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CARITAS IN SPAIN: ITS EVOLUTION AND VOLUNTEERS

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I. THE EVOLUTION OF CARITAS IN SPAIN

During the post-war period, Spain was a bleak country that had been devastated. The majority of families were in need and the effects of the First World War only made things worse. Faced with this situation, the Vatican asked the Catholic Action movement to take measures, calling for “Christian charity”, and asking for social action to help the most disadvantaged classes.

The work done by associations such as the Catholic Ladies of Madrid, Women's Catholic Action in Valencia, etc., led to the creation of Technical Secretariats of Charity, which would later evolve into the present organisation of Caritas.

During Chancellor Otto von Bismarck's last few years in power in Germany, the search for a “social policy” led to several joint charitable projects carried out by the Catholic Church and the German State. The instructor of theology of the cathedral chapter in Segovia established connections with *Caritas Verband* in the diocese of Tréveris. Co-ordinating it marked the birth of the National Charity Secretariat's projects, some of which were thematic or territorial activities. At the National Charity Assembly in 1947, Caritas was born, although that would not be its official name until 1953. It referred to Diocesan Charity Secretariats and Institutions, which operated within the sphere of the International Conference.

Caritas was described at the time as “the answer to the social action project that the Church, at the Vatican’s suggestion, aimed to establish throughout the world”. That is how the most important non-governmental organisation (N.G.O.) was set up in Spain.

The first Caritas statutes defined it as “the Catholic Church’s Official Charity and Assistance Organisation in Spain”, a body with its own legal status within Spain’s Catholic Action group. There are some differences between the text referred to here and the statutes passed by the Episcopal Conference on 30 November 1969.

In the 1969 statutes, Caritas was declared to be a confederation, created by the Episcopal Conference. Article Four states that “Spain’s Caritas...has legal status in both ecclesiastical and civil law”, the former because of the Decree Creating the Ecclesiastical Hierarchy dated 17 March 1960 and the latter because of the Ministry of Justice Decree dated 12 March 1959. It is unusual that its civil legal status was recognised prior to its ecclesiastical one. This leads us to the clear conclusion that, while Caritas is one of the Catholic Church’s organisations, its legal status on a national level is not that of part of the Church, but instead, a charitable association, independent of its association with the Catholic Church. If one understood the opposite to be true, then the proper ecclesiastical authorities would have had to give their prior approval, as set forth in Article Four of the 1953 Concordat. That is all so, aside from the fact that the hierarchical leadership held it as a delegation of the Episcopal Conference.

Under Spanish law, Caritas is an association, despite the fact that the statutes do not classify it as such. One can deduce the fact from reading the list of motives, the ninth one stating that it is fundamentally an ecclesiastical organisation and not a mere association.

Actually, Caritas of Spain “was constituted as a confederation of entities with legal status and autonomy within their respective spheres”. Thus does the first article of the statutes define “the official Confederation of the Catholic Church of Spain’s charitable entities, established by the Episcopal Conference”.

The influence of the Second Vatican Council is clear in reading the aims set forth in the statutes, as in article 11, b) where it says Caritas of Spain should co-ordinate or promote both private and public initiatives for solving social

problems, co-operating with both national and international organisations as well as with charitable entities run by members of other religions.

At the beginning, Caritas was thought of as an extension of charitable ministry performed by laymen and laywomen. At first, the commitment to helping and collaborating with the charitable organisation was made by Catholics. Over time, Caritas's work began to take on a more important role in society, and there are several reasons for this: certain charitable organisations offering aid to the needy fell into disrepute, society came to trust the way the Church's organisations were run and public opinion held that Caritas was more "a helping organisation" than a religious one.

At the General Assembly of Caritas of Spain in 1993, priorities for the coming century were established. The social changes of the last twenty years are reflected in a change of vocabulary, as the word "charity" gave way to the word "solidarity". Does that imply a substantial change in the organisation's performance? We think not. As we have already said, one of the factors leading to the majority of people's accepting Caritas is its plurality, as it is close to all citizens no matter what their religion is, which sends the message that the Church's organisations are becoming secularised. There is no question that the word "charity" has pejorative connotations. The Spanish Royal Academy's Dictionary states that it is a virtue in a person who voluntarily and altruistically decides to take action, a superior giving something to his or her inferior. In the same Dictionary, however, "solidarity" is defined as a "mutual dependence of people upon one another, which means that some of them cannot be happy if the others are not". The latter definition affirms equality, a value that is found in our society and even protected by the text of our Constitution.

II. CARITAS AND ITS VOLUNTEERS, CONSCIENTIOUS OBJECTORS

Caritas today could be called a religious N.G.O. taking social actions. One of the greatest assets of these organisations is their volunteers. The idea of a volunteer used to be unknown to some people and reviled by others. In recent years, it has been increasingly popular as civil society has decided to get to work, contributing more than just votes and taxes. Volunteers cannot exist on their own; they must belong to an organisation. Taking part in an organisation is essential in order to separate volunteers' work from that of good neighbourliness, as set forth in the Workers' Statute.

One might think that because Caritas is part of the Catholic Church, its volunteers ought to belong to that church, but in fact, Caritas's volunteers come from both sexes, all age groups, professions and even beliefs , although certainly a large number of volunteers are involved for religious reasons.

Another reason for people to do volunteer work is to fulfil the “substitute social service obligation” conscientious objectors can do instead of military service. Caritas was one of the nine points, later sent to different groups to be studied, that the Social Affairs Ministry set as a basis for the proposals made in the preamble as well as separate articles outlined in the project. The seventh point said that “beyond the rights and obligations of volunteers where one is referring to a person who is volunteering, the law should take volunteer work itself into account as a reference for reaching decisions, especially two of them. The first has to do with the law proposed regarding conscientious objection. Whether the time the volunteer work lasts should be stipulated to a conscientious objector or not as a substitution for his contribution to society is a subject that ought to be taken into account in the specific regulations referring to conscientious objectors. As everyone knows, something done as an obligation cannot be considered as volunteer work”.

Certainly, according to the third article of the Volunteer Law, the volunteer ought to take part in these activities freely with no personal or judicial obligation to do so.

Everyone can see that the social service performed by conscientious objectors is not a free choice, but rather an obligation. The number of hours one has already spent on volunteer activities prior to declaring oneself a conscientious objector could be accepted and not the other way around, at least if that were included in the Volunteer Law. If, as the Administration would like, the social service is to take place following recognition of conscientious objector status, which would be perfectly legitimate, the regulation should be included with those relating to conscientious objection and not in the aforementioned legal text.

Regarding this issue, the Izquierda Unida (United Left) group claims that the volunteer is performing altruistic activities that show and promote solidarity, freely and without pay, so the person fulfilling social service obligations may be threatened with tough sanctions. They think that in this way, the Administration is harming volunteers by trying to classify them with those who are fulfilling social service obligations. The reason is that this “creates

tensions between those who are fulfilling social service obligations, who tend to try to get out of doing something that has been imposed on them, and the volunteers who are in charge of the organisation”. In other words, they find that the conscientious objectors perform their work with “less eagerness and commitment” than the volunteers do. We cannot agree with this; however, we do think that a conscientious objector cannot act as a volunteer as a way of fulfilling an obligation, as that is incompatible with the concept of the Law.

Cruz Roja (the Red Cross) stated, when asked by Caritas to offer an opinion on the matter, that it is a mistake to include matters relating to conscientious objectors in a law about volunteering since they are two separate groups.

The Administration, from its Department of Social, Children’s and Family Affairs , does recognise that the two concepts are different due to one being an obligation and the other a volunteer activity. They are in favour of passing the Law, however, underlining the fact that it allows “those persons who can prove that they have been volunteers, in certain conditions, to be freed of the social service obligation, if that is their personal choice and they can prove that they have volunteered”.

We cannot agree with them for two reasons. First of all, if they are two different concepts, they cannot be considered equal in order to facilitate fulfilling the social service obligation, especially as no other obligations to the State, such as fiscal ones, may be substituted in this manner. Secondly, the work should be done following the recognition of conscientious objector status. This implies that not all types of volunteer work would be recognised as such, which means that there should be a basic correlation between the volunteer work and the period of time during which the social service obligation is being fulfilled.