

The Catholic Church and Masonry: Theological Incompatibility?

La Iglesia católica y la masonería: ¿Incompatibilidad teológica?

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Abstract

This paper's approach is eminently canonic: this means, we expose and analyze the current canonic legislation on masonry or, more specifically, on Catholics followers that do not belong to any masonic groups. From there, and as expressed before, we shall discover the theological reasons stated by the Church to justify the penal and disciplinary norm and if the simultaneous belonging to both institutions is theologically compatible. We hope this contributes to a better clarification of the terms in which this dialogue is currently being held.

Resumen

El tratamiento que abordaremos en nuestro trabajo es eminentemente canónico: esto es, exponemos y analizamos la legislación canónica vigente sobre la masonería o, en concreto, sobre los seguidores católicos que no pertenecen a ningún grupo masónico. De ahí, y como antes se expresó, descubriremos las razones teológicas esgrimidas por la Iglesia para justificar la norma penal y disciplinaria y si la pertenencia simultánea a ambas instituciones será definitivamente teológicamente compatible. Esperamos que esto contribuya a una clarificación de los términos en los que actualmente se plantea este diálogo.

Introduction

Cavalcante de Albuquerque, a Brazilian mason of the 30th degree, Knight Kadosh, confirms: “I must clarify that I am a convinced, Catholic mason. I frequently attend masonry since many years ago and saw no incompatibilities with the Catholic Church. Due to my degree and specialized studies, there are no secrets to me in masonry, and I can speak on the matter with due knowledge.”¹ This testimony, to which others could be added regarding compatibility or conciliation in belonging simultaneously in the Catholic Church and masonry contradicts others which firmly affirm the opposite: there is an incompatibility or lack of conciliation at the foundation of the principles of masonry and Christian faith², which separates from determined concrete postures or personal experiences.

It is difficult to find judgements so radically different and strongly sustained on the same matter. It is also difficult to find a topic on which the authorities of the Catholic Church have pronounced themselves so repeatedly as masonry: from 1738 to 1980 there are at least 371 papal documents on masonry³, to which the abundant interventions of the Dicastery of the Roman Curia (v. gr., Congregation for the Doctrine of Faith, Apostolic Penitentiary, etc.) must be added, and, starting on the Vatican Council II, the no less numerous publications on the Episcopal Conferences and of the bishops of the world. All of this indicates that we are before a matter that is constantly debated, strongly felt, and whose discussion cannot be considered as closed.

Paradoxically, the aspect that continues to polarize the attention in this polemic, at least externally, has been the penal treatment that the Catholic Church has given, and continues to establish in their own juridical order for those own followers who belong to masonry: before, as excommunicated, and from 1983 with the consideration of being objectively in a situation of a serious sin. This polarization is a little surprising taking into consideration that the juridical order of the Church does not intend in any way to “substitute the Church life and that of the followers of faith, the grace, charisma, and charity.”⁴ Being this way and given the “instrumental” character of the Canon Law⁵, it is undoubtable that the main debate should be previously posed on whether the ideology, underlying theoretical visions, and global conceptions are compatible, or, at least, non-exclusive between both institutions.

However, there are strong reasons to center the attention on the penalty or sanctions established. Other than the symbolic load that comes with that, the canon order of the Catholic Church is based and expresses its own fundamental theological claims: “The instrument of the Code is duly congruent with the nature of the Church as proposed, especially by the magisterium of the Vatican Council II seen as a whole, and particularly by its ecclesiological doctrine. Furthermore, in a way, this new Code may be perceived as the great effort for translating such

1 Quoted by Dom Boaventura Kloppenburg, *Igreja e maçonaria, conciliação possível?* (Petrópolis: Vozes, 1995), 72.

2 *L'Osservatore Romano*, “Inconciabilità tra fede cristiana e massoneria”, February 23, 1986, 1.

3 Distributed as follows: from 1738 to 1864, 14; between 1846 and 1903, 342; and from 1903 to 1980, 15. José Antonio Ferrer Benimeli, Giovanni Caprile and Valério Alberton, *Maçonaria e Igreja Católica: outem, hoje e amanhã* (Sao Paulo: Paulinas, 1983), 247-248.

4 John Paul II, *Sacrae Disciplinae Leges*, January 25, 1983.

5 John Paul II, *Sacrae Disciplinae Leges*: “The Code rather looks to create in the ecclesial society an order that, by designating love, grace, and charisma to the main part, it is easier for an organized growth of such in life, both in the ecclesial society and for each of the people who belong in it.”

doctrine into the canon language, meaning, the council ecclesiology.”⁶ This becomes more evident in the canon penalties established against certain proceedings of catholic followers, which are considered as greatly criminal by the Catholic Church, and that the “penalty summoned by the ecclesiastic authority (that really is the acknowledgement of a situation in which the person places his or herself) is considered... as an instrument of communion, meaning, as a mean of recovery of the absence of individual and common good that have been revealed in the anticlerical behavior, criminal and scandalous of the members of the People of God.”⁷ This means: that the penal order of the Catholic Church intends to reflect in its penal canon specialty the underlying catholic theology in the triple action as criminal.

Thus, the treatment we will approach in our presentation is eminently canonic: this means, exposing and analyzing the current canonic legislation on masonry or, to be specific, on the catholic followers that do not belong to any masonic groups. From there, and as expressed before, we shall discover the theological reasons stated by the Church to justify the penal and disciplinary norm and if the simultaneous belonging to both institutions will definitely be theologically compatible. We hope this contributes to a better clarification of the terms in which this dialogue is currently being posed.

Historical background

The official sources indicated from the current canon 1374, which is the canonic norm which most directly affects our subject matter, are as following: canon 2335* from C.I.C. from 1917 and three documents of the Congregation for the Doctrine of Faith (the letter from June 19, 1974, and the declarations of February 26, 1975, and February 17, 1981). It is pertinent for us to analyze to remember the most immediate historical background, which is necessary to keep into consideration for a proper understanding of the current norm, and because the historical right is one of the interpretation criteria of canonic law⁸.

The Code from 1917

The canon 2335* from 1917 established that “those who name the masonic sect or other associations from the same genre which intrigue against the Church or other legitimate civil powers, turn to excommunication ipso facto, simply reversed to the Apostolic See”. This was a summary of a long series of condemnations promulgated by the Catholic Church against masonry and similar associations, also initiated by Clement XII in 1738, and Benedict XIV in 1751⁹. The quoted canon, along with canon 684*, which dealt with forbidden societies, canonically

6 John Paul II, *Sacrae Disciplinae Leges*.

7 John Paul II: “Allocutio ad Decanum Sacrae Romanae Rotae ad eiusdemque Tribunalis Praelatos Auditores”, February 17, 1979, in *Acta Apostolicae Sedis* 71 (1979), 425.

8 Canon 6, §2: “As long as old laws are reproduced, the canons of this Code are to be understood also taking into consideration the canonic tradition”.

9 Clement XII, *In eminenti*, September 28, 1738, and Benedict XIV, *Providas*, march 18th, 1751. *The official sources of canon*, published under the direction of Cardinal P. Gaspari, collect a great number of pontifical and Roman documents which are based in the canonic regulation. See Giovanni Caprile, “I documenti pontifici intorno alla massoneria”, in: *La Civiltà Cattolica* III (1958): 166-176, 504-517.

configured the position of the catholic follower affiliated to masonry. The most common interpretation of this penal canon was as follows.

The *crime*, in the first place, consisted on naming (“*nomen dat*”) or subscribing to determined associations. It was not required for this entry to be performed in a particular formality or ritual since the crime was the subscription itself. Secondly, the subscription had to be made into an association that *intrigued against the Church or against legal civil authorities*: the society that intrigued was “the society that, for its own benefit, enforces a rebellious, subversive activity, or favors them by the action of its own members or propagation of a subversive doctrine which, either orally or in writing acts towards the destruction of the Church, meaning its doctrine, authority as such, rights, or legitimate civil authority”, doing this publicly and secretly, or even having the association a humanitarian, anthropological, cultural, or other purpose¹⁰.

In third place, the societies which were penalized were *masonry and others of the same genre*, with which the C.I.C. established a clear distinction: while entering into masonry was automatically punished with the penalty of excommunication, belonging to other societies had to be explicitly stated as criminal by the ecclesiastic authority in each case. The explicit penalty of masonry by the Catholic Church was mainly founded in three reasons: a) its secret character; b) the disturbing character of its activity that was implemented in complots against the Church and the legitimate civil powers¹¹. There was, as a consequence, at least a *iuris* assumption that the whole masonic association intrigued against the Church or the State, which justified the automatic penalty by simply entering or affiliating¹². The established penalty was incurring in excommunication ipso facto, which was reserved simply to the Apostolic See with a special penalty for the clergy and religious from canon 2336*. Finally, the conditions established to proceed to the absolution of the incurred excommunication because of belonging to masonry were reminded: to separate and step away from masonry, to repair the scandal in the best possible way, to comply with due penitence, etc.¹³

The main consequences of excommunication in the ecclesial life of the follower were as follows: it was advised not to get married to masons because the priest could not attend such wedding without asking the Ordinary (canon 1065, §§1* and 2*); masons were deprived from the ecclesiastic burial and any funeral mass (canons 1240, §1, 1^o*, 1241*); they could not be admitted to novitiate (canon 452, 1^o*) or be baptism guardians (canon 765, 2^o*), nor confirmation guardians (canon 795, 2^o*); etc.

Subsequent documents of the current Congregation for the Doctrine of Faith confirmed

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- 10 Franz Xaver Wernz, Pedro Vidal, *Ius Canonicum, VII: ius poenale ecclesiasticum* (Rome: Universitatis Gregoriana, 1937), 482.
 11 R. Naz, “Franc-Maçonnerie”, in *Dictionnaire de Droit Canonique* 5, (Paris: 1953), 896-899.
 12 But some author already stated the following: “However, because it is only a presumption, this must always give in to truth. Thus, if by a happy in consequence, a masonic lodge or association sincerely rejected this end, that is fighting against the Church and the legitimate civil authorities, they would not commit the crime by giving them a name, and so they would not incur in the penalties”, Mattheus Conte a Coronata, *Institutiones Iuris Canonici...*, vol. IV: *De delictis et poenis* (Rome: Marietti, 1948), 395-396.
 13 See besides the mentioned work: Bernard Dolhagaray, “Franc-Maçonnerie”, in *Dictionnaire de Théologie Catholique* 6 (Paris: 1913), 722-731. Tomás García Barberena, *Comments to the Code of Canon Law IV* (Madrid: 1964), 484-486. M. Huftier, “Église et franc-maçonnerie”, in *Esprit et Vie* 86 (1976), 353-364. Eduardo F. Regatillo, “De rebus, de processibus, de delictis et poenis”, in *Institutiones Iuris Canonici* vol. II, (Santander: 1964), 590.

the enforcement of these code norms: a particular statement dated April 20, 1949 specified that, despite the fact that there were rumors that a certain branch of masonry allowed its partners to freely practice the catholic religion and promoted fidelity to it, “nulla è avvenuto da poter far cambiare, in questa materia, le decisioni della S. Sede e perciò permangono sempre, nel loro valore, per qualsiasi forma de Massoneria, le disposizioni del Diritto canonico...”¹⁴ Another rescript dated April 8, 1967 granted the capacity to validate a marriage held between a party baptized non-catholically and a party subscribed to the masonic sect without their previous reconciling with the Catholic Church¹⁵. And still in 1973, before the question from an auxiliary bishop in Milan asking for guidelines regarding those sticking to masonry, the Congregation responded that “niente è cambiato nella legislazione che regola la materia.”¹⁶

The amendment of canon 1335*

In spite of such apparently rotund and categorical affirmations, the truth is that the situation had started to change drastically from the celebration of the Vatican Council II: numerous dialogues between catholic masons began in different places, the episcopate of different countries (v. gr. France, Scandinavian countries, Philippines, Brazil, United States of America, England, Australia, Dominican Republic, etc.) published different documents in which a reinterpretation of canon 2335* limiting canonic sanctions prescribed, etc. came¹⁷.

The starting point to proceed to the amendment of the official posture of the Catholic Church regarding masonry was mainly twofold: on the one hand, there was a historical revision of the main reasons that took the Church to adopt a condemning position, highlighting the fact that political reasons were part of it, ignorance of what masonry really was, the promoted anti-clergy measurements defended by masons, religious reasons such as the principles of naturalism, the rational moral, syncretism, etc. On the other hand, the understanding of masonry in a unique sense with no shades, as a monolithic entity, single and constant, was questioned: today, as confirmed by Valério Alberton, the reality of a fundamental division is imposing itself when judging and revising certain positions: *regular* masonry and *irregular* masonry. The first one, authentic, orthodox, traditional, religious and nonpolitical; the second one, unauthentic, heterodox, deviated, unreligious and political, also indicating that most masons belong to the first one¹⁸.

There were also other circumstances: “The events exposed in the previous pages; the slow yet constant evolution of things, especially after the Council, the petitions from different parts of the world to the Holy Office in favor of the softening of the discipline in force or even the abolishment of excommunication; the new light projected on every problem by the numerous publications of historical character; the results of dialogue and debate everywhere;

14 S. C. S. Officium, “Declaratio particularis, 20 aprilis, 1949”, in *Leges Ecclesiae* 2, n. 2044.

15 S. C. Pro Doctrina Fidei, “Rescriptum particulare, 8 aprilis, 1967”, in *Leges Ecclesiae* 3, n. 3548.

16 *Leges Ecclesiae* 5, col. 6606-7.

17 Dieter Anton Binder, “Zum Dialog zwischen der katholischen Kirche und der Freimaurerei in Österreich von 1968 bis 1983”, in *Recht im Dienste des Menschen* (Vienna: 1986), 61-78. Ferrer Benimeli, *Maçonaria e Igreja Católica*, 95-215. Jesús Hortal, “A maçonaria e a Igreja” in *Direito e Pastoral* (1992), 23-24, 64-67. Luc Nefontaine, “Évolution de la législation catholique vis-à-vis de la franc-maçonnerie”, in *Esprit et Vie* 94 (1984), 74-79.

18 Valério Alberton, “Igreja e Maçonaria. Alcance dos quatro últimos documentos oficiais sobre o assunto”, in *Revista Eclesiástica Brasileira* 41 (1981), 515-16; Ferrer Benimeli, “A maçonaria e a Igreja”, 49-76.

the lightening of old positions and reciprocal suspicions; the detachment of some Catholics when feeling excommunicated even when testifying that there are no snares for faith itself or intrigue against the Church in masonry; the authorization requested in different places to designate some masons as members of catholic charitable work; the way some episcopates solved the problem of those converted to Catholicism who wished to belong to the lodge; the tendency, within the episcopate... and canons, to provide a restrictive interpretation to canon 2335*; the verified lack of calls to traditional discipline to be enforced with no derogation; the new atmosphere of openness and dialogue created with the Council and the encyclical of Paul VI *Ecclesiam suam...*¹⁹ All of these elements led the Congregation for the Doctrine of Faith to retake matters and to publish three documents between 1974 and 1983²⁰ on the suspected topic, practice, a new interpretation of canon 2335*.

The letter from July 19, 1974

In this new environment, it is not strange that Cardinal John Josep Krol, archbishop of Philadelphia (1910–1966) asked the Congregation for the Doctrine of Faith if excommunication was still in force for Catholics affiliating to masonry. The Congregation, which had asked several episcopates on the subject, then replied through their prefect in a letter dated July 19, 1974²¹. The letter mentioned that some bishops had asked the Congregation on the value and interpretation of canon 2335*, and that, during the extended testing on the matter, it “asked on several occasions to the Episcopal Conferences, to which the matter was of special interest, to better know the nature and current activity of these associations, as well as the thinking of bishops”. The result had been a great divergence of the answers reflecting the diversity of situations in each country: because of this, the Apostolic See would not consider appropriate to modify the current legislation, which was in force until the new C.I.C were promulgated.

However, a new criterion of interpretation of canon 2335* was given: “When considering the particular cases, the penal law subjected to strict interpretation must be taken into consideration. Thus, the opinion of those authors who sustain *that such canons 2335 only applies to those Catholics giving their names to associations that truly intrigue against the Church*, can be taught and enforced. However, giving their names to any masonic institution remains as forbidden for the clergy, religious, and members of secular Institutions”.

The importance of this document was obvious since, even without abolishing the excommunication settled on canon 2335*, there was an interpretation criterion of the same, which, apart from its official lumen, still acknowledged the diversity of particular situations and so, not all masonry intrigued against the Church “Quanto noi —mentioned Giovanni Caprile— oggi sappiamo della Massoneria non consente più accuse indiscriminate né processi portati avanti sulla base di luoghi comuni. Il documento dà implicitamente atto di una diversità fra le stesse associazioni massoniche; giudicare adeguatamente di esse spetterà —per quanto riguarda la condotta dei cattolici— alle autorità religiose dei singoli Paesi. Sotto questo aspetto,

19 Ferrer Benimeli, “A maçonaria e a Igreja”, 215-216.

20 Three of them from the years 1974, 1975, and 1981 are listed between the official sources of current canon 1374.

21 S.C. Pro Doctrina Fidei, “Notificatio particularis, 19 iulii, 1974”, in *Leges Ecclesiae* 5.6835, and *Acta Apostolicae Sedis* 73 (1981), 240-241.

il documento ha una portata universale, in quanto fornisce un criterio di interpretazioni già proposto da alcuni canonisti, e ora riconosciuto come sicuro, sostenibile in teoria ed applicabile in pratica.”²²

Meaning: there was admission that there could be, and in fact there were, some masonic associations that did not conspire against the Catholic Church or against the faith of their catholic members. The judgment on the different types of masonry and their effective approach towards the Church was remitted to each Episcopal Conference, which was supposed to be familiar with the concrete local situation.

The declaration of February 26, 1975

Because of the importance and novelty of the previous document, some episcopates reached out to the Apostolic See for a better clarification of the same. One of them was in Brazil, where the problem frequently rose: on January 4, 1975, the president of the Episcopal Council of Brazil addressed the Congregation mentioned to request some clarification on the aforementioned letter. The question affected two matters concretely:

a) It asked itself what was the criteria to verify if a masonic association was really not conspiring against the Church: was the opinion of one or some members enough, or was an official statement of the lodge itself necessary? The Congregation responded that it was preferable to have a public statement released by the association mentioning there was no intention to fight the Church: however, since this was not the case, “parece, entretanto, que se possa dar fé àqueles católicos que, inscrito há anos maçonaria, solicitam espontaneamente serem admitidos aos sacramentos (o que lhes era antes negado por esse motive), stating ‘onera ipsorum conscientia’ que a associação na qual estão inscritos não persegue a não tem mais exigido deles compromissos contrários a sua reta consciência crista. Não parece, por outro lado conveniente que os Bispos façam, ao menos na atual situação dos fatos, publicamente declarações sobre esta ou aquela associação...”

b) The second matter posed was what sense and to what extend the expression “conspiracy against the Church” had to be used. The Congregation responded that such phrase, generally referred to the crimes “contra a doutrina, as pessoas ou as instituições eclesiásticas; note-se que isso diz respeito à associação como tal e não a cada membro tomando singularmente.”²³

The declaration of the German Episcopal Council of 1980

This generalized climate of a new approach between the positions of Catholics and some masons, which started from the acknowledgement that there was no an ideologically monolithic unique masonry in its conception of religious faith, and thus the canonic penalty could not be enforced to all masons but only to those really intriguing against the Catholic Church, was

22 Giovanni Caprile, “Cattolici e massoneria. Un’importante dichiarazione sulla scomunica”, in *La Civiltà Cattolica* 125, (1974/IV), 159-162; M. Huftier, “Église et franc-maçonnerie”, 353-354; H. Pandolfo, *Revista Eclesiástica Brasileira* 35 (1975), 892-900.

23 S. C. Pro Doctrina Fidei, “Declaratio particularis, 26 februarii, 1975”, in *Leges Ecclesiae* 5, n. 6991.

broken by the declaration of April 28, 1980 of the German Episcopal Council on the belonging of Catholics in masonry.

The declaration²⁴ explained that during the years 1974 and 1980 there were numerous official symposiums between Catholics and masons. The Catholics stated they had examined the masonic rituals of the first three degrees and the Catholic bishops had reached the conclusion that there were fundamental and insuperable oppositions between both parties: masonry, as mentioned by German bishops, had not changed in essence. Belonging to masonry questions the foundation of Christian existence. The deep examination of rituals of masonry and the way of being of the masonic, just as the current self-understanding of itself, clarify that the simultaneous belonging to both the Catholic Church and masonry is excluded.

The main reasons pleaded for that are as follows: the cosmology or vision of the world of masons is not unitary but relative, subjective, and cannot be in harmony with the Christian faith; the concept of truth is also relativist and denies the possibility of an objective knowledge of truth, which is not compatible with the catholic concept; the concept of religion is also relativist, meaning: all religions are concurrent attempts to express the divine truth that is unreachable, and that does not coincide with the fundamental conviction of Christianity; the concept of God, symbolized through the “Great Architect of the Universe”, is deistic and there is no objective knowledge of God in the sense of the personal concept of God in theism, and it is affected by relativism, which endangers the foundation of the concept of God of the Catholics and their answer to the God questioned as Father and Lord; the concept of God and Revelation, the idea of tolerance, the ritual actions, the perfecting of men, spirituality, etc., of masons were also not compatible with the catholic concept because of different reasons. The conclusion was obvious: these doctrinal postures affected the very foundations of Christian existence and, thus, the possibility of simultaneously belonging to the Catholic Church and masonry was excluded.

The German bishops did not stress on the intriguing or lack thereof against the Church in their declaration, they did so on the basic conceptions of masonry: the first fact could have a circumstantial character, but the basic conceptions, on the other hand, are intrinsic and cannot be left out without the institution losing its own nature. From here, they inferred the incompatibility or irreconcilability between the Catholic Church and masonry, beyond particular opinions of some masons who state to go or not to go against the Church.

The authors defending the thesis of the Congregation tried to limit the value of this declaration, pointing out that it referred to the “Liberta Muratoria” as found in the Grand United Lodges of Germany, that there was a variety of masonic forms and that some of them were respectful with religious faith, such as the Grand National Lodge of France (respectful of the Catholic doctrine), the Grand West of the Philippine Islands (whose constitutions and rituals had been presented to the Catholic hierarchy so it would eliminate all element that was against the Church from it), masonry of Scandinavian countries which demands its members the professing

24 The Italian translation may be found in Giovanni Caprile, “Dichiarazione della Conferenza Episcopale Tedesca circa l'apparenza dei cattolici alla massoneria”, in *La Civiltà Cattolica* 131 (1980/III), 485-502.

of a Christian faith, etc.²⁵ The critic of a German author to the German document was much more serious and profound²⁶. But, despite this criticism and its local character, the German declaration had to have a decisive influx in the modification of the expected canonic norm, as we will be learning.

The declaration from February 17, 1981

The new interpretation of canon 2335* was kept and it had its corresponding reflection in the elaboration of the new Code of Canonic Law. However, starting in 1980 things took a new turn taking on postures that seemed to be left behind in such field: on April 28, 1980, the German Episcopal Congregation published the document seen. On February 17, 1981, the Congregation for the Doctrine of Faith published a declaration son canonic discipline which prevents, under the penalty of excommunication, that Catholics give their names to the masonic sect and other associations of the same genre²⁷.

The Declaration reminded the letter sent on July 19, 1974, on the interpretation of canon 2335*, including it in the text of the Declaration. It pointed out that the mentioned letter “gave room to false and insidious interpretations”: because of this and without prejudging the revision of the C.I.C. which was being held at the time, the Congregation confirms the letter mentioned, which clarifies as follows:

- a) The discipline in force, meaning canon 2335*, continued to be in force.
- b) Because of that, nor excommunication nor other previous penalties have been abolished.
- c) And, regarding the interpretation given on the letter on canon 2335*, it clarified that the purpose of the Congregation was to appeal “to the general principles on the interpretation of the penal laws on the solution of cases of individuals which may be posed to the judgement of the Ordinary of the place. The mind of the Congregation was not to ask the Episcopal Conferences the faculty to publicly bring a general judgement of masonic associations which could lead to the abolishment of the norms mentioned”.

The text of the Congregation affirmed and gave an official character to the interpretation offered in the letter of July 19, 1974, which was publicly and repeatedly denied in certain settings by describing it as “a private letter between two Cardinals”: this means that canon 2335* only affected Catholics entering masonic associations that *truly* intrigued against the Church. The purpose of this interpretation was to solve cases of individuals who could be subjected to the judgement of the Ordinary of the place: the Episcopal Conference had to see if the particular case had to do with an association intriguing or not against the Church, and the ordinary of the place had to issue a judgement on the subjective element of the crime. The Declaration, at the same time, rejected bad interpretation given to the letter mentioned: the Episcopal Conferences

25 *La Civiltà Cattolica*, 501.

26 Ferrer Benimeli, “Maçonaria e Igreja Católica”, 150-166.

27 S. C. Pro Doctrina Fidei, “Declaratio de canonica disciplina quae sub poena excommunicationis vetat ne catholici nomen dent sectae massonicae aliisque eiusdem generis associationibus, 17 februarii, 1981”, in *Acta Apostolicae Sedi* 73 (1981), 240-241.

did not have, nor could they get the capacity, to issue a general public judgement on the nature of the masonic associations, nor could they abolish the prescribed statements on canon 2335*. Explicitly confirming that several masonic sects were not banned under censure was not mentioned either, nor that the Apostolic See had abolished excommunication²⁸.

The result of these interventions of the Congregation was that on the eve of the new C.I.C., code 2335* had a profound change in its interpretation, even when keeping its same literal formulation: all masonic sects, no matter the type, were assumed *iure* to intrigue against the Church. But it was an *iuris simpliciter* assumption that would yield to the truth if the representatives of the society, or those naming it, demonstrated it sincerely rejected intriguing. Thus, under these circumstances, the Catholic follower would not commit the crime and avoided the penalty if they subscribed to a society in the search for honest purposes and excluded intriguing against the Church: the judgement of the Episcopal Conference on the veracity of whether the society was masonic and expected to maintain its character was required²⁹.

The ecclesial norm in force

Throughout history, the Catholic Church has discouraged and banned its followers to belong to certain associations which statutorily included intriguing against the Church itself as a main objective, or that would describe themselves as atheists and against religion, or that could endanger the faith of its followers in one way or another. Such banning could have different degrees and, in some cases, could lead to the exclusion from sacraments, a canonic sanction, etc. The masonic groups are in the group of associations whose belonging is banned to catholic followers. Two main disciplinary norms regulate this ban: canon 1374 and the declaration form November 26, 1983.

Canon 1374

The most immediate and closest precedent of this canon is canon 2335* mentioned several times from C.I.C. of 1917, which established that those who were part of masonry or other associations of the same genre intriguing against the Church would incur ipso facto in excommunication, simply reserved for the Apostolic See. This canon, as indicated before, suffered a major modification in its interpretation and, consequently, in its enforcement from 1974.

The process of codification

The first scheme on the new canonic penal law, published in 1973 and sent for consultation to numerous ecclesiastic organizations, did not directly or indirectly mention anything on this matter, nor did it explain its omission³⁰. There was silence on the belonging of catholic followers in masonry, which was not a surprise and contrasted with the reiterated ecclesiastic condemnation from previous years. There were two apparent main reasons justifying this

28 Giovanni Caprile, "La recente 'Dichiarazione' sull'appartenenza alla massoneria", in *La Civiltà Cattolica* 132 (January 1981), 576-579.

29 P. Tocanel, *Apollinaris* 54 (1981), 32-38.

30 Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Schema documenti quo disciplina sanctionum seu poenarum in Ecclesia Latina denuo ordinatur*, (Rome: Typis Polyglottis Vaticanis, 1973).

silence, amen of the new approach adopted by the Church in its relationship to masonry: on the one hand, one of the main principles that the C.I.C. needed to review was the reduction of penalties generally established in the Code³¹. On the other hand, another concrete criterion adopted by the writing commission of the general penal scheme of 1973 was exposing only the general penal principles and the most serious crimes that affected the whole Church, leaving room for action and development to the particular legislation in this matter: this had special applicability in projected canons against particular crimes, since most part of its typification was remitted to particular legislators. “Canons on penalties for particular crimes only contemplate (in the scheme) those crimes that, for some special reason, must be punished in the same law, given by the same Roman Pontiff in the whole Church, remitting to the rest of the precepts and particular laws...”³²

This seemed to indicate, at least implicitly, that they assumed new theses on the fact that there was no room for a single masonry, but different types or kinds of existing masonry, and that because of that diversity, the decision on whether Catholics could or could not belong to masonry without being penalized was remitted to each Episcopal Conference and diocesan bishop.

Nothing was modified on a first revision of the scheme. However, on the session held on May 7th, 1977, a new canon was introduced, whose formulation was identical to the current text of canon 1374³³. Some author thinks that mostly German canonists struggled to introduce this new canon, which was not intended for the initial project, since they had criticized the abolishing of excommunication in which those adhering to masonry incurred³⁴. Officially, however, the canon was introduced at request of the Congregation for the Doctrine of Faith, which proposed the following: “It seems appropriate that, besides the crimes contained in these canons... the following is added: ‘Whomever subscribes in associations intriguing against the Church’. In the generic formulation of this crime, the masonic sect was not explicitly included, nor excluded. The canon would apply as long as masonry itself or one of its branches or rites truly intrigued against the good of the Church. Other specifications may be established in the particular right according to diverse circumstances of place and associations”. Meaning: The Congregation would stay faithful and coherent with the interpretation canon 2335* from the C.I.C. of 1917 was giving.

The revision of 1981 presented more directly the question of whether the canonic text had to specifically penalize Catholics affiliated to masonry, as made precedent by the C.I.C., or if they had to maintain the formulation planned where masonry was not explicitly mentioned and implicitly it was accepted that not all masonic groups were against the Church or the faith of Catholics. Thus, the German Episcopal Conference, in coherence to its declaration of 1980, asked for the explicit penalty of Catholics joining the masonic sect with a censor *latae sententiae*, based on the conclusions reached in that declaration and according to which the incompatibility between the masonic sect and the Catholic Church was clearly demonstrated, because masons deny the objective value of truth, revealed religion, dogmas of religion opposed to freedom, the

31 Pontificia Commissio Codicis Iuris Canonici Recognoscendo, *Principia quae Codicis Iuris Canonici recognitionem dirigant* n. 9 (Rome: Typis Polyglottis Vaticanis, 1967). It also indicated that penalties had to be generally *ferendae sententiae*, limiting those *latae sententiae* to very few and very serious crimes, as well as the imposition and remission in external jurisdictions.

32 Pontificia Commissio, “Praenotanda”, *Principia quae Codicis...*, 9-10.

33 *Communicationes* 9 (1977), 320, c. 53 bis.

34 Bernard Franck, *Vers un nouveau droit canonique?* (Paris: Éditions du Cerf, 1983), 62.

objective knowledge of truth, the existence of God as the personal Being revealing himself to men, etc.³⁵

The writing commission decided, given the importance of the subject, for the matter to be discussed and solved in the meeting that the Plenary Congregation would hold during October of that year. However, the consultants had a unanimous opinion that “in this case a *latae sententiae* penalty should not be established because the incompatibility with the Catholic faith comes into play to heresy or not, so it falls into canon 1316 (currently =136), and so it does not deserve such a serious penalty”. It was also added that, when it comes to the practical activity, meaning intriguing, it had to be considered that “masonry is not the same in all nations: then, it is better for particular laws to enforce their own penal legislation according to the particular circumstances... In general, the easy resource to *latae sententiae* penalties never solves the difficulties and indicates a certain incapacity to comply with the office of government itself.”³⁶

The Plenary Congregation of 1981

The subject was widely addressed in the Plenary Congregation held on October 20 to 29 of 1981 since the fifth special matter to be discussed read as follows: “De reassumptione can. 2335 vigentis C.I.C. in quo nomen dantes sectae massonicae aliisve eiusdem generis associationibus quae contra Ecclesiam vel legitimitas civiles potestates machinantur, excommunicatione latae sententiae Sedi Apostolicae reservata puniuntur.”³⁷

The matter was presented, by service, under the following terms: the German Episcopal Conference, as we have seen, came to the conclusion on the incompatibility in the simultaneous participation in the Catholic Church and masonry, so it asked for canon 2335* of C.I.C. from 1917 to be kept. It transmitted its conclusions to different instances of the Apostolic See, and insistently asked “for the new Code to explicitly condemn the masonic sect and the enforcement of *latae sententiae* excommunication against masons to be reserved to the Apostolic See”. This proposal, to which other five members of the coding commission joined, was founded in the conclusions on its declaration from 1980.

On the opposite side, the penal section of the writing commission “unanimously thinks that in no way it is appropriate to reassume canon 2335”, since this goes against the general principle that *latae sententiae* penalties should be reduced to a few cases, meaning very little and very serious crimes; also, adhesion to masonry is diverse and of different degree, and so it is not easy to know for sure the intriguing against the Church itself, which is the essential element of the penal fact species, which would create great juridical insecurity; the projected canon responds to a proposal of the Congregation for the Doctrine of Faith... However, taking into consideration the authority of the proposing parties and the seriousness of the matter, the subject had been brought to the Plenary and raised the following: if “canon 2335* of the C.I.C. in force, should be reassumed,

35 *Communicationes*, 16 (1984), 48–49. Another suggestion requested for Catholics who joined masonry to be punished with the penalty of *latae sententiae* excommunication, reserved to the Apostolic See.

36 *Communicationes*, 16 (1984), 48–49.

37 Pontificum Consilium de Legum Textibus Interpretandis, *Congregatio Plenaria diebus, 20 – 20 octobris, 1981 habita* (Rome: Typis Polyglottis Vaticanis, 1991), 150.

according to which whoever provides their name to the masonic sect or other associations of the same genre ‘intriguing against the Church or legitimate civil authorities’ are punished with *latae sententiae* excommunication, or if canon 1326 (=1374) of the scheme is enough”.

The discussion was broad and extensive. They were in favor of maintaining canon 2335* of the C.I.C. from 1917. The German Episcopal Congregation stated its declaration in 1980, also adding that their conclusion was valid for masonry around the world, and that under this circumstances it was indifferent to be dealing with masonry that was “favorable, neutral, or hostile to the Church”, that it was unacceptable to have a diverse regulation from every Episcopal Conference on the matter, and that a same norm was necessary for the whole Church, and that the lack of an explicit condemnation to masonry in the C.I.C. would carry serious and unsolvable issues, etc. Cardinals Schröffer, Siri, Seper (in favor of including the name of masonry and keeping the proposed penalty on the scheme), Ratzinger, Palazzini, Höffner, and the Congregation for Clergy exposed on the reasons proposed by the German bishops³⁸.

On the opposite side, others preferred to keep the text projected in the scheme in which masonry was not explicitly named, nor the penalty of *latae sententiae* excommunication was previewed. Continuing with the opinion of consultant professor E. Gómez³⁹, the Secretariat of the Coding Commission and the writing commission of penal law itself, it was completely opposed to the reproduction of canon 2335* of the C.I.C. of 1917:

a) Because *latae sententiae* penalties should only limit to very few and very serious cases, as per the approved principle by the Synod of Bishops of 1967: the subscription to masonry cannot be compared too the severity of crimes punished with the penalty of *latae sententiae*.

b) Because it is very difficult to determine the scope of the crime, assignability, etc. with juridical security, which is necessary to dictate a *latae sententiae* penalty: in this case, masonry is not the same in different nations, instead, it is diverse. The participation of masonry is also diverse for all its members and depends on different degrees. Meaning: intriguing against the Church, which is the essential element in penal fact species, it is not easy to recognize for all members.

c) *Latae sententiae* penalties may be established by particular legislation if for some cases or places bishops believe masonry intrigues against the Church or endangers the faith of Catholic followers: meaning, penalizing masonry not by universal law but under particular law⁴⁰.

Other members of the Plenary also supported this thesis: cardinals König, Marty, Muñoz, Vega, Philippe, Rugambwa, Garrone, Duval, Rossi, and archbishops Arrieta Villalobos, Henríquez, Tzadua, Morelos and Castillo Lara⁴¹. They would base themselves on the reasons claimed by the Secretariat, insisting particularly on the diversity of ways masonry is presented in different

38 Pontificum Consilium..., *Congregatio Plenaria*..., 152-64, 312, 315, 316-317, 319-323, 327.

39 Pontificum Consilium..., *Congregatio Plenaria*..., 165-168.

40 Pontificum Consilium..., *Congregatio Plenaria*..., 309-311. The example of communism, much more incompatible and dangerous for the Catholic Church and faith than masonry was used, and, however, the C.I.C. does not plan the *latae sententiae* excommunication against such.

41 Pontificum Consilium..., *Congregatio Plenaria*..., 315-318, 320, 323-328, 330-333.

countries and trends, so the official superior may establish the *latae sententiae* penalty where necessary and timely, and different treatment to masonry and communism when it intrigues against the Church and the catholic faith.

Once the matter is submitted to a vote, the following result was obtained: 31 out of 59 members agreed with the projected text: 13 over 59 members would prefer to maintain the canon 2335* of the C.I.C. of 1917. Hence, maintaining the text presented in the scheme⁴² was decided, since it would be definite: “qui nomen dat consociationi, quae contra Ecclesiam machinatur, iusta poena puniatur; qui autem eiusmodi consociationem promovet vel moderator, interdicto puniatur.”⁴³

The declaration of 1983

The Canonic Law Code was promulgated on January 25, 1983, and it was determined to begin its enforcement on the first day of Advent, 1983. On November 26, 1983, a day before its enforcement, the Congregation for the Doctrine of Faith published a declaration on masonic associations⁴⁴: the reason for that, as confirmed by the text, was to clarify if the judgement of the Church on masonry had changed since the new Canonic Law Code did not mention expressly what the previous Code did. The Congregation stated the following:

1. The omission of masonry in the text of the C.I.C. raises from a writing criterion followed in the case of other associations that are not mentioned because they are comprised in larger categories.
2. The negative judgement of the Church on masonry has not changed because its principles have always been considered as irreconcilable with the doctrine of the Church, and thus the affiliation to it continues to be banned.
3. Followers who belong to masonry are in a state of serious sin and cannot come close to the Sacred Communion.
4. Local ecclesiastical authorities have no competence to issue judgements on the nature of masonic associations that lead to the derogation of this opinion.

It was pointed out that this declaration had some special characteristics: it was published by the Congregation for the Doctrine of Faith y not by the Commission in charge of the interpretation of legal texts, even if this would have been the most logical; its content or arguments correspond to a doctrinal level and not the practical level of intriguing; because of this, due to a doctrinal matter

42 Pontificum Consilium..., *Congregatio Plenaria...*, 329-330. After repeating the voting, the option for the text of the scheme was reconfirmed, and the C.I.C. of 1917 formulation was dismissed. See the pages 351-352. Another intermediate formulation was proposed which only obtained 20 votes over 58.

43 Canon 1374. The western Church Code of Canons has a similar disposition: “qui nomen dat consociationi, quae contra Ecclesiam machinatur, congrua poena puniatur” (canon 1448, §2).

44 Sacra Congregatio pro Doctrina Fidei, “Declaratio de associationibus massonicis, 26 novembris, 1983”, in *Acta Apostolicae Sedis* 76 (1984), 300.

and not a discipline matter, the Episcopal Conferences and diocesan bishops cannot exempt it or issue judgements that imply the derogation of principles and regulations given; the determining influence that the declaration had on German bishops from 1980 was also pointed out⁴⁵.

Actually, the declaration highlights an anticipated interpretation of canon 1374. Setting aside the practical issue of whether masonry intrigues against the Church or not, which is a circumstantial fact for the Congregation, the declaration is based on the assumption that masonic associations, no matter what, are incompatible or irreconcilable with the Catholic Church because of doctrinal reasons; thus the Catholic followers are banned from affiliating to them, regardless of their practical proceedings; in that sense, the distinction between masonic associations (regular and irregular), is not admitted; the followers who belong to masonic associations are deemed in a state of serious sin, and so cannot come to receive the Sacred Communion... But not only that: it involved a sudden change on the focus given by the Apostolic See to the analysis of relationships between catholic followers and masons, since, as per the guidelines in the declaration of the German bishops from 1980, the practical aspect of the matter was set aside, and the theoretical and doctrinal principles in which masonry was founded, were taken into consideration. From there and setting aside the fact that some masonic groups would not intrigue against the Church and did not mislead catholic followers from their faith, incompatibility and irreconcilability was stated between both institutions.

This same line was confirmed in an article published in *L'Osservatore Romano* fifteen months after the declaration of 1983⁴⁶, and although it was not signed but signaled with three asterisks, it was attributed to the Congregation for the Doctrine of Faith⁴⁷. The article, in fact, intended to illustrate the meaning of the document from 1983. Its content may be divided into two parts: the first one, which is the longest, is dedicated to expose the reasons of the irreconcilability between the Christian faith and masonry, and the second one clears out the dispositions taken under the declaration. Starting on the last part, the following was affirmed:

a) By determining that followers subscribed in masonic associations “are under the status of serious sin and cannot approach the sacred communion”, the Congregation “indicates the followers that such subscription *objectively constitutes a serious sin*, and by specifying that those joining a masonic association cannot approach the sacred communion, they want to illuminate the conscience of followers on the serious consequence they need to take out of their adhering to a masonic lodge”.

b) There is a reservation in favor of the Apostolic See on the determination of the nature of masonic associations with decisions that imply the derogation of the previous: that means, there is a reservation regarding “a statement that differs from the judgements posed herein on the irreconcilability of the principles of masonry with the Catholic faith on the severity

45 Hortal, *A Maçonaria e a Igreja*, 75; Nefontaine, “Évolution de la législation...”, 265-266. Alfred E. Hierold, “Katholische Kirche und Freimaurerei. Anmerkungen zu einer Erklärung der Kongregation für die Glaubenslehre”, in *Münchener Theologische Zeitschrift* 37 (1986), 87-96; Wolfgang Waldstein, “Zum rechtlichen Charakter der ‘déclaration de associationibus massonicis’”, in *Im dients von Kirche und Staat*, (Vienne: 1985), 519-528.

46 *L'Osservatore Romano*, “Inconciliabilità tra fede Cristiana e massoneria”, February 23, 1985, 1.

47 Giovanni Capriole, *Ancora sull'appartenenza alla massoneria*, in *La Civiltà Cattolica* 136 (January 1985), 584: “Sia però la materia e il modo come viene trattata, sia il rilievo dal quotidiano vaticano permettono di concludere che esso è emanazione della Congregazione”.

of subscribing to a lodge and on the consequences derived from that for the access to the holy communion”⁴⁸, to which the local ecclesiastic authorities have no dictum.

c) The declaration did not mean to disavow the dialogue held by authorized Catholics with representatives in masonry: “but, from the moment of there being a possibility to defend the mistaken opinion among followers according to which joining a masonic lodge was licit, the Congregation has believed that it was its duty to teach them on the authentic thought of the Church on the matter and to warn them on the consequences of an incompatible belonging with the Catholic faith”.

The reasons supporting the irreconcilability between the Christian faith and masonry, and which justify these concrete decisions, are broadly exposed in the first part of the article, indicating that the negative judgement of the Church regarding masonry is justified by multiple practical and doctrinal reasons⁴⁹. The article pushes aside the dialogue held with some masonic lodges that declared themselves as non-hostile and even favorable towards the Church⁵⁰ and exposed the theoretical reasons supporting the position of the Catholic Church in the matter: masonry is an extremely forcing and compromising system for its associates, relativism, instrumentalization of diverse religious communities, relationship to God in a double modality, the act of faith is darkened by relativism and that contributes on the belonging to the Church, etc.

Canonic-ecclesial condition of the catholic and masonic follower

The regulation of the ecclesial status of the catholic follower who belongs to a masonic group has been through a radical change in the current Canonic Law Code: old canon 2335* has practically disappeared. This suppression has definitely happened due to its new interpretation, which made it to be enforced only to the subscription to masonic groups that truly intrigued against the Church and not to those also known as regular obedience, theist, and respectful to religion⁵¹.

The current canon 1374, which has come to substitute it, does not explicitly talk about masonry, neither does it establish the penalty of *latae sententiae* excommunication against its belonging. The criminal type configured therein is, as in the Code of 1917, the subscription (“nomen dat”) in an association that intrigues against the Church, but it does not punish *ipso facto* the belonging to masonry as is. This means: it seems to be acceptable the statement that not all masonic groups intrigue against the Catholic Church, nor do they endanger the catholic faith. The established penalty is double: a “just penalty” for members in general, and the “interdict” for those who promote or direct the association. Both penalties must be submitted to a judicial proceeding or by

48 Caprile, *Ancora...* And so, the thesis distinguishing between regular and irregular masonry is not accepted, confirming that Catholics could belong to the first one: “Questa disposizione indica che, malgrado la diversità che puso aussitere fra la obbedienze massoniche, in particolare nel loro atteggiamento dichiarato verso la Chiesa, la Sede Apostolica vi riscontra alcuni principi comuni, che richiedono una medesima valutazione da parte di tutte la autorità ecclesiastiche”, Irreconciliabilità, 584.

49 Caprile, *Ancora...* It is expressly pointed out that “da quando la Chiesa ha iniziato a pronunciarsi nei riguardi della massoneria il suo giudizio negative è stato ispirato da molteplici ragioni, pratiche e dottrinali. Essa nonha giudicato la massoneria responsabile soltanto di attività sovversiva nei suoi confronti, ma fin dai primi documenti pontifici in materia..., Il Magisterio della Chiesa ha denunciato nella Massoneria idee filosofiche e concenzioni morali opposte alla dottrina Cattolica”, 584

50 Caprile, *Ancora...* “Prescindendo pertanto dalla considerazione dell’atteggiamento pratico delle diverse logge di ostilità o meno nei confronti della Chiesa, la S.C.D.F... ha inteso collocarsi al livello più profondo e d’altra parte essenziale del problema: sul piano cioè dell’inconciliabilità dei principi, il che significa sul piano della fede e delle sue esigenze morali”, 584.

51 Nefontaine, “Évolution de la legislation catholique...”, 76.

extrajudicial decree⁵²: they are not automatically enforced as with the previous C.I.C.

This norm, generally formulated, cannot be directly enforced to any catholic follower unless it is unequivocally proven that the association they belong to “intrigues against the Church”⁵³. That should normally demand for the competent ecclesiastic authority (Apostolic See, individual or joint diocesan bishops, and superior religious) to state what associations belong into the category of banned and penalized by catholic followers, to specify the consequences that their participation carry for their life in the Church, and to observe a judicial, administrative proceeding for the imposition of corresponding penalties, unless the legislator chooses a *latae sententiae imposition*. Amen, logically, from the follower to be aware of this official declaration from the Church and stubbornly continues in the banned, penalized association by the Church.

Kloppenburg states that “it cannot be affirmed that in accordance to canonic law of 1983 masons are never excommunicated”, setting aside a double situation on the catholic mason: a) for them not to know the principles of masonic laicism and its consequences, or for them to lack great knowledge on life and Christian doctrines: in fact, they are not formally denying their faith and are not incurring on another penalty; b) for convinced masons themselves to coherently accept their rationalist liberalism: “ then there is no doubt they can and should be formally considered as deniers of the principles of the faith and moral of our holy Church, and as such, they are truly excommunicated as per the new Canonic Law, which on canon 1364, §1 states that such persons incur in the censorship of excommunication.”⁵⁴

We do not share this opinion which goes further to what the Apostolic See says: heresy, apostasy, or schism, to be canonic crimes and to incur in the *latae sententiae* penalty of excommunication established against such, must be a canonically fact and must comply with a series of requirements, which will happen from the declaration of such by the competent ecclesiastic authority: not by the opinion of an author. Until now, as far as we are concerned, this has not happened. Thus, the catholic who belongs to a masonic group does not incur because of that and directly on the penalties raised in the mentioned canon. All that can be established *a priori* is a suspicion or a simple presumption: because of this, logically, it is insufficient to incur in canonic penalties. Meaning: one thing is to penalize the catholic follower for being mason and another one is to punish the catholic mason for being heretic, apostate, or schismatic. While the first has been established by the declaration of 1983, nothing has been said about the second, and so canon 1364, §1 cannot be enforced in these cases, just because of being a mason.

The status of a catholic follower who belongs to a masonic association or group has penally suffered a formal important remodeling, not only on its practical or consequences effects: the Canonic Law Code does not explicitly penalize the belonging even when it lays the foundation for that, it does not propose excommunication as a penalty, it *latae sententiae*, nor is it its remission reserved for the Apostolic See. This does not mean such belonging is approved or indifferent for the Catholic Church: under the tenor of the declaration of the Congregation for the Doctrine of

52 See: Alphonse Borras, *Les sanctions dans l'Église. Commentaire des canons 1311 -1399* (Paris: Éditions Tardy, 1990), 176-177.

53 We assume, obviously, that the follower has a malicious criminal or wrongful intention (canon 1321, §2), as well as all the rest of circumstances configuring in the penal canonic assignability.

54 Kloppenburg, *Igreja e Maçonaria*, 253.

Faith from 1983, the catholic follower is not allowed to subscribe to a masonic group (“eisdem adscription ab Ecclesia prohibita remanet”), whomever does, place themselves in a status of serious sin, and some consequences are deducted for their ecclesial life (for example, “ad Sacram Communionem accedere non possunt”). This basically means the following:

1. The catholic follower subscribing to a masonic group does not lose their catholic status, nor are they excommunicated: they are a catholic who, as per the judgement of the Catholic Church, is under an irregular status within the ecclesial community: this means: their life status is objectively opposite to the one stated by the Church as coherent with the evangelic message, they are not under the necessary plenitude of the ecclesial communion⁵⁵. This irregularity comes from the reasons stated by the Congregation.

2. The irregular status is acquired by the *subscription to any of the masonic groups*, regardless of which. Ulterior distinctions of those are not accepted, as it was done during the decade of the seventies through a restrictive and determining interpretation of the requirement of the “intriguing against the Church”. Furthermore: this requirement is not even mentioned as the essence for its banning. Rather, this lies in the fact that masonic groups, regardless of their practical actions, are founded in ideological or theoretical statements which are irreconcilable with the Christian faith.

3. The *subjective conditions of the catholic follower or the guarantees* that the responsible parties of these groups can give on their respect to the catholic faith are not important, which is the reason for the cause of the banning: only the inculpable ignorance, inadvertence, or error on the group or on this ecclesial regulation (canon 1323, 2^o), the coerced action on physical violence or serious fear, or by necessity, or to avoid a serious prejudice (canon 1323, 3^o and 4^o), the inculpable ignorance of penal consequences previewed in the norm (canon 1324, 9^o), or the lack of a plain assignability for any another reason (canon 1323, 10^o), amen logically from the lack of a necessary psychic capacity to act, may operate as exempting or mitigating circumstances of such assignability, and may free the follower from the consequences derived from their subscription.

4. The objective status of serious sin these followers are considered to be in, leads to the loss of exercise of a series of rights in the ecclesial community which affects different areas or scopes⁵⁶: in the sacramental liturgic life, since they are banned from receiving the sacred communion (canon 915), the sacramental absolution (canon 980; 987), and the sacrament of anointing of the sick (canon 1007), while there are special norms for the celebration of their marriage (canon 1071, §1, 4^o); in the development of ecclesial labors and ministries that require an objective plenitude of the Christian testimony such as liturgic ministries, being guardians in the sacrament of baptism (canon 874, §1, 3^o) and confirmation (canon 893, §1), the government and direction of public ecclesiastic legal persons, the participation in governmental organization of the Church, etc. The celebration of ecclesiastic obsequies

55 Similar statuses to those catholic followers who live in the denominated “irregular marital unions” are: See Federico Rafael Aznar Gil, *Irregular marital unions. Doctrine and pastoral of the Church* (Salamanca: Universidad Pontificia, 1993), 112-121.

56 Aznar Gil, *Irregular marital unions*, 122-183.

follows the same regulation as that established in 1973 by the Congregation for the Doctrine of Faith: this should be denied to manifest sinners only if their celebration produces public scandal, and if before death, there was no signal of repenting (canon 1184, §1, 3^o), understood in a broad, benign sense. The applicability of this and other similar regulations must be done in accordance with personal circumstances of the case, especially if the subscription is public, noticeable, or occult. This should also be taken into consideration for their ecclesial reconciliation, mainly demanding the separation from the masonic group⁵⁷.

Such are the main practical consequences derived from the qualification of status of life in serious sin for catholic followers subscribing into a masonic group or association. Although there is a certain similarity in the status of the “excommunicated”⁵⁸, especially regarding the practical effects, there are clear and important differences between both status regarding background, form, and meaning.

CONCLUSION

It must be acknowledged that, despite the different official interventions of the Apostolic See, the debate on the reconciliation or lack thereof between a simultaneous belonging to the Catholic Church and some masonic groups, denominated as regular, is not closing down in the interior of the Church. Valério Alberton, for example, points out that masonic texts examined by him “surprisingly reveal a firm and unchangeable doctrine on God which provides enough information for the elaboration of a true masonic theodicy. Now, the study of this masonic theodicy would lead us to the conclusion that this will not be further than a classic theodicy, which comes from the times of the Greek, way before Christ, and that is one of the treaties of the current philosophy. In fact, the documents mentioned list all the attributes of God, his essence, his providence, etc., which are precisely the objective of this philosophic discipline.”⁵⁹ Ferrer Benimeli expresses similar words: “It is a shame that... continues to find obstacles in certain catholic environments, when there are so many contact points regular masonry has with the Christian and Catholic ideology, which are inherited from the Church itself...”⁶⁰

Other catholic authors, on the other hand, do not share this opinion. Kloppenburg, in a recent edition of his work, extensively examines the doctrine of Brazilian masonic groups: he points out that, in spite of the propaganda, because of the duties of the true mason⁶¹ and the basic principles and constant attacks against the Catholic Church, there is a radical incompatibility in making the belonging to both institutions simultaneous⁶². Hortal indicates that other Churches or Christian confessions also maintain similar postures to those Catholic regarding masonry: German evangelic Church (Lutheran), Church of England (Anglican), Methodist Church of England, American Churches of Missouri and Wisconsin, orthodox Church, Presbyterian

57 Kloppenburg, *Igreja e Maçonaria*, 259-263.

58 Canon 1331.

59 Valério Alberton, “Igreja e Maçonaria”, 520.

60 José Antonio Ferrer Benimeli, “Catholics and masonry”, in *New Life* 1311 (1982), 82.

61 It points out, among other things, the following: not to get married in the Catholic Church or baptize their children: not to be guardians at weddings, baptisms, or confirmations: not to trust the education of their children in the Church; to state their funeral to be civil; not to perform or attend religious funerals; not to provide money to the Church... Kloppenburg, *Igreja e Maçonaria*, 93. The author is qualified by Brazilian authors as “o maior inimigo da Maçonaria”.

62 Kloppenburg, *Igreja e Maçonaria*, 197-202, 238-254.

Church of Scotland, Evangelic Lutheran confession Church in Brazil, Presbyterian Church in Brazil, etc.⁶³

The canonic regulations of the Catholic Church which regulate the simultaneous belonging of catholic followers to masonry and the Church are a true reflection of such doctrinal diversity on the incompatibility of catholic faith with at least some masonic groups. And, as expected, there has been an important evolution that can be summarized as follows: canon 2335* of the C.I.C. of 1917 was widely in force up until the Vatican Council II with an interpretation that did not admit any distinction in the conception of masonry or the intention people subscribed to it. A logical consequence of this was a *latae sententiae* excommunication planned to Catholics subscribing to it. This conception was quite rooted in the Catholic Church as demonstrated by the fact that during the preparatory phase of the Vatican Council II, several proposals by bishops and prelates for masonry to be condemned again were received, even though other bishops proposed a new attitude towards this, indicating that canon 2335* of the C.I.C. in force did not distinguish enough between masons, and that the penalties planned should only apply to those subscribing stubbornly to it, and not for those who did it for economic reasons; it was necessary to perform a more attentive study of the matter; for penalties against masons to be commuted, or at least to review the status on the matter, etc.⁶⁴

During the decade of the seventies, on the opposite side, there was an important modification of these statements by implicitly admitting that masonry did not maintain the same hostile attitude towards the catholic faith: this allowed for a new interpretation of canon 2335* of the C.I.C. of 1917, so that the banning and penalty stated therein would only affect Catholics who joined a masonic group that intrigued against the Church or that would endanger the Christian faith. However, this new interpretation was unauthorized by the German bishops in 1980, who reminded of the absolute incompatibility between the catholic faith and masonry.

The current canonic legislation basically responds to these statements once they were assumed during the decade of the eighties by the Congregation for the Doctrine of Faith. The Apostolic See, as we have seen, currently sustains that the Catholic Church and masonry are irreconcilable, Irreconcilability or incompatibility which do not depend on historical conjecture or momentary or individual positions or actions, but it is rather intrinsic to the proper nature of both institutions. An editorial published in 1991 in an important ecclesiastic magazine, pointed out that, acknowledging the internal complexity and diversity, the dominant conception in masonry today is irreconcilable with the undeviating Christian, catholic faith, and with the convinced bonding of faith to the ministry of the people of God and magisterium. The illuminating mentality conformed by “spirit” and “values” of masonry⁶⁵ is the primary regulatory cause of the theoretic irreconcilability with the Church and a permanently regulatory shade of the revisioning and activities of the lodges. On the

63 Hortal, “A Igreja e a Maçonaria”, 78 – 80.

64 “Acta et documenta Concilio Oecumenico Vaticano II apparando. Serie I (Antepreparatoria)”, *Appendix voluminis II: analyticus conspectus consiliorum et votorum quae ab Episcopis et Praelatis data sunt*, pars I (Rome: Typis Polyglottis Vaticanis, 1961), 228-229.

65 It is assumed that masonry is the result of enlightenment (with its two fundamental characteristics: the absolute trust on the infallible powers of reason and experience and the sense of the immensity of the nature governed by the rigid laws of the universal mechanisms), with a plain fidelity to nature and reason, and so the Church has no reason to be, and it ends up being an unnecessary obstacle since all religious concepts of life must be cancelled in favor of the religion of reason, etc.: Editoriale, “La Chiesa e la massoneria oggi”, in *La Civiltà Cattolica* 142 (April 1991), 217-227.

other hand, masonry does not accept Christian dogmas, nor the divinity of Christ: the Christian revelation is considered as an inferior degree, for primitive and deluded minds, as a device for the belief in “universal reality” and the “supreme law” ... In definite, given the estimates, anthropologies of masonry and of the Catholic Church, their respective doctrines are irreconcilable, hence the incompatibility of simultaneously belonging to both institutions.

All penal legislation seems, and is, hideous, especially in the Catholic Church: “Everything –as Paul VI said– regarding reprimand, condemnation, excommunication leads the current envious sensibility to think in terms of rejection, as before remains of an absolutistic power that has been left behind...”⁶⁶ It is pertinent to keep in mind, however, that the compelling authority of the Church has a clear pastoral meaning: for “the spiritual and moral integrity of the entire Church, and for the good of the guilty party: ut spiritus salvus sit in die Domini nostri Iesu Christi (1 Cor. 5,5)”⁶⁷ The current canonic regulation which configures the ecclesial status of the catholic follower who belongs to a masonic group or association is a logical consequence of the conception the Catholic Church currently has on all masonry. A different thing is for that judgement, monolithic and with no breakage, to be accurate and for the canonic norm to be efficient, meaning, it correctly protects the ecclesial community in its specific identity and for it to help the catholic to live their faith the right way.

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66 Paul VI, “Allocutio ad Praelatos Auditores et Officiales Tribunalis Sacrae Romanae Rotae, 29 ianuarii, 1970”, in *Acta Apostolicae Sedis* 62 (1970), 117.

67 Paul VI, “Allocutio ad Praelatos...”

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