

PASTORAL AND
CANONICAL INNOVATIONS OF
PASTORALIS MIGRATORUM CURA

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Reprinted from *THE JURIST*
Vol. 31, No. 2, Spring, 1971

Published by the School of Canon Law
THE CATHOLIC UNIVERSITY OF AMERICA
WASHINGTON, D.C.

Printed in U.S.A.

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I. INTRODUCTION

The development of the Catholic Church in North America has been a unique experience. Catholic communities here emerged not as a result of conversion, but of immigration. In Canada and in the United States the institutional framework of the Church, its growth and social status, its cultural and political conditions are tied in with the immigration, adjustment and achievements of British, Irish, German, French, Italian, Eastern European and a score of other ethnic groups that arrived and settled mainly in the last century and a half.

The necessity, therefore, of facing organizational compromises in the legal system of the Church is not new. Neither are new ethnocentric orientations, inter-group conflicts and competition, and the bishops' concern with an immigrant flock. Irish immigrants and French bishops in the United States in the 1830's and 1840's remind us of the struggles between German immigrants and Irish bishops in the 1870's and 1880's. The uneasiness of English parishes in Quebec is reversed for the French parishes in Ontario.

Already in the first decades of Christian history, the Epistle to Diognetus (5, 1-5) formulated some poignant comments on the issue of nationalism and faith:

Christians are not distinguished from the rest of mankind by either country, speech or customs . . . they dwell both in Greek and non-Greek cities, as each one's lot cast, and conform to the customs of the country in dress, food, and mode of life in general . . . They reside in their respective country, but only as aliens. They take part in everything as citizens and put up with everything as foreigners. Every foreign land is their home, and every home a foreign land.

The ambiguous condition experienced by the Christian and well perceived by the person writing to Diognetus centers on the interpretation of cultural values, national loyalties, and the irrepressible universality of the Christian message. The dilemma that both juridical provisions and pastoral care have to take into consideration is derived from the tendency to either emphasize conformity or indepen-

dence. The ideal happy medium, of course, is difficult to achieve. In fact, if the Pauline tradition that all who are baptized are one body whether Jews or Gentiles, slaves or free (1 Cor. 13-14; Gal. 3, 28) remains an ideal commonly subscribed to by most Christians, it is equally evident that differences rooted in ethnic origins can create tensions and even explosive situations. Thus, along the lines of the Shamrock curtain another feud simmers and Frank O'Connor's immortal words, spoken from the secure position of his own agnosticism, are as true as ever: "The North of Ireland contains the best Protestants in the world and the south of Ireland the best Catholics, and there is nary a single Christian in the whole lot."

The Second Vatican Council, which aimed at bringing into focus the condition of the Church in the modern world, took note of the increasing phenomenon of geographical mobility, urbanization, ethnicity, nationalism, and cultural pluralism. It recommended special attention for migrants, exiles, and refugees and asked the episcopal conferences in particular "to pay energetic attention to the more pressing problems confronting these persons and to provide adequately by common agreement and united efforts and with suitable means and directives for their spiritual assistance" (*Christus Dominus*, n. 18).

The legislation and pastoral work, which the Council Fathers envisioned for migrants, were obviously couched in general statements, but clearly within the newly emphasized principles of the intrinsic value of each culture, the universality of the Church, the need for dialogue across individual and group barriers, the conviction that the goals of the state do not necessarily coincide with the goals and values of Christians.

II. *Exsul Familia* and *Pastoralis Migratorum Cura*

The Instruction on the Pastoral Care of Migrants, approved by Pope Paul on August 15, 1969, issued the following August 22 and effective as of October 1, 1969, came about as a result of these new ideological commitments, of practical suggestions from priests and bishops directly working with migrants, and as an *aggiornamento* of the *Exsul Familia*. The apostolic constitution *Exsul Familia* had been promulgated on August 1, 1952, by Pius XII. Its purpose was to initiate an organization for the spiritual care of migrants in such a way as to guarantee to the person arriving in a foreign country, even

temporarily, the same religious services he could avail himself of in his own country. Although "it must be regarded as the fundamental pontifical document of recent time," *Exsul Familia* was not much used as a pastoral instrument in North America. Its usefulness, however, for millions of refugees and migrants can be deduced from the fact that from 1952 to 1968 the Congregation for Bishops appointed about 2,000 priests to assist their countrymen abroad:

916 Italians	105 Hungarians	54 Croats	23 Slovacks
294 Poles	69 Mexicans	43 Dutch	12 Czechs
262 Spaniards	65 Slovenians	30 Japanese	9 Ukranians
128 Germans	Lithuanians	27 Lettonians	69 of other nationalities

The new instruction is introduced by a statement that says that the Congregation for Bishops had decided that the apostolic constitution *Exsul Familia* should be adapted. *What is, then, the present relationship between Exsul Familia and Pastoralis Migratorum?*

- a) *In general:* (1) the norms of *Exsul Familia* that remain valid are incorporated in the recent instruction; (2) the directives present in *Exsul Familia* and left out in the instruction are either abolished or will be dealt with in separate documents.
- b) *In practice* the directives of *Exsul Familia* that regulate priests emigrating overseas are still valid, as are those affecting the incardination of priests in overseas dioceses, the regulations for ships' chaplains and for the Pontifical College of Priests for Emigrating Italians (VII, concl.).

The Holy See decided on the *aggiornamento* of *Exsul Familia* after close consultation with the various episcopal conferences of the world. The outlook concerning migrant people now reflects the conciliar debates and documents, recently acquired sociological knowledge, and the experience of national and international organizations interested in the problems and expectations of migrants.

III. AREAS OF CHANGE

It was imperative for the Church to take into consideration two main areas of change: (1) the shift in trends, volume, and characteristics of the migratory phenomenon; (2) the appearance of new structures and pastoral methods in the post-conciliar church.

1. After the Second World War, especially in the 1945-1955 period, several million people had to resettle in new environments mostly for political reasons or because they were victims of the economic and social disasters affecting the belligerent countries. In the immediate post-war years European migrations were destined for overseas and, even if they remained in Europe, assumed characteristics of permanent settlement with no hope of return. In the last decade the traditional migrant, seeking economic betterment by moving for good to another country, was not the only person on the move. The free circulation of workers in the European Common Market, the significant concentration of employees of international organizations (UN, UNESCO, FAO, etc.) and diplomats in the "international cities," the huge numbers of foreign students in America and European universities, etc. have changed the notion of migrant to include the entire phenomenon of geographical mobility in modern society. Foreign students, foreign workers, technicians, experts, and refugees are widely different categories of people and present different problems for integration and assimilation. On the pastoral level, however, they present similar problems to the extent that all demand special religious assistance.

a) *New definition of migrant*

The various components of modern migrations converge in the pastoral purpose of the instruction *Pastoralis Migratorum* that intends to express the concern of the Church in securing religious assistance for all the faithful outside their usual environment, in a different social and cultural context, outside their country and the ethnic community to which they belong. For this reason the new document did not want to give a technical definition of migrant, but a pastoral one. The Church intends to offer that type of particular service that men require in their concrete situations, independently of the causes that brought about those situations. While in *Exsul Familia* the migrant was defined by his presence in a foreign land (*territorium alienum*), in *Pastoralis Migratorum* migrants are "all those who live outside their homeland or their own ethnic community and need special attention." A French-speaking Canadian in Vancouver, for example, may need as much care as an Italian immigrant in Toronto.

b) *The problem of integration*

The new concept of migrant changes the traditional policies of integration. "Guest-workers" in the European Common Market, foreign students, technicians, among others, do not intend to settle in the host-country and should not be forced to integrate. Chapter I, 12, sums up the flexibility of the Church concerning the process of integration. Integration should be natural and, therefore, gradual, without any compulsion or hindrance. The host-country could compel and force a hasty integration that provokes the hostility and resistance of the immigrants. The ethnic community, on the other hand, could hinder its members from moving out. Again, the twin temptation of sectarianism and nationalism are facing each other, and the Church rejects both of them.

Integration on the religious level cannot usually be dissociated from integration on the cultural and social level. The acceleration of religious integration in respect to the social and cultural aspects will usually bring about negative consequences. It does not seem to be a role of the parish, as such, to take the place of the instruments every society has for the political, civic, and cultural integration of the immigrants. The insistence of the new document is on "the sanction and preservation of the rights of the human person and of the foundations of his spiritual life" (I, 4). This perspective avoids both fossilization of the migrant in an ethnic ghetto and compulsion toward a too rapid assimilation. Integration is normally a slow process and it is a test of the degree of Christian awareness of the receiving community. An immigrant is not respected as a human person if his way of thinking, his cultural expression of the faith, and his associational forms of life are not respected.

c) *Immigrant generations*

Another significant innovation touches on the problem of immigrant generations. *Exsul Familia* (art. 40. 2) had restricted the concept of migrant and, as a consequence, the right to be assisted in the mother-tongue, to first and second generation. The recent instruction eliminates such restriction. An immigrant generation is not seen as a biological, but as a cultural variable. The document says: "Thus is confirmed the already obvious advantage of caring for people who migrate through priests of their own language and this as long as usefulness indicates" (I, 11). The length of time depends on the

objective needs of the people. The bishop has to judge on the basis of objective data and after consultation with the chaplains or missionaries of the ethnic group and with their delegate (V, 49).

2. The changes in the structures and pastoral orientations of the Church after the Council are also incorporated in *Pastoralis Migratorum*.

a) *Collegiality (ch. III)*

The principle of collegiality has assigned the main responsibility for the spiritual care of migrants and the appointment of their chaplains and the chaplains' delegates to the episcopal conferences and the individual bishops. There is the risk in this shift of policy that the migrants may become a marginal problem for bishops and chancery officers and there are the doubts that the universal vision of the problem possible from the center may disappear. The possibility remains, however, of asking for the intervention of the Congregation for Bishops (V, 36, 2). Above all, close cooperation between the territorial clergy and the clergy assisting the immigrants will guarantee successful work.

b) *Local pastors*

On the pastoral level, the responsibility of bishops and territorial pastors is insisted upon. "The spiritual care of all the faithful, and thus of the immigrant people, falls most especially on the shoulders of the pastors of the parishes within which they live. These shall one day give an account to God regarding the fulfillment of their duty" (30, 3). On the other hand, the new document places the missionaries for the migrants on the same level as the diocesan clergy: the same Ordinary, the same norms to be obeyed, attendance at diocesan meetings, the same faculties, presence in the council of priests:

Let the Ordinaries of the place and the pastors treat the chaplains or missionaries for migrants with supreme charity. They should freely assist them as they exercise their arduous ministry in order that it may benefit the souls entrusted to them. Let them see to it that the same privileges which the other diocesan priests enjoy are accorded them, and that they receive the same rights and security in the financial field (43, 1).

(43, 1). Territorial and missionary clergy are co-responsible *in solidum* for the pastoral care of migrants, so that this agreement in heart

and work offer a clear example to the immigrant people of accommodation and cooperation.

c) *Religious and laymen*

Special new chapters have been added on the work of men and women religious and the participation of the laity in the pastoral care of migrants. Episcopal Conferences and Diocesan Offices are encouraged to make use of the services of religious and laymen. The various new aspects of the *Pastoralis Migratorum* and the missionary and ecumenical spirit that pervades it, give to it a universal and pastoral character not clearly visible in the *Exsul Familia*, which was geared to a more juridical and disciplinary approach and largely influenced by Italian emigration.

IV. MEANS OF PROMOTING PASTORAL CARE

This part of the analysis of *Pastoralis Migratorum* will highlight the strictly juridical implications, the means through which the new document intends to promote the pastoral care of migrants.

A balanced view of the rights and duties of migrants is outlined in the first paragraphs of the document. To the right to emigrate corresponds the obligation to serve the common good, with special attention to the needs of developing countries (I, 8). The right of immigration is limited by the common good of the receiving country (I, 7). To the right of immigration corresponds the duty of adapting to the host-country (I, 10). To the obligation of the migrant to serve the common good of his native land corresponds the obligation of the public authorities of creating job opportunities in the emigration country (I, 9).

Juridical structures foreseen by the new document

The juridical structures foreseen by the new document for an adequate pastoral care to migrants are classified in three general divisions:

1. *At a world-wide level* there is the Congregation for Bishops, whose task is to moderate and coordinate all immigrant work. The duties and authority of local Ordinaries, however, remain intact.

The executive branch of the Congregation is the Office for Migration; the consultative branch is the Superior Council for Migration, whose field of work was not specified in *Exsul Familia*.

Compared to *Exsul Familia*, the new instruction shows a greater delimitation of the functions of the Congregation for Bishops. For example:

- a) the appointment of national directors, of directors or delegates of the missionaries, or chaplains and missionaries for migrants has become the competence of the episcopal conferences (V, 36).
- b) The erection of national and personal parishes and of missions with the care of souls is the competence of the bishops (33, 1-2).
- c) There is no word on the *Apostolatus Maris* or chaplains for ships.
- d) The tasks of the delegate for emigration are now mostly attributed to the episcopal conferences.

On the other hand, the congregation for Bishops has competence over Orientals migrating to non-Oriental areas who lack priests of their own rite; over religious institutes founded for the care of migrants; it can erect prelatures composed of secular priests for specific ethnic groups, etc.

On March 19, 1970, a motu proprio was issued by Paul VI establishing the Pontifical Commission for the Pastoral Care of Emigration and Tourism. This commission depends on the Congregation for Bishops, but it enjoys autonomy in carrying out its functions. The commission replaces and absorbs five separate organizations: the Superior Council for Migration, described in *Pastoralis Migratorum*, the Secretariat for the Apostolate of the Sea, the Work of the Apostleship of the Air, the Apostleship of Nomads, and the Office for Tourism. The work of this commission will be guided by special directives to be issued shortly by the Holy See in an *Ordo Servandus*.

2. *At the national level*, for the episcopal conferences, *Pastoralis Migratorum* demands the establishment of an episcopal commission for migration or at least of an episcopal promoter. The president of the commission would normally become a member of the new Pontifical Commission in Rome. The national commission will be responsible for the study of migration problems, recruitment of priests and of men and women religious for the migrants and for their assignment, for the promotion of conventions, the celebration of "Immigrant Day," etc. The episcopal commission should have its own secretariat.

3. *At the diocesan level*, the new document requires a diocesan office for emigrants in the chancery to coordinate pastoral work in this field. At this level, the specific pastoral structures can be:

- a) A prelature for a specific group, headed by an episcopal vicar, well versed in the immigrants' language.
- b) A personal parish.
- c) A mission with the care of souls.
- d) A mixed form of a territorial parish with attached a personal parish or a mission with the care of souls.
- e) Appointment of a simple chaplain for migrants with faculties for a specific territory.
- f) Appointment of a chaplain for migrants as an assistant pastor in a parish, but with the task of assisting migrants in one or more parishes (V, 38, 39, 1-5, 50, 41).

To give life to these juridical forms on the diocesan level is the task of the episcopal vicar and a well organized Office for migrants. Then priests working in the immigrant communities will have the support, means, and contacts that their often unrewarding and difficult mission demands. The letter and the spirit of *Pastoralis Migratorum* show the indispensable role of ethnic priests and religious.

Leslie P. Steward has just (April 1970) concluded a survey of citizenship materials in Toronto. He writes:

I have tried to understand the state of mind of the stranger and his seemingly self-defeating behaviour. My impression is that the missing link is a sympathetic human being who can, figuratively, take him by the hand and put him on the right track, preferably speaking his language, but equally important, having a personality he can trust. This is a difficult role for government to play — in most cases there has to be a go-between.

The go-between in the pastoral work is the ethnic priest and his normal tool of apostolate is the mission with the care of souls or the territorial parish with such a mission attached to it. In fact, without a clear organizational basis the work for immigrants will not be efficient and will be frustrating for the persons involved.

The pastoral and juridical preoccupation of the Church are directed to the service of the human person in its social and spiritual needs. With this objective in mind, at all levels of work for immigrants a search should be conducted for the best formula to introduce the migrant in a true community of faith, worship, and love, in an environment of mutual respect of cultures and appreciation of the pluralistic aspects of social life. Such an attitude resolves the initial dilemma of Christians, for whom "every foreign land is their home,

and every home a foreign land," because "all of us have been baptized in one spirit, to form one body" 1 (Cor. 12, 13).

¹ The text of *Pastoralis Migratorum Cura* used in references is that of the United States Catholic Conference: *New Norms for the Care of Migrants* (Pastoralis Migratorum) — Apostolic Letter Motu Proprio — Pope Paul VI, August 15, 1969.

Instruction on the Pastoral Care of People Who Migrate. Sacred Congregation for Bishops, Vatican City, August 22, 1969. Washington, D.C., 1969.

² For the Apostolic Constitution *Exsul Familia*, cf. Giulivo Tessarolo, C.S., ed. *The Church's Magna Charta for Migrants*, Staten Island, New York: Center for Migration Studies.

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