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**PASTORAL OPTIONS FOR MINORITY COMMUNITIES
APPLIED TO THE ARCHDIOCESE OF WELLINGTON**

by
Rev. Anthony Bernard O'SULLIVAN

A dissertation submitted to the Faculty of Canon Law,
Saint Paul University, Ottawa, Canada, in partial
fulfillment of the requirements for the degree of
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PASTORAL OPTIONS FOR MINORITY COMMUNITIES APPLIED TO THE ARCHDIOCESE OF WELLINGTON

Rev. Anthony Bernard O'SULLIVAN

This canonical study explores the options open to a diocesan bishop for the provision of pastoral care to people who do not readily find a place in the local parish.

Particularly since the migrations from Europe to North America towards the end of the nineteenth century, the Roman Catholic Church had established parishes for the various language groups as alternatives to the territorial parishes which were largely English-speaking. In 1952 Pope Pius XII's *Exsul familia* offered a further option called the "mission with care of souls" which allowed for greater flexibility. Since the Second Vatican Council, what was initially developed as migrant legislation now finds a broader application for any group which finds itself unable to benefit from the ordinary pastoral care offered by the territorial or local parish.

In 1965 the Decree on the Pastoral Office of Bishops offered the following principle for pastoral care, which it particularly applied to people on the move: "Special concern should be shown for those among the faithful who, on account of their way or condition of life, cannot sufficiently make use of the common and ordinary pastoral services of parish priests or are quite cut off from them. Among this group are very many migrants, exiles and refugees, seamen, airplane personnel, gypsies, and others of this kind." This solicitude now finds expression in c. 383 of the 1983 Code of Canon Law, where it no longer applies exclusively to migrant groups: "In exercising his pastoral office, the diocesan Bishop is to be solicitous for all Christ's faithful entrusted to his care, whatever their age, condition or nationality, whether they live in the territory or are visiting there. He is to show an apostolic spirit also to those who, because of their condition of life, are not sufficiently able to benefit from ordinary pastoral care, and to those who have lapsed from religious practice."

Chapter One presents the European and North American context from which the law on parishes and the pastoral care of migrants has come.

Chapter Two explores various papal, curial and Vatican Council documents from this century in which the law has been presented and applied. Documents since the Council, including the 1983 Code, have applied and fleshed out the cultural insights of the council.

Chapter Three details the New Zealand context in which the law and people from Europe meet the people from the Pacific.

Chapter Four applies the law to the New Zealand situation. It weighs the options of personal parish, quasi-parish, and chaplaincy within the territorial parishes for meeting the pastoral needs of the two sample groups of the indigenous Maori, and Samoan migrants and their descendants.

The author concludes that the personal parish respects the freedom and rights of minority groups, and allows for integration from a position of strength.

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ABBREVIATIONS

AA	<i>Apostolicam actuositatem</i>
AAS	<i>Acta Apostolicae Sedis</i>
AG	<i>Ad gentes</i>
CCCB	Canadian Conference of Catholic Bishops
CD	<i>Christus Dominus</i>
CL	<i>Christifideles laici</i>
CLD	<i>Canon Law Digest</i>
CLSA	Canon Law Society of America
CPM	<i>Church and People on the Move</i>
Dir.	<i>Directory on the Pastoral Ministry of Bishops</i>
EN	<i>Evangelii nuntiandi</i>
EF	<i>Exsul familia</i>
ES	<i>Ecclesiae Sanctae</i>
GS	<i>Gaudium et spes</i>
LG	<i>Lumen gentium</i>
NCCB	National Conference of Catholic Bishops
PMC	<i>Pastoralis migratorum cura</i>
PO	<i>Presbyterorum ordinis</i>
PT	<i>Pacem in terris</i>
SC	<i>Sacrosanctum Concilium</i>

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GLOSSARY

hapu	a grouping of extended families
iwi	tribe
karakia	prayer(s), chant
kawanatanga	governorship, goverance
mana	prestige, authority, strength
Maori	literally, normal, usual; the first settlers of New Zealand
marae	the open space in front of a meeting house; a meeting place
Pakeha	stranger; New Zealander of European descent
tangata whenua	the people of the land
tauiwi	settlers, non-Maori New Zealanders
tino rangatiratanga	sovereignty
turangawaewae	a place to stand, where one belongs, "home"

INTRODUCTION

As the ordinary means of pastoral care, the territorial parish proves to be an enduring and effective pastoral arrangement (cc. 515/1, 518). Vatican II placed the parish firmly within the context of the local church, with the community and its pastor in collaboration with his bishop and with the presbyterium of the diocese (*LG* 28, c. 529/2). At the same time, the Second Vatican Council expressed a concern for people whose circumstances either deprived or significantly limited their ability to benefit from this ordinary avenue of pastoral care.

This paper explores the situation of two minority ethnic groups within New Zealand, particularly in the Archdiocese of Wellington, and it considers how canon law might best contribute to their effective pastoral care. Beginning with a consideration of the history of the parish and how various migrations affected it, we will discuss the principles that motivate twentieth century documents from the Apostolic See. After an analysis of the New Zealand context of the indigenous Maori and the more recent Samoan immigrants, the consequences of the principles will be examined, especially considering various pastoral options that the 1983 Code of Canon Law provides.

Maori stories of settlement in New Zealand describe various canoe migrations, probably at the turn of the last millenium. Significant migration from the British Isles began in the middle of the nineteenth century. The weight of numbers quickly led to the dominance of the European customs and culture, in which English is the dominant language.

The Catholic Church in New Zealand had French roots but quickly took on a strong Irish flavour. In welcoming Europeans who did not speak English, New Zealand society in general, including the Church, expected a relatively quick assimilation into the local culture. The dominant model for Church life was, and is, the local territorial parish. On the one hand, the Church sought acceptance in a society prejudiced against Catholics by reinforcing its loyalty to and identification with the local society. On the other hand, the Church sought to establish its own schools to equip its new citizens with a sound education in the Catholic faith as well as in all the other disciplines.

In recent years the model of assimilation has given way to a recognition of the rights and cultural values of other groups of Catholics in New Zealand. Large numbers

of Catholics from the Pacific Islands came to New Zealand seeking work, particularly in the 1970s. At the same time, a renaissance of Maori culture has demanded that the Church recognize their status as the people of the land, the *tangata whenua*. It is the status of the native people, the Maori, and the Pacific Islands immigrants and their pastoral care that prompts this consideration of the territorial parish and its alternatives for the pastoral care of Christ's faithful in New Zealand.

The first French Marist missionaries focussed on the Maori in their evangelizing endeavours. But since the increase in immigration from the British Isles, Maori pastoral care has been marginalized. It can safely be said that the territorial parishes, dominated by European values, have failed to meet the pastoral needs of the Maori. Consequently, the mission to the Maori has suffered.

In recent decades significant numbers of Pacific Islanders have made New Zealand their home. Often the parish replaces the village as the context for their cultural and faith expression. Although many parishes have significant numbers of Pacific Islanders in their congregations, and despite the best of intentions, the divergent cultural mindsets of the Europeans and the Islanders cause problems, especially when European long-term expectations of assimilation do not occur.

The assimilation process, long presumed by the British-descended establishment, has not occurred in the same way as with previous European migrants. Polynesian language, customs, and practices remain strong for a number of reasons; the proximity of their homelands and the regular interaction between New Zealand and the islands ensure that even after several generations their cultural expression of the faith endures, even though many straddle both their own and the Pakeha cultural ways.

The study will focus on the Samoan migrants and the indigenous Maori because of their numbers, and enduring cultural expressions of faith. In addition it will hopefully provide insight into wider pastoral options. In March 1996 the Archbishop of Wellington, Cardinal Thomas Williams, wrote to the author:

The pastoral care of migrants is very relevant. Within the last three years, Sydney Archdiocese and Auckland Diocese have had to address it. Structures for the pastoral care of migrants developed rather haphazardly, with regard to *ad hoc* expediency but with scant regard to canon law. Accordingly, we have structures which approximate chaplaincy, personal parish, quasi-parish, private-public associations, but none seem to fit accurately or adequately into any of them. The situation has to be faced in the Wellington Archdiocese.

We have 11 Samoan Communities, 7 Tokelauan, 3 Tongan, 2 Cook Island Maori, 2 Polish, 1 Croatian, 1 Hungarian, 1 Korean, 1 Filipino, and a Maori Pastoral Care network which is ragged and frayed, and may have to be taken over from the Society of Mary.

As hinted by Cardinal Williams, the needs of the Pacific Islanders and the Maori are different. For many of the former the parish replaces the village as the context for cultural and faith expression. Linking a study of the parish with church teaching on the pastoral care of migrants, and how the Maori, Samoan and Pakeha communities relate within the diocese should be useful for the New Zealand Church.

This study presumes that the territorial parish has enduring value, and, from a consideration of the migrant documentation, will examine its vital part in the welcome of migrants. However, the territorial parish tends also to prize uniformity. Hence this study will consider whether it does justice to the diverse expressions of faith of people of varying cultures.

Most other Christian churches in New Zealand have responded to the Samoan people of their denomination by establishing parallel structures. The Catholic Church in New Zealand has been historically reluctant to take that path, motivated by a desire for unity within diversity, but not wishing to see that fragment into two parallel Catholic Churches. An examination of the policies of other churches will consider what can be learnt from their experience.

The basic question which this dissertation addresses, concerns the canonical options for pastoral care within a local church; how can a diocese meet the pastoral needs of significant groups of people who differ in their language and culture, celebrate the diversity, and still maintain unity? The hypothesis is that the law provides a number of models for those who do not adequately benefit from the pastoral care of the territorial parish but that bishops are reluctant to make use of them for a variety of reasons. An examination of the state of the question will determine whether alternatives to the territorial parish would be useful for the pastoral care of given groups of the faithful, in particular the Maori Catholic faithful and the Samoan Catholic communities of Wellington, New Zealand.

From the outset, the cultural limitations of the author and this work warrant clarification. For instance, the history of the parish draws heavily from European and North American contexts. At the same time the canon law which has evolved from

these contexts is also culturally specific, even as it is presented as universal law. If the territorial model of pastoral care is normative, alternative Maori and Pacific Islands pastorates will remain marginal.

Another important consideration flows from the author's cultural viewpoint as a Pakeha New Zealander. Even with some experience of Maori and Pacific Islands communities, the author writes as one from the majority culture nationally as well as ecclesially. Therefore perspectives offered on the New Zealand context and suggestions made do not presume to speak for or dictate to other groups. In fact, we seek the opposite hoping to bring a Pakeha and canonical viewpoint to the dialogue with the significant minority cultures as they evolve their own responses as Christian communities.

The first chapter explores the history of the parish particularly in the light of human migration down the centuries. It highlights the adaptations and accommodations made to church structures in order that pastoral care meet changing human circumstances. Rather than highlighting any particular style of parish that has emerged from this historical sweep, the study accents the value of contextual adaptability. The chapter finishes with the 1917 Code of Canon Law and its perspective on the parish and migration in the first half of the twentieth century.

The second chapter discusses the evolution of the Church's principles and policy on migration from Pius XII's Apostolic Constitution *Exsul familia* to the 1983 Code. While Vatican II built on the principles of *Exsul familia*, the council also profoundly shifted the debate, introducing a stronger emphasis on the local church and on the role of culture in the life of faith. This chapter examines how the 1983 Code reflects the teaching of the Vatican II in its treatment of the circumstances of "people on the move."

In chapter three the historical circumstances of the Maori and Samoan communities in New Zealand are briefly sketched. While the faithful of the Archdiocese of Wellington come from a number of cultural and linguistic backgrounds, the general mindset has historically emphasized assimilation and uniformity. The changes taking place in general society and within the local church are explored in the light of the Church's teaching.

While this paper begins with a focus on the pastoral care of migrants, the documents on migrants offer possibilities for the pastoral care of indigenous people as well. The literature on indigenous people usually discusses the questions of inculturation, justice, and the rights of peoples who are often a minority in their own land; the question of pastoral care has not explored the options for pastoral structures as thoroughly as the migrant documents. Categorically Maori are not migrants, for even when they moved to the cities of New Zealand in the 1960s, these cities also had their own local Maori tribes or *iwi*, even if their profile in Pakeha estimation was low. Nevertheless many of the observations about migrants can usefully be applied by analogy to Maori.

The final chapter applies the insights of chapters one and two concerning the principles and policies of migration, and applies them to the experience of two particular ethnic groups in the Archdiocese of Wellington. In particular three canonical options are explored within an overall concern for furthering the legitimate aspirations of the minority-communities while also advancing a greater sense of communion within the diocese. Unity in diversity expresses the principle; parish and diocesan organisation put flesh on the policy.

By studying the territorial parish in the history of migration, and the alternatives offered in the legislation of the Church, the author hopes to contribute to the pastoral care of migrants, and to explore how canon law can assist a diocese celebrate its diversity without losing unity. Good will cannot be supplied nor taken for granted, but with a clear vision, and just structures and procedures the life and mission of the local church may flourish.

Two values dictate the methodology. First, because the priority of the Church is the salvation of souls, the Church provides for pastoral care with a variety of structures. Second, the preservation of unity and communion within the local church, and with other local churches, remains fundamental to the Church's nature.

An analytical methodology highlights the strengths and weaknesses of the various pastoral structures. We begin with the territorial parish as the ordinary context for providing pastoral care and consider the main alternatives to the territorial parish that have arisen out of the circumstances of "people on the move". The ability of the territorial parish and the pastoral alternatives to respond to diverse needs remains

theoretical without specific references and context. The Samoan and Maori communities in Wellington, New Zealand provide a worthwhile context within which to make an analysis. They also present a real canonical and pastoral challenge to the Archdiocese of Wellington. What applies with the Samoan communities would be useful to other Polynesian immigrants in New Zealand, and more recently the Asian immigrants.

Approaching the dynamic of the dissertation from another angle, one might consider the territorial parish and the personal parish as two ends of the pastoral care spectrum. We will explore the synthesizing principle of the local church and how canon law can assist unity in diversity. The synthesis will examine how the value of communion and unity is expressed and maintained with the diversity, being tested by application to the situation of the Maori and Samoan Catholic communities.

CHAPTER ONE: BEYOND ORDINARY PASTORAL CARE

INTRODUCTION

The pastoral care of migrants takes place within particular historical, cultural, and geographical contexts. This chapter will examine the history of such pastoral care, particularly focussing on the diocese, which is the starting point for a discussion of pastoral care of migrants in the local church. We will see that, within the diocese, the parish offers the ordinary means of pastoral care, and ask what ensures its eminent position through a brief study of its history and how it intersects with the pastoral care of migrants. By studying the parish from a range of perspectives, we will discover even more clearly what informs the canonical description of the parish given in c. 515 of the 1983 Code of Canon Law: "A parish is a certain community of Christ's faithful stably established within a particular church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor."¹

Describing the parish as a community of faith,² the Second Vatican Council moved beyond the canonical description of the parish in c. 216 of the 1917 Code,³ and

¹ *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus*, Libreria editrice Vaticana, 1983, xxx, 317 p. British Commonwealth version of English-language trans. *The Code of Canon Law in English Translation*, prepared by THE CANON LAW SOCIETY OF GREAT BRITAIN AND IRELAND, in association with THE CANON LAW SOCIETY OF AUSTRALIA AND NEW ZEALAND and THE CANADIAN CANON LAW SOCIETY, new rev., London, Harper Collins, 1997, xvi, 508 p. (= c. or cc.)

² SECOND VATICAN COUNCIL, Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, 42 (= SC 42), 4 December 1963, in *AAS*, 55 (1964), pp. 97-138; Eng. trans. in W. ABBOTT, *The Documents of Vatican II* (= ABBOTT), London, Geoffrey Chapman, 1966, pp. 152-153. Also Decree on the Apostolate of the Laity, *Apostolicam actuositatem*, 10, 20 (= AA 10, 20), 18 November 1965, in *AAS*, 58 (1966), pp. 837-864; Eng. trans. in ABBOTT, pp. 500-502, 510-511; Dogmatic Constitution on the Church, *Lumen gentium*, 26 (= LG 26), 21 November 1964, in *AAS*, 57 (1965), pp. 1-89; Eng. trans. in ABBOTT, pp. 50-51; Decree on the Church's Missionary Activity, *Ad gentes*, 37 (= AG 37), 7 December 1965, in *AAS*, 58 (1966), pp. 947-990; Eng. trans. in ABBOTT, p. 624; Decree on the Bishops' Pastoral Office in the Church, *Christus Dominus*, 30 (= CD 30), in *AAS*, 58 (1966), pp. 673-701; Eng. trans. in ABBOTT, pp. 396-429.

³ *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus, Romae, Typis polyglottis Vaticanis*, 1917; Eng. trans. in J. ABBO and J. HANNAN, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, Saint Louis, MO, B. Herder, 1957, 2 vols (= ABBO-HANNAN, *The Sacred Canons*). See also T. BOUSCAREN, and A. ELLIS, F. KORTH, *Canon Law: A Text and Commentary* (= BOUSCAREN-ELLIS, *Canon Law: A Text and Commentary*), 4th revised ed., Milwaukee, Bruce, 1966, xvi, 1011 p. Beginning their discussion of the parish as a community, T. Lincoln Bouscaren and Adam Ellis state: "A parish may be defined as a community of the faithful to which has been assigned its own rector with ordinary power in the internal forum for the care of souls. It may or may not have its own exclusive church and exclusive territorial limits" (p. 154).

placed the parish firmly within the wider context of the diocese. The Decree on the Bishops' Pastoral Office in the Church *Christus Dominus* described the diocese as:

[...] that portion of God's people which is entrusted to a bishop to be shepherded by him with the cooperation of the presbytery. Adhering thus to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, this portion constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative (*CD* 11).

In other words, the *locus* of the Church is found wherever the eucharist is celebrated, the gospel preached, and the action of the Holy Spirit brings people together around the diocesan bishop who serves as the proper pastor of the diocese. Endeavouring to articulate a vision of the Church as a communion, the Vatican Council moved beyond the juridical concept of the Church as a perfect society.⁴ However the Vatican Council retained the affirmation that the Church constitutes an organized society, basing it now on the sacramental nature of the Church (*LG* 8). This finds expression in c. 204 where, after having described Christ's faithful as those constituted the people of God through baptism, the second paragraph describes the Church as a society: "This Church, established and ordered in this world as a society, subsists in the Catholic Church, governed by the successor of Peter and the Bishops in communion with him" (c. 204/2).

Considering the parish as a community of faith scarcely comes as a new phenomenon. Always presumed in the 1917 Code, the community of the parish was a fact of life for the faithful. Nevertheless, a new text and context reflect the shift in perception of belonging in the Church, and for the Church's place in the world.

1.1 PASTORAL CARE

Vatican II taught that diocesan bishops, under the authority of the Supreme Pontiff, are the proper, ordinary and immediate pastors of the particular churches entrusted to them (*CD* 11). In *Christus Dominus* the Vatican Council went on to

⁴ To describe the Church as a "perfect society" does not suggest a moral perfection but that, without dependence on any other social order, it possesses all the means and requirements, as John Abbo and Jerome Hannan state, citing Ottaviani, I, p. 173, and Bender, p. 42: "to accomplish its purpose, the sanctification of its members and the procurement of the supernatural destiny, the Beatific Vision of God." See ABBO-HANNAN, *The Sacred Canons*, vol. 1, pp. 251-252. Canon 87 of the 1917 Code speaks of a person becoming a citizen of the Church through baptism. The 1983 Code uses both "society" and "communion" (c. 204) to express the one reality of the Church.

describe priests as "prudent fellow workers" and deacons as "ordained for service" (CD 15). While advocating social research into new methods of pastoral activity (CD 17), "the common and ordinary pastoral services of parish priests" (CD 18) remain central to the diocesan organisation of pastoral ministry.

1.1.1 Ordinary Pastoral Care

The bishop enjoys broad discretion in the establishment of structures that might best provide pastoral care. Pre-eminent among these, the parish enjoys a stability which comes from its nature as a community and which the law recognizes and reinforces in its erection (c. 515). From the focus on individual members of the faithful found in c. 383, later, in the chapter of the Code dealing with parishes, the diocesan bishop is to ensure the pastoral care also of those communities which cannot be established as parishes or quasi-parishes (c. 516/2). Without ever stating as much, the clear impression is that the parish provides the first line of pastoral care. The Decree on the Ministry and Life of Priests *Presbyterorum ordinis* taught that ministry was not confined to the care of the faithful as individuals but that the pastor's office included formation of the Christian community.⁵ Migrant communities, with their own historical and cultural background, have rights and duties both as individual members of a diocese, and as communities.

Indeed, when speaking of church communities, the Vatican Council clearly has parishes in mind. As Ferdinand Klostermann states: The parish is where "those sub-structures can most readily be created in which the primary, functional and social relationships are still possible and where that brotherhood is still to be experienced, which is the essence of any community of Jesus."⁶ Klostermann goes on to suggest that the decree lays significant weight on the territorial parish as the starting point for apostolic activity.

⁵ SECOND VATICAN COUNCIL, Decree on the Ministry and Life of Priests, *Presbyterorum ordinis*, 6 (= PO 6), 7 December 1965, in *AAS*, 58 (1965), pp. 991-1024; Eng. trans. in ABBOTT, pp. 543-544.

⁶ F. KLOSTERMANN, "Decree on the Apostolate of the Laity," in H. VORGRIMMLER (gen. ed.), *Commentary on the Documents of Vatican II*, Freiberg, Herder & Herder, 1967-69, vol. 3, p. 337.

Behind the term "ordinary" stands a presumption of the culturally homogenous community of faith. The pastor, by virtue of his office, is entrusted with the full care of souls (c. 150), or in other words the tasks that are proper and ordinary to the office, (cc. 528-530). In a culturally homogenous community, the exercise of the office flows from both a right and duty situation; the priest has the duty to minister to the designated people, and enjoys the right to do so ahead of others.

Culturally diverse communities question the usefulness of ordinary pastoral care when the office holder lacks the ability to meet the pastoral responsibilities proper to his office. As long as we perceive the homogenous parish community as ordinary, groups whose language, way of life, and faith-experience differ from the majority find themselves on the fringe of ecclesial life. On the other hand culturally and linguistically diverse societies call for pastorates that are legitimate and necessary expressions of the Church and we have to relativize what we regard as normative in pastoral care.

1.1.2 Pastoral Care Outside Ordinary Circumstances

Conscious of the movements of people throughout the world, especially consequent on the Second World War, as well as the changes in modern life, the Second Vatican Council showed a care for those who for a variety of reasons were not able to enjoy the ordinary means of pastoral care offered by the parish. No longer simply homogenous, dioceses today are marked by a tremendous plurality of peoples and cultures. Migrants and indigenous peoples demonstrate the most obvious and urgent face of plurality.

In addition, within Western culture, tremendously diverse views on what it means to be Church exist. Those unable to benefit from ordinary pastoral care because they find themselves on the fringes of parish life also seek a place in the Church, and to have their pastoral needs met. Building on the council's solicitude for migrants and that general category of people unable to benefit sufficiently from ordinary pastoral care, the 1983 Code offers a range of alternative structures.

The Code refers to parish, quasi-parish and Christian community, and gives bishops every encouragement to act according to the needs discerned. Following consultation with the presbyteral council, and presumably with other persons affected by any decision, the bishop enjoys the authority to erect various canonical structures for the pastoral care of different communities.⁷ The priority of persons and their salvation over limited structures argues for increased recourse to the options available, because cultural, linguistic, and spiritual values admit of pluralistic forms in the local church.

The cultural diversity of the entire Church finds expression in the modern sprawling city, where Christians of all continents and spiritual traditions make their homes. Within the life of the local church, structures of diversity require expression, always keeping in place the links between communities that maintain communion in faith and practice. While generally accepted in theory, this theme of unity in diversity is not without its tensions, and, beyond good will, the law provides the basis for maintaining both without sacrificing either.

While the geographical shift from one land to another provides the most obvious description of migration, Gerald Arbuckle reminds us of the more fundamental cultural change:

There are cultural and psychological aspects to migration that are far more important than any geographical movement as such. In depth, any person is a migrant who comes into contact with another culture, particularly if the latter culture is significantly different from his or her own. In this sense, migration should be seen as a high order of human drama, a tragic comedy re-enacted each time a person of one culture walks upon the stage set by a person of another culture.⁸

The dislocation is far greater than that merely caused by a geographical shift and the need to learn a new language, and so cannot be solved simply by migrants and/or their children learning the language of the host nation. Arbuckle's description of the migrant will act as a reference point for this paper.

⁷ Canon 515/2 requires the diocesan Bishop to consult the council of priests before the erection of a parish or quasi-parish (c. 516/1). The law does not require such consultation for other situations, such as the erection of a chaplaincy (c. 568), beyond the requirement of c. 50 that those whose rights could be harmed be consulted.

⁸ G. ARBUCKLE, "Migrants and Pastoral Care," in *The Jurist*, 46 (1986), p. 453.

Describing migration in terms of a cultural journey, Arbuckle offers an insight that will be developed further when we discuss the demands for change on the part of the dominant or host culture. The dominant people are also invited to see themselves as a people on the move, a pilgrim people who enter a cultural dialogue from which they will not emerge unchanged. Instead of considering the parish as a static entity characterized by territory, a re-emphasis on a pilgrim community will yield possibilities for the pastoral care of migrants.

If the territorial parish was considered in first place among the Christian communities that make up a diocese, the Vatican Council clearly promoted a wider vision of pastoral action. With an ecclesiology grounded in the Church as a communion,⁹ the Vatican Council went on to call for a solicitude for those who cannot benefit from the ministry of the parish priest (*CD* 18):

Special concern should be shown for those among the faithful who, on account of their way or condition of life, cannot sufficiently make use of the common and ordinary pastoral services of parish priests or are quite cut off from them. Among this group are very many migrants, exiles and refugees, seamen, airplane personnel, gypsies, and others of this kind. Suitable pastoral methods should also be developed to sustain the spiritual life of those who journey to other lands for a time for the sake of recreation.

The text itself suggests that the list of peoples who cannot benefit from ordinary pastoral care in the territorial parish is not exhaustive. While migrants particularly highlight the category, the parish cannot meet the needs of all within its boundaries.

1.2 HISTORY OF THE PARISH & PASTORAL CARE OF MIGRANTS

In order to appreciate the importance of the parish in the diocesan provision of pastoral care, a study of its historical development will prove useful. The parish has proven to be a flexible and constantly evolving expression for ordering the Christian community. Consequently, a study of its history as it connects with the pastoral care of people on the move will provide insight into directions for the future.

⁹ *LG* 1-17. See particularly the reflections on the Church as Body of Christ (*LG* 7) and People of God (*LG* 9-17).

1.2.1 Scripture

The term "parish" has its roots in the Greek *paroikia* which meant a sojourn in a foreign land, without civic or familial rights. Variouslly applied in the Old Testament to the stranger in the midst of the Israelite communities or to the nation itself in exile, in the New Testament it expressed the experience of the Christian community as a pilgrim people whose true origins and destiny were in God's kingdom.¹⁰

The biblical experience of people on the move provides a central paradigm for Jewish and Christian self-understanding. Scripture testifies to the wandering Aramean,¹¹ Abraham, and to the sojourn in the desert of the people led by Moses, Miriam and Aaron. The Israelites are enjoined to recall their own experience of alienation as a basis for the protection to be given to the vulnerable in the land, particularly the stranger.¹²

After the sixth century BC deportation from Jerusalem, exile in Babylon provided the impetus for a tremendous creative endeavour as the Jewish people reflected on their experience in exile and their interaction with the people in the new land. Images of new opportunity, promise even,¹³ wrestle with experiences of hardship, alienation, and conflict, both within the community and without. In the Book of Nehemiah's description of the return from exile, we find a new generation of Jews who had lost touch with their religious heritage, with the result that they needed help to understand the Law which was written in a language other than that to which they had become familiar. While there is dispute as to whether they would have understood Hebrew or not,¹⁴ there is no dispute about the Persian/Aramaic influence nor the need

¹⁰ C. RIEPE, "Parish" in W. McDONALD (ed. in chief), *New Catholic Encyclopaedia*, New York, McGraw-Hill Book Co., 1967, vol. 10, p. 1017.

¹¹ Deuteronomy 26:5-11. All scriptural quotations used in this paper are from the New Revised Standard Version.

¹² See Exodus 22:21: "You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt." See also Exodus 23:9; Leviticus 19:34; Deuteronomy 10:19.

¹³ See Isaiah 40ff.

¹⁴ See the Book of Nehemiah. Ezra needed to translate the text for the people in his lengthy session. The dispute is whether this was because they no longer spoke Hebrew or because it was written for a context with which they were no longer familiar.

to put the Law or whatever part of it Ezra read into a new context for in ordinary speech Hebrew had given way to the Aramaic language.¹⁵

This time of crisis in exile became the occasion for a renewal of faith since the identity of the Jews in exile over and against other nationalities became important. They tended to focus on the things that set them apart, such as circumcision, Sabbath observance, and endogamy. In addition, the feast of Tabernacles/Booths was revived or rediscovered with its resolution to study the Law. Dislocation led to a revival of faith by both rediscovering and re-interpreting the past. The Jewish people, by looking back to the tradition, found the tools for tackling a new future. This is by no means an uncommon experience as people who migrate rediscover and reinterpret their heritage in a new social context.

New Testament passages remind the Church of its pilgrim nature. Both the first letter of Peter and the letter to the Hebrews draw on the Christian experience of being sojourners, who are in tension with the community among whom they live.¹⁶ The different values and world view of the Christians contrast with those of the peoples around them. Within and beyond New Testament times, travel provided opportunity for the spread of the gospel and encounter with diverse cultures. In his book, *Jesus, the Man and the Myth*, James Mackey describes St. Paul's significance in terms of making the cross-cultural translation of the gospel message from rural Palestine to the cities of the Roman Empire.¹⁷ The stability of the empire facilitated travel, trade and communication.

In the Letter to the Ephesians, the Pauline author proclaims that Christ has broken down the barriers that separated Jews and Gentiles. John de Gruchy described the dynamic as inevitably challenging and changing both: "Such a confession of Jesus Christ is, however, inevitably a challenge to the prevailing and competing cultures,

¹⁵ Nehemiah 8:1-10.

¹⁶ 1 Peter 1:17, 2:11; Hebrews 11:9, 13:14.

¹⁷ J. MACKEY, *Jesus, the Man and the Myth: A Contemporary Christology*, New York, Paulist, 1979, viii, 311 p. In particular pp. 173-204. He believes St. Paul took a message expressed in terms of the Kingdom of God, parables set in Palestine and the miracle accounts, and re-expressed them to a largely-Gentile and urban audience in terms of grace, salvation, faith and the person of Christ, crucified and risen.

and is always in conflict with those dominant cultures which lead to the oppression of others. Such cultures seek to remain static, closed to the future, and therefore resistant to change which serves the interests of its victims.¹⁸ The inevitability of change for receiving and sending cultures challenges both. It will also provide a point of reference when examining pastoral care options.

The conflict between the Hebrew-speaking Jewish Christians and the Greek-speaking Jewish Christians (Acts of the Apostles 6), reminds us that language and culture have always been sources of pluralism in the life of the Church. Moreover, while there is one gospel of Christ, the various evangelists present a variety of perspectives on that gospel, and it is commonplace to recognize a number of Christian communities with different styles of leadership, different liturgical customs, and varying relationships with Jewish or Roman authorities. Superseding all these differences, table fellowship provided the principle and practice for unity.

1.2.2 Early Church

In most places in the early church, what we know today as the diocese was the unit of pastoral care with its bishop or council of presbyters providing pastoral care. Later, when the leadership of the diocese evolved from ruling presbyters to the single *episcopus* or overseer, the local presbyterium collaborated with the bishop, but had no territorial division of responsibilities as such.¹⁹ Parish and diocese described the same reality, which was the Christian community of a city with the bishop as pastor.²⁰

¹⁸ J. de GRUCHY, "Christian Witness and the Transformation of Culture in a Society in Transition," in *Christ and Context: The Confrontation between Gospel and Culture*, H. REGAN and A. TORRANCE, Edinburgh, T & T Clark, 1993, pp. 131-176.

¹⁹ See W. CROCE, "The History of the Parish," in H. RAHNER (ed.), *The Parish: From Theology to Practice*; Eng. trans. by R. KRESS, Westminster, MD, The Newman Press, 1958, p. 10.

²⁰ See N. TANNER (ed.), *Decrees of the Ecumenical Councils*, Original text established by G. ALBERIGO et al, in consultation with H. JEDIN, London, Sheed and Ward and Washington, DC, Georgetown University Press, 1990, vol. 1, p. 14. The Council of Nicaea, canon 16, decrees that pressure be put on stray clergy "to return to their own dioceses," and the word translated as dioceses is *paroecias* in Latin, and in Greek *paroikias*.

See also H. AYRINHAC, *Constitution of the Church in the Code of Canon Law* (lib. II, can. 215-486), New York, Longmans, Green, 1930, p. 294. Henry Ayrinhac writes, that even "when the word 'diocese' which in civil administration signified a minor and then a larger province, passed into ecclesiastical terminology, we find it till the sixth century often used in the sense of parish."

The second and third centuries saw Christianity shift from its Jewish roots to a largely Gentile church. The cross-cultural translation of Christian living, witnessed to by St. Paul, gained impetus with the apologists and early church fathers. The Roman empire, variously tolerant of and hostile to Christianity,²¹ nevertheless provided a vehicle for the propagation of Christianity with a common language and its trade and administration networks. From the time of Constantine, with the distinction between the city Christian community and the smaller rural Christian communities, the latter came to be exclusively described by the term "parish".

Commentators draw attention to two factors that introduced a forerunner of parish life into the life of a diocese within the first millenium. The first factor was the question of size. The size of the Christian community within a city and the practical outreach into the countryside meant that the bishop could not preside at all Christian assemblies. The presbyters would go from the bishop's altar to the other centres. The practice of dipping some of the eucharistic bread into the chalice in the outlying church explicitly focused the link between the altar of the bishop with that of the community gathered round the presbyter.²² Even where there were several gathering places for Christians in a city, as Walter Croce points out: the faithful "remained conscious of the fact that they did not constitute independent communities but, by right, should gather together around the one altar of the bishop."²³

²¹ The famous persecutions under Nero (54-68), Decius (249-251), Valerian (253-260), and Diocletian (303-305) were not implemented uniformly throughout the empire, nor were all emperors hostile to Christians. One must not suppose that the desire for martyrdom demonstrated by the martyr Ignatius, Bishop of Antioch, or the Roman martyrs was representative of early Christianity. A usual post-persecution consequence was recriminations among Christians about how those who had lapsed should be treated.

²² CROCE, "History of the Parish" in RAHNER, *The Parish: From Theology to Practice*, p. 10. He describes the situation in Rome. Called the *fermentum*, a particle of the host from the bishop's mass was carried by acolytes to the many titular churches throughout the city. See also S. KILIAN, *Theological Models for the Parish*, New York, Alba House, 1976, xi, 192 p. See also H. AYRINHAC, *Constitution of the Church* pp. 294-295. Ayrinhac describes a gradual process, over different time frames in the Roman empire, east and west: "All the faithful living in the episcopal city and adjacent country formed but one congregation and repaired to the bishop's church for the divine service, the reception of the sacraments and spiritual instruction." Following the Edict of Toleration (311), there were more centres of worship in cities. Nevertheless as Ayrinhac continues: "these secondary churches were often attended by members of the bishop's presbyterium, and even when they had priests or deacons attached to them they remained subordinate to the mother church, for the bishop reserved to himself the administration of the sacraments and the celebration of liturgical functions."

²³ Ibid. Cf. R. BROWN and J. MEIER, *Antioch and Rome: New Testament Cradles of Catholic Christianity*, New York, NY, Paulist Press, 1983, xii, 242 p. They contend that various groups of Christians, with different approaches to Christian faith and its organisation dwelt in cities such as Ephesus.

To reinforce the connection with the local bishop, baptism remained centred on the bishop's church. Later, this second factor was a prerogative shared with "baptismal churches."²⁴ With the distancing of the ties with the bishop and his cathedral's Easter liturgies, these baptismal churches assumed this right to baptize, but oversight was retained by the bishop, who also controlled the revenue.²⁵

By the fourth century, priests were established in permanent stations in villages at a distance from the cities.²⁶ Inevitably tensions occasioned by distance and perspective existed between the diocesan centre and the outlying churches. The bishop retained the right to visit and to hold synods, and could limit the prerogatives of the clergy. Matters such as the right to preach, baptize, absolve, and administer property would be subject to the bishop's discretion. Retaining these rights, the bishop highlighted his priority and the subordinate relationship of the parish priest to him.²⁷

In the fifth century, the Council of Chalcedon (451) insisted: "No one, whether presbyter or deacon or anyone at all who belongs to the ecclesiastical order, is to be ordained without title, unless the one ordained is specially assigned to a city or village church or to a martyr's shrine or a monastery" (c. 6).²⁸ Following the Council of Nicaea, Chalcedon retained the prohibition of clerics moving from city to city (c. 5). These residential laws maintained the necessary union of the cleric with his particular church. Opposed to wandering or acephalous clergy looking for better prospects,²⁹

²⁴ A. BACHOFEN, *The Canonical and Civil Status of Catholic Parishes in the United States*, Saint Louis, MO, B. Herder Book Company, 1926, p. 2.

²⁵ Ibid., pp. 8, 10, quoting sources from the 4th Synod of Orleans (541), c. 33; 7th Synod of Toledo (646), c. 4. The question of revenue which is intimately connected with both independence from, and solidarity with, other church communities surfaces many times in the history of parishes and migrants. An equitable resolution of the issue remains a modern imperative.

²⁶ CROCE, "History of the Parish," in RAHNER, *The Parish: From Theology to Practice*, p. 12.

²⁷ See AYRINHAC, *Constitution of the Church*, pp. 295-296. Ayrinhac observes: "In the East, as soon as Christians formed communities of some importance they were placed under the care of *chorepiscopoi*." Later, in the fourth century the councils of Laodicea (canon 6) and Sardica (canon 6) forbade the appointment of bishops when priests would suffice.

²⁸ TANNER, *Decrees of the Ecumenical Councils*, vol. 1, p. 90.

²⁹ No new problem, the Didache warns against wandering apostles who linger too long at a community's expense, calling them false prophets (Didache 11:3-6).

Chalcedon sought to balance the stability of the clergy with the needs of the faithful.

1.2.3 Decline of the Roman Empire

The tribal migrations in Europe, from the fourth century, significantly disrupted the Roman Empire, and impacted on the organisation of the Church. The settlement and eventual conversion of these tribes to Christianity provide the context for the development of the rural parishes and occasion the tension between local lords and the bishops of the cities for control of the parish churches. An example of the way in which the Church brought the tribes within the Christian fold is given in Bede's *History of the English Church and People*. The conflict between the native Britons and the migrant Anglo-Saxons precluded effective evangelisation by the native Britons. On Pope Gregory the Great's initiative, Roman missionaries were to learn the language of the English and to effect their religious integration.³⁰

The Church made a successful accommodation and response to the tribal migrations from the fourth century, but the impact of Islam in the weakened empire led to a power shift away from the Mediterranean.³¹ The centre of power moved north

³⁰ See BEDE, *A History of the English Church and People*; Eng. trans. by L. SHERLEY-PRICE, revised by R. LATHAM, Harmondsworth, UK, Penguin Books, 1968, 364 p. For instance, Pope Gregory the Great wrote to Abbot Mellitus on his departure for Britain in 601 that the temples of the Angles were not to be destroyed, but purified in the hope that "the people, seeing that their temples are not destroyed, may abandon their error and flocking more readily to their accustomed resorts, may come to know and adore the true God" (p. 87).

See also K. SCHATZ, *Papal Primacy: From its Origins to the Present*, Collegeville, MI, The Liturgical Press, 1996, pp. 67-68. Schatz warns against confusing unity of faith with conformity of customs. For example, until the settlement at Whitby (664), the Celtic reckoning of Easter differed from that received by the Anglo-Saxons from the Roman mission. Both were valid traditions. Nevertheless this and other customs at variance within a small country created conflict, and the accommodation reached at Whitby saw the adoption of the Roman traditions.

It was not until late in the seventh century that parishes were established in England. Henry Ayrinhac notes that at that time Archbishop Theodore gave impetus to their establishment. Previously the monasteries sent out itinerant preachers and often assemblies lacked a church building (AYRINHAC, *Constitution of the Church*, p. 297).

³¹ See H. PIRENNE, *Mohammed and Charlemagne*, Cleveland and New York, The World Publishing Company, 1961, 293 p. His thesis places the end of the antique period later than most. See the critique of opinions in D. KAGAN (ed.), *Decline and Fall of the Roman Empire: Why did it Collapse?* Boston, D. C. Heath, 1962, xii, 99 p. Using the metaphor of a body Kagan writes: "The general view has been that Rome reached its peak in the second century of the Christian era under its Antonine monarchs; it grew ill during the upheavals of the third century, suffered hardening of the arteries during the reforms of Diocletian and Constantine, and died under the onslaught of the barbarian tribes in the fifth century. The gravestone was laid in AD 476 when the last claimant to the Roman throne in the west was deposed and that date was for long taken to be the boundary between the antique and medieval society" (p. viii).

and came under a stronger Germanic and Frankish influence. What were previously described as invasions, may now be seen more accurately as tribal migrations that brought together both the Roman and Germanic cultures into a new experience and expression of Christian life.³²

Coupled with the Christian power shift away from the Mediterranean because of Arab conquests, the weakening and eventual break of the links with Eastern Christianity redirected Rome's sphere of influence westward. Without another Christian centre, such as Carthage, to create a spiritual and intellectual sounding board, Rome became the unrivalled centre of influence for western Europe. The political tensions between the various tribes in the west, and between the papacy and local bishops and lords shape the history of the early medieval church.

With the fifth century migrations throughout Europe, centres of power shifted. With the various settlements and accommodations with the Roman Empire, local chiefs and rulers built churches independently of the bishops. Income from them also went to the local patron. Croce argues that the bishops, countering this shift towards lay-control, built churches and endowed their pastors with the right to perform baptisms, and insisted on the obligation that the faithful belong to a determined parish. In other words, the conflict between episcopal control and lay control of churches outside the city provided the context for bishops introducing "the obligation to belong to one determined parish."³³

It was in this situation that the benefice system arose, beginning in the ninth century and completed about the eleventh. The notion of benefice fundamentally unites office and income. However, as Henry Ayrinhac describes: the benefice system

³² See T. CAHILL, *How the Irish Saved Civilization: The Untold Story of Ireland's Heroic Role from the Fall of Rome to the Rise of Medieval Europe*, New York, Doubleday, 1995, x, 246 p. Describing the Germanic migrations in the early fifth century, Cahill says: "The barbarian migration was not perceived as a threat by Romans, simply because it was a migration - a year-in year-out, raggle-taggle migration - and not an organized assault. It had, in fact, been going on for centuries. The Gauls had been the first barbarian invaders, hundreds of years before, and now Gaul lay at peace. [...] The Gauls had become more Roman than the Romans themselves. Why could not the same thing happen to these Vandals, Alans, Sueves, now working themselves to a fever pitch on the far side of the [Rhine] river?" (p. 16).

³³ CROCE, "History of the Parish," in RAHNER, *The Parish: From Theology to Practice*, p. 15.

"opened the way for the distinction in practice between office and benefice."³⁴ In other words the actual holder of the office could depute someone else to fulfil the duties while the office holder reaped the income. Revenue independent of the control of the landowner or patron provided in Frankish law, as Gary Gresko notes, the "only kind of tenure which gave freedom to the tenant."³⁵ By establishing small, independent church properties, the bishops sought to ensure their control of the local church independent of lay control. A negative consequence was that the pastoral office and the benefice could be considered separately so that a person or even a monastic community could hold the official title, enjoy the income, and then employ a vicar to do the pastoral duty.³⁶

The importance of economic issues on the history of the parish deserves special mention. Patronage and monastic control and church taxes (tithing) all impacted on the parish as a stable, economic unit. Paul O'Connell treats this dimension of parish history and finds that many of the historical turning points of reform were efforts to establish parishes which were more concerned with parishioners than with income.³⁷

The essential elements of the parishes thus established were the church building, and the clerical office. In his doctoral work, *Stability of the Pastoral Office*, Gresko argues that with the coming together of office, benefice, and the notion of stability, which evolved into irremovability, began the foundation of subjective perpetuity of the pastoral office taught at the Council of Trent.³⁸ From that time we see that stability was a right of the pastor, and not necessarily a benefit for the parish.

³⁴ AYRINHAC, *Constitution of the Church*, p. 305. Rather than all material support going to the bishop for distribution to the poor and to the clergy as previously, the division of the church revenue into distinct portions or benefices by the eleventh century made the stability of office for the pastor all the "more necessary as a condition of order and security" (p. 311).

³⁵ G. GRESKO, *Stability of the Pastoral Office*, Romae, Pontificia Studiorum Universitas a S. Thoma Aq. in Urbe, 1983, p. 58.

³⁶ After the notion of benefice was well established, the emphasis shifted to the question of who was the incumbent, the actual holder of the benefice. If the incumbent was a physical person (and not the vicar of a juridical person), then the normal stability evolved into the canonical concept of irremovability.

³⁷ P. O'CONNELL, *The Concept of the Parish in the Light of the Second Vatican Council*, Canon Law Studies No. 470, Ann Arbor, MI, University Microfilms, 1988, pp. 34-42.

³⁸ GRESKO, *Stability of the Pastoral Office*, p. 55.

Augustine Bachofen provided further insight into the tension between bishop and parish pastors when he pointed out the conflict between bishops and the priests whose title of ordination was to a church owned and controlled by a local lord. To ensure a bishop's prerogatives, certain functions were denied the layman's church. Feasts, baptisms, and the right to marry and bury were reserved to the churches established by the bishop.

In the controversy the bishops endeavoured to build a number of churches staffed by their own appointees. These baptismal churches were the parish churches, carefully reserving the right to baptize and the right to have a baptismal font. Other churches and oratories were not permitted to have a font and even could not perform services on baptismal days such as Easter, Pentecost, and St. John the Baptist's Day.³⁹

Bachofen even described something quite foreign to our ears when stating that the Synod of Nantes (658) called for the expulsion of a stranger from the church, for his presence there was presumably in contempt for his own parish.⁴⁰ The decree promoted the value of uniting people in a parish and the consequential sense of community. On the other hand, this was in tension with a reduction in the connection between priest and people, and was an expression of the control exercised on the latter by the former.

The mass was the action of the priest, and "parish" mass usually meant few communions and everyone passive.⁴¹ The right of the pastor, for example, to bless the baptismal font, and to administer viaticum, and to celebrate the Eucharist on the more solemn feast days have endured to our present Code, but in the current law, for the first time, they are now simply entrusted to the parish priest (c. 530). The rationale favouring their long retention ensured the stability of the pastoral office, control of pastoral care, and not infrequently revenue.

³⁹ BACHOFEN, *Status of Catholic Parishes*, p. 24.

⁴⁰ *Ibid.*, p. 26.

⁴¹ BLOCHLINGER, A., *The Modern Parish Community*; Eng. trans. by G. STEVENS, adapted and abridged by H. GRAEF, London, G. G Chapman, 1965, pp. 167-168.

Commentators on the history of the parish already cited tend to highlight the pastoral carelessness of the layman-controlled church; the revenue went to the local lord, with the priest often ill-educated and required to work in other tasks in the feudal arrangement. This is not to say that the alternative offered by the bishop was any better or that it better served people. Rather the religious structures allowed for autonomy for the bishop and security of livelihood for the priests.

1.2.4 City Parishes

It was not until the eleventh century that cities began to be organized into parishes. The preserved value remained the principle of "one bishop, one city".⁴² Ignatius of Antioch had expressed the principle in the second century, linking it to the bishop's celebration of the eucharist: "Take care, then, to partake of one eucharist; for, one is the flesh of our Lord Jesus Christ, and one is the cup to unite us with his blood, and one altar, just as there is one bishop assisted by the presbytery and the deacons, my fellow servants."⁴³

By the tenth and eleventh centuries, parish priests enjoyed significant independence from the bishop. Sabbas Kilian observes:

The pastors of parish churches became more and more independent of the bishop of the territory, and also more and more canonical in their dealings with the people; on the other hand, the bishop ceased to be the pastor of the city parish and became the head of all the pastors under his jurisdiction.⁴⁴

Later history points to the conflict with religious orders. As agents for the ecclesiastical reforms of Gregory VII and Urban II in the eleventh century, and continuing in the next two centuries, religious orders were given the faculty to hear the

⁴² See articles by J. KOMONCHAK, "The Local Church and the Church Catholic: The Contemporary Theological Problematic," in *The Jurist*, 52 (1992), pp. 416-447; and H. LEGRAND, "One Bishop per City: Tensions Around the Expression of the Catholicity of the Local Church Since Vatican II," in *The Jurist*, 52 (1992), pp. 369-400.

⁴³ Ignatius of Antioch, "Letter to the Philadelphians," in Eng. trans. in J. KLEIST, *The Epistles of St. Clement of Rome and St. Ignatius of Antioch*, Westminster, MA, Newman Press, 1961, p. 86. See also BLOCHLINGER, *The Modern Parish Community*, p. 131, where he states: "The Church is where the bishop is. He is the principle of unity round whom priest and people must gather."

⁴⁴ KILIAN, *Theological Models of the Parish*, p. 4.

confessions of the people and to bury, usually with some independence from the local bishop. Religious orders enjoyed some of the rights previously held by the local pastor alone. The intention was to support the ministry of the diocesan clergy. However, because the religious orders attracted people away from the parishes, diocesan priests were often opposed to them and insisted on the rights of the parish and the obligation of the faithful to frequent the parish church.⁴⁵

The question of accountability caused tensions. For example, a monk given parochial responsibilities was responsible to the bishop for the pastoral care, but answerable to his monastery or order for the temporalities.⁴⁶ In the twelfth century, Alexander III (1159-81) conceded the right of the private church also to patronage. Many monasteries acquired parishes, employed a vicar, and kept the income from the parish. Naturally, patrons opposed parish division as that meant a division of income.⁴⁷ Again we see the legislation preserving some of the prerogatives of the pastor, thus bolstering the positions of the local priest and the bishop to whom the parish priests were subject.

In his doctoral study on parishes, Nicholas Connolly alludes to the tension between parishes responsible to the bishop, and oratories on private estates and monasteries, with their greater degree of independence. He describes these latter obtaining parochial status, thereby allowing their incumbents to administer the sacraments to the people in the area. Citing the Council of Toulouse (843-844) he notes: "The councils opposed the usurpation by oratories of parochial duties without permission of the bishop."⁴⁸ The issue was not the freedom of the people to receive the sacraments where they could nor the priority of pastoral care, but the question of control and channelling of resources.

⁴⁵ See CROCE, "History of the Parish," in RAHNER, *The Parish: From Theology to Practice*, p. 19. Cf. AYRINHAC, *Constitution of the Church*, p. 293. Ayrinhac states that in the thirteenth century conflicts between secular and religious clergy even led some theologians at the University of Paris to advance the theory of divine institution of the parish in contrast with the human origins of the religious orders. Though discredited as theology, it does illustrate the depth of feeling.

⁴⁶ BACHOFEN, *Status of Catholic Parishes*, pp. 40-42.

⁴⁷ CROCE, "History of the Parish," in RAHNER, *The Parish: From Theology to Practice*, p. 17.

⁴⁸ N. CONNOLLY, *Canonical Erection of Parishes: An Historical Synopsis and Commentary*, Canon Law Studies 114, Washington, DC, The Catholic University of America, 1938, p. 40.

While the division of a city into parishes became widespread starting in the 11th century, Connolly pointed out that the task remained incomplete even at the time of the Council of Trent: "Until the year 1000 there were no city parishes outside of Rome and Alexandria, and even when they began to appear in episcopal cities their status remained obscure. Their boundaries were vague; their functions were poorly defined; their very existence was not universal until after the Council of Trent."⁴⁹ The theology of the time emphasized the role of the bishop in his diocese where he was supported by his presbyterate. For example, he was not free to move to other sees, barring extraordinary circumstances, and was considered married until death to his church of ordination.⁵⁰

1.2.5 Developments from the Eleventh Century

Twelfth century expressions of papal power or claims of superiority illustrate the tension between the papacy and the power of lay and ecclesiastical lords throughout Western Europe. By the twelfth century papal power was enjoying a resurgence, not least because of developments in law and legislation.⁵¹ On the question of pastoral care for people on the move, Innocent III's acceptance of the poverty and preaching movements represented by St. Francis and St. Dominic made a significant impact on the organisation of pastoral care within local churches. Robert Swanson points out that some of Innocent III's predecessors had feared and condemned the apostolic poverty movements, but that, in confirming St. Francis's place within the Church, Innocent III harnessed a vibrant spirituality that could have been a serious challenge if it had been forced underground.⁵²

⁴⁹ CONNOLLY, *Canonical Erection of Parishes*, p. 40.

⁵⁰ See U.-R. BLUMENTHAL, "Reform and the Papacy, 715-1085," in P. JOHNSON, edited by M. WALSH, *The Papacy*, London, Weidenfeld & Nicolson, 1997, p. 69. Uta-Renate Blumenthal describes the desecration of the body of Pope Formosus by his successor Stephen VII ostensibly because Formosus was already a bishop at the time of his election, and should not have changed his episcopal see.

⁵¹ See R. SWANSON, "Papal Monarchy 1085-1431," in JOHNSON, *The Papacy*, pp. 80-103. He states: "The new papal supremacy found expression in the calling of general councils. The first three were held, appropriately, at the Lateran, in 1123, 1139, and 1179. The papal summons, and the use of the councils to define ecclesiastical legislation, were a precedent for the future" (p. 82).

⁵² *Ibid.*, p. 87.

With the decline of Latin as the language of the people there was more call on the Holy See to consider the needs of various language groups living in the cities. In 1215, the Fourth Lateran Council addressed the situation of peoples of diverse languages living in the same city. The issue was the question of pastoral care with a connected challenge to the principle of one bishop in any one city. The Council decreed that a bishop might respond to peoples of diverse language or rite by providing them with suitable priests able to serve according to the rites or customs of the people.

The decree did not go beyond the general principle of pastoral care in the appropriate language. The canonical position of the priest in question remained unanswered, as did the matter of whether this decree constituted a personal parish. Constitution 9 of the Fourth Lateran Council begins:

Since in many places peoples of different languages live within the same city or diocese, having one faith but different rites and customs, we therefore strictly order bishops of such cities and dioceses to provide suitable men who will do the following in the various rites and languages: celebrate the divine services for them, administer the church's sacraments, and instruct them by word and example.⁵³

The pastoral care of diverse peoples within a diocese remained the prerogative of the bishop, who was to appoint suitable priests. The question of separate or personal parishes is anachronistic for that time.

With the fall of Constantinople in 1204, a Latin patriarchate had been established in that city. Soon there were a number of Latin bishops in cities of Oriental rite.⁵⁴ In his study of the history of national parishes, Joseph Ciesluk observed that the pastoral care of different language groups, which could be found in a number of cities and dioceses at the time, called for attention at the Fourth Lateran Council: "Since both Latins and the Greeks wished to retain their own original religious affiliations, it was necessary to make some adequate provision so that, in the places where there were groups of different language and rite, there might be one bishop for both."⁵⁵

⁵³ TANNER, *Decrees of the Ecumenical Councils*, vol. 1, p. 239.

⁵⁴ Latin patriarchal offices for the sees of Antioch and Alexandria were officially abolished only in 1967 by Pope Paul VI, and Jerusalem still exists as a residential see. See J. FARIS, *The Eastern Catholic Churches: Constitution and Governance according to the Code of Canons of the Eastern Churches*, New York, Saint Maron Publications, 1992, p. 350.

⁵⁵ J. CIESLUK, *National Parishes in the US*, Canon Law Studies 190, Washington, DC, The Catholic University of America, 1944, p. 21. Innocent III (1198-1216) made this provision, which was included in the Decretals later promulgated in 1234 by Gregory IX.

The Council gave recognition to the multilingual and multiritual experience existing in many cities. Once acknowledged, the pastoral care could be put in place without surrendering the principle of the single bishop for each city, or confusing the hierarchical situation with one bishop having jurisdiction in another's territory. In fact the Council clearly stated the principle: "We altogether forbid one and the same city or diocese to have more than one bishop, as if it were a body with several heads like a monster."⁵⁶

Nevertheless, constitution 9 goes on to provide that, in urgent necessity, the bishop could appoint a *catholicum praesulem* or "catholic bishop who is appropriate for the nations in question and who will be his vicar in the aforesaid matters and will be subject to him in all things."⁵⁷ Ciesluk describes this figure as a prelate for a particular language group.⁵⁸ The cautions surrounding the ministry of the prelate, the prohibition of a second bishop and the metaphor of a multi-headed monster leave no doubt that this was a cautious step taken by the Council but one brought about by the priority given to pastoral care in this case for those unable to benefit from the pastoral care of the bishop of the place because of language, rite or customs.

The rise of the mendicant orders in the early thirteenth century further disrupted the relationships of bishop and priests within the diocese. Accountable to the papacy, the mendicant priests altered the hierarchical dynamic of the medieval church. Klaus Schatz describes this new provision of pastoral care:

⁵⁶ Fourth Lateran Council, Constitution 9, in Eng. trans. in TANNER, *Decrees of the Ecumenical Councils*, vol. 1, p. 239.

⁵⁷ Ibid. The constitution goes on to warn that failure to be subject to the bishop of the place would bring excommunication, deprivation of ministry, and civil consequences. The translation does not make the subordination clear; "prelate" would have been clearer.

⁵⁸ See CIESLUK, *National Parishes in the US*, p. 22. "Prelate" comes from the Latin, *praeferre*, to put before, and is a general term for an ecclesiastical dignitary who has jurisdiction in the external forum, whether he is a secular or religious cleric (1917 Code, cc. 110, 198/1). Normally an appointment of the Holy See and subject to the Holy See directly, a prelate enjoyed a jurisdiction independent of the diocesan bishop. See R. MURPHY, art. "Prelate," in *New Catholic Encyclopaedia*, New York, McGraw-Hill Book Co., 1967, vol. 11, p. 734. *Les Conciles oecuméniques* translates *catholicum praesulem* as "un prélat catholique." See G. ALBERIGO et al, *Les conciles oecuméniques: les décrets*, Paris, Éditions du Cerf, 1994, vol. 2/1, p. 513. Here the title describes a cleric as the ordinary and immediate pastor of a particular group of people, but retaining an accountability to the diocesan bishop. While the question of jurisdiction and the extent of its exercise is anachronistic, the term has a degree of equivalence to the 1983 Code episcopal vicar.

Their very existence within the Church was only possible because of the papacy, for itinerant preachers who were not bound for life to a particular monastery or subject to a bishop did not fit within the traditional notions of ecclesiastical order. These new orders could only be integrated within the overall governance of the Church by receiving a papal mission and licence to preach.⁵⁹

While highlighting the consequences for the role of the papacy, Schatz also points out that here was a flexible, mobile and charismatic initiative that could circumvent the inertia and rigidity of the local church structures.⁶⁰ With his analysis, Schatz points to another example where previous structures make room, but not without conflict, for innovative possibilities for pastoral care.

1.2.6 The Council of Trent

It was not until the Council of Trent that we find an effective programme of reform of pastoral care for dioceses and parishes. Initially called by Paul III and opened in December 1545, the Council was the subject of political machinations and ground to a halt over issues of Church reform. In 1562 Pius IV reconvened the Council of Trent and under the chairmanship of Cardinal Giovanni Morone it was finally concluded on 4 December 1563.⁶¹

In its disciplinary reforms Trent called for a renewal of pastoral zeal, and required bishops to see to the organisation of parish boundaries. Nevertheless, its implementation was a slower matter; in his study of national parishes in the United States, Ciesluk notes: Trent's "decree of reformation, based on the principle of territoriality in the distinction of parish limits, and manifestly aimed at obviating the indiscriminate reception and administration of the sacraments, did not effect a complete change in the lax organisation that had prevailed in many places."⁶² He went

⁵⁹ SCHATZ, *Papal Primacy*, pp. 83-84.

⁶⁰ Drawing from clergy and lay faithful, religious life has its roots in a certain ambivalent relationship with the local church under its bishop. From St. Anthony of Egypt to modern times, religious have both served within the local church but not always shared its priorities. The capacity of the Church to live with this tension and to benefit from its obvious fruit provides an analogy for pastoral care of migrants. A willingness to employ the options available to migrants and to encourage their development could bear fruit for the local church.

⁶¹ J. O'MALLEY, "The Renaissance Papacy 1420-1565," in JOHNSON, *The Papacy*, p. 104.

⁶² CIESLUK, *National Parishes in the US*, p. 11.

on to cite seventeenth and eighteenth century examples where dioceses had not implemented parishes, and refers to papal reminders to bishops that Trent was still the applicable law.

The parish became a vehicle for the reforms of the Council of Trent. Casiano Floristan notes one of the canonical consequences: "The parish unquestionably took on a juridical aspect which was needed, on the other hand, to clarify a confused state of affairs."⁶³ The Council of Trent required bishops to guarantee the income of parish priests and to provide for the division of parishes, motivated by, "the good spiritual state of the souls entrusted to them to divide the people into separate and clear parishes and to assign to each their own proper and permanent parish priest."⁶⁴ Rodger Austin sees two principles at work here: "Firstly, the bishop is the one to whom the salvation of the people is entrusted, and therefore he has the ultimate responsibility. Secondly, the stability in office for the parish priest was linked with his knowing the people and their lawful reception of the sacraments."⁶⁵

The Council of Trent gave bishops the authority to erect parishes, which need not be strictly territorial, when useful or necessary for pastoral care. Ciesluk describes their freedom: "If the bishops saw that for some worthy reason it was necessary to establish a personal or family parish because of language, rite, privilege, or some other circumstance, they could do so. This seems to have been the practice until the promulgation of the [1917] Code."⁶⁶ In calling for better provision of pastoral care, the Council of Trent decreed:

Also, in those cities and localities where the parochial churches have no definite boundaries, and whose rectors have not their own people whom they may rule but administer the sacraments indiscriminately to all who desire them, the holy council commands the bishops that, for the greater security of the salvation of souls committed to them, they divide the people into definite and distinct parishes and assign to each its own and permanent parish priest, who can know his people and from whom alone they may licitly receive the sacraments; or that they make other, more beneficial provisions as the

⁶³ C. FLORISTAN, *The Parish: Eucharistic Community*; Eng. trans. by J. BYRNE, London, Sheed and Ward, 1965, p. 61.

⁶⁴ TRENT, sess. 24, ch. 13, in TANNER, *Decrees of the Ecumenical Councils*, vol. 2, p. 768.

⁶⁵ R. AUSTIN, "The Stability in Office of a Parish Priest: Canon 522 of the 1983 Code of Canon Law," in *Australasian Catholic Record*, 62 (1985), p. 284.

⁶⁶ CIESLUK, *National Parishes in the US*, p. 17.

conditions of the locality may require.⁶⁷

From his analysis of Trent's provision for territorial parishes, Ciesluk points out that the motivating principle for bishops to divide the people into distinct parishes was the situation where rectors did not have their own people but administered the sacraments indiscriminately to all who desired them. Within the city this was often simply because there were many churches and no division of the diocese into territorial parishes. Arguing that personal parishes after the time of the Council of Trent did indeed have their own people and did not administer the sacraments in a careless fashion, Ciesluk concludes that the fundamental principle of beneficial pastoral care underlies the Council of Trent's treatment of personal parishes.⁶⁸ Moreover, beneficial pastoral care remains the basis for the creation of parishes, both territorial and personal.

For the Council of Trent and afterwards, the care of souls remained the basic rationale for determining boundaries. A new feature in the evolution of parishes emerges: the boundary. While it ensures that everyone has a pastor from whom he or she may request the sacraments, it also ensures the income and stability of the parish priest.

The thrust of the Trent legislation was to give the pastoral care of the faithful a sounder base in the face of Protestant criticism. Ciesluk remarks:

Since spiritual utility and necessity in the care of souls evidently was the principal juridical foundation for the establishment of parishes, it may also be said that it forms the basis for the establishment of language and national parishes. The Council of Trent recognized that instruction, preaching, and the administration of the sacraments were necessary means for the salvation of souls.⁶⁹

When otherwise these pastoral tasks would be lacking or insufficient, the rationale for personal parishes presents itself.

The Council of Trent taught that the bishop was the pastor of the diocese, and so, with the concomitant duty of residence, he was to ensure the pastoral care of the faithful. In particular Trent exhorted the bishop to preach and ensure it was also done

⁶⁷ TRENT, Sess. 24, ch. 13, in TANNER, *Decrees of the Ecumenical Councils*, vol. 2, p. 768.

⁶⁸ CIESLUK, *National Parishes in the US*, p. 17.

⁶⁹ *Ibid.*, p. 23.

competently by the priests. Furthermore, he was to ordain priests only if their livelihood was assured.⁷⁰

Obviously countering abuses current at the time, the Council insisted that there be no accumulation of benefices. Regulating pastoral care, it called for controls regarding size, boundaries and the ministry of assistant clergy. These reforms endeavoured to reform the local church, but because they required papal power to implement them, they consequently strengthened the hand of the pope.

The fundamental concern for the welfare of souls balances, even jostles, with a concern for justice for the pastor. The Council of Trent authorized the bishop to compel payment by parishioners of what was required for the sustenance of the priest. Having authorized the splitting of parishes if people were not able to attend "without great inconvenience",⁷¹ the Council states: "if it be necessary, he [the bishop] may compel the people to contribute what may be sufficient for the sustenance of those priests."⁷²

The quality of pastoral care throughout Europe at the time of the Council of Trent was obviously uneven. Kilian described the general introduction of the parish as a positive reform:

⁷⁰ CROCE, "History of the Parish," in RAHNER, *The Parish: From Theology to Practice*, p. 19.

⁷¹ TRENT, sess. 21, ch. 4, in TANNER, *Decrees of the Ecumenical Councils*, vol. 2, pp. 729-730. This English translation states: "In all churches of parish or baptismal status, where the people are so numerous that the rector cannot by himself meet the demands of administering the sacraments of the church and conducting divine worship, bishops acting even as delegates of the apostolic see are to compel rectors or others responsible to add to their staff as many priests as may be necessary to maintain the sacraments and celebrate divine worship. But in parishes where parishioners can only come to receive the sacraments and attend divine offices with great inconvenience, because of distance or inaccessibility, new parishes may be founded, even against the will of pastors, according to the form given in the constitution of Alexander III beginning *Ad audientiam*. And the priests who are for the first time assigned to the charge of newly erected churches must be allotted, at the discretion of the bishop, an adequate share of revenues belonging in any way to the mother church. And, if need be, the people must be compelled to provide sufficient for the support of these priests, notwithstanding any general or special reservation or attachment with regard to the said churches. Nor may such arrangements and foundations be cancelled or impeded by stipulations of any kind, even those arising from resignation, or by any other abrogations or suspensions."

⁷² Ibid. The Council of Trent also recognised the role of structures beyond the parish when it called for the establishment of seminaries. Bishops could call on the help of secular powers to ensure collection of levies for the financing of the seminary. The rationale for the seminary was fundamentally the better education of the clergy and their preparation for parish ministry.

Evidently, wherever the parochial principle had not been in use before the Council of Trent, the faithful must have encountered great difficulties in being provided with the sacraments. The root of the problem was twofold. Either no parish church was available to the faithful or no parish priest was permanently assigned to the parish with direct pastoral care.⁷³

The Council sought to solve problems of access to church and sacraments by having precise territorial limits and entrusting pastoral care to a pastor who must reside in the parish. Previously, holders of the title of parish, and therefore also of the benefice attached, could employ a vicar or some assistant to do the work.⁷⁴

By the time of the French Revolution in 1789, and throughout the industrial revolution the shape of the parish was again changing. The dislocation of rural people in the movement to the cities serves as another example of how the story of the parish changes with the migration patterns of people. As Gresko notes:

[A priest's] title of ordination no longer laid claim to specific financial and parochial rights and duties. In its place the title was carried over but as title of service to the diocese. Bishops were obliged to provide for the financial support of their priests in another way, such as a diocesan fund.⁷⁵

With the industrial revolution, city parishes grew up that did not have the established revenue of the rural parish but depended on the diocesan financial organisation.

1.2.7 National Parishes in the United States of America

Emigration to the United States of America of large numbers of many European national groups provides clear examples of the development of parishes in which language and culture play decisive roles. From the second half of the eighteenth century migrants from all over Europe came to America. With the dominant group from the English colonies and of Protestant background, the development of Catholic

⁷³ KILIAN, *Theological Models of the Parish*, pp. 6-7.

⁷⁴ See GRESKO, *Stability of the Pastoral Office*, p. 60. While the territorial parameters of a local church under its bishop are a given, the division of that church into clearly defined parishes may be seen as an innovation addressing the problem of access to the sacraments. In our own time a new description of parish as community lends itself to innovations for the pastoral care of migrants.

⁷⁵ GRESKO, *Stability of the Pastoral Office*, p. 69. See SACRED CONGREGATION OF THE COUNCIL, Decree, *Maxima cura*, 20 August 1910, in AAS, 2 (1910), pp. 636-648.

parishes other than of English-speaking American colonists created tensions both within the Catholic community and in its relationship with society at large.⁷⁶

John Carroll, who, following his election by the priests of the then new diocese of Baltimore, was consecrated its first bishop in 1790, and was the first diocesan bishop in the United States of America, faced a diverse Catholic population from many nations among a majority population who were from the English colonies and who were not sympathetic to Catholicism.⁷⁷ Sensitive to the political setting of the Catholic Church, and to the tensions between national Catholic groups, Carroll was cautious with the establishment of the first German parish in Philadelphia in 1788.⁷⁸ At the Synod of Baltimore (1791), immigrant congregations were urged to pray and receive instruction in the vernacular after mass.⁷⁹ While regularly appealing to Rome for the sending of priests for foreigners, at the 1852 First Plenary Council of Baltimore bishops required evidence that the foreign clergy were in good standing and free to move.⁸⁰ Obviously wandering clergy existed as the Sacred Congregation for the

⁷⁶ A similar thing happened to Irish parishes in French Canada, to French parishes elsewhere in Canada, and to immigrant parishes in western Canada. One reason for concentrating on the American experience is the ascendancy of the Irish, a circumstance that prevailed in New Zealand after the initial French mission. In addition, the New Zealand bishops looked to the American experience with national parishes in their assessment of its possibilities.

⁷⁷ A. MELVILLE, art. "John Carroll," in *New Catholic Encyclopaedia*, vol. 3, pp. 151-154. See also the Pastoral Letter of the Third Plenary Council of Baltimore, in P. GUILDAY, *The Memorial Volume: A History of the Third Plenary Council of Baltimore, Nov 9-Dec 7, 1884*, Baltimore, Baltimore Publishing, 1885, p. 7. Not for the first time the bishops were anxious to counter accusations that Catholics were not loyal Americans. They stated: "We repudiate with equal earnestness the assertion that we need to lay aside any of our devotedness to our Church to be true Americans [...]" (p. 7).

⁷⁸ D. LIPTAK, *Immigrants and their Church*, New York, Macmillan, 1989, p. 94. Holy Trinity Parish, begun in Philadelphia in 1788, "was the first American parish formed to provide for Catholics (German) whose language and culture differed from the American norm." The Germans pressured the hierarchy to cater for the German need, not to Germanise the Church but to streamline Americanisation, that their faith and culture not be lost in the process. See also P. GUILDAY, *A History of the Councils of Baltimore, 1791-1884*, New York, Macmillan, 1932, pp. 56, 68, 241. On the latter page, Guilday cites the 1884 council's care that migrants be instructed in their own tongue and that priests should be appointed for all the large ports to minister to the newcomers. Title VIII of the decrees of the council, *De zelo animarum*, chapter 1, *De colonis et advenis* singles out the Irish and German migrants for particular attention. Cf. N. NILLES (ed.), *Commentaria in Concilium plenum baltimorese tertium ex praelectionibus academicis excerpta*, Oeniponte, F. Rauch, 1880-1890, vol. 1, pp. 279-281. See also GUILDAY, *The Memorial Volume*, p. 277. Here Guilday reports, "The care of immigrants did not receive the united attention of our conciliar legislators before the council of 1884. There was no lack of care of the immigrants up to this time. Charitable societies existed as far back as 1737, and the Hibernian Society of New York, founded in 1790, was of great assistance to the Church in watching over the newcomers."

⁷⁹ CIESLUK, *National Parishes in the US*, p. 31.

⁸⁰ GUILDAY, *A History of the Councils of Baltimore*, p. 179. In its 9th decree, the council urged: "Lest priests who were unknown or who were wanderers from place to place be too easily accepted, the prelates were warned to take precautionary measures for their reception, especially of those

Propagation of the Faith required that if a bishop needed to use them, the bishop must at least check their probity and doctrine.⁸¹ By the 1860s the Catholic Church in the United States of America had shifted from a frontier church and Indian mission to catering for the waves of immigrants.

Although large numbers of Germans and Irish were among the first Catholics to emigrate to America, the Irish became the dominant factor in the American hierarchy. Dolores Liptak attributes this to their speaking English, their willingness to make America "home" and to the vast numbers joining the priesthood and religious life.⁸² Liptak describes their assertive approach: "Strategies used by Irish-Americans to accommodate or integrate immigrants could prove extremely alienating. This was especially the case when rhetoric did not seem to match reality. For example Irish-Americans often spoke of the need to protect Catholic minorities and of the minorities' rights to maintain their religious traditions. Yet, as often, they would refuse to accommodate those whose traditions impinged upon their own views of church discipline."⁸³ The national parish allowed migrant groups to evolve what it meant to be Catholic in the United States without having to filter it through the Irish experience.

Personal parishes, known as national parishes, have been a feature of the Catholic Church in the United States and Canada since the waves of immigration began arriving in the late eighteenth century, though such parishes met with varying degrees of warmth from diocesan bishops.⁸⁴ Liptak questions the presumption that the bishops

coming from Europe. Without explicit documentation testifying to their character and merit, such priests in the future were to be refused diocesan faculties."

81 CIESLUK, *National Parishes in the US*, pp. 33, 35. The Sacred Congregation of the Council, in 1903-1904, required that, for acceptance in a diocese, a moving priest had to be beneficial to it. It was still an issue several years later. Cf. SACRED CONGREGATION OF THE COUNCIL, decree *Magni semper negotii*, 30 December 1918, in *AAS*, 11 (1919), pp. 39-43; Eng. trans. in *CLD*, 1 (1917-1933), pp. 93-96.

82 LIPTAK, *Immigrants and their Church*, p. 61. Liptak describes the Irish opposition to separate structures for Catholics of other nations, and in their complaints how they failed to see "their own overbearing ethnic ways" (pp. 20-21).

83 *Ibid.*, p. 72. She cites the Irish opposition to Eastern rite married clergy. Liptak's words could well fit the experience of the Irish in New Zealand where the battle was fought over the funding for schools.

84 Some dioceses in the north-eastern United States erected many national parishes while others, even with large immigrant populations had few. One bishop who valued the national parish, Bishop McMahon of Connecticut in 1889, drew up the criteria for a national parish in his diocese. They needed sufficient numbers to warrant a parish and, a corollary, they needed sufficient funds to both establish and maintain the parish.

resisted the national parishes or felt threatened by them. Her study provides a more nuanced view of the national parish, in which external factors and internal community tensions combine to limit the success of national parishes.⁸⁵

Far from seeing the national parish as an exceptional and deviant form of parochial organisation, by which immigrants endeavoured to preserve their cultural and ethnic rights against uncooperative and insensitive bishops, Liptak highlights internal factors. She identifies issues such as trouble finding suitable priests and especially highly publicized discord among parishioners, as well as external factors such as misunderstanding of immigrant aspirations and failure to incorporate national parishes into a wider diocesan plan to account for the perception that the national parish experience was negative. The evidence from Liptak's study of the Hartford Diocese suggests: "even in dioceses sensitive to the needs of newcomers, efforts expended to assist immigrants tended to meet so much opposition as to render them only moderately successful."⁸⁶ Significantly, lack of acceptance by Catholics of the English-speaking parishes and the lack of diocesan-level integration and involvement undermined the national parish experience. These same two factors remain problems to be overcome in any contemporary establishment of personal parishes.

A combination of language limitations of the priest and the limitations of availability of other priests contributed to the isolation of a personal parish. The pastor's effectiveness in uniting the parish was, Liptak notes: "so essential that, in actuality, his very success prevented him from integration with the diocesan officialdom."⁸⁷ Priests tended to stay in the one parish all their priestly ministry.

John Coleman also nuances the immigrant experience in the United States, suggesting that the dynamic had an impact on the established culture and the migrants:

⁸⁵ D. LIPTAK, "The National Parish: Concept and Consequences for the Diocese of Hartford, 1890-1930," in D. LIPTAK (ed.), *A Church of Many Cultures: Selected Historical Essays on Ethnic American Catholicism*, New York, Garland Publishing, 1988, p. 62.

⁸⁶ Ibid., p. 59. Liptak confidently affirms the pastoral and practical motivation for national parishes: "From the start [...] the motivating force behind the formation of national parishes had been practical: providing for the spiritual welfare of an ever-expanding, non-English-speaking Catholic population."

⁸⁷ Ibid. p. 69.

The best histories of the immigrant experience in the United States show that it was never simply a matter of one-way assimilation. The immigrant cultures also contributed to the converging new reality. Still the host Anglo-Puritan culture was and remained privileged and more powerful in the convergence that takes place.⁸⁸

This insight is in accord with modern analyses that question assimilation and which assert that all partners in a cultural dialogue will be affected by the process.

In her major study *Immigrants and Their Church*, Liptak identifies two major benefits of the national parishes:

By being allowed to maintain religious loyalties through different cultural traditions, Catholics were assured twin securities within the Church: acceptance and separateness. Immigrants and those of succeeding generations were free to choose this way of relating to the American Catholic Church. But they bore the responsibility for translating their ethnic loyalties into a united stance and for weaving their communal fabric into that of the larger Church. It was also up to the bishops of the dioceses to assist Catholics along this path. Unity and uniqueness remained hallmarks of the Church.⁸⁹

Her assessment accords with that of Silvano Tomasi who describes the national parishes often with schools attached, and with the orphanages, newspapers, clubs and societies that cooperated with the parishes, as "the most important and successful strategy for the preservation of the faith and the human promotion of the immigrants [...]."⁹⁰

More than just places for religious expression, the national parishes provided a context in which to find practical support in the new land and from which to engage in the new society. Randall Miller and T.D. Marzik make this assessment: "Thrown into close proximity with competing cultural and linguistic groups in industrial urban America, the immigrants turned to religion, the very bone and sinew of ethnicity to shore up communal ties."⁹¹ We will see this experience again for the Pacific Islands communities when the parish replaces their village life. Frequent church-based events did not necessarily indicate a high level of piety but often simply reinforced the values

⁸⁸ J. COLEMAN, "Culture at the Core of Our Being," in *Compass*, vol. 9, no. 6 (January/February 1992), p. 6.

⁸⁹ LIPTAK, *Immigrants and Their Church*, p. 68.

⁹⁰ S. TOMASI, "A Lesson from History: The Integration of Immigrants in the Pastoral Practice of the Church in the United States," in LIPTAK, *A Church of Many Cultures*, p. 85.

⁹¹ R. MILLER and T. MARZIK, *Immigrants and Religion in Urban America*, Philadelphia, Temple University Press, 1977, p. xv.

and customs and entertainments of the former land.

For migrants such as the Italians, it was by no means inevitable that a parish structure would be the one to replace the village in the new circumstances of migration. While telling the stories of various ministries of the Scalabrinian priests in the United States, Mary Brown acknowledges that it was the way in which the priests "sold" the necessity of the parish, and how they made it both the focal point of Italian life, that replaced the *paese* or village, and put the parish at the interface of Italian and American society.⁹² In other words the parish presented itself as the most viable way of preserving Italian culture, and as the most efficient path of communication with society and the larger Christian community.⁹³

Arbuckle critiques the national parish, observing: "positively, such a parish provided an immediate welcome to the migrant."⁹⁴ On the negative side, he states: "it so often exhibited very serious obstacles to the human growth of migrant peoples. The obstacles came invariably from the insensitivity of clergy who failed to realize that their task was not to stop all change, but to act as catalysts for people to develop cultural confidence to go out and integrate into an emerging multicultural society."⁹⁵

Several factors emerge as essential for the national parish experience. The strength of the Church in the sending country is vital. The German, Polish, Italian, and Irish churches were able to send priests and religious to staff parishes and schools. The people brought with them a sense of how things operated in the country of origin and were able to reproduce that in the United States. For example, the liturgical seasons and national feast days could be celebrated in continuity with the home country. Perhaps more importantly the personnel could be approached, and procedures followed, much as they were back in the country of origin. For countries with a

⁹² M. BROWN, "The Network of Community Life," in *U.S. Catholic Historian*, vol. 14, no. 3 (Summer 1996), pp. 31-56.

⁹³ Cf. TOMASI, "A Lesson from History: The Integration of Immigrants in the Pastoral Practice of the Church in the United States," in LIPTAK, *A Church of Many Cultures*, p. 86. Tomasi offers the figures of immigrant Italians who became protestant in support of her thesis. He agrees with Liptak that with the national parishes Italian migrant faith could be sustained and proselytizing inroads effectively blocked.

⁹⁴ ARBUCKLE "Migrants and Pastoral Care," in *The Jurist*, 46 (1986), p. 466.

⁹⁵ *Ibid.*

traditionally central role for the pastor, such as the German and Polish, the ability to set up personal parishes provided a vital continuity. The situation of Hispanics in the United States starkly contrasts with this. Without clergy and religious and without bringing an infrastructure from home, the migrant experience is much more open to fragmentation.

While language and nationality are the major determining factors, a degree of physical proximity is vital for the national parishes. People travelled, but by and large they lived close by their national church. The territorial imperative continued to play a significant role in the organisation of parish life.

The Italian experience in the United States has received much attention, not least because the Apostolic Constitution *Exsul familia* had the Italian migrants within Europe and to the United States in mind. Writers highlight that the majority of migrants were from the south of Italy, with a strong sense of faith. Nevertheless, in the Italian context, this faith tended to be expressed in the village *fešta* and in various devotions, and was less connected with the parish priest and the church building. In fact, anti-clericalism on the part of the men was a feature of village life in the south of Italy.

In the next chapter we will see how documents from the Holy See highlight the impact that a change of context has on the migrant, and again it is the plight of the Italian migrants that occasioned much of the discussion. Away from the village environment, the context in which the Italian expressed his or her sense of faith was radically altered. Catholics, whose loyalty to the Church had been taken for granted for generations in Italy, were now the objects of active proselytising by various Protestant groups, whose activity in the United States among migrants amounted to a wake up call for the Catholic Church.⁹⁶

⁹⁶ This theme is taken up at Vatican II in the various schemata that lead to CD 18. For a fuller treatment, see H. NGUYEN, *Personal Parishes in the 1983 Code of Canon Law and Pastoral Care of Migrants*, Rome, Pontifical University of St. Thomas Aquinas, 1994, p. 107. Cf. R. VECOLI, "Prelates and Peasants: Italian Immigrants and the Catholic Church," in K. DYRUD, M. NOVAK and R. VECOLI, *The Other Catholics*, New York, NY, Arno Press, 1978, pp. 242-248. Viewed as superstitious and ignorant of their faith, Italians were seen as mission territory by both Catholics and Protestants in America.

The national parish could by no means presume on the loyalty of the Italians, but earned it through the work of such missionary societies as the Scalabrinians, who were founded in 1887 by Bishop Blessed Giovanni Scalabrini and named the Missionaries of St. Charles. Brown, in her study of Italian national parishes administered by the Scalabrinians, describes the national parish as *one* expression, among a network, of community life. She notes that the Italian migrant communities existed before missionaries such as the Scalabrinians set up parishes in the late nineteenth century. By addressing family and practical needs, and by tapping the energies of local leaders and businesses, the parish moved from being *an* expression of Italian life, to being at the centre of Italian life, providing the link by which non-Italians came to solicit Italian involvement in wider community or Catholic events.⁹⁷ The personal parish offers the possibility of transition into the receiving culture from a position of strength.

Catholic migration to the United States of America in the final quarter of the nineteenth century altered the face of American Catholicism. We have noted the debate about Catholicism's relationship with the wider American community. Not unrelated, but more significant for understanding the pastoral care of migrants, we see the tensions inherent in diverse cultures and perspectives on the spiritual life, for with vital parish life also came schism and the threat of schism, as well as disputes over property and pastors. In addition large numbers were inactive in their faith. The pastoral care of migrants lives with the tension of fragmentation on one hand and abandonment of practice of the faith on the other hand.

1.2.8 Migration in the Twentieth Century

Two world wars caused massive dislocation of people. This century has seen tremendous movement of people due to war and economic disparity between nations. In addition, changing patterns of technology produce migration from the rural areas into the city, and more recently from the city to the suburbs. The modern citizen is a person on the move.

⁹⁷ Catechists, men and women religious, and priests from the Pacific Island communities often play a similar role today at the interface of the ethnic community and both local church and society in New Zealand.

After World War I in the mid-1920s, new restrictive immigration laws and the pervasive anti-Catholicism of American society altered the dynamic of the national parishes. Church leaders such as Cardinals George Mundelein of Chicago and Francis Spellman of New York placed less emphasis on the national parishes and portrayed Catholicism as an institution capable of absorbing the new immigrants and acculturating them to American society.⁹⁸ We will see below that this was consistent with the 1917 Code which favoured the territorial dimension of the parish. James Olson summarizes the new approach:

By the time the Hispanics began arriving in large numbers, the golden age of the nationality parishes was over, at least in terms of the establishment of new ones. Church leaders returned once again to the idea of the mixed parish as the best way of incorporating the newest wave of immigrants.⁹⁹

The multicultural parish seemed to offer hope for the transition of migrant communities into the mainstream life of the various dioceses.¹⁰⁰

Some national parishes evolved into territorial parishes, especially when there was no other church in the neighbourhood.¹⁰¹ Thomas Harte described the tension inherent in the personal parish when he stated:

[The personal parish] is divisive to the extent that it fosters group differences, yet undoubtedly its social influence does not end there. For the ethnic parish is also integrative in so far as it provides an intermediate milieu in the assimilation of immigrant people into the Catholic life and social life of America.¹⁰²

The merits of the multicultural parish and the personal parish will be weighed later when discussing the bishop's mandate to provide pastoral care for those who are unable to benefit from the ordinary pastoral care provided by the local parish.

⁹⁸ J. OLSON, "The Hispanic Catholics," in LIPTAK, *A Church of Many Cultures*, p. 377.

⁹⁹ Ibid. Without the infrastructure of religious and priests to call upon, without any historical association with parish, without a history of hostility to their faith, the Hispanics had less devotion to the Church as institution and catholicism was more akin to devotions and cults of the saints and not the sacraments (pp. 380-381).

¹⁰⁰ See M. KELLEHER, "St. Camillus: A Study in Liturgy and Multicultural Catholicism," in *US Catholic Historian*, vol. 14, no.3 (Summer 1996), pp. 75-88.

¹⁰¹ T. HARTE, "Racial and National Parishes in the United States," in C. NUESSE, and T. HARTE (eds), *The Sociology of the Parish: An Introductory Symposium*, Milwaukee, The Bruce Publishing Company, 1951, p. 164.

¹⁰² Ibid. p. 175.

1.3 1917 CODE OF CANON LAW

On Pentecost Sunday, 27 May 1917, Pope Benedict XV promulgated the Code of Canon Law which brought together in one authoritative collection the laws of the Latin Church. While the Code represented a radical revision of the Church's law, it reflected an ecclesiology focused on the universal Church centred on papal authority, and a perception of the Church as a perfect society anxious to maintain its prerogatives in modern society.¹⁰³ The description of the parish and the laws pertaining to it fit into this mindset.

1.3.1 Parish

The experience of parish life bears consideration from a number of perspectives. Simply to describe a parish in canonical terms does not do justice to its complex reality, but neither is it fair to caricature the previous law by presuming its more circumscribed expressions ignore, for example, the people who make up the parish.

Canon 216/1 of the 1917 Code stated: "The territory of each diocese shall be divided into distinct territorial parts; and to each part there shall be assigned its own church with a definite group of the faithful, and a particular rector must be placed over it as its proper pastor for the requisite care of souls."¹⁰⁴ In his commentary, T. Lincoln Bouscaren distinguished the essentials for a parish, namely the community of faithful, and the pastor, from the benefice-related features such as territory and parish church.¹⁰⁵

Connolly, in his doctoral work on the erection of parishes, argued that the parish emerged as the best means of attending to the "welfare of souls", always the

¹⁰³ See footnote 4 above.

¹⁰⁴ ABBO-HANNAN, *The Sacred Canons*, vol. 1, p. 274.

¹⁰⁵ BOUSCAREN-ELLIS, *Canon Law: A Text and Commentary*, p. 154.

primary factor in the general law concerning parishes.¹⁰⁶ But does the 1917 Code's canonical description actually reinforce the welfare of souls? The law reflected the preservation of the rights of the pastor and the demarcation of interests between pastors. The presumption was that pastors whose rights and interests were thus preserved would be in the best position to offer stable care for the welfare of souls.

Looking back at the 1917 Code, Alex Blöchlinger notes that *paroecia* is not used at all as a word for community.¹⁰⁷ A parish may be a community but this is due to other than canonical factors. While the parish has some dimension of community, law reflected the belief that parish was built on an existing community, with the law providing the organisational principles of office, benefice and pastor.¹⁰⁸ Blöchlinger, in his study of parishes, asked whether parish structures really constituted an ecclesial community. He was critical of the 1917 description of parish which, he believed: "denotes principally the office and the territory and never directly refers to the community."¹⁰⁹

Through domicile, quasi-domicile and the territorial division of dioceses, the Church ensured that in theory all persons had a pastor to whom they could turn for pastoral care and from whom they had a right to expect it. When exceptions provide for an alternative structure as we see below with the personal parish, the law still ensured that all the faithful had a pastor. While recognising that the history of stability has in practice as much to do with the security of the priest's livelihood, the fundamental intent of the law was to provide for the pastoral care of people in a parish.¹¹⁰

¹⁰⁶ CONNOLLY, *The Canonical Erection of Parishes*, p. x.

¹⁰⁷ BLOCHLINGER, *The Modern Parish Community*, pp. 109-119. *Communitas* usually referred to religious institutes, although 1917 Code, c. 2274 allowed for the penalty of interdict against a *communitas*, which Augustine Bachofen describes as a "society less compactly organized, for instance, a parish, diocese, province." Cf. A. BACHOFEN, *A Commentary on the New Code of Canon Law*, Saint Louis, MO, Herder, 1925-1936, vol. 8, p. 211.

¹⁰⁸ The presumption when talking of a pastor in the 1917 Code is of one with the care of souls in a parish, not the bishop as at Vatican II. The term "pastor" in the 1983 Code is also broader than that of the diocesan bishop for it includes the parish priest (c. 515), quasi-parish priest (c. 516/1), and the rector of a seminary (c. 262).

¹⁰⁹ BLOCHLINGER, *The Modern Parish Community*, p. 11.

¹¹⁰ See G. SUBOTICH, "Parochial Membership and Church Support," in *The Jurist*, 23 (1963), pp. 238-244. George Subotich discusses a question that concerns many parish priests; namely financial

1.3.2 Stability

The stability of both pastoral office and livelihood for a parish priest has a long history: from the Council of Chalcedon prohibiting wandering clergy and requiring that ordination be to a determined church, to the establishment of the benefice system by the turn of the first millenium, and to the current law granting stability (c. 522) and providing for the removal or transfer of a parish priest only after due process (cc. 1740-1752). The needs of the parish priest, the value placed on his stable ministry, and the quality of pastoral care for the faithful entrusted to him are in a creative tension. This section will explore the values underpinning the idea of stability and how it retains a fundamental connection with the best provision of pastoral care.

The decree *Maxima cura*,¹¹¹ issued in 1910 by the Sacred Congregation of the Council, insisted that pastors should not fear for their office, and therefore their income, at the whim of the bishop. On the other hand, stability could not be used as a guarantee if it was leading to harm, and was, therefore, detrimental to the salvation of souls. Hopefully the welfare of the pastor and the pastoral care of the people coexisted in harmony but we see in the history of the parish a consistent concern for the stable ministry of the parish priest, both in terms of placement and income.

The Council of Trent presumed that each parish would have its own parish priest. Even for illiterate or incompetent parish priests it provided for the services of assistant priests. Following the French Revolution, with the Concordat of 1801 parishes were restored on condition that the parish priests not be appointed permanently. What was initially tolerated by the hierarchy eventually became favoured as bishops found that it provided more readily for diocesan administration not to have permanent pastors.¹¹²

support and people who don't attend their own parish church. "The very fact that the [1917] Code reckons with a parochial domicile would seem to indicate that the faithful are obliged to attend mass and to receive the sacraments in their own proper church. However, in view of canon 467, which states that the faithful must be admonished to visit the parish church frequently when this can be done conveniently, and to assist at the divine services and hear the word of God, one must conclude that such attendance is excused whenever it would constitute an inconvenience" (p. 241).

¹¹¹ SACRED CONGREGATION OF THE COUNCIL, decree *Maxima cura*, 20 August 1910, in *AAS*, 2 (1910), pp. 636-648.

After the 1917 Code, according to Austin's observation, the idea of stability often prevailed that "a parish priest remains in office until such time as he is ready to move from that office."¹¹³ For its part, c. 454 divided parish priests into categories of removable and irremovable pastors. The 1917 Code also provided for procedures of removal and dismissal, preserving the balance between the security of the pastor and the good of the people of the parish entrusted to him.

The question of the division of parishes highlights the connection between a theology of care of souls and the practicalities of the needs of pastors. Division of a parish was seen as an onerous matter, since it required the splitting of a benefice. Sufficient reasons revolved around numbers and distance. The law preserved the values of the priest knowing his people, and the people having access to his pastoral care, centred on the church building. Connolly observes that even friction within a parish was not sufficient reason in itself to warrant the division of a parish.¹¹⁴

Large numbers in a parish did not necessarily lead to division when their pastoral care could be provided for by the employment of an extra vicar. Nevertheless, the value of the pastor and his personal knowledge of the people was underlined. Even with assisting vicars, the larger a church the less pastoral care was effective and the more open to predatory sects.¹¹⁵

The value of the ministry of a proper pastor was affirmed, even if prompted by a fear of losing people. In a Rotal decision of 1912, the value of the pastor is underlined: "Among the shepherds everybody realises that true pastors are to be preferred to vicars."¹¹⁶ Connolly notes that this was a serious reason for the division of a parish. The value is affirmed in more recent times by Cardinal Roger Mahony of

¹¹² AYRINHAC, *Constitution of the Church*, pp. 312-313.

¹¹³ AUSTIN, "Stability in Office," in *Australasian Catholic Record*, 62 (1985), p. 286.

¹¹⁴ CONNOLLY, *Canonical Erection of Parishes*, p. 54.

¹¹⁵ *Ibid.*, pp. 53-54. While effective pastoral care remains the positive motivation for adaptations to territorial parishes, the abandonment of faith or the attraction of other groups regularly emerges as a motivation via the negative for alternatives to territorial parishes.

¹¹⁶ TRIBUNAL OF THE ROMAN ROTA, decree, "Sedunen: dismembrationis paroeciae," 2 April 1912, in *AAS*, 4 (1912), p. 454. Cited in CONNOLLY, *Canonical Erection of Parishes*, p. 54.

Los Angeles, when he observes that neglect of migrants leaves them open to the ministrations of sects.¹¹⁷ Two canonical reasons for dividing a parish were great difficulty to come to the parish church and that it was not possible for the pastor to attend to their spiritual needs even with the help of assistants (c. 476/1).¹¹⁸

In his history of the stability in pastoral offices, Gresko describes the detrimental effects of absentee pastors employing vicars while taking to themselves the income of the parish and neglecting pastoral care.¹¹⁹ He constantly underlines that reform efforts endeavoured to provide both for the security of the pastor and the adequate provision of pastoral care. The principle of stability subsequently in the 1917 Code remained subordinate to the care of souls, shown by the transfer and removal procedures, based on and improving the provisions of *Maxima cura*.¹²⁰

¹¹⁷ R. MAHONY, "The Unfolding Story of Parish and Neighbourhood Pluralism," in *Origins*, 18 (1988-1989), pp. 550-553.

¹¹⁸ BACHOFEN, *Status of Catholic Parishes*, pp. 158-159. The first reason can be applied today in broader terms than the spacial dimension envisaged in 1917, for we will see that the 1983 Code refers many times to pastoral care for those whose spiritual needs cannot be met in the normal parish context. Cultural and emotional obstacles can prevent people from attending their local church or prevent the parish priest from being able to attend to their spiritual needs.

¹¹⁹ GRESKO, *Stability of the Pastoral Office*, p. 58. See also E. HULL, *The Institution and Abuse of Ecclesiastical Property*, London, T. Cadell, 1831, xii, 214 p. Edward Hull provides ample documentary evidence of plurality of benefices, absent clergy and problems arising from an enforced tax, the tithe, and the ecclesiastical laws accounting for it. See also B. KUMIN, "Parish Finance and the Early Tudor Clergy," in A. PETTEGREE (ed.), *The Reformation of the Parishes: The Ministry and the Reformation in Town and Country*, Manchester, Manchester University Press, 1994, pp. 43-62. From a range of financial studies of parish records, Beat Kumin finds that, not unlike other periods, low parish income, coupled with the fact that a proportion of the income often went to a controlling authority such as a monastery, meant that the parish clergy usually had to supplement their income. Many lay guilds employed clerics for various duties. Thus they created "a new kind of parish employee with closely defined duties, who would be ill-advised to scandalize his community patrons and paymasters by negligence or immorality. It could be argued, therefore that the parishioners' investment served the dual purpose of increasing divine service and tackling one potential source of tensions with the parish by assuming control over their clergy's discipline" (p. 44). He cites figures that show groups, patrons, and parishioners supporting priests when the fees or customs of payment were inadequate. Far from supporting evidence of anti-clericalism as can be gleaned from court cases, he argues against a fundamental dissatisfaction with clergy and religion on the eve of the Reformation. Subsequent changes sought to reduce church control as wielded by monasteries and bishops, but with less set income for parish clergy they needed more support from parishioners and the records show that the parishioners indeed provided it.

¹²⁰ See BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 7, pp. 403-482. Cf., GRESKO, *Stability of the Pastoral Office*, pp. 105-106.

1.3.3 Territory

Commenting on the influence of the Council of Trent on the parish, Kilian asserted that the parish was an ecclesial construct, established by Trent on a canonical basis with an endeavour to justify the parochial principle theologically.¹²¹ Charles Davis agreed that attempts to provide a theological basis for the parish as such were misguided:

Granted the territorial principle now predominates, though exceptions remain, is it not true that a proper division of parishes based on sociological investigation would take account of many factors other than the geographical in dividing up the territory? In what sense, therefore, can we erect an exclusive consideration of mere locality into a theological principle?¹²²

Not only do socio-economic factors impact on where people feel "at home" but so do race and language. In addition, attendance at a parish is in quite a different order of things than simple locality within the parish boundaries. While the most convenient parish church has always been a significant factor for people, connectedness, let alone attendance, was and remains consequential on other factors.¹²³ Davis argued: "It does not seem to follow from [human] nature that the primary form of the supernatural local community of the eucharistic celebration should be based on the mere fact of living together in one place."¹²⁴

Other factors notwithstanding, the territorial principle enjoys a long history in the administrative division of the Church. Classic expressions such as "one city, one bishop" retain the simple value of good order within the local church. While not absolute, territorial laws provide an objective basis for establishing and vindicating duties and rights within the Church.

¹²¹ KILIAN, *Theological Models for the Parish*, pp. 6-7.

¹²² C. DAVIS, "The Parish and Theology," in *The Clergy Review*, 5 (1964), p. 279. He criticises Karl Rahner's attempts to construct a theology of the parish and the latter's evaluation of the parochial principle.

¹²³ For example, see M. SEARLE, "The Notre Dame Study of Catholic Parish Life," in *Worship*, 60 (1986), p. 333.

¹²⁴ DAVIS, "The Parish and Theology," p. 280.

Historically, the territorial nature of the local church enjoyed a central position in the Church's self-perception.¹²⁵ The strictly territorial character of the local church seemed self-evident to the various councils. With an overemphasis on the universal jurisdiction of the Bishop of Rome, the Latin Church allowed for several bishops in one place. This was not so for the Orthodox where catholic fullness at the local level was required, rather than simply allegiance to some universal centre.¹²⁶

The 1917 Code preferred territory as the basis for determining who is a parishioner, in the singular. A purely canonical concept of a parish as a territory within which the parish priest exercises certain rights and duties was obviously neither adequate nor true to the lived experience of parish life.¹²⁷ Blöchlinger observes that parish vitality comes from its conformity with human realities. This recognizes that people create community on various levels, and that the parish can be, but need not be, a fully human, religious community.¹²⁸

The territorial principle shifted from being a natural principle given the nature of the Christian communities in a city to being a criterion for division of jurisdiction in cities and in the relatively stable rural or village parish. In shifting territory from being a constitutive element in structuring parishes to being a determinative element, Vatican II and later the 1983 Code opened the way for other pastoral needs to emerge in the erection of parishes.

¹²⁵ See J. FOX, *The Personal Prelature: An Institution of the Second Vatican Council*, Washington, DC, The Catholic University of America, 1980, p. 47. For example, when debating personal prelatures, Fox argues that titular sees, as a fiction for the title of auxiliary bishops, show how uncomfortable the Church is with a non-territorial pattern. The councils of Nicaea (325), and Constantinople (381) give firm rules forbidding separate ecclesiastical structures in a single place and forbidding clerics both wandering or holding positions in more than the local church.

¹²⁶ J. MEYENDORFF, "One Bishop in One City," in *St. Vladimir's Seminary Quarterly*, 5 (1961), p. 60. Cf. H.-M. LEGRAND, "One Bishop per City: Tensions Around the Expression of the Catholicity of the Local Church Since Vatican II," in *The Jurist*, 52 (1992), pp. 369-400.

¹²⁷ See BLOCHLINGER, *The Modern Parish Community*, p. 137.

¹²⁸ *Ibid.*, p. 139.

1.3.4 Domicile

Canon law establishes relationships through domicile, in which individuals have a relationship with the pastor but provides no implicit basis for the parishioners to relate to one another. The pastor has a duty to provide pastoral care, but there is no presumption that people will make use of his services. People remain free to go elsewhere for mass and pastoral needs.¹²⁹

The principle of domicile, and its further refinement, that of quasi-domicile, provide an objective basis for the elaboration and vindication of rights and duties in the local church. Historically, the priority has been domicile in a parish, which was the *locus* for provision of pastoral care, notably hearing the word of God and participating in the sacraments. Domicile provides the basis for defining the pastor's relationship with those entrusted to him.

The quasi-domicile is peculiar to canon law. The institution gave greater flexibility for the provision of pastoral care. As Étienne Magnin observes: "Insistence on true domicile in every case for the purpose of attaching the faithful to a parish or even to a diocese made such a connexion impossible for a considerable number of people - indeed, even for the majority - in the large towns."¹³⁰ With the acquisition of a quasi-domicile, a person also acquires a pastor in that place, and may exercise and vindicate his or her rights there.

While recognising the inadequacy of the territorial principle in modern society, we inevitably return to the spacial dimension of our lives. Notwithstanding the limitations of the territorial model for a parish, the nature of community worship means that people come together with some sense of lives lived in common.

¹²⁹ See G. SUBOTICH, "Parochial Membership and Church Support," in *The Jurist*, 23 (1963), pp. 241-242. Although the 1917 Code, cc. 467, 858, 1217 direct the faithful to their own parish, and the canons concerning baptism, anointing, marriage and viaticum give priority to the proper parish priest, the faithful are basically free to attend where they wish. Writing about Church support, George Subotich concludes: "Thus, despite the fact of parochial domicile, Catholics are relatively free to attend Mass where they wish, to receive the customary sacraments in another parish, and, as far as Church support is concerned, as long as they contribute somewhere, they may succeed in fulfilling the general law."

¹³⁰ É. MAGNIN, *Pastors and People: A Summary of the Canon Law Affecting Parish Priests, Curates and the Laity*; Eng. trans. by J. SCANLAN, Saint Louis, MO, B. Herder, 1929, p. 23.

Acknowledging the variety of factors that determine where people feel "at home," the value of proximity will generally remain significant. Blöchlinger observed that, from this perspective, the limitations of the priest's knowledge of the people effectively draw the boundaries of a parish. Given the repeated importance of a pastor knowing his people, where personal contact and knowledge of parishioners ends, "there is the true boundary of the parish."¹³¹

1.3.5 Personal Parish

The 1917 Code recognized the existence of parishes for the faithful of diverse languages or nationality living as minorities within a host diocese. Nevertheless, the Holy See retained control over their establishment or alteration. Canon 216/4 stated: "Without special apostolic indult parishes cannot be established in the same city or territory for the faithful of diverse language or nationality, or merely family or personal parishes; in regard to such parishes already established, nothing is to be changed without consultation of the Holy See."¹³²

Writing between 1925 and 1936, Bachofen noted that in the United States: "the passage referring to parishes of different languages is important, because in future none but English-speaking parishes can be erected without a special apostolic indult. This law we consider very opportune because it does away with inconveniences arising from uncertain boundaries and puts the division on the basis of territory, which alone should be considered for administrative purposes."¹³³ He suggested that it was only by way of exception and because of practical difficulties that the law allows national parishes to continue. He describes the law as a temporary accommodation: "But as to carry the law into effect at once would cause difficulties, the legislator moderates the law as to the existing parishes."¹³⁴

¹³¹ BLOCHLINGER, *The Modern Parish Community*, p. 129.

¹³² ABBO-HANNAN, *The Sacred Canons*, vol. 1, p. 277.

¹³³ BACHOFEN, *Status of Catholic Parishes*, p. 205.

¹³⁴ Ibid.

Ayrinhac described the national parish as a language parish: "The purpose of national parishes in the United States is to provide in their own language for the spiritual needs of immigrants who do not understand English, not, as a degree of the Propaganda of April 26, 1897, shows, to perpetuate foreign elements which might prove a hindrance to unification."¹³⁵ Writing in 1930, Ayrinhac joined Bachofen, Abbo and Hannan, and Bouscaren and Ellis in stating that the personal parish was simply a question of language.¹³⁶ Once the migrant learned English or the child of a migrant learned English they were free to change from the national parish to the local territorial parish.¹³⁷ The clear opinion of these canonists was that this was for the best.

In addition to migrant national parishes, non-territorial black and native-American parishes raised the question of the value of parishes founded on a basis other than territory. Walter Clancy questioned whether "this type of parish would perpetuate in law the very circumstances that they were originally intended to correct. The Negro member of such a parish could feel that he is being segregated from his fellow Catholics within the parish organisation of the Church."¹³⁸ Clancy's opinion is that membership of a parish based on 1917 Code, c. 216/4 is a privilege granted to certain of the faithful in special circumstances. Even though the law (c. 216/4) granted such parishes a definite standing and continuity in that they could not be altered or suppressed without the consent of the Apostolic See, he maintains that they should also

¹³⁵ AYRINHAC, *Constitution of the Church* p. 26. The SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 26 April 1897, in *ASS*, 30 (1897), p. 256, affirmed the right of immigrants who spoke English and children of immigrants to affiliate if they so chose with the territorial parish and were not obliged to submit to the jurisdiction of the national pastor, whose jurisdiction was discrete from, not cumulative with, that of the territorial pastor. Cf. also, Apostolic Delegate to the United States, Circular letter, 17 February 1938, in *CLD*, 2 (1933-1942), p. 78.

¹³⁶ BOUSCAREN-ELLIS, *Canon Law: A Text and Commentary*, 1966 ed., p. 154. Bouscaren and Ellis summarize their perception of the Church's preference for the territorial parish, stating: "The Code manifests a certain disfavour toward the *future* establishment of such parishes; the plain territorial parish is the preferred type because its government is less subject to confusion and difficulties." See also ABBO-HANNAN, *The Sacred Canons*, vol. 1, p. 279. There we find the opinion: "The law regards the national parish as a transitory institution, destined to care for the spiritual needs of immigrants who do not understand the local language. Its purpose is not to perpetuate foreign elements at the cost of national unity."

¹³⁷ A 1938 private letter from the Sacred Congregation of the Council to the USA Apostolic Delegate clarified that when immigrants or the children of foreign-born immigrants wished to belong to a parish other than the national parish they were not free to affiliate with any parish but with the territorial parish in which they had domicile. See SACRED CONGREGATION OF THE COUNCIL, private letter to USA Apostolic Delegate, 15 January 1938, in *CLD*, 2 (1933-1942), pp. 78-79.

¹³⁸ W. CLANCY, "Membership in a Non-Territorial Negro Parish," in *The Jurist*, 24 (1964), p. 462.

¹³⁹ *Ibid.*, p. 463. He argues that the force of c. 216 in the light of the historical development of

be seen as temporary adjustments.¹³⁹

While the Council of Trent called for bishops to divide their dioceses into territorial parishes, it also made allowance for parishes of family or rite or language differences. They were free to erect the various types of parish as established custom, privilege, or pastoral benefit dictated.¹⁴⁰ Recourse to the Holy See was not required.

With the promulgation of the 1917 Code, the erection of, or alteration to, a personal parish required an indult from the Apostolic See (c. 216/4). Ciesluk distinguishes this development as the difference between the loss of a bishop's power to act and his retention of the power, but with a restriction or condition for the exercise of that power.¹⁴¹ Stated differently, bishops retained the power to erect or change national parishes but could not do so without an indult from the Holy See.

The question then becomes whether this was to restrict the future establishment of personal parishes, otherwise sought by the bishops, or whether it was to restrict the suppression of personal parishes, whose continuing existence was problematic for many bishops? From the way in which personal parishes have retained a central provision in the law for the pastoral care of persons who cannot adequately be cared for in the territorial parish, we might conclude that the requirement for the indult of the Apostolic See was to protect existing personal parishes from the bishops keen to close them. Noting that, with the promulgation of the 1917 Code, national quasi-parishes or missions erected by bishops before promulgation became national parishes, Peter Kinlin argues that c. 216/4 "safeguarded the existence of such parishes validly constituted before the promulgation of the code as well as those which have been erected validly after the promulgation of the code, for it prescribes that no changes may be made in such parishes without previous consultation of the Holy See."¹⁴²

that law, "clearly establishes the fact that the Church looked upon membership of the territorial parish as the ordinary rule of law. Only for reasons of necessity or expediency have national or personal parishes been established, and then always for the personal benefit of the group so privileged. The fact that an indult is needed to establish such parishes indicates that the law looks upon them as temporary adjustments" (p. 463).

¹⁴⁰ TRENT, sess. 24, ch. 13, in TANNER, *Decrees of the Ecumenical Councils*, pp. 766-768.

¹⁴¹ CIESLUK, *National Parishes in the US*, p. 80.

¹⁴² P. KINLIN, *Canonical and Civil Status of Parishes in Canada: A Study of Ecclesiastical Legislation, both Universal and Particular, and of Canadian Civil Legislation affecting Parishes in*

By giving solid support for the principle of territoriality, the 1917 Code promoted territory as a constitutive element of laws applying to persons, to dioceses and parishes. Canon 216/4 presented the exception, but in such a way as to underline the priority of territory. Despite subsequent documents from the Apostolic See urging pastors to provide for migrants, Velasio De Paolis argues: "not uncommonly appeal was made to the Code itself to render them vain. In fact, a superficial and hasty reading of the 1917 Code, supplied a reason for not taking these other documents seriously."¹⁴³ Of c. 216/4, he goes on to say: it "was seen and interpreted, against all pastoral common sense and in any case against other clear directives of the Church, as an obstacle in the way of setting up pastoral structures for the specific care of migrants."¹⁴⁴

The canonical opinion of Camillo Parres published in 1960, after the promulgation of *Exsul familia*, vindicates the criticism raised by De Paolis. When considering the possibility of a descendant of a migrant changing to the personal parish of that migrant's language, even though previously joined to the territorial parish, he opines: "I can see no valid reason for according a descendant of a national language, who has always been a member of an American territorial parish, the right of joining the national parish of his ancestors."¹⁴⁵ This opinion reflects the narrow interpretation of migrants, who are considered only of the first and second generation, in *Exsul familia* 40. The cultural consideration that was later developed with Vatican II and *Pastoralis migratorum cura*, and their broadening of the definition of the migrant, finds little sympathy in the canonical opinion offered by Parres.

Canada, and a Canonical Commentary, Regina, Saskatoon, 1954, pp. 246-247. Kinlin cites a Canadian question answered by the Code Commission in 1923. Even when a country has two official languages, if a parish is to be erected for one language group, even if territorially circumscribed, the bishop must seek an apostolic indult. Seemingly, the emphasis is on the exclusivity of the personal parish, for if the parish was merely territorially established and used by a particular language group, it would not need the indult for it remained open to the members of other language groups who might settle in the area.

¹⁴³ V. DE PAOLIS, "The Integration of Immigrants into the Church as the Exercising of a Right to Freedom in the Canonical Legislation of the Church," in *On the Move*, no. 46 (1985), p. 128.

¹⁴⁴ Ibid.

¹⁴⁵ C. PARRES, "Reverting to National Parish," in *Homiletic and Pastoral Review*, 60 (1960), p. 673.

Shortly before the promulgation of the 1917 Code, the Sacred Congregation of the Council issued the 1915 Circular Letter *Cum in varias Americae* in which they discussed the situation particularly of the Italians in the United States.¹⁴⁶ The congregation probably overstated the loyalty of the Italians to the sacraments and the parish in their native village but its observations about language ring true. Observing that migrants are unlikely to master the new language, the congregation concluded: "[migrants] are hindered from going to confession, nor can they be aided by the preaching of the divine word or by the explanation of the catechism unless they have at hand priests who know Italian, and indeed the dialect of some province of Italy."¹⁴⁷ Rather than just replacing the parish back in the home country, the parish in the new country was actually replacing the village context and positing a pastoral ministry that was probably lacking in the original context. Beyond just overcoming a language barrier, the dislocation of the migrant from his or her usual context occasioned crises of faith practice and raised the question of the best way of providing for the spiritual wellbeing of people in this situation.

1.3.6 Quasi-Parish

The 1917 Code placed quasi-parishes within the context of mission territories. Having described the division of dioceses into distinct territorial parts, c. 216 called for a similar division of vicariates apostolic and prefectures apostolic, wherever it could be done conveniently. Canon 216/3 further stated: "The portions of a diocese mentioned in [paragraph] one form *parishes*; the portions of a vicariate apostolic or a prefecture apostolic, if a rector of their own has been assigned them, are called *quasi-parishes*."¹⁴⁸

Responding to questions about the status of parishes in United States, the Sacred Congregation of the Council and the Sacred Congregation for the Propagation

¹⁴⁶ SACRED CONGREGATION OF THE COUNCIL, Circular Letter *Cum in varias Americae*, 22 February 1915, in *AAS*, 7 (1915), pp. 145-146.

¹⁴⁷ Ibid., p. 145. Quoted by H. O'LEARY, *The Missionary of Emigrants*, Pontifical Athenaeum Angelicum doctoral dissertation, 1956, p. 13. He concludes: "This inability to avail themselves of the normal pastoral ministry of the clergy of the country is perhaps the principal reason why emigration constitutes a spiritual danger. It deprives the emigrant of the necessary assistance to overcome the other dangers attendant on emigration" (pp. 13-14).

¹⁴⁸ ABBO-HANNAN, *The Sacred Canons*, vol. 1, p. 275.

of the Faith had occasion to clarify the canonical status of the quasi-parish and its pastor in 1919 and 1920. The Sacred Congregation of the Council reserved "the name quasi-parish or mission for those parts into which vicariates and prefectures apostolic are divided for the care of souls."¹⁴⁹ Notwithstanding the reference of c. 216/3 to dividing vicariates and prefectures apostolic only if convenient, the Sacred Congregation for the Propagation of the Faith issued norms for such territories. It stated that they were "to be divided into distinct parts, each having its own population, its own church, and its own pastor, according to c. 216/2."¹⁵⁰ Any qualification to this norm would flow from priority being given to "the good of souls and of the Catholic faith."¹⁵¹

The decree erecting a quasi-parish needed to define the boundaries of the territory, the principal church and the residence of the quasi-pastor, also known as the quasi-parish priest. For our purposes it is useful to explore the rights and duties of the quasi-pastor and the various canons applicable in the quasi-parish. The decree of the Sacred Congregation for the Propagation of the Faith names especially canons 451/2, 454/4, 456, 459, 461, 1356, 306, 462-470.¹⁵² We note in particular c. 466, dealing with the mass for the people. This obligation serves as a yardstick for the status of the priest serving a community of the faithful. Any reduction in the number of occasions for this mass required of the quasi-pastor stems from a consideration of their more limited [financial] circumstances (c. 306). Canon 451 clearly places the quasi-pastor in the same category as parish priest, for the same care of souls is entrusted to him as to the parish priest, the only difference being that the quasi-pastor ministers within the subdivision of a vicariate or prefecture apostolic. On the question of stability of tenure, c. 454/4 states that quasi-parishes are all of removable tenure, giving their pastors the status of pastors of removable tenure.¹⁵³

¹⁴⁹ SACRED CONGREGATION OF THE COUNCIL, Declaration, Erection of Parishes in Former Mission Dioceses, 1 August 1919, in *AAS*, 11 (1919), p. 346, in Eng. trans. in *CLD*, 1 (1917-1933), p. 146.

¹⁵⁰ SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, Decree, Erection of Quasi-Parishes in Vicariates and Prefectures Apostolic, 25 July 1920, in *AAS*, 12 (1920), p. 331; Eng. trans. in *CLD*, 1 (1917-1933), p. 146.

¹⁵¹ *Ibid.*, p. 147.

¹⁵² *Ibid.*, p. 148.

¹⁵³ ABBO-HANNAN, *The Sacred Canons*, vol. 1, p. 449.

Unlike the decree from the Sacred Congregation of the Council, quoted above, the 25 July 1920 decree from the Sacred Congregation for the Propagation of the Faith makes no mention that the quasi-parish was to have an endowment for public worship and the support of the priest. Nevertheless the decree does call for consultation and for the erection of the quasi-parish when it is ready.¹⁵⁴ Joseph Janicki, in *The Code of Canon Law: a Text and Commentary*, clarifies the financial situation for parishes: "Formerly, because the pastor held 'title' to the parish (a benefice), he automatically became its juridic representative ([1917 Code] c. 451)."¹⁵⁵ It seems logical that the quasi-parish would not be erected until it had a degree of financial security. Likewise its pastor would naturally be responsible as its juridic representative.¹⁵⁶ Areas of the vicariate or prefecture apostolic not so divided would remain under the direct responsibility of the ordinary. A parallel situation was allowed in dioceses still considered missionary and under the jurisdiction of the Sacred Congregation for the Propagation of the Faith. Such dioceses would be divided into parishes but parts of the diocese could remain undivided and remain subject to the ordinary.¹⁵⁷

In its 1920 decree on the limits of mission parishes, the Sacred Congregation for the Propagation of the Faith provided that when dioceses still under its jurisdiction divided their territory in accordance with c. 216, the resultant divisions were to be called parishes. It went on: "they shall, however, be subject also to the peculiar provisions that have been made for quasi-parishes."¹⁵⁸ From the clarifications of the

¹⁵⁴ SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, Erection of Quasi-Parishes, 25 July 1920, in *AAS*, 12 (1920), p. 331; Eng. trans. in *CLD*, 1 (1917-1933), p. 148.

¹⁵⁵ J. JANICKI, "Commentary on Canons 515-572," in J. CORIDEN, T. GREEN, D. HEINTSCHEL (eds), *The Code of Canon Law: A Text and Commentary*, New York/Mahwah, Paulist Press, 1985, p. 428.

¹⁵⁶ Cf. F. DELLA ROCCA, *Manual of Canon Law*, in Eng. trans. by A. THATCHER, Milwaukee, Bruce, 1959, pp. 216-217. Having identified the term "parish" as denoting the office, or benefice as well as the territory and the church attached to the office, Fernando Della Rocca states: "The essential conditions required to constitute a parish a juridical person are: a certain defined territory; the community of the faithful who live in that particular place; the priest who has the care of souls; and the church where divine worship is carried out (c. 216/1)" (pp. 216-217). These are the very factors that are required when establishing a quasi-parish in a prefecture or vicariate apostolic and would suggest that so partitioning those missionary territories the subsequent quasi-parish had juridical personality. Cf., Letter of USA Apostolic Delegate, 10 November 1922, in *CLD*, 1 (1917-1933), p. 151.

¹⁵⁷ SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, Decree, Defining the Limits of Mission Parishes, 9 December 1920, in *AAS*, 13 (1921), p. 17; Eng. trans. in *CLD*, 1 (1917-1933), p. 149.

¹⁵⁸ *Ibid.*

Sacred Congregation for the Propagation of the Faith and the Sacred Congregation of the Council, it appears that in mission territory such as a vicariate or prefecture apostolic, the quasi-parish functioned as a parallel to a parish. It was a division made when a community had reached a certain maturity and capacity to stand on its own. It became responsible for the subsidiary chapels or missions that were named within its defined territory. Its pastor, known as a quasi-parish priest, enjoyed the stability of a removable parish priest and in keeping with the situation of missionary dioceses before the canonical clarification they presumably lived on the income from the quasi-parish (perhaps among other sources from the vicariate, etc.) and were responsible for the administration of the property and interests of the quasi-parish. Clarification of the history and canon law of the quasi-parish becomes important when the 1983 Code broadens its application from mission territories to include dioceses.

CONCLUSION

We have seen how the parish has evolved over the course of Christian history. The migrations of people have significantly influenced that history. Far from a static entity, the parish has shown remarkable versatility in changing circumstances, quite in keeping with its earliest meaning.

Drawing from the scriptures, the etiology of the "parish" conveys a sense of a pilgrim people sojourning among people whose ways and values and faith are different from the people of God. On one hand, the scriptural examples showed how Jews and Christians highlighted their uniqueness over against the ways of the Babylonian and Hellenist worlds respectively. On the other hand, other examples showed the cross-cultural interactions that brought the gospel into a new cultural world, profoundly changing that world.

Though the diocese under the pastoral care of the diocesan bishop remains the basic unit of the Church theologically, the parish context provides the first, usual and ordinary experience of ecclesial life. The territorial parish respects Church history's experience of the local assembly and over time, and especially since the Council of

Trent, has been the unit safeguarding the wellbeing of its pastor while commending to him the spiritual welfare of the people within its boundaries.

The territorial principle yields to the higher principle of "the care of souls," and so we have seen how reform movements have given privileges to religious orders independent of parishes, and even to some extent the diocese. As far back as the Fourth Lateran Council bishops were required to make provision for persons of different language or rite. In the nineteenth and early twentieth centuries the personal or national parish met the needs of generations of migrants in the United States.

The territorial parish is a tremendous organisational principle. It finds a place for everyone and everyone in their place. Objectively, the law can affirm that every Catholic has a pastor in some capacity, and a bishop. The law has never presumed that this did away with the weakness of human nature and the failures because of human and sociological and logistical specifics. The parish system offered comprehensive cover. Everyone is covered but for those who did not fit, an auxiliary structure could cover them. The pastors retained the priority, but associates and chaplains assisted them, but clearly within the appropriate relationship with the pastor.

A concern for justice for parish priests will ensure that the security of their office remains. Nevertheless, the priority is clearly the spiritual good of people, even though the history of the laws of stability of parish priests presumed that the spiritual interests of the people were served by the security of the priest. By making stability a function of the good of souls, the personal needs of the priest give way to the stability that is a feature of the parish community.¹⁵⁹ In other words the question of stability now revolves around what constitutes the best pastoral care in a parish.¹⁶⁰

Beyond territory, a range of other factors influences the modern lives and choices of Catholics today. While migrants highlight the need for pastoral options

¹⁵⁹ Many dioceses, following the decree of their Conference of Bishops on the 1983 Code, c. 522, have chosen a limited period of appointment of parish priests. See "Appendix III: Complementary Norms to the Code Promulgated by English-Language Conferences of Bishops," in E. CAPARROS, M. THÉRIAULT, and J. THORN (eds.), *Code of Canon Law Annotated*, Montréal, Wilson & Lafleur Limitée, 1993, pp. 1301-1417.

¹⁶⁰ See AUSTIN, "Stability in Office," p. 292.

besides the services of the territorial parish priest, factors such as profession, spirituality, education or special needs also suggest the benefit of choosing pastors other than by where people live. Given that the preference is for the services of a proper pastor, determination of that pastor may be on grounds other than simply territory.

The history of people on the move demonstrates how both receiving or host cultures and migrant people are changed in the cultural exchange. The interaction is invariably fraught with tension. In the next chapter we will see how documents from the Holy See have described and responded to the pastoral care of migrants, and how various pastoral strategies emerge that serve a Church unified but diverse.

CHAPTER TWO: PASTORAL CARE OF MIGRANTS

INTRODUCTION

The Second Vatican Council highlighted the role of the bishop in providing pastoral care within his diocese, and consequently placed the role of the parish priest and the place of the parish in this wider context. Moreover, in an initially tentative way, it began a discussion of the cultural context of ecclesial life and faith expression. This chapter will look at the Church's response to the phenomenon of migration in the documents of this century from the Apostolic See pertaining to this experience, and give some reflection on the values highlighted in them. In particular, the chapter will discuss the ways in which the council's teaching on culture and the role of the diocese have affected the response to migration.

2.1 *EXSUL FAMILIA*

The first words of the Apostolic Constitution, *Exsul familia*, remind us that the experience of dislocation from home forms part of human history and experience: "The émigré Holy Family of Nazareth, fleeing into Egypt, is the archetype of every refugee family."¹ Reflecting on the experience of Jesus, Mary and Joseph, the constitution began its history of the Church's solicitude for people on the move by identifying their struggles with those of Christ.

2.1.1 The Missionary for Migrants

On 1 August 1952, Pius XII promulgated the apostolic constitution in which he presented a summary of the Church's abiding pastoral care for exiles and refugees, and presented various norms for addressing the pastoral care of these people in the circumstances following the Second World War. As an apostolic constitution, the document outlined new legislation for the pastoral care of migrants, although much of the text was also exhortatory.

¹ PIUS XII, Apostolic Constitution, *Exsul familia* (=EF), 1 August 1952, in *AAS*, 44 (1952), pp. 649-704; partial Eng. trans. in *CLD*, 3 (1942-1953), pp. 84-98, numbered paragraph references cited here are from the second title as given in *CLD*, with the exception of para. 103 from the first title; Eng. trans. also in G. TESSAROLO (ed.), *Exsul Familia: The Church's Magna Charta for Migrants*, Staten Island, NY, St. Charles Seminary, 1962, p. 23.

Identifying the exiled Holy Family with the plight of refugees throughout history, the text went on to present in its first title the solicitude for migrants of the Church, or more accurately, of the Holy See and its agencies. This first title, *De materna Ecclesiae in emigrantes sollicitudine*, drew on scriptural references before referring to the Fourth Lateran Council and quickly on to the numerous documents of the nineteenth century to 1952. The second title, *Normae pro spirituali emigrantium cura gerenda*, presented the laws intended to provide for the spiritual care of emigrants in the circumstances that followed the Second World War.

The apostolic constitution focused on the provision of priests for the pastoral care of migrants. The presumption was that the catechetical and sacramental roles of the priest were fundamental, and providing them in an orderly fashion would meet migrant needs. Drawing from the experience of Italian priests in Germany, the Holy See provided for the establishment of a new canonical figure, the missionary of migrants, and addressed his training, suitability, and accountability.

The norms of the apostolic constitution tackled the migrant issue from the viewpoint of the missionary priest. Calling him the "missionary to migrants," the document indirectly presented its perception of the migrant experience. Mention has already been made of the document's affirmation that ministry can be more effective if exercised by priests of the nationality or at least language of the migrants. In addition it introduced a more flexible basis of jurisdiction for their ministry.²

From its review of history, the constitution highlighted the effectiveness of ministry among migrants when provided by priests of their own nationality, or who at least spoke the same language. In particular the constitution drew attention to ministry among those who were poorly instructed or poorly established in the faith (EF 13). These were particularly vulnerable to proselytising activity, or to falling away from the practice of faith. The dislocation caused by migration provided an opportunity for a renewed endeavour for their catechesis.

² The missionary for migrants enjoyed personal but not exclusive jurisdiction for the people entrusted to him. With the local territorial parish priest, he enjoyed cumulative jurisdiction (EF 33-40).

The prospect of Catholic migrants being swayed by the action of Protestant ministrations underlined the sense of urgency in many commentators on *Exsul familia*. E. Fus showed no sense of irony as he outlined the heavy-handed bureaucracy surrounding priest-migrants in contrast to the effective and compelling assistance offered by "false teachers." He lamented that migrants, struggling in a new land, "have become fertile ground for false teachers who approach them in their own language and show them kindness and understanding."³ He mentioned that the constitution was "somewhat severe, imposing serious restrictions on priests,"⁴ but he attributed this to negative experiences of pseudo-priests or priests not in good standing in their own dioceses, or simply out for personal gain in the new land. While avoiding acephalous clergy remained necessary, the formalities were indeed cumbersome, no doubt contributing to the reluctance of some countries to take up the provisions of *Exsul familia*.

The constitution gave the missionary of migrants the same rights as that of a parish priest. Charles Henkey-Honig described this as "a surprising feature" because

personal jurisdiction as opposed to territorial is not in great favour in Church Law, but without this absolute jurisdiction over their subjects the whole of the work would simply depend on personal likes or dislikes. The refugees must feel in their priest the authority of the Church reminding them of their duties as Catholics and not merely a voluntary helper to whom they turn only when in need.⁵

In his report to the Australian bishops, Archbishop Terrence McGuire of Canberra-Goulburn insisted that the ministry of the missionaries to migrants was always in collaboration with the parish priests who remained the "proper pastors." He argued that migrants are new parishioners whose needs of the missionary were temporary and likewise the missionary's mandate was temporary:

Because the services of national priests are available, it is becoming accepted, in not a few parishes, that immigrants are the responsibility of these priests and not of the "proper pastors." This tendency to set immigrants apart as a separate unity in a parish and

³ E. FUS, "Priest Emigrants under the Constitution *Exsul Familia*," in *The Jurist*, 16 (1956), p. 359.

⁴ Ibid. Fus stressed that the tighter controls of *Exsul familia* needed to be interpreted in the light of the earlier decree *Magni semper negotii*, 30 December 1918, in *AAS*, 11 (1919), pp. 39-43; Eng. trans. in *CLD*, 1 (1917-1933), pp. 93-97. This decree of the Consistorial Congregation stressed the various factors that account for a priest's good reputation, the just cause for travel or migration, the written record between sending and receiving superiors, and finally that the migrating priest be deemed useful for the receiving diocese.

⁵ C. HENKEY-HONIG, "The Care of Migrants," in TESSAROLO, *Exsul Familia*, p. 269.

dependent on the care of an itinerant or even locally resident 'missionary for emigrants' should be arrested. Immigrants are new parishioners. Equally with the old, in justice and in charity, they have full claim upon the care of the parochial clergy. They are to be encouraged to become part of the parochial life and made to feel that they belong. The very title of the National priests, 'missionary for emigrants' indicates that their services are of a transitory nature and necessarily mainly because of language difficulties. Not infrequently the 'missionaries' themselves have declared that where the local clergy have taken a special interest in the immigrants, the spiritual condition of the immigrants was invariably greatly benefited and the immigrants themselves happier and more settled.⁶

While McGuire seems to have envisaged a short transition because of language, clearly he believed that the ministry of the territorial parish priest and that of the missionary for migrants complemented each other.

2.1.2 The National Parish

The constitution affirmed the value of the national parish: "Such parishes, most frequently requested by the emigrants themselves, were a great benefit both to the dioceses and to souls. Everyone recognizes this and respects it with due esteem" (*EF* Title I, 14).⁷ While commending national parishes for their contribution to the care of migrants, the innovation of the document was to recognize the limitations of the canonical national parish and to provide for a more flexible alternative, the mission with care of souls and its missionary to migrants.

Even commentators firmly in favour of the provisions of the constitution recognized the weakness of the personal parishes. Aware of the negative assessments of the national parish, nevertheless Henkey-Honig stated:

Everybody knows that these personal parishes for aliens were not always associated with the most pleasant experiences for ordinaries, even in America. Exaggerations, seclusion from the Catholic life of the country (approaching to sectarianism), relations to the home country touching the limits of politics, inside differences between political parties, denunciations against their own priests, are not too rare. But all that is yet a *minus malum* compared with the loss of the faith through emigration.⁸

⁶ T. McGUIRE, President's Report to the Hierarchy, 9-11 April 1953, Federal Catholic Immigration Committee, p. 3, in Archdiocese of Wellington archives, Immigration File no. 58.

⁷ See V. DE PAOLIS, "The Pastoral Care of Migrants in the Teaching and in the Directives of the Church," in *Migrations: Interdisciplinary Studies*, vol. 1, Vatican City, Pontifical Commission for the Pastoral Care of Migrants and Itinerant Peoples, 1985, p. 119.

⁸ HENKEY-HONIG, "The Care of Migrants," in TESSAROLO, *Exsul Familia*, p. 270.

While the personal parish was not without its limitations, it played a vital role supporting the faith practice of migrants in a new land.

For personal parishes to prove effective as a pastoral tool for migrants, a rationale of cultural interaction is required. Gerald Arbuckle points out: "Ethnic-national parishes (or personal parishes) are not established to be maintained at *all* costs. They are not formed to preserve cultures as things sacred in their own right, but for the service of people who are on a journey of human growth."⁹ While affirming the spiritual heritage of a people, the personal parish provides the context from which migrants can individually and collectively engage in the wider Catholic community and in society in general.

2.1.3 Quality of Pastoral Care

An important principle to emerge in the document affirmed that migrants were to have access to the same quality of pastoral care as the general faithful of the diocese enjoy. *Exsul familia* stated:

We have ardently desired to find an opportunity to give to all local Ordinaries suitable norms, not differing from the laws of the Code but corresponding perfectly to their spirit and practice, and to give them the appropriate faculties, so that they may be able to give to foreigners, whether *advenae* or *peregrini*, in their necessities a spiritual assistance fully equal to that which the other faithful in their dioceses enjoy (*EF* 103).

This became and remains a valuable measure of the suitability of various pastoral options for the pastoral care of migrants. Combined with the discussion of culture and faith from the time of Vatican II, the same quality of pastoral care will go beyond just the provision of services in a language understandable to migrants and subsequent generations, but address pastoral care in a wide cultural framework.

2.1.4 Language

The apostolic constitution affirmed the importance of the mother tongue of the migrant, rather than just encouraging pastoral care in that language until that of the new nation was learned. By calling for spiritual care in the mother tongue, Joseph Ahlthmayer argued that the value of one's own language endured even when the new

⁹ ARBUCKLE, "Migrants and Pastoral Care," in *The Jurist*, 46 (1986), p. 466.

language was learnt. He cautioned "those who insist that the main purpose in sermon and religious teaching is the understanding of the words by the listener, even if they are not spoken in his mother tongue."¹⁰ Consequently, notions of assimilation are dismissed as invalid when they insist that acquisition of the new language of the receiving country should spell the end of special pastoral care.

Velasio De Paolis underlines the impact of the document when he writes: "With difficulty would one be able to overestimate the importance of the Apostolic Constitution *Exsul familia*. It presents itself as 'a systematic collection' (EF 103) of laws with which the Apostolic See intends to make better provision for the spiritual care of emigrants in every situation (cf. EF 103), and this she does in the solemn form of an Apostolic Constitution."¹¹ Nevertheless, the weaknesses that De Paolis himself identifies, coupled with the lack of consultation with the Australian hierarchy, made it a "dead letter" in Australia and subsequently New Zealand.¹²

2.1.5 Limitations of *Exsul familia*

De Paolis recognizes the limitations of the document, when with other commentators, he notes: "However, the greatest limitation seems to be the one which determines that the specific pastoral care of migrants prevails only up to the second generation, suggesting that the process of integration in one's new society is concluded with the second generation."¹³ A serious flaw, this policy undermines the resolve of local ordinaries to establish either personal parishes or even the mission for migrants when they perceive the migration phenomenon will be of short duration and/or the number of migrants small. The various regulations of the Congregation of the Council for coordinating the office of the director of missionaries (EF 5) and the approval and appointment by rescript (EF 12-13) of the missionaries of migrants contributed to a cumbersome centralized organization. Consequently, it was little wonder that the document received little attention in the South Pacific.

¹⁰ J. AHLTMAYER, "Reflections on the Apostolic Constitution *Exsul Familia*," in TESSAROLO, *Exsul Familia*, p. 257.

¹¹ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 121.

¹² H. O'LEARY, "Priestly Ministry to Migrants: The Options," in *Canon Law Society of Australia and New Zealand Newsletter*, (Spring 1989), pp. 59-60.

¹³ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 122.

The canonical definition of the migrants to whom *Exsul familia* applied was indeed narrow. Aliens, lacking domicile or quasi-domicile, were those who for whatever reason or for whatever time dwell in a foreign land. The first generation of children were also included, even if they were citizens of the country (EF 40).

Before *Exsul familia*, the question of parish affiliation, or more accurately the determination of the parish to which one belonged, was answered by both the Sacred Congregations for the Propagation of the Faith and of the Council in terms of the freedom to choose either the national parish based on one's language or the territorial parish in which one was domiciled.¹⁴ Once the language of the territorial parish in which one lived was learnt, migrants and the adult children of migrants were free to affiliate with it.

Having explored the Italian situation, *Exsul familia*, in its last article, recommended to the world's bishops the norms coming from the Italian hierarchy (EF 56). While dismissing the charge that the text was too Italian, Ahlthmayer was in fact drawing attention to one of the weaknesses of the document and one more reason why it did not have the effect anticipated.¹⁵ In his doctoral study of *Exsul familia*, Humphrey O'Leary points out that the historical section concentrated almost exclusively on Italian emigration because the past activity of the Holy See had been almost exclusively with Italian emigrants. He states: "[...] the main function of *Exsul familia* is to universalize norms hitherto in force only for Italians."¹⁶

Rejecting the assertion that *Exsul familia* was only considering the Italian experience, and therefore not of universal application, Ahlthmayer insisted that the more thorough treatment of the Italian emigrants served as a model for other nations. Writing in 1962, his comments indicate that, to his disappointment, the document had failed to

¹⁴ SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, 26 April 1897 in ASS, 25 (1897), p. 256; Eng. trans. in CLD, 2 (1933-42), p. 79. Also SACRED CONGREGATION OF THE COUNCIL, 15 January 1938, (private); Eng. trans. in CLD, 2 (1933-1942), pp. 79-80. See also commentary by KINLIN, *Canonical and civil status of parishes in Canada*, pp. 249-251.

¹⁵ AHLTMAYER, "Reflections on the Apostolic Constitution *Exsul Familia*," in TESSAROLO, *Exsul Familia*, pp. 258-259.

¹⁶ H. O'LEARY, *The Missionary of Emigrants*, a Dissertation submitted to the Faculty of Canon Law of the Pontifical Athenaeum "Angelicum" in partial fulfillment of the requirements for the degree of Doctor of Canon Law, Ballarat, 1956, p. 80.

be taken up in many countries. The reasons he offered for the rejection of the constitution were its focus on the Italian experience, and the perception that its applicability was restricted to the more specifically immigration countries.¹⁷

The question of the reception of *Exsul familia* by local churches expands the discussion from the place of migrants in the local church to the role of the Apostolic See in the pastoral care of migrants. While Liptak highlights both internal conflicts within migrant communities and the conflicts with the local hierarchy, Andrew Woznicki points to the contribution of the Apostolic See as advocate for the interests of migrant groups. He believes that the centralizing authority of the Apostolic See helped to protect migrant groups from insensitivity of local hierarchies. He states:

During the era of centralizing tendencies in the Church the Apostolic See reserved for itself the decision-making faculty, concerning issues connected with migration movements. Local bishops had no decision-making powers. Seen from the eyes of the migrant populations, such centralized response to the migrant pastorate proved to be a positive one since it assured the migrants the right of decision, self-assertion and the continuation of religious life according to the traditions of each particular group. In the era tending toward decentralization, decisions concerning the apostolate for the religious life of migrant populations returned to local hierarchies which, in most cases, lacked proper understanding of the different spiritual needs of minority groups. Thus a danger arises that the migrants themselves might be cared for by those who may be culturally unable to cultivate the ethnic and particular ways of those entrusted to their care.¹⁸

Given the assimilationist pressures often present in the local situation, Woznicki highlights an important role for the Apostolic See.

Woznicki is pessimistic about the understanding of migrants by the local hierarchy: "It is known from Church history that a local hierarchy often proves to lack understanding of the national and religious needs of ethnic minorities and consequently, causes unrecovered losses to the Christian faith. The emergence of the Polish National Church can serve here as a good example."¹⁹ Woznicki reflects a negative perception

¹⁷ AHLTMAYER, "Reflections on the Apostolic Constitution *Exsul Familia*," in TESSAROLO, *Exsul Familia*, pp. 255-260.

¹⁸ A. WOZNICKI, *Journey to the Unknown: Catholic Doctrine on Ethnicity and Migration*, San Francisco, Golden Phoenix Press, 1982, pp. 14-15. This was a significant problem for migrants of the Eastern Catholic Churches at the end of the 19th and early 20th centuries in the USA and Canada, to the point that many people and sometimes entire parishes, even with the priest, at times joined one of the Eastern Orthodox Churches. The two most serious problems were married clergy and the ownership of property.

¹⁹ *Ibid.*, p. 42. Cf. J. HENNESEY, *American Catholics: A History of the Roman Catholic Community in the United States*, New York, Oxford University Press, 1981, pp. 208-209. James Hennesey discusses the disputes between Catholics within various cities and the divisions they occasioned.

of the ability or willingness of local churches genuinely to welcome migrants.

In his discussion of the history of papal primacy, Klaus Schatz likewise notes that the inertia of the local church is not new when he outlines the history of the papal mandate for the mendicant orders, which gave them an independence from the local church, and in turn allowed for a creativity of which the local church's structures did not show evidence.²⁰ Ultimately, communication between the local church and the Apostolic See takes the form of a dialogue. While Woznicki accentuates the positive in the control exercised by the Apostolic See, its capacity to assist migrants in the various local churches was also dependent on listening to the local churches, which *Exsul familia* failed to do, for migrants other than Italians in the United States.

While Woznicki sounds a genuine warning about the potential for local hierarchies to give more attention to the established culture of a diocese, Liptak offers evidence that nuances the role of the diocesan bishop. Her research showed that, even with the best intentions from diocesan bishops, the internal problems of a migrant community were also significant. Rather than distribute blame, the path to successful pastoral care of migrant communities recognizes the pitfalls of migrant isolation as well as the pressure from the host culture for migrants to assimilate.

A migrant group will naturally tend to develop the same church structures known from the land of origin. Groups, whose spirituality does not have a strong parish base, will not readily have the will or personnel to establish the canonical structures. The history of the national parishes in the United States shows that migrant communities fared better when they were able to bring clergy and religious from their home country to participate in the migration experience and to minister to the pastoral needs of the migrants.

Arbuckle suggests a balance that offers a way ahead worthy of a Christian community, and one that can be realistically achieved, when he urges the majority culture to accept opportunity to encounter minority groups on the latter's terms.²¹ In

²⁰ K. SCHATZ, *Papal Primacy: From its Origins to the Present*, Collegeville, MI, Liturgical Press, 1996, pp. 84-85. Schatz cites twelfth century disputes in which appeals to Rome increased, because "people expected to find more objectivity there than in a local church that was often thickly encrusted with political interests and family feuds" (p. 116).

²¹ ARBUCKLE, "Dress and Worship: Liturgies for the Culturally Dispossessed," in *Worship*,

addition, cumbersome central authority is unlikely to work effectively. The heavily centralized apparatus of *Exsul familia* proved unequal to the task in Australia or in the United States of America. It attempted to control from the centre and did not appear to trust the communication between the bishops of the sending and receiving dioceses.

2.1.6 *Exsul familia* in the Australian Context

Frank Lewins, in a study of the Catholic migrants in Australia, identifies a tension between the teaching of *Exsul familia* and the response of the Australian bishops.²² Through migration, the Catholic Church in Australia increased considerably following the Second World War. Notwithstanding this, the Australian bishops chose not to implement either national parishes or missions with the care of souls.

Nevertheless, the bishops contended: "[We] spared no effort to provide the hosts of newcomers with every possible facility for practising their religion."²³ They chose to achieve this by keeping the territorial parish as the primary structure for providing pastoral care, with assistance from a network of chaplains for the migrant communities. Archbishop Patrick O'Donnell, the president of the Federal Catholic Immigration Committee, in his January 1960 Migration Report to the Australian hierarchy said: "Regarding the spiritual care of immigrants the Committee believes it will be accepted that the most efficacious and comforting form of help is that conveyed through Catholic channels; in practice this means through a sympathetic pastor and assistant with the national chaplains lending indispensable support to both."²⁴ He went on to report the considerable efforts made in recruiting chaplains, initially from among

59 (1985), p. 434. Meeting minority ethnic groups on their own terms need not be a sign of weakness but a recognition of their standing in a society too often driven by majority tyranny. This is especially true of minority indigenous peoples.

²² F. LEWINS, "The Australian Catholic Church and the Migrant," in *Festschrift Jean Martin*, a bound volume presented in honour of Prof. Jean Martin, 1974. It is also published as a separate paper, no. 22, in the continuing series of the Dept of Sociology, La Trobe University, Australia, February 1976, p. G8.

²³ AUSTRALIAN CATHOLIC BISHOPS, "Social Justice Statement, 1957," in *The Advocate*, 29 August 1957, p. 15. Note that Australia and other countries had been responding to the influx of migrants long before *Exsul familia* was issued. The issue was urgent and proper to the local authorities. Thus, while welcoming the attention brought to the plight of refugees by the Holy See, the Australian bishops felt no need to implement the limited options from a document with an Italian-United States focus.

²⁴ FEDERAL CATHOLIC IMMIGRATION COMMITTEE, "Migration Report to the Australian Hierarchy," January 1960, in Archdiocese of Wellington archives, Immigration File no. 58.

the displaced persons emigrating and then with the authority and assistance of the Congregation of the Council over 100 more were accredited to the Federal Catholic Immigration Committee. In his January 1958 report, Archbishop O'Donnell noted: "of the Catholics who disembark at the port of Sydney, a reasonably sized parish could be erected each month."²⁵ While the pastoral care of migrants continued, the norms of *Exsul familia* were simply not received as law.

The difficulties with *Exsul familia* and its pastoral options need further elaboration. O'Leary identified some of the reasons for the non-reception of the apostolic constitution. First, he notes that the Australian bishops looked to the experience of the national parishes in the United States, and were not impressed. He summarizes their perception:

Several generations had passed since the bulk of these parishes had been founded. A great many of the descendants of the original migrants neither needed nor wanted, as their ancestors had, pastoral care provided in a tongue other than English. With shifts of population from inner city to suburbs, the areas formerly served by many national parishes had emptied of parishioners. Massive parish plants in which significant sums of money had been invested stood idle.²⁶

With the suppression or alteration of national parishes reserved to the Apostolic See (c. 216/4), and interested parties reluctant to adapt, such parishes could maintain a life and momentum independent of evolving migrant needs.

Second, significant differences existed between the situation in the United States and that which was unfolding in Australia at the time. Differences in the spread of the migrants, the numbers of any one group, the prevailing assimilationist mentality, and the perception of the Australian clergy that personal parishes would compete for scarce financial resources militated against the erection of personal parishes. Add to that the limitations posed by the canon law then in force, and we see why the Australian bishops decided against implementing personal parishes as a strategy for the pastoral care of the influx of migrants.²⁷ The Australian bishops stressed the role of the parish and the Catholic school in the pastoral care of the new migrants. Monsignor George

²⁵ FEDERAL CATHOLIC IMMIGRATION COMMITTEE, "Migration Report," January 1960, in Archdiocese of Wellington archives, Immigration File no. 58.

²⁶ H. O'LEARY, "Priestly Ministry to Migrants: The Options," originally published in *Newsletter of Canon Law Society of Australia and New Zealand*, (Spring 1990), unpublished rev., 1994, p. 3.

²⁷ Ibid.

Crennan, as Federal Director of Chaplains and Migration Works, wrote to the various chaplains and told them "to encourage immigrants to share with their fellow parishioners full parochial privileges and responsibilities," and urged the chaplains "to constantly stress with immigrants the importance and necessity of sending the children to our own Catholic schools." In turn the chaplains were promised "in the name of the Hierarchy, every reasonable faculty for the effective fulfilment of their spiritual work for migrants." ²⁸

The Australian bishops highlighted *Exsul familia*'s reference to the temporary nature of the work of the missionary for migrants. In its report to the Congregation of the Council, the bishops' immigration committee stated that it was simply a question of having the missionary's services, "pending the adjustment of the immigrant to his new religious and social environment".²⁹ The Australian bishops pursued a policy of accommodation leading to assimilation, convinced that, through the ministrations of the missionaries for migrants

a happy transition is effected from the language, devotions and practices of the old land to those of the new. Almost imperceptibly, and certainly without violence, does the immigrant merge into his new environment until, finally, it is for him his very own world. No problem of a serious nature has arisen in application by the Hierarchy of what is set out in *Exsul familia*.³⁰

The Australian bishops asserted that they had a working system in place "long before the publication of *Exsul familia*",³¹ and that they were meeting the spiritual needs of migrants in the spirit of the constitution.

A consistent feature of migrant documentation has been the insistence on a dialogue between the church of origin and that of migration. With his pessimistic view of the receiving church not having the migrant's best interests at heart, Woznicki insists: "Any correct understanding of the problematic with regard to the apostolic

²⁸ G. CRENNAN, "Letter to chaplains," 14 August 1953, in Archdiocese of Wellington archives, Immigration File no. 58.

²⁹ FEDERAL CATHOLIC IMMIGRATION COMMITTEE, "A Report for Submission to the Sacred Consistorial Congregation, Covering Several Queries Raised as to the Adequacy of Means Taken by the Australian Hierarchy for the Safeguarding of the Faith and Morals of Immigrants," 15 February 1954, p. 3, in Archdiocese of Wellington archives, Immigration File no. 58.

³⁰ Ibid.

³¹ Ibid., p. 3.

action among migrants requires full cooperation between representatives of the hierarchy of the migrants' country of origin and the hierarchy of their resident country."³²

The experience of non-English speaking immigrants to Australia seems to bear Woznicki's opinion out. Without a strong understanding of the spiritual and cultural needs of these migrants the Australian bishops proudly affirmed: "Integration of the immigrants into parochial and community life is going on apace. In a most decisive way are their children becoming identified with parochial and community life, so that in a brief time, they are indistinguishable from the native born."³³

Exsul familia marked the beginning of a number of statements and initiatives on the part of the Holy See towards promoting the pastoral care of migrants in local churches throughout the world. Indeed the apostolic constitution devoted much of its content to presenting initiatives it had already taken. Nevertheless we see that local churches had already been addressing the issue energetically, with their own solutions.

2.2 VATICAN II

Exsul familia presented a juridical perception of the pastoral care of migrants. It focused on the perceived central role of the missionary of the same language and nationality. Vatican II shifted the discussion when it addressed the question of the local or particular church and the experience of a multiplicity of cultures.

2.2.1 Conciliar Debate on National Parishes

In his treatment of personal parishes and the pastoral care of migrants, Hien Minh Nguyen examined various conciliar contributions to the discussion on parish and its alternatives. Many were open to new styles of parish life which would address the needs of the central city, of special groups such as students, migrants, hospitals, workers, professionals, and which would be open to the faithful on a basis other than

³² WOZNICKI, *Journey to the Unknown*, p. 42.

³³ FEDERAL CATHOLIC IMMIGRATION COMMITTEE, Report, 15 February 1954, p. 4, in Archdiocese of Wellington archives, Immigration File no. 58.

domicile.³⁴ Nevertheless, significant voices from the United States of America spoke against personal parishes. Cardinals Sheehan and Spellman, Archbishop Brady, Bishops Kellenberg and Helmsing listed a variety of problems associated with personal parishes; they fostered a ghetto mentality, were divisive for a diocese, were no longer necessary as migrants now spoke the language of the locals and were integrated, and lengthened the process of assimilation. Several bishops from Vietnam and the Episcopal Conference of Central Africa also spoke against personal parishes, the latter wishing to restrict them severely, for they felt that a missionary attached to a parish would suffice.³⁵ Nguyen did not answer these criticisms of personal parishes when he concluded his study by affirming the value of the personal parish.

While some bishops were examining parish options for the future, the critics of migrant personal parishes saw them as a relic of the past. However, such rejection ignored the social context and the role that the national parishes played in the transition of migrant communities into the larger community, and it also neglects the canonical context of the national parishes in the United States. The Council itself and later the 1983 Code provided the diocesan bishop with much more discretion over the erection and change of personal parishes, and for maintaining the communication within the diocese that keeps such parishes from being isolated and insular.

The conciliar debates called for greater freedom in the erection, suppression and change of parishes. Consequently, Pope Paul VI in *Ecclesiae Sanctae* empowered bishops to organize parishes on a variety of bases provided they consult with the presbyteral council, respect any agreements between the Apostolic See and civil governments, and maintain a respect for acquired rights. The fundamental motivation remained a concern for effective apostolic activity adapted to circumstances.³⁶

³⁴ H. NGUYEN, *Personal Parishes in the 1983 Code of Canon Law and Pastoral Care of Migrants*, Rome, Pontifical University of St. Thomas Aquinas, 1994, pp. 99-103. Nguyen quotes Archbishops Paolo Marcella (France), Carolus De Ferrari (Italy), Picchinenna (Spain), Paupini (Columbia) and Bishops Almarcha Hernandez (Leon), Mason (El Obeid in the Sudan), Carli (Italy), and the Indonesian bishops as being open to various styles of parish.

³⁵ Ibid., pp. 102-103.

³⁶ PAUL VI, Apostolic letter, *Ecclesiae Sanctae*, 6 August 1966 in *AAS*, 58 (1966), p. 768; Eng. trans. in FLANNERY, *Documents of Vatican II*, p. 604.

In its discussion of diocesan boundaries, *Christus Dominus* recognized the diversity of peoples in so many particular churches (CD 23). Klaus Mörsdorf in his commentary on that article observes:

The provisions for the care of members of another language differ from those made for the faithful of another rite merely by the fact that the erection of a special hierarchy has not been mentioned, at least not in so many words. The reason for this is that it does not seem advisable to create dioceses differing only in language and nationality in one and the same territory. What is suitable in the sphere of the parish, where it is a matter of the daily care of souls, may in the diocesan sphere easily lead to divisions so that the always necessary duty to think and act also for others would be forgotten.³⁷

For ministry to groups of different language groups, the decree makes first mention of priests able to speak the language and then identifies parishes of the same language as the structure for pastoral care. Coordination of these language parishes may be entrusted to an episcopal vicar (CD 23).³⁸

2.2.2 Culture

The Vatican II insights into the nature of the Church and its particular expressions within various cultures radically changed the approach to the pastoral care of migrants. De Paolis sees this care for a cultural expression of faith as an uncompleted task for the Church:

We still have not arrived at that mentality which will accept the reality of the migrant to the very end, for then it would accept also the consequences which befall the Particular or Local Church. Then the Church would be amenable to a pluralistic pastoral care in which all persons feel accepted just as they are - with their own culture and spiritual patrimony - without any time limit.³⁹

The circumstances of migrants highlight the diversity of any local church and raise the question of how the local church can express plurality without surrendering the task towards unity.

³⁷ K. MORSDORF, "Decree on the Bishops' Pastoral Office in the Church," in *Commentary on the Documents of Vatican II*, H. VORGRIMMLER (gen. ed.), Freiburg, Herder and Herder, 1967-1969, vol. 2, pp. 241-242. Even the possibility of a separate hierarchy is not ruled out by CD 23, when it leaves open pastoral organisation in "some other more appropriate way".

³⁸ Cf. cc. 476-481. An episcopal vicar, whether or not himself an auxiliary bishop, exercises the same ordinary power that the universal law gives to the vicar general, and any faculties accorded him by the diocesan bishop with the limitation that these powers apply for the pastoral care of the language group(s) for whom the episcopal vicar is appointed.

³⁹ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 122.

Promotion of the spiritual and cultural heritage of a people often encounters a tension with accusations of apartheid or nationalism or factionalism. Constantly the documents of the Church guard against such polarization. Accordingly, regard for one's spiritual patrimony also authentically remains open to other cultures and expressions of a common faith.

The Decree on the Church's Missionary Activity *Ad gentes* described the task of the person interacting with another culture in the following way: "For anyone who is going to encounter another people should have a great esteem for their patrimony and their language and their customs" (AG 26). Even though it was addressing missionaries to other lands, the principle holds true for any inter-cultural encounter.⁴⁰ Notwithstanding the positive view of cross-cultural dialogue, the Vatican II documents did not discuss the issue as one taking place within individual local churches.

Ad gentes echoes the experience of Pentecost when it presents a vision of the Church. The union of all peoples in a universal faith was, as the Council teaches: "to be achieved by the Church of the New Covenant, a Church which speaks all tongues, which lovingly understands and accepts all tongues, and thus overcomes the divisiveness of Babel" (AG 4). This vision of the Church universal finds expression in the modern reality of the local churches of major cities. However the changing demographics of cities and dioceses were yet to make an impact on the description of the local church. For example, *Evangelii nuntiandi* described a more homogenous experience of the particular church:

[The] universal church is closely involved in the particular churches which comprise this or that part of the human race, speaking this or that language. Each will have its own cultural heritage, its own outlook on the world, its own historical memories, its own human foundations, and these features will give a certain unity to each. It is in accordance with the tendencies of our times to appreciate the special qualities of the individual churches.⁴¹

Commonly today each particular church includes a multitude of cultural heritages, languages, outlooks and histories whose unifying basis is a common faith expressed in the varying contexts. For his part De Paolis frames the issue in the following manner:

⁴⁰ *Pastoralis migratorum cura* further developed this principle for both immigrants and receiving countries.

⁴¹ PAUL VI, Apostolic Exhortation, *Evangelii nuntiandi*, 62 (= EN 62), 8 December 1975, in AAS, 68 (1976), in A. FLANNERY (gen. ed.) *Vatican Council II: More Post Conciliar Documents*, first ed., Collegeville, MN, The Liturgical Press, 1982, p. 741.

"Even so the pastoral care of migrants even if it has at its base an ethical and cultural element, is called to become Church around her bishop who celebrates the Eucharist in communion and in unity with all the brethren who profess the same faith, recognize the same Lord and realize themselves to be children of the same Father."⁴²

The Vatican Council did not devote any particular document to the situation of migrants, but many of the conciliar documents develop important principles for migrant pastoral care.⁴³ Cultural values deserve particular mention. The Constitution on the Church *Lumen gentium* teaches that the one People of God takes its citizens from every race. Furthermore, this People of God fosters and takes to herself, "insofar as they are good, the ability, resources, and customs of each people. Taking them to herself she purifies, strengthens, and ennoble them" (LG 13).

In keeping with Vatican II's perception of the role of the bishop as the first pastor of the local church with the collaboration of his presbytery, *Christus Dominus* outlines some fundamental principles on the bishop's role that we will find further developed in subsequent documents more specifically concerned with the pastoral care of migrants. Having presented the duties and responsibilities of the diocesan bishop, *Christus Dominus* draws special attention to the general category of "the faithful who, on account of their way or condition of life, cannot sufficiently make use of the common and ordinary services of parish priests or are quite cut off from them" (CD 18).⁴⁴ While immediately going on to list some specific groups of people, the list is not exhaustive but becomes an exhortation to recognize other social or cultural groups who cannot avail themselves of ordinary pastoral care. Included in this group the paragraph lists: "[...] very many migrants, exiles and refugees, seamen, airplane personnel, and gypsies [...]" (CD 18). Even tourists were not forgotten. De Paolis places the teaching in the context of the council's emerging ecclesiology: "Obviously this directive must be read in the total context of the ecclesiology of Vatican II and particularly within the context of the theology of the particular Church and the parish." ⁴⁵

⁴² DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 146.

⁴³ For a more complete list of texts either referring directly to migrants or with implications for the rights and pastoral care of migrants, see *Chiesa e mobilità umana: documenti della Santa Sede dal 1883 al 1983*, Città del Vaticano, Pontificia Commissione Migrazioni e Turismo, 1985, pp. 471-501.

⁴⁴ See also CD 16c: "He [the diocesan bishop] should manifest his concern for all, no matter what their age, condition, or nationality, be they natives, strangers, or foreigners."

⁴⁵ V. DE PAOLIS, "The Integration of Immigrants into the Church as the Exercising of a Right to

We note particularly the council's recognition of the cultural dimension to faith-expression. Arbuckle concludes his discussion of the pastoral implications for the evangelization of culture with the quote from *Christus Dominus* 18. Referring to people who are culturally dispossessed, he notes that culture changes slowly "because symbols change their meanings slowly or symbol substitution is itself slow. In matters relating to personal and corporate identity and security people are apt to resist change, if efforts are made to force them in any way."⁴⁶ After Vatican II, documents from the Holy See recognized that cultural change and the integration of migrants must be reckoned in generations, not a few years.

Vatican Council II employed a variety of descriptions of culture rather than any one definition. *Gaudium et spes* 53 described culture in its general sense as: "all those factors by which man refines and unfolds his manifold spiritual and bodily qualities." The same paragraph went on to spell out several definitions of culture. The Council endeavoured to recognize the manifold influences and factors that shape and are shaped by a community's environment and history. Later, in *Gaudium et spes* the Council observed: "Various conditions of community living, as well as various patterns for organizing the goods of life, arise from diverse ways of using things, of labouring, of expressing oneself, of practicing religion, of forming customs, of establishing laws and juridical institutions, of advancing the arts and sciences, and of promoting beauty" (GS 53).⁴⁷

2.2.3 Integration

Vatican II developed the issue of integration, with *Gaudium et spes* 66 calling for justice and equity in the treatment of migrant workers who contribute to the economic advancement of a nation or region. Locals should eschew discrimination with

Freedom in the Canonical Legislation of the Church," in *On the Move*, no. 46 (1985), p. 127.

⁴⁶ ARBUCKLE, "Dress and Worship," in *Worship*, 59 (1985), p. 433.

⁴⁷ The text footnotes that the concept of "culture" was relatively new. Nevertheless the Council employed the familiar term of "proper patrimony" to speak of this collection of factors that make a people unique. References to "inheritance" or "heritage" are later employed in *Pastoralis migratorum cura* and *Church and People on the Move* when speaking of the spiritual patrimony of a migrant people whose religious heritage is expressed in various historical and culturally conditioned forms. The incarnational principle holds that there is no essential experience of God separate from the historical and cultural context.

respect to wages and conditions, respect migrants' family needs and see that "these workers are introduced into the social life of the country or region which receives them" (GS 66). Giulio Nicolini contends that the concept intended by Vatican II is clear: "the integration of the immigrants must be considered as an exercising of their freedom."⁴⁸

Pacem in terris named emigration and immigration as human rights (PT 25), basing these rights on citizenship in the world community and a common human bond.⁴⁹ Furthermore, the rights that the document articulated were grounded in human freedom, for a human person's nature was endowed with intelligence and free will (PT 9). Building on the insights of this document, Nicolini develops the issue of the integration of the migrant in the receiving community. He notes that while *Pacem in terris* does not use the word "integration", the encyclical does underline the right of liberty for the immigration and emigration process: "Otherwise [a person's] right to immigrate and settle elsewhere and be regarded with respect in the foreign society would be emptied of its meaning."⁵⁰ Integration rejects assimilation or isolation. Nicolini offers a description of assimilation in the context of migration as the absorption of individuals or minority groups, which are obliged as a preliminary condition to abandon their cultural and ethnic characteristics.⁵¹

The desire of the Vatican Council II to give diocesan bishops, and the broader structures of the conferences of bishops, greater flexibility is evident in the reference to existing legislation (1917 Code and *Exsul familia*) and to the openness to the revision of both. Prior to Vatican II, any change to national parishes required the approval of the Apostolic See (1917 Code, c. 216/4). After Vatican II, the planning of migrant pastoral care devolved to the local church. While this benefits the general population of a local church, Woznicki declares that this does not necessarily hold for migrant communities:

⁴⁸ G. NICOLINI, "Ecclesial Integration of Immigrants seen in the Documents of the Church as the Exercising of the Right of Freedom," in *On the Move*, no. 46 (1985), p. 54.

⁴⁹ JOHN XXIII, Encyclical, *Pacem in terris*, 25 (= PT 25), 11 April 1963, in *AAS*, 55 (1963), p. 263; Eng. trans. in *Encyclicals of Pope John XXIII*, Washington, National Catholic Welfare Conference, 1965, p. 246.

⁵⁰ NICOLINI, "Ecclesial Integration of Immigrants," in *On the Move*, no. 46 (1985), pp. 51-52.

⁵¹ *Ibid.*, p. 52.

Dispersed into different territorial ecclesiastical units, such as parishes, or deaneries, the migrant population does not represent a group in any of them which would warrant the establishment of a specific pastorate for them. A national minority who lives in an artificially divided area is subjected to the further breaking up of its ranks. Consequently, they are deprived of any possibility for satisfaction of their real needs.⁵²

2.2.4 Active Participation

When addressing the circumstances of migrants, the temptation exists to speak of them as always recipients of pastoral care instead of active participants in the life of the local church, both at the diocesan and parish levels.⁵³ In baptism, all the faithful share in the role of Christ the Priest, the Prophet, and the King, and consequently migrants also must have opportunity to foster the apostolate proper to their circumstances and ability. The Vatican Council presumed that active participation in the liturgical life of their community would strengthen the resolve of the faithful to serve in it (AA 10).⁵⁴

The first document of Vatican II, the Constitution on the Sacred Liturgy *Sacrosanctum Concilium* called the faithful to "that full, conscious, and active participation in liturgical celebrations which is demanded by the very nature of the liturgy" (SC 14). The duty of pastors "to ensure that the faithful take part knowingly, actively and fruitfully" (SC 11) has a necessary corollary that catechesis and liturgical celebrations take full account of the age and condition, way of life, and degree of religious culture (SC 19), language (SC 36), customs, including popular devotions (SC 13), of the faithful.

⁵² WOZNICKI, *Journey to the Unknown*, p. 78.

⁵³ Cf. J.-C. PÉRISSET, "Migrazione e vita parrocchiale," in *Migrazioni e diritto ecclesiale: la pastorale della mobilità umana nel nuovo Codice di diritto canonico*, Padova, Edizioni Messaggero, 1992, p. 57. He contends that in addition to parish priests and priests working in the parish ministry, it would have been useful to consider also the rights and duties of the faithful in the experience of migration.

⁵⁴ Cf. JOHN PAUL II, Apostolic exhortation, *Christifideles laici*, 30 December 1988, in AAS, 81 (1989), pp. 373-521; Eng. trans in *Post-synodal Apostolic Exhortation Christifideles Laici of His Holiness John Paul II On the Vocation and the Mission of the Lay Faithful in the Church and in the World*, Ottawa, ON, Canadian Conference of Catholic Bishops, 1988, 201 p. The theme of active participation, when applied in *Christifideles laici* to youth could equally apply to migrants. "Youth must not simply be considered as an object of pastoral concern for the Church: in fact, young people are and ought to be encouraged to be active on behalf of the Church as leading characters in evangelisation and participants in the renewal of society" (CL 46).

The Vatican Council taught that liturgical celebrations are "[...] celebrations of the Church, which is the 'sacrament of unity,' namely, a holy people united and organized under their bishop" (SC 26). While affirming liturgical reform, the Council wished to avoid situations that were counterproductive to unity. We see this in its desire that "notable differences between the rites used in adjacent regions are to be carefully avoided" (SC 23).

The constitution allowed for "legitimate variations and adaptations to different groups, regions, and peoples, especially in mission lands" (SC 38). The tension comes when, because of migration, various peoples and liturgical traditions find themselves in the one city, the one diocese. Liturgy builds an existing community rather than creates it, and so suppression of variety in the name of unity suggests that the social and cultural dialogue has not taken place.

The Constitution on the Sacred Liturgy expressed Vatican II's communitarian ecclesiology in liturgical language when it stated: "[...] the Church reveals herself most clearly when a full complement of God's holy people, united in prayer and in a common liturgical service (especially the Eucharist), exercise a thorough and active participation at the very altar where the bishop presides in the company of his priests and other assistants" (SC 41). Recognising that within a diocese there will be a large variety of cultural traditions and languages of celebration, and that these will seek a regular expression according to their own needs, the role of the bishop to foster a sense and practice of unity becomes all the more urgent.

One way in which the role of the bishop, as the centre of liturgical action, may promote the dialogue between migrants and the welcoming communities, is to meet the migrants in a context where they feel at ease. Arbuckle, in his discussion of the culturally dispossessed, offers a suggestion that readily applies to the circumstances of migrants.

Instead of unsuccessfully encouraging culturally dispossessed people to participate in middle-class liturgies in physical settings which highlight the symbols of middle-class power, it is preferable - particularly on festival occasions - to invite middle-class parishioners to share in the liturgies of people who are culturally dispossessed. The latter on their "home territory" become the hosts; their guests have the chance to realize what it can mean to be migrants called to worship in a strange place and in an unusual

atmosphere.⁵⁵

The dominant social group can extend its warmest welcome and accelerate the cultural integration of migrants when it is willing to enter the world of the migrant.

2.3 *PASTORALIS MIGRATORUM CURA*

The *motu proprio Pastoralis migratorum cura* of Paul VI on 15 August 1969 and the subsequent Instruction *Nemo est* from the Congregation for Bishops on 22 August 1969 reviewed the pastoral norms for the pastoral care of migrants both in the light of Vatican II and from wider consultation with sending and receiving countries. The *motu proprio* referred to the Decree on the Pastoral Office of Bishops, quoting the exhortation to special solicitude for faithful whose condition of life prevents them from sufficiently making use of the common, ordinary pastoral care. Building on the foundation of *Exsul familia* and developing it in the light of Vatican II, *Pastoralis migratorum cura* went on to elaborate some factors that affect pastoral care.

Because of a broader starting point than *Exsul familia*'s focus on the priest missionary of migrants, *Pastoralis migratorum cura* elaborates on the factors that influence the "condition of life" preventing the faithful from sufficiently making use of ordinary pastoral care. Even before discussing the often difficult situation of a migrant in a new land, the *motu proprio* values the spiritual heritage and mental outlook of the migrant. The cultural expression of faith, affected by place, time, history, social condition, and language, builds on the discussions of the Second Vatican Council, and, as we will see, remains a strong feature of further writings from the Holy See on the subject of migrant pastoral care.

2.3.1 Spiritual Patrimony

Highlighting language as central to a migrant's spiritual heritage, *Pastoralis migratorum cura* asserts: "One's native tongue is of great importance since it is by means of it that the emigrants express their thoughts, their mental attitude and their religious life." As a result the *motu proprio* affirms the preservation of one's native language and spiritual heritage as a right. The instruction goes further, demonstrating a

⁵⁵ ARBUCKLE, "Dress and Worship," in *Worship*, 59 (1985), p. 434.

profound respect for the heritage of the migrant, "since all these are the natural means and road to opening up and understanding a man's inner self".⁵⁶

The situation of the Oriental Catholics in Australia illustrates the role of law in protecting the spiritual patrimony rather than relying simply on good-will. Commenting on the difficulty in establishing Oriental-rite jurisdictions in Australia, Henry Aerts stated:

The absence of properly constituted dioceses and parishes had unfortunately one adverse effect: that little attention was paid to the pastoral care of these Oriental Catholics since there was no legal pressure to do so. In spite of their traditions, these Catholics were urged to assimilate with the Australian Church, in other words, to relinquish their own church life.⁵⁷

Without the juridical and pastoral structures within which to exercise their rights and to live their faith, Aerts asserted that Oriental Catholics were denied justice in the Australian Church. No amount of good-will could remedy the loss of their own church life with its unique spiritual patrimony. In keeping with a greater appreciation of the rights of Oriental Catholics world wide, three Oriental hierarchies have been established in Australia, with the jurisdiction of one of them extending even to New Zealand.⁵⁸

2.3.2 Dialogue between Cultures

The instruction envisages a dialogue taking place between the receiving community and the migrant community. Underlying the instruction's promotion of

⁵⁶ PAUL VI, *motu proprio*, *Pastoralis migratorum cura* (= *PMC*), 15 August 1969, in *AAS*, 61 (1969), pp. 601-693; Eng. trans. in *CLD*, 7 (1968-1972), pp. 188-190. CONGREGATION FOR BISHOPS, Instruction on the Pastoral Care of Migrants, *Nemo est*, 22 August 1969, in *AAS*, 61 (1969), pp. 614-643; Eng. trans. in *CLD*, 7 (1968-1972), pp. 190-220. Commonly called after the same name as the *motu proprio*, all paragraph references to the instruction will be as, eg., *PMC* 10, otherwise *PMC* alone refers to the *motu proprio*. The passage from *PMC* 11 leading to this observation warrants quoting in full: "Migrants bring along with them their mental attitudes, their language, their culture, and their religion. All these constitute a kind of heritage of opinion, tradition, and culture which will continue outside the homeland. This heritage should be highly esteemed everywhere. The last place of consideration is not claimed for the mother tongue of migrants which is the instrument for bringing out their mental attitude, their thought and cultural patterns and the program of their spiritual life." Cf. *LG* 29; *GS* 29.

⁵⁷ H. AERTS, "The Pastoral Care of the Oriental Faithful," in *The Australasian Catholic Record*, 54 (1977), p. 134.

⁵⁸ There are three Oriental hierarchies in Australia: Maronite, Melkite and Ukrainian. Only the Ukrainian eparchy extends to New Zealand.

dialogue is the recognition that tensions will exist, but that, quoting the Vatican Council's Decree on the Church's Missionary Activity, the principle for dialogue requires that "whoever is going to encounter another people should have great esteem for their heritage and language and customs" (*PMC* 10, cf. *AG* 26). Dialogue recognizes both the dignity of each community and the capacity of each to enrich the other.

First, reference is made to the need of migrants to adapt to the receiving community, learning its language so that they take a responsible place in their new society. Equally so, the receiving community must not practise coercion, but rather act so that the migrants' adaptation to their new society takes place spontaneously and gradually. Noting that migrants who are forced from their homeland do not adapt easily to the new society that they have joined, the instruction seems to call for greater understanding on the part of the receiving community.

Because of its broader definition of migrant, the process of integration demonstrates a more flexible approach. Hasty or forced integration as well as resistance to integration are rejected. In his report to the Third International Catholic Migration Congress, Hosie recognized that family and religious integration took place more slowly than the determined pace of economic assimilation, and was the better for it.⁵⁹ Silvano Tomasi considered the same issue: "Integration on the religious level cannot usually be dissociated from integration on the cultural and social level."⁶⁰ He went on to note a very important factor in the choice of pastoral responses to the needs of migrants: "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."⁶¹ Tomasi draws our attention to *Pastoralis migratorum cura*'s insistence on the preservation of human rights and spiritual patrimony:

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

⁵⁹ B. HOSIE, Background Report in "North America and the Commonwealth," in the proceedings of the International Catholic Migration Congress, 3rd, pp. 214-215.

⁶⁰ S. TOMASI, "Pastoral and Canonical Innovations of *Pastoralis migratorum cura*," in *The Jurist*, 31 (1971), p. 336.

⁶¹ Ibid.

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.⁶²

In reality the expression, "unity in diversity," always exists with an internal tension, and the documents from the Holy See show a concern that within a description of migrant needs, the need to be in union with the various expressions of the local church enjoys a high profile.

Calling for an openness to the receiving country, the instruction exhorts: "[The migrants] should willingly adapt themselves to the community which receives them and they should hasten to learn its language so that if their stay is drawn out for a rather long time or becomes permanent, they will be able more easily to take their place in the new society" (*PMC* 10). In the same section, the receiving community is indirectly enjoined to remove all forms of coercion and to promote a spontaneous and gradual adoption of the migrants' place in the new society. The reference to a new society underlines the conviction that both communities are affected by the encounter of cultures, and the task is to make it enriching for both.

The cultures of the receiving community and the migrant both need to be willing to enter a dialogue. Both communities need to be faithful to their own heritage and open to the new. This notwithstanding, the dialogue is not an equal one, due to the often difficult circumstances of the migrant.⁶³

The tension between the two groups is played out between the territorial parish and migrant communities, be they established as chaplaincies or personal parishes. The document envisions the ministries of the local pastor and chaplain or personal pastor as complementary, not as adversarial. *Exsul familia* stated that a mandated missionary to migrants had "the power of exercising the care of souls for the faithful *advenae* or *peregrini* of the same language or nationality" (*EF* 34), was "equivalent in the care of souls to a pastor" (*EF* 35), and the parochial power was "personal, to be exercised only on the persons of the foreigners or immigrants" (*EF* 36/1), and that it was "cumulative

⁶² TOMASI, "Pastoral and Canonical Innovations," in *The Jurist*, 31 (1971), p. 336. See *PMC* 4.

⁶³ This is not a new observation, as for example, in the early sixteenth century Erasmus ridiculed the notion of one rule for everyone in the religious life, for "[...] this equality applied to such a diversity of persons and temperaments will only result in inequality, as anyone can see." ERASMUS OF ROTTERDAM, *Praise of Folly*; Eng. trans. by B. RADICE, Harmondsworth, Penguin Books, 1971, p. 165.

on even terms with that of the pastor of the place" (EF 36/2). De Paolis, a consistent advocate of personal parishes, nevertheless points us to the long term vision of the personal parish: "The personal parish must be open to the territorial parish in such a way that with the passage of time its faithful can insert themselves easily into the ordinary structure of the territorial parish." ⁶⁴

Not surprisingly, *Pastoralis migratorum cura* takes a close look at the relationship of the chaplain with the diocese, as indicative of the harmony between migrants and the receiving community. Regardless of the specific structure in which a chaplain works, all "should strive in their attitude and work to keep close to the diocese in which they exercise the sacred ministry" (PMC 42). *Pastoralis migratorum cura* also lists a number of practical applications: observe diocesan norms, go to diocesan assemblies, attend conferences on various issues, take opportunities to meet with the priests of the diocese, and enjoy representation on the council of priests.

While recommending solicitude for the difficulties that might be experienced by chaplains because of the nature of their work, *Pastoralis migratorum cura* presents what must be a fundamental minimum; for its part the diocese must ensure that they enjoy the same conditions and benefits, rights and benefits which other priests of the diocese enjoy. This includes "matters economical," which surely include salary, pension provisions, access to medical insurance and assistance, education opportunities, transport-provisions, supply-costs allowing for legitimate holiday, and whatever is customary regarding accommodation. Further to this, chaplains should enjoy the same privileges and faculties which the ordinary customarily grants to the priests of his diocese (PMC 43).

Beyond the minimum, pastoral care flows from discernment of need, which is often greater for the migrant dislocated from familiar circumstances. Arbuckle warns that a mistaken notion of justice, which insists that everyone should be treated in the same way, no matter what different needs exist, creates in reality the practice of "ignoring the special needs of minority groups and relating to them as though they had the same needs as those of the dominant cultural group." ⁶⁵ A misplaced emphasis on

⁶⁴ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 143.

⁶⁵ ARBUCKLE, "Dress and Worship," in *Worship*, 59 (1985), pp. 427-428.

uniformity or treating everyone the same ignores the different levels of need that migrants have, and consequently this creates injustice.

The instruction reinforced the suggestion of *Exsul familia* 49 that episcopal conferences and local ordinaries establish an annual "Migrants' Day" (PMC 24). This celebration promotes dialogue by "creating better and more open relations as well as in a genuine fraternal union of minds between peoples" (PMC 24).⁶⁶ When migrants have been long established in a country, but have retained their language and culture, even as they have adapted to the new land, they often resent being identified as newcomers for they are now citizens, albeit with a different heritage. Other cultural opportunities need to be taken to promote dialogue between groups.

The instruction understated the tension within unity and diversity. It pointed out the principal factor for the pastoral care of migrants: "it should be constantly attuned and continue to be adjusted to the needs of the migrants" (PMC 12). The openness to change and the recognition of tremendous diversity of circumstance and need account for why this is an instruction and not a constitution. The unanswered question is of course who determines the needs of the migrants?

Naming a wide variety of categories of migrants, the instruction described the common factor, almost by way of definition, that migrants are those who "for whatever reason, are living outside their homeland or their own ethnic community and because of real needs require special care" (PMC 15).⁶⁷ The model of pastoral care typically suggests a pastor and the recipient of pastoral care. The notion of migrants making their needs known, and engaging with the bishop and parish clergy and others in a dialogue to determine the most appropriate form did not emerge clearly in this document.

Migrants are more than the objects of pastoral care offered by a chaplain or the local pastor. They are also active subjects with their own set of rights and

⁶⁶ Cf. *Populorum progressio*, 62-64.

⁶⁷ This description accords with that given by Arbuckle in "Migrants and Pastoral Care," in *The Jurist*, 46 (1986), p. 453. Usually associated with movement from another country, migration can also refer to the rural to urban shift or to the dislocation of indigenous groups within their own land, both relevant to the experience of Maori in New Zealand as we will see in chapter three.

responsibilities. *Pastoralis migratorum cura* was not strong on this. Even when urging lay participation, it largely understood lay faithful as local native laity, a group separate from migrants who assist the latter both in secular issues such as accommodation, work, health and education, and in religious issues such as catechesis, liturgy, and hospitality in the local church.

Two exceptions stand out. Just as migrant priests should enjoy representation on priests' councils, so lay migrants should have opportunity to participate in diocesan and parish pastoral councils (*PMC* 60). Also associations of the faithful play a vital role in expressing the faith-life of a migrant culture and become both an expression of cultural planting of faith, and a bridging structure linking the ethnic group with others, within and beyond the migrants themselves.

Further pastoral suggestions echoed those of *Exsul familia*. Again first place was given to priests in parishes of that language group. Now a new option for the co-ordination of migrant pastoral care is the appointment of an episcopal vicar. Their role is elaborated in *Ecclesiae Sanctae*,⁶⁸ and now expressed in the 1983 Code, c. 476 which reads:

As often as the good governance of the diocese requires it, the diocesan Bishop can also appoint one or more episcopal Vicars. These have the same ordinary power as the universal law gives to a Vicar general, in accordance with the following canons. The competence of an episcopal Vicar, however, is limited to a determined part of the diocese, or to a specific type of activity, or to the faithful of a particular rite, or to certain groups of people.

Rather than the delegate for missionaries to migrants co-ordinating the pastoral ministry of the latter, while himself operating outside diocesan structures, the episcopal vicar allows for internal co-ordination within the diocese, and gives migrant pastoral ministry a significant focus in the diocese.

The instruction approached the migration-experience systematically. From the complexity of the experience, the first chapter drew some general principles for the pastoral care of migrants. Subsequent chapters dealt with the various responsibilities for pastoral care at different levels. In keeping with the development of the role of episcopal conferences from Vatican Council II and with its theology of local church,

⁶⁸ PAUL VI, Apostolic letter *Ecclesiae sanctae*, 6 August 1966, in *AAS*, 58 (1966), para. 14/2, p. 757; Eng. trans. in A. FLANNERY (gen. ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents*, New York, Costello Publishing Company, 1992, p. 599.

the responsibilities of these bodies were addressed before that of the specific missionary for migrants, as he was still described (*PMC* 35).⁶⁹

While all members of the faithful were admonished in the document to welcome migrants, the relationship between the pastor of a parish and the missionary to migrants or chaplain particularly highlighted the tension in the dialogue between the receiving church and migrants. *Pastoralis migratorum cura* affirmed the priority of the pastor found in the 1917 Code and also in *Exsul familia*, but here it urged pastors to welcome the collaboration of chaplains or missionaries (*PMC* 29/3). Observing that the document felt the need to warn pastors that they are accountable to God for the faithful living in their territory, as well as to exhort them to cooperation, one may safely assume that such partnership could not be presumed.

2.3.3 Parish Priests and Migrant Chaplains

Pastoralis migratorum cura urged the pastor first of all to seek the services of a chaplain or missionary of the same language or nationality as that of the migrants:

The spiritual guidance of all the faithful, including therefore immigrants residing in the parish, is first and foremost the duty of the parish priest, who will one day have to give account to God for the way he has carried out his charge. Parish priests should however learn how to share this heavy task with the chaplain or missionary if there is one in the area (*PMC* 30/3).

This passage is also quoted in the final document of the 1991 Congress of Pastoral Care of Migrants and Refugees.⁷⁰ The 1969 document clearly demonstrates the priority of the parish priest in the thinking on pastoral care. It also means that chaplains inevitably have the weaker position when there are differences of opinion or policy regarding pastoral practicalities. A third level of assistance recommended for migrants was the provision of a priest who speaks the language of the migrants. Hence, failing the availability of a chaplain or missionary, pastors should seek the services of other priests with language skills in that of the migrants' tongue (*PMC* 31/1-2).

⁶⁹ *PMC* chapter three deals with the role of the Conference of Bishops, chapter four with the responsibilities of the local church, both sending and receiving, and chapter five addresses the figure of the missionary for migrants and to whom he is accountable.

⁷⁰ PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLE, *Final Document*, Vatican City, 1991, para. 33.

We have seen a consistent concern in the Church's teaching for the faithful to enjoy the ministry of their own pastor. Ciesluk reminds us that the Council of Trent "insisted vehemently that pastors have their own people, *proprium populum*, assigned to them [24:13], that they themselves preach to these people and instruct them, [5:2, 13:1, 22:8, 24:4,7], and that they learn to understand their flock [23:1]. [...] as pastors, then, they should habitually render this service themselves, and not through others." ⁷¹

Allowing for local adaptation, the canonical structures mentioned by *Pastoralis migratorum cura* and recommended by experience included: personal parishes, a mission with the care of souls, and chaplain or missionary. Although the 1983 Code clarified the distinction between the terms "chaplain" and "missionary," *Pastoralis migratorum cura* used them together. The chaplain should have a clear mandate of ministry, including territory (PMC 33/4).

Suggesting its own possibilities for adaptation, *Pastoralis migratorum cura* allowed for the chaplain to work within one or several parishes, possibly as an assistant pastor. Having said that, *Pastoralis migratorum cura* recognized the principle that if Church means a people who gather to celebrate the mystery of faith, then they need a place to gather. While allowing for the shared use of a parish church, the document preferred the autonomy of a church, chapel or oratory for the provision of services for migrants.

The document envisaged the chaplain incardinated in a diocese from which migrants travelled and so it carefully outlined the reservation of rights enjoyed by the chaplain in his own diocese. While working in another diocese, the chaplain was subject to the jurisdiction of the local ordinary concerning the exercise of ministry and the maintenance of discipline. This applied to all priests working in another diocese.

Financial matters do not infrequently occasion the most significant tension between migrant communities and local parishes. In a brief paragraph, the financial accountability of chaplains stands in tension with the ordinary rights of parish pastors. *Pastoralis migratorum cura* 37/3 stated: "With reference to the administration of

⁷¹ CIESLUK, *National Parishes in the US*, pp. 24-25.

temporalities, chaplains or missionaries to migrants, with the previous approval of the national director, are obliged to obtain permission from the local Ordinary for carrying out any form of economic endeavor and shall render an accurate account of it at the end of the year." Since it used the expression "chaplain or missionary to migrants" for all three categories of pastoral structure, does this requirement restrict the rights of pastors of personal parishes or the chaplain with a mission with the care of souls? In the case of the pastor of a personal parish it would seem not for he enjoys the same rights and duties of all parish priests. Laws which restrict the rights of persons require a strict interpretation (c. 18).

The chaplain,⁷² on whom a personal parish has been conferred, possesses the parochial power proper to his office, and so enjoys the same rights and duties for administration as enjoyed by other parish priests. The priest entrusted with a mission with the care of souls also possesses proper power and is equivalent to a pastor (*PMC* 39). Nevertheless, he does not enjoy the same freedom of economic endeavour and responsibility as a parish priest but must obtain the approval of the national director of migrant chaplains (if there is one) and, more importantly, the permission of the local ordinary before undertaking any financial enterprise. Additionally, the missionary must render an annual account.

Pastoralis migratorum cura strongly affirmed the importance of a place of gathering for migrant groups: "Each chaplain or missionary to migrants should, to the degree possible, be given some church or chapel or public or semi-public oratory for carrying out sacred services" (*PMC* 34/1). The instruction appeared to give priority to an independent place of gathering, for only when such facilities were not available was mention made of sharing churches, including parish churches (*PMC* 34/2). The document said nothing of the freedom of migrants to muster their own resources for building whatever they consider necessary for gathering as a community and for maintaining their identity and community.

The question of jurisdiction poses another cause for tension between chaplains to migrants and local clergy. While the jurisdiction was exclusive for pastors of parishes, whether they were territorial or personal parishes, *Exsul familia* opened the

⁷² Once appointed as parish priest of a personal parish the title "chaplain" ceases to be canonically correct, even if that is the title by which he remains known.

possibility of cumulative jurisdiction between the missionary for migrants and the local pastor. The parochial power exercised by the missionary for migrants was personal, to be exercised only on the person of the foreigners or immigrants (*EF* 36/1). However, the local pastor retained jurisdiction and migrants were free to approach him or the missionary of migrants.

The jurisdiction of the pastor of the personal parish ended with the second generation, the children of migrants (*EF* 40). However the integration of migrants is not just measured in years but generations. In a significant development, *Pastoralis migratorum cura* removed *Exsul familia*'s limitation of migrant pastoral care to first and second generations. Welcoming this, Tomasi notes: "An immigrant generation is not seen as a biological, but as a cultural variable." ⁷³

The chaplain or missionary to migrants enjoys the rights and obligations that the common law gives to pastors. Over and above these, the instruction specifically considered a number of rights and obligations (*PMC* 39/4) of the missionary. He has the right to confirm those of the same language who are on the point of death, and to assist at the marriages of spouses, one or other of whom uses the same language, within the confines of the entrusted territory. Like a territorial or personal pastor, he is to reside within the territory assigned for his ministry and must maintain the parish records. Nevertheless, the *missa pro populo* is not required of the chaplain in a mission with the care of souls (*PMC* 39/4).

While affirming the status of the missionary to migrants as equivalent to that of the pastor, the priority of a pastor remains clear. The missionary clearly has a degree of accountability to the local pastor in addition to other levels of supervision, such as the delegate for missionaries and the local ordinary. While lay participation in the pastoral care of migrants still reads like a concession, the influence of the Second Vatican Council emerges in the recognition that lay faithful have a role proper to them, centring on a care for justice and equity concerning migrants.⁷⁴

⁷³ TOMASI, "Pastoral and Canonical Innovations," in *The Jurist*, 31 (1971), p. 336.

⁷⁴ Quoting the Decree on the Laity *Apostolicam actuositatem*, 7, the chapter on lay participation (Chapter 7) enjoins lay faithful to address all the practical requirements that migration occasions. Regarding evangelisation, lay faithful are called to "supporting activity," namely "help to the chaplains or missionaries to make easier their dealings with migrants who are far distant or dispersed; active participation in the liturgy so that divine worship may attract souls; seizure of proffered occasions to

From a consideration of the nature of general decrees and instructions, John Huels concludes that the juridical significance of a document from the Apostolic See comes from its content and to whom it is addressed. As an instruction, *Pastoralis migratorum cura* was "given for the benefit of those whose duty it is to execute the law, and [it] binds them in executing the law" (c. 34).⁷⁵ Huels remarks that because instructions do not touch the community directly but rely on the local diocesan leadership, they allow for the practice of subsidiarity as the diocesan bishop discerns if and how best to apply the instruction to the local situation. De Paolis draws a similar conclusion concerning *Pastoralis migratorum cura*. Noting that it is a less solemn document than the Apostolic Constitution *Exsul familia*, De Paolis attributes the change to an awareness of the fluidity of migration, and to the increased responsibility of the local churches to make their own responses.⁷⁶ Recognising the development of thinking between the publication of the two documents, Tomasi describes the canonical relationship between *Exsul familia* and *Pastoralis migratorum cura* by saying that whatever of the former was retained in the latter remains valid, while directives left out are either abolished or will be dealt with in separate documents.⁷⁷

2.4 DIRECTORY ON THE PASTORAL MINISTRY OF BISHOPS

Urging the diligent promotion of the spiritual care of migrants and tourists, the *Directory on the Pastoral Ministry of Bishops* envisages the experience of people on the move as an opportunity to foster "new brotherhood" among various peoples.⁷⁸ Open to the establishment of personal parishes, the directory identifies two factors: pastoral

communicate the word of God to various ethnic groups after the manner proper to lay persons" (PMC 58).

⁷⁵ See J. HUELS, "A Theory of Juridical Documents Based on Canons 29-34," in *Studia canonica*, 32 (1998), pp. 349-351.

⁷⁶ DE PAOLIS, "Pastoral Care of Migrants," in *Migrations*, p. 127. See also V. DE PAOLIS, "Pastoral Activity in Behalf of Migrants According to the Documents of the Council," in *Consecrated Life*, 15 (1990), p. 217. In this article, following his examination of the evolution of CD 18, De Paolis states that subsequent documents such as *PMC*, *CPM* and the 1983 Code "proceed along lines faithful to the Council as can be seen by examining the Acts and the promulgated documents".

⁷⁷ TOMASI, "Pastoral and Canonical Innovations of *Pastoralis Migratorum Cura*," in *The Jurist*, 31 (1971), p. 334.

⁷⁸ CONGREGATION FOR BISHOPS, *Directory on the Pastoral Ministry of Bishops* (= *Dir.*), *Ecclesiae imago*, 22 February 1973; Eng. trans. by the Benedictine monks of the Seminary of Christ the King, Mission, BC, Ottawa, Publication Service of the Canadian Catholic Conference, 1974, para. 156.

benefit for people, literally "the good of souls," and the existence of "a common social bond among its members" (*Dir.* 174).

Citing *Christus Dominus*, the directory elaborates on the special care required by "[...] certain sectors of society which seem in more urgent need of [the Church's] apostolic care" (*Dir.* 153). While including migrants, the directory had a wider vision, noting that the complexity of large city-life requires a style of pastoral ministry that varies from the ordinary:

After a careful examination of the general conditions and common interests - rather than of particular families and individuals - the bishop takes care that: a) the erection, territorial boundaries and distributions of parishes, churches and oratories, houses of religious and other centres of evangelization and divine worship be provided for along different lines than in small towns or country villages (*Dir.* 161).

The paragraph goes on to consider more balanced distribution of those involved in ministry, even inviting bishops to take care that

c) special teams are formed of priests, religious and laity, faithful both to the Gospel and the people they intend to serve, specially trained for the diverse classes and various civil and community services of the city

d) these manifold apostolic works call for maximum cooperation and coordination of forces, and sometimes also for a crossing of parish boundaries" (*Dir.* 161).

The priority given to pastoral care of people in special circumstances also recognizes the limitations of the parish. The directory clearly recognizes the need for versatile forms of ministry for special circumstances. If such works are not to be *ad hoc* and depend overly on individual efforts, they warrant the benefits of an established ecclesiastical office (*Dir.* 178-183).

Highlighting the pastor's knowledge of and visitation in the community, the directory places value on the territorial dimension of the parish community. As with previous documents, the first alternative offered is that of the personal parish. The basis for its erection flows from the general principle of providing the most appropriate pastoral care and the more specific "common social bond among its members" (*Dir.* 174). This is a wider concept than simply that of common language or migrant group as expressed in *Pastoralis migratorum cura* 33/1 and offers wider possibilities for the erection of personal parishes.

In fidelity to *Pastoralis migratorum cura* the directory discusses the mission with a care for souls but shifts its description somewhat. It explores the possibilities when the number of migrants remains significant but it is difficult to establish new parishes. The directory describes the mission as "an ecclesiastical charge by which the bishop commissions some priest who is not a pastor to undertake, for a stated time, the care of souls in the same manner as a pastor, in a determined place which is within the territory of an actual parish, but whose pastor cannot adequately care for these faithful" (*Dir.* 183).⁷⁹

In addition the directory describes an alternative to the parish or mission: "other centers of the apostolate and charity" (*Dir.* 174). Such centres would have a structure determined by the need. The directory later describes them as "centers for non-territorial communities" (*Dir.* 177), and as "pastoral houses" or "pastoral centers" (*Dir.* 183). They may or may not be churches or oratories but become a gathering place where the eucharist can be celebrated, catechesis offered, and generally a centre for the faith life of a community. Responsibility for such centres can also be entrusted to any one or group of the faithful: parish priest, another priest, a deacon, religious, or lay faithful.

The directory invites endeavours that are innovative in meeting the pastoral needs of various groups. The pastoral centre allows for a flexibility that respects the needs of a particular community and gives the bishop the latitude to erect such a facility according to a diocesan pastoral plan and within the limitations of available facilities, resources and personnel. The familiar caution simply asks that any such endeavour not become self-absorbed but retain an awareness of its place in the diocese and in the universal church. As many ethnic communities choose to build community centres, adaptation of this suggestion may prove fruitful when considering the needs of the various ethnic groups in New Zealand.

⁷⁹ *PMC* had allowed for an independent mission, or one annexed to a territorial parish. Either had to be territorially bound but were able to cross one or several parishes (*PMC* 33). Here the description seems more in keeping with the chaplain described in the 1983 Code, especially when the directory adds: "To avoid a conflict of responsibilities, the bishop must consult the pastor concerned and put all the provisions in writing" (*Dir.* 183). Cf. c. 571.

2.5. CHURCH AND PEOPLE ON THE MOVE

In 1978, the Pontifical Commission for the Pastoral Care of Migrant and Itinerant Peoples sent the letter *Church and People on the Move* to episcopal conferences, endeavouring to bring into one text the principal pastoral aspects of migration.⁸⁰ While drawing on the insights of previous documents, significant developments emerged. After its discussion of the phenomenon of migration, the letter presented the Church at the service of human dignity and rights. It understood Church most clearly in the concept of People of God, as articulated by Vatican II. Unlike *Exsul familia* or *Pastoralis migratorum cura*, which had a juridic focus, the letter gave a more pastoral outline of the phenomenon of migration and drew out the principles for the pastoral care of migrants and for their integration in the local church.

2.5.1 A Call to Pastoral Action

The letter *Church and People on the Move* follows through on its treatment of the People of God when it treats the agents of pastoral action, beginning with all the faithful. The letter then treats the lay faithful and identifies baptism as the fundamental call to ministry in the Church. No longer a final word, almost as afterthought in *Pastoralis migratorum cura*, lay faithful have a right and duty, and not a concession, to act as agents of welcome and support for migrants. Equally, migrant lay faithful live out their baptismal vocation among their own community and in cooperation with the receiving community.

In his Apostolic Exhortation, *Evangelii nuntiandi*, Paul VI discussed the link between faith and culture, seeing any rift between them "[...] undoubtedly an unhappy circumstance of our times" (EN 20). The letter *Church and People on the Move* explores the negative and some of the positive aspects of migration on the cultural expression of faith. Beginning with the dignity of the human person, the letter identifies "essential, universal and irrevocable rights," which apply also to pastoral care for the migrant. Drawing from a wealth of conciliar and papal teaching, the letter summarizes them as:

⁸⁰ PONTIFICAL COMMISSION FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLES, Letter *Chiesa e mobilità umana*, in *AAS*, 70 (1978), pp. 357-378; Eng. trans. *Church and People on the Move* (= CPM) in *CLD*, 9 (1978-1981), pp. 122-149.

The right to dwell freely in one's own country, to have a homeland, to move within it and to emigrate abroad, to settle in a new place for legitimate reasons, to live with one's own family everywhere, to have at one's disposal the goods necessary for life; the right of man to preserve and develop his own ethnic, cultural and linguistic patrimony, to profess his own religion publicly, and to be recognised and treated in accordance with his dignity as a person under all circumstances (*CPM* 17).

Whereas previous documents tended to treat migrants as passive recipients of pastoral care, the letter clearly sees migrants as active subjects of pastoral action. First, "on account of the peculiarly universal nature of the Church [they] are not outsiders" (*CPM* 23). Second, they are the subject of rights and duties. The Pontifical Commission takes up the matter of migrants' responsibility to be also agents of pastoral action in a subsequent reflection, printed by *L'Osservatore Romano*.⁸¹

The dynamic between the church of departure and the church of arrival serves a vision of the local church which necessarily sees beyond itself to the entire church. In fact the letter applauds the advent in the local church of "a unity in plurality, that is, that unity which is not uniformity but harmony, in which every legitimate diversity is taken up into the common and unifying effort" (*CPM* 19). Rather than seeking out a world beyond the diocese, the world comes to it and raises the question of welcome.

2.5.2 Options for Pastoral Care of Migrants

The letter attends very briefly to the question of the juridical forms, mentioning that the chaplain "may be entrusted with a personal parish or a mission with the care of souls, or a simple mission or a vicariate [...]" (*CPM* 34). Just as we saw the focus on the dynamic between welcoming and sending local churches, so the section on the chaplain highlights "the pastoral links binding a chaplain in the local Church in which he is serving and the local Church from which he comes should be given their due worth. In no way should he be considered an outsider" (*CPM* 35). The consistent message of the documents from the Holy See emphasizes that the migrant and the chaplain are not strangers or outsiders in the local church but that they belong and are part of the diocese. However the possibility exists that they could be considered as intruders, hence the admonition.

⁸¹ *L'Osservatore Romano*, 22 June 1978, para. 11.

Both the rights of the migrant to equality of pastoral care and the rights of the chaplain to parity with local clergy emerge as important principles, just as they did in *Pastoralis migratorum cura*. Previously, in *Exsul familia*, Pius XII insisted that the migrant had a right to receive "at least equal [spiritual assistance] to that which the faithful receive in their dioceses of origin" (EF 103). Paul VI nuanced this further with his call that not only should they enjoy pastoral ministry in the same way as others but that, in addition, their specific needs warrant better provision of spiritual care. In *Church and People on the Move* the principal onus for pastoral care falls on the local church, and while special pastoral initiatives may call for separate juridical structures, "ordinary institutions are called upon to express the same sensitivity" (CPM 25). In other words, migrants and the different ethnic communities should enjoy effective access to the marriage tribunal, religious education office, marriage and family life office, and welfare agencies in addition to the alternatives to the territorial parish.

For the missionary clergy, the emphasis on the bond to the local church found practical expression in the parity they enjoy with the diocesan clergy (PMC 43). The motivation for this comes from the conviction that the migrant chaplain is not attending to "outsiders" but contributing to the overall pastoral strategy of the diocese. The migrant belongs! While presuming a shared eagerness to serve and save souls, the letter recognizes that the juridical aspect plays a part and that formal faculties give substance to the stated ideal of collaboration.⁸²

Although Vatican II did not present systematically the needs of migrants, it did broaden the parameters of *Exsul familia*. The documents from the Apostolic See highlight the rights of and pastoral care due migrants whose plight calls for a response from the receiving country. While the documents always balance this with the duty of migrants to adapt to the new land, favour seems to be given to the interests of the migrants.

Any bias for migrants is warranted on the principle of responding to people at their point of need. They come as strangers but participate in the life of faith as full members. Also, as Woznicki points out above, local churches can too easily ignore the plight of newcomers. Nevertheless, the changes required of the receiving people are not

⁸² Cf. EF 36, PMC 39/3, CPM 35.

always welcome. Beyond accusations of racism or xenophobia, receiving countries have a reasonable expectation that the new arrivals will not adversely affect their way of life.

In pursuit of a solution to the competing interests of receiving communities and migrant groups, the claims of justice call for more than mere charity. Tomasi describes support for migrants not simply in terms of good-will: "Solidarity with the newcomers, both in terms of human services and of pastoral care, is not just a benevolent concession and an act of compassion, but a requirement of justice."⁸³ Justice also requires that migrants recognize the needs of the receiving culture or cultures.

As we will see in the situation in New Zealand, after the first generation, describing persons as migrants is not always helpful. The documents from the Apostolic See leave undeveloped the dynamic in the relationships between the various generations and the receiving country, and between the generations themselves. However experience teaches that the needs of migrants evolve as they move from the initial stages through to long term integration.

From *Exsul familia* to the *Church and People on the Move*, the vision of the documents from the Apostolic See has broadened from that of Italian migration to the United States and to northern Europe to having a more global perspective. Italy has itself become a nation receiving migrants from every part of the world. While more attuned to the perspective of the migrant than that of the receiving culture, the documents increasingly show a sensitivity to the role of migrants as active participants in their own pastoral care, to a wider role of ministry and of flexibility for the local church. Moving from an apostolic constitution to an instruction introduced by a *motu proprio* to a letter from a pontifical commission, the documents have become less legislative but provide the theology and principles upon which to apply the options presented in the 1983 Code of Canon Law. The documents provide diocesan bishops with flexible norms that allow for application according to the benefit for migrants and the diocese as a whole.

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S. TOMASI, "Pastoral Action and the New Immigrants," in *Origins*, 21 (1991-1992), p. 583.

2.6 THE 1983 CODE OF CANON LAW

Vatican II acts as the necessary reference in order to understand the reforms found in the 1983 Code. Emphasising the call to faith and holiness common to all the baptized, the Code introduces a new term, *christifideles* or Christ's faithful. We will see how this term has particular bearing on the situation of migrants in a local church.

Addressing the role of law in the Church in his Apostolic Constitution, *Sacrae disciplinae leges*, Pope John Paul II points out:

[...] it is sufficiently clear that the purpose of the Code is not in any way to replace faith, grace, charisms and above all charity in the life of the Church or of Christ's faithful. On the contrary, the Code rather looks towards the achievement of order in the ecclesial society, such that while attributing a primacy to love, grace and the charisms, it facilitates at the same time an orderly development in the life both of the ecclesial society and of the individual persons who belong to it.⁸⁴

Nothing can replace the good will shown to migrants or the mutual understanding presumed in the documents discussed above. Nevertheless, the law plays a valuable role in ordering the pastoral care of migrants in order that misunderstandings be reduced, and rights and freedoms respected.

The 1983 Code talks of people entrusted both to the bishop and the pastor many times. The language of community in c. 515 retains the paternal flavour of church language that envisages a rather passive community. A theology of communion inevitably exists in tension with models of ministry that fail to equip pastors and people for discovering their capacity to grow and offer more to the church community and society at large.⁸⁵ Building on the *communio* theology of Vatican II, the 1983 Code treatment of Book II, "The People of God," offers perhaps the most striking contrast with the treatment of "Persons" in the 1917 Code. From isolated individuals, the focus

⁸⁴ JOHN PAUL II, Apostolic Constitution *Sacrae disciplinae leges*, 25 January 1983, in *AAS*, 75, pars II (1983), p. xi; Eng. trans. in *The Code of Canon Law in English Translation*, prepared by THE CANON LAW SOCIETY OF GREAT BRITAIN AND IRELAND, in association with THE CANON LAW SOCIETY OF AUSTRALIA AND NEW ZEALAND and THE CANADIAN CANON LAW SOCIETY, new rev., p. xiv.

⁸⁵ A recurrent theme in J. FOSTER, *Requiem for a Parish*, Westminster, MD, The Newman Press, 1962, 155 p. The canons do not consistently use the description of parish provided in c. 515. In c. 524 we read of a vacant parish, which the bishop is to confer on a pastor after suitable consultation. Clearly what is meant here is the pastoral office. Likewise we find that the pastor is to take "possession" of the parish (c. 527). As when speaking of the parish as a juridic person (c. 515/3), we find the legal terminology overshadowing the *communio* model of parish.

in 1983 is the community of the faithful. From ordained individuals with power over others who are subject to them, all the faithful share in the mission of Christ, even if the service roles of some towards others are the subject of special attention in the law.⁸⁶

The 1983 Code reflects the theological insight of parish as community. However beyond c. 515, the law seems to reflect the juridical principle of the 1917 Code, c. 216. Canonical provisions are certainly necessary, but describing the parish as a territory within which the parish priest exercises certain rights and duties or even as a community among whom he acts is equally deficient.⁸⁷ Blöchlinger observes that parish vitality comes from its conformity with human realities. This recognizes that people create community on various levels, and that the parish can be, but need not be, a fully human, religious community.⁸⁸

2.6.1 Rights of Christ's Faithful

The concept of ecclesial communion was central to Vatican II's theology of the Church. Canon 205 expresses this communion in terms of the profession of faith, the sacraments and ecclesial governance: "Those baptised are in full communion with the catholic Church here on earth who are joined with Christ in his visible body, through the bonds of profession of faith, the sacraments and ecclesiastical governance." The canon moves across the spectrum of the internal reality of faith to the ordering of the Church in the external forum, with the sacramental life of the Church at the interface of internal reality and communal expression. James Provost, in his chapter on the People of God in the *The Code of Canon Law: A Text and Commentary*, states: "Moreover, the Church is a communion of churches. The catholicity of the Church admits a broad spectrum of spiritualities, theological systems, and religious practices. If communion is an obligation, it is also a right to the diversity and breadth of Catholic communion."⁸⁹

⁸⁶ See J. PROVOST, "The Impact of the Proposed Book II *De Populo Dei* on the Local Church," in *Studia canonica*, 15 (1981), p. 371.

⁸⁷ See BLÖCHLINGER, *The Modern Parish Community*, p. 137.

⁸⁸ Ibid., p.139.

⁸⁹ J. PROVOST, "Commentary on cc. 204-231", in *The Code of Canon Law: A Text and Commentary*, p. 142.

Christ's faithful enjoy the fundamental rights and obligations expressed in the 1983 Code wherever they are. Notwithstanding the distinctions among Christ's faithful expressed in c. 207 nor the unique place of catechumens (c. 206), baptism underlines "a genuine equality of dignity and action among all of Christ's faithful" (c. 208). Treating migrants as "strangers" or in some way outside the ecclesial community of a parish or diocese would contradict the equality expressed in this canon.

The context within which the rights and obligations of migrants find expression is that of the place where they find themselves. Canon 209/2 states: "[Christ's faithful] are to carry out with great diligence their responsibilities towards both the universal Church and the particular Church to which by law they belong." The law determines adherence to a particular church by domicile or order or religious profession. Nevertheless as Jean Beyer states: "[...] it cannot be denied that each Christian, wherever he is, belongs to a particular Church and that the latter is always the *una, sancta, catholica et apostolica Ecclesia*, which lives and operates in a determined place."⁹⁰ Beyer draws on c. 369, and before that *Lumen gentium* 23, in this recognition that no matter where Christians find themselves they form part of a particular church with its pastors, people, preaching of the Gospel, celebration of the sacraments, and works of the Holy Spirit.

Migrants enjoy all the rights and duties that are proper to Christ's faithful, mindful of their circumstances and condition in life. In particular, language and custom differences highlight some of the rights. Canon 223/1 reads: "In exercising their rights, Christ's faithful, both individually and in associations, must take account of the common good of the Church, as well as the rights of others and their own duties to others." This might seem to prejudice the exercise of the rights of migrants, but in all these matters the dialogue between cultures precludes any exercise of rights that fails to take into account the rights of others. Canon 223/1 reminds us that the common good of the Church and the rights of others must always be taken into account.

In pursuit of the universal call to holiness (c. 210), Christ's faithful have a right to their own form of spiritual life consonant with the teaching of the Church (c. 214).

⁹⁰ J. BEYER, "The New Code of Canon Law and Pastoral Care for People on the Move," in *Migrations*, p. 163.

Beyer speaks of "an intelligible liturgy" as a corollary to this right.⁹¹ Add to that a real and effective participation (SC 14), and the skill of celebrating the plurality of cultures and languages found in any diocesan liturgy takes on daunting dimensions.

One's spirituality need not be exhausted by the official liturgy of the Church. Arguing this case, Virginia Finn distinguishes a person's ecclesial and spiritual identity; the former describes where one belongs while the latter concerns whatever nourishes the individual's spirit. The emphasis has shifted from connecting one's spiritual life with the official church and its liturgy by giving a higher profile to a spiritual movement where more lay initiative is involved, men and women are included, witnessing and personal sharing and personal autonomy are valued and participation is presumed.⁹² At the same time, we might caution that a shift towards a more individualistic spirituality, which highlights the private and personal, can undermine a sense of the sacred found in the communal liturgies of the Church. Whenever the liturgical life of any group suffers from lack of opportunity for gathering and celebrating, private spiritualities can prevail to the detriment of unity. The separation of the ecclesial and the personal appears more likely in situations of limited access to ordinary pastoral care.

2.6.2 Teaching, Sanctifying and Governing

In considering the teaching office of the Church we observe that migrants are among those singled out for special mention as members of the faithful who might not enjoy sufficiently or who lack completely common and ordinary care due to their condition of life. "Pastors of souls, especially Bishops and parish priests, are to be solicitous that the word of God is preached to those also of the faithful who, because of the circumstances of their lives, cannot sufficiently avail themselves of the ordinary pastoral care or are even totally deprived of it" (c. 771/1). The canon's reference to pastors of souls is not exhausted by the subsequent mention of bishops and parish priests.⁹³ Perhaps lacking in themselves the ability to provide ordinary care, these

⁹¹ BEYER, "The New Code of Canon Law," in *Migrations*, p. 164.

⁹² See V. FINN, "Canon 214: The Right of the Christian Faithful to Follow Their Own Form of Spiritual Life," in *CLSA Proceedings*, 54 (1992), pp. 98-109.

⁹³ Rectors of seminaries (c. 262) and religious superiors are described as having pastoral care of persons independently of parish priests. Chaplains (c. 564) and assistant priests (c. 545) have a pastoral office through which they might be described as being pastors in a qualified sense.

pastors are to ensure that the word of God is nevertheless proclaimed.

With its focus on making the ministry of the word available to those unable to avail themselves sufficiently of the ordinary pastoral care, c. 771 offers a specific treatment of the general references exhorting bishops (c. 383/1) and pastors (c. 529/1) to make special provision for those beyond ordinary pastoral care. The exhortation comes directly from *Christus Dominus* 18, which in turn is based on *Exsul familia*.⁹⁴ In keeping with the titles on the teaching office of the Church, catechetical instruction, parental formation and education, the question of schools, and social communication also impact on migrants and the organisation of their pastoral care. Furthermore, keeping in mind the emphasis of *Church and People on the Move* on the autonomy and responsibility of migrants, we note that the duty of pastors (c. 771/1) takes nothing from parents' responsibility to form their children in the faith and practice of the Christian life (c. 774/2).⁹⁵

Reserved to a priest or deacon, the homily enjoys preeminence as a form of preaching (c. 767/1).⁹⁶ Nevertheless when the priest or deacon is unable to expound on the text adequately, this task can be entrusted to the preaching of some other competent lay person (c. 766). Eucharistic celebrations with children are envisioned as one such example, as is eucharist when the presider is unable to speak competently the language of the people.⁹⁷ While preferring the ministry of priests able to preside and to preach in the language of the people, the use of competent lay people becomes imperative in such circumstances.

⁹⁴ J. CORIDEN, "Commentary on cc. 747-833," in *The Code of Canon Law: A Text and Commentary*, p. 554.

⁹⁵ This canon is more powerfully expressed in the baptismal liturgy, where we pray that parents, who will be the first teachers of their children in the way of faith, may also be the best of teachers by what they say and do.

⁹⁶ SC 25, 52, 49; SACRED CONGREGATION OF RITES, Instruction, *Inter Oecumenici*, 53-55, 26 September 1964, in *AAS*, 56 (1964), p. 890 ; Resp. Pont. C. Decretis Conc. Vat II interpretandis, 11 January 1971, in *AAS*, 63 (1971), p. 329.

⁹⁷ SACRED CONGREGATION FOR DIVINE WORSHIP, Directory for Masses with Children, *Pueros baptizatos*, 1 November 1973, in *AAS*, 66 (1974), pp. 30-46, para. 48. This paragraph invites the priest to conduct a dialogue homily. The directory gives priority to the effective proclamation of the word, and so makes allowances for the age and condition of the children. By analogy, the same priority of the word calls for preaching in a language best suited for the nourishment of the faith of the hearers.

Intimately connected with the ministry of the word, the sanctifying office of the Church fleshes out the vocation to holiness proper to all Christ's faithful (*LG* 39-42, c. 210). In particular, pastors are required to see that those seeking the sacraments are prepared (c. 843/2). Migrants may find themselves discriminated against because they do not comfortably fit into established parish programmes, and so, through no fault of their own, miss out on receiving sacraments at the usual time, perhaps prejudicing their opportunity for future involvement in the life of the Church.

Determining the ability of migrants to benefit from the ordinary pastoral care of parish priests needs to be interpreted in the light of *Lumen gentium* 37, which begins: "The laity have the right, as do all Christians, to receive in abundance from their sacred pastors the spiritual goods of the Church, especially the assistance of the Word of God and the sacraments."⁹⁸ When access to the spiritual goods of the Church is dominated by an ecclesiology centred on the hierarchy, such a limiting factor usually produces situations of scarcity.⁹⁹ The right to the spiritual goods of the Church in abundance presumes a duty to provide them. John Flader considers the situations where the exercise of this right and duty might be in tension with ecclesiastical understanding of order:

The obligation [to confer the sacraments or to assist others to receive them] may also arise in the case of special groups of the faithful such as migrant communities, members of other rites, of associations of the faithful or movements, etc., who have their own chaplains but who require the use of a church or meeting place, or the permission of the local Ordinary in order to celebrate mass, conduct a retreat, etc. While it is clear that such groups do not have the right to the use of any specific church building, they do have a right to the spiritual goods of the Church, and pastors should be mindful of their obligation not to put obstacles in the way of the exercise of that right. Here too pastors should be guided not by their own preferences but by the rights and needs of the faithful. They should do everything possible to facilitate the exercise of the rights of others.¹⁰⁰

⁹⁸ Cf. J. FLADER, "The Right of the Faithful to the Spiritual Goods of the Church: Reflections on Canon 213," in *Apollinaris*, 65 (1992), pp. 375-398. Canon 213 omits "in abundance" but, as John Flader insists, Vatican II remains the principle of interpretation for the canon.

⁹⁹ *Ibid.*, p. 395. He contrasts the minimalist expression of 1917 Code, c. 682 with the expression at Vatican II, and insists that the obligation to provide the Church's treasures must not be interpreted narrowly so that the designated pastor could prevent persons from exercising their right. See also J. WHITEHEAD, "Priestliness: A Crisis of Belonging," in D. GOERGEN (ed.), *Being a Priest Today*, Collegeville, MI, Liturgical Press, 1992, pp. 26-28. James Whitehead observes: "If priestliness is about the abundance of grace, clericalism is about its scarcity" (p. 26).

¹⁰⁰ *Ibid.*

This highlights the inferior status of the chaplain who has no standing other than that allowed him by his faculties but more often than not no standing other than that allowed him by the local pastors. The question of this right and duty will prove important when we discuss the pastoral care of the Pacific Islands communities in Wellington.

To fulfil his pastoral office, c. 529 exhorts the parish priest to strive to know the faithful entrusted to his care. This canon also urges the parish priest to seek out, amongst others, "those who are exiled from their homeland." The canon echoes the Council of Trent's reforming decree for the division of a diocese into parishes where pastors might know the people and more recently Vatican II's *Christus Dominus* 30.¹⁰¹

In full accord with the principle of *communio*, and emphasized by Vatican II, c. 529/2 urges the parish priest to form community: "Moreover, he is to endeavour to ensure that the faithful are concerned for the community of the parish, that they feel themselves to be members both of the diocese and of the universal Church, and that they take part in and sustain works which promote this community." This second paragraph concentrates on a vision of the Church beyond just the parish, drawing from the text of *Presbyterorum ordinis* 6: "The office of pastor is not confined to the care of the faithful as individuals, but is also properly extended to the formation of a genuine Christian community." Consequently in pastoral ministry to migrants, the parish priest must think not just of the individual migrant as a part of the parish, but consider how a migrant community contributes to the life of the parish, and how as a community its pastoral needs can be met. Again *Presbyterorum ordinis* 6 is instructive: "No Christian community, however, can be built up unless it has its basis and centre in the celebration of the most Holy Eucharist." It is insufficient that migrants simply attend mass in a strange language and custom. Migrant communities, strengthened by their own celebrations of the eucharist, can participate with the wider parish community or with other parishes on a stronger footing and with more confidence when their opportunity to grow as a eucharistic community is respected.

The matter of governance also raises many practical questions. Economic and property issues also have an important impact on the pastoral care of migrants. The

¹⁰¹ See the Council of Trent, session 24, chapter 13, in TANNER, *Decrees of the Ecumenical Councils*, vol. 2, p. 768.

Code deals with the right of the Church to acquire, retain, administer, and alienate temporal goods for the tasks proper to the Church: "[...] the regulation of divine worship, the provision of fitting support for the clergy and other ministers, and the carrying out of works of the sacred apostolate and of charity, especially for the needy" (c. 1254/2).

The legitimately erected parish has juridic personality by the law itself. Being able to acquire and manage property, it has a stability and an autonomy governed by the universal and particular law. While stability or permanence might not be a feature of the structures for migrant pastoral care, nevertheless the notion of juridic personality does not require a guarantee of absolute permanence. From his historical study, Peter Kinlin stated: "Perpetuity of a benefice does not demand a guarantee that the juridical entity will last forever, but only that it be so established that it will not of itself cease to exist."¹⁰² Canon 120 states that, of its nature a juridical person is perpetual, ceasing only to exist when lawfully suppressed or if it has been inactive for a hundred years.

Juridic personality carries the obligation that every juridical person have "its own finance committee, or at least two counsellors, who are to assist in the performance of the administrator's duties, in accordance with the statutes" (c. 1280). The administrator must also attend to diocesan norms of accountability, which lend stability to the structure and allow forward planning independent of the person incumbent in the office.

2.6.5 Personal Parish

The pastoral care that is found within one's parish offers the best opportunity for respecting and preserving one's spiritual and cultural patrimony. Canon 518 states: "As a general rule, a parish is to be territorial, that is, it is to embrace all Christ's faithful of a given territory. Where it is useful, however, personal parishes are to be established, determined by reason of the rite, language, or nationality of the faithful of a certain territory, or on some other basis."¹⁰³ Territory ceases to be the predominant

¹⁰² KINLIN, *Canonical and Civil Status of Parishes in Canada*, p. 243. He quotes CORONATA, *Institutiones Iuris Canonici*, vol. II, p. 356, para. 972.

¹⁰³ In addition to 1917 Code, c. 216/4, some other sources for this canon are *EF* Title II, 32, *CD* 23, *ES* I 13 & 21, and *Dir.* 174. We saw that the reference in *EF* gave first mention to the erection of a parish for a particular language or nationality, and then offered alternatives if this was not expedient.

consideration in the diocesan organisation of pastoral care.

While not offering an exhaustive list, c. 518 does indicate a breadth of thinking that respects the various Oriental Catholic Churches *sui iuris*,¹⁰⁴ various language and cultural differences, and the specialized pastorates that emerge in the diocese. The canon invites a new mindset towards ordinary territorial parishes especially for those persons who are unable to benefit adequately from the territorial parish care because of experiences that have proved alienating or destructive. Nevertheless, from a discussion of the sources for c. 518, Archbishop Jean-Claude Périsset concludes that the legislator only very partially took account of the personal parish as a provision for people on the move, since the 1983 Code treats the personal parish as an exceptional means for providing pastoral care. He goes on to say however that this canon, with the canons on chaplains (cc. 564-572), forms a solid canonical base for the pastoral care of migrants, even if not sufficiently developed.¹⁰⁵

Exsul familia limited the jurisdiction of the personal pastor to the second generation. Subsequent generations would acquire the local language and belong to the territorial parish. In practice, the provision of pastoral care in the language of the local population was strongly debated. For instance, Italian parishes in the United States of America offered liturgies in English.¹⁰⁶ *Pastoralis migratorum cura*, presenting a broader understanding of language, abandoned the limitation of parishes or missions to the second generation.

¹⁰⁴ The Code of Canons for the Eastern Churches provides for the possibility of personal parishes, stating that the eparchial bishop can erect a personal parish on the basis of nationality, language, enrollment of the Christian faithful in another autonomous church or even upon some other definite determining factor (CCEO, c. 280). See J. FARIS, *The Eastern Catholic Churches: Constitution and Governance according to the Code of Canons of the Eastern Churches*, New York, Saint Maron Publications, 1992, p. 576. See also V. POSPISHIL, *Eastern Catholic Church Law*, 2nd rev. and augmented ed., New York, Saint Maron Publications, 1996, p. 249. John Faris and Victor Pospishal believe that the pastor of a personal parish shares a cumulative jurisdiction with the pastor of the territorial parish. Faris states: "These personal parishes are distinguished from the territorial parishes inasmuch as the pastors of the personal parish share cumulative jurisdiction with the pastors of the territorial parishes" (p. 576).

¹⁰⁵ PÉRISSET, "Migrazione e vita parrocchiale," in *Migrazioni e diritto ecclesiale*, p. 57.

¹⁰⁶ Cf. M. BROWN, "The Network of Community Life," in *U.S. Catholic Historian*, vol. 14, no. 3 (Summer 1996), pp. 31-56.

A person's cultural heritage endures even if the language of common use is acquired in the new land. Cultural identity, rather than language alone, determines where a person feels at home. Because the culture and not just the language is the basis for a specific pastoral care, subsequent generations who do not always speak the migrant's native language, but who retain their cultural roots, still have a right to the pastoral care adapted to the migrant's situation.

Pope Pius XII and Pope Paul VI articulated the principle that migrants enjoy the same rights and duties as the local faithful. The parochial structure for a stable group of migrants should enjoy the same benefits as territorial parishes, even when pastoral care is offered in the acquired language of the new land. Consequently, De Paolis argues that a local church should give priority to the ministry of a personal parish priest and concludes: "normally, it is not enough that the specific care be provided by a chaplain, regardless of the special authority with which he may be vested." ¹⁰⁷

A problem arises when a personal parish or quasi-parish is established but the regular provision of a priest as pastor cannot be guaranteed. Here the advantages of the parish structure become apparent. Unlike the chaplaincy that centres on the provision of a priest in the office, a parish, even without its resident pastor, provides a continuity for pastoral care. Its canonical provisions would be similar to the not-uncommon situation faced by territorial parishes without a resident pastor and could be subject to the same guidelines. While scarcely a preferred situation, catechesis, sacramental programmes, parish organisations, finance committees and parish pastoral councils would provide continuity and leadership along with whatever priest was given oversight of the parish (c. 517/2). As Ciesluk observes: "During the absence of the pastor through death or removal, the parish does not thereby cease to exist as such, nor does the pastoral office disappear, but rather continues *in habitu* until such time as another pastor is appointed to fill the office." ¹⁰⁸

Domicile normally provides the basis for defining the pastor's relationship with those entrusted to him. The pastor of a personal parish usually has some territorial demarcation but the primary basis for the pastoring relationship is founded on some

¹⁰⁷ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 140.

¹⁰⁸ CIESLUK, *National Parishes in the United States*, p. 5.

other criterion. Any shift from the territorial parish requires an appreciation of how pervasive the effects of domicile are. Domicile impacts on the disciplines of baptism (c. 862), confirmation (c. 887), penance (cc. 967/1, 968/1), anointing (c. 1003), marriage (c. 1109), the dispensation of private vows or promissory oaths (cc. 1196, 1197, 1203), dispensation for days of festival or penance (c. 1245), tribunal competence (cc. 1407-1409, 1673), and the disciplines concerning celebrating mass or sacraments in both parish and non-parochial settings (cc. 528/2, 556, 561). While numerous, some of the matters are not commonplace, and more particularly the sacramental issues are more concerned with good order or clarity about to whom one should go for pastoral care or, from the point of view of the pastor, for whom one is responsible.

Other issues include the place of the lapsed and the occasional attender and the peripheral parishioner. When territory defines the parish, everyone within that territory has a parish priest to whom their pastoral care is entrusted. When based on territory, the parish consists of more than those who attend, however irregularly, the parish church. The 1983 Code retains the concern for those on the fringes of parish life when it urges both the diocesan bishop (c. 383/1) and the parish priest (c. 528/1) to be solicitous of those who have lapsed from religious practice. In making adaptations to a territorial basis for organising a local church, the place of these members of the faithful must also be taken into consideration.

While accepting an intuitive understanding that where people live defines them and situates them both sociologically and physically, the question also arises about the basis for determining the territory. In an age of mobility what delineates a natural clustering? People generally have a wide range of associations whose territorial limits may vary considerably; inevitably a parish's limits will have a rationale that does not take into account some of these factors.

Is the issue more a question of clerical office rather than any nature of the community of the faithful? This was a criticism of the Australian bishops when they responded to the 1977 schema for book two of the Code.¹⁰⁹ Revealing their long-held

¹⁰⁹ AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE, *Response of the Australian Episcopal Conference to the Schema canonum libri II De Populo Dei*, Sydney, 1978, p. 71.

reservations against personal parishes, the Australian bishops also urged for a word of caution against any form of elitism in the Church to be inserted in the canon on personal parishes, c. 350 of the 1977 schema.¹¹⁰

2.6.6 Quasi-Parish

In the 1917 Code the quasi-parish was associated with missionary territory; basically territory not yet established with dioceses and parishes, and almost certainly without benefice attached (c. 216/2). The parish priest was described as a quasi-pastor (c. 451/2) who nevertheless had all the faculties and duties of an ordinary parish priest, including the *missa pro populo*. Nonetheless, the rather clear distinction between parishes and quasi-parishes was lost with the promulgation of the 1983 Code. William Woestman states:

The present canon no longer limits quasi-parishes to mission countries, since they are communities of Christ's faithful *within a particular Church*. The emphasis, as in the case of parishes, is transferred from territory to people, *a community of Christ's faithful*. There is to be a priest who is the proper shepherd or pastor of these people.¹¹¹

However, with the quasi-parish now a possibility in a diocese, it emerges as a less precise structure. With Woestman, we note that the priest to whom a quasi-parish is entrusted is described as its proper pastor, but not as the *parochus* or parish priest. Felix Cappello described the pastor of the quasi-parish in the period before the 1983 Code as a quasi-parish priest or a quasi-pastor.¹¹² However, no such designation is offered by the current law. He is a proper pastor and shepherd of the people who are entrusted to him, but canonically he is not their parish priest, whatever the people choose to call him. As Woestman states, c. 516/1 deals with a quasi-parish, and "does not say that a priest responsible for or in charge of a quasi-parish is equivalent in law to a parish priest or pastor."¹¹³ It might be more accurate to say that the priest is indeed its proper pastor (see 1917 Code, c. 216/1), but that he is not described as its *parochus* or parish priest.¹¹⁴

¹¹⁰ AUSTRALIAN CATHOLIC BISHOPS' CONFERENCE, *Response to De Populo Dei*, p. 71.

¹¹¹ W. WOESTMAN, *Parishes, Pastors, and Parochial Vicars* (cc. 515-552), Class Notes for the Private Use of Students, Faculty of Canon Law, Saint Paul University, Ottawa, 1995-1996, p. 6.

¹¹² F. CAPPELLO, *Summa Iuris Canonici*, Rome, Gregorian University, 1945, vol. 1, p. 443.

¹¹³ WOESTMAN, *Parishes, Pastors, and Parochial Vicars* (cc. 515-552), p. 6.

¹¹⁴ Cf., L. CHIAPPETTA, *Il codice di diritto canonico: commento giuridico-pastorale*, Napoli, Edizioni Dehoniane, 1988, vol. 1, p. 614. In contrast, Luigi Chiappetta does describe the priest to whom

The quasi-parish was not included in the 1977 schema on the people of God but in the 1980 schema the title returns with quite a different understanding, being more akin to *Exsul familia*'s context for the missionary for migrants. Only in the 1980 schema is the quasi-parish mentioned as now a possibility for a diocese, rather than just applying in vicariates or prefectures apostolic.¹¹⁵ The 1983 Code describes the quasi-parish in c. 516/1: "Unless the law provides otherwise, a quasi-parish is equivalent to a parish. A quasi-parish is a certain community of Christ's faithful within a particular Church, entrusted to a priest as its proper pastor, but because of special circumstances not yet established as a parish." Obviously one of the values of the structure is that it allows for a certain flexibility that the formal establishment of a parish precludes.

The reference to "special circumstances" dictates where equivalence to a parish ends and identity with a parish begins. For instance, does equivalence mean that the law requires the diocesan bishop to consult with the council of priests before in any way altering the quasi-parish? Most assuredly, yes. Does equivalence mean that the someone other than the pastor can act in the person of the parish in all juridical matters (c. 532)? Given the impact on neighbouring pastorates and the pastoral plan of the diocese, yes. In the normal course of events one would expect consultation with the presbyteral council before change, and that the pastor would represent the parish in its juridic dealings.

The discussions of the *coetus* meeting on 19 April 1980 and 14 May 1980 offer some illumination of the evolution of the present text. Discussing a new canon on parishes as communities of the faithful entrusted to a parish priest, the *coetus* grappled with the other canonical figures equated with a parish priest from 1917 Code c. 451/2, 1&2.¹¹⁶ The proposed text, c. 349, described parochial vicariates in the same terms as quasi-parishes. An initial proposal to maintain the distinction between the two gave way to a unified text with no mention of parochial vicariates. The secretary highlighted the essential features of both; namely that they denoted a community of the

a quasi-parish is entrusted as the quasi-parish priest.

¹¹⁵ *Codex Recognitus (Schema), Codex Iuris Canonici: Schema Patribus commissionis reservatum*, Città del Vaticano, Libreria editrice Vaticana, 1980, c. 455, p. 110.

¹¹⁶ *Communicationes*, 13 (1981), p. 147.

faithful, which was not able to be structured as a parish, but that the bishop appoint a proper pastor who would have all the faculties accorded by particular law. A consultor further expressed the importance of mentioning that the community was entrusted to him for the care of souls.¹¹⁷ From the meeting of 14 May 1980 emerged the text concerning quasi-parishes that was subsequently promulgated in 1983. In other words the new emphasis on the community of the faithful met the old distinctions of quasi-parish and parochial vicariates and provided for a merged entity known as the quasi-parish able to be erected in either diocese or vicariate or prefecture apostolic. In any event, the *coetus* concluded that if a bishop established neither then he was still obliged to provide for their pastoral care in some other way. Despite reservations that such an obvious obligation might be construed erroneously, the text that was later to become c. 516/2 was accepted.¹¹⁸

With the 1983 Code the quasi-parish enters a new context, with its status and that of the pastor to whom the people are entrusted changing. Woestman offers a number of situations or special circumstances when the establishment of a quasi-parish could prove useful. Listing communities such as those who have come together for short-term construction projects, special needs groups, transient groups, communities that are authorized to use the 1962 missal, and communities that lack numbers, finances, or hope of a resident pastor, Woestman highlights factors that lessen the stability or degree of autonomy of a particular community. Almost by definition they are in a state of fluidity, which over time may develop into something more permanent or not.

Regarding the status of the migrant documents, O'Leary draws our attention to the principle expressed in c. 6/2 of the 1983 Code. He states, that because the canons concerning migrants "reproduce the former law, they are to be assessed in the light also of canonical tradition (c. 6)." ¹¹⁹ Accordingly, *Pastoralis migratorum cura* remains a

¹¹⁷ *Communicationes*, 13 (1981), p. 305.

¹¹⁸ *Ibid.*

¹¹⁹ O'LEARY, "Priestly Ministry to Migrants: The Options," in *Canon Law Society of Australia and New Zealand Newsletter*, (Spring 1989), p. 64. Cf. C. SCICLUNA, "The Personal Parish and the Mission with the Care of Souls Confided to Religious," in *Consecrated Life*, 15 (1990), pp. 230-231. Charles Scicluna shares the opinion of O'Leary. Scicluna writes: "What are criteria for the erection of a personal parish for a determined community of migrants? The normative documents still in effect is the *Instruction De pastoralis migratorum cura* (1969) which states the following in [PMC] 33/3: i) a large number of migrants; ii) who speak the same language; iii) who live stably in a determined place or come there continually."

central document in the laws concerning migrants. O'Leary details the parallels, observing that the three pastoral structures of personal parish, mission with the care of souls and the chaplaincy described in *Pastoralis migratorum cura* are reproduced in the 1983 Code with the mission with the care of souls now included in the quasi-parish.¹²⁰

2.6.7 Chaplain for Migrants

Canon 568 describes a new canonical figure, the chaplain for migrants, whom De Paolis calls "a constant reminder of the responsibility of pastors who are to keep in mind the particular pastoral situation of persons who are on the move in any way whatsoever."¹²¹ Writing for the *The Code of Canon Law: A Text and Commentary*, Joseph Janicki sees the chaplain to migrants as a parallel with the pastor of a personal parish,¹²² but De Paolis rightly argues for a more precise distinction that the chaplain "always remains a figure inferior to the pastor, and will always labor under that sense of the provisional. He will not normally be in the position to give that pastoral assistance which is offered by a parish in the Church structures."¹²³ As a result, provision of a chaplain to a group of migrants should not be seen as the solution of preference for their pastoral care.

Although c. 568 addresses the needs of people on the move, it does not exclusively address their situation. Linked with c. 529, which urges a pastor's solicitude for people at the margins of parish and social life, c. 568 also urges a comprehensive pastoral care. Canon 568 reads: "As far as possible, chaplains are to be appointed for those who, because of their condition of life, are not able to avail themselves of the ordinary care of parish priests, as for example, migrants, exiles, fugitives, nomads, and sea-farers." The presumption of the passive verb is that the diocesan bishop is responsible for the appointment. While that holds true, Jean-Claude Périsset points out that it is an impossibility for the parish priest to fulfil his pastoral

¹²⁰ O'LEARY, "Priestly Ministry to Migrants: The Options," unpublished rev., 1994, pp. 9-10.

¹²¹ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 137.

¹²² JANICKI, *The Code of Canon Law: A Text and Commentary*, p. 446.

¹²³ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 137. This point is emphasised also by J.-C. PÉRISSET in the footnote below.

duty towards persons affected by migration thus making necessary the appointment of chaplains to different groups.¹²⁴

Canon 571 underlines the preference for the pastor's office when it calls for the chaplain, "in the exercise of his pastoral office [...] to maintain the due relationship with the parish priest." Thus the canon advocates a harmonious relationship between chaplain and pastor. The key to making that a reality is a clear understanding of the difference between the two offices, for while both are priests, responsible for the pastoral care of a community or group of Christ's faithful, the chaplain does not enjoy the same stability in office, is not required to say the *missa pro populo* and shares a cumulative jurisdiction with the pastor, who does not relinquish pastoral responsibility for the faithful entrusted to him, according to the boundaries of his jurisdiction.

The canons on chaplains clearly indicate the limits of his ministry. Janicki notes: "a chaplain serves 'some community' or a 'particular group' of the faithful rather than a parish or quasi-parish. Therefore, although the office is pastoral by nature, a chaplain is not a pastor."¹²⁵ While the chaplain may and ought to be given every faculty for the proper pastoral care required by the community he serves (c. 566/1), the parish priest does not relinquish his rights and duties to their pastoral care. Beyond the good will called for by c. 571, chaplains and pastors need to establish clear guidelines about sacramental records, baptisms, weddings, funerals, eucharistic celebration times, especially at Christmas and Easter, and financial matters. Canon 571 clearly establishes the priority of the parish priest over the chaplain.

People on the move, such as exiles, refugees, nomads and sailors (c. 568), may be usefully served by the provision of a chaplain. Depending on the number and stability of the community and the availability of personnel, no other solution may be as useful. Nevertheless, the 1983 Code, building on previous documents cited above, shows a preference for other structures. Following *Pastoralis migratorum cura*, the Code offers migrants the personal parish, the quasi-parish (previously mission with the care of souls), and the chaplain. Given this context, De Paolis interprets the

¹²⁴ J.-C. PÉRISSET, "Migrazione e vita parrocchiale," in *Migrazioni e diritto ecclesiale: la pastorale della mobilità umana nel nuovo Codice di diritto canonico*, Padova, Edizioni Messaggero, 1992, p. 55.

¹²⁵ JANICKI, *The Code of Canon Law: A Text and Commentary*, p. 445.

significance of c. 568 as "the constituency of a chaplaincy for the spiritual care of migrants is neither the only nor the best solution, but it is a good indication that in the global evaluation of the situation such a solution has to be kept present." ¹²⁶ A chaplain ought to be given all the faculties which proper pastoral care requires (c. 566). Beyond faculties, however, the law makes no mention of structures for pastoral management such as a pastoral council or finance committee. These are features of the parish or quasi-parish, yet they are so vital to the stability of a community of the faithful.

Because the pastoral care of migrants shifted from a preoccupation with language and moved to the broader dimensions of culture and spiritual patrimony, the importance of structures beyond that of the simple chaplaincy emerges. After discussing the value of culture, De Paolis concludes: "In this wide context one can also understand why normally it is not enough that the specific care be provided by a Chaplain, regardless of the special authority with which he may be vested. For a stable and teeming emigration the Church contemplates as the ideal the parochial structure which must enjoy the same rights and duties as the territorial parishes." ¹²⁷

According to the principle of territoriality, a particular portion of the People of God is circumscribed normally by territory. However, when useful or beneficial, other factors can determine how a community of the faithful is to be organized. The personal parish or quasi-parish are no longer the prerogative only of migrants and missionary territory respectively, but become tools for the most beneficial provision of pastoral care for a local church.

CONCLUSION

The circumstances of migrants highlight the possibility of alternative styles of pastoral care for any group of the faithful unable to enjoy access to ordinary parochial care. Their situation also underlines the rights common to all Christ's faithful. The first canon addressing the obligations and rights of all Christ's faithful is that of equality. Drawing on *Lumen gentium* 32, which teaches that from a common baptism "there is in Christ and in the Church no inequality on the basis of race or nationality, social

¹²⁶ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 138.

¹²⁷ Ibid., pp. 140-141.

condition or sex," c. 208 states: "Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ." Just as *Exsul familia* advocated a quality of pastoral care for migrants equal to that which other faithful in a diocese receive (*EF* 103), so the 1983 Code affirms the same principle, and calls on diocesan bishops, pastors and all pastors of souls (c. 771/1) to make this a reality for migrants and all who are unable to benefit from the ordinary means of pastoral care.

The teaching of the Church carefully balances the tension of the migrants' connections with their origins and their responsibilities towards their new land. As Giulio Nicolini points out, unity follows not only from respecting but reinforcing differences: "The power of a choir is in its diverse but harmonizing voices. Without variation the music would be monotonous, poor, tedious, uncertain of its future." ¹²⁸ Neither the majority receiving community nor the minority migrant community remain unchanged by the interaction. This usually remains a difficult principle for the dominant culture to accept.

The documents of the Holy See reviewed above show a consistent solicitude for migrants. They exemplify some of the trends in the Church before and after the Vatican Council such as the movement from the centralized, juridical, and priestly focus of *Exsul familia* to the tasks of all the faithful for a broad-based pastoral care centred on the responsibilities of the local church found in the letter *Church and People on the Move*. The respect of the Council for the language, cultural values, the insights of various scientific disciplines, and the diverse ways of being Catholic in the local church provides the catalyst for these developments.

The pastoral structures that are available vary, with the diocesan bishop able to exercise considerable discretion in what he establishes. The law shows a preference for the personal parish if circumstances are opportune. We need now consider the New Zealand context and the pastoral care options for the significant minorities of the indigenous Maori and the Pacific Islands communities.

¹²⁸ NICOLINI, "Ecclesial Integration of Immigrants," in *On the Move*, no. 46 (1985), p. 63.

CHAPTER THREE: THE NEW ZEALAND CONTEXT AND THE CHURCH'S RESPONSE TO MIGRANTS AND THE INDIGENOUS PEOPLE

INTRODUCTION

New Zealand's short history of human settlement begins with Polynesian people, whose legends describe sea voyages to New Zealand's shores over a thousand years ago. Later waves of migrants, mainly from the British Isles, came in the late eighteenth century and particularly in the nineteenth century. Prominent New Zealand author, Michael King, describes all people in New Zealand as people on the move: "In a country inhabited for a mere one thousand years, everybody is an immigrant or a descendant of immigrants. Such descendants are heirs to history and traditions carried from their country of origin in addition to those generated in their country of birth."¹

This chapter will look at the immigration stories that have shaped the cultures of New Zealand. In particular we will discuss the social relationships between the three significant groups: namely the dominant Pakeha community, the Maori who are the first people of the land, and those coming from the Pacific Islands and their New Zealand-born descendants.² While the Maori recount ancient voyages of discovery and occupation of New Zealand, they also describe themselves as *tangata whenua*, people of the land, which implies a timeless quality. Both perspectives underline a continuity of culture, so that the Maori who came to New Zealand a thousand years ago were effectively settlers who occupied a territory bringing with them their own culture. The encounter with another culture that typifies the migration experience took place eight hundred years later.

¹ M. KING, *Being Pakeha: An Encounter with New Zealand and the Maori Renaissance*, Auckland, Hodder and Stoughton, 1985, p. 14.

² "Maori" means normal or ordinary, as distinct from the "pakeha" which has disputed origins but basically refers to those of European descent. This means that concepts of a Maori way of doing things or Maori culture only find expression after the cultural interaction and conflict with the European newcomers. See M. KING (ed.), *Pakeha: The Quest for Identity in New Zealand*, Auckland, Penguin Books, 1991, p. 8. King notes that Pakeha is not a pejorative term but simply denotes people and influences from Europe: "While the origins are European, changes brought about by history, geography and culture in New Zealand make the term Pakeha an indigenous expression to describe New Zealand people and things that are not Maori."

The Church documents on migration identify migrants as those who move into a territory of an established culture which is not their own. Consequently the Maori are not migrants nor do they perceive themselves as such. Nevertheless the Church teaching on migrants usefully applies to the situation of the Maori in an analogous manner, especially when subsequent movements of Maori from rural New Zealand to the cities bear the features of the migrant experience.

Although the Code does not address the pastoral care of indigenous peoples, by analogy the provisions of the documents on migration usefully apply. The law deals with similar issues and the same general principles underpin the pastoral care of indigenous people (c. 19). *Exsul familia* affirmed the value of an equivalent pastoral care for migrants as that enjoyed by the host culture; by analogy, indigenous people have a right to an equivalent pastoral care proportionate to their need. *Pastoralis migratorum cura* supported the preservation of the cultural and spiritual patrimony of migrants; by analogy, the cultural heritage of the Maori warrants similar respect. *The Church and People on the Move* supported the integration of migrants and host culture from a position of mutual respect; by analogy Maori have the right to integration from a position of respect and strength.

The pastoral care of the Church for the diverse ways of being Catholic builds on and challenges the social relationships between the dominant Pakeha culture and that of the indigenous Maori and the more recent migrants. By bringing the insights of the history of parishes and people on the move, and the experience behind the documents on migration to this discussion, we explore various ways of meeting the pastoral needs of the two significant minorities of the Archdiocese of Wellington, namely the indigenous Maori and the Samoan communities.

3.1 HISTORY OF NEW ZEALAND AS A MIGRANT NATION

King describes the peoples that make up New Zealand's population: "In the beginning we were all immigrants to these islands, our ancestors [were] people who arrived by *waka*, ship or aeroplane. The ingredients of our indigenous cultures, too, were imported: the Polynesian language that became Maori, and English; Papatuanuku and the Bible; Maui and the cultural heroes of Western Europe and North America; the

kumara and the kiwifruit." ³ Developing a theology of migration, Jim Stuart points out: "To come to New Zealand, the land of the long white cloud, requires a journey over immense distances, the severing of many ties to the past and undertaking the risks of building a new life in the world of the Pacific. All New Zealanders, whether Maori, Pakeha, or Pacific Islander, share this in common. We are a migrant people seeking a new life." ⁴ The recognition of New Zealand's migrant history provides a fundamental insight for any dialogue between established and recently arrived cultural groups.

3.1.1 Maori History

The legends concerning Maori origins in New Zealand describe various canoe migrations from Polynesia to various landing places in New Zealand, probably dating from the ninth and tenth centuries.⁵ Maori society was and is based on tribal associations (*iwi*), with lesser social units of extended families (*hapu*). Only with the arrival of the European, did Maori come to describe themselves as a people distinct from the newcomers. Subsequently Christianity became an integral part of Maori culture, but Manuka Henare argues that the world view of Maori retains its roots in the inter-relationship of human persons with their extended family and tribal links, and the world suffused with spiritual powers.⁶ Stated differently, Maori spirituality perceives that the spiritual world interpenetrates the material physical world.

³ KING, *Pakeha: The Quest*, p. 9.

⁴ J. STUART, "A Theology for a Migrant People," in *Towards an Authentic New Zealand Theology: Proceedings of the 1982 Meetings of the Auckland Theology Forum*, J. KER & K. SHARPE (eds), Auckland, The University of Auckland Chaplaincy Publishing Trust, 1984, p. 13.

⁵ *New Zealand Official Yearbook 1996 Te Pukapuka Houanga Whaimana o Aotearoa*, 99th ed., Wellington, Statistics New Zealand, 1997, p. 96. The passage states: "The islands of New Zealand have been ethnically and culturally connected to Polynesia for at least 1000 years. Less than 200 years ago, its population and cultural heritage was wholly that of Polynesia, but now New Zealand is dominated by cultural traditions that are mainly European, emanating especially from Britain." With these statistics in mind, we find that around 150 years ago a migrant people came in numbers that overwhelmed the indigenous culture so as to turn migrant thinking on its head. These recent arrivals see themselves as the culture to which people must adapt and also have demonstrated irrational fears that people of Polynesia and Asia will do to them what they did to the Maori.

⁶ M. HENARE, "Christianity: Maori Churches," in P. DONOVAN (ed.), *Religion of New Zealanders*, 2nd ed., Palmerston North, The Dunmore Press, 1997, p. 120.

3.1.2 European Settlement

Since the voyages of Abel Tasman in the seventeenth century, and more so since the voyages of Captain James Cook in the late eighteenth century, European contact with the Maori increased, initially with sealing and whaling, and trading interests for the fledgling British settlement in Australia.⁷ The competitive interests of Britain and France and the United States in the Pacific prompted discussion of Britain's proclaiming sovereignty over New Zealand to forestall the interests of the French in particular. In addition, the pressure from the humanitarian lobby in Britain to ensure fair treatment of indigenous peoples, and the recognition that the indigenous people in New Zealand were in a position of numerical and economic strength, prompted a desire to formalize the relationship between the British Crown and the Maori tribes of New Zealand in a treaty.⁸

Even before the arrival of Christian missionaries, Maori probably had contact with Christian influences through the many whalers, sealers and traders working the shores since late in the 17th century.⁹ Henare summarizes the history of evangelization: "Today Christianity is acknowledged by Maori as the religion of their culture. However the journey to this acknowledgement was a traumatic one. Christianity as an organised religion and as a set of moral, ethical and religious beliefs and practices, has had a profound effect on *nga tikanga me nga ritenga* (values and customs)." ¹⁰

⁷ *New Zealand Official Yearbook 1996*, p. 97. The yearbook describes the consequences as "disastrous" for the Maori population, so that by the 1860s the number of Maori was less than the burgeoning European number.

⁸ See *The Treaty of Waitangi: The Symbol of our Life Together as a Nation* pamphlet. This sequicentennial pamphlet stated: "In 1835, in the hope of discouraging further foreign intervention, including a Frenchman's plan to set up his own independent state in Hokianga, Busby organised 34 northern chiefs into signing a Declaration of the Independence of New Zealand."

⁹ HENARE, "Maori Churches," in DONOVAN, *Religion of New Zealanders*, p. 120.

¹⁰ *Ibid.*, pp. 122-123. From a number of sources, Henare describes the pre-European religion in terms of a two-world system where the spiritual penetrates the material world, with ritual and prayer (*karakia*) all aspects of life come under the influence of spiritual powers. It retains its power in the various expressions of modern Maori culture.

3.1.3 The Treaty of Waitangi

On 6 February 1840 Lieutenant-Governor William Hobson signed a treaty written in Maori with hereditary chiefs and tribal leaders of northern New Zealand tribes at Waitangi. An English text, which was signed later in March and April 1840 by thirty-nine chiefs only, became the "official" version in European eyes. The Treaty of Waitangi has been a controversial document in New Zealand's history since its signing with questions about its legal standing, its divergent English and Maori versions, the various perceptions of those who signed it, and the rights of those who refused to sign. Claudia Orange in her major work simply entitled *The Treaty of Waitangi* details the events leading up to and surrounding the signing.¹¹ Textual variations exist but a more fundamental tension within the treaty arose from the divergent perceptions of what was being protected and what was being conceded. As Orange points out, the Maori text written by missionary Henry Williams: "failed to convey the full meaning of the national sovereignty being conceded."¹² Orange goes on to explain:

Above all, Maori fear that the *mana* [authority or prestige] of the land might pass from them if they signed the treaty was eased by the treaty's guarantee of *rangatiratanga* [chieftainship]. It looked as if the treaty was asking little of them but offering much. The promises, moreover, were backed by a document of the kind that northern Maori, long experienced in contact with Pakeha, knew was important to Europeans.¹³

The authors of the 1940 Treaty of Waitangi deliberately drew on biblical expressions familiar to the Maori. For example, *rangatiratanga* expressed God's kingdom in translations of the Lord's prayer. It was also used earlier to describe independence in the 1935 Declaration of Independence.¹⁴ Furthermore, the key concept of sovereignty in the English version is expressed in the Maori text by *kawanatanga*, or governorship, which draws on the biblical notion of covenant.

¹¹ C. ORANGE, *The Treaty of Waitangi*, Wellington, Allen and Unwin NZ in association with the Port Nicholson Press, 1987, p. 259. "The treaty signed at Waitangi and several copies are held by National Archives Wellington. All contain the signatures, moko, or marks of chiefs who wished to signify their agreement to the treaty." The exact number who signed is uncertain, but possibly between 530 and 540.

¹² Ibid., p. 56.

¹³ Ibid., p. 58.

¹⁴ Ibid., p. 41.

An optimistic and oft-repeated hope for unity accompanied the signing of the treaty. Orange describes the event: "As each Maori signed, he shook hands with Hobson, the Lieutenant-Governor repeating '*He iwi tahi tatou*' - We are now one people."¹⁵ Later the ambiguities of the agreement and the doubts about its legal status became all too apparent but the missionaries who helped design and bring the treaty about consistently appealed to the spirit of the treaty. Orange expresses that spirit in a way that captures an enduring tension of expectation and obligation: the spirit of the treaty "would sustain a sense of Maori expectation and Pakeha obligation that treaty promises should be kept."¹⁶ Having secured the sovereignty over the land, any British resolve to ensure fair land dealings and Maori rights was subsequently undermined by interests of the settlers.¹⁷ Later we will see how the treaty features strongly in any consideration of New Zealand identity and in any discussion with migrant communities.

3.1.4 Nineteenth Century Migration

Emigration from Britain was seriously proposed as a solution to many of its economic and social woes.¹⁸ In his study of immigration to New Zealand from 1854-1938, Wilfred Borrie traced the development of immigration which largely originated in the British Isles. By 1938, he observed: "The tradition that Britain has a surplus population which must be cajoled to fill the wide open spaces of the Dominions has ended."¹⁹ While the benefits of emigration were perceived as a viable solution to

¹⁵ ORANGE, *The Treaty of Waitangi*, p. 55.

¹⁶ Ibid.

¹⁷ An illustration of the settler indifference to the treaty came in 1854 with the establishment of self-government for New Zealand on a property franchise. Women were ignored until 1890, but the Maori were another matter. Tony Simpson writes: "In 1854 the Maori population of New Zealand far outnumbered the Pakeha, and Maori still owned much of the country besides. A voting qualification based on property should, in theory, have ensured Maori domination of the political system, particularly as they had, by the Treaty of Waitangi, been promised all the rights of citizenship." T. SIMPSON, *Shame and Disgrace: A History of Lost Scandals in New Zealand*, Auckland, Penguin, 1995, p. 224. In 1867 4 Maori seats came into being, but as Elsie Locke points out: "If these had been based on a fair share of the population, at that time there would have been 18 Maori electorates added to the existing 72. But the Pakeha politicians did not want the Maori to have any real power. Four members would be enough." E. LOCKE, *Two Peoples One Land: A History of Aotearoa/New Zealand*, Wellington, GP Publications, 1988, p. 44.

¹⁸ For example, G. K. Chesterton criticised the ending of Dickens' *David Copperfield*: "Why did Dickens at the end of this book give way to that typically English optimism about emigration? He seems to think that he can cure the souls of a whole cartload, or rather boatload, of his characters by sending them all to the Colonies." In his "Introduction" to C. DICKENS, *The Personal History of David Copperfield*, London, J. M. Dent and Sons, 1907, p. viii.

¹⁹ W. BORRIE, *Immigration to New Zealand 1854-1938*, Canberra, Aust., Demography Program,

Britain's economic difficulties in the mid-1880s, the New Zealand Settlement Company director Edward Gibbon Wakefield's contribution to the endeavours to entice migrants was to recognize that only with an organized settlement and attractive incentives would people undergo the rigorous sea voyage.

Finding that migration to New Zealand by English artisans and labourers only lead to their replacement in England by Irish and Scottish workers, official policy encouraged emigration overseas directly from Ireland and Scotland.²⁰ In his study of 19th century migration to New Zealand, Tony Simpson questions the effectiveness of the British policy aimed at removing surplus population. Simpson notes that those who left Britain were not necessarily the people whose absence the ruling classes would not miss, no doubt accounting for the encouragement of Irish and Scottish emigration noted by Borrie. While the official policy of the ruling class wanted surplus people out, the emigrants saw themselves as going to a new place to establish a life for themselves.²¹ It was this perception that the New Zealand Company and the Wakefields exploited in their promotion of emigration to New Zealand.

While migrants from the British Isles formed the bulk of the immigrants into New Zealand, the public works programmes on the 1870s, relying heavily on migrant labour, required the country to look further afield. Borrie describes the event:

When it was found impossible to secure an adequate flow of migrants of British stock, every endeavour was made to turn a section of the emigrant tide going to the New World from Northern Europe to New Zealand. [...] Consequently, in the hundred thousand settlers introduced between 1870 and 1880 there were included some 3000 Germans and 3500 Scandinavians. [...] There were also a small inflow of settlers from Italy and France. [...] These Europeans minorities have not attracted notice [in the numerous histories of New Zealand], because of the rapidity with which they have been assimilated into a population which has always been predominantly British.²²

These immigrants included Catholics whose practices and heritage reflected the

Research School of Social Sciences, Australian National Library, 1991, p. 187.

20 BORRIE, *Immigration to New Zealand 1854-1938*, p. 187.

21 See T. SIMPSON, *The Immigrants: The Great Migration from Britain to New Zealand, 1830-1890*, Auckland, Godwit Publishing, 1997, 240 p.

22 BORRIE, *Immigration to New Zealand 1854-1938*, p. 122. Nevertheless, various descendants of migrant communities have shown an interest in their heritage and have published histories. For example, see J. POBOG-JAWOROWSKI, *History of the Polish Settlers in New Zealand 1776-1987*, Warsaw, CHZ Ars Polona, 1990, 228 p. On page 9 he describes the 1870s recruitment of emigrants from Europe, including many Poles.

international character of Catholicism.²³

3.1.5 Polynesian Migration

Polynesian contacts with the non-Polynesian world began in the 18th century, becoming significant in the early 19th century through trade and later through colonisation. Vasantha Krishnan, Penelope Schoeffel and Julie Warren, in their study of Pacific Island communities in New Zealand, note that it was not until the twentieth century that "New Zealand acquired its Pacific empire by assuming responsibility for the Cook Islands and Niue in 1901 and Tokelau in 1925. [...] Western Samoa became a mandated territory under New Zealand administration in 1921, after New Zealand forces had seized the islands from Germany in 1914 at the onset of the first World War." ²⁴ While economic difficulties in New Zealand in the last decade have reduced migration to New Zealand and encouraged return to the islands, Krishnan, Schoeffel and Warren accurately observe: "Like a marriage, New Zealand is irrevocably connected to the Pacific Islands for better or for worse." ²⁵

While people from the islands had come to New Zealand since the late 19th century, from the late 1950s a large flow of Polynesians began to move to New Zealand, the United States of America and Australia. Betty Duncan describes the phenomenon:

The migration of Pacific Islanders to New Zealand has occurred in a series of waves. During the 1940s the new arrivals were mainly young, single, transient Cook Island and Niuean workers. As citizens of New Zealand since 1901, they have free entry into this country. The 1950s saw family groups, including Samoans, settling here. The leadership from these older people gave the new communities direction and stability. Tokelauans, New Zealand citizens since 1948, have also been arriving since the mid-1960s. But the greatest influx took place in the late 1960s and early 1970s as a response to the growing labour shortage in urban New Zealand. Also because of their rapidly growing populations many Pacific Islanders were looking to New Zealand for better educational and economic opportunities.²⁶

²³ See M. KING, *God's Farthest Outpost: A History of Catholics in New New [sic] Zealand*, research by M. van de Klundert, Auckland, Viking, 1997, p. 101.

²⁴ V. KRISHNAN, P. SCHOEFFEL, & J. WARREN, *The Challenges of Change: Pacific Island Communities in New Zealand, 1986-1993*, Wellington, New Zealand Institute for Social Research and Development, 1994, p. 3.

²⁵ *Ibid.*, p. 1.

²⁶ B. DUNCAN, "Christianity: Pacific Island Traditions," in DONOVAN, *Religions of New Zealanders*, p. 130.

Traditionally reliant on primary produce for export earnings, after the war New Zealand embarked on greater industrial development and sought a larger workforce.

Unable to draw sufficient migrants from the United Kingdom, the New Zealand government looked to Europe and then to the Pacific. Krishnan, Schoeffel, and Warren note: "During this early phase of migration, industrial development in New Zealand was strong and there was a high demand for labour in the manufacturing sector, as well as a demand for labour in the rural economy."²⁷ New Zealand looked to the Pacific Islands for migrant workers to occupy positions in growth industries such as manufacturing.²⁸ While New Zealand never had the volume of migrants that came to Australia after the Second World War, at that time migration policy was broadened beyond the preferred British migrants.²⁹ Despite these efforts Britain no longer had a surplus population wishing to emigrate. In addition European countries devastated by the war had a considerable number of displaced persons wishing to rebuild their lives in countries like Australia and New Zealand. The authors add: "By 1950, immigration policies had been liberalized even further to encourage immigrants from the United Kingdom, the Netherlands, Austria, Denmark, the Federal Republic of Germany and Switzerland. [...] In 1960, assisted immigration targets were increased and a new subsidised immigration scheme was introduced to help employers overcome labour shortages."³⁰ This trend continued till the 1970s, with the net spread wider to draw migrants from all over Europe. The authors continue: "In 1973-1974 an unprecedented 69,814 permanent and long-term immigrants arrived in New Zealand."³¹ Of these, nearly 46% come from the British Isles, 29% from Australia, 6% from Canada and the United States of America, and 6% from the Cook Islands, Niue, Fiji, Tonga and Samoa. The population from Pacific Island ethnic groups has grown from a little over

²⁷ KRISHNAN, *The Challenge of Change*, p. 4. On page 8, the authors go on to identify the motivations for emigration: "Migration has acted as a political and economic safety valve for small island states without real economic growth prospects, averting political unrest and widespread poverty, absorbing surplus populations and providing a source of capital for those remaining behind."

²⁸ Ibid., p. 9.

²⁹ Ibid., p. 13. The authors note: "Immigrants from British stock were considered the most appropriate [...]. In 1947 the Government introduced a policy of assisted, as well as free, immigration from the United Kingdom to fill positions in essential production and service industries."

³⁰ Ibid.

³¹ Ibid. New Zealand's total population reached three million between 1971 and 1976.

100,000 in 1981 to nearly 170,000 at the 1991 Census.³²

With the oil crisis of the mid 1970s immigration to New Zealand slowed. The decline of the manufacturing sector which had become the traditional employer of the Pacific Island workers profoundly and adversely affected the circumstances of Pacific Islanders in New Zealand. This was compounded by racism which identified Pacific Island people as "overstayers" and as a drain on the New Zealand economy, precipitating a particularly shameful period in New Zealand's race relations.³³

In the 1970s, the Pacific Island workforce had become a supplementary source of unskilled labour to fill the demands of New Zealand's artificially protected economy.³⁴ They had come to New Zealand initially for economic reasons but the standard of living, education and subsequently family unification were all factors fostering migration. A high birth rate in New Zealand and the physical proximity of the islands contributed to the growth of substantial Pacific Island communities in New Zealand.³⁵ After an elaborate study Krishnan and her colleagues illustrate the link between race and poverty. They identify the greatest impact in Auckland and Wellington where the Pacific Islands populations are 11% and 6% of the population respectively: "Most of the impacts will also be concentrated in particular areas of these cities, areas which are already ghetto-like." ³⁶

In reflecting on the impact that migration from the Pacific had on the dioceses in New Zealand, as compared to previous migrants from Europe, historian Ernest Simmons stated: "Here was a quite different problem, since the people of the Pacific had retained a larger share of their own culture and their traditional values." ³⁷ The

32 KRISHNAN, *The Challenge of Change*, p. 13.

33 From the mid 1970s, Pacific Island people were identified with "overstayers." Police and immigration officials began a series of dawn raids on Polynesian homes to apprehend, prosecute and deport those overstayers found. In fact overstayers from the United States and the United Kingdom made up 31% of all overstayers but only 5% of prosecutions. A vastly disproportionate number of Pacific Island prosecutions were conducted in 1985-86.

34 KRISHNAN, *The Challenge of Change*, p. 19.

35 Ibid., pp. 15-16.

36 Ibid., p. 85.

37 E. SIMMONS, *A Brief History of the Catholic Church in New Zealand*, Auckland, Catholic Publishing Centre, 1978, p. 110. Cf. A. PITTARELLO, "Migrants and the Catholic Church in Australia," in *The Australasian Catholic Record*, 65 (1988), pp. 141-158. Pittarello argues that whenever

observation implicitly recognizes that people from the Pacific showed every sign of not being assimilated according to the prevailing expectation. Additionally, it notes the new factor with the Polynesian migration in New Zealand, namely while integration would still occur, the shape of the new community formed would retain features of the Pacific roots. This process is likely to continue as New Zealanders realize their future less in ties with Europe and more within the Asian and Pacific context dictated by our geography.

3.2 MIGRANTS, THE MAORI, & THE PAKEHA

3.2.1 Multiculturalism and Biculturalism

The goal of "one people" remains for many New Zealanders the most significant aspect of the Treaty of Waitangi for it is, as Orange explains: "the ideological base for the claim that New Zealand has treated its indigenous race well." ³⁸ Biculturalism challenges this perception of history. On the one hand, as King states accurately: "Pakeha born in and committed to New Zealand have no other home, no other *turangawaewae* [place to stand], any more than Maori do in the Cook Islands, Tahiti or Samoa, points of departure for their migrations to New Zealand." ³⁹ On the other hand, the Treaty of Waitangi, as the New Zealand bishops state: "acknowledges the special place of the Maori people as *tangata whenua* (the people of the land) - that is, indigenous." ⁴⁰

the receiving community perceives migrants as a separate entity, it justifies their seeing migrants as an asset when they contribute to the life of the church, or as a liability because they cause problems. He insists that migrants neither join the Church in Australia for what they can give nor for what they receive, but simply because of what they are: people who share the same faith (pp. 150-151).

³⁸ ORANGE, *The Treaty of Waitangi*, p. 226. As a consequence, she adds: "Maori protest has been regarded as a challenge to the nation's special identity."

³⁹ KING, *Pakeha: The Quest*, p. 9.

⁴⁰ NEW ZEALAND CATHOLIC BISHOPS' CONFERENCE, "A Commemoration Year for Aotearoa New Zealand, Advent 1989," in *Church in the World: Statements on Social Issues 1979-1997*, by New Zealand's Catholic Bishops, compiled by C. Orsman and P. Zwart, Wellington, Catholic Office for Social Justice, 1997, p. 186.

Furthermore, the New Zealand bishops state: "The Treaty also provides the moral basis for the presence of all other peoples in Aotearoa-New Zealand and guarantees reciprocal rights and obligations between the Crown and Maori" (p. 189).

See also STUART, "A Theology for a Migrant People," in *Towards an Authentic New Zealand Theology*, p. 17. Jim Stuart accurately describes the historical tension that has existed since the beginning of Maori-Pakeha interaction: "Our historical divisions have always been with us from Waitangi [1840] to the recent Springbok tour [1981]. We have expressed social equality and cultural diversity, and claimed

Because of the rights guaranteed to Maori by the Treaty of Waitangi,⁴¹ New Zealand debates the distinction between biculturalism and multiculturalism. In his relational description of biculturalism, Paul Temm states : "[...] a person is only bicultural when, brought up in one race and culture they have an understanding and a respect for another culture. The two things are vital." ⁴² Arbuckle states succinctly: "Biculturalism is not a new fad. It is a demand of justice." ⁴³ Drawing the thoughts of these authors together, we will develop an understanding of biculturalism in the hope that it will clarify some later options for pastoral care.

The relational terms, Maori and Pakeha, only come into existence when the two peoples encounter one another. While this may seem obvious, it recognizes that in addition to defining themselves in terms of extended family (*hapu*) and tribe (*iwi*), the indigenous people, after 1840, began also describing themselves as Maori, over against the new element in the land, the Pakeha. For their part, settlers in New Zealand arrived describing themselves in terms of their place of origin, in addition to other differentiating terms, such as trade or religion. While Maori used the term, Pakeha, to describe the newcomers of European origin, only when the newcomers began to claim the term for themselves or at least began redefining themselves according to their new relationship with the Maori did a bicultural relationship begin.

Furthermore, biculturalism invites subsequent immigrants to New Zealand to redefine themselves or at least understand themselves *vis-a-vis* the Maori. Rather than merely articulating their status as an immigrant, for example, from the Pacific or Asia or Europe, and learning to cope in a Western style democracy, biculturalism invites immigrants to see themselves also as partners in an ongoing dialogue with the

ourselves to be one people - *He iwi kotahi tatou* - an assumption which has been seriously challenged by Maoris and Pakehas alike."

⁴¹ See KING, *Pakeha: The Quest*, p. 10. King states: "The rights that the Maori do have as a consequence of being here first are those that arise from the treaty they signed with the representative of the British Crown in 1840, and from compensation for resources subsequently taken illegally or unfairly in the course of European colonisation."

⁴² P. TEMM, "True Biculturalism," an address given at Te Ara Tika - The Way Ahead, Christian Symposium, 26 May 1990, Wellington, in *Ten Steps Towards Bicultural Action*, p. 86.

⁴³ G. ARBUCKLE, "Biculturalism - A Demand of Justice," background paper on theme of justice and welfare presented at Hui Whanau, January 1988, Greenmeadows.

indigenous people of the land. To draw on the thoughts of justice and equitable sharing raised by Arbuckle, the new citizen enters a society in which the demands of justice for Maori continue to be explored in New Zealand's politics, and its health, justice, and education systems. Stated differently, since the Treaty of Waitangi in 1840, all people who make New Zealand their home enter a relationship with the Maori, simply because the Maori are there.

The New Zealand use of the terms "biculturalism" and "multiculturalism" warrant further clarification. Neil Darragh describes the New Zealand usage:

Biculturalism, for example, does not refer to a relationship between any two cultures. It refers rather to a very specific relationship of all cultures in Aotearoa-New Zealand, either individually or collectively, to the tangata whenua. Central to biculturalism in Aotearoa-New Zealand are the issues of tangata whenua and te tino rangatiratanga. Multiculturalism normally refers simply to the recognition of relationships between several cultures. For this reason, multiculturalism is not an advance on biculturalism (as many non-New Zealanders think), nor is biculturalism as relationship between just two parties rather than three or more.⁴⁴

In other words, biculturalism invites every culture in New Zealand to have a relationship with the Maori, and to articulate its self-understanding in the land *vis-a-vis* the Maori. Thus, multiculturalism describes a web of bicultural relationships.

Presenting his case for diversity, Orlando Espin calls for a distinction between what he calls multiculturalism and cultural diversity: "The latter is evident and natural. The former, however, is a theoretical image that wishes to describe the ability of one human group to create, sustain, function, comprehend reality, and much more in more than one way."⁴⁵ Raising the question of who benefits from the advocacy of multiculturalism, Espin observes that multiculturalism implies a quest for equality and inclusiveness but usually means that room is made for newcomers or minorities in an existing cultural context, that of the dominant in society. Espin questions the term "multicultural," preferring to recognize the reality of human cultural diversity. Here he is in tune with the Vatican documents that do not speak of multiculturalism but of

⁴⁴ N. DARRAGH, <cit@theology.ac.nz>, "Thesis," 9 April 1999, personal message [14 April 1999].

⁴⁵ O. ESPIN, "A Multicultural Church? Theological Reflections from Below," in W. CENKNER (ed.), *The Multicultural Church: A New Landscape in US Theologies*, New York, Paulist Press, 1996, p. 63.

diversity of cultures.⁴⁶

While New Zealand debated the bicultural relationship of Maori and Pakeha, immigration from the Pacific Islands highlighted the wider cultural mix in the country. As Orange notes:

In the 1970s official emphasis shifted towards using the treaty as the unifying symbol of an emerging multi-cultural society. [...] Many Maori interpreted this to mean the complete loss of a Maori identity and rejected such a proposition. They pointed out that until Pakeha had accepted the full implications of biculturalism, national aspirations of multiculturalism were premature.⁴⁷

After the first generation the description of the migrant becomes problematic. While the documents of the Apostolic See affirm the rights of migrants and promote their spiritual patrimony, they also maintain that these values endure down the generations for as long as is desirable. In the case of visible minorities, the differentiation between the initial migrant population and locally born members deserves careful consideration. Krishnan and her colleagues make this point in relation to the Pacific Islands communities: "Second and third generation Europeans in New Zealand consider themselves 'New Zealanders' and yet accord immigrant status to other 'non-European' and 'non-Maori' people settled in New Zealand, despite their length of settlement in New Zealand."⁴⁸ This raises the question of when identifiable non-European and non-Maori ethnic groups stop being perceived as immigrants and foreigners. Krishnan describes the situation for persons of Pacific Island origin:

Half of all Pacific Island people in New Zealand were born here, and the majority of Pacific Island people in New Zealand are New Zealand citizens. The dominant ethnic groups in the New Zealand population must recognize that Pacific Island people are not transient foreigners but fellow citizens with the same rights and aspirations as themselves. It is also important to remember that the term 'Pacific Islands ethnic groups' does not refer to a real category of people but is a label of convenience to collectively refer to six major ethnic groups and a number of smaller groups each with its own distinctive language,

⁴⁶ *PMC 13* discusses pluralism in the modern world, and the document examines the bonds build up between people who mutually respect each other; *Church and People on the Move* addresses the intermingling of races, civilizations, cultures and ideologies (para. 5); The Final Document of the Third International Congress of Pastoral Care of Migrants and Refugees speaks of a multiplicity of cultures (para. 5), of solidarity between cultures (paras. 12-16, 22-23) of cultural diversity (para. 35) and of the need to learn to live in a pluralistic cultural context (para. 43).

⁴⁷ ORANGE, *The Treaty of Waitangi*, p. 247. Sir Keith Holyoake, Governor-general at the end of the 1970s, spoke of the complete fulfilment of *He iwi tahi tatou* by eliminating any form of distinction between the races (6 February 1979, Speech at Waitangi).

⁴⁸ KRISHNAN, *The Challenge of Change*, p. 20.

culture and identity.⁴⁹

People of diverse cultures have been part of the New Zealand scene since the earliest time of European migration. In general, however, only when migrants of various ethnic origins arrive in significant numbers and form organized groups do they tend to impact on the dominant culture. Recent writings by authors from the Polish and Danish communities speak of their struggles to find acceptance and to make a place for themselves in New Zealand. However, it would be the place of Irish Catholics in New Zealand that created most social and political heat in the latter part of the nineteenth century and through the early part of the twentieth century.⁵⁰

3.2.2 The Policy of Assimilation

New Zealanders pride themselves on the harmonious quality of race relations in New Zealand. While the emphasis was on unity, the reality meant that migrants other than those with British heritage had to submerge their cultural differences. Increasingly, this self-perception has come under attack as the country faces the reality of its assimilationist policies.

Assimilation presumes an internal contradiction. The majority culture believes that its way is both the *best* way and the *only* way. Assimilation can usefully be defined as: "The process by which different cultures, or individuals, are merged into a homogeneous unit. [...] In essence, assimilation is the substitution of one nationality pattern for another."⁵¹ The definition implies the increasing participation of a minority in the social systems of the majority group so as eventually to become unidentifiable. The assumption that only the immigrant group was changed in the process has given way to a recognition that the receiving society is also changed.⁵² In fact the term

⁴⁹ KRISHNAN, *The Challenge of Change*, pp.85-86.

⁵⁰ For example, see KING, *God's Farthest Outpost*, and D. AKENSON, *Half the World from Home: Perspectives on the Irish in New Zealand 1860-1950*, Wellington, Victoria University Press, 1990, 250 p.

⁵¹ "Social assimilation," in H. FAIRCHILD (ed.), *Dictionary of Sociology*, New York, Philosophical Library, 1944, pp. 276-277.

⁵² "Assimilation," in G. MITCHELL (ed.), *A Dictionary of Sociology*, London, Routledge and Kegan Paul, 1968, p. 9.

assimilation oversimplifies the processes of social change but does reveal the bias of a majority culture's outlook towards newcomers.⁵³

Generally people give intellectual support to the cultural enrichment that comes with a variety of communities living in some proximity. However talk of cultural enrichment must be matched with the policies faced by migrants. Susan Elliot describes the dichotomy:

Official awareness remains focussed on how our society's 'cultural makeup is enriched'. But even that contribution is undermined by continuing overall concerns with assimilation. While we certainly don't want to kill individual cultures, these people have got to become New Zealanders (Roger Maxwell, Minister of Immigration, in *NZ Herald*, 12 July 1994). [Aussie] Malcolm, Minister of Immigration, speaking of refugee settlement in the late 1970s in an interview in 1987, said that the "whole concept that we put together was one that said when these people come to New Zealand they must quickly become New Zealanders and assimilate within the New Zealand society."⁵⁴

Discussing the expected assimilation of migrants, Adrian Pittarello's observations for Australia hold true in New Zealand.⁵⁵ He states: "It was taken for granted that immigrants would have gradually and spontaneously dispersed themselves into the existing population and become Australian." ⁵⁶ Pittarello identifies three steps in any movement towards a multi-cultural society:

The first step was to allow migrants to keep their language, culture and traditions.
The second step was to help migrants, with appropriate action, to maintain their identity.
The third step was to introduce changes in the local institutions so that they would not

⁵³ "Park, Robert Ezra," in M. MANN (ed.), *The International Encyclopaedia of Sociology*, New York, Continuum, 1984, p. 277.

⁵⁴ S. ELLIOT, "Like Falling Out of the Sky: Communities in Collision," in C. BELL (ed.), *Community Issues in New Zealand*, Palmerston North, The Dunmore Press, 1997, p. 157.

⁵⁵ Both countries experienced emigration primarily from the British Isles, both had significant dealings with the indigenous peoples to the latter's detriment, and the co-operation between the countries ecclesiastically and politically is taken for granted by both peoples. For example, "Ten years ago, Pope Paul VI spoke to the Aborigines of Australia (2 December 1970) in these words: '[...] We know that you have a lifestyle proper to your own ethnic genius or culture - a culture which the Church respects and which she does not ask you in any way to renounce.' Had the Holy Father come to New Zealand instead of to Australia, and spoke to our Maori or Polish or Cook Islands people, I'm certain he would have used those same words" (from T. WILLIAMS, "The Church in a Multicultural Society," unpublished paper, Wellington, 3 July 1980). See also, G. ARBUCKLE, "The Australian and New Zealand Churches: Ten Years after Evangelii Nuntiandi - An Overview," in *The Australasian Catholic Record*, 62 (1985), pp. 335-348.

⁵⁶ A. PITTARELLO, "Australian Immigration and the Church: New Perspectives," in *The Australasian Catholic Record*, 70 (1993), p. 306.

discriminate against migrants and to set up institutions specifically to assist migrants as migrants.⁵⁷

These steps seem to imply that multiculturalism is a concession of the dominant culture. Rather, multiculturalism recognizes that the socio-cultural identity of, for example, both New Zealand and Australia has changed. As Pittarello himself expresses it in an application to the Catholic Church:

[...] a Church's pastoral policy which aims at doing things for migrants is somehow a misguided policy. The Catholic Church in Australia should rather endeavour to come to terms with the new social reality which developed during the last thirty years, whereby migrants are no longer an addition to the Church: they are the Catholic Church in Australia.⁵⁸

While the vision of a multicultural society finds expression in government and church official statements, Pittarello and numerous authors describe the slow translation of this into both church and society in general.⁵⁹ The steps towards a multicultural society offered by Pittarello call for justice not charity on the part of the dominant culture. As Arbuckle expresses the issue, the challenge "to respect the rights of migrant peoples to retain basic cultural identity" continues.⁶⁰

The pressure for assimilation, which allows for private retention of cultural values but expects social adaptation to the majority ways, has deep roots in New Zealand. Until World War II, the deliberate policy was promotion of migration from the British Isles.⁶¹ When people from other European countries emigrated here, the prevailing social culture expected that they would quickly be absorbed.⁶² Cardinal

⁵⁷ PITTARELLO, "New Perspectives," in *The Australasian Catholic Record*, 70 (1993), p. 306.

⁵⁸ PITTARELLO, "Migrants and the Catholic Church in Australia," in *The Australasian Catholic Record*, 65 (1988), p. 141.

⁵⁹ See C. HALLY, "A Multicultural Church: Asset or Liability?" in Catholic Intercultural Resource Centre occasional papers and reprints, no. 16, p. 5. See also ARBUCKLE, "The Australian and New Zealand Churches," in *The Australasian Catholic Record*, 62 (1985), pp. 335-348.

⁶⁰ ARBUCKLE, "The Australian and New Zealand Churches," in *The Australasian Catholic Record*, 62 (1985), p. 343.

⁶¹ Cf. BORRIE, *Immigration to New Zealand 1854-1938*.

⁶² See for example, POBOG-JAWOROWSKI, *History of the Polish Settlers*, p. 10. Pobog-Jaworowski reports: Poles "were once again subjected to prejudice because they were of foreign birth and creed. They found no sympathy or understanding from anybody. The Catholic Church, their only hope and escape only partly helped them in their loneliness. The Catholic clergy to whom they looked for understanding and sympathy did not in fact, come to their assistance. Those concerned were insensitive to the needs of the Polish immigrants and the latter, due mainly to the language barrier, were unable to communicate their sense of frustration and their natural desire to retain some of their national identity. This unfortunate experience tended to turn the settlers in on themselves, at least for the first generation.

Williams notes: "Assimilation meant that migrants or minority cultural groups were expected to become 'just like us' as quickly as possible." ⁶³

In his pre-World War II study of immigration to New Zealand, Wilfred Borrie gives the 1938 statistic that 94.33% of New Zealand's population was of European stock and 5.23% of Maori heritage. Following the arithmetic, Borrie then noted that races other than Maori and European comprise only 0.44% of the total population.⁶⁴ In addition to the pressure on non-British Isles European migrants to assimilate, New Zealand government policy resisted immigration of other peoples. Borrie documents the restrictive policies in the Immigration Restriction Acts that have regulated immigration to New Zealand since the 1860s. He notes that even though in fact, till World War II, peoples other than Maori or European descent have been less than 1% of the population "fear of any increase in their numbers has been responsible for practically all Immigration Restriction Acts in New Zealand since the gold rushes. Since that day immigration has been bound up with the question of the restriction of Chinese." ⁶⁵

The dominant community presumes that migrants possess a natural bonding and form community. However Susan Elliot raises the question of the critical number needed to ensure the viability of a community: "Certainly, successful resettlement requires large enough numbers to accommodate interconnecting social group formation coupled with geographical proximity to allow regular social contact. The nature of the emergent community will then be determined by its internal interacting dynamics." ⁶⁶ With sufficient numbers and some degree of proximity as minimum prerequisites for migrants to establish communities, the territorial factor for a community invariably

However, the problem became less evident as the second generation began to assimilate into the life style of the colony and disappeared with the advent of the following generation in about forty to fifty years after their original departure from Poland."

⁶³ WILLIAMS, "The Church in a Multicultural Society," 3 July 1980.

⁶⁴ BORRIE, *Immigration to New Zealand 1854-1938*, p. 169.

⁶⁵ Ibid., pp. 169, 173. For example, typical obstacles were the immigration requirements of passing a language test, paying a poll tax, and having number restrictions proportionate to the amount of cargo the ship was carrying. See also N. HARRISON, *The Formation of the White New Zealand Immigration Policy between 1890 and 1907*, Wellington, Victoria University of Wellington, 1955, 159 p.

⁶⁶ ELLIOT, "Like Falling Out of the Sky: Communities in Collision," in C. BELL (ed.), *Community Issues in New Zealand*, p. 144.

influences its dynamics. Furthermore, Elliot is critical of the majority who label all persons of an ethnic group as a "community." Migrants may not perceive themselves as a community at all. The label ignores all the variations that the majority culture presumes of itself but can ignore in favour of the dominant ethnic characteristic such as nationality or regional origins. The value placed on community within an ecclesial setting encourages an uncritical application of this word to ethnic groups, such as those from the Pacific or Maori, without taking into account the diversity among them.

Ultimately, assimilation ignores the cultural dialogue that occurs when various cultures interact with each other. In the New Zealand context people promoting assimilation forget that most New Zealanders not of Maori descent have been in the country for only four or five generations. Furthermore it was the refusal of European settlers to assimilate the Maori way of life when the latter were in the majority that brings us to our present state of affairs in New Zealand.

3.3 MIGRANTS & THE MAORI WITHIN THE CHURCH

Two features of the New Zealand church provided for the specific needs of migrants: priests from the migrant countries ministering among their own people, and priests celebrating the eucharist in the language of the migrants. Pittarello notes that these features do not only provide for the religious needs of migrants: "By their very nature of gathering groups of people together, [masses] are also a social fact and trigger a number of other social consequences. They give the people who assemble for it a form of group identity and encourage them to do together what they would not do as individuals."⁶⁷ While migrant chaplains might be seen as pioneers of the New Zealand multicultural scene, the Catholic Church in New Zealand also espoused the prevailing assumption that migrants would eventually be absorbed into the larger community.

⁶⁷ PITTARELLO, "New Perspectives," in *The Australasian Catholic Record*, 70 (1993), pp. 308-309. He adds, equally accurately for New Zealand, "This is why the Church cannot be listed as a pioneer of multiculturalism. In fact she was never an advocate of it, neither was she an active lobby for the introduction of the corresponding policy by the government."

3.3.1 Assimilation in the New Zealand Church

The New Zealand bishops welcomed the assimilation of non-English speaking Catholics into the spiritual life of the New Zealand church. Archbishop Peter McKeefry reported to the Apostolic Delegate, Archbishop Ronaldo Carboni, in Sydney on 19 March 1957:

With the exception of the Poles, one can say that most of the other groups are seeking to become assimilated, are anxious to learn English, and engage themselves in the normal social activities already established. They have their own national societies, but these exist more for cultural and patriotic reasons. There was a number of Polish children who were received by the Government during the war. Your Excellency is already aware of what was done for the Polish children. A chaplain, Father Plater, has his own Presbytery, and resides in an area where possibly there is the largest group of Poles in New Zealand. They are spread in three continuous parishes, in one of which he resides, and he holds regular services in the churches of two of these parishes, and once a month in the third. The Poles have had ready and open access to our schools, to all our organisations, and they have responded in a worthwhile way in the majority of cases.⁶⁸

The New Zealand hierarchy presumed that immigrants would find their place within the established schools and parishes. The presumption was that, once migrants overcame the language barrier, they would adapt and express their faith within the accepted parish and school model.⁶⁹

⁶⁸ Report of Archbishop Peter McKeefry to the Apostolic Delegate, Archbishop Ronaldo Carboni, in Sydney, 19 March 1957, protocol no. 1358/57, Archdiocese of Wellington archives, immigration file no. 58. The Polish community in Wellington is still served by a resident chaplain and each Sunday use two territorial parishes for the two celebrations of the Eucharist.

⁶⁹ Cf. Federal Catholic Immigration Committee, Report to the Sacred Consistorial Congregation on Immigration in Australia, 15 February 1954, Archdiocese of Wellington archives, immigration file no. 58. Responding to a query about the measures taken for the pastoral care of immigrants, the committee made no apology for the necessary adaptations the immigrants would have to make: "Spiritual conditions also will call for some readjustment on the part of the immigrant. He is in a new environment. He will sense and note the absence of a religious environment which, for him, had become traditional. He will not, however, be without what is essential for the continued practice of his religion, even to having for this purpose, the services of priests speaking his mother tongue." The report went on to outline the dynamics of the migrant's welcome. On leaving the Immigration Centre migrants were given a card in their own language carrying "a message of welcome and some information about Catholic practice, and especially the obligation of sending Catholic children to Catholic schools. Leaflets also are supplied to enable the immigrant to make his confession to any priest who does not know his particular language."

Al Grassby illustrates the assimilationist policy with examples from the school curriculum, language expectations, labour practice, and inter-generational misunderstanding. He concludes: "In fact there has always been a plurality in Australian society and that pretence that it was otherwise was simply a device in past times to preserve the hegemony of the colonial establishment holding a province of empire in trust for the king-emperor." A. GRASSBY, "Challenges Facing Australia after a Generation of Mass Migration," in *The Australasian Catholic Record*, 53 (1976), p. 118. See also A. PITTARELLO, "Understanding the Italian Religiousness," in *Migration Monitor*, vol. 3, no. 11 (October 1988), pp. 4-10. Pittarello gives the perspective of the Italian migrants when he says that they could not see the value of the separate Catholic school for which hard-strapped parents had to pay, nor to the styles of piety which differed considerably between Australian Catholics of Irish heritage and the new Italian Australians.

In the life of the Catholic Church in New Zealand today Cardinal Williams notes in his policy statement, "Pastoral Care in Multicultural Parishes": "Despite the emphasis on bicultural and multicultural relationships, assimilationist pressures remain stronger than integrationist pressures." ⁷⁰ Fourteen years earlier Williams described assimilation as a "policy to which the whole Catholic philosophy of the development of peoples is implacably opposed. It can be described as psychological and cultural totalitarianism, or cultural genocide. It is the antithesis of the right to self-determination." ⁷¹

The debate in New Zealand usually contrasts multiculturalism and biculturalism. Rather than an "either-or" situation Arbuckle advocates a "both-and" policy: "Multiculturalism as the network of completed bicultural negotiations." ⁷² Perhaps rather wishful, nevertheless this remains a task for New Zealand if it is to honour its obligations under the Treaty of Waitangi, which after all establishes the right for migrants to be here.

The multicultural policy evolving within the bicultural framework recognizes the current experience of New Zealand. More accurately it recognizes what always was but which could be neglected by the majority culture for many years.⁷³ As Pittarello points out, adjusting to a new society proves difficult for locally born people as well as migrants:

A society which harbours people of many national origins, speaking different languages, sharing diverse social values, adhering to different forms of religiousness is a complex society. Not only migrants find difficulties in adjusting to a new life, but also the local people. The social environment has changed also for them and they have to make efforts to adjust to the changes.[...] Not only were they unprepared for them, but some

⁷⁰ T. WILLIAMS, "Pastoral Care in Multicultural Parishes," unpublished paper, Wellington, 24 February 1994.

⁷¹ WILLIAMS, "The Church in a Multicultural Society," 3 July 1980.

⁷² G. ARBUCKLE, "Biculturalism," in *Synod '88: The Agenda*, Wellington, Archdiocese of Wellington, 1988, pp. 43-45.

⁷³ Cf. J. METGE and P. KINLOCH, *Talking Past Each Other: Problems of Cross-cultural Communication*, Wellington, Victoria University Press, 1984, p. 7. The authors state: "It has become fashionable to refer to New Zealand as a multicultural society, which is one way of saying that the population comprises more than one cultural group. It does *not* mean that a majority of New Zealand citizens are knowledgeable about other cultures than their own."

may be unwilling to have them forced on them.⁷⁴

Geraldo Quintanar questions the accessibility of parishes to those whose culture and experience differ from that of the dominant culture. He writes: "In fact the immigration phenomenon presents a series of challenges to parish life because it is within parish life that we express our faith and can open dialogue to facilitate the integration of new community members."⁷⁵ Fundamental to integration, the first question concerns the degree of openness of both the majority and minority cultures. We note Arbuckle's warning, that the dialogue is not even and that it is the dominant culture that must answer for its willingness to integrate the heritage of newcomers into its life or its sensitivity to diverse religious traditions.

In light of Cardinal Williams' observation that assimilationist thinking retains a strong following in New Zealand, we do well also to heed the warning of Espin who suggests that the shift to talk of multiculturalism might still disguise assimilationist thinking. Addressing the situation of Latin-American Catholics in the United States, Espin argues that whenever they challenge the well-intentioned multicultural model they are ignored or dismissed as spoilers.⁷⁶ This bears directly on the situation in New Zealand, for having decided on what it considers an inclusive model of multiculturalism, the dominant culture might also ignore the aspirations of other groups and presume to direct the management of multicultural dynamics.

Arbuckle recommended that the dominant group experience the minority culture on the latter's terms rather than dictating the conditions and manner in which any cultural interaction take place. This provides a vital balance to legitimate demands for cultural diversity in a local church and for opportunity to express one's spiritual heritage in a meaningful way. In other words, as Mary Collins expresses it in her response to Espin: pluralism in church practice has "two correlative obligations: communication from church to church; and exercise of a ministry of hospitality of one community to another."⁷⁷ Hospitality and structures which foster inter-community

⁷⁴ PITTARELLO, "New Perspectives," in *The Australasian Catholic Record*, 70 (1993), p. 311.

⁷⁵ G. QUINTANAR, "Parish and Immigrants: The Challenge of Living Together," in *Compass*, vol. 9, no. 6 (January-February 1992), p. 12.

⁷⁶ ESPIN, "A Multicultural Church?" in CENKNER, *The Multicultural Church*, p. 71.

⁷⁷ M. COLLINS, "Response to Orlando Espin," in CENKNER, *The Multicultural Church*, p. 78.

worship, social action, and diocesan planning provide the means for ensuring the diversity of various groups does not degenerate into factions or separate churches.

Invariably migrants experience pressure to adapt to the demands of the new country and its ways. While the migrant experience of the national parishes in America might have been ambiguous, the value of a secure context from which to engage in the new society should be underlined. Bring these two factors together and clearly migrants will value the choice to belong to organisations on terms that respect their needs and heritage, especially when they have little choice about employment, civic requirements and social services. From the Australian experience, Al Grassby assesses the role played by the churches and notes: "The churches did better and operated more quickly but still inadequately because many thousands in their uprooting failed to identify with new parishes and new priests and new churches." ⁷⁸ If for no other reason, the attrition of migrants, such as the Pacific Islanders, from the Church reinforces the need to recognize their legitimate aspirations for participating in a way that is in tune with their customs and heritage. The Synod of Bishops, Special Assembly for Oceania lineamenta underlined the same concern when it stated: "When left outside the traditional pastoral system of parishes and chaplaincies, these movements of people [migration and tourism] can easily create social areas where the Gospel has little access." ⁷⁹

3.3.2 Response of Other Christian Churches to Migration

The Archdiocesan policy on chaplaincies integrated into the life of the parish contrasts with the pastoral care options for the Protestant churches with significant migrant populations. In his discussion of pastoral care in multicultural parishes, Cardinal Williams describes the structures of various Protestant communities:

⁷⁸ GRASSBY, "Challenges Facing Australia After a Generation of Mass Migration," in *The Australasian Catholic Record*, 53 (1976), p. 117. See also J. MURPHY, "Joint Paper on Latin Rite Migrant Chaplains," in *The Australasian Catholic Record*, 65 (1988), pp. 13-21. John Murphy, Director of the Catholic Migration Office, Melbourne, notes that the decision not to give migrant chaplains parochial powers in relation to their migrant community was motivated by the desire "to avoid the apostolate of these priests clashing with the existing parish apostolate" (p. 20). However more than twenty years of experience plus more flexible ways of granting a chaplain faculties make possible more discerning ways of pastoral care of migrants than "a blanket refusal of parochial powers" (p. 20).

⁷⁹ SYNOD of BISHOPS, SPECIAL ASSEMBLY FOR OCEANIA, *Jesus Christ and the Peoples of Oceania: Walking His Way, Telling His Truth, Living His Life*, Lineamenta, Vatican City, 1997, para. 13. Also published in *Wel-com*, no. 133 (August 1997), p. 11.

"Alongside parish structures for those belonging to the dominant culture, [these churches] set up completely separate plants for each sizeable national community, each with its own pastoral and church organisations." ⁸⁰ In fact the option for the personal parish, which Cardinal Williams discusses after the Protestant structure and under the heading of national parish, equates in many ways with those he described as "separate churches."

The Protestant structures warrant further examination. Vatican II, in the Decree on Ecumenism *Unitatis redintegratio*, taught that Catholics can learn much from other Christians:

On the other hand, Catholics must joyfully acknowledge and esteem the truly Christian endowments from our common heritage which are to be found among our separated brethren. [...] Nor should we forget that whatever is wrought by the grace of the Holy Spirit in the hearts of our separated brethren can contribute to our own edification. Whatever is truly Christian never conflicts with the genuine interests of the faith; indeed, it can always result in a more ample realization of the very mystery of Christ and the Church (UR 4).

For instance, the three-tier structure of the Presbyterian Church of Aotearoa New Zealand allows for congregational, regional and national assemblies. Twenty four regional presbyteries, largely based on provincial boundaries, gather with the one Maori synod for the country at the annual assembly. The ministers and delegates of the Maori synod, Te Hinota Maori, also enjoy dual membership of their regional presbyteries, but only have one vote at the annual assembly. The Presbyterian Church came to New Zealand largely as a settler church so its Maori congregations are considerably less in number than its Pakeha membership. Despite being only one among twenty four other presbyteries represented at the annual assembly, the Maori presbytery exercises a procedure that allows its voice to be heard when it may call a halt to discussions and ask that its perspective be given particular attention before any vote is taken. This does not amount to a veto vote but does provide a mechanism for the expression of Maori voices.⁸¹

⁸⁰ WILLIAMS, "Pastoral Care in Multicultural Parishes," 24 February 1994.

⁸¹ At present within the Presbyterian Church, the annual assembly is considering the possibility of a separate Pacific Islands presbytery alongside the twenty four regional bodies and the Maori synod. Such a possibility emphasizes the value of the language and the unique style of the Pacific Islands congregations but raises the question of blurring the distinction of the Maori as *tangata whenua* and ignoring the variety of languages within the Pacific Islands communities as well as the internal tensions in these communities between foreign-born and New Zealand-born members. While no consensus has been reached on the issue, this serves to highlight that the same concerns occur across all the churches and that all have a desire to build unity but not at the expense of silencing any community within the denomination.

As early as 1877 the Anglican Church of New Zealand debated the place of Maori and Maori leadership in the communion, and considered the value of a separate leadership for Maori. Henare describes the familiar fear of dividing along racial grounds in that debate: "In 1880 the Native Church Board of the diocese of Auckland tried to appoint a suffragan bishop for Maori in the diocese."⁸² This was rejected by the General Synod because it might split 'the oneness' of the Church."⁸³ It was not until 1972 that the Bishopric of Aotearoa was established as a suffragan of the Bishop of Waiapu, with faculties required for work in other dioceses around the country.

The Anglican Church has established a structure of three cultural groups or *tikanga*.⁸⁴ These *tikanga* recognize the priority of the Maori as people of the land, the majority Pakeha church and the significant group of recent migrants from the Pacific. The three groups allow for a degree of independence within each of the groups, but the third *Tikanga Pacifica* blurs the question of the treaty relationship of Maori with non-Maori, both Pakeha and Pacific Island.

As with the Presbyterian Church, the Pacific Islands members of the Anglican Church make a significant minority. The formation of a third group raises the question of whether doing so was a recognition of Pacific Islands numbers or a lessening of the priority of the Maori priority as people of the land.⁸⁵ The same question arises in the

⁸² A suffragan bishop in Anglican terminology is equivalent to the Catholic reference to an auxiliary bishop.

⁸³ HENARE, "Maori Churches," in DONOVAN, *Religion of New Zealanders*, p. 126.

⁸⁴ *Strangers Within the Gates: An Introduction to the Issues of Migration in Aotearoa New Zealand*. An unpublished resource paper prepared by the Anglican Social Justice Commissioners for Church Leaders and Diocesan Social Justice Councils, pp. 5-6.

Offering an appreciation of this model, the response of the Archdiocese of Wellington to the lineamenta for the Synod of Bishops, Special Assembly for Oceania states: "Maori feel that they have been treated as children and want far more say with genuine power. The tri-partite model of the Anglican Church, with three strands (European, Maori and Pacific Islanders) on an equal footing is seen as desirable." *Response of the Archdiocese of Wellington to the Lineamenta, Synod of Bishops Special Assembly for Oceania: Jesus Christ and the Peoples of Oceania: Walking His Way, Telling His Truth, Living His Life*, Wellington, January 1998, p. 22.

⁸⁵ *Ibid.*, p. 5. The resource paper takes an aggressive stance, questioning the motivation for forming the third *Tikanga Pacifica*. It states: "For reasons often suspected for their denial of Maori precedence, Eurocentric administrators have seen fit to separate out Pacific migrants of the 1960s on from both Pakeha and Maori. Is this an attempt to create substance to the myth of multiculturalism or is it a sign of the difficulty experienced by Pakeha to integrate with the new migrant group and to honour the tangata whenua? We raise these questions as they are current in the debate. They are central to the place of the third *tikanga*, *Tikanga Pacifica* in the debate over sovereignty in Aotearoa New Zealand."

Catholic Church where Pacific Islands Catholics have a much higher profile in the parish churches than do Maori, so any special pastoral response to the presence of higher numbers of Pacific Islands migrants and their New Zealand descendants comes into tension with the Maori aspirations for separate or special consideration. Any pastoral initiative must take into account the political realities of Maori, Pakeha and Pacific Islands relationships.

3.3.3 Maori and the Church

The history of Maori evangelization by the Catholic Church in New Zealand probably dates from the interaction between Catholic whalers, sealers and early European settlers in New Zealand. Manuka Henare dates the first Maori interest in the Catholic faith to northern tribal leaders of Tai Tokerau who, in 1835, sent some youth to Sydney for religious training in the Catholic faith.⁸⁶ In 1838, some twenty four years after the Anglican and Methodist missionaries, Bishop Jean-Baptiste Pompallier arrived with his band of priests from the newly founded Marist order. Their priority was initially evangelization among the Maori but shifted with the pressure of immigrant numbers, and as a consequence of the land wars, to the European settlers.⁸⁷ Internal disputes between Pompallier and the Marists, and Pompallier's financial troubles added to the external problems as a result of the land wars, and created difficulties for evangelization of the Maori so that their ongoing pastoral care suffered to this century.⁸⁸

The history of Maori pastoral care in the Archdiocese of Wellington consistently exposes the cultural gap between diocesan policy and the experience of the Maori. Manuka Henare evaluates the experience accurately: "Like other [Maori] Christians, Maori Catholics have struggled to be Maori inside the Church."⁸⁹ The first bishop of the Diocese of Wellington, Philippe Viard, described the Maori as those "for whom

⁸⁶ HENARE, "Maori Churches," in DONOVAN, *Religion of New Zealanders*, p. 127.

⁸⁷ Cf. M. O'MEEGHAN, *Held Firm by Faith: A History of the Catholic Diocese of Christchurch 1840-1987*, Christchurch, Catholic Diocese of Christchurch, 1988, pp. 315-339. O'Meeghan gives a more detailed account of this transition, prefacing his chapter on the Maori mission with "The saddest chapter of this book must be that on the Maori Mission." (p. 315).

⁸⁸ See HENARE, "Maori Churches," in DONOVAN, *Religion of New Zealanders*, p. 127.

⁸⁹ *Ibid.*

before all else we have been sent [...]." ⁹⁰ This notwithstanding, the weight of European Catholic numbers changed the direction of pastoral care.

The territorial parish mindset placed a barrier in the path of the Maori missionaries. From his November 1956 report sent to the Apostolic Delegate in Sydney, the policy of Archbishop McKeefry clearly drew from his observation of the difficulties with the national parish in the United States and expressed his reservations about the usefulness of the national parish for Maori pastoral care. In rejecting according Maori missionaries the status of parish priests having territorial jurisdiction for the area through which they would move, McKeefry argued in that report: "Territorial parishes of the type envisaged had caused much conflict in other parts of the world and, given the scattered nature of the Maoris over the whole area of the diocese, could result in their spiritual care suffering considerably." ⁹¹ McKeefry goes on to give his pastoral policy: "Parish priests are responsible for the Catholics, European and Maori alike. Further, that as parish priests become more and more aware of their grave obligation in this matter they would seek to take care of the Maoris, both as regards schooling and as regards Church attendance." ⁹² We find here the emphasis on mass attendance and Catholic schooling consistent with the Irish Catholic culture of the time, and foundational to it the underlying assumption of assimilation of Maori into the life of the predominantly Irish-Pakeha parish.

McKeefry described his policy on the Maori apostolate towards the end of his 1956 report to the Apostolic Delegate:

I am trying to get them [Maori missionaries] to develop a broader outlook and to look upon the Maori work in the diocese as part of the general apostolate for souls, and to co-ordinate their activities with those of the parishes through which they move. There is no need in this diocese for a duplication of effort. After all, we have only about 30,000 Maoris entirely, and as the years move along, the Maori is becoming more and more accustomed to adapting himself to European ways. In the larger field of Maori work the Government's policy is to close down Maori schools and associate the children with the ordinary European children. ⁹³

⁹⁰ O'MEEGHAN, *Held Firm by Faith*, p. 319. Original letter from Viard to Chervier, Wellington, 11 January 1862, in book of letters, Archdiocese of Wellington archives.

⁹¹ Report of Archbishop P. McKeefry to the Apostolic Delegate, Archbishop Ronaldo Carboni, 9 November 1956, Archdiocese of Wellington archives, file no. 536.

⁹² Ibid.

⁹³ Ibid.

McKeefry finished his report on the Maori with an implicit reference to *Exsul familia*, when he stated that bringing the Maori apostolate into line with the general apostolate of the diocese would bring the Maori people "the general benefits that are enjoyed by the whole diocese."⁹⁴ While in keeping with the sentiment of *Exsul familia*, the archbishop's policy suffered from the lack of a cultural analysis just as that apostolic constitution did; he presumed that assimilation of the Maori was taking place.

In addition, the case of the Maori missionaries suffered when they sought, in accordance with the canon law of the time, separate pastoral responsibility for Maori. McKeefry stated that they asked that: "definite instructions be given to the European Parish Priests that they had no jurisdiction over Maoris."⁹⁵ Given McKeefry's vision that the Maori work was a part of the diocese's general apostolate for souls, he did not want the missionary's insisting on exclusive jurisdiction. When this request was asked of McKeefry in 1948, territorial parishes and national parishes enjoyed distinct jurisdiction according to the 1917 Code, c. 216/4. By the time of the Archbishop's report, *Exsul familia* had offered the possibility of cumulative jurisdiction. However *Exsul familia* was migrant legislation, and not clearly of application for the pastoral care of an indigenous people.

Earlier in 1956, at the Conference of Maori Mission Helpers, Maori missionary Fr. James Durning SM had spoken about the organisation of the diocese along parish lines and how the Maori mission fitted within that context. The report sent to Archbishop McKeefry summarized his input:

The life of the Church is given to the people of a locality through the Church organisation of the parish. The Parish Priest is the most important person in a parish - he has the authority, he has the powers and he is the father of the flock. The Mission may be in the same territory, but it is only a temporary thing. The Maori Missioner is not a parish priest and is under the authority of the parish priest for marriages etc. The ultimate aim is for the Maoris to become part of the parishes - to make all our people one. There is no class distinction in the Church - all unite round one table, therefore one people. Maoris are a community, have greater sense of community life and find it difficult to fit into a parish. Pakehas have lost this sense of belonging. [...] We have mostly an Irish background, and the fierce love of the Mass which was burned into the Irish through persecution has come down to us. This has yet to come to the Maori.⁹⁶

⁹⁴ Report of Archbishop P. McKeefry to the Apostolic Delegate, Archbishop Ronaldo Carboni, 9 November 1956, Archdiocese of Wellington archives, file no. 536.

⁹⁵ Ibid.

⁹⁶ Conference of Maori Mission Helpers, 14-15 January 1956, Report to Archbishop P. McKeefry, Archdiocese of Wellington archives, file no. 536.

While expecting assimilation of the Maori into the life of the parish, the signs were always there that this would not come to pass.⁹⁷

The question of the status of the priests working in the Maori mission regularly surfaces in the history of the apostolate. In 1948 the issues revolved around faculties for confirming, and the possibility of establishing a national parish. In 1958 Archbishop McKeefry responded in the negative to Durning's request for more definite parochial status.⁹⁸ At the Maori Mission Conference of 1967 the participants recognized the long term goal that the mission should phase out with integration, but the issue was the time frame.⁹⁹

While Archbishop McKeefry saw the future of the Maori Catholics within the Pakeha parishes, the Maori missionaries, even if they agreed with the ultimate aim, questioned the means to achieve it. Michael O'Meehan recounts that for the first time their 1956 report to the Bishop of Christchurch, Bishop Joyce, queried the goal of integrating Maori Catholics into Pakeha parishes:

Instead of assimilation, the higher Maori birth rate, coupled with the enduring pride of a large proportion of Maori, was possibly pointing to what they termed symbiosis. This theory asserted the probability of the two races ultimately settling down side by side, each with its own culture and habits of mind, and each respecting the attitudes and traditions of the other. Should this happen it would among other things foster a healthy pride in their Catholic status which was necessarily minimised at that time by the Maori position on the fringe of Catholic life.¹⁰⁰

In 1969, Arbuckle produced a major survey of the Marist Maori Mission in the

⁹⁷ Cf. Report of Fr. F. Wall to Archbishop McKeefry, 8 April, 1949, Archdiocese of Wellington archives, file no. 536.

⁹⁸ Archdiocese of Wellington archives, file no. 536. In a letter of 12 June 1958, McKeefry replied to Fr. Patrick Cleary, as co-ordinator of the Maori mission: "The general impression I have is that Fr. Durning is rather concerned about fixing a status for the missionaries rather than giving a proper picture of the history of the mission, the difficulties and the way in which the missionaries are working. I fail to see how the giving of more definite parochial status (which Fr. Durning would seem to desire) can off-set these other things [dispersal of Maori, few numbers in the diocese, and the effect of Bible Christianity which after the wars gave birth to new forms of pagan Christianity]."

⁹⁹ Maori Mission Conference, Report, 23-24 May 1967, Archdiocese of Wellington archives, file no. 536.

¹⁰⁰ O'MEEGHAN, *Held Firm by Faith*, p. 331.

Archdiocese of Wellington.¹⁰¹ At their 1970 conference the Maori missionaries discussed the options proposed by Arbuckle for the juridical reorganisation of the mission. These were drawn from the recently published *Pastoralis migratorum cura* and suggested that the director of the mission should be a vicar general for Maori, or that the whole mission be a personal parish and that the director be the parish priest, or that the director function as a missionary delegate. Scope was left for Wanganui to become a personal parish by way of experiment but as the final report stated: "this section received little attention and nothing was decided."¹⁰² Archbishop McKeefry continued to stress a policy with the emphasis on the established parishes, with parish priests and Maori missionaries working together. He wrote to Fr. Pat Cleary:

One point I would like to see clearly brought out and emphasised in the Deanery Seminars is the parish priests and Maori missionaries do not live and operate in separate watertight compartments. Parish priests are responsible for all souls within the parish boundary. In the case of the Maori people they have the special assistance of Maori missionaries operating over a wider territory. It is for the Maori missionary to bring particular needs to the attention of the parish priest concerned so that the needs can be attended to by the parish priest himself, or through the assistance that Parish Pastoral Councils and parish organisations can offer. Mutual understanding and full co-operation between missionaries and parish priests is, I feel, our first essential. A step towards this would be the lining up, where feasible, of Maori mission boundaries with deanery boundaries. The priest responsible for Maori work within the deanery area could then discuss some matters with the priests in their deanery meetings, and also in the meetings of the deanery pastoral councils.¹⁰³

The Archbishop consistently called for co-operation between parish priests and Maori missionaries, but the evidence presented by Arbuckle showed that a gap continued to exist between Pakeha parishes and Maori.

After the Arbuckle report of 1969 the Maori mission started to articulate its sense of purpose and vision more clearly. The lack of clear policy was something lamented by Archbishop McKeefry in his report of 1956 when he noted of the Maori missionaries: "It is difficult to develop a policy for the missions if none of the men

¹⁰¹ G. ARBUCKLE, *The Maori and the Church: A Survey of the Marist Maori Mission in the Archdiocese of Wellington*, Greenmeadows, NZ, 1969, v, C 10, 313, ref 36, appendix xi, B xviii, unpublished.

¹⁰² Maori Mission Conference, Report, 11 May 1970, p. 1, Archdiocese of Wellington archives, file no. 536. These ideas were similar to those of 1948, when in addition Wairoa was suggested as a base for the personal parish.

¹⁰³ Letter to Fr. P. Cleary, 6 May 1970, p. 2, Archdiocese of Wellington archives, file no. 536.

engaged in the work are able to see beyond the pressure of immediate needs." ¹⁰⁴ That notwithstanding, much earlier, in a 1949 report to Archbishop McKeefry, Fr. Francis Wall SM had outlined his experience and surveys of the Maori apostolate. He described their reluctance to attend mass: "in what they term the Pakeha Church. [...] The Pakeha during the last century has done little to win the Maori vote of confidence. The Maori has been robbed of his land even by those who in the beginning spoke in the name of religion." ¹⁰⁵ He went on to say: "we must not forget that for all our talk of equality there is a definite colour bar in this country." ¹⁰⁶ Furthermore he highlighted the difference in mentality concerning worship: "The Pakeha Church service is not psychologically attractive to the Maori." ¹⁰⁷

Following the combined conference of priests involved in the Maori mission in 1949, the conference issued a statement of agreed policy in which they accepted assimilation of the Maori into the parish but recognized that they were not yet ready: "And so while making use of all parochial helps existing, the mission cannot hope to achieve substantial success, except by form adapted to the Maori." ¹⁰⁸ These adaptations included the call for special mission centres and for mass with prayers in the Maori tongue.

In developing the general policy of the 1949 conference, a subsequent commentary offered a critique of the move towards assimilation: "While press, radio, cinema and school exert a constant influence to this end [assimilation], at the same time within the Maori race itself has grown a consciousness of race and a greater pride in being Maoris than ever before, so that forecasts that see a complete Europeanisation of the Maoris in the short term are ill judged and not in accordance with the facts." ¹⁰⁹

¹⁰⁴ Report of Archbishop P. McKeefry to the Apostolic Delegate, Archbishop Ronaldo Carboni, November 1956, section 7, Archdiocese of Wellington archives, file no. 536.

¹⁰⁵ Report of Fr. F. Wall, Normanby, to Archbishop P. McKeefry, 8 April 1949, Archdiocese of Wellington archives, file no. 536.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid. See also G. ARBUCKLE, *The Maori in Crisis*, unpublished paper, 1970, p. 11.

¹⁰⁸ Statement of Agreed Policy, Combined Conference of the Mill Hill and Marist Fathers, Auckland, November 1949, Archdiocese of Wellington archives, file no. 536.

¹⁰⁹ A commentary of the Statement of Agreed Policy, Combined Conference of the Mill Hill and Marist Fathers, Auckland, November 1949, Archdiocese of Wellington archives, file no. 536.

Years ahead of *Pastoralis migratorum cura*'s recognition that cultural integration is not simply a matter of language or that it takes place within a generation, the commentary affirmed that a culture which "has taken millenia to evolve is not changed in a decade," ¹¹⁰ and that "even where Europeanisation is most advanced there are very important differences with the Pakeha in mental outlook, patterns of thought and emotional reaction." ¹¹¹

The above observations from the experience of Maori missionaries illustrate that the policy of Maori assimilation into parishes on the terms of the dominant Pakeha culture was destined to fail. While the cultural differences continued to be underplayed, the policy that the local parish priests should be responsible for Maori pastoral care revealed its basic flaw. It must be noted that the policy was basically an expression of the canon law of the time. Wall described the policy of Archbishop McKeefry: "With the appointment of Archbishop McKeefry to Wellington there was a complete policy change. He saw that ultimately the Maori must become part of the parish and that to achieve this there must be a greater liaison and tie up with the parish." ¹¹² Wall went on to describe McKeefry's desire that the transition not be rushed but he recognized that with time the permissions for special Maori functions would be less frequent.

In addition to an expectation of assimilation and supporting it, the ecclesiology of the universal Church expressed itself in a emphasis on uniformity. Archbishop McKeefry, in an address to Maori, said:

My dear people, I want to make it perfectly clear to you, that the Catholic Church is not the exclusive property of any one race. It is not an Italian Church, an English, French, German, Australian or New Zealand church - it is the Church established by Jesus Christ Himself 2000 years ago for the peoples and tribes of all places, and all times. It is something universal, international, and eternal. Sometimes we may speak of a New Zealand religion, meaning, a religion belonging to a special class or group of people. That is not the concept of Jesus Christ, that is not the concept of the Catholic Church, which exists for every race, equally, and for all times. ¹¹³

¹¹⁰ A commentary of the Statement of Agreed Policy, Combined Conference of the Mill Hill and Marist Fathers, Auckland, November 1949, Archdiocese of Wellington archives, file no. 536.

¹¹¹ Ibid.

¹¹² Report on the Catholic Maori situation in the Diocese of Dunedin, a letter of Fr. F. Wall, to Bishop Kavanagh, 16 January 1967, Archdiocese of Wellington archives, file no. 536.

¹¹³ Archbishop McKeefry, Address to Maori, 1956, Archdiocese of Wellington archives, file no. 536.

The same theme was taken up by Wall:

Everywhere I tried to impress on the Maoris (as we have been doing for the last twelve years in Taranaki and others have been doing in all our Missions for a much longer period) the universal character of the Church, and the oneness of the Eternal Priesthood of Jesus Christ. With a view to making them understand that for Catholics, whether Maori or Pakeha, the rules are the same and that Sunday mass is a matter of obligation. Efforts are being constantly made to wipe out the Maori complex in seeing a distinction between the Maori Missioner and the Pakeha Priest. However I think that the general admission must be made that progress in these matter has been slow.¹¹⁴

Without an appreciation of the cultural expression of faith emphasized by Vatican II, a universalist theology emphasized uniformity with the only acceptable model, that of the established Irish parishes with their emphasis on the role of the parish priest and the value of the Catholic school. These same preoccupations caused difficulties for migrants such as the Italians in the Australian Catholic Church after World War II.

While the Maori missionaries had expressed their vision of the apostolate at their conferences and in their reports to the bishops, after the 1969 Arbuckle survey of the Marist Maori Mission, the Maori missionaries began to articulate their vision to a wider audience in regular newsletters. From the 1960s a significant number of Maori migrated from the country into the cities in search of work. Recognising this, the Maori mission of the archdiocese described its purpose:

Our main aim has always been to assist the people in our district in the many needs that crop up. It would be a pity if people feel that perhaps the Mission is no longer needed simply because the parish church is not very far away. Experience shows that when people arrive in Wellington and try to carve out a new life for themselves, it is a marvellous help to find priests who know them and their background and who are able to help them adjust to their new life. The Maori missionaries do not want to separate the Maori people from the parish of course, but we do want to assist people who find it difficult to feel "at home" in new and strange surroundings.¹¹⁵

The shift to the city reinforced the need for a base or bases from which the Maori missionaries could work and to which Maori could come. In May of 1968 Fr. Peter Conaghan wrote to the Archbishop: "The Mission is in dire need of some centre or social hall where Maori can meet in circumstances and surroundings that make them

¹¹⁴ Letter of Fr. F. Wall, Normanby, to Archbishop P. McKeefry, 8 April 1949, Archdiocese of Wellington archives, file no. 536.

¹¹⁵ The Catholic Maori Mission, newsletter, 1970, Wellington, Archdiocese of Wellington archives, file no. 536.

feel at home. The mission can never enjoy any real *mana* [prestige or standing] among the Maori people unless it provides for and recognizes their special needs." ¹¹⁶

Vatican II gave fresh insight into the nature of the local church. The Maori missionaries took up this theology and applied it to the vision of Maori Catholics becoming integrated into the parish. Their emphasis drew on Vatican II, and indicated that integration would depend on the respect for "the culture, the customs, the values, in a word the mentality" of the Maori.¹¹⁷ They pointed out: "Between the Maori Catholic and the parish priest there has existed a juridic bond. Canon law declared the parish priest the spiritual father of his Maori parishioners, not the Maori missionary. It discredits canon law to give such bonds the merely putative character that this one has received in this country." ¹¹⁸ Twenty-five years later this criticism retains validity. It is not just a question of the lack of good will on the part of parishes and parish priests but a structural failure that seems unable to take seriously the aspirations of Maori Catholics. The present parish structures do not enjoy the proportionate participation of Maori Catholics.

The question of the financing of Maori pastoral care also raised difficulties. While recognized as a work of the diocese, the work was done by Marist priests. When in 1965, Fr. Patrick Cleary SM raised the question of parishes having a Maori mission envelope in the newly established planned giving system, Archbishop McKeefry said he was in sympathy but: "the Maori people themselves should be encouraged to seek to carry more fully their own responsibilities. There is no unemployment amongst them today, and many of them are drawing high wages." ¹¹⁹ Even now diocesan assistance to the Maori pastorate comes largely from the parishes. Hence the ability of the Maori Catholic community to support its own priests would be an issue for establishing a personal parish.

¹¹⁶ Letter from P. Conaghan to Archbishop McKeefry, May 1968, Archdiocese of Wellington archives, file no. 536.

¹¹⁷ Provincial Maori Mission Committee brochure, 1973, Archdiocese of Wellington archives, file no. 536.

¹¹⁸ Ibid.

¹¹⁹ Letter from Archbishop McKeefry to Fr. P. Cleary, 2 August 1965, Archdiocese of Wellington archives, file no. 536.

In 1967 Wall had recommended that diocesan priests should become involved in the Maori mission. He envisaged a positive outcome:

in making everyone feel that the Maori mission had become a more intimate diocesan affair. [...] Immediately it would receive new status, new standing. The new specialist would enter each parish with a clear charter from his bishop to whom he is directly responsible, and in consequence could expect the fullest co-operation from the whole diocese. Besides being a member of the diocese and educated in the same seminary and knowing most of the Fathers, all of these considerations should make for greater understanding and efficiency.¹²⁰

In fact Wall's suggestion implied that, because the Maori pastorate was outside the experience of most diocesan priests, it failed to have a high priority for the diocese. In addition to personnel, parish and extra-parochial structures would also place the pastorate on a more equal footing in the diocese.

A consistent difficulty for Maori missionaries, before but especially after the movement to the cities in the 1960s, has been the geographical spread of Maori Catholics, who no longer live in close-knit rural settings. In 1950 the Maori missionaries, at their conference, made an abiding observation: "And so, while making use of all parochial helps existing, the Mission cannot hope to achieve substantial success, except by forms adapted to the Maori."¹²¹ The theology of the universal Church and the prevailing canon law limited the ability and will of the bishops to offer the Maori mission the tools that might have established it on a firmer footing. While there is no guarantee that a personal parish or quasi-parish would enable the pastoral care of Maori to grow, the canonical options would provide a framework on which good-will and apostolic zeal could prosper.

In 1976 Arbuckle and John Faisandier, commissioned by the New Zealand Catholic Bishops' Conference, produced the report *Church in a Multicultural Society*. Known as the Arbuckle report, the report concluded that the parish organized along the experience of the European heritage was unable to meet the needs of the Maori: "Maoris have the right (and need) to worship in the way that takes legitimate account of their cultural/personal aspirations (with due account being taken of a level of Catholic

¹²⁰ Report on the Catholic Maori situation in the Diocese of Dunedin, a letter of Fr. F. Wall, to Bishop Kavanagh, 16 January 1967, Archdiocese of Wellington archives, file no. 536.

¹²¹ Conference of Maori Missioners, 1950, Archdiocese of Wellington archives, file no. 536.

uniformity)." 122

The Arbuckle report offered some proposals for the canonical re-organization of the Maori apostolate. Suggestions included that the director of the mission become a vicar general for Maori. This would more accurately be an episcopal vicar for Maori. Another suggestion was that the whole mission be made a personal parish, with the director as parish priest. This latter suggestion no longer required an indult from the Apostolic See because, following *Christus Dominus* 32, *Ecclesiae Sanctae*, I, para. 21/3 recognised the diocesan bishop's authority for erecting, suppressing or changing parishes after the appropriate consultations. However, it was by no means clear about the value of the proposal and, in the event, neither one was taken up.

Alternative options for the pastoral care of Maori invariably encounter the accusation of separatism. While there is a *de facto* gulf between Pakeha and Maori Catholics on the level of parish participation, the argument against separate pastoral structures for Maori contends that such structures would further reinforce the gap. The Maori missionaries at their 1978 conference were alert to the financial consequences of a distinct parish structure: "Separatism could lead to deprivation." 123 Without a sound financial basis any Maori quasi-parishes or personal parishes would not enjoy the benefit of their erection.

Since the Arbuckle report, a national Maori Catholic body has been established by the bishops, and on 19 March 1988 at the *marae* or meeting place adjoining Saint Pius X Church, Tokoroa, Bishop Takuira Mariu was ordained as auxiliary bishop of the Diocese of Hamilton.¹²⁴ Regular attempts have been made to express a pastoral

122 G. ARBUCKLE and J. FAISANDIER, *The Church in a Multi-Cultural Society: Sociological Survey: Pastoral Needs of Maoris and Polynesian Immigrants in New Zealand*, 1976, unpublished, used with permission.

123 Minutes of the 1978 Conference of Maori Missioners, Archdiocese of Wellington archives, file no. 536.

124 While auxiliary of Hamilton, he is widely perceived by Maori Catholic as the Maori Catholic Bishop of Aotearoa. See *Wel-com: Wellington and Palmerston North Communications*, No. 140, (April 1988) p. 18. The paper reports the comments of Matiu Mareikura, of the Maori Central Council, who describes the importance of this perception: "This does not mean a separate Maori Church. The desire to have a Maori Bishop would enable Maori Catholics to be fully ourselves, with the *mana* of our own identity. Only then can we be fully part of the whole Church." While the canonical consequences of the role of Bishop Mariu will not be discussed here, the issues raised by Mareikura warrant further discussion. Respect for cultures and the task of inculturation support the insight that unity of Maori Catholics with the wider Church in New Zealand depends on the way in which the gospel integrates with and transforms their identity as Maori. We have noted above regular references by the Maori missionaries

plan for Maori and by Maori. In 1983 the New Zealand Catholic Bishops established a national Catholic Maori organisation called *Te Runanga o te Hahi Katorika ki Aotearoa*, seeking to provide a voice for Maori Catholics in the evangelization and pastoral care of their own people. In its Maori Pastoral Care Plan 1991-1992 the *runanga* outlined its vision of a dialogue between Maori and their culture, with the Catholic Church and its cultural expressions of the gospel message. It again drew attention to the tension between the experience of being Maori and the experience of being Catholic within the New Zealand Church.¹²⁵ One of the canonical proposals put forward by the *runanga* was to research the prospect of a particular church for Maori within the territory of New Zealand, in accordance with cc. 368-374.¹²⁶

The *runanga* outlined the goal of its pastoral plan: "to send out a signal to Maori that the Catholic Church has a policy which allows Maori to define their own reality, that Maori language and tikanga matter, that within the Church tino rangatiratanga can be exercised and tangata whenua status is respected and acknowledged."¹²⁷ The *runanga* join their voices to Arbuckle and the history of Maori missionaries in stating the value of a community shaping its own place in the Catholic Church and integrating from a position of belonging and strength. Since canonical norms flow from theological, ecclesial, and truly human values, it follows that, by exploring the aspirations of the Maori Catholics, canon law may play its part in the implementation of the vision.

that Maori did not feel at home in the Pakeha parishes. At the same time Maori tribal affiliations create divisions within Maori culture. The issues for the ministry of Bishop Mariu are both canonical and cultural.

¹²⁵ TE RUNANGA O TE HAHĪ KATORIKA, *Te Kaupapa mo te Iwi Maori Katorika: Maori Pastoral Care Plan 1991-1992*, Auckland, 1991, p. 18.

¹²⁶ Ibid., p. 19. Canon 372 begins with a recognition that dioceses are, as a rule, territorial. However c. 372/2 states: "If however, in the judgment of the supreme authority in the Church, after consultation with the Episcopal Conferences concerned, it is thought to be helpful, there may be established in a given territory particular Churches distinguished by the rite of the faithful or by some other similar quality." Establishing a national diocese for Maori Catholics would be of dubious value given the tribal divisions throughout the country, the absence of Maori parishes and clergy, and the tasks required at the local level. The country's diocesan bishops would be better to accord greater faculties to the present Maori auxiliary bishop of Hamilton. For example, he could be appointed episcopal vicar for Maori by each of the diocesan bishops of New Zealand.

¹²⁷ Ibid., p. 8. Ultimately the *runanga* describe this experience as having a *turangawaewae*, a place of allegiance, a right to stand, a place to call home (pp. 7-8).

Given the geographical spread of the Maori Catholics in the cities and the provincial towns, the role of the pastor in the territorial parish cannot be underplayed. As pastors and parish workers gain greater experience with Maori culture their contribution proves invaluable. Consequentially, the importance of cumulative and complementary jurisdiction envisaged in the various pastoral options assumes greater importance and holds more promise for effective pastoral care.

To help answer the question of the role of canon law for Maori pastoral care, the insights of the missionaries may usefully be combined with the comments of John Rangihau. He comments: "One of the interesting things that I notice about the Catholic Church is [...] that its Maori mission work has largely fallen to the lot of people who specialise in this field." ¹²⁸ When left to various religious, notably the Mill Hill priests, Marist priests, and the Daughters of Compassion, the pastoral care of Maori is marginalized, while at the same time allowing for the impression that the diocese is adequately attending to the pastoral needs of Maori. Maori missionaries of the Society of Mary (Marists) recommended to Archbishop McKeefry that the diocese involve diocesan priests in the Maori pastorate, with the value that the work would not be seen as the prerogative of certain individuals but as a work of the diocese, with priests who have a common experience providing the necessary collaboration between the parish and Maori. For his part, McKeefry had promoted cooperation between the Maori missionaries and parish priests. Alternative parish structures may raise the profile and standing of Maori pastoral care in the diocese.

We can see the tension between two points of view. The first seeks the integration of Maori into the established parishes with continuing cooperation with the Maori chaplaincy. The second suggests that Maori pastoral care in the diocese of Wellington be erected as one or a number of personal parishes. On the one hand this supports the voiced hope of many Maori that they have opportunity to develop ways of being both Maori and Catholic. It would give a certain standing to their cultural expression both socially and liturgically. Integration would be from a position of strength. On the other hand it would invariably face the accusation of apartheid rather than a positive opportunity for self development. This perception of any Maori parishes independent of the territorial parishes should not be underestimated. It could also lead

¹²⁸ J. RANGIHAU, an unpublished address to the Catholic Education Council, Wellington, May 1983, in *Ten Steps Towards Bicultural Action*, p. 59.

to the further alienation of Maori, especially if it were poorly established and liable to fail, while allowing Pakeha to say that they were doing all that could be reasonably expected for the Maori pastoral care.¹²⁹ While the law can provide possibilities, it cannot substitute for good will. While allowing for a diversity of approaches, cumulative jurisdiction between Maori and territorial pastorates would also need a shared hope and vision for which time spent talking together, meeting in deanery or regional groups and liturgical and cultural discussions would be essential.

In any discussion of the rights of majority Pakeha parishioners and minority Maori Catholics it must be remembered that, when Maori were in the majority, waves of immigrants came to New Zealand and rather than adapt to the ways of the indigenous people they chose to shape the country according to their own aspirations and values. The lineamenta for the Synod of Bishops, Special Assembly for Oceania acknowledges this history but gives no particular import to it, beyond stating:

Among the various cultural groups of Oceania, some ethnic communities are in the minority. Some of these originally made up whole populations, but have become a minority through successive waves of immigration, e.g. the Aborigines in Australia and the Maoris in New Zealand. [...] The Church recognizes Her responsibility in this area and is engaged in protecting those who suffer social injustice. Special care for threatened minority groups is a consequence of the preferential love for the poor in the Gospel of Jesus Christ.¹³⁰

A significant weakness in the ministry to Maori has been the absence of Maori clergy. While the reasons for the failure of the Church to inspire Maori vocations remain beyond the scope of this paper, the absence of Maori priests or priests familiar with *taha Maori* affects the canonical options. As we saw in the United States experience of the national parish, having priests of the culture itself was important for establishing a pastoral base for the people of that culture.¹³¹ Notwithstanding the

¹²⁹ Cf. T. HARTE, *The Sociology of the Parish*, p. 173. The Afro-American parishes in the United States help us see similar issues in another context. While some parishes were wholly or predominantly black by virtue of serving a Afro-American neighbourhood, some exclusively Afro-American parishes existed with 1917 c. 216/4 used as justification for their existence. Yet language for ministry was English! The motivation for such parishes was probably both positive and negative. Thomas Harte notes that their involvement in the diocese varies. When it came to "social participation of a non-religious nature [...], the Negro parish is usually excluded from the program, or the quality of its participation is variously restricted." The establishment of alternative structures of pastoral care requires a collaborative and positive motivation.

¹³⁰ SYNOD of BISHOPS, SPECIAL ASSEMBLY FOR OCEANIA, *Jesus Christ and the Peoples of Oceania*, para. 12.

¹³¹ See A. DECK, *The Second Wave: Hispanic Ministry and the Evangelization of Cultures*, New York, Paulist Press, 1989, p. 60. Fostering vocations among Maori communities and indeed any ethnic

importance of lay ministry, Allan Deck observes accurately when he states: "It is the priest who by reason of his authority in the Church can advocate for the people. Without their priests the people are at a great disadvantage in getting their portion of attention, cooperation, and assistance within the institution." ¹³²

In his discussion of various personal considerations as extraordinary criteria for parish structuring, Thomas Green mentions the familiar ones of rite, language and culture, and university setting, and then adds: "[...] those whose unique national origins, history and experience may raise questions about the adequacy of the pastoral care offered in regular territorial parishes (e.g., African-Americans)." ¹³³ The regular reports of the Maori missionaries and even a superficial reading of the history of Maori experience of territorial parishes suggest a similar reading for Maori.

Canon law draws on the insights of other ecclesial disciplines such as theology and biblical studies, as well as the humanities such as sociology and history. As a subalternated discipline, canon law offers norms and pastoral options that build on these other disciplines. We have seen how the prevailing universalist theology as well as the assimilationist mindset combined to limit the vision of the Maori pastorate. Historical and sociological factors have limited the effectiveness of Maori pastoral care, so that the response of the Archdiocese of Wellington to the Synod of Bishops, Special Assembly for Oceania lineamenta can state: "Unfortunately, at times Maori and Pakeha bodies are like two ships passing each other. There is goodwill when they do meet, but also hurt and misunderstanding and a lack of clarity in the communication." ¹³⁴ Consequently, while canon law might point to alternatives to the territorial parish or offer possibilities for pastoral management that would allow Maori and their pastors to engage with other parishes from a position of strength, the preliminary sharing of vision and clarification of aspirations has yet to take place.

group may be well served by minimising separation from the community from which leaders come. Inevitably such leaders, who are often older and more experienced persons in the Maori community, link the minority community with that of the majority. Long periods of training and studies remote from their own culture potentially ill-equip leaders when they return to their home communities.

¹³² DECK, *The Second Wave*, p. 60.

¹³³ T. GREEN, "Canon 515: Establishment of a Parish that is both Territorial and Personal," in *Roman Replies and CLSA Advisory Opinions 1994*, p. 105.

¹³⁴ *Response of the Archdiocese of Wellington to the Lineamenta, Synod of Bishops Special Assembly for Oceania*, pp. 21-22.

The same response to the lineamenta for the Synod of Bishops, Special Assembly for Oceania identifies the task for the diocesan church: "[...] many priests, religious and laity in positions of responsibility seem, in practice, to be mono-cultural rather than bi-cultural. They need to open their minds and hearts to Maori perspectives."¹³⁵ While the report identifies no task for Maori Catholics, it does express a perception of their feelings: "Maori feel that they have been treated as children and want far more say with genuine power. [...] Some Maori people experience a deep split between their Maori culture and the faith as expressed by the Church."¹³⁶ Canon law offers alternatives to the existing territorial parishes, within which Maori could find greater autonomy and which could accord with their *iwi* and *hapu* affiliations. While the response to the lineamenta highlights the role of the Pakeha church, any dialogue requires Maori Catholics to identify their tasks and responsibilities for their pastoral care.

3.3.4 Samoans and the Church

Since European explorers and later the missionaries arrived in the South Pacific, the Christian faith has taken root. Krishnan offers by way of summary: "Through Polynesian curiosity and interest in new explanations and through missionary efforts, most Polynesians had embraced the Christian faith by the 1850s."¹³⁷ Malama Meleisea ably describes the historical circumstances of Christianity in Samoa, and the cultural features which shaped the Catholic expression of Christianity both there and in New Zealand. Meleisea notes the sectarian spirit that characterized the churches of the time: "It is an unfortunate historical fact that the religious rivalries of Europe came to be transferred to the Pacific Islands in the 19th century."¹³⁸ The various faces of Christianity touched a chord in the diversity of Samoan religion. Meleisea describes the experience:

¹³⁵ *Response of the Archdiocese of Wellington to the Lineamenta*, p. 22.

¹³⁶ Ibid.

¹³⁷ KRISHNAN, *The Challenges of Change*, p. 3. Before the arrival of Christianity Samoans acknowledged Tagaloa-a-Lagi (Supreme God and Creator) and various *taula aitu* or spirit mediums between the gods and the people. See F. NGAN-WOO, *FaaSamoa: The World of Samoans*, The Office of the Race Relations Conciliator, 1985, p. 31.

¹³⁸ M. MELEISEA, *Lagaga: A Short History of Western Samoa*, Samoa, University of the South Pacific, 1987, pp. 53-54.

Although it was common for groups of Samoans to become Christian, each group did not join the same Church. In the early days of Christianity there were often three or four different religious groups in a village. [...] Such diversity of belief also existed in the past when different families worshipped different gods. This is why in many villages of Samoans, there are two, three or more different Christian denominations, to the present day.¹³⁹

Since the first years of Catholic evangelization in Samoa, lay catechists have played an important part for Samoan Catholics, with a priority on education. Meleisea summarizes the Catholic history: in 1845 "the Catholic Church was established in Samoa by two French missionary priests of the Marist order."¹⁴⁰ Already established missionaries from the London Mission Society and the Wesleyans warned the locals against the Roman Catholic Church. However with the arrival of four more priests in 1846 the mission made progress. The first college for Samoan catechists was established in 1875 in Mt. Vaea then later at Moamoa.¹⁴¹

With their migration to New Zealand particularly in the 1970s, Samoans transferred their village connections to the parish church. Meleisea states: "While in many ways the Samoans lived like other working class New Zealanders, *Fa'a Samoa* [the Samoan way of life] was continued through the churches, family networks and continuing links with Samoa."¹⁴² Beyond being a centre for worship, the parish church plays a social role for Samoan communities. Simmons describes the policy of the local church at the time:

The Church brought priests with Samoan and Cook Islands experience to serve as chaplains to the new immigrants but it was some time before the dimensions of the pastoral problems were realised and the beginnings of more effective action were taken by setting up the first centres and allowing Auckland secular priests to gain experience in Samoa.¹⁴³

Migrant communities often preserve their social bonds within an organisation

¹³⁹ MELEISEA, *Lagaga*, p. 55.

¹⁴⁰ *Ibid.*, p. 63.

¹⁴¹ *Ibid.*, p. 64.

¹⁴² *Ibid.*, p. 161.

¹⁴³ SIMMONS, *A Brief History of the Catholic Church in New Zealand*, pp. 110-111.

like the parish.¹⁴⁴ While this was a feature of parishes in the past, subsequent generations find their social identity in broader circles with less reliance on the parish context. Often this can become a source of tension between migrant groups who make full use of parish facilities that are usually controlled by parishioners who, though they built the facilities, have less occasion to use them now.

At present, two of the largest Samoan communities in Wellington have their own halls with catering facilities. These were purchased at considerable expense by the communities, with a degree of cooperation and assistance from the Archdiocese. Other communities have sought to have their own halls, despite the prospect of a heavy financial burden. That Samoan communities would burden themselves in this way speaks eloquently for their desire to operate as a community without feeling beholden to or being controlled by the established parishes dominated by Pakeha priests and parishioners.

3.3.5 Archdiocesan Policy Concerning Migrant Communities

In 1988-89 the Archdiocesan Synod identified the following tasks concerning the pastoral care of ethnic groups: "[To] recruit indigenous priests for appointment as chaplains for ethnic communities in the Archdiocese, and [to] encourage opportunities for parishioners to experience the liturgies of the ethnic communities within parishes."¹⁴⁵ The policy of the Archdiocese seeks to appoint chaplains of the same language and culture to the ethnic communities, but the degree of success varies. Chaplains of the language and culture serve the Polish, Filipino, Latin American, Samoan and Tokelauan communities, while in addition local chaplains regularly preside at the eucharist in Maori, Rarotongan, Tongan and Italian. Diocesan funds contribute to the support of Maori pastoral care and the Filipino, Samoan and Tokelauan chaplaincies.

¹⁴⁴ In an unpublished address, "How We Samoans See the Church", presented to the Redemptorist Provincial Assembly, Glendowie, September 1994, Perenise Tapu stated: "First of all, the church has become for us a focal point for decision making. It has become a replacement of our traditional villages, an extension of our *aiga* (family), and even a place to practice our *fa'a Samoa*. To us, it is not just a place of worship where we come together to celebrate mass with other Christians on Sundays. The church has become an arena for closely-knit fellowship in which we share ideas for the future welfare of our community."

¹⁴⁵ "Achievements of the 1988-89 Archdiocesan Synod," in *Wel-com: Wellington and Palmerston North Communications*, no. 140 (April 1998), p. 10.

In February 1994, Cardinal Thomas Williams outlined five options from which the Archdiocese of Wellington could address the pastoral needs of migrant groups: assimilation, separate churches, national parishes, parish integration, and free-floating non-parochial chaplaincies. Integration has been and remains the policy of the archdiocese. Cardinal Williams describes the situation as follows:

The minority groups are within the parish, but retain their own identity and culture, and have the opportunity for Mass in their own language from time to time, for familiar devotions, for organisations (Sunday schools, etc), activities (choirs, festivals, etc), and leadership (catechists, etc) which are part of the fabric of their life as Catholics. Integration has been the policy of the Archdiocese of Wellington since the 1970s. However, it is under threat due to the desire to retain cultural identity being interpreted as divisiveness, and unrepresentative parish pastoral councils in the name of unity denying minority groups opportunities to worship in their own languages. 'Parish' is made synonymous with 'English', even though many parish liturgies and devotions have more members of one or other minority group taking part than the members of the dominant culture and language.¹⁴⁶

The clear desire of the policy is to encourage the full liturgical, devotional, spiritual and social life of migrant groups, particularly the Pacific Islands communities, while at the same time keep them part of the parish establishment.

The archdiocesan policy recognizes that our parishes are not homogenous, if they ever were, and that parishes bring together in one place peoples from many nations and cultural heritages. Where significant numbers of one cultural heritage gather to form a community, or indeed a number of communities, the archdiocese endeavours to provide chaplaincies that support and nourish their cultural and Catholic identity. Typically the chaplain works from a territorial parish, and presides at eucharist in other parishes for the members of a cultural group monthly or even more regularly.

In the case of the Samoan chaplaincy, the twelve communities spread throughout the diocese form a minority but significant proportion of the Catholic population. Inevitably tensions arise over where loyalties lie between the chaplaincy or the parish. The communities are by no means of uniform opinion about their place within the parish structure. As one would expect, priorities range from an identification with the parish and its programmes to having little to do with the parish and concentrating energies and resources with the activities of the chaplaincy. To facilitate

¹⁴⁶ WILLIAMS, "Pastoral Care in Multicultural Parishes," 24 February 1994.

dialogue the archdiocese urges study of the teaching on inculturation, greater understanding of the cultures that make up our parishes through exposure to their customs, and liturgical contributions that incorporate various traditions and languages as well as the language masses for the ethnic group by itself.

At the heart of the issue is the place of ethnic groups within the parishes. Inevitably minority cultures have to become adept in two cultural contexts while members of a majority culture have the option of whether they interact with members of the minority group at all or at least on other than a superficial level. Thus Pakeha and Maori can perhaps know individual Samoans but might never enter their cultural world. To bridge the gap, parish councils and diocesan groups usually promote interaction on their own terms. They ask for representatives of cultural groups to teach and share their world view to the majority group; they ask them to join parish activities or events or they ask them to play a role in educational and/or liturgical events. The weakness of all these useful proposals is that the terms of the encounter are those of the dominant group. The language of communication is that of the majority, English, and the time frames and roles usually dictated by the Pakeha conventions.¹⁴⁷ Consequently the dialogue between cultures is uneven. The minority groups adapt out of necessity, while the dominant cultural groups feel that they accommodate the minority out of charity. Whenever the dominant culture makes efforts to adjust to the minority, the latter often feel these are superficial, token, and insufficient. These complaints, notwithstanding, the dominant culture has an obligation in justice to recognize the changed social reality.

Cultural interactions naturally create growth or tension at the point of contact. Consequently liturgical events produce the most mutual understanding and the most conflict. Not infrequently the two most difficult issues concern the extent of the use of languages other than English in the eucharist and the collection of funds at liturgies and other functions.

¹⁴⁷ Cf. METGE and KINLOCH, *Talking Past Each Other*, pp. 8-9. They identify the fundamental issue of flawed communication and illustrate with some practical examples. "When Maoris, Pakehas and Samoans act on the assumption that they give particular words and actions the same meaning while actually giving them different ones, they 'talk past each other,' misread each other's words and actions, respond inappropriately, and judge each other as stupid, odd, or rude in the light of their own standards."

The archdiocesan policy on migrants draws on the documents from the Apostolic See, the context of the churches in New Zealand and Australia, and the personal experience of the archbishop. In 1980, early in his time as archbishop, Thomas Williams presented a vision of integration, noting that this approach to New Zealand society was replacing the concept of assimilation. While various papal statements and church documents had advocated respect for minority cultures it could not be said that such a mentality prevailed at the local level. In his reflections on the New Zealand situation, Williams stated: "The concept of integration recognizes the value of different cultures, and urges individuals and groups to retain and develop their culture, while at the same time participating fully at all levels in New Zealand society."¹⁴⁸

The Synod of Bishops, Special Assembly for Oceania lineamenta invites reflection on a further issue concerning the pastoral care of ethnic groups:

Consideration needs to be given as to whether these migrants can be said to be a properly constitutive part of the local community in a multi-cultural Church and society. Any pastoral plan would have to determine whether these migrants are on the periphery awaiting assimilation into the predominant culture or whether these migrants are a more permanent part of the culture, requiring their own ministries, e.g., national parishes, or designated parishes which offer as part of their ministry, an apostolate to ethnic groups.¹⁴⁹

As cultures and societies evolve, predicting the permanence of a migrant and/or ethnic groups will at best be an inexact science. Nevertheless Maori are a permanent part of New Zealand culture and indeed a constitutive part, given the Treaty of Waitangi. Pacific Islands communities enjoy a profile in the archdiocese beyond their percentage of the general population. While the relationship of subsequent generations with the parishes cannot be taken for granted, the Pacific Islands communities are also very much part of life in the local church.

3.3.6 Samoan Chaplaincy in the Archdiocese of Wellington

Within the Archdiocese of Wellington's 37 North Island parishes, twelve active Samoan communities make a significant contribution to ecclesial life in the Archdiocese

¹⁴⁸ WILLIAMS, "The Church in a Multicultural Society," 3 July 1980.

¹⁴⁹ SYNOD of BISHOPS, SPECIAL ASSEMBLY FOR OCEANIA, *Jesus Christ and the Peoples of Oceania*, para. 13. We note that first place in the options for pastoral care of migrants, whose presence and impact in the local church perdures, is given to the personal parish.

of Wellington, beyond their 6% of the national population. Polynesian chaplains regularly voiced a concern found in *Exsul familia* and subsequent documents that migrants could be lost from the practice of their faith if the new environment did not foster their pastoral care.

The Samoan chaplaincy coordinates the activities of the twelve communities. Inter-community competitions and celebrations between choir groups and youth groups, and celebrations between the communities in general make for a wide range of activities. Such is the sense of autonomy of the Samoan Catholic Community of the Archdiocese of Wellington that they evolved a mission statement, which is modelled on that of the archdiocese. Like the mission statement of the archdiocese it speaks about discipleship, lived out in worship, community life, and outreach. Beyond the archdiocesan mission statement, the Samoan Catholic Community's mission statement affirms the context of its Samoan heritage in every paragraph.¹⁵⁰

Krishnan and her colleagues noted that the most significant difference within Polynesian groups is whether a person is New Zealand or foreign born. Within the Samoan Catholic communities there is a range of abilities with the Samoan language. Sunday school is taught in the language in which the children can respond. Even when taught in English, these Sunday schools remain an important vehicle for the expression of the Catholic faith through a Samoan context. The leaders of the community are simply taking ownership of the Church's teaching that parents are the first educators of their children in the ways of faith.

The relationship between ethnic communities and priestly ministry admits of a complexity that flows from the tensions within the community itself. Scott Appleby describes the phenomenon:

¹⁵⁰ The Mission Statement of the Samoan Catholic Community of the Archdiocese of Wellington: "We the Samoan Catholic Community of the Archdiocese of Wellington, challenged and called to follow Christ our Saviour through our Samoan Cultural Identity, proclaim and live by our words and actions of that culture, the presence of the Kingdom of God by:
 -celebrating the love and presence of God in our lives in and through who we are as Samoans;
 -sharing our living and vibrant Christian faith using the customs and traditions of the ancient times of our ancestors with others, especially in acts of worship and ongoing Christian-Catholic education, in a way that is today something meaningful to others, to ourselves and to our children;
 -growing in the ongoing nourishment of the family and its values, as well as that of caring and sharing in community, which is the essence of the fa'a Samoa (the Samoan Way) and
 -working for and highlighting in ourselves, the importance of the Christian virtues of faith, hope and charity in order to bring about peace and justice for all."

On the one hand there is a great demand in the immigrant communities for the sacramental ministry exercised exclusively by the priest (the consecration and celebration of the Eucharist in Mass, the granting of absolution of sins in the sacrament of reconciliation, or confession). In some communities, first generation parishioners insist that the priest also be present to perform a variety of functions shared more efficiently with lay leaders.¹⁵¹

The exclusive ministry focussed on the priest needs to give way to a broader model of ministry exemplified by lay ministry in areas such as catechesis, music, adult catechumenate, prayer groups, and visitation initiatives. While these tensions feature in many parishes with the changes consequent on Vatican II, the ethnic community exacerbates these changes as its own needs evolve. The Samoan community has a number of younger priests now taking on positions of responsibility as parish priests, assistant priests, and chaplains working among communities with an elaborate organisation of Sunday schools, youth groups, choirs, catechist ministry, Legion of Mary, prayer groups, and the leadership committees familiar from Samoan village life. Ministry within the Samoan communities evolves as the social demographics shift more to the New Zealanders with Samoan heritage.

3.4 CANONICAL ISSUES

In New Zealand society the Maori and Pacific Island communities experience economic hardships and are over-represented among the unemployed in numbers disproportionate to their actual numbers. In the various dioceses, Maori Catholics are largely absent from the urban and suburban territorial parishes, while the Pacific Island Catholics are a significant presence in these parishes, beyond even those where there is an established community. Nevertheless, both minority groups have common issues in their relationships with the diocese and the established parishes.

Canonical issues centre around the rights of the faithful of diverse cultures to worship and express their Catholic faith in ways that respect both their cultural heritage and the circumstances of multicultural dioceses. Ancillary to these rights are questions about the standing of their pastors within the diocese, the ownership of property,

¹⁵¹ S. APPLEBY, "Present to the People of God: The Transformation of the Roman Catholic Parish Priesthood," in J. DOLAN (ed.), *Transforming Parish Ministry: The Changing Roles of Catholic Clergy, Laity, and Women Religious*, New York, Crossroad, 1989, pp. 93-94. Appleby offers the example of a Filipino priest who, upon appointment as parish priest in San Francisco, declared various Filipino customs (processions with child Jesus statue, novenas, and meal gatherings) un-American, adding that they alienated Filipinos and Americans.

adequate financing of pastoral endeavours, and their relationship with the existing territorial parishes.¹⁵²

3.4.1 The Cultural Context

Despite the endeavours to facilitate communication between the chaplaincies and the parishes, their relationship remains problematic. The subordination of the chaplaincy to the parish inevitability contributes to the difficulties. An example of this occurs whenever special chaplaincy events take ethnic groups away from their regular parishes. The loss means more than just fewer people at Sunday eucharist. For example, the working paper on migrant chaplaincies of the Auckland Diocesan Pastoral Council "acknowledges that the loss of financial contributions to the parish is a problem and that a solution to this needs to be settled upon."¹⁵³ On the part of the chaplaincy groups, the council's working paper invites them to communicate when they are holding various events and to train people to explain their culture's important beliefs and rituals.¹⁵⁴ The policy of unity in diversity still takes place within the parish context where the majority culture finds itself confused about the culture of the migrants and their descendants.

Assimilation dominated the thinking of New Zealand society towards migrants up until the 1970s. Since then the pastoral approach of cultural diversity in the celebration of faith receives much more attention. Nevertheless, despite good will on both sides, the Pakeha parishes have expected Catholic migrant groups and their descendants to express their faith within the parish context and feel disturbed when ethnic groups organize themselves separately.

¹⁵² See AUCKLAND DIOCESAN PASTORAL COUNCIL, Discussion document, June 1993. The experience of the Diocese of Auckland warrants examination. The Auckland Diocesan Pastoral Council studies the issues surrounding the relationship between ethnic communities and parishes in the Diocese of Auckland. The current policy provides for chaplaincies to support and nourish the cultural identity of each group, including the provision of separate ethnic celebrations of the Eucharist. The rationale for the policy comes from the church teaching that "worship and identity must be allowed to flourish in culturally suitable ways." The Diocesan Pastoral Council described the central issue in terms of the parish and chaplaincy relationship. It made a variety of recommendations but warned that they would not be effective "if there is not the will to listen, learn and collaborate with each other."

¹⁵³ Ibid.

¹⁵⁴ Ibid.

Hope remains for integration in which people from Maori, Pakeha and Pacific Islands cultural groups have opportunity to make their own distinctive contribution to the life of the diocese. The history of Maori-Pakeha relationships indicates that this integration will not be achieved in a situation of cultural deprivation.¹⁵⁵ The establishment of personal parishes for Maori could provide a context for the Maori to express themselves as Catholics in their own way. On one hand this would leave Maori free to find their own identity as Catholics, free to explore the range of levels of participation that they have inherited, and remove the pressure to conform to the Pakeha parishes' customs and established priorities. On the other hand the danger would be that such parishes would be set up to fail. The fear would be that such parishes confirm Maori's marginalized status, remain underfunded, and fail to provide for inter-parochial involvement. Given that other attempts to build the chaplaincy have not been overwhelmingly successful, the stability of place, structures, financial planning and a visible *turangawaewae* or "place to stand" that the personal parish offers deserves investigation.¹⁵⁶

3.4.2 Rights of the Minority Communities

From the history of the Maori pastoral care and that of the Samoan community in New Zealand we see two intertwined themes that seek a strong internal cohesion within the community and a positive external relationship with the rest of the diocese. The community chaplains want to have some standing in the diocese. They want their work to have some sort of continuity and stability that will endure when they are gone. As a result, subsequent chaplains will not have to rebuild every time there is a change of chaplain.¹⁵⁷ They want communities to have access to the education and sacramental preparation opportunities that are taken for granted in most parishes. People want a

¹⁵⁵ See ARBUCKLE, *The Maori in Crisis*, p. 3. Cultural deprivation refers to situations "in which members of a group are hindered because of social, economic and educational obstacles from developing their human potential to the degree attained by members of the urban society." One might include ethnic and religious obstacles.

¹⁵⁶ Another factor hindering personal parishes arises from the foundational myth of being "one people" based on the Treaty of Waitangi. The belief of New Zealanders as "one" makes us very sensitive to propositions for separate Maori or Polynesian parishes. The key differences must of course be in whose interests are they established and at whose instigation.

¹⁵⁷ Cf. P. CODY & D. O'BRIEN, "Ka Awatea: The Awakening: Maori Evaluation '95-'96," unpublished proposal, June 1996, p. 19. Phil Cody and Dennis O'Brien note: "At times the former style left the mission dependent on the personality and presence of the missionary and parish priest; local church and the Society of Mary left it to the *expert*."

place for being Catholic in their own language and ways. They want a degree of stability and predictability about budgeting and finances.

Simmons drew attention to the new ecclesial reality:

It is obvious that the presence of the Maori and the other Polynesians in the centre of populations is creating a different Catholic Church. It must inevitably become much more genuinely multi-racial at all levels and no system of ecclesiastical separatism will really serve the needs of the Catholic people today. But just what changes this will ultimately bring are still not clear.¹⁵⁸

Presumably the new reality for Polynesian migrants and citizens will be with some integrated reality. Nevertheless the question is on whose terms will integration take place.

While the majority Pakeha Catholic population expect Maori and Pacific communities to integrate on the terms of the majority, the interests of the latter groups will not necessarily be served by a single system. Diversity within ethnic groups and between them warrants a flexible pastoral plan. As one of the strengths of the Catholic ecclesial organisation, the unity of the local church around the bishop and pastors allows for greater diversity in the organisation of parish life for the various communities that make up the local church.

3.4.3 Ecclesial Integration and the Policy of the Archdiocese of Wellington

In his 1980 reflection on the multicultural needs of the archdiocese, the then Archbishop Williams emphasized the language rights of minority cultures, the role of lay ministries and the potential of base ecclesial communities. Paul VI saw such communities emerging in situations where the large size of ecclesial institutions failed to meet human needs to gather and enrich one another in faith and practice. Williams saw the possibility that such groups could serve minority groups at a level between individual families and the parish. He stated: "[The basic ecclesial community] caters for the enormous diversity, including cultural variation, of modern society. Properly established, base ecclesial communities can enrich in tremendous measure parish life, strengthen the faith and identity of cultural groups, and at the same time deepen the

¹⁵⁸

SIMMONS, *A Brief History of the Catholic Church in New Zealand*, p. 111.

sense of belonging and contributing to parish and local church." 159

Writing from the Canadian experience, Joe Mroz identifies a difficulty with the implications of an "ethnic" parish: "The heart of the problem with the term 'ethnic parish' is the implications the term contains about the parish's otherness. Why are some parishes 'ethnic' and not others? The assumption that underlines this distinction is that there is something common, general, even universal about the average Anglophone parish, against which other parishes appear different, exotic, ethnic." 160 When migrants establish themselves in a new country, the connection between their culture and Catholic identity assumes a greater importance as they negotiate a new relationship with their adopted country. Invariably new communities of Catholics introduce a critique of the dominant community. While Pittarello states that this is usually answered for the majority in terms of a deficient migrant faith,¹⁶¹ Mroz points out that migrants critique the majority preference for uniformity:

Uniformity is an unspoken but desired goal of much of modern society. [...] Even in the church, parishes are expected to be consistent. For several years after Vatican II, Latin Masses were frowned on partly because people might disregard the geographical nature of parishes and go shopping for a parish that satisfied them. Paradoxically, however, it is precisely the uniformity of services in anglophone parishes that makes it possible for Catholics to parish-hop, because it really doesn't matter which of several anglophone parishes they go to.¹⁶²

Before canonical options can evolve for the various minority groups within the archdiocese, the vision of diocese and parish needs further expression. The Arbuckle report pointed to the gap between official church and diocesan teaching about cultural expression of faith and the way many New Zealand Catholics perceived it. Respondents in that survey were asked about agreement to the following statements, though respondents were given neither source.

The first from *Ad gentes* 26 read: "Anyone who encounters another people should have a great esteem for their patrimony, their language and their customs." The

159 WILLIAMS, "The Church in a Multicultural Society," 3 July 1980.

160 J. MROZ, "The Challenge of Cultural Parishes," in *Compass*, vol. 9, no. 6 (January/February 1992), p. 15.

161 PITTARELLO, "New Perspectives," in *The Australasian Catholic Record*, 70 (1993), p. 307.

162 MROZ, "Cultural Parishes," in *Compass*, vol. 9, no. 6 (January/February 1992), p. 15.

second from *Pastoralis migratorum cura* stated: "It is not possible to exercise the pastoral care of migrants effectively unless due account is taken of the spiritual heritage and of the particular cultural background of migrants." ¹⁶³ Both statements received positive responses from the survey respondents,¹⁶⁴ but Arbuckle noted: "One theoretically might have justly expected close to a 100% agreeing strongly with the statements. In fact only 73% agreed strongly." ¹⁶⁵

Taking the matter further and addressing the more specific matter of Maori and Polynesian pastoral care, Arbuckle reported:

The question was put in a slightly different, but more practical, form. Respondents were asked to comment on the following statement: "The Maori and Polynesian Missions, as exist in some Dioceses, should be a point of welcome and places of preparation and transit before the migrants (Maori and Polynesian) come into contact with the local ecclesial community, thus excluding the isolation of ethnic groups and their forced assimilation." The support was even less enthusiastic than that given to the statement of the principle on which this is built. Only 48.8% agreed strongly. A further 35.7% qualify their agreement by the use of the word 'somewhat', 13% are undecided and 2.5% definitely disagree (Table 33E).¹⁶⁶

This work was completed in 1976. Arbuckle's conclusion at that time stated: "there is a significant hesitancy to accept a basic pastoral principle - as stated by the Church for the care of migrants." ¹⁶⁷ While some improvement could be expected in the twenty years since that survey, the hope of "one nation" continues to shape the Pakeha perception. Moreover, when it comes to deciding on practical steps, Arbuckle points out: "too many of us just do not know what to do." ¹⁶⁸ Once insistence on fitting into the territorial parish gives way to pluralism of culture and manner of faith expression, Maori faithful and faithful of the Pacific Islands and their descendants will be able to

¹⁶³ ARBUCKLE and FAISANDIER, *The Church in a Multi-Cultural Society*, pp. 31-32/D, 86/H.

¹⁶⁴ Ibid., pp. 31-32/D. To *Ad gentes* 26: 79.2% agreed strongly, 18% agreed somewhat, 2.8% disagreed strongly or somewhat. To *Pastoralis migratorum cura*: 73.4% agreed strongly, 22.4% agreed somewhat, 2.9% uncertain, 1.3% disagreed somewhat or strongly. In the breakdown of the figures, "in the Auckland Diocese 60.4% of the parish clergy agreed strongly with the statement, but this is significantly lower than the 86% response of Maori and Polynesian missionaries in the same Diocese."

¹⁶⁵ Ibid., p. 32/D.

¹⁶⁶ Ibid., p. 86/H.

¹⁶⁷ Ibid. The Maori and Polynesian pastoral workers also showed less commitment to the principle in action, although they were more convinced than the overall response. 59.2% agreed strongly compared with the 48.8% overall response.

¹⁶⁸ Ibid. An acknowledgement of 26.5% of the participants.

take a place of their choosing within the diocese, be it in the established parishes or within the options offered in their respective communities.

CONCLUSION

No longer predominantly an Irish outpost, the identity of the Catholic Church in New Zealand celebrates the cultural wealth of its many strands. At a very basic level, canon law can contribute to the efforts to build a multicultural church in New Zealand by simply pointing out that the law already provides pastoral options for the organisation of various communities. Furthermore, the diocesan bishop can explore these pastoral options in consultation with diocesan bodies, the various communities, the parish priests and chaplains effected, and with the presbyteral council in order to provide pastoral care for the significant minority groups in the country.

The Treaty of Waitangi and its consequences in the political situation of New Zealand call for a recognition of the first people of the land, the Maori. While the Pacific Island communities have a higher profile in the Christian churches in general and have a significant presence within the city parishes of the Catholic Church, the temptation is to respond to their needs and to devote less attention to the pastoral care of Maori. The task for the dominant Pakeha church is to recognize that its own style of being Catholic is not necessarily that of Maori or Pacific Island communities, and to welcome their endeavours to be Catholic in ways that can enrich us all.

Two risks emerge as possibilities for a local church with inter-dependent parishes or community structures. The first is that the Pakeha church can ignore the initiatives of the Maori or Pacific Island communities, and let them get on with their own endeavours and have little to do with them. The second risk is that any personal parish or quasi-parish be set up to fail, reinforcing any presumption that the best way is also the only way, that of the Pakeha parish.

Pittarello points to the role of the Church in promoting unity in diversity within society. He notes that governments can publish literature, utilize radio and television, and promote festivals in which various cultures can express themselves. Nevertheless, they do not have the power of bringing people together that the churches have. He concludes: "The role [the Catholic Church] has is to be an encounter point for people of different languages and cultures. There are people of Catholic faith in all national

immigrant groups. In no other place mutual understanding and fraternity should grow as in the parish." ¹⁶⁹

During his 1986 visit to New Zealand, Pope John Paul II referred to the multicultural origins of the Catholic Church in New Zealand. Michael O'Meehan, in his book on the diocese of Christchurch, *Held Firm by Faith*, seizes on this and offers the basic insight from which the canonical proposals grow: "Perhaps the Pope's sermon implied a gentle reminder that the Maori and other Polynesian groups need space to grow within the Church, lest they be unwittingly smothered, as they were in the past by a European, and predominantly Irish, identity." ¹⁷⁰ The history of parishes and the history of canonical responses to people who are unable to benefit sufficiently from the ordinary means of pastoral care offer possibilities that can address the unique situation of New Zealand's suffering pastoral mission to Maori and the burgeoning pastoral profile of the Pacific Island communities.

¹⁶⁹ PITTARELLO, "New Perspectives," in *The Australasian Catholic Record*, 70 (1993), pp. 311-312.

¹⁷⁰ O'MEEGHAN, *Held Firm by Faith*, p. 338.

CHAPTER FOUR: UNITY IN DIVERSITY

INTRODUCTION

With unity as one of the marks or dimensions of the Church, the pastoral care of various language and cultural communities seeks to preserve and foster the common bonds of faith and love that bring people together. Unity describes the nature of the Church and its vocation. The first section of this chapter explores the call to unity which underlines the various documents from the Apostolic See and which motivates the pastoral policy in the Archdiocese of Wellington.

At the same time, with catholicity as a mark or dimension of the Church, the diversity between and within local churches highlights the different ways in which faith is expressed and lived. More than a geographical inclusiveness, catholicity describes the integrity of the faith within a local church (c. 369) and its various cultural expressions. The second section of this chapter explores some of the facets and tensions of diversity, particularly within a local church.

In the third section we will explore the theme of unity in diversity, focussing on some practical canonical possibilities for the Archdiocese of Wellington to provide pastoral care for the Maori and Samoan communities. In chapter three we saw how the circumstances of these two significant minorities differ from that of the larger Pakeha communities, as well as between themselves. In order to move the principle of unity in diversity from being merely a slogan, the pastoral needs of the minorities need articulating, and an overall policy of mutual hospitality needs developing.

The law does not treat the situation of indigenous peoples to the extent that it has treated that of migrant communities. Nevertheless the situation is analogous, and given Arbuckle's description of the migrant as a person in a dramatic cultural and psychological encounter with another culture, the Maori, being a minority group of distinctive culture, fit such a description. What the documents from the Apostolic See say about migrants apply, with appropriate modifications, to an indigenous people like the Maori.

The unique situation of New Zealand with its original settlers, the Maori, requires that no proposal for the pastoral care of a recent Polynesian migrant group will

be acceptable unless it also addresses the pastoral needs of the Maori descendants of the original Polynesian settlers. The political and pastoral reality of New Zealand must recognize that the Maori Catholics live their faith and celebrate it liturgically with relatively little participation in the territorial parish which is by and large identified as Pakeha. At the same time the Samoan and Pacific Island communities in general have embraced parish attendance as a central feature of their adaptation to life in New Zealand. Any proposals for a diverse pastoral care must take into account the divergent needs of these two groups.

Much has been learnt from other countries with a history of colonisation. Countries, such as the United States, Canada and Australia, with their marginalized indigenous populations, and with a majority Western culture into which sizeable new groups of migrants have come, offer parallels to the New Zealand scene. The fact that the Maori population is over 10% of the population gives it a profile that aboriginals do not always have in other countries. In addition the significant group of Pacific Islands migrants, now settled since the 1970s, are by and large Christian and so have a heritage in common with the majority culture that cannot be presumed in countries where the newest migrants are often from an Islamic faith background.

4.1 THE CALL TO UNITY

People on the move invariably create new social realities with various degrees of conflict and disparity mixed with human solidarity and communion. In his effort to articulate a relationship between theology and human migration Giacomo Danesi offers a yardstick for determining the value of any law or policy concerning migrants: do they foster the unity of men and women as children of the one Father? ¹

As a sacrament to the world the Church has a vocation to model in its internal organisation ways of promoting human solidarity even as it respects the diversity of its members. This applies no less to the particular Church in which the one, holy, catholic and apostolic Church of Christ truly exists and functions (c. 369). Not only must the Church advocate unity as a human aspiration and calling but must model unity in its own life. Danesi states:

¹ G. DANESI, "Towards a Theology of Migration," in *Migrations*, p. 84.

But it is of course the action itself of the Church which must above all be universal, and must be so, not only in the object of her task and the content of her message, but in her historical activity and practical application; it is this apostolic action which must, to be truly universal, promote the diversity of human voices in the unity of the choir by overcoming every form of discrimination, testifying to unity in diversity through its own living cohesion, and adapting itself, according to the dialectic of love, to the nature and language of each individual and each human family, in the name of that community which alone unifies and frees: the community of brotherhood.²

In other words, the way in which the Church handles its own diversity will determine the credibility of its message.

4.1.1 Unity as a Dimension of the Church

The documents from the Holy See about migration endeavour to tread a path between the needs of the migrant and the needs of the receiving community. The tension of these values requires further exploration. Roland Modras begins his discussion of them by advocating pluralism and then setting its limits. He quotes Pope Paul VI who stated: "Pluralism, whether of doctrine, liturgical practice or ecclesial structures, should not be seen as necessarily destructive or dangerous to the unity of the Church."³ In practice the tolerance of pluralism in doctrine and liturgy has been quite limited. While the documents on migration champion the rights of migrants and offer a number of ecclesial structures, the Holy See has not shown the same largesse, and has exercised more caution in allowing for liturgical expressions of inculturation.

Modras warns that putting the weight on diversity produces little else and no unity when he states: "The legitimacy of pluralism within the Church is not without limits. There is a point at which plurality becomes promiscuity, at which the desire for enrichment becomes simply the excuse to introduce foreign elements into Christian faith and practice."⁴ Any suggestions for pastoral care of migrants that wish to respect their particular culture and spiritual patrimony must also provide opportunities to deepen the bonds of mutual respect, because, as Modras continues: "a church characterized by pluralism must have a common bond, a sense of loyalty that surpasses

² DANESI, "Towards a Theology of Migration," in *Migrations*, p. 85.

³ PAUL VI, "Unity and Pluralism in the Church," 14 May 1969, address to a general audience; Eng. trans. by A. VAUGHAN, in *The Pope Speaks*, 14 (1969), p. 117.

⁴ R. MODRAS, "The Elimination of Pluralism between Churches through Pluralism within Churches," in *Concilium*, vol. 8, no. 9 (1973), p. 82.

differences." ⁵ At the same time, Modras warns that absolutizing a relative can be equally destructive, especially when relatively minor matters become yardsticks of loyalty and fidelity. He states: "Factionalism and schism cannot help but result when that which is human is considered divine, when that which is accidental is considered essential, when that which is peripheral is considered central, when that which is conditioned by history is considered irreformable and absolute." ⁶ His comments are particularly poignant in the Catholic Church when customs of western heritage, no matter how widespread, become critical for determining how to be Catholic.⁷

Church history witnesses to the evolution of policies to deal with pluralism. In the Acts of the Apostles Hebrew-speaking Jewish Christians had to come to terms with the needs of Greek-speaking Jewish Christians. In the Pastoral epistles, the preservation of the deposit of faith emerges as an important way of staying faithful to the fundamental witness of the New Testament. Later the development of the single episcopate and the canon of the New Testament contribute to this process. Frequent contact between local churches, particularly the holding of synods, further advanced ecclesial cohesion.

After exploring the various faces of pluralism in the life and history of the Church, Modras concludes: "Even the conflict which derives from pluralism is an important element of social interaction. Far from being a negative factor that always rends communities apart, social conflict may contribute to the maintenance of community, in that conflict and cooperation are not separate states but rather distinct phases of one and the same process." ⁸ In other words, the conflict need not be centrifugal if it is grounded in a larger sense of a common enterprise and identity. In the New Zealand situation, any new pastoral initiative for Maori will occasion conflict, which need not be destructive if it clarifies what would best meet the pastoral needs of Maori and still maintain their unity with the wider local church.

⁵ MODRAS, "The Elimination of Pluralism," in *Concilium*, vol. 8, no. 9 (1973), p. 85.

⁶ Ibid., p. 84.

⁷ For example, questions of liturgical dress, posture and movement, church building design, ministry, and devotional life.

⁸ MODRAS, "The Elimination of Pluralism," in *Concilium*, vol. 8, no. 9 (1973), p. 77.

Aylward Shorter places inculturation and local diversity within a context that respects the Church's unity:

In discussing the cultural implications of ecclesial communion in the Catholic Church it is necessary to affirm at the outset that it is visibly and concretely structured. While it is true that the concept of inculturation favours an ecclesiology of communion, it cannot dispense with the other basic ecclesiological component, that of hierarchy. Catholic communion rests on the premise of a teaching authority exercised in matters of faith, sacrament and ministry, and this authority includes a Petrine ministry with, at its present stage of historical development, an immediate worldwide jurisdiction.

He states that the argument for hierarchical communion can be used in practice either to block inculturation or to promote it. What we find in the documents on migration is a call for respect for the diversity of cultures and spiritual heritages as well as a call for unity. The implementation of the principles depends on where persons in authority place the balance and how communities receive the exhortation.

Orlando Espin observes that unless the dimension of the Church as catholic is demoted to a merely geographical note then "the essential catholicity of the Church must imply cultural diversity."¹⁰ Stated differently, cultural diversity is a given and he wonders why there exists a need to establish it as an ecclesial principle. He poses the issue as pastoral, organisational and even political but not doctrinal or theological.¹¹ While accepting the validity of his insight, the ecclesiological foundations of the call to unity warrant exploration in order to understand more clearly what unity means.

4.1.2 Theology of Church

Christology, and with it the theology of the Trinity, act as starting points for a theology of the Church. Consequently, any discussion of ecclesiology in general, and ministry and parish in particular, draws from that starting point. In developing the ecclesiology of the Church as communion, the Second Vatican Council deliberately began with a Trinitarian perspective (LG 1-8).

⁹ A. SHORTER, *Evangelization and Culture*, London, Geoffrey Chapman, 1994, p. 85.

¹⁰ ESPIN, "A Multicultural Church?" in CENKNER, *The Multicultural Church*, p. 54.

¹¹ Ibid., p. 55. He argues that the issue only assumes a theological dimension when used by eurocentric Catholics to question the legitimacy of culturally diverse expressions of the faith.

Equality, mutuality and diversity mark the trinitarian discussion.¹² The implications for Christians baptized into the mystery of the Trinity revolve around the fundamental equality and dignity of the baptized (c. 208), the communion to which all are called as the people of God (*LG* 9-17, c. 210), and the multitude of Spirit-inspired charisms that serve to build up the body of Christ. At the same time the 1983 Code recognizes the diversity of states in which the faithful live out their baptismal vocation (c. 207).

Using the language of sign, symbol, and representation, theologians have described Jesus as "the primordial sacrament."¹³ He represents humanity before God, and reveals God to humanity. The Second Vatican Council described the Church as "the sacrament of unity" (*SC* 26, *LG* 1, 9). While statements about Christ abound in the texts, and while also drawing heavily on scriptural images, the Council did not set out to present a systematic Christology. Nevertheless, the shift to a vision of the Church that emphasizes community, and an anthropocentric priority, highlights the humanity of Christ in Christological discourse, and promotes human experience as the starting point of theology.

The Vatican Council drew on a wide range of scriptural images for the Church, moving away from an emphasis on the Church as a perfect society. In presenting the contrasts between a pre-conciliar and post-conciliar theology of Church, the temptation to caricature or polarize the changes must be avoided. Nevertheless in fairness, Vatican II did present a more dynamic view of the Church in the Dogmatic Constitution of the Church *Lumen gentium*.

Later in the Apostolic exhortation *Evangelii nuntiandi*, Paul VI drew attention to the cultural dimensions of individual Churches:

However, this universal church is closely involved in the particular churches which comprise this or that part of the human race, speaking this or that language. Each will have its own cultural heritage, its own outlook on the world, its own historical memories, its own human foundations, and these features will give a certain unity to each. It is in accordance with the tendencies of our times to appreciate the special qualities of the

¹² See P. DRILLING, *Trinity and Ministry*, Minneapolis, Fortress Press, 1991, p. 35.

¹³ F. SULLIVAN, *The Church We Believe In: One, Holy, Catholic, and Apostolic*, New York, Paulist Press, 1988, p. 9.

individual churches.¹⁴

Twenty years later the diversity within the individual local church means we speak of the plurality of languages and cultures enriching its ecclesial life. Building on the theology of Trinity, the ecclesiology for a consideration of the phenomenon of migration recognizes the Church as a people gathered by the Father and united by the Spirit to become the body of Christ.¹⁵ Consequently the Church is open to all and no Christian is a stranger in it.¹⁶

4.1.3 Fostering Communion

A theology of communion or *koinonia* emphasizes the dynamic between Christians and God, within local churches and between local churches.¹⁷ St Paul considered his financial collection from the gentile Christian churches of Asia minor and Greece not only as practical aid, but also as an expression of the partnership or solidarity that the principle of *koinonia* endeavours to express. His fear that he might have preached the gospel in vain did not amount to a loss of confidence in his message, but addressed his concern that non-reception of gentile Christians and their donation would constitute a break of *koinonia* with the Jerusalem church.¹⁸ *Koinonia* also expressed the observable relationship between the churches. It was externalized in common baptismal procedure, the Easter timetable, reconciliation practice and eucharistic hospitality. In particular the relationships between bishops, symbolized at the ordination liturgy, expressed the *koinonia* of the local churches. In other words

¹⁴ PAUL VI, Apostolic exhortation *Evangelii nuntiandi*, 8 December 1976, para. 62, in *AAS*, 68 (1976), p. 52; Eng. tran. in *FLANNERY* 2, p. 741.

¹⁵ See *LG* 2-4. See also H. KUNG, *The Church*; Eng. trans. by R. and R. OCKENDEN, London, Burns & Oates, 1967, xiv, 515 p. Hans Kung offers an extensive consideration of the Church as Body of Christ, People of God and Creation of the Holy Spirit.

¹⁶ Cf. c. 529/2. One of the tasks of the pastor is to foster these links of solidarity between the local and the universal.

¹⁷ See G. WIGRAM, *The New Englishman's Greek Concordance and Lexicon*, Peabody, Mass., Hendrickson, 1982, p. 489. See also *Exegetical Dictionary of the New Testament*, edited by H. BALZ and G. SCHNEIDER, Grand Rapids, MI, Eerdmans, 1990, vol. 2, p. 303. *Koinonia* is variously translated as partnership, fellowship, communion, and participation. Key examples are 1 Corinthians 10:16 and Romans 15:26, where the latter refers to the fund or contribution for the Jerusalem church. See also Romans 15:31 in relation to Galatians 2:2.

¹⁸ Galatians 2:1-10

focussing exclusively on the local gathering of Christians ignores the broader dimension of the Church.¹⁹

The phrase "portion of the people of God" is not a synonym for particular Church but a way of describing the community.²⁰ The diocese is a portion of the people of God, entrusted to a bishop, with the cooperation of the presbytery. The three elements together are required for a particular church, not simply a portion of the people of God.²¹

Part of the difficulty that Vatican II had in moving from a general description to a more specific description of the *locus* of the Church was the significant divisions within the Church. Avoiding a dualism between the mystery of the Church and its concrete expression, Vatican II identified four facets that express the communion of all the baptized in the society of the Catholic Church. Incorporation into the society of the Church is "effected by the bonds of professed faith, of the sacraments, of ecclesiastical government, and of communion" (LG 14). In addition, communion and the call to holiness come together for visible communion must be matched with an interior disposition, that of the heart (LG 14). At the same time, in its discussion of the universal spread of the People of God, "which takes its citizens from every race" (LG 13), Vatican II drew attention to the particular churches, which "retain their own traditions without in any way lessening the primacy of the Chair of Peter. This Chair

¹⁹ See G.-H. TAVARD, *The Church, Community of Salvation: An Ecumenical Ecclesiology*, Collegeville, MN, Liturgical Press, 1992, and K. RAHNER, "Theology of the Parish," in H. RAHNER (ed.), *The Parish from Theology to Practice*; Eng. trans. by R. KRESS, Westminster, MD, The Newman Press, 1958, p. 30. The protestant tradition emphasized the locus of the Church as wherever the proclamation of the gospel and the sacraments of the New Testament were celebrated. The Church of England emphasised the local congregation, and the celebration of word and sacrament. The Catholic position distinguished the visible Church from that of the saints in glory and the souls in purgatory. It rather emphasized the common profession of faith, the correct celebration of the sacraments and legitimate governance. Cf. c. 205. Karl Rahner observed that "for Protestant theology, in its radical form, the Church in its divine essence is exhausted in the local event of the correct proclamation of the gospel."

²⁰ R. AUSTIN, "The Particular Church and the Universal Church in the 1983 *Code of Canon Law*," in *Studia canonica*, 22 (1989), p. 342.

²¹ See T. GREEN, "Personal Prelatures," in *The Code of Canon Law: A Text and Commentary*, pp. 240-241. Debate about the personal prelature illustrates the thinking on the diocese. Initially, the original schema of the Code, on the people of God, likened personal prelatures to particular churches (c. 217/2). The October 1981 plenary session of the Commission voted against the proposal. Despite attempts to reverse this, the 1983 Code considered the personal prelature, which has no portion of the people of God apart from its prelate and incardinated clerics (c. 294), as distinct from the diocese and its equivalents (c. 368).

presides over the whole assembly of charity and protects legitimate differences, while at the same time it sees that such differences do not hinder unity but rather contribute toward it" (LG 13).

Following Vatican II, the 1983 Code develops the ministry of the diocesan bishop in comprehensive fashion. At the interface of diocese and universal Church, the diocesan bishop exercises a role fostering unity among all the churches, and within the diocese he acts a centre of unity. Canon 387 urges him to promote the call to Christian holiness (c. 210), and to be an example himself. The role of the bishop acts as a point of reference for the wide variety of pastoral action undertaken in the diocese.²²

The documents on migration from the Apostolic See this century consistently address the need for unity. While respecting and promoting the cultural plurality of the local churches and within local churches, the documents advocate a concern for the Church universal. For example, *Pastoralis migratorum cura* expresses an optimism about the ability of migration to foster "mutual understanding and co-operation" (PMC 2) and so cultivate unity. Highlighting a vital insight, the document presumes that neither receiving nor received community will be left unchanged by the experience but that the primary adaptation will be that of the migrants. In the new society that emerges migrants will take their place, having learned the language and adapted themselves to the receiving community, albeit spontaneously, willingly and gradually (PMC 10).

Noting the inherent tension between unity and cultural plurality, Paul VI described in *Evangelii nuntiandi* the inculturation of the gospel as a question which demands prudence (EN 63). He stated that evangelisation loses its impact if it is not culturally situated but he also noted that it also loses its power if in the course of cross-cultural translation it loses its content and destroys unity without which "there cannot be universality" (EN 63).

More recently, the 1991 World Congress for the Pastoral Care of Migrants and Refugees describes unity as a mark of the Church:

²² See C. RUINI, "Il vescovo e la comunione nella chiesa particolare," in *Monitor ecclesiasticus*, 116 (1991), p. 230.

The Church is one not so much because there is only one Church, but because of the inner unity that underlies the diversity of its traditions, gifts and individual human characteristics. The immigrant community, being 'portio populi Dei', must live its own faith in the social and cultural situation it is being grafted on to. The pastoral care of migrants must be based on awareness of the distinctive values which each group brings as a contribution to the development of the whole ecclesial community.²³

A weakness of the documents from the Holy See addressing the issue of migration concerns a lack of appreciation of the effects of migration in the receiving country. Highlighting the rights of the migrant tends to underplay the right of the host nation to a certain continuity in its social and cultural life. Against this perception, the documents demonstrate the give and take of the carefully nuanced argument. The rights of migrants are finely balanced with their duty to respect the demands of their new life. Successive documents have articulated this increasingly more clearly. The 1991 World Congress final document warns migrants against "the dangers that can arise from a mistaken attachment to their own culture. Attachment to their own culture can never be used to justify divisions or ruptures. Cultural diversity too must be placed at the service of love."²⁴

The documents of the Church addressing the issue of migration highlight the rights of migrant populations to preserve their spiritual and cultural heritage. Going beyond *Exsul familia*'s restriction of migrant status to the second generation, *Pastoralis migratorum cura* affirms the value of special pastoral care "for all the time which utility requires" (PMC 11). At the same time we see a balancing act as the documents call for newcomers to respect the local church into which they are welcomed.

While *Exsul familia* clearly spoke of migrants and their children as the subjects of various rights, subsequent documents broadened the understanding of integration as an event happening over generations and not in a few years. However they do not tease out the long-range consequences for migrants. Migrants and their children for whom transition into the dominant culture affords few obstacles may very quickly shed the idea of being migrants, while visible minorities often are described as migrants even after many generations. The documents offer valuable principles and possibilities for migrants but inevitably the title of migrant fails to resonate with subsequent generations

²³ PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLES, *Solidarity in Favour of New Migrations: Proceedings of the 3rd World Congress for the Pastoral Care of Migrants and Refugees*, Vatican City, 30 September-5 October 1991, p. 217.

²⁴ Ibid.

who enjoy citizenship in the new country. While their heritage might have roots elsewhere, the place where they plant their feet is the new land.

4.1.4 The Archdiocese of Wellington

Before considering the practical aspects of the pastoral care of various minority groups in New Zealand, we must have broad recognition and acceptance of the principles underlying special pastoral care. New Zealand has a history of welfare in which the social infrastructure attempted to offer universal access to basic human needs. Much of that infrastructure has been dismantled since 1984 amid accusations that it encouraged waste and fostered dependency. Something of that criticism surfaces in the local church whenever the interests of a particular group are promoted. The argument of this paper is that the pastoral care of Maori or Pacific Islands' communities is not a matter of charity or concession but one of justice.

Rather than presenting in a context of conflict the interests of the various communities and cultures that make up a local church, a discussion of utility might prove helpful. Given the rights of various groups within a local church and advocating for unity, the discussion can centre on how best to use human resources of time, energy, and money to promote a beneficial pastoral care for all concerned. In any event, with limited resources what might be ideal inevitably shifts to what is achievable given the circumstances, including the limits of understanding and selflessness.

The number of Catholics attending Sunday mass has shown a steady decline over recent years while the number of priests has also declined and their average age increased. At the same time the proportion of Catholics of Pacific Islands' heritage has increased as has the number of their vocations to priesthood and religious life. The communities sustain a wide range of catechetical, sacramental and social activities. They have adapted to the structure of the local parish for their internal organisation, in that, for example, the twelve Samoan communities in the Archdiocese of Wellington conform largely to the territories of the twelve parishes from which they come. They are involved in their local parishes but also have a regional interaction that similarly exists within specific Pakeha organisations such as the Catholic Women's League, the St. Vincent de Paul Society, but these latter examples do not have the same breadth of participation found in the Pacific Islands communities.

Hopes for unity among communities expressing their faith from a variety of cultures must reckon with the history of intercultural encounters. As *Church and People on the Move* describes it, "migration represents a challenge to otherness and being different" (CPM 5). Equally relevant for indigenous peoples, we have already identified Maori alienation from the Pakeha parish as a feature of the history of the Catholic Church in New Zealand. In addition we have seen the imperative towards assimilation and the psychological impact of the word "apartheid" on New Zealand regarding separate institutions. We might add that since the Vatican Council II there has been a growing sense of tension between competing ecclesiologies, characterized by a centralising authority controlling discipline and morals over against a local church exercising greater autonomy with subsidiarity being its catch-word. Just as the Maori Catholic population and the Pacific Islands Catholic communities are by no means homogeneous, neither is the Pakeha Catholic community. Any aspirations for a diverse strategy of pastoral care based on a communion between communities will not start on neutral ground but must reckon with the history of past interactions, even injustices.

In considering the pastoral approach to recent migrants or to the large numbers of Pacific Islanders, both migrants and New Zealand-born, the diocesan bishop must weigh the factors that experience shows prove pivotal for personal parishes. Some of these factors include: sufficient numbers to be able to support financially an independent parish, the reasonable likelihood that they will wish to and be able to gather on a Sunday for worship, a place for such gathering, be it in an existing parish church, or in a mission attached to a territorial parish, but nevertheless a place that they can call their own and for which they are responsible, a priest able to be their proper pastor with all the attendant responsibilities of a parish priest,²⁵ the ability to manage their own financial and real property with a financial committee operating according to the diocesan norms. In establishing a quasi-parish the bishop requires all of the above but can be more flexible about the place of worship, about the financial organisation of the community and can have greater control on the tenure of the priest pastor.

²⁵ 1917 Code c. 451/2, no. 1 named the pastor of a quasi-parish a quasi-parish priest, but the context was different in that the quasi-parish was the territorial division of apostolic vicariates or prefectures which had not yet been established as dioceses. Cf R. PAGÉ, *Les Églises particulières*, Montréal, Éditions Paulines, 1989, vol. 2, p. 27. However Luigi Chiapetta uses the designation of quasi-parroco to describe the proper pastor of the quasi-parish. Cf. L. CHIAPETTA, *Il Codice di Diritto canonico*, vol. 1, p. 614.

Desiring facilities in which to gather and to celebrate and consolidate their cultural heritage, many ethnic groups have built their own cultural centres. For various reasons parish churches and halls have neither always provided nor been able to provide the welcome or the accommodation or the independence sought by ethnic groups. The ecclesiastical status of these properties has been a source of contention as they generally are not ecclesiastical property and bishops are reluctant to allow regular (or even any) liturgical activity in them lest they undermine the place of the territorial parish (and the prerogatives of its parish priest).

4.2 THE EXPERIENCE OF DIVERSITY

Trends towards a global economy and the pervasive influence of what might be called "Americanization" or "westernization" encounter the reaction of group solidarity and a focus on things local. Rembert Weakland describes the tension: "But side by side with this economic globalization, we see that people continue to seek their identity by clinging to local cultures and particularization. Therefore we are becoming simultaneously more global and yet more provincial." ²⁶ Weakland cautions: "When unity is threatened, there is always a reaction toward uniformity at all costs." ²⁷ However this produces another set of problems. Weakland notes: "The trend towards centralization and uniformity as a way of solving the problems that accompany cultural pluralism and of avoiding the possibility of disunity is leading to another set of problems that could in themselves cause the very rupture that the centralization seeks to avoid, namely, problems that stem from anger and bitterness over the suppression of local identity and especially of local ecclesial authority." ²⁸ While particularly considering the diocese's relationship with the universal Church, Weakland's point could usefully be applied to within the diocese and its cultural diversity: avoiding on one hand stifling local cultures and on the other hand provoking ruptures.²⁹

²⁶ R. WEAKLAND, "Church of Many Cultures, World of Globalization," in *Origins*, 28 (1998), p. 392. See also R. SCHREITER, "The World Church and Its Mission: A Theological Perspective," in *Proceedings of the Canon Law Society of America*, 59 (1997), pp. 47-60.

²⁷ Ibid., p. 393.

²⁸ Ibid.

²⁹ Ibid., p. 396.

4.2.1 Diversity in the Local Church

The diversity of religious expression of faith not infrequently leads to misunderstanding. The tendency, described by various commentators, individualizes assessments of faith when in fact a sociological explanation better serves the reality. From his survey of mass attendance in a multicultural area of Sydney, Adrian Pittarello states:

Going regularly to Sunday Mass is an expression of the religious commitment of the individual. But a scientific analysis of the characteristics of the people who are at Mass on Sunday reveals that there are trends and constants that cannot be accounted for merely by the good will (faith) of each individual, but require an explanation independent from and above the individual. They depend on cultural and structural causes.³⁰

The dominant culture tends to find fault with the religious commitment of minority groups when they choose not to involve themselves in the organisations and religious endeavours of the majority. Pittarello shows that where the opportunities exist for migrants to express their faith in a familiar way and according to their own spirituality, migrants in fact do so. Rather than just interpret religious expression according to personal faith he identifies structural causes where "the availability of a religious 'commodity' (Mass in one's own language) appears to be a factor which explains the high or low percentage of certain people in church."³¹ In other words, access to culturally significant expressions of faith counts for more than can simply be explained by strength or weakness of personal faith. The corollary drawn by Pittarello, namely that the choice not to attend church stems from a number of factors for which both the individual and the wider Church community must take responsibility,³² immediately bears on the question of pastoral care for migrants groups or the indigenous people in New Zealand.

Church documents concerning people on the move frequently draw attention to the dangers of dislocation. While immersed in one's own culture it is possible to be unaware of its pervasive nature. However, migration makes the person on the move keenly aware of the similarities of human experience and the differences that mark

³⁰ A. PITTARELLO, "A Survey of the Ethnic Composition of Catholics Attending Sunday Mass," in *Migration Monitor*, vol. 3, no. 10 (July 1988), p. 13.

³¹ Ibid.

³² Ibid.

human living. Following the publication of *Church and People on the Move*, the Pontifical Commission for Migrants and Itinerant Peoples reflected:

It can certainly happen that immigration stimulates religious maturity. Generally speaking, however, leaving one's own country and lifelong habits causes serious upsets, which the lack of adaptation to the new environment makes keener. The abandonment of religious practice, especially if a strong interior commitment is lacking can be the first step, to which the sequel is being assailed by doubts, a weakening of spiritual drive, and a lessening of the sense of morality.³³

The Pontifical Commission for Migrants and Itinerants highlights the dangers of pluralistic situations, where the variety of religious denominations creates confusion and disorientation. The experience of Pittarello is that pluralism also applies within the one Church where differences lead to criticism of the quality of the faith of those culturally different. Rather than emphasize the personal factors for a decline in the practice of faith, Pittarello draws our attention to the social factors that cause a decline in the practice of faith rather than make a judgment about the quality of any person's faith.

People of a different spiritual heritage are a lot easier to dwell with in harmony if we can encounter their faith culture on our own terms. When they are people in the same parish sharing resources the task is more demanding. Neither self-centredness, nor apathy nor racism need motivate different groups who want to have space in which to be themselves and to come together, not out of compulsion but in mutually enriching ways. At the same time, we need not fear that if migrants and resident people are not legislated together they will not form bonds or associate on their own.

Joseph Fitzpatrick, writing on cultural diversity in the Church states: "As the Church in its early days was able to break out of the limitations of the religious traditions of the Hebrews and find its fulfilment in Greek and Roman ways of life, so again it faces the challenge of breaking out of the limitations of Western Christianity to find its fulfilment in Asian and African ways of life."³⁴ We might add in Pacific ways of life also! Fitzpatrick poses the question for diversity in the local church in this way:

³³ PONTIFICAL COMMISSION FOR MIGRANTS AND ITINERANT PEOPLES, "Reflections on the Pastoral Care of Migrants and Itinerant Peoples," in *L'Osservatore romano*, weekly edition in Eng., 22 June 1978, no. 4.

³⁴ J. FITZPATRICK, *One Church Many Cultures: The Challenge of Diversity*, Kansas City, MO, Sheed and Ward, 1987, p. 1.

"To what extent may [Christians of a particular cultural background] continue practising the faith in their own cultural style, or must they modify their beliefs and practices to conform to the culture of the area to which they have come?" ³⁵

The human reality behind the 1983 Code's exhortations to diocesan bishops and parish priests to seek out those persons on the fringes of pastoral care (cc. 383, 529) is ambivalence to the stranger. André Jacques questions our resolve towards migrants and new citizens:

A stranger seeking refuge is made welcome, so long as his or her case arouses the sympathy of the community, as long as he or she holds the same opinions as everyone else and abides by local rules and regulations. Strangers are much less welcome, however, if they undermine our political convictions or appear to be a potential threat to our standard of living.³⁶

Moving beyond a model of charitable pastoral care where migrants or the indigenous are seen largely as recipients to a justice model where the communities are also agents of pastoral care in a partnership, then the task for a local church is to help them help themselves. Such autonomy, if Catholic, will grow with the same concerns for unity, for recognising the other local communities, the diocese, and the universal Church (c. 529/2). The challenge of such partnership is to allow ethnic minorities and new communities to find their own priorities, and to develop their own organisations, and find their own solutions. In other words they have an opportunity to be active subjects of their own destiny.

While welcoming Vatican II's movement of the Church from being culturally more or less uniform to a Church with a diversity of cultural roots, Johann-Baptist Metz categorically states: "There is no such thing as a Christianity existing prior to culture and history, culturally free or naked Christianity." ³⁷ Basically it is fiction or perhaps worse, culturally imperialist, to distil an essential Christianity from cultural

³⁵ FITZPATRICK, *One Church Many Cultures*, p. 9. He cites the NCCB Pastoral Letter *The Hispanic Presence: Challenge and Commitment* which "asked for a policy of cultural pluralism, and a situation in which Hispanic newcomers can feel confident and free to continue to practise their faith in their traditional way while at the same time they have the confidence that they are completely welcome among those who practise the faith in a more American style."

³⁶ A. JACQUES, *The Stranger within your Gates: Uprooted People in the World Today*, Geneva, World Council of Churches, 1986, p. viii.

³⁷ J.-B. METZ, "Unity and Diversity: Problems and Prospects for Inculturation," in *Concilium*, 204 (1989), p. 81.

roots. "The culture which ecclesial Christianity cannot simply take off like a garment is the European and Western culture formed from Jewish and Hellenistic Greek traditions." ³⁸ With these observations Metz highlights the danger of speaking about evangelisation as if the gospel could be preached without cultural garments. The lineamenta for the Synod of Bishops, Special Assembly for Oceania acknowledges this point when it states: "The Gospel was proclaimed in Oceania by means of European cultural expressions which were foreign to indigenous people." ³⁹ However this insight seems to slip away when the same paragraph goes on to state: "When it was originally preached in Oceania, the Gospel challenged the imperfect or negative elements of the local culture. It required, and still requires, great wisdom to discern the positive and negative elements in the process of inculturation." ⁴⁰ The text fails to recognize that the European culture carrying the gospel to Oceania itself needed challenge and reform. When Western Christianity is normative, other cultural expressions of faith are examined in the light of Western Christianity's norms. This point is not lost on commentators on Maori history and spirituality. Manuka Henare remarks:

The problem for Maori of last century and most of this century has been that European notions and judgements concerning faith and salvation were understood in very narrow, ethnocentric terms. Salvation, understood in terms of European and Middle East experience, was not possible outside the church, and truth was something that the enlightened and civilised cultures of Europe held. While many Maori would say this linkage of salvation with civilisation is erroneous, most have learned to live with it. Europe's own historical experience and values also permeate and are reflected in church institutions and structures. ⁴¹

Metz advocates the development of a culture of acknowledgment of diversity in the Church. ⁴² Not only is this useful advice for ecumenism but paves the way for a fruitful approach to diversity in the life of the local church. Metz describes "bridging categories in intercultural exchanges," and highlights memory and retelling as more

³⁸ METZ, "Unity and Diversity," in *Concilium*, 204 (1989), p. 81.

³⁹ SYNOD of BISHOPS, SPECIAL ASSEMBLY FOR OCEANIA, *Jesus Christ and the Peoples of Oceania: Walking His Way, Telling His Truth, Living His Life*, Lineamenta, Vatican City, 1997, para. 11.

⁴⁰ Ibid.

⁴¹ HENARE, "Maori Churches," in DONOVAN, *Religion of New Zealanders*, p. 122.

⁴² METZ, "Unity and Diversity," in *Concilium*, 204 (1989), p. 84. He makes an intriguing observation about the epistemological principle, which entered Christianity through Plotinus, according to which like is always known by like: "If we follow the biblical traditions, if we follow Paul (for example, in his conflict with Peter), we must formulate a different principle of knowledge for the Church and theology, one which states that only unlike can know like - in mutual acknowledgement."

fruitful for dialogue than the overemphasis on theoretical argumentation and the scientific language of Western rationality.⁴³ At the same time no particular cultural expression of faith exists in a vacuum. Just as local churches must relate to other cultural expressions of faith, so within a diocese various expressions of faith must also demonstrate an ability to listen, learn and mutually enrich one another.

4.2.2 Inculturation

The passage towards unity in diversity must avoid isolating ethnic groups and reducing them to a number of common factors for a uniform culture. Neither can the pull towards ethnic identification and the importance of common factors be ignored. As David Power puts it, what is needed is: "a communion in the recognition of the other, and in the ways of communication which allow partners in communion to share the diversity, and indeed to come to communion out of diversity."⁴⁴ He goes further: "Communion and reconciliation across cultures is not a matter of simply acknowledging that the other has rights, but of leaving the other as other, of refusing to impose any similarity upon the other in order to open the way to conversation and communion."⁴⁵ The task of confronting our less-than-just history and the present inequities becomes a prerequisite for new models of pastoral care.

When speaking of an authentic inculturation on a number of occasions, Pope John Paul II consistently identifies two criteria: compatibility with the basic elements of the Gospel and promotion of communion with the universal Church.⁴⁶ One might add the promotion of communion within the local church. In other words, the diversity of cultural expressions of Catholic faith is not only found between nations but, because of

⁴³ METZ, "Unity and Diversity," in *Concilium*, 204 (1989), p. 85.

⁴⁴ D. POWER, "Communion within Pluralism in the Local Church: Maintaining Unity in the Process of Inculturation," in CENKNER, *The Multicultural Church*, p. 89. David Power offers a useful description of multiculturalism in the context of Christian faith finding expression in a variety of cultural forms: "[...] multiculturalism is here understood as communion across cultures, or communion between communities living their faith out of a diversity of cultures, without attempting to reduce all to some common fusion of cultural faith expressions" (p. 79).

⁴⁵ *Ibid.*, p. 92.

⁴⁶ JOHN PAUL II, Apostolic exhortation *Catechesi tradendae*, 16 October 1979, para. 53, in *AAS*, 71 (1979), p. 1320; *Familiaris consortio*, 22 November 1981, para. 10 in *AAS*, 74 (1982), p. 91; Encyclical Epistle *Slavorum apostoli*, 2 June 1985, para. 21.1, in *AAS*, 77 (1985), pp. 802-803; *Redemptoris missio*, 7 December 1990, paras. 52-54, in *AAS*, 83 (1991), p. See also SYNOD of BISHOPS, SPECIAL ASSEMBLY FOR OCEANIA, para. 11.

travel, population movements and dislocation of peoples, it is also found within local churches. The diocese is now the *locus* of cultural diversity. Optimism about establishing alternative parish structures will have to reckon with the human tendency to fragmentation.

The teaching on inculturation and that on migrant pastoral care demonstrate a stated openness of the Holy See towards expressions of faith that resonate within a culture so that the faith is not only interiorized but given social expression and support.⁴⁷ The documents on migration show a concern that migrant cultures survive that they might make a positive contribution to the life of the local church. John Coleman writes: "The Church has often (although not always) fought to keep oppressed cultures from collapsing by providing immigrants with institutional buffers that allow them to contest the hegemony of the host culture." ⁴⁸

In light of Cardinal Williams' observation that assimilationist thinking retains a strong following in New Zealand, we do well to heed the warning of Espin who suggests that the shift to talk of multiculturalism might still disguise assimilationist thinking. Addressing the situation of Latin Catholics in the United States, Espin argues that whenever they challenge the well-intentioned multicultural model they are ignored or dismissed as spoilers.⁴⁹ Having decided on what it considers an inclusive model, the dominant culture may ignore the aspirations of other groups and presume to direct the management of multicultural dynamics.

Arbuckle recommended that the dominant group experience the minority culture on the latter's terms rather than dictating the conditions and manner in which any

⁴⁷ See *PMC* 4. The instruction notes that a person's cultural heritage is "usually closely associated" with his or her religious faith. Consequently, prejudice or discrimination against the cultural background of a people also undermines their religious faith because of the risk of relaxing their practice of the faith or because of an "undue so-called 'interiorisation' of their faith." What is meant by 'interiorization' is not made clearer, but the context implies that a merely interior grasp of the faith, without external expression and sustenance, risks decline and eventual abandonment. Commonly exhortations urge piety in the other direction. We are encouraged to make our faith a matter of the heart and not just have the outward devotions and habits. We are urged to question whether or not our religious habits are familiar customs or personal convictions. Conversely, our sacramental life reminds us that human beings approach the invisible and spiritual through signs and symbols, which respect our incarnate nature. Without the cultural vehicles, the expression of faith invariably suffers.

⁴⁸ COLEMAN, "Culture," in *Compass*, vol. 9, no. 6 (January/February 1992), p. 7.

⁴⁹ ESPIN, "A Multicultural Church?" in CENKNER, *The Multicultural Church*, p. 71.

cultural interaction take place. This provides a vital balance to legitimate demands for cultural diversity in a local church and for opportunity to express one's spiritual heritage in a meaningful way. In other words, as Mary Collins expresses it in her response to Espin, pluralism in church practice has "two correlative obligations: communication from church to church; and exercise of a ministry of hospitality of one community to another." ⁵⁰ Hospitality and structures of inter-community worship, social action, diocesan planning provide a means for ensuring the diversity of various groups does not degenerate into factions or separate churches.

As Catholics we have a possibility to appreciate a way ahead with an emphasis on catholicity, in which hopes for wholeness, or the embracing of all, supplant uniformity. The desire to achieve unity, even in diversity, requires a discouragement of some cultural features in favour of others. Cyril Hally observed of the situation regarding the reception of immigrants in Australia: "The initial assumption of the host community was that the new arrivals would be assimilated without undue strain on themselves or change in the part of the host community." ⁵¹ Hally recognizes that a majority community is judged by how it treats its minorities and observes that historically ethnic chaplains relied on the good will of the local pastor. The optimism about the parish's ability to become a style of umbrella body capable of incorporating a number of community cells seems boundless. With the addition of a theology of eucharist which imagines all manner of people gathered for the local celebration of eucharist we have an ideology that reinforces our belief that the one parish will be sufficient for all cultural and spiritual dimensions of the Church. This hope is expressed in the letter *Church and People on the Move* when it states:

[...] the parish is called upon almost to multiply itself, in order to allow authentic Christian cells, real communities imprinted with the spirit of the Gospel, to blossom amid groups of people on the move, as in centres of collective and cultural life in which ideas are worked out" (CPM 27).

Despite this optimism for the all-inclusive parish, the law recognizes another reality when it exhorts the diocesan bishop to be solicitous for all the faithful entrusted to his care, and especially zealous toward those who, because of their condition of life,

⁵⁰ M. COLLINS, "Response to Orlando Espin," in CENKNER, *The Multicultural Church*, p. 78.

⁵¹ C. HALLY, "A Multicultural Church: Asset or Liability?" in Catholic Intercultural Resource Centre occasional papers and reprints, no. 16, p. 5.

are unable to benefit from ordinary pastoral care (c. 383/1). Consequently he exercises a unifying role when, under his co-ordination, a variety of pastoral structures are followed. Fostering a diocesan mentality in keeping with c. 529/2, territorial parish priests, personal parish priests, pastors of quasi-parishes, and chaplains will feel that any overlap of ministry, necessary co-operation and accommodation will be for the benefit of all rather than being a forfeiture of personal control.

The lineamenta for the Oceania Synod of Bishops raises two questions that have been part of our discussion:

Consideration needs to be given as to whether these migrants [from different cultures] can be said to be a properly constitutive part of the local community in a multicultural Church and society. Any pastoral plan would have to determine whether these migrants are on the periphery awaiting assimilation into the predominant culture or whether they are a more permanent part of the culture, requiring their own ministries, e.g., national parishes, or designated parishes which offer as part of their ministry, an apostolate to ethnic groups.⁵²

The overall task is described at the end of its reflections on migration and tourism: "The Church in Oceania, proclaiming a Gospel of hope and joy, seeks to address these modern realities of migration and tourism. When left outside the traditional pastoral system of parishes and chaplaincies, these movements of people can easily create social areas where the Gospel has little access."⁵³ Alternatives to the traditional parish avoid the alienation of various ethnic minorities, especially those in transition or on the move.

4.2.3 Cultural Plurality

The 1991 World Congress, in its final document, draws attention to the gradual task of integration:

Even decades after leaving their own country emigrants still feel part of a community that sees its identity in the same country and in the same language, culture and faith. Their loyalty to their ethnic and cultural roots should be respected and looked upon as an enrichment for the host country. Moreover the basic principle still applies that integration must come about by free choice and not by compulsion. It follows that any forced integration and any obstacle placed in the way of free integration is not only unjustified but also an offense to human dignity. That is why the Church in both the country of origin and

⁵² SYNOD of BISHOPS, SPECIAL ASSEMBLY FOR OCEANIA, Lineamenta, para. 13.

⁵³ Ibid.

the country of arrival is under obligation to continue to send these communities priests, religious and lay pastoral workers able to assist them in practising the Christian life.⁵⁴

While the first generation of migrants and their children cope with a new language and culture, the third generation of so-called migrants are usually citizens of the new country, proficient in its ways but actually possess less appreciation of the heritage of their grandparents. It is among this generation that a nostalgia for the past emerges. With an ability to travel and with a confidence in the new land, this generation looks to recover an appreciation of the culture of the original migrants. This holds true for Irish descendants in New Zealand for whom a trip to England and Ireland has for a long time been an important part of the coming of age experience.⁵⁵

First generation New Zealanders with Pacific Islands roots frequently feel divided in their loyalties and their sense of belonging. Given the proximity of the islands from which their parents came, travel to the home island often leaves young Polynesians with a sense of discomfort and a conviction that they are visitors but do not belong in the land of their parents. Neither do they feel totally at ease in the land in which their parents have settled. The sense of alienation in either world presents particular stresses for their faith. A ministry in which the personal and territorial parishes both offer places of belonging allows young New Zealanders of Pacific Island heritage to move between both, depending on circumstances and their particular pastoral need. In light of various warnings about the danger of sect activity and the allure of other groups, such a pastoral plan would further reinforce the personal dignity of first generation citizens and promote their integration from a position of strength.⁵⁶

In a short discussion of the Canadian political scene and multiculturalism, Reginald Bibby makes some observations that are readily applicable to the question of canonical provision for pastoral care of migrants. He insists that the issue is not the merits of a multicultural society. We might add: multicultural Church. Rather the question is the suitability of policy responses to that diversity: "To subscribe to

⁵⁴ PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT PEOPLES, *Solidarity in Favour of New Migrations*, pp. 216-217.

⁵⁵ The OE (Overseas Experience) is a widely acknowledged part of the young New Zealander's agenda, with Australia and the British Isles high in priority.

⁵⁶ See SYNOD OF BISHOPS FOR OCEANIA, *Lineamenta*, paras 23-24. See also PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY, *Directory for the Application of Principles and Norms on Ecumenism*, Vatican City, 25 March 1993, paras 35-36.

uniculturalism is not only ethnocentric but masochistic: it deprives a society of immeasurable benefits. The issue, to repeat, is not diversity but policy." ⁵⁷ Constantly, in church documents, we see the balance sought between unity and diversity. Bibby warns: "To celebrate differences and minimize commonalities is to fail to realize a basic fact: if a society nurtures diversity, diversity is what it will get. If all that people have in common is their diversity, in reality they have nothing in common at all." ⁵⁸

Glen Olsen adds his voice to the disquiet over an uncritical acceptance of multiculturalism. He states:

Some of us hardly know what we want, and we simultaneously embrace ideas as potentially opposed to one another as 'community' and 'multiculturalism'. As long as multiculturalism means 'diversity of cultures or world views,' community by definition dissolves in the degree that multiculturalism advances politically. ⁵⁹

At the same time Olsen also draws our attention to the *communio* theology with its trinitarian basis and ecclesiological expression at Vatican II. As a historical and culturally embodied reality, the Church enjoys a unique position in the debate over unity and diversity, community and multiculturalism. If Bibby reminds us that diversity is not without limits, church history reminds us that there are a variety of ways of being catholic while at the same time having much in common. What c. 205 expresses succinctly, Pittarello develops a little further when he points out that in the midst of diversity we are united doctrinally, hierarchically, structurally, and sacramentally, liturgically, ritually and devotionally. ⁶⁰ The Catholic Church does possess strong foundations of faith, practice, and common tradition that allow for confident expression of the different cultural ways of being catholic.

For cultural diversity to serve the unity of the Church, Bibby identifies three prerequisites: retention of cultural values, equitable treatment, and opportunities for interaction:

⁵⁷ R. BIBBY, "Is Multiculturalism Tearing Us Apart?" in *Compass*, vol. 9, no. 6 (January/February 1992), p. 26.

⁵⁸ Ibid. See also G. OLSEN, "The University as Community: Community of What?" in *Communio: International Catholic Review*, 21 (1994), pp. 344-362.

⁵⁹ OLSEN, "The University as Community," in *Communio: International Catholic Review*, 21 (1994), p. 353.

⁶⁰ PITTARELLO, "Migrants and the Catholic Church," in *The Australasian Catholic Record*, 65 (1988), pp. 147-148.

First, people have to have the freedom to retain valued aspects of their former cultures. [...] Second, new arrivals need to find that their old settings do not count against them. The fact that they come from Asia or Africa or Europe doesn't matter - they will be treated equitably. Third, and of critical importance in the interests of the society as a whole, it is essential that opportunities exist for people to share their varied cultures with one another.⁶¹

Interaction between diverse communities that share a common faith allows the best features of their cultures to be passed on to one another. While the documents of the Church highlight the freedom to retain the spiritual patrimony and we have laws about equitable treatment and fairness, the policy for interaction for mutual enrichment is less well established. This applies both socially and liturgically.

Multiculturalism enjoys a fundamental connection with c. 383/1 which commends the needs of those unable to benefit from ordinary pastoral care to the special attention of the diocesan bishop for a pastoral care suited to their needs. Pittarello asserts that the basic principle of multiculturalism is that migrants have special needs that demand specific care.⁶² While the Church adopted this principle in *Exsul familia* and later in *Pastoralis migratorum cura*, it was not particularly developed in countries which favoured the "melting pot" or assimilationist models.

Writing from the Australian situation in the 1970s, John Heaps points out that a significant percentage of Australians are either immigrants or children of immigrants. Against the prevailing culture of assimilation, Heaps responds to criticisms that migrant chaplains only delay the integration of migrants by quoting Paul VI's *Pastoralis migratorum cura*, in which the language and spiritual patrimony is upheld by the "priests of their own language and this for as long as usefulness indicates" (PMC 11):

The wisdom of these words is borne out by scientific research. The fact shown from scientific findings is that where a person's culture, language and heritage are respected, recognised and honoured, and where that person himself is seen to be something for himself in the context of all those things, there integration happens. Where these things are not recognised, where the process of integration is hurried and forced, where a person is persuaded either subtly or bluntly to become something he is not, there integration does not take place. Rather disintegration of the persons and of the community happens.⁶³

61 BIBBY, "Is Multiculturalism Tearing Us Apart?" in *Compass*, vol. 9, no. 6 (1992), p. 26.

62 PITTARELLO, "New Perspectives," in *The Australasian Catholic Record*, 70 (1993), p. 312.

63 J. HEAPS, "Some Problems Involved in Immigrating," in *The Australasian Catholic Record*, 53 (1976), p. 127.

When speaking about the diversity of cultures that come together in a local church through migration, the documents do not speak of multiculturalism, but rather of cultures.⁶⁴ Coleman weighs the term multiculturalism, observing on the one hand: "At its best multiculturalism suggests respect for many cultures and the need for all to negotiate with them." On the other hand, he believes:

[Multiculturalism] masks the power of the receiving culture, which has political predominance, linguistic hegemony and economic shaping power. The receiving culture controls the apparatus of education, the rule of law, status and rewards. Multiculturalism suggests an equality that, in fact, is rarely found when cultures interact.⁶⁵

Coleman recognizes that not all cultures are equal and that the host culture has a privilege. He prefers the term "convergence of cultures" which respects the plurality, and the fact that the host culture will also change with significant numbers of migrants, whose cultures will also change.

If the rights of migrants and receiving communities are to be realized, the legislation of the Church must facilitate the dialogue in such a way that the migrant culture neither becomes swamped nor becomes a ghetto. Coleman observes: "Without a distinctive turf and territory, immigrant cultures' minimal need is for institutions that help them nurture their culture, adapt it (actively and not just in reaction to the host culture) and protect its being." ⁶⁶ His comment applies equally to indigenous people whose claims to land are often marginalized or ignored.

⁶⁴ Noted by COLEMAN, "Culture," in *Compass*, vol. 9, no. 6 (January/February 1992), p. 6.

⁶⁵ Ibid. Cf. A. AMBROZIC, "Immigrants in Toronto Archdiocese," in *On the Move*, no. 46 (1985), p. 285. While describing the migrant groups found in Toronto, Cardinal Aloysius Ambrozic's comments could well apply to New Zealand's Pakeha community. Ambrozic notes that multiculturalism is the official policy of Canada. In addition to the tolerance for which this calls, Ambrozic states: "The Anglo-Saxon in Ontario can be said to enjoy an inner and outer security which permits him to be tolerant - he knows that the immigrant's child will be Canadian, no matter what the immigrant does or feels." He expresses little hope for any long term preservation of a culture apart from the dominant English and, to a lesser extent, French cultures. When Cardinal Ambrozic discusses ecclesial integration, he envisages neither the ghetto nor forced assimilation but an inevitable slide into the dominant cultures. I believe that this pessimistic observation forgets several factors equally applying in New Zealand: the versatility of ethnic cultures, their visibility as ethnic minorities, and that the dominant culture will not remain unchanged in the experience.

⁶⁶ Ibid.

4.3 THE PURSUIT OF UNITY IN DIVERSITY

If the aspirations of Catholic Maori and Pacific Islands' communities are recognized then the options in canon law can be sifted to see which best provides stable pastoral care. In addition to the personnel needed for the pastoral care of major cultural groups, Charles Scicluna addresses the rationale for weighing the structural options. He states:

A pastoral mobility on the part of the Church involves [...] the necessary flexibility in the erection and canonical recognition of the pastoral structures that have the juridical potentiality of making the universal and local church present without being an obstacle either to the respect of the cultural nature of the migrant or to his free and organic insertion in the new social environment.⁶⁷

Such flexibility manifests itself in structures that allow a minority community to relate with the larger Christian community from a position of confidence and strength. Equally, flexible pastoral structure would promote greater participation of the faithful in the faith life of their community.

4.3.1 Three Canonical Options

We will consider three basic options that exist in the law for the pastoral care of migrants or a minority group in the diocese. The three options respect the nature of the diocese and the internal ordering of the diocese into pastoral units.⁶⁸ The 1983 Code considers the options for pastoral care discussed below to be part of the internal ordering of a particular church; they express the ordinary pastoral care that is presumed of the parish and its derivatives.

⁶⁷ C. SCICLUNA, "The Personal Parish and the Mission with the Care of Souls Confided to Religious," in *Consecrated Life*, 15 (1990), p. 227.

⁶⁸ While establishing private and public associations of the faithful remains a possibility, the nature of such associations places them in parallel and independent of pastoral units where the pastor is entrusted with the pastoral care of a wide group of people. Canon 298 describes the nature of such associations:

"In the Church there are associations which are distinct from institutes of consecrated life and societies of apostolic life. In these associations, Christ's faithful, whether clerics or laity, or clerics and laity together, strive with a common effort to foster a more perfect life, or to promote public worship or christian teaching. They may also devote themselves to other works of the apostolate, such as initiatives for evangelisation, works of piety or charity, and those which animate the temporal order with the christian spirit."

We have seen how the parish is the ordinary means of pastoral care understood in the 1983 Code. The first alternative is that of the personal parish which has not been tried in New Zealand. While the tensions created by people moving between the territorial parish and the personal parish would probably be inevitable, the benefit of the personal parish priest's stability, the support for cultural expression of one's faith, and the possibility of relating from a position of strength within the diocese outweigh the drawbacks. In the light of a theology of community it might seem strange to focus on the status of the priest to whom the pastoral care of migrant groups is entrusted. Nevertheless his standing plays no small part in the status of the community among whom he ministers.

The second option is that of the quasi-parish with some of the benefits outlined immediately above. Because it is an alternative to the formal erection of a parish, the quasi-parish is a flexible pastoral tool. The law speaks of the quasi-parish but does not name its pastor as a parish priest. Nevertheless the priest, to whom a quasi-parish is entrusted, is described as its proper pastor. In the absence of specific canons elaborating on his pastoral office, the tasks described in c. 519 rightly provide a foundation for his role as a proper pastor; particularly the offices of teaching, sanctifying and ruling.

The third option is to maintain the current situation in New Zealand of territorial parishes with chaplains appointed for particular communities. These chaplains are given faculties in accord with c. 566: "A chaplain must be given all the faculties which due pastoral care demands." Parish priests are asked to co-operate with them in the pastoral care of people in their communities. Nevertheless they do not have their own baptism, confirmation and marriage registers, and financial administration remains problematic with a mixture of community fundraising, diocesan subsidy and administration, and individual members supporting both their local territorial parishes and the chaplaincy. Offering a variation on the office of chaplain, the Code allows for the appointment of an associate pastor to a parish but with pastoral care across parishes for either specific groups of people or in a particular role (c. 545/2). This permits a closer bond between various minority ethnic groups and the territorial parishes in which they are domiciled.

The 1983 Code mentions migrants as an example of persons or communities who might be unable to benefit from the ordinary means of pastoral care (cc. 383/1,

568, 771/1) but the situation of migrants does not exhaust the application of the law. In reproducing the pastoral options of *Exsul familia* and *Pastoralis migratorum cura* the Code extends their application to any group of Christ's faithful who cannot enjoy ordinary pastoral care from the parish. Pittarello offers two reasons for the importance of this new context for the law of migrants:

First, it confirms the wisdom and the pastoral validity of the forms of assistance to migrants proposed by [PMC], so much so that it makes them the general rule within the Church not only for migrants but also for people who find themselves in pastoral situations similar to those of migrants. Second, it breaks further away from the tenet that the parish structure is the only proper and regular structure of pastoral assistance.⁶⁹

Expressed differently, the options offered originally in *Exsul familia* and *Pastoralis migratorum cura* for the pastoral care of migrants are now part of the diocesan bishop's range of structures for ordering pastoral care of a variety of groups, including indigenous peoples and particular interest groups in the diocese.

In its response to the pastoral needs of people of diverse rite and language, the Fourth Lateran Council advocated that bishops provide priests who could effectively meet people at their point of need. While the canon does not indicate the type of pastoral structure established,⁷⁰ it eloquently reminds us that the provision and ministry of pastors far outweighs the organisation framework in which they minister. Pastoral structures provide the context and framework in which leadership is exercised in communities of the faithful.

In examining the types of structure which might best meet the needs of various ethnic and language groups, the question of who exercises leadership and how it is done enjoys the priority. The canons describing the diocese and the parish emphasize the people who make them up (cc. 369, 515). Consequently the canons describing the role of the parish priest must be interpreted according to the conciliar theology of communion as it relates to parishes. Canons 383 and 529 expect a bishop and a parish priest to know their people and to provide pastoral care to all the people within the

⁶⁹ A. PITTARELLO, "Migrant Chaplains and their Canonical Status," position paper commissioned by and prepared for the Australian Bishops' Committee for Migrant Affairs, Sydney, March 1994, p. 7.

⁷⁰ It is anachronistic to talk of personal parishes at the Fourth Lateran Council. The Council is silent on the type of structure, except to say that another bishop is not appointed for the same city.

limits of their territory.⁷¹ They are enjoined to provide for the care of the faithful entrusted to them as well as have a care for others in the diocese. The pastor has the same injunction. The canons would amount to a wish list unless the shift to community-thinking implies a broader base of responsibility and a new approach towards provision of pastoral care and its assessment.

Canon law indicates the norms that could form the basis of measurable standards of pastoral care. By developing a set of measurable standards of pastoral care, parishes will be able to discern readily the strengths and weaknesses of their pastoral care, and make changes accordingly. Regarding structures, a community of the faithful with its pastors might develop a clearly written statement of its mission and objectives which it follows and which has evolved from the people within the community.

The Code describes the basic ministry or job description of the parish priest who exercises pastoral care under diocesan bishop and in cooperation with other priests, deacons and with the assistance of lay members of Christ's faithful (c. 519). The term pastoral care is described under the headings of the teaching, sanctifying and ruling offices (c. 519, and further in cc. 528-530). Peer review and outcome-based ministry would look at how each of these tasks was achieved, and determine strengths and where ongoing professional development was needed. For example, in his teaching office, the parish priest is obliged to ensure that the word of God is proclaimed in its entirety to those living in the parish (c. 528). How would a parish priest demonstrate that this was happening in the parish, especially one with a number of ethnic groups, languages or religious heritages? The canon offers some preliminary thoughts; homilies and catechesis, various works including social justice tasks, and Catholic education of young people are mentioned as particular ways of achieving the proclamation of the word of God in its entirety. Canons 213 and 217 describe this obligation in terms of a right enjoyed by all Christ's faithful.⁷² Not only would the pastor be able to demonstrate the ways in which he meets this ministry but also identify the ways, formal

⁷¹ *The Directory on the Pastoral Ministry of Bishops* exhorts bishops not only to know the evolving state of the diocese (para. 101) but also to know the lay people that live in the diocese (para. 120).

⁷² Canon 213 draws from *LG* 37 which describes the right to receive in abundance the spiritual goods of the Church.

and informal, in which the ministry is exercised in the parish. Blöchlinger states that the effective boundary of a parish is the extent to which the parish priest knows his parishioners. Beyond a focus on just the pastor knowing the names of people, that people know others and feel known is as much an organisational, cultural, and relational phenomenon. Quality assessment of pastoral care is not widely adopted nor systematically employed in parishes, but it would provide the evidence for determining whether the following pastoral structures might be beneficial in the life of a diocese.

4.3.1.1 Personal Parish

In its chapter on parishes, the 1983 Code described the parish as a community of faith within a diocesan context (c. 515). Vatican II had underlined the value of the parish for the provision of pastoral care. Further refining the importance of the parish, the Code describes the central role of the parish priest's provision of pastoral care (c. 529). Canons 150-151 underline the importance of ordination to the priesthood and the prompt provision of any office which involves the care of souls.

Notwithstanding the preference for a territorial parish, the Code's configuration of the canons on the parish shows a consistent valuing of the personal parish. It is given first place in the options for pastoral care for those who cannot enjoy the pastoral care of the territorial parish priest (cc 516/2, 518, 813). While enduring as a juridic person, the parish is a much more flexible organ of diocesan pastoral care than in the past.

A weakness of the discussion of pastoral structures is that the concentration is on the parish, whereas the crucial debate on effectiveness has concerned the role of the person of the parish priest. The Code focuses on office and person and the structure within which the office is exercised by the person. Rather than just talk about parishes, it addresses the office of the parish priest, and thus opens the way for a team approach to parish ministry, allows for the cooperation of parish priest and chaplain, and fosters a presbyteral approach in collaboration with the bishop to the pastoral care of a local church.

From our study of the history of the parish, we see a clear preference for the ministry of a parish priest who has "full care of souls" (c. 150). We have options for the structuring of pastoral care, but the clear priority is for pastors to have all they need for that ministry. The law provides parish priests with the stability to perform this

ministry, but is reluctant to grant the same standing to lesser canonical figures such as the assistant priest or the chaplain. Learning from protestant churches we see that more pastors rather than fewer are needed and that more use could be made of the provisions for personal parishes based on criteria other than simply geography. Potentially we have the structures within the Catholic Church to preserve unity at the inter-parish and intra-diocesan levels. What we do not have is sufficient clergy. The answer to that is that the Church would lose fewer people and priests if the mentality was not one of scarcity but one of recognising the abundance of gifts given it by the Lord.

Tomasi offers a salutary evaluation from a study of the United States experience of national parishes:

When ethnic priests were not recruited, the cultural identity of the immigrants ignored, their request of community in the form of national parishes denied, or political factions and partisan groups of immigrants priests becoming emotionally uncompromising, conflict inevitably arose even to the point of schism.⁷³

The faithful have a right to see their own spiritual heritages recognized and respected with the local church and in their access to pastoral care.

Recognising the right to pastoral care and catering for it are two different matters. De Paolis questions the practice of local churches of assimilation or integration:

Is the right of the migrant faithfully respected, for example, by the practice by which certain local churches require migrants, already from the second generation onwards, to associate themselves with the whole of the local territorial church? Or by the attitude which leads certain local Churches to reject, on principle, the establishment of personal Churches or missions with care of souls? Or worse still, to reject the celebration of the Sacraments, in particular the Eucharist, in the migrants' mother tongue?⁷⁴

In the Archdiocese of Wellington, minority ethnic groups have various degrees of pastoral organisation, with at least the eucharist in their own language whenever possible. However the historical reluctance to implement personal parishes or the mission with a care of souls has to date not changed. The focus tends to be on the weakness of such structures. For example, Archbishop Theodore McCarrick offers a broad sweeping history of national parishes in the United States, especially in the New

⁷³ S. TOMASI, "A Lesson from History: The Integration of Immigrants in the Pastoral Practice of the Church in the United States," in D. LIPTAK (ed.), *A Church of Many Cultures: Selected Historical Essays on Ethnic American Catholicism*, New York, Garland Publishing, 1988, p. 96.

⁷⁴ V. DE PAOLIS, "Migration and Church: Canonical Aspects," in *Migrations*, p. 226.

York area. He believes that two features reduced the effectivity of national parishes, for example, for the Hispanics: "the lack of suitable sites for establishing national parishes and a lack of pastoral ministers, especially priests, to serve them." ⁷⁵ While a likely geographical dispersion of second and third generation migrants must be taken into account for the cost and long-term feasibility of new parishes, these factors alone need not determine the erection of stable personal parishes.

Rather than building churches, ethnic communities are choosing to build community centres which function as gathering places for the community. These give them an independence from the parish which even with the best intentions does not always have their interests at heart. Rather than enter into negotiation with the parish, they choose to give themselves an independence from the local parish. The question of religious services in these places becomes a debated issue in many dioceses. Rather than just criticising the attitude that would separate the ethnic group from the parish, the part played by the parish in the alienation of the ethnic group bears consideration. If provision was made for standards of decorum, preservation of a separate worship space, policies regarding use prior to and after liturgies, then centres could have designated areas established as oratories or at least as occasional centres for liturgical worship.

With shifting populations and the need to adapt to changing patterns of worship, parish reorganisation has become a feature of many dioceses. Green offers some useful areas for consideration in determining the usefulness of various canonical options. He considers the following issues: "communitarian nature of the parish, territorial organizing principle for structuring parishes, significant personal factors as possible criteria for structuring parishes and the discretion of the diocesan bishop in providing for the pastoral welfare of the faithful entrusted to his care." ⁷⁶ Even with the relative ease of transport, the territorial principle always remains relevant for the gathering of a Christian community. Factors such as language, culture, and special needs relativize what has tended to be an absolute in the pastoral organisation in New Zealand.

⁷⁵ T. McCARRICK, "Personal Parishes and *Missiones cum cura animarum* in the Context of the Pastoral Care of Migrants and People on the Move," in *People on the Move*, no. 54 (1989), p. 124.

⁷⁶ T. GREEN, "Canon 515: Establishment of a Parish that is both Territorial and Personal: Opinion," in *Roman Replies and CLSA Advisory Opinions 1994*, p. 103.

While the Code emphasizes the role of the parish priest, the whole community of the faithful plays their particular part (cc. 204, 529/2). Scicluna offers a useful clarification of the nature of a personal parish:

The personal parish is not *per se* the ministry that the hierarchy provides the migrants, but rather the migrants themselves who together with their own pastor (and never without him) form a community of the faithful whose particular characteristic (of language and therefore also of culture) demands autonomous recognition (as long as it is indispensable) within the sphere of the particular church.⁷⁷

We see this already happening in the various Pacific Islands chaplaincies, where a number of pastoral programmes, providing catechetical instruction and sacramental preparation, thrive with a wide level of participation.

Within a given minority ethnic group, the participation with either the local parish and/or the chaplaincy varies. A reasonable concern queries the ability of personal parish and local parish to respect this range of interaction. De Paolis and Scicluna affirm that the pastor of a personal parish enjoys a cumulative jurisdiction with the pastor of the territorial parish. De Paolis states that whatever structures are employed for the pastoral care of migrants they be "adequate to the attainment of the purpose. These structures are not alternatives to those of the ordinary pastoral care, but complementary until such time as they are no longer needed."⁷⁸ Scicluna argues for cumulative jurisdiction from the rationale for erecting personal parishes or any structure for the pastoral care of migrants. They exist for the beneficial pastoral care of people whose condition of life in some way inhibits their access to ordinary pastoral care (c. 383/1). As this situation does not usually mean completely discrete subsets of people, personal parishes admit cumulative jurisdiction and an evolutionary development.

A number of arguments question the utility of personal parishes. Establishing pastoral structures, such as the personal parish or even the quasi-parish, formerly known as mission with the care of souls, cuts across the territorial parish structure, and inevitably causes tension with local parish priests when responsibilities overlap, for example, around the school, hospital, sacramental programmes. The issue of finances

⁷⁷ SCICLUNA, "The Personal Parish," in *Consecrated Life*, 15 (1990), p. 231.

⁷⁸ V. DE PAOLIS, "Pastoral Activity on Behalf of Migrants According to the Documents of the Church," in *Consecrated Life*, 15 (1990), p. 218.

remains significant especially if local parishes and personal parish all are stretched financially when they are divided. The warning that expensive property purchases made by first generation migrants will not be carried by second generation citizens needs to be heard, especially when it is likely that the second generation will spread out and perhaps have less interest in the decisions and financial commitments made by their parents. These potential causes for trouble remain valid but their effect can be mitigated with negotiated separation of resources. The benefits of a parish community more attuned to the needs of an ethnic group emerge in fewer people abandoning the practice of their faith and the greater likelihood that subsequent generations will enrich the faith life of the diocese. In fact the failure to provide clear canonical structures has resulted in *de facto* establishments where cultural centres function as the base for chaplains.

Scicluna joins James Coriden in arguing for the rights of the parish, particularly the personal parish, and does not just predicate the question of rights to those of the migrant parish priest. Scicluna states:

A community of migrants who with their own pastor assigned by the ordinary of the place is erected as a personal parish enjoys all the parochial rights granted by common law, as for instance the right to have a parochial church, to acquire temporal goods, and to all the structures of co-responsibility such as the finance council (c. 537), and where opportune, the pastoral council (c. 536). [...] The pastor has, in fact, the same faculties and the same obligations as the pastor of a territorial parish.⁷⁹

While recognising the standing of the personal parish and its pastor, Scicluna qualifies the power vested in the parish priest by the nature of the ministry to migrants: "His flock is specified by a non-territorial criterion, the criterion of being of the same language and therefore of the same culture; his *diakonia* and power necessary to exercise it flow in close connection from this criterion."⁸⁰ The value of integration, which is not forced but proceeds at a pace and manner which respects the needs of the migrants, also underlines the standing of the personal parish. Migrants continue to enjoy a liberty of choice to choose to which parish they will belong.⁸¹

The value of the establishing personal parishes to meet the pastoral circumstances of the Maori and Pacific Islands' communities lies in the possibilities of

⁷⁹ SCICLUNA, "The Personal Parish," in *Consecrated Life*, 15 (1990), p. 231. Cf. J. CORIDEN, "The Rights of Parishes," in *Studia canonica*, 27 (1994), pp. 293-309.

⁸⁰ Ibid., p. 233.

⁸¹ Ibid., p. 231.

complementarity for pastoral care, the stability of a reliable financial base worked out in co-operation with the parish priests affected, and the choices it allows individuals in the communities concerned for they are by no means homogenous, and ensuring that members of the communities do not pay twice for support of parish and the present chaplaincy.

The establishment of various personal parishes would allow for a clearer understanding of the ownership of property. At present Maori and Samoan communities have property administered by various representational boards, but property title is held by the archdiocese and the loan repayments are borne by community members who also have ties with the territorial parishes. Personal parishes for Maori would still likely require funding assistance, as at present where a diocesan collection in all parishes provides part of their budget in addition to significant contributions from the various religious orders with personnel in the Maori ministry.

The question of parochial registers for baptisms, marriages, and deaths often occasions tension between chaplains and parish priests (c. 535). With its own registers the personal parish would have autonomy from local parishes with which it shared the pastoral care of people. More importantly, sacramental programmes could enjoy an independence or some overlap depending on the pastoral advantage for the people concerned.

4.3.1.2 Quasi-Parish

Concerning quasi-parishes, the commentary *The Canon Law: Letter & Spirit* states: "The term 'quasi-parish' is used to describe a community which in most respects is a parish, but for some specific reason cannot yet formally be erected as one, regardless of its location."⁸² Because the commentary considers the quasi-parish as juridically equivalent to a parish, its description of the juridic status of the parish applies; it may acquire, administer and alienate property in its own name. As it does not have a parish priest, its juridical representative would presumably, but not necessarily, be the priest to whom pastoral charge is given.

⁸²

The Canon Law: Letter & Spirit, p. 286.

Roch Pagé offers another opinion based on a discussion of the stability of a parish that is assured by conferral of juridic personality.⁸³ Because of special circumstances (c. 516/1), the quasi-parish lacks this stable establishment which Pagé links firstly with the objective office of the parish priest, and then subjectively with the role exercised by the parish priest. He states that the major juridical difference between the entity of the parish and the quasi-parish is that the latter is a community of the faithful which is "not yet established as a parish" (c. 516/1). However the diocesan bishop may choose to establish the quasi-parish as a juridic person by a special decree (c. 114/1).⁸⁴

Following an analysis of the *coetus*' discussion of the 1977 and 1980 schemata, Francesco Coccopalmerio draws the same conclusion as Pagé. Coccopalmerio evaluates the meaning of equivalence between the parish and the quasi-parish and identifies it with the features of a certain community and its having a proper pastor, who enjoys ordinary and vicarious power but is not a parish priest. Lacking stable establishment, it does not have juridic personality.⁸⁵

In comparing and contrasting the parish and the quasi-parish (cc. 515/1, 516/1), we note that the latter differs from the parish in that it does not have a parish priest, has not been juridically erected as a parish, and omits the adverb 'stably' in its description.⁸⁶ It seems to this author that the quasi-parish is exactly like a parish described as a community having a pastor, and that it is the juridic differences that are most significant. In other words, because it lacks formal establishment as a parish, it does not have the office of parish priest and so does not presume to identify an office which carries with it the administrative responsibility for the juridic person.

While the community may have a stability in a sociological sense, c. 515/1 refers to a stability in law. That so many dispute the juridic personality of the quasi-

83 R. PAGÉ, *Les Églises particulières*, Montréal, Éditions Paulines, 1989, vol. 2, p. 18.

84 Ibid., vol. 2, p. 27.

85 F. COCCOPALMERIO, "Questiones de paroecia in novo Codice, pars I," in *Periodica*, 73 (1984), p. 383.

86 See *Communicationes*, 13 (1981), p. 147. The significance of the addition *stabiliter* or "stably" in the 1980 draft of the canon (c. 349) emerges from comparison of the parish and quasi-parish. The *coetus* grappled with the canonical figures equated with a parish priest from the 1917 Code.

parish suggests that the law is poorly framed. While this author agrees with the conclusions of Pagé and Coccopalmerio concerning the lack of juridical personality of the quasi-parish in the 1983 Code, he finds a basis for the alternative viewpoint from a study of the history of the quasi-parish. Continuity with the past leaves open the possibility that the quasi-parish has juridic personality. Nevertheless, the new postconciliar and canonical context of the quasi-parish in a diocese changes its meaning from that found in the 1917 Code, c. 451/2.⁸⁷

A discussion of the parochial vicariate might provide some insight into what the *coetus* envisaged for the current law on quasi-parishes. In the 1917 Code, c. 451/2, 1&2 stated:

The following are placed by law in the same category as pastors (*parochi*) with all the rights and obligations of the latter:

1. quasi-pastors (*quasi-parochi*), who are priests in charge of the souls of persons in subdivisions of vicariates or prefectures in mission territory as provided in canon 216/3;
2. parochial vicars if they enjoy the complete authority of pastors.⁸⁸

In 1977 the proposed schema stated in c. 352/1-2:

1. A priest who exercises for a time the pastoral care of a vacant parish according to the established norm of the local Ordinary, is equivalent to a pastor with all his rights and duties.
2. The Vicar, who by force of particular law is assigned as proper pastor in a perpetual vicariate is equal to a pastor in all things excepting those excluded by particular or general law.⁸⁹

Parochial vicariates were not necessarily perpetually established, and if not, they were not considered benefices (1917 Code, c. 1412). Following the argument of Janicki in *The Code of Canon Law: A Text and Commentary*, they would also not be considered juridical persons. John Abbo and Jerome Hannon describe the perpetual vicariate:

A perpetual vicariate differs from a parish principally in this; that the scope of the office of the incumbent is left largely to the determination of the local ordinary, whereas that of a pastor is well defined in the general law. But the incumbent has a benefice, enjoys

⁸⁷ ABBO - HANNAN, *The Sacred Canons*, p. 447. Canon 451/2 describes quasi-parish priests as equivalent to removable pastors. While removal and transfer imply a restrictive condition on the ministry of the parish priest, and so require a strict interpretation, the retention of this 1917 equivalence implies greater protection of the stability of the pastor of the quasi-parish than that given in 1983 Code, cc. 563, 572 to chaplains and rectors of churches, when a just reason suffices for removal or transfer.

⁸⁸ Ibid.

⁸⁹ *Codex recognitus (schema), Liber II, De Populo Dei*, Rome, Typis polyglottis Vaticanis, 1977, p. 135, in Eng. trans. in *Draft of the Canons of Book Two: The People of God*, translated under the auspices of the Canon Law Society of America by a translation team under the direction of William Schumacher, p. 126.

exclusively the care of souls attached to it, and is burdened with the obligation of saying the Mass for the people (pro populo) on the specified days.⁹⁰

The parochial vicariate allowed for the possibility that it might also be a benefice. While not deciding the quasi-parish's juridic status in their discussions, the *coetus* highlighted features common to both quasi-parishes and parochial vicariates in the 1917 Code. The latter allowed for a certain flexibility of canonical mission for its incumbent and the former was a stably erected division of a structure that had its own limitations.

Leaving aside its juridical status, the quasi-parish admits of a variety of expressions. One style of quasi-parish connects the community with a territorial parish, often with the priest appointed for the community acting as an assistant pastor in the parish. Because the parish facilities are shared, logistical problems are not infrequent. The group solidarity of minority ethnic groups, especially the Pacific Islands groups, often leads to their frequent use of the facilities, their being vulnerable to criticism about disproportionate use versus maintenance support, and to feeling relegated to the times when it does not suit the majority or established groups of the territorial parish. All parties face the challenge of dialogue and negotiation.

In 1969 *Pastoralis migratorum cura* offered the possibilities of two styles of mission with the care of souls: the independent mission and the mission annexed to a parish. From the discussion of the *coetus* concerning the quasi-parish we saw that a pertinent feature was the question of the stability of the community. The 1969 instruction reveals the same mindset in its consideration of the mission with the care of souls. Scicluna ventures the opinion: "It seems logical and not simply coincidental to mention the quasi-parish in the new common law as a prime analogue of this type of mission *sui iuris*. [...] The mission with the care of souls *sui iuris* has the character of being transitory which is fundamentally the distinction between parish and quasi-parish in common law." ⁹¹

⁹⁰ ABBO - HANNAN, *The Sacred Canons*, p. 660.

⁹¹ SCICLUNA, "The Personal Parish," in *Consecrated Life*, 15 (1990), pp. 234-235. Scicluna uses the term "mission *sui iuris*" to describe the ministry of the missionary with care of souls independent of a parish described in *PMC*. The term "mission *sui iuris*" more technically describes the a territorial equivalent to a prefecture apostolic (c. 368). For example, the Tokelau Islands form a mission *sui iuris* with the Archdiocese of Wellington's Monsignor Patrick O'Connor as its leader.

While the emphasis appears to be on juridic structures, the underlying goal is to have more pastors attentive to the needs of migrants and more of the lay faithful exercising their teaching and community-building baptismal role. The present model for parish reinforces scarcity, so that pastors are few, stretched and often unable to meet the needs of their own cultural group let alone reach out to other cultures, other Christian churches or even to the lapsed in their own culture (contra cc. 528, 529). Separate structures encourage wider participation and greater likelihood of a broader base for ministry by all the faithful.

Because of the various opinions regarding its juridic status, a diocesan bishop needs to be clear about how he wants the quasi-parish to function. If he wants it to have juridic personality he establishes that in the decree of erection, while at the same time indicating who will administer it. The bishop may choose the priest appointed to the quasi-parish as its proper pastor to act on behalf of the juridic person and to administer the goods of the quasi-parish. Alternatively, the bishop could name himself or another to act in the person of the quasi-parish in all juridical matters, thus essentially retaining it as a diocesan administration. Nevertheless, in the natural course of events one would expect that the quasi-parish's property be held in its own name, the proper pastor administer it, that it either be given just funding or have a stable income, and still have a degree of flexibility about use of other places for worship as the need arises. In keeping with the cumulative jurisdiction envisaged in *PMC* 38/3, and consistent with the nature of a pastoral structure that is designed to cater for unique pastoral needs, people can also go to both their local parish priest or the priest of the quasi-parish who is described as their proper pastor (c. 516/1). Both could have parish records and their own baptism and marriage books, with the proviso that the books of a parish be used when its facilities are being used.

Both personal parishes and quasi-parishes presume the availability of priests who know the culture and speak the language of the particular ethnic group concerned. Even though the number of priests available may be limited, the stability of the parish structures can foster the catechetical structures, the sacramental preparation, and the community leadership that emerge with active lay faithful. Some form of regular gathering place facilitates the building of a Christian community, and this can be done using existing churches and halls given over to the exclusive, or at least predominant use, of the ethnic group concerned.

4.3.1.3 Multicultural Territorial Parish

Following its 1988 Synod, the Archdiocese of Wellington formulated a mission statement which has since served as a foundation for pastoral planning: "We, the Catholic People of the Archdiocese of Wellington, challenged to follow Christ, are called to proclaim the Kingdom of God by: celebrating God in our lives, sharing our living faith, growing in community, and working for justice and peace." Under its discussion of living in community, the booklet *Pastoral Directions for the 1990s* develops the theme of multicultural parishes within which the various ethnic chaplaincies work.⁹² This publication and subsequent reports of archdiocesan agencies and chaplaincies highlight the diversity of ethnic heritages found within all parishes.

Recognising the multicultural diversity of the archdiocese, Cardinal Williams has promoted the work of the various chaplaincies, working with the parishes to provide pastoral care. In addition to calling for a counter witness to prejudice, he called parishioners to "make allowances for a degree of voluntary separation on the part of those not yet 'at home' with the ways of the parish and its celebrations, structures and established activities." ⁹³ For their part, the various chaplaincies offer a range of pastoral services depending on the number of people and the resources available to them.

In particular, the Maori and Samoan chaplaincies report a range of activities both in cooperation with parishes and independent of them. Recent annual reports of the Maori Pastoral Care Team note a number of parish-based initiatives which seem largely to rely on the good will of the pastor concerned. With a suggestion of being rather thinly spread and under-resourced, their 1997 report particularly notes a range of activities that are independent of parishes such as *tangi* (funerals), marae events, catechist training and ministry, and a range of sacramental programmes and family visitation.⁹⁴ For its part in 1997 the Samoan chaplaincy reported an impressive mix of

⁹² ARCHDIOCESE OF WELLINGTON, *Pastoral Directions for the 1990s*, Wellington, NZ, The Archdiocesan Pastoral Office, 1990, pp. 23-26.

⁹³ WILLIAMS, "The Church in a Multicultural Society," unpublished paper, Wellington, 3 July 1980.

⁹⁴ MAORI PASTORAL CARE TEAM, "Maori Mission and Pastoral Care," in *Archdiocese of Wellington: 1997 Reports and 1998 Work Plans for the Agencies and Chaplaincies*, Wellington, Archdiocese of Wellington, 1998, pp. 14-15.

activities in conjunction with parishes and separate from them. While a significant presence in at least the twelve parishes with official communities, the Samoan communities also have a comprehensive pastoral ministry under the auspices of the chaplaincy.⁹⁵

Polynesian communities like the Samoan express a desire for their own facilities, even though the cost is often crippling. The issue is autonomy. Having control over their own expressions of worship, teaching opportunities and community activities remains an important value. Quite naturally migrant groups often wish to associate more than established groups who no longer feel the need for the focused gathering but wish to be a part of activities in the wider community.

The example of the Hispanics in the United States provides an informative example of the aspiration to unity in diversity served by multicultural parishes. The then auxiliary Bishop of Chicago, Placido Rodriguez, offers these reflections:

Frequently [Hispanics] do not feel welcome in many United States Catholic parishes, therefore many of them stay home or switch to Protestant churches. Although mass attendance is the major United States yardstick of what it means to be a Catholic, Hispanics have a different cultural and religious perspective - one more rooted in the very structure of society, faith and life. [...] For the Hispanic person, faith, culture, and language are all woven out of the same cloth.⁹⁶

Allan Deck, in his study of Hispanic migration to the United States entitled *The Second Wave*, questions the choice made for the multicultural parish over the personal parish:

One thing seems clear, namely, that the Hispanic community was to some extent deprived of the strong local institutional base that national parishes provided for generations of Catholic ethnics. The policy of trying to integrate the people of whatever ethnic background and language in a territorial parish promoted unity when it succeeded, but also deprived the less assimilated, less influential group (in this case, Hispanics) of the security and clarity that comes from having one's own turf.⁹⁷

⁹⁵ SAMOAN CHAPLAINCY, "Samoan Chaplaincy," in *Archdiocese of Wellington: 1997 Reports and 1998 Work Plans for the Agencies and Chaplaincies*, pp. 16-18. The report mentions retreats for a number of associations, evangelisation seminars, catechist training, sacramental preparation and celebrations, occasional celebrations, and pastoral visitation.

⁹⁶ "Hispanic Catholics: How Culture Shock can Charge up a Parish: The Editors Interview Bishop Placido Rodriguez of Chicago, C.M.F.," in *US Catholic*, 51 (1986), pp. 33-39.

⁹⁷ DECK, *The Second Wave*, p. 59.

Frequently, the multicultural parish witnesses to a great variety of cultural heritages that gather for common worship. Vatican II stated that the congregation gathered represents the whole people of God (SC 20). Colin Williams questions the reality behind the assertion:

If the criterion should be that a congregation must represent the whole people of God, that it should reveal the manner in which the life of Christ transcends the barriers of age, of race, of nation, of class, of language; then the present local congregation singularly fails the test.⁹⁸

The expectation that any single gathering on a regular basis will demonstrate unity without setting aside legitimate aspirations of at least some participants approaches an ideology that relegates to second place the language and heritage of some participants while offering the appearance of intercultural tolerance and harmony for the majority, but often pleasing neither group.

Persons of Pacific Island heritage work and live all week in an environment that differs from their culture and ways and values. When even their Sunday church experience is alien the effect is most disheartening. Inevitably people are lost to a liturgically active practice of their faith when the parish fails to be a place of welcome and no alternatives are available. This in no way presumes a lack of good-will on the part of either Pacific Islanders or Pakeha parishioners but simply recognizes that while all sorts of accommodation are thrust on the ethnic minorities, their spiritual experience remains a matter of a choice to participate. The studies of Italians in Sydney showed that accusations of poor faith practice were fundamentally untrue when reasonable opportunity was provided for them to practise in a manner that respected their linguistic and cultural heritage.⁹⁹

4.3.2 Stability

Canon 515 speaks of a community stably established. Juridical personality is linked to this notion of stability but there is also the stability that is a feature of the community, and which precedes the contribution of the law when the competent

⁹⁸ C. WILLIAMS, *Where in the World: Changing Forms of the Church's Witness*, New York, National Council of Churches in the USA, 1963, pp. 9-10.

⁹⁹ PITTARELLO, "A Survey of the Ethnic Composition," in *Migration Monitor*, vol. 3, no. 10 (July 1988), pp. 5-13.

authority erects it as a parish. In addition to its description of the parish, the Code also uses *stabilter constitutum* when speaking of ecclesiastical office (c. 145/1): "An ecclesiastical office is any post which by divine or ecclesiastical disposition is established in a stable manner to further a spiritual purpose." The act of the ecclesiastical authority recognizes, confirms and confers a stability on the office in question. Canonically, the decisive act of the competent authority sets in place structures and offices that reinforce any inherent stability. Consequently, pastoral care is further advanced.

As an example, Catholic students at a university may enjoy an organized pastoral care, with its own centre, organized groups and programmes, and pastoral team. The priest appointed enjoys a stable appointment, but the bishop decides that a "special parish" is warranted (c. 813).¹⁰⁰ The university endures as an institution, even with a regular turnover of students, though a relatively settled staff. By erecting the university community of the faithful as a parish, the bishop recognizes and confirms that the community of students has a level of organisation and assets that warrant support, and by his formal act of erection further enhances the stability of the university pastoral care, providing for a continuity that endures even as the student body regularly changes. There is an objective stability that comes from the provision of the office of parish priest, and the conferral of juridic personality, such as the finance committee and the management of its assets, the parish pastoral council and the coordination of its pastoral programme, the recognition of at least a quasi-domicile, and above all the possibility of a high standard of pastoral care.¹⁰¹

The personal parish is an option where migrants or indigenous people take up permanent residence or even constantly change though numbers stay stable (*PMC* 32/1). The mission with the care of souls is an option when such communities are not yet permanently established (*PMC* 32/2). The question of stability or permanence

¹⁰⁰ Normally this would be a personal parish, though a territorial parish for the university area could be established also.

¹⁰¹ While the office of parish priest is essential to the erection of a parish, filling the position is not. The incumbent need not necessarily be named in the decree of erection. Even when the office is vacant, the community has the value of the stably constituted juridic parish and the benefits consequent on that. Previously *Pastoralis migratorum cura* discussed the establishment of a personal parish, seeing such erection as a possibility "where there is a great number of migrants who use the same language and who there take up permanent residence or constantly change [...]" (*PMC* 33/1). O'Leary translates "permanent residence" as "stably" and sees canon 518 as a re-iteration of *PMC* 33/1.

reflects a sociological perception. The clear meaning of *PMC* 32/1 asserts that even when there is a turnover of physical persons the abiding community has a continuity that might warrant the erection of a personal parish. Equivalently, the turnover in territorial parishes, which James Provost notes in his 1981 analysis of proposals for the new legislation, is not seen as detrimental to the stability that is a characteristic of a parish.¹⁰² The conferral of juridical personality serves the stability of a community but does not precede it.

In an analogy with the homeostatic stability of human body, the stability of the parish comes not from being unchanging but from a capacity to deal with changing circumstances. Just as the body is able to maintain a constant temperature in hot and cold conditions, so the parish continues to provide a context in which a community and the individuals who make it up are able to worship, witness, engage with each other, and be a presence in the local community among whom they live.

Canon 522 allows a conference of bishops to establish a fixed term for parish priests. Such an option suggests that stability in the office is not entirely a question of indeterminate time length, but more connected with the quality of pastoral service that comes when a pastor enjoys personal security (income, housing, career plans, retirement concerns, health provisions). While Vatican II subordinated the parish priest's stability in office to the pastoral care of the parishioners (*CD* 31), it also insisted on natural and canonical equity. The welfare of the priest can be secured independently of his retention of office (c. 281) and any loss of office must observe procedural norms (*ES* I, 20; cc. 1740-1752).

In his analysis of c. 515/1, Pedro Lombardia notes two elements in the juridical description of the parish: a community of the faithful and the pastoral care entrusted to its proper pastor. He further recognizes two characteristics of the community: being part of a particular church and the stability relative to its ecclesiastical organisation.¹⁰³ In other words, Lombardia sees stability as a consequence of the community's status in law. Similarly, Chiappetta's analysis notes that stability is a feature of all ecclesiastical

¹⁰² PROVOST, "The Impact of the Proposed Book II," in *Studia canonica*, 15 (1981), p. 373.

¹⁰³ *Codice di diritto canonico*, edizione bilingue commentata, a cura di P. LOMBARDIA e J. ARRIETA, edizione italiana a cura di L. CASTIGLIONE, Roma, Edizioni Logos, 1986-1987, vol. 1, p. 400.

offices (c. 145/1), and that the two essential elements of the parish are the personal dimension of a community of the faithful and the institutional dimension of the proper pastor.¹⁰⁴

In its recommendations the Auckland diocese's Faith and Culture Working Party, having weighed the options of personal parish and chaplaincy, recommended that existing chaplaincies be erected as quasi-parishes. The motivations appear twofold: the pastoral status of the former chaplain and particularly the cumulative nature of the pastoral care, leaving migrants free to choose from whom they seek pastoral care. While the jurisdiction between personal parishes and territorial parishes was discrete according to the 1917 Code, the broader understanding of the culture of migrants and their descendants, expressed in *PMC*, does not sustain this separation.¹⁰⁵ Hence the motivations behind the working party's option for the quasi-parish need not discount the usefulness of erecting a personal parish for migrants.

One of the limitations of the personal parish was the possibility that expensive parish plants would be built but not prove to be sustainable in the long term. O'Leary remarks that, when looking to the situation in the United States, the Australian bishops saw parish structures that had outlived their usefulness but which proved difficult to restructure or close because of 1917 Code, c. 216/4.¹⁰⁶ The church building notwithstanding, it was the parish school that often proved problematic.¹⁰⁷ With less or even no likelihood that a migrant parish school would be established, and given that our schools in New Zealand are to all intents and purposes beyond the control and administration of the parishes, the division of scarce resources for parish schooling appears less pressing.

¹⁰⁴ L. CHIAPPETTA, *Il codice di diritto canonico: commento giuridico-pastorale*, Napoli, Edizioni Denoniane, 1988, vol. 1, p. 612.

¹⁰⁵ See DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 143. He recognises cumulative jurisdiction as being of the nature of the personal parish. See also O'LEARY, "Priestly Ministry to Migrants: the Options," in *Newsletter of the Canon Law Society of Australia and New Zealand*, spring 1989, pp. 67-68.

¹⁰⁶ O'LEARY, "Priestly Ministry to Migrants: the Options," in *Newsletter of the Canon Law Society of Australia and New Zealand*, spring 1989, p. 56.

¹⁰⁷ *Ibid.*, p. 4. O'Leary draws attention to the concern of the territorial parish clergy that finite resources for parish facilities would be divided if personal parishes were allowed, and particularly notes the parish school. See also PITTARELLO, "Migrant Chaplains and Their Canonical Status," p. 1.

The question of building parish churches remains. On one hand finite resources, especially of Pacific Islands' communities or the Maori, gives one pause before recommending a building programme. Add to that the long term prospects of the community and the advisability of building a church becomes a fair matter for discussion. On the other hand the freedom of a community to use their resources in a manner they deem fit to further their spiritual heritage and cultural expressions of faith merits protection.

4.3.3 Pastoral Care of Maori and Samoan Communities

While Maori Catholics in general seek a pastoral care that respects their cultural heritage, exactly what that entails remains the subject of debate. Formerly known as the Maori Mission, since the 1980s there has been a transition to describing the ministry as Maori Pastoral Care. The name change indicates a shift in focus that has not entirely come to fruition. Mission emphasized an outreach where Maori communities were the recipients of the ministrations of mainly Pakeha priests as they moved around their area. Pastoral care emphasizes the role of the various Maori communities as fully active in the life of the Church with a participation akin to that of any other group of the faithful. Rather than mere recipients of pastoral initiatives, Maori Catholics take responsibility for their faith life in familiar areas such as sacramental life, catechesis, church maintenance and provision for their priests. However the degree to which the theology indicated by the name change is reflected in the reality is another matter.

While the erection of the Maori pastorate as a personal parish would give the priests and various Maori families and communities a standing that has long been neglected in the diocese, their ongoing financial dependency would continue to be a problem. The diocese would need to continue the annual financial collection for the pastorate but that assistance is analogous to the support offered smaller rural parishes at present. Exercising a role that respects their freedom and responsibility, Maori communities would cooperate with their priests on the financial and parish pastoral committees. Rather than the bishop managing the pastorate's finances through his administration office, the personal parish priest would act in the person of the parish in all juridical matters (c. 532).

An alternative would be for the bishop to erect the Maori pastorate as a quasi-parish. The motivation could be the lack of financial stability in the Maori Catholic

communities. The bishop could continue to exercise financial oversight and appoint the priest in charge to administer the ordinary demands of the quasi-parish. The usual parish organisms for financial and pastoral matters could work within the inevitable budgetary and personnel parameters, and Maori would still possess a degree of freedom and responsibility for their own pastoral care. Subsequent establishment as a parish may well follow.

The Samoan communities in the Archdiocese of Wellington have shown themselves willing to take on financial burdens in order to express their cultural and faith life on their own terms, without being beholden to territorial parish communities and pastors from whom they cannot presume a shared perspective on priorities. At the same time they are not homogeneous communities and like the Pakeha community participate in parish life at a number of levels of commitment. Erection of a personal parish for Samoan communities allows for the gamut of levels of participation and provides for a negotiated financial arrangement between the territorial and personal parishes.

The principle of subsidiarity presumes that decisions will be made at the most appropriate level, meaning that those directly affected by decisions will participate in making them. While the Archbishop of Wellington issues any decrees concerning the canonical status of the Samoan communities, they need to determine what style of ministry best suits their own ongoing pastoral care. At the same time the territorial parishes, largely Pakeha, need to participate in the debate, for in many of the parishes with Pacific Islands communities the financial and, to a lesser extent, the social viability of the parishes would be in jeopardy if there was to be a realignment of resources because of any change in the canonical status of the Samoan or other Pacific Islands chaplaincies.

For their part the Maori have a low profile in the territorial parishes of the archdiocese. The financial impact of any change of canonical status for the Maori pastoral care would have little impact in the parishes, save for the fact that the annual collection from the parishes funds the pastoral care initiatives which are administered directly by the diocese. Here too, the principle of subsidiarity determines that Maori Catholics discuss the style of pastoral care and its financial and administrative establishment that best meets their realistic participation in the archdiocese. In this process the involvement of the territorial parishes significantly differs from that of the

Pacific Islands communities. Though it has a financial dimension, here the task is more one of attitude and commitment.

Presently the Maori pastoral care is primarily funded by contributions from parishioners of the territorial parishes in the annual advent collections. In the short term it is difficult to imagine that reliance changing. For any option for personal parish or quasi-parish to succeed, the financial resourcing of the pastoral care will have to be addressed. Surely however, it will flow from Pakeha and Maori being committed to the vision. At one pole a separate structure will have to reckon with accusations of apartheid and rejection of common bonds. At the other pole predictions of the eventual collapse of the project may prove self-fulfilling if funding is insufficient, accountability weak, or if it fosters less interaction between communities on an equal footing. More positively, a stronger canonical footing with its attendant administrative and financial and pastoral committees would allow a higher profile in the diocese, and encourage Maori participation from a position of strength.

Drawing an analogy from Gerard Fourez's discussion of the sacraments, the question becomes whether ethnic minorities will be liberated or crushed by their integration or participation in the larger group.¹⁰⁸ Even if not ready to suggest crushing, historically the Maori experience has not been liberating. The documents on migration from the Apostolic See pose this question in terms of advocating integration at a pace that respects the needs of the migrant group, and ensuring that the migrants enjoys all the assistance to their faith, that the local people can presume upon. The documents on inculturation advocate justice and respect for indigenous cultures. The integration of migrant and indigenous communities must also ask whether the experience will be good for them or ride rough shod over their interests.

Pastoralis migratorum cura implies that suppression of various aspects of a culture can undermine religious practice because of the close association of the two (PMC 4). Various authors observe that Christian faith cannot exist except in a cultural form.¹⁰⁹ Failure to heed the calls for culturally relevant expressions of faith

¹⁰⁸ G. FOUREZ, *Sacraments and Passages: Celebrating the Tensions of Modern Life*, Notre Dame, IN, Ave Maria Press, 1983, 165 p.

¹⁰⁹ See SHORTER, *Evangelization and Culture*, London, Geoffrey Chapman, 1994, xi, 164 p. See also METZ, "Unity and Diversity," in *Concilium*, 204 (1989), p. 81.

undermines the hopes for inculturation of the gospel. Even the call for liturgical uniformity within a diocese or territory of an episcopal conference (SC 23) does not fit the new reality of a variety of cultures within one region. We already have the various Eastern Catholic rites whose diversity is recognized as contributing to unity. We have opportunities for the so-called Tridentine liturgy to reclaim a place in the liturgical life of the Church. We have migrant legislation and principles that recognize the dangers to the spiritual life if the culture and faith gap is exacerbated. Nevertheless inculturation may stall under the weight of the language of caution and care.

If we have policies that neglect rights and the culture of communities we risk losing subsequent generations. The loyalty of Catholic migrants and their descendants cannot be taken for granted. Likewise, what is commonly called spillage in commercial enterprises finds expression in the Church in terms of lapsed faithful. As long as parishes remain viable with basic numbers of parishioners and a level of financial support for retaining economic viability, the loss of practising faithful from minority groups can be ignored. There is an obvious contrast with the parable of the lost sheep.¹¹⁰ Our losses are a lot more than one percent.

4.3.4 Structures for Safeguarding Unity

In the interests of promoting unity, liturgical celebrations, particularly the Eucharist, become central to any debate about unity and diversity. To this end, Neil Darragh asks us to consider with whom we celebrate the Eucharist. In addition to the traditional statement that Eucharist is a sign of Christian unity, Darragh points out that the Eucharist expresses legitimate pluralism as well as unreconciled differences.¹¹¹ He states further:

Unity implies the actual or possible celebration of Eucharist together. Legitimate pluralism implies that Eucharist is actually celebrated separately but that it is possible to celebrate it together at any time. Unreconciled difference implies that Eucharist is actually celebrated separately and that celebration together is not regarded as possible.¹¹²

¹¹⁰ Luke 15:3-10. See R. BROWN, *The Church the Apostles Left Behind*, New York, Paulist Press, 1984, p. 141.

¹¹¹ N. DARRAGH, *When Christians Gather: Issues in the Celebration of Eucharist*, New York, Paulist Press, 1996, pp. 97-98.

¹¹² *Ibid.*, p. 98.

We have seen that the value behind the territorial parish is that of a local gathering of all the Christians in a particular area. Furthermore Vatican II described the ideal assembly as the bishop with his presbyters and deacons presiding at a eucharistic gathering of the diocese. Darragh describes the difficulty with this vision:

The ideal of the local Eucharist is that all Christians within a geographical area take part in the same Sunday Eucharist. This ideal can seldom be achieved in practice unless the Christians of a geographical area have a lot of things in common in addition to their being Christian (no language differences, no socioeconomic differences, no ethnic differences, no migrants, compete accord on age and gender, status and roles, etc.). Nevertheless the Eucharist serves as a standard in reference to which we can attend to the major kinds of variety affecting the Eucharist of a local Christian community.¹¹³

Darragh offers a strategy for eucharistic celebration in which the weaknesses of human interactions and motivations and symbols can be addressed. Rather than seeking only celebrations in which we feel comfortable, or which conform to our own (high) standards or simply ignore the frustrating parts and focus on the essential Eucharist, we negotiate our way towards eucharistic celebrations in which the language(s), symbols, levels of participation, gestures and setting allow God to transform us and allow us to encounter God.

The temptation is always to seek the path of least resistance. Accordingly Darragh cautions:

There is at least one kind of liturgical effect we would hope to *avoid* here. This is the breaking up of local Eucharists into entirely interest-group or common bond Eucharists, i.e., a situation where almost everyone opts for *minimal* negotiation. This effect occurs sometimes because participants in Eucharist misjudge the relative importance of discriminatory symbols or because their actions are, in fact, based on a strategy of moral purity rather than negotiation.¹¹⁴

Whatever pastoral strategy is adopted for the best provision of pastoral care for any migrant or ethnic group, the middle ground of legitimate pluralism should be sought. Communities can (and do) celebrate the Eucharist together but for a variety of reasons they more regularly celebrate separately. In addition, the pastoral choices for ethnic groups must not be made of the basis of any party opting for either to withdraw from

¹¹³ DARRAGH, *When Christians Gather*, pp. 99-100. See A. RUCCIA, "Territorio e parrocchia," in *Orientamenti pastorali*, vol. 45, no. 7 (September 1997), pp. 9-17. Antonio Ruccia defends the territorial basis of the parish because it brings together people of all ages, interests and occupations.

¹¹⁴ *Ibid.*, p. 118, italics in original.

each other, or from wanting just to be with people who offer maximum personal comfort or who think the same way.

Darragh states a fundamental aspiration of the Eucharist: "The regular Eucharist of a Christian community constantly seeking God's justice in its most important expression of its own belief and identity contributes to the living out of this justice within the Christian community itself and to bringing it about in society at large."¹¹⁵ In the New Zealand context the negotiation has not taken place sufficiently to guarantee what pastoral options would provide a path for justice in the lives of Pacific Islands communities or the indigenous Maori. What does need to be heard is that the history of the Church provides ample examples of different styles of parish or community organisation. New Zealand might benefit from the pastoral options without necessarily copying their defects. The issues are bigger than just language and customs for even within the various ethnic communities there exists a plurality of thought, of age and gender and symbolism issues.

In support of an evidence-based apostolate, *Christus Dominus* underlined that the forms of the apostolate should be adapted to current social, economic, demographic, spiritual and moral needs and conditions. Robin Gill, in his study of church attendance, *The Myth of the Empty Church*,¹¹⁶ shifts the theological discussion of Church and Eucharist to the practical one of attendance (or not) at a parish church. While not reducible to attendance, Christian faith makes little sense without some sense of the importance of physically gathering for worship. At the same time the motivation of faith must harmonize with the multitude of other parameters that dictate attendance: access, timetables, other commitments, transport, past experiences of parish, quality of music, sound system, preaching, degree of welcome, cost, cultural needs, familiarity, feelings of belonging, welcoming faces, language, age group, etc. This is in keeping with Pittarello's conclusions when he noted that attendance had more to do with the practical issues than merely with a profession of faith. While recognising that a profession of faith will also be undermined if it never finds expression, attendance to the practicalities, including the economics of religious practice is warranted. Gill points out that the impression of the struggling church is highly deflating. Everyone likes to

¹¹⁵ DARRAGH, *When Christians Gather*, p. 119.

¹¹⁶ R. GILL, *The Myth of the Empty Church*, London, SPCK, 1993, viii, 335 p.

be part of a going concern. When a smaller population of financial contributors reduces the spread of the financial burden, the maintenance, energy and involvement also decline. Churches need to have a level of population, activity and finances that fosters the pastoral structures and provides a population base so that a wide variety of pastoral ministries can be offered without burdening a few.

Arbuckle offers a means of testing the link between inculturation and the Eucharist: "One critical test of the depth of commitment to inculturation by both [Australian and New Zealand] Churches is the degree to which they have committed themselves to evolving in a spirit of dialogue liturgies which harmonize with the genius of the people."¹¹⁷ Given the scriptural command to make hospitality our special care (Romans 12:13), the passage between isolation of an ethnic group and dialogue is marked by the willingness to receive others, liturgically fundamentally but socially also. As Power states it: "To exercise hospitality, however, is to receive the other as other and to let others see us as other. It is not reducible to the bonhomie of meeting visitors at the door and inviting them to stand up and announce their names."¹¹⁸

While the Vatican Council affirmed language and cultural needs as vital for full and active participation (SC 19, 21, 37), such participation cannot truly be catholic if it remains closed to a larger sense of diocese and universal Church (SC 42). Just as "it is impossible for the bishop always and everywhere to preside over the whole flock in his church" (SC 42), equally neither does the parish assembly gather the whole people entrusted to its pastor. Furthermore, the constitution encourages a variety of responses, singing, actions, and gestures as means of promoting active participation (SC 30). These activities are not equated with active participation but are means to it. In other words, the variety of common liturgical activities including the diversity of culturally significant ones, is intended to lead to a participation with the Father through Christ in the unity of the Holy Spirit. When language, symbols and gestures alienate persons from the liturgy, their ability to foster this theological, active participation declines. At the same time the Eucharist is able to draw on symbols and actions that cross cultural boundaries and which foster unity. The power of gathering in a common space and the

¹¹⁷ G. ARBUCKLE, "The Australian and New Zealand Churches: Ten Years after *Evangelii Nuntiandi* - An Overview," in *The Australasian Catholic Record*, 62 (1985), p. 343. Cf. AG 22.

¹¹⁸ POWER, "Communion within Pluralism," in CENKNER, *The Multicultural Church*, p. 97.

strength that comes from common meanings and shared food remind diverse peoples that, even though they regularly prefer to gather in language groups or by some other factors, they can still find meaning in larger assemblies where more accommodations of time and language and acceptance of difference must be made.

The liturgy in primarily Pakeha parishes has failed to attract Maori. Maori generally remain unimpressed by what they have seen and experienced. If a personal parish allows for a greater sense of cultural identity without the territorial parishes needing to change then it too will be inadequate. We need to take accusations of apartheid seriously, for in all likelihood the territorial parishes will be able to feel that they need not change as the "problem" is being handled elsewhere. Equally, the same applies to Pacific Islands communities; if personal parishes would allow territorial parishes to dismiss the Pacific Islands communities then it will fail to do justice. Pacific Island communities admit of a wide range of participation preferences. There is no reason why they cannot have the best of both worlds with the option for a personal parish and the retention of territorial parish connections. It respects the freedom of the people to choose as they will and encourages the parishes to negotiate their way to better understanding between the dominant Pakeha group and the larger minority group, and serve in principle for the greater sense of welcome and belonging to many other migrant groups that are present in our neighbourhoods but who will never be sufficient in number for their own chaplain nor likely to organize into any ecclesial group.

While recognising the value of parishes organized on a territorial basis, the pastoral care option of the personal parish for Maori and Samoan communities opens the way for a new perspective on diocesan organisation. Karl Rahner invites us to think beyond the territorial basis for the Church:

The territorial principle is one important, natural and permanent structural principle in a Church consisting of men living in space and time. But it is not the only structural principle. Just as it is right and necessary [...] that there should be in the Church exempt Orders, personal parishes, and institutions which cut right across the territorial divisions of the Church or embrace several dioceses, so there are in the Church offices and functions of an institutional kind which do not lend themselves to normal territorial division and yet are materially of the same importance for the Church as the functions of a local bishop.¹¹⁹

¹¹⁹ K. RAHNER, *Theological Investigations: Concerning Vatican Council II*; Eng. trans by K. and B. KRUGER, London, Darton, Longman & Todd, 1969, vol. 6, pp. 328-329.

In practice many parishes establish a style of community life, particularly in the liturgy, that attracts persons from other geographical areas. The personal parish not only becomes a option for the pastoral care of migrant or ethnic groups but has possibilities for other groups who find themselves on the fringes of parish life. New styles of Christian community emerge *de facto* and the erection of the personal parish functions then as a *de iure* recognition while offering the support that the law brings to the emerging institution.

Following Archbishop Weakland's recommendations for the diocese, we note three avenues for avoiding the poles of alienation and division as new community clusterings emerge: a clear enunciation of rights for all groups within the Church, peer review, and the application of subsidiarity.¹²⁰ While the law outlines the basic duties of the parish priest, and provides for the oversight of the diocesan bishop (cc. 391, 394, 396) or episcopal vicar (c. 476), it leaves the local church free to establish its own processes for assessment and evaluation. A task beyond this paper but one for the future would be to set up reviews so that parishes enjoy the mechanics for self-criticism and for outside review. By developing evidence-based pastoral practice, and reviewable and observable goals and objectives, a parish would be more attuned to changing geographical and pastoral needs. While faith, like health, defies easy measurement, it does admit of certain observables such as church attendance, involvement in inter-church activities, involvement in community activities beyond the liturgy, liturgical practices such as children's liturgy, music ministry, levels of involvement, and the dissemination of information such as the diocesan paper.

4.3.5 Ecclesial Integration

Pope John Paul II's message for World Migrants' Day in 1985/6 addressed the issue of ecclesial integration. He noted that the Vatican Council "emphasised how the diversified human condition assumes even within the ecclesial communion a configuration of difficult relationships which only respect for rights and the fulfilment of duties can help to unravel" (cf. CD 18).¹²¹ The pursuit of unity within the diversity

¹²⁰ See WEAKLAND, "Church of Many Cultures, World of Globalization," in *Origins*, 28 (1998-99), p. 395.

¹²¹ JOHN PAUL II, Message for World Migrants' Day 1985/6, 16 July 1985, in *On the Move*, no. 46 (1985), p. 2.

that various ethnic groups bring to the local church does not admit of simple solutions. Pope John Paul II states the task accurately: "Free, active participation on equal terms with the faithful born in the particular Churches, without time limits or environmental restrictions, constitutes the way towards ecclesial integration for immigrant members of the Church." ¹²²

In the face of John Paul II's assessment of the pathway to integration, Coleman's questions take on a valuable framework for canonical legislation and pastoral measures. He asks: "What does it mean to respect the cultures of new immigrants without absolutizing them, romanticizing them, denying that they will and must make some accommodation to the host culture? What does it mean for the host culture to acknowledge its leading and shaping role without becoming a hegemony that destroys the immigrants' culture entirely?" ¹²³ Addressing this task, Bishop John Heaps states:

For a person to come to another country and remain as he was in the old country is an impossible expectation. For the people of his new country to expect him to change immediately or totally is equally impossible. But if the process is one of accepting differences, learning from each other and gradual change and adjustment of all it will indeed produce a beautiful people. ¹²⁴

While highlighting the importance of the spiritual and cultural patrimony of migrants as found in the church documents, De Paolis adds his caution to the tensions voiced by Heaps and Coleman:

There is the risk of taking the spiritual and cultural patrimony in an absolute sense, as though it were an end unto itself to which religion and faith itself are subservient. It can happen that in the name of one's own culture and identity separate factions can be formed which do not communicate with the other groups, neither from a civil or an ecclesial viewpoint. The society and the Church in which one lives can be rejected, or at least no effort is made to live in fellowship or to understand the others. ¹²⁵

In developing a pastoral plan for migrants, a diocesan bishop walks a tightrope.

In developing an evidence-based pastoral care for migrants, Woznicki describes three steps in migrant social development. Initially, migrants preserve their traditions

¹²² JOHN PAUL II, World Migrants' Day 1985/6, in *On the Move*, no. 46 (1985), p. 2.

¹²³ COLEMAN, "Culture," in *Compass*, vol. 9, no. 6 (1992), p. 7.

¹²⁴ HEAPS, "Some Problems Involved in Immigrating," in *The Australasian Catholic Record*, 53 (1976), p. 127.

¹²⁵ DE PAOLIS, "The Pastoral Care of Migrants," in *Migrations*, p. 141.

and history, then they incorporate the cultural values of the host country into their own traditions, and finally their culture develops through adoption and promotion of mutual cultural values.¹²⁶ He offers the insight that no style of pastoral care will be successful which does not respect the dynamic. No single pastoral policy will suffice throughout the process, nor should it be hurried. John Paul II developed the discussion of integration in his 1993 message for World Migrants Day:

Integration into the receiving community is certainly a natural and desirable process for migrants; however prudence insists it should not be hurried. A specific pastoral programme for them, safeguarding the respect due to their different cultural identities and specific spiritual heritage, serves to guarantee their legitimate links with their homeland as they gradually become a part of society.¹²⁷

Drawing his conclusions from the dynamic of integration, Woznicki promotes the principle of pluralism, and advocates: "Acting upon the principle of unity in [the] Church, ethnic groups should therefore be granted the right to create various and independent communities. These communities would form according to their authentic and actual needs while conformed to the specificity of national or culture structure." ¹²⁸ Basically, even within national or linguistic groups there will be diversity, reflected in various pastoral structures.

Woznicki goes on to develop some thoughts about the role and concept of the local church as it affects minority ethnic groups:

In order to extend proper pastoral care to a greater number of ethnic groups who are deprived of systematic pastoral support in their language and tradition, it is vital that the concept of 'local church' be applied to them as it is in the case of ecumenical groups. That means: whenever in a diocese there are small scattered ethnic groups, but no territorial or personal parish to provide proper systematic pastoral care in their language and tradition, then additional diocesan or inter-diocesan faculties should be granted to already existing ethnic pastoral centers or parishes. If the situation requires, faculties would extend to all matters concerning baptisms, marriages, funerals, religious instructions, pastoral care of the sick, the elderly, the destitute, fallen away Catholics, converts, and new immigrants.¹²⁹

An extension of jurisdiction serves wider pastoral interests without accusations that a pastor is interfering in the domain of another.

¹²⁶ WOZNICKI, *Journey to the Unknown*, p. 63.

¹²⁷ JOHN PAUL II, Message for World Migration Day, September 1993.

¹²⁸ WOZNICKI, *Journey to the Unknown*, p. 74.

¹²⁹ Ibid., p. 80.

The history of migrant pastoral care and the documents from the Apostolic See highlight the priority of pastoral care of people according to their actual needs. Giulio Nicolini insists on the migrant's right to determine the process of integration: "From whatever angle the migratory fact is considered - human, social, juridical or ecclesial, integration as [a] right of freedom constitutes the nerve centre of that harmony, which must be attained, between personal and community needs."¹³⁰ In several places the Code expresses a concern for people unable to benefit from the ordinary means of pastoral care. Arbuckle observes: "The Code appears to encourage all kinds of pastoral creativity based on the needs of migrant peoples, provided such creativity has the blessing of local ordinaries. It is up to evangelizers to respond to the flexibility encouraged by the Code. We desperately need examples of pastoral creativity."¹³¹ The weakness in this exhortation is the requirement that any creativity requires the blessing of local authority and as Woznicki pointed out, local ordinaries often fail to have the best interest of migrants at heart. Canon law can stifle endeavours for new initiatives in the pastoral care of migrant groups, with its insistence on the established prerogatives. While canon law should normally respond to theological initiatives, it may also provide leadership by illustrating the range of options open to a local ordinary that allow for stability and autonomy for migrant groups while, at the same time, they maintain their unity with the local bishop and the general population of the local church.

In its final document, the 1991 World Congress for the Pastoral Care of Migrants and Refugees affirmed a consistent policy that both the Church in the country of origin and the Church in the new country must contribute to the solution of migrants' problems. For the former, the congress urged the training and sending of priests:

But the structural solution to the pastoral problem of migrants mainly concerns the Church in the country of arrival. This is the Church that must welcome the immigrants and integrate them effectively in its own community life, being careful to avoid the two pitfalls of marginalization and forced assimilation. The immigrant must not feel shut out by the others, nor must he feel excluded by his inability to join in a community which imposes religious customs and practices at variance with his culture and traditions.¹³²

¹³⁰ G. NICOLINI, "Ecclesial Integration of Immigrants seen in the Documents of the Church as the Exercising of the Right of Freedom," in *On the Move*, no. 46 (1985), p. 62.

¹³¹ ARBUCKLE, "Migrants and Pastoral Care," in *The Jurist*, 46 (1986), p. 472.

¹³² PONTIFICAL COUNCIL FOR THE PASTORAL CARE OF MIGRANTS AND ITINERANT

Recognizing the diversity within the religious heritage of Catholics, the final document of the 1991 Congress concluded that a variety of structures offered the way ahead.

CONCLUSION

The circumstances of migrants highlight the possibility of alternative styles of pastoral care for any group of the faithful unable to enjoy access to ordinary parochial care. Their situation also underlines the rights common to all Christ's faithful. The first canon addressing the obligations and rights of all Christ's faithful is that of equality. Drawing on Vatican II's teaching that from a common baptism "there is in Christ and in the Church no inequality on the basis of race or nationality, social condition or sex" (LG 32), c. 208 states: "Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of this equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ." Just as *Exsul familia* advocated a quality of pastoral care for migrants equal to that which other faithful in a diocese receive (EF 103), so the 1983 Code affirms the same principle, and calls on diocesan bishops, pastors and all pastors of souls (c. 771/1) to make this a reality for migrants and all who are unable to benefit from the ordinary means of pastoral care, such as indigenous populations.

The teaching of the Church carefully balances the tension of migrants' connections with their origins and their responsibilities towards their new land. The pastoral structures that are available vary, with the diocesan bishop able to employ considerable discretion in what he establishes. The law shows a preference for the personal parish if circumstances are opportune. Personal parishes for Maori and for various Pacific Islands communities would provide a cumulative pastoral care with the minority ethnic group able to engage with the dominant culture from a position of strength, with a sound pastoral, administrative and social foundation.

While some argue that sooner or later migrant groups eventually join the mainstream, this misreads what is a dynamic process in favour of a static concept of social integration. It also misunderstands the rights of indigenous people. For Pakeha settlers, when the memory of one's own migrant history becomes less immediate, the

willingness to accept the newcomer as both different and sharing a common human struggle to some extent diminishes. While New Zealanders debate their place in the land, both as *tangata whenua* (people of the land) and *tau iwi* (settlers), we have the possibility of being open to the more recent arrivals in our midst. In addressing the mistakes of the past we have the opportunity to try new ways of pastoral practice that recognize difference even as we build and maintain links that affirm our mutual places in "Pacific's triple star"¹³³ and our identity as Christ's faithful of the Catholic Church.

¹³³ From "God of Nations," New Zealand's National Anthem, lyrics by Thomas Bracken and music by John Joseph Woods.

GENERAL CONCLUSION

As pastoral policy flows from an ecclesiology, so the Vatican II teaching on the nature of the Church as a communion motivates the Code's concern that, within a local church, the diocesan bishop be solicitous for all Christ's faithful entrusted to his care, whatever their age, condition or nationality (c. 383/1). The Code develops the principle of parity of pastoral care beyond *Exsul familia*'s solicitude for migrants, establishing it as a principle for all who, because of their condition of life, are not sufficiently able to benefit from ordinary pastoral care (c. 383/1).¹ The structures which were developed particularly for migrants in the 1917 Code, *Exsul familia* and *Pastoralis migratorum cura* may now be applied to other groups and communities requiring special pastoral care.

Many of the developments in the documents from the Apostolic See on migration reflect changes that were part of the broader reform of the Church. We noted particularly the shift from an exclusive concern for the ministry of the priest towards a model of pastoral care in which all the faithful played a role dependent on their circumstances. Also migrant communities were not simply seen as beneficiaries of pastoral care but were exhorted to play their part in the life of the diocese even as they contributed to the sacramental, catechetical, and organisational needs of their own community. On the question of pastoral structures, more responsibility came upon the diocesan bishop, in consultation with the council of priests and interested parties, to evolve a pastoral plan for migrants and other communities without the requirement of permissions from the Apostolic See.

With an increased appreciation of the ministry of bishops and the life of the local church, Vatican II began in a tentative way in the Church the current discussion of culture and various expressions of plurality. It is perhaps here that the documents of the Apostolic See on migration offer their most fruit; they recognize the value of language and cultural mediums for expressing and celebrating faith. While *Exsul familia* saw the migrant in terms of first generation migrants and their children, subsequent documents acknowledge the stability and value of a people's cultural and

¹ *Exsul familia* endeavoured to offer norms in keeping with the spirit of the 1917 Code and appropriate faculties to local ordinaries who then would "be able to give to foreigners, whether *advenae* or *peregrini*, in their necessities a spiritual assistance fully equal to that which the other faithful in their dioceses enjoy" (EF 103).

spiritual patrimony and advocate a specialized pastoral care for as long as it is beneficial.

While defending the rights of migrants to equitable pastoral care and opportunity, the documents of the Apostolic See consistently place these rights at the service of unity. Multiculturalism is neither embraced as a policy nor advocated in principle. Rather cultural diversity is recognized as a matter of fact; Christian faith becomes incarnate with a plurality of cultures at the same time as it transforms each of them. Integral to Christian faith is a concern for communion within and among communities, and so even though there is a diversity of languages, cultural symbols and customs, and spiritualities, each expression of faith must look beyond itself towards an organic unity with the others. Unity builds on the values of a common faith, common scriptures, common sacraments and common governance (c. 205) even as it recognizes diversity.

Although Vatican II did not consider the pastoral needs of migrants as a separate category, it effectively built on the solicitude for migrants expressed in previous documents when it exhorted bishops to show special care "for those among the faithful who, on account of their way or condition of life cannot sufficiently make use of the common and ordinary pastoral services of parish priests or are quite cut off from them" (*CD* 18). Thus it paved the way for a broader application of the principles of pastoral care for migrants in the ministry also to indigenous people. The circumstances of many African-American communities was seen as sufficient to warrant personal parishes even though the language of ministry was English. Equivalently, the exhortation for special concern applies to indigenous peoples whose history, customs and language often means they do not benefit fully from the ordinary ministry of parish priests.

The first priests and religious missionaries in New Zealand, the Marists under Bishop Jean-Baptiste Pompallier, initially sought to evangelize the Maori. Various circumstances, largely the number of settlers, and fighting that alienated the Maori, saw the ministry to Maori becoming a separate and marginalized apostolate. While the apostolate has long been recognized as one warranting special concern and as one insufficiently making use of the ordinary means of pastoral care, the options for pastoral care of migrants warrant fresh consideration as possibilities for the Maori Catholic communities.

Even though this paper has largely dealt with a negative description of some of Christ's faithful in a local church, that is those "who are not sufficiently able to benefit from ordinary pastoral care," its focus has been on their positive contribution to the life of the Church. The historical study demonstrated that the Church has constantly had to adapt to evolving pastoral situations because human beings have always been on the move. The priority of pastoral care or salvation of souls, which is the Church's supreme law (c. 1752), has meant that flexibility and adaptation mark the history of the diocese and parish. Given our temporal and spacial limitations, the territorial parish retains its central role in the life of the Church. Nevertheless its role has been complemented throughout history by monasteries, religious houses, and various associations and guilds. While the Fourth Lateran Council called for priests to exercise a ministry for people of their own language or rite, the development of the personal parish seems to evolve in theory out of the exemptions of those who had a personal or family pastor and in practice out of the pastoral response to the mass migrations to the United States of America and Canada in the nineteenth century.

Reviews of the role of the personal parishes in the history of North America offer mixed opinions. All recognize the importance of the parishes in the migrant experience but divide over their effectiveness. The case for the negative highlights the isolation of the parish from the life of the diocese, the internal fighting, the cost of maintenance of the parish facilities, and the delay of an inevitable integration. Positively, the personal parish offered to the migrant communities a secure place of reference in their interaction with the wider diocese and community. The personal parish tended to replace the village organisation, fostered the migrants' language and spiritual life and created new loyalties and identities both within the personal parish and between parish and diocese.

While the 1983 Code calls for the appointment of chaplains for those who, because of their condition of life, are not able to avail themselves of the ordinary care of parish priests and names migrants and "people on the move" generally as typical of such persons (c. 568), the chaplain is not usually able to provide the range of pastoral opportunities found in a parish. The migrant legislation consistently ranks the personal parish ahead of the provision of chaplains. The personal parish remains something of an exception (c. 518), but it offers the possibility of a stability of pastoral care that protects the interests of migrants, provides the range of pastoral programmes, promotes

integration in the diocese from a position of confidence as well as protecting the interests of the pastor.

Between the personal parish and the chaplaincy, *Exsul familia* offered the possibility for a missionary for migrants. *Pastoralis migratorum cura* reinforced and developed the pastoral option, emphasising the cumulative jurisdiction between local pastor and the missionary, whose status was equivalent to that of a parish priest, and allowing for a length of ministry for as long as was needed. The quasi-parish, which in the 1983 Code subsumes this canonical structure and broadens its application beyond migrants, provides a flexible pastoral structure whose precise constitution depends on the diocesan bishop's decree of erection. Of its nature it has something of the provisional and transient about it.

One of the serious criticisms of the historical personal parish was that it fostered isolation of the migrant community because the territorial pastor and the personal pastor had discrete jurisdiction. The mission with the care of souls endeavoured to counter this with the complementary pastoral roles of the territorial pastor and the missionary for migrants. Succeeding the mission with the care of souls, the quasi-parish, at least when applied to migrants, continues to enjoy cumulative responsibility with the local parish.

Normally, good order calls for a clear articulation of responsibilities and their boundaries. However, fostering the goal of ecclesial integration warrants a degree of overlap and shared responsibility. Accordingly, this author joins Scicluna and De Paolis, and argues that the nature of the migration experience calls for a cumulative jurisdiction between personal parishes and the territorial parishes.

Extending the principle beyond migrants, in every organized ethnic community individuals cover the spectrum of involvement with the wider church community, ranging from fairly exclusive involvement with the ethnic group to little connection with the organized community. Consequently, the greatest benefit comes from a pastoral structure that has all the strengths of a parish, respects the social realities, and fosters a mutual cooperation between pastors, who after all exercise their pastoral care under the authority of the diocesan bishop (c. 515) and as members of the presbyterate (c. 369). A cumulative jurisdiction between pastors of personal parishes and those of the concerned territorial parishes better retains the values of the pastoral care offered by parishes and the goals of integration and unity.

The 1983 Code provides a number of pastoral options for meeting the needs of ethnic groups, migrant or indigenous. In this paper we have weighed the strengths and weaknesses of the personal parish, the quasi-parish and the territorial parish with the establishment of chaplaincies. Which particular option best provides for the pastoral care of a given community can only emerge after a process of discernment and consultation. Wisely, the law requires that the diocesan bishop consult the presbyteral council, affected parishes (represented by their pastors) and leaders of the ethnic communities concerned, such as the pastors and catechists (cc. 50, 515/2).

In the Archdiocese of Wellington a process of consultation and discernment has been going on, and continues, on how best to meet the needs of the various minority ethnic communities. While this author favours the merits of the personal parish and believes that these parishes may benefit the Maori and Samoan communities, he also is clearly aware of the need for these communities to shape their own future under the authority and care of the diocesan bishop. Ongoing discussion of the principles and understanding of the options will allow for pursuit of fruitful avenues of pastoral care in the future. Ultimately, with the freedom of the faithful comes responsibility. Communities must claim the pastoral structures and tasks that will not only contribute to their aspirations for faith and culture but also contribute to their task of building up the whole body of Christ between parishes and within the diocese.

The needs of migrant groups of different languages or cultures or rites motivated a variety of pastoral responses during the last century and throughout this century. Having examined the body of documentation concerning the pastoral care of migrants from the Apostolic See that endeavoured to coordinate the pastoral response, and considered it in the light of the situation of two ethnic minorities in New Zealand, this author believes that equally creative responses can be made to the challenges for ethnic groups today. Like the master of the household who brings out of his treasure what is old and what is new,² the principles of migrant pastoral care from before Vatican II, combined with the new context where the diocesan bishop has greater discretion for pastoral planning, breathe fresh possibilities into established structures.

2

Matthew 13:52

In exercising his pastoral office, the diocesan bishop is exhorted to care for all Christ's faithful entrusted to him (c. 383). While the Code envisions parishes as the ordinary means of such pastoral care, the establishment of alternatives and complements requires a judgement call by the bishop. Before establishing personal parishes, the bishop must determine if it is useful (c. 518). Chaplains are to be appointed as far as it is possible (c. 568). The utility of a personal parish, quasi-parish or chaplaincy must in first place consider the benefit for the people who will make up the parish, quasi-parish or enjoy the services of the chaplain. Nevertheless the bishop must also consider the benefit and cost to the diocese. In his discussion of the tension between the needs of migrants and the policy of the local church, we saw Woznicki warn that it could not be presumed that the diocesan bishop would act in the interests of migrants. Apart from any canonical obligation to consult, the spirit of *communio* insists that a process of consultation precede any erection or rejection of pastoral alternatives that might benefit pastoral care of minority groups, migrant or indigenous.

Liturgy and finances regularly provide the occasions for discord within the Church. A major concern for the establishment of either personal parishes or quasi-parishes was that they not be set up to fail because of inadequate financing, accountability or personnel bases. We highlighted the value of liturgical events in which people regularly celebrate independently of others but still choose to celebrate occasionally in common. Both these issues need discussion and some sort of resolution before complementary parish structures could fruitfully be established.

In its eschatological vision, the second Eucharistic Prayer for Reconciliation prays: "In that new world where the fullness of your peace will be revealed, gather people of every race, language, and way of life to share in the one eternal banquet with Jesus Christ the Lord." ³ The hope of the inclusive heavenly banquet expresses a theology of the Eucharist which idealizes the bringing together of all people of the local church. We have seen how it influences the understanding of the Eucharist over which the local bishop presides (SC 41), and the parish Eucharist when the local pastor presides (AA 10, SC 42). The danger is that an eschatological vision becomes an ideology that forces minority groups always to accommodate themselves to the

³ *Sacramentary: The Roman Missal*, revised by decree of the second Vatican Ecumenical Council and published by authority of Pope Paul VI, Ottawa, Canadian Catholic Conference, 1983, p. xiii.

practices of the majority or, equivalently, to avoid accusations of oppression, the majority occasionally have to adapt to the demands of the minority.

Avoiding the shoals of isolation and resentment, the vision of people of every race, language and way of life gathered before God suggests that unity is possible without suppressing diversity. Darragh expressed an important principle linking practice and theology; people choose to worship separately on a regular basis but the desire, possibility, and reality of common worship remains on occasion.⁴ This differs fundamentally from a theology or practice that excludes the possibility of common worship. While language, customs and various sensibilities routinely mean that people worship in different places, a common profession of faith, common sacramental life and common governance (c. 205) unite them beyond these limitations and provide the common ground on which occasional worship in common builds.

The encounter between "people on the move" and a local community inevitably leaves neither side unaffected. In so far as the experience causes conflict, it highlights the demands of justice and reinforces the need for dialogue and openness to others as members of the one human family. For the local church, the pastoral care of migrants, minority ethnic groups and different "ways of life" becomes the litmus test for the credibility of its theology of all people being children of the one God. In so far as the encounter with people on the move creates a new order, it testifies to the vision of Pentecost where diverse people gathered and heard the apostles speak in their own language about God's deeds of power (Acts 2:5-12).

⁴DARRAGH, *When Christians Gather*, p. 98.

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BIOGRAPHICAL NOTE

Anthony Bernard O'Sullivan was born in Lower Hutt, New Zealand in 1958. He attended Victoria University of Wellington and graduated with Bachelor of Science in 1981. During seminary studies at Holy Cross College, Mosgiel, Otago, he completed a Bachelor of Theology degree in 1983. He was ordained priest on 2 February 1985 for the Archdiocese of Wellington.

For the next ten years he served in the parishes of Porirua, Lower Hutt and Masterton. These communities are in suburban, urban and rural settings respectively and bring people together from a diversity of cultural heritages: Maori, Pacific Islands Polynesian and European. Among these communities, the author had a wealth of opportunity to experience the aspirations and challenges for the culturally pluralistic Archdiocese of Wellington.

In addition to parish work, he began part-time tribunal work after completing in 1992 the Institute Course of Tribunal Practice offered by the Canon Law Society of Australia and New Zealand. He completed the requirements for the Master of Canon Law in 1996 in Ottawa.