



**Duties and rights of the  
faithful in the canon law  
Governance and care for creation**

**GOVERNING FOR SUSTAINABLE  
HUMAN DEVELOPMENT AND THE  
COMMON GOOD**

Immersion Tour and Roundtable

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# Introduction

Declaration of the Former President of the Pontifical Council of Law:

It is necessary to introduce some new norms on the code of canon law in order to better keep or protect the new ecclesiastical magisterial teaching about the care for creation.

# ***Magisterial social teaching and canon law***

## ***The central place of the Norma Missionis***

### **The place of the progress on magisterial teaching in the canon law**

- Many people think that the contents of the canon law are only the norms of the code and all the other statements external to the code itself, but only when they are formally promulgated as real and true norms.
- From this point of view, the magisterial teachings have no place in the canonical system.
- It is believed that the magisterium's doctrine refers only to the moral dimension of life and ethical orientations, and that it does not refer to the values legally protected.

It is incorrect to identify canon law with its norms. Canon law refers to all the Church's juridical system. This system has other sources besides the norms formally promulgated. One of these sources is the doctrine, and principally the magisterium's doctrine, which has its place in the canon law in two ways:

- **First**, as a criterium in order to understand and apply the norms.
- **Second**, as a principle from which to draw guidelines in order to state how to proceed when there is not a norm about specific matters (can. 19).

The canonical place of the magisterial teachings is clearer in the case of the Church's social doctrine, because this matter is closer to the juridical organization and because, regarding social aspects, the magisterium needs to deal with new problems or to explain permanent problems in a new way.

The concept *Norma Missionis* refers to the final missionary mandate of Jesus (Matthew 28, 19). The *Norma Missionis*, is the only true law, with no exceptions.

- The canon law like a **factor for the preservation of the integrity of the Gospel** message (“teach them to observe all the things that I have commended you”)
- The canon law like a **factor for the promotion of a new understanding** of its contents in the light of the new context of the mission, according to a juridical principle: *ius sequitur vitam* (the law must follow life, or better, the law must be at service of life)

The canonical discipline must be always completed in order to allow the Church to be witness of her own juridical culture

- Keeping the highest human values in the light of the evangelical ideal
- Incorporating on her own system some new juridical ways originated within society, if they are valid to better fulfill her mission; among this ways it is possible to consider the contents of the *corporate governance*, as well as those of the *corporate social responsibility* and those of the *economy for the common good*

This double juridical way is very clear regarding the renewed sensitivity of the magisterium on the care for creation, which is a good example of the Church's indispensable task on understanding the signs of the times.

The signs of the times have not ecclesiastical borders; they can be drawn from experiences, mentalities, claims and hopes of the people.

The magisterium about the care for creation can be understood, first of all, as an **extension** of the commitment to justice and peace.

- This commitment is formulated in the first part of the second book of the code of canon law, in which the canonical legislation establishes the most important duties and rights of the faithful, according to their own condition and vocation.
- The commitment to justice and peace is counted among the common duties and rights; this means that this matter has juridical relevance regarding all the faithful (can. 222) and for all the catholic associations too.

But this teaching is certainly also a source to **apply** other canonical norms.

- a) Now, I will focus on the rules that establish the qualities of those who take on various roles of leadership and some rules about the governance.
- b) In a second moment, I will indicate the principal contents of the magisterium about the care for creation;
- c) in the final part, I will suggest what is the relationship between the new magisterial teaching and the aforementioned canonical norms about leadership and governance.

# *Some rules about leadership's qualities and governance*

It is interesting, principally, to look at the canons of the second book of the code in which are stated the duties and rights of the faithful.

The canons with special importance for our subjects:

- Those regarding the **doctrinal formation**
- Those on specific **suitability** for each role, management task or function
- Those about the **style** and the **values** that must be respected, *ad intra* and *ad extra*, in carrying out the realities entrusted to the leader's personal responsibility.



# Rules about education

Right to receive a Christian education that is adequate to lead a coherent life (can. 219).

Recognizing such right implies affirming the obligation for the ministers or those who have leadership functions, mainly in the Catholic educational institutions, to satisfy this task.

- This obligation consists in offering the means to have a good education
- The education as a duty (can. 229) that joins the desire to lead a life coherently with the doctrine but also the capacity to defend it, proclaim it and assume tasks.

33 canons about the formation of the clergy. Among these norms the most relevant:

- Harmony between the spiritual formation and the doctrinal preparation (can. 244),
- Between acquiring the foundations of the doctrine and learning and training on the ability to proclaim it in a renewed way for the persons of their own times (can. 248),
- Between the preparation for the principal ministerial services in the diocese and the adequate availability for the needs of the universal Church, especially for ecumenical relations and for those with the non-believers (can. 256).

Opening norm of the third book of the code (can. 747): this book is entirely dedicated to the teaching function of the Church.

This function is formulated as a right and duty that is independent from all the other human powers, and which consists of two main aspects or tasks:

- First, the custody, appraisal and faithful announcement of the Christian revelation.
- Second, the proclamation of the moral principles and the manifestation of one's own judgement also on the social order and on human affairs, especially when the fundamental rights of the person or his salvation are at stake.

# Specific suitability for each leadership function

General norm which establishes suitability when it is necessary to provide for an ecclesiastical office (can. 149); together with the communion with the Church, the suitability requirement shows clearly that every office, like every leadership's function, is a service and it must be at service of the common good.

Norm about the lay people's ability to advise the ministries as counsels, to be a member of councils and of other government participation structures.

The code states that this ability should depend on their:

- Science
- Prudence
- Integrity of life (can. 228)

# Rules about the style and the values in carrying out the leadership

Regarding the **management *ad intra***:

- Norms that refer to supervision, which promote the vigilance
- The practice of consultation and the motivation in decisions
- The transparency in accounting for the administration

Regarding the **management *ad extra***, or the way for the faithful and their associations to proceed and operate towards the outside:

- Common good of the Church as the principal criterion to operate (can. 223)
- Connection with other groups in solidarity (can. 328)
- Destination of a part of their own goods for general needs of charity (can. 282), assuming for this purpose a simple lifestyle

# ***Principal contents of the magisterium about the care for creation: a) history***

It is reasonable to consider this matter as a completion of the commitment to justice and peace, counted among the common duties and rights (can. 222).

This bond is deduced from the first moments in which the care for creation appears formulated in the documents of the official magisterium.

This matter was first dealt with through the reflection started at the beginning of the 70s within Protestant and Orthodox churches (ECC, Vancouver in 1983). Such explicit triple mention on 1990: the first European Ecumenical Assembly celebrated in Basel and the World Ecumenical Convention celebrated in Seoul.

The first pontifical text: message of John Paul II for the world peace day titled: “Peace with God the Creator, peace with the creation”. On 6<sup>th</sup> August 2015, Pope Francis established for the whole Church the day of prayer for the care for creation, by setting the date on September 1<sup>st</sup>, the same date set by the Orthodox Patriarch of Constantinople many years before.

## ***b) Interpretation***

The care for creation like a development of permanent affirmation about the **primacy of common good** within the human realities.

The common good as ultimate goal of the action of the Church, because she understands herself as universal sacrament of salvation.

The common good that the Church want to contribute to realize, also as an anticipation of the Kingdom of God in this life, is always proclaimed like an **integral common good**, that is not reducible to material well-being, but inclusive of the integral promotion of each person, group or community.

Set of negative factors and the new social sensitivity for the environmental ecology: climate change, previsions on natural resource depletion, serious risk of loss of biodiversity, high (land, water and air) pollution, desertification, frequent natural catastrophes, etc.

## c) *General orientation*

Anthropological dimension of the environmental ecology: avoid new reductivism, far from the integral point of view in the promotion of the common good.

Understand again the narrations of the creation, finding new solutions.

- John Paul II, *Centesimus annus*: environmental ecology with human ecology.
- Benedict XVI, *Caritas in veritate*: unity of the “book of nature”, that is “one and indivisible”, and includes social relationships, showing that it is impossible to consider oneself as the only instance for his own actions.
- Francis: *Laudato si'*: integral ecology that refers to three basic types of relationship of the human existence according to narrations of the creation: relationship with God, with the others and with the earth (LS 66).

Ecological conversion: Commitment in order to rejoin, discovering their mutual connection as a destination that must be always preserved and saved and considering their division as a bad scenario that must be overcome.

## ***d) Specific orientation: denunciation***

- Capacity to discover the power of evil that is behind the paradigms of technocratic development, wild market and consumption at all cost
- Critical spirit against the inadequate networks of the relations that could exist in the various dimensions of the human experience, especially within the economic activities
- Self-criticism in order to avoid to be involved on the globalization of indifference, accepting the criteria of the “culture of waste” (LS 16)
- The complexity of the ecological imbalance and the multiplicity of its dimensions suggest to considerate today a necessary complement of the critical and self-critical spirit, to have the capacity to build alliances with other good operators



## *d) Specific orientation: announcement*

- Adequate way of **understanding the dominance** that the Creator entrusted to human beings.
- Responsibility of **caring as a guardian**, but not power of submitting as a master.
- A change in the mentality is urgent, because **human being is also a part of the creation**, and it is the creation that allows his existence.
- Need to **progress in wisdom**, and not only in the instrumental or technical knowledge, which can only offer information to subject the creation more and more, but that cannot teach to see the connections between the realities and to take care of those most in need.
- Cry of the **poor Mother Earth** cannot be separated from the warm call of the Lord to listen the voices of the **poor on the earth** (LS 49).

## *d) Specific orientation: renouncement*

- Correct reading of the denunciation and the announcement: concept of the **happy sobriety** (LS 224-225).
- Incidence in one's own **life style** about the various contents and goals of the ecological conversion or integral ecology.
- Concept of **sustainability**: necessity to allow the earth to regenerate itself, even if it is the earth that gives us the necessary food.
- Sobriety and sustainability cannot be separated from the renouncement to accumulate material goods and from the necessity to accumulate relationship with all the sons of the earth, in a wise balance between local identity and the universal destination of goods.

## ***Some bonds between canon norms on leadership and governance and the magisterium about care for creation***

- General duty and right of committing to the **transformation of the temporal order**, that the code established for every state of life of the faithful, even in different ways, according to their own condition as lay people (cann. 222, 227, 327), cleric (cann. 275, 287) or consecrated people (cann. 573; 673), and also as catholic associations (can. 298).
- This is why we can say that the recent magisterium about the care for creation has principally a **hermeneutical function** regarding the norms about the main subject of this roundtable (leadership and governance), even if it does not exclude some possible completions of them.

## ***a) doctrinal formation: suggestions***

- The education on the social doctrine of the Church and, more specifically on the teachings that the Popes, the precedent Pontifical Council for Justice and Peace and, in the future, the new Dicastery for the integral human development can produce about this matter.
- Frequent updating courses. Within these courses, it should be important to plan some moments for special information offered by experts, even people not close to the ecclesiastical world, if they have specific competences about some aspect of the specific subject. In this way, it will be possible to offer a formation as wide as possible, in order to accomplish the discernment carefully.
- This is important also for a good formation of the clerics, about which the norms state an adequate balance between theory and practice, and call for an understanding with the mentality and the language of one's own time, sensitivity for the relationship with other Christians and with the non-believers, and progress in the spirituality that is formulated as a necessity to have a contemplative point of view on the world.

## ***a) doctrinal formation: urgent task***

- Not confuse the anthropological dimensions of the ecology with the exaggerated anthropocentrism that has led to individualism.
- Overcome the individualism that permeates the modern curricula and to increase the conscience about the connection between every content of the Christian message and this specific aspect of the social catholic doctrine.
- This conscience can allow not to marginalize this teaching from the ordinary pastoral means (catechesis, homily), and always bear in mind the care for creation. This permanent and ordinary way does not exclude the importance to have and multiply special moments of formation on this subject.
- Finally, as a more specific proposition, the Congregation for the doctrine of the faith, together with the Dicastery for integral human development, in a recent declaration about some problems of the present economic system, propose the introduction of the Social Doctrine of the Church as a matter for the curricula in the faculties of Business of the catholic universities.

## ***b) suitability and general qualities***

- The adequate **science**: choose persons with integral vision, able to take the unity and the connection between the different dimensions of reality, without excluding the specific specialization required for each function.
- The value of **prudence**: it is clear that it must take the form of a superior wisdom, that is able to avoid listening and looking only at the instrumental reasons, and that prefers to multiply the research for more information and counseling, always with a critical spirit.
- The **integrity of life**: carrying out the own life according to the happy sobriety towards the material goods, and the accumulation of the relationship, that every Christian leader must testify today.

## *c) style of management ad intra*

- **Vigilance** would include the specific attention on the negative or positive incidence that the activities and the relations (especially economic) of the own ecclesiastical reality could have on the care for the environment or on the increasing or overcoming the various social injustices that result in the lack of respect of it.
- About **participation** and consultation, even the ecology of environment requires expert knowledge, the orientation towards an integral ecology request the commitment to avoid every type of technocracy and every type of the soft marginalization of those that have minority opinions
- About the **motivations** for the government's decisions, according to the values of transparency and accountability (especially economic), it is important to specifically mention its connections with the promotion of the different aspects of this subject.

## *c) style of management ad extra*

Regarding the norms about the ways to operate outside our own ecclesiastical realities, it could be interesting completing the canonical discipline:

- The call of orienting the activities to the common good can be reformulated mentioning the commitment in order to avoid considerate the material profit as the first goal and to promote alternative economical projects of development, meaning the real profit in terms of **social progress**, protection of human rights and growth of solidarity, also with future generations
- The call for increasing the connection with other realities, in order to have common actions of solidarity, could be expressed in the act of **denunciation**
- The norm regarding the destination of a part of the goods to the poor of the universal Church, it could be also included a mention of the commitment in overcoming the globalization of indifference and the culture of waste, rather encouraging to assume a life style according to the values of the happy sobriety and the **compassionate care for the common home**