



Canonical Issues in Pope Benedict XVI's *Letter to The Catholic Church in China* (2007) – 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*

Having already offered, first, an overview of 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* and identified the issues tackled in it (part I); and then a review of the main topics vis-à-vis with the Church's canonical provisions (part II), it is now time to contrast those main issues of the *Letter* with the reality of the Catholic Church in present-day China and analyze the impact of Pope Benedict's *Letter* both within the Church and in the relationship between the Vatican and the Chinese government. This is what we intend to do in the following pages.

This third part is organized around the following three main subtopics:

- A. The Reception of the *Letter* in the Chinese ecclesiastical and civil setup;
- B. The *Letter* in the Present Situation of the Catholic Church in China;
- C. The Implications of the Canonical Issues delved with in the *Letter*; and
- D. The Effects of the *Letter* in the Sino-Vatican Relationship.

A. The Reception of Pope Benedict's Letter in the Chinese Ecclesiastical and Civil Setup

The publication of Pope Benedict's *Letter to Chinese Catholic* in 2007 was a significant historical event in the life of the Church. It is a well-known fact that the whole world was engaged in discussions and commentaries about it: in newspapers and periodicals, mass media, internet, radio, TV broadcast, books... Some years have passed since then. What has happened since the time the Letter was released? What has been its practical impact?

The reception of the papal *Letter* in China was, in general, positive. The following reactions and voices collected at random by the researcher attest to it:

Many Catholics in China, from both the "underground" and the "official" sections of the Church, who professed a great devotion to the Pope and had patiently and eagerly awaited the *Letter*, expressed their satisfaction with it, considering it to be something very important for them.

According to *UCA News* reports, some Catholic Church leaders in China, after reading the Pope's *Letter* to mainland Catholics, said they felt positive about it and were willing to heed the Pontiff's call for unity within the Catholic Church in the People's Republic of China. Nuns and members of the Catholic hierarchy in China also shared that they had already read the 50-page Chinese version of the papal Letter several times.

In the province of Hebei thousands of copies were printed; some parish priests distributed it as small booklets; in some open churches, the text was put out on public boards for the faithful to read it.

The members of the underground communities accepted all the Pope's instructions, including the revocation of concessions and privileges given to them in past decades.

"Underground" Bishop Joseph Wei Jingyi, of Qiqihar, Heilongjiang province, and a few other church leaders told *UCA News* they were grateful to the Pope for his concern about the Catholic Church in China. The bishop noted that the *Letter* provided practical guidelines for church life and evangelization in China, and gave directions for the Church in China to move forward. Bishop Wei said he completely agreed with the Pope, especially on the revocation of past faculties and directives, given the changed situation.

Likewise, Bishop Luke Li Jingfeng of Fengxiang diocese, Shaanxi province, – a long-time underground bishop, now recognized by the government without being a member of the patriotic Association – praised the Pope's appeal to all Chinese priests: "Those who follow the Catholic tradition are reassured, whilst those who do not feel the great call from the successor of Peter to God's flock will ignore it."

An underground priest from Baoding Diocese, Hebei province, agreed the *Letter* was significant: "It is time for Rome to say something, to give a clear and definite stance, [...] friendly to those whose stance is opposite to yours. By revoking all previously granted faculties and directives designed to address particular necessities, the *Letter* urges the China Church to gradually return to the universal church." He continued: "Certain people may not accept or understand it, but every Catholic should, in obedience, accept the document unconditionally as this is the only responsible attitude toward the future of the Church here."

Some other underground clergy around China told *UCA News* they would gather priests and laypeople together to study the *Letter* carefully. One of them said he wanted to ask all clergy from the open and underground communities to make their stance over the *Letter* clear in order to work out a plan.

A northern China underground priest expressed his joy for the *Letter* and for the Pope thus: "We can feel we are an important part of the Universal Church. We can feel his [Pope's] pastoral care and deeply feel that communion in the Church is not an empty concept."

An open church lay leader in central China, a scholar, thought it would not be too difficult for the open church clergy to accept the document. "However, how to put its recommendations into practice is crucial," he said.

A young laywoman in Beijing said there were certain points she did not understand in the *Letter*, but that this could be due to her inadequate knowledge of the Church and its situation as a whole.

Father John Baptist Zhang Shijiang, director of Faith Press in Hebei, said the Catholic communities in China needed time to read and consider the *Letter*. He noted that the Pope wrote from the viewpoints of spirituality, theology, ecclesiology and pastoral care. “Church people also need to study how Chinese society at large regarded the *Letter*,” he added.

A few young priests from both open and underground communities, who had studied abroad, expressed concern over the *Letter*’s impact on China-Vatican relations. They said they were not sure how the government would react to it, especially as both sides seem unwilling to compromise on the issue of bishops’ appointments.

Although, as a token of courtesy, the Holy See provided the Chinese government with a copy of the *Letter* ten days before its publication, the Government’s official reaction to the *Letter* was still critical, though somewhat restrained. The Foreign Affairs Ministry in Beijing, ignoring the call of the Pope for dialogue, reiterated China’s two pre-conditions, and even warned the Holy See not to create new obstacles.

When dealing with sensitive issues, Chinese leaders prefer not to speak in the first person, or to react too quickly. They let their middle-level officials speak and take action. Therefore the United Front Work Department of the Communist Party, even before the *Letter* was published, summoned some official bishops to Huairou, near Beijing, to instruct them about the *Letter*. Ye Xiaowen, director of the Council’s State Administration for Religious Affairs, was also there, reasserting State’s policies.

Another key government official, Mr. Liu Bainian, Secretary of the Patriotic Association, said that his organization would not distribute the *Letter*. That meant no one would take responsibility for this, since religious publications needed government authorization. Certainly the heavy suppression of the *Letter* all over China, while not unexpected, did not presage a good reaction from the government.

On July 5, the Wen Wei Po, a pro-China daily in Hong Kong, quoted a Beijing “authoritative person” (anonymous) as saying that the authorities did not accept the papal *Letter*, and described it as ‘unrealistic.’ The Chinese official was quoted as saying that the attitude shown by the Pope was rigid and inflexible: “The letter just repeats hackneyed phrases,” he said. “Therefore it will not have a positive effect, and will just create more complications and barriers.” Finally this official [*was he Liu Bainian, since he has said similar things in the past?*] stressed that the Church in

China “will continue to ordain its own bishops according to its needs.”⁴⁴⁰

In the drafting of his *Letter to the Chinese Catholics*, Pope Benedict XVI gives an idea of the type of dialogue he had in mind. As it is known, the Secretary of State, to show his goodwill, sent the draft of the *Letter* to the Chinese government. It was Ye Xiaowen himself who wrote to the Vatican, demanding the publication and circulation of the papal document be blocked. According to *AsiaNews* sources in China, the very publication of Pope Benedict's *Letter* to Chinese Catholics delayed the promotion of Ye to the rank of minister. For the party, in fact, only he could effectively hinder its circulation in China. Hours after publication, the Chinese websites that had posted it were forced to withdraw it, other sites were obscured, and priests were warned against its spread.⁴⁴¹

Interestingly enough, most bishops from both sides, the underground and the open side, appreciated the papal *Letter*, though most open bishops preferred to keep silent on it. They were told in mid-June 2007 not to do anything without permission (Bu Yao Luan Dong). There were no study teams or workshops organized by the open Church, but they acknowledged that the papal *Letter* was very encouraging. Underground bishops tended to be open in their praise of the papal *Letter*. The Chinese authorities detained the unofficial Bishop Julius Jia Zhiguo', of Zhengding, Hebei Province, to prevent him from disseminating Pope Benedict XVI's *Letter* to Chinese Catholics and organizing meetings to explain the *Letter*'s contents to the faithful.⁴⁴²

Just a few hours after the *Letter* was released by the Vatican, Cardinal Joseph Zen Ze-kun, of Hong Kong, issued a statement to the media about the *Letter* and shared his own impression and hopes.⁴⁴³ Since his elevation by Benedict XVI to the rank of cardinal, Cardinal Zen has been a tireless advocate for Chinese Catholics before the Roman Curia. He admired “the precious balance achieved by the Holy Father. Only an outstanding theologian and a tender father could satisfy at the same time the demands of the truth and kindness towards the people ...” However he also noted that some mistakes have been made in the Chinese translations of both Pope Benedict's *Letter*⁴⁴⁴ and the *Explanatory Note* accompanying the *Letter*; mistakes that

⁴⁴⁰ Gianni Criveller, PIME, “Reactions to the Letter of Pope Benedict XVI to Chinese Church” *Tripod*, vol. 27, no. 146 (Autumn 2007), pp. 55-56. In http://www.hsstudyc.org.hk/en/tripod_en/en_tripod_146_05.html.

⁴⁴¹ *AsiaNews* - www.asianews.it 09/17/2009 13:44 China.

⁴⁴² “Unofficial Bishop Detained for Promoting Papal Letter,” *The Sunday Examiner*, 2 Sept. 2007, p.3.

⁴⁴³ Cf. Cardinal Zen on Papal Letter to Chinese Catholics, *Tripod*, Vol. 27, No. 146 (Autumn 2007), p. 42. In http://www.hsstudyc.org.hk/en/tripod_en/en_tripod_146_03.html. Hong Kong *UCA News* June 30, 2007.

⁴⁴⁴ For instance, in the second section of paragraph 7, in a sensitive passage where the Pope refers to the underground bishops obtaining government recognition.

brought about some disputes in reading the *Letter* in the church communities of China. This was the reason why the diocese of Hong Kong, under the guidance of Cardinal Joseph Zen, took the work of revising the Chinese translation in a matter of few weeks. Soon afterwards, the Cardinal wrote an article on the *Letter*. Two years later, after the publication of the *Compendium of Pope Benedict XVI to Chinese Church* by the Vatican, he wrote an aid for reading the *Letter*.

Cardinal Paul Shan (formerly of Kaohsiung, Taiwan) and Msgr. Jose Lai, bishop of Macau, wrote also articles on the *Letter*.⁴⁴⁵ So did some experts on Chinese Church matters, like, for instance, Dr Anthony Sui-Ki Lam, of the Holy Spirit Study Centre, in Hong Kong, the diocese's institute of theology and for documentation on China;⁴⁴⁶ Peter Barry;⁴⁴⁷ Jeroom Heyndrickx, Director of Verbiest Institute of Leuven University in Belgium; etc.

"The reception of Benedict XVI's *Letter* to Chinese Catholics speaks by itself, and says as much about the status of the Church there as the *Letter* itself," said an expert on China-Vatican relations. Truly, the reception of the *Letter* said as much as the text itself about the current situation of the Church in China. In fact, already before the *Letter* had appeared, some government officials had summoned bishops of the open Church to a meeting in order to coordinate the response –which seemed to be: "do nothing." News reports indicated that the *Letter* was not mentioned at the open Church Sunday Masses and the vice chairman of the Patriotic Association had indicated that there were no plans to distribute the *Letter*.

The Chinese government allegedly tried to restrict access to the *Letter*. The Catholic Websites based in China were originally allowed to upload the *Letter* but were subsequently forced to take it down. Some Catholic websites in mainland China that uploaded Pope Benedict XVI's *Letter* to Catholics in the mainland shortly after it was released were ordered hours later to remove it.⁴⁴⁸

Another example that illustrates such restriction: A priest in charge of one of such websites registered with the government told *UCA News* on July 2 he felt helpless because he strongly believed that "China Church websites should publish

⁴⁴⁵ Cf. *Tripod*, Vol. 27, No. 146 (Autumn 2007), pp.35-39 and 45-46. Cf http://www.hsstudyc.org.hk/en/tripod_en/en_tripod_146_03.html.

⁴⁴⁶ He wrote an article entitled: "Now we await China's Response: An Evaluation of the Effect of the Papal Letter on Sino-Vatican Relations," published in *Concilium*, SCM Press, London (February, 2008), pp.105-114.

⁴⁴⁷ Peter Barry, M.M., *A Commentary on the Letter of Pope Benedict XVI to the Catholics of China*. *Tripod*, Vol. 27, No. 146 (Autumn 2007).

⁴⁴⁸ *UCA News* observed that a few hours after the Vatican issued the Letter on June 30 at 6pm (Beijing time, 12:00 noon in Rome), several mainland Catholic websites uploaded the simplified Chinese version of the *Letter*. However, most of those websites, which usually carried news on the universal Church, the Catholic Church in China and the Pope, had removed the text by the following day.

the Pope's Letter." The priest added that some government officials who came to his office on June 29 asked about the *Letter* but did not explicitly say he could not post it. The next evening, he uploaded the *Letter* to his site, but he was told on July 1 in the morning that he was not allowed to upload the text.

By July 2 five similar websites, mostly run by "underground" Catholics, still had the full text: 19,763 Chinese characters, including the footnotes. The finding was reported by *UCA News*. "Actually, this is not the first time we were told not to put certain news reports and articles on the Internet, particularly concerning China-Vatican relations and what Cardinal Joseph Zen Ze-kiun of Hong Kong says," the priest in charge pointed out. He added that since he had no choice, he removed the Pope's *Letter*, lest his website faced forced closure or other possible troubles. As Pope Benedict mentioned in the *Letter*, there are "increased opportunities and facilities in communications"⁴⁴⁹ in the Mainland, so the priest said he thought China's Catholics could get the papal *Letter* through other channels. The priest also said that forbidding Catholic websites in China from posting the *Letter* proves what the Pope said about governmental interference in religious affairs and that the Church cannot enjoy full religious freedom.

Other popular Catholic websites in China were warned to remove or not upload the *Letter*. Some of them informed their readers on June 29 that the long-awaited papal *Letter* would be released the following evening, and they urged their readers to watch for it and related reports. But since then, such websites have carried Vatican news but no word about the *Letter*. A Catholic layman told *UCA News* on July 2 that after browsing the Internet, very few Catholic websites in Mainland seemed to have the papal *Letter*, so he concluded that government authorities had acted against the webmasters.

Summing up, on the reception of the *Letter* we can say that it produced contrasting reactions going from serious reservations (in the Chinese civil authorities) to open enthusiasm (within the Catholic Church circles). In fact, while the "Chinese government [was] embarrassed and unhappy about the Pope's *Letter* to Chinese Catholics," – borrowing an actual *AsiaNews* headline –, it caused a great deal of enthusiasm to the faithful in both the official and the underground Church. The reactions within China among Catholics and non-Catholics on Pope Benedict XVI's *Letter* varied but they were more or less expected: There was much enthusiasm and a renewed sense of fidelity to the Holy See among official and underground Catholics. The official bishops, however, showed themselves more discreet because of the tight controls under which they operate.

A few hours after the publication of the Pope's *Letter*, the Foreign Affairs Ministry in Beijing released a terse communiqué that, without taking into account

⁴⁴⁹ *Letter*, no. 18.

what was for many one of the most beautiful letters ever sent by a Pope to the faithful in China, expressed hope that the *Letter* would not create any more obstacles in the Sino-Vatican dialogue. The statement reiterated China's two pre-conditions to the restoration of diplomatic relations, namely, (1) 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 the whole of China," and (2) promise that it will "never interfere in China's internal affairs, including in the name of religion." The government responded to the publication of the papal *Letter* in mild tones, the United Front Work Department of the Communist Party of China met most official bishops in Huairou, near Beijing, instructing them to keep calm about the content of the *Letter*. Ye Xiaowen, director of the state Council's State Administration for Religious Affairs, was there. He supposedly addressed the participants telling them that "we have served you with *maotai*, the best liquor in China. After drinking it, you no longer need foreign wine," which was one way of reasserting the plan to set up an independent Chinese Catholic Church, something that the Pope cannot approve since it is contrary to Catholic doctrine.⁴⁵⁰

I am sure that the Chinese Catholics will continue receiving the Pope's words with devotion, gratitude, and with total adherence of heart and mind, whichever community they belong to.

B. The *Letter* in the Present Situation of the Church in China: Tensions and Divisions

The Catholic Church in China is a divided church. This is something evident and worrisome that makes us speak of tensions and divisions. We must bear in mind that the environment in which the Church in mainland China finds itself today is not favorable to religious freedom. In the context of communion, Pope Benedict then addresses the tensions and divisions that exist in the Church. He urges that a pardoning of wrong doings and a forgetting of injustices suffered in the past come about through a reconciliation accomplished through Jesus, Our Lord.

While there is room for optimism about the lessening tension in China between Catholics of the registered and unregistered communities, there remain also several disheartening challenges facing the Church. The Catholic Church in China is still persecuted by the government,⁴⁵¹ to the point that being a Catholic today in China

⁴⁵⁰ Cf. "Subdued-but-predictable-reactions-in-China-to-Pope's-letter," China-Vatican 07/02/2007. In <http://www.asianews.it/news-en/9709.html>.

⁴⁵¹ Speaking of the Catholic Church in China, people commonly speak of "two Churches": one that is "underground" and another that is considered state-sponsored often called the "open" Church. However, the distinction is considered as inappropriate by some, noting that despite their differences *both are persecuted parts* of one Chinese Church. Rather, it is better to refer to these two parts as "communities," one that is registered with the state and one that is not. As simple as this answer seems,

is accepting persecution, being “martyr” in some degree. In extreme cases, there are still imprisonments in China. Open loyalty to the Pope remains unacceptable and is seen as a threat to China’s political hegemony.

Normally we speak of “two Churches” or factions of the Church in China, namely, the “official” and the “underground” Church. But actually, the Church in China is split into *three* factions: First, the *Patriotic* Church, a political organization of the Catholic masses founded by the government as an instrument to show up the Catholic religious freedom of the country for the diplomatic relationship with other countries; the members of this church cut off the communion with the Pope, the successor of St Peter the apostle, so it is not recognized by the Holy See, even some people considered it as schism.⁴⁵² Second, the *Open* Church, a considerable cross-over between the Patriotic Church and the Underground Church, registered with the Religious Affairs Bureau of the government and also recognized by the Holy See. Third, the *Underground* Church considered as illegal by the Government and not recognized by it, which firmly maintains complete union with the Pope, is loyal to his primacy, and safeguards the hierarchical nature of the Church.⁴⁵³ Both the *Open* Church and the *Underground* Church are under the persecution of the government. Most people both in mainland and abroad are confused with the first two denominations: “Patriotic Association” and “Open Church,” which are often wrongly considered to be the same thing, when actually there are essential differences between them. Let us elaborate a bit about those differences.

1. *The Patriotic Church*

Under the Chinese Communist regime, religion exists for the good of the country and society. The Party’s United Front Department has several bureaus, one of which is responsible for making religious policies, for implementing them and for governing religious bodies. Under the United Front Department and Religious Affairs Bureau, there is the Catholic Patriotic Association. The Protestant Church has the Three Self Patriotic Movement, whose role is quite similar to that played by the Catholic Patriotic Association.⁴⁵⁴

it is much more complex than it initially sounds. Cf Anthony E. Clark, PhD, *An Interview with Fr Daniel Cerezo, Comboni Missionaries of the Heart of Jesus*, in http://www.ignatiusinsight.com/features2006/aclark_chinesechurch_jun06.asp.

⁴⁵² “Is there any reason why a Church that continues with its independent, autonomous and self-managed principle, should not be called schismatic?” –*Sunday Examiner*, Hong Kong, Vol. LXIII, No. 31 (2 August 2009).

⁴⁵³ There are not three churches in China, there is only one Church in China, that of Christ, but there are different faces and callings or names: *Patriotic* Church is also known as Patriotic Association; official Church is also known as *Open* Church, above Church, pro-government Church, registered church, and *Underground* Church is also known as unofficial Church, loyal Church, clandestine Church, unregistered Church, persecuted Church, silent Church.

⁴⁵⁴ A.B. Ch’un-shen Chang, S.J., *The Catholic Church in Mainland China, Pastoral and Theological Reflections*, Wisdom Press, (Daughters of St Paul), Taipei-Taichung-HK-Macau, 1998, p. 12.

What is the Catholic Patriotic Association? The Chinese Catholic Patriotic Association [in Chinese: 中国天主教爱国会, abbreviated CPA, CPCA, or CCPA] is an association of people, established on August 2, 1957 by the People's Republic of China's Religious Affairs Bureau to exercise state supervision over mainland China's Catholics, for the purpose of introducing party ideals into the Catholic Church; in other words, to manage the Catholic community on behalf of the government.⁴⁵⁵ It is divided into national, provincial, urban and local associations, and it adjusts its policies and their implementations to fit the needs of the United Front department.⁴⁵⁶ The Chinese Patriotic Association is not an organization united to the Catholic Church, because it does not acknowledge the Role of the Holy Father in the Church's life since the Holy See is seen as a foreign ecclesiastical power, it is, at the least, defective in its catholicity.

The purpose of the CCPA⁴⁵⁷ was to provide a link between the Catholic Patriotic Church and the Chinese government with the specific task of implementing the latter's policies; its structure and policies were arranged by the pro-party and pro-government elements within the ranks of the Catholic Church. This is the result of a deliberated plan by the Chinese government to remove all external forms of 'western capitalistic' influence from Chinese society. They focused on the Catholic Church, which they considered more a political link with Western imperialism than as a spiritual entity.⁴⁵⁸ After two initial preparatory meetings, the CCPA issued a formal statement in regard to "separation of Church and State" and its position in relation to the Holy See. With an official strategy stressing the role of the laity as the foundation of the Church, the Chinese Government wanted to replace a Church that was deemed to be controlled by a "Western" or "Westernized" hierarchy with a truly National Church.⁴⁵⁹

The Catholic Church in China must implement a policy of autonomy and independence whereby Chinese Catholics, cleric and lay, take charge of their own affairs and no longer act contrary to the interests of their country. With our country's independence and dignity foremost in mind, we shall maintain purely religious relationships with the Vatican. We shall obey the Pope in matters pertaining solely to faith and church law. Moreover, we absolutely sever all political and economic ties with the Vatican and

⁴⁵⁵ The government of People's Republic of China is officially atheist, which viewed religion as emblematic of feudalism and foreign colonialism.

⁴⁵⁶ 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, p.12-13.

⁴⁵⁷ Cf. Anthony S. K. Lam, *The Catholic Church in Present-Day China: Through Darkness and Light*, Peter Bary MM and Norman Walling SJ (trans.), English Edition, Hong Kong: Holy Spirit Study Center, 1997, p. 34.

⁴⁵⁸ Cf. Anthony S. K. Lam, *The Catholic Church in Present-Day China... op. cit.*, p. 19.

⁴⁵⁹ *Ibidem*, p. 34.

resolutely oppose its use of religious pretexts and other underhand activities to disrupt our just cause of opposing imperialism and promoting patriotism.⁴⁶⁰

The Catholic Patriotic Association (CPA) serves also as a bridge between the Chinese Communist government and the Open Church, and upholds the principles of “independence, autonomy and self-management” for the Church in China. However, instead of emphasizing the ideas of “independent Church” or “reforming the Church,” which could be interpreted as aiming to change the structure or the nature of the Church, the accent was put on, displaying love for one’s country, which no Christian could reject. To prove its patriotism and commitment not to act contrary to the interests of the country, the Patriotic Association voted to sever all political and economic ties with the Vatican and to obey the Pope only in matters pertaining to faith and church law.⁴⁶¹

The Catholic Patriotic Association is the only organizational body of Catholics in Mainland officially recognized by the government of the People’s Republic of China, but is not to be identified with the body of all Chinese Roman Catholics who accept its directives. The Association has a chairperson and a vice-chairperson; its membership consists of bishops, priests, sisters and lay Catholics. It can now boast of having more than 3,000 supervisory staff – secretaries, deputy secretaries and bureau chiefs, plus many more office workers – who are in charge of about 5 million Catholic members of the official Church. They appoint bishops, give “advice” as to who should be priests, evaluate male and female vocations for seminaries and convents, and supervise diocesan administrations. In such a supervisory role, they have often been accused by underground Catholics of pilfering diocesan property on their own behalf and that of public and private firms and businessmen. In 1957, the CPA issued a proclamation saying the Chinese Catholic Church had “broken all relationships with the Pope” and was to be “under the direct control of the government.”

On the other hand, Pope Pius XII, in his Encyclical Letter to China denounced the particularly subtle activity of the “patriotic” Association and that “Catholics are being forced by every means to take part in it.”⁴⁶² He particularly declared the bishops who participated in consecrating new bishops selected by the Association to be excommunicated, and that all *communicatio in sacris* (sacramental communion) with bishops and Church personnel belonging to the CPA should be avoided. No wonder, for the Catholics loyal to the Pope, the CPCA is the “enemy.”⁴⁶³

⁴⁶⁰ *Ibidem*, p. 35.

⁴⁶¹ 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.

⁴⁶² Pope XII, in his Encyclical Letter *Ad Apostolorum Principis* of 29 July 1958 (nn 47-48), deplored the attitude and activities of the Catholic Patriotic Association (cf. nn. 10-11).

⁴⁶³ Actually this Association was formed ostensibly to join the clergy and the faithful in love of their religion and of their country, with the following objectives in view: to foster patriotic sentiments;

Pope John XXIII wished to reach even “those who have shown themselves to be weak, wavering, and frightened – to be explicit, those who have taken over the places and Sees of sacred pastors by unlawful means and thus, unfortunately, have paved the way for a deplorable schism.”⁴⁶⁴

The painful situation of the Catholic Church in China is well reviewed in Pope Benedict XVI’s *Letter*.⁴⁶⁵ The Holy Father refers to the agents of the Association as “persons who are not ordained, and sometimes not even baptized,” who “control and take decisions concerning important ecclesial questions, including the appointment of Bishops.”⁴⁶⁶ Pointing to the causes of the division both among the clergy and the lay faithful, the Pope highlights among them “the significant part played by entities that have been imposed as the principal determinants of the life of the Catholic community;” and concludes that “still today, in fact, recognition from these entities is the criterion for declaring a community, a person or a religious place legal and therefore ‘official.’”⁴⁶⁷ With a strong Christological approach, Pope Benedict points out that these kinds of entities are extraneous to the structure of the Church:

Considering Jesus’ original plan, it is clear that 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, according to which the Church is ‘apostolic,’ as the Second Vatican Council underlined.⁴⁶⁸

to advance the cause of international peace; to accept, support and spread the existing socialism; and, finally, to actively cooperate with civil authorities in defending what they describe as political and religious freedom. And yet, despite these sweeping generalizations about defense of peace and the fatherland, many believe that this Association is simply a governmental instrument to execute certain well defined policies. For under an appearance of patriotism, this Association aims primarily at making Catholics gradually embrace the tenets of atheistic materialism, by which God Himself is denied and religious principles are rejected.

⁴⁶⁴ John XXIII, *To a Secret Consistory*, *L’Osservatore Romano*, December 15, 1958. Later, some missionaries living in Rome asked the Pope not to use the term “schism” in regard to the China situation. Cf. So-called “Promise Not to Use the Term ‘Schism’ Again,” November 26, 1962. Published by *Mondo e Missione*, No. 5 (March 1, 1977), pp. 177 and 184. Cf also René Laurentin, *Chine et Christianisme – après les occasions manquées*. Paris, 1977, pp. 186-187. There are undoubtedly some deep divisions within the Catholic Church in China, but there does not appear to be any conclusive evidence of schism in the proper sense of canon 751 (“*Schism is the withdrawal of submission to the Supreme Pontiff or from communion with the members of the Church subject to him*”) and hence, there is no conclusive evidence that the members of the Association in China had been incurred in the excommunication foreseen in canon 1364 §1 (“An apostate from the faith, a heretic or a schismatic incurs a *latae sententiae* excommunication, without prejudice to the provision of can. 194 §1, n. 2”).

⁴⁶⁵ Cf. *Letter*, nn. 6-8.

⁴⁶⁶ *Letter*, n.8 §2.

⁴⁶⁷ *Letter*, n. 7. This situation, although primarily dependent on factors external to the Church, it “has seriously conditioned her progress, giving rise also to suspicions, mutual accusations and recriminations, and it continues to be a weakness in the Church that causes concern.” (*Ibid.*)

⁴⁶⁸ *Letter*, n. 7.

What are these entities “extraneous to the structure of the Church,” and why do they “not correspond to the Catholic doctrine?” The Pope does not directly accuse any of the entities by name, but it is clear that the agency mainly referred to in his *Letter* is the Catholic Patriotic Association; and regarding the cause of incompatibility with the Catholic Church, the Pope refers expressly to their purpose (“to implement the principles of independence and autonomy, self-management and democratic administration of the Church”), for “from the time of the ancient Creeds professes the Church to be ‘one, holy, catholic and apostolic’.”⁴⁶⁹ Based on this reason, the Holy Father concludes 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.”⁴⁷⁰

Commenting on said incompatibility and on the relation between the Patriotic Association and the open or official Church as referred to in Pope Benedict's *Letter*, the Director of the Becket Institute for Religious Freedom, Raphaela Schmid, says that “the Patriotic Association is not the same as the open or official Church, although there is a good deal of overlap between the two;” the Pope refers to it as an “external entity” which sometimes “interferes” in the running of the official Church. The Patriotic Association is a collective that was set up by the government in 1957, with the stated purpose of implementing “the principles of independence and autonomy, self-management, and democratic administration of the Church,” and with the explicit goal of controlling China's Catholic community. Many of its officials are not even Catholic. These are the principles that the Pope's *Letter* unequivocally calls “incompatible with Catholic doctrine.”⁴⁷¹ She continues: “In the past, priests and bishops were required to join this organization if they wished to practice their faith in the open and with government approval. This is no longer the case everywhere (for example, Bishop Lucas Li Jingfeng of Fenxiang diocese received government approval without being a member of the Patriotic Association). Still, enormous pressure is sometimes brought to bear on bishops and clerics to join the Patriotic Association.”⁴⁷² One of the reasons for this power is money: The Religious Affairs

⁴⁶⁹ *Letter*, n. 7. The Pope also points out in this passage that “the intervention of such bodies obliges the people involved to adopt attitudes, make gestures and undertake commitments that are contrary to the dictates of their conscience as Catholics.”

⁴⁷⁰ *Letter*, n. 8. 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, February, 2008, pp.109-110.

⁴⁷¹ *The Pope, China and Church Unity, Interview With Religious Freedom Expert*, Rome, July 2, 2007. In <http://www.zenit.org/article-20020?l=english>.

⁴⁷² In 2001, Bishop Li and his secretary were arrested by the police and disappeared for about a month, while 12 priests of his diocese were detained and forced to attend re-education courses in order to force them to join the Patriotic Association. The campaign was unsuccessful, but the episode shows the enduring power of the Patriotic Association.

Bureau and the Patriotic Association are in charge of confiscated Church properties and investments across the country.⁴⁷³ The Vatican has always avoided speaking of schism – of the “official” or “patriotic” Church in China having split off from the Roman Catholic Church. The facts on the ground, however, made it necessary to distinguish between two groups of Catholics: those whose collaboration with the government gained them the privilege of open exercise of their religion – though at the cost of accepting illegitimate bishops –, and those whose refusal to compromise resulted in them being driven underground – many of them sent to jail and to labor camps. Ultimately, however, the future of this distinction depends on the Chinese government and the advancement of religious freedom in China.⁴⁷⁴

2. *The Open Church*

The Chinese government permits religious practice in the country only with recognized personnel and in places registered with the Religious Affairs Bureau, and under the control of the Patriotic Association, whose statute includes the establishment of a national Church separated from the Holy See.

The Catholic Church is divided between the *Patriotic* Church, which obeys government direction, and the *Underground* Church, but there is a considerable cross-over between the two, that is the *Open* church. Thus, there is a difference between the “official” state-approved Church and the faithful who wish to obey the Pope directly as members of the “underground” Church.

The *Open* Church is recognized by the Chinese government, and under the control and supervision of the civil authorities, principally through directives and guidelines of the Bureau of Religious Affairs. However, a number of bishops in the open community have joined the Chinese Catholic Patriotic Association, though few of them fully embrace and support its goals. One of the most compelling reasons for this move is the bishops’ conviction that the good of the faithful requires it; another, considering that they are in need of funds for countless numbers of projects in their diocese, is because under the present political circumstances they can only receive financial support from the government if they register in accordance with the laws of the country on religious matters. Prevailing socio-religious policies have left them without any viable alternative, and, thus, they have reluctantly accepted this double belonging.

⁴⁷³ The interviewed Raphaela Schmid quotes on this point to Prof. Anthony Lam-Sui-Ki, of the Holy Spirit Study Center in Hong Kong, according to whom the total value of confiscated properties and goods amounts to at least 130 billion Yuan, that is about \$17 billion. Only a fraction of the income of these properties is redirected to the government-approved official Church. The document does not speak of a “patriotic” or “official Church,” nor does it mention an “underground Church.”

⁴⁷⁴ *The Pope, China and Church Unity, Interview With Religious Freedom Expert*, Rome, July 2, 2007 (Zenit.org). Cf. <http://www.zenit.org/article-20020?l=english>.

With the onset of the Cultural Revolution in 1966, all public religious activities eased and all church properties were confiscated. Most church buildings that were not demolished or badly damaged were converted into factories or storehouses. The Red Guards used torture and beating to force Christians to give up their faith. The CCPA was suspended. Many religious leaders and Christians had to endure public struggle sessions and were sent to prison and labor camp to join those who in the first place had refused to adhere to the Association. Some bishops and priests married but in most cases these marriages seemed to have been in name, only to satisfy government regulations and prove that they had “become men again.”⁴⁷⁵ Public church activities in China did not resume until 1971 when two churches reopened in Beijing for the benefit of foreign Protestant and Catholic students and diplomats. In 1976, the ten-year nightmare of the Cultural Revolution came to an end. Religious leaders, priests and sisters were set free and resumed their ministry while the ban on religious belief and practice was relaxed.⁴⁷⁶

Although its roots can be traced back to the emergence of the Chinese Catholic Patriotic Association (CCPA) in 1957, the division itself became really apparent only after the clergy returned to their dioceses in 1978 and 1979. Since the new policy of the government allowed them to function in public, rather than in hiding, many did so. With less than 30 bishops still alive, some who had been imprisoned for their unswerving loyalty to the Pope and had refused any relationship with the CCPA were now more willing to cooperate with the Association for the future of the Catholic Church in China. After 1981, the requirement in force since 1958 that both consecrators and consecrated ones should swear their independence from Rome was dropped and resulted in more priests willing to accept the Episcopal ordination. Several of these bishops have secretly obtained legitimization of their status from the Pope. Some even actively sought higher positions within the CCPA in order to influence its decision and curb its tendency toward unilateral control. In late May 1980 more than two hundred delegates representing the government-registered Catholic Church gathered in Beijing to attend the Third National Convention of the CCPA and the National Catholic Representatives Assembly. These two meetings held back to back resulted in a major reorganization of structures within the Open Church with the creation of two additional national organizations: the Chinese Catholic Church Administrative Commission and the Chinese Catholic Bishops' Conference. From this point, the CCPA relinquished its role as overseer of all church concerns, relegating itself to look after external affairs and church state relations. Responsibility for doctrinal and pastoral affairs was given over to the clergy and church leaders. In 1992, further reorganization placed the

⁴⁷⁵ In fact many of those marriages were with religious sisters who otherwise would have had no other means of support.

⁴⁷⁶ 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.

Bishops' Conference on an equal footing with the CCPA while reducing the Church Administrative Commission to a committee responsible for pastoral affairs under the control of the Bishops' Conference. Five additional committees were also set up to oversee Seminary Education, Liturgy, Theological Study, Finance Development, and International Relationships. Initiatives in the areas of pastoral work, training of clergy and in the social apostolate of the Church indicate that the new structures are effectively implemented. With many ups and downs, the Open Church's attitude toward papal primacy has gradually improved. The prayer for the Pope that had been removed from the book *Collection of Important Prayers* was reintroduced in 1982. In February 1989, the government allowed spiritual affiliation with the Holy See, so in April of the same year, the Bishops' Conference promptly acknowledged the Pope as the spiritual leader of the Chinese Church. By the end of the decade, most congregations had also restored the prayer for the Pope during Mass.⁴⁷⁷

"Times had changed; to be consecrated a bishop in the Open Church was no longer necessarily considered a sign of opposition to the Pope. In the consecration ceremony of bishops ordained from 1958 to 1964, both the consecrator and those being consecrated had to swear that they would separate themselves from Vatican control and support the independent administration of the church. This requirement was still in effect in 1980, but after 1981 it was not enforced. If the candidate was unwilling to swear to cut his links with Rome, most local governments did not force him to do so."⁴⁷⁸

Even so, the officially recognized groups operate under strict controls. The government oversees such matters as selecting church leaders, the printing of materials, and the building or renovating of religious venues. The registered groups have also accepted restrictions on what doctrines and traditions can be conveyed and taught. Although it is true that the "underground" community is the most scourged by persecution, it must not be thought that for the official church the situation is rose-colored. The latter also suffers limitations in its activity, as is the case of any religious presence in China.

3. *The Underground Church*

Some commentators surmise that there are two Catholic Churches in Mainland China. In fact, there is only *one* Catholic Church, as elsewhere. Unfortunately, the Church is divided into two factions or communities, that is, the "official" (patriotic, open) community and the "underground" community.

⁴⁷⁷ Cf. 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.

⁴⁷⁸ Anthony S. K. Lam: *The Catholic Church in Present-Day China: Through Darkness and Light*, Peter Bary MM and Norman Walling SJ (trans.), English Edition, Hong Kong: Holy Spirit Study Center, 1997, p. 60.

However, such a division within the Catholic Church in China has historical causes due more to political circumstances than to doctrinal differences.⁴⁷⁹ Pope John Paul II was always very careful about speaking of the Church in China as one.

The underground Catholic community is loyal to the Pope and the universal Church, but it is not recognized by the Chinese government. The community does not oppose the government on political grounds; they want an acceptable degree of freedom to practice their faith in communion with the Church, though maintaining their national sentiment.

Those who are well acquainted with the situation of the Catholic Church in China tend to agree that, in certain important aspects, the two church communities do not differ much from each other in their loyalty to the Pope and in the doctrines and teachings of the Universal Church. It is now known that the majority of the bishops in the Open Church have petitioned the Holy See to be legitimated and approved by the Holy Father. That means the great majority of the bishops in the Open Church are also in communion with the Holy See. Some bishops in the Open Church managed to petition for a papal appointment from the Holy See only after they had already been consecrated a bishop in China; others managed to get their request to the Holy See and their appointment verified before their consecration. Bishops, obviously never publicly declare their appointment by the Holy Father for political reasons. Therefore, despite the many difficulties encountered in maintaining contacts with the Holy See, it is a fact that most of the priests and bishops in the Open Church are in communion with the Pope.

Loyalty to the Holy Father, therefore, is not what distinguishes the two church communities. The major difference lies in their registration with the government. While the members of the Open Church are registered with the government, those of the Underground Church are not “registered” with the Chinese authority according to law.⁴⁸⁰ The faithful in the Underground Church do not accept the three-self religious policy of the “self-supporting, self-propagating, self-governing of the Church” imposed by the Chinese government. These church communities also refuse to join the Chinese Catholic Patriotic Association or recognize its legitimacy.⁴⁸¹

In 1949, the entire China effectively came under Communist control. From 1949 to 1977 (when the Cultural Revolution ended) the Catholic Church

⁴⁷⁹ Cf. Betty Ann Maheu, MM, “The Catholic Church in China,” in *Tripod*, no. 140 (Spring, 2006), p. 11.

⁴⁸⁰ According to Article 2 of the “Regulations on Managing Places for Religious Activities” issued by the State Council in 1994, “registration is required for the establishment of a venue for religious activities. The registration procedure will be decided by the Religious Affairs Bureau of the State Council.”

⁴⁸¹ AA. VV, *Birds in the Cage, Freedom of Religious Belief in China*, published by Justice and Peace Commission of the Hong Kong Catholic Diocese, English edition, Hong Kong, 2004, p. 18.

underwent its worst persecutions in China. Catholic dispensaries, schools, hospitals, and orphanages were taken over by the state, and several cathedrals were leveled. Seeking to remove the Catholic faithful from the aegis of the Pope, the government created the “Patriotic Church” in 1957. Since that time most world media, including the Chinese media, has referred to “two Churches” in China – the “underground” Church and the “open” Church. The “open Church” is overseen by the Religious Affairs Bureau and is ostensibly independent from outside political influences. This situation became even more complex when Pope Pius XII excommunicated any bishop who registered with the State. Most bishops then went “underground,” choosing to preserve their explicit loyalty to Rome, to the Holy Father.

Some people say that the line between these two communities has grown increasingly vague in recent years.⁴⁸² In fact, neither John Paul II nor Benedict XVI has referred to “two Churches” in China, but has instead spoken of the one (in singular) Catholic Church in China.

Many members of the clergy released at the end of the Cultural Revolution were still unwilling to join any Catholic organization registered with the government. They refused, for instance, to live at a church with other priests who had married, betrayed others, or publicly denied the primacy of the Pope. And so, they carried out religious activities in private, and gradually attracted a great number of Catholics to join with them. Something similar happened to bishops, who given the circumstances, were also given by the Vatican the authority to ordain priests without the required lengthy seminary training; this accounted for the overall poor doctrinal instruction of many priests in the “Underground” Church.

By 1989, the “Underground” Church had more than fifty bishops who set up their own Episcopal Conference. Since that year, the “Underground” Church has been the target of mounting pressure from the government, which in February 1989 issued a document recognizing the spiritual leadership of the Pope and spelling out also how to deal with the “Underground” Church. Communist cadres were asked to differentiate between underground forces that clung to their hostility and stirred up believers, and those who did not join the Open Church because of their faith in the Pope. The former, said the document, must be dealt with severity while patience should be used with the latter. Accordingly, the government regarded the setting up of the Episcopal Conference by the clandestine bishops in November 1989 as a provocation. It resulted in the arrest of several leaders, including Bishop Fan.⁴⁸³

⁴⁸² Being above all concerned with the unity of the Church, Pope Benedict XVI does not use the expressions “official Church” and “underground Church,” but speaks only of the “Church in China,” which he praises, from the *Letter’s* outset, for her “faithfulness” and recalls her “grave sufferings.”

⁴⁸³ Bishop Fan Xueyan, of Baoding diocese, in Hebei province, was released from prison in 1979 and acted as the leader of the Underground Church. Recognizing the urgent need for bishops in several dioceses, he ordained in 1981 three bishops without recourse to government or Open Church’s approval. When the Pope learned of the circumstances that prompted such a procedure, he

At the local level the implementation of that policy has remained vague and vacillating, resulting in sporadic destruction of unregistered religious buildings, temporary detention and the levy of heavy fines. However, since the ban of the Falun Gong in July 1999, repressive measures against not officially registered Catholic communities have also greatly increased. Several priests and bishops remain in prison or have their activities curtailed. Many Underground Catholics play a prophetic role by their refusal to participate in a government-sanctioned organization. They dare to challenge the government policy regarding human rights and freedom of religion from a Catholic standpoint.⁴⁸⁴

Aware of these difficulties, Pope John Paul II made a special acknowledgment of the Underground Community when on January 6, 1982, he wrote that he knew very well “that our brothers and sisters in China have had to face difficult and prolonged trials in the span of these thirty years. In those severe sufferings they have given proof of their fidelity to Christ and his Church; such courageous witness can well be compared to that of the first centuries of the Church. How consoling it is to receive news of the constant and courageous loyalty of Catholics in China to the faith of their fathers and of their filial attachment to Peter’s See. All that, while it arouses our deep admiration, must urge us even more to offer them our affectionate support and fervent prayers.”⁴⁸⁵

A similar recognition was made a few years later, on September 8, 1994, by the same Pope John Paul II as he said:

I am indeed happy to reaffirm my help, affection, and esteem in our Lord Jesus Christ to all the Catholic sons and daughters of the great and illustrious Chinese family. With all the ardour of my heart I feel spiritually present among them, and I assure them that I am especially close to those who have remained faithful to Jesus Christ and to his Church in the midst of difficulties of all kinds, and have testified and continue to testify, even at the cost of deep and prolonged suffering, that the principle of communion with the Successor of Peter... cannot be renounced by a Catholic who desires to remain such and to be recognized as such.⁴⁸⁶

The clandestine condition in which the Underground Church communities live with their pastors “is not normal” and history shows that pastors and members of

legitimized the newly ordained bishops and granted them and Bishop Fan special faculties to ordain successors as well as bishops for vacant seats of neighboring dioceses.

⁴⁸⁴ Cf. 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.

⁴⁸⁵ John Paul II : “Letter to the bishops of the World inviting them to pray for the Church in China” (January 6, 1982), in *Papal Documents Related to China 1937-2005*, doc. no. 31, p. 192.

⁴⁸⁶ John Paul II: Letter to Cardinal Josef Tomko for Symposium in Taipei (September 8, 1994), in *Papal Documents Related to China 1937-2005*, pp. 273ff.

the laity have suffered greatly in the process of living within the limitations imposed by the state.⁴⁸⁷ To this situation of clandestinity, Pope Benedict XVI referred in his *Letter to Chinese Catholics* saying that the clandestine condition is not a normal feature of the Church's life, and history shows that Pastors and faithful have recourse to it only amid suffering, in the desire to maintain the integrity of their faith and to resist interference from State agencies in matters pertaining intimately to the Church's life. For this reason, the Holy See hopes that these legitimate Pastors may be recognized as such by governmental authorities for civil effects too insofar as these are necessary – and that all the faithful may be able to express their faith freely in the social context in which they live.⁴⁸⁸ In his speech on December 26, 2006, the Pope praises them for their “uncompromising loyalty”; he encourages their “perseverance till the end;” he knows “their circumstances appeared to be ill-fated” but he firmly believes “their suffering will bring victory.”

On numerous passages of his *Letter to the Chinese Catholics*, Pope Benedict manifests his admiration for the underground brothers and sisters. For instance, when he writes: “I wish to manifest sincere gratitude to the Lord for the deeply-felt witness of faithfulness offered by the Chinese Catholic community in truly difficult circumstances.”⁴⁸⁹ Or in another place: “Many members of the Chinese episcopate who have guided the Church in recent decades have offered and continue to offer a shining testimony to their own communities and to the universal Church ... it must not be forgotten that many bishops have undergone persecution and have been impeded in the exercise of their ministry, and some of them have made the Church fruitful with the shedding of their blood.”⁴⁹⁰ Likewise he writes: “How can I fail to recall, in this regard, as an encouragement for all, the shining examples of bishops and priests who, in the difficult years of the recent past, have testified to an unfailing love for the Church, even by the gift of their own lives for her and for Christ?”⁴⁹¹ And referring to the lay people: “In the most difficult periods of the recent history of the Catholic Church in China, the lay faithful, both as individuals and families ... have shown total fidelity to the Gospel, even paying a personal price for their faithfulness to Christ.”⁴⁹² Regarding the faithful of the Underground Church the Pope had already said earlier: “The faithful ... must, within the limits of the possible, seek bishops and priests who are in communion with the Pope: nevertheless, where this cannot be achieved without grave inconvenience, they may, for the sake of their spiritual good, turn also to those who are not in communion with the Pope.”⁴⁹³ And

⁴⁸⁷ *Sunday Examiner*, vol. LXIII. June 7, 2009.

⁴⁸⁸ Cf. *Letter*, n. 8, par 9.

⁴⁸⁹ *Letter*, n. 4, par 1.

⁴⁹⁰ *Letter*, n. 8, par 5.

⁴⁹¹ *Letter*, n. 13, par 1.

⁴⁹² *Letter*, n. 15.

⁴⁹³ *Letter*, n. 10, par 5.

the Pope continued: "Universal brothers of the Church... pray for the historical god to give you the Grace of seeing perseverance, they are convinced that the suffering you have to bear for the Holy name of Jesus Christ in the past and in the present, and the courage and loyalty you represent him in the world will surely be rewarded, although at times, all seems to have failed."⁴⁹⁴

The underground communities which have not only suffered in the past, but are still suffering at present, are a great hope for the Church in China. They do not oppose the government simply for the sake of opposing it. In fact, they are not political activists. They simply want to live their faith in its total integrity. The permanence of the underground communities, notwithstanding the "tolerant" religious policy, has made the regime reluctantly aware that they did not solve the Catholic issue: the Catholic Church can never become independent. The underground Church has prompted the members of the official Church to see the necessity of seeking the approval of Rome in order to gain back the respect of the faithful. The "underground" Church must be credited for having prevented the "official" Church from succumbing to the pressure of the regime to distance itself from the Pope and Universal Church.⁴⁹⁵

4. Religious Freedom

"The human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits."⁴⁹⁶ These are some categorical words of the Second Vatican Council speaking of religious freedom. The Council further declares in the same number that "the right to religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself. This right of the human person to religious freedom must be given such recognition in the constitutional order of society as will make it a civil right..." The demand for freedom in human society chiefly regards the quest for the values proper to the human spirit. It regards, in the first place, the free exercise of religion in society. "This demand is likewise made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations."⁴⁹⁷

⁴⁹⁴ *Letter*, n. 10, par19.

⁴⁹⁵ Cf. Gianni Criveller, PIME, "China and the Catholic Church, The Country is Changing not the Regime;" "Birds in the Cage Freedom of Religious Belief in China," *Tripod*, No 129 (Summer 2003), pp. 26-36.

⁴⁹⁶ Second Vatican Council, Declaration on Religious Freedom *Dignitatis Humanae* (December 7, 1965), n. 2.

⁴⁹⁷ Vatican II, *Dignitatis Humanae*, n. 1.

Referring to the reality of China, Pope Benedict XVI writes in his *Letter* that even if “it is true that in recent years the Church has enjoyed greater religious freedom than in the past”⁴⁹⁸ “grave limitations remain” (the word “persecution” is also used).⁴⁹⁹ The Pope shows extraordinary sympathy and understanding for individual priests or bishops in difficult situations, seeing in the lack of religious freedom in China a mitigating factor in the decision-making process.

Actually one of the most complex questions about the Church in China today is how much religious freedom there is. Different possible answers may be produced along the spectrum between ‘not enough’ and ‘more than there used to be,’ between ‘underground’ and ‘officially registered’ ecclesiastical institutions. Yet the fact is that there has always been, and presumably always will be, a uniquely Chinese approach to religious freedom. This is not just because China is so big that it needs strong government, or because religious extremism foment social unrest, or even because Communists don’t like religion. It is because China has a unique grasp of the interconnectedness of things spiritual and things material, perhaps in compensation for the very absence of a native idea of ‘God.’⁵⁰⁰

The Chinese government has normally regarded religious work as an essential part of “the work of the United Front.” Religious work, however, is undertaken by both the United Front Work Department of the Central Committee of the Communist Party of China and the State Administration for Religious Affairs. The Chinese Communist Party is a political institution that actively advocates a Communist form of governance. Based on Karl Marx’s religious perspective, it is basically atheistic. Marx saw religious as “the opium of the people,” something that gives people only an illusion of happiness. With development of human history, Marx maintained that religious would eventually disappear. But for purposes of law, China allows its citizens “the freedom to believe or not to believe in religion.”⁵⁰¹

In 1982, China’s new Constitution dropped the ultra leftist content of the preceding ones and recognized the freedom of religious belief for all Chinese people. The right to engage in “normal” religious activities was also affirmed but has remained strictly controlled by the Religious Affairs Bureau since only what the government permits is considered “normal” and what it does not permit is not only considered “not normal” but can even be construed as illegal. This submission of the Churches to government control is therefore not done without danger of putting the integrity

⁴⁹⁸ *Letter*, no. 12.

⁴⁹⁹ Cf. *Letter*, n. 8: “... in fact, it must not be forgotten that many bishops have undergone persecution and have been impeded in the exercise of their ministry, and some of them have made the Church fruitful with the shedding of their blood.”

⁵⁰⁰ Keith Baltrop, *Why China? China and Christianity: A New Phase of Encounter?* Edited by Felix Wilfred, Edmond Tang and Georg Evers, SCM Press, London, 2008, p. 120.

⁵⁰¹ State Administration of Religious Affairs (ed.), *Religious Policies Learning Guidelines*. Beijing: Religious Cultural Publisher, pp. 1-26.

of the faith at some risk and, as a consequence, of jeopardizing authentic Christian living.⁵⁰²

The ban against the *Falun Gong* spiritual movement in July 1999 has since further intensified the nationwide crackdown on all unauthorized religious activities. Arrests of Protestants and Catholics who gather without official permission have been on the rise. In some regions of Fujian and Zhejiang for instance, every time they built a church, the police systematically tears it down. Even harsher has been the treatment of Protestant Evangelicals whose illegal gatherings the police construes as prohibited cult activities rather than services belonging to one of the five recognized religions.

As of 2002, the Communist regime still pursues a policy of allowing registered Christian communities to develop while eradicating many others. There are over 17,000 registered Protestant and Catholic churches, but this number falls short of meeting the needs of the widely spread and growing Christian communities. Even with the reopening of China to the West, religious activities of foreigners within China have remained strictly controlled. The issuance in September 2000 of a new set of government regulations has added fresh measures to restrictions already spelled out in 1994 and 1995. Except for the attendance to religious services at lawfully registered monasteries, temples, mosques and churches, foreigners cannot engage in religious activities or friendly cultural and academic exchanges with Chinese religious circles without the prior approval of Chinese religious bodies. For Catholics, this means the permission of the CCPA at the county or even the provincial level. The regulations make it difficult for foreigners to contact underground communities and further curtail the communities' influence in government-approved religious bodies.⁵⁰³ A recent television documentary about religious freedom in China offers unprecedented insights into both sides of the divide between the "official" or government-controlled Patriotic Association of Catholic Churches and the "underground" Church that remains loyal to Rome. It shows that "while the underground Church is less vigorously persecuted today, there are still many bishops and priests in prison." On the other hand, joining the Patriotic

⁵⁰² The 1980s saw also the rise of the "Cultural Christians" phenomenon. Chinese academics and intellectuals who read the Bible, studied Christian philosophy and theology, and wrote extensively on religious topics, for the most part, did not seek baptism or join a Church. Thanks to their translation efforts, important patristic and theological works are now also available in Chinese. Meanwhile the government, wary of the popular interest in Christianity and the substantial increase in church attendance, spoke of "Christian fever." It was also worried by the resilience of the Catholic and Protestant Underground composed of Christians who refused to submit to the control of the TSPM or the CCPA. This led the government, in February 1989, to introduce a number of administrative measures to enact a stricter control over the membership and leadership of religious activities –the so-called *Document 3*. These measures were further clarified in a February 1991 circular –*Document 6*– which among other things required the registration of all places of religious activities.

⁵⁰³ 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.

Association is not a mere formality for Chinese Catholics: “Under state control, the Church cannot speak up on important issues such as abortion, the one child policy, human rights, and the death penalty...”⁵⁰⁴

China is going through a massive resurgence of religious belief that the authorities of the atheistic regime are neither able to control nor contain. It may be said that bishops, priests and faithful of the open community are either strongly or loosely controlled from the civil government because they have registered and lived under a government-defined religious tolerance, provided they basically comply with the existing legislation. Does it mean that they have lost religious freedom, or can we say that most of them have adopted a middle way that allows them to engage in a fruitful ministry with a relative and acceptable degree of freedom? That assessment may explain the complaint sometimes heard: “Some official church clergy complain that the underground church has more freedom than the open church, and that no one controls them, whereas the open church is always under the scrutiny of the Patriotic Association.”⁵⁰⁵

The leaders of the open community feel that they have no choice but to continue to work within a degree of accountability to the government in compliance with laws and norms through which it manages and controls the church. They are bound to follow norms, laws and decisions received through the Patriotic Association. Moreover, they have to implement such norms in their respective diocese or communities. However, there are some bishops who are not willing to follow such instructions, and most of them deal with situations as circumstances demand, provided such an attitude does not oppose the integrity of faith or obedience to the Holy See. However, some leaders of the open community have contributed significantly to the development of the Church. Because of their negotiations they managed to build churches and seminaries for the Church with government funds and foreign aid. They have constructed, built or repaired large and spacious places of worship and restored the old Churches where the faithful can practice their faith and worship. They have trained many priests to serve the Church; they have sent a significant number of seminarians and priests abroad for further studies and to gain academic degrees.⁵⁰⁶ They know that a good and solid formation of the clergy is very important for the future of the Church in China. Unfortunately, however, relations between the open and underground communities are still not reconciled.⁵⁰⁷

⁵⁰⁴ *God in China; Oasis in a Hotspot, Beijing Faces a Faith Explosion*, Rome, June 28, 2007. Reported by ZENIT (Zenit.org), in <http://www.zenit.org/article-19998?l=english>.

⁵⁰⁵ The Old Fisherman, “*See More Clearly, Love More Deeply*.” Norman Walling, S.J. (trans.), in *Tripod*, no. 99 (May-June, 1997), p. 50.

⁵⁰⁶ Cf. UCANews Philippines: “*Head of Mission Society for Ethnic Chinese Sees Steady Growth*,” in <http://www.ucanews.com/2006/12/29/12/09/2008>.

⁵⁰⁷ Jerome Wu Jianhua, *John Paul II and the Church in China*, Macau, 2008, p. 23.

Repression continues against Catholics by the Chinese authorities that continue to detain unregistered clergy and take measures to tighten control of registered clergy and seminaries. The ideological position of the state is: religious freedom is an innate right, only the party has the right to bestow or determine it.

On November 9, 2005 the *United States Commission on International Religious Freedom* published a series of findings and recommendations in a report titled, "Policy Focus on China." The document tells of Christian leaders having to refrain from teachings involving the second coming of Jesus, divine healing, the practice of fasting, and the virgin birth. These doctrines or practices are considered by the government to be superstitious or contrary to Communist Party social policies. In addition, the teaching of Catholic moral norms on such subjects as abortion, contraceptives and divorce "is forcefully suppressed as contradicting official Communist Party policy," the report noted. Even though there have been some recent legal and judicial reforms, improvements continue to be hindered by corruption and the lack of accountability of officials. In addition, the government uses vague "state secrets" provisions to arrest and detain religious leaders, along with journalists and others who criticize or embarrass authorities. Too often, "the law is used as a tool to repress dissidents, religious believers and others seeking to exercise the rights and freedoms protected by the Chinese Constitution and international norms," says the USCIRF. In fact, the new regulations extend the government's control over almost all religious activity and establish fines and punishment for "unregistered" religious activity. China's economy might be booming, but freedom is still a scarce commodity.⁵⁰⁸

5. The relationship with the Civil Authorities

In China, the government allows religious practice only with known personnel and in places registered with the Religious Affairs Bureau and under the control of the Patriotic Association. Officials see the "underground" Catholic Church as obeying the Pope directly.

Open, official or government approved, churches are all registered. Underground churches are unregistered and sites that refuse to register are illegal and subject to closure and repression.

Government regulations require places of worship to be registered. Ye Xiaowen, the former Director of the State Administration of Religious Affairs once declared: "Our aim is not registration for its own sake but ... to tighten control over places of religious activities as well as on all religious activities themselves."⁵⁰⁹

⁵⁰⁸ *China's Long Lag in Religious Liberty, Reports Show Continued Repression*; Washington, D.C., Nov. 19, 2005 (Zenit.org), in <http://www.zenit.org/article-14597?l=english>.

⁵⁰⁹ Cf. *Tripod*, No. 92 (March-April, 1996), pp. 45-50.

China governments have always been suspicious of groups that can put any loyalty – including spiritual loyalty such as is the case with the Catholic Church – ahead of civic loyalty. The current government continues this tradition and remains suspicious of religion and religious movements of any kind. No loyalty can compete with civic loyalty.

Authorities in different places, however, deal very differently with both the registered and unregistered groups. Some groups are relatively free in both the open and underground sectors to go their own way, while others are arrested, detained, and subject to crackdowns.

The government normally does not concede any value to religion, but if it has made some concessions to them it is simply because it realized of its failure to abolish religion with decrees and by force. Religion is then tolerated as part of the present reality, since the priority at the moment is “the common goal of building a modernized powerful Socialist State.” It has the strong belief that, according to Document 19, religion will naturally disappear when the people are sufficiently educated and understand the secrets of science. It is useless, therefore, to forcibly eliminate religion as was attempted during the so-called Cultural Revolution. This is a policy of political expediency, not a policy of religious freedom. In fact, religion within the China Communist regime exists only if it is fully integrated into the one Party system and in function to it.

The Chinese government actually has no religious policy in the usual sense; its policy is rather to exercise total control over religion. In other words, *the government does not see religion as a positive element in society, but as something to be tolerated and controlled*. “The long-term goal of the government regarding religion,” according to Xiaowen, remains “to eliminate the impact of religion in China.” “Adaptation” is a central concept of the present religious policy of the Communist Party. The tone and the content of this policy clearly indicate that the believers are considered second-class citizens, they need the exhortations and guidance of the Party’s officials, and their activities need constant and strict control, correction and supervision.⁵¹⁰

Church-State relations in China fit under State dominance over religion. Any consideration given to the freedom of religious belief is based not on a concept of religious values, but rather on the realistic and pragmatic consideration that religion can serve the political goal of the Party and State. The Chinese government, however,

⁵¹⁰ Cf Gianni Criveller, PIME, *China and the Catholic Church, the Country is Changing not the Regime; Birds in the Cage Freedom of Religious Belief in China*, p.49. cf. *Tripod*, No. 129 (Summer 2003), pp. 26-36. Former Chairman Jian Zemin, in an address to religious leaders on March 4, 1999, summarized the religious government policy in the following three points: (1) To complete and correct implementation of the Party’s policy in religious affairs; (b) To strengthen the supervision over religious affairs according to the relevant regulations; (c) To lead the religions to adapt to the Socialist society. Cf. *Ibidem*.

has always felt the need to maintain control over religion and religious activities. That is why Chinese authorities have traditionally resorted to the familiar policy of registration and monitoring, an old imperial device that has existed for centuries.⁵¹¹

The Chinese government believes that religious movements are cyclic. All religions in fact experience a cycle of formation, followed by a period of development, diminishment and eventually complete eradication. It has become clear, however, that religion in China's socialist society will exist for a long time to come. China is also convinced that religion cannot be eradicated by administrative power or forceful means. Although the mentality of the atheist and the one of the believer may be different, for the moment, the Chinese government considers this to be only a secondary issue. Since both have similar political and economic interests, the important thing at the present time is to work together for the realization of China's new socialist society which requires political cooperation and mutual respect even in matters of religion.⁵¹²

Informal talks between the Vatican and the People's Republic of China about the normalization of diplomatic relations have taken place off and on since the late 1980s. Beijing realizes that it has much to gain from restoring such ties but insists on two main points: Rome should sever its relations with Taiwan and not interfere with the election of bishops. The Vatican sees in the diplomatic normalization a greater freedom for the Church and possibilities for a solid implantation. Church officials have indicated that they were ready to establish relations with Beijing, but that it was first necessary to reach an agreement over the Holy See's relationship with Chinese Catholics. In late 1999, the news spread that both sides had made substantial progress toward breaching the gap between Beijing's demand for a total and complete independence of the Chinese Church and Rome's insistence on an autonomous Chinese church in communion with the Pope and the universal Church. But in 2000, two events – the ordinations of bishops without papal mandate on January 6 and 25, and Rome's canonization of 120 China martyrs on October 1 – seriously undermined the process. These misunderstandings point to the distance that still separates the Holy See and the Chinese government.⁵¹³

In his *Letter to China*, Pope Benedict addresses a concrete problem: *Does recognition by the civil authorities compromise communion with the universal Church?* We said already that he answers in a straightforward manner by positing that the safeguarding of the deposit of faith and of sacramental and hierarchical communion

⁵¹¹ Daniel Bays, "A Tradition of State Dominance," in *God and Caesar, Policy Implications of Church and State Tensions*, Eds. Jason Kindopp and Carol Lee Hamrin, (Washington, D.C. Brookings Institution Press, 2004) p. 35.

⁵¹² State Administration of Religious Affairs, (ed), *Religious Policies Learning Guidelines*, Beijing, Religious Cultural Publisher, pp. 22-25.

⁵¹³ 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.

is not in itself opposed to dialogue with the authorities on those matters in the ecclesial community that fall within the civil sphere. He continues: “There would not seem to be any particular difficulties with acceptance of the recognition granted by civil authorities on condition that this does not entail the denial of unrenounceable principles of faith and of ecclesiastical communion.”⁵¹⁴ In such circumstances of external pressure, the Christian community is urged to refrain from judgment and condemnation of another person’s actions. Rather every case must be pondered individually, taking into account the circumstances.⁵¹⁵

With regard to the understanding of the relationship between the civil authority and the Roman primacy on the part of appointing bishops, Pope John Paul II made an important overture in a 1982 letter, calling for prayers for China. The Pope spoke of “the tie with Peter’s See and with its apostolic ministry” as “the indispensable condition for participating in the union of the large Catholic family.”⁵¹⁶

In an interview on a visit to Japan, former Holy See foreign minister Archbishop Giovanni Lajolo reiterated that the Vatican and China will only be able to establish diplomatic ties if China allows the Pope to appoint bishops in the country.

It is a union of catholicity which is characterized as a receiving of the “abilities, resources and customs” of different peoples. “In virtue of this catholicity each part contributes its own gifts to other parts and to the whole Church, so that the whole and each of the parts are strengthened by the common sharing of all things...” Difference can mean not division but enriched unity. As to the primacy, the Pope makes no reference to papal primacy but each time to that of the “Chair of Peter” or the “Church of Rome.”⁵¹⁷ Nor is the primacy expressed in terms of jurisdiction. Its task is (in the famous, if notoriously unclear, phrase of Ignatius of Antioch) that of “presiding in charity,” or again “to unite brothers in truth and love,” or of protecting “legitimate variety at the same time taking care that these differences do not hinder unity, but rather contribute to it.”⁵¹⁸ Of course many details need to be filled in, and some Roman practice is not easily reconciled with the picture. Even so, the Pope has offered a way forward.

⁵¹⁴ *Letter*, n.7, par. 8.

⁵¹⁵ Peter Barry, M.M., *A Commentary on the Letter of Pope Benedict XVI to the Catholics of China*, July 4, 2007. Cf http://www.hsstudyc.org.hk/en/remarks/en_err_20070704.html.

⁵¹⁶ Cf. Wurth, Elmer, MM, & Maheu, Betty Ann, MM. (Ed), *Papal Documents Related to China 1937-2005*, Holy Spirit Study Centre, Hong Kong, 2006, p. 190. Cf. Geoffrey King. S.J., “The Catholic Church in China: A Canonical Evaluation,” in *The Jurist* 49 (1989), p. 72.

⁵¹⁷ For the significance of this usage see Tillard, *Bishop of Rome*, pp. 68-74.

⁵¹⁸ Geoffrey King. S.J., “The Catholic Church in China: A Canonical Evaluation,” in *The Jurist* 49 (1989), p. 72.

One of the details needing to be filled in concerns the method of selection of bishops. The Code's norm that "The Supreme Pontiff freely appoints Bishops or confirms those lawfully elected"⁵¹⁹ is an ideal that will not be realized in China.

C. The Implications of The Canonical Issues Delved with in the *Letter*

Having a look to the issues mentioned in Pope Benedict's *Letter to Chinese Catholics* it is not difficult to notice that most of those issues are pastoral in nature and that a number of them have canonical implications. Among the latter the most significant one concerns the *episcopate*. This has been the object of most discussions within the ambit of the Catholic Church in China: "Does the Supreme Pontiff have exclusive rights in the appointment of diocesan bishops in China?" "Should underground bishops be urged to see recognition from state authorities?" "What about the censures incurred in by those bishops ordained without apostolic mandate?" "Can bishops and priests from both [open and underground] communities, whether legitimately or unlawfully ordained, concelebrate with each other?" "May the faithful receive the sacraments from them?" "Why is it that the existing College of Catholic Bishops of China [*China Catholic Bishops' College*] is not recognized as an Episcopal Conference by Pope Benedict XVI?" ... These and other related questions connected with the Chinese episcopate call necessarily for a quick reference to the Code of Canon Law – given their canonical nature – but they have also a number of important implications both in the internal realm of the Church and in the relations between the Holy See and the civil government offices of the People's Republic of China. Other issues of canonical nature worth mentioning here are those related to *ecclesiastical circumscriptions* and the abolished *special privileges* previously granted by the Roman Curia to the Church in China throughout the years.

1. The Chinese Episcopate

There are currently few bishops in the Chinese episcopate who are not recognized by the Pope and henceforth by the universal Church. The main reason is because most of those who had been ordained illegitimately have subsequently sought recognition from the Roman Pontiff and it was granted them. Those who are not yet recognized have not given authentic signs of their willingness to enter into full communion with the Church, though Pope John Paul II already repeatedly encouraged them to return to the communion of the Catholic Church, saying that he hoped and prayed that all, "including those presently separated from full communion, will work with renewed strength for full communion and unity with the Universal Church and the successor of Peter."⁵²⁰

⁵¹⁹ Canon 377 §1.

⁵²⁰ John Paul II: "Address to Bishops of Taiwan at *Ad Limina Visit*" (August 19, 1995), in *Papal Documents Related to China 1937-2005*, doc. no. 42, p. 256.

It was also Pope John Paul II who on December 3, 1996 addressed the problem of divided loyalties in an indirect way by speaking about Episcopal responsibility, so that they faithful and the clergy would not be trouble by their conscience: “I know that the Church, which is in the People’s Republic of China, wishes to be truly catholic, even in its sufferings and in the uniqueness of its path through history. It must therefore keep itself united to Christ, to the Successor of Peter and to the whole Universal Church, also and especially through the ministry of Bishops in communion with the Apostolic See. This is a truth of faith, simply lived in the Chinese tradition ever since the *Plantatio Ecclesiae* in those lands: *Giovanni da Montecorvino*, in fact, was consecrated the first bishop of the Catholic Church in China through the imposition of hands of other bishops who had been sent by the Pope and who brought the apostolic mandate for his Episcopal consecration. Through ordination the bishop receives the grace and responsibility of his own pastoral ministry. Hence he is to be a pastor; he must possess the human, moral and spiritual qualities that make him an example and model to the flock, which Christ entrusts to him. The Church’s age-old tradition and constant discipline have always demanded these qualities. The bishop must be the first witness of the faith which he professes and preaches, to the point of “shedding his blood,” as the Apostles did and as so many other Pastors have done down the centuries, in many nations and also in China.”⁵²¹

On his part, Pope Benedict XVI pointed out in his *Letter* the fact that there are certain bishops in China who “have been ordained without the Pontifical mandate and who have not asked for or have not yet obtained the necessary legitimization. They are to be considered illegitimate, but validly ordained; as long as it is certain that they have received ordination from validly ordained bishops and that the Catholic rite of episcopal ordination has been respected.” The Pope hopes that once “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.”⁵²²

It may be true that most bishops, including those who do not enjoy this recognition, would like, at least in spirit, to be in communion with the Pope and that they pray for and even go as far as to follow his directives rather than those of the Chinese Catholic Patriotic Association which, at times, opposes any jurisdiction of the Holy Father. Unfortunately, we have observed that the open community has continued to ordain bishops without pontifical mandate. This is in direct opposition to the jurisdiction of the Holy Father, and thus the Universal Church cannot accept such unilateral decisions. However, there has been a shift in policy and the underground community is somewhat confused where some bishops are

⁵²¹ John Paul II: “Message to the Church in China” (December 3, 1996), in *Papal Documents Related to China 1937-2005*, doc. no. 37, pp. 213-214; originally published in *L’Osservatore Romano*, English Weekly Edition (11 December, 1996). Cf. *Tripod*, no. 97, with some commentaries.

⁵²² *Letter*, n. 8, par. 12.

being recognized. Hence, there is an ongoing presence, in some quarters, to ordain also without mandate, because this policy is seen as discriminatory toward the underground community and its history of difficult faithfulness to the demands of the Roman church.⁵²³

From the moment the *Letter* of Pope Benedict was released until today the number of bishops being ordained without Apostolic Mandate has been minimized. In 2010, at least eight bishops were ordained with the apostolic mandate and the agreement of Chinese government. This is a good sign for the Chinese Catholic Church, for Chinese government and for the Vatican as well. However, from the month of December of 2010 the relations between the Vatican and the Chinese government have become more rigid – due in part to some recent unwanted political unrest within and outside China – and it seems that those relations marking the Sino-Vatican dialogue are progressively deteriorating to the point that some new illegitimate ordinations may likely to happen in a new future.

Going back to Pope Benedict XVI's *Letter* on the status of the Chinese episcopate, the Pope distinguishes *three groups* among the Catholic bishops in China: He first mentions those who “have felt themselves constrained to opt for clandestine consecration;” and he expresses the Holy See's hope “that these legitimate Pastors may be recognized as such by governmental authorities for civil effects too.” The *second* group is that of those 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;” in view of the existing confusion on the part of Chinese Catholics, the Pope says: “It is indispensable, for the spiritual good of the diocesan communities concerned, that legitimation, once it has occurred, is brought into the public domain at the earliest opportunity, and that the legitimized bishops provide unequivocal and increasing signs of full communion with the successor of Peter.” The *third* group is that of the “very small number ... who have been ordained without the pontifical mandate and who have not asked for, or have not yet obtained, the necessary legitimation. “These,” the Pope said, “are to be considered illegitimate, but validly ordained,” and “the faithful, taking this into account, where the Eucharistic celebration and the other sacraments are concerned, must, within the limits of the possible, seek Bishops and priests who are in communion with the Pope: nevertheless, where this cannot be achieved without grave inconvenience, they may, for the sake of their spiritual good, turn also to those who are not in communion with the Pope.”⁵²⁴

⁵²³ Cf. Jerome Wu Jianhua, *John Paul II and the Church in China*, Macau, 2008, pp. 20-21.

⁵²⁴ *Letter*, n. 10, par. 6. The Pope writes in this regard that “some [of the legalized] bishops have not yet clearly shown their legalized identity...they must continue to show visible behavior of their full communion with the successor of St. Peter” (*Letter*, n.8, par. 11).

Some bishops of the open community are willing to communicate with and be integrated into the Universal Church. Some have asked for papal approval even before they decided to accept the nomination and most self-elected and self-consecrated bishops received the approval of the Vatican. Moreover, it is well known in church circles that the Vatican has granted its approval to some candidates previous to the ordination.⁵²⁵ The Chinese government's Bureau of Religious Affairs has been well aware of this activity and raised some criticisms, but at times collaborated to a certain extent, particularly when there was no objection to the candidate.⁵²⁶ This constitutes a major source of contention between China and the Apostolic See.

The appointment of bishops is another source of contention between the Church and the Chinese Government. Canon 377 states clearly that "the Supreme Pontiff *freely* appoints bishops or confirms those lawfully elected."⁵²⁷ Thus, the Supreme Pontiff refuses to approve any bishops named independently by the Chinese government or any other civil authority in defiance of church laws and claims the right to freely appoint bishops. Meanwhile, the Holy See through other channels has authorized the ordination of some underground bishops.

This confusing situation may find its explanation in the four actual categories of Bishops that presently exist in China, namely: (1) *Underground* bishops: they are recognized by the Pope but with very few exceptions are not approved by the government; (2) *Illicit open-Church* bishops: they are approved by the Chinese government but not recognized by the Pope; (3) *Legitimized open-Church* bishops: they are approved by the Chinese government and were ordained without the consent of Rome. They have however subsequently contacted the Holy See and, upon their request, been recognized by the Pope;⁵²⁸ and (4) *Licit open-Church* bishops: those bishops recently ordained with the approval of the government but who prior to their ordination seek and receive the approval of the Supreme Pontiff.

Circumstances surrounding the January 6, 2000 ordination of five bishops not approved by the Holy See clearly point to a rift within the Open Church. We know now that original plans called for an even larger ordination ceremony but that only five succumbed to the pressure of the government and of the national CCPA to be ordained without seeking prior papal approval. Several Open Church bishops disapproved and refused to attend the ceremony; so did the teachers and

⁵²⁵ A. Lam, *Op. cit.*, p. 60.

⁵²⁶ Jerome Wu Jianhua, *John Paul II and the Church in China*, Macau, 2008, p. 20.

⁵²⁷ Can. 377 § 1. *Episcopos libere Summus Pontifex nominat, aut legitime electos confirmat.*

⁵²⁸ Although their precise number is not openly known, most probably the majority of bishops in the Open Church nowadays fall within this category. (On his first visit to Japan, the archbishop currently governor of Vatican City, said that even though the bishops appointed by the Vatican are not allowed to exercise authority in China, more than 85 percent of those appointed by the Chinese Patriotic Catholic Association, which is under the control of the Chinese government, later asked to be recognized by the Pope. Cf. *The Daily Yomiuri* reports.)

the seminarians of the national seminary in Beijing. This clearly shows that the mood within the Open Church is to be totally in accordance with church laws. Repressive measures from the government have been unable to reverse the trend. How the Vatican chooses bishops in China remains a real problem but not an insoluble one. A likely compromise is for the Vatican to choose bishops in consultation with the Chinese government. But no agreement has so far been reached by the two sides.⁵²⁹

The second pre-condition, namely, the non-interference in China's internal affairs, relates first of all to the appointment of Bishops. For the Catholic Church, this is essentially an issue of freedom and autonomy. The Church enjoys this right everywhere in the world. Since it is clear that bishops are religious and not political figures, their nomination belongs to the Pope, and to the Church rather than to the government. However, a bishop is also an important authoritative member of the civil society and, therefore, the Holy See is willing to make some reasonable and legitimate concessions with China, as she has traditionally done in some other countries in analogous circumstances, like in Cuba and Vietnam. The ball remains with the Chinese government.⁵³⁰

The Holy See's approval is today very important for every new bishop to gain the people's trust. As things stand at present, the lack of approval from Rome weakens the authority of the newly appointed bishop in his diocese, not only before the faithful, but also before his fellow bishops.⁵³¹ This proves that the Chinese Catholics are not willing to be governed by an illegitimate bishop; that an illegitimately ordained bishop becomes, in fact, a "shepherd" without a flock; and that in reality there is no "national" Church or "patriotic" Church in China: the lay faithful, religious, priests and bishops do not want an independent Church.⁵³²

Pope Benedict addresses his brother bishops directly: "In recent years, you have encountered difficulties, since persons who are not 'ordained,' and sometimes not even baptized, control and take decisions concerning important ecclesial questions, including the appointment of Bishops, in the name of various State agencies... We have witnessed a disdain for the Petrine and Episcopal ministries by virtue of a vision of the Church according to which the Supreme Pontiff, the bishops and the priests risk becoming *de facto* persons without office and without power."⁵³³ ...

⁵²⁹ 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.

⁵³⁰ Gianni Criveller, PIME, *China and the Catholic Church, the Country is Changing not the Regime*; "Birds in the Cage Freedom of Religious Belief in China," p. 53. Cf. *Tripod*, no. 129 (Summer 2003), pp. 26-36.

⁵³¹ Maheu, B. A., "Cina: il volto nascosto della Chiesa" in *Mondo e Missione*, n. 9 (2005), p. 29.

⁵³² Cf. Criveller, G., "A Crucial Turning Point in the Chinese Church," in *Tripod*, n.133 (2004), p. 43.

⁵³³ *Letter*, n. 8, par. 2.

“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,”⁵³⁴ the Pope writes. Next, Pope Benedict treats of different choices made by the episcopal candidates. He starts off by saying that all the bishops of the Catholic Church of China are sons of the Chinese people and that, moreover, the Catholic Church of China has never been deprived of legitimate pastors who have preserved the apostolic succession intact. These bishops have received ordination in conformity with Catholic tradition, that is, in communion with the bishop of Rome and at the hands of validly and legitimately ordained bishops. Some, however, in order to maintain total fidelity to the successor of Peter and to Catholic doctrine, have opted for clandestine consecration. They have done this to maintain the integrity of the faith and to resist interference by state agencies in matters pertaining intimately to the Church’s life. The Holy Father hopes that these bishops can be recognized by the civil authorities. Other pastors have consented to receive episcopal ordination without the papal mandate; but they have later asked to be received into communion with the successor of Peter. The Holy Father, taking into account their sincerity and the complexity of the situation, as well as obtaining the opinion of neighboring bishops, has granted them full and legitimate exercise of episcopal jurisdiction.⁵³⁵ Finally, there are a small number of bishops who have been ordained without the Papal mandate, who have not asked for the necessary legitimization; for these reasons, Pope Benedict points out, the Holy See cannot recognize the present Chinese Catholic Bishops Conference.⁵³⁶

The question of the appointment of bishops touches the very heart of the life of the Church for, as Pope Benedict points out, it is a guarantee of the unity of the Church and of hierarchical communion. When the Pope issues an apostolic mandate for the ordination of a bishop, he is exercising his supreme spiritual authority. The exercise of this authority remains strictly within the religious sphere. It does not interfere in the internal affairs of the state, nor violate its sovereignty. The documents which Pope Benedict cites in the footnotes of his *Letter* in talking about this issue also consider the appointment of Church leaders as a constitutive element of the exercise of religious freedom. The Holy Father hopes that an accord can be reached with the Government to resolve certain questions regarding the choice of candidates for the episcopate.⁵³⁷

⁵³⁴ *Letter*, n. 8, par. 3.

⁵³⁵ Unfortunately, the Holy Father points out, priests and faithful have not been fully informed that their Bishop has been legitimized. Therefore, Pope Benedict urges those bishops who have been legitimized to clearly make known that they are in full communion with the successor of Peter.

⁵³⁶ The reasons: “clandestine” bishops are not part of it, it includes prelates who are still illegitimate, and it is governed by statutes incompatible with Catholic doctrine. See the previous chapter of this dissertation, where we lengthily dealt with this particular issue.

⁵³⁷ Peter Barry, M.M. *A Commentary on the Letter of Pope Benedict XVI to the Catholics of China*, July 4, 2007. http://www.hsstudyc.org.hk/en/remarks/en_err_20070704.html.

There have been some public comments or misinterpretations on Pope Benedict's *Letter* as it seemingly says that bishops from the underground Church could concelebrate with "all" the bishops from the official Church; that there were no more reasons for the existence of the underground Church; that "underground" bishops were urged to seek recognition from the state authorities; that there were no more canonical sanctions against unlawfully ordained bishops, etc. Former bishop of Hong Kong, Cardinal Joseph Zen Ze-kiun, denied all this, stating that none of that is in the *Letter*, especially nothing to suggest that bishops from the underground Church can concelebrate with "all" the bishops from the official Church. What the *Letter* does say is that they can concelebrate only with those who are now in communion with the Holy Father, even if these Bishops and priests are also recognized by the government. Similarly, underground bishops are not encouraged to apply for registration; they are only given the faculty or, rather, the heavy responsibility to make a "very difficult decision" for their individual dioceses as to whether they should seek recognition. For this reason, the underground Church still has its *raison d'être* since the Chinese government continues to oppress the Church. As for "canonical sanctions" the *Letter* does focus on unity and dialogue, but it also explicitly mentions the Code of Canon Law⁵³⁸ which "lays down grave sanctions both for the bishop who freely confers Episcopal ordination without an apostolic mandate and for the one who receives it."⁵³⁹

The stand expressed by Pope Benedict in his *Letter* regarding the validity of the ordination of bishops without papal mandate, the concelebration at the Mass, the celebration of the sacraments as well as the eventual participation of the faithful in them, with special reference to canons 265-272, has been already sufficiently expressed in our previous chapter. In fact, it was said that as regards as the *concelebration at the Eucharist*, the Pope reminded the bishops and the clergy that it presupposes the profession of the same faith and hierarchical communion with the Pope and with the universal Church;⁵⁴⁰ concerning the *ordination of bishops that took place without the pontifical mandate* the Pope wrote that their ordination is "illegitimate but valid" and henceforth sacraments administered by such bishops and priests are likewise valid.⁵⁴¹ However, in reference to the lay faithful receiving the sacraments from them, he added that they should still as much as possible seek bishops and priests who are in communion with the Pope; only where it results in grave inconvenience they may turn to prelates not in communion with the Pope.⁵⁴²

⁵³⁸ Cf. Canon 1382.

⁵³⁹ Cf. Vatican, Hong Kong (*AsiaNews*) 07/24/2007, China; cf. <http://www.asianews.it/news-en/Cardinal-Zen-warns-against-confusion-surrounding-the-Pope's-letter-to-Chinese-Catholics-9904.html>.

⁵⁴⁰ *Letter*, n.10 par. 4. Cf. *Compendium*, n. 14.

⁵⁴¹ Cf. *Letter*, n.10 par. 6: "...their ordination is illegitimate but valid, just as priestly ordinations conferred by them are valid, and sacraments administered by such Bishops and priests are likewise valid."

⁵⁴² "...Therefore the faithful, taking this into account, where the Eucharistic celebration and the

One particular difficulty many Chinese Catholics are recently experiencing in their daily lives is how to treat the bishops ordained illicitly and those who took part in the ceremony. The Vatican's declarations against the ordinations cite *latae sententiae* excommunication, but leave open the possibility that they took place under duress and against the interested parties' full free will, thus sparing to some extent the (good) faith of the new pastors. The Vatican's statements also say that these ordinations create "division in the diocesan community" and cause distress to "the conscience of many ecclesiastics and members of the faithful." So far, the Holy See has excused everyone, but among the members of the faithful, priests, and bishops in China, there are many who are wondering whether the time has not come to respond to the Patriotic Association's pressure with greater resolve. And, without abandoning the implicated bishops, to suggest and demand that they refrain from exercising their ministry for several years.⁵⁴³

Another issue quite different from those mentioned in the previous paragraphs but very much connected with the Chinese episcopate and that cannot be overlooked here is the one of the "Chinese Episcopal Conference." The canonical aspects of it were analyzed in the previous chapter. Here we refer only to the status of such entity –which in the words of Pope Benedict cannot be properly called "Episcopal Conference"– in the current state of affairs of the Church in China.

"In individual nations," we quoted already Pope Benedict writing, "all the legitimate bishops constitute an Episcopal Conference, governed according to its own statutes, which by the norms of canon law must be approved by the Apostolic See. Such an Episcopal Conference expresses the fraternal communion of all the Bishops of a nation and treats the doctrinal and pastoral questions that are significant for the entire Catholic community of the country without, however, interfering in the exercise of the ordinary and immediate power of each Bishop in his own diocese. Moreover, every Episcopal Conference maintains opportune and useful contacts with the civil authorities of the place, partly in order to favor cooperation between the Church and the State, but it is obvious that an Episcopal Conference cannot be subjected to any civil authority in questions of faith and of living according to the faith (*fides et mores*, sacramental life), which are exclusively the competence of the Church."⁵⁴⁴

other sacraments are concerned, must, within the limits of the possible, seek Bishops and priests who are in communion with the Pope: nevertheless, where this cannot be achieved without grave inconvenience, they may, for the sake of their spiritual good, turn also to those who are not in communion with the Pope" (*Letter*, n.10 par. 6). Cf also Peter Barry, M.M. *A Commentary on the Letter of Pope Benedict XVI to the Catholics of China*, July 4, 2007, in http://www.hsstudyc.org/hk/en/remarks/en_err_20070704.html.

⁵⁴³ Bernardo Cervellera, *Meeting at Vatican on the Church in China*, Rome, *AsiaNews* 01/18/2007; in <http://www.asianews.it/index.php?l=en&art=8261>.

⁵⁴⁴ *Letter*, n. 8, par. 13.

In the Chinese setting, three major differences between the “Chinese Bishops’ Conference” and bishops’ conferences in other parts of the world were already pointed out, namely:

(1) First, the source of authority for the Chinese Bishops’ Conference is linked to the National Chinese Catholic Representatives Assembly which means that the bishops themselves do not have authority over their decisions, the resolutions they adopt and the election of their own members;

(2) Second, the Chinese Bishops’ Conference, as stated in its constitution, attributes to itself the jurisdiction for selecting and appointing bishops, a prerogative that other episcopal conferences acknowledge as belonging to the Pope; and

(3) Third, the National Catholic Representatives Assembly acts in place of the Holy See as it approves the constitution or bylaws of the Chinese Bishops’ Conference⁵⁴⁵ and consequently its further amendments and decisions.

These elements help us to understand more clearly why the existing China Catholic Bishops’ College is not recognized as an episcopal conference by Pope Benedict XVI. The reasons for it are mainly three, namely, (1) because the “clandestine” bishops, that is, those legitimately ordained and in communion with the Pope but not recognized by the Chinese government, are not part of it; (2) because the China Catholic Bishops’ College include bishops who are still illegitimate, that is, they have not yet obtained the necessary legitimation after having received episcopal ordination without the papal mandate;⁵⁴⁶ and finally, (3) because said college of bishops is governed by statutes that contain elements incompatible with Catholic doctrine.⁵⁴⁷

2. Ecclesiastical Circumscriptions

Speaking of “Particular Churches and their Groupings”⁵⁴⁸ the Code of Canon Law says that particular churches are principally *dioceses* and their equivalent:

⁵⁴⁵ Article 14 of the Constitution of the Chinese Bishops’ Conference states that these norms [its Constitution] have authority once they have been adopted by them.

⁵⁴⁶ The canonical status of this very small group of Bishops accurately described in the Letter: “... They are to be considered illegitimate, but validly ordained as long as it is certain that they have received ordination from validly ordained Bishops and that the Catholic rite of episcopal ordination has been respected.” (*Letter*, n. 8, par. 12). Their inclusion in the in the College of Catholic Bishops of China is an important reason why the latter is not recognized by Pope Benedict XVI as a true episcopal conference.

⁵⁴⁷ Cf. *Letter*, n. 8, par. 14: “...The “clandestine” Bishops, those not recognized by the government but in communion with the Pope, are not part of it; it includes bishops who are still illegitimate, and it is governed by statutes that contain elements incompatible with Catholic doctrine.” Cf. *Compendium of Pope Benedict XVI to Chinese Church*, May, 23, 2009, n. 12.

⁵⁴⁸ Cf. *Code of Canon Law*, Book II, Section II, canons 368ff.

territorial prelatures, territorial abbeys, vicariates apostolic, prefectures apostolic and permanently established apostolic administrations.⁵⁴⁹ Then it states that each diocese (or other particular Church) is divided into *parishes*;⁵⁵⁰ and finally that several neighbouring parishes can be joined together in special groups, such as vicariates forane.⁵⁵¹

Ecclesiastical provinces, on the other hand, are described by canon 431 §1 as groups of neighboring dioceses which, while maintaining their territorial individuality, are subject to the authority of the metropolitan archbishop and the provincial council with regard to certain powers expressly indicated by the law.⁵⁵² The establishment of ecclesiastical provinces as well as of ecclesiastical regions is under the responsibility of the Congregation for Bishops,⁵⁵³ except for the territories under the Congregation for the Evangelization of People.⁵⁵⁴ Ecclesiastical provinces possess juridical personality *ipso iure* from the moment they are established.⁵⁵⁵ Indeed, their establishment, suppression or alteration belongs *exclusively* to the supreme authority of the Church.⁵⁵⁶

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 and Catholic churches number over 6,000. There are 136 bishops, over 3,000 priests and more than 5,000 sisters.

What is the thought of the Holy See regarding the delimitation of the borders of dioceses or provinces according to the new civil circumscriptions? We have already quoted the paragraph of Pope Benedict's *Letter* in which he said that "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."⁵⁵⁷

⁵⁴⁹ Canon 368: "Particular Churches, in which and from which the one and only catholic Church exists, are principally dioceses. Unless the contrary is clear, the following are equivalent to a diocese: a territorial prelate, a territorial abbacy, a vicariate apostolic, a prefecture apostolic and a permanently established apostolic administration."

⁵⁵⁰ "A parish is a certain community of the faithful stably constituted within a particular Church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor" (Can 515 §1).

⁵⁵¹ Cf. Canon 374.

⁵⁵² Particularly in canons 436 and 445. The purpose of their grouping is "to promote, according to the circumstances of persons and place, a common pastoral action of various neighboring dioceses, and the more closely to foster relations between diocesan Bishops" (canon 431 §1).

⁵⁵³ Cf. John Paul II, *Pastor Bonus*, n. 76.

⁵⁵⁴ Cf. John Paul II, *Pastor Bonus*, n. 89.

⁵⁵⁵ Cf. Canon 433, §2.

⁵⁵⁶ Canon 431 §3: "It is the exclusive prerogative of the supreme authority in the Church, after consulting the Bishops concerned, to establish, suppress or alter ecclesiastical provinces."

⁵⁵⁷ *Letter*, n. 11.

This statement followed the acknowledgment that “numerous administrative changes have taken place in the civil sphere during the last fifty years. This has also involved various ecclesiastical circumscriptions, which have been eliminated or regrouped or have been modified in their territorial configuration on the basis of the civil administrative circumscriptions.”⁵⁵⁸

It is in this regard that the Pope confirms the Holy See 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 and the difficulties encountered in the Sino-Vatican dialogue.

3. Abolition of Special Faculties and Privileges

Lots of privileges were granted by the Holy See to the [Underground] Church in Mainland China, particularly in 1978 and 1980. The main reasons were the lack of clerics and the existing difficult situations, some of them coming from the structural organization of the Catholic Church in China. Those privileges were used by most clerics for their work of evangelization, and with the years those privileges were at times used improperly by some clerics. The situation demanded a serene solution.

The new Code of Canon Law, promulgated in 1983, could have been the proper instrument to address the issue of the privileges granted by the Holy See; but actually it did not have much impact in the Church in Mainland China at that moment, among other reasons because it was at that time when the differences between the Open Church and the Underground Church became wider, which caused some of the provisions of the Code to remain not applicable in that context of the Catholic Church in China.

Pope Benedict XVI made of the faculties, special privileges and pastoral directives previously granted by the Holy See to underground Chinese bishops, and of the pastoral directives concerning them, one of the key points of his *Letter*, as he deemed opportune to revoke them all. In its number 18, he made the point clearly and stated also the reasons why he had taken such decision: “Considering in the first place some positive developments of the situation of the Church in China, and in the second place the increased opportunities and greater ease in communication, and finally the requests sent to Rome by various bishops and priests, I hereby revoke all the faculties previously granted in order to address particular pastoral necessities that emerged in truly difficult times. [...] Let the same be applied to all directives of a pastoral nature, past and recent. The doctrinal principles that inspired them now find a new application in the directives contained herein.”⁵⁵⁹

⁵⁵⁸ *Letter*, n. 11.

⁵⁵⁹ *Letter*, 18, par. 1-2.

The happening of some positive developments; the greater ease in communications; and the requests of various bishops and priests were some of the reasons that moved him to take the decision. 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 ... Could have happened also that some of those faculties and special privileges had become useless or even harmful with the change of time and circumstances? All of the above may be. Certainly the revocation of the faculties, special privileges and pastoral directives granted to the bishops and members of the clergy at a given moment in order to address particular pastoral necessities that emerged in truly difficult times, was done by Pope Benedict because the change of circumstances that with the passage of time have taken place so recommended it. New wine requires new wineskins. Yet, time and positive results will have to confirm the wisdom of such papal decision. At present it is still too early to judge. ■



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