



**Canonical Issues in Pope Benedict XVI's  
*Letter to the Catholic Church in China* (2007) –  
Continuation of Part Three**

**The Impact of Pope Benedict's *Letter* in the Catholic Church in China  
and in the Sino-Vatican Relations: A Critical Evaluation**

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Pope Benedict XVI's Letter to the bishops, priests, consecrated persons and lay faithful of the Catholic Church in the People's Republic of China, issued in 2007, is primarily theological and pastoral in nature. However, it contains also some important canonical issues such as, the (Chinese) state control over bishops and the so-called Bishops' Conference; the issue of the independence of the Catholic Church in China from political power, with the background of the open and underground groups; the appointment and ordination of Bishops; the formation of the clergy, the religious and the lay faithful; the work of evangelization; religious freedom and the continuous search for "dialogue" with the government, the impending review of ecclesiastical circumscriptions and provinces, the abolition of the extraordinary faculties or privileges conceded to date to the Church in China, etc. In the present study, these issues are systematically analyzed vis-à-vis the provisions of the Code of Canon Law and the current situation in China. The reader may find in these pages not only valid insights towards the solution of actual conflicts between the two polarized sides confronting the Catholic Church in China today – the so-called "open" and "underground" communities, but also some key elements to uncover hidden elements of the Letter and thus contribute to a better understanding of it.

**Keywords:** *Benedict XVI, Letter, Catholic Church in China, Canonical Issues, Bishops' Ordination*

## D. On The Letter's Effect in The Sino-Vatican Relations

What are effects of Pope Benedict's *Letter* in the relationship between the Vatican and China?

History records attest that China has cut off the diplomatic relations with the Vatican since the early 1950s because there were some different opinions or stands between them on the matter of "Catholic Religion." The conflict was labeled as "misunderstandings of the past." However, in recent years – especially in 2008, one year after Pope Benedict's *Letter* was released – the two sides recommenced a dialogue and relations seemed to have begun to improve. The two sides engaged in dialogue, aimed at seeking mutual understanding and overcoming problems mostly relating to the situation of the Catholic Church in the mainland. The dialogue, with its lights and shadows, continues and the Holy See hopes this dialogue may help both sides find mutually acceptable solutions and eventually open the path to diplomatic relations. Let us have a closer approach to this situation.

### 1. The Catholic Church's Stand

The Holy See has always been willing to establish diplomatic relations with the government of China. This willingness has repeatedly been shown by the Vatican and Roman Pontiffs in their official communications.

Such willingness is also underlined in the context of Pope Benedict's *Letter*. In fact, speaking on the issue of religious freedom, the Holy Father reiterates that the solution to the existing problems cannot be pursued via ongoing conflicts with the legitimate civil authorities, at the time that he confirms the traditional Vatican stand of the non-acceptability of unduly interference in matters regarding the faith and discipline of the Church.<sup>560</sup> And regarding some ecclesial aspects, the Pope acknowledges in his *Letter* the "painful situation of serious differences involving the lay faithful and their pastors" due to the role of "state agencies," in clear reference to the Chinese Patriotic Catholic Association. The Association – named only once in a note at the end – was set up by Communist authorities and it does not recognize the authoritative role of the Bishop of Rome. Bishops and faithful on their part do not recognize the Association as part of the underground Church, loyal to Rome.

The *Letter* recalls that the unity of the Church in individual nations necessitates that every bishop be in communion with every other bishop and that all, in their turn, are in visible and concrete communion with the Pope. "The whole of the Church which is in China is called to live and to manifest this unity in a richer spirituality of communion," states Benedict XVI. "Communion and unity,"

<sup>560</sup> "The solution to existing problems cannot be pursued via an ongoing conflict with the legitimate civil authorities; at the same time, though, compliance with those authorities is not acceptable when they interfere unduly in matters regarding the faith and discipline of the Church" (*Letter*, n. 4, par. 7).

the Holy Father adds, “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.”<sup>561</sup> Thus, “the claim of some entities, desired by the state and extraneous to the structure of the Church, to place themselves above the bishops and to guide the life of the ecclesial community, does not correspond to Catholic doctrine,”<sup>562</sup> the Pope concludes.

On the issue of the *appointment and ordination of bishops*, the stand of the Church is constant and clear. In his *Letter*, Pope Benedict denounces the ordination of bishops – “a very small number of them” – conducted by bishops of the Chinese Patriotic Catholic Association without the recognition of Rome. “These bishops,” the Holy Father explains, “are illegitimate, but validly ordained... Therefore, although not in communion with the Pope, they exercise their ministry validly in the administration of the sacraments, even if they do so illegitimately.”<sup>563</sup> And the Pope laments on the great spiritual deprivation this lack of communion means for the Church in China: “What great spiritual enrichment would ensue for the Church in China if, the necessary conditions having been established, these pastors too were to enter into communion with the Successor of Peter and with the entire Catholic episcopate!” It is then but logic that he expresses the desire to be completely free to appoint bishops, appealing even to the civil authorities for an agreement on the matter, in the light of some recent developments in the Church in China: “I trust that an accord can be reached with the Government so as to resolve certain questions regarding the choice of candidates for the episcopate, the publication of the appointment of Bishops, and the recognition – concerning civil effects where necessary – of the new Bishops on the part of the civil authorities.”<sup>564</sup>

Given the difficulty of the Church’s authorities in the ongoing Sino-Vatican dialogue and the unlikely change of perspectives on the part of the Chinese government, one could legitimately ask whether the stand of the Church on the mentioned issues could be changed! Obviously Pope Benedict does not say in his *Letter* that some things are not negotiable; he, with the capacity and authority as the supreme pastor of the universal Church, simply elaborates the ‘ecclesiastical doctrine’ on the nature, structure, and mission of the Church as it has been believed and proclaimed for the last two thousand years. Hopefully this *Letter* to Catholics in China can help clarify some misunderstandings, as Cardinal Paul Shan pointed out, and let people know that regarding religious beliefs and dogma there is no room for the Church to compromise; but that regarding other technical issues other than dogma, negotiation is always possible.<sup>565</sup> In this sense the message of the *Letter*, which,

<sup>561</sup> *Letter*, n. 8, par. 3.

<sup>562</sup> *Letter*, n. 7, par. 5.

<sup>563</sup> *Letter*, n. 8, par. 12.

<sup>564</sup> *Letter*, n. 9, par. 3. Reported by Zenit ([Zenit.org](http://zenit.org)), from Vatican City, on July 1, 2007: *Benedict XVI calls for unity and reconciliation for the Catholic Church in China in a letter sent to the faithful of that country*. Cf. <http://zenit.org/article-20018?l=english>.

<sup>565</sup> Cf. Cardinal Shan, “A sharing after reading the Papal Letter,” in *Christian Life Weekly* (8 July 2007), p. 12.

according to a Vatican spokesman, “could not have been more clearly, nor better expressed in the framework of a profound presentation of the nature and mission of the Church,” may be truly “a sign of a new beginning” for Vatican-China relations, and its positive effects be seen in time. To begin with, it displays serenity and respect, though not negating the objective problems, and the Holy Father’s words “were not accusatory, but rather intent toward a future of reciprocal understanding, in distinguishing plans and in speaking about political and religious responsibilities.”<sup>566</sup>

The Vatican works for a soon agreement with the Chinese Communists, but the latter do not seem to be in any hurry. On the contrary, their unwillingness to acknowledge the Pope as a valid or legitimate authority for the Chinese Catholics is everyday more patent. So there is no much sign showed by them that an agreement is around the corner; more time is needed and a new way of thinking, too. The stand of the Holy See is transparent: Out of concern for the millions of Christian faithful in Communist China, she feels the urgency to continue promoting the dialogue with the Chinese Government – in spite of the back steps brought about by the ongoing unrelenting religious persecution, lack of religious freedom and illegal ordinations of bishops that from time to time take place – and in order to get her goal, she is willing to take even the very painful step of severing relations with Taiwan and moving the Nuncio from Taipei to Beijing, if necessary. If this event ever happens, the Holy See would have to explain to the faithful of Taiwan that it is not a betrayal, but a necessity imposed by circumstances.

Pope Benedict XVI also stated that legitimate authorities deserve recognition and the cooperation from the Catholic Church in striving for a better society and for human justice. In the past, some analysts attributed the tension between the Church and the State to the contradiction between believers and atheists. In his *Letter*, however, Pope Benedict pointed out that the nature of the State, even though it may be atheist, is not a problem. Here he cited his own words in the encyclical *Deus Caritas est* to elaborate a balance. On one hand, “the Church cannot and must not take upon herself the political battle to bring about the most just society possible. She cannot and must not replace the State.”<sup>567</sup> On the other hand, he also stressed, “The Church cannot and must not remain on the sidelines in the fight for justice. She has to play her part through rational argument and she has to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper. A just society must be the achievement of politics, not of the Church.”<sup>568</sup>

## 2. *The Chinese Government’s Stand*

In addition to the articles of the national Constitution with deal with religions and religious matters, the Chinese communist government has issued

<sup>566</sup> Federico Lombardi, SJ, Director of the Vatican Press Office, *China Letter, a New Beginning*. Reported by Zenit.org, Vatican City, July 9, 2007. In <http://zenit.org/article-20086?l=english>.

<sup>567</sup> *Letter*, n. 4, par. 6a.

<sup>568</sup> *Letter*, n. 4, par. 6b. Cf. A. Lam-Sui-Ki, *Now we await China’s Response: An Evaluation of the Effect of the Papal Letter on Sino- Vatican Relations. China and Christianity: A New Phase of Encounter?* Edited by F. Wilfred, E. Tang and G. Evers, SCM Press, London, 2008, p. 107.

through the years some special documents on religious policies in China. Among the most significant ones are documents Number 19 (1982), Number 6 (1991, titled *Strengthening Catholic Church Work in the New Situation*) and Number 4 (2004, *Regulations on Religious Affairs*).

1982 was particularly important in this regard, for it was in that year when, under the leadership of Deng Xiaoping, Document 19 and the newly revised Constitution were issued. The former contains the first definitive regulation on religions and religious policies after churches were allowed to reopen; and the latter includes some relevant provisions on religious freedom, particularly in Articles 35 and 36. Indeed Article 36 seemingly guarantees the freedom of religious belief to all citizens of the People's Republic of China:

Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

In the last thirty years, the regime's control over religion – and over the Catholic Church in particular – fluctuated between periods of relaxation and periods of tightening. The alternate mode had to do with internal power struggles. The paramount concern of the regime has always been total control and submission. Even when it relaxes its grip on religion, the regime does so only to safeguard its control. Since then there has been little further progress in the field of religion.<sup>569</sup>

Asked about the effects of Pope Benedict's *Letter* on the relations between the Vatican and the Chinese government, Qin Gang, a Foreign Ministry official, responded: "We have taken note of the Letter released by the Pope. China has always stood for the improvement of China-Vatican relationship and made positive efforts for that. China is willing to continue candid and constructive dialogue with Vatican so as to resolve our differences." Qin also reiterated China's position that improving China-Vatican ties still has two conditions: the Vatican must sever its so-called diplomatic ties with Taiwan and recognize the People's Republic of China as the sole legitimate government representing all of China, and it shall never interfere in China's internal affairs, including in the name of religion. "We hope the Vatican side takes concrete actions and does not create new barriers," he added. These declarations are much in accordance with a Chinese government's religious policy that states: "The Catholic Church in China must implement a policy of autonomy: self-support, self-management and self-propagation whereby Chinese Catholics, cleric and lay,

<sup>569</sup> Gianni Criveller, PIME, "China and the Catholic Church, the Country is Changing not the Regime" in AA. VV., *Birds in the Cage, Freedom of Religious Belief in China*, published by the Hong Kong Catholic Diocese, English edition, Hong Kong, 2004, p.48.

take charge of their own affairs, and no longer act contrary to the interests of their country. The government must not allow rival forces from the outside to use religion to infiltrate China. No organization, group or individual from outside China can interfere in China's religious affairs. No foreign religious organization or individuals may set up religious organizations, establish religious institutes and religious venues, found religious schools or convert Chinese citizens to their beliefs, appoint clergy or engage in missionary activities."

The Chinese government permits religious practice in the country only with recognized personnel and in places registered with the Religious Affairs Bureau, and always under the control of the Patriotic Association, whose Statute includes the establishment of a national Church separated from the Holy See. The underground church is still considered by the Chinese communist government as an illegal group.

Many are those who believe that the reason why the Chinese Government formulated the policies on freedom of religious belief was not really to protect the religious freedom of its citizens, but out of expediency to achieve the goal of its political struggle. The Church in China, due to its "foreign colours" and the relationship between the Vatican and the Kuo-Ming-Tang (KMT, Taiwan), was unacceptable to the Chinese government. The Church, with its foreign bishops and missionaries, was often linked to Western imperialism.<sup>570</sup>

China's foreign ministry commissioner, Lu Xinhua, urged the former bishop of Hong Kong, Cardinal Joseph Zen Ze-kiun, to "persuade the Vatican to accept the conditions of the Chinese government to establish diplomatic ties in a correct and comprehensive manner, respecting the 'one-China' principle by severing ties with Taiwan and not using religion to meddle in its internal affairs." Cardinal Zen responded in a note that he was "bound to do whatever is beneficial for my nation. However, if Beijing's position is to take over the authority of the ordaining of bishops, and to maintain a Patriotic Association that surpasses the bishops, these would do no good at all to the country, and would not be accepted by the majority of the clergy and the [Chinese] faithful."<sup>571</sup>

### 3. *On-going Dialogue*

With its ups and downs, the dialogue between the Vatican and Peoples Republic of China's government goes on in an attempt to look for ways to establish diplomatic relations between them. Many thought, quite naively we should say, that with Pope Benedict's *Letter to China* both the right moment had finally arrived for the realization of such dream. But such initial enthusiasm was contrasted by the sharp reality: both institutions, the Church and the Chinese authorities, continued

<sup>570</sup> AA. VV., *Birds in the Cage, Freedom of Religious Belief in China*, op. cit., p. 7.

<sup>571</sup> "China Overstepping on Ordinations, says Cardinal. Prelate Responds to Government Plea to Prevail Upon Vatican," Hong Kong, May 11, 2006 (Zenit.org)- ZE06051102 - 2006-05-11 in <http://www.zenit.org/article-15991?l=english>.

to be unmoved in their respective demands as conditions *sine qua non* for the normalization of their mutual relations. The Chinese government on its part, despite its “desire” to establish diplomatic relations with the Holy See,” has not altered its long-standing position that, as a precondition to negotiations, the Vatican must both renounce a papal role in the selection of bishops, and break relations with Taiwan.

In order to break what is foreseeing as an unending impasse in the Sino-Vatican relations, some pragmatic piece of advice has been forwarded, namely, “Establish relations first and then work out the details!” Yet the wisdom of such principle has first to be proven before it is put into practice. In fact, it seems essential for the long term to work out the details before establishing relations in order to insure that no principles have been compromised. Special *ad hoc* committees are currently working along this line.<sup>572</sup>

An unending set of questions in this regard need to be answered, such as: *What are the implications for the future of the unregistered churches if China and the Holy See set up diplomatic relations? How will their particular brand of fidelity be legitimately recognized? What are the implications for the Church in Taiwan which has been faithful and supported the papacy throughout these long years? Would the Vatican simply cast aside its formal, though limited, ties with Taiwan? Could the government of China be somehow convinced that the mission of the Church is totally religious and not political? Can China understand this kind of language where everything seems to harbour political overtones?*

The Chinese civil authorities must indeed be convinced that a Church independent of government surveillance and control can work in favor and not against national stability. This will not be an easy task. The Church in China will survive with or without diplomatic relations, but such relations, mutually satisfactory to both sides, would facilitate matters considerably. The fact that Pope Benedict XVI so early in his pontificate has already made overtures to China shows the willingness of the Church to reopen the dialogue.<sup>573</sup>

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<sup>572</sup> For instance, a Commission was established in 2007 by Pope Benedict XVI to study the major issues regarding the Church in China. This commission, “constituted by the heads of the dicasteries of the Roman Curia with competence in this area and by representatives of the Chinese episcopate and religious congregations,” has held several meetings, the first of them on March 10-12, 2008, having the Pope’s May 27, 2007 *Letter to Chinese Catholics* as its theme. Two subsequent gatherings –on March 30-April 1, 2009 and March 22-24, 2010– examined “the topic of human, intellectual, spiritual and pastoral formation of seminarians and consecrated persons and the permanent formation of priests;” a plenary session held on April 11-13, 2011 was devoted to “the pastoral situation of the ecclesiastical administrations in China, with particular reference to the challenges that the Church meets in incarnating the Gospel in the present social and cultural conditions.” Cf. *Vatican Commission to Discuss Challenges in China*, Zenit, ZE11041006 - 2011-04-10. Vatican City, April 10, 2011. Permalink: <http://www.zenit.org/article-32282?l=English>.

<sup>573</sup> Betty Ann Maheu, MM, *The Catholic Church in China: Journey of Faith, an Update on the Catholic Church in China*, 2005.

Explaining the desire of the Holy See to have diplomatic relations with China, former Holy See foreign minister Archbishop Giovanni Lajolo said that China is estimated to have from 8 to 18 million Catholics, adding that “Given such a multitude of faithful, the Pope wishes to have his representatives there in order to take care of their pastoral needs.” “The Chinese government under certain conditions would be ready to accept a representative of the Pope as an apostolic Nuncio [ambassador].” The Holy See, for its part, sets a preliminary condition for sending an apostolic Nuncio – the freedom of the Pope to appoint bishops. “Certainly the role of the apostolic Nuncio would be beneficial in safeguarding religious freedom,” Archbishop Lajolo concluded. According to the governor of the Vatican City state, the real obstacle comes from the Chinese government, which is not yet willing to stop its interference in the appointments of Catholic bishops.

This issue of the selection and election of bishops is truly central in the ongoing Sino-Vatican dialogue. With regard to it, some progress, although not necessarily through official channels, has been made since the large majority are already in union with Rome, but so crucial an aspect of Church tradition must be carefully worked out and openly legitimized. However, recent events related to illicit ordinations in China and political pressures put by civil authorities on Catholic prelates have hindered the Sino-Vatican dialogue. The Holy See follows with attention the troubled path of the Catholic Church in China and hopes that similar deplorable episodes by now would belong to the past. She considers that now, it is her precise duty to give voice to the suffering of the entire Catholic Church, in particular to the Catholic community in China and especially to the bishops and priests who were seen obligated, against conscience, to take part or to participate in the episcopal ordination, which neither the candidates nor the consecrating bishops want to carry out without having received the pontifical mandate. If the news is true that other episcopal ordinations are to take place in the same manner, the Holy See would like to underline the need for respect for the liberty of the Church and for the autonomy of her institutions from whatever external interference, and sincerely wishes that such unacceptable acts of violence and inadmissible constrictions are not repeated.<sup>574</sup>

China and religious freedom have been ever present on Benedict XVI’s agenda since the very beginning of his pontificate. Some burning issues have been brought up and clarified by Pope Benedict XVI in his *Letter*, but it is probable that more specific questions (e.g., on the unity of the Church, the dealing with illicit ordinations and with the Patriotic Association, etc.) will still need further elaboration. But the Pope expresses repeatedly his hope and trust that, through dialogue, all these questions can be clarified and agreed upon. As a concrete example, the Pope cites the new divisions of dioceses which were introduced by civil authorities over the past fifty years but have previously never been agreed upon with Rome; he says that these can be discussed whenever opportune and helpful.<sup>575</sup>

<sup>574</sup> Vatican City, May 4, 2006 (Zenit.org) in <http://www.zenit.org/article-15922?l=english>.

<sup>575</sup> Cf. J. Heyndrickx, “Pastoral Directives of Pope Benedict XVI for China.” *The Atlantic* (May



Some within the Church feel that the Vatican should not open up to diplomatic relations with Beijing until the Church does not enjoy full religious freedom, free from the Patriotic Association's oppression. Others suggest opening relations with China and slowly annulling the negative influence of the Association. Nevertheless, for an in-depth dialogue between the Holy See and the Chinese government, prudence is necessary to achieve progress.

The Holy See has on various occasions stressed her willingness for honest and constructive dialogue with the competent Chinese authorities for the purpose of finding a solution that would satisfy the needs of both parties. Her will to continue on the journey of a respectful and constructive dialogue with the governing authorities in order to overcome past difficulties is reaffirmed. The Chinese government for its part has also been sending positive signals to up a dialogue with the Vatican.<sup>576</sup> Moreover, the hope has been expressed that normalization of relations on all levels would come to pass in order to allow a peaceful and fruitful life of faith in the Church and to work together for the good of the people of China and peace in the world.

#### 4. *The Longing for Reconciliation*

As a result of the sufferings and wounds caused by the division of the Catholic Church in China, most members of both open church and underground church have realized the harm of the division and have seen reconciliation as necessary for the good of the Chinese people, the unity and solidarity of the Catholic Church in China, the "communion and development" of both church communities, and the "glorious relations" between China and the Holy See. This is one of the main purposes of Pope Benedict's *Letter to China*: to reconcile all with one another because all are brothers and sisters in Christ. Reconciliation is not an impossible dream, but there is still some distance. In his letter, the Pope said: "We all realize that this journey cannot be accomplished overnight, but be assured that the whole Church will raise up an insistent prayer for you to this end."<sup>577</sup>

In reality there is only one Catholic Church in China, consisting of two communities which increasingly overlap and inter-relate. Catholics in both communities are "patriotic" in the best sense, and also live in considerable tension with state regulation, not at the level of the hearts and minds of the faithful. After many years of forced separation in China, the Catholic Church in fact is now only

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16, 2011), in <http://www.theatlantic.com/magazine/archive/2007/07/pastoral-directives-of-pope-benedict-xvi-for-china/6075>.

<sup>576</sup> It is no secret that the Chinese Government for some time now has been sending positive signals to up a dialogue with the Vatican, above all to present to the world in occasion of the Olympics (08-08-2008) "a great nation" modern and free. However it has to take into account the hard fringe elements of the Party – and the Patriotic Association – that are against the re-establishment of diplomatic relations. Cf. "The Pope prepares a letter to China's Catholics," Vatican City (*AsiaNews*), 01/20/2007, in <http://www.asianews.it/index.php?l=en&art=8287>.

<sup>577</sup> *Letter*, n. 6.

one –the immense majority want to be united with the Pope. This is certainly how the Vatican sees it, and it can be presumed that the cornerstone of both Vatican and China Forum policy toward the Chinese Catholic Church must be reconciliation between the two communities. Obviously, this will be no simple matter given the divergent paths taken by them in response to State controls, and the sufferings both sectors have undergone in their respective ways.

The bitter division has pitted those who chose to worship under the supervision of the government and those who refused to do so. During the past twenty years, the two sides have gradually moved away from mistrust and bitter accusations to an attitude of understanding respect and to concrete acts of cooperation and genuine efforts at reconciliation. The dividing lines between the two are becoming increasingly blurred. Fidelity to the Holy See has become less of an issue since the Pope has legitimized most bishops in the Open Church and a number of new ones are being ordained with his approval. For an ever-growing number of clergy, sisters and ordinary Christians, the division does not make much sense anymore. Many, in a courageous and prophetic manner, act as bridges between both sides of the Church. Pope John Paul II has made repeated pleas to the Catholics of China to display toward one another “a love which consists of understanding, respect, forbearance, forgiveness and reconciliation.” In many ways, a complete normalization of diplomatic relations between China and the Vatican cannot happen unless reconciliation first occurs within the Chinese Catholic Church itself.<sup>578</sup>

What is lacking for full reconciliation? Cardinal Zen, the emeritus Bishop of Hong Kong said: “As always, the obstacle is the control exercised by the party. The official Chinese Church is made up of two great structures, the Episcopal conference and the Patriotic Association of Catholics, which in fact is the long arm of the Communist Party to control the Church. For the past two years, the Episcopal conference has been without a president; after the death of the incumbent, they have been unable to find one they can ‘trust.’ The head of the Patriotic Association, Bishop Michele Fu of Beijing, is sick and above all is much discredited in the eyes of the faithful. In a word, the two structures are without a head. The one in charge is Mr. Liu Bai Nie, the executive secretary of the Patriotic Association. But he is a boss who runs the risk of being left without a following. Many bishops, appointed by the Beijing government, had no peace of heart and wanted to be recognized by the Holy See. Beginning in the ‘80s, Pope John Paul II, with great generosity, accepted such petitions. At present 85% of the episcopate of the official Chinese Church has been legitimized by the Vatican. Now the bishops that are not approved by Rome feel marginalized; they are rejected by the clergy and the faithful. The novelty is that, whereas in the past the bishops already appointed by the government requested papal approval, now the candidates to the episcopate of the official Church are concerned about being appointed by the Holy See. It is an interesting situation, but not lacking

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<sup>578</sup> Jean-Paul Wiest, *Understanding the Roman Catholic Church in China*. Presentation made at the French Centre For Research on Contemporary China, Hong Kong, June 20, 2002.

in risks, as the candidate chosen by the government is not always the Vatican's ideal name."<sup>579</sup>

Looking to the future for a possible and real reconciliation inevitably also means there must be a purified look at the past: the different choices which were made in the past, although deeply felt, cannot become an insurmountable obstacle in the path of communion today. All the more so since a good part of the past was marked for both communities by common suffering and martyrs for the faith. To surpass the wounds of the past seems the only way for a journey of reconciliation and unity: "Ancient wounds – above all those of a psychological or spiritual nature – do not heal quickly and the pain can persist for years. But we must try not to brood endlessly over this pain and mull over past sufferings. No matter how human and understandable this may be, to continue to nourish the feeling of being a victim serves only to obstruct every effort for the reunification of the Church in China [...]. The great pastoral priority of the Church in China must be to try everywhere, with much patience and understanding, to overcome the events of the past and pursue the unity that is crucial for the Church. Building unity is a great challenge for each local Church, if she truly wants to be the Church of the Lord Jesus Christ."<sup>580</sup>

For reconciliation above all, pastors are needed who clearly and frankly "take more concrete steps towards the unity of the Chinese Catholic Church," as the unofficial young bishop of Lanzhou (Gansu province), Mgr. Giuseppe Han Zhihai, declared in a letter of 2003 to his brothers in the episcopate: *In fact the communion of the Catholic Church in China will pass above all through the hierarchical communion of her bishops.* In this letter we hear a heartfelt appeal to overcome the burden of the past: "Let us free Chinese Catholics from this ambiguous situation of division. The often repeated wish of the Pope [...] encouraging us to reconcile makes us understand that earlier Church documents discouraging joint Eucharistic celebrations of unofficial and official Catholics do not apply any more to our faithful when they attend the Eucharist of a bishop or priest who has declared clearly his unity with the Holy Father and the Universal Church because it is Eucharist that fosters unity. We must admit the fact that a new situation is emerging for the Church in China, which calls us to take new initiatives. I therefore suggest to my brother bishops and priests – of the unofficial as well as the official Church communities – to take more concrete steps towards unity in the Chinese Catholic Church. Let us all – bishops and priests – make clear to our congregation of faithful that we are in unity of faith with the Holy Father and with the Universal Church so that we all know clearly of each other where we stand. Then we can peacefully but courageously proceed to meet with each other and celebrate in the Eucharist our unity in Christ and in one and the same Father. This is what the Lord Jesus prayed for and what our Holy Father expects from us all.

<sup>579</sup> *In China, "Catholics Are Winning." Interview with Bishop Joseph Zen Ze-kium, Hong Kong, Jan. 8, 2006 (Zenit.org) <http://www.zenit.org/article-14946?l=english>.*

<sup>580</sup> J. Heyndrickx, *Chine et Eglise catholique. A la recherche d'un dialogue honnête et vrai, Courrier Verbist*, 20 (December, 2008), p. 13. Also published in *Eglises d'Asie*, 501 (2009), pp. 23-27.

I trust that, if we have the courage and generosity to do that, renewal will happen in the Chinese Church.<sup>581</sup>

The fact remains that a necessary realism means one has to discern case by case the real good of local Churches. According to the authoritative opinion of Cardinal Zen, who knows the internal situation of the Church in China very well, the time is not yet ripe for a total fusion between the two communities. “The present context is not favorable for a total fusion: if underground Catholics today officially came out of clandestinity, they would immediately come under the control of the government. And this is what the Patriotic Association hopes for [ ... ] the diocese must be guided directly by the bishop, not by a political authority. Now, the so-called “official” bishops have not yet a sufficient margin of manoeuvre to defend themselves. They are nearly all in communion of heart with the Pope, but they still cannot unite in a single structure. The bishops of both sides cannot meet, and they will have to live in this way for some time yet. Sincerely, I am very confident of a total union of the Church in China, but realism and experience tell me that time is still needed for a solid reconciliation.”<sup>582</sup>

Pope Benedict laments in his *Letter* the fact that members of the Catholic communities in China – especially bishops, priests and consecrated persons – “are unfortunately not yet allowed to live and to express fully and visibly certain aspects of their belonging to the Church and their hierarchical communion with the Pope, since free contact with the Holy See and with other Catholic communities in various countries is ordinarily impeded.” He acknowledges, however, as a positive element that “in recent years the Church has enjoyed greater religious freedom than in the past.” “Nevertheless,” he continues, “it cannot be denied that grave limitations remain that touch the heart of the faith and that, to a certain degree, suffocate pastoral activity.” In this regard, the Pope renews his earnest wish that “in the course of a respectful and open dialogue between the Holy See and the Chinese Bishops on the one hand, and the governmental authorities on the other, the difficulties mentioned may be overcome.”<sup>583</sup>

In the same vein, the Pope mentioned that work of unity, communion and reconciliation, which only the Spirit of Christ can accomplish today and complete in the future, that have to be made manifest and effective both within individual communities and in relation between different communities. Such communion of faith and life with all the Catholic communities throughout the world shows what it means to be Catholic. Pope Benedict praises those communities in mainland China

<sup>581</sup> G. Han Didhai, *Letter to my friends*, *Asia News*, 8 (2003), pp. 25-26.

<sup>582</sup> G. Fazzini, *Dopo la Lettera del Papa, ecco cosa cambia. Intervista al cardinale Joseph Zen*, in Malovic, D., *Senza diplomazia. Il cardinale Zen, vescovo di Hong Kong, e la Cina comunista*. San Paolo, Cinisello Balsamo, 2008, p.104.

<sup>583</sup> *Letter*, n.12, par. 2.

which in spite of the relentless difficulties in which they move have been and still are eloquent witness of faith and pastoral initiative. These are his words: "I am well aware that the diocesan and parochial communities, spread over the vast Chinese territory, demonstrate a particular liveliness of Christian life, witness of faith and pastoral initiative. It is consoling for me to note that, despite past and present difficulties, the bishops, priests, consecrated persons and lay faithful have maintained a profound awareness of being living members of the universal Church, in communion of faith and life with all the Catholic communities throughout the world. They know in their hearts what it means to be Catholic. And it is precisely from this Catholic heart that the commitment must likewise issue forth to make manifest and effective, both within individual communities and in relation between different communities, that spirit of communion, understanding and forgiveness which is the visible seal of an authentic Christian life. I am sure that the Spirit of Christ, just as he helped the communities to keep the faith alive in time of persecution, will today help all Catholics to grow in unity."<sup>584</sup>

Many members of both communities (Open Church and Underground Church) are well aware that they share one same faith and one same Church – Catholic and Apostolic Church. In some areas of mainland China, members of both communities are jointly doing evangelization work together. They are willing to be united with the universal Church and with the Holy See, especially after the release of Pope Benedict XVI's *Letter*. Yet the relations nowadays between both communities are very indistinct and complex, so much so that a complete work would be required to accurately describe the state of these relations, on account of China's vastness and the complexity of local situations.<sup>585</sup>

Although it is true that the "underground" community is the most scourged by persecution, it must not be thought that for the official community the situation is rose-colored. The latter also suffers limitations in its activity, as is the case of any religious presence in China. In fact, in different ways, penury of means, lack of personnel, difficulties in resisting the speed of changes of the age, which China is going through, are elements that unite the faithful of the two communities.<sup>586</sup> Beyond this, in both communities there seems to be a great desire for reconciliation and unity, despite the internal difficulties that afflict different dioceses.

The much longed reconciliation is called to be the key to solve the on-going internal conflict between underground church and open church, and a giant step in the establishment of the diplomatic relations between China and the Vatican.

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<sup>584</sup> *Letter*, n.12, par.1.

<sup>585</sup> E. Docornet, *La Chiesa e la Cina*, Jaca Book, Milano 2008, p. 90.

<sup>586</sup> Cf. *Future of Christians in China* (Part 1). Interview with Italian Journalist Gerolamo Fazzini, October 14, 2005. Reported by Zenit (Zenit.org). In <http://www.zenit.org/article-14263?l=english>.

### 5. *Towards Mutual Collaboration*

What does this “mutual collaboration” really mean in the Sino-Vatican dialogue context? Is it limited solely to the appointment of bishops and religious freedom? Obviously not. From the negative angle, this could mean avoiding conflicts at all theological framework. On the positive side, it could mean taking preliminary steps to cooperate along certain lines, both religious and legal issues. The real mutual collaboration needs a sincere dialogue of the parties. In the light of the past and present situation, interaction and mutual collaboration between the Chinese Communist Government and the Vatican are of utmost importance. It is our conviction that although the diplomatic relations between both entities have been cut off for half century, yet the desire of mutual collaboration still exists. What would be the framework for such mutual collaboration? Let us try to find an answer to this question by proposing from the Church’s point a *theological* framework –the Second Vatican Council– and a *juridical* or legal one: the Code of Canon Law and the Chinese civil laws.

#### a. *Theological framework: the Vatican II Council*

The delicate and much debated issue about the feasibility of establishing diplomatic relations between the Vatican and the People’s Republic of China can be seen as a canonical issue and, as such, we have been addressing it in the previous pages. Yet such viewpoint cannot be separated from its theological dimension, as a simple look at Pope Benedict’s Letter shows. In fact, the first part of the Letter is entitled “The Situation of the Church - Theological Aspects,” which clearly shows that it is a theological elaboration of some significant issues concerning the Catholic Church in China. With a strong sense of ecclesiology, Pope Benedict XVI quoted from the document *Gaudium et Spes* of the Second Vatican Council the following paragraph:<sup>587</sup>

The Church, by reason of its role and competence, is not identified with any political community nor is it tied to any political system. It is at once the sign and the safeguard of the transcendental dimension of the human person. The political community and the Church are autonomous and independent of each other in their own fields. They are both at the service of the personal and social vocation of the same individuals, though under different titles. Their service will be more efficient and beneficial to all if both institutions develop better cooperation according to the circumstances of place and time.<sup>588</sup>

Such a theological elaboration is not likely understood by non-believers, which most Chinese leaders are. They may not understand the importance of this

<sup>587</sup> Letter, n. 4, par. 5.

<sup>588</sup> Vatican II, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 76.

theological discourse and put the whole matter into a political framework. It is not surprising then that an internal review of the Letter from the China side commented: "The Letter is packaged with theological language to evolve into some important questions such as the Sino-Vatican relationship, State-Church relationship and Chinese internal affairs." This commentary seems logical although we try to justify the text by saying that the Holy Father's Letter is purely pastoral, not political.<sup>589</sup>

In the same ecclesiological context, the Pope goes on talking of the Church in China pointing out the roots of her unity in the Sacraments and the Episcopate: "As you know, the profound unity which binds together the particular Churches found in China, and which likewise places them in intimate communion with all the other particular Churches throughout the world, has its roots not only in the same faith and in a common Baptism, but above all in the Eucharist and in the episcopate. Likewise, the unity of the episcopate, of which 'the Roman Pontiff, as the Successor of Peter, is the perpetual and visible source and foundation,'<sup>590</sup> continues down the centuries through the apostolic succession and is the foundation of the identity of the Church in every age with the Church built by Christ on Peter and on the other Apostles."<sup>591</sup>

This theological framework shows that the present-day question in China is not a question unique to China alone; consequently, that the principle for its solution is universal and can be applied to everywhere in the world. The question touches the foundation of the Church and hence it is not negotiable. On this point the Holy Father wrote, "Catholic doctrine teaches that the Bishop is the visible source and foundation of unity in the particular Church entrusted to his pastoral ministry. But in every particular Church, in order that she may be fully Church, there must be present the supreme authority of the Church, that is to say, the Episcopal College together with its Head, the Roman Pontiff, and never apart from him. Therefore the ministry of the Successor of Peter belongs to the essence of every particular Church 'from within.' Moreover, the communion of all the particular Churches in the one Catholic Church, and hence the ordered hierarchical communion of all the Bishops, successors of the Apostles, with the Successor of Peter, are a guarantee of the unity of the faith and life of all Catholics. It is therefore indispensable, for the unity of the Church in individual nations, that every Bishop should be in communion with the other Bishops, and that all should be in visible and concrete communion with the Pope."<sup>592</sup>

<sup>589</sup> Anthony Lam-Sui-Ki, "Now We Await China's Response: An Evaluation of the Effect of the Papal Letter on Sino-Vatican Relations." In Felix Wilfred - Edmond Tang - Georg Evers (editors), *China and Christianity: A New Phase of Encounter?* SCM Press, London, 2008, pp. 106-107.

<sup>590</sup> Cf. Vatican II, Dogmatic Constitution on the Church *Lumen Gentium*, 23.

<sup>591</sup> Cf. Congregation for the Doctrine of the Faith, Letter to the Bishops of the Catholic Church on some aspects of the Church understood as Communion *Communio Notio* (28 May 1992), 11-14: AAS 85 (1993), 844-847.

<sup>592</sup> *Letter*, n. 5, par. 4.

The Church in China is under the guidance of the Holy Spirit who in the present situation permits a pluralism to exist within the Church. We have seen this from the various phenomena described above and from our analysis. The Spirit permits illegal bishops, acting under the principle of the “lesser evil” to be active in an atmosphere entirely hostile to a life of faith. The underground Church too, under the guidance of the Spirit, has safeguarded ecclesial orthodoxy and Catholic unity. Both sides are concerned about the faith and moral life to the Christian Community and both, in varying degrees, have to bear the pressures inflicted on the Church by the Communist regime. The problem of the division of the Church in China is not theological, but political.<sup>593</sup>

Speaking of the establishment of establishing diplomatic relations between the Vatican and the People’s Republic of China raises more questions than answers. *Are we sure that the establishment of diplomatic relations will solve many problems? What do we actually expect from the diplomatic level? Is not the mystery of the Church defined by actualization of faith, hope and love in the very day life of Christians rather than by diplomacy? Wouldn’t such a stress on the diplomatic dimension downgrade the heroic witness of many Catholics who have remained faithful to the communion with Rome?*

This last question comes out spontaneously as we can easily imagine the thoughts of many Chinese faithful: “We are opposed to atheism, and in our struggle against it we have a living symbol, the Pope in Rome; however, if this same Pope, a clear symbol of resistance to atheism, recognizes the atheist socialist regime of the People’s Republic of China by establishing with it diplomatic relations, what about us?” No doubt these many Catholics would feel deeply hurt by such an action on the part of the Roman Pontiff. Instead of expecting too much from the diplomatic level, should we not rather, in our vision of faith, believe that the faithful of the Catholic Church of the People’s Republic of China, under the inspiration and wisdom of the Holy Spirit, will be able to find a realistic solution to this problem? We have to take seriously the reality of the Holy Spirit at work. Furthermore, we believe that the same Holy Spirit is at work in the atheist socialist regime. May people in China, Catholics and non-Catholics alike, one day realize that the Catholic Church represents no harm to the building up of a modern China; on the contrary, they might find it a source of genuine support, in the global social process of the country.<sup>594</sup> Thus we can formulate a realistic question: *Would not a growing and living communion with Rome, in the midst of the hard realities of the present-day China, be more meaningful than the mere establishment of diplomatic channels between Beijing and the Vatican?* But let us suppose the Chinese government should move positively towards the establishment of the diplomatic relations with the Vatican and the Vatican would consent to it.<sup>595</sup>

<sup>593</sup> Cf. Anthony Lam-Sui-Ki, “Now We Await China’s Response: An Evaluation of the Effect of the Papal Letter on Sino-Vatican Relations.” In Felix Wilfred - Edmond Tang - Georg Evers (editors), *China and Christianity: A New Phase of Encounter?* SCM Press, London, 2008, p. 108.

<sup>594</sup> Cf. *China News Analysis*, 1349, Dec. 15, 1987, *Religion in the People’s Republic*, pp. 2-3.

<sup>595</sup> Cf. Ch’un-shen Chang, Aloysius B., S.J., *The Catholic Church in Mainland China, Pastoral and*



It is important to note that one of the contributions of the Second Vatican Council was *ecumenism*, the concern for unity whose attainment “is the concern of the whole Church, faithful and shepherds alike. This concern extends to everyone, according to his talent, whether it be exercised in his daily Christian life or in his theological and historical research. This concern itself reveals already to some extent the bond of brotherhood between all Christians and it helps toward that full and perfect unity which God in His kindness wills.”<sup>596</sup> It was the Council’s urgent desire that, in the various organizations and living activities of the Church, every effort should be made toward the gradual realization of this unity, especially by prayer, and by fraternal dialogue on points of doctrine and the more pressing pastoral problems of our time. Similarly, the Council commended to the shepherds and faithful of the Catholic Church to develop closer relations with those who are no longer living in the East but are far from home, so that friendly collaboration with them may increase, in the spirit of love, to the exclusion of all feeling of rivalry or strife.<sup>597</sup>

The Pope’s opposition is based theologically on the notions of communion, hierarchy and Petrine primacy, which clearly contradict a statement made on July 25, 2007 by the Catholic Church Patriotic Association’s strongman, deputy chairman Liu Bainian, a member of the laity who in an interview with Italian daily *La Repubblica* claimed instead that there was “not a shadow of theological controversy” when he spoke about the relations between the Chinese Patriotic Catholic Association (CPCA) and the Holy See, going as far as expressing a hope that the Pope might visit Beijing.<sup>598</sup> The fact is that there is an ongoing tug of war between the Vatican and the Patriotic Association, despite the open hand of friendship extended to the Chinese government by the Pope with his *Letter*.

The Roman Pontiff, in exercising his responsibilities as the visible head and the principal spiritual leader of the Catholic Church, makes use of representatives or legates to act as liaisons both to the particular churches and to the states and public authorities throughout the world. The right of the Roman Pontiff to appoint, send the legates is said to be innate, that is, proper to his office, since he can freely exercise supreme, full, immediate, and universal ordinary power in the Church.<sup>599</sup> It reflects the theological reality that, as the successor of Peter, the Roman Pontiff is “a permanent and visible source and foundation of unity of faith and fellowship.”<sup>600</sup> The Church attempts to engage in constructive dialogue with political authorities and with the international community of nations and supranational organizations.

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*Theological Reflections*, Wisdom Press, Daughters of St. Paul, Taipei-Kaohsiung-Taichung-HK-Macau, 1988, pp. 35-36.

<sup>596</sup> Vatican II, Decree on Ecumenism *Unitatis Redintegratio*, n. 5.

<sup>597</sup> Cf. *Ibidem*, n. 18.

<sup>598</sup> Cf. *The Chinese Patriotic Catholic Association celebrates 50 years at a less than ideal moment*. Reported by *AsiaNews* on 07/25/2007, China, <http://www.asianews.it/index.php?l=en&art=9915>.

<sup>599</sup> Cf. Canon 331; *Lumen Gentium*, nn. 20, 22, 27; *Christus Dominus*, n.2; *Sollicitudo* III, 1.

<sup>600</sup> Vatican II, Dogmatic Constitution *Lumen Gentium*, 18.

In this secular aspect of their mission, the pontifical legates exercise a role which is rooted in a fundamentally ecclesial reality. For their part, states and public authorities, recognizing the particular mission of the Church, send representatives, or ambassadors, to the Roman Pontiff.<sup>601</sup>

The Catholic Church in China lived apart from the rest of the world, and in almost total isolation, for more than twenty years (from 1958 to 1978). During this time even basic minimum communication was all but impossible. So when Pope John XXIII convened the Second Vatican Council in 1962, the bishops of China were not among the participants<sup>602</sup> with the result that they knew little of what was going on and even less of the new initiatives the Church was making to respond to the challenges of the modern world. At the ending of the Council, in 1965, the Chinese Cultural Revolution started (1966-1976) and brought the Chinese society almost a complete standstill. After the end of the Cultural Revolution, the division in the Church in China took place and brought so much pain to the Chinese Catholic Church. In the 1980s, when other local churches throughout the Catholic world had moved fast under the influence of the Second Vatican Council reforms and new ecclesial models inspired by the Council, the Catholic Church in China looked much the same as the pre-Vatican II Church.<sup>603</sup> Since its members had not had opportunity to experience the events of Vatican II, they showed a certain mistrust of and reluctance to participate in the world-wide renewal of the Church initiated with the Council. However, recent experience with the Church in China has shown that there does exist a fundamental readiness among Catholics in China to take steps in the direction of the renewal that began with Vatican II.<sup>604</sup> The Holy Spirit through the experience of the Chinese Catholic Church brought about much of what the Council originally set out to accomplish through its deliberations, namely, (1) the development of the local churches, (2) lay commitment and participation, and (3) dialogue with other religious and with non-believers. In these three areas, the Church in China under the guidance of the Holy Spirit was to contribute greatly.<sup>605</sup>

In comparison with the theological view of the Church the ecclesiology now predominating in Mainland China seems sorely lacking in breadth and depth of vision. It is understandable how during her years of persecution when the Church in China was struggling for survival, she clung, almost by necessity, to an ecclesiology centered on question of hierarchical structure and the role of the episcopacy. But

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<sup>601</sup> Beal, John P. et al. (eds.), *New Commentary on the Code of Canon Law*, Theological Publication in India: Bangalore 2003, pp. 490-491.

<sup>602</sup> Joseph Chao, *A Brief History of the Hierarchy in the Church of China*. Taiwan: Window Press, 1980, p.149.

<sup>603</sup> See Lam, Anthony, *The Catholic Church in Present-Day China: Through Darkness and Light*. Hong Kong: Holy Spirit Study Centre, 1977, p. 210.

<sup>604</sup> Cf. Aloysius Chang, "Theological-Pastoral Reflections on the Catholic Church in the People's Republic of China," *Tripod*, No. 45 (August, 1988), pp. 35-46.

<sup>605</sup> See Lam, Anthony, *The Catholic Church in Present-Day China: Through Darkness and Light*. Hong Kong: Holy Spirit Study Centre, 1977, p. 211.

while these questions are given ample attention in the Constitution, the Second Vatican Council has also recognized that solutions to structural and sacramental problems can only come about by returning to a root understanding of the deepest mystery of the Church's identity. This framework can indeed provide the Mainland Catholic Church with a well-spring of rich new insights, so needed at this time in her search for a way out of the ecclesiological impasse.<sup>606</sup>

*b. Juridical Setting: The Code of Canon Law and the Chinese Civil Laws*

It will be interesting to see how the Holy See establishes ties with China, given the current pre-conditions for the restoration of diplomatic relations between them. But at any instance, the establishment of such diplomatic relations cannot be other than within the juridical framework of the Code of Canon Law on the part of the Church, and of the Chinese civil laws on the part of the People's Republic of China.

Well-known is the fact that one of the pre-conditions of the Chinese government for establishing formal relations with the Holy See is that the Vatican sever its diplomatic ties with Taiwan and recognize the People's Republic of China as the sole legitimate government representing the whole of China. This demand by the Chinese authorities seems to be logical from their political point of view –although it is at times used as a weapon, reason or excuse to justify certain actions or attitudes. The solution in itself may not be difficult although it requires close attention on the part of the Church due to the impact and religious implications in the members of the Catholic Church in Taiwan.

More difficult, however, is the other precondition for the establishment of formal relations between with the Holy See and the Chinese government, namely, the mutual demand of not interference in the internal affairs of each party. Here the selection and appointment of bishops comes immediately into the scene. This is indeed one of the key issues in the ongoing dialogue on Sino-Vatican relations. The Church maintains in this regard the canonical principle that “The Supreme Pontiff *freely* appoints Bishops or confirms those lawfully elected”<sup>607</sup> with the addition that “For the future, no rights or privileges of election, appointment, presentation or designation of bishops are conceded to civil authorities.”<sup>608</sup> China, on its part, clinging to the current policies of the Chinese Communist Party on religion, demands from the Church absolute non-interference in its internal affairs “even in the name of religion” and considers the selection-appointment of bishops on the part of the Church as one of those interferences.

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<sup>606</sup> Cf. Ch'un-shen Chang, Aloysius B., S.J., *The Catholic Church in Mainland China, Pastoral and Theological Reflections*, Wisdom Press, Daughters of St Paul, Taipei-Kaohsiung-Taichung-HK-Macau, 1988, p. 44.

<sup>607</sup> Canon 377 §1. (Italics supplied).

<sup>608</sup> Canon 377 §5.

The so-called Chinese Catholic Bishops' Conference<sup>609</sup> on May 18, 1993 issued some regulations regarding the election and consecration of bishops: "When a See is vacant," number 1 reads, "and the pastoral work and the administration of church affairs require the election and ordination of an Ordinary or an auxiliary Bishop, the diocese must first apply for permission from the provincial (municipal, autonomous region) Church Administrative Committee, and *get the approval of the local government*."<sup>610</sup> On its part, the Constitution of the Chinese Catholic Patriotic Association (1980) in its number 2 states: "... its purpose is *under the leaderships of the Chinese Communist Party and the People's Government*..."<sup>611</sup> These statements are in flagrant conflict with canon 337 §5 above mentioned. So are the ordinations that in a recent past have taken place in Mainland China despite clear warnings from the Holy See that they would be in breach of the provisions of the Code of Canon Law and henceforth subject also to its prescribed sanctions.<sup>612</sup>

The situation in China is complex. Mainland China has six million people worshipping in the state-backed Catholic Church, but the same number again or even more worship in underground churches loyal to the Roman Pontiff. They are frequently repressed, and a number of bishops remain in prison. There have been moments in the Sino-Vatican dialogue where a mutual agreement seemed to be at reach; a time when the compromise was held whereby the official Church in Mainland China would only elevate bishops after receiving an indication from Rome that the candidate had the Vatican's approval. But ordinations without papal mandate have continued... and, with them, the Vatican harsh reaction judging the gesture of those ordinations without the Holy See's permission as "a serious violation of religious freedom."

The counter-reaction on the part of the Chinese government has always been the same, refusing to consider them as violations of religious freedom but rather actions or policies perfectly framed within the Chinese Constitution, concretely in line with Article 36, which openly states: "The citizens of the People's Republic of China enjoy freedom of religious belief."<sup>613</sup> This initial statement, which appears to

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<sup>609</sup> This So-called Chinese Catholic Bishops' Conference was supported by the Patriotic Association, controlled by the Government, and not recognized by the Holy See.

<sup>610</sup> See *Appendix*. (italics supplied).

<sup>611</sup> Cf. A. Lam, *The Catholic Church in Present-Day China: Through Darkness and Light*. Hong Kong: Holy Spirit Study Centre, 1977, p. 150.

<sup>612</sup> The Code of Canon law in fact calls for the excommunication of both the ordaining ministers and those being ordained if it is without the Apostolic See's approval. Canon 1382: "Both the Bishop who, without a pontifical mandate, consecrates a person a Bishop, and the one who receives the consecration from him, incur a *latae sententiae* excommunication reserved to the Apostolic See."

<sup>613</sup> "Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination."

resonate well with Article 18 of the United Nations Universal Declaration of Human Rights, is immediately – within the same paragraph – qualified by the government regulations on it: “*The state protects normal religious activities*” and “*no one may make use of religion to engage in activities that disrupt public order.*” The “state” here is no other than the Chinese Communist Party, which alone defines what is normal, what is public order, and what is disruptive to that order. Like what happens with most governments, it is not difficult to imagine that the Chinese Communist Party skillfully adopts definitions to suit its needs. The result is that what outside China is considered normal, orderly, and disruptive is not necessarily in harmony with what the rulers of the governing Party think. Yet, the dissonance for the Catholic Church reaches its climax at considering the last sentence of Article 36 which reads: “*Religious bodies and religious affairs are not subject to any foreign domination.*” This clause is one of the key factors that have kept the Catholic Church and the Chinese Communist Party at odds for years. Historically, the latter has tightly controlled all outside influence on every facet of life inside Mainland China. And since the apex of the Catholic hierarchy is found well outside China, such “control” by the Vatican falls also well outside the Chinese Communist Party’s definition of a normal religious activity.<sup>614</sup> The reason is because the Vatican –and for the case all other non-Chinese institutions– are seen as “foreign dominations.”

Could both parties, the Chinese government and the Apostolic See, “overcome their differences and open a dialogue that would lead to full diplomatic relations?” The Vatican unofficial stand is that “the ‘time is ripe’ for the Pope and China to establish diplomatic relations<sup>615</sup> and certainly the time for the Catholic Church and the ruling Chinese Communist Party to intensify their mutual dialogue to find an acceptable solution for both sides. What could be the price to pay for such solution? Expressed in secular words, some people wonder: “Will the Catholic Church cede its conductor’s baton and play second fiddle to the Chinese Communist Party?” Or, “Will the Communist Party amend its constitution and accepts the religious bodies and religious affairs subject to Vatican domination promote public order?” Both outcomes seem equally unlikely.

But if the Chinese government and the Vatican establish diplomatic relations, both sides will have to make compromises as a concession. “We do not want to see decades of painful and often heroic resistance shunted aside and ignored as if it had no value.” In a view of the doctrinal principles mentioned above, no Catholic in

<sup>614</sup> The discord was amplified by a 1950 publication known as the *Three-Self Declaration* (as reported in Xinhua). This document asserted that Communist Chinese Christians are determined “to cast off imperialist influence and achieve the ‘Three-Selfs’ (self-administration, self-support and self-propagation) of Chinese churches.”

<sup>615</sup> Cf. Archbishop Giovanni Lajolo, *The Pope to China?* Reported by *Getreligion.org*, (Tuesday, March 28, 2006), in <http://www.getreligion.org/2006/03/the-pope-to-china>. This account of Archbishop Lajolo’s interview with the Hong Kong station I-Cable TV, which the Vatican made available to the press, created a bit of a stir, according to the Associated Press because the underlying big news of this story was that the Vatican could be soon cutting ties with Taiwan.

conscience can accept the principles of an association which demands the rejection of a fundamental element of his or faith, such as the indispensable communion with the Roman Pontiff, visible head of the Church and of the College of Catholic Bishops, which cannot exist without him as head.<sup>616</sup>

On the other hand, it must be remembered that the Chinese Constitution gives a very narrow interpretation of freedom of religious belief. It strictly prohibits any foreign interference by those religions having worldwide connections such as Buddhism Islam, Protestantism and Catholicism. Religion is solely a matter for China's internal administration and foreign powers are forbidden to intervene in any way. Because of its universal and international character as well as its administrative organization and structure, the Catholic Church is in a worse situation than other religious bodies that do not have such centralized leadership. The primacy of the Pope, and the Vatican with its apparent political organization, makes the communist government extremely suspicious.<sup>617</sup>

Besides, mutual collaboration is not a theory but rather a process; it consists of international relationships which within the limits of fidelity to each other and must give evidence of Christian charity – truly great-magnanimous of spirit – the sign of the presence of the Holy Spirit. The Chinese Communist Government and the Vatican should be patient with the cultural and historical conditions and search prayerfully and diligently for those elements and to smooth the road towards mutual collaboration. Both sides should strive to create conditions which make the mutual collaboration easy, desirable and helpful for the benefit of the people.

### 6. Future Prospective with a Single Word: Hope

By revoking all previously granted faculties and directives designed to address particular necessities, Pope Benedict XVI in his *Letter* urges all the members of the Open Church in China to gradually and with normality return to the universal Church. This request may not find easy acceptance by certain sectors, but every Catholic should, in obedience, “accept the guidelines of the document unconditionally” as this is the only responsible attitude toward the future of the Church in China.

The Pope in his *Letter* does not speak of two churches, but just of one Catholic Church in China. This may help us realize that the Chinese Church is becoming less and less divided, and that using divisive terms, such as “underground” and “open” Church, does not lead to improve the situation. Neither is it helpful

<sup>616</sup> Cf. *The Vatican's Eight-point Directive on Dealings with China*, No. 2.

<sup>617</sup> Aloysius B. Ch'un-shen Chang, S.J., *The Catholic Church in Mainland China, Pastoral and Theological Reflections*, Wisdom Press, Daughters of St. Paul, Taipei-Kaohsiung- Taichung-HK-Macau, 1988, pp.11-12.

suggesting that Catholics should take sides and choose either the “underground” (“faithful”) Church or the “open” (“Communist”) Church. There are simply two communities – not two Churches; the Church is the same one, that of Christ. Although with some differences, members of the official community express a great affection for the Pope, and a strong love for the universal Church. Both communities include the Pope in their prayers during Holy Mass and both communities are cherished by the Vatican. However, this is not to say that there are no longer internal conflicts between the registered Chinese Catholic Patriotic Association (CCPA) community and the Vatican; on the contrary, there are often very serious tensions and they are likely to continue for the time being. The time may be ripe then to stop speaking of “two” Churches in China and begin acknowledging that there is really only one suffering Church, struggling to love God and, in turn, bring his love into a land that seems more and more distracted by its pursuit of material success. “It is better to refer to China as ‘one divided Church with two communities’ that still have differences,” an authoritative opinion reads. Still “we may accurately distinguish the two communities as ‘registered’ or ‘state-sanctioned’, and ‘unregistered’ or operating outside of the Chinese Catholic Patriotic Association.”<sup>618</sup> The relationship between the two communities is strained in some provinces – such as Hebei, Fujian, Zhejiang, Heilongjiang, and Jiangxi – where there are unregistered Catholics who understandably feel that they have suffered for the Church by refusing any affiliation with the Communist-run state. But there is a growing distinction in China between the government and the Party, and there are no Catholic bishops, in either the registered or unregistered communities, who are members of the Communist Party, since one cannot be a believer and be a member of the Communist Party. Both communities are aware of this problem. But there are, unfortunately, a few registered bishops who are quite involved with China’s government...<sup>619</sup>

A positive fact is that there are cases where clergy from the registered community live with clergy from the unregistered community. Another fact is that the majority of China’s registered bishops have, according to reliable sources, the explicit or at least the implicit support of the Vatican; this was not the case just a decade ago. On the other hand, the Vatican’s approval of the registered bishops should not be seen as a “betrayal” to the unregistered bishops who have suffered, and continue to suffer, persecution under China’s current government, but rather as a demand of the Church’s welfare. The separating lines between the two communities are growing increasingly unclear: both communities are persecuted; both seek the Lord in a hostile environment; both, with a few exceptions in the registered Church, seek explicit ties with the See of St Peter. “He leans forward in his chair and says as it were that the goal of the Catholic Church in China, beyond its dissolving divisions,

<sup>618</sup> *Two Chinese Churches? Or One?* An Interview with Fr. Daniel Cerezo, Comboni Missionaries of the Heart of Jesus by Anthony E. Clark, in *Ignatius Insight* (21 September 2007). Interview in June 2006. Cf [http://www.ignatiusinsight.com/features2006/aclark\\_chinesechurch\\_jun06.asp](http://www.ignatiusinsight.com/features2006/aclark_chinesechurch_jun06.asp).

<sup>619</sup> *Two Chinese Churches? Or One?*, loc. cit.

is to narrate the story of the compassionate Jesus – to love the poor and be a beacon of Christ’s message in a country desperately in need of the Gospel.”

Speaking of future prospective from the present situation of Christians in China, one is prone to say that optimism prevails over mistrust, despite that it is not easy to make a global evaluation or assessment of some recent events relative to the Catholic Church in China. The readings oscillate between the optimism of those who prophesy a luminous future for Christianity in China, especially for Protestants,<sup>620</sup> and the pessimism of those who see an uncertain future, even darker than the present, in light of the fact that the regime does not seem willing to take steps when it comes to religious rights. The general impression is that the two attitudes (of hope and disillusion) coexist –just as the wheat of the Church’s vitality coexists with the weeds of political control, which makes itself heard at different times and in different places. Internal tensions in the Christian communities continue to exist as contradictory and enigmatic signs confirm the fact that something is changing, although it is difficult to make predictions.<sup>621</sup>

Will Christianity, in the future, be able to speak to the increasingly modern Chinese people? Beyond the problems connected to the public context, this seems to be the greatest challenge for the Church in China. There is no alternative for the Church but looking ahead with a single word: hope. “Her future,” as Cardinal Josef Tomko –who, in May 1988, issued the ‘Eight-Point Directive on Dealings with China’– said, “is in the hands of God.” “We have to trust in the Divine Providence,” Cardinal Joseph Zen Ze-kun paraphrased, as speculation continues over the future of relations between the Vatican and China. “So even after half a century we accept whatever happens because surely it is by Divine Providence.”<sup>622</sup> China might soon be “resigned” to open a true dialogue with the Holy See and abandon its prejudices; today China sends many people abroad, whether or not of the government. Little by little, the Chinese government will realize that, in the rest of the world, countries have no problem accepting the Pope’s naming of bishops, that this does not contradict love for the homeland or being good citizens. In this way, many problems might be surmounted.<sup>623</sup>

Finally, questioning the effect of Pope Benedict XVI’s *Letter* on Sino-Vatican relations, the words of Dr Anthony Sui-Ki Lam, an expert on Chinese affairs, are truly enlightening. He highlights two points:

(1) *The Pope in his Letter does not aim for any diplomatic achievements; he just says what he had to say:* “Some media workers also want to know to what extent

<sup>620</sup> Such as David Aikman, author of a much-discussed book, “Jesus in Beijing.”

<sup>621</sup> Cf. *Future of Christians in China* (Part 1). Interview with Italian Journalist Gerolamo Fazzini, October 14, 2005. Reported by Zenit (Zenit.org.), in <http://www.zenit.org/article-14263?l=english>.

<sup>622</sup> John Flynn, *The Church’s China Hurdle. Religious Liberty Remains Elusive*, Zenit (Zenit.org), Hong Kong, November 12, 2006, in <http://www.zenit.org/article-18163?l=english>.

<sup>623</sup> Cf. Cardinal Zen on China. “Numerous Nameless Heroes of the Church.” Milan (Italy), June 5, 2006 (Zenit.org), in <http://www.zenit.org/article-16233?l=english>.



this Letter will be helpful for achieving the normalization of Sino-Vatican diplomatic relations. Such a question reveals that they still fail to grasp the real concern of the Holy Father. The Holy Father is not aiming for any diplomatic achievements. Just as in the year 2001, when Pope John Paul II apologized to the Chinese for all the mistakes committed by the missionaries during the past centuries, he was not aiming to achieve any particular goal. He just said what he had to say;<sup>624</sup> and

(2) *Both China and the Vatican demand from each other exactly the same two conditions for the normalization of their mutual relations namely, independence and non-interference:* “For the last few years, the Chinese government has constantly repeated its two conditions for normalization of Sino-Vatican relations. First, the Vatican should cut diplomatic relations with Taiwan, and the Vatican should not interfere in China’s internal affairs. If we rephrase these two conditions, we may elaborate the two in this way: First, China is a complete and indivisible nation. Any attempt at separating actions, claiming that one side has independent authority outside the central government, is totally unacceptable. Second, as a complete and unique government, outside interference is not tolerated. Interestingly enough, the essence of these two conditions is also present in the Holy Father’s Letter. The Holy Father stresses the following two points. First, the Catholic Church is a complete and indivisible Church. Any attempt at creating actions of separation, claiming that one part has independent authority outside the whole Church, is completely unacceptable. Secondly, as a complete and unique Church, outside interference is not tolerated. Therefore, we can say that the Holy Father treasures the principle of these two conditions of the Chinese Government. So, as a consequence, he asks the Chinese Government, based on the same principles, to respect the Church.”<sup>625</sup>

The Holy Father invited all the members of the Catholic community in China to start a new life, with courage and insight. The papal *Letter* clearly tells the government in Beijing what the Church thinks. The Letter clarifies – or at least aims at clarifying – all the unrealistic assumptions of political compromise. This might anger the Chinese government on the one hand but also report some good for them, on the other hand. The Chinese government has been misled by so-called “experts” on Catholic affairs in Beijing into thinking that the Vatican would compromise with certain principles for political exchange. Now, the Pope has given them a clear answer. As a concrete Sino-Vatican relationship is good for China, good for the Church in China, and good for the universal Church as well as for the whole world, so a removal of all the unclear messages should be counted as great progress in the process.

Change happens slowly but significantly. Now the ball is in China’s court. The Holy Father has clearly elaborated the Church’s standpoint. The Chinese

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<sup>624</sup> Anthony Lam-Sui-Ki, *Now We Await China’s Response: An Evaluation of the Effect of the Papal Letter on Sino- Vatican Relations. China and Christianity: A New Phase of Encounter?* Edited by Felix Wilfred, Edmond Tang and Georg Evers, SCM Press, London, 2008, p. 112.

<sup>625</sup> *Ibidem*, p. 112.

government should take the next step if they would like to achieve any progress on the improvement of Sino-Vatican Relationship. We shall just wait and see.<sup>626</sup>

## Conclusion

“There is just one Church in China; may it be united and free.” These emblematic words quoted from the *Letter of the Holy Father Pope Benedict XVI to the bishops, priests, consecrated persons and lay faithful of the Catholic Church in the People’s Republic of China*, issued on 27 May 2007, marked the beginning of our work and they are brought back here at its closing. They reaffirm the unity of the Catholic Church and the Pope’s longing for her independence from any political power. Now at the closing of our research study on the elements surrounding Pope Benedict XVI’s *Letter* and its contents confined to the canonical issues tackled in it. This conclusion may actually resemble a brief global evaluation of it.

The much awaited *Letter* had been expected since a meeting of Vatican officials and Church-in-China experts, held in Rome in mid-January 2007. Its reception, although considered generally positive, generated contrasting reactions, from serious reservations (in the Chinese civil authorities) to open enthusiasm (within the Catholic Church circles). In this connection, the timing of the *Letter* was quite good: it provided some helpful guidelines to many Catholics in Mainland China who were in urgent need of direction from the Holy See; it also offers valid points aimed to settle a number of burning issues in the life of the Church in China both internal – within the Catholic Church bosom – and external – in the relationship of Church-State.

The structure of the *Letter* is quite simple: It is divided into two parts and a conclusion, with 20 distinct numbers. It is complemented by two appendices at the end, and fifty footnotes scattered throughout the whole document. The footnotes refer to texts from Scripture, the documents of the Second Vatican Council, Encyclicals of Popes, the Code of Canon Law, and even a few civil documents, like the International Covenant on Civil and Political Rights.

The content of the *Letter* is very precise: most of the issues tackled in it are pastoral in nature and a number of them have canonical implications. Among the latter the most significant one concerns the Bishops both at the individual level (selection, appointment, relationship with the government, etc.) and at the collective one (Episcopal Conference). Other issues regard ecclesiastical circumscriptions and the abolition of the special privileges granted by the Roman Curia to the Church

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<sup>626</sup> Cf. Anthony Lam-Sui-Ki, *Now We Await China’s Response: An Evaluation of the Effect of the Papal Letter on Sino-Vatican Relations. China and Christianity: A New Phase of Encounter?* Edited by Felix Wilfred, Edmond Tang and Georg Evers, SCM Press, London, 2008, p. 113.

in China throughout the years. The issues regarding relations between the Holy See and the civil government offices of the People's Republic of China are naturally present all over its pages.

The main concern of Pope Benedict XVI in his *Letter* is the unity of the Catholic Church in China and her independence from political power so that she may carry out her mission of evangelization. From this main concern stem also the search for "dialogue" with the Chinese government, the denial of any role or legitimacy of the Patriotic Association, the invitation to bishops and faithful to overcome divisions, and the need to progress in the ongoing Sino-Vatican dialogue.

It would seem proper to draw here some summary conclusions on the individual topics mentioned in the *Letter*, particularly on those with canonical implications. But this would take us a little bit too far beyond our purpose here; a reference to them in the respective places where they are developed in the previous chapters is surely most appropriate and fair at this point.

What instead can be done is a global diagnostic of the *Letter* condensed in the following points, supported by random quotations from the text without mentioning the concrete source number as they have been profusely offered in the previous pages:

(1) *The Letter speaks of the only one 'Church in China'*

Pope Benedict XVI does not use the expressions "official Church" and "underground Church," but speaks only of the "Church in China," which he praises for her "faithfulness" and recalls her "grave sufferings." And even if "it is true that in recent years the Church has enjoyed greater religious freedom than in the past," "grave limitations remain" and the word "persecution" is also used. The *Letter* contains respectful words of appreciation for what China is doing, particularly its "significant goals of socio-economic progress;" it also reflects the Pope's "sincere admiration and sentiments of friendship" for the Chinese People," as well as his hope "that concrete forms of communication and cooperation between the Holy See and the People's Republic of China may soon be established." The normalization of relations between the Holy See and the People's Republic of China will require time and surely will presuppose the good will of both parties. "For its part, the Holy See always remains open to negotiations, so necessary if the difficulties of the present time are to overcome."

(2) *The communion of Bishops with the Pope is essential in the Catholic Church*

This canonical, ecclesiological issue is highlighted by Pope Benedict XVI in his *Letter* in the same context of Church's unity. The unity of the episcopate, of which "the Roman Pontiff, as the Successor of Peter, is the perpetual and visible source and foundation," is a central and inalienable aspect of the life, thought and

essence of the Catholic Church. It is “indispensable, for the unity of the Church in individual nations, that every bishop should be in communion with the other bishops, and that all should be in visible and concrete communion with the Pope.” Valid as this explanation may be for the Church’s authorities, it is unfortunately unacceptable for civil authorities – and some religious leaders – in China, a country which sees bishops who are recognized by the government and others who are not, imprisoned or free, with all the consequences that this has on the community of the faithful... “My ardent desire is,” the Pope writes, “that you will respond to the interior promptings of the Holy Spirit by forgiving one another whatever needs to be forgiven, by drawing closer to one another, by accepting one another and by breaking down all barriers in order to overcome every possible cause of division.” Naturally, this appeal to unity cannot ignore those who are responsible for the rupture of unity, i.e. the state organs that “watch over” religions and those who make this their *raison d’être*, i.e. the Patriotic Association.

(3) *The ‘claim’ of the Patriotic Association to place itself above the bishops does not correspond to Catholic doctrine*

The *Letter* condemns the Chinese Patriotic Association as it “claims” to place itself “above the Bishops and to guide the life of the ecclesial community.” This, in Pope Benedict’s words, “does not correspond to Catholic doctrine.” The *Letter* refers also to the Chinese Patriotic Association in speaking of “persons who are not ‘ordained’, and sometimes not even baptized, who control and take decisions concerning important ecclesial questions, including the appointment of Bishops” and warns that 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.”

(4) *Differing circumstances among bishops are taken into account*

The differing status of the three kinds of Chinese bishops mentioned in the *Letter*, namely, those underground, those reconciled and the few that are not reconciled are taken into account. For the first, the Pope expresses the hope that the government recognizes those who “not wishing to be subjected to undue control exercised over the life of the Church, and eager to maintain total fidelity to the Successor of Peter and to Catholic doctrine, have felt themselves constrained to opt for clandestine consecration.” To the second kind, who “under the pressure of particular circumstances, have consented to receive episcopal ordination without the pontifical mandate, but have subsequently asked to be received into communion with the Successor of Peter and with their other brothers in the episcopate,” the *Letter* asks to “fully” inform priests and the faithful of their re-establishment of full communion. And for the “very small number” of those ordained illegitimately the Pope’s words indicate a search for unity: he recalls in fact that they are illegitimate, but validly ordained; therefore, “although not in communion with the Pope, they

exercise their ministry validly in the administration of the sacraments, even if they do so illegitimately.” Again from the perspective of Church unity, the *Letter* tells all bishops that “it is licit to concelebrate with Bishops and with priests who are in communion with the Pope, even if they are recognized by the civil authorities and maintain a relationship with entities desired by the State and extraneous to the structure of the Church, provided that this recognition and this relationship do not entail the denial of unrenounceable principles of the faith and of ecclesiastical communion.”

(5) *Appointments can be agreed upon with the State*

Benedict XVI offers the State the possibility of determining a method for finding an agreeable procedure for also the question of bishop appointments. “The Holy See would desire to be completely free to appoint Bishops; therefore, considering the recent particular developments of the Church in China, I trust that an accord can be reached with the Government so as to resolve certain questions regarding the choice of candidates for the episcopate, the publication of the appointment of Bishops, and the recognition – concerning civil effects where necessary – of the new Bishops on the part of the civil authorities.”

(6) *The unity of the Church in China and its independence from political power*

The current burdensome “situation of misunderstandings and incomprehension” serves the interests of neither side, Pope Benedict writes addressing himself to the government of Beijing. He quotes the Second Vatican Council on the political community and the Church being autonomous and independent of each other in their own fields, and reassures Beijing on a particularly sensitive issue: “the Catholic Church which is in China does not have a mission to change the structure or administration of the State; rather, her mission is to proclaim Christ to men and women.” He likewise states that the Pope is not “a political authority, unduly asserting itself in the internal affairs of a State and offending against its sovereignty” and, in dealing with the question of relations between Church and State, recalls the well-known statement “give to Caesar what is Caesar’s and to God what is God’s.”

(7) *Ecclesiastical Circumscriptions and Provinces are pending review*

In mainland China the ecclesiastical Provinces are normally bordered as the civil provinces, although within each civil province there are often several dioceses. Currently there are twenty-three civil provinces, five autonomous districts and four municipalities. The Catholic population is estimated at 12 million; dioceses number 110; there are 136 bishops, over 3,000 priests and more than 5,000 sisters. The thought of the Holy See regarding the delimitation of the borders of dioceses or provinces according to the new civil circumscriptions is clearly expressed in the Pope Benedict’s *Letter*: “The Holy See is prepared to address the entire question of the circumscriptions and ecclesiastical provinces in an open and constructive

dialogue with the Chinese Episcopate and – where opportune and helpful – with governmental authorities.” The Pope confirms the Holy See’s readiness to address the entire question of circumscriptions and ecclesiastical provinces; but such readiness has not so far been translated into facts, something easily understandable given the complexity of the situation of the Catholic Church in China.

(8) *Special Faculties and Privileges are revoked*

Pope Benedict XVI has deemed opportune to expressly revoke all faculties, special privileges and pastoral directives concerning them, previously granted by the Holy See to underground Chinese Bishops. He had reasons for such a decision: The happening of some positive developments, the greater ease in communications, and the requests of various bishops and priests were some of them. Perhaps also the fact that those privileges and faculties were unknown to some sectors of the Church and that some of them had already been suspended. In addition, there had been some abuses in their use, which led the people, clergy and laity, to confusion. Some of those faculties and special privileges become useless or even harmful with the change of time and circumstances? All of the above may be.

Concluding, Pope Benedict XVI’s *Letter* seems quite balanced. His warm concern for the clergy and the laity of the Catholic Church in China comes across very well. At the same time, he takes up specific problems in the Church in China in a clear and straightforward manner. He also tackles some canonical issues and expresses the doctrines and stand of the Holy See to the government of China. Hopefully both the government authorities and Catholics there, especially the leaders of the Church in China, will stretch out in the warmth and light of their spiritual Father’s words and that the concerned authorities will take note. Truth, as Benedict XVI insists, should always be honored.

In matters of religious freedom, the Catholic Church, as in every other country in the world, is not asking for any privileges in China; it only wants the right to organize itself as it sees fit. Despite economic progress and a rising standard of living, the Chinese people still lack political and religious freedom. Religious fervor is pushing up against official restrictions. The Chinese government is not ready to give up its present policy of keeping control over religions in China.

Ready or not, the moment of truth has come for us. We must realize that to limit ourselves by pointing accusing fingers at individuals either of the government or of “the other Church community” leads only to confrontation. This will only block dialogue and contradict Pope Benedict XVI’s call to seek solutions. We must find truth, as source of our attitude of dialogue, in “the fundamental principles of the Church’s divine constitution and religious freedom,” and first of all in the Gospel. Only Gospel truth can create unity inside the Church. As for outside organizations that propagate a confrontational and adversarial position on the situation of the

Church in China, they are in direct defiance of the Pope's plea for understanding, forgiveness, reconciliation and unity among Chinese Catholics.

The key obstacle of China-Vatican diplomatic ties is the appointment of bishops. While the Vatican insists on the Pope's supreme spiritual authority, China is not willing to hand over its control over the Church within its territory. Still, in recent years, China and the Vatican seemed to have reached a consensus that new bishops would be recognized by both parties. The present reality unfortunately is not that.

There is no chance but to look at the future with hope. Speaking of future prospective from the present situation of Christians in China, one is prone to say that optimism prevails over mistrust although that it is not easy to make a global evaluation or assessment of some recent events relative to the Catholic Church in China. The readings oscillate between the optimism of those who prophesy a luminous future for Christianity in China, and the pessimism of those who see an uncertain future, even darker than the present, in light of the fact that the regime does not seem willing to take steps when it comes to religious rights. The general impression is that the two attitudes (of hope and disillusion) coexist – just as the wheat of the Church's vitality coexists with the weeds of political control, which makes itself heard at different times and in different places. Internal tensions in the Christian communities continue to exist as contradictory and enigmatic signs confirm the fact that something is changing in the internal situation of the Catholic Church in China and in the Sino-Vatican relations, although it is difficult to make predictions.

The Holy Father has made clear the Church's standpoint. The Chinese government should take now the next step if they would like to achieve any progress on the improvement of Sino-Vatican relationship. We shall just wait and see. ■

## **Bibliography**

### **A. Church Documents**

PIUS XII, *Ad Sinarum Gentem*, Encyclical Letter on the Supranationality of the Church (October 7, 1954). *L'Osservatore Romano*, 23 December 1954.

PIUS XII, *Ad Apostolorum Principis*, Encyclical Letter (June 29, 1958). AAS L (1958), 601-614.

PAUL VI, *M.P. Ecclesiae Sanctae*. August 6, 1966, AAS LVIII (1966), 757-787.

PAUL VI, *Evangelii nuntiandi: Apostolic Exhortation on Evangelization in the Modern World*. December 8, 1975. AAS LXVIII (1976), 5-76.

JOHN PAUL II, *Codex Iuris Canonici*, January 25, 1983. AAS LXXV (1983-II) XXX + 1-318. Also in Libreria Editrice Vaticana, Vatican City, 1983.

JOHN PAUL II, *Pastor Bonus*, June 28, 1988. AAS LXXX (1988), 841-912.

JOHN PAUL II, *Pastores Dabo Vobis*, March 25, 1992. AAS LXXXIV (1992), 657-804.

JOHN PAUL II, Post-Synodal Exhortation *Ecclesia in Asia*. November 6, 1999. AAS XCII (2000).

JOHN PAUL II, *Collegio Episcopale, Udienza generale*, October 7, 1992, in *Insegnamenti di Giovanni Paolo II*, XV, 2 (1992).

JOHN PAUL II, *Pope's Letter to Bishops of the World inviting them to pray for the Church in China*, February 1st, 1982.

JOHN PAUL II, *The Pope to Taiwan and the Chinese Diaspora: Be a Bridge-Church*. February 28, 1984.

JOHN PAUL II, *Message to the Church in China, Be United to Christ and to Peter's Successor* (December 3, 1996). *L'Osservatore Romano*, English Weekly Edition, (11 December 1996).

JOHN PAUL II, *Message to Catholics in China on the Occasion of the Great Jubilee of the Year 2000*, December, 8, 1999.

JOHN PAUL II, *Message for the Fourth Centenary of the arrival in Beijing of Matteo Ricci*, October 24, 2001. *L'Osservatore Romano*, English Weekly Edition (31 October 2001), pp. 2-4.

JOHN PAUL II, *Crossing the Threshold of Hope*, edited by Vittorio Messori, Alfred A. Knopf, New York, 1994.

SACRA CONGREGATIO PRO GENTIUM EVANGELIZATIONE (De Propaganda Fide), *Facultates et privilegia sacerdotibus fidelibusque in territorio Sinarum degentibus concessa his perdurantibus circumstantiis*, Prot. N. 3242/78.

VATICAN II, Decree *Christus Dominus*, October 28, 1965. AAS LVIII (1966), 673-696.

VATICAN II, Decree *Unitatis Redintegratio*, November 21, 1964. AAS LVII (1965), 90-107.

VATICAN II, Dogmatic Constitution *Lumen Gentium*, November 21, 1964. AAS LVII (1965), 5-75.

VATICAN II, Dogmatic Constitution *Gaudium et Spes*, December 7, 1965. AAS LVIII (1966), 1025-1115.

BENEDICT XVI, *Letter to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic of China*, 27 May 2007. Libreria Editrice Vaticana, Vatican City, 2007.

BENEDICT XVI, *Explanatory Note on the Letter to Chinese Catholics*, 27 May 2007.

BENEDICT XVI, *Compendium of the Letter to the Chinese Church*, May 23, 2009.



**B. Books**

AA.VV., *Birds in the Cage, Freedom of Religious Belief in China*, Justice and Peace Commission of the Hong Kong Catholic Diocese, English edition, Hong Kong, 2004.

Adler, Joseph A., *Chinese Religious*. London and New York: Laurence King Publishing Ltd, 2002.

Ayuban, E. - González, J., O.P. *Procedures and Formularies for Religious Institutes*, Canon Law Society of the Philippines, Manila, 2011.

Bays, Daniel H. (ed.), *Christianity in China. From the Eighteenth Century to the Present*. Stanford, California: Stanford University Press, 1966.

Beal, J. P. et al. (eds.), *New Commentary on the Code of Canon Law*, Theological Publication in India: Bangalore 2003.

Bowers, R. J., *Episcopal Power of Governance in the Diocesan Church: From the 1917 Code of Canon Law to the Present*, UMI Dissertation Information Service, 1990.

Boyle, J. P., *Church Teaching Authority: Historical and Theological Studies*, University of Notre Dame Press: Notre Dame, London 1995.

Canon Law Society of Great Britain and Ireland, *The Canon Law, Letter And Spirit*, Geoffrey Chapman, London, 1995.

Caparrós, Ernesto et al. (eds.), *Code of Canon Law Annotated* (Latin-English Edition), Wilson and Lafleur Limitée, Montréal, 1993.

Ch'un-shen Chang, Aloysius B., S.J., *The Catholic Church in Mainland China, Pastoral and Theological Reflections*, Wisdom Press (Daughters of St. Paul), Taipei-Kaohsiung- Taichung-HK-Macau, 1988.

Chang, Mark K., *A History Sketch of Christianity in China*. Taiwan: Window Press, 1985.

Chao, Jonathan and Chong, Rosanna, *A History of Christianity in Socialist China, 1949-1977*. Taipei: CMI Publishing Co., Ltd., 1997.

Chao, Joseph, *A Brief History of the Hierarchy in the Church of China*, Taiwan: Window Press, 1980.

Charbonnier, Jean MEP, *Guide to the Catholic Church in China 2004*. Singapore: China Catholic Communication, 2004.

Ching, Julia, *Chinese Religious*. Maryknoll, New York: Orbis Books, 1993.

Ch'un-shen Chang, Aloysius B., S.J., *The Catholic Church in Mainland China, Pastoral and Theological Reflections*, Wisdom Press (Daughters of St. Paul), Taipei-Kaohsiung- Taichung-HK-Macau, 1988.

De Gendt, Rik, *A New Life For The Church In China*, Bookmark Inc.- 264 Vito Cruz Ext., Makati, Metro manila, Philippines, 1990.

Eilers, Franz-Josef (ed.), *Federation of Asian Bishop's Conference (FABC). For All*

*Peoples of Asia*. Claretian Publications, Quezon City: Vol. 2 (Documents from 1970-1991), 1997; Vol 3 (Document from 1997-2001), 2002; Vol 4 (Document from 2001-2006), 2007.

García, Excelso, OP, *Guide for Lay Catholic Faithful: According to the 1983 Code of Canon Law*, UST Printing Office, University of Santo Tomas Manila, Philippines, 1984.

Gu Baogu, *A Chronology of Major Events in the History of the Catholic Church in China*. Taiwan: Guangqi Press. 1970.

Gu Yulu, *The Chinese Catholic Church: Past and Present*. Shanghai Academy of Sciences, 1989.

Lam, Anthony, *The Catholic Church in Present-Day China: Through Darkness and Light*. Hong Kong: Holy Spirit Study Centre, 1977.

MacInnis, Donald E., *Religion in China Today: Policy & Practice*. Maryknoll, New York: Orbis Books, 1989.

Marzoa, A. - Miras, J. - Rodríguez-Ocaña, R. (eds.), *Exegetical Commentary on the Code of Canon Law*, Vol. I-VI/2, Wilson & Lafleur, Montreal, Canada, 2004.

Motte, Joseph, *History of the Catholic Church in China*. Taiwan: Kuangchi Press, 1992.

Ochoa, Xavier, *Leges Ecclesiae post Codicem iuris canonici editae*. Rome, 1966-1987.

Pulickal, Jose, *A Dictionary of Canon Law*, Logos Publications, Inc., Manila, 2005.

Tang, Edmond and Jean-Paul Wiest, (ed.) *The Catholic Church in Modern China: Perspectives*. Maryknoll, Orbis Books, New York, 1993.

United States Conference of Catholic Bishops, *A Manual for Bishops*, Washington, 1992.

Velarde, H. – Vergara, R. – Gonzalez, J., *Handbook of Formularies for the use of chancery and parish officers. The Sacraments*, Canon Law Society of the Philippines, 2nd ed., Manila, 2005.

Victorio, A. R., *The Episcopate – Primacy Relationship*, Thesis for Licentiate in Sacred Theology, University of Santo Tomas, Manila, 1971.

Warnholtz, B. C., *The Nature of the Episcopal Office According to the Second Vatican Council*, UMI Dissertation Information Service 1990.

White, Bob, *Unfinished Encounter, China and Christianity*, Foreword by the Archbishop of Canterbury Dr Robert Runcie, Collins Fount Paperbacks, London, 1988.

Wurth, Elmer, MM, & Maheu, Betty Ann Maheu, MM. (Ed), *Papal Documents Related to China 1937-2005*, Holy Spirit Study Centre, Hong Kong, 2006.

### **C. Articles**

\_\_\_\_\_, “A Priest from Northern China “The Challenge Facing the Chinese Catholic Church”, in *Tripod*, no. 78 (November-December 1993), pp. 29-34.

\_\_\_\_\_, "China not represented at papal funeral", in *Sunday Examiner*, vol. LIV no. 16, (Hong Kong, 17 April 2005).

\_\_\_\_\_, "Chinese officials not happy with canonization of Chinese martyrs", in *Sunday Examiner* vol. LIV, no. 39, (October 1st, 2000).

\_\_\_\_\_, "Hasty ordination of Chinese bishops on January 6 a setback to Vatican-Beijing relations", in *Sunday Examiner*, vol. LIV, no. 39, (January 16, 2000).

\_\_\_\_\_, "HK, Taiwan bishops defend canonization", in *Sunday Examiner*, vol, LIV, no. 40, (October 8, 2000).

\_\_\_\_\_, "Holy See warns of severe sanctions for illicit ordinations in China", in *Sunday Examiner*, vol. LIV, no. 27. Hong Kong, (July 2, 2000).

\_\_\_\_\_, "Papal apology to China draws cool response", in *Sunday Examiner*, vol. LV, 44 (November 4, 2001).

\_\_\_\_\_, "Saints an honor for China: Pope" in *Sunday Examiner*, vol. LIV no. 40, (October 8, 2000).

\_\_\_\_\_, "Saints block Sino-Vatican talks", in *Sunday Examiner*, vol. LV, 45 (November 11, 2001).

\_\_\_\_\_, "Vatican ire at illicit ordination", in *Sunday Examiner*, vol. LIV, no. 27 (July 2, 2000).

Aloysius B. Chang, S.J, "Fundamental Attitude of the Bridge Church", in *Tripod*, no. 61 (1991), pp. 6-16.

Chang, Aloysius B., S.J., "An 'Independent, Autonomous and Self-Administered' Church. An Evaluation of the Principle", in *Tripod*, no. 112 (1999), pp. 5-22.

Cioppa, John, MM, "The Catholic Church in China: Between Death and Resurrection", in *Tripod*, n. 76 (1993), pp. 5-18.

Criveller, Gianni, PIME, "Pope John Paul II and China", in *Tripod*, no. 137 (2005), pp.5-30.

Criveller, Gianni, PIME, "Reactions to the Letter of the Pope Benedict XVI to Chinese Church," in *Tripod*, no. 146 (2007), pp. 51-57.

Hon Tai Fai, Savio, SDB, "The Church in China: Signs of Hope in the Third Millennium" in *Tripod*, no. 120, (2000), pp. 5-9.

Huels, John, "The Correction and Punishment of a Diocesan Bishop," *The Jurist*, 49 (1989), pp. 507-542.

Lau, Maria Goretti, "A Reflection on Particular Church: Based on the Experience of the Chinese Church", in *Tripod*, no. 19 (1984), pp. 47-56.

Ly, Gabriel, "Some Reflections on the Church in China Since China's Reform and Opening Up", in *Tripod*, no. 140 (2006) pp. 14-30.

Maheu, Betty Ann, MM, "The Catholic Church in China," in *Tripod*, no. 140 (2006), pp. 5-13.

Metz, R., "Papal Legates and the Appointment of Bishops," *The Jurist*, 52 (1992), pp 259-284.

Murray, Donalds, "The Legislative Authority of the Episcopal Conferences," *Studia Canonica*, 20 (1986), pp. 33-48.

Politi, Giancarlo, PIME and Charbonnier, Jean, MEP, "China Vatican Relations 1978-2005," in VV. AA. 中國教會的今天與明天 (The Present and future of the Church in China) (台北: 光啟文化事業, 民國九十五年(2006) pp. 137-179.

Roman Malek, SVD, "Chinese Religious Policy: Perspectives on It invariable Constants and Striking Continuity", in VV. AA. 中國教會的今天與明天 (The Present and future of the Church in China) (台北: 光啟文化事業, 民國九十五年), 2006, pp. 99-136.

Sidong Bao: "Today's Church in Mainland China", in *Tripod*, No. 103 (1998), pp. 23-29.

Tong, John, "The New Direction of China's Policy toward the Catholic Church", translated by Peter Barry, in *Tripod* n. 52 (1989), pp. 70-73.

Wang Yandao: "Division and Unity in the Catholic Church in China", in *Tripod*, no 99 (1997), pp. 41-46.

Wijlens, Myriam, "For You I am a Bishop; with You I am a Christian," *The Jurist*, (1996), pp 68-91.

Wood, Susan, "The Theological Foundation of Episcopal Conferences and Collegiality," *Studia Canonica* (1988), pp. 327-338.

Zen Ze-kiun, Joseph, "On Papal Letter to Chinese Catholic," in *Tripod*, no. 146 (Autumn, 2007), pp. 42-43.

Zen Ze-kiun, Joseph, "In defense of the Saints," in *Sunday Examiner*, vol. LIV no. 42, (October 15, 2000).

Zen Ze-kiun, Joseph, "Sino Vatican relations after Pope's death," in *Sunday Examiner*, vol. LIX no. 15, (2005), pp.

Zen Ze-kiun, Joseph, "We have a new Pope," in *Sunday Examiner*, vol. LIX, no. 17 (24 April 2005).



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