

Specific Apparatus of Vatican Diplomacy – Charity Organisations¹

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Throughout of its existence, the Catholic Church has always tried to protect the most vulnerable members of society. This is proven by the fact that even the earliest Church documents show how the new church tried to alleviate some acute social problems. The religious and secular legal regulations which govern the operations of Catholic charity organisations and the whole institutional structure of these bodies were created by a long historical process which led to the birth of the current web of multiple different Catholic charities. Furthermore, these institutions are not merely NGOs or humanitarian relief agencies. Instead their activities are based upon the activities of the Founder, Jesus of Nazareth, and upon the spirit of the Gospels. Catholic charitable actions are mainly motivated by theological concepts and the social teaching of the Church even if these activities are executed by formal institutions.

The current Pope expects a more active participation of national and international Catholic charities in multiple areas like looking after the poor and the refugees and in the struggle for universal peace.

International cooperation, partly because of the universal nature of the Church, is not an unknown concept for the Catholic Church. Therefore, its charities are willing to work with every national and international institution, including secular governments, which work to make life on Earth more bearable for mankind. Since many contemporary humanitarian catastrophes take place in war zones, Catholic charities must find acceptable ways of cooperation with the various armed forces operating in these territories. This paper demonstrates the legal framework governing the work of Caritas Internationalis, which is the official charity service of the Holy See and which also acts as an umbrella organization for the more than 160 national Catholic Caritas bodies. In this article I will only mention these national Caritas institutions and any other international NGOs if this is necessary for the better understanding of either the international nature or the international activities of Caritas Internationalis.

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The Catholic Church has always been committed to people in need. Ancient ecclesiastical documents report that the church takes part in solving social problems. The structure, the canonical regulation and the secular legal classification of Catholic charity organizations, which still operate within multi-coloured bounds, has developed gradually. In our days the structure of Caritas is vast and complex. There are seven regional umbrella organisations (Caritas Africa with 46, Caritas Asia with 24, Caritas Europe with 49, Caritas Latin America with 22, Caritas North America with 3, MONA with 15 and Caritas Oceania with 7 member organizations). The national Caritas Organisations are divided into diocesan Caritas and these are further divided into Caritas of parishes. Moreover Caritas has well elaborated “management standards” (Laws and Ethical Codes; Governance and Organisation; Finance and Accountability, Stakeholder Involvement, all of which have eight articles). However, Catholic charity organizations are not merely NGOs or humanitarian charity organisations. Uniquely, their motivations derive from the activities of Jesus of Nazareth and the spirit of the Gospels. Philanthropic fondness is based upon theological principles and the social doctrine of the church, even if the organisations work within legally regulated institutional limits. The present Pope seems to count to a greater extent on the involvement of national and international Catholic organisations in caring for the poor, handling migration crisis and reinforcing peace.

International cooperation, due to the universal character of the church, is not far from the nature of the church. In humanitarian activities, Catholic charity organisations cooperate with any national or international organisation—mainly states—which struggle for the earthly welfare of humanity. Considering that the alleviation of present humanitarian disasters happens on areas with ongoing armed conflict, it is very important for Catholic organisations to cooperate with armed forces, especially with the army. In this study I am going to introduce the legal status and the regulation of the official charity organisation of the Holy See, *Caritas Internationalis*, which operates as the overarching body of more than 160 Catholic charity organisations. I am going to refer to other charity organisations as much as it serves the better understanding of the legal regulation of charity organisations. Similarly, I am going to refer to the national charity organisations below the overarching body as much as it serves the better understanding of the international character and activity of the organisation.

The Catholic Church has always lead the support of the poor. [1] [45] In the *Acts of the Apostles* we can read that the apostles gave away the money they got from selling properties to the poor. [Acts 2: 42–47] While the institutional frameworks of the church were developing, care for the poor became institutional as well, and the canonical regulation and the secular legal classification of Catholic charity organisations were taking shape. [2] Catholic charity organisations are not merely non-governmental organisations (NGOs) or humanitarian charity organisations. Uniquely, their motivations derive from the activities of the founder, Jesus of Nazareth and the spirit of the Gospels. [3] Philanthropic fondness is based upon theological principles and the social teaching of the church, even if the organisations work within legally regulated institutional limits. Moreover, Pope Francis has drawn attention to this fact several times. [4] The present church leadership [5] counts on the involvement of national and international catholic charity organisations in caring for the poor, handling migration crisis and reinforcing peace. [6]

International Caritas – Caritas Internationalis

As an impact of the economic and social changes of the 19th century, the social teaching of the church played a more and more significant role in the lives of religious communities. [7] Lorentz Werthmann formed the first Caritas organisation, Caritasverband für das Katholische Deutschland, which was approved by the German Episcopal Conference as a national organisation in 1916. In 1921 the organisation got its name: Deutscher Caritasverband. Werthmann created the emblem of the Caritas, the flaming cross, which has been used since then by national and regional Caritas organisations and by Caritas Internationalis, too. German organisations served as examples for other national Caritas organisations at the beginning of the 20th century. In Hungary the initiative started in 1914 as Katholikus Karitás (Catholic Caritas). However, this initiative remained an aid programme during WWI; it did not develop into an organisation. In 1931, after several initiatives, the organisation and the network of Katolikus Karitás (Catholic Caritas) was set up, when Cardinal Jusztinián Serédi appointed Zsigmond Mihalovics pastor of Herminamező, to be the Archbishop Commissioner of the Caritas. In 1931, the Hungarian Catholic Episcopal Conference established Szent Erzsébet Karitás Központ (Saint Elizabeth Caritas Centre), whose Director was Zsigmond Mihalovics, to coordinate the national network. [8] To coordinate Catholic charity organisations and to promote the foundation of Caritas organisations, the first Caritas conference was convened in 1924 within the framework of the Eucharistic World Conference in Amsterdam. In 1924, the leaders of nine European countries (including Hungary) decided to establish an international Caritas organisation, which came to existence as Caritas Catholica in 1928. Pius XII aimed to form a more coordinated connection among international Caritas organisations, and the organisation became the official charity organisation of the Holy See in 1947. [9] Due to its peculiar connection to the Holy See, the centre of the organisation was transferred from Switzerland to Rome. Moreover, in 1954, to put emphasis on its international character, it got the name International Catholic Caritas. [10]

The international character of the charity organisation is significant because of the possibility to concentrate powers and to control the Catholic identity of the organisation. This way, when national sources have been used up, it is possible to concentrate more power to ease humanitarian disasters. In Lebanon, for example, to ease the migration crisis, International Catholic Caritas brought national Caritas organisations in managing the crisis. [11] The same happened during the civil war in Rwanda, or during natural disasters (the storm in Myanmar, [12] the earthquake in Haiti, [13] the flood in Poland and in the Czech Republic, the tsunami in Sri Lanka and the flood in the Balkan region). [14] Each national Caritas organisation joins in to handle the crisis in accordance with its strength. [15] The international character of the Caritas appears in its cross border aims. Good examples are their attempt to ease natural and civilizational disasters, to promote economic equity, to reduce the effects of climate change, furthermore to eliminate poverty which evolved due to climate change. Similarly, they pay attention to helping HIV/AIDS infected people and struggle against other viral and infectious diseases. Moreover, defending the rights of the ill, the poor, the socially excluded, women and immigrants gets a significant role. They participate in the global struggle against violent migration, deportation and human

trafficking. [16] Emphasis can change in accordance with international security challenges and humanitarian disasters. [17]

The legal regulation of International Catholic Caritas took a non-standard path. In 1951, the Holy See approved the first rules and regulations of the organisation, which was voted during the first full general assembly. However, Vatican—on Paul VI' initiative—endowed it with juridical personality on 19th July 1976. It was one of the rare cases when a Catholic organisation—according to the state law of Vatican State—held a juridical personality, but according to the canon law, which regulates the internal church order, it was not a juridical person. It is also true that the legal status and the rank in the national Catholic Church of each national Caritas was totally different. In some countries—e.g. France—the Catholic Caritas did not hold a canonically approved personality, but they had secular legal registration or legal status. Even though *Deutscher Caritasverband* was a legal entity and association according to the German civil law, in the canon law it was an association of the Christian faithful. [18] In many cases, the founders themselves thought that in an anti-religious environment, canon law status would adversely affect obtaining secular legal recognition or effective operation. [19] This model guarantees a wider independence from ecclesiastical hierarchy and a wider margin in secular forums, but it involves risking an organisation losing its Catholic identity, and dissolving among governmental and civil organisations with similar profiles. Difficulties arose from this in Germany.

In other countries, the national Caritas or in some cases the diocese Caritas holds a canonical status, as well. This can take several forms, as the activities of the Caritas are diverse, too. The fields of activity such as education, health care, social care, etc. all have different legal background from the side of both canonical and civil law. Competent ecclesiastical authorities often used to endow Caritas organisations—at the request of the organisation—with canonically approved juridical, mainly private juridical personality. The Catholic Caritas can be the part of either the conference of bishops or the diocesan office structure, which is established or approved by a competent church authority, which acts as an official legal entity. Canon law status is independent from secular legal approval. [20] For example in Hungary, national Catholic Caritas or diocesan Catholic Caritas are all juridical persons from the point of view of canon law, thus these organisations hold juridical personality in civil law, as well. The financial background of national Caritas organisations is diverse as well, which means that they take part in supporting Caritas Internationalis to a different extent. [21]

As the secular and the canon law status of national and diocesan Catholic Caritas organisations is significantly diverse, it is understandable that not only did the legal status of the overarching body develop slowly, but for a long time the overarching body was handled as a loose association of the national organisations. A major step occurred, when in 2004 John Paul II issued his letter *Durante l'Ultima Cena*, which—on the one hand—made Caritas Internationalis a public juridical person, on the other hand the letter assigned the structure of the Holy See. The Pope officially approved the rules and regulations of the Caritas. [22] According to the Papal direction, the rules and regulations, as well as the head office can be modified only with the Pope's permission.

According to Article (Art.) 146, Paragraph (Para.) 2 of the 2004 effective Apostolic Constitution, *Pastor Bonus* the Pontifical Council, *Cor Unum* was responsible for Catholic charity organisations. [23] So in accordance with the general rule, this Pontifical Council

became the general supervisory and monitoring authority of the International Catholic Caritas. [24] The council was responsible for—among others—the international activities of the Caritas, for local initiatives and for caring for the members’ Catholic disposition. Caritas Internationalis was ordered to hand the statements, intended to be issued publicly, over to the Pontifical Council for preliminary approval. Due to the international character of Caritas Internationalis, the relationship with Holy See offices, concerned with humanitarian activities, had to be established. According to the former terms, it involved the Pontifical Council for Justice and Peace, the Council for Pastoral Assistance to Migrants and Itinerant Peoples [25] and the Council for Pastoral Assistance to Health Care Workers. As for the area of cooperation, the Apostolic Constitution, *Pastor Bonus*, which generally specified the responsibilities of each Holy See office, was relevant. The 2004 document includes further restrictions, as it says that regarding the persons of the president and the secretary, preliminary papal approval is needed, and the General Assembly can appoint officials out of the approved persons. [26]

It is the strength of the 2004 document that it clarifies the canonical status of Caritas Internationalis, its relation to the Pope of Rome and its relationship to the dicasteries of the Holy See. At the same time, the document, which is applicable together with rules and regulations, is a short, straightforward line of papal statements. Furthermore, according to certain opinions, the organisation is an important stage of the centralization plans of the Holy See, which hardly can be compatible with its character. Indeed, according to these opinions, Caritas Internationalis is not the central office of the Holy See, but a loose association of Caritas organisations under the national conferences of bishops. [27] As there was still no consent about its legal status, control and contacts outside the church, [28] Caritas Internationalis was regulated by the Holy See again in 2012.

However, Pope Francis integrated the Pontifical Council *Cor Unum*, endowed with wide-ranging powers, into the new Holy See office, the Dicastery for Promoting Integral Human Development with his *motu proprio*, *Humanam progressionem*, [29] declared on 31st August 2016. *Motu proprio*, *Humanam progressionem*, which established the new dicastery, is a short document, and it does not discuss the question of *Caritas Internationalis*. The statute which thoroughly regulates the activities of the dicastery clearly notes [Art. 4, Para. 9] the competency of the new dicastery in controlling Caritas Internationalis. In accordance with this regulation, where the former legal regulations mention the Pontifical Council *Cor Unum*, now the new dicastery should be meant.

New Holy See Regulations

In 2011 Pope Benedict XVI authorised the Secretariat of State—Secretary of State, Cardinal Tarcisio Bertone—to act in the name of the Pope with full authority over the questions in connection with the legal character of Caritas Internationalis and its activities in the church. [30] In Pope Benedict XVI’s theological work, the active fondness of the church towards the poor was strongly emphasised. [31] It makes sense that the Pope attempted to give the official charity organisation of the Holy See a clearer legal status. [32]

The general decree, which is basically an act [Can. 29], in spite of the fact that it was issued by the Secretariat of State with executive power only, was issued on 2nd May 2012. [33] The Secretariat of State owned the authorisation of the supreme legislative power

[Can. 30] to arrange the legal framework of the activities of Caritas Internationalis with a general decree. [34] In contrast with the 2004 papal provision, the new general decision gives a more accurate and detailed regulation. However, it is striking that the decision is fairly strict with regard to the Holy See control system over Caritas Internationalis. It is probable that the supreme legislator envisaged that the new legislation would move towards strengthening, and so the thankless task was handed over, and the legislative power was delegated to the Secretariat of State, which owned only executive power. From the legislation and the explanation added to the Pontifical Council *Cor Unum*, it can be concluded that the circumstances were not organized in all respects at Caritas Internationalis.

The general decree does not abrogate Pope John Paul II's document *Durante l'Ultima Cena*. The ordinance, the general decree, the rules and regulations of the Caritas, the Code of Canon Law (especially its legislation about juridical persons [Can. 312–316; Can. 317, Can. 318–320] and the state legislation of the State of Vatican together constitute the legislation governing the activities of Caritas Internationalis.

As far as the structure of the decision is concerned, the major part focuses on the controlling mechanism of the Holy See, and the minor part on the canonical and civil law operational framework of Caritas Internationalis. It reinforces the general supervisory rights of the Pontifical Council *Cor Unum* over Caritas Internationalis. [Art. 1, Para. 1] It reinforces and extends the representation rights of the Pontifical Council *Cor Unum*. Namely, the council through its representative or commissioner with consultative rights participates the sessions of the managing body of Caritas Internationalis. [Art. 1, Para. 3] After the consultation—mainly with the Director of the Caritas—the council appoints an ecclesiastical assistant, a liaison for a set period defined in the rules and regulations. The liaison, due to this right, takes part in the meetings of the managing body, and takes care of the relationship between the Caritas and the Holy See. He discusses theological questions, and supports the Catholic identity of the organisation. [Art. 1, Para. 4] Probably, his role extends to informing the competent offices of the Holy See. So he can be regarded as an officer charged with intelligence service and internal affairs.

The general decision leaves the Caritas a fairly limited scope for action in building external relations. The cooperation with NGOs and other organisations had to be approved by the Pontifical Council *Cor Unum* in advance. [Art. 1, Para. 5] Nor does the Caritas negotiate with international, regional, political, diplomatic, state administrative and jurisdictional organisations, but the second section of the Secretariat of State does. It is especially true for Italian state organisations. [Art. 3, Para. 1] The only exception is humanitarian emergency situations, when *Caritas Internationalis* in its own right can conclude agreements with governmental and international organisations. In this *Caritas Internationalis* is obliged to inform the Pontifical Council *Cor Unum* and the second section of the Secretariat of State as quickly as possible. [Art. 3, Para. 2] Before the general decision was issued, the Caritas had owned principles for internal use that referred to the cooperation with other organisations (2003), especially with the army (2006). The internal “ethical” regulations and the failure of the practice could be the reason that the new legal regulation introduced some reinforcement. The network of Caritas Internationalis does not seem to have been transparent for the Holy See. Probably, it might have been the same on regional levels as *motu proprio, Intima Ecclesiae natura*, which details the relationship between regional Catholic charity organisations and diocesan bishops, forms similar principles emphasising the controlling role

of the diocesan bishops. Accordingly, local Catholic charity organisations cannot cooperate with organisations that are hostile towards Catholic teaching. [35]

The possessions of Caritas Internationalis, as a public juridical person, are counted as ecclesiastical possessions. [Can. 1257, Art. 1] [36] During property management, the general decree for ecclesiastical goods must be kept. [Art. 6, Para. 7] Furthermore, the Pontifical Council looks after the accurate and transparent property management of the Caritas, [Art. 1, Para. 6] and it approves the contracts, the budget, the property management and the budget of employees and charity programmes after consulting with the Secretariat of State and the Prefecture for the Economic Affairs. [Art. 1, Para. 7] The property management jurisdiction of the Pontifical Council extends to the regional organisations of Caritas Internationalis and to its functional sub-organisations which are legal entities. The Pontifical Council, if it considers to be necessary, can appoint a delegate to supervise the regional organisations of the Caritas. [Art. 1, Para. 8] The general decision empowers the Pontifical Council to summon the leaders of the dicasteries concerned in order to discuss the actual affairs of Caritas Internationalis. [Art. 1, Para. 9]

The Holy See wanted to control the Caritas more vigorously regarding doctrinal questions, as well. *Caritas Internationalis*, respecting the executing power of the Congregation for Doctrine of the Faith regarding faith and ethic, is obliged to hand the documents—intended to be issued publicly—regarding faith and ethic over to the Pontifical Council for preliminary approval. [Art. 1, Para. 2] Doubts seem to have arisen in connection with the Catholic identity of the organisation, too. It is clearer from the explanatory documents of the Pontifical Council *Cor Unum*. (See below)

The general decision names the rights of the first and second section of the Secretariat of State. The first section:

- finalizes the rules and regulations, approved by the Pontifical Council *Cor Unum* of the Caritas;
- can change and explain, being aware of the opinion of the Pontifical Council, the rules and regulations, and the general decision in the light of the Code of Canon Law and the state jurisdiction of the Vatican; [Art. 2, Para. 1]
- guarantees employees' rights and fair social benefits; [Can. 231; 281, Art. 2, Para. 3]
- coordinates the competences among the Pontifical Council *Cor Unum*, other dicasteries, the Vatican Governorate and other Holy See dicasteries; [Art. 2, Para. 4]
- supports the Pontifical Council in controlling the property management of the Caritas Internationalis, especially in managing challenge inspections. [Art. 2, Para. 5]

The second section of the Secretariat of State:

- besides controlling the international activities of the Caritas, [Art. 2, Para. 1] represents the organisation before national and international courts; [Art. 2, Para. 1, 2]
- after the consultation with the Pontifical Council *Cor Unum*, only the second section can authorize those agreements according to which the Caritas receives support from governments, international and other organisations.

The Caritas is obliged to give reports generally towards the first section of the Secretariat of State and towards those Holy See offices that are involved in a certain issue. However, in each case a copy of the report must be sent to the Pontifical Council *Cor Unum*. [Art. 7, Para. 1]

The Caritas is obliged to give a report every four month towards both the second section and the Pontifical Council about those formal and personal contacts that the Caritas maintains with governments and diplomatic bodies accredited by the Holy See. [Art. 2, Para. 3] It seems, in a changed security environment, that the Holy See wants to persuade more strongly its humanitarian charity organisations to pursue intelligence service. However, it is not clear how the strong control on its room for manoeuvre or its intelligence tasks affect the international legitimacy of the Caritas.

The supervisory right of the Holy See extends to executives of Caritas Internationalis [Art. 6, Para. 2] The Director, the Secretary-General and the Trustee are elected according to a strict rule. The Pontifical Council *Cor Unum*, in an agreement with the first section of the Secretariat of State, hands the list of nominees over to the Pope for approval, and the names can be published only after his approval. The election of executives is held in accordance with the Code of Canon Law. [Can. 169–173] The three members of the governing board are appointed by the Pope in accordance with the proposal of the Pontifical Council *Cor Unum* and the Secretariat of State. [Art. 6, Para. 4] The Council, the Secretariat of State and the Prefecture of Economic Affairs having been heard, the experts—to the area of law, establishment and technique—of the consultative body of Caritas Internationalis are appointed by the Pope. After consultations with the Council, the tasks of the Council are determined by the first section of the Secretariat of State. [Art. 6, Para. 5] According to the general decision, the President, the Secretary-General and the Trustee take an oath, following a specific form, on accomplishing the tasks faithfully before the President of the Pontifical Council. The members of the governing board take the same oath in the presence of the Director, or his representative of the Caritas and the employees take the oath in the presence of the Secretary-General.

The Secretary-General represents *Caritas Internationalis* in legal issues. [Art. 6, Para. 9]

The general decision has greatly restricted the scope of activities of Caritas Internationalis. Probably, this strict Holy See behaviour was not unjustified from the point of view of the Holy See. The legislator may have intended to emphasize the hierarchical side of the church in the operation of Caritas Internationalis, and wanted the organisation to adopt Catholic spirituality more powerfully. This point of view appeared later on the national and diocesan level of the Caritas. In his *motu proprio*, *Intima Ecclesiae natura* (issued on 11th November 2011) Pope Benedict XVI explicitly discusses the diocesan bishop's legal obligations. [37] Similarly to the supervisory structure of Caritas Internationalis, the Pope expects local bishops and ecclesiastical authorities to supervise Caritas organisations more thoroughly. Presumably, there were problems on both national and international levels, which were answered with legal restrictions by the Holy See.

Other Holy See Documents Regarding Caritas Internationalis

It is not irrelevant for the Holy See whether *Caritas Internationalis*, as a public juridical person, the official charity organisation of the Catholic Church, meets the expectations of the Holy See, and whether its activities and statements are in line with the statements of the magisterium. Therefore, in different documents the Pontifical Council *Cor Unum* summarized the theological points which played roles in establishing new regulations and

a stricter supervisory structure for Caritas Internationalis. [38] The Pontifical Council *Cor Unum* participated in preparing the documents on the basis of its supervisory right, other Holy See dicasteries on the basis of different involvement. Due to the international character of the Caritas, the remarks of the Secretariat of State were considered, as well. After a short summary, the new document states that the Holy See always played an important role in the life of Caritas Internationalis, from the creation of the international organisation to the 2004 papal document. The latest made it certain that the rules and regulations of the Caritas had to be adjusted to the principles outlined in the document and to the place of the Caritas gained in the structure of the Holy See.

The Pope made it clear in an earlier statement which he sent to the general assembly of the organisation on 7th May 2011.

For the operation of Caritas Internationalis, the regulation accepted on 3rd May 2012 was determining. [39] The first paragraph refers to principles, the second to the name and legal status of the organisation, the third to the headquarters of the organisation. The introductory paragraphs are entirely the same as the propositions summarized in the general resolution of the Secretariat of State. The summary of the conditions according to which national and diocesan organisations can be the members of Caritas Internationalis can only be found in the rules and regulations. In this respect, the legal activity of the local ecclesiastical authority (Apostolic Conference or a diocesan bishop), with which it approves the regulations of a local organisation, is determinant. This condition is enough for the national or diocesan organisation to ask for gaining admission to Caritas Internationalis. [Art. 4, Para 4.3] If a competent ecclesiastical authority withdraws the rules and regulations of a national or diocesan caritas—so the possibility of its operation is suspended—it means losing its membership automatically. [Art. 4, Para. 4.3] The rules and regulation of Caritas Internationalis show some similarities with the discussed general decision, as it puts great emphasis on the supervisory role of the ecclesiastical authority. [40] The rules and regulations discuss the rights [Art. 5] and duties [Art. 6] of the member organisations in details. They are fairly general rights and duties, concerning that either national or diocesan Caritas organisations are independent organisations. Furthermore, the rules and regulations introduce the internal structure of Caritas Internationalis, [Art. 7] the regions, [Art. 8] the rights and duties of the general assembly, [Art. 9] of the board of representatives, [Art. 10] of the board of directors, [Art. 11] of the president (or director), [Art. 12] of the vice president, [Art. 13] of the secretary-general, [Art. 14] of the secretariat. [Art. 15] This part is very important as the rights and duties are discussed only here in connection with the Caritas. The rules and regulation discuss the legal representation [Art. 16] and the order of the papal approval regarding offices. [Art. 17] The latest clarifies the basic principle of the general decision, as it determines the order and periods of recommendation to the Pontifical Council. Furthermore, the rules and regulations clarify the general directions for the “ecclesiastical liaison” of the Secretariat of State, [Art. 18] and the general directions referring to the appointment, [Art. 19] to the election, the term in office and the activities of the trustee. Moreover, it clarifies the exact tasks of the consultative body of the Caritas, [Art. 21] to which we can find only a short reference in the general decision. The rules and regulations thoroughly discuss the questions referring to handling possessions, [Art. 22] to incomes [Art. 23] and to modifying the rules and regulations. [Art. 24]

The operational rules of Caritas Internationalis are more thoroughly given in the 28 paragraphs of the internal regulations attached to the rules and regulations. Moreover, the Caritas has a general code of ethic. [41] The following documents of basic principles were issued: The Caritas Partnership Guiding Principles (2003); Caritas Internationalis Child Protection Policy Framework (2004); Caritas Internationalis Guidelines on Relations with the Military (2006); Caritas Internationalis Guidelines on Environmental Justice (2006); Caritas Internationalis Management Standards (2013). In addition, Caritas Internationalis regards itself as bound by international regulations related to its operation.

In 2014, Pope Francis approved the managing directives of Caritas Internationalis. The document reflects the Pope's commitment towards the poor. Further stressed elements are responsibility for its actions, management and transparency:

- management and regulation;
- organisational infrastructure;
- financial sustainability and accountability;
- correspondence to the code of ethic and behaviour according to the methods and measures of the general assembly. [42]

Literally, the document points out the ecclesiastical and secular regulations which must be respected during its operation. The document gives directions about:

- mutual aid among national caritas organisations, which is considered to be obvious and it determines the possible ways of giving assistance;
- the minimum requirements;
- the principles of organization and development.

An appendix of four paragraphs was attached which includes:

- laws and codes of ethics referring to management directives;
- regulations and organisational structure referring to management directives;
- financial processes and obligation to accountability referring to managing directives;
- short summary of managing directives referring to the involvement of interested parties.

Caritas Internationalis and Civil–Military Cooperation

Caritas Internationalis cooperates with international, governmental and humanitarian organisations across a broad spectrum. [43] As it is present in war-torn areas, the cooperation with armed forces, especially with the army, is a priority area. [44] The Catholic Caritas, as the church itself, stays in crisis and war-torn areas when other organisations have decided to leave. The Caritas, as the charity organisation of the Catholic church, is aware of the conciliatory, mediatory role of the church, which is independent from states. Besides, it understands that to achieve efficiency and effectiveness in humanitarian aiding, it has to cooperate with political and military forces on a certain level. In order to achieve effective humanitarian aiding, it adopts the basic paradigms of those international organisations that take part in handling crises. Namely: prevention, the protection of the civil population

(especially the poorest), peacebuilding, reconciliation of warring parties, sympathy with victims, restoring the rights of victims or reinforcing social organisations.

The Catholic Caritas, as a humanitarian organisation, cooperates with military forces both on national and international level. It is difficult to lay down basic directives, as the experiences of Catholic Caritas organisations about the cooperation with military forces differ. Legal regulations, the relationship between the state and the church and the practice of cooperation between charity organisations and military forces are different in each country.

It is important for the charity organisation to establish the directives of cooperation on an international level, as well. So, in 2003 Caritas Internationalis tried to word some basic directives according to its experiences in handling crises during the Balkan wars in the 1990s, during the interventions in Afghanistan in 2001 and in Iraq in 2003. [45] When wording the basic directives, the Caritas set out from its experiences of the cooperation with “Western” military forces, and Western military and political alliances. So, the basic paradigms were adjusted to these armies and military systems. The basic document was ready by 2006. Globally, it tries to word the basic directives that the staff of the Caritas has to consider when cooperating with military forces. The basic supposition of the Caritas is that the army have to take part in handling crisis in a way they do not endanger the independent and politics free operation of charity organisations. Caritas Internationalis learnt that military forces gradually took over humanitarian tasks, especially their control, when performing new crisis management and peace support operations. This phenomenon, according to the introduction of the document, weakens the abilities of humanitarian charity organisations. The basic directives of the UN referring to the cooperation between humanitarian charity organisations and military forces are determinant for Caritas Internationalis.

As crisis management can be divided into several parts, the basic document discusses the cooperation of the Caritas and military forces in different crisis management sections. They emphasize the importance of peacebuilding after armed conflicts or crises. The period of an armed conflict is more difficult, but the document finds it important that the Caritas should be present during a conflict and it should work hard to ease the difficulties of the poor. In a peacebuilding period the goals of the Caritas and UN peacekeepers, or other crisis management forces, are the same: to promote peace and reconciliation. Due to abuses committed by peacekeeping forces, the Caritas considers itself to be a control institution. In order to avoid abuses, it watches the activities of peacekeeping forces, as well. [46] As the UN itself encourages civil and church organisations to inform the UN headquarters about the abuses committed by peacekeepers, this controlling role is obvious for the Caritas.

The basic document of the Caritas focuses on the areas where it is extremely important for the Caritas to cooperate with the army considering its specific abilities. These areas are:

- prevent and ease emergency situation due to a natural disaster, as the army owns the appropriate logistic capacity and technique;
- epidemic prevention;
- the promotion of national vaccination programs;
- water clearing;
- reaching the areas that are highly inaccessible;
- helping refugees.

The document admits that the army can considerably help the effective work of a charity organisation in establishing communication, providing health care in inaccessible areas, organizing educational programs after a crisis, in reconstruction and in organizing defence against natural disasters. Besides, the document emphasizes that there are areas where employing the army is problematic. These problems are not characteristic features of Western national armies or international organisations. It is more difficult for the charity organisation if it has to cooperate with an army that supports one or the other party in a civil war instead of making peace. Similarly, if the army is compromised in an ethnic or a religious conflict, or if the army is involved in training child soldiers. According to the document, it is possible in democratic countries that charity activities become militarised, namely the whole humanitarian charity process is looked after by the army, which endangers the independence of charity organisations.

The basic document of the International Catholic Caritas words the directives of the cooperation with military forces:

- subsidiarity: the local decisions of the Caritas—even inside its own organisation—are considered to be more suitable and more realizable than decisions made on a higher level;
- partnership: the Caritas thinks it important to cooperate on the basis of trust which takes some time to be built;
- legality: the rules and principles of international law have special relevancy in the life of the organisation:
 - international law: complying with the Hague and Geneva Conventions and their additional documents;
 - Humanitarian Charter and Minimum Standards in Disaster Response (SPHERE), ICRC/NGO Code of Conduct, which words the basic principles referring to NGOs;
- human rights, refugees and the exiled (especially the views in the basic document of the UN Convention). As a significant part of the work of the Caritas is filled with aiding refugees, the norms referring to refugees have important roles in the life of the organisation.
- respect for human dignity;
- differentiation between militant and non-militant entities.

ICRC/NGO Code of Conduct:

- priority to humanitarian viewpoints;
- giving help regardless of religion, race or nationality;
- political neutrality:
 - foreign policy programmes are not supported.

The Catholic Caritas is an international organisation, so in a civil–military cooperation the legislation regulating organisations operating within country specific or international frameworks and military missions within alliance system should be considered at the same time.

Furthermore, the basic document words basic principles about operation: when an armed conflict has spread and none of the parties control the territory entirely, the possibilities of the organisations are limited on the war-torn territories. [47] The Caritas tries hard to

maintain a balanced relationship with each party, so that it can fulfil its humanitarian tasks. Establishing a relationship with armed forces and other organisations is significant as it is nearly impossible for civil or church organisations to get in a certain area during a conflict. According to the principles of the Caritas, when establishing a relationship with military forces, the Caritas should remain politically neutral. Cooperation and sharing information are important for the Caritas, but it respects politically, militarily and economic sensitive information. More principles are:

- establishing an appropriate distance towards military forces;
- the Caritas operates under non-military control;
- the Caritas respects the views of the local church;
- the organisation minimizes the relationship with those armed forces or/and soldiers that violate human rights;
- in advance, it determines those areas where it is going to operate, and determines the limits of its cooperation with military forces and local authorities.

If the army joins the humanitarian activities of the Caritas, the basic document expects the army to do it in accordance with international law and practice.

The basic document states that when aiding, soldiers cannot carry weapons, and those who help in health care should wear distinguishable uniforms on which the logo of the charity organisation can be seen.

According to the document there are three key areas where the Caritas cooperates with the army:

- regarding low intensity crises, the document draws attention that in spite of the crisis being low intensity, difficulties may arise during the cooperation of the organisations;
- during a low intensity crisis, the cooperation covers information sharing mostly:
- information sharing can be realized through appointing a liaison;
- dialogue—it involves getting familiar with the points of view of the organisation;
- information sharing—respecting classified and sensitive information.

According to the Caritas document, in case of high intensity crisis, adequate distance should be kept from military forces, but the Caritas may need military logistic or other support.

In high intensity crisis, the organisation has to accept military protection. It can happen that the political and the military parties rate the need of military protection differently. The directive is that the Caritas does not ask for military protection. It is an exceptional situation when the Caritas accepts this possibility, as local authorities, police and military forces cannot provide protection for the organisation. However, asking for protection and assistance depends on the decision of the Caritas management only, not of the authorities or military forces. Humanitarian viewpoints play important roles in the decision. The organisation does not accept protection from parties in conflict. The directive is that, even in this situation, the Caritas does not give the army any consignment so that it can distribute the donations. Last but not least, the Caritas does not act under military control, and rejects orders from military leaders.

Summary

Though a lot of charity organisations bear the attribute “Catholic”, the official charity organisation of the Catholic Church is Catholic Caritas. The Catholic Caritas works on five continents in more than 160 countries, which shows the different environment and legislation it has to work within. The Catholic Church is an international organisation itself, with vast and complex structure, so each Caritas tries to meet global challenges under the control of an international overarching body. When national options have been exhausted, there are still possibilities to release major resources. Furthermore, there is more chance to control the Catholic nature.

The legal regulation of Caritas Internationalis has developed gradually. It gained its juridical personality first within the civil laws of the Vatican, later within the universal canon law of the Catholic Church. Earlier there were difficulties in connection with Catholic identity, possessions management and the communication with non-Catholic organisations. So, the Holy See gradually tightened both the operational legislation and the control of the organisation. It evoked the displeasure of those who imagined a looser alliance of each national Caritas under International Caritas. A new Holy See office, the Dicastery for Promoting Integral Human Development, established with *motu proprio*, *Humanam progressionem*, took over the controlling rights from the Pontifical Council *Cor Unum* on 31st August 2016, respecting the rights and tasks of the Secretariat of State and other Holy See dicasteries.

International Caritas is in relationship with international and national organisations, non-profit organisations and non-Catholic charity organisations. Regarding cooperation, the basic paradigms of international law, its rules and regulations and basic paradigms of the Caritas are significant. The basic principles regarding its cooperation with armies are also significant, as the Caritas is present in crisis-torn areas, and it cooperates with military forces in order to perform effective humanitarian aiding.

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