporation of a specific work of a public ecclesiastical juridical person without varying its canonical status; the work remains an integral part of the ecclesiastical entity. The third is canonical alienation by a public ecclesiastical juridical person of a project in order to establish a separate civil entity with or without the character of a public ecclesiastical juridical person” (Joseph Fox, “Introductory Thoughts About Public Ecclesiastical Juridic Persons and Their Civilly Incorporated Apostolates,” in *Acts of the Colloquium: Public Ecclesiastical Juridic Persons and Their Civilly Incorporated Apostolates* (e.g. Universities, Healthcare Institutions, Social Services Agencies) in the Catholic Church in the U.S.A.: Canonical-Civil Aspects : 24 April 1998, Rome, Italy, Rome, Pontifical University of Saint Thomas Aquinas, 1998, 256). For more on the consequences of civil incorporation, and the so-called McGrath-Maida debate that ensued, see Paul L. Golden, “Sponsorship in Higher Education,” in Rosemary Smith, Warren Brown, and Nancy Reynolds (eds.), *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, Canon Law Society of America, 2006, 92-98.

<sup>19</sup> As Beal states, “Most commentators agree that, to exert meaningful control over its institutional apostolate, a sponsor needs to reserve at least the powers: 1) to establish the philosophy according to which the corporation operates, 2) to amend the corporate charter and by laws, 3) to appoint or approve the board of trustees, 4) to sell, lease, or encumber corporate real estate in excess of the approved sum, and 5) to merge or dissolve the corporation” (John P. Beal, “From the Heart of the Church to the Heart of the World: Ownership, Control and Catholic Identity of Institutional Apostolates in the United States,” in Rosemary Smith, Warren Brown, and Nancy Reynolds [eds.], *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, Canon Law Society of America, 2006, 42). See also Francis Morrissey, “Basic Concepts and Principles,” in Kevin McKenna et al. (eds.), *Church Finance Handbook*, Washington, DC, CLSA, 1999, 14; Adam Maida and Nicholas Cafardi, *Church Property, Church Finances, and Church-Related Corporations*, St. Louis, MA, CHA, 1984, 167-169.

<sup>20</sup> For a helpful overview of the process of requesting the creation of public juridic person, see Sharon Holland, “Vatican Expert Unpacks Canonical PJP Process,” in *Health Progress* (September-October, 2011), 50-62.

The Second Vatican Council in *Lumen gentium*, 31, offered the following definition of a lay person:

The term laity is here understood to mean all the faithful except those in holy orders and those in the state of religious life specially approved by the Church. These faithful are by baptism made one body with Christ and are constituted among the People of God; they are in their own way made sharers in the priestly, prophetic, and kingly functions of Christ; and they carry out for their own part the mission of the whole Christian people in the Church and in the world.

This conciliar text was translated into juridical language in c. 204 of the *Code of Canon Law*, to express a fundamental equality of all the baptized. A body is composed of members, each with a distinct function and purpose. St. Paul recalls this in his letter to the Romans: “For as in one body we have many parts, and all the parts do not have the same function, so we, though many, are one body in Christ, and individually parts of one another (Rom. 12:4-5). *Lumen gentium* makes use of this image from Paul’s letter to the Romans and recalls how, by divine institution, the Church is ordered and governed with a wonderful diversity. It continues by affirming the equality of all members, despite a differentiation of functions (cf. *LG* 32). The Decree on the Apostolate of the Laity, *Apostolicam actuositatem*, likewise affirms the indispensable role of the laity in both in the Church and in the world (see *AA* 9-10). Engagement in the apostolate may occur both individually and by way of a united effort, as the circumstances determine (see *AA* 18).

McMullen and Oakley observe that MPJPs provide a “creative response to this calling whereby the gifts or charisms of the laity are being brought to the mission of the church in the modern world.”<sup>21</sup> A number of participatory bodies exist that invite all the baptized to participate in the decision-making, accountability, and evaluation processes at the diocesan and parochial levels. While these structures are not new, they have received renewed attention at the most recent synodal assembly. As the *Final Document* states, “Participatory bodies represent one of the most promising areas in which to act for rapid implementation of the synodal guidelines, bringing about perceptible changes speedily.”<sup>22</sup> The emergence of MPJPs, which Wright calls a “quiet and successful revolution”<sup>23</sup> in the life of the Church, provide additional opportunities for the exercise of co-responsibility and participation of the whole People of God. Although the establishment of MPJPs was prompted by specific circumstances related to demographic shifts in religious life, they nonetheless represent opportunities for meaningful engagement of the laity in the Church’s life and mission.

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<sup>21</sup> Gabrielle McMullen and Paul Oakley, “Ministerial PJPs Advancing Lay Leadership in the Australian Church,” in *The Australasian Catholic Record*, 97 (2020), 451.

<sup>22</sup> *Final Document*, 103. In the Latin Church, the existing participatory bodies include: diocesan synod (c. 466), presbyteral council (c. 500, § 2), diocesan pastoral council (c. 514, § 1), parish pastoral council (c. 536), diocesan and parish finance council (cc. 493 and 537). For an overview of these structures, see Chad J. Glendinning, “Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform,” in *Studia canonica*, 56 (2022), 650-659.

<sup>23</sup> Mary Wright, “The Development of the Ministerial Public Juridic Persons: Questions and Challenges, in *CLSANZ Proceedings* (2018), 22.



In every age, the Spirit has provided the gifts necessary for building up the reign of God. These gifts of grace are operative today, if in new ways. The engagement of laymen and laywomen in roles of sponsorship of Catholic health care through the mechanism of “ministerial juridic persons,” a new use of a canonical structure provided by the church, is profound evidence of the Spirit’s involvement in contemporary life. The changed face of sponsorship in today’s health ministry represents not a loss, but an ongoing evolution and a dynamic gift in the church to be celebrated.<sup>24</sup>

Far from being merely administrative constructs, MPJPs embody a collaborative approach to ecclesial ministry. As Kaleta and Morrissey observe: “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 how 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.”<sup>25</sup> Through the structure of MPJPs, laypersons are entrusted with meaningful participation in governance, oversight, and spiritual stewardship of ecclesial ministries.

### 3.2 – Catholic Identity

Sharon Euart observes that “Catholic identity is at the heart of sponsorship. It recognizes that Catholic institutions such as healthcare facilities, schools, universities, and social service agencies participate in the mission of Jesus: the internal faith response to Jesus Christ and the external practicalities of belonging to a visible Church with institutional structures.”<sup>26</sup> The *Code of Canon Law*, however, does not identify the criteria for Catholic identity in any systematic fashion. While this topic has received more attention in the context of Catholic universities and other institutes of higher learning, similar attempts have not been made in universal legislation for Catholic health care institutions or other social services, and perhaps this is not even possible in view of the various milieus in which these services are provided. As Connors observes “implicit indicators,” such as “the saint’s name on the door or building, crucifixes in hallways or rooms, chapels and chaplains,” are no longer sufficient to convey an organization’s Catholic identity.<sup>27</sup> The difficult task of articulating one’s Catholic identity must be a priority, all the more so with the emergence of MPJPs and the shift away from direct sponsorship by religious institutes.

Attempts have been made to articulate the characteristics of Catholic identity in various ways. The Catholic Health Association of the United States (CHA) attempted to group criteria around four themes critical to Catholic identity: mission, sponsorship, holistic care, and ethics.<sup>28</sup>

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<sup>24</sup> “Ministerial Juridic Person: The Growing Role for Laity in Canonical Sponsorship of Catholic Health Care,” in *Health Progress* 95, no. 5 (2014), 63.

<sup>25</sup> Paweł Kaleta and Francis G. Morrissey, “Sponsorship of Catholic Health Care and Other Apostolic Works in the Church: Legal and Practical Aspects,” in *Studia canonica*, 52 (2018), 534.

<sup>26</sup> S. Euart, “Ministerial Public Juridic Person Model for Canonical Governance,” in *Studia canonica*, 55 (2021), 323.

<sup>27</sup> Kelly Connors, “Catholic Identity in New Sponsorship Models,” in *Health Progress* (May-June 2017), 32-33.

<sup>28</sup> “How to Approach Catholic Identity in Changing Times,” in *Health Progress* (April 1994), 23-29.

The *Health Ethics Guide*, prepared by the Catholic Health Alliance of Canada (CHAC), provides a list of “tangible signs” that should characterize Catholic organizations:

Among the tangible signs that should characterize Catholic organizations are: Catholic sponsorship and management; recognition by the local bishop of such organizations as an integral part of the apostolate of the Church; quality care; careful stewardship of resources; a culture that supports Catholic ethical values and spiritual beliefs; promotion of spiritual/religious care; mission and values integration; just working conditions; and the availability of the sacraments and the prominence of Christian art, signs and symbols. As a core expression of their identity, Catholic organizations privilege the spiritual for all those they serve and, for Catholics in particular, they cooperate as fully as possible with the local bishop in fulfilling his responsibility to provide sacramental care.<sup>29</sup>

Doris Gottemoeller organizes the essential elements of Catholic identity of healthcare ministries into three groups: (1) beliefs, the underlying convictions which guide behavior and unite other of similar belief; (2) behaviors, which characterize Catholic healthcare institutions, such as observance of ethical and religious directives, an institutional commitment to Catholic identity, fostering a just workplace, and a commitment to excellence; and (3) bondholders, those who represent or guarantee the Catholic identity of the ministry, such as bishops, professionals/employees, and the larger Church community. She concludes by noting that these identity markers are not imposed from outside through juridical norms or by ecclesiastical authorities, but are freely chosen and internally integrated characteristics, “the totality of socially transmitted values, behavior patterns, and corporate commitments held by the ministry’s participants.”<sup>30</sup>

In a more recent contribution, Gottemoeller identifies three broad identifiers for Catholic identity: assertion, validation, and integration.<sup>31</sup> Assertion involves publicly affirming and acknowledging the institutional identity. This can be done in its name, foundational documents, and mission statement.<sup>32</sup> Validation involves the recognition of the Catholic identity of the institution by the competent ecclesiastical authority, whether the diocesan bishop or the Holy See. “Validation was often quite informal, occurring generations and even centuries ago when many Catholic hospitals, colleges, and schools were founded. The recognition rested on the fact that the ministry was founded by, staffed by, and remained under the direction of a religious institute.”<sup>33</sup> Finally, integration refers to “the requirement that the organization embody in its culture and performance behavior compatible with Catholic Church teachings.”<sup>34</sup> On this point, Gottemoeller provides the following “Top Ten list,” attempting to articulate the teachings which should

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<sup>29</sup> Catholic Health Alliance of Canada, *Health Ethics Guide*, 3<sup>rd</sup> edition, Montreal, Novalis, 2012, 22.

<sup>30</sup> Doris Gottemoeller, “Preserving Our Catholic Identity,” in *Health Progress* (May-June 1999), 18-22;

<sup>31</sup> Doris Gottemoeller, “Ministry and Catholic Identity: Are they the Same?” in Kathleen M. Boozang (ed.), *Proceedings of the Symposium “Is A For-Profit Structure a Viable Alternative for Catholic Health Care Ministry?”*, Newark, NJ, Seton Hall University School of Law, 2012, 119-120.

<sup>32</sup> S. Euart, “Ministerial Public Juridic Person Model for Canonical Governance,” in *Studia canonica*, 55 (2021), 324.

<sup>33</sup> Ibid.

<sup>34</sup> Gottemoeller, “Ministry and Catholic Identity,” 120.

characterize Catholic health care services :

1. The organization's *mission statement* affirms its Catholic identity and declares its intent to provide essential human services expressive of Gospel teachings.
2. It has a *special concern for the poor and disadvantaged*, as evidenced by its proactive efforts to meet their needs and by its expenditures for community benefit.
3. It promotes *wages and benefits and working conditions* that honor the dignity of each employee, including participation in workplace decisions, as well as the right to be represented by a union.
4. It commits to *excellence in spiritual care*, including for persons of diverse faiths and traditions.
5. *It provides prenatal, obstetrical, and postnatal services* for mothers and their children in a manner consonant with the mission.
6. *It provides end of life care*, including palliative and hospice services, with reverence for the dignity of the individual and care for the family.
7. It sponsors *formation programs* for trustees, senior leaders, employees, and physicians that build understanding of and commitment to the mission.
8. A well-developed *ethics function* guides decision-making in the clinical and organizational spheres.
9. The organization uses its public voice to *advocate for policies* that promote the common good: a more compassionate and just society.
10. *It limits involvement in cooperative arrangements* with organizations whose mission is incompatible to remote mediate material cooperation.<sup>35</sup>

While some of these points pertain exclusively to healthcare settings, this list could be adapted, with only slight adjustments, to ministries provided in other sectors, including education and other social services.

### 3.3 – Relations with Ecclesiastical Authorities

The diocesan bishop's solicitude and oversight extend to all forms of the apostolate in his diocese, including associations of the Christian faithful (c. 305, §1) works entrusted to religious institutes (c. 683, §1), and Catholic schools (c. 806). Indeed, "the Bishop is to foster various forms of the apostolate in his diocese and is to ensure that throughout the entire diocese, or in its particular districts, all works of the apostolate are coordinated under his direction, with due regard for the character of each apostolate" (c. 394, §1). Likewise, the diocesan bishop is obliged to undertake a visitation of the diocese every year, in whole or in part (c. 396, §1), and Catholic institutions, such as MPJPs, are subject to the ordinary episcopal visitations (c. 397, §1).

*Apostolorum successores* recalls the purpose of the pastoral visit is to ensure "personal contact with the clergy and other members of the People of God" and to "rejuvenate the energies of those engaged in evangelization, to praise, encourage, and reassure them." Specifically, the pastoral visit helps the diocesan bishop "evaluate the effectiveness of the structures and agencies designed for pastoral service, taking account of the circumstances and difficulties of the task of evangelization, so as to determine more accurately the priorities and the means required for overall pastoral provision."<sup>36</sup> The *Final Document* of the Synod likewise stresses the importance of listening: "It is equally important that, especially during pastoral visits, the Bishop can spend time

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<sup>35</sup> Ibid., 120-121.

<sup>36</sup> Congregation for Bishops, Directory for the Pastoral Ministry of Bishops *Apostolorum successores*, 22 February 2004, Ottawa, CCCB Publications, 2004, 220.

with the faithful to listen to them as part of his own ongoing discernment of needs. This will also assist them in experiencing the Church as God's family."<sup>37</sup> In short, MPJPs are accountable to the diocesan bishop in whose diocese they operate. As the stewardship of sponsored works are assumed by MPJPs, it is incumbent on those in leadership to foster relations with the diocesan bishop, marked by openness and mutually respectful dialogue. As Euart notes, "If sponsorship is intimately related to mission, dialogue is a constituent element of sponsorship," particularly dialogue with the diocesan bishop.<sup>38</sup>

No initiative, association, school, or university may be designated as "Catholic" without the authorization of the competent ecclesiastical authority (cc. 216; 300; 803 §3; and 808). This should be seen as ensuring some level of "quality control" by ecclesiastical authorities over any initiative that presumes to call itself "Catholic."<sup>39</sup> Morrissey identifies the following criteria, derived from canon law, used to verify the Catholic identity of an institution, many of which also reflect the indispensable role of the competent ecclesiastical authority:

- Demonstrate Catholic values (e.g., Christian inspiration, contribution by research to the understanding of the truth, fidelity to the Christian message as it comes through the Church, an institutional commitment to service)
- Be guided by Church authorities (particularly the diocesan bishop)
- Be canonically established (e.g., be set up by Church authorities, have its statutes recognized by such authorities, or originate as an apostolate of an established religious congregation)
- Be bound by canon law concerning the organization of pastoral care and the administration of property
- Be subject to visitation by the diocesan bishop<sup>40</sup>

MPJPs remain accountable to the diocesan bishop within whose diocese they function. As MPJPs take on the stewardship of sponsored ministries, it is essential that those in leadership actively cultivate relationships with the diocesan bishop, characterized by transparency, openness, and a spirit of mutual respect. Such engagement not only fosters ecclesial communion (c. 209, §1) but it also strengthens the coordination of apostolic works and the common mission of the Church.

## Conclusion

The emergence and development of MPJPs represent a creative and promising response to the pastoral, theological, and canonical challenges facing the Church in the 21st century. Born

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<sup>37</sup> Final Document, n. 70.

<sup>38</sup> S. Euart, "Ministerial Public Juridic Person Model for Canonical Governance," in *Studia canonica*, 55 (2021), 329. She poses several questions to facilitate this dialogue: "For example, as the number of religious in governance decreases, what new structures for sponsorship is the religious institute(s) considering? What are the implications of a new sponsorship structure? Are there periodic conversations between the sponsor of a Catholic institution and the diocesan bishops? Is the diocesan bishop welcomed in sponsored institutions? How can bishops better serve sponsored ministries? How can sponsored ministries better serve the local Church?" (ibid.).

<sup>39</sup> Francis G. Morrissey, "What Makes an Institution 'Catholic'?", in *The Jurist*, 47 (1987), 544.

<sup>40</sup> Francis G. Morrissey, "Catholic Identity in a Challenging Environment," in *Health Progress* (November-December, 1999), 39.

out of necessity as religious congregations diminish in number, MPJPs have become a privileged instrument for ensuring the continuity of apostolic works, particularly in health care, education, and social services. However, they are not merely pragmatic solutions; they embody a deeper ecclesiological and theological shift toward a more participatory, synodal Church that values the contribution of all the baptized.

MPJPs navigate within a legal structure that is still evolving. As Kaleta and Morrissey observe, “Changes in the way Catholic ministry is perceived and carried out dictate a need for new structures to enhance its mission and purpose. Serious consideration must be given to these new structures to guarantee that the Catholic identity of the care institution remains vibrant and relevant in the future.”<sup>41</sup> Sponsorship models will continue to evolve, according to the needs and circumstances of the time and place, and structures put in place to support these initiatives must likewise adapt to address these contemporary challenges. MPJPs are a contemporary and creative response to ensure that sponsored ministries remain anchored in the foundational charism, Catholic identity and communion of the Church.

Moving forward, the Church will need to ensure the proper formation is provided. This value was recognized in the *Final Document* of the last synodal assembly, which called for comprehensive formation for all missionary disciples, the clergy and laity alike:

The holy People of God require proper formation so that they can witness to the joy of the Gospel and grow in the practice of synodality: first of all, in the freedom of sons and daughters of God in following Jesus Christ, contemplated in prayer and recognised in those who are poor. Synodality implies a profound vocational and missionary awareness, the source of a renewed way of living ecclesial relations and new dynamics regarding participation. It also means adopting the practice of ecclesial discernment and a culture of ongoing evaluation. These cannot come about unless accompanied by focused formation processes. Formation in synodality and the Church’s synodal style will make people aware that the gifts received in Baptism should be put to use for the good of all: they cannot be hidden or remain unused.<sup>42</sup>

Consequently, the formation provided to board directors, trustees, and senior executives of MPJPs needs to transcend matters of corporate governance, and must address issues related to founding charisms, Catholic identity and mission, bioethics, spiritual discernment, and fidelity to the Gospel message. These programs of formation must be intentional, ongoing, and anticipated in budgetary expenditures.<sup>43</sup>

MPJPs represent a concrete realization of co-responsibility in the Church’s life and mission, affirmed at the last synodal assembly. By entrusting lay persons, both women and men, with leadership and governance roles that had traditionally been held by clerics or religious, MPJPs exemplify what it means to be a Church of all the baptized – where every person, by virtue of baptism, participates in the mission of Christ. MPJPs provide a structure by which a multiplicity

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<sup>41</sup> Paweł Kaleta and Francis G. Morrissey, “Sponsorship of Catholic Health Care and Other Apostolic Works in the Church: Legal and Practical Aspects,” in *Studia canonica*, 52 (2018), 539.

<sup>42</sup> *Final Document*, 141.

<sup>43</sup> Gabrielle McMullen and Martin Lavery, “Learnings from the Development of New Lay-Led Church Entities in Australia,” in *Australasian Catholic Record*, 97 (2020), 138-139.

of charisms and vocational gifts may harmoniously contribute to the building up of the Church, in a spirit of collaboration, to serve those most in need.