

# THE DIOCESAN FUNDS MANDATED BY CANON 1274 FOR THE SUPPORT OF THE CLERGY (AND OTHERS) IN THE LIGHT OF CANON 1272's DIRECTIVE TO PHASE OUT ALL BENEFICES

## 1. Introduction

This topic considers two main innovations in the legal system on the Temporal Goods of a diocese as contained in the 1983 Code of Canon Law.<sup>1</sup> This article seeks essentially to examine the newness in the norms concerning the support of the clergy of a diocese and the provision for the various exigencies through the 'common fund'. Because of the content of this investigation we shall first study some directives in some Conciliar and post-Conciliar documents, then, analyse critically the provisions in CC 1272 & 1274 on 'special fund' and 'common fund' respectively and present some attending problems. This study will conclude by way of indicating some preliminary processes of implementing these provisions in churches where the Gospel is still taking root.

This study is relevant since it will enlighten ecclesiastical personnel of our time in their attempt to respond to the needs of today's church members. The Church and its functionaries are constantly being called to witness concretely also in its rapport with the goods of this world. In the pastoral constitution on the Church in the modern world, *Gaudium et Spes*, the Second Vatican Council provided valuable indications concerning the economico-social activities and in particular, it exhorts Christians in economic and social activities accordingly:

*"Let them, as individuals and as group members, give a shining example to others. Endowed with the skill and experience so absolutely necessary for them, let them preserve a proper sense of values in their earthly activity in loyalty to Christ and his Gospel, in order that their lives, individual as well as social, may be inspired by the spirit of the Beatitudes, and in particular by the spirit of poverty."<sup>2</sup>*

## 2. Clarification of Some Concepts

(a) *Support of the Clergy*: This involves the maintenance of a cleric, including board and lodging, whatever he needs to reasonably fulfil his assigned duties, clothing needs, his health care, vacation prescribed by the

law, adequate social security, etc. This support is such that it can fully be adequate for a fitting livelihood in accordance with the norms established by the local ordinary based on the varying needs and circumstances of time and place. Support of the clergy in some cases would include, beyond the necessities of life, the maintenance of house-keepers, decent relaxation, moderate amount of liberality towards good causes, the demands of sociability, of hospitality that must be shown to friends and to the needy, and provision for the future.<sup>3</sup>

The support of the clergy who dedicate themselves to the ecclesiastical ministry is the responsibility of the diocese.<sup>4</sup> The diocese can meet such obligation directly or through a parish or any other lower public juridic persons. This support also is met for some clerics from salaries they receive in their assignment in civil offices, such as state-owned schools, political appointments, military and other kinds of chaplaincy etc.

(b) *A diocese and its needs*: Canon 369 defines a diocese as a portion of the people of God, entrusted for its sustenance to the diocesan Bishop, with the cooperation of the diocesan priests and those religious priests who have a pastoral mission in the diocese. This is a definite group of persons, made up of lay people and their proper clergy, working out their salvation together. As a public juridic person a diocese has its own canonical administrator who is responsible for the management of the juridic person's affairs. The Canonical administrator of the diocese is the diocesan Bishop.

In order to adequately pursue the mission of the Church as a portion of the people of God, each diocese has many needs to meet. It must seek to provide adequately for the worthy celebration of divine worship, maintain the clergy, promote the works of the apostolate and practice charity. In concrete, places of worship are to be built and maintained; priests are to be trained and supported adequately, catechists and other Church functionaries are to be justly remunerated; apostolic endeavours are to be sustained and the needy provided for.

(c) *The Ecclesiastical Institute of Benefices*: A benefice is defined as 'a sacred or spiritual office to which the authority of the Church has attached the perpetual right to gather revenues from the goods of the Church'.<sup>5</sup> A benefice is a creation of law, namely, a juridical non-collegiate person subject to rights in law. It is with a formal decree by the competent ecclesiastical authority that this juridic personality is established as a legal entity consisting of a sacred office and the right of receiving the income attached to the benefice. It is of its nature that a benefice is established by a competent ecclesiastical authority and established in perpetuity. This

perpetuity is from the point of view of the benefice, a juridical person, which *ipso iure* is perpetual, and not of the beneficiary.

The institution of benefice dates as far back as the 7th century. The term has its origin in similar institutions in the feudal state. The secularization and ceasing of ecclesiastical property in the first half of the 8th century contributed substantially to the development of the institution of ecclesiastical benefices. There was the need to ensure that ecclesiastics have a guaranteed source of maintenance. Consequently, ecclesiastical offices were endowed with a secured source of income usually from an estate. Later the ability to guarantee the necessary income of the clergy became an indispensable condition for the foundation of new churches or parishes. Also, ordination, particularly to the priesthood, was dependent on the assurance that housing and living would be available. Like some other institutions, this financial arrangement witnessed grave abuses.<sup>8</sup> Vatican II consequently called for the abolition of this system.

### 3. Related Conciliar and Post-Conciliar indications

The ecclesiology of Vatican II clearly shifted the focus of the structure of the Church from the universal to the particular, i.e. from the world-wide to the diocesan setting. As a consequence the legal system derived from such ecclesiology mirrors that shift. The 1983 Code also necessarily had to address special situations and institutions concerning the property and material resources of the Church with the view of properly integrating these into the mission of the Church.

The Council Fathers sought a radical renewal of the Church's legal system on temporal goods. In the Decree on the ministry and life of priests, *Presbyterorum Ordinis*, the Church tried by all means to clearly state that its right to own property, which is inherent and independent of any secular power, was for definite objectives: the regulation of divine worship, the provision of fitting support for the clergy and other ministers, and the carrying out of works of the sacred apostolate and of charity, especially for the needy.<sup>10</sup> This norm was enunciated within an inescapable dialectic. On the one hand, the Church teaches that the priest must administer the gifts of God with no thought of recompense. Certainly these gifts cannot be sold for monetary gain. To do or attempt to do such a thing is simony.<sup>11</sup> On the other hand, the priest must and has to be recompensed for his labour.<sup>12</sup>

The Council, seeing the difficulties in the system of benefices, decreed that benefices be either abandoned altogether or else radically reformed. The Council Fathers went further and indicated the basic minimum reform desired. This reformation is to be done:

*"in such a way that the part that has to do with the benefice — that is, the right to the revenues attached to the endowment of the office — shall be regarded as secondary and the principal emphasis in law given to the ecclesiastical office itself".<sup>13</sup>*

The general understanding from this statement is that the institution of benefices is to be abandoned, and not only to be reformed.<sup>14</sup> The Conciliar document went further to recommend that when the support comes from the faithful, a good system would be to collect it through a diocesan agency which is to be administered by the Bishop with the help of priests and lay experts in financial matters.<sup>15</sup>

In *Ecclesiae Sanctae*, an Apostolic Letter of Paul VI, further directives were given for the reform of benefices and the special agency for the support of the clergy. In article 8 we read:

*"The reform of the system of benefices is entrusted to the Commission for the Revision of the Code of Canon Law. In the meantime bishops, having heard the views of the council of priests, are to see that revenues are equitably distributed, even those revenues deriving from benefices."<sup>16</sup>*

Concerning the special agency the document states:

*"The conferences shall take care that at least in those regions where the revenues of the clergy derive entirely or in part from the offerings of the faithful, a special agency (institution) shall be established in each diocese to collect the offerings made for this purpose. The Bishop of the diocese is himself to administer it and he is to have the assistance of delegated priests and, where it seems useful, of laymen expert in economic matters as well".<sup>17</sup>*

#### The *Ius Vigen* on 'Speciale Institutum' and 'Massa Communis'

These provisions as we find them in *Presbyterorum Ordinis*, and in *Ecclesiae Sanctae* are also taken up in C. 222 where the Church legislates:

*"Christ's faithful have the obligation to provide for the needs of the Church, so that the Church has available to it those things which are necessary for divine worship, for works of the apostolate and of charity and the worthy support of its ministers".<sup>18</sup>*

The Code clearly asserts that the Church has the right to expect from her faithful whatever assistance it may require in the exercise of its mission and its multiple activities. Corresponding to this right is the obligation of the faithful referred to in the above canon. With special reference to this obligation, another canon reminds the diocesan Bishop that he is bound to admonish the faithful of their obligation in this matter and indeed to insist on its fulfilment.<sup>19</sup>

As a result of this obligation of the faithful the law legislates that clerics be given adequate remuneration. It states in C. 281 §1 & 2

§1 *"Since clerics dedicate themselves to the ecclesiastical ministry, they deserve the remuneration that befits their condition, taking into account both the nature of their office and the conditions of time and place. It is to be such that it provides for the necessities of their life and for the just remuneration of those whose service they need".<sup>20</sup>*

§2 *"Suitable provision is likewise to be made for such social welfare as they may need in infirmity, sickness or old age".<sup>21</sup>*

The emphasis here is that a cleric, in the service of the Church should receive a remuneration sufficient to enable him to live with fitting dignity in conformity with the general economic condition of his locality, priestly poverty or simplicity demanded by the Gospel, and the obligation to which he is subject.

This legal position ought to be examined in a wider theological perspective. Priests are invited to embrace voluntary poverty. Though in need of created goods, they are to be detached, live a simple life and keep from all that smacks of vanity. This theological attitude enables priests to 'become more clearly conformed to Christ and more ready to devote themselves to their ministry'.<sup>22</sup> Poverty is indeed viewed and presented in Vatican II theology and New Code as a liberation from all inordinate anxiety and a wholesome detachment from possessions. To promote this humane countenance the 1983 Code states:

§1: *"Clerics are to follow a simple way of life and avoid anything which smacks of worldliness"*

§2: "Goods which they receive on the occasion of the exercise of an ecclesiastical office, and which are over and above what is necessary for their worthy upkeep and the fulfilment of all the duties of their state, they may well wish to use for the good of the Church and for charitable works".<sup>23</sup>

It is important to note that the Schema de Populo Dei in C. 142 had been more explicit and even particular:

*"Let all clerics take care that they never consider an ecclesiastical office as a way of making money nor apply the revenues derived from an ecclesiastical office to the enrichment of their own families".<sup>24</sup>*

It is within this perspective that C. 1274§1 envisions the establishment of a "special fund" or "foundation" which in each diocese collects goods and offerings whose purpose is to provide for the support of the clergy, while §2 of the same Canon provides that each Episcopal Conference is to see to it that a fund exists for the adequate social security of the clergy if there is not one already.

## 5. The Contents of the Law

1. The present Code has in effect called for the gradual abolition of the former law according to which a Cleric at ordination was given a title in the form of a benefice. The present Code (C. 1274) calls for a system of offerings whereby clerics would be given befitting remuneration. The Code envisions a remuneration that considers two main criteria: (a) the nature of their services (*muneris natura*) and (b) the level of the economic social **ambient in which the cleric exercises his ministry** (*locorum temporumque condicionum*).<sup>25</sup> This legislation serves to promote adequate maintenance and befitting remuneration of clerics. It abhors the practice of according special privileges to some. Rather the befitting remuneration will be determined by the "*muneris natura*" and "*locorum temporumque condicionum*".<sup>26</sup>

2. Whatever remuneration a cleric gets should also consider realistically the necessities of the cleric's life and a just remuneration of those services he needs. The Code uses "*befitting remuneration*" when it speaks of what the cleric should be given and "*just remuneration*" when it speaks of those the cleric should pay.<sup>27</sup> The emphasis is that the remuneration should be

sufficient to provide for their own needs and for the just recompense of those whose services they need.<sup>28</sup> Obviously, wretchedness on the one hand, or, luxury on the other is not counselled.

3. With the express inspiration in No. 20 of *Presbyterorum Ordinis* (of the Second Vatican Council, the Code in C. 1272 legislates a complete reform of the previous system of benefices. The law specified that all extant benefices gradually be transferred to the special fund mentioned in C. 1274 §1. In essence extant benefices are eventually to be abolished and the new ecclesiastical institution referred to as a special fund is to replace them.

4. The law demands, while legislating the elimination of the system of benefices, that in each diocese a diocesan institute or agency be established which will collect the offerings of the faithful and other gifts and see to the adequate support of the clergy, "*nisi aliter eiderm provisum sit*" (unless they are otherwise catered for) (cf. C. 1274 §1). With this italicised expression it is clear that this new system is not obligatory if the obligation of providing adequate remuneration for clerics as demanded in C. 281 is already being met. This Canon states it is the responsibility of each diocese to examine the issue of adequate support of the clergy and the establishment of an effective means for such support. In other words this diocesan institute or agency is obligatory for a diocese, unless the Clergy are otherwise adequately catered for in another way.<sup>29</sup>

5. The law further legislates in C. 1274 §3 the establishment of a "common reserve" (*massa communis*) for other necessities of the diocese. This reserve or fund is for the diocese to meet its obligations towards those (religious inclusive) lay persons who pledge their services to the Church as indicated in C. 231.<sup>30</sup> This common fund is for the diocese to meet its financial needs, explicitly its pastoral programmes. Determining how to implement this Canon, the provision "*quatenus opus sit*" (to the extent that it is required) must be duely considered. Each diocese is to determine what to opt for: economic centralization or decentralised economic system. Whatever system is chosen must respect the principle of collective participation. The paragraph concludes with the provision that with such a fund, richer dioceses, in the spirit of solidarity, collegiality and ecclesial, communion, can come to the aid of poorer dioceses. This form of cooperation or assistance is another innovative trend in the 1983 Code. It should also be stressed that the Church's legal system does not provide a blue print on how to organise this "*massa communis*" (common reserve or central fund).

## 6. Some Basic Problems

1. In general these innovations will have to content with the new attitudes present in the Church: the participative decision-making process. In the past most Church functionaries were used to a one-person decision-making process. Now the legal system calls for the advice or consent of a wider group (i.e. the diocesan financial council). Participative decision-making is never a simple process. Because of its complex nature, some do not have the ability, courage or patience to apply it. This process entails choice-making, drawing up agenda, implementation of decisions, control etc.

2. Participation of the laity: Though Vatican II sees the participation of the laity in the administration of the temporal goods of the Church as a normal thing, its acceptance in many Churches is still very far from being achieved. The Code does not distinguish in this matter between the sexes.<sup>31</sup> It merely refers to the laity. In particular, the diocesan finance committee is to be composed of at least three persons.<sup>32</sup> These members must be learned in both civil law and finances. As for the parish finance committee, the members are to be presented in accordance with the norm provided by the diocesan Bishop.<sup>33</sup> The diocesan financial administrator does not have to a Cleric.<sup>34</sup>

3. Existing financial arrangements before the implementation of the 1983 Code's provisions: Due to the many different religious institutes and societies of Apostolic life and varied background of missionaries and ecclesiastical functionaries, the young Churches in Africa and some parts of Asia have adopted financial arrangements which are not uniform. Even in the same country where the system of cathedraticum was adopted as the main means of revenue for a diocese, the percentage varied from one place to another.<sup>35</sup> Though the tax was to be proportionate to the income of the juridic entity, this was neither very successful nor effective. The problem was not just with the system but also with the basic attitude. Not many could understand why any money should be contributed from parish account to any other entity which they presume has more funds. The theological-juridic basis for such a practice was definitely not adequately appreciated. Due to a lack of proper explanation concerning the sources of funds of the diocese, some pastors merely concluded that paying their cathedraticum was like carrying coal to New Castle.

4. Special problems regarding "Special fund" (*speciale institutum*) and "common fund" (*massa communis*): The transition from the old system to this "special institutum" will certainly be problematic. First, in regions where the system of benefices is strictly practiced, to bestow or transfer such

benefices upon the new institute will meet with some obstacles. Such could be technical and political in nature. The concept "common fund" evokes centralization and this in itself especially in the African context is fraught with severe opposition. The many experiences of central funding systems in Africa constitute some serious obstacles towards implementing the provisions of CC. 1272 and 1274. Even the delicate relationship that should exist between these two establishments is another fact that will not be easy to deal with. Besides, their constitutions, their scope and form will have to be well worked out. Both funds are distinct and are to be established and operated as such.

Another area that has to be considered is the funding of this "special fund" and the "common fund": Each parish is "ipso iure" already a juridical person in the sense of C. 515 §1, i.e., a "certain community of Christ's faithful stably established within a particular Church". It is a community that has title of all goods and all the offerings, at least in theory, given to it. These gifts and offerings, are not, at least directly for the needs of the priests in the diocese. But whatever is the right of ownership enjoyed by parishes, the provisions of C. 1263 are very relevant. The diocesan Bishop has the right, after hearing the advice of the financial committee and the presbyterial Council, to impose a moderate tax, for diocesan needs.<sup>36</sup> His power is never limitless since it is to be exercised "ad normam iuris", in such a way that abuses are avoided. The mode of funding; these two institutions should be worked out in detail and clearly with consultation and cooperation of the pastors. As canonical stewards of the temporal goods of the parishes they are assigned to, priests need to be made to appreciate their unique role in the establishment of the "special fund" and the "common fund".

## 7. Some Related Legal Institutions

This part of the paper will now briefly sketch the nature of some specific legal institutes that would be of great relevance in the implementation of the norms on the provision for the support of the clergy and the needs of the diocese. We shall consider briefly, public juridical personalities, canonical stewardship, financial administrator, and diocesan and parish finance committees.

The legitimate groupings of the Universal Catholic Church dioceses, and parishes, are considered as legal persons. The notion of a legal person, as distinct from a natural, physical person, exists in the Church's legal system, as in most other legal systems.<sup>37</sup> This concept is used to describe what civil

legal system refers to as a corporation or a company. A juridical person in the Church is an entity distinct from physical persons, capable of obligations and rights, constituted by the competent ecclesiastical authority for a religious or charitable purpose. A juridic person is an aggregate of persons; or aggregate of things and it is the subject of its own rights and duties. The affairs of a juridic person are directed by human agents who are canonically charged with its administration. All Church property belongs to public juridic person.

The aggregate of parishes, and other physical and lower juridic bodies constitute a diocesan juridic person. The diocesan Bishop is the canonical administrator, though a diocesan financial administrator is to be appointed by him. The parish priest is the canonical administrator for his parish. Whatever approaches administrators take in the administration of temporal goods, they must remember their canonical obligations of faith and administration. All approaches, methods and procedures are to be conducted within the perspective of faith, trust and responsibility.<sup>38</sup> This means that the ecclesial juridic person has duty to expect that its members will accept this faith authority in their own lives and live according to the teachings of the Church. This is always important. Juridic persons, like individual Catholics, are to act in conformity with the faith, with moral and social justice teachings of the Church. Consequently, canonical administrators are expected to be guided by the provisions of the Code and thus act justly and responsibly. This implies that each juridic person acts with great regard for the teachings of faith and refrains from morally objectionable conduct.

Canonical administrators, bishops, or parish priests, are considered canonical stewards. Every juridic person in the Church has a canonically appointed administrator or group of administrators who is/are charged with the administration of the juridic entity. Canonical stewardship properly describes the relationship that should exist between the administrator and the property of the juridic person. As stewards they stand in a confidential position, a position of trust. Such persons need the trusts of other persons in the Church. As stewards, such administrators also hold the position for the good of others. In this case the property does not belong to the administrator but to the juridic person. As stewards also these administrators are called to know that their responsibility is given by a higher authority, and thus they are accountable.<sup>39</sup>

The effective administration of temporal goods in the Church requires that each juridic person has financial administrators. So in cases where the law does not directly appoint financial administrators, the law provides that:

*"The administration of ecclesiastical goods pertains to the one with direct power of governance over the person to whom the goods belong, unless particular law or statutes or legitimate custom state otherwise; (C. 1279 1)"*

This Canon, thus, makes provisions for all ecclesiastical goods and CC: 1282—1287 point out the many duties of financial administrators, and specifically that of C 494 § 3 and 4, the duties of diocesan financial administrators.

The finance committee is obligatory for each diocese.<sup>40</sup> It is also obligatory for each parish and every juridical person in the Church to have its own finance committee, or at least two counsellors, who are to assist the administrator in the performance of his duties.<sup>41</sup> These canons enable administrators to bring expert advice into the administration of the Church. The administrator presides over such committees much as the diocesan bishop presides over the diocesan finance committee. The form and size is expected that good persons, besides being experts, are made members of such committees. A practical and good system of collection, receipting and accounting<sup>42</sup> is to be established for similar juridic persons in a region.

## 8. Towards Implementing These Norms

Our study shows that the basic objectives of the legislator are the support of the clergy, satisfying the Churches' obligation towards other persons who serve it, and meeting the various needs of the diocese. Implementing these norms does not necessarily mean establishing the said "speciale institutum" and "massa communis". The establishment of these special institutions are conditioned by law.

The "speciale institutum" need not be established if a diocese considers it has already made adequate and effective provisions for the support of the clergy. The decision, however, of the adequacy and effectiveness of the support of the clergy should not be left alone to the discretion of the canonical administrator of the diocese. Since the proximate objective of this legal provision is so vital to the fundamental objective of the mission of the Church, it is expected that the presbyterium be duly consulted. The clergy would certainly be very helpful in establishing the provisions for their own support.<sup>43</sup>

For some dioceses, it could be a matter of necessity to establish the said "speciale institutum". In this case proper arrangements are to be made regarding the collection of all goods and offerings provided for this institute.

The faithful certainly should be well educated and sufficiently motivated so that the objective of the new innovations is realised. The collections are to be saved and invested. It is recommended that this special institute be established in such a way that it be recognised as existent and effective under the civil law.<sup>44</sup>

The second institute we are concerned with is the "massa communis" or common fund. The enabling law clearly articulates "quatenus opus sit" (in so far or to the extent that it is necessary). In implementing the provisions of this law it is necessary to determine the extent. The central fund system could mean a total centralization of all the funds before a centralised disbursement. This approach necessarily entails the service of agencies or personnel to effectively collect and remit collections to the determined centre. On the other hand, there is also a partial centralised system. In this case, a basic tax is levied on some certain needs. This tax is remitted to a certain purse and from it the needs for which they have already been determined are funded.

In implementing this law of establishing "massa communis" it is necessary to ensure that the principle of collective participation is respected. This means the funding should be established in such a way that the faithful collectively in various groups contribute. The needs to be cared for should be made known to the faithful at least generally. As in the "speciale institutum", it is necessary so that they contribute generously to it. Agencies could be set up at both diocesan and parish levels entrusted with the organisation and collection of the funds.

### Conclusion

Churches in missionary territories can learn from the numerous messages in history not to allow the ecclesiastical institute of benefices strictly speaking to develop. The administration of the temporal goods of the Church should indeed be accomplished effectively in such a way as to order them to the ultimate goal of all the establishments in the Church viz: *Salus animarum*. The Church needs temporal goods to help it in pursuing its mission.

The *ius vigens* i.e. "living law" articulately legislate that a "speciale institutum" for the support of the clergy in the diocese and a "massa communis" also for the various needs of the diocese may be established. Basically, financial administrators know that the temporal goods in the Church are for the following objectives: "regulation of divine worship, the provision of fitting support for the clergy and other ministers, and the

carrying out of the works of the sacred apostolate and of charity, especially for the need". (C. 1254§2).

Any creditable financial establishment on both diocesan and parish levels will need some well established subsidiary institutions. In a definite way each juridic person should have effective and credible financial arrangements. Canonical stewardship which is a duty in conscience to the Lord and to the faithful, is to be promoted always.

Though "upward" or hierarchical accountability is what the law legislates, the so-called 'downward' accordingly done with due prudence will also be very useful. Viable and functional finance committees have to be constituted in all juridic persons, including dioceses and parishes, after some preparatory education and formation. Standards of accountability and responsibility for canonical administrators ought also to be established.

The support of the clergy and the needs of a diocese are specific objectives which each diocese must seriously determine how to accomplish. The "speciale institutum" is particularly proposed as a viable method of adequately providing for the recommended worthy support and befitting remuneration of the clergy. For the many other needs of a diocese, the law proposes as a viable method of adequately providing for the recommended many other needs of a diocese the law proposes the "massa communis", without determining its details. The Churches in each nation or region should endeavour to consult among themselves so as to establish a rather similar or congruent financial system, especially for the support of their clergy. Noticeable discrepancies in financial arrangements often arouse dissatisfaction, confusion and unrest. It is therefore in the interest of the Church that concrete efforts be made to establish a more unified system for the Churches in missionary territories. By providing such a clear basis of organisation, accountability, and responsibility, the Church can be better strengthened to accomplish its mission in the world.

### Footnotes

1. See Codex Iuris Canonici (1983) cc. 1254—1310 (The Code hereinafter cited as C.I.C.). *The Code of Canon Law*. translation prepared by the Canon Law Society of Great Britain and Ireland Collins, 1983. All English citations of the C.I.C. are taken from this translation.
2. Vatican Council II, *Gaudium et Spes*, 72: Articles 63—72 inclusive treat the economic and social life as they concern the Church and its

- members. Translation of the documents of Vatican II are taken from Vatican Council, ed. Austin Flannery (Northport, N.Y. Costello Publishing Co. 1975).
3. C.F.E. Regatillo, *Institutiones Iuris Canonici*, 2nd ed. (Santander: Sal Terrae, 1946), 1, 195.
  4. P.O. 17.
  5. Cf. C. 281; also C.D. 16; P.O. 17, 20 and E.S. 1 & 4.
  6. V. Wenz, *ius Decretalium* (1906) 2.
  7. Cf. W.M. Ploch, *Storia del Diritto Canonico*, Vol. II, pp. 387—403.
  8. Cf. P.O. 20.
  9. P.O. 20.
  10. *Ibid.* 21.
  11. C. 727 §1 of 1917 Code of Canon law defines "Simony" as "that deliberate will to buy or sell for a temporal price things intrinsically spiritual (e.g. the Sacraments, ecclesiastical jurisdiction, consecration, indulgences), or to buy or sell a temporal thing annexed to a spiritual thing in such a way that the temporal thing cannot exist independently, or, to make the spiritual thing even the partial object, or, the contract (e.g. the consecration in the sale of a consecrated chalice)"; for the effects of simony cf. CC. 149 §3, 188.
  12. Mt. 10:10 "The labourer is worthy of his hire"; cf. also C. 281.
  13. P.O. 20.
  14. Cf. Silvio Ferrari ed., *I Nuovo Codice di Diritto Canonico*, Bologna, 1983, p. 124.
  15. *Ibid.*, 21.
  16. Paul VI, *Motu Proprio, Ecclesiae Sanctae*, 8, in AAS 58 (1966) 757 — & 87.
  17. *Ibid.*, loc. cit.
  18. C.I.C. c. 222 §1.
  19. C.I.C. c. 1261 §2: "The diocesan Bishop is bound to remind the faithful of the obligation mentioned in C. 222 § 1, and in an appropriate manner to urge it".
  20. C.I.C. c. 281 §1. The tradition of the Church considers this a 'ius matutum' of clerics. It is even referred to in the Bible: The labourer is worthy of his hire" (*Dignus est operarius mercede sua*" (Mt. 10:10, Lk. 10:7, 1 Cor. 9:7—14, 1 Tim. 5:18).
  21. C.I.C. C. 281 §1
  22. P.O. 17.
  23. C.I.C. c. 282 § 1 and 2
  24. *Schema de Populo Dei*, c. 142.
  25. C.F. *Commento Al Codice di Diritto Canonico*, p. 166; ed. P.V. Pinto, Urbaniana University Press (1985) Rome. See also *Ecclesia Sanctae 8 and C. 281*.
  26. Cf. C.C.I. c. 281 §1 and 2.
  27. Cf. C.I.C. c. 231 §2.
  28. J.A. Coriden et al., ed., *The Code of Canon Law: A text and Commentary*. (Canon Law Society of America), 1985 c.c. Commentary on C. 281, p. 218
  29. Cf. L. Chiappetta, *Il Codice di Diritto Canonico*, (Commento iuridico—pastorale). See commentary on C. 1274, Vol. II, pp. 383—384. Cf. also comments al *Codice di Diritto Canonico* ed, by P.V. Pinto, commentary on C. 1274§1, Vol. II, pp. 273—724; c.f. also CLSA Commentary, pp. 871—872.
  30. Cf. C.I.C. c §1 and 2. This canon calls for a just wage as determined according to Catholic teaching, and adequate benefit including health, disability, and retirement insurance.
  31. C.I.C. c. 1282: "All persons, whether clerics or laity, who lawfully take part in the administration of ecclesiastical goods, are bound to fulfil their duties in the name of the Church, in accordance with the law"
  32. Cf. C.I.C. c. 492.
  33. Cf. C.I.C. c. 537, cf, also J.A. Coriden et al, ed., op. cit. p. 298.
  34. Cf. C.I.C. c. 494 § 1—4.
  35. "Cathedraticum" is a term employed to signify a moderate tax that is paid annually to the Bishop of a diocese as a token of subjection to him by all Churches and benefices subject to his jurisdiction as well as by all confraternities (cf. 1917 C.I.C. c. 1504 and C.I.C. c. 1263). The term "Cathedraticum" has long since been extended to refer to a tax given for the support of the diocese by each Church and this tax is proportionate to the income of that Church.
  36. Cf. Luigi Chiappetta, *IL Codice di Diritto Canonico* Vol. 11. Comment on C. 1263, p. 372.
  37. Cf. A.J. Maida and N.P. Cafardi, *Church property, Church Finances, and Church-Related Corporations*, (U.S.A.), 1984, p.26.
  38. *Ibid.*, p. 61—66.
  39. Cf. Vito Pinto ed., *Commento Al Codice di Diritto Canonico* Roma, 1985, Comment on C. 1284, p. 731.
  40. Cf. C.I.C. c. 492.

41. Cf. C.I.C. cc. 537 and 1280.
42. Cf. Vito Pinto, ed., op. cit., comment on c. 1287 §1 and 2 p. 733.
43. Cf. H. Vorgrimler, *Commentary on the Documents of Vatican II* Burns & Oates Ltd., 1969, comments on P.O. 20 and 21, Vol. IV, pp. 295—296.
44. Cf. Liugi Chiappetti, ed., *II Codice di Diritto Canonico* Napoli (1988), Vol. II, comment on C. 1284 §1 and 2, p. 394.

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## “GOD” IN THOMISTIC METAPHYSICS: A HELP IN THE FACE OF CONTEMPORARY ATHEISM

Paul K. Oredipe

### Introduction

In the whole course of philosophical development, the subject of God has, in one form or another, been a central and significant one. The view of Miguel De Unamuno that the history of philosophy “is strictly speaking a history of religion”<sup>1</sup> may be an exaggeration, but the fact remains that the subject of God has been central to Western philosophy from Thales to Sartre. The question is no less central to the philosophies of the Eastern world, where the line of demarcation between philosophy and theology is more difficult to draw. At the present time, this same interrogative has continued to impress itself on us with acute urgency, relevance and renewed interest.

My choice of this topic is prompted by the unique character and problem of contemporary atheism which no responsible philosopher can neglect to reflect upon. There is little doubt that what in fairness could be called the classical proofs for the existence of God leave contemporary man unimpressed and seldom, if ever, convinced. The issue of God’s existence (though it may be not the most important religious issue) is one of the most interesting philosophically and it has recently become very crucial due to the influence of the “God is dead” thinkers. Difficulties about believing in God, and doubts about Him assault most of us, and we are surrounded by people who suffer from such doubts and difficulties more acutely than ourselves, or else who suffer from no such doubts because they are clear that God does not exist. In modern times, there is a strong current of atheism all over the world, propagated politically by Communists and (at least in contemporary western civilization) promoted by cultural conditions that are inimical to a religious orientation. All these give additional importance and urgency to the subject of “God”

In this article, I do not intend either to rationalize faith or to offer any proof of God’s existence, for that would mean a wrong application and use of the word ‘proof’, but rather to articulate reasons which seem to me capable of convincing anyone for whom the question is an open one that we are justified in holding that there is a God, that is, a Being, (at least legitimately thought as a person) who is the source of all being and value. This will