

The Guangxi Case: a view from Canon Law

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In January 2019, Catholic as well as secular media reported on the financial disputes that erupted in the Nanning (南寧) diocese of Guangxi Province. The case has not yet been settled.

UCANews quoted a local source on January 11, 2019 and reported that Bishop John Tan Yanquan (譚燕全主教) of Nanning might have signed a contract with a property development company—without the consent of the diocesan curia—to redevelop the Sacred Heart of Jesus church at Kangle Road, Nanning City,

It was reported that Bp. Tan and the company would rebuild the church into a 20-storey building. The church would be on the second floor, and it would only be open to the faith community on Saturdays and Sundays. On other days it would be used by a wedding service company. The fourth floor, which has about 350 square metres, would be used as a residence for priests and sisters. The other floors would be sold as commercial property, with a lease of 53 years.

When interviewed by Radio Free Asia on January 15, Bp. Tan pointed out the redevelopment project, and the arrangement with the developer were beneficial to the Diocese and to its current financial situation, and that he had communicated with Catholic communities in advance. He clarified that he was not selling any property in order to repay debts. And he also stressed that he did not illegally use Church money.

According to Bp. Tan, the Church property has already been included in the Old Town Redevelopment Project. As a bishop he should try his best to keep this property which was handed down to him from his predecessors.

UCANews reported that on 5 January, 2019, huge machines were driven into church premises preparing to tear down the old

church. Local Catholics could do nothing but appeal to the local government. On the next day the municipal Ethnic and Religious Affairs Commission (ERAC) endorsed the appeal and said, “Don’t tear down.” On the following day, the machines were removed.

Another source alleged that Bp. Tan was the person-in-charge of at least five companies, and owed debts of tens of millions Renminbi. The basic living stipends, medical insurance and social insurance (pensions) of clergy and religious Sisters were unpaid from August 2018 to January 2019. A diocesan priest who was very ill did not have the money to seek medical attention.

Bp Tan told the press: the annual expenditure of the diocese is around 3 million Renminbi. Diocesan annual income is only about one million. The shortfall is quite huge. Medical insurance and pensions cost a lot of money. The diocese is behind in payment for 4 months. The government has been trying to help. He said living stipends had been paid through December, 2018.

UCANews also reported that 200 priests, Sisters and lay Catholics together signed a petition “Regarding a request for an investigation into the Legal person of the Nanning Catholic Patriotic Association Representative Bishop Tan Yanchuan.” The petition was addressed to the ERAC of Nanning. A duplicate copy was sent to a Party organ, the United Front Work Department of Nanning City. They complained that the financial situation of the Nanning Diocese was so bad that it was almost hopeless.

A local Catholic told UCANews that she had no problem with tearing down the old building to rebuild the church, but it would not be acceptable if the rebuilding were for commercial use.

Below I quote quite extensively from Fr. Lawrence Lee’s article “Diocesan Financial Management” which is published in this issue of *Tripod*. Based on Fr. Lee’s analysis, Can. 1255 states “the universal Church and the Apostolic See, the particular churches, as well as any other juridic person, public or private, are subjects capable of acquiring, retaining, administering and alienating temporal goods according to the norm of law.”

There are two kinds of juridical persons in the Church (Cf. Can. 116 §1-2; Can. 114 §1): Public juridical persons are aggregates of persons or of things which are constituted by the law itself or by a special decree of competent ecclesiastical authority (such as the

Apostolic See, a diocesan bishop) so that within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the precepts of the law, the proper function entrusted to them in view of the public good. (Some examples could be a diocese, a parish, a Catholic school, a religious order or a house of a religious institute.)

According to Fr. Lawrence Lee, the ownership of temporal goods by the Church is purely for the sake of her salvific mission. According to Can. 1254 §2, the main purpose of Church goods is as follows:

- to order divine worship,
- to care for the decent support of the clergy and other ministers,
- to exercise works of the sacred apostolate, and
- to exercise works of charity, especially toward the needy

In the above-mentioned petition to the ERAC, the petitioners in the Nanning diocese attributed the current financial situation of Nanning to the bishop's arbitrary management of Church temporal goods and financial transaction. At the same time, they accuse him of neglecting related State regulations. The matter now awaits investigation. However, it is more than a matter of State regulations. Canon Law also has clear instructions regarding the management of Church temporal goods.

The diocesan bishop and the pastor are respectively the administrator of the temporal goods of the diocese and of the parish. (Cf. Can. 393 and 532). The administrator is responsible for taking care of the temporal goods of the Church—"according to natural law, canon Law and civil Law, [to] faithfully and wisely administer/manage the temporal goods of the Church (Cf. Can. 1273), that is, maintain (e.g., taking out insurance policies), make good use of, and develop (e.g., invest, grow dividends) the goods, so as to accomplish the Church's mission."

According to Can. 492 §1: Every diocese should establish a finance council, presided over by the diocesan bishop himself or his delegate. It should consist of at least three members of the Christian faithful appointed by the bishop, who are truly experts in financial affairs and civil law, and outstanding in integrity.

§2: Members of the Finance Council serve for five years, but at the end of this period, they can be appointed for another five-year term.

§ 3: Persons who are related to the bishop up to the fourth degree of consanguinity or affinity are excluded from the Finance council.

According to Fr. Lee, canon law requires that “the finance council should consist of at least three Catholics (clergy or laypeople). For the sake of in-depth discussion and broad coverage, it is most preferable to have a range of ten to twenty members, preferably including one or two experienced pastors. The council should provide adequate background information to members before council meetings. Such information includes the financial situation of the diocese and the general financial picture of the market. The council should demonstrate two characteristics: expertise and openness of information or transparency. Council members should be outstanding in integrity, and there should be no conflict of interest between their personal background or professions and their council membership. They should also keep confidential the contents or financial information revealed to them in the meetings.”

According to Can. 494 §1, in every diocese after having consulted the college of consultors and the finance council (separately), the bishop is to appoint a finance officer. Usually there are two ways of making the appointment: (1) the above two consultant organisations nominate two or more candidates, along with reasons for nomination, for the bishop to choose; (2) the bishop nominates a candidate, along with reasons for nomination, and presents them to the two organisations cited above for consideration. The finance officer can be a member of the laity or clergy.

According to Can. 494 §1, the candidate should possess the following two qualifications.

(a) true expertise in financial skills—as many areas of diocesan goods are often entrusted to the management by different people, the finance officer, besides having a good grasp of the entire diocese’s financial situation, also has to know how to coordinate

and supervise the managers concerned. In fulfilling the duties of a finance officer, he/she also has to have canonical awareness, that is to say, he/she has to be able, and willing to administer financial affairs, not just from a secular financial angle, but also from a Church and canonical angle. The finance officer (especially if he/she is a lay person, and not a member of the clergy) has to be familiar with the structure of the Church (such as juridical persons, parishes, diocesan departments) and the obligations and rights of various stakeholders (pastors, the laity, etc.), the financial regulations of the diocese, as well as state laws regarding finances.

(b) of truly outstanding integrity

Singtaousa.com reported on January 15, 2019 that after the signing of the petition by Catholics in Nanning, the media contacted the “One-Association One Conference of the China Catholic Church” (the Chinese Patriotic Catholic Association and the “Bishops’ Conference of the Catholic Church in China”). Mr. Li Hao of the office replied that they had not received the related report. When asked if they would take initiative to investigate the case, he replied that only after receiving related materials, would they follow up.

According to canon law, the One Conference (which refers to the Bishops’ Conference) does not have the authority to investigate the internal affairs of an individual diocese. Canon. 455. §4 reads, “In cases in which neither universal law nor a special mandate of the Apostolic See has granted the power mentioned in §1 to a conference of bishops, the competence of each diocesan bishop remains intact, nor is a conference or its president able to act in the name of all the bishops unless each and every bishop has given consent.”¹

¹ Cf. Anthony Lam, “Interactions between the ‘Bishops’ Conference of the Catholic Church in China’ and the Universal Church,” presented at the 11th colloquium on Contemporary Chinese Christian History on 14 June, 2019 at Hong Kong Baptist University.