

The Situation of Communism in Canon Law

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History of Communism

Communism or Marxist socialism has its origin with Karl Marx (1818-1883). With Frederick Engels he wrote the *Communist Manifesto*¹ in 1848. It was a summary document about socialism. Marx believed that property and its accompanying institutions were the cause of the exploitation of workers.

Vladimir Lenin led the revolution against the oppression of the Tsars in 1916-1917. He took the communist theories of Marx and implemented them in Russia. So Lenin is the architect of modern communism.

In January 1918, Lenin dis-established the Orthodox Church in Russia and silenced the clergy. In 1919, invitations were issued inviting people to attend an international congress in Moscow with a view to developing communism on an international scale. Lenin died in 1924 and was replaced by Joseph Stalin. By 1927 Stalin had consolidated his power in Russia. He died in 1953, and the process of de-Stalinisation began in 1956.

Since it is based on a materialist philosophy, communism is fundamentally opposed to religion and the supernatural. The Sixth World Congress of the Communist International was held in 1928 at which it adopted a Programme. The Programme stated: 'One of the most important tasks of the Cultural Revolution affecting the wide masses, is the task of systematically and unswervingly combating religion – the opium of the people.'² This is demonstrated in the fierce religious persecutions in Russia between 1917 and 1939.

The 1928 Programme also stated that "the ultimate aim of the Communist International is to replace world capitalist economy by a world system of Communism".³ It also predicted that Communist society "will bury forever all mysticism, religion, prejudice and superstition and will give a powerful impetus to the development of all-conquering scientific knowledge".⁴ The aim was a classless, Godless society, and by 1935 Communist parties existed in thirty-five countries.

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¹ Karl Marx and Frederick Engels, *The Communist Manifesto*, <https://www.marxists.org/archive/marx/works/1848/communist-manifesto>.

² Programme, in W. Chamberlin, *Blueprint for World Congress*, (Washington D.C., Human Events: 1946) 179 [Hereafter *Chamberlin*]; in Richard J. Murphy, *The Canonico-Juridical Status of a Communist*, (Washington D.C. Catholic University of America, 1959) 20 [Hereafter *Murphy, Canonico-Juridical Status*].

³ Ibid.

⁴ *Chamberlin*, 238; in *Murphy, Canonico-Juridical Status*, 22.

Lenin believed that Communists had to be flexible and pragmatic in their approach: 'The strictest loyalty to the idea of Communism must be combined with the ability to make all the necessary practical compromises, to "tack," to make agreements, zig-zag, retreats, and so on.'⁵ The Programme stated:

...each Communist party must take into account the concrete internal and external situation, the correlation of class forces, the degree of stability and strength of the bourgeoisie, the degree of preparedness of the proletariat ... The party determines its slogans and methods of struggle in accordance with these circumstances ...⁶

A. Michel, a priest who lived under Communist governments, wrote that Communists attempt to destroy the unity of the Church:

- 1) Above all by breaking the unity with Rome, by preventing contact of the hierarchy and faithful with this centre of the Catholic Church. At the same time by skilful propaganda must be undermined the respect and affection of the clergy and faithful toward the Holy Father,
- 2) By breaking up the unity of the bishops among themselves,
- 3) By breaking up the unity between bishops and priests,
- 4) By breaking up the unity of the priests among themselves,
- 5) By breaking up the unity of the clergy and the faithful.⁷

Michel claimed a tactic is to invite the clergy to get involved in social programmes and thereby reducing their spiritual work. He also says Communists have strong propaganda machines for attacking the status quo both economically and politically.

Richard Murphy pointed out a common Communist tactic has been the formation of "national" Catholic Churches to separate the Church from the Pope in a particular country.⁸ Similarly, the Oriental Churches were targeted to become nationalised churches and tools of the state. These attempts were most obvious in Hungary, Romania and Czechoslovakia.

Varieties of Communism

Murphy explained that the term "Communist" should be understood as embracing three categories of people: those who profess Communism, those who join the Communist Party, and those who show favour to the movement.⁹

There are a wide range of Communist ideas and practices. Abortion is promoted by most governments in the world, but it is promoted most vehemently in communist countries.

⁵ Lenin, *Left Wing Communism*, (New York: International Publishers: 1934) 138; quoted in *Murphy, Canonico-Juridical Status*, 24.

⁶ Quoted in *Chamberlin*, 181; in *Murphy, Canonico-Juridical Status*, 20.

⁷ A. Michel, *Dividing the Church*, (London: Sword of the Spirit, 1956) 9; quoted in *Murphy, Canonico-Juridical Status*, 26.

⁸ *Murphy, Canonico-Juridical Status*, 62.

⁹ Ibid., 172.

In some Western countries such as Italy there have been many members of the Communist party for decades. Since the so called "fall of communism" in Eastern Europe in 1989, the strongholds of Communism have been China and Vietnam.

China

Originally China was divided into Confucians and those classified as religious such as Buddhists and Taoists. Now the division would normally be seen as being between *xinyesu* or "believers in Jesus" and the *info* or "Believers in Buddha" (really all those holding other religious ideas).¹⁰

There were divisions in the Catholic Church prior to 1949, because of the work of religious orders from different countries with different spiritual traditions that resulted in a different historical affiliation for people.¹¹ Many Chinese link Christianity to colonialism, and there is some anti-western ill-feeling in China.

Chinese Christians were heavily persecuted during the Maoist era 1949-1977. The Communist Party closed all churches and pagodas between 1966 and 1979.¹² From 1976, China opened up economically and a controlled number of church buildings were allowed to reopen.

Recently, there has been a big movement of people to the cities. However, people often still retain their identity partly from the original place of origin of their family and the religious practices there. In the cities many new sects have begun. They have a variety of beliefs including the "Eastern Lightning" Sect founded in Heilongjiang Province in the 1990s around the female reincarnation of Jesus.¹³

The Chinese constitution allows for the existence of Protestant and Catholic Churches. After the Cultural Revolution under Mao, Christians were divided into those who belong to registered churches or non-registered churches. The non-registered church included the underground church for Catholics and numerous house churches for Protestants.

China has a policy of having bishops selected by government voters. On 6 July 2012 in Harbin, Yue Fusheng was ordained a bishop without the mandate of the Pope. The five ordaining bishops were then excommunicated automatically. They were Bishops Fang Xinyao of Linyi, Pei Junmin of Liaoning, Meng Qinglu of Hohhot in Inner Mongolia, Wang Renlei of Xuzhou and Yang Yonggang of Zhoushan.¹⁴ The five bishops were in union with Rome until that point.¹⁵

Three other illicit ordinations were forced by the National Church, Chinese Patriotic Catholic Association, in 2010 and 2011. These ordinations create confusion and divisions amongst Chinese Catholics. Beijing's department for administering religious affairs has dismissed the opposition of the Vatican to these episcopal consecrations as "barbarous and irrational".¹⁶ However, if a bishop repents after taking place in an illegal ordination, the Holy See lifts the excommunication imposed for participating in an ordination of a bishop without the mandate of the Pope.

Many Chinese officials see religion as something that must be controlled and managed. There is clearly a power struggle in China between the Chinese authorities and the Catholic Church. Between 2013 and the end of 2015, more than 1700 crosses have been taken down from Catholic Church and Protestant buildings in Zhejiang Province.¹⁷ The removal of crosses began with Protestant buildings, and some Protestant church leaders and a catholic lawyer advising Protestant church leaders have been arrested.¹⁸

In February 2016, the party made clear its latest strategy to control religions. Buddhist monks are to be given certificates detailing their secular names, religious names, national ID numbers, and their faith number. It is planned to require this of Catholic and Taoist priests by the end of 2016.¹⁹

Christianity, however is flourishing in China. There were an estimated 58 million Protestants and 9 million Catholics in 2010.²⁰ Yang Fenggang, director of the Centre on Religion and Chinese Society at Purdue University, has predicted that the Chinese Christian population will be the largest in the world by 2030, and reach 257 million by 2032.²¹ The Chinese population is expected to peak at 1.4 billion in 2030, making Christians 16% of the population at that time.

Vietnam

Vietnam is very different to China. Firstly, the Church is much stronger than it is in China. Economically, Vietnam is not a Communist model. The Guardian newspaper reported that

Vietnam is one of the last remaining communist countries in the world, with a party membership of 4.5 million out of its 93 million people. But

¹⁰ Michael Chambon, "What divides and unites Chinese Christians" January 21, 2016; <http://www.ucanews.com/news/-what-divides-and-unifies-chinese-christians/75016>.

¹¹ Ibid.

¹² Yang Fenggang, *When will China become the World's Largest Christian Country?*; <http://www.slate.com/bigideas/what-is-the-future-of-religion/essays-and-opinions/fenggang-yang-opinion>. [hereafter, *Yang*]

¹³ Ibid.

¹⁴ Sandro Magister, "Popeless Bishops. The Chinese Road to Schism" July 9, 2012; <http://www.chiesa.espresso.repubblica.it/articolo/1350284?eng=y>.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ "Chinese authorities take down Catholic Church cross"; <http://www.ucanews.com/news/chinese-authorities-take-down-catholic-church-cross/...26/02/2016>.

¹⁸ "China's crackdown continues as Christianity thrives"; <http://www.ucanews.com/news/chinas-crackdown-continues-as-christianity-thrives/753...5/03/2016>.

¹⁹ "Party's increased control of religions in China could backfire Frustrations among religious adherents seem higher than they were during Mao's rule", February 23, 2016; www.ucanews.com/news/prtys-increased-control-of-religions-in-china-could-backfire/75292.

²⁰ *Yang*.

²¹ Ibid.

like its ideological ally China, the government believes in a quasi-free market economy alongside strictly controlled politics and society.²²

Commentators agree that Vietnam has made significant economic advances in recent years.²³ After 1975, Vietnam had to import 200,000 tons of rice a year. Aid from Russia was 40% of the state budget in 1981. In 1987 Vietnam changed to a market economy. It joined the Association of South-east Asian Nations (ASEAN) in 1995. A trade agreement was signed with the United States in 1999, and it joined the World Trade Organisation in 2007.

Like China, Vietnam meets the material needs of its people now with a heavily regulated market economy while still building socialism. About half the biggest firms are state owned. Lenin once said "electricity plus soviets equals socialism".²⁴ Bill Hayton argues that Vietnam is a fundamentally socialist country even though there have been market reforms.²⁵ However, incomes are still low and are about US\$430 per capita GDP.²⁶

Vietnam has a party membership of 4.5 million out of a total of 93 million.²⁷ Significantly, there are about twice as many Catholics as there are members of the party.

Church Teaching concerning Communism

Two years before the *Communist Manifesto* was published in 1848, Pope Pius IX in the encyclical *Qui Pluribus*, 1846, described communism as:

Totally contrary to even the natural law itself, and which, once accepted, would utterly destroy personal rights, private property, and rights of ownership of all, and even human society itself.²⁸

²² NZ Herald, 26 January 2016.

²³ See <http://www.theguardian.com/world/2010/jun/29/vietnam-economy-growth-finance-success>; Twenty years ago, Vietnam was one of the poorest places in the world. Now it is among the middle-income countries and attracts donors, too, banking some \$5bn a year in subsidies and loans from international agencies and Japan. Its ambition is to join the club of industrial nations by 2020.

The Vietnamese economy is weathering the current global financial crisis because of consumer spending, exports and a substantial flow of foreign direct investment (\$10bn to \$11.5bn a year). In 2009 the growth rate was 5.3% (down from 7-8% in previous years), though not without a stimulus package, equal to 10% of gross domestic product, adding a little more to the budget deficit. This year Vietnam should keep up with the leaders in south-east Asia, at about 6.5% growth.

²⁴ Vince Sherman, "Actually Existing Socialism in Vietnam," 8 January 2013; <https://return2source.wordpress.com/2013/01/08/actually-existing-socialism-in-vietnam/>; cf. "On the Road towards capitalism," *The Economist*, March 24, 2012.

²⁵ See Bill Hayton, *Vietnam: Rising Dragon*, (Yale University Press: 2010).

²⁶ Sherman.

²⁷ "Vietnam Communist Party Chief easily wins seat in key panel" NZ Herald, January 27, 2016.

²⁸ Pope Pius XI, encyclical, *Divini Redemptoris*, AAS, 29(1937), 9 November 1846; in *Codicis Iuris Canonici Fontes*, cura Emi Petri Cardinal Gasparri, editi, (Romae: Typis Polyglottis Vaticanis, 1923), vol. II, no. 504, 811. [Hereinafter *Fontes*]

The Communist Manifesto attacked the bourgeoisie family which is considered to be founded on capital and private gain. So in 1864, in another encyclical, *Quanta cura*, Pius IX condemned communism for attacking the family:

Not content with abolishing religion in public society, they desire further to banish it from families and private life. Teaching and professing these most fatal errors of Socialism and Communism they declare that "domestic society, or the family, derives all its reason of existence solely from the civil law..."²⁹

Pope Pius IX issued the *Syllabus of Errors*, 8 December 1864, attached to the encyclical *Quanta cura*. The Syllabus listed ten major errors in society. Fourth on the list was Communism and socialism.³⁰ Pope Leo XIII on 8 December 1878 issued *Quod Apostolici* his encyclical criticising Communism. Then on 20 April 1884, in the encyclical *Humanum genus*, Pope Leo XIII critiqued Communism and the Masons.³¹

1917 Code

Heretics, schismatics and apostates were excommunicated by canon 2314 which stated:

- §1 All apostates from the Christian faith and each and every heretic or schismatic incur by that fact excommunication.
- §2 Unless they [all apostates, heretics, and schismatics] respect warnings, they are deprived of benefice, dignity, pension, office, or other duty that they have in the Church, they are declared infamous, and [if] clerics, with the warning being repeated, [they] are deposed [sic].³²

When a person joined an organisation like a masonic sect they incurred excommunication. Canon 2335 stated:

Those giving their name to masonic sects or other associations of this sort that machinate against the Church or legitimate civil powers contract by that fact excommunication simply reserved to the Apostolic See.

If a cleric joined an organisation such as a masonic text canon 2336 applied:

- §1 If a cleric commits the delict mentioned in canons 2334 and 2335, besides the penalties established in those referenced canons, he can be struck with penal suspension or with privation of benefices, offices, dignities, pensions and responsibilities, if by chance he has any in the Church; religious likewise [suffer] the loss of office, of active and

²⁹ Pope Pius XI, encyclical, *Quanta cura*, 8 December 1864, – *Fontes*, vol. II, no. 542, 996.

³⁰ Ibid, 997.

³¹ Murphy, *Canonico-Juridical Status*, 49.

³² *Codex Iuris Canonici*, Pii X Pontificis Maximi iussu digestus, Benedict Papae XV auctoritate promulgatus, praefatione Petri Card. Gasparri et indice analytico-alphabetico auctus (Romae: Typis Polyglottis Vaticanis, 1917); English translation *The 1917 Pio-Benedictine Code of Canon Law*, Edward N. Peters (trans.), (San Francisco: Ignatius Press, 2001); hereafter the translation of the canons of the 1917 Code will be from this source.

passive voice, and other penalties according to the norms of the constitutions.

§2 Moreover, clerics and religious giving their names to masonic sects and other similar associations must be denounced to the Sacred Congregation of the Holy Office.

Apostasy is defined by canon 1325 §2³³ as a total rejection of the Christian faith.

Pope Pius XI (1922-1939) in 1924 attacked communism in an allocution.³⁴ Then in 1930 he directed that the Leonine prayers after mass be for the Church in Russia. The following year he issued the encyclical *Quadragesimo Anno*.³⁵ In it he attacked communism for its hostility to God and the Church.

In 1931, Pope Pius XI, promulgated the encyclical *Acerba Animi* in which he promoted education of the young against communist propaganda.³⁶ Eventually, in 1937, Pope Pius XI, devoted the whole of his encyclical *Divini Redemptoris*³⁷ to communism. He was very critical of communism and its propaganda:

Venerable Brethren, take the greatest precaution that the Faithful avoid these snares. Since Communism is intrinsically evil whoever wants to save Christianity and civilization from destruction must refrain from aiding it in the prosecution of any project whatever.³⁸

In the elections of 1948, Italy was in danger of becoming a communist country. Pope Pius XII warned the Bishops and the Christian voters about this reality. In response, the vice-president of the Communist party in Italy claimed that communists respected all religions.³⁹

Decree of the Holy Office 1949

Then on 1 July 1949, the Sacred Congregation of the Holy Office issued a decree answering the following questions concerning Communism:

- 1) Whether it is licit to join the Communist party or to favour it.
- 2) Whether it is licit to publish, propagate, or read books, periodicals, daily papers, or sheets which promote the doctrine or action of communists, or to write to them.

³³ Canon 1325 §2: After the reception of baptism, if anyone, retaining the name Christian, pertinaciously denies or doubts something to be believed from the truth of doctrine and Catholic faith, [such a one is] a heretic; if he completely turns away from the Christian faith, [such a one is] an apostate; if finally he refuses to be under the Supreme Pontiff or refuses communion with the members of the Church subject to him, he is schismatic.

³⁴ Pope Pius XI, allocution, 18 December 1924 in *AAS* 16(1924), 489-497;

³⁵ Pope Pius XI, encyclical, *Quadragesimo Anno*, 15 May 1931, *AAS*, 23(1931) 177-228.

³⁶ Murphy, *Canonico-Juridical Status*, 51.

³⁷ Pope Pius XI, encyclical, *Divini Redemptoris*, *AAS*, 29(1937), 9 November 1846 – *Fontes*, vol. II, no. 504, 65-106.

³⁸ Pope Pius XI, encyclical, *Divini Redemptoris*, *AAS*, 29(1937), 9 November 1846 – *Fontes*, vol. II, no. 504, 65-106; translation in Murphy, *Canonico-Juridical Status*, 55.

³⁹ Murphy, *Canonico-Juridical Status*, 58.

- 3) Whether the faithful who knowingly and freely do the acts mentioned in 1 and 2 can be admitted to the sacraments.
- 4) Whether the faithful who profess the materialistic and anti-Christian doctrine of Communists, and especially those who defend or propagate it, incur *ipso facto* as apostates from the Catholic faith the excommunication specially reserved to the Holy See.

The Eminent and Most Reverend Fathers who are in charge of the safeguarding of faith and morals, after hearing the opinions of the Reverend Consultors, in the Plenary session of Tuesday (instead of Wednesday) the 28 June 1949, decided to reply:

- 1) In the negative; for Communism is materialistic and anti-Christian; and the leaders of the Communists, even though they sometimes verbally profess that they are not attacking religion, in fact nevertheless by doctrine and action show themselves to be enemies of God and of the true religion and the Church of Christ.
- 2) In the negative; for they are forbidden *ipso iure* (cf. canon 1399 of the Code of Canon Law).
- 3) In the negative, according to the ordinary principles governing the refusal of the sacraments to those who are not properly disposed.
- 4) In the affirmative.

On the following Thursday, the 30th of the same month and year, His Holiness by Divine Providence Pope Pius XII, in the customary audience granted to the Most Excellent and Most Reverend Assessor of the Holy Office, approved the resolution referred to him by the Eminent Fathers and ordered that it be promulgated in the official Commentary, *Acta Apostolicae Sedis*.

Given at Rome, the 1st of July 1949.⁴⁰

Next, the Holy Office issued a Declaration concerning celebration of the marriage of communists:

It has been asked whether the exclusion of communists from the use of the Sacraments, prescribed by the Decree of the Holy Office of 1 July 1949, implies also exclusion from the celebration of marriage; and if not, whether the marriages of communists are governed by the provisions of canons 1060-1061.

On this matter the Holy Office declares: In view of the peculiar nature of the Sacrament of Matrimony, whose ministers are the contracting parties themselves and in which the priest acts as a witness *ex officio*, the priest

⁴⁰ Sacred Congregation of the Holy Office, declaration, 1 July 1949; in *AAS*, 41(1949) 334; English translation in T. L. Bouscaren, *The Canon Law Digest (CLD)*, (Milwaukee, The Bruce Publishing Co., 1955) vol. 3, 658-659.

can assist at the marriages of communists according to canons 1065 and 1066.

But in the marriages of the persons referred to in no. 4 of the aforesaid Decree, the provisions of canons 1061, 1102 and 1109 §3 are to be observed.

Given from the Holy Office, 11 August 1949.⁴¹

Then, in 1950, the Holy Office issued a *Monitum* concerning children involved in Communist associations:

Some associations have been set up, under the pressure and leadership, as everyone knows, of the Communist party, which have for their purpose to imbue boys and girls with principles and training which are materialistic and contrary to Christian morality and faith.

The faithful are therefore warned that such associations, whatever be the name under which they disguise themselves, are subject to the sanctions mentioned in the Decree of the Holy Office issued on 1st of July 1949.

1. Hence parents or those who stand in their place, who contrary to canon 1372 §2 and the above mentioned Decree of the Holy Office, turn their children over to the aforesaid associations to be trained, cannot be admitted to the reception of the sacraments.
2. Those who teach boys and girls what is contrary to faith and to Christian morals incur an excommunication specially reserved to the Holy See.
3. The boys and girls themselves, as long as they have been part of these associations, cannot be admitted to the Sacraments.

Given at Rome, from the Holy Office, 28 July 1950.⁴²

To incur penalties, one must join the Communist Party externally, deliberately and voluntarily.⁴³ Murphy gives in 1959, prior to Vatican II, two examples:

By way of example, two men, A and B are members of the Communist party in a country where membership itself is not considered as an external manifestation of accepting the Communist doctrine. A has entirely abandoned the faith and has become a devoted party man. He gives lectures on Communism, and writes articles for the Communist Press. He is active in all the Party's activities, and freely contributes his time and money to defend and propagate Communism. A obviously falls under canon 2314 §1.

⁴¹ Sacred Congregation of the Holy Office, declaration, 11 August 1949; in *AAS*, 41(1949) 427; English translation in *CLD*, vol. 3, 407-408.

⁴² Sacred Congregation of the Holy Office, *Monitum*, 28 July 1950; in *AAS*, 42(1950) 553; English translation in *CLD*, vol. 3, 660-661.

⁴³ Matthaeus Conte a Coronata, *Institutiones Iuris Canonici* (Taurini-Romae: Marietti, 1955) vol. 4, 290.

B, the other party member, is far from being a devout Catholic, but occasionally he does fulfil his religious obligations. However, he is occasionally seen at party meetings; he pays his dues and subscribes to the Party paper. He has not been heard to praise the efforts of the Communist leaders and the work the Party is doing. Nor is he loathe to associate with the leading Communists. In short, he has not performed actions which in themselves clearly amount to a profession of Communism. Hence in view of the considerations above, B would not fall under canon 2314. Nevertheless, his actions, associating with heretics, praising their methods and objectives, giving them material support have traditionally been considered as aiding in the propagation of heresy. Therefore, canon 2315 can be applied to B. This canon provides that the proper authority should warn such an individual to remove the causes of suspicion. (Canon 2307) If the warning proves fruitless, the suspected person must be forbidden to perform any ecclesiastical legal acts, according to canon 2256. If he is a cleric, he must be suspended *a divinis*, after a second warning has been left unheeded. If within six months the person has not removed the suspicion, he must be regarded as a heretic and subject to the penalties of canon 2314.

Because of the nature of circumstantial evidence upon which suspicions⁴⁴ are based, no hard and fast rule can be set down to distinguish violent suspicion from vehement suspicion. Each case must be examined and judged in the light of the circumstances of time and place, keeping in mind that violent suspicion is equivalent to moral certitude.⁴⁵

To incur the penalty of excommunication, under the 1917 Code, the person had to both gravely violate the law and act in defiance of the law, i.e. with contumacy. Ignorance, force and fear would be excusing causes preventing the reception of the penalty. Furthermore, Richard Murphy points out that

determining the basic canonico-juridical status of a person who merely joins the Communist Party has never been an easy task. The question was even discussed in pre-Code days. Nor can it be said that the Decree of the Holy Office issued in 1949 has settled the question.⁴⁶

Most significantly, the response of the Holy Office in 1949 did not say that those who join the Communist Party are excommunicated. However, the 1949 Decree of the Holy Office did forbid Catholics from joining the Communist Party.

Some argue that Communism is not a secret society like the masons and so merely joining does not incur the penalty.⁴⁷ Richard Murphy points out that authors such as

⁴⁴ Light suspicion is equivalent to rash judgment, vehement suspicion rests on effective signs, violent suspicion equates to moral certitude, cf. *Murphy, Canonico-Juridical Status*, 78.

⁴⁵ *Murphy, Canonico-Juridical Status*, 79-80.

⁴⁶ *Ibid.*, 85.

⁴⁷ A. Vermeersch, *De Prohibitione et Censura Librorum*, 2nd ed., (Romae, 1898), 62; Hyginus Ganzi, "Nomen Dantes Communismo," *Periodica*, 37(1948) 102-118.

Prummer, Cappello and Wernz-Vidal do not agree.⁴⁸ These authors argue that acting against the Church is sufficient to incur the penalty. Richard Murphy does admit that "generally speaking, it does not seem that joining the Communist party is an intrinsically evil act, or one that involves a denial of the faith."⁴⁹ In 1934, the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law answered this question:

Whether according to the Code of Canon Law persons who belong or have belonged to an atheistic sect are to be considered as regards all legal effects, even those which concern sacred ordination and marriage, the same as persons who belong or have belonged to a non-Catholic sect.

The reply was in the affirmative.⁵⁰

Because the philosophy of Communism is atheistic, it does not mean that Communism is an atheistic sect of the type envisioned by the Reply. Maroto says that to be an atheistic sect would require that the organisation profess atheism as its principle foundation.⁵¹ Lenin expounded clearly the Communist stance on religion:

The unity of that genuinely revolutionary struggle of the oppressed class to set up a heaven on earth is more important to us than a unity in proletarian opinion about the imaginary paradise in the sky. That is why we do not declare, and must not declare in our programme that we are atheists: that is why we do not forbid and must not forbid proletarians who still cling to the remnants of old prejudices to come into closer contact with our Party ... We must not allow the forces waging a genuinely revolutionary economic and political struggle to be broken up for the sake of opinions and drams that are of third-rate importance, which are rapidly losing all political significance, and which are being steadily relegated to the rubbish heap by the normal course of economic development.⁵²

Favouring the Communist movement

The 1917 Code made no mention of it being a crime to favour a group such as the masons. Canon 2335 stated:

Those giving their name to masonic sects or other associations of this sort that machinate against the Church or legitimate civil powers contract by that fact excommunication simply reserved to the Apostolic See.

⁴⁸ Murphy, *Canonico-Juridical Status*, 88-89.

⁴⁹ Ibid., 109.

⁵⁰ AAS, 26(1934), 494; CLD., vol. 2, 286-287.

⁵¹ Maroto, "Annotationes Super Responsis Die 30 Iulii 1934 Datis a Pontif. Commissione Ad Codicis Canones Authentice Interpretandos," *Commentarium pro Religiosis*, 337-346; referred to by Richard J. Murphy, Murphy, *Canonico-Juridical Status*, 116.

⁵² Lenin, *Religion*, (New York: International Publishers, 1933) 10; quoted in Murphy, *Canonico-Juridical Status*, 118.

F. X. Wernz pointed out that those who favoured apostates under the constitution *Apostolicae Sedis*⁵³ were excommunicated.⁵⁴ Coronata presents a traditional explanation of "favour".⁵⁵ One can assist by sins of omission or sins of commission. Sins of omission include those in office failing to stop the spread of heretical doctrines. Sins of commission include praising heretics, excusing them or giving them advice in their work.

Selling Communist literature

A particular problem arose in Italy after the Decree of the Holy Office in 1949. In some countries like Italy newspapers are bound by union regulations to carry all registered publications. Cardinal Ruffini, Archbishop of Palermo, asked the Holy Office about the situation of these newspapers who could have their licences revoked. The Holy Office responded that if newspapers were coerced by their union, then material cooperation could be tolerated and they could sell Communist literature.⁵⁶

Education of Youth in Communist Groups

The Communist Party often set up Front Organisations for the education of youth. The *Monitum* of the Holy Office in 1950 warned that its sanctions applied to all these organisations regardless of their names. Neither the parents nor the children involved in these organisations could receive the sacraments. Those who teach the children incur an automatic excommunication specially reserved to the Holy See. The Holy Office also stated in 1949 that it was forbidden to read or publish Communist books or magazines. Those who do so are not able to receive the sacraments. Canon 2318 §1 imposed an automatic excommunication on those who published books promoting the doctrines of heretics, schismatics or apostates.⁵⁷

Therefore, under the 1917 Code Catholics who professed Communism were considered apostates and excommunicated. They could not receive the Eucharist or be ordained or enter a religious novitiate, but they could marry in the Catholic Church. A person could only be refused ecclesiastical burial if that person's membership in the Communist Party was notorious. If a person favoured the Communist Party they were to be deprived of the Sacraments.

⁵³ *Fontes* III, no.552, par. Ll, no. 4.

⁵⁴ F. X. Wernz, *Ius Decretalium*, (Romae: Prati, 1914) vol. VI, 63.

⁵⁵ Coronata, 310; Murphy, *Canonico-Juridical Status*, 126.

⁵⁶ The response to Cardinal Ruffini's question is not in the Acta, but they are mentioned by Sima in his "Annotationes ad Decretum S. Officii de Communismo," *Apollinaris*, 22(1949), 62, no. 8. They are also given by Palazzini, *Casus Conscientiae*, (3 vols, Romae: Officium Libri Catholici, 1956), 11, *De Censuris*, 45; Murphy, *Canonico-Juridical Status*, 138-139.

⁵⁷ Canon 2318 §1: Publishers of the books of apostates, heretics and schismatics that propagate apostasy, heresy and schism incur by that fact excommunication specially reserved to the Apostolic See upon the publication being released, and likewise those defending these books or other prohibited by name in apostolic letters, [as do those who] knowingly and without required permission read and retain them.

Masonic comparison

Frederick Condon explains what happens when a (Catholic) candidate joins a Masonic Lodge and the implications of this:

He presents himself at a Masonic Lodge. He then strips himself of all articles, including crucifix and wedding ring, in preparation for the ceremony. He identifies himself as one who has spent his whole life (including his Christian formation and baptism) in ignorance and who now seeks the wisdom of Masonry, by which he intends to order his life hereafter. He affirms, under oath, both the freedom and sincerity of his actions. He undergoes a quasi-baptism. He passes an oral examination on Masonic teaching to demonstrate his total understanding of what he is doing and saying. This is a deliberate, external rejection of several fundamental teachings of the Catholic faith including: the salvific and necessary character of his baptism; the divine institution of the Church and her role as the recipient and interpreter of revelation; the sufficiency and necessity of the Christian faith for salvation. The denial of any one of these can be said to constitute an act of heresy. While the candidate may arrive at the Lodge door in genuine confusion or ignorance regarding the enduring canonical prohibition of joining a Masonic lodge qua society, he is nevertheless responsible for his words and actions in the course of the ritual of enrolment, in which he actively participates and attests to his understanding, and by which he rejects various teachings of the Catholic faith.⁵⁸

After Vatican II, many wondered if the Catholic Church had become more tolerant towards Freemasons. So, in 1974, Cardinal Seper, Prefect of the Congregation for the Doctrine of the Faith, wrote to some Episcopal Conferences stating: 'The opinion of those who hold that the aforesaid canon 2335 refers only to Catholics who enrol in associations which actually plot against the Church may be safely taught and applied.'⁵⁹ Consequently, a Catholic who joined the Freemasons is excommunicated only if the policies and actions of the Freemasons in his area are known to be hostile to the Church.

However, the status of Masons was clarified in 1983, when Cardinal Ratzinger, Prefect of the Congregation for the Doctrine of the Faith with the specific approval of Pope John Paul II, issued a *Declaration on Masonic Associations*, continuing the Church's condemnation of Freemasonry:

The faithful who enrol in Masonic associations are in a state of grave sin and may not receive Holy Communion ... the Church's negative judgment in regard to Masonic association(s) remains unchanged since

⁵⁸ Edward F. Condon, *Heresy by Association: The Canonical Prohibition of Freemasonry in History and in the Current Law*, (Washington D.C: Catholic University of America, 2015), 261-262

⁵⁹ Congregation for the Doctrine of the Faith, 18 July 1974, letter, in *CLD.*, vol.8, 1211.

their principles have always been considered irreconcilable with the doctrine of the Church and therefore membership in them remains forbidden.⁶⁰

1983 Code

Sometimes penalties are threatened in particular law for membership in an organisation on the basis that the organisation plots against the Church.⁶¹ Canon 1374 distinguishes between an "interdict" for someone "who promotes or directs" the organisation and "a just penalty" for "membership".

Some dioceses in Vietnam maintain that the penalty of excommunication applies for membership of the "party". In some dioceses Catholics are allowed to marry party members and in other dioceses Catholics are considered to be excommunicated if they marry members of the party. Penalties are supposed to be consistent across a territory.⁶² It is confusing and problematic for Catholics to cross a river that is a diocesan boundary and no longer be excommunicated. Like many political parties in the world, the Communist Party does not accept the existence of God and they promote abortion.

However, the Vatican has appointed its first diplomatic representative to the Vietnamese government formed by the party.⁶³ Since 2011 the Vietnamese government has accepted a "non-resident representative" of the Vatican which implies some diplomatic recognition. Also since 1996 the agreed process for appointment of bishops has involved the Vatican proposing a list of three names to the Vietnamese government which then chooses the one to be the bishop.⁶⁴

Becoming a member in the party does not involve taking an oath, but simply requires a person to have their name on a list. It is necessary to be a member to become a school principal or have some other jobs. All Catholic children go to these schools administered by party members. Canon 1318 stipulates that "a legislator is not to establish censures, especially excommunication, except with the greatest moderation and only for more serious offences." Catholics should not be members of the party, but whether membership warrants excommunication is another matter.

⁶⁰ Congregation for the Doctrine of the Faith, 26 November 1983 *Declaration on Masonic Associations* at www.vatican.va.

⁶¹ Canon 1374: A person who joins an association which plots against the Church is to be punished with a just penalty; however, a person who promotes or directs an association of this kind is to be punished with an interdict. English Translations of the 1983 by the Canon Law Society of America, http://www.vatican.va/archive/eng1104/_p53.htm.

⁶² Canon 1316: Insofar as possible, diocesan bishops are to take care that if penal laws must be issued, they are uniform in the same city or region.

⁶³ <http://www.cathnewsasia.com/2011/02/07/god-and-state-draw-closer-in-vietnam/> accessed 7 February 2011.

⁶⁴ Andrea Gagliarducci, Vietnam likely the model for deal between China and Vatican, <https://cruxnow.com/global-church/2016/11/03/vietnam-likely-model-deal-china-vatican/>, accessed 6 November 2016.

It is highly unlikely there has ever been a valid process⁶⁵ to apply the penalty of excommunication. Christ's faithful also have the right to have a case heard before a competent ecclesiastical forum.⁶⁶ In all penal cases the accused can ask to have the case heard before a tribunal. In fact canon 1425 §1 specifies:

the following cases are reserved to a collegiate tribunal of three judges:

2° penal cases: a) concerning delicts which can entail the penalty of dismissal from the clerical state; b) concerning the imposition or declaration of an excommunication.

While canon 1342 §1⁶⁷ allows for an extra-judicial decree by a bishop, canon 1342 §3⁶⁸ requires the ordinary to "hear" the person upon whom he proposes to impose the penalty. Thus there must always be some due process involved in any penal case. There should always be a preliminary investigation (canons 1717-1720), before any penalty is imposed or a precept is given.

Canon 1374 deals with a person joining an organisation that plots against the Church and simplifying the norm of law in canon 2335 of the 1917 Code. Canon 1374 states:

A person who joins an association which plots against the Church is to be punished with a just penalty; however, a person who promotes or directs an association of this kind is to be punished with an interdict.

Canon 1374 was added during the process for the revision of the Code at the request of the Congregation for the Doctrine of the Faith. Clerics and religious do not have to be denounced to the Holy Office. The canon distinguishes between simple membership which incurs a just penalty, and holding an office or promoting the organisation which incurs the penalty of an interdict. Both penalties are preceptive and indeterminate and are encompassed by canons 1344 and 1349. Whether the Communist Party plots against the Church in terms of this canon could be hard to prove.

Canon 1344 urges mercy and prudence towards an offender:

⁶⁵ Cf. Canons 1341 and 1342.

⁶⁶ Canon 221 §1 The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law.

§2 If they are summoned to a trial by a competent authority, the Christian faithful also have the right to be judged according to the precepts of the law applied with equity.

§3 The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.

⁶⁷ Canon 1342 §1 Whenever just causes preclude a judicial process, a penalty can be imposed or declared by extrajudicial decree; penal remedies and penances, however, can be applied by decree in any case whatsoever.

⁶⁸ Canon 1342 §3 What a law or precept states about the imposition or declaration of a penalty by a judge in a trial must be applied to a superior who imposes or declares a penalty by extrajudicial decree unless it is otherwise evident or unless it concerns precepts which pertain only to procedural matters.

Even if the law uses preceptive words, the judge can, according to his own conscience and prudence:

1° defer the imposition of the penalty to a more opportune time if it is foreseen that greater evils will result from an overly hasty punishment of the offender;

2° abstain from imposing a penalty, impose a lighter penalty, or employ a penance if the offender has reformed and repaired the scandal or if the offender has been or, it is foreseen, will be punished sufficiently by civil authority;

3° suspend the obligation of observing an expiatory penalty if it is the first offense of an offender who has lived a praiseworthy life and if the need to repair scandal is not pressing, but in such a way that if the offender commits an offense again within the time determined by the judge, the person is to pay the penalty due for each delict unless in the interim the time for the prescription of a penal action has elapsed for the first delict.

Therefore, the bishop or the judge can be flexible and lenient in dealing with an offender.

Furthermore, as provided for in canon 1349 a bishop or judge cannot impose a more severe penalty such as excommunication when the penalty is indeterminate:

If a penalty is indeterminate and the law does not provide otherwise, the judge is not to impose graver penalties, especially censures, unless the seriousness of the case clearly demands it; he cannot, however, impose perpetual penalties.

Therefore, all excommunications for communist party membership in Vietnam are doubtful and questionable⁶⁹ and probably invalid.

Clergy and Religious Sisters and Brothers membership of the Communist Party

Clerics and religious should not be involved in political parties. In the circumstances of a communist country it is clearly unbecoming and not appropriate for a priest to be involved in the Party. Canon 285 states:

§1 Clerics are to refrain completely from all those things which are unbecoming to their state, according to the precepts of particular law.

§2 Clerics are to avoid those things which, although not unbecoming, are nevertheless foreign to the clerical state.

§3 Clerics are forbidden to assume public offices which entail a participation in the exercise of civil power.

⁶⁹ Canon 18 Laws which establish a penalty, restrict the free exercise of rights, or contain an exception from the law are subject to strict interpretation.

Priests and religious have a religious mission and should be fully devoted to it. Priests and religious are representatives of the Church. They are to foster unity amongst the faithful and cannot be the servants of any particular ideology or political party.⁷⁰

Furthermore according to canon 287:

- §1 Most especially, clerics are always to foster the peace and harmony based on justice which are to be observed among people.
- §2 They are not to have an active part in political parties and in governing labour unions unless, in the judgment of competent ecclesiastical authority, the protection of the rights of the Church or the promotion of the common good requires it.

The canon law is clear. If a priest or religious becomes a member of the Communist Party, they could be given a precept⁷¹ to leave the Party within say a month or they will be suspended.

Before anyone receives a penalty such as an excommunication or a suspension, the person must be warned beforehand and given a chance to reform, as stated in canon 1347 §1: "A censure cannot be imposed validly unless the offender has been warned at least once beforehand to withdraw from contumacy and has been given a suitable time for repentance".

The warning is for validity, so any penalty imposed without a personal warning is invalid. Furthermore, no parish priest or assistant priest can impose a penalty on any member of the faithful. Any declarations by these priests saying that people are excommunicated are invalid and unlawful.

Papal Approaches to Communism

Since Vatican II, the Popes have pursued a very patient, conciliatory approach to dealing with the Chinese authorities. The tone of documents and statements are dramatically different to pre-Vatican II documents such as the 1949 Decree of the Holy Office.

The different approach is paralleled by the different approach of the Catholic Church to non-Catholics. Before Vatican II, protestants were described as heretics and schismatics. Now they are described as separated brothers and sisters. The Church now emphasises what we have in common with non-Catholics, rather than what separates us. Similarly there was the Declaration on the Relations of the Church to non-Christian Religions at Vatican II. Consequently, there is a completely different approach to dialogue with these religions. As well, the Declaration on Religious Liberty from Vatican II enshrined respect for the beliefs and views of other human beings.

⁷⁰ Vatican II, *Presbyterorum Ordinis*. 6.

⁷¹ Canon 49: A singular precept is a decree which directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law.

Pope John Paul II

Pope John Paul II was a key figure in the collapse of communism in Eastern Europe. He actively supported the Solidarity movement, but had vicious, personal struggles with the Communists in Poland.

In 1983 the Polish secret police decided to blackmail Pope John Paul II. They plotted to create a false diary of a deceased woman who used to work for the Archdiocese of Krakow. The contents were to show that she had an affair with the future pope. A diary was planted by an operative in the home of a priest, but the operative then got drunk, crashed his car and told the regular Polish police what he had done. Eighteen months later this operative was involved in beating to death the Solidarity activist Father Jerzy Popieluszko, and the disposal of his body in the Vistula River.⁷²

George Weigel claims that soviet bloc intelligence services attempted to manipulate some of the debates at Vatican II.⁷³ He claims that in Hungary, communists controlled the Church and they placed moles in places such as Vatican Radio and newspaper offices. At the Pontifical Hungarian Institute in Rome, eventually all the rectors and half the students were trained Hungarian secret service agents. Pope John Paul II kept Polish papers in the Vatican apartments away from prying eyes at the Secretariat of State. Finally, Weigel concludes that Vatican negotiations and compromises with communist powers have not been that beneficial to the Church.⁷⁴

Pope John Paul II had a policy of dialogue and seeking constructive progress in the relationship between the Catholic Church and Chinese authorities.

Matteo Ricci (1552-1610) was a Jesuit missionary in China. He became an official at the imperial court and entered into dialogue with Chinese culture.⁷⁵ In a message to the 2001 Matteo Ricci Convention, Pope John Paul II recalled what Ricci wrote from Beijing:

So today the Catholic Church seeks no privilege from China and its leaders, but solely the resumption of dialogue, in order to build a relationship based upon mutual respect and deeper understanding.⁷⁶

Pope Benedict XVI

Throughout his pontificate, Pope Benedict XVI was as conciliatory as possible towards the Chinese authorities. On 30 June 2007 he wrote a "Letter to Chinese Catholics" in which he said:

⁷² George Weigel, quoted by John Thavis in "US author cites new evidence of communism's 'war' with the church," 13 January 2011; <http://www.catholicnews.com/services/englishnews/2011/us-author-cites-new-evidence-of-communism-s-war-with-the-church.cfm>

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ "In interview, pope offers encouraging words to Beijing," www.ucanews.com/news/in-interview-pope-offers-encouraging-words-to-beijing.

⁷⁶ Cf. Fonti Ricciane, ed. Pasquale M. D'Ella, S.J., vol. 2, Rome 1949, no. 617, 152; Pope John Paul II, "Message to Matteo Ricci convention", 4.

It is no secret that the Holy See, in the name of the whole Catholic Church, and, I believe, for the benefit of the whole human family, hopes for the opening of some form of dialogue with the authorities of the People's Republic of China. Once the misunderstandings of the past have been overcome, such a dialogue would make it possible for us to work together for the good of the Chinese people and for peace in the world.⁷⁷

Pope Benedict XVI explained that

the appointment of bishops ... touches the very heart of the life of the Church, in as much as the appointment of bishops by the pope is the guarantee of the unity of the church and of hierarchical communion.⁷⁸

He pointed out:

Communion and unity...are essential and integral elements of the Catholic Church: Therefore the proposal for a church that is 'independent' of the Holy See in the religious sphere is incompatible with Catholic doctrine.⁷⁹

On the other hand Pope Benedict XVI conceded:

There would not be any particular difficulties with acceptance of the recognition granted by civil authorities on condition that this does not entail the denial of unrenounceable principles of faith and of ecclesiastical communion.⁸⁰

If a bishop confers episcopal consecration without a papal mandate, both he and the recipient are excommunicated according to canon 1382⁸¹ because of the rupture in ecclesial communion and discipline. Therefore,

The present college of Catholic bishops of China cannot be recognised as an episcopal conference by the Apostolic See: The 'clandestine' bishops...are not part of it; it includes bishops who are still illegitimate, and it is governed by statutes that contain elements incompatible with Catholic doctrine.⁸²

However, Pope Benedict XVI allowed concelebration:

Therefore, it is licit to concelebrate with bishops and with priests who are in communion with the Pope, even if they are recognised by civil authorities and maintain a relationship with entities desired by the state and

⁷⁷ Pope Benedict XVI, "Letter to Chinese Catholics", June 30, 2007, in *Origins*, 37(2007), no. 10, 147.

⁷⁸ *Ibid.*, 153.

⁷⁹ *Ibid.*, 151.

⁸⁰ *Ibid.*

⁸¹ Canon 1382 A bishop who consecrates someone a bishop without a pontifical mandate and the person who receives the consecration from him incur a *latae sententiae* excommunication reserved to the Apostolic See.

⁸² Pope Benedict XVI, "Letter to Chinese Catholics," June 30, 2007, in *Origins*, 37(2007), no. 10, 154.

extraneous to the structure of the church, provided – as was said earlier (cf. section 7 b) – that this recognition and this relationship do not entail the denial of unrenounceable principles of the faith and of ecclesiastical communion.⁸³

Pope Francis

Father Jeroom Heyndrickx, of Leuven points out that from the beginning of his papacy, Pope Francis has been committed to dialogue.⁸⁴ The pope wants closer relations — an encounter — with China: 'encounter is achieved through dialogue, we must find the way, always through dialogue, there is no other way'.⁸⁵

He even indirectly addresses a few words to people worldwide who might be afraid of China's growing influence on the world scene, telling them: 'Fear is not a good counsellor ... I would not be fearful', 'Let us walk together'.⁸⁶ And to those in the church who might be afraid of dialogue with China, he says: 'Dialogue does not mean that we end up with a compromise'.⁸⁷

He has continued this policy even though there are many struggles and failures concerning papal episcopal appointments in China. In 2016 there were eight illegal bishops in China, of whom three have been excommunicated. On the other hand, Bishops James Su Zhimin and Cosmas Shi Enxiang are in prison.⁸⁸ China would not let Pope Francis fly over Chinese territory on his way to a meeting with Asian youth in Korea in August 2014. However, he could fly over Chinese territory on his return flight.

Pope Francis can claim success with the appointments of bishops for Zhouzhi and Anyang dioceses in 2015 after two rounds of negotiations in 2014 that took place in Rome and Beijing, followed by a third round in Rome on January 25-26, 2015.⁸⁹

Conclusion

Cardinal József Mindszenty for over twenty years opposed communism in Hungary at great personal cost. Most would say his contribution was irreplaceable. Millions of Christians have suffered in Communist persecutions and have been martyred for the faith.

Many are suffering for their faith in China today. There is a power struggle between the Church and the Chinese authorities. Effectively, there is a *de facto* schism. On the

⁸³ *Ibid.*, 154.

⁸⁴ Jeroom Heyndrickx, "Vatican dialogue with China buoyed by pope's remarks," 5 February 2016, <http://www.ucanews.com/news/vatican-dialogue-with-china-buoyed-by-popes-remarks/75149>.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ "China, Vatican negotiate further on bishop appointments," February 3, 2016, <http://www.ucanews.com/news/china-vatican-negotiate-further-on-bishop-appointment>.

other hand, the Catholic Church has been in existence almost two thousand years longer than Communism, and can only be encouraged by the fate of Communism in Eastern Europe. The Holy See obviously wants to bring all bishops into full communion with the Catholic Church. Bishops are selected in various way in different countries. Some are selected by chapters. Other selections are covered by concordats and there has been the significant involvement of kings throughout history.

The Communist Party is different to the Masons. It has already been noted that the 1949 Declaration concerning Communism did not say that those who joined the Communist party were excommunicated. Joining the party, or having one's name on a party list does not involve a denial of the faith. A person can easily join without having any interest in or personal commitment to Communist doctrines. Also as Lenin made clear, the philosophy of Communism is not atheistic.

So, it is not possible to make a simple, blanket statement encompassing all Communists that one can or cannot be a member of the Communist Party. Qualifications need to be made about the implications of membership and what one does once becoming a member. If a person just had their name on a list, without any oath or other involvement; then being a party member could be justified in order to get a principal's job. After all, all Catholic children go to school and are taught by teachers. Teaching is very different to a job that involves spying on the church. Since the Vatican is negotiating to establish diplomatic relations with the Vietnamese government formed by the Party, it is not logical or warranted to excommunicate someone in Vietnam for merely joining the party without even taking an oath.

Reforming the Church by Hitting the Reset Button: Reconfiguring Collegiality within Synodality because of *sensus fidei fidelium*

Myriam Wijlens *

It is an honour and pleasure for me to speak at the 50th anniversary Conference of the Canon Law Society of Australia and New Zealand.¹ Five years ago in 2011 I also had the privilege to speak at your Conference and I do keep wonderful memories of the conversations as well as of the meetings with so many former class mates from our common time at Saint Paul University in Ottawa.

The Synods of Bishops held in 2014 and 2015 were not just Synods of Bishops on the family.² They were also and possibly above all events during which Pope Francis hit what might be called "the reset button" with regard to the interpretation of Vatican II. Something happened in the way faithful, bishops and Pope listened and interacted with each other in order to arrive at a decision. There was a reconfiguration in the interaction of the different protagonists leading to a transformation of discernment processes which will have a lasting impact on all decision making processes in the church.³ At the root of the ecclesiological gear shift lies Vatican II's new understanding of revelation: whereas the pre-Vatican II church had a rather christomonistic understanding of revelation according to which faith was transmitted in a hierarchical understanding, the council moved to a more Trinitarian one. In hitting the reset button, the new doctrines of Vatican II concerning ecclesiology and revelation were not only reconfigured into a new relationship on a mere theoretical level, but it also happened in particular on the level of the reception, that is on the level of implementing the council. A new phase in the reception of the council occurred. The different doctrines finally "all fell into place."

The resetting became obvious in actions and in words: in the way the synods on the family were conducted and in the address Pope Francis delivered as part of the commemoration of the 50th anniversary of the institution of the Synod of Bishops on

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¹ The lecture was given at the 50th Annual Conference of the Canon Law Society of Australia and New Zealand in Surfers Paradise, Gold Coast QLD, Australia on 6 September 2016. The present study contains some revisions of this lecture. The lecture style has remained.

² After the Synod on the Family Pope Francis issued the Postsynodal Apostolic Exhortation *Amoris Laetitia*.

Cf. https://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html.

³ A leading article in decision making and decision taking processes remains the study by Robert T. Kennedy, "Shared Responsibility in Ecclesial Decision-Making," *Studia Canonica* 14 (1980) 5-23.

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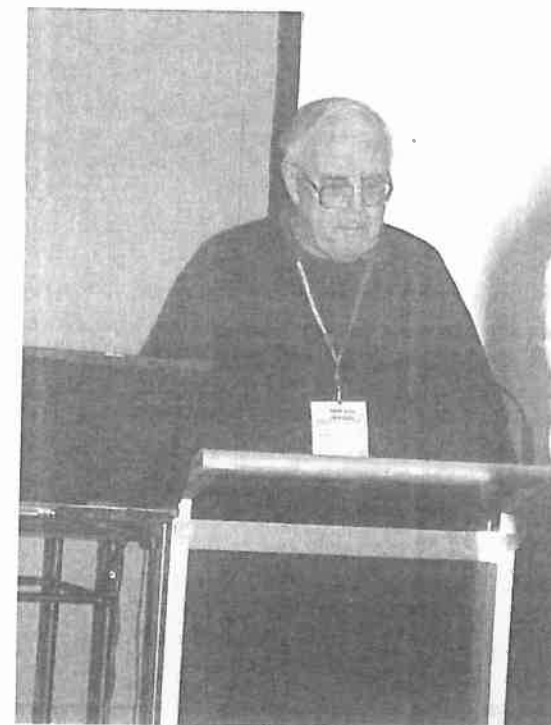
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is dedicated to the memory of

DAVID D PRICE

16 March 1940 – 3 February 2017

An honourable man, dedicated priest, pre-eminent canonist