

# CO-OPERATION WITH NON-CATHOLICS

## CANONICAL LEGISLATION

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IN THIS article our particular purpose is to examine the existing canonical legislation with regard to co-operation with non-Catholics in public discussions; we shall consider its sources, with special reference to their historical background, and attempt to define the limits of its application today. However, it has seemed necessary to outline the whole subject, and even to study in some detail that other, quite distinct, form of co-operation with non-Catholics which is called *communicatio in divinis*, in order that our particular subject may be seen in clearer perspective. The contrast between the two forms of co-operation is rather enlightening.

## THE GENERAL QUESTION

Since the fundamental law of charity binds all men together for mutual good will and mutual aid toward their common destiny, it is evident that, aside from positive prohibitions, for a Catholic to act in co-operation with non-Catholics is, in general, perfectly licit and may even be the occasion of high virtue. Any particular form

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*Note.*—This is the second of a group of articles on the subject of co-operation with non-Catholics. Their general purpose is to signalize the existence of a distinctly new and unmistakably urgent problem in our contemporary religious and social life. Discussion of it is at once imperative and delicate by reason of the complex theological values involved. The desire is to formulate precisely its unique character, and to develop and clarify somewhat the theological principles which (as conceived and applied, of course, in a profound spirit of Christian charity) must help shape a practical solution that will be real. The first article (May, 1942), by John LaFarge, S.J., aimed simply at introducing the problem, first, by reporting—while generally stopping short of judgments of value on—certain existent instances of Catholic co-operation with non-Catholics, and secondly, by putting certain questions, on matters of principle and of prudence, that naturally arise. Implicit in these questions was a description of the particular type of co-operation that is central in this inquiry, because it is the new issue created by our unique historical context. It is evident that the immediate problem does not center about discussions, activities, etc., jointly carried on by Catholics and non-Catholics, whose object, expressed or implied, would be to effect a type of "Christian union" that would be illusory because effected by superficial and destructive compromises of truth. The issues involved in that type of co-operation are not new, and they have long since been authoritatively clarified. However, though the type of co-operation envisaged in the

of co-operative activity must be judged according to the ordinary norms of morality: it will be forbidden by the natural law only if the object of the act, the purpose of the agent, or the circumstances of the act are evil.

First, the act may be wrong *ratione obiecti*; for example, if a Catholic with true internal assent and intention takes part with non-Catholics in their religious worship, the thing he does is for him wrong in itself. The malice of the action may vary specifically according to the nature of the worship. If it is a pagan cult in which he participates, there will usually be the guilt of superstition from the nature of the act itself. If, on the other hand, it be merely heretical or even schismatical worship, though the act itself be not intrinsically superstitious, it involves for the Catholic the guilt of denying the true faith or of questioning the exclusive jurisdiction of the true Church. If the participation of a Catholic in non-Catholic worship is active but merely external, that is, if he takes part externally but without the internal intention of assenting to the false or unauthorized worship, he is acting a lie, and also dishonoring God by pretending to deny the true faith and to profess a religion which he knows to be false. The malice of such an action arises, not primarily from his association with non-Catholics, but from the nature of his own act. It is wrong intrinsically.

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present inquiry is new, its aims and scope, its organizational forms, its methods, etc., are subject to old and valid norms of judgment, that will determine their legitimacy and necessity. Initially, regard must be had of existent canonical legislation, exactly interpreted; this, therefore is the subject of the article here published. Moreover, a theological discussion of the question in general (for it is axiomatic that in particular cases Catholic participation in concrete co-operative organizations and activities depends on the definite decision of the local Ordinary) must view the problem in the light of the Church's total concept of herself and of her mission—particularly her mission in the temporal order; and it must also define the role of the layman in that mission, since to him the co-operation in question will and should, in large part, be committed. Again, the exigencies in today's situation of the supreme law of all Christian action—that of universal charity—must be realistically estimated. What is decisively important, the utterances of our Holy Father must be seriously pondered, and his wishes carefully and reverently sought, in the light of his views of present perils and needs of the Church, and of the whole human race. Articles on these subjects are in preparation, and will be published in forthcoming issues. Other aspects of the problem exist; notably, there is the question of the non-Catholic view; the question of the present state of the Catholic conscience and its equipment rightly to understand the issues involved; and other serious questions that lie close to the main line of investigation proper to a theological journal. It is hoped that they will be touched on insofar as they are germane to the discussion. Suggestions from readers, whether sympathetic or challenging, that are of a constructive character, are again invited.—EDITOR.

To take a different case. If a Catholic engages with non-Catholics publicly or privately in a discussion about matters of faith, being himself in conscious doubt about some revealed doctrine, he is committing the sin of heresy.<sup>1</sup> Again the guilt comes from the act itself, not primarily from the circumstance that he is communicating with non-Catholics.

Secondly, the end of the agent may be wrong. This scarcely needs explanation or illustration; any action however good in itself is condemned if done for a morally evil purpose. Co-operation with non-Catholics has nothing to do with it.

Finally, certain circumstances may vitiate the act. If a Catholic at non-Catholic religious services is merely passively present, that is, if he not only does not assent interiorly to the acts of worship but does not even externally take any active part in them, his action—mere voluntary presence—is evidently not wrong by its nature; but it may be wrong because of the circumstances. A known Catholic who without any proportionate reason assists even in this merely passive way at non-Catholic services might easily give bad example in the direction of religious indifferentism. Under certain conditions he might even endanger his own faith. In both cases the act of passive assistance would be forbidden even by the natural law, not in itself but because of the circumstances.

Returning to the case of active but merely external participation, besides the instances mentioned above in which such action would be wrong in itself because of the thing done, we may imagine a case in which it would be wrong solely, or at least primarily, because of the circumstances. Suppose that the service, though conducted under heretical or schismatical auspices, happens to be genuinely valid, and identical with the corresponding Catholic service. In assisting actively the Catholic has the intention of participating in it as a Catholic service, which in a sense it truly is. Strictly speaking, his act is not wrong because of the thing done,<sup>2</sup> though it may well be wrong because of the same two circumstances already mentioned, namely, the foreseen effect of danger to his own faith or to the religious loyalty of other Catholics.

<sup>1</sup> *CIC*, 1325, §1; cf. S. Thomas, 2a 2ae, q. 10, a. 7; Suarez, *De Virtutibus Infusis*, disp. XX, sect. 1, n. 2.

<sup>2</sup> At least there are grave authors who deny that the act is intrinsically wrong: cf. Vermeersch-Creusen, *Epitome Iuris Canonici*, II, n. 576.

In public discussions with non-Catholics about matters of faith, provided the Catholic is not himself in doubt about any article of the faith, his action is certainly not wrong in itself, aside from an evil purpose or evil circumstances. The circumstances which might make such a discussion illicit will be dealt with in detail in the second part of this study.

What has been said thus far concerns the natural law; let us now turn to the canonical provisions. The Code deals separately and distinctly with two fields of co-operation, namely, co-operation in worship or *communicatio in divinis* (c. 1258), and co-operation in doctrine, especially by public discussions about matters of faith (c. 1325, § 3).

#### CO-OPERATION IN WORSHIP

Regarding cooperation in worship, canon 1258 provides:

§ 1. Haud licitum est fidelibus quovis modo active assistere seu partem habere in sacris acatholicorum.

§ 2. Tolerari potest praesentia passiva seu mere materialis, civilis officii vel honoris causa, ob gravem rationem ab Episcopo in casu dubii probandam, in acatholicorum funeribus, nuptiis similibusque sollemniis, dummodo perversionis et scandali periculum absit.

The first paragraph of this canon forbids all active participation by Catholics in non-Catholic religious services or public prayers; the expression *in sacris acatholicorum* includes both. We have seen that if the services or prayers are distinctively non-Catholic such participation is already certainly forbidden by the natural law, whether accompanied by internal assent to the false worship or not. Thus far, then, the canon merely adds an ecclesiastical prohibition to one already contained in the law of nature. In one respect, however, it contains an additional prohibition. Even if the religious service or public prayer happens to be identical with the corresponding Catholic one, the canon still forbids Catholics to take active part in it; for the expression *in sacris acatholicorum* may be distinguished from *in sacris acatholicis*, and is evidently designed to include this case.<sup>3</sup> Here it is the fact that the service or public prayer is under non-Catholic auspices which constitutes the reason for the prohibition.

<sup>3</sup> Vermeersch-Creusen, *Epitome Iuris Canonici*, II, n. 577.

Paragraph 2 deals with merely passive assistance. Since, as we have seen, this is not wrong in itself but only by reason of the evil consequences which would normally result from it, especially the danger of perversion and scandal to others, the canon declares that it is permitted when these evil effects can be prevented, provided there is a grave reason, which in case of doubt should be approved by the Bishop. The chief application will be assistance at non-Catholic funerals, weddings, etc., where civil duty, or respect, or friendly offices due to persons constitutes a strong reason for being present. Such functions are not purely religious but have a mixed character, being partly religious, partly civil and social. The circumstances will make it clear that it is under the latter aspect that the Catholic attends, and thus the danger of scandal is removed.

A phase of the subject which is not explicitly touched by the text of the Code is the admission of non-Catholics to active participation in Catholic services. Here there can be no question of intrinsic evil in the action; hence in general the presence of non-Catholics is permitted and even welcomed. Their private participation is permitted up to a certain point, but not to the extent of blurring or endangering the line of demarcation which distinguishes the true fold of Christ from those who, with or without personal fault, are outside its visible precincts. Hence we shall find in the sources some replies of the Roman Curia forbidding that non-Catholics be allowed to take part in those functions and rites which have been established as a sign of Christian unity. The reason for the prohibition is evidently the danger of seeming to favor religious indifferentism.

The sources which are cited as foot-notes to canon 1258 may be divided into four classes. The question of formal assistance of Catholics at non-Catholic functions, that is, with internal assent to the false worship, would scarcely be proposed to the Roman Curia; hence there are no replies specifically on that point. But we shall find cases relating to: first, active participation of Catholics at non-Catholic worship (even without internal assent); secondly, permitting non-Catholics active participation in Catholic services; thirdly, merely passive presence of Catholics at non-Catholic religious services; and finally, co-operation in general, for example, by working on, or contributing to, non-Catholic houses of worship.

Let us look at some cases of the first class—active *communicatio in divinis*. The study of the cases will show what is to be considered active participation. Once a case is determined to be one of active participation, there will be no question of a sufficient reason for permitting it; for, as we have seen, such participation is intrinsically wrong, and no reason of urgency or necessity would justify it.

The earliest sources are somewhat vague and general: "Neque liceat aut cum haereticis aut schismaticis orare";<sup>4</sup> "Cum eis neque orandum est neque psallendum."<sup>5</sup>

Many of the sources refer to particular forms of participation, especially in non-Catholic sacramental rites. The most fundamental of these is baptism. As early as the fifth century (A.D. 488) Pope Felix enacted ecclesiastical penalties for bishops, priests, or lay persons who after Catholic baptism should receive baptism from a heretical minister.<sup>6</sup> In 1668 the Holy Office declared that Catholics in Holland, though threatened with a fine of 25 florins, might not present their children to be baptized by a heretical minister.<sup>7</sup> In Ireland the fine for refusing to have children baptized in a heretical sect was so heavy that one such punishment was enough to ruin a poor family; yet the Holy Office declared that to comply with the law even under such pressure was a mortal sin, and that parents must be warned.<sup>8</sup> Similarly, it was declared illicit for Oriental Catholics, even in order to avoid very grave persecution, to present their children to be baptized by heretical ministers.<sup>9</sup> To receive ordination from a heretical or schismatical bishop, even though the orders would be valid, has been consistently declared illicit.<sup>10</sup> And this is true even where, as among the Catholic Armenians of Aspaan and Giulfa at the beginning of the 18th century, there were no Catholic bishops of that rite available.<sup>11</sup>

As to confession, it is never allowed to seek absolution from a heretical or schismatical priest if he uses his heretical or schis-

<sup>4</sup> C. 67, C. I, q. 1.

<sup>5</sup> C. 35, C. XXIV, q. 3, from *Conc. Carthag.* IV, cc. 70, 71, 72.

<sup>6</sup> C. 118, D. IV, de cons., "de his qui ex industria bis baptizantur."

<sup>7</sup> S. C. S. Off., 26 sept., 1668 (*Fontes*, IV, 20).

<sup>8</sup> S. C. S. Off., 29 nov., 1672, ad 2 (*Fontes*, IV, 29).

<sup>9</sup> S. C. Prop. Fid., 6 aug., 1764 (*Fontes*, VII, 82).

<sup>10</sup> C. 111, C. I, q. 1; C. 5, C. IX, q. 1; C. 2, X, "de schismaticis et ordinatis ab eis," V, 8; Benedict XIV, Const., *Etsi pastoralis*, 26 maii, 1742, § VII, nn. 13, 14 (*Fontes*, I, 734).

<sup>11</sup> S. C. S. Off., 21 nov., 1709 (*Fontes*, IV, 59).

matical rite in conferring the sacrament, because this would involve active co-operation in the false religion.<sup>12</sup> The Sacred Congregation of Propaganda declared this to be true even in case of necessity.<sup>13</sup> And even in danger of death the Holy Office declared it permissible only on condition that it be probable that the minister will administer the sacrament according to the rite of the Catholic Church.<sup>14</sup> Regarding marriage it is sufficient to cite canon 1063, § 1, which contains an absolute prohibition against appearing before a non-Catholic minister in his religious capacity for the expression of matrimonial consent either before or after a Catholic marriage. To accept Communion, even in ignorance, from the hand of a heretical minister was formerly punishable by a year of public penance.<sup>15</sup> Catholics may not assist at Mass in schismatical churches.<sup>16</sup> They may however adore the Blessed Sacrament kept by schismatics in their churches, and should adore It when carried by them in the streets, but without joining with the schismatics in these acts.<sup>17</sup> They may not act as sponsors in heretical or schismatical baptism or confirmation.<sup>18</sup>

There are some picturesque cases of apparently active participation, which inculcate the principle that participation must be regarded as active and hence forbidden if it includes any acts which under the circumstances amount to a profession of the false cult. Thus from Ethiopia in 1704 came the query whether, at least on the principal feasts of the year, converts, to avoid persecution, might make their appearance in schismatical churches, remain a short time, especially while the schismatics were celebrating and reciting the divine office, without any co-operation or consent to the heretical rite, but merely kissing the door of the church, making

<sup>12</sup> Cf. Vermeersch-Creusen, *Epitome Iuris Canonici* (ed. 5), II, n. 152, p. 103, nota 2.

<sup>13</sup> S. C. Prop. Fid., 17 febr., 1761 (*Fontes*, VII, 79).

<sup>14</sup> S. C. S. Off., 30 iunii, 7 iulii, 1864, ad 6 (*Fontes*, IV, 250).

<sup>15</sup> C. 41, C. XXIV, q. 1.

<sup>16</sup> S. C. S. Off., 5 dec., 1668 (*Fontes*, IV, 21); 7 aug., 1704, ad 1 (*Fontes*, IV, 45); 10 maii, 1753, ad 2 (*Fontes*, IV, 83).

<sup>17</sup> S. C. Prop. Fid., 15 dec., 1764, ad 1, 4 (*Fontes*, VII, 84); S. C. S. Off., 30 iunii, 7 iulii, 1864, ad 5 (*Fontes*, IV, 250). An earlier reply of the Holy Office forbade Catholics to enter schismatical churches: cf. S. C. S. Off., 15 april., 1672 (not in *Fontes*, except as reported in the document of June 30 and July 7, 1864).

<sup>18</sup> S. C. S. Off., 14 oct., 1676, ad 1 (*Fontes*, IV, 30); 10 maii, 1770 (*Fontes*, IV, 105); 30 iunii, 7 iulii, 1864, ad 4 (*Fontes*, IV, 250); 3 ian., 1871, ad 2 (*Fontes*, IV, p. 317); S. C. Prop. Fid., 2 aug., 1803, ad 2 (*Fontes*, VII, 211).

three acts of adoration to the Holy Trinity, venerating the holy images, and reciting privately some Psalms, the *Pater*, *Ave*, or other such prayers. The reply was: *Negative*.<sup>19</sup> In Russia Catholic children in public schools (in 1894) were required several times a year to attend non-Catholic services and participate in them by kissing the crucifix presented by a non-Catholic minister, genuflecting, accepting blessed bread, and other acts. The Holy Office replied that such ceremonies could not be regarded as merely civil but involved forbidden communication in non-Catholic worship.<sup>20</sup>

On the same principle, mere presence at heretical rites, if it is exacted from Catholics by iniquitous laws as a public profession that they agree in worship with the heretics, would amount to active participation, and is forbidden by the divine law. Thus Benedict XIV cites two decrees of Paul V, of 1606 and 1607 respectively, declaring it illicit for Catholics to be present at heretical rites in Protestant churches for the very reason that royal decrees ordered such attendance as tantamount to a profession of faith.<sup>21</sup>

If there is externally active and public participation in a superstitious cult, no merely internal intention can purge it of its malice. Thus in China in the 17th century, according to a law of the Kingdom, local governors or mandarins practiced certain ceremonies such as genuflections, prayers, offerings, toward an idol named Chim-hoàm who was supposed to be a sort of protecting deity. Christian governors, attempting to reconcile such external acts with the true faith, hid a crucifix among the flowers on the idol's altar or held it in their hand, and internally directed all these acts of homage to the Cross and the Crucified. As it was felt that the Christian magistrates would apostatize rather than give up the practice, the Sacred Congregation of Propaganda was asked whether it could be continued. The Holy Office, to which the query was referred, replied that it was by no means permitted to offer such public acts of worship to the idol on the pretext of offering them interiorly to the Cross hidden on the altar or held in the hand.<sup>22</sup>

<sup>19</sup> S. C. S. Off., 10 april., 1704 (*Fontes*, IV, 45).

<sup>20</sup> S. C. S. Off., 26 april., 1894 (*Fontes*, IV, 483).

<sup>21</sup> Benedictus XIV, *De Synodo Diocesana*, lib. V, cap. 5.

<sup>22</sup> S. C. Prop. Fid., 12 sept., 1645, ad 7 (*Fontes*, VII, 12).



Assistance at non-Catholic religious funeral services is regarded as active *communicatio in divinis* if the Catholics carry lighted candles or perform any other acts indicating union with the heretics in the religious service. Hence in reply to a question from Kentucky in 1818, whether Catholics might attend non-Catholic funerals, the Holy Office laid down as conditions, not only that there be no intention to perform an act of religion or worship (thus excluding formal communication), but also that there be no communication in worship with the non-Catholics; hence that they neither pray with them, nor take part in their rites, nor carry lighted candles, nor offer suffrages.<sup>23</sup> The prohibition against carrying lighted candles has been repeated many times.<sup>24</sup>

A Catholic pastor as such may not accompany or attend a non-Catholic funeral even where non-attendance involves grave inconvenience; but if he attends in his civil capacity only, without sacred vestments and without communicating in any way with the heretics in the religious rite, this may be tolerated, provided the bond of relationship or friendship existing between the pastor and the deceased non-Catholic is a matter of common knowledge.<sup>25</sup>

For many reasons it is not opportune to discuss the rather intricate questions of co-operation which occasioned the numerous replies of the Roman Curia concerning the famous "Chinese Rites."<sup>26</sup> The most recent documents from the Holy See on this subject, however, carry a very important lesson, though not a new one. When ceremonies which were formerly regarded as religious are clearly shown to have become merely civil and patriotic, or merely expressive of filial affection, even active participation in them is in no way forbidden. This is now authentically declared regarding certain ceremonies in honor of Confucius and also in

<sup>23</sup> S. C. S. Off., 13 ian., 1818, ad 1 (*Fontes*, IV, 139).

<sup>24</sup> S. C. S. Off., 9 dec., 1745 (*Fontes*, IV, 76); 30 iunii, 7 iulii, 1864, ad 1 (*Fontes*, IV, 250); 14 ian., 1874, ad 3 (*Fontes*, IV, 339); S. C. Prop. Fid., 2 aug., 1803, ad 1 (*Fontes*, VII, 211).

<sup>25</sup> S. C. S. Off., 30 mar., 1859, cited and repeated by the same Congregation on May 8, 1889 (*Fontes*, IV, 446).

<sup>26</sup> Cf. especially Clemens XI, Const., *Ex illa*, 19 mar., 1715 (*Fontes*, I, 566); Benedictus XIV, Const., *Ex quo*, 11 iunii, 1742 (*Fontes*, I, 756); S. C. S. Off., 23 mar., 1656, ad 4 (*Fontes*, IV, 8); 13 nov., 1669 (*Fontes*, IV, 22); 20 nov., 1704 (*Fontes*, IV, 46); S. C. Prop. Fid., 4 ian., 1798 (*Fontes*, VII, 204).

honor of departed relatives in certain Oriental countries, namely Manchukuo,<sup>27</sup> Japan,<sup>28</sup> and China.<sup>29</sup> These documents are based on the proven and certified fact that the ceremonies thus simply permitted are not religious but purely civil:

Since the Chinese Government has several times openly declared that all are free to profess whatever religion they choose, and that it is far from their mind to issue laws or orders about religious matters, and that consequently the ceremonies in honor of Confucius which are either performed or ordered by the public authorities are done, not with a view of offering religious worship, but solely in order to encourage and manifest due honor toward a great man and due observance toward ancient traditions, it is permitted to Catholics to be present at ceremonies of honor which are performed before an image or tablet of Confucius in Confucian temples or in schools.<sup>30</sup>

If certain ceremonies have the appearance of superstition, Catholics must remain passive, and in case of necessity declare their intention:

It is to be tolerated that Catholic magistrates and students, if they are ordered to assist at public ceremonies which have the appearance of superstition, may indeed be present, provided that according to canon 1258 they remain passive and give signs of that observance only which may rightly be considered purely civil; declaring their intention as above described if at any time this seems necessary in order to obviate false interpretations of their act.<sup>31</sup>

The important principle which these instructions illustrate was formally enunciated by His Holiness Pius XII in his first Encyclical: "All that in national usages and customs is not inseparably bound up with religious errors will always be subject to kindly consideration, and, when it is found possible, will be sponsored and developed."<sup>32</sup> The distinction between civil or patriotic and religious observance is fundamental, and is fully recognized by the Church.

<sup>27</sup> Cf. S. C. Prop. Fid., Litt., 28 maii, 1935 (Bouscaren, *Canon Law Digest* [Milwaukee: Bruce, 1933-41], II, under canon 1258; this work is hereafter cited as *CLD*).

<sup>28</sup> Cf. S. C. Prop. Fid., Instr., 26 maii, 1936 (*AAS*, XXVIII, 406; *CLD*, loc. cit.).

<sup>29</sup> Cf. S. C. Prop. Fid., Instr., 9 dec., 1932 (*AAS*, XXXII, 24; *CLD*, loc. cit.).

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> Pius XII, Litt. Encycl., *Summi Pontificatus*, 28 oct., 1939: "Quidquid in populorum moribus indissolubili vinculo superstitionibus erroribusque non adstipulatur, benevole nullo non tempore perpenditur ac, si potest, sartum tectumque servatur" (*AAS*, XXI, 413).

Before leaving the subject of active participation two of the most important among the sources must be briefly noticed. In 1719 the Sacred Congregation of Propaganda issued an Instruction *super communicacione in divinis*, which was repeated in 1729. The first paragraph, from which we shall quote, refers to active participation. After recalling that the Sacred Congregation had consistently answered, *Non licere*, to all queries as to its licitness, the Instruction goes on to state that, though it might be possible theoretically to imagine cases in which some *communicatio in divinis* might be tolerated, still in practice, because of the circumstances which are regularly found connected with it, such cases would be very rarely encountered. Hence it was impossible to adopt as a general rule any other than that given in the Instruction of 1719, which was based on the principle that *communicatio in divinis* with heretics or schismatics is to be regarded regularly as illicit in practice:

. . . either because of the danger of perversion in the faith, or the danger of participating in a heretical or schismatical rite, or finally the danger and occasion of scandal; and just as these circumstances are regularly connected with acts of communication in practice, so too they are all forbidden by the natural and divine law, in which there is no power to dispense, nor any connivance that can excuse.<sup>33</sup>

This Instruction does not formally distinguish, as regards active participation, between services which are distinctively non-Catholic and those which are substantially Catholic but are performed in non-Catholic churches or under non-Catholic auspices. We think that only services of the latter class are referred to when it is stated that cases might be imagined of active participation which under special circumstances would be licit. With this word of commentary, which is surely reasonable in the context, the Instruction will be found to agree perfectly with the doctrine drawn from other sources and also with the document next to be cited.

In 1753, in the course of a reply to a bishop of the Peloponnesus, the Holy Office quotes an admirable passage from Benedict XIV, *De Synodo Diocesana*, on this general subject of *communicatio in*

<sup>33</sup> S. C. Prop. Fid., 1729 (*Fontes*, VII, 45).

*divinis*. The substance of the doctrine given (we are not quoting it verbatim) is as follows:

It is true that some theologians hold that Catholics may communicate *in divinis* with heretics and schismatics not excommunicated by name, provided the following conditions concur: first, that there be a most serious and urgent cause; secondly, that the heretics and schismatics from whom they seek the Sacraments be validly ordained, and administer them according to the Catholic rite without any admixture of a condemned form of worship; thirdly, that the communication with them in worship does not amount to an external profession of a false religion, as was the case when Paul V forbade Catholics to enter Protestant churches; fourthly, that there be no occasion of scandal. But, in the first place, this opinion is disputed; not all admit it to be safe in practice. And moreover, even if it be admitted, all these circumstances must concur in order to make communication licit. Hence it is almost impossible in practice; and consequently the Holy Office and the S. C. of Propaganda have always held it illicit and have given Instructions explaining the reasons why it is almost impossible for *communicatio in divinis* to be harmless.<sup>34</sup>

What is especially noteworthy is the condition that there must be no admixture of a condemned form of worship, and that the rite must be that of the Catholic Church. This very grave document, therefore, confirms the conclusion we have already drawn from other sources, that active participation in a distinctively non-Catholic rite as such is necessarily wrong, that is, against the divine law. Active participation in this connection must be understood as any participation which is sufficient under the circumstances to amount to an external sign of professing the false religion.

Let us now consider some canonical provisions and replies on the second class of cases, that is, the admission of non-Catholics to Catholic services. The Code itself is explicit in declaring that non-Catholics may not be admitted as sponsors in Baptism,<sup>35</sup> nor in Confirmation;<sup>36</sup> also that all sacred rites are forbidden in mixed marriages,<sup>37</sup> and that no Sacrament may be administered to heretics

<sup>34</sup> Benedictus XIV, *De Synodo Diocesana*, lib, V, cap. 5, quoted by the S. C. S. Off., 10 maii, 1753 (*Fontes*, IV, 83).

<sup>35</sup> CIC, 765.

<sup>36</sup> CIC, 795.

<sup>37</sup> CIC, 1102, § 2.

and schismatics<sup>38</sup> (except when unconscious and in danger of death, in the case of Baptism, absolution, and Extreme Unction). On the other hand, it expressly provides that in the absence of special ecclesiastical prohibition blessings may be given to non-Catholics, especially to obtain for them the light of faith or, together with this precious gift, also bodily health.<sup>39</sup>

The general doctrine on the admission of non-Catholics to Catholic worship was well summarized by the Holy Office in a reply given in 1859:

Communicatio cum haereticis esse potest vel in reproba doctrina vel in ritibus aliisve signis falsae sectae protestativis cum scandalo fidelium, quibus ideo ab Ecclesia communio interdicatur cum illis, ne fides aut amitti aut periclitari intelligatur. Unde S. Ioannes Evangelista sic severe praecipit: 'Si quis venit ad vos et hanc doctrinam non affert, nolite recipere eum in domum nec *ave* dixeritis ei, qui enim dicit illi *ave* communicat operibus eius malignis.'<sup>40</sup> Evidentissime ex his verbis prohibitum iri inferitur quidquid huiusmodi *ave* exprimit, prout sunt actiones liturgicae quae ad ecclesiasticam unitatem significandam institutae fuere. Quapropter a PP. Concilii Carthaginensis sancitum legimus cum haereticis nec orandum nec psallendum, prout refert Benedictus XIV, De Synodo, c. V, lib. VI. Illicitum est ergo in sacris functionibus haereticis in chorum invitare, alternis psallere, dare iis pacem, sacros cineres, candelas et palmas benedictas, aliaque id genus externi cultus, quae interioris vinculi ac consensionis indicia iure meritoque existimantur, tam in sensu activo, nimirum similia eis dando, quam passivo, ab eis in eorum sacris accipiendo. Idem enim in utraque hypothesis esset ac *ave* illis dicere, eorumque operibus malignis communicare."<sup>41</sup>

Accordingly, what is forbidden is such active participation by non-Catholics as would be a sign of unity in worship.

In default of a Catholic male organist a non-Catholic may be employed temporarily, provided there is no danger of scandal.<sup>42</sup> There is no objection to singing "God save the King" at solemn Mass and saying prayers for the King by name at Benediction, together with prayers for the Pope and Bishop.<sup>43</sup> Even singing

<sup>38</sup> CIC, 731, § 2.

<sup>39</sup> CIC, 1149.

<sup>40</sup> 2 John 10.

<sup>41</sup> S. C. S. Off., 22 iunii, 1859 (*Fontes*, IV, 225).

<sup>42</sup> S. C. S. Off., 23 febr., 1820, ad 3 (*Fontes*, IV, 141).

<sup>43</sup> S. C. S. Off., 23 febr., 1820, ad 1 (*Fontes*, IV, 141).

by non-Catholics at Catholic functions is not absolutely excluded. In 1906 some Sisters in Bulgaria, who were conducting a boarding school for girls to which schismatics were also admitted, asked if it might be tolerated that the schismatics sing with the Catholics at ecclesiastical functions, especially at Benediction, in the parish church. The significant circumstances were: that there were few Catholics in the place as compared with schismatics; that there was no danger of scandal, the practice being common in the Orient; that there was hope of effecting conversions to the Faith; and that it would be difficult for the Sisters to exclude the schismatical pupils, who were in good faith and not under excommunication. The Holy Office, practically reversing an earlier severe reply given under similar circumstances, now replied: *Tolerari posse*.<sup>44</sup>

Special difficulty arises when a public personage who is a non-Catholic attends Catholic services in his public or official capacity. Any active participation by him under such circumstances would have special importance and is accordingly forbidden. Thus when the Sacred Congregation for Extraordinary Ecclesiastical Affairs was asked by the Bishop of Tournai: "What formalities should be used in receiving a heterodox prince when he wishes to assist at religious ceremonies?" the reply, dated July 27, 1815, was, according to the Instruction of the Holy Office of May 10, 1753, that:

If the Prince is merely materially present as an act of civil observance, without taking part in the Catholic prayers and rites, it may be tolerated; but if in the religious functions he uses the distinctive rites of his own religion or takes part in the Catholic rites, it is not allowed and is not to be permitted.<sup>45</sup>

Dealing with the same subject in an Instruction issued in 1841, the Holy Office directed the bishop to whom it was addressed that in celebrating Mass when the schismatical Governor and officials were present, he must guard against giving them the incense and the *Pax*, as this is not licit under any pretext; and that it is better not to invite the Governor to Mass on the feast of the Protector, so as to avoid the occasion of these acts, which cannot be allowed.<sup>46</sup>

<sup>44</sup> S. C. S. Off., 24 ian., 1906 (*Fontes*, IV, 544). The earlier reply, dated May 1, 1889 (*Collectanea*, II, n. 1703), is not reported in *Fontes*.

<sup>45</sup> Reported and referred to in a reply of S. C. S. Off., 22 iunii, 1864 (*Fontes*, IV, 249); cf. also S. C. S. Off., 10 maii, 1753 (*Fontes*, IV, 83).

<sup>46</sup> S. C. S. Off., 12 maii, 1841 (*Fontes*, IV, 164).

When we come to the passive presence of Catholics at non-Catholic services (cases of the third class), we are entering a less complicated field of casuistry. Such attendance is certainly not simply licit, since it requires special reasons of urgency and the removal of those dangers which normally would attend it, namely, the risk of active participation and of scandal. We have already seen that this passive presence may, because of special circumstances, amount to a profession of the false worship and thus become virtually active. Such is the case where presence is required by law as a token of submission in religious matters. Regular attendance at non-Catholic services without a cogent reason and without special circumstances to designate it as civil rather than religious observance would certainly be forbidden, at least by reason of the scandal and danger which accompany it. Yet the fact that passive presence may under certain circumstances be permitted shows that it is not intrinsically wrong *ratione obiecti*.

The principle stated in canon 1258, § 2, has as its background some interesting cases, of which a few may be briefly cited. The cases will illustrate the requisites for licitness. There must be no active participation in the religious service as such; the circumstances must be such that the attendance is recognized as a civil or social rather than a religious act; there must be a grave reason requiring it; finally, the danger of perversion and scandal must be removed.

The most pertinent source for the United States is the Kentucky reply of the Holy Office in 1818, to the query: "Whether Catholics may be present at the funeral and burial of heretics?" The Holy Office replied:

It is allowed whenever there is question of mere material presence because of a duty of civility which Catholics cannot evade without grave inconvenience or danger, provided they in no way communicate in their rites and ceremonies.<sup>47</sup>

It is not licit for a Catholic bishop at the invitation of a schismatical Greek government to go with the Governor to a schismatical Greek church to sing the Doxology as if taking part as head of the Catholics in that act of worship under schismatical auspices. But Catholic civil employees obliged by the government to attend

<sup>47</sup> S. C. S. Off., 13 jan., 1818 (*Fontes*, IV, 139).

functions in schismatical churches, without Mass, are not to be disquieted because they assist at the Doxology without taking part in it, such attendance being under these circumstances merely material and based on civil duty.<sup>48</sup> To take a civil oath before a schismatical minister who is acting in a civil capacity, without sacred vestments, and who does not impose or dictate the oath but merely stands by while it is taken, is licit.<sup>49</sup> Also, where all public officials are Protestant, and the Protestant text of the Bible is presented to be touched and kissed in taking civil oaths, the faithful need not be disquieted.<sup>50</sup>

On the occasion of the coronation of Edward VII, the Holy Office decided upon, and Pope Leo XIII approved, a decree forbidding Catholics to enter non-Catholic churches for religious services. Rather let them have sacred services in their own cathedrals, with the *Te Deum* but no solemn Mass. It was explained that on the same occasion in London Catholics were permitted to attend the services in Westminster Abbey "because there the personal presence of the King gave such attendance a purely civil character removing all danger of its being considered as a *communicatio in divinis*."<sup>51</sup>

From Greece in 1864 came the query: "Whether it can be tolerated that the bishop and Catholic clergy accompany the non-Catholic King of Greece under the baldachin as far as the [schismatical] church, as the Greek schismatics do? This, to avoid grave harm to Catholics." The reply was that the ceremonies mentioned can be tolerated when true necessity requires them, provided the bishop and clergy do not wear the surplice nor other sacred vestments, and that the baldachin be of a different form than the one used in sacred functions, and be carried by laymen.<sup>52</sup>

As to the external participation by Catholics in the funeral of a non-Catholic Sovereign, the Holy Office issued an Instruction in 1900. Their participation must be limited to acts of civil homage which under the circumstances shall be judged by the Ordinary to be indispensable in order to show due civil reverence toward the

<sup>48</sup> S. C. S. Off., 12 maii, 1841, ad 1, 2 (*Fontes*, IV, 164).

<sup>49</sup> S. C. S. Off., 1 april., 1857 (*Fontes*, IV, 216).

<sup>50</sup> S. C. S. Off., 23 febr., 1820, ad 2 (*Fontes*, IV, 141).

<sup>51</sup> Reported in the Encyclical Letter to the Bishops of India, S. C. Prop. Fid., 25 april., 1902 (*Fontes*, VII, 544).

<sup>52</sup> S. C. S. Off., 22 iunii, 1864 (*Fontes*, IV, 249).



prince and the government, excluding all ritual and religious participation. It is tolerated that bells be rung; and the clergy may attend individually or in a body outside their church at the passing of the cortège, always *civilis honoris causa*, therefore without sacred vestments, candles, or prayers, and without scandal to the faithful.<sup>53</sup>

Several documents inculcate the austere lesson that mere civility or "tolerance" is by no means an all-sufficient blanket with which to cover what has the appearance of *communicatio in divinis*. Thus the Kentucky reply of the Holy Office, already referred to, instructed the Bishop not rashly to permit the "dangerous" practice of attending non-Catholic funerals, but to try first whether the practice could be eradicated without damage to Catholics, and if not, to instruct the faithful on the conditions under which it could be permitted.<sup>54</sup> This reply was followed on this very point in a reply of the Sacred Congregation of Propaganda to the Vicar Apostolic of Egypt, who had asked whether it might be permitted that boys and girls in educational academies frequented by both Catholics and non-Catholics attend funerals of non-Catholic fellow-pupils or of relatives of the same. The Congregation observed that the conditions required did not appear to be verified in the case (perhaps no real necessity was shown); hence the Vicar should try to do away with the practice. In individual cases, if a really grave necessity was shown, he had power to tolerate such attendance.<sup>55</sup>

In 1839 the Protestants of Fribourg dedicated a new and magnificent church on the site of a Catholic church which was demolished. Some Catholic canons and a number of pastors and priests accompanied the procession. Pope Gregory XVI wrote to the Bishop that he should by no means have permitted such a gesture:

Haud sane agebatur, Ven. Frater, de civili aliqua celebritate . . . in quam catholicus clerus in obsequium principis ac testandae ceteris civilis concordiae causa convenirent. Sed dicata est acatholico cultui amplior aedes, quam protestantes ex demolitione antiqui catholicorum templi magnifico opere construxerunt, ut porro in ea protestantium ministri

<sup>53</sup> S. C. S. Off., 1 aug., 1900 (*Fontes*, IV, 526).

<sup>54</sup> S. C. S. Off., 13 jan., 1818 (*Fontes*, IV, 129).

<sup>55</sup> S. C. Prop. Fid., 8 maii, 1876 (*Fontes*, VII, 458).

acatholicos ritus splendidius exerceant, et maiori populi frequentia haeresim doceant, catholicam veritatem impugnent; ac proinde tota illa solemnitas pertinuisse conspicitur ad novum erroris triumphum celebrandum.<sup>56</sup>

We come now to the fourth class of cases cited as sources of canon 1258; they concern instances of more general co-operation—acts other than worship but having a connection with it. Evidently each case must be decided on general principles of moral theology, according to its specific circumstances. Brief reference to a few authentic replies may be of interest.

A series of questions was proposed from Algeria in 1780 concerning the work of Christian slaves on Mohammedan mosques. In building the mosques Christians were obliged to work as laborers or bricklayers; they were also obliged occasionally to alter the walls or make new openings in them, to whitewash them on the inside in preparation for feast days, and to wash the doors and inscriptions on the facade. In these cases the Holy Office replied that they might be left in good faith, provided there was no contempt of religion nor any intention to co-operate in the false worship. As to lighting the lamp of the mosque, or *marabuto*, the answer was: *Non licere*. Proximate material co-operation in erecting banners on the mosques announcing the hours of prayer, the banner itself being attached by a Mohammedan, was declared licit. It was also licit to whitewash the cemeteries of infidels, to carve a crescent moon on cannons, on the ships of corsairs, and on stone for insertion in profane edifices, and to use in regard to the Bey, without evil intention, the customary expression, "whose soul may God preserve." As regards assisting their Mohammedan masters in legal ablutions, and claiming the right of asylum in the mosques, the reply was that they might be left in good faith as in the first four cases presented.<sup>57</sup>

To a question from Kentucky as to whether it is permitted to work on the building of heretical churches or synagogues, the answer was that the intention to co-operate in the heretical worship must always be excluded, and that even then it is forbidden in certain cases: (1) when such work is commonly regarded

<sup>56</sup> Gregorius XVI, Litt., *Dolorem*, 30 nov., 1839 (*Fontes*, II, 773).

<sup>57</sup> S. C. S. Off., 14 sept., 1780 (*Fontes*, IV, 118).

as a sign of professing the false religion; (2) if it includes anything which *per se* directly and exclusively expresses reprobation of the Catholic, and approbation of the false, religion; (3) when it is known that the Catholics are being forced or called to such work in contempt of the Catholic faith. Outside these cases such workers may be left in good faith.<sup>58</sup> Two replies of the Sacred Congregation of Propaganda give substantially the same solution.<sup>59</sup> As to contributing money on request for the erection of heretical churches, the Holy Office replied: *Non licere*.<sup>60</sup>

#### CO-OPERATION IN DOCTRINAL DISCUSSIONS

A canonical prohibition cannot be clearly understood without first determining to what extent, if at all, it is already contained in the divine law which no human authority can change. We must, therefore, begin by examining this subject in the light of the natural and divine law before coming to the canonical provisions.

Let us understand precisely the state of the question. Only serious discussions need concern us, where the purpose is really to convince the non-Catholic participant of the truth of some point of faith. It is also aside from the question to suppose that the Catholic disputant is himself in doubt about the point of faith involved in the debate, and is seeking by the discussion to gain certitude. If a Catholic professedly doubts about a question of faith he is a heretic;<sup>61</sup> but this is true whether he is engaged in a discussion or not. His action in this case is wrong in itself entirely aside from any question of co-operation with non-Catholics; in other words the case is entirely outside the scope of the question which we propose to discuss.<sup>62</sup>

<sup>58</sup> S. C. S. Off., 14 ian., 1818, repeated by the same Congregation in a reply to the same question from Smyrna (30 iunii, 7 iulii, 1864, ad 10 [*Fontes*, IV, 250]).

<sup>59</sup> S. C. Prop. Fid., 21 nov., 1837 (*Fontes*, VII, 289); 26 sept., 1840, ad 14 (*Fontes*, VII, 300)

<sup>60</sup> S. C. S. Off., 30 iunii, 7 iulii, 1864, ad 8 (*Fontes*, IV., p. 250). This reply is cited by Augustine, *A Commentary on Canon Law*, VI, 198; but the author then states simply that such contributions are not excluded by canon 1258. As we stated above, we are not concerned here with a positive canonical prohibition, but with general principles of co-operation. No doubt such co-operation can be merely material, and a justifying cause could exist. However, this reply of the Holy Office is a rather formidable objection to allowing it as a matter of course.

<sup>61</sup> *CIC*, 1325, § 2.

<sup>62</sup> It is mentioned and solved as above by Suarez, *De Virtutibus Infusis*, disp. XX, sect. 1, n. 2; De Lugo, *De Fide*, disp. XXII, sect. 5, n. 131; S. Thomas, 2a 2ae, q. 10, a. 7.

One type of discussion is ruled out by divine law: a joint Council to which Catholics and known heretics would be admitted with equal right of deliberative and final suffrage regarding questions of faith. Christ entrusted the deposit of divine revelation to Peter and the Apostles, of whom the Pope and the Catholic bishops in communion with him are the sole lawful successors—the *Ecclesia docens*. Clearly, it is contrary to this divine positive law to admit as teachers of the faith those who have separated themselves by heresy from the unity of Christ's Body. The Church has recognized and acted on this principle from the beginning. One of the early documents which has found its way into the *Corpus Iuris* is from Pope Gelasius, who wrote in 493:

Canonum magistris atque custodibus nobis nullum fas est inire certamen cum hominibus communionis alienae.<sup>63</sup>

And more fully in 495:

Cum quibus erat sinodus ineunda? Catholici pontifices fuerant undique iam depulsi, soli remanserant socii perfidorum, cum quibus nec iam licebat habere conventum, dicente Psal., 'Non sedi cum concilio vanitatis, et cum iniqua gerentibus non introibo.'<sup>64</sup> Nec ecclesiastici moris est cum his, qui pollutam habent communionem permixtamque cum perfidis, miscere concilium. Recte igitur per Calcedonensis sinodi formam huiusmodi praevaricatio repulsa est potius quam ad concilium vocata, quod nec opus erat post primam sinodum, nec cum talibus habere licebat.<sup>65</sup>

These, and other texts to the same effect, are not to be cited against discussions of the faith with non-Catholics in general, but only against their admission as judges in the definition of doctrine. It is true, of course, that heretical and schismatical bishops were invited to attend the Councils of Trent and of the Vatican; but there was no idea of recognizing them as judges of doctrine. By divine law any kind of equal suffrage shared by Catholics and non-Catholics in a Council of the Church is forever excluded.

And that reduces our question to this: Aside from the authoritative definition of doctrine, is it allowed for Catholics to discuss

<sup>63</sup> *Commonitorium ad Faustum*, quoted in *Corpus Iuris*, c. 36, C. XXIV, q. 3.

<sup>64</sup> Ps. 25:4.

<sup>65</sup> *Epist. ad Episcopos Dardaniae*, quoted in *Corpus Iuris*, loc. cit.

matters of faith in public conferences with non-Catholics, either to gain them at once to the whole truth, or at least to establish a common ground from which further progress may be made?

Certain scriptural texts might seem to suggest a negative reply.<sup>66</sup> But the evidence of Scripture is for intelligent, courageous discussion: "Be always ready with an answer to everyone who asks a reason for the hope that is in you" (1 Pet. 3:15); "... holding fast the faithful word which is in accordance with the teaching, that he may be able both to exhort in sound doctrine and to confute opponents" (Tit. 1:9). One recalls Stephen: "But there arose some from the synagogue... disputing with Stephen. And they were not able to withstand the wisdom of the Spirit who spoke" (Acts 6:9, 10). Paul was a tireless controversialist: in Damascus, "in the synagogues he began to preach that Jesus is the Son of God... and confounded the Jews who were living in Damascus, proving that this is the Christ" (Acts 9:20, 22). In Athens, "he had discussions in the synagogues with the Jews... and in the market place every day with those who were there. And some of the Epicurean and Stoic philosophers debated with him" (Acts 17:17, 18). In Thessalonica, "Paul, as was his custom, went in to them and for three Sabbaths reasoned with them from the Scriptures, explaining and showing that the Christ had to suffer and rise from the dead" (Acts 17:2-3). At Corinth, "he would preach in the synagogue every Sabbath, trying to convince Jews and Greeks" (Acts 18:4). At Antioch, again in the synagogue, he "had a discussion with the Jews" (Acts 18:19). And at Ephesus, "for three months he used to go to the synagogue and speak confidently, holding discussions and trying to persuade them about the kingdom of God. [Later, he] held daily discussions in the school of one Tyrannus" (Acts 19:8, 9).

The tradition of public discussion was continued in the Church; practically all the Fathers of the first six centuries were controversialists. Justin proposed to debate publicly against Crescens, the Cynic; and he conducted a controversial dialogue with the Jew, Trypho.<sup>67</sup> Augustine championed the Catholic cause at

<sup>66</sup> E.g., 2 Tim. 2:14; Tit. 3:9-10; Suarez cites these texts only to refute them by showing their very limited application (*De Virr. Inf.*, disp. XX, sect. 1, nn. 3, 4).

<sup>67</sup> *MG*, VI, 665.

Carthage in 411, at a conference with the Donatists ordered by the Emperor Honorius, in which more than two hundred bishops were engaged on each side. And he recommended the practice: "Cum haereticis, verbis etiam agendum, disputatione pugnandum, ratione vincendum."<sup>68</sup>

The Middle Ages saw many public discussions with heretics by men like Rabanus Maurus, Hincmar of Rheims, Lanfranc, St. Bernard, St. Dominic. St. Thomas Aquinas declares them licit on the basis of the natural law: "Si autem disputat aliquis de fide ad confutandum errores, vel etiam ad exercitium, laudabile est" (2a, 2ae, q. 10, a. 7; he makes no mention of any canonical prohibition, though actually the first of these was enacted during his lifetime by Alexander IV).

Suarez holds a similar position, and establishes it from Scripture and the Fathers; he concludes:

Tertio probatur conclusio ratione: quia huiusmodi disputatio de se non est mala, imo habet plures rationes honestatis, neque etiam est iure ecclesiastico prohibita; ergo est licita. Maior evidens est, quia in illa actione nulla est malitia, imo est quaedam confessio fidei ex parte disputantis. Unde ex hac parte est honesta ex obiecto. Item de se ad optimos fines ordinatur, scilicet, ad honorem ipsius fidei et maiorem notitiam eius, ad haereticorum conversionem, et catholicorum confirmationem; et in aliis circumstantiis potest ita fieri, ut et fructus speretur, et damna non timeantur."<sup>69</sup>

In brief, the action is right because its object, its end, and its circumstances are in conformity with the norm of morality. De Lugo reaches the same conclusion and says that it is taught by all theologians and is "certum apud omnes".<sup>70</sup>

While it is evident that the act itself is good and that the agent may have a praiseworthy end, the circumstances must be carefully controlled in order that the act be licit according to the natural law. Let us return to Suarez for a discussion of these requisites. He names four principal groups of circumstances: those concerning the Catholic disputant, the adversary, the audience, and the manner of discussion.

<sup>68</sup> *Epist.* XLVIII.

<sup>69</sup> *De Virr. Inf.*, disp. XX, sect. 1, n. 5.

<sup>70</sup> *De Fide*, disp. XXII, sect. 5, n. 130.

First, as regards the Catholic disputant, he must be well grounded and firm in the faith lest he run the risk of being himself perverted or shaken, and he must be sufficiently instructed in doctrine and skilful in speaking to give a good account of himself in the debate. Obviously, the precise kind and degree of skill required depend on the circumstances which determine the probable exigencies of the contest. In a public debate against a clever and hard-hitting agnostic, few theologians probably could be considered qualified to defend the faith before a popular audience; for, however profound their knowledge and solid their reasoning might be, the antagonist would most probably outmanoeuvre and disconcert them by his platform strategy. None of the audience would receive any benefit, and some might be disturbed in their faith.

Secondly, the circumstances concerning the opponent must be such as to create some hope of good results from the discussion—either the conversion of the adversary himself, or a needed check to the audacity of false propaganda, or encouragement and edification of the faithful. We may not easily assume that an opponent is insincere or beyond hope of conversion; yet sometimes the latter at least may be morally certain from his record. Who could have entertained reasonable hopes of converting Clarence Darrow by argument? Yet a public discussion with him on Christianity versus agnosticism was permitted by the ecclesiastical authorities some years ago, in which the Catholic representative<sup>71</sup> was generally counted to have more than held his own.

Thirdly, circumstances concerning the audience are to be considered. Suarez here follows Saint Thomas, whom we may quote directly:

On the part of the hearers we must consider whether those who hear the disputation are instructed and firm in the faith, or simple and wavering. As to those who are well instructed and firm in the faith, there can be no danger in disputing about the faith in their presence. But as to simple-minded people, we must make a distinction; because either they are provoked and molested by unbelievers, for instance, Jews or heretics or pagans who strive to corrupt the faith in them, or else they are not subject to provocation in this matter, as in those countries where there

<sup>71</sup> Father James R. O'Neill, S. J., then pastor of St. Robert Bellarmine Chapel, Cincinnati.

are no unbelievers. In the first case it is necessary to dispute in public about the faith, provided there be those who are equal and adapted to the task of confuting errors; since in this way simple people are strengthened in the faith, and unbelievers are deprived of the opportunity to deceive, while if those who ought to withstand the perverters of the truth of faith were silent, this would tend to strengthen the error. . . . On the other hand, in the second case it is dangerous to dispute in public about the faith, in the presence of simple people, whose faith for this very reason is more firm, that they have never heard anything differing from what they believe. Hence it is not expedient for them to hear what unbelievers have to say against the faith.<sup>72</sup>

Finally, the discussion must be conducted with moderation, not for personal glory but for the triumph of truth, and without animosity or injurious words. Let zeal for the truth be wedded to gentleness toward persons—a most exacting combination: “*Ea moderatione agendum est ut nec nimia tarditate, nec nimio fervore agatur, ex utroque extremo sumendo quod utile est, ex priori mansuetudinem, et ex secundo zelum.*”<sup>73</sup>

It may not be out of place to mention another precaution regarding the tone of the discussion, which is particularly apposite to-day. Should all the requisites be verified for allowing a public discussion with non-Catholics on matters of faith, the attitude of the Catholic disputant must not be that of a hesitant inquirer, but of a firm and confident exponent of the known truth. Granting all the amenities of courteous debate, and giving to everyone concerned the right to his own opinion, yet the Catholic cannot give the shadow of a pretext for the suspicion that religious opinions are a matter of indifference, or that the truth may be other than what is taught with proved infallibility by the Catholic Church. Not for one moment may he allow the impression that the truth is to be arrived at by agreement as a result of the deliberations. Rather, the truth is objectively and unchangeably before them independently of the discussion; it is for each one to grasp and profess it. He himself is there, not as a groper after truth, but as a teacher of truth. Any other attitude, however plausibly sug-

<sup>72</sup> 2a 2ae, q. 10, a. 7, as translated in *The Summa Theologica of St. Thomas Aquinas* (Benziger, 1917).

<sup>73</sup> Gregor. Nazianz., *Oratio* 26.



gested in the name of tolerance, democracy, or freedom of opinion, would run the risk of amounting to an external expression of doubt regarding the faith, and that, if it were intentional, would be heresy.

According to the natural law, therefore, public discussion with non-Catholics concerning the faith, under certain rather carefully controlled conditions, is licit and praiseworthy. We are now ready to discuss the canonical provisions: "Caveant catholici ne disputationes vel collationes, publicas praesertim, cum acatholicis habeant, sine venia Sanctae Sedis aut, si casus urgeat, loci Ordinarii."<sup>74</sup> We must first study this provision in its earlier sources.

The first canonical regulation on this matter was a decree of Alexander IV (1254-1261): "inhibemus quoque ne cuiquam laicae personae liceat, publice vel privatim, de fide catholica disputare. Qui vero contra fecerit, excommunicationis laqueo innodetur."<sup>75</sup> This applied only to the laity and forbade them under pain of excommunication *ferendae sententiae* from disputing with heretics about the faith in public or in private. At least as regards private discussions, this law was regarded as abrogated by contrary custom in places where the population consisted largely of heretics, as for example in Germany after the Reformation.<sup>76</sup> It was also admitted on general principles that the law would not bind if a case of urgent necessity or of great and evident usefulness of a public defense of the faith should arise, and a qualified layman were the only one available to meet the emergency. "Cessante fine legis contrarie, etiam in particulari, cessat tunc obligatio legis."<sup>77</sup> The reasons behind this law were, first, that public disputation on the faith involves the ecclesiastical *magisterium* or teaching authority, which belongs only to clerics who have a canonical mission at least from the bishop; and secondly, that, since layman as a rule are not profoundly learned in theology, there would be danger that the cause of religion suffer from an inadequate presentation. Both of these reasons still hold good; but the law itself is entirely

<sup>74</sup> CIC, 1325, § 3.

<sup>75</sup> C. 2, "De haereticis," V, 2, in VI<sup>o</sup>.

<sup>76</sup> Schmalzgrueber, *Ius Ecclesiasticum Universum*, X, Pars I, Tit. VII, § II, n. 66; Reiffenstuel, *Ius Canonikum Universum*, VI, Lib. V Decretal., Tit. VII, § II, n. 28.

<sup>77</sup> Suarez, *De Virt. Inf.*, disp. XX, sect. 1, n. 11.

superseded, and has not even been cited in the foot-notes to canon 1325. It is really unnecessary to consider it further, and we pass on to later documents.

To understand the decrees which emanated from the Roman Congregations on this subject during the seventeenth century (1625-1662) one must remember what had happened in the field of public religious controversy during the Reformation period. The years 1518 to 1590 had seen a dozen great public religious discussions between Catholics and Protestants in Germany alone, and four in Switzerland.<sup>78</sup> Convened by secular princes, usually at the instance of the reformers, they had generally been sterile or disastrous in their results. Testimony from contemporary Catholics to this fact, and to the fundamental reason for it, is abundant. Before the Colloquy of Haguenau in 1540, the Papal Legates represented to the Emperor Charles V that no good results could be expected from religious conferences as long as the Protestants rejected the authority of the Church and of her visible head, and that such discussions served only to widen the breach. In the course of the Colloquy, John Eck of Ingolstadt, foremost among the Catholic protagonists of several such meetings, wrote to Cardinal Contarini:

There has been enough of these disputations. Our adversaries will not listen to reason, they will not be bound by the authority of the Councils and the Holy Fathers; they think nothing of the custom and practice of the Church; they mutilate and torture the texts of Scripture which are presented as arguments against them. So it is all a waste of time and gives occasion for the publication of new books containing every kind of heresy.<sup>79</sup>

The Conference of Augsburg in 1530 had failed to reach an agreement, and had resulted in the drawing up of the heretical "Confession of Augsburg" by Melancthon. Eleven years later, at Ratisbon in 1541, the same points were discussed, and again it was impossible to agree. Taught by this experience, Eck wrote:

<sup>78</sup> In Germany: Heidelberg, 1518; Augsburg, 1519; Leipsic, 1519; Augsburg, 1530; Leipsic, 1534; Haguenau, 1540; Worms, 1540-41; Ratisbon, 1541 and 1546; Worms, 1557; Baden, 1589 and 1590. In Switzerland: Zurich, 1523 and 1524; Baden, 1526; Berne, 1528; Lausanne, 1530.

<sup>79</sup> Fr. Dittrich, *Gasparo Contarini, 1483-1542: Eine Monographie* (Braunsberg, 1885), p. 519 ff., as quoted in DTC, III, 1705.

There is no middle ground, and fine words are little to the purpose. Any one who professes allegiance to the faith of the Church must accept the Pope and the Councils and must believe all that the Church of Rome believes. All the rest is smoke, and a hundred years of discussion will not change the situation.<sup>80</sup>

The results of this first Colloquy of Ratisbon were to the advantage of the Protestants, giving them a new occasion to propagate their doctrines. It discredited the Catholic cause by giving the impression that points of dogma already defined by the Church could be revised at such joint conferences with heretics.

In 1557 the Emperor Ferdinand, pressed by the heretical leaders to call a religious conference, was advised strongly against it. St. Peter Canisius, one of those whom he consulted, gave the Emperor a very frank reply:

Experience has sufficiently proved that discussions of doctrine serve only to make matters worse. Time is wasted in fruitless disputes, heat is developed on both sides, and the abyss that separates the dissidents from the true Catholics is deepened; the heretics think only of making their views prevail, and when they fail in this they break out in insults and rush the more violently into rebellion and disorder. Whatever the results of the Colloquy, they will not fail to claim the victory and to misrepresent the discussions, to the detriment of the faith and to the scandal of the faithful.<sup>81</sup>

Nevertheless, the Conference was called at Worms in 1557 and Canisius attended at the command of Pope Paul IV. It came to an inglorious end as a result of dissensions in the ranks of the Protestants themselves, after five of the twelve Protestant delegates had been excluded by their colleagues on the ground that they did not truly represent the Protestant "Confession of Augsburg." Nevertheless, Canisius wrote to the Emperor Ferdinand that it had "borne fruit." It had, indeed, been an object lesson on the impossibility of union among those who depart from the authority of the Church. At about this time he wrote to his Superior, Laynez, that the records of the Conference would prove

. . . how spiteful, petulant, and brazen-faced these people showed themselves, and that there is no reason why we should try to establish sincere

<sup>80</sup> Janssen, *L'Allemagne et la Reforme* (Paris, 1899), III, 501, as quoted in *DTC*, III, 1706.

<sup>81</sup> *DTC*, III, 1708.

and full religious concord with men who deny first principles and cling might and main to opinions the most indefensible and the most alien from the piety of the ancient Church. Perhaps, too, the Princes will conceive a dislike for such conferences in the future, and taught by the event the futility of such remedies, be the more ready to embrace what seems the one and only means of restoring religion in Germany, namely, a general council.<sup>82</sup>

Apropos of this letter Father Brodrick remarks:

Saint Peter's optimism as to the results of the frustrated colloquy was justified. The Catholics had their problem clear-cut at last. Corporate reunion they knew to be a vain dream, and they accordingly transferred their hopes to a general council which would put their own house in order irrespective of what their separated brethren might think or devise.<sup>83</sup>

In other words, the greatest success of this Colloquy of Worms lay in this, that it convinced Catholics of the utter futility of such efforts at reunion; its value was that of the experience of failure. From other such conferences almost unmixed evil resulted. For example, the so-called Conference held at Berne in 1528 began by adopting a rule excluding tradition and authority as norms in the interpretation of the Scriptures. The prime solvent of Protestantism, private judgment, was thus officially injected in advance. As a consequence, all the Catholic bishops refused to attend, and only a few private theologians represented the Catholic cause. The meeting was a complete failure from the Catholic standpoint, and was the signal for new "reforms" and church-smashing in Switzerland.<sup>84</sup>

A hundred years of such experience are the background for the sources of canon 1325, § 3. It will be necessary to cite them without much comment.

Decree of the Sacred Congregation of Propaganda, March 8, 1625:

The Sacred Congregation ordered that there be no public disputations with heretics, because usually, either by reason of the loquacity and boldness of the adversaries or the acclamations of the crowd, the truth is shouted down and falsehood prevails. If at any time it is impossible to escape discussions of this kind, let the Sacred Congregation first be in-

<sup>82</sup> As quoted in Brodrick, *St. Peter Canisius*, S. J. (London: Sheed and Ward, 1935), p. 421.

<sup>83</sup> *Loc. cit.*

<sup>84</sup> Cf. *DTC*, III, 1718.

formed about them, and it will then, according to circumstances of time and persons, give particular directions as to what to do.<sup>85</sup>

A particular prohibition was issued in 1631. Some missionaries in Constantinople had organized some mixed conferences to be held in the presence of the Patriarch Nicarios. Immediately the Sacred Congregation of Propaganda sent to the superior an absolute prohibition against the meetings, with the threat of grave penalties in case of disobedience.<sup>86</sup>

Rescript of the Sacred Congregation of Propaganda, February 7, 1645:

The Sacred Congregation replied: (1) Public conferences and disputations between Catholics and heretics are sometimes licit, namely, when they promise greater good, and when the other circumstances are present which theologians require, as appears from the discussions of Saint Augustine against the Donatists and other heretics.

2) In view of the fact that these disputations, conferences, or debates are often fruitless or even harmful, the Holy Apostolic See and the Roman Pontiffs have many times forbidden them, and have given orders to ecclesiastical superiors to prevent them. When this is impossible, at least such meetings should not be held without Apostolic permission, and those who participate should be capable of successfully sustaining the cause of Christian truth. The S. C. of Propaganda has frequently given similar directions in writing to the missionaries under its jurisdiction, warning them not to enter into public discussions with heretics.<sup>87</sup>

Decree of the Sacred Congregation of Propaganda, December 18, 1662:

As to the conferences and public meetings or disputations of the missionaries with heretics, notify the General (of the Capuchins) that he must absolutely forbid them, as the Holy See, taught by many experiences, has always forbidden them; as regards attending the sermons of heretics, that also is to be forbidden, as it has always been forbidden by the Holy Office and is not absolutely profitable indiscriminately for all; but if there is anyone of special learning and prudence (who wishes to attend) let him ask for particular permission.<sup>88</sup>

The same prohibition against holding such discussions without papal permission was contained in two decrees not cited in the

<sup>85</sup> Cf. *Fontes*, VII, 1.

<sup>86</sup> Cf. Loiselet, *Ce que pense l'Eglise des conférences contradictoires* (Paris, 1905), p. 7.

<sup>87</sup> Cf. *Fontes*, VII, 11.

<sup>88</sup> Cf. *Fontes*, VII, 28.

foot-notes to the Code and consequently not reported in the *Fontes*, namely, one of the Sacred Congregation of the Council, March 6, 1625, and one of the Holy Office, January 19, 1644, which parallel for other parts of the world the decrees of the Sacred Congregation of Propaganda of 1625 and 1645 cited above, since these applied only to mission countries.<sup>89</sup>

Evidently the sum and substance of it is this: although public conferences with non-Catholics on the dogmas of the faith are not wrong in themselves and are licit under proper conditions and when there is hope of good results, yet because the circumstances of a public popular discussion often favor specious falsehood rather than the truth, and because usually such discussions result in no good or even in harm, all such discussions are forbidden without the permission of the Holy See. Granting that they are licit in themselves and in their purpose, the circumstances requisite for licitness are rarely present; and therefore the Holy See wishes to control the circumstances by requiring special permission in every case.

Canon 1325, § 3 simply repeats this requirement. A few points of interpretation merit brief attention.

*Caveant Catholici.* The law applies to clerics and priests as well as to the laity.

*Disputationes vel collationes cum acatholicis.* These words include both disputations or debates, and friendly meetings or conferences which aim at agreement and concord. They refer, however, only to discussions which have for their subject matters of faith. Although this is not explicitly stated, it is clear not only from the entire historical background and sources, but also from the context itself which is exclusively concerned with the ecclesiastical *magisterium*. There is nothing to indicate that the Holy See wishes its permission to be asked for public meetings on astronomy, other physical sciences, art, or even social sciences and practices, unless these *ex professo* include questions of faith. Thus a discussion or symposium between representatives of various creeds including the Catholic Church, on questions of education, social reform, reconstruction after the War, etc., would not require *this* permission.<sup>90</sup>

<sup>89</sup> Cf. Buceroni, *Enchiridion Morale* (ed. 4; Rome, 1905), p. 52.

<sup>90</sup> This interpretation is to us certain. It is supported by A Coronata, *Institutiones Iuris Canonici*, II, n. 912, p. 249; Vermeersch-Creusen, *Epitome Iuris Canonici*, II, n. 661; Blat, *De Rebus*, n. 199, p. 245; De Meester, *Iuris Canonici Compendium*, III, n. 1284, p. 191; Cocchi, *De Rebus*, n. 9, p. 25.

*Publicas praesertim.* A discussion or conference is public if it overflows the limits of the private or family circle; this will be determined by all the circumstances, the challenge, the acceptance, the organization, and especially the attendance and the extent to which the meeting becomes known. A private discussion is one which remains within a small circle of a few persons or families, without becoming generally known. The entire background of this canon deals with public, not with private, discussions. Not since the thirteenth century has there been mention of any general prohibition of private discussions; and the decree of Alexander IV forbidding them at that time (to the laity only) was abrogated by contrary custom wherever non-Catholics were numerous, and is now entirely superseded by the Code. It seems scarcely reasonable to suppose that the Code wished to revive this ancient prohibition. Yet, though the text of canon 1325 § 3, clearly aims chiefly at public discussions, it does not entirely exclude private ones. Are private discussions, then, also canonically forbidden? Our answer is no. The Code uses language which elegantly insinuates that even private discussions on religion are not to be undertaken without hope of advantage, and that the natural law itself requires certain conditions which must be carefully observed. But the strict canonical requisite of permission from the Holy See does not apply to them.<sup>91</sup> The only case where private discussion is forbidden is in connection with "meetings called by non-Catholics for the purpose of promoting the union of all churches claiming to be Christian"—this, in virtue of special documents to be cited later.<sup>92</sup>

*Aut, si casus urgeat, loci Ordinarii.* In these words the Code explicitly provides for permission being given by the Ordinary of the place in an emergency. It should, of course, be noted that in all cases the permission at least of the Ordinary is required. This follows from the fact that such a public discussion of matters of faith is an exercise of the *magisterium*, and as such requires a canonical mission.<sup>93</sup>

<sup>91</sup> This, too, is stated clearly enough by Vermeersch-Creusen, *op. cit.*, II, n. 661; A Coronata, *op. cit.*, II, n. 912; Cocchi, *op. cit.*, n. 9, p. 25. Blat (*loc. cit.*) insists that private colloquies also are forbidden, but "non his sed publicis aptari debeant plene hoc praescriptum." It is difficult to see what this can mean unless it means what we have said plainly in the text. De Meester (*loc. cit.*) thinks that the canon means to insinuate that even a private discussion may be of such importance that ecclesiastical authority could intervene to forbid it. Granting this, it does not change our conclusion.

<sup>92</sup> Cf. *CLD*, I, 619.

<sup>93</sup> Cf. *CIC*, 1328.

Is the interpretation we have given to this canon to be insisted on in the conditions of the present day? It puts a severe strain on the imagination to try to picture the exigencies of the world reconstruction period which will follow the peace. Organized action must be determined by discussion. Many "ideologies" are already highly organized for pressure, discussion, and action. Which of them is the most deadly? Is it atheistic Communism? Racism with its unspeakable cruelties? "Liberal" indifferentism? At all events, if the light of Christ is to guide the world through the dark days that are still to come, it must be seen; or, to change the figure, the call of Christ to peace and order must be heard. Will it not be a serious handicap to the cause of Christianity if Catholics are excluded by their own law from taking part in public discussions? Can this law, born of the experience of the Reformation controversies, be applied in the totally changed conditions which will follow this twentieth century peace? In those other days the Church was faced with determined adversaries indoctrinated with falsehood and eager for opportunities to gain publicity for the new doctrines. After this war, perhaps, the great majority of mankind, chastened by suffering and disillusioned by the failure of false systems, may be ready for the true leadership which only the Church of Christ can give them. Shall the Church lose this opportunity and be forced by her own law to remain on the outside, a critic of action rather than a leader in it?

These reflections may merit consideration, but they are *de iure condendo*; we can speak only *de iure condito*. If it is asked whether the law of canon 1325, § 3, as we have explained it, is still in effect there can be but one answer, considering the common principles as to the continuance and interpretation of law, and in view especially of recent papal documents.

A law ceases to exist *ab intrinseco*, that is, without repeal, only when its purpose ceases entirely for the whole community. It would be absurd to contend that the purpose of this law, which is to safeguard the Church against the effects of imprudent public discussions, has entirely ceased throughout the world. We cannot, therefore, say that the law has ceased.

As to interpretation, the first norm is the text of the law, taking the words in their proper sense in the context. This norm is to be used in every case where it yields a certain conclusion regarding the meaning of the law. Only in case of doubt are other criteria to be



employed, such as the purpose of the legislator, the circumstances under which the law was framed, etc.<sup>94</sup> The meaning of this law is clear and certain, and its historical background does not modify it. There may be a question as to whether changed conditions make a modification advisable, but that question is for the Holy See, which would doubtless welcome advice from the bishops upon it.

Recent documents of the Holy See indicate no tendency toward a change. Let us briefly survey some which, though distinctly modern as compared with those already reviewed, nevertheless point in the same direction.

In 1857 there was formed in London a Society for the Union of Christendom—Anglican in its conception and leadership—which in the course of time gained the active co-operation of a number of Catholics. It was based on the belief that the unity of Christ's Church has failed, that the Church now consists of three separated branches, the Roman Catholic, the schismatical Greek, and the Anglican, which are to be reconciled and united by prayer and co-operative action leading to some sort of compromise of their differences. The Holy Office, in a letter addressed to all the bishops of England, September 16, 1864, scores the entire movement, shows that it is based on a view of the Church which is absolutely heretical, and declares that Catholics may not be members of the Society nor cooperate with it in any way. A year later, November 8, 1865, the Holy Office addressed another letter "to certain English Puseyites," going over the same ground and showing that there is no true road to the union of Christendom other than that of organic union under the authority of the See of Peter. The question was revived in 1919 when the Holy Office was asked: "Whether the instructions regarding membership in the Society for the Union of Christendom are to be applied and obeyed by the faithful also in regard to their participation in meetings or conferences of whatever kind, *public or private*, called by non-Catholics for the purpose of promoting the union of all churches claiming to be a Christian?" The answer was: "In the affirmative." And the Holy Office ordered the republication of the two letters above cited.<sup>95</sup>

<sup>94</sup> *CIC*, 18.

<sup>95</sup> All three documents will be found together in *AAS*, XI, 309-16; cf. also *CLD*, I, 619.

Beginning in 1910 the Episcopal Church in the United States sponsored a World Conference of Christian Churches. In 1914 the Secretary of the Conference in a letter to Cardinal Gasparri asked the prayers of the Holy Father for its success, and received a gracious reply. In 1919 delegates from the Episcopal "World Conference" called on the Holy Father and were graciously received, but at the same time were informed that the Catholic doctrine on the unity of the visible Church of Christ made it impossible for the Holy Father to join in their meetings.<sup>96</sup>

The so-called "Malines Conversations," begun in 1921 and participated in by Lord Halifax and Cardinal Mercier, were discontinued in 1926. Their purpose was not to effect or pave the way for a union of the Anglican with the Catholic Church, but merely to make the way of conversion easier for individuals. Vermeersch conjectures that they must have had the tacit permission of the Holy See as merely private ventures. Be that as it may, in 1927, Cardinal Van Roey, who had assisted at the meetings as Vicar General of the Archdiocese of Malines for Cardinal Mercier, informed Lord Halifax that there was little prospect of the "Conversations" being resumed. The *Osservatore Romano* of January 21, 1928, carried the semi-official announcement: "We can say again with absolute assurance that the resumption of the Conversations would certainly not have the consent or the encouragement of the Holy Father."<sup>97</sup>

Conferences of Christian leaders, inspired by the desire of union and of greater vitality, were held at Stockholm in 1925 and at Lausanne in 1927, the leading spirit in the former being the Lutheran Bishop Soderblom of Upsala, and in the latter, Doctor Brent, Episcopal Bishop of New York. Both meetings were grandiose reunions of representatives of Christian churches from all over the world to discuss such subjects as: The Call to Unity; The Nature of the Church; The Gospel, The Church's Message to the World; The Church's Confession of Faith; The Unity of Christendom in the Churches To-day; etc.<sup>98</sup> To both meetings the Holy Father was invited to send representatives so that the Catho-

<sup>96</sup> Further interesting details are given in *Periodica*, XVI, 129; cf. also *Civiltà Cattolica*, III (1919), 204.

<sup>97</sup> Cf. Vermeersch, *Periodica*, XVII, 11.

<sup>98</sup> For detailed accounts of these Conferences, cf. *Etudes*, CLXXXV, 641; CXCIII, 664.

lic Church might be included in the symposium; but in both cases he courteously declined. It was in regard to the second meeting, that at Lausanne in 1927, that the Holy Office went publicly on record. Asked: "Whether Catholics are allowed to belong to, or to favor, conventions, meetings, conferences, or associations of non-Catholics which have for their purpose to unite all those who call themselves Christians in one religious federation," the Holy Office replied on July 8, 1927: "In the negative; and the Decree of July 4, 1919, regarding the participation of Catholics in the Society for the Union of Christendom is absolutely to be observed."<sup>99</sup>

The final seal of the supreme authority of the Church, if such were needed, was placed upon the prohibition of all attempts at union through compromise or syncretism of doctrine, by the Encyclical of Pius XI on the Promotion of True Christian Unity, January 6, 1928. Speaking of all movements which are based on the false notion of the Church as of a flock divided in itself and lacking a *de iure* Shepherd, and which dream of attaining unity through a pooling of common doctrines and agreements to reconcile differences, the Holy Father says:

It is evident that the Holy See can in no way participate in their meetings, nor may Catholics either favor or co-operate in any way in such enterprises; if they should do so, they would be giving their support to a false Christian religion which is entirely foreign to the one Church of Christ. Shall We permit—a thing which would be utterly wrong—that the truth, revealed by God, should be determined by agreements?<sup>100</sup>

It should be noted that the documents cited in the last few pages do not apply to discussions on the faith with non-Catholics *in general*, but only to those meetings described in them, that is, those inspired by the false and heretical notions which have been mentioned. The latter are proscribed more severely, in as much as even private discussions connected with them are forbidden.

The two documents which remain to be considered bring us back to the more general question of public conferences with non-Catholics on points of faith.

<sup>99</sup> Cf. *AAS*, XIX, 278; *CLD*, I, 620; *Periodica*, XVI, 129.

<sup>100</sup> *AAS*, XX, 11; for a capable commentary on the Encyclical, cf. Vermeersch, *Periodica*, XVII, 11.

In 1893, in Chicago, there was held a so-called "World's Parliament of Religion." The meeting was opened by Cardinal Gibbons, who recited the Lord's Prayer. On September 18, 1895, Pope Leo XIII, in a letter to the then Apostolic Delegate to the United States, later Cardinal Satolli, temperately discountenanced participation by Catholics in such promiscuous religious gatherings:

Although the matter has been tolerated until now by prudent silence, yet it seems more advisable that the Catholics have their meetings separately; and in order that they may be of benefit to all, these meetings may be so arranged that all persons, even those who are separated from the Church, may attend them.<sup>101</sup>

The Sacred Congregation for Extraordinary Ecclesiastical Affairs, on January 27, 1902, issued a very careful and detailed Instruction on Democratic-Christian Action in Italy. After approving the general purpose of such action and showing that it is nothing new in the Church, the Congregation has this to say about public discussions with Socialists:

8. Since the tenets of Socialism, taken in their entirety, contain real heresies, those who are called the "Contradictors of the Socialists" come under the decrees of the Holy See regarding public discussions with heretics. The Decree of the *S. C. Prop. Fid.* of February 7, 1645, sums up the legislation which is still in effect in these words: [here the *S. C.* quotes paragraphs 1 and 2 of that decree just as we reported them above, and then continues:] One of the reasons for which the Holy See forbids this kind of discussions is indicated in another Decree, of March 8, 1625, in these words, which are unfortunately too true even to-day: [here the *S. C.* quotes the Decree of 1625 just as we reported it above].<sup>102</sup>

The document is cited among the foot-notes to canon 1325, § 3 in the Code. It raises the practical question whether all public discussions with non-Catholics on Socialism or Communism must be considered forbidden without papal permission. Let us observe, to begin with, that the Instruction as such affected Italy alone. On general principles, it is still binding as such only in the territory for which it was given.<sup>103</sup> But, though the Instruction

<sup>101</sup> *Acta Leonis XIII*, XV, 323.

<sup>102</sup> Cf. *Fontes*, VIII, 436.

<sup>103</sup> Canon 6, 6° abrogates general disciplinary laws of pre-Code origin, unless they are contained in the Code; it leaves particular laws in effect, if they are not contrary to the Code.

be not binding as such, does it not contain an application of the general law which is still true everywhere? It is undoubtedly true that "the tenets of Socialism in their entirety contain real heresies" and the same is true a fortiori of atheistic Communism.<sup>104</sup> The "Contradictors of the Socialists" in Italy at the time the Instruction was issued were evidently engaged in a campaign of contradiction of the "tenets of Socialism in their entirety," and hence the application to them of the general law against public discussions with non-Catholics on points of faith was absolutely correct. It does not necessarily follow that every public discussion of Socialism or Communism with non-Catholics would be forbidden outside Italy. Such a discussion would be forbidden if it embraced the tenets of Socialism or Communism in their entirety, or if it embraced *ex professo* any particular point which is heretical, for example, the atheistic basis of modern Communism. No doubt it would be practically impossible to discuss Communism in general without discussing its atheistic basis. If, however, it was a specialized discussion whose chief point lay elsewhere—say, on the effect of Communism on labor unions, or on the profit motive as an incentive to labor and saving—we do not think the prohibition would apply. The Instruction as such would not reach such a discussion because the Instruction is limited to Italy; the general law would not reach it because that is not the meaning of the law.

We refrain from summarizing our conclusions, as this paper is already too long. One word toward a practical orientation. If our view of the present application of canon 1325, § 3 is correct, it is for the Most Reverend Ordinaries to consider whether the requirement of papal permission for public discussions with non-Catholics on matters of faith—note the limitation—is likely to retard rather than to forward the progress of the Church in their respective dioceses. If that is their judgment, then application to the Holy See for an enlargement of their faculties in the matter would seem to be appropriate.

NOTE.—Throughout this article I have used the words "co-operation," "participation," and "communication" more or less indiscriminately. As a matter of fact, they are closely akin in meaning; but there are shades of difference which it may be helpful to indicate.

<sup>104</sup> Surely the Encyclical of Pius XI, *On Atheistic Communism*, leaves no doubt on that point.

To co-operate means to act jointly with another. It is the most general and inclusive of the three words, including not only participation of more than one person in the same specific action, but also distinct actions of more than one person, which have a moral connection. To participate means to partake of, or to have in common with others a share in the same specific action. To communicate has, in the present connection, the same meaning (elsewhere regarded as archaic), namely, to share in common, to participate in. However, especially in Latin, the word "communicatio" may be distinguished by a shade of difference from "participatio": both signify participation in the same specific action, but "communicatio" connotes a formal participation, while "participatio" may be either formal or material. For example, if A is forced to procure a ladder, which B and C then use to enter a building in order to steal, bringing with them an unwilling servant D to carry the plunder, it may be said that A co-operates (materially) in the burglary, but does not strictly participate in it, and still less communicate with B and C in its perpetration. D co-operates and even participates in the material action of burglary, but does not communicate with the principals; B and C co-operate and participate in the crime, and communicate with each other in its commission.