



The Holy See

APOSTOLIC LETTER
ISSUED 'MOTU PROPRIO'

OF THE SUPREME PONTIFF
BENEDICT XVI

ON THE SERVICE OF CHARITY

Introduction

“*The Church’s deepest nature* is expressed in her three-fold responsibility: of proclaiming the word of God (*kerygma-martyria*), celebrating the sacraments (*leitourgia*) and exercising the ministry of charity (*diakonia*). These duties presuppose each other and are inseparable” (*Deus Caritas Est*, 25).

The service of charity is also a constitutive element of the Church’s mission and an indispensable expression of her very being (cf. *ibid.*); all the faithful have the right and duty to devote themselves personally to living the new commandment that Christ left us (cf. *Jn* 15:12), and to offering our contemporaries not only material assistance, but also refreshment and care for their souls (cf. *Deus Caritas Est*, 28). The Church is also called as a whole to the exercise of the *diakonia* of charity, whether in the small communities of particular Churches or on the level of the universal Church. This requires organization “if it is to be an ordered service to the community” (cf. *ibid.*, 20), an organization which entails a variety of institutional expressions.

With regard to this *diakonia* of charity, in my Encyclical *Deus Caritas Est* I pointed out that “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 service of charity (No. 32); at the same time, however, I noted that “the *Code of Canon Law*, in the canons on the ministry of the Bishop, does not expressly mention charity as a specific sector of episcopal activity” (*ibid.*). Although “the *Directory for the Pastoral Ministry of Bishops* explored more

specifically the duty of charity as a responsibility incumbent upon the whole Church and upon each Bishop in his Diocese” (*ibid.*), there was still a need to fill the aforementioned lacuna and to give adequate expression in canonical legislation to both the essential nature of the service of charity in the Church and its constitutive relationship with the episcopal ministry, while outlining the legal aspects of this ecclesial service, especially when carried out in an organized way and with the explicit support of the Bishops.

In view of this, with the present *Motu Proprio* I intend to provide an organic legislative framework for the better overall ordering of the various organized ecclesial forms of the service of charity, which are closely related to the diaconal nature of the Church and the episcopal ministry.

It is important, however, to keep in mind that “practical activity will always be insufficient, unless it visibly expresses a love for man, a love nourished by an encounter with Christ” (*ibid.*, 34). In carrying out their charitable activity, therefore, the various Catholic organizations should not limit themselves merely to collecting and distributing funds, but should show special concern for individuals in need and exercise a valuable educational function within the Christian community, helping people to appreciate the importance of sharing, respect and love in the spirit of the Gospel of Christ. The Church’s charitable activity at all levels must avoid the risk of becoming just another form of organized social assistance (cf. *ibid.*, 31).

The organized charitable initiatives promoted by the faithful in various places differ widely one from the other, and call for appropriate management. In a particular way, the work of *Caritas* has expanded at the parish, diocesan, national and international levels. *Caritas* is an institution promoted by the ecclesiastical Hierarchy which has rightly earned the esteem and trust of the faithful and of many other people around the world for its generous and consistent witness of faith and its concrete ability to respond to the needs of the poor. In addition to this broad initiative, officially supported by the Church’s authority, many other initiatives have arisen in different places from the free enterprise of the faithful, who themselves wish to help in various ways to offer a concrete witness of charity towards those in need. While differing in their origin and juridical status, both are expressions of sensitivity and a desire to respond to the same pressing need.

The Church as an institution is not extraneous to those organized initiatives which represent a free expression of the concern of the baptized for individuals and peoples in need. The Church’s Pastors should always welcome these initiatives as a sign of the sharing of all the faithful in the mission of the Church; they should respect the specific characteristics and administrative autonomy which these initiatives enjoy, in accordance with their nature, as a manifestation of the freedom of the baptized.

Alongside these, the Church’s authority has, on its own initiative, promoted specific agencies which provide institutionally for allocating donations made by the faithful, following suitable legal and administrative methods which allow for a more effective response to concrete needs.

Nevertheless, to the extent that such activities are promoted by the Hierarchy itself, or are explicitly supported by the authority of the Church's Pastors, there is a need to ensure that they are managed in conformity with the demands of the Church's teaching and the intentions of the faithful, and that they likewise respect the legitimate norms laid down by civil authorities. In view of these requirements, it became necessary to establish in the Church's law certain essential norms inspired by the general criteria of canonical discipline, which would make explicit in this sector of activity the legal responsibilities assumed by the various subjects involved, specifying in particular the position of authority and coordination belonging to the diocesan Bishop. At the same time, the norms in question need to be broad enough to embrace the significant diversity of the institutions of Catholic inspiration which are engaged as such in this sector, whether those originating from the Hierarchy or those born of the direct initiative of the faithful, received and encouraged by the local Pastors. While it was necessary to lay down norms in this regard, there was also a need to consider the requirements of justice and the responsibility of Bishops before the faithful, with respect for the legitimate autonomy of each institution.

Dispositive Part

Consequently, upon the proposal of the Cardinal President of the Pontifical Council *Cor Unum*, and after consultation with the Pontifical Council for Legislative Texts, I establish and decree the following:

Art. 1. - § 1. The faithful have the right to join in associations and to establish agencies to carry out specific charitable services, especially on behalf of the poor and suffering. To the extent that these are linked to the charitable service of the Church's Pastors and/or intend to use for this purpose contributions made by the faithful, they must submit their own Statutes for the approval of the competent ecclesiastical authority and comply with the following norms.

§ 2. Similarly, it is also the right of the faithful to establish foundations to fund concrete charitable initiatives, in accordance with the norms of canons 1303 of the Code of Canon Law (CIC) and 1047 of the Code of Canons of the Eastern Churches (CCEO). If foundations of this type correspond to the characteristics set forth in § 1, they will also observe, *congrua congruis referendo*, the provisions of the present law.

§ 3. In addition to observing the canonical legislation, the collective charitable initiatives to which this *Motu Proprio* refers are required to follow Catholic principles in their activity and they may not accept commitments which could in any way affect the observance of those principles.

§ 4. Agencies and foundations for charitable purposes promoted by Institutes of Consecrated Life and Societies of Apostolic Life are required to comply with these norms, and they must follow the prescriptions of canons 312 § 2 CIC and 575 § 2 CCEO.

Art. 2. - § 1. The Statutes of each charitable agency referred to in the preceding article must also contain, in addition to its institutional offices and structures of governance in accordance with canon 95 § 1 CIC, the guiding principles and objectives of the initiative, the management of funds, the profile of its workers, as well as the reports and information which must be presented to the competent ecclesiastical authority.

§ 2. A charitable agency may use the name “Catholic” only with the written consent of the competent authority, as laid down by canon 300 CIC.

§ 3. Agencies promoted by the faithful for charitable purposes can have an Ecclesiastical Assistant appointed in accordance with the Statutes, according to the norm of canons 324 § 2 and 317 CIC.

§ 4. At the same time, the ecclesiastical authority must bear in mind its duty to regulate the exercise of the rights of the faithful in accordance with canons 223 § 2 CIC and 26 § 2 CCEO, and thus to avoid the proliferation of charitable initiatives to the detriment of their activity and effectiveness with regard to their stated goals.

Art. 3. - § 1. With regard to the preceding articles, it is understood that the competent authority at the respective levels is that indicated by canons 312 CIC and 575 CCEO.

§ 2. For agencies not approved at the national level, even though they operate in different Dioceses, the competent authority is understood to be the diocesan Bishop of the place where the agency has its principal office. In any event, the agency has the duty to inform the Bishops of other Dioceses where it operates and to respect the guidelines for the activities of the various charitable agencies present in those Dioceses.

Art. 4. § 1. The diocesan Bishop (cf. canon 134 § 3 CIC and canon 987 CCEO) exercises his proper pastoral solicitude for the service of charity in the particular Church entrusted to him as its Pastor, guide and the one primarily responsible for that service.

§ 2. The diocesan Bishop encourages and supports the initiatives and works of service to neighbour in his particular Church, and encourages in the faithful the spirit of practical charity as an expression of the Christian life and sharing in the mission of the Church, as indicated in canons 215 and 222 CIC and 25 and 18 CCEO.

§ 3. It is the responsibility of the diocesan Bishop to ensure that in the activities and management of these agencies the norms of the Church’s universal and particular law are respected, as well as the intentions of the faithful who made donations or bequests for these specific purposes (cf. canons 1300 CIC and 1044 CCEO).

Art. 5. - The diocesan Bishop is to ensure that the Church enjoys the right to carry out charitable

activities, and he is to take care that the faithful and the institutions under his supervision comply with the legitimate civil legislation in this area.

Art. 6. – It is the responsibility of the diocesan Bishop, as indicated by canons 394 § 1 CIC and 203 § 1 CCEO, to coordinate within his territory the different works of charitable service, both those promoted by the Hierarchy itself and those arising from initiatives of the faithful, without prejudice to their proper autonomy in accordance with their respective Statutes. In particular, he is to take care that their activities keep alive the spirit of the Gospel.

Art. 7. - § 1. The agencies referred to in Article 1 § 1 are required to select their personnel from among persons who share, or at least respect, the Catholic identity of these works.

§ 2. To ensure an evangelical witness in the service of charity, the diocesan Bishop is to take care that those who work in the Church's charitable apostolate, along with due professional competence, give an example of Christian life and witness to a formation of heart which testifies to a faith working through charity. To this end, he is also to provide for their theological and pastoral formation, through specific curricula agreed upon by the officers of various agencies and through suitable aids to the spiritual life.

Art. 8. – Wherever necessary, due to the number and variety of initiatives, the diocesan Bishop is to establish in the Church entrusted to his care an Office to direct and coordinate the service of charity in his name.

Art. 9. - § 1. The Bishop is to encourage in every parish of his territory the creation of a local *Caritas* service or a similar body, which will also promote in the whole community educational activities aimed at fostering a spirit of sharing and authentic charity. When appropriate, this service is to be established jointly by various parishes in the same territory.

§ 2. It is the responsibility of the Bishop and the respective parish priest to ensure that together with *Caritas*, other charitable initiatives can coexist and develop within the parish under the general coordination of the parish priest, taking into account, however, the prescriptions of Article 2 § 4 above.

§ 3. It is the duty of the diocesan Bishop and the respective parish priests to see that in this area the faithful are not led into error or misunderstanding; hence they are to prevent publicity being given through parish or diocesan structures to initiatives which, while presenting themselves as charitable, propose choices or methods at odds with the Church's teaching.

Art. 10. - § 1. It is the responsibility of the Bishop to supervise the ecclesiastical goods of the charitable agencies subject to his authority.

§ 2. It is the duty of the diocesan Bishop to ensure that the proceeds of collections made in accordance with canons 1265 and 1266 CIC and canons 1014 and 1015 CCEO are used for their stated purposes [cf. canons 1267 CIC, 1016 CCEO].

§ 3. In particular, the diocesan Bishop is to ensure that charitable agencies dependent upon him do not receive financial support from groups or institutions that pursue ends contrary to Church's teaching. Similarly, lest scandal be given to the faithful, the diocesan Bishop is to ensure that these charitable agencies do not accept contributions for initiatives whose ends, or the means used to pursue them, are not in conformity with the Church's teaching.

§ 4. In a particular way, the Bishop is to see that the management of initiatives dependent on him offers a testimony of Christian simplicity of life. To this end, he will ensure that salaries and operational expenses, while respecting the demands of justice and a necessary level of professionalism, are in due proportion to analogous expenses of his diocesan Curia.

§ 5. To permit the ecclesiastical authority mentioned in Article 3 § 1 to exercise its duty of supervision, the agencies mentioned in Article 1 § 1, are required to submit to the competent Ordinary an annual financial report in a way which he himself will indicate.

Art. 11. – The diocesan Bishop is obliged, if necessary, to make known to the faithful the fact that the activity of a particular charitable agency is no longer being carried out in conformity with the Church's teaching, and then to prohibit that agency from using the name "Catholic" and to take the necessary measures should personal responsibilities emerge.

Art. 12. - § 1. The diocesan Bishop is to encourage the national and international activity of the charitable agencies under his care, especially cooperation with poorer ecclesiastical circumscriptions by analogy with the prescriptions of canons 1274 § 3 CIC and 1021 § 3 CCEO.

§ 2. Pastoral concern for charitable works, depending on circumstances of time and place, can be carried out jointly by various neighbouring Bishops with regard to a number of Churches, in accordance with the norm of law. When such joint activity is international in character, the competent Dicastery of the Holy See is to be consulted in advance. For charitable initiatives on the national level, it is fitting that the Bishop consult the respective office of the Bishops' Conference.

Art. 13. – The local ecclesiastical authority retains the full right to give permission for initiatives undertaken by Catholic agencies in areas of his jurisdiction, with due respect for canonical norms and the specific identity of the individual agencies. It is also the duty of the Bishop to ensure that the activities carried out in his Diocese are conducted in conformity with ecclesiastical discipline, either prohibiting them or adopting any measures needed in cases where that discipline is not respected.

Art. 14. – Where appropriate, the Bishop is to promote charitable initiatives in cooperation with other Churches or Ecclesial Communities, respecting the proper identity of each.

Art. 15. - § 1. The Pontifical Council *Cor Unum* has the task of promoting the application of this legislation and ensuring that it is applied at all levels, without prejudice to the competence of the Pontifical Council for the Laity with regard to associations of the faithful as provided for in Article 133 of the Apostolic Constitution *Pastor Bonus*, the competence of the Secretariat of State's Section for Relations with States, and the general competences of other Dicasteries and Institutes of the Roman Curia. In particular, the Pontifical Council *Cor Unum* is to take care that the charitable service of Catholic institutions at the international level is always to be carried out in communion with the various local Churches.

§ 2. The Pontifical Council *Cor Unum* is also competent for the canonical establishment of charitable agencies at the international level; it thus takes on the responsibilities of discipline and promotion entailed by law.

I order that everything I have laid down in this Apostolic Letter issued *Motu Proprio* be fully observed, notwithstanding anything to the contrary, even if worthy of particular mention, and I decree that it be promulgated by publication in the daily newspaper *L'Osservatore Romano* and enter into force on 10 December 2012.

Given in Rome, at Saint Peter's, on 11 November, in the year 2012, the eighth of my Pontificate.

BENEDICTUS PP. XVI

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