The Right to Associate– on the Part of the Clergy [C.278] and of the Laity [C. 1374]

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Abstract: This short study on the right to associate in canon law is divided into three unequal parts: (1) the right of clerics affirmed in C. 278; and (2) the "restriction" of this right of the Catholic laity by C. 1374 (masonry); and (3) a footnote on masonry in the Philippines.

Keywords: Code of Canon Law • Right to Associate • Clergy • Laity • Masonry

1. The Right of Clerics to Associate [C. 278]

The three paragraphs of the canon concern the right of the secular clergy to associate and the limits of this right: **(a)** the secular clerics have the right to associate with others to pursue purposes consistent with the clerical state; **(b)** in particular, associations approved by competent authority which fosters holiness in the exercise of the ministry are to be esteemed; **(c)** clerics are to refrain from establishing or participating in associations whose purposes or activities cannot be reconciled with the obligations of the clerical state.

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1.1 The right to associate is a universally recognized right, and there is no reason why clerics should be denied this right.[1] During the presentation of the final draft of the Vat II decree *Presbyterorum ordinis*, the commission rejected a proposal that associations of priests be placed under the diocesan bishop or the episcopal conference because these associations pertain to the personal life of priests and the exercise of their legitimate liberty.[2] This right to associate is based on the dignity of the human person; it arises from his social mature; it is not conceded by positive law.

This right to associate is recognized of the secular clergy, thereby excluding the clerics who belong to institutes of consecrated life and societies of apostolic life since they are already associated in their respective institutes. The right of religious to join such organizations is governed by C. 307, § 3, that is to say with the permission of their proper superior. The term of the canon is secular rather than diocesan because even religious may be diocesan in some sense when they are serving as pastors in the diocese.[3]

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[1] According to the United Nations' Universal Declaration of Human Rights, no. 21 [10 Dec 1949]: Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. Pope John XXIII in *Pacem in Terris* 24 affirms this same right to association, basing this right on the social nature of man. Associations are necessary to accomplish what the individual cannot accomplish efficiently by himself. "These societies or intermediate bodies are to be regarded as an indispensable means of safeguarding the dignity and liberty of the human person without harm to his sense of responsibility.

[2] *Acta Synodalia* IV, pars 7, 168, *responsum ad Modum 129*, cited by J. Lynch in *The New CLSA Commentary*, 361, footnote. 86.

[3] When it was suggested that the word be changed from secular to diocesan, the commission answered: *maneat verbum claritatis causa quia etiam religiosi aliquot modo sunt diocesani*. *Communicationes* 14, no. 2 (1982), 171, re C. 252.

1.2 The second paragraph goes out of its way to recommend some associations with the following characteristics: [i] the statutes are recognized by competent authority; [ii] they foster holiness in the ministry; [iii] there is an approved rule of life; and [iv] they promote the unity of clerics among themselves and with their bishop. *Presbyterorum ordinis* 8 is the source of this canon suggesting various forms it could take, and the practical benefits that could be derived from it. Priests should foster a measure of common or shared life which could take various forms such as living together or a common table, or at least frequent and regular occasions of meeting. Such forms of common life, and associations such as mentioned in this canon, can be a source of mutual help in developing their spiritual and intellectual life, and thereby both advance their ability to work together in their ministry and be removed from the dangers that may arise from a solitary life.

The canon recommends organizations "especially those whose statutes are "recognized by the competent authority". *PO* 8 from which the canon is derived speaks of the "competent ecclesiastical authority".[4] It is not entirely clear why the text of the canon would have dropped "ecclesiastical"; and what is the import of the omission of "ecclesiastical" if there is anything significant about the omission. This author however surmises that not too much should be made of this omission. The canon could hardly be understood to recommend organizations recognized by any authority (a political party, civil law, the Securities and Exchange Commission).

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[4] The original Latin text speaks of the approval of the competent ecclesiastical authority. The Flannery translation of *Presbyterorum ordinis* omits the qualifier of authority "ecclesiastical"; the Abbot translation retains the "ecclesiastical", so does the Claretian edition which reproduces the edition copyrighted 2014 by the Libreria Editrice Vaticana.

1.3 Clerics are to refrain from joining or participating in associations whose purposes or activities cannot be reconciled with the obligations of the clerical state. Regarding the provisions of this third paragraph, the following comments are made to clarify the meaning of the law.

1.3.1 Associations which, directly or indirectly, openly or secretly, pursue goals which pertain to partisan politics, although they may externally appear to be pursuing humanitarian objectives, and fostering peace and social progress, certainly cannot be harmonized with the clerical state and as a result, are forbidden to all clerics. Associations or unions of this kind, since they stir up division and discord among the people of God obscure the priestly mission and fracture ecclesial communion.[5]

1.3.2 Associations which seek to unite deacons and priests into some form of trade union are forbidden to all clerics. Such associations reduce the sacred ministry to a kind of profession or trade, comparable to secular jobs, cannot be reconciled with the clerical state.[6]

1.3.3 At one point in the past, it was considered "not expedient" for clerics to become members or even just attend meetings of the Rotary Clubs.[7] But in an allocution of Paul VI to the Rotary Clubs of Italy, the Holy

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[5] Certain Associations or Unions Forbidden to all Clerics III, a declaration issued by the Congregation for the Clergy dated 8 March 1982, in *CLD* 10 (1982-1983), 17.

[6] Certain Associations or Unions Forbidden to all Clerics IV, a declaration issued by the Congregation for the Clergy dated 8 March 1982, in *CLD* 10 (1982-1983), 17.

[7] The response of the Sacred Consistorial Congregation to a question from a number of bishops dated 4 Feb 1929, in *CLD* 1, 617; this ban is repeated in a decree of the Holy Office dated 11 Jan 1951, in *CLD* 3, 284.

Father explained that the reservations of the Church regarding Rotary Clubs were based on the fear that they might be either infiltrated by false ideologies or come to be offered as an all-sufficient guide to life to the exclusion of Christian ideal.[8] On the basis of this, one can say that the Rotary Club has been "rehabilitated" and that clerics are not anymore forbidden to join it.

2. The Restriction of the Right of Catholic Lay to Associate [C. 1374].

The canon itself bans membership in associations which plot against the Church. The Code of 1917 made specific reference to masonry, though the new Code makes no mention of the masons. The omission of masonry in the new Code has occasioned not a small amount of controversy because it would seem to indicate a change of mind and stance of the Church toward the old adversary. The prohibition by the Church against Catholic membership in Freemasonry has evolved and flip-flopped during the long process of the revision of the Code which was promulgated in 1983.[9]

2.1 The Code of 1917, on the basis of two hundred years of anti-masonic legislation, imposed a *latae sententiae* excommunication reserved to the Holy See on a person who joins the Freemasons [C. 2335]. There are two major changes in the provision of C. 1374 of the 1983 Code: **(a)** it omits explicit mention of masons, referring

[8] Allocution of Paul VI of 20 March 1965, in *CLD* 6 (1963-1967), 511.

[9] We follow closely the treatment of this evolution by Ronny Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," *The Jurist* 56 (1992), no. 2, 735-755. It is a broadly researched worked; he has treated the matter well and fairly. Renkins has led this present writer to other materials and sources that have shed light on this tangled question.

only to an association that plots against the Church; and **(b)** it does not inflict the penalty of excommunication *latae sententiae*. This led many canonists and some bishops to conclude that the centuries-old ban on membership in freemasonry has been lifted by the new Code.[10] The CDF however has been quick to douse this possible confusion, as it issued a declaration affirming that the ban was still in force and that Catholic Masons continue to be excluded from receiving communion.[11]

2.2 Commentators of the Code of 1917 understood the excommunication would be incurred *latae sententiae* when two conditions are fulfilled together: the Catholic had actually enrolled in the member ship books of the organization; and the organization itself should be wholly devoted to heretical and subversive purposes.[12] Woywood also makes an important observation that various Masonic lodges themselves differed greatly in their teachings and practices. American lodges were far less subversive than most European lodges. This commentator on the Code of 1917 refers to the enactment of the Third Plenary Council of Baltimore that allowed

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[10] C. 1374 of the 1983 Code bans associations that plot against the Church; and the penalty that it imposes is indeterminate unlike C. 2335 of the Code of 1917 which imposed ipso facto excommunication reserved to the Apostolic See.

[11] The declaration also adds that local ecclesiastical authorities do not have the competence to pass judgement regarding the nature of masonic associations which would imply a derogation from the above-mentioned declaration. The declaration is dated 26 Nov 1983, in *Documenta inde a Concilio Vaticano Secundo Expleto Edita [1866-1985]* (Rome: Libreria Editrice Vaticana, 1985), 248.

[12] L. Miguelez, "Libro Quinto: De los delitos y de las penas," in *Codigo de Derecho Canonico y Legiuslacion Complementaria. Texto latino y version Castellana, con jurisprudencia y commentarios,* ed. L. Miguelez et al. (Madrid: BAC, 1962), 830. Cited by Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 738.

the American bishops to determine whether a particular organization is in fact forbidden.[13]

2.3 There have been tentative steps that could be understood to indicate some kind of a rapprochement between the Catholic Church and the Freemasonry[14] in the recent decades.[15] In view of what seemed to be a greater openness to dialogue of Vat II toward various

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[13] Woywood raises other complications and difficulties to the provision of this canon. There is considerable controversy whether enrollment in socialistic, biblical, and clerical-liberal societies is forbidden under excommunication. A further difficulty in determining whether a society is of the nature described in C. 2335 arises from the fact that many such societies bear a name or title which marks them as purely social or beneficent organization, while in fact they are allied with the masons. The practical difficulty is increased by the fact that some of these societies change their names from time to time. Probably because of these difficulties, the Third Plenary Council of Baltimore, with the approval of the Holy See, issued the practical injunction that nobody should declare a certain society as forbidden under excommunication until the case had been submitted to a committee consisting of all the archbishops which the Council established for this purpose; if this committee could not reach a unanimous verdict, the matter was to be referred to the Holy See so that complete uniformity of discipline might be had on this matter in all the American dioceses. Stanislaus Woywood, *A Practical Commentary on the Code of Canon Law* (New York: Joseph F. Wagner, 1925), II, no. 2188, 484-485.

[14] Masonry and Freemasonry are terms that are used interchangeably here. In terms of origin, freemasons referred to masons who were more artistic and experienced while masons referred to those who did the ordinary and non-artistic mason's work. The term "free" probably referred to the fact that these highly talented masons usually worked on churches, and as such were exempted from paying taxes, thus free from that obligation. The terminology was carried on even when masonry did not anymore apply to the physical and artistic workers.

[15] For example, in May 1962, the leader of the Grant Orient of Haiti asked the bishop of Cuernavaca, Mexico to bring the issue before the (Second Vatican) Council. He also made a request to John XXIII to amend the excommunication clause of C. 2335. Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 739.

groups that had been included among the Church's "antagonists" (non-Christians, atheists, Jews),[16] the conference of Scandinavian bishops for example determined that each bishop could judge whether or not a particular lodge was acting or teaching in ways contrary to the interests of the Church; the bishops of England and Wales made a similar move.[17]

2.4 There were two other significant developments. One was the Lichtenau Declaration which maintained: that the Masons were not "a threat to the Catholic Church, nor did the Masons teach a common religious doctrine or claim to be a religion;" the Masons were not a political organization intent on the overthrow either of the temporal power of the Catholic Church or of civil societies in general; the declaration recommended that all canonical penalties and condemnations be abrogated. "We are of the opinion that the papal bulls concerning the Freemasons are now only historically significant and no longer relevant in our time. We are of the same opinion

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[16] The relation of the Catholic Church with Non-Christians was hotly debated at Vat II. "Few issues ignited such bitter controversy inside and outside the council as the relationship of the church to the Jews and then to other non-Christian religions. Few of the documents…bumped along on such a rough road as *Nostra aetate*." John O'Malley, S.J., *What Happened at Vatican II* (Cambridge, USA: Harvard University Press, 2008), 6-7. Despite the initial rough sailing suffered by this document, it was eventually approved with 243 negative votes which may appear disturbingly large but much lower than anticipated. Ibid., *275-276*. On the other hand, *L'Osservatore Romano* [11 March 1985] published this reflection a year after the CDF declaration on Masonry. "…following Vat II, the Catholic Church too is pressing in the direction of collaboration between all men of good will. Nevertheless, becoming a member of Freemasonry decidedly exceeds this legitimate collaboration, and has a much more important and final significance than this. Attached as Appendix 4 to the *CBCP Primer on Freemasonry*, 31.

[17] Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 739.

regarding the condemnations of ecclesiastical law since, in light of what has been said, they cannot be justified by a Church that follows God's commandment in teaching fraternal love."[18]

The other development was between 1974 and 1980, representatives from the German Episcopal Conference and a group representing the Grand Lodges of Germany held talks and issued separate reports of their meetings. The conclusion of the German Bishops touched on the following points: Freemasons have essentially not changed; masonic membership questions the foundations of Christian existence; masonic rituals and fundamental ideas and their current self-understanding make clear that simultaneous membership in the Catholic Church and the Freemasons is incompatible.[19] This statement of

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[18] A commission of three Catholics and Masons met in Innsbruck in March 1969 to discuss the mutual concerns of Catholics and Freemasons. This commission met under the auspices of the Secretariat for Non-Believers and the CDF chaired by Cardinals Koenig and Seper respectively, and the meeting resulted in the declaration. Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 740.

[19] Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 740-743. In this same article of Jenkins, he quotes (in English) from the document itself the various points of doctrine that the bishops found irreconcilable with Catholic doctrine: (1) the Masonic word-view; (2) their view of the truth; (3) their notion of religion; (4) the masonic notion of God; (5) the notion of God and revelation; (6) the masons promote a principle of toleration of ideas, and therefore relativism which threatens the teaching authority of the Church; (7) the rituals of the first three masonic grades have a clear sacramental character indicating that an actual transformation of some sort is undergone; (8) masonry provides all the necessary means to attain this perfection, thereby denying justification by Christ; (9) the masonic order makes a total claim on the life of the member; (10) the masonic lodges may have varying degrees of adherence to Christian teaching; but even those lodges that may be 'compatible' with Christianity, they merely seek to adapt Christianity to the over-all masonic world-view; (11) Even those Catholic-friendly lodges and which may welcome Catholic members

the German bishops has been criticized that it did not seek to clarify the divergent positions held by Catholics and Masons but "needlessly and recklessly" broke off dialogue instead.[20]

2.5 Another point that should be taken into account in this tangled and confused development of the canonical provisions affecting Freemasonry was a letter of Cardinal Seper of the CDF, clarifying the omission of Cc. 2335 and 2336 of the Code of 1917 from the 1973 schema on the penal law, that the law had not changed but that its application might be more strictly interpreted in favor of the Catholic who may be a Masons.[21]

2.6 In the Oct 1981 meeting of the Code Commission, two questions were dealt with: (a) the matter of the penalty (interdict or excommunication, *latae sententiae*

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are not compatible with catholic teaching; (12) while a 1973 meeting of Protestant Churches determined that individual Protestant could decide whether to be members of both the Protestant Church and Freemasonry, it included a caveat that those Christians must always take care not to lessen the necessity of grace in the justification of the person before God.

[20] Sebott has criticized the German bishops' statement, in addition to having broken off the conversation with the Masons, that the bishops did not refer to Seper's later of 1974 that seemed at least to tolerate membership in non-subversive lodges and for the statement's failure to account for the opinions of other bishops' conferences that were much more favorable toward Catholic-Mason relation. Reinhold Sebott, "Die Freimaurer und die Deutsche Bischofskonferenz," *Stimmen der Zeit* 199 (1981), 84-85, cited by Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 743.

[21] Jenkins notes that "if a particular lodge did not in fact conspire against the Church, a strict reading of the canon would indicate only one of the conditions of incurring the penalty of excommunication has been met: membership in a lodge. Thus, membership in a neutral lodge would not necessarily bring with it an *ipso jure* excommunication. Jenkins, "The Evolution of the Church's Prohibition against Catholic Membership in Freemasonry," 743-744.

or *ferendae sententiae*); (b) whether freemasonry should be mentioned by name.

2.6.1 C. 1374 of the present Code threatens a just penalty for a person who joins an association which plots against the Church and interdict for one who promotes or takes office in such an association. The main reasons for removing the *latae sententiae* excommunication threatened by C. 2335 of the Code of 1917 is two-fold. One is the principle laid down by the 1967 Synod of Bishops that *latae sententiae* penalties should be reduced to the minimum, especially excommunication which is the harshest penalty that the Church can impose.[22] The other reason is that participation in masonic lodges is not the same, dependent as it is on the different grades. Besides, plotting against the Church is a question of fact that must be established, and establishing the fact is an essential element in penal law. It is not easily determined that this is the case for all members. The same Code Commission suggests that should it be expedient and necessary, the matter should be left to particular law; there is nothing to prevent an individual bishop or an episcopal conference to establish a *latae sententiae* penalty, even *latae sententiae* excommunication.[23] It may

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[22] Et praesertim quia in hoc vinculati sumus aliquo modo quodam principio inter ea quae Codicis Juris Canonici recognitionem dirigant a Synodo Episoporum anno 1967 adprobato in quo dicitur quod poenae latae sententiae ad paucissimos tantum casus reducendae sunt. Comment of Castillo Lara in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 309.

[23] Eo quod difficilime est in hoc casu constatare vel determinare, dicernere ambitum ipsius delicti, imputabilitatem etc. … quod necessarium est ad aliquam poenam latae sententiae comminandam quia ut patet ex relatione… et ex ipsa littera S. Cong. Pro Doctrina Fidei, pastores in universa Ecclesia de hac re interrogati responsa dederunt quam diversissima; quod significat quod Massoneria apud diversas nationes non eadem est…Ergo ex his rationibus,

not be altogether out of place to raise the question whether the penalty of excommunication would mean anything to a person who is already plotting against the Church, especially if they would probably be non-Catholics anyway and merely ecclesiastical laws bind only Catholics.[24] Regarding the matter of penalty, the Code Commission voted to remove the *latae sententiae* excommunication reserved to the Holy See from C. 2335.

2.6.2 There was also the question whether masonry should be mentioned by name, or would it suffice to refer in general to associations that plot against the Church, as there are other groups (communists, terrorists, Marxists, atheists) that also plot against the Church. The arguments in favor of retaining the explicit reference to freemasonry include the following: (1) the conclusion of the German Episcopal Conference that there is

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Commissio—Consultores et Secretaria—censet quod nulla debet comminari poena latae sententiae. Si in aliquibus casibus, v.g. in quadam natione, res periculosa est, possunt et debent episcopi in lege particulari poenam etiam latae sententiae si volunt, comminare. Rogo ut non detur in lege universali, sed reliquatur juri particulari quia nihil prohibit quominus episcopus aliquis vel episcopi aliquarum nationum comminent latae sententiae. Excommunicationem etiam… Comment of Castillo Lara in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 310; cf. also the comments of Henriquez: Usque adhuc applicatio excommunicationis perdifficilis evasit. Difficulter determinantur quando et quatenuns massoneria et massones individui contra ecclesiam machinentur. *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 324.

[24] Thus Henriquez: Actualis excommunicatio inutilis evasit ad impendiemdum ingressum in secta massonica. Recentissime in hac ipsa natione Italica reperta est secta massonica cui non pauci catholici…nomen dederunt. Et nescio an ipsi tamquam excommunicati se habuerint, an aliquis ipsorum sit ab aliqua auctoritate ecclesiastica ut talis declaratus. *Congregation Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 324.

incompatibility between membership in freemasonry and Catholic identity;[25] (2) if freemasonry is not mentioned by name, this will be interpreted to mean that freemasonry is not anymore condemned and that therefore membership in freemasonry is already allowed but it is not allowed according to the declaration of the Holy Office;[26] (3) the omission of the explicit reference to freemasonry can give the impression that the Church has relaxed its stance against freemasonry when as a matter of fact, it has not and this will provoke confusion and it could be misleading.[27]

On the other hand, those who argued that the canon should refer to organizations in general which plot against the Church rather than explicitly to freemasonry proposed the following reasons among others. (1) The position of the German bishops may be valid for some regions but not necessarily for all. This is also clear from the rescript of the C.D.F. of 1974 which showed the diversity of the judgements concerning masonic lodges by episcopal conference.[28] (2) The phrase "those who plot

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[25] A summary of the status quaestionis as presented by Castillo Lara. *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 309.

[26] Cardinal Palazzini, *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 322.

[27] Apud omnes enim constat quam gravia damna, etiam in societate civili, et quam dolendam confusionem attulerit inter christifideles falsa opinio, hisce postremis annis diffusa, qua putabatur ecclesiam relaxavisse suam disciplinam in hac re. Revera haec fuit ratio cur S. Congregatio pro Doctrina Fidei necessarium nuper duxerit praedictam Declarationem promulgare. The opinion of Cardinal Oddi as read by Castillo Lara. *Congegatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 327.

[28] Cardinal Koenig in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 316.

against the Church" is difficult to understand and interpret even among canonists. It is difficult to presuppose that all masonic lodges would fall under the category of those that plot against the Church, as there are differences for example between the members of the so-called "Grand Loge" and those of the "Grand Orient."[29] This is a judgement that should be made by the episcopal conference and the faithful should be made aware of this judgement. The conclusion reached by Caprile: that masonic associations could no longer be judged on a general basis; and that a member of a masonic lodge who is convinced in conscience that such a lodge has nothing against the Church could consider himself free from excommunication and could receive the sacraments.[30]

The text of the canon [without explicit mention of masonry and the penalty of excommunication *latae sententiae*] was approved as proposed by the Code Commission by 31 out of 59 and thus C. 1374 of the new Code: A person who joins an association which plots against the Church is to be punished with a just penalty;

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[29] Cardinal Marty, in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 318; Arrieta Villalobos, i*bid*, 323-324; Henriquez, *ibid*, 324; Morelos, *ibid*. 326.

[30] G. Caprile, "Cattolici e Massoneria: Un'importante dichiarazione sulla excommunica," *La Civilta Cattolica* 125/IV (1974), 158-162; Caprile however was criticized by Scicluna that Caprile's conclusion is based on a concept of *machination* limited to *machinatio data opera* which means that a member was only bound to consider the actual hostile activity of the association against the Church, without reference to the actual philosophy behind Masonry and its aims. Caprile does not consider *machinatio ex fine* and seems to imply that Freemasonry had changed in this fundamental aspect. C. Scicluna, "Canonical Discipline with regard to Membership in Freemasonry," *Forum* 2/1 (1991), 73-74.

one who promotes or takes office in such an association is to be punished by interdict.[31]

C.1374 is therefore not to be understood as a canon directed at masonic lodges in particular but at associations which plot against the Church, freemasonry among them if indeed it plots against the Church. The canon, as the deliberations show, recognizes that there could be variations between different lodges in different countries and that individual bishops or perhaps better, episcopal conferences, are probably in a better position to legislate particular law to deal with the specific matter as many members of the Code Commission as well as the Commission's consultors have suggested.

3. A Footnote on Masonry in the Philippines.

As in the rest of the Catholic world, the perception by Catholics of Freemasonry has been frosty if not altogether antagonistic.[32] One can detect two "approaches" to the question of freemasonry: (a) one may be denoted as "disciplinary" which was the approach of the Commission for the Revision of the Code of Canon Law such as we adverted above; and (b) dogmatic or doctrinal which was the approach of the CDF and the

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[31] While it is correct to say, as the CDF says, that the omission of the explicit mention of masonry from the approved text of the canon must be attributed to the criterion used in editing [*talem circumstantiam tribuendam esse criterio in redactione adhibito*], it would be an oversimplification, almost a prestidigitation, to attribute it exclusively to the application of an editorial principle. Much of the discussion in the Code Commission concerned the fact that not all masonic lodges are the same and that they could not be lumped together as though there were no differences.

[32] This is certainly the impression if we take Rev. Nicolas Rosal of the Archdiocese of Nueva Segovia (Vigan, Ilocos Sur) as typical. N. Rosal, "The Growth of Philippine Masonry" in *Boletin Eclesiastico de Filipinas* 36 (1962), 416-423; N. Rosal, "The March of Philippine Masonry" also in *Boletin Eclesiastico de Filipinas* 36 (1962), 750-763.

approach of the CBCP Primer as we shall adumbrate *infra*

3.1 The Disciplinary Approach. This is the approach of the Code Commission, and the question asked was: did masonry conspire against the Church? The tenor of the various responses from individual bishops and episcopal conferences was that Masonic lodges are not the same and for that reason many of them indicated that perhaps it would be better to leave the judgement to local bishops. This was the atmosphere then.

3.1.1 A certain thawing can be discerned in a talk of Bishop Gaviola in 1974 who refers to a formal but quiet dialogue between representatives of the Catholic hierarchy and of Freemasonry. The following points are made by Bishop Gaviola who was on the Church panel: (a) the proposed revised ritual for admission to Freemasonry offered to delete any word or phrase which may be offensive to the Catholic Church; (b) admission into freemasonry was to be preceded, for the benefit of Catholic and Christian believers, with the instruction that as such they are bound to observe and practice the teachings of their faiths; (c) Masonry itself developed differently and found different expressions in different countries, although probably inspired by the same principles; (d) it must be admitted that there were excesses on both sides ("Differences of opinion, on principle, on ideas there may be—and some are perhaps inevitable; but persons at all times should be accorded the charity…that we Christians profess to be the overriding motivations…).[33]

[33] M. Gaviola, D.D., "Masons and Catholics Today" in *Boletin Eclesiastico de Filipinas* 48 (1974), 237-242.

3.1.2 The conclusion of the Catholic experts in their dialogue with the Philippine Masons may be summarized thus.[34]

(a) The Free and Accepted Masons of the Philippines have agreed with the conditions presented by the Catholic panel, for example: they would not oppose religious instructions in schools as provided for by law, nor try to separate Catholic members from the religion of their choice, nor try to teach anything contrary to the official teachings of the Church.

(b) Freemasonry's intrinsic compatibility with Catholicism rests on the following fact. In religious matters, Freemasonry requires three things from its members: belief in God, immortality of the soul, and the moral life.

(c) The Grand Lodge of the Free and Accepted Masons[35] of the Philippines is not of the Grand Orient type of lodges that are known for their anticlericalism… Much of the anticlericalism, the Free and Accepted Masons of the Philippines have manifested in the past is due more to the state of friction between Masonry and the Catholic Church… These lodges are more for fraternal and social purposes.

(d) The Catholic panel is convinced that a change of the old condemnatory attitude toward the Accepted and Freemasons of the Philippines should be adopted.

3.1.3 This stance is what is reflected in the opinion of Bishop Carmelo Morelos, then Bishop of Butuan and member of the Commission for the Revision of Canon Law that an episcopal conference would be in a better position to judge for its territory whether a masonic sect

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[34] Florencio Testera, O.P., *Canon Law Digest of the Philippine Catholic Church* (Manila: UST Press, 1995), 229-236.

[35] Apparently, the term "Free" refers to regular members while "Accepted" are honorary members.

as a matter of act is plotting against the Church and to make a public and clear declaration for the guidance and the good of all the faithful.[36] Before the revision of the Code, and as a result of the dialogue between the representatives of the CBCP and those of the Freemasons referred to supra, the CBCP made a request to the Holy See that the effects of C. 2335 of the 1917 Code should not apply to the Free and Accepted Masons of the Philippines. The CDF reply was couched in general terms.[37] And Testera observes that the CDF is indirectly telling the local bishops to make the determination whether Philippine masonry is in fact anti-Church or not.[38] From the tenor of the discussions during the revision of the Code, the letter from the CDF, and the conclusion of the Philippine bishops from their conversation with their Masonic interlocutors, it seems

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[36] … Ni fallor, post habitum dialogum cum massonibus, Conferentia Episcoporum Philippina, saltem quoad poenam inferendam venit ad conclusionem in sensu quod, firma prohibition nomen dandi massonicae societati, censuit aut poenam esse tollendam aut saltem diminuendam. Quod ostendit, mihi videtur, difficultatem commune habendi judicium de quaestione massonica, praesertim quado agitur de tam gravi poena, ut est excommunication ipso facto incurrenda. Attamen pro ratione pastorali urget ut Conferentia Episcopalis judicium ferat utrum nempe pro suo territorio revera massonica secta contra Ecclesiam machinetur, declarationem faciens publicam, claram et explicitam pro omnium fidelium admissione et bono… Bishop C. *Morelos,* in *Congregatio Plenaria [Diebus 20-29 Octobris 1981 Habita],* (Vatican: Typis Polyglottis Vaticanis, 1991), 326.

[37] In accordance with the circular letter dated 19 July 1974, which recalls a strict interpretation of C.2335, the excommunication only applies to persons who are members of associations who militate against the Church. It is on the basis of this principle that the position of the members of different groups must be judged in each particular case. Cited by Testera in *Canon Law Digest of the Philippine Catholic Church*, 235.

[38] Testera, *Canon Law Digest of the Philippine Catholic Church*, 235.

clear then that Freemasonry is not necessarily anti-Church, and that Philippine masonry has been determined not to be anti-Church.

3.1.4 From the discussion of the Oct 1981 Plenaria of the Commission for the Revision of the Code of Canon Law, what emerged as a clear consensus may be summarized as: **(a)** freemasonry is not the same everywhere; and **(b)** the local bishops are in a better position to make a judgement regarding the "character" of the local lodge of the freemasons (whether they are anti-Catholic Church or not, whether they plot against the Church or not).[39] These were also the comments of Bishop Morelos at the Plenaria. Perhaps it is this light that the comments of Bishop Gaviola may be seen.

3.2 The Doctrinal Approach.

3.2.1 In the 6 July 2002 declaration of the CBCP, the bishops stated:[40]

(a) Any Catholic who is publicly knows to be a member of any Masonic Association and actively participates in its program and activities, or promotes its

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[39] Whalen would not have thought much of the ability of individual bishops or even episcopal conference to assess the "character" of a particular masonic lodge. ("Anyone professing minimum expertise in the area of Freemasonry would have studied the ritual of the lodge as well as basic Masonic sources such as Pike's *Morals and Dogma, Humanum genus* of Leo XIII… One wonders how many people in a typical chancery have spent this amount of time on the question so that they could answer inquirers' questions with confidence.") "The Pastoral Problems of Masonic Membership" [Commissioned by by the Pastoral Research and Practices Committee of the US Catholic Conference, added as Appendix 6 of the *Primer on Freemasonry* published by the CBCP, 40.

[40] Joint Declaration of the CBCP on Sanctions of Catholics who Join Freemasonry (6 July 2002), *CBCP, A Primer on Freemasonry (2003),* Question 33.

views, or holds any office therein, and refuses to renounce such membership despite at least one warning [C. 1347] is to be punished with an interdict [C. 1374]…

(b) Any Catholic who is a convinced member of Freemasonry, notoriously adhering to the Masonic vision is already considered *excommunicated latae sententiae* [C. 1364]. As such, the censure described in C. 1331 automatically takes its effects on this person.

(c) Further, all the individual bishops, in virtue of C. 455.4 decided to strictly disallow in their respective jurisdictions these Masons from being witnesses in Marriage, and as members of any association of the faithful

The CBCP Primer concludes that with the promulgation of the Code of Canon Law and the corresponding Declaration on Masonic Associations of the CDF [26 Nov 1983], it has become clear that the Church's disapproval of Freemasonry is based more on the questions of religious/doctrinal principles than on whether or not a particular Masonic lodge is anti-Catholic or not.[41] The approach and treatment by the CBCP prescinds from the question of the Commission for the Revision of Canon Law, as we adverted above. A big question that occupied the Code Commission during its deliberations was whether or not freemasonry in general or a particular masonic lodge [since no all masonic lodges are the same], is as a matter of fact plotting against the

[41] Question 20 in *A Primer on Freemasonry* (Manila, CBCP, 2003), p. 12 This is the judgement of the Philippine bishops, and therefore as Catholics we are bound by this. "Moreover, even if the masons did not plot against the church, it might be seriously wrong to join them for other reasons. The Congregation presents as the reason for its judgement the fact that the principles of masonry are "irreconcilable" with those of the Church. *The CBCP Primer on Freemasonry*, Appendix 5 [Masonry and Naturalistic Religion. Statement of the US Bishops' Committee for Pastoral Research and Practices, 19 April 1985], p. 36

Church. For this reason, the members and consultors of the Commission thought that it would be necessary to determine the "color" of this or that lodge.[42]

3.2.2 The principal doctrinal grounds taught and held by Freemasonry in which is rooted what is considered the irreconcilability between freemasonry and the Catholic religion are indicated by the CBCP Primer: [a] deism;[43] [b] naturalism;[44] [c] relativism.[45]

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[42] William Whalen makes an important clarification. "If we try to make "plotting against the Church the sole criterion for allowing or disallowing membership, we in effect are saying that we do not concern ourselves with the nature of an organization or with what it teaches. By the same token we should allow membership by Catholics in organizations of spiritualists, theosophists and occultists so long as these groups do not plot against the Church. But the Church's historic stand has not been based primarily on whether the Masonic lodges are hostile or neutral towards the Church but on the principles for which the lodge stands. "The Pastoral Problems of Masonic Membership" [Commissioned by the Pastoral Research and Practices Committee of the US Catholic Conference, added as Appendix 6 of the *Primer on Freemasonry* published by the CBCP, 45.

[43] After God created man and the material world, he left man to his own such that man is no longer accountable to God in all that he does in this world. Man is the master of the world in an absolute sense, so one cannot speak of God's providence or revelation to man. God is the "architect of the universe", a non-personal God, very different from the God revealed in the OT and the NT. In the last analysis, the God of Deism is an unknown and distant God, open to each man's subjective interpretation. Question 27, *The CBCP Primer on Freemasonry*, p. 13.

[44] Naturalism teaches that man has no supernatural destiny. Man's purpose is simply to cultivate his natural powers, especially his reason. Man is self-sufficient in his pursuit of happiness: his perfection is not to be found in his union with God in this life and in the next. Supernatural realities—sanctifying grace, redemption, divine mercy—have no place in naturalism. Question 28, *The CBCP Primer on Freemasonry*, p. 15.

[45] Relativism teaches that no one can claim to possess the truth in an absolute way. Applies to man's religious life, this means that no one can say that he has the true religion. Applied to morality, this

Three observations may also be made apropos of this. First, the grounds on which freemasonry cannot be reconciled with Christianity (or at least with Catholicism) is philosophical and is at the very root of masonry; presumably therefore it would characterize all Masonic lodges. Second, this being the case, therefore the question discussed in the Code Commission (the "color" of this or that lodge since not all lodges are the same) was a red herring. Third, deism, naturalism, and relativism are highly speculative, technical and complex philosophical concepts that may not be clearly understood by ordinary members, let alone convinced by them.[46] This being the case it is not altogether unrealistic to opine that ordinary members are probably not dyed in the wool deists, relativists, and naturalists. and are probably drawn to these brotherhoods for altogether different reasons.[47]

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means that objective and universal moral standards do not exist. Man becomes the final arbiter of what is right and wrong (in the absence of objective moral standards, the only alternative is to fall into "subjectivism"). Consequently, relativism would not admit that the teaching authority of the Church could present an article of faith or morals as something to be firmly held by members of the Church. Question 29, *The CBCP Primer on Freemasonry*, p. 15.

[46] Whalen makes the observation that "anyone professing minimum expertise in the area of Freemasonry would have studied the ritual of the lodge as well as basic Masonic sources such as Pike's *Morals and Dogma, Humanum genus* of Leo XIII… One wonders how many people in a typical chancery have spent this amount of time on the question so that they could answer inquirers' questions with confidence." "The Pastoral Problems of Masonic Membership" [Commissioned by by the Pastoral Research and Practices Committee of the US Catholic Conference, added as Appendix 6 of the *Primer on Freemasonry* published by the CBCP, 40. But one can also raise the same question about members of lodges, how much of it do they understand and absorb to be responsible to the degree of culpability to merit the harsh penalties threatened by the Code.

[47] The penalty of excommunication *latae sententiae* threatened by C. 1364 would then be difficult to justify.

3.3 By way of summary: if the approach were "disciplinary" (is this lodge plotting against the Church?) as was the approach of the Code Commission, it is possible to arrive at different conclusions about different lodges (that this is anti-church, and that is not). On the other hand, if the approach is theologico-philosophical, the judgement is about the foundation, inspiration, and basis of Masonry, then there can only be one judgement which would then apply to all.

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