

Administration of Church property and canon law

Something only becomes property when it is owned by someone. e.g., the moon is not property because no one has a claim of ownership. Property is owned by individual persons or legal person such as companies. It is Church property when it is owned by a legal person in the Church.

Sometimes people can own property but not administer it. E.g., I have given someone power of attorney so he can administer my property in the event I am unable to because of a bad accident. I will still own the property then, but I cannot administer it.

A company or a legal person has administrators who do not own it. The idea of legal persons in law arose within the Church. Monks lived in monasteries but took a vow of poverty so they could not own anything. The monastery became a legal person and monks administered the property of the monastery. These monks died etc. but the

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monastery carried on in existence.

Significantly, legal persons have to be recognised by an authority. E.g., the Mafia are recognised as a group that people can join, but they are not recognised as a legal entity in any country.

In New Zealand civil society there are layers of ownership: The Crown (government) which is sovereign in its own sphere; The City Council is a layer of government which has rates and bylaws; There are state-owned enterprises for television etc. There are universities, which operate on public government funds.

Private ownership includes: Companies; Trusts for a particular purpose, which are not companies, but have trustees; Associations, partnerships, sports clubs; and the property of individual physical persons.

The Catholic Church is sovereign in its own sphere, and is seen as “one” corporate entity by the general public. It has been around a lot longer than the Government of New Zealand. The Catholic Church has diplomats and is represented at the United Nations. In the Catholic Church there are — The Holy See and the Universal Church, dioceses, parishes, and public juridic persons that act officially on behalf of the Church, including the

seminary, religious institutes, and the Carmelite Monastery. In the Church, there are also private juridic persons, which do not act on behalf of the Church. There are also associations, such as the St Vincent de Paul Society and the Catholic Women's League, parish choirs, marriage encounter and food banks.

Administrators in the Church have circumscribed authority to act for the good of the Church. Throughout history, there have been concordats, treaties, arrangements with governments where the civil government recognises such things as the Church tribunal decrees of marriage nullity.

Canon law has provisions which state who has authority to carry out particular actions for the good of the Church, e.g. management, transitions, buying and selling. This regulates the acquisition of property, administration, and alienation.

The Church has always had a bias in favour of real property in land and buildings. These are called stable patrimony. For most of human history, there have been no shares or stock markets, and immovable property is considered stable.

Alienation is any act by which the right to ownership of ecclesiastical property is lost or reduced. This includes long-term leases and change of designation of property e.g., allowing people to bury bodies or ashes there.

Administration is either ordinary or extra-ordinary. Extra-ordinary expenditure is not budgeted for and is not day-to-day expenditure like paying wages. It could involve capital purchases like buying property or accepting a will. Wills are for a specific purpose, and one has to be careful about the intentions and liabilities with wills. (c.1267) for example, a will leaving money for a Mass to be celebrated in a particular church every month forever.

Ordinary expenditure is expenditure according to the budget and day-to-day expenditure. Once the budget is established, then the diocesan financial administrator manages the budget and the diocesan finance council monitors it. This gives freedom to the diocesan finance officer.

Practically speaking in the Church, there is a system of distributed management of Church property and finances. e.g. the diocesan bishop has no control over the finances of a religious institute. The diocesan finance council cannot tell the bishop what to do, but they can block him doing things if he needs their consent and they

refuse to give it.

Concerning dioceses and parishes — people in society often think the Church is a company. The Church is not a company, but it is sovereign in its own sphere.

In a company in civil society, the company has its board of directors who appoint the CEO, draw up the budget and can sell the property of the company.

In the Church the diocesan bishop is the equivalent of the board of the company and the CEO of the company. The bishop has to have a diocesan finance council and the college of consultors who are part of the distributive management of the Church property. The bishop also has the diocesan finance officer, often called the diocesan manager, to operate the budget.

The diocesan bishop has spending limits approved by the Holy See which limit his action. In New Zealand in 2021, the diocesan bishop requires the approval of the Congregation for the Evangelisation of Peoples to alienate e.g., sell property worth more than \$5.5 million, or to make a long-term lease or loan of Church property or assets.

The Church is not top-down management but is supported from below. The diocesan finance council oversees the diocesan property management and exercises vigilance or oversight of the parish finances. All parishes are subject to the oversight of the diocesan bishop. It is a system with autonomy and accountability.

The diocesan bishop has vigilance and oversight of parishes and their property.

The bishop does not own the parish property in canon law. In New Zealand civil law, he holds it in trust for the canonical owner, which is the juridical person of the parish.

The parish priest is the equivalent of a civil society board and CEO for the parish according to canon 522. The parish priest has to have a parish finance committee.

All the **religious institutes** in New Zealand are of pontifical right, and are subject to the Pope through the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. The religious institutes operate their finances completely independently of the diocesan bishop but, according to the 1983 Code, the bishop has oversight of their pastoral and liturgical activities.

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Giving ourselves a better story

In a recent book, *Living Between Worlds*, James Hollis offers a piece of wit that carries more depth than is first evident. A therapist says to a client, “I cannot solve your problem, but I can give you a more compelling story for your misery”. That’s more than a wisecrack. Whether we feel good or bad about ourselves is often predicated on what kind of story we understand ourselves as living within.

I remember a seminar some years ago where one of the keynote speakers was a young French Canadian priest, Pierre Olivier Tremblay. Tremblay began his talk with words to this effect: I am a chaplain at a university, working with young

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college students. They are full of life, dreams, and energy; sadly, however they are mostly devoid of hope because they have no meta-narrative. They suffer a lot because they do not have a bigger story within which to understand themselves and make more sense of their own story. Their own stories, precious though they are, are too small and individualistic to give them much to draw on when pain and heartache beset them. They need a bigger story within which to situate themselves, a meta-narrative. While this wouldn’t necessarily take away their pain and heartaches, it would give them something bigger within which to understand their suffering.

Hearing this, I think of my parents and the spirituality that helped sustain them and their generation. They had a meta-narrative, namely, the Christian story of salvation history, and of how, in that story, at the very beginning of his-

tory, Adam and Eve committed an “original sin” that has ever since skewed reality so as to leave us with the impossibility of ever attaining the full symphony in this life. When their lives got hard, as is the case with all of us, they had a religious perspective as to why they were frustrated and in pain. They understood themselves to be born into a flawed world and a flawed nature. Hence, their prayer included the words, “for now we live, mourning and weeping in a valley of tears”.

Today we might frown on this and see it as unhealthy and morbid, but that narrative of Adam and Eve helped give some explanation and meaning to all the shortcomings in their lives. While it didn’t take away their pain, it helped give dignity to their miseries. Today I see many sincere parents trying in new ways to give a bigger narrative to their young children through stories like *The Lion King*. That might indeed be helpful for young children; but as Pierre Olivier Tremblay points out, eventually a much bigger and more compelling narrative is needed.

The story within which we frame our pain makes all the difference in the world vis-a-vis how we cope with that pain. For example, James Hillman tells us that perhaps the biggest pain we experience with aging is our idea of aging. This is true too for many of our struggles. They need the dignity of being seen under a larger canopy. I like what Robertson Davies says when he laments that he doesn’t want to struggle with a “growing edge”, but wants rather to be “tempted by demons”. He wants to accord a higher dignity to his temptations!

A bigger story brings us this dignity because it helps us differentiate meaning from happiness. We invariably confuse the two. What we need to seek in life is meaning, not happiness. Indeed, happi-

ness (as we generally understand it) can never be pursued because it is always a byproduct of something else. Moreover, happiness is ephemeral and episodic; it comes and goes. Meaning is abiding and can co-exist with pain and suffering. I doubt that Jesus was particularly happy as he hung dying on the cross, but I suspect that, inside of all the pain, he was experiencing deep meaning, perhaps the deepest meaning of all. Not incidentally, he found this deepest of all meaning because he understood himself as being inside the deepest of all stories.

At the end of the day, faith, religion, community, friendship, and therapy, cannot take away our problems. Most times, there isn’t any solution; a problem must be lived through. As Gabriel Marcel famously put it, life is a mystery to be lived, not a problem to be solved. The story within which we frame our pain is the key to turning problem into mystery.

Art Schopenhauer once wrote that all pain can be borne if it can be shared. The sharing he was referring to isn’t just to do with friendship, community, and intimacy. It also has to do with story. Pain can be borne more generatively when it finds itself inside a larger story than our own, when it shares a meta-narrative, a horizon wide enough to dwarf idiosyncratic loneliness.

Hollis is right. No therapist can solve our problems, but he or she can help us find a bigger story that can give more meaning and dignity to our misery.

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