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## **The Significance of Charity (*Caritas*) in the Governing, Sanctifying, and Teaching Mission of the Church**

*Pomen (karitativne) ljubezni v voditeljskem, posvečevalnem in učiteljskem poslanstvu Cerkve*

*Abstract:* It would be far from the ‚constitutional‘ principle of the Church, like in a case of the welfare state, to separate markedly the organizations of the universal or particular Church that are specifically in the service of merciful charity. On the contrary, all levels and all offices of the Church are permeated with the commitment to merciful love. We are substantiating our claims with qualitative research, analyses of primary and secondary theological and Canon Law sources, which we sharpen for the governmental, sanctifying, and teaching mission of the Church. Our goal is to demonstrate that the consistent commitment of the Church, especially utterances of the current Pope, the reform of the Curia, the positioning of the diplomatic body and the involvement of the Catholic Church in crisis management to support regional and global humanitarian mission and security, harmonize with the theological teaching of the Church and with the Canon Law referring to it.

*Key words:* social teaching, crisis-management, canon law, Holy See, humanitarian assistance

*Povzetek:* Kakor v primeru socialne države, bi bilo od ‚konstitutivnih‘ načel Cerkve oddaljeno tudi ostro zamejevanje tistih njenih organizacij (na vesoljni ali krajevni ravni), ki so specifično namenjene usmiljeni ljubezni. Še več, vse ravni in vse službe Cerkve prežema zavezanost k usmiljeni ljubezni. Naše trditve utemeljujemo na kvalitativnih raziskavah, analizah primarnih in sekundarnih teoloških in kanonskoprnih virov, skozi katere poudarjamo voditeljsko, posvečevalno in učiteljsko poslanstvo Cerkve. Naš cilj je pokazati, da je dosledna zavezanost Cerkve – zlasti prizadevanja sedanjega papeža, reforma kurije, umešččnost diplomatskega zbora in vključenost Cerkve v krizni management za krepitev regionalnega in svetovnega humanitarnega poslanstva ter varnosti – skladna z njenim lastnim teološkim naukom in kanonskim pravom, ki se nanj navezuje.

*Ključne besede:* družbeni nauk, krizni management, kanonsko pravo, Sveti sedež, humanitarna pomoč

## 1. Introduction

The administrative system of the Roman Empire consisted of five elements: foreign affairs, internal affairs, finance, justice and defence (Lörincz 2010, 27–28). Social affairs were not part of the classic area of antique administration. The birth of the welfare state is connected to the formation of social protection, which finds the right balance between citizen's self-care and the necessary intervention of the state. Regarding the existence of the state, the territory, the population and the supreme authority over them mean the *conditio sine qua non*<sup>1</sup> of the existence of the state, and not social care. Though social care, which proceeds via public and administrative institutions, is accented in the so-called 'welfare state', history has proved that a state can exist without social care. It would be unfamiliar to the nature of the Church if – similarly to a social or a welfare state – a social segment could be separated sharply. This would suggest that in the Church this group of offices would – exclusively – be responsible for promoting the works of piety, while other offices would not have any responsibilities on this field.

On the contrary, in case of the Catholic Church, we can see a reverse phenomenon. As in the administrative system of the Church, the institutions that are responsible for 'social care' seem to be marginal. As a separate segment – along with the sanctifying, teaching and governing – the 'social agent' does not appear in contrast with the modern state. Furthermore, the rate of those offices that are responsible for the care of the poor and for people from marginalised and more vulnerable social groups is low among the institutions of both the Roman Curia and the particular Churches. However, the whole mission of the Church, due to the founder's example and order: »Heal the sick, raise the dead, cleanse those who have leprosy, drive out demons. Freely you have received; freely give« (Mt 10,8), is determined by charity. Charity is not specified beside the three branches, but because of its importance, it shines to the governing, sanctifying and teaching mission (Hierold 1999, 1028–1032). Moreover, charity works as a kind of link between the above-mentioned three branches. It is impossible to speak about the governing, sanctifying and teaching missions of the Church without having its connection with the *caritas*. Because of the universal appearance of the *caritas* in the threefold activity of the Church, the boundaries are becoming more blurred: in many cases, the specific manifestation of charity belongs to any activity of the governing, sanctifying and teaching mission at the same time. What is more, the *caritas* is so multi-coloured in the life of the Church that it is impossible to cover its fields in one study.<sup>2</sup> We can conclude that *conditio sine qua non* of the Church, contrary to state, is the use of merciful charity. The title of Salvatore Berlingo's general monograph of canon law is not exaggeration: Justice and Charity in the Functioning of the Church (Berlingò 1991). The author indicates that in the cano-

<sup>1</sup> It is true that the basic mission of 'good governance' is to implement public welfare; however, we cannot doubt if the state could not accomplish this mission, it would cease to exist (Frivaldszky 2012, 1–26).

<sup>2</sup> The conference volume of Santa Croce University in Rome represents this well; it analyses the presence of *caritas* in the life of the Church in more than five hundred pages and twenty studies. Though it is a monumental work, it does not cover all the areas (Miñambres 2008b).

nical system, charity flows through the different regulating areas: from general norms, through sacramental law to the hierarchal structure of the Church or to the areas of process-, penal law and law of temporal goods. The system in which justice does not appear cannot be called legal system. The system in which charity does not appear cannot be called canon law system (Minelli 2008, 321–335). Regarding the latter, Carlos José Errázuriz notes that the basic paradigm of charity exists deeper in the Church than simply connecting it to the operation of the Church. Therefore, we should not speak about the actions of *caritas*, but about the *caritas* existing inside the Church (Errázuriz 2008, 170–171).

On the level of the magisterium, in his *motu proprio* *Intima Ecclesiae natura*, Pope Benedict XVI expressed that charity is a constitutional element of the Church (Benedict XVI 2012, 996). In his exhortation *Evangelii gaudium* Pope Francis made a significant statement from the perspective of Canon Law: »For the Church, the option for the poor is primarily a theological category rather than a cultural, sociological, political or philosophical one« (2013, 1103). If looking after the poor is really a theological category, the care for the poor should manifest in Canon Law as Canon Law serves theology. It is true for each universal and particular Church for promoting regional and global security. The presence of the Church in international crisis management does not trace back to (security) policy consideration (although it appears among the viewpoints undoubtedly (Ujházi 2018, 207–215)) but to the universal mission with which the founder endowed the Church (Laffitte 2008, 6–18). Apart from the international legal aspect of the question, we mean the Holy See has the right to evaluate international circumstances as being an international legal entity (Duchesne 1908; Graham 1959; Hanson 1987; Arangio-Ruiz 1996, 355–369; Gratsch 1997; Araujo 2001, 292–336; Bathon 2001, 597–632; Barbato 2013, 27–48; Morss 2015, 927–946; Seyersted 1965, 31–82; Chong and Troy 2011, 335–354; Antonini 2015, 5–16) the Church traces back its mission to the founder's supreme fraternal order (Mt 22,37-40). Its specific aspect is helping the most vulnerable: »whatever you did for one of the least of these brothers and sisters of mine, you did for me« (Mt 25,40). Furthermore, the Holy See, as an international legal entity, can raise its voice not only for the victims of Christian or Catholic regions, but also for every victim of global conflicts. From theological viewpoint, it is not in connection with the international legal entity of the Holy See, but with the universal salvation: when »assuming human nature, He bound the whole human race to Himself as a family through a certain supernatural solidarity and established charity as the mark of His disciples, saying: ›By this will all men know that you are My disciples, if you have love for one another /.../« (Jn 13, 35)

In this study, we are looking for the answer how the example and order of charity, originating from the founder, work on the area of the threefold – governing, sanctifying and teaching – mission of the Church to ease crisis of the modern world. Our working hypothesis is that it would be far from the ‚constitutional‘ principle of the Church, like in case of the welfare state, to separate markedly the organizations of the universal or particular Church that are specifically in the ser-

vice of merciful charity. On the contrary, all levels and all offices of the Church are permeated with the commitment to merciful love. We are substantiating our claims with qualitative research, analyses of primary and secondary theological and Canon Law sources which we sharpen for the governmental, sanctifying, and teaching mission of the Church. Our goal is to demonstrate that the consistent commitment of the Church, especially of the current Pope's, to regional and global humanitarian actions and security harmonizes with the theological teaching of the Church and with the Canon Law referring to it.

## 2. The basic principle of charity on the area of governmental activities of the Catholic Church

The Church – although it holds synodic elements – is an inherently hierarchical community. Therefore, in practice, the basic principles of charity should appear in the governing activities of the hierarchy (Berlingò 1993, 91–120). Besides, using the actions of charity is the area where the lay faithful are able to cooperate with the hierarchy excellently.<sup>3</sup>

Practising of charity is not a necessary response of Church to challenges activated by historic or security situations. Due to the founder's order, it is a constant element. Another matter is whether the Church use this attitude on the area of governing, sanctifying and teaching considering historic and security situations. The pastoral constitution on the Church in the modern world, *Gaudium et spes*, words right at the beginning that »it (the Church) is truly linked with mankind and its history by the deepest of bonds« (GS, no. 1). In this context, the Church cannot be indifferent to global or regional security challenges, even more the Church thinks it is their duty to patronise the poor, the hungry and the victims of illnesses and wars (Missaglia 2006, 104–124).

It would be a legal positivist conception of the Canon Law to attribute a role in promoting charity to those ecclesiastical offices whose profile or legislation regulating their operation contain this specific segment (Errázuriz 2008, 171). Salvatore Berlingò notes rightly that charity must flow through all levels of the hierarchy: from the episcopal body through office of the Pope, the universal councils and the dicasteries of the Roman Curia to papal nuncios, the administration of dioceses and provinces all the way to the parochial level. Commitment to actions

<sup>3</sup> The Apostolic exhortation *Christifideles laici* on lay faithful: »On this road we meet many lay faithful generously committed to the social and political field, working in a variety of institutional forms and those of a voluntary nature in service to the least.« (nr. 6) And more significantly in section 41: »Service to society is expressed and realized in the most diverse ways, from those spontaneous and informal to those more structured, from help given to individuals to those destined for various groups and communities of persons. The whole Church as such, is directly called to the service of charity /.../ For this reason, mercy to the poor and the sick, works of charity and mutual aid intended to relieve human needs of every kind, are held in special honour in the Church. Charity towards one's neighbour, through contemporary forms of the traditional spiritual and corporal works of mercy, represent the most immediate, ordinary and habitual ways that lead to the Christian animation of the temporal order, the specific duty of the lay faithful.« (John Paul II 1988a, 402–403; 470–471)

of charity flows through the whole system of the Church. It is so even if it does not appear in the regulation of an institution particularly. The first Christian communities turned towards the poor spontaneously, without any regulations and rules (2 Cor 9,13-14; 8,10; Acts 2,44-45; 4,32-35). It does not mean that it is not necessary for the actions of charity to happen within regulated boundaries, but the spontaneity of the first century warns that charity was so deeply rooted in the life of the Church that it had already existed before the legal regulation and the institutional framework (both necessary indeed) were implemented. Naturally, along with the institutionalization of the Church, care for the poor became institutionalized, too, and the institutions got legal regulations. The Church is a hierarchical community, so it is not unusual that, regarding certain participants of the hierarchy, the question arises: How are they related to charity? (Condorelli 2008; Pioppi 2008). Adolf von Harnack notes that by the 3rd century two kinds of charities could be differentiated: the one carried out by the individual, and the other performed by the Church institutionally (Harnack 1902, 1920).

Concerning that the supreme governmental authority is concentrated in the hands of the Roman Pontiff, he is expected to take the lead in practicing the actions of charity. The introductory canon about the governmental power of the Roman Pontiff (Can. 331) notes that the Pope can freely exercise his direct, universal, complete and supreme power in the Church. In listing Petrine titles, the same Canon mentions that the Pope is the 'shepherd' of the whole Church. The expression 'good shepherd', which bears basis coming from the Gospel (Jn 10,11; Mt 15, 24; Mt 20, 28), was adopted by the law long ago, and integrated into the legislation referring to the activities of ecclesiastical authorities. From the current legislation, we can even conclude that the free practice of governmental power of the Roman Pontiff has boundary indeed, but it is rather theological and not legal one, and it is faithfulness to the shepherd nature (Walf 1998, 481; Molano 2004, 592–593). The shepherd is not merely an additional but an essential attitude of Church governmental activities; it is closely connected to the concept of *caritas* and putting it into life (Semeraro 2005, 15–16).

Another expression which is rarely used in legal texts, but it has a long tradition referring to the Roman Pontiff's 'office' is *„Servus servorum Dei“*, Servant of the servants of God. This expression enlightens the servant aspect of the Pope's governmental power (Levison 1916, 384–386). For long, the idiom, which is traced back to Pope Saint Gregory the Great (590–604), was used by Popes not only for themselves, but also for other bishops. Obviously, when approaching governmental power theologically, it is not inappropriate to apply this idiom for all bishops, even for all priests and the faithful. As each Christian's task is to serve God in brethren (Rom 15,2; 2 Tim 2, 24). The emphasis of the title with regard to the Roman Pontiff highlights that the practice of supreme governmental power should take place in the spirit of serving. As the Church is a hierarchical community, such orientation of practicing supreme power shines to the whole hierarchical community. It is particularly illustrated in the introductory part of the apostolic constitution, *Pastor Bonus*, which regulates the operation of the Roman Curia – which he-

lps the Pope in his supreme governmental mission. From among the titles, the constitution finds it important to emphasize that the Pope is *„Servus servorum Dei“*. What is more, the constitution marks that the Roman Pontiff »has charge over the ‚whole body of charity‘ and so it is the servant of charity« (John Paul II 1988, 843).<sup>4</sup> Even so, Jesús Miñambres highlights that only parts of the works which deal with the Pope’s governmental power cover the basic paradigm of serving charity, which substantially determines the papal office (Miñambres 2008b, 254; D’Onorio 1992; De La Hera 1993).

The Pope’s magisterial teachings are specific tools of the supreme governmental activities. We cannot pass by those encyclicals that refer to applying charity, caritas of the Church, and they always take the current global and regional social-security challenges into consideration (Leo XIII 1891; Pius XI 1931; Jonh XXIII 1961; Paul VI 1967; 1971; John Paul II 1981; 1987; 1991; Benedict XVI 2006a; 2012. Summary work for the question Hebda 2016).

Similarly, those actions with which Popes show their touching signs of their care for the most vulnerable serve as serious guidelines. The current Pope has performed several of these kinds of activities (washing feet, letting the poor in the palace, building showers for the homeless, visiting refugees). These activities are not merely the manifestation of ‚solidarity‘, but they highlight that charity forms an integrated part of practicing the supreme governmental power.

In practising his supreme governmental power, the Pope is helped by the dicasteries of the Roman Curia. In the apostolic constitution, *Pastor Bonus*, emphasizes the ‚diaconate‘ of the whole Curia (John Paul II 1988b, 443). In naming the constitution, *Pastor Bonus* Pope John Paul II noted that the supreme governance body acted in the spirit of the Good Shepherd. Otherwise, Pope John Paul II liked referring to the Good Shepherd in the titles of his papal documents relating to governmental power: such as his post-synodal apostolic exhortation, *Pastores dabo vobis* on the formation of priests, (John Paul II 1992)<sup>5</sup> and his exhortation, *Pastores gregis* on the bishops (John Paul II 2004). In this latter document the Pope drew his bishop-brethren’s attention to practice their governmental tasks in the spirit of charity. The most expressive summary is given by number 20, which – regarding to practicing governmental duties – notes:

»The title procurator pauperum has always been applied to the Church’s pastors. This must also be the case today, so that the Gospel of Jesus Christ can become present and be heard as a source of hope for all, but especially for those who can expect from God alone a more dignified life and a better future. Encouraged by the example of their pastors, the Church and

<sup>4</sup> »Id vero ad singulos Episcopos in propria cuiusque particulari Ecclesia spectat; attamen tanto magis ad Romanum Episcopum pertinet, cuius ministerium Petrianum in universalis Ecclesiae bonum utilitate-mque procurandam incumbit: Romana enim Ecclesia praesidet ‚universo caritatis coetui‘, ideoque caritati inservit. Ex hoc potissimum principio processerunt vetusta illa verba ‚Servus Servorum Dei‘, quibus Petri Successor denominatur atque definitur.« (John Paul II 1988, 843)

<sup>5</sup> Referring to the service of the poor, especially number 30. (John Paul II 1992, 705–706).

the Churches must practise that ,preferential option for the poor'.« (John Paul II 2004, 852–853)

With establishing the Dicastery for Promoting Integral Human Development, Pope Francis reached an operative level (Ujházi 2017). In his supreme governmental activities, the dicastery helps the Pope with promoting social justice and looking after the poor and refugees. Though the dicastery was established by Pope Francis, it does not mean that before establishing the new ,dicastery', there was not a central body in the Roman Curia that helped the Pope promote *caritas* in performing his governmental activity. Originally, it is the merger of four pontifical councils, Pontifical Council for Justice and Peace, the Pontifical Council Cor Unum, the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, and the Pontifical Council for Health Care Workers, whose basic mission was to promote charity widely in the society. The Pontifical Council Cor Unum played an extremely significant role in harmonizing the international charity activities of the Catholic Church. With the supervision of Caritas Internationalis, it managed *Fondazione Populorum Progressio*, which was established in 1992 and was responsible for Latin-American development projects. Today, the Holy See governmental management of the above-mentioned organizations is carried out by the new dicastery. John Paul II Foundation for the Sahel also used to be managed by the Pontifical Council Cor Unum. The foundation was started to be organized after Pope John Paul II's visit to Burkina Faso, in 1980. Officially, the foundation was born 22 February 1984 (*Pontificium Consilium Cor Unum* 2017). When starting the initiative, Pope John Paul II was motivated by human misery and the fight against desertification. Originally, this organization also worked under the Pontifical Council Cor Unum. Another initiative can be mentioned: the *Merciful Samaritan – Fondazione il buon samaritano* – under the Pontifical Council for Health Care Workers (later integrated into the new dicastery). It helps the poorest and the most vulnerable patients in underdeveloped regions (*The Dicastery for Promoting Integral Human Development* 2020).

The Pontifical Council *Iustitia et Pax* helped the Supreme Pastor's duty with promoting world peace and social justice and the elimination of poverty and regional wars. „*Compendium of the Social Doctrine of the Church*“, the publication of which was the duty of the Pontifical Council ordered by John Paul II, highlights the quality of its work. It was only published during Benedict XVI's papacy (*Pontifical Council for Justice and Peace* 2005). The compendium introduces the theoretic teachings of the Church in social questions that appear in the new approach of security (Padányi and Földi 2016). The compendium gives deeper analyses of human rights, public welfare, economics, the state, international communities, the protection of environment and terrorism – areas that all have places in the comprehensive interpretation of security. Naturally, compendium is not the only document that evaluates certain ,new' security challenges according to the comprehensive interpretation of ,security'.<sup>6</sup> It is the merit of the compendium that a

<sup>6</sup> A non-exhaustive list of the publication of the Pontifical Council on promoting charity and social justice:

significant part of challenges, threats and risks – mentioned in the new security complex – are evaluated shortly and cleverly in one place. The compendium is a good example of how the Church theoretically reflects on the human misery coming from new security challenges, and how it motivates the whole community to ease the suffering of each individual (Strehovec 2020, 395–401).

We can also mention, referring to other organizations – established not specifically for charities – of the Roman Curia, that they should pay attention to *caritas* in their activities. For example, the Pontifical Council for the Laity is responsible for helping lay faithful's initiatives regarding charities.<sup>7</sup>

The apostolic constitution *Pastor Bonus* deals with the operation of the Office of Papal Charities (*Eleosineria Apostolica*) only in one, in the last article (nr. 193 [John Paul II 1988b, 912]). The referral »aid of the Supreme Pontiff« (nr. 193 [John Paul II 1988b, 912]) forms a frame with the introduction of the constitution, which enlightens the servant attitude of pontifical governing power, »Servant of the servants of God.«<sup>8</sup> According to some opinions, after the Curia reform, planned by Pope Francis, the dicastery will possess a more prominent place in the system of central offices (Graziani 2020).

The shepherd attitude and its theological aspects shines through the legislation referring to diocesan Bishops too. Regarding diocesan bishops, Canon 387 of the current Code of Canon Law notes only in some cases that they must show an example of holiness in charity, humility, and simplicity of life. Canon 383, §3 says that a bishop has to act with humanity and charity toward the brothers and sisters who are not in full communion with the Catholic Church. Pope Benedict XVI considers the hiatus of the Code of Canon Law *lacuna legis*, loophole, (Benedict XVI 2012, 996–997), which he tried to correct under his papacy. Other legal documents note that bishops' governmental attitude is substantially determined by serving charity. Before episcopal ordination, regarding episcopal service the candidate is asked whether he wants »to be, in the Lord's name, welcoming and merciful to the poor and to all those in need of consolation and assistance« (The Congregation for Divine Worship and the Discipline of the Sacraments 1990, 43).

The Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores* notes – regarding the identity and mission of a bishop – in its introduction that bishops are constituted as pastors and they are shepherds and guardians of souls (1 Pet 2,25) (The Congregation for Bishops 2004). Later the document (nr. 2.) compares episcopal service to the service of the Good Shepherd's, whose basic atti-

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on the relation of religions and humanitarian law (2009); on taking actions against racism (1988); on disarming (2008); on the protection of human rights (2007); on the relation of justice and peace (2004a); on humanitarian aiding and military chaplains (2003a); on the relation of the Holy See and international organizations (2003b); on easing famine (2004b); on arms trade (1994b), on the fair distribution of natural resources (1997); on refugees (1994a).

<sup>7</sup> »Laicorum cooperationem fovet in catechetica institutione, in vita liturgica et sacramentali atque in operibus misericordiae, caritatis et promotionis socialis.« (nr. 133, 2§ [John Paul II 1988b, 894])

<sup>8</sup> »Eleemosynaria Apostolica opus adiumenti pro Summo Pontifice exercet erga pauperes ac pendet directe ex Ipso.« (nr. 193 [John Paul II 1988b, 912])



tude consists of goodness, mercy and generosity. Sympathy for the poor and vulnerable – as a significant element of the episcopal character – appears in several places in the directory, but regarding the threefold mission the directory says: the bishop practices the threefold mission according to the Good Shepherd's example (The Congregation for Bishops 2004). In the procedure before episcopal assignment special attention is paid to the candidate's commitment to the activities of charity (Reese 1984, 5; Ujházi 2012, 715–741).

### 3. The role of Caritas in Ecclesiastical Legislation, execution and jurisdiction

Concerning that in the administrative system of the Church, we differentiate legislation, execution and jurisdiction, but contrary to secular legal systems, we do not separate them sharply (Ghirlanda 1993, 802–803), it is fair to examine the three branches together at the manifestation of works of piety. However, slight shift in priorities can be seen on this area. Caritas can be caught on the areas of execution and legislation of the three branches, while on the area of jurisdiction it can be hardly observed. It does make sense, as ecclesiastical institutions that perform the works of piety operate in legal environment. Operation belongs to the executive area.

If we set aside holy texts as the legal nature of revelation (when Jesus orders his disciples to perform works of piety), the actions of charity appear in the practice, in 'administration' in a wider sense. Apostles chose seven deacons to look after the poor (Acts 6, 2-6). This is the first time of office establishment. Jesus chose the twelve apostles, their offices traced back to Lord's will. The apostles determined the seven deacons' tasks. However, in a wider sense, but the first office establishment is connected to the practice of charity. Only after this, the aspects of works of piety were adopted in legal texts either in general or regarding the practice of ecclesiastical offices. In his encyclical, *Deus Caritas est* (nr. 21) Pope Benedict XVI considers this first 'office establishment' to be determinant regarding the later institutionalization of the Church and the development of the connecting legal frames:

»/.../ the social service which they (seven deacons) were meant to provide was absolutely concrete, yet at the same time it was also a spiritual service; theirs was a truly spiritual office which carried out an essential responsibility of the Church, namely a well-ordered love of neighbour. With the formation of this group of seven, 'diaconia' – the ministry of charity exercised in a communitarian, orderly way – became part of the fundamental structure of the Church.« (2006a, 234)

By ecclesiastical structure, we mean the whole Church, its each level parochial, diocesan, national and international level (Miñambres 2008b, 253). After the Second Vatican Council, deacons, who get their mission as ministry by the episcopal imposition of hands, prominently represent the message of serving charity, which flows through the threefold mission of the Church. The post-synodal legislation

and the canon law literature leave no doubt about it (Beyer 1997; Pavanello 1997). His greeting to permanent deacons, Benedict XVI emphasized the versatility of their charitable service to enrich the Church (2006b). However, the Pope also considered it important that the legal provisions in the Code pertaining to deacons be more in line with the theological teaching of the Church. Therefore, with the *motu proprio* *Omnium in mentem* to the two paragraphs of the second introductory canon on holy orders (Can. 1009), he added a third paragraph expressing that »deacons are empowered to serve the People of God in the ministries of the liturgy, the word and charity« (Benedict XVI 2010, 8).

Concerning the administration of works of piety, the above mentioned encyclical, *Deus caritas est* emphasizes the role of bishops in accomplishing the works of caritas: »In conformity with the episcopal structure of the Church, the Bishops, as successors of the Apostles, are charged with primary responsibility for carrying out in the particular Churches the programme set forth in the Acts of the Apostles.« (Benedict XVI 2006a, 246; Miñambres 2013) Beside this, the initiatives of episcopal conferences also have roles. In most countries, episcopal conferences have committees that deal with the question of social justice theoretically, and it is typical that – along with diocesan caritas – national caritas, subordinated to episcopal conference, works as well.

As far as the parish concerned, Cardinal Luis Antonio Tagle notes cleverly in an interview that the Church lives in parishes (Shalom World 2018). Most people see only this level of the ecclesiastical administration. Therefore, the manifestation of works of piety on this level is the most significant. The priests and the faithful of the parish are the ‚legates‘ of the Church in turning the higher level teachings of the Church into practice. The directory, *Apostolorum Successores* (nr. 212) calls the parish priests of the diocese ‚pastors‘ who help the bishops in their triple mission. Parish priests receive the sanctifying (Can. 528 §2), teaching (528 §1) and governing mission (529 §1, 2) of the Church. Indeed, the Code calls the priests ‚pastors‘, moreover, proper pastor of the parochial community itself (515 §1). In other cases, it obviously signs that fulfilling the pastoral service includes the special care for the poor and the suffering (529. §1). So, in the legislation referring to the parish priest, the word ‚pastor‘ is a theological expression (Bonicelli 1993, 43–49), which carries the merciful, committed to the poor Christlike character of the parish priest’s attitude to the governance of the Church (Cocopalmerio 1993 6–22). Besides, the current legislation emphasizes – out of the parish priest’s governing works – the care for the poor more significantly than the old Code did (Montini 2005, 134–135). The manifestation of merciful charity can have several sides on parochial level – visiting the old, the ill, the homeless, the refugees, aiding programs, etc. Family visits can have special importance, during which the pastor meets those families that are in need, and the parish community does its best to help them (Appendino 1995, 290–308). However, the main coordinator of these visits is the parish priest on parochial level but lay faithful can appear right here when joining the care for the poor in connection with practicing works of merciful charity (Erdő 1993, 632–640). Caring for the poor is a special area of the

cooperation – much disputed – between the hierarchy and the lay faithful in the governance of the Church (Del Portillo 1999), which is best demonstrated by the fact that the directory, *Apostolicam Actuositatem*, which is about the apostolate of the lay faithful, dedicates a separate paragraph to charity (AA, nr. 9).

Legislation, beside its administrative tasks, has an important role on the area of charity. The Church implements works of charity via its institutions. The institutions operate within legal boundaries: either universal or particular laws or statutes approved by competent ecclesiastical authorities (Can. 299 §3). Questions, that are necessary for the smooth operation of organizations – such as structure, managing and controlling, inspection body, members, rights and duties –, get their framework in legislation. However, it is the legislator duty to clarify the basic principles of the cooperation between ecclesiastical organizations that work on promoting charity and other Catholic or civil organizations with similar character (Ujházi 2019, 149–68). Pope John Paul II, when introducing the current Code of Canon Law, cleverly pointed out:

»In actual fact the Code of Canon Law is extremely necessary for the Church. Since, indeed, it is organized as a social and visible structure, it must also have norms: in order that its hierarchical and organic structure be visible; in order that the exercise of the functions divinely entrusted to her, especially that of sacred power and of the administration of the sacraments, may be adequately organized; in order that the mutual relations of the faithful may be regulated according to justice based upon charity.«  
(John Paul II 1983, IX)

Ecclesiastical legislation is significant – besides forming the legal boundaries of each legal institution – because some, in a strict sense, laws – even short ones – refer to the works of charity, *caritas*. These referrals are theology motivated references, with which the legislator indicates particularly that the most ‚profane‘ legal areas (temporal goods, association law, general norms etc.) are connected to the charity in the Canon Law, due to this is the basic mission of the Church. For example, in the general introduction of juridical persons, the legislator clarifies that they are ordered for a purpose which is in keeping with the mission of the Church (Can. 114. §1), and it is the works of piety, of the apostolate, or of charity, whether spiritual or temporal (114 §2).

At the „Ecclesiastical constitutional law“, the legislator mentions that it is the Christian faithful’s duty to assist the poor from their own resources (Can. 222 §2). As this duty can be found in the general section, it obliges not only lay and cleric, but also all members of the Church. It is in accordance with the general regulation referring the temporal goods of the Church, which renders the assets of the Church to accomplish its proper purposes (Can. 1254 § 1). The law does not call the apostolic work a purpose simply, but a proper purpose: helping charity, especially toward the needy (Schouppe 1997, 11; De Paolis 1999, 9–43). The Code follows the concept of the Second Vatican Council (LG, nr. 13; 23; GS, nr. 42; 69;

71; 76; PO, nr. 17; 20 21; PC, nr. 13; CD, nr. 6; 28; DH, nr. 4; 13 GE, nr. 8; IM, nr. 3.): the Church has temporal goods, manages or sells them, but these activities are always in connection with accomplishing its purposes, especially with the apostolic work of caring for the needy (De Paolis 1999, 17; Faltin 1967, 441–442; Macuh and Raspor 2018, 641–660).

The purpose – beside Christian or religious purposes – of the associations of faithful are to promote beneficial charity, which appears significantly at the principles of the Christian faithful's association right. The Christian faithful – either lay or cleric – have the right to found and direct associations for purposes of charity or piety or for the promotion of the Christian vocation in the world and to hold meetings for the common pursuit of these purposes (Can. 215). It is the faithful's right and duty to take part in apostolic activities – whose part is the practice of charity – actively, as they all took part in the priestly, prophetic and kingly mission in the sacrament of baptism (Cann. 216–217). It is the Canon Law that clarifies under what conditions and what kind of organizations the faithful can establish. Namely, how an association can be private or public, with or without juridical personality, under what circumstances it can bear the 'Catholic' name (Can. 216). How statutes are accepted and supervised, what elements are compulsory, what the relation is between the association and the hierarchy, similar Catholic organizations and social initiatives (Del Portillo 1999, 114–124). As the charity initiatives of the faithful's have a wide variety – they can be regional, national, international – we cannot discuss these details here deeply. I just want to note that legislation, as a privileged branch of governmental activity, does not possess an abstract function, but it promotes charity activities actively as well. Besides, basic principles are expressed on this area, too. As Luis Navarro notes in his study that analyses the relation of associations of faithful and *caritas*, no matter what legal form the charity association of the faithful's has – as each form has its advantage –, it must be emphasized that the association always has a supernatural motivation. Compared to similar state or social initiatives, the associations of faithful are motivated by not only 'philanthropy', but Christian charity as well. (Navarro 2008, 196).

The same can be said about religious orders. Throughout history in the charismatic works of several orders activities of charity appeared, such as care for the poor, the ill or other activities like prisoner exchange (Jelich 1983). However, the acceptance of the statutes, choosing leaders, the admission, education and dismissal of members happen along legal regulations. Even in case of those orders whose charismatic founder paid special attention to charitable activities, but not to legal frameworks, it became clear after the death of the founder that in order to perform charitable activities smoothly and properly legal frameworks are required. It is enough to think of Saint Francis of Assisi and Saint Bonaventure (1221–1274). The latter, according to the founder's charisma and idea, created a structural framework to the operation of the order. There are orders whose main activity, according to the founder's will and the charisma of the order, concentrates on charity. Besides, the Code of Cannon Law, under the regulations referring to all institutions of consecrated life, mentions how important the manifestation of

charity is (Can. 573. §1; 602; 607 §1). The legislator usually found it important that *caritas* should appear in every institution of consecrated life (Domingo 2005, 291). History shows that orders played a particular role the charitable service (Haring 2008, 196). This activity was in connection with the administration of sacraments, that is the sanctifying mission, or with preaching, namely teaching mission. Communities of the consecrated life are still present on crisis areas actively; with easing social problems, they take part in establishing regional security. Furthermore, they maintain educational institutions in several countries with unstable security.

Here, we can mention ‚pious wills and pious foundations‘ that support liturgical, educational and charitable activities of the Church. The legislator clarifies their legal regulations and operating areas (Cann. 1299–1310; Durán 2007).

The legislation referring to the procedures of beatification and canonization is specific, too. So, José Luis Gutiérrez is right when he calls these procedures ‚*potestas regiminis*‘ – a special area of practicing governmental power (Gutiérrez 1999, 271; Frutaz 1976, 362–375). When a candidate’s life is examined during the procedure, special attention is paid to the fact how they practised charitable activities (Gutiérrez 1999, 307). The complex nature of the procedure is shown by the fact that the Church has related legislation, the procedure is carried out along legal frameworks and it ends with a legal decision, ‚sentence‘.

#### 4. Charity in the sanctifying and teaching mission

However, the sanctifying activity of the Church appears in the administration of sacraments and sacramentals the most concretely, but in a wider sense, sanctifying does not mean performing liturgical events only. The Church, via works of charity, »greatly help to root and strengthen the kingdom of Christ in souls and contribute to the salvation of the world« (Can. 839 §1), and this way it practices the sanctifying mission.

The image of merciful Christ and the mission of the Church to the poor are best summarized in the corporal and spiritual works of mercy.<sup>9</sup> Out of the fourteen works several appear only indirectly and others directly in the regulation of sanctifying and teaching missions of the Church.

As the Church is a Eucharistic community (LG nr. 11; SC nr. 10), we cannot ignore that theological aspect that the foundation of Eucharist and the works of Christian merciful charity are connected from the first moments. While synoptic tradition emphasizes the foundation during the last supper (Mk 14,22; Mt 26,26; Lk 22,19), the gospel of John emphasizes the process of washing feet (Jn 13,6), the

<sup>9</sup> Corporal works of mercy: to feed the hungry; to give water to the thirsty; to clothe the naked; to shelter the homeless; to visit the sick; to visit the imprisoned or ransom the captive; to bury the dead. Spiritual works of mercy: to instruct the ignorant; to counsel the doubtful; to admonish the sinners; to bear patiently those who wrong us; to forgive offenses; to comfort the afflicted; to pray for the living and the dead.

charity. The two traditions sign significantly that the founder declared Eucharist, consequently the most important liturgical event of the Church, to be the basic paradigm of mercy. It is the merit of the Second Vatican Council that it emphasizes again that all works of the Church, including the works of charity, possess Eucharistic attitude (Corecco and Gerosa 1995, 105).

Its symbolic manifestation was the poor who were given food connected to the celebration of Eucharist. Even today, it is not rare that parochial, diocesan or national donation, offered during the Mass, is given to charity to assist the crisis area or to the persecuted religious communities. In several cases the Mass – and it is connected to the teaching mission of the Church – means a forum where, in the light of the teaching of the Church, the minister can speak about social injustice, security, intolerance, human rights or the poor (Urso 1994, 25–53).

The last canon of the general introduction to sacramental law of the current Code, referring to donations connected to the administration of sacraments, emphasizes that the minister must always take care that the needy are not deprived of the assistance of the sacraments because of poverty (Can. 848). It is a general principle in case of the administration of each sacrament and sacramental but regarding the – mass (952. §1) and funeral (1181) –, the legislator particularly emphasizes it. In case of the latter, the legislator underlines careful attention must be paid to the people in need so that they could get the proper funeral. In that respect, cooperation with local governments can occur (Erdő 1997, 617). The faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments (Can. 213). Financial resources cannot limit this (Sabbarese 2000, 36–37). It can be seen that the sanctifying mission is closely connected to the works of *caritas*, as the ministerial character is well beyond the works of earthly mercy and it enlightens the supernatural purposes of the human. Therefore, the missionary commission of the Church, sanctifying and mercy are inseparable (De Paolis 2006, 7; Hervada 1989, 169).

As far as the relation of the teaching mission and *caritas* is concerned, similar to sanctifying mission, it can occur on several levels. Moreover, in several cases – as we have already indicated – the administration of sacraments is above all connected to the teaching mission. The forums of passing Christian teaching, such as preaching and catechism (Can. 762), give the possibility to the ministers of words of God to pass the teaching about the charity of the Church, moreover to sensitize the whole society (Errázuriz, 1989, 177–193). Referring to the latter, the current Pope obviously has serious missionary spirit; he seizes each forum of teaching to speak about the rights of the poor and the needy and about social justice. In teaching mission, as in sanctifying, the whole Church participates with respect to their position in the hierarchy. The current legislation shows that the legislator interprets teaching mission in a quite wide sense. They regard schools (Can. 798), academies, conferences, meetings, printed and other media (822–823), as the specific forums of Christian teaching, namely conveying charity and the Christian principles of teaching (CD, nr. 13; Can. 761). The legislator expects preachers of the word of God

to reveal not only things people must believe, but also things they must do (Can. 768 §1). »/.../ for the Church, the first means of evangelization is the witness of an authentically Christian life, given over to God in a communion that nothing should destroy and at the same time given to one's neighbour with limitless zeal.« (Paul VI 1976, 31–32) Regarding the connection of merciful charity and the teaching mission, Catholic (Can. 809) and ecclesiastical (815) universities are specific forums, where the social teaching of the Church should appear on the area of sacred studies and of the teaching of other sciences and researches. It is not unusual that a Catholic university has social worker, legal- and international studies (major or faculty), and this way the university owns a special connection between the Catholic teaching on charity and putting it into practice.

## 5. Conclusion

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The Catholic Church practices its mission, received from the founder, on the areas of governing, sanctifying and teaching. There is no special 'social or charity branch'. However, *caritas* or merciful charity flows through the triple mission. Therefore, it would be strange to the nature of the Church if charity towards the poor and outcasts of the whole world did not appear in the whole 'mystical body' and in its all activities. How could we speak about governing, sanctifying and teaching if the idea of Good Pastor did not emerge in the Church? As we saw merciful charity is cohesion that holds the three areas together. After the Second Vatican Council, the recognition of charity in the triple mission became a significant element. It became a vital not only in the identity of the Church, but also in its relations to states and international organizations. Not only is it no strange from the mission of the Church to involve both the offices of the Holy See and, as far as possible, the local Churches eminently in international crisis management, but this mission is most closely linked to the fundamental mission of the Church towards the poor, which always appears in the triple mission.

In some sense, the Second Vatican Council was ahead of its time. The teaching of the council, on which several papal and Holy See documents were based, prepared the Church for managing the threats, challenges and crises of the second half of the 20<sup>th</sup> century in a prophetic way.

From certain aspects, the Catholic Church is in 'optimal' period. Maybe, it has never been as realistic as today regarding security, politics and culture. Possessing the Second Vatican Council and the subsequent Papal and Holy See documents – including the current Code of Canon Law – the Church does not only follow the occasions up. The public regulation of its relationship with the state and international organizations, the up-to-date monitoring and evaluation of security conditions make it possible for the Church to apply its original threefold mission – in the context of *caritas* – to ease current crises. The Council and the subsequent Popes left such conditions to their successors so that they could reflect to the huge crises of humankind. The current Pope, regarding the social teaching of the

Second Vatican Council, can be considered the live manifestation of the Council. While Pope John Paul II served the Church and humankind with his diplomatic character, Pope Benedict XVI with his theological character, the current Pope does so with his prophetic character. Pope Francis uses the arguments – outlined by the Council – referring to merciful charity eminently. This way, in front of the world, he could become the voice of refugees and the victims of wars, social injustice, corruption and organized crime.

## Abbreviations

- AA** – Second Vatican Ecumenical Council 1965e [Apostolicam Actuositatem].  
**CD** – Second Vatican Ecumenical Council 1965g [Christus dominus].  
**DH** – Second Vatican Ecumenical Council 1965c [Dignitatis humanae].  
**GE** – Second Vatican Ecumenical Council 1965a [Gravissimum educationis].  
**GS** – Second Vatican Ecumenical Council 1965f [Gaudium et spes].  
**IM** – Second Vatican Ecumenical Council 1963b [Inter mirifica].  
**LG** – Second Vatican Ecumenical Council 1964 [Lumen gentium].  
**PO** – Second Vatican Ecumenical Council 1965b [Presbyterorum ordinis].  
**PC** – Second Vatican Ecumenical Council 1965d [Perfectae caritatis].  
**SC** – Second Vatican Ecumenical Council 1963a [Sacrosanctum Concilium].

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