

Editorial

TEMPORAL GOODS AND CHURCH'S MISSION

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CIC c. 1752 clearly identifies the mission or ultimate purpose of all laws in the Church: the salvation of souls, that is, the spiritual wellbeing of the faithful.

Jesus came to save man from the bondage of sin and to establish the Kingdom of God. This spiritual mission, however, was not divorced from the earthly reality of man. In giving mankind the Word, He also gave bread to the needy, and we find numerous discussions of temporal goods in His Holy Scripture. For example, we read that Jesus and his disciples had a 'treasurer,' Judas, to manage their finances (Jn 13:29), and we find a discourse about 200 *denarii* before Christ feeds the multitudes. (Jn 6:7).

On several occasions, Scripture also discusses the role of temporal goods in the mission of Jesus and his disciples. St. Paul speaks about collecting money to aid the Church in Jerusalem (1Cor 16:1-4; 2 Cor 8:1-9:15; Rom 15:14-32). In the Acts of the Apostles, the narrator explains how believers pooled their wealth to serve the congregation and to provide for the needy. The New Testament even treats abuse of money when it depicts Judas as a thief (Jn 12:6),

Vatican II teaches that, like Christ's mission, the Church itself consists not only of divine and spiritual dimensions but also temporal and earthly ones. Thus, LG sketches the complex reality of the Church in the following way:

The one mediator, Christ, established and ever sustains here on earth his holy Church, the community of faith, hope and charity, as a visible organization through which he communicates truth and grace to all men. But, the society structured with hierarchical organs and the mystical body of Christ, the visible society and the spiritual community, the earthly Church and the Church endowed with heavenly riches, are not to be thought of as two realities. On the contrary, they form one complex reality which comes together from a human and divine element (LG 8).

These teachings are affirmed by the Catechism of the Catholic Church, which reiterates that the Church is a "society structured with hierarchical organs and the mystical body of Christ; - the visible society and the spiritual community; - the earthly Church and the Church endowed with heavenly riches" (CCC 771). Thus, while the Church ultimately aims at the spiritual welfare of the faithful, we clearly cannot ignore, side-line or deny her earthly, hierarchical, visible elements.

Since the Church must function in the world, it requires temporal goods to carry out its mission. In the opening sentence of *I beni temporali*, a motu proprio treating certain financial competencies, Pope Francis reiterates and clarifies the purpose of temporal goods in the Church and how they should be administered specifically to meet those ends:

The temporal goods of the Church are intended to fulfil her aims, and these are divine worship, the just compensation of the clergy, the carrying out of apostolic works and works of charity, especially at the service of the poor (cf. can. 1254 § 2 CIC). Consequently, the Church is keenly aware of her responsibility to ensure that the administration of her economic resources is always directed to those ends.¹

In the abstract of his article on defining Vatican reforms, Cristian Mendonza says, "The Vatican accepted external requirements in order to preserve its institutional mission, which is primarily a spiritual mission in service to its faithful all around the world."²

The codes of canon law juridically expose that the mission of the Church is intensely linked with the use of temporal goods as well:

In taking care of the spiritual well-being of people, the Church needs and uses temporal goods *insofar as its proper mission demands it*. Therefore, the Church has the innate right to acquire, possess, administer and alienate those temporal goods which are necessary

¹Francis, Apostolic Letter issued Motu Proprio *I beni temporali* regarding certain competencies in economic-financial matters, 4 July 2016.

²Cristian Mendonza, "Defining Forms of Public Space: A Frame for Understanding 'the Vatican's Economic Reform,'" *Church Communication and Culture*, Vol. 1, 2016 Issue 1. See, <http://www.tandfonline.com/doi/full/10.1080/23753234.2016.1181302>

for its own purposes, especially for divine worship, works of the apostolate, charity, and also for suitable support of ministers.³

Thus, the codes unequivocally state that the mission of the Church demands and necessitates temporal goods to serve four purposes; i) divine worship, ii) works of apostolate, iii) charity, and finally iv) suitable sustenance and support of its ministers. In this regard, the legislation also recognizes that she has four innate rights, namely to i) acquire, ii) possess, iii) administer, and finally iv) alienate temporal goods.

But the CCEO does not only enumerate the purposes and rights of the Church regarding temporal goods. It also dedicates all of title XXIII - 48 canons in total - to regulating affairs related to temporal goods. Its three introductory canons describe the mission and purpose for which temporal goods are required. They also treat administratorship, ownership, and the competence to acquire, possess, administer and alienate such "ecclesiastical" goods (cc. 1007-1009; CIC cc. 1254-1257). Following these preliminary canons, the remainder of title treats temporal goods in detail. Acquisition (cc. 1010-1021; CIC cc. 1259-1274), administration (cc. 1022-1033; CIC cc. 1276-1289), and pious foundations (cc. 1043-1054; CIC cc. 1299-1310) are treated by 12 canons each. Nine additional canons (cc. 1034-1042; CIC cc. 1290-1295) are set apart to cover contracts and especially alienations.

The code, while speaking about the various rights regarding temporal goods, cautions the Church that these goods should be used to serve her mission. Though indirectly, the codes underline the grave responsibility of Church authorities, administrators of ecclesiastical goods, and juridical persons to be responsible, legitimate, transparent, honest and just in acquiring, holding, administering, and alienating its temporal goods.

Though the Church has the right to acquire, possess, administer and alienate temporal goods, these actions cannot be taken according to the whims and fancies of any physical or juridic persons. The code stipulates that any juridic person must transact such business "legitimately" (CCEO c. 1008; CIC c. 1256, 1273) and "according to the norm of canon law" (CCEO c. 1009 §1; CIC cc. 1255; 1257 §1). Similarly, ecclesiastical juridic persons are to employ "just means permitted to others" (CCEO c. 1010; CIC c. 1259) in acquiring temporal goods.

³CCEO c. 1007; CIC c. 1274. Emphasis added.

Competent authorities and administrators can acquire temporal goods for the Church in several ways. Competent authority may always seek assistance from the faithful to obtain goods “necessary for the purposes proper to the Church” (CCEO c. 1011; CIC c. 1260). Eparchial bishops may likewise tax their juridic and physical subjects “in so far as it is necessary for the good of the eparchy,” with any impositions “proportionate to the income of each person” (CCEO c. 1012; CIC c. 1263). Finally, hierarchs can charge fees for acts of the power of governance and determine the offerings for the celebration of sacraments, sacramentals, etc. These must always be *in accordance with common and particular laws* (CCEO c. 1013; CIC c. 1264).

In discussing the support and sustenance owed to clerics and Church employees, CCEO c. 1021 (CIC c. 1264) requires competent authorities to provide them “appropriate and fundamentally equal support” (§1) according to the particular norms of the Church *sui iuris* and the teachings of the Church. Each eparchy must establish a common fund (§3) “in so far as necessary.” CCEO c. 1030 §2 (CIC c. 1286) also mandates “a just remuneration to employees so that they are able to provide fittingly for their own needs and those of their dependents,” taking the civil laws into consideration.

Clearly, these prescriptions confirm that ecclesiastical goods must serve only the mission of the Church, including the sustenance and support of all who serve it. But do they not also indirectly imply that no administrative authority should ever burden the faithful unnecessarily?

These norms also implicitly caution against any extravaganza, spectacular festivities, luxurious celebrations, or related things that clearly do not serve the Church's missionary needs. The recent past is rife with examples of counter-witnessing by bishops, priests, and organizations who squandered ecclesiastical goods. A few years ago, in Limburg, Germany, the magnificent house and luxurious lifestyle of the diocesan bishop damaged the image of the Catholic Church there. Likewise, it is widely known that a high-ranking Vatican official's illicit transactions and the damage they caused to the Church prompted Pope Francis' economic reform.

Given this potential for harm, the legislator places grave responsibilities on authorities to protect and safeguard legitimately acquired ecclesiastical goods with proper civil registration, observing the prescripts of civil law and ensuring that there are written records or equivalent measures (CCEO c. 1020; CIC c. 1284 §2, 2^o) to protect

them. In certain lands, mismanagement or failure to furnish proper original documents, etc. has prompted civil governments and others to take away Church properties. The same is also true of pious foundations and donations given without sufficient documentation or definite agreements. Such actions, sometimes, lead to various kinds of litigations also between institutions and persons. Sadly, institutes and other ecclesiastical juridical persons have lost and continue to lose property for all these reasons.

The code does not only provide norms for the legitimate acquisition and secure and legal protection of temporal goods. To prevent loss, harm or damage to ecclesiastical goods, the legislator also establishes norms for their proper, efficient and fruitful management. Under CCEO, hierarchs have the grave obligation, in conformity with common and particular law, to vigilantly watch over temporal goods and ensure that "the entire administration of the ecclesiastical goods is suitably ordered" (CCEO c. 1022 §2; CIC c. 1276). In CCEO c. 1024 (CIC c. 1281), the code also establishes definite "limits and manner of ordinary administration" of temporal goods. Consequently, acts performed without observing such norms will be invalid, or the juridic persons will not be held responsible for an individual administrator's arbitrary actions.

CCEO also specifies that an administrator "must exercise vigilance so that the ecclesiastical goods entrusted to his or her care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary" (CCEO c. 1028 §2, 2^o; CIC c. 1284). Goods should be carefully and diligently administered and sufficient attention given to maintaining an inventory. Protective measures like civil security and insurance should also be taken if needed, so that the goods suffer no harm or loss due to inefficient, disorganised or bad administration.

In this context, it is interesting to note the new coordinating agency, established by Pope Francis with the motu proprio *Fidelis dispensator et prudens*, for the economic and administrative affairs of the Holy See and the Vatican City State.⁴ In its opening sentence we read: "As the

⁴Pope Francis, apostolic letter issued motu proprio *Fidelis dispensator et prudens*, (nn.1, 5, 7) establishing a new coordinating agency for the economic and administrative affairs of the Holy See and the Vatican City State, 24 February 2014. Through this document the Holy Father established three offices with the intention of reforming the economic affairs of Vatican: i) a *Council for the Economy* "as an entity having oversight for the administrative and financial structures and activities of the dicasteries of the Roman Curia, the institutions linked to the Holy See, and the Vatican City State," (n. 1) ii) a

faithful and prudent administrator has a vocation to care attentively for those goods that have been entrusted to him, so the Church is conscious of her call to safeguard and carefully administer her goods in light of her mission of evangelization, with special care for the needy.”⁵

Commenting on these reforms, Fabio Angelini observes: “These reforms – and their reference to the Church’s responsibility to protect and carefully handle her goods, in the light of her mission and of the preferential option for the poor – represent the cornerstone of a new legal-institutional framework that must encompass the management of ecclesial resources.”⁶

As seen above, CCEO contains numerous measures, provisions and cautions intended to prevent illegal and unjust practices, economic scandal, corruption, and abuse in the area of temporal goods. The CCEO speaks about authorities and administrators “exercising vigilance over the administration of all ecclesiastical goods” (c. 1022; 1028 §2, 1°; CIC 1276, 1284) keeping inventory (cc. 1025, 2°; 1026; CIC c. 1283, 1°, 2°, 1283, 3°), taking “insurance policies” (c. 1028 §2, 1°; CIC c. 1284), observing “both civil and canon law or those imposed by a founder, a donor, or legitimate authority” (c. 1028 §2, 2°; CIC c. 1284), “collecting return of goods and income” (c. 1028 §2, 3°; CIC c. 1284), taking care of the payment of interest on loans regularly (c. 1028 §2, 4°; CIC c. 1284), investing money with the consent of the hierarch for proper purposes of the Church (c. 1028 §2, 5°; CIC c. 1284), keeping “well organized books of receipts and expenditures” (c. 1028 §2, 6°; CIC c. 1284), drawing up “a report of administration at the end of each year (c. 1028 §2, 7°; c. 1031 §1; CIC cc. 1284, 1287); organizing and keeping “in an archive the documents on which the ecclesiastical property rights are based” (c. 1028 §2, 8°; CIC c. 1284), preparing “a budget of incomes and expenditures each year” (c. 1028 §3; CIC c. 1284), – all intended to keep the Church free from abuse, corruption

Secretariat for the Economy with the competence “for the economic control and vigilance over the agencies mentioned in Point 1, including policies and procedures concerning purchasing and the suitable allocation of human resources, with due regard to the competencies proper to each agency” (n. 5), and iii) an *Auditor General* who “is empowered to conduct audits of the agencies mentioned in Point 1” (n. 7)

⁵Pope Francis, *Fidelis dispensator et prudens*.

⁶Fabio Angelini, “The Motu Proprio on Temporal Goods is a Decisive Step towards a Poor Church For the Poor,” See, <https://agensir.it/chiesa/2016/07/12/the-motu-proprio-on-temporal-goods-is-a-decisive-step-towards-a-poor-church-for-the-poor/>

and scandal by being open and transparent with regard to ecclesiastical goods and its administration.

As he himself acknowledges, Pope Francis introduced economic reforms after a wide range of discussions and deliberations with experts, high-ranking Vatican officials, and pastors involved in the Church's spiritual mission, specifically to make the Vatican Curia transparent, free of corruption, abuse and scandals in financial matters. However, many also see this reform at the centre of the Church as a model for the dioceses. Cardinal Pell (Secretariat for the Economy, Bulletin, 6) has spoken accordingly on "the reasons for these speedily undertakings, affirming that the Roman Curia wanted to become a model of public administration..."⁷

Following a critical study of Pope Francis' economic reform, Cristian Mendonza concludes that, in the Church, "the image of dishonesty and money-interest-driven activities would immediately drive the individual to reject it. While *transparency and reform are thus an exigency for the ecclesial institution*, they are even more for the faithful who aim to receive the best possible service, whether from a religious institution or any other human organization."⁸ Mendonza thus articulates what the faithful expect from their shepherds: "... Generally speaking, what the Catholic faithful expect from their shepherds is a life of piety, clear teaching and commitment toward those most in need. A consistent part of public opinion is however asking for a kind of financial transparency and accountability, not always required for other international charities or governments."

Mendonza also observes that problems in the Church often arise from a lack of openness and transparency about the administration of temporal goods: "Issues, on the other hand, ... like the government of its temporal goods, have been shaped according to what is commonly understood as openness and transparency."⁹ In reference to Pope Francis' attempts at reform, Mendonza comments:

⁷As quoted by Cristian Mendonza, "Defining Forms of Public Space: A Frame for Understanding 'the Vatican's Economic Reform,'" (*Emphasis with italics added*). See, <http://www.tandfonline.com/doi/full/10.1080/23753234.2016.1181302>.

⁸Cristian Mendonza, "Defining Forms of Public Space: A Frame for Understanding 'the Vatican's Economic Reform,'" concluding remarks, n. 1.

⁹Cristian Mendonza, "Defining Forms of Public Space: A Frame for Understanding 'the Vatican's Economic Reform.'"

An institution that is not financially transparent, in fact, is almost automatically assumed to be hiding something relevant (Shaw 2008, 24). Transparency, further, is part of a citizen's right to be informed about public issues, as well as to inform others." ... Institutions need to be reformed otherwise they are tainted by corruption. As lack of transparency means secrecy and hiding meaningful reality, lack of reform leads to degradation. ... Lack of transparency and reform locate the Church alongside organizations under public pressure and primarily allow individuals to justify their 'believing without belonging.'¹⁰

The prefect of the secretariat for the economy, Cardinal George Pell stated: "Having sound and consistent financial management practices and reporting helps provide a clear framework of accountability for all those entrusted with the resources of the Church."¹¹

The requirement in the codes to render a report to the hierarch and to the public seems aimed at providing this accountability and openness. According to CCEO, "Any contrary custom being reprobated, an administrator of ecclesiastical goods must make an annual report of administration to the proper hierarch," and "according to the manner determined by particular law, an administrator of ecclesiastical goods is to render an account publicly concerning the goods offered to the Church, unless the local hierarch establishes otherwise for a grave reason" (CCEO c. 1031; CIC c. 1287).

The legislator stipulates very stringent measures and norms so that alienation of ecclesiastical goods by any authority or administrator, up to the patriarch, does not harm the Church materially or morally. Regarding pious wills and pious foundations, c. 1044 says that "The legitimately accepted wills of the Christian faithful who give or leave their goods for pious causes, whether through an act *inter vivos* or through an act *mortis causa*, are to be fulfilled most diligently even regarding the manner of administration and distribution of goods, ..." The donors' intentions are to be respected and strictly observed.

Completing his critical assessment of Francis' economic reform, Mendoza concludes that it would be a great model for dioceses world-

¹⁰Cristian Mendonza, "Defining Forms of Public Space: A Frame for Understanding 'the Vatican's Economic Reform.'"

¹¹As quoted by Andrea Gagliarducci, in "Economy Secretariat advance Financial Transparency at Vatican," Nov. 6, 2014., See, <http://www.catholicnewsagency.com/news/economy-secretariat-advanc-es-financial-transparency-at-the-vatican-73412/>.

wide, one providing "new strength, dynamism and vitality" especially in four aspects:

I think, and say with confidence, that, if current difficulties are overcome, these developments could steer in reforms that affect and create a ripple effect in diocesan economic organizations of the Church. By being a model in sound financial administration, integrity, transparency, charity and 'good-housekeeping', or stewardship, the Church can too become 'a light of the earth', as well as a beacon in the public space for institutions to aspire to - and emulate.¹²

In one of the leading articles of this issue of *Iustitia*, Luigi Sabbarese, after outlining the peculiarities of ecclesiastical goods throughout history of the Church, explains their ordinary administration, extraordinary administration, and alienation. He also exposes and clarifies the concept of stable patrimony and how alienation can affect it. Finally, in comparing the legislation of CIC and CCEO on acts of extraordinary administration and of greater importance, the author concludes that as there is no reference to acts of extraordinary administration in CCEO c. 263 §4: "it seems that in the Oriental legislation, there is at least a lack if not a real and proper lacuna, that concerns the lack of acts of extraordinary administration..." and hence, "at least in a practical-prudential way, it would be appropriate that the Oriental practice followed the Latin legislation or at least respected the principle identified in c. 1277" (p. 200).

George Nedungatt critically evaluates various aspects of law in the Scriptures, i.e., the key terms *Thora*, *Nomos*, *Lex*, and Law; the literary form of law; the Codes of the Pentateuch and Other Ancient Middle Eastern Codes; and the theological meaning of attributing the laws of the Pentateuch to Moses. He also presents the theology of law contained in the Old Testament. On the influence of Ancient Middle Eastern Codes on OT legislation he states, "it is to be noted that not every similarity is due to direct, textual borrowing or implies dependence. However, it is beyond doubt that the juridical tradition represented by these ancient Middle Eastern codes has influenced the formation of the legislation of the Pentateuch" (p. 224). The author also stresses that "Legal reception and evolution exclude the all too simplistic view that the OT laws were all made in heaven or that they were in origin *jus divinum*" (p. 224).

¹²Cristian Mendonza, "Defining Forms of Public Space: A Frame for Understanding 'the Vatican's Economic Reform.'"

Johnson Kovurputhenpurackal, having treated the canonical reasons and process for the removal of a parish priest in the Part I of his article, (See, *Iustitia*, Vol. 7, 1) in this Part II, addresses recourse against the decree of removal up to the Apostolic Signature, commenting on its procedure and the effects of the right of defense. He speaks about the dual purpose of the hierarchical recourse thus: "On one hand, it recognizes the canonical right of physical and juridical persons to defend themselves against unjust administrative acts. On the other hand, it acknowledges that even those with ecclesiastical authority must comply with the norms established by law" (p. 232). On the authority of John Gratian, the author considers, that though there is possibility of right of defense, "... in effect, administrative procedures do not protect the right of defense as well as judicial ones because the investigator, prosecutor and judge is the same: "the procedure for the removal of parish priests remaining administrative, it is the bishop who accuses the parish priest of inefficiency or harmfulness in the ministry of his parish and it is he who decides to remove him" (p. 250). The article concludes by suggesting certain revisions to uphold the accused's right of defense in this administrative procedure.

Regi Njaralakkattukunnel deals with the evolution of Inter-eparchial tribunals in the Church and the erection of Inter-eparchial Tribunals of Sagar-Satna and Ujjain-Jagadapur. The article examines Inter-eparchial Tribunals of Sagar-Satna and Ujjain-Jagadapur in the light of the two recent *motu proprio* *Mitis Iudex Dominus Iesus* and *Mitis et misericors Iesus*. Even though in principle these tribunals are competent to deal with matrimonial cases, penal cases, and other cases not reserved to the eparchial bishop, in practice they treat only matrimonial cases. The study concludes that the briefer matrimonial process before the Bishop, introduced by the recent *motu proprio*, may eliminate these tribunals unless they are allowed to handle other cases also.

Miracles that God performs through the intercession of Bl. V. Mary or the saints are a sign of God's presence in the world and his mighty deeds, and veneration of Mary and the Church's Saints is part and parcel of her history. With Part I of this article having treated the process of recognition of miracles at Lourdes, here in Part II Cherian Thunduparampil briefly covers the canonical process for recognizing miracles of confessors and martyrs as currently followed by the Congregation for the Causes of Saints (CCS). The article concludes on a comparative note, indicating the similarities and dissimilarities between the recognition processes observed by CCS and MBL. While

the purpose of miracle for CCS is "to establish the sanctity of a Servant of God or to reconfirm the same of a Blessed and to declare him or her a Blessed or a saint/martyr respectively," at Lourdes "they are considered to proclaim the continuing intercessory power of Our Lady of Lourdes and to offer the faithful signs of God's presence and work in the world and thus to inspire and empower them in their spiritual pilgrimage on earth" (p. 292).