TEMPORAL GOODS OF THE CHURCH

DECLINE OF FOREIGN AID AND ITS EFFECTS ON THE CHURCH’S MISSION IN TANZANIA IN THE LIGHT OF C. 1254 OF 1983 CODEX IURIS CANONICI
WITH REFERENCE TO THE CATHOLIC DIOCESE OF TANGA

DISSERTATION

For obtaining the Degree of Doctor of Theology presented to the Faculty of Catholic Theology

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Innsbruck

SUBMITTED TO

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Innsbruck, Mai 2015
# Table of Contents

ACKNOWLEDGMENTS ........................................................................................................... 6  
Danksagung ......................................................................................................................... 7  
ABBREVIATIONS AND ACRONYMS ................................................................................. 9  
Abstract .............................................................................................................................. 16  
Abstract-Deutsch ................................................................................................................ 17  

## 1 GENERAL INTRODUCTION ......................................................................................... 19  
1.1 Aim and Purpose of this Research ............................................................................. 20  
1.2 Scope of the Research ............................................................................................... 21  
1.3 Expected Result of the Research ............................................................................... 21  
1.4 Methodology of the Research .................................................................................... 22  
1.5 Structures and Content of the Work ......................................................................... 23  

## 2 BACKGROUND OF THE CATHOLICISM IN TANZANIA AND IN TANGA .................. 25  
2.1 A Profile of Tanzania ................................................................................................. 25  
2.2 The Coming of Christianity in Tanzania .................................................................... 26  
2.3 Impacts of the Missionaries’ Activities in Tanganyika .............................................. 28  
  2.3.1 Positive Impacts: Education and Health Sector ...................................................... 28  
  2.3.2 Termination of Slave trade ..................................................................................... 29  
  2.3.3 Negative Impacts: Disregard of African culture and belief .................................... 31  
  2.3.4 Legacy of Foreign Aid Dependency ....................................................................... 32  
2.4 Arusha Declaration of Socialism and the Confiscation of Church Properties .............. 34  
2.5 The Present Status of the Catholic Church in Tanzania ........................................... 36  
2.6 The Catholic Diocese of Tanga .................................................................................. 37  
  2.6.1 Profile of the Catholic Diocese of Tanga ................................................................. 37  
  2.6.2 Evangelization and the Creation of the Catholic Diocese of Tanga ....................... 38  
  2.6.3 Foreign Aid Dependency during the Missionaries’ Epoch ...................................... 38  
  2.6.4 The Economic Situation of the Catholic Diocese of Tanga  
    During the Missionaries’ Epoch ................................................................................. 40
2.6.5  *Church Institutions in the Catholic Diocese of Tanga* .................................. 41
2.6.6  *Parishes* ........................................................................................................ 42
2.6.6.1  Health Service Institutions ........................................................................ 43
2.6.6.2  Educational Institutions ............................................................................. 45

2.7  **Conclusion** ...................................................................................................... 47

3  **HISTORICAL ANALYSIS OF C. 1254 CIC/1983** .............................................. 48

3.1  **History of Temporal Goods on the Mission of the Church** .............................. 48
    3.1.1  *Temporal Goods in the Old Testament* ................................................... 48
    3.1.2  *Temporal Goods in the New Testament* .................................................. 49
    3.1.3  *Temporal Goods in the Early Church* ..................................................... 51
    3.1.4  *Temporal Goods in the middle Ages* .................................................... 53
    3.1.5  *Temporal Goods in the Councils of Trent* .............................................. 55
    3.1.6  *Temporal Goods in the CIC/1917* ........................................................ 56
    3.1.7  *Vatican II Council’s Teaching on Temporal Goods* ............................... 58
        3.1.7.1  Clergy Fund......................................................................................... 59
        3.1.7.2  The General Common Fund .............................................................. 60
        3.1.7.3  Source of Income ............................................................................... 60
        3.1.7.4  Administration of Church Goods ....................................................... 61
    3.1.8  *Temporal Goods in ‘Ecclesiae in Africa’ and ‘Africæ Munus’* ................. 61

3.2  **Drafting of c. 1254 CIC/1983** ....................................................................... 63
    3.2.1  *The Source and the Drafting Process of c. 1254* .................................... 63
    3.2.2  *The Promulgated Text of c. 1254 CIC/1983* ......................................... 65
    3.2.3  *Right to Acquire and Retain Temporal Goods* ....................................... 66
        3.2.3.1  Methods of Acquiring Temporal Goods ........................................... 68
        3.2.3.2  Voluntary offering ............................................................................. 68
        3.2.3.3  Taxation............................................................................................... 69
    3.2.4  *The Right to Administer Temporal Goods* ............................................ 72
        3.2.4.1  Agents and Organs of Administration of Temporal Goods in a Diocese 74
        3.2.4.2  Organs of the Administration of the Temporal Goods in a Diocese .... 82
        3.2.4.3  Agents and Organs of Administration of Temporal Goods in a Parish ... 94
    3.2.5  *Purposes of the Church’s Temporal Goods* ............................................ 104
        3.2.5.1  Divine Worship .................................................................................. 106
        3.2.5.2  Support of the Clergy and Other Ministers ....................................... 106
        3.2.5.3  Works of the Sacred Apostolate ....................................................... 111
        3.2.5.4  Works of Charity Especially for the Poor ......................................... 112
    3.2.6  *Contrasting c. 1254 CIC/1983 with c. 1007 CCEO* ................................. 114

3.3  **Conclusion** .................................................................................................... 116
4 SYSTEMS OF CHURCH FINANCING IN EUROPE ......................... 117

4.1 Church-State Relationship and its Impact on ...................................
Church Financing Systems in Europe ........................................... 118

4.2 Various Sources of Income for the Churches in Europe ................. 120
  4.2.1 Real Estate and Financial Capital ........................................ 120
  4.2.2 Direct-non-monetary Subsidies ......................................... 120
  4.2.3 Contributions by the Members .......................................... 121
  4.2.4 Financial Support from Sponsors ...................................... 121

4.3 General View of the Church Financing Systems in Europe ............. 121
  4.3.1 Collection/Donation System ............................................. 121
  4.3.2 Church-Tax-System ...................................................... 122
  4.3.3 Membership-Fee-System ............................................... 122
  4.3.4 Cultural Tax ............................................................ 123
  4.3.5 Donations and Real Estate ............................................ 123
  4.3.6 Membership-Fee System in Austria (Kirchenbeitrag) ............... 124
  4.3.7 Church Tax System in Germany (Kirchensteuer) ..................... 129
  4.3.8 Cultural Tax System in Italy ......................................... 134
  4.3.9 Church Financing System in France .................................. 137
  4.3.10 Congregation of the Evangelization of Peoples ..................... 139
  4.3.11 Pontifical Society for the Propagation of Faith .................... 141
  4.3.12 Pontifical Society of St. Peter ...................................... 142
  4.3.13 Pontifical Society of the Holy Childhood .......................... 142
  4.3.14 Pontifical Missionary Union for the Clergy ....................... 143
  4.3.15 Pontifical Council Cor Unum ....................................... 144

4.4 Church Financing Systems in the Catholic Diocese of Tanga .......... 146
  4.4.1 Missionary Contribution .............................................. 146
  4.4.2 Subsidies ............................................................. 146
  4.4.3 Sunday Collection ..................................................... 147
  4.4.4 Fundraising .......................................................... 148
  4.4.5 Taxation .............................................................. 149
  4.4.6 Investments ............................................................ 149

4.5 Obligation of Christ’s Faithful to Support their Church (c. 1260 CIC/1983) ................................................................. 150

4.6 Conclusion ............................................................................. 157
5 DECLINE OF FOREIGN AID IN TANZANIA ........................................... 158

5.1 The Reality of the Decline of Foreign Aid ........................................... 158

5.2 Factors Limiting Self-reliance of the Church in Tanzania .................. 163
   5.2.1 Irresponsible Parenthood .................................................. 163
   5.2.2 Exploitation by the Developed Nations .................................. 165
   5.2.3 Rampant Corruption by Government Leaders ....................... 167
   5.2.4 Alcohol Consumption and Alcoholism .................................. 169
   5.2.5 Damage and Sabotage of Property from Tribal Conflicts ...... 173
       and Religious Extremists .................................................. 173
   5.2.6 Natural Calamities .......................................................... 178
   5.2.7 The HIV/AIDS Pandemic, Tropical Diseases and Illiteracy ...... 179
   5.2.8 Problems in the Administration of Temporal Goods ............... 180
       5.2.8.1 Inventory Problem ................................................. 180
       5.2.8.2 Challenge in Land Administration .............................. 183
       5.2.8.3 Challenges in Management of Employees and Labour Laws 185
       5.2.8.4 Challenge in Insurance Matters ................................. 188
       5.2.8.5 Unequal Distribution of Resources between Parishes .......... 189
       5.2.8.6 Egoism of some Administrators of Temporal Goods ....... 190

5.3 How the Decline of Foreign Aid affects the Mission of the Church in Tanzania ............................................................ 191
   5.3.1 Regulation of Divine Worship .......................................... 192
   5.3.2 Fitting Support for the Clergy and Other Ministers .............. 193
   5.3.3 Charity Especially Toward the Needy .................................. 201

5.4 Conclusion .................................................................................. 202

6 RECOMMENDATIONS TOWARDS .................................................. 203

6.1 The Fight against Social and Economic Injustices in Tanzania .......... 204

6.2 Solidarity in the Fight against Social and Economical Injustices .... 209

6.3 Educating Christ’s Faith on canon 1260 and Administrators’ Skills ... 211

6.4 Accountability, Transparency and Inventory System ..................... 214

6.5 Sufficient Remuneration for the Administrators of Temporal Goods .. 216

6.6 Work as Solution for Dependency Attitude .................................. 217

6.7 Utilization of the Idle Land ....................................................... 219

6.8 The Founding of Diocesan Clergy Fund ..................................... 220

6.9 The Innovation and Creation of the Diocesan Investments .......... 221
6.9.1 Hostels for Students ................................................................. 221
6.9.2 Building of Hotels and Rent Houses ........................................ 222
6.9.3 Investment on Agriculture, Animal Farming and Fishing............... 222
6.9.4 Other Forms of Projects .......................................................... 223

6.10 Proposed Diocesan Policy on the Administration of Temporal Goods ... 224
6.11 Disciplinary Measures for the Mismanagement of Church Property .... 226
6.12 Conclusion ............................................................................. 230

7 GENERAL CONCLUSION .................................................................. 231

Appendix I: THE MAP OF TANZANIA................................................. 234
Appendix II: THE MAP OF EVANGELIZATION OF TANZANIA ...... 235
Appendix III: THE MAP OF DIOCESES OF TANZANIA................. 236
Appendix IV: THE TRUSTEES OF THE DIOCESE OF TANGA......... 237

BIBLIOGRAPHY .............................................................................. 241

I. SOURCES .................................................................................. 241
   1.1 Codes .................................................................................. 241
   1.2 Pontifical Sources ............................................................... 241
   1.3 Concilia Documents .............................................................. 243
   1.4 Documents of Roman Dicasteries ......................................... 243
   1.5 Documents of Episcopal Conferences .................................. 244

II. BOOKS .................................................................................... 245

III. ARTICLES ................................................................................ 249

IV. UNPUBLISH SOURCES ............................................................ 265

V. INTERNET SITES ..................................................................... 265
ACKNOWLEDGMENTS

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Ich bedanke mich auch bei allen Mitgliedern der Theologischen Fakultät, Innsbruck.


Gott segne sie alle!

Innsbruck, Austria May, 2015

Sylvester Ludovick Nitunga
DEDICATION

To the happy memory of my deceased parents

Mr. Ludovick Nitunga and Mrs. Bernadetta Mabuguzo
## ABBREVIATIONS AND ACRONYMS

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>A.D</td>
<td>Anno Domini</td>
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<tr>
<td>AA</td>
<td><em>Apostolicam Actuositatem</em></td>
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<td>Abs.</td>
<td>Absatz</td>
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<td>Ac.</td>
<td>Acts of the Apostles</td>
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<td>AFER</td>
<td>African Ecclesial Review</td>
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<tr>
<td>AG</td>
<td><em>Ad Gentes</em></td>
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<tr>
<td>Am</td>
<td>The Book of Amos</td>
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<tr>
<td>AMECEA</td>
<td>Association of Member Episcopal Conferences in Eastern Africa</td>
</tr>
<tr>
<td>AnzSS</td>
<td>Anzeiger für die Seelsorge. Freiburg im Breisgau 1982 ff.</td>
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<tr>
<td>ApE</td>
<td>Epistula Apostolica / Apostolic letter</td>
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<td>Art.</td>
<td>Article</td>
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<tr>
<td>B.C</td>
<td>Before Christ</td>
</tr>
<tr>
<td>Bd.</td>
<td>Band / Volume</td>
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<tr>
<td>BOT</td>
<td>Bank of Tanzania</td>
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<tr>
<td>BS.E</td>
<td>Bibliotheca Salmanticensis Estudios</td>
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<tr>
<td>bzw.</td>
<td>beziehungsweise</td>
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<td>c.</td>
<td>Canon</td>
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<td>cc.</td>
<td>Canons</td>
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<td>CCC</td>
<td>The Catechism of the Catholic Church</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>CCEO</td>
<td>Coded Canonum Ecclesiarum Orientalium / Code of Canon of the Eastern Churches</td>
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<td>CCM</td>
<td>Chama Cha Mapinduzi</td>
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<td>CEP</td>
<td>Congregation of Evangelization of Peoples</td>
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<tr>
<td>Cf. / cf.</td>
<td>confer (compare)</td>
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<tr>
<td>CIC/1917</td>
<td>Codex Iuris Canonici / Code of Canon Law 1917</td>
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<tr>
<td>CLSA</td>
<td>Canon Law Society of America</td>
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<tr>
<td>COLU</td>
<td>Congregation of Our Lady of Usambara</td>
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<tr>
<td>d.h</td>
<td>das heißt / that means</td>
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<tr>
<td>Decr.</td>
<td>Decretum/Decree</td>
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<tr>
<td>DH</td>
<td>Denzinger, Heinrich / Hünemann, Peter (Hrsg.): Enchiridion symbolorum et definitionum, quae de rebus fidei et morum a conciliis oecumenicis et summis pontificibus emanarunt – Kompendium der Glaubensbekenntnisse und kirchlichen Lehr-entscheidungen, Freiburg im Breisgau / Basel / Rom / Wien 442014.</td>
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<tr>
<td>Dr.</td>
<td>Doctor</td>
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<tr>
<td>Dt.</td>
<td>The Book of Deuteronomy</td>
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<tr>
<td>DTs</td>
<td>Delirium Tremens (Side effects of Alcoholism)</td>
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<tr>
<td>e.g</td>
<td>Latin: exempli gratia (for example)</td>
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<td>ed.</td>
<td>Editor/edition</td>
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<td>eds.</td>
<td>Editors</td>
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<tr>
<td>ELRA</td>
<td>Employment and Labour Relations Act, April 14th 2004</td>
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<tr>
<td>EN</td>
<td>Evangeli Nuntiandi, Apostolic Exhortation of Paul VI, December 8th, 1975.</td>
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<tr>
<td>EPA</td>
<td>External Payment Arrears</td>
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ESAP Economic Structural Adjustment Programs
esp. especially
et.al et alii (With other editors)
etc. et cetera
EU European Union
f. following page
FAS Fetal Alcohol Syndrome
ff. following pages
Fr. Father (Catholic Priest)
GATT The General Agreement on Tariffs and Trade (from WTO member countries).
Gen. The Book of Genesis
GG Grund Gesetz
HdbStKirchR Handbuch des Staatskirchenrechts der Bundesrepublik Deutschland, Bd. 2, hg. von Listl, Joseph / Pirson, Dietrich. Berlin 1994
Hebr. Letter of Paul to the Hebrews
Hg. Herausgeber
(hin) / Editor
hg. Herausgegeben / edited
HIV/AIDS Human Acquired Virus / Acquired Immunodeficiency Syndrome
Ibid. Ibidem / a repeated citation: with the same information with the previous reference.
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<tr>
<td>IC</td>
<td>Institute of Charity (The Rosminians Fathers)</td>
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<tr>
<td>IDE</td>
<td>Il diritto ecclesiastico. Pisa / Roma 1890 ff.</td>
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<tr>
<td>IM</td>
<td><em>Inter Mirifica</em></td>
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<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<tr>
<td>Is.</td>
<td>The Book of Isaiah</td>
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<tr>
<td>iVm/i.V.m</td>
<td>in Verbindung mit / in conjunction with</td>
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<td>Jn.</td>
<td>The Gospel of John</td>
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<tr>
<td>KStKR</td>
<td>Kirchen- und Staatskirchenrecht</td>
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<tr>
<td>KuR</td>
<td>Kirche und Recht</td>
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<td>Lev.</td>
<td>Leviticus</td>
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<td>LG</td>
<td><em>Lumen Gentium</em></td>
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<td>Lk.</td>
<td>The Gospel of Luke</td>
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<tr>
<td>M.A</td>
<td>Master of Art</td>
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<tr>
<td>Mag.</td>
<td>Magister: Referring to Master degrees</td>
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<tr>
<td>MBR</td>
<td>Münsterische Beiträge zur Rechtswissenschaft</td>
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<tr>
<td>MCA</td>
<td>Missionary Childhood Association</td>
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<td>MP</td>
<td>Motu Proprio</td>
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<td>Msgr.</td>
<td>Monsignore</td>
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<td>Abbreviation</td>
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<tr>
<td>Mt.</td>
<td>The Gospel of Matthew</td>
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<td>Neh.</td>
<td>The Book of Nehemiah</td>
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<td>NGO</td>
<td>Non Governmental Organization</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>Op.cit.</td>
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<td>OR</td>
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<td>PerRMCL</td>
<td>Periodica de re morali, canonica, liturgica. Roma 1905-1990.</td>
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<td>Postsynodalia Exhortatio Apostolica / Postsynodal Apostolic Exhortation</td>
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<td>pp.</td>
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<td>Prov.</td>
<td>The Book of Proverb</td>
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<td>QDM</td>
<td>Quaderni della Mendola</td>
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<tr>
<td>RAO</td>
<td>Reichsabgabenordnung</td>
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<td>REDC</td>
<td>Revista española de derecho canónico. Salamanca 1946 ff.</td>
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<td>Rev.</td>
<td>Reverend</td>
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<td>RGB1</td>
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<td>S.C</td>
<td>Sacred Congregation</td>
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<tr>
<td>VatII</td>
<td>Vatican Council II, this refers to the Second Vatican Ecumenical Council</td>
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<td>Vol.</td>
<td>Volume</td>
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<td>Vols.</td>
<td>Volumes</td>
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<td>WRV</td>
<td>Weimarer Reichsverfassung</td>
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ABSTRACT

The theme of this dissertation is “The decline of foreign aid and its effects on the Mission of the Church in Tanzania, in the light of c. 1254 of the 1983 Codex iuris canonici: with reference to the Catholic diocese of Tanga”. C. 1254 § 2 legislates the main objectives which justify the Church to possess temporal goods, namely the regulation of divine worship, 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.

Besides qualified personnel, the Church requires material and financial means, to facilitate its mission entrusted to her by Jesus Christ, to go and proclaim the Gospel to whole world. This work researches closely the reason for the decline of foreign aid, it analyses the reasons leading to this decline, and it analyses the reasons that prevent Christ’s faithful in the Catholic diocese of Tanga from supporting their Church without depending on the foreign aid. This work further researches the effects caused by the decline of foreign aid on the regulation of divine worship, provision of fitting support for the clergy and other ministers and the carrying out of works of sacred apostolate and of charity, especially for the needy.

The work ends by giving some recommendations to the the Christ’s faithful and the administrators of temporal goods of the Church in Tanzania and specifically in the Catholic diocese of Tanga which, when carefully applied, will contribute to the solution for the long-lasting problem of dependency on foreign aid, which is not only a problem for the Church but also for the State machinery of Tanzania and of most African countries. The work pinpoints also the disciplinary measures that can be applied against the administrators who mismanage Church property.

The decline of foreign aid is a wake-up call for the Church of Tanzania and that of the Catholic diocese of Tanga to shake off the dependency syndrome. Christ’s faithful in Tanzania have to abide by the canonical norms which require them to fulfil their canonical obligation of supporting their Church as legislated in c. 1260 and c. 222 CIC/1983 and responding to the exhortation of Paul II in the document Ecclesiae in Africa 104. This work recommends at the end the way forward in achieving self sufficiency for the Church in Tanzania and the Catholic diocese of Tanga.
ABSTRACT-DEUTSCH


Anliegen


Klärung des Zusammenhangs „Sendung der Kirche“ und Geld.

Erhebung der Rolle der Kirche im Kampf gegen soziale und wirtschaftliche Ungerechtigkeit und das Problem der Armut.

Darstellung europäischer Kirchenfinanzierungsmodelle und Prüfung auf die Möglichkeit der Übernahme in Tansania bzw. der Diözese Tanga.

Untersuchung der von c. 1260 CIC/1983 geforderten Verpflichtung der Gläubigen, Beiträge für die Erfordernisse ihrer Kirche zu leisten.

Entwicklung eines Modells für die Christinnen und Christen in Tanga, dieser Pflicht nachkommen zu können.

Methode

Der Schwerpunkt der Arbeit wird auf der Untersuchung der kirchenrechtlichen Bestimmungen und der Entwicklung eines Finanzierungsmodells zum Wohl der römisch-katholischen Kirche und der ihr zugehörenden Menschen in Tansania und besonders der Diözese Tanga liegen.

**Forschungsfragen**

In welchem Ausmaß steht der Rückgang der finanziellen Unterstützung der Kirche Tansanias durch die römisch-katholische Kirche und anderer Hilfsorganisationen in Europa in Zusammenhang mit der europäischen Wirtschaftskrise?

Welche Konsequenzen hat der Rückgang ausländischer Hilfen für die Sendung und den Auftrag der Kirche in Tansania und vor allem in der Diözese Tanga?

Bieten sich europäische Modelle der Kirchenfinanzierung für die Kirche in Tansania bzw. die Diözese Tanga an?

Wie können Christinnen und Christen in der Diözese Tanga befähigt und motiviert werden, ihre eigene Kirche finanziell zu unterstützen?
1 GENERAL INTRODUCTION

Tanzania is one of the least developed countries of the world known as (LDCs). Among the poorest countries of the world; Tanzania ranks number 26 according to the Global Finance Magazine of 14.02.2015.¹ For 54 years after its independence Tanzania has been receiving foreign aid from Europe, America and China to subsidize its annual national budget. It is a paradox for Tanzania to be among the least developed countries despite the rich natural resources it has been endowed by God. Apart from wealth in land, rivers, lakes, ocean, forest/woodland; Tanzania is also very rich in minerals such as gold, diamond, iron, coal, tanzanite, uranium and natural gas.

In the same way, the Church in Tanzania and that of the Catholic diocese of Tanga for more than 50 years of its institution as a Church with its local Bishops and clerics, has remained dependant of the foreign aid from sister churches in Europe and America for the accomplishment of its pastoral programs. The nerve wrecking issue is the question; until when will the Church of Tanzania and the Catholic diocese of Tanga continue to depend on foreign aid for its pastoral programs.

The decline of foreign aid in recent times has great effects on the pastoral programs of the Church in Tanzania and of the Catholic diocese of Tanga. But the ‘signs of Time’ shows that continuing to depend on foreign aid from Europe and America is not promising for the future of the Church of Tanzania and that of the Catholic diocese of Tanga. This fact was echoed by his holiness Pope John Paul II in his Postsynodal Apostolic Ehortation Ecclesiae in Africa when he said:

“… it is therefore urgent that the particular Churches in Africa have the objective of providing for their own needs as soon as possible, therefore assuring their self-sufficiency. Consequently, I earnestly invite the Episcopal conferences, dioceses and all the Christian communities of the continent’s Churches, insofar as it is within their competence, to see to it that this self-sufficiency becomes increasingly evident. Lastly, we


Some Notes on the bibliographic information in the comments of the footnotes: The references made in the first mention completely (first name, surname, complete main title, any subtitle, place of publication, year of publication, pages), otherwise – only shortened renewed nomination – on the background of the abbreviation list and the detailed bibliography by Sigle and short title.
cannot forget that a Church is able to reach material and financial independence only if people entrusted to it do not live in conditions of extreme poverty”.

However, this call for the local Churches, including the Catholic diocese of Tanga, to look for means to support its programs and mission has been received with a lot of fear, shock and disappointment by some Christ’s faithful, because they have lived for very long a time in the “culture of aid”, and due to acute poverty of some parishioners in the country, and wrong idea that the Church’s support will always come from somewhere abroad rather than from Christ’s faithful, the idea of self-reliance is still seen as a farfetched idea and eventually not realistic. But the signs of Time show that the idea of self-reliance is inevitable.

1.1 Aim and Purpose of this Research

This research studies the extent of the effects caused by the decline of foreign aid on the mission of the Church in Tanzania and specifically on the Catholic diocese of Tanga. It focuses specifically on the areas of divine worship, the provision of fitting support for the clergy and other ministers, and the carrying out of works of sacred apostolate and of charity especially for the needy. It researches also the level of self-sufficiency of the Catholic diocese of Tanga to support its own programs and missionary activities. This research aims further at creating awareness for the canonical obligation of Christ’s faithful in the catholic diocese of Tanga which requires them to support their own Church. The research calls also upon the administrators of temporal goods of the Church to abide to the canonical norms for the good stewardship of temporal goods of the Church and the foreign aid they received because the mismanagement of them has a bad effect even in the future of the Church’s goal to reach self sufficiency.

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3 C. 1254 § 2
4 C. 222 § 1: “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 apostolic and charitable work and for the worthy support of its ministers.” And see also c. 1260 which states: “The Church has the inherent right to require from Christ’s faithful whatever is necessary for its proper objectives.”
1.2 Scope of the Research

Foreign aid once received by the Church is considered as part of the temporal goods of the Church. This research will study also the administration of temporal goods and its challenges because the improper administration of temporal goods demoralizes the spirit of donors and of the Christ’s faithful to contribute for the support of the Church’s missionary activities. The focus of this study therefore is devoted to the effects of the decline of the foreign aid on the Church’s mission from the time of evangelization of Tanzania and of the Catholic diocese of Tanga, when there were many missionaries from Europe, to the present time when 99% of Church personnel are citizens of Tanzania. This work uses also the words “the Code of Canon Law” or “the Code” to refer to the Code of Canon Law of 1983 which sometimes is referred to as CIC/1983. And when the word “canon” is used it refers to the canon from the CIC/1983. When other Codes are used, it will be specified as the Code of Canon Law of 1917, or CIC/1917 and Code of Canons of Eastern Churches, CCEO.

1.3 Expected Result of the Research

Since the author of this work could not find any study on the effects of the decline of foreign aid on the Church’s mission in the Catholic diocese of Tanga, this study is expected first of all to contribute to the scientific study of Canon Law in the Church because the effects of the decline of foreign aid on the Church’s mission affects not only the Catholic diocese of Tanga but also some other mission dioceses.

This research expects also to mobilize domestic resources for self-dependency in the support of Church’s programs and mission activities. It will also lead to a creation of awareness to the local faithful about their canonical obligation to support their own local Churches and will affect administrators’ use of canonical norms in their administration of temporal goods in general and received aid in particular. The research expects to raise alarm for the donors not only to give the poor ‘fish to eat but also teach them how to fish for themselves’ the expression which means support for self support. This will help the administrators of temporal goods to adjust their long term programs to focus on capacity building for self-reliance through reasonable long term investments.
1.4 Methodology of the Research

The method of this research will be historical-juridical and pastoral. It is historical because the idea of temporal goods of the Church and its objectives in relation to the Church’s mission will be traced from the Old Testament; from the time of Jesus; from the apostolic Age; from various ecumenical councils and from the Codex Iuris Canonici 1917. This research will also use canonical approach because the fundamental juridical sources of this research will be Codex Iuris Canonici 1983. It will also trace the idea of temporal goods of the Church in other Code of Canon Law such as Codex Iuris Canonici 1917 and the Codex Canonum Ecclesiarum Orientalium 1990. Moreover various issues of Communicationes and Acta Apostolicae Sedis will be consulted.

This research will also use a theological approach method since the inadequacy of temporal goods of the Church to support its programs has repercussion on the worship of Christ’s faithful, on the life of the clergy and other Church ministers, on the Church’s works of charity and support of the poor and on the work of apostolate and the evangelization of good news.

“The Church in Africa also has very poor track record in the ways she treats her own employees. Catechists and other Church workers are, in many parishes and dioceses, poorly paid…our sense of commitments and our understanding of justice and peace issues must rise beyond mere fancy rhetoric and gleebish fanciful sermonizing. If we do not create the foundations for the fundamental embedding of justice and peace in our world, as a Church, we too are doomed.”

In order to promote ‘bonum commune’ and social justice, the author will put emphasis on the pastoral canon law in the spirit of Vatican Council II, Papal Encyclical and other magisterial pronouncements as regard to the role of Temporal Goods in the life and mission of the Church. The official documents from the Congregation for the Evangelization of Peoples and several other documents from different particular Churches within the mission territories will be among the pastoral sources of this work.

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6 Completely devoted as they are to the service of God in the fulfilment of the office entrusted to them priests are entitled to received a just remuneration. For ‘the labourer deserves his wages’ (Lk 10:7) in: Art. 20 VatII PO.
1.5 Structures and Content of the Work

This work is divided into seven sections. Section one is general introduction which begins by giving the background information, the aim and the purpose of the work, the scope of the work, the expected results of this work and methodology used. It underlines the reasons for dependency syndrome and presents the alarm for the decline of the aid and its effects on the Church’s mission. It ends by highlighting the structure and content of the work.

Section two gives the geographical profile and historical background of the Church of Tanzania and of the Catholic diocese of Tanga. It explained in short the evangelization of Tanzania by missionaries from Europe and how these missionaries administered temporal goods of the Church including foreign aid they received from their motherland. Section two ends up by presenting the present status of the Catholic Church in Tanzania and that of the Catholic diocese of Tanga.

Section three discusses the historicity of the temporal goods for the mission of the Church which will be drawn from the Old Testament, the New Testament, from the early Church, Ecumenical Councils and synods and other canonical sources up to the new Code of Canon Law (CIC/1983). It further gives the canonical analysis of c. 1254 § 2 of the Code, by tracing its source, its drafting processes and its promulgated text of this canon. This Section will also make comparison between the objectives that justifies the Church to acquire temporal goods in two Codes and make a comparison; c. 1254 CIC/1983 and c. 1007 CCEO; c. 222 §§ 1-2 CIC/1983 and c. 25 §§ 1-2 CCEO, c. 1259 CIC/1983 and c. 1010 CCEO, c. 1263 CIC/1983 and c. 1012 §§ 1-2 CCEO, cc. 1260, 1264, and 1266 CIC/1983 since the two Codes make up a body of Canon Law in the Catholic Church.

Section four discusses the various Church financial models/systems found in the donor countries in Europe and examine if the Church in Tanzania and in the Catholic diocese of Tanga can apply one of these financial models to achieve its goal of being a self-sufficient Church. The discussion is drawn from four European countries namely Austria, Germany, Italy and France which contribute to the great extent to the foreign aid that the Church in Tanzania and that in the Catholic diocese of Tanga receive annually. The section will highlight the advantage and disadvantage of each system and suggest the method which can be applied by the Churches of Tanzania and the catholic diocese of Tanga.
Section five highlights the reality and reasons for the decline of foreign aid for the Church in Tanzania and that of the Catholic diocese of Tanga. This chapter explains further the reasons which lead to the poverty of the people of Tanzania and consequently their inability to support their own Church in Tanzania and that of the Catholic diocese of Tanga and why it fails up to the writing of this work to achieve this goal. These reasons are classified into political, social, economic and religious. The reasons are further classified into those which are outside the reach of the Church to control them, and those which are within the reach of the Church to affect them and improve the efforts and ability of the Christ’s faithful to support their local Churches.

Section six gives the recommendations for the solution of the problem of the decline of the foreign aid and suggests the way forward in achieving the goal of a self-sufficient Church in Tanzania and in the Catholic diocese of Tanga. It highlights various investments that the Church in Tanzania and that of the Catholic diocese of Tanga can apply in generating income which will help to support their pastoral programs and meet the requirements of divine worship, provision of the fitting support for the clergy and other ministers, and the carrying out of works of sacred apostolate and of charity especially for the needy. It stresses also on other means acquiring funds stipulated in the code which are not fully applied such as ordinary and extra ordinary tax where the need requires it. The author stresses here on building awareness of Christ’s faithful on their rights to support their Church as stipulated in the both Codes namely CIC/1983 and CCEO. The other solutions which are suggested here are the response for negligence of the canonical precepts in the administration of temporal goods of the Church as stated in the Code. This section also reminds the Church in Tanzania and that in the Catholic diocese of Tanga to play its prophetic role in speaking out against structures of injustices and exploitation purported by the political leaders in power for the detriment of the poor majority in the country. This section concludes by suggesting the canonical discipline to be applied to an administrator who due to his negligence of the canonical precepts mismanages and causes damage of the temporal goods entrusted to him or her. Section seven is the general conclusion which summarizes the entire work.
2 BACKGROUND OF THE CATHOLICISM IN TANZANIA AND IN TANGA

The intent of this section is to present the Church of Tanzania in general and the Catholic diocese of Tanga in particular in consideration of foreign aid from the beginning of evangelization to the present time, and its effects on the mission of the Church at that time. This section will give the profile of the land of Tanzania and of the Catholic diocese of Tanga; and the historical background of the coming of Christianity in Tanzania and in the Catholic diocese of Tanga in particular. This section will present also the advantages and disadvantages of missionary activities in the Church of Tanzania and the legacy they left behind with the view of self-reliant Church.

Lastly, this section will discuss in detail the Catholic diocese of Tanga. It will give details how the Catholic diocese of Tanga acquires its temporal goods; it will highlight the institutes of the Church in the diocese who possess these temporal goods and lastly it will discuss the agents and organs who and which are responsible for the administration of temporal goods of the Church which includes also the foreign aid which the Church receives.

2.1 A Profile of Tanzania

Tanzania is the United Republic of two countries, namely Tanganyika and Zanzibar. The name Tanzania is the amalgamation of names of two countries, namely Tanganyika and Zanzibar; taking the first three letters from each name (Tan + Zan = Tanzan) and “ia” as a phonetic completion. This name was officially adopted on the Union day April 26, 1964.\(^7\)

Tanzania is one of the three east African countries (with Uganda and Kenya) and it lies mostly between latitude 1° and 12°S, and longitudes 29° and 41°E. It is the world’s 31\(^{st}\) largest country and it covers 947,300 square kilometers which is approximately three times the size of Germany\(^8\). It has a population of 44,929,002.\(^9\) Tanzania borders the Indian Ocean to the east, Kenya and Uganda to the north, Rwanda, Burundi and Republic of Congo to the west and

\(^7\) Cf. Masangu, Alex: The Locality of the Church: Small Christian Communities in Eastern Africa and in the Catholic Diocese of Tanga, Tanzania, Dissertation. Innsbruck 2011, p. 204.


Zambia, Malawi and Mozambique to the south. Tanzania possesses the greater part of the largest lake in Africa that is Lake Victoria and the largest part of the highest mountain in Africa, namely the Mount Kilimanjaro.  

### 2.2 The Coming of Christianity in Tanzania

This section will not discuss the history of Christianity in Tanzania in general but it will put an emphasis on the history of Catholicism in Tanzania and the activities of its missionaries, with the view of temporal goods of the Church at that time. It is also worth pointing out from the beginning that the name Tanganyika will be used in this work when explaining events before the union of Tanganyika and Zanzibar, because before 1964 there had never been a state called Tanzania.

The initial Catholic evangelization in Tanganyika was made by the Augustinian Missionaries from Portugal who arrived together with Vasco Da Gama in 1499 at Zanzibar. Their missionary activities were unsuccessful due to Arab Moslem resistance and this initiative to evangelize the coast of east Africa was ended following the Oman-Arab conquest.

The second group of missionaries was the CSSp Fathers from Reunion Island. Historical facts show that the French Bishop Armand Maupoint sent his vicar general Fr. Fava in the year 1858 to the coast of Zanzibar then called Zanguebar to investigate the possibilities for evangelization. The vicar general landed a few days before Christmas 1860, and at once began the construction of huge buildings which were not only to cater for missionaries but also for primary and trade schools and a church. At that time slave trade was in full swing in

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10 See appendix I, “The Map of Tanzania”.

11 Malishi, Lukas: Introduction to the History of Christianity in Africa. Tabora/Tanzania 1987, p. 84: “Early in March 1498, the arrival of Vasco da Gama’s expedition received a hostile reception, from Mozambique all along the seaboard with the exception of Malindi. Not without reason did the Arabs feel threatened. Their vital interests, political, commercial and especially religious were in jeopardy. A clash was inevitable. Vasco da Gama had vowed to his sovereign, King Manuel, to raise the Cross before the Moor, another term for Muslim, and to make the area safe for trade with the wealthy East.”


this region as pointed out by John Baur: “In the 19th Century Zanzibar had the greatest slave market in the world with an annual turn-over of 60,000; so it seemed to be best to begin the work of evangelization with a Christian community of ransomed slaves, preferably children”\textsuperscript{14}. The priest made a long journey of exploration and eventually decided on settling at Bagamoyo,\textsuperscript{15} the coastal port where the slaves from the interior were loaded on dhows and shipped to Zanzibar for sale. The missionaries opened a free Slaves’ village. Slaves freed by the British Marines from the Arab slaves were received and were taught religion, farming and industries here. John Baur, priest and historian recounts: “Over 200 Children received academic, industrial or agricultural training according to their capacities. It was in Bagamoyo that for the first time in East Africa people worked with the plough and planted coffee, the crop Fr. Horner had brought from Reunion”\textsuperscript{16}. These later became trained catechists and worked hand in hand with the missionaries and they took part in the work of evangelization. They worked hard to evangelize northwards till the slopes of Mount Kilimanjaro.\textsuperscript{17}

The third group comprising of the White Fathers arrived in 1878 in two groups. One group started on the shores of Lake Tanganyika and the other group on the shores of Lake Victoria. This mission to the great lakes evangelized the all west part of Tanganyika together with the neighboring countries of Rwanda, Burundi, Uganda and east Zaire\textsuperscript{18}.

The other group was made up of the Benedictine Missionary monks of St. Ottilien from Germany who landed in Dar es Salaam in 1888, at the beginning of the German colonial period. Their Territory which was conferred to them by Pope Leo XIII stretched from Dar es Salaam to the Ruvuma River and from the sea coast to Lake Nyasa.\textsuperscript{19}

\addcontentsline{toc}{section}{Notes}

\textsuperscript{15} The name Bagamoyo aptly expressed what the poor captives were feeling at the moment of their journey ‘the place to leave one’s heart behind’. It was a desperate moment where a captive after entering the ship had no hope of coming back home.
\textsuperscript{16} Baur: 2000 Years of Christianity in Africa, p. 226; see also Malishi: Introduction, p. 124: “Work was there in plenty. Ransoming slaves, caring for the sick and orphaned, educating and teaching new skills”.
\textsuperscript{18} Cf. Ibid.
\textsuperscript{19} See appendix II: The Map of Pioneers of Catholic Evangelization in Tanzania in the years 1865-1914.
2.3 Impacts of the Missionaries’ Activities in Tanganyika

At the arrival of the missionaries, the societies in Tanganyika have good political, social, economical and religious systems. They have their own leaders, they could cultivate their own food and kept their herds, and they had their religious leaders and worshipped their gods. In relation to this work, they were self-sufficient and competent of subduing their environment and supporting their political and religious activities. The coming of colonialists and missionaries apart from introducing positive things has brought also negative things; it disintegrated these societies, destroyed their confidence, home craft, religion and severely contributed to the dissolution of African identity.

2.3.1 Positive Impacts: Education and Health Sector

The most important element of missionary activities in Tanganyika was the bringing of Christianity to the country. The Gospel was preached and many people received baptism and became Christians. The Missionaries made education their priority. They built many schools in villages as well as in towns. The schools in the villages were referred to as “bush schools” or village-based schools with simple buildings or none only under a tree, but imparted very basic literacy. The teachers for these schools were generally catechists and they were recruited, skilled and remunerated by the missionaries. The statistics from 1934, for instance, show that a third of the school age children in Tanganyika Territory were enrolled in some kind of school. Government schools accounted for less than 4% of them. The rest were in mission schools recognized by Government (10.5%) or in village schools taught by Catechists (85.5%).

The idea of building more schools for African children was supported by Archbishop Hensley as it is echoed: “As far as 1928, Archbishop Hensley, as Apostolic Visitor to British East Africa confided to the assembled Bishops the Holy Father’s instruction that ‘if anywhere it is a question of building a church or a school, the school must have precedence’”\(^ {21}\). Sullivan conforms that the management of different types of schools was the responsibility of a local pastor:


“The mission body was given the Agency for education in its area. Management of the schools was the responsibility of the local Pastor, or Father in Charge, as he was better known. His was the task of providing teachers ‘housing, classroom furniture, text books and writing materials, adequate water and hygiene facilities, basic cooking utensils and one school meal daily. Or full meals where children boarded. Some of the schools provided training in woodwork, construction and iron work.”\textsuperscript{22}

The missionaries started at the same time preparing young people for the mission as future priests. This was included in the Bishops’ road map of education policy. The Bishops aimed at educating the masses in general and the seminarians in particular. It was decided at the Bishops’ meeting at Kwiro Dar es Salaam that the future Tanzanian priests should be taught up to the standard of secular education offered to other Africans and should be encouraged to sit for external government examinations.\textsuperscript{23} The missionaries erected also as many of health centers, dispensaries and health posts as they could, where people were cured and educated on health matters.

2.3.2 Termination of Slave trade

The second positive aspect of missionary work was the termination of the slave trade in east Africa. As the missionaries landed in Zanzibar and Bagamoyo they found slave trade operating in full swing. They dedicated themselves to terminating it. However, the stopping of this trade was difficult because among other reasons, Sayyid Said and Bargash the sultans in Zanzibar were always unwilling to end slave trade at once due to the fear of losing revenue and risk of rebellion by Arabs who found it profitable. Another reason was that the European slave merchants and Africans occupied in the trade were blinded by the huge profits made from the trade.

Another argument was the fact that the anti-slavery campaign was too costly for Britain single-handedly to pay compensation to slave owners. The difficulty was also due to the fact that other European nations had not yet become industrialized, and therefore they still benefited from it, for example, Portugal and Spain. Another obstacle to the termination of slave trade was the fact that the east African coastline was long and this delayed the anti-

\textsuperscript{22} Ibid., p. 41.

\textsuperscript{23} Cf. Malishi: Introduction, p. 133.
slavery group from penetrating into the interior. Besides, European powers continued with the slave trade and shipped the slaves’ cargos in ships bearing the American flag.\textsuperscript{24}

The suffering of the slaves was very severe and cruel. Men, women and children were sold as commodities and exchanged for beads, corn or lengths of cloth:

“The slaves were tied together in long lines, with heavy wooden yokes at their necks or iron chains around their ankles which remained in place day and night until they reached the coast…if a woman carrying a baby on her back became too weak to carry both child and ivory, the child would be killed or abandoned to make the ivory load easier to carry. Any slaves unable to march were also killed and left behind for the vultures and hyenas. The passage of a slave caravan was marked by a long line of decaying corpses.”\textsuperscript{25}

Like in other parts of Africa, slave trade had disintegrated the African political, social, religious and economic development and contributed to the present dependence on the colonialists. Elikia M’bokolo supports this opinion when wrote that because of the slave trade, African continent was bled of its human resources via all possible routes; across the Sahara, through the Red Sea, from Indian Ocean ports and across Atlantic. He continued to say, at least ten centuries of slavery for the benefit of the Muslim countries. Then more than four centuries of a regular slave trade to build the Americas and the prosperity of the Christian states of Europe.\textsuperscript{26}

Christianity at large and missionaries who were in Zanzibar and Bagamoyo in particular were touched by the cruelty and sufferings of the slaves and so played a very significant role in the termination of slave trade. Apart from being merciful to the slaves, the missionaries wanted its termination because they wanted good conditions for the spread of Christianity. The missionaries preached and condemned slave trade as being contradictory to the laws of God and humanity. Efforts of missionaries to stop the slave trade was also supported in the

\textsuperscript{24} Cf. ELATE: Abolition of slave trade, at: www.elateafrica.org/elate/histroy/slavery/abolitionofslaves.html (6.6.2015).

\textsuperscript{25} Ibid.

\textsuperscript{26} Cf. M’bokolo, Eliakia: The impact of the slave trade on Africa. A hundred and fifty years after France abolished slavery, in: Le Monde diplomatique, April 1998, and at: http://mondediplomato.com/1998/04/02africa (6.6.2015). Nathan Nunn, another historian writes the same idea: “Although much research remains to be done before we have a clear and deep understanding of exactly how and why slave trades have been so detrimental for economic development, my initial analysis of the data is consistent with historic accounts suggesting that the slave trades impeded the formation of broader ethnic groups, leading to ethnic fractionalization, and that the slave trades resulted in a weakening and underdevelopment of political structures. The countries from which the largest numbers of slaves were taken are also the areas that had the most underdeveloped political structures at the end of 19th century, and they are also the areas that are the most ethnically fragmented today.” See Nunn, Nathan: The Historical Origins of Africa’s Underdevelopment, December 8, 2007. at: http://www.voxeu.org/index.php?q=node/779 (6.6.2015).
apostolic letter “In supremo Apostolatus” condemning slave trade, written by Pope Gregory XVI and it was read during the 4th Provincial Council of Baltimore, December 1839. Pope Gregory XVI was the pioneer of the termination of slave trade and forbade all Christians to take part in slave trade in his apostolic letter as he wrote:

“Placed at the summit of the Apostolic power and, although lacking in merits, holding the place of Jesus Christ, the Son of God, who, being made Man through utmost charity, deigned to die for the redemption of the world. We have judged that it belonged to our pastoral solicitude to turn away the faithful from the inhuman slave trade in Negroes and all other men. Assuredly, since there was spread abroad, first of all amongst the Christians, the light of the Gospel, these miserable people, who in such great numbers, and chiefly through the effects of wars, fell into very cruel slavery, experienced an alleviation of their lot. Inspired in fact by the divine Spirit, the Apostles, it is true, exhorted the slaves themselves to obey their masters, according to the flesh, as though obeying Christ, and sincerely to accomplish the will of God; but they ordered the masters to act well towards slaves, to give them what was just and equitable, and to abstain from menaces, knowing that the common Master both of themselves and of the slaves is in Heaven, and that with him there is no distinction of persons.”

2.3.3 Negative Impacts: Disregard of African culture and belief

Apart from this positive appraisal of what they did, one has to admit that missionary’s work had also negative aspects which remain as legacy of their missionary activities. Missionaries had the preconception that Africa was a dark continent without any knowledge of God. Baur gives the reason why missionaries regarded Africa as a dark continent as he writes: “Around 1800 Africa still remained the only continent where the interior was still unknown to the outside world (hence the name ‘the dark continent’)”. The missionaries believed that they brought God to those people in Africa who had had none before. The newly baptized were given European names which were regarded as holy names of saints. The African names were regarded as unholy. Unfortunately some of the European names had the same meanings as African names which they rejected and considered to be unholy. For example, African names which they rejected but have the same meanings as European names are: Zaituni = Oliver; Neema = Grace; Asantemungu = Deogratias; Imani = Fidelis; Simba = Leo; Tulizo = Consolata and Kikondoo = Agnes.


Another aspect was the disregard for African traditional values and medicine. At that time the Africans had very good knowledge of curative herbs and could pass this knowledge on to their children. The effective traditional medicines from tree leaves, barks and roots and other plants and products of animals were despised by missionaries and they called them satanic. There were also some good cultural beliefs of the life after death which the Africans used to manifest their hope of the life after death of their beloved departed ones. The missionaries replaced African theological meaningful traditions and signs without entering into dialogue with the native people. Myinga, a Tanzanian priest and pastoral theologian writes:

“In Tanzania, especially in Iringa, the Consolata Missionaries strictly forbade (without convincing them) the use of a piece of the special living tree, which is normally planted at the head of the tomb after burial, and replaced it with either concrete, iron or wooden crosses. A piece of living tree symbolizes that the dead lives, for it never dies. It has been a problem to the present day. Most of the inhabitants, especially in my home village are not completely convinced about having crosses at the head of the graves. They prefer to have living trees planted in front of their graves. But because of the fear of being misunderstood by the Church authorities, they accepted crosses with reservation. By some graves one can see both crosses and living trees.”

Despising of African cultures and values played a significant role in the deprivation of the African self confidence and identity and resulted to dependency on the Whiteman.

### 2.3.4 Legacy of Foreign Aid Dependency

Missionaries used to receive aid from their relatives, companies and governments from abroad and used this aid to build churches, schools and hospitals in areas where they worked. The native people contributed very little if at all. They were not involved in the planning and monitoring of those funds. The few native people who engaged in the building or repairing of those buildings were paid employees. This aid from abroad to the missionaries in Tanganyika was prompted by the impact of industrial revolution as confirmed by Malishi in his book when he writes:

“On the Church and society the impact of the Industrial Revolution was a mixed blessing. At times its evils, outweighing the good, threatened the Church. Yet in many ways it was an aid to Christianity and its nascent mission. Growing affluence meant that philanthropists and humanitarians could afford to be generous. Robert Arthington of Leeds, for instance, could offer the London missionary Society five thousand pounds at a stroke, to establish a mission on Lake Tanganyika. The money which ransomed many in

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East Africa came from people like him whose industrial wealth did much to support the missions and to improve the lot of the laboring poor.  

The missionaries received once or twice a year containers full of building materials, medicines, foodstuff, clothes and household equipments. They distributed freely some of these things to the Christians and to the catechumens who were prepared to receive baptism.

The help also reached the poor and the needy of the area, even if they were non-Christians. Some of the natives adopted the Christian belief in order to be assured of their share of supplies from the local pastor. The lucky ones could have houses built for them by these missionaries or at least received building materials. And gradually the missionary pastors became spiritually and economically powerful and were much respected. People with different needs went to them and begged them for help. Placide Ponzo, a priest from the Democratic republic of Kongo reports the same practice by the missionaries who were in his country. However, in September 3rd, 1939 the Second World War began, and missionaries ran short of supply of finance and personnel dangers of travel caused only few priests, brothers and sisters to reach the missions. Financial aid declined due to economic restriction caused by the war: “Since the Roman Catholic mission depended on oversees financial aid, their funds drastically decreased, due to controls on circulation of money and other economic restrictions”. The thought, however, has remained deep in many people up to this day that a local pastor receives a lot from abroad and has the obligation to share that with the poor and the needy around the locality. Alex Masangu describing this legacy of aid dependency caused by missionaries in the diocese of Tanga writes:

“The European missionaries’ method of attracting people through the provision of material things; a system which is partly being practiced to-date has immense negative impacts on Church’s life and mission in the diocese of Tanga today. In fact, this system has led to the severe economic dissolution of subject status of the Catholics of Tanga. For example, many Catholics in Tanga think of a Church as a materially rich organism with

unbroken flow of money and other material things from Europe. Consequently, for many Catholics in Tanga, a good bishop or parish priest is one who imports as much money as possible from Europe. A good priest is one who constantly gives his parishioners as much money as possible. A good parish council is one which does not explicitly include the theme ‘money’ or ‘material things’ or ‘self-reliance’ in its parish pastoral programs. Many Catholic even today, for example, can hardly understand a bishop or a priest who claims to have no money in view of the fact it contradicts the image which people do have of catholic bishops and catholic priests. Currently, michango ya fedha (Kiswahili: cash contributions) in the Catholic diocese of Tanga has become disappointingly a true area of conflict between many Church leaders and lay faithful.\(^{33}\)

However, the exposition of this fact does not rule out the fact that the mission dioceses like those in Tanzania still need help from overseas. The aim is to merely disclose the passive attitude of Catholics in some of the dioceses in Tanzania.

### 2.4 Arusha Declaration of Socialism and the Confiscation of Church Properties

The Scramble for Africa made Tanganyika fall under the colonial control of the Germans which was later known as German East Africa. The Scramble for Africa was the invasion, occupation, colonization and annexation of African territory by European powers during Imperialism. In the last quarter of the 19\(^{th}\) century, these colonialists assembled in Berlin and partitioned Africa as a way to avoid war among them.\(^{34}\) After the World War II, and the defeat of Germany, Tanganyika became a United Nations Trust Territory under British control. Tanganyika started then to move towards self-governance and independence. On 29\(^{th}\) March Britain agreed that Tanganyika would become an independent state on December 28\(^{th}\), 1961. On December 9\(^{th}\), 1961 Tanganyika became under a new constitution an autonomous commonwealth realm, and Julius Kambarage Nyerere became the first president.

Nyerere was also the chairman of the political party TANU which means Tanganyika Association National Union. This political party had the ideology of socialism. The Church was suspicious of this political ideology as it resembled Marxism. The Church continued to contribute highly in the social service sector. It concentrated on both education and health. In 1968 as the Church celebrated the first centenary of evangelization, it was running 1378 primary schools, 44 secondary schools, 8 teacher training colleges, 15 trade schools and 48

\(^{33}\) Masangu: The Locality of the Church, p. 248.

home craft centers. At this point of time the Church had 25 hospitals, 75 dispensaries, 74 maternity clinics and 11 medical training schools.\textsuperscript{35} Up to this time, the Church in Tanzania was advancing well in the goal to achieve self sufficient and has established institutions of social services as numerated above.

In January, 1967 TANU passed the Arusha Declaration which explained the implication of Socialism and Self-Reliance, and their importance to Tanzania. At the same time TANU adopted the Arusha Resolution. Action began within twenty-four hours of the publication of the Declaration and Resolution. “On the February 6\textsuperscript{th}, 1967, all private commercial banks were nationalized; on each of the succeeding four days further steps were taken to bring the economy of the country into the ownership and control of people.”\textsuperscript{36} In 1970, following the continuation and implementation of the Arusha Declaration and Resolution, the government confiscated and nationalized all primary and secondary schools, teacher training schools and hospitals which belonged to the Church.\textsuperscript{37} This was a big blow to the efforts of the Church in Tanzania to achieve its goal of self-reliance. However, after some years the management of these confiscated Church institutions was poor and the social services deteriorated heavily.

The Church decided, whenever the situation allowed, building again schools and health centers in order to strengthen its social services. The Church then negotiated the Memorandum of Understanding with the Government of Tanzania in 1992 to be assured that the Government would never again confiscate Church’s property. Part four – Art. XIII of this Memorandum of Understanding reads: “the government shall not nationalize schools, hospitals or any education or health institute owned by the Church.”\textsuperscript{38} Furthermore, the confiscation of Church property is against the prescription of the Code of Canon Law which states: “The Catholic Church has the inherent right, independently of any secular power, to acquire, retain, administer and alienate temporal goods, in pursuit of its proper objectives.”\textsuperscript{39}


\textsuperscript{36} Julius Nyerere. Father of the Nation, at: www.juliusnyerere.info/index.php/resources/publications/P20/ (1.7.2013).


\textsuperscript{38} \textit{Ibid.}

\textsuperscript{39} C.1254 § 1; see also c.1495 § 1 CIC/1917: This canon was maintained for two reasons: The first is to reaffirm \textit{ad intra}, and in view of past errors, the Church’s need to own temporal goods and the right to have
This freedom of the Church from State control in relation to her right to possess her temporal goods was echoed also in the old Code 1917 “libere et independenter a civili potestate”. This aspect will be discussed in detail in chapter two.

2.5 The Present Status of the Catholic Church in Tanzania

The Catholic Church in Tanzania has 34 dioceses which are divided into 6 ecclesiastical provinces and 28 suffragan dioceses. The first is the archdiocese of Arusha which comprises of the archdiocese of Arusha, the diocese of Mbulu, the diocese of Moshi and the diocese of Same. The ecclesiastical province of Dar es Salaam comprises the archdiocese of Dar es Salaam, the diocese of Tanga, the diocese of Morogoro, the diocese of Ifakara, the diocese of Mahenge and the diocese of Zanzibar. The third ecclesiastical province of Dodoma comprises the diocese of Kondoa and the diocese of Singida. The fourth ecclesiastical province of Tabora comprises the diocese of Kigoma, the diocese of Kahama, the diocese of Mpanda and the diocese of Sumbawanga. The fifth ecclesiastical province of Mwanza is made up of the diocese of Bunda, diocese of Musoma, diocese of Bukoba, diocese of Kayanga, diocese of Rulenge-Ngara, diocese of Geita and diocese of Shinyanga. The last ecclesiastical province of Songea consists of the diocese of Iringa, the diocese of Mbeya, the diocese of Mbinga, the diocese of Tunduru-Masasi, the diocese of Mtwara, the diocese of Lindi and the diocese of Njombe.

All these dioceses are under the jurisdiction of the native Bishops, helped by native priests and religious people, and very few missionaries from Asia, Europe and America who have remained and work in Tanzania. These dioceses are regarded as mission dioceses and are under the care of the Congregation for the Evangelization of Peoples, because among other reasons most of them lack sufficient economic power. The Code of Canon Law 1983 corroborates this description when it states:

“… whereby the church is founded amongst people or groups where it has not taken root before, is performed principally by the Church sending heralds of the Gospel, until such

them based on positive divine law and on natural law as a society that must accomplish its proper objectives Miras, Jorge / Marzoa, Ángel / Rodríguez-Ocaña, Rafael (eds.): Exegetical Commentary on the Code of Canon Law, Vol. IV/1. Montreal 2004, p. 17.

40 See Appendix III: The Metropolitans and Dioceses of Tanzania.
time as the new Churches are fully constituted, that is, have their own resources and sufficient means, so that themselves carry on the work of evangelization.\textsuperscript{41}

The mission territories have a clearly defined geographical area recognized by the Holy See.\textsuperscript{42} In this effect they are directly subject to the Congregation for the Evangelization of people,\textsuperscript{43} which is in charge of missionary activity of the Church. Through the same congregation, the Roman Pontiffs have always exercised their responsibility for the direction of missionary activity. In this regard the term “mission territories” stands for those dioceses or any other determined ecclesiastical territories subject to the congregation for the Evangelization of peoples.

\section*{2.6 The Catholic Diocese of Tanga}

\subsection*{2.6.1 Profile of the Catholic Diocese of Tanga}

The Catholic diocese of Tanga covers the same political and administrative area of Tanga region. It is situated on the coast of the Indian Ocean, about 50° south of the Equator. It covers an area of 27.348 square km with a total population of 2.045.205 people.\textsuperscript{44} Out of this population 235.105 are Catholics.\textsuperscript{45} The greater part of the population is Muslim and the other groups are Protestants Hindu and Traditionalists which have few followers. Tanga region is divided into eight districts, namely Tanga district, Muheza district, Mkinga districts, Pangani district, Handeni district, Kilindi district, Lushoto district and Korogwe district. The Catholic diocese of Tanga covers the same political jurisdiction of the region of Tanga with its districts.

The Catholic diocese of Tanga is bordering two Catholic dioceses to the north, namely the diocese of Same and the archdiocese of Mombasa (Kenya). It borders the Indian Ocean to the East, and to the South it borders the Catholic diocese of Morogoro, and to the West it borders the Archdiocese of Arusha. The Catholic diocese of Tanga has thirty four canonically

\textsuperscript{41} Cf. c. 786.
\textsuperscript{42} Cf. Art. 16 VatII AG.
\textsuperscript{44} Cf. www.nbs.go.tz/sensa/new.html (6.6.2015).
\textsuperscript{45} Cf. TADDO, p .3.
established parishes, which are grouped into four deaneries, namely Korogwe, Tanga, Lushoto and Handeni.

2.6.2 Evangelization and the Creation of the Catholic Diocese of Tanga

The year 1893 is marked as the official starting point of the evangelization of the Catholic Diocese of Tanga. The Trapists followed by the Holy Ghost missionaries were the first pioneers of evangelization of the Catholic diocese of Tanga.\textsuperscript{46} The Institute of Charity, also known as Rosminians, took control of the evangelization of Tanga from the Trapists and Holy Ghost missionaries. On May 3\textsuperscript{rd}, 1950, Tanga was created as an extension of the Apostolic Vicariate of Kilima-Njaro to become the Prefecture Apostolic of Tanga\textsuperscript{47} under the caring hands of the Institute of Charity.\textsuperscript{48} This meant that it was an independent, ecclesiastical entity with its own ‘Prefect’ empowered by the authority of a Bishop. It was not yet a diocese, nor was the Prefect an ordained Bishop. The choice for the Prefect Apostolic was Monsignor Eugene Arthurs.\textsuperscript{49} The gigantic missionary work of the Rosminians gave the impetus for the creation of the diocese, and on February 24\textsuperscript{th}, 1958, the Prefecture Apostolic of Tanga was elevated to the \textit{Dioecesis Tangaensis} with Monsignor Eugene Arthurs being the first Bishop of the diocese.\textsuperscript{50}

2.6.3 Foreign Aid Dependency during the Missionaries’ Epoch

Generally the missionaries fulfilled well their duties of evangelization and converted a good number of natives to Christianity. As the Catholic diocese of Tanga was still young it received support from \textit{Propaganda Fide}, presently known as the Congregation for the Evangelization of Peoples and also from churches, organizations and missionaries from Europe and America. Containers labeled with different names of shipping companies, packed

\textsuperscript{46} Cf. \textit{Masangu}: The Locality of the Church, p. 243.

\textsuperscript{47} Cf. c. 371, § 1: “A Prefecture apostolic is a certain portion of the people of God, which for special reasons is not yet constituted a diocese, and which is entrusted to the pastoral care of a Vicar apostolic or a Prefect apostolic, who governs it in the name of the Supreme Pontiff.”

\textsuperscript{48} Cf. \textit{Sullivan}: Fifty Fruitful Years, p. 19.

\textsuperscript{49} Cf. \textit{Ibid}.

with food, clothes and spare parts for various machines, were normally seen in almost all parishes of the Catholic diocese of Tanga.

With this abundant aid from abroad, missionaries could run their parishes without any financial constraints and did not demand much support from the faithful. Out of charity, missionaries shared things from the containers with the poor and the needy. They distributed food and clothes which local people called *kafa ulaya*. This means, ‘Died in Europe’, as they believed that those clothes belonged to the dead people of Europe. Other names were *asante padre* that is “thank you Father” which were the usual words of thanking the priest after handing over the clothes to the recipient; or *mitumba*, which means “second hand thing”. The missionaries were very few in number and did almost everything concerning administration of temporal goods by themselves, i.e., they were not accountable to the people and did not involve the people in the administration of the temporal goods of the Church.

Materials in containers in parishes and the gifts supplied by the missionaries attracted many indigenous to come to the church and later they let themselves be baptized to guarantee the material flow enjoyed from the missionaries. Unfortunately, this aid or support which missionaries received in containers from Europe in the form of building materials, food, clothes and money which was used to help the poor and the needy blinded some of the faithful to their canonical duty and obligation to provide for the needs of the Church. The Code of Canon Law states: “The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of the ministers”\(^51\). The system of providing building materials, foodstuffs and clothes known as *asante padre, kafa ulaya* or *mitumba* which attracted people to join the Catholic Church has left a negative impact on some of the faithful. Faith was not deep-rooted. Some missionaries did not educate the faithful about their canonical duty to sustain the Church. That it was for the benefit of the faithful that the clerics were working,\(^52\) and that the Bible says the laborer deserves his wages\(^53\). As the indigenous clergy slowly took over the administration of the parishes from the

\(^51\) C. 222 § 1. i.V.m. c. 1260 which states: “The Church has the inherent right to require from the faithful whatever is necessary for its proper objectives”.


\(^53\) Cf. Lk 10:7.
missionaries they were confronted with financial hardships i.e., there was no well-established financial system of checks and balances. The flow of containers stopped with the departure of the missionaries.

2.6.4 The Economic Situation of the Catholic Diocese of Tanga During the Missionaries’ Epoch

About 80% of the inhabitants in the Diocese of Tanga were involved in agricultural activities during the missionary epoch. The region of Tanga has two categories of agriculturalists namely peasant farmers, and estate owners. Among the estate owners are those with sisal plantations. Sisal plantations are numerous in the plains of Tanga and have attracted many workers from Mozambique, Zambia, Burundi, Rwanda and the Democratic Republic of Congo, as well as from the southern parts of Tanzania. The work in sisal plantations is very hard and is done only by those people desperate for a living and who have found nothing else to earn a living. Sisal workers lived in estate houses, which were very small for a family, and living conditions in general were substandard. Since the establishment of these estate houses during the colonial era, nothing has been improved with respect to workers’ conditions and in some estates the situation has worsened.

“Harvesting the sisal plant is a truly back-breaking, servile work. Only men desperate for a living could tolerate the slave-like labor of hauling bundles of sharp-edged humidity. The little box-like two roomed, concrete walled and galvanized roofed camp houses offered little comfort to aching bodies when the prescribed number of sisal plants were cut and transported. In the late 40’s and through the 50’s sisal was a very profitable crop for the estate owners. The fiber was much in demand for rope and twine and hard-wearing carpets ….”

Peasants and farmers grow cash crops found in the region including tea, coffee, coconut, timber, fruit and vegetables. Food crops include; maize, beans, cassava, sweet and round potatoes, yams of different species, vegetables and fruit. Rice was also grown, but on a small scale. Some people also engaged in animal husbandry to improve their income. Other people were self-employed in small businesses, mainly in the towns of the region. Those who lived in the coastal areas of the Indian Ocean engaged in fishing. There were also pastoral activities taking place within the diocese but also on a small scale, and it is thought that the Maasai

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54 *Sullivan: Fifty Fruitful Years*, p. 23.
introduced this activity into the Catholic diocese of Tanga.\textsuperscript{55} There were also mining activities found in the Catholic diocese of Tanga, namely gold in Amani-Muheza district, Mwakijembe in Mkinga district and Lulago in Handeni district.

To some extent parishes established from 1950s depended on the number of Christians working in the sisal and tea plantations. The income of Christians working in these plantations enabled them to support resident priests in those parishes. The estates also supported the building of churches as part of their duty to provide their workers with social services. Such parishes include Maramba parish supported by Lugongo sisal estate, Mlingano parish supported by Bamba and Mjesani sisal estate, Muheza parish supported by Kitisa and Mkumbi sisal estates, and Pangani parish supported by Mwera and Sakura sisal estates. Other parishes are Kilole parish supported by Mgomezi sisal estate, Potwe parish supported by Mruazi sisal estate, Magoma parish supported by Magoma sisal estate and Mazinde parish supported by Mazinde sisal estate.

A decline in the marketability of sisal products caused a standstill in sisal production, and as a result workers dispersed and parishioners declined in number as Sullivan writes: “In the 60s synthetics took over from sisal fiber, and ever since the demand and the price have been dictated by the World Market price of crude oil.”\textsuperscript{56} As a result, parishes in the sisal estates were suffering from lack of sources of income caused by the decline in the number of Christians due to the decline in the marketability of the sisal products, and consequently the collapse of the sisal estates. Many migrants returned to their homes and were not replaced.

\section*{2.6.5 Church Institutions in the Catholic Diocese of Tanga}

Church institutions in the Catholic diocese of Tanga can be classified as diocesan chancery, parishes, schools, colleges and health centers. These institutions have the right to acquire and use temporal goods (including aid from overseas and within). It is through these institutions that the diocese carries out its mission. The institutions need financial stability to run and achieve their goals, which in the end is the salvation of man both physically and spiritually in conformity with the mission of the church.


\textsuperscript{56} \textit{Ibid.}, p. 23.
2.6.6 Parishes

It is a canonical requirement that every particular Church\(^{57}\) be divided into distinct parts, known as parishes.\(^{58}\) In the 1917 Code of Canon Law, a parish was understood as a territorial section of a diocese, having a proper church edifice, and a catholic population assigned under the leadership of a proper pastor who was removable or irremovable and who was responsible for the care of souls. “A parish may be defined as a community of the faithful to which has been assigned its own rector with ordinary power in the internal forum for the care of souls.”\(^{59}\) The second Vatican Council describes a parish as the community of Christian faithful communion or koinonia in Greek. The purpose of a parish is to provide pastoral care for the Christians. The Council's documents also prescribe to a parish the notion of territoriality, pastoral office, stability, and care of souls.\(^{60}\) John Paul II describes the Church’s vision of parish in Christifideles Laici as follows:

“A parish is not a structure, a territory or a building, but rather the family of God, a fellowship aflame with a unifying spirit, “a familial and welcoming home”, the “community of the faithful.” Plainly and simply, the parish is founded on a theological reality, because it is a Eucharistic community. This means that the parish is a community properly suited for celebrating the Eucharist, the living source for its up building and the sacramental and of its being in full communion with the whole Church.”\(^{61}\)

The present Code of Canon Law describes a parish as a certain community of the Christian faithful stably constituted in a particular Church, whose pastoral care is entrusted to a pastor (parochus) as its proper pastor under authority of the diocesan Bishop.\(^{62}\) The present Code emphasizes a parish being a community of persons. When a parish is to be established the following principles are to be considered: territory, continuity, adequate number of inhabitants, and sufficient human and temporal resources. A legitimately established parish is also a juridical person, subject to rights and obligations and it must be supervised by a

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57 Cf. c. 368. It explains that particular Churches are principally a diocese and its equivalent namely, a territorial prelature, a territorial abbacy, a vicariate apostolic, a prefecture apostolic and a permanently established apostolic administration.

58 Etymologically the word “parish” is derived from the Greek word “παροικία” and has the equivalent from Latin “parochial”. The Swahili word for a parish is parokia.


60 Art. 32 VatII CD.


62 Cf. c. 515 § 1.
physical person-proper pastor who represents the parish in all juridical affairs. It is under the jurisdiction of the diocesan Bishop to erect, suppress, or alter the parish, but first he must hear the presbyteral Council.

In the Catholic diocese of Tanga, a parish is structured in small outstations, some of the parishes have up to 20 outstations and other parishes have fewer. Every parish is supervised by a catechist. An outstation is visited by a parish priest at least once a month. A catechist plays a very significant role in the mission of the church; because he prepares the catechumen for baptism, children for first communion, couples for marriage and officiates burial services for the deceased Christians in his/her outstation and presides over the Sunday liturgy service without a priest.

An outstation is further subdivided in different small Christian Communities. A small Christian Community is made up of about ten houses or ten families who live around or near each other. In a small Christian Community, they have a chairperson, secretary and treasurer. They meet once a week for communal prayers, bible sharing and discussion of various problems within their Christian community. A small Christian Community is a basis of Evangelization.

Every parish has assets and projects such as land, buildings, cars, workers like cooks, watchmen, catechists. The buildings and cars need maintenance; and workers need reasonable salaries. The decline of foreign aid which supports the maintenance of these has a negative impact on the effectiveness of the services offered in the parish.

2.6.6.1 Health Service Institutions

The provision of health service undertaken by the Catholic diocese of Tanga has a biblical and canonical foundation. Jesus during his mission here on earth went around teaching and healing the people who were haunted by different ailments. “On his way to Jerusalem he was passing along between Samaria and Galilee. As he entered a village, he was met by ten lepers, who stood at a distance and lifted up their voices and said ‘Jesus, Master, have mercy on

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63 Cf. c. 532.
64 Cf. c. 515 § 2.
These same cries of pain to be relieved and diseases to be healed are heard in almost every corner of the Catholic diocese of Tanga. A multitude of poor people is afflicted by the scourge of many diseases. The Government of Tanzania is overburdened in providing health service to all her citizens; that is why the Church in Tanga has jumped in to help out.

Jesus commissioned the apostles and the Church at large to carry on his mission of proclaiming the Good News everywhere and at the same time to baptize, heal and relieve pain from the sick as we read, “And preach as you go, saying ‘the Kingdom of heaven is at hand’. Heal the sick…” 66 One reads within the lines that the institution of health centers is in line with the canonical provision of the new Code of Canon Law 1983, “The anointing of the sick, by which the Church commends the faithful who are dangerously ill to the suffering and glorified Lord in order that he relieve and save them, is conferred by anointing them with oil and pronouncing the words prescribed in the liturgical books”. 67 The sacrament of the anointing of the sick provides spiritual as well as physical healing. The faithful are said to be disposed to correct their lives and are helped to overcome their infirmity or patiently to suffer it. 68

The provision of health services in the Catholic diocese of Tanga is one of the ways the diocese uses to proclaim the Good News. The Christians who work in these centers fulfill their canonical duty and obligation of carrying on the mission of proclaiming the Good News to all the people. 69 The same argument is supported by the 1987 Synod of Bishops on the laity together with the Pope John Paul II’s Postsynodal Exhortation Christifideles Laici which presents the same role of the laity in carrying the mission of evangelization. 70

The government of Tanzania has in many cases requested Church bodies to come to its aid and assume the responsibility of managing hospitals, health centers and dispensaries. In the whole region of Tanga, 45 % of all health care is delivered by faith-based organizations, the

65 Lk 17:11-13.
66 Mt 10:7-8.
67 C. 998.
69 Cf. c. 225 § 2.
The centers of health service under the umbrella of the Catholic diocese of Tanga have proved to be of great help to the people in the region. These centers are scattered throughout the region and reach the people who live in very remote areas. The health centers in the diocese of Tanga are as follows: Montessori health center, Kwamndolwa health center, St. Martin Soni health center, Kwalukonge health center, Kongoi health center, Kwediboma health center, Amani health center, Tumaini health center and Kididima health center. Others are Kongei dispensary, Sakharani dispensary, Rangwi dispensary, Mazinde dispensary, Soni seminary dispensary, Gare dispensary, Yamba dispensary, and Lushoto dentistry hospital.

Many poor people come to these Church health centers for health services. Most of them cannot afford to pay even a small amount of money for the medicine and they receive the service freely. The problem facing these institutes is that they depend to a great extent on the funds from abroad to run their services. The decline of grants from abroad affects greatly the provision of health service.

2.6.6.2 Educational Institutions

Among all educational facilities the school is of special importance. It is designed not only to develop with special care the intellectual faculties but also to form the ability to judge rightly, to hand on the cultural legacy of previous generations, to foster a sense of value, to prepare for professional life.

It is the right of the Church to freely establish and conduct schools of various grades, namely kindergarten, primary and secondary schools of different grades. And in exercising this right, the Church contributes to the highest degree to the protection of freedom of conscience, the rights of parents, as well as to the betterment of culture itself: “Consequently, this Sacred Synod proclaims anew what has already been taught in several documents of the Magisterium namely: the right of the Church freely to establish and to conduct schools of every type and level”\(^\text{73}\). The establishment of schools in the Catholic diocese of Tanga is in line with the fulfillment of the teaching function of the Church and the proclamation of the

\(^{71}\) Cf. Diocese of Tanga Health Board Report 2012, p. 5.
\(^{72}\) Cf. Ibid., p. 8.
\(^{73}\) Art. 8 VatII GE.
truths of salvation to all people, which is the mandate, received from the Lord Jesus Christ, “to her was entrusted by her holy Founder the twofold task of giving life to her children and of teaching them and guiding them both as individuals and as nations with maternal care”.  

The Gospel, interpreted in the social teaching of the Church is an urgent call to promote the development of those people who are striving to escape from hunger, misery, endemic diseases and ignorance. It is the task of the Catholic diocese of Tanga to liberate people from three major enemies as indicated by the late first president of Tanganyika Julius Kambarage Nyerere. He named these three enemies as poverty, disease and ignorance.

The schools established by the Catholic diocese of Tanga and which also provide Catholic education range from kindergarten through primary schools to secondary schools and colleges. There are 34 kindergarten schools, i.e., one kindergarten is found almost in every parish in the diocese. This has been the policy of the diocese that in every parish a kindergarten school is to be established. The policy has been 98% successful. This policy of the diocese is in line with the teaching of Vatican II Council “The duty of educating belongs to the Church…she has the responsibility of announcing the way of salvation to all men, of communicating the life of Christ to those who believe, and, in her unfailing solicitude, of assisting men to be able to come to the fullness of his life”.

The institutes of education need a lot of investment. The schools are not for profit, but have been established to give service to the poor and the needy in the diocese. Most of the schools are boarding schools, and they employ a good number of workers, both teaching staff and non-teaching staff. All these workers are entitled to good and reasonable salaries. Above all these institutes possess temporal goods in fulfilling their mission. The temporal goods are referred to here as “non-spiritual assets, tangible or intangible, that are instrumental in fulfilling the mission of the Church: land, buildings, furnishings, liturgical vessels and

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76 TADDO, p. 7.

77 Art. 4 VatII GE.
vestments, works of art, vehicles, securities, cash, and other categories for real or personal property”.

2.7 Conclusion

This section exposed the evangelization of Tanzania in general and of the Catholic diocese of Tanga in particular; the chapter has examined the role of missionaries and Christianity in general in the abolition of slave trade which crippled the subsistence economy of the indigenous population of Tanzania. Moreover this chapter surveyed the methods of evangelization the missionaries used and how they downplayed the traditional understanding of God and the local herbal medicines. These factors made the indigenous lose self confidence and made them dependent on the missionaries who provided them with foreign aid. This section discussed also the way the missionaries acquired and administered temporal goods of the Church, part of which was the foreign aid. The discussion focused also on the economic situation of the diocese, which in one way or other affects the ability of the Church to be self sufficient in carrying out its missionary activities and so results in its being dependent on foreign aid from oversees.

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3 HISTORICAL ANALYSIS OF C. 1254 CIC/1983

This section will be divided into two subsections. Subsection one examines the historical background of the temporal goods of the Church on the mission of the Church. This historicity will be drawn from Holy Scripture, Church tradition, Roman law, the feudal system during Gregorian Reform and the Teaching of Council of Trent. This section will advance to survey the temporal goods as stipulated in the 1917 Code, papal acts, and Conciliar and Post-conciliar documents of the second Vatican Council. It will also give bird’s eye view on the teaching of the Church on property and option for the poor; and the teaching of the temporal goods in the Postsynodal Exhortation Ecclesiae in Africa and Postsynodal Exhortation Africæ Munus documents.

Subsection two will deal with the canonical analysis of c. 1254 in details because this is the basic canon in this research and also of other related canons in the CIC/1983. It will examine the changes c. 1254 made from CIC/1917 to CIC/1983; the drafting process, the promulgated texts and the implementation of the canon. It will end up by making a comparison between c. 1254 CIC/1983 and c. 1007 CCEO.

3.1 History of Temporal Goods on the Mission of the Church

3.1.1 Temporal Goods in the Old Testament

Temporal goods are the goods of this world, goods of this time ‘tempus’ or age, as distinct from spiritual goods, such as grace, salvation and the like. To think that the Church has nothing to do with temporal possessions such as money, land, buildings and so on is oversimplification which does not take adequate account of the practical implications of the Church’s mission. Wilhelm Rees is of the same opinion when he comments: “Von allem Anfang an hat die Kirche finanzielle Mittel benötigt, um ihrer Sendung in dieser Welt gerecht zu warden ....”79 In the Old Testament, the idea of acquisition of temporal goods for the mission of the Church is manifested in the contribution of the tithes at the end of every three

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years. The tithes were called for the poor, the resident alien, orphans and widows. This fact is found in the book of Leviticus as it reads:

“At the end of every three years, you must take all the tithes of your harvests for that year and collect them in your community. Then the Levite since he has no share or heritage of his own among you, the foreigner, the orphan and the widow living in your community will come and eat all they want. And so Yahweh your God will bless you in all the labors that you undertake.”

The goods collected were for the maintenance of the places of worship and means of support for the sacred ministers, widows and orphans. However, it was evidently clear that the people in the Old Testament abused those goods and used them against the proposed objects and this caused the prophets to condemn the administrators of temporal goods. Prophet Amos, in the eighth Century B.C attacked the subjection and exploitation of the poor by the rich landowners and royal officials in the northern kingdom. He rebukes the rich who mercilessly cheated and used fraudulent means to exploit the poor who due to their poverty could not fulfill their obligation to support the temple.

“Hear this, you who trample upon the needy and destroy the poor of the land! ‘When will the moon be over,’ you ask, ‘that we may sell our grain, and the Sabbath, that we may display the wheat? We will diminish the ephah, add to the shekel, and fix our scales for cheating! We will buy the lowly man for silver, and the poor man for a pair of scandals; even the refuse of the wheat we will sell.’”

Briefly, in the Old Testament the right to property was in principle subordinated to the obligation to care for the weaker members of the society.

### 3.1.2 Temporal Goods in the New Testament

The objects of temporal goods in fulfilling the mission of the Church are manifested in the ministry of Jesus. Jesus chose Judas Iscariot to be in charge of the basket fund for the whole group as the Evangelist John testifies it: “Some thought that, because Judas had the money

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80 Lev 27:32.
81 Cf. Rees: Kirchenrechtliche Aspekte der Kirchenfinanzierung, p. 20: “Ebenso bezeugt das Alte Testament den Zehnten, d.h. die Abgabe des zehnten Teils des Ertrags an Vieh, Getreide und anderen Gütern an die örtlichen Heiligäumer (Lev 27,32 f.; Dtn 14,22 f.; 1 Sam 8,15), eine Pflicht, die auch außerhalb Israels bekannt und üblich war. Gemäß Dtn 14,22f. Werden die Abgaben nicht nur Gott bzw. Für den Unterhalt der Priester dargebracht, sondern auch zur Sicherung des Lebens unterprivilegierter Gruppen, d.h. der sozial schwachen Menschen.”
82 Amos 8:4-8.
box, Jesus was telling him ‘buy what we need for the feast’; or, that he should give something to the poor.”

Jesus also taught and allowed those who proclaim the Gospel to be supported by the temporal goods of the Church (fitting support of the clergy and other ministers c. 1254, § 2) when he said “Do you not know that those who are employed in the temple service get their food from the temple, and those who serve at the altar share in the sacrificial offerings? In the same way the Lord commanded that those who proclaim the gospel should get their living by the gospel.”

As the number of disciples continued to grow in the first Christian community, the administration of temporal goods to satisfy the targeted objects for the mission of the Church became difficult. The Hellenists complained against the Hebrew because their widows were being neglected in the daily distribution. So the twelve called together the community of the disciples and solved the problem by appointing seven reputable men ‘deacons’ to distribute the temporal goods to the poor in the form of food while the twelve continue with the work of preaching the Word. St. Paul a missionary to the world, asks for generous, financial means for his preaching the Gospel elsewhere. He wants to involve all Christians in that missionary endeavor and explains his delight that the Macedonians, though poor, wish to be part of that work: “for in a severe test of affliction, their abundance of joy and their extreme poverty have overflowed in a wealth of liberality on their part. For they gave according to their means, of their own free will, begging us earnestly for the favor of taking part in the relief of the saints.”

Paul asks the Corinthians to give not just themselves, but of their resources, not from their necessities, but from their surplus, to meet the need of other churches, to do so freely and generously, with an understanding of and participation in the Church’s mission and of the communion between the churches: “Now it is superfluous for me to write to you about the offering for the saints, for I know your readiness, of which I boast about you to the people of

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84 Jn 13:28.
85 1 Cor. 9:13-14.
86 Cf. Ac 6:1-3: “Now in these days when the disciples were increasing in number, the Hellenists murmured against the Hebrews because their widows were neglected in the daily distribution. And the twelve summoned the body of the disciples and said, ‘It is not right that we should give up preaching the word of God to serve tables. Therefore, brethren, pick out from among you seven men of good repute, full of the Spirit and of wisdom, whom we may appoint to this duty’”.
87 2 Cor. 8:2-4.
Macedonia, saying that Archaia has been ready since last year … so I thought it necessary to urge the brethren to go on to you before me, and arrange in advance for this gift you have promised, so that it may be ready not as an exaction but as a willing gift."\textsuperscript{88}

Apart from pleading for funds for missionary work, Paul asserts his right as an Apostle to remuneration from the Church for this work, a right he chose to forego: “For you yourselves know how you ought to imitate us; we were not idle when we were with you, we did not eat any one’s bread without paying, but with toil and labor we worked night and day, that we might not burden any of you. It was not because we have not that right, but to give you in our conduct an example to imitate.”\textsuperscript{89} This expresses the responsibility to sustain the Church and its pastors in its proper goal to spreading the Gospel.

\textbf{3.1.3 Temporal Goods in the Early Church}

The early Church continued with the mission of spreading the Gospel of Jesus after he had ascended into heaven. The early community in Jerusalem lived in common and had all things in common as it is testified in the Acts of Apostles:

“The community of believers was of one heart and one mind. None of them ever claimed anything as his own; rather everything was held in common … nor was there anyone needy among them, for all who owned property sold them and donated the proceeds. They used to lay them at the feet of the apostles to distribute to everyone according to his need."\textsuperscript{90}

These temporal goods were used to maintain and sustain the preachers of the Gospel. They had to assist the poor, prisoners and slaves, constructing buildings for liturgical celebrations and other institutions for the mission.\textsuperscript{91}

During the persecution, the early Christian communities lost a lot of property, either by destruction or confiscation by the imperial powers. Despite this kind of atmosphere the Church grew and Christian communities acquired property and dealt with finances for the

\textsuperscript{88} 2 Cor. 9:1-5.
\textsuperscript{89} 2 Thess. 3:7-9.
\textsuperscript{90} Ac 4:32-37.
good of their mission.\textsuperscript{92} The most ancient reference to the administration of temporal goods for the mission of the Church is found in \textit{Didascalia}.\textsuperscript{93} The Bishop is mentioned as administrator of the goods and is cautioned that the goods of the Church are entrusted to him and have to be used for the mission of the Church. It describes the management of the resources collected to be used for the support of the clergy, and the relief of the poor. Moreover, it obliges the Bishop to observe great care in the distribution of the temporal goods collected from the lay faithful:

“Let him [Bishop] use those tenths and first-fruits, which are given according to the command of God; as also let him dispense in a right manner the free-will offerings which are brought in on account of the poor, the orphans, the widows, the afflicted and the strangers in distress, as having that God for the examiner of his accounts who has committed the disposition to him.”\textsuperscript{94}

The Church fathers also motivated the laity to support their clergy by their contribution for the enhancement of the mission of the Church as we read it in \textit{Didascalia}: “Hear this, you of the laity also, the elect church of God … oblations and tithes belong to Christ our high priest, and to those who minister to Him.”\textsuperscript{95}

John Chrysostom, who was Bishop of Constantinople in 398, demanded accountability from those administering Church goods, and criticized their involvement with material goods, which he described as the source of diversion of the clergy from their mission. In one of his sermons to his people he explained why the Church accepted regular donations on the occasional collections from the faithful. He reminds the Christians of their obligation to contribute to the Church’s support, at the same time explaining the purposes for which the Church owns property:

\begin{quote}
Cf. \textit{Ibid.}\textsuperscript{92}
\end{quote}

\begin{quote}
\end{quote}

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\textit{Ibid.}\textsuperscript{95}
\end{quote}
“Your tightfistedness has brought the Church to this state. If things were done according to the laws reaching back to apostolic times, the Church’s income would flow without fail and without fear of diminution from your good will. But you are all seeking treasures on earth now, and locking up wealth in vaults, while the Church has to spend money on widows, virgins, travelers, captives, the handicapped and mutilated, and other needy persons. So how can the Church act otherwise?”  

In the year 313 AD, Constantine the Great, who conquered Rome and ascended to the throne, gave back to the Church all goods that were confiscated. The Edict of Milan of June 13th, 313 was entered between Constantine and the Church. Constantine in this Edict decreed that the property of martyrs and confessors who died during the persecutions to be restored to their relatives and if they had no relatives, their belongings had to be given to the Church: “Constantine and Licinius, Emperor of the West (+ 324) granted Christians freedom of religion with the Edict of Milan in 313. This involved recognition of the right to be a Christian and restitution of Church goods that had been seized”.

3.1.4 Temporal Goods in the middle Ages

The Church endeavored in this epoch to defend her inherent right to acquire, retain, administer and alienate her temporal goods for her mission independently of any secular power. The popes in this time fought against Mortmain statutes and the false teaching against the Church by some Protestants namely Arnold of Brescia and John Wycliffe. The first Lateran Council (1123) made all disposition of ecclesiastical property by laymen entirely unlawful:

“We further resolve … that lay persons, however religious they may be, have no power to dispose of any ecclesiastical business; but following the apostolic canons, let the Bishop have the care of all ecclesiastical matters, and let him manage them as in the sight of God.”

The Second Lateran Council (1139) and the Third Lateran Council (1179) confirmed the rule enacted by the first Lateran Council. These councils directed that lay people in possession of churches must either restore them to the Bishops or become subject to excommunication. It was decreed that alienations or seizures of ecclesiastical property, which had been made by

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schismatic or by lay persons, were to lack all validity and were to return to the Church without any burden to it.  

There was also the Problem of Mortmain. Mortmain is a translation of Medieval Latin, *mortmanus* which is translated as dead hand. It was employed to designate all prohibitory laws, which limit, or restrain, annual gifts, grants, or devices of lands and other corporeal hereditaments to charitable uses. The Legal-dictionary describes Mortmain as “an unlawful alienation of lands, or tenements to any corporation, sole or aggregate, ecclesiastical or temporal. These purchase became perpetual inherent in one dead hand, this has occasioned the general appellation of mortmain to be applied to such alienations”.

In the year 1216, kings and princes of England and France enacted laws, which prohibited the transfer of goods, mainly land, to the churches and monasteries because under the feudal system, the landowners were obliged to pay taxes to their lords, but when one entrusted property to the churches it meant not paying taxes. Some laws were passed that forbade the transfer of property to the Church without the consent of the civil ruler. For example, in England, king Henry had said, “No religious or other person shall buy or sell land or tenements or receive them so as to cause the land to come into Mortmain”. In France also, the laws required the Church and religious cooperation to pay tax two years revenue if they were bought. In short, kings and feudal lords were jealous of the Church’s property holdings which were being consistently increasing and added to by the liberality of faithful enacted this law.

In connection to the Mortmain problem, heretics and Protestants attacked strongly the Church’s possession of temporal goods. Arnold of Brescia (1139) affirmed that all earthly goods belonged exclusively to temporal rulers, not to the Church; he even went further by saying that those clerics and monks in possession of temporal goods were sinners and hence deprived of salvation:

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“All earthly possessions belong to the prince, the pope should relinquish the government of Rome; Bishops, priests, and monks can own nothing without incurring the penalty of eternal damnation.” 

The Albigenses considered the acquisition and possession of temporal goods as sinful acts, in the same way that John Wycliffe (1327), an Oxford University professor in England, affirmed that kings who robbed the sinful Church of its riches did a lawful and meritorious thing. This principle was particularly problematic when embraced by England’s influential civil leaders like John Gaunt, who protected their seizure of Church properties in part on these grounds. Wycliffe emphasized that civil leaders determining to grab the Church’s property had the correct of judgment.

The medieval popes fought against the Mortmain laws and condemned the heretical teaching which attacked the Church’s possession of temporal goods. Pope Boniface VIII (1294-1303) hinted that secular powers were not competent to legislate on ecclesiastical goods. Pope Martin V, in the Council of Constance (1418) condemned several propositions of Wycliffe and of others who impugned the Church’s right to temporal goods.

3.1.5 Temporal Goods in the Councils of Trent

The Council of Trent promulgated disciplinary rules to curb abuses in the administration of Church property. Bad administrators, diverting temporal goods for personal use, were condemned, until such goods were restored by the offender:

“Patrons of churches, lords’ deputies and advocates have displayed such arrogance in some provinces that they not only introduce difficulties and evil designs when vacant churches ought to be provided with suitable pastors, but they also presume to dispose of the possessions and other goods of the church as they like and, what is dreadful to relate, they are not afraid to set about killing prelates. What was devised for protection should not be twisted into a means of repression. We therefore expressly forbid patrons, advocates and lords’ deputies henceforth to appropriate more in the aforesaid matters than is permitted in law. If they dare to do the contrary, let them be curbed with the most severe canonical penalties.”

These rules were promulgated under Pius IV, in the *bulla Benedictus Deus* of January 26th, 1564. The accumulation of benefices was forbidden, the residential obligation of the Bishop was again taken serious. In 1585 Pope Sixtus V issued the Constitution *Romanus Pontifex*, which established the main rule and norm for visits ad limina. This document states that in the term of 5 years, each Bishop, from whatever part of the world, should visit Rome, present a *quinquennial report* of his diocese and including in this report among others the standing financial report of his diocese.

The temporal goods of the Church at this moment were also affected by the French Revolution of 1789. Problem of civil powers to interfere with the right of the Church on her property took on new degree. The rise of nationalism, in which states demanded control of Church property and even liquidated Church holdings, constituted a serious threat to Church right to her property.

### 3.1.6 Temporal Goods in the CIC/1917

The CIC/1917, in c. 1495, teaches about the duty and obligation of the Christ’s faithful in the support of their local churches. This old Code legalized the Church to demand support from the faithful. The pure material goods required for the sacred mission must come from the faithful themselves. The faithful supply these temporal goods voluntarily by the foundation of benefices, schools, hospitals, and other charitable institutions. These will be used for the needs of divine worship, for the decent support of the Church’s ministers, and for the necessary upkeep of charitable and educational works which are proper to the Church. If the faithful do not give voluntarily and sufficiently, then the Church has the right to demand this support through a general tax proportioned to the income of the individual, or by a special tax

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levied on the occasion of special services on the community as a whole or on individuals on the occasion of some special spiritual administration (such as baptism, marriage and burial).\textsuperscript{110}

The old Code also legislates that the administrators of temporal goods are not the owners but merely guardians and so they are to observe regulations contained in cc. 1523-1528. They are therefore obliged to fulfill their duty with care and diligence of a good \textit{paterfamilias}.\textsuperscript{111}

These duties as listed in the old Code are as follows:

1. To be vigilant that the Church property entrusted to their care suffers no harm or perishes in any way.
2. To observe the regulations of canon and civil law, as well as regulations imposed by a founder or donor or by legitimate authority.
3. To collect the income and fruits accurately and in due time; keep them in a safe place and use them according to the mind of the founder or according to established law or norms.
4. To layout or use the benefit of the Church money, which may be left over after all expenses are paid, and which can be invested profitably.
5. To keep well-ordered accounts of receipts and expenditures.
6. To keep in good order in the archives or in a convenient safe place all documents and legal papers upon which the rights and property of moral person depends. Authentic copies of all documents should be deposited in archive or safe of the curia.\textsuperscript{112}

The 1917 Code requires the administrators to fulfill the duty of giving the people they employ an honest and just wage and avoid imposing burdens upon them, which are beyond their strength or which are unsuitable to their age and sex. The Code requires also the administrators to fulfill their duty of giving an account of their administration to the local ordinary every year. Moreover, the administrators are restricted in initiating a lawsuit in the name of the Church, and also to act as defenders without having first obtained the written permission of the local ordinary. However, in case of urgent necessity, at least the permission of the rural dean is to be sought, whose duty will be to inform the ordinary at once of the permission given. The legislator aims to restrain administrators from rushing into court. An

\textsuperscript{110} Cf. cc. 1495-1498 CIC/1917; cf. also \textit{Bouscaren: Canon Law}, p. 803.
\textsuperscript{111} Cf. \textit{Ibid.}, p. 828.
\textsuperscript{112} \textit{Ibid.}
administrator who goes into court contrary to the wish of his or her ordinary is personally liable for any damages that may result from his action.\textsuperscript{113}

The 1917 Code continues to stipulate about the extraordinary expenditures through which administrators invalidly act when they exceed the limitations and methods of ordinary administration. Ordinary acts of administration include such acts, which are to be done at fixed intervals (monthly, quarterly, annually) as well as those, which are necessary for the customary transaction of business. And the extraordinary administration includes such acts which do not occur periodically, and are of their nature of great importance and all acts for which the law requires for validity the permission of the ordinary, for example, investment of money.\textsuperscript{114}

The Code lists the following acts as exceeding the limits of ordinary administration: to purchase immovable property; to sell, exchange, mortgage, or divert in any other way from the place for which they are destined, objects of art, historical documents, or other movable property of great importance. The Code continues to name as extraordinary administration acts of borrowing large sums of money as a loan, to make agreements and other onerous contracts; to build, pull down, or rebuild in a new form any church building or to make extraordinary repairs upon them; and to establish a cemetery and to start or to suppress parochial institutions which are parish property.\textsuperscript{115}

3.1.7 Vatican II Council’s Teaching on Temporal Goods

Vatican II Council did not issue a particular document on temporal goods of the Church.\textsuperscript{116} However, the Council Fathers faced a number of questions as they referred to the temporal order. They discussed about the attitude of freedom to be found in administrators: “Let them achieve that freedom whereby they are free from every inordinate concern and become docile

\textsuperscript{113} Cf. \textit{Ibid.}, p. 829.

\textsuperscript{114} Cf. \textit{Bouscaren: Canon Law}, p. 830.

\textsuperscript{115} Cf. \textit{Ibid.}

to the voice of God in their daily life.”\textsuperscript{117} The Council fathers insisted that ecclesiastical goods should be administered by priests with the help of laypeople and “should always be employed for those purposes in pursuit of which it is licit for the Church to possess temporal goods namely the carrying out of divine worship, for procuring lowest sustenance for the clergy and for the exercise of the works of the holy apostolate or works of charity especially on behalf of the needy”\textsuperscript{118}.

The Council Fathers also gave a teaching to the administrators of temporal goods of the Church on the manner in which temporal goods and institutions could contribute to the building up of Christ’s body.

“In exercising their duty … they should show, moreover, that earthly goods and human institutions according to the plan of God the creator are also disposed for man’s salvation and therefore can contribute much to the building of the body of Christ.”\textsuperscript{119}

3.1.7.1 Clergy Fund

Vatican II Council teaches about the equitable support of the clergy and of pastoral workers as it was the practice of the early Church (Acts 4:32 and 35) as it writes:

“We should always keep before our eyes the example of the faithful of the early Church in Jerusalem, who held all things in common and distribution was made to each according to each one’s need. So it is supremely fitting, at least in regions where the support of the clergy completely or largely depends on the offerings of the faithful, that their offerings for this purpose be collected by a particular diocesan institution, which the bishop administers with the help of priests and when useful, of laymen who are experts in financial matters.”\textsuperscript{120}

Some diocesan centralization is useful, even necessary, so that priests of every parish, whether poor or rich, have what they need for their support. It is clear from the Conciliar text that any obligation to constitute a diocesan clergy fund does not extend to regions where the clergy do not depend on the offerings of the faithful for their support like in Germany and Austria where the clergy receive a salary. It is also clear that the Conciliar Fathers wanted to assure the fundamental equality of support for the clergy.

\textsuperscript{117} Art. 17 VatII PO.
\textsuperscript{118} Ibid.
\textsuperscript{119} Art. 12 VatII CD.
\textsuperscript{120} Art. 21 VatII PO.
3.1.7.2  The General Common Fund

Besides the diocesan clergy fund, *Presbyterorum ordinis* recommends that insofar as it is possible, a different fund be established on a diocesan or inter-diocesan basis, which would have three purposes: (a) to provide the requisite support for people other than diocesan priests who are employed by the Church; (b) to meet the various needs of the diocese; (c) to provide funds with which to assist poorer dioceses.\(^{121}\)

This second common fund was to be constituted from the offerings of the faithful, as well as those funds provided from other sources to be determined by law.\(^{122}\) While such a general diocesan fund was a step towards reestablishing the *massa communis* or common treasury which existed in the early Church, it was not intended to be the same thing. The decree of the Council did not say that all of the offerings given by the faithful were to become part of the general common fund, nor that parishes or other legal person could be completely divested of their properly acquired assets. This is due to reason that the general diocesan fund does not include the administration of the ordinary financial operations of parishes. The text of the decree also stated that other sources of revenue for the fund must be determined by law and so the possibility of some arbitrary transfer is precluded.

3.1.7.3  Source of Income

The Vatican II Council did not attempt to give an exhaustive list of all possible revenue sources for dioceses. In the course of its exposition of other matters, however, it did refer to a number of sources of income. Firstly there are the offerings of the Faithful. These offerings are mentioned as sources of revenue for a diocesan clergy fund.\(^{123}\) It is also stated that the faithful have a real obligation to provide for the support of the clergy, if this is not otherwise provided for, and Bishops are bound to remind the faithful of this obligation.\(^{124}\)

Secondly there are other offerings of priests. Priests are specifically reminded that the goods which they acquire through their ecclesiastical functions are intimately tied to their

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\(^{121}\) Cf. *Ibid.*  
\(^{123}\) Cf. Art. 21 VatII PO.  
sacred office and so they are exhorted to contribute liberally to the needs of the diocese.\textsuperscript{125} Although the Council makes mention of other revenue sources, it does not identify them specifically. These would include all of the revenue sources permitted by the Code of Canon Law.

3.1.7.4 Administration of Church Goods

The Council urged the Church to make the optimum use of the skills of lay people in the administration of Church goods.\textsuperscript{126} The Council specified that the administration was always to be done in accordance with the nature of the goods and in accordance with the norms of ecclesiastical law.\textsuperscript{127} It reminded administrators that Church goods must always be directed towards proper and legitimate purposes\textsuperscript{128} and they are to be used for the common good of the universal Church and especially the poor.\textsuperscript{129}

3.1.8 Temporal Goods in ‘Ecclesiae in Africa’ and ‘Africae Munus’

\textit{Ecclesiae in Africa} and \textit{Africae Munus} are two post-Synodal Apostolic Exhortations to the Church in Africa written by his Holiness Pope John Paul II and Benedict XVI respectively. Pope Paul II called upon the Christian Communities in Africa to organize themselves in order to provide for their own goods and not depend entirely on the help from somewhere: “Precisely in this context the Synod Fathers emphasized how necessary it is for each Christian community to be organized so that as far as possible it can provide for its own needs.”\textsuperscript{130} The pope insisted that evangelization needs, apart from qualified personnel, material and financial means. He calls upon the local churches to look for means to be self-sufficient in carrying out the missionary work, and at the same time begged the sister churches abroad to be generous to help the churches in Africa materially and financially:

“Besides qualified personnel, evangelization requires material and financial means, and dioceses are often far from possessing them in sufficient measure. It is therefore urgent

\textsuperscript{125} Cf. Art. 28 VatII CD.
\textsuperscript{126} Cf. \textit{Ibid.}, Art. 17.
\textsuperscript{127} Cf. \textit{Ibid}.
\textsuperscript{128} Cf. \textit{Ibid}.
\textsuperscript{129} Cf. Art. 23 VatII LG.
\textsuperscript{130} \textit{John Paul II}, PostEpA, \textit{Ecclesia in Africa}, n. 104.
that the particular churches in Africa have the objective of providing for their own needs as soon as possible, thereby assuring their self-sufficiency. Consequently, I earnestly invite the Episcopal Conferences, dioceses and all the Christian communities of the Continent’s Churches, insofar as it is within their competence, to see to it that this self-sufficiency becomes increasingly evident. At the same time, I call on sister churches all over the world to be more generous to the Pontifical Mission Aid Societies so that, through their structures of assistance, they will be able to offer to poorer dioceses economic assistance dedicated to projects that will generate resources, with a view to increasing the financial self-reliance of the churches.”

The document concludes by showing that the Church cannot reach material and financial independency if the people entrusted to it live in conditions of extreme poverty.

In *Africae Munus*, Pope Benedict XVI confirms that the Church in Africa does much in the health sector and so fulfills its mission in the steps of Jesus who healed every disease and infirmity during his mission here on earth:

“The Church has always been concerned with health. She follows the example of Christ himself who proclaimed the word and healed the sick, and then gave his disciples the same authority ‘to heal every disease and every infirmity’.”

After acknowledging the great and adorable mission of the Church in Africa through the health sector, the pope encourages the African Church not to be discouraged by the decline and withdrawal of financial and material support and encourages the young generation to take up the challenge to self supporting the missionary activities of the African Church as he writes:

“The Church’s health care institutions and all their personnel should strive to see in each sick person a suffering member of Christ’s body. Difficulties of every kind rise up along the way: the growing numbers of the sick, inadequate material and financial resources, the withdrawal of support by organizations which had helped you for years and are now abandoning you; at times all this can give you the impression that your work produces no tangible results.”

In these two documents which were specifically for the Church in Africa, the question of the Church in Africa to look for means to support her mission is clearly echoed.

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132 Mt 10:1; Mk 1:32-34.
3.2 Drafting of c. 1254 CIC/1983

As c. 1254 is the centre of this research, this section examines the source of this canon, survey the drafting process, and analyze the promulgated text. This section will also make a comparison between c. 1254 CIC/1983 and that of c. 1007 CCEO and other canons of the 1983 Code which relate to temporal goods in fulfilling the Mission of the Church.

3.2.1 The Source and the Drafting Process of c. 1254

C. 1254 CIC/1983 has its origin in the CIC/1917. C. 1496 CIC/1917 states: “Moreover, the Church has the right, independent from the civil power, to demand from the faithful what is necessary for divine worship, for the decent support of the clergy and other ministers, and for all other ends proper to her.” Cc. 1495 and 1496 CIC/1917 served as the basis of c. 1254 CIC/1983. The only difference is that there was no express mention of the poor in them.

C. 1254 § 1 CIC/1983 was to be maintained from c. 1495 CIC/1917 for the following two reasons: Firstly, “to reaffirm ad intra, and in view of the past errors, the Church’s need to own temporal goods and the right to have them based on the divine law and on natural law as a society that must accomplish its proper objects”. The second reason was the argument that “the suppression of the text would not give rise ad extra to the interpretation that the Church

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137 Cf. c. 1495 CIC/1917.


by its silence admits the exclusive sovereignty of the state over all the goods situated in its territory.”

In the original draft (the first *Schema*) of this canon, the claim to independence from civil authority was thought to be controversial and polemic and recalled the past Church-State conflicts. And so this phrase “independence from civil authority” was omitted as was proposed by the *Coetus* and read:

“Primo assetur ius nativum Ecclesiae Sedisque Apostolicae bona temporalia acquarendi, retinendi et administrandi ad fines sibi propios, sicut quidem iam fit in c. 1495, § 1, omissa autem clausula aliquatdens polemica ‘libere et indipendenter a civili potestate.’”

In the later discussions of the *Coetus studiorum* some consultants complained about the omission of that paragraph and it was agreed to restore the complete text so that there would be no occasion to interpret such omission as the Church’s subjection to civil law in matters of administrative organization.

The assertion of the claim to independence from any secular power is due to centuries of conflicts between the Catholic Church and civil governments which sought to deprive the Church of its material possessions:

“Restrictions on acquisition, excessive taxation, forced alienations, and the outright seizure of Church lands and revenues have, since the early Middle Ages, evoked strong reactions from Bishops, local and ecumenical councils, and popes.”

However, the Vatican Council II document *Dignitatis humanae* acknowledges the right and duty of the civil authority to regulate the exercise of religious freedom in the interest of public order: “Furthermore, society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to

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140 Ibid.
141 Comm. 5 (1973), p. 94.
provide this protection.” Some of the canons in the 1983 Code of Canon Law also counterbalance the claim to absolute independence by resorting to conformity with the provision of civil law and even, at times, by ‘canonizing’ such provisions. The autonomy of temporal goods suggests also a connection with the State through cooperation between the Church and the State in accordance with Vatican II Council doctrine:

“It is very important, especially where a pluralistic society prevails, that there be a correct notion of the relationship between the political community and the Church, and a clear distinction between the tasks which Christians undertake, individually or as a group, on their own responsibility as citizens guided by the dictates of a Christian conscience, and the activities which, in union with their pastors, they carry out in the name of the Church.”

This Council idea is concretized by secular experience in concordats, agreements, and other international-level documents between the Church and different States.

C. 1254 CIC/1983 has also its source from documents of Vatican Council II. The Code had to wait until the documents of Vatican Council II were completed. Actually the 1983 Code of Canon Law was considered as the last document of the Vatican Council II in order to translate the Conciliar doctrine and ecclesiology into canonical language. The principle source of this canon is a section of Presbyterorum ordinis, which has a great similarity to this canon as it reads:

“They should always apply it [Temporal goods] for the purpose for which it is permissible for the Church to possess temporal goods, namely for celebration of divine worship, for the reasonable maintenance of clergy, and for carrying out works of the apostolate and of charity, especially for the poor.”

3.2.2 The Promulgated Text of c. 1254 CIC/1983

C. 1254, reads as follows: “§ 1: The Catholic Church has the inherent right, independently of any secular power, to acquire, retain, administer and alienate temporal goods in pursuit of its proper objectives”, and § 2 legislates as follows “These proper objectives are principally

144 Art. 7 VatII DH.
145 Cf. cc. 1284 § 2, 2º and 3º; 1286, 1º; 1299 § 2.
146 Cf. cc. 1268, 1290.
147 Art. 76 VatII GS.
149 Art. 17 VatII PO.
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”.

Four aspects are listed in this canon with a view to the rights of the Church, namely; the Church has the right to firstly acquire temporal goods by any just means according to natural or positive law as declared in another canon thereafter: “The Church may acquire temporal goods in any in which, by either natural or positive law, it is lawful for others to do this.”

Secondly, the right to retain those temporal goods legitimately acquired and to use them for the appropriate purposes. Thirdly, the right to administer these goods, to manage them, to discharge the duties related to them and fourthly, the right to alienate them, to convey or to transfer their title from one person to another. In § 2, the canon speaks of the proper objects for which the Church is justified to acquire, retain, administer and alienate the temporal goods. All aspects in §§ 1 and 2 will be discussed in details in the following sections.

### 3.2.3 Right to Acquire and Retain Temporal Goods

The term ‘acquisition’ comes from the Latin verb acquirere which means to acquire, to gain by one’s efforts, thus to gain something for oneself or to come into possession of something. So the term acquisition can mean also an act of receiving something or of gaining the ownership of property by one’s personal efforts. The Church has an innate right, that is, it arises from the Church’s very nature, which is granted to it by divine institution and is not acquired or derived from an outside source. Georg Bier echoes this point when he writes:

“Seit alters her hat die Kirche das Recht vindiziert, Vermögen zur Verwirklichung der ihr eigenen Zwecke zu erwerben, zu besitzen, zu verwalten und ggf. zu veräußern. Deshalb charakterisiert der kanonische Gesetzgeber diese grundsätzliche Vermögens- und Eigentumsfähigkeit als ius nativum der Kirche, d.h. als ein angeborenes, ihr gewissermaßen eingestiftetes Recht.”

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150 C. 1259.
The Church\textsuperscript{153} enjoys the free and independent right of exercising its legitimate prerogatives so long as they are just and equitable. This innate right, then, bars all infringement upon it by the civil power.\textsuperscript{154} The Catholic Church as such; as we read in c. 113 CIC/1983; is a moral person by divine law. The 1983 Code uses ‘moral person’ because moral person does not require any intervention from an outside party to come into existence.\textsuperscript{155}

The Church’s right to temporal goods therefore, does not arise from any concession or recognition by any state and so any human law cannot impel the Church in the exercise of this right. Even if this right is not recognized by the civil law,\textsuperscript{156} still the Church as an autonomous society can determine by itself the modes of acquisition of goods, the legal form to be observed in using them, and the regulations to be followed in transfers of property on the part of its own institutions, that is, of public juridical persons, provided the just requirements of public order are observed.\textsuperscript{157} Just as in civil law individual citizens and legally established societies or corporations may acquire and hold title to property, so the Church in general and as an individual corporation has the right to do so, if it has been recognized as a corporation or by some other means.\textsuperscript{158}

\begin{itemize}
\item The term ‘Church’ here is to be understood in accordance with canon 1, as referring only to the Latin Church because the parallel c. 1007 CCEO omits any claim to independence from civil authority: “In looking after the spiritual well-being of people, the church needs and uses temporal goods inasmuch as its proper mission demands it; therefore it has an innate right of acquiring, possessing, administering and alienating those temporal goods that are necessary to pursue its proper ends, especially for divine worship, works of the apostolate and of charity and fitting support of ministers.”
\item In some countries, the secular law might not recognize the right that the Church claims for itself. Conversely there are a certain number of canons in Book V which might fall into a similar category – the Church does not readily recognize the States’ right to legislate in such matters; c. 1301 §1 on the executor of pious dispositions, and c. 1310, §2 on pious foundations are good examples. In the United States of America and Canada, the Church as such does not have civil recognition with regard to property rights; rather it acquires such through the establishment of corporations and similar entities. When a corporation is established in secular law, in the mind of the civil legislator it will be the corporation which owns, retains, administers, and alienates its temporal goods, and not the “Catholic Church” as such.
\item Cf. \textit{Kennedy}: The Temporal Goods of the Church, p. 1454.
\end{itemize}

\textsuperscript{153} The phrase “The Church in general and as individual corporation” includes moral persons (the Universal Church and the Apostolic See – c. 113, §1), as well as public juridical persons such as dioceses (particular Churches) and others (parishes, institutes of consecrated life) and even private juridical persons (such as the Legion of Mary). See \textit{Woodall}, George J.: A Passion for Justice. Leominster 2011, p. 444, see also \textit{Droege},
3.2.3.1 Methods of Acquiring Temporal Goods

C. 1259 gives the general principle that the Church may acquire temporal goods in any way in which, by either natural or positive law, it is lawful for others to do so.\textsuperscript{159} Morrisey when commenting on this canon writes:

“When the canon speaks of means recognized in positive law, it does not distinguish between ecclesiastical positive law and secular law. Thus both forms are recognized. In practice, however, we have to take into account the secular law because otherwise the acquiring of goods could be subject to eventual civil litigation.”\textsuperscript{160}

He continues to list some of the methods recognized by secular law like occupancy; the result of intellectual labor (patent rights, copyrights); acts of forfeiture; succession; insolvency, gifts or sale; improvements to existing property (landscaping); results of artistic works; court order; natural or artificial accession (increase, augmentation, addition).\textsuperscript{161}

Although the Church can acquire goods in the methods listed above according to secular law, in the Code of Canon Law the principle source of its goods however are the voluntary offerings of its members. The Church claims the right to require from the faithful the means to achieve its ends: “The Church has the inherent right to require from Christ’s faithful whatever is necessary for its proper objectives.”\textsuperscript{162} The members of the Church have the right and obligation to assist the Church with its legitimate necessities, and the diocesan Bishop must remind them of that duty and urge its fulfillment.\textsuperscript{163} There are many legitimate ways the Church can use in acquiring its goods. Among those highlighted by the Code are the following:

3.2.3.2 Voluntary offering


\textsuperscript{160} Morrisey: Acquiring Temporal Goods, p. 591.

\textsuperscript{161} Ibid; see also Puza, Richard: Rechtsgeschäfte über das Kirchenvermögen, in: HdbKathKR\textsuperscript{2}, pp. 1103-1108.

\textsuperscript{162} C. 1260.

\textsuperscript{163} Cf. c. 1261 § 1 states: “Christ’s faithful have the right to donate temporal goods for the benefit of the Church”, and § 2 states: “The diocesan Bishop is bound to remind Christ’s faithful of the obligation mentioned in c. 222 § 1, and in an appropriate manner to urge it”.

68
C. 1262 states: “The faithful are to give their support to the Church in response to appeals and in accordance with the norms laid down by the Episcopal Conference”. This obligation is also presented in the sixth’ commandment of the Church as it reads: “The faithful also have the duty of providing for the material needs for the Church, each according to his abilities.”

Collections for special needs such as parochial, diocesan, national or universal ones are used as an additional way for the faithful to support specific projects. The Bishop has the authority to order such special collections to be made in all the churches and public oratories of the diocese as stated in c. 1266:

“In all churches and oratories regularly open to Christ’s faithful, including those belonging to religious institutes, the local Ordinary may order that a special collection be taken up for specified parochial, diocesan, national or universal initiatives.”

The collection must afterwards be carefully forwarded to the diocesan curia. The canon requires that the collection be sent to the Curia without delay and in their entirety. No part of it may be withheld at the parish or any other level. C. 791, 4º refers to the annual collection for the missions: “each year an appropriate financial contribution for the missions is to be sent to the Holy See.” The most important argument to note here is that the multiplicity of ordered collections may frustrate some of the faithful and cause them to distance themselves from these collections. Prior consultation with appropriate representative bodies can help in such a problem.

3.2.3.3 Taxation

Tax is another source of income according to c. 1263 CIC/1983 that a diocesan Bishop is entitled to levy on juridical persons subject to his power of jurisdiction for the needs of his diocese. Taxes may be defined as “pecuniary obligations imposed by the authority upon its

164 CCC, n. 2042; see also Rees: Das Verhältnis von Staat und Kirche, p. 35.

165 C. 1263 states: “The diocesan Bishop, after consulting the finance committee and the council of priests, has the right to levy on public juridical persons subject to his authority a tax for the needs of the diocese ....”

166 Cf. Rees: Kirchenrechtliche Aspekte der Kirchenfinanzierung, p. 35: „Der kirchliche Gesetzgeber kennt auch ein innerkirchliches Besteuerungsrecht. So steht es nach c. 1263 CIC (c. 1012 §§ 1 und 2 CCEO) dem Bischof zu, nach Anhörung des Vermögensveraltungsrats und des Priesterrats für die notwendigen Bedürfnisse der Diözese den seiner Leitung unterstellten öffentlichen juristischen Personen (d.h. vor allem den Pfarreien) eine maßvolle, ihren Einkünften entsprechende Steuer aufzuerlegen. Im Fall großen Notstand kann der Bischof auch natürlichen und juristischen Personen, die ihm unterstehen, eine außerordentliche und maßvolle Abgabe auferlegen. Außer der Bitte um Spenden (vgl. c. 1266 CIC) ist dem Diözesanbischof in seiner Diözese auch die Auferlegung einer Steuer für die Erfordernisse des Priesterseminars ermöglicht (vgl.
subjects with no direct and concrete consideration for the subjects." The canonist Daniel Tirapu commenting on c. 1263 argued:

"Taxes are also present in canonical norms; they are considered to be a secondary means of financing and, in a certain sense, supplementary to voluntary offerings, but this does not mean they are consistent with the social nature of the Church (c. 1260 CIC/1983) as a juridical form of the general obligation of the faithful to support the Church."

There was a hot debate during the drafting process of this canon between those who felt the desire to expand the power of the diocesan Bishop beyond the restricted power granted in 1917 Code (cc. 1504-1506), and those who were opposed to giving the diocesan Bishop too much power to burden by diocesan taxes the finances of the parish and others doing the work of the Church in the diocese. The debated issue was resolved by the final text of c. 1263 CIC/1983 which included issues such as who can impose a tax, who can be taxed, what can be taxed, for what reasons, and only after what, if any, consultation.

C. 1263 states:

"The diocesan Bishop, after consulting the finance committee and the council of priests, has the right to levy on public juridical persons subject to his authority a tax for the needs of the diocese. This tax must be moderate and proportionate to their income."

The CIC/1983 changed significantly the way taxes could be raised lawfully in the diocese and dropped the type of taxes that existed before like for example; the primitiae (c. 1502 CIC/1917), Cathedraticum (c. 1504 CIC/1917), the pension benefice (c. 1429

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168 Ibid.


171 C. 1502 CIC/1917 speaks of payment of tithes and first fruits as customs of individual regions to be observed.

172 There is no longer such a thing as cathedraticum in the new Code, but the term is still used, in some places or by some people, to refer to the "tax" that the Bishop can impose according to the new Code. It is important to note that there are differences between the old cathedraticum and the current, optional, "tax" in c. 1263 CIC/1983. The most notable differences are that the cathedraticum was an equal obligation for every entity that had to pay it; not based on income, membership, etc; and that it was paid to the Bishop by those subject to him, and was, therefore, not a large amount of money. Meanwhile, the canon 1263 tax is not given to the
CIC/1917), the charitable subsidy (c. 1505 CIC/1917), the tax for the welfare of the diocese or the patron of the church (c. 1506 CIC/1917), and the medias annatas (c. 1482 CIC/1917), and established ordinary taxes according to the juridical person’s revenue and not on a quota basis.

C. 1263 empowers the Bishop to impose a tax on public juridical persons subject to his authority. The canon requires that the tax is to be moderate and in proportion to the income of the juridical persons in question. Before establishing the tax, the canon requires the diocesan Bishop to consult the finance council and the entire council of priests, and discuss with them among other issues such as the genuineness and relative importance of the diocesan need for which the tax is to be imposed, criteria for determining what qualifies as taxable income, various levels and percentage to be used. This canon refers to the council of priests for consultation unlike in most other instances in book V because, in practice, it is the pastors who will be responsible for paying the levy and they know the pastoral implication of it. Although the diocesan Bishop is not forced to follow the advice he receives from either of the consultative bodies, not to consult them would nullify a tax, relieving those upon whom it had been imposed of the obligation to pay it.

For a grave necessity, a diocesan Bishop may raise extra-ordinary, but moderate taxes from all physical and juridical persons (all individual Catholics and juridical persons, including private juridical persons). This cannot be a regular tax or quota, not even to meet regular needs of the diocese. This tax is subject to all the conditions found in the ordinary tax that is, it can only be established after consultation of the two bodies mentioned above (finance

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173 Mediate annate = half the first year’s income for the repair of the cathedral. It was imposed on Italy and the adjacent islands by Benedict XII.

174 Cf. The Canon Law Society of Great Britain and Ireland: The Canon Law. Letter & Spirit: A Practical Guide to the Code of Canon Law. London 1996, p. 712: “This tax may be levied only on public juridical persons e.g., a parish etc., not on individuals. Moreover these juridical persons are those only which are ‘subject to the diocesan Bishop’s authority. External schools of pontifical religious institutes are not so subject.” Cf. PCE: Reply of 24.1.1984: AAS 81 (1989), p. 991 ad II: “Neither are religious institutes, whether pontifical or diocesan, because of their autonomy of governance (see c. 586), nor private associations of the faithful, nor supra-diocesan institutes such as the Bishops’ Conference, the Conference of major Superiors, and the like.” See also to this theme Cafardi, Nicholas: L’autorità di imporre le tasse da parte del Vescovo diocesano secondo quanto previsto del Canone 1263, in: Esposito, Bruno (ed.): Attuali problemi di interpretazione del Codice di Diritto Canonico. Atti del Simposio Internazionale in occasione del I Centenario della Facoltà di Diritto Canonico (Roma, 24-26 ottobre 1996). Roma 1997, pp. 127-138.

175 Cf. c. 127 § 1.
committee and the council of priests) and can only be imposed on the juridical persons and individual Catholics who are under the jurisdiction of the Bishop and it has to be moderate and proportion to their income.

Gifts are sometimes given to churches through acts *inter vivos* or *donatio mortis causa*. *Actum inter vivos* is made between living people or while the donor is still alive, and *donatio mortis causa* is made on account of death; and this means upon death or prior to and approaching death. These acts are to be established by civil law for legal protection since to ignore it will lead to risk of constant litigation. The Code states that even if the legal precepts have been neglected for the protection, the heirs must be advised of their obligation to fulfill the intention in case of *donatio mortis causa*.

*Inter vivos* and *mortis causa* are donations which the people wish to make for ‘pious causes’ which constitute the church’s proper objectives as exemplified in c. 1254 § 2 which states:

“These proper objectives are principally 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.”

The Code stresses careful observation of the intention of the donors who give or leave their goods to pious causes be it by an act *inter vivos* or by an act *mortis causa*. The Code acknowledges the diocesan Bishop to be the executor of all pious dispositions and to ensure that the will of the donors is fulfilled.

### 3.2.4 The Right to Administer Temporal Goods

After the temporal goods have been acquired, what follows is the question of the administration of the acquired goods. This is the most important part of the temporal

\[\text{176} \text{ Cf. c.1299 § 2.} \]
\[\text{177} \text{ Cf. c. 1300: “The intentions of the faithful who give or leave goods to pious causes, whether by an act *inter vivos* or by an act *mortis causa*, once lawfully accepted, are to be most carefully observed, even in the manner of the administration and the expending of the goods, without prejudice to the provisions of c. 1301 § 3.”} \]
\[\text{178} \text{ Cf. c. 1301.} \]
\[\text{179} \text{ The term administration in the Code has two meanings: firstly; placing acts of governance in respect to the law: e.g., singular administrative acts which include singular decrees and precepts, rescripts, privileges, and dispensations (see cc. 35-93). Administration in this work however will refer to economic action, which seek to conserve, to make to bear fruit, and to better a patrimony.} \]
goods with regards to my research and for the future of the economic wellbeing of the dioceses in Tanzania because the improper administration of temporal goods of the Church demoralizes the spirit of the donors and the Christian faithful to contribute to the support of the Church. The Code establishes that these goods are administered by those with direct power of governance over a juridical person and the Ordinary has the power to intervene where there is neglect:

“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, and without prejudice to the right of the Ordinary to intervene where there is negligence on the part of the administrator.”

The Code directs every juridical person to have its own financial committee or at least two counselors to help in the administration of its goods. The administrators of temporal goods are obliged to carry out their duties with the diligence of a good householder by observing the following:

Therefore they must:

1. Be vigilant that no goods placed in their care in any way perish or suffer damage; to this end they are, to the extent necessary, to arrange insurance contracts;

2. Ensure that the ownership of ecclesiastical goods is safeguarded in ways which are valid in civil law;

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182 Cf. c. 1280.
3. Observe the provisions of canon and civil law, and the stipulations of the founder or donor or lawful authority; they are to take special care that damage will not be suffered by the Church through the non-observance of the civil law;

4. Seek accurately and at the proper time the income and produce of the goods, guard them securely and expend them in accordance with the wishes of the founder or lawful norms;

5. At the proper time pay the interest which is due by reason of a loan or mortgage, and take care that in due time the capital is repaid;

6. With the consent of the Ordinary, make use, for the purposes of the juridical person, of money which is surplus after payment of expenses and which can be profitably invested;

7. Keep accurate records of income and expenditure;

8. Draw up an account of their administration at the end of each year,

9. Keep in order and preserve in a fitting and secure archive the documents and records establishing the rights of the Church or institute to its goods; where conveniently possible, place authentic copies in the archive of the curia.  

3.2.4.1 Agents and Organs of Administration of Temporal Goods in a Diocese

The Administration of temporal goods of the diocese is carried out by different agents and organs. Agents of administration of temporal goods in the diocese in this context are to be understood as those persons (physical persons) who act in the name and on behalf of the juridical person which in this context is the diocese. This is in line with the prescription of c. 118 which reads: “Those persons represent, and act in the name of, a public juridical person whose competence to do so is acknowledged by universal or particular law or by their own statues….” The argent in this discussion are the Roman Pontiff, the diocesan Bishop and the diocesan financial administrator.

By virtue of his primacy of governance, the Roman Pontiff is the supreme administrator and steward of all temporal goods of the Church: “By virtue of his office, not only has power over the universal Church, but also has pre-eminent ordinary power over all particular

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183 C. 1284 § 2.
Churches and groups of them.\textsuperscript{186} The Code in c. 1273 affirms that the acts of administration of temporal goods are also the acts of governance. This canon states: “The Roman Pontiff, by virtue of his primacy of governance, is the supreme administrator and steward of all ecclesiastical goods.” However, to say that the Roman Pontiff is the supreme administrator of the temporal goods of the Church does not mean that the goods belong to him personally. His power is solely administrative and he cannot be said to properly own those properties. He can regulate with norms the use of goods, to reserve to himself some authorizations, to transfer some goods whenever their ends and common interest of the Church require it. Usually, the Roman Pontiff acts through the intermediary of the dicasteries of the Roman Curia that have a vicarious or delegated power.\textsuperscript{187} The title “Roman Pontiff” (\textit{Romanus Pontifex}) is used in this canon instead of Holy See (\textit{Sancta Sedes}) or Apostolic See (\textit{Sedes Apostolica}) because the canon speaks of the competence of the successor of St. Peter.\textsuperscript{188}

The administration of diocesan temporal goods is part and parcel of the administration of the diocese.\textsuperscript{189} The diocesan Bishop is the primary administrator of the goods belonging to the diocese according to the prescription of the new Code: “The administration of ecclesiastical goods pertains to the one with direct power of governance over the person to whom the goods belong ….”\textsuperscript{190} It is on him that all inferior administrators of the temporal goods of the Church in the diocese depend, with the exception of those who have secured an exemption by law as in the case of religious or dem Thomas J. Green commenting on the Episcopal governance writes:

“Accordingly, an integral part of Episcopal governance is managing the resource of the diocese in such a way that basic principles are observed. These principles are pastoral principle subordinating the use of ecclesiastical goods to the needs of the apostolate, cooperative principle envisioning using Church property in a modest, trusting fashion with particular attention being paid to the needs of the poor.”\textsuperscript{191}

\textsuperscript{186} C. 333.
\textsuperscript{188} Cfr. Althaus, Rüdiger: c. 1273, Rn. 2, in: MK CIC (Stand: April 1997).
\textsuperscript{190} C. 1279 § 1.
\textsuperscript{191} Cf. Green: Shepherding the Patrimony of the Poor, p. 706.
The “Iusadvigilandi” of all public juridical persons with diocesan right belongs to the diocesan Bishop who is immediately in charge of them.\(^{192}\) The diocesan Bishop governs the diocese by his power of governance, which is sacred and personally conferred to him by his Episcopal ordination.\(^{193}\) His power of governance is distinguished as legislative, executive and judicial. The diocesan Bishop works closely with the financial council and the college of consultors when fulfilling his duties relating to the administration of temporal goods. As the mediate administrator, the diocesan Bishop acts directly to curb any signs of negligence or misuse and even makes replacements of administrators if need be. The right of intervention in the event of negligence is an essential element of supervision of the diocesan Bishop.\(^{194}\)

C. 381 § 2 stipulates that those who are equivalent to the diocesan Bishop are also the administrators of the temporal goods of those particular churches entrusted to them namely a territorial prelature, a territorial abbacy, a vicariate apostolic, a prefecture apostolic and permanently established apostolic administration.\(^{195}\) Hans Heimerl communicates the same idea in his Book „Handbuch des Vermögensrechts der katholischen Kirche“:

„In gleichem Maße wie der Diözesanbischof für das Diözesanvermögen sind die ihm gleichgestellten Ordinarien, die anderen Teilkirchen vorstehen, Verwalter des Vermögens ihrer Teilkirche: Der Gebietsprälat und Gebietsabt, der Apostolische Vikar und Präfekt sowie der Apostolische Administrator sowie der Militärordinarius.\(^{196}\)

The canon requires that in acts of major importance, the diocesan Bishop must consult the diocesan financial council as well as the college of consultors. He is only required by law to consult them i.e., to hear their opinions but he is not bound to accept them. And in the case of extraordinary acts the diocesan Bishop is obliged to obtain their consent:

“In carrying out acts of administration which, in the light of the financial situation of the diocese, are of major importance, the diocesan Bishop must consult the finance committee and the college of consultors. For acts of extraordinary administration, except in cases expressly provided for in the universal law or stated in the documents of


\(^{193}\) Cf. Green: Shepherding the Patrimony of the Poor, p. 706.


\(^{195}\) Cf. c. 368.

\(^{196}\) Heimerl, Hans / Pree, Helmuth (Hg.): Handbuch des Vermögensrechts der katholischen Kirche. Regensburg 1993, p. 357.
foundation, the diocesan Bishop needs the consent of the committee and of the college of
consultors ...."197

The failure to fulfill this precept of the law will render the action of the diocesan Bishop
invalid as we have seen above in the case of taxes. The new Code gives the diocesan Bishop
the power to choose those who will assist him in the administration of the temporal goods of
the diocese. These are the members of a financial council (c. 492 § 1), members of the college
of consultors (c. 502 § 1) and the diocesan financial administrator after consulting the
diocesan financial council and the college of consultors (c. 494 § 1). The discussion of the
diocesan financial council, the college of consultors and the diocesan financial administrator
will be dealt in details below. The diocesan Bishop like any other administrator of temporal
goods of the diocese is also bound to perform his duties with the assiduousness of a good
householder. Moreover, it should be noted here that the diocesan Bishop is regarded by the
law as the primary and direct administrator of diocesan temporal goods. Considering this role
there might be a danger: because as the primary and direct administrator of temporal goods of
the Church how can he supervise himself? This danger is also echoed by Georg Fischer:

„Gerade in der Verwaltung des Diözesanvermögens ist eine Gefährdung zumindest
theoretisch möglich, da der Diözesanbischof grundsätzlich dessen direkte (administratio)
wie indirekte (vigilantia) Vermögensverwaltung innehat (vgl. cc. 1276 § 1 und 1279 § 1),
er also sein eigenes Handeln in der Verwaltung beaufsichtigen könnte."198

In order to avoid this danger the diocesan Bishop has to employ the service of others in the
administration of temporal goods of the diocese namely to appoint the diocesan financial
administrator, to consult and hear the diocesan financial council and the college of consultors.

It is the demand of the canonical legislation that in each diocese there should be a diocesan
financial administrator appointed by the diocesan Bishop after consulting and hearing the two
bodies namely diocesan finance committee and the college of consultors. This office of
diocesan financial administrator is mandated, that is, it is obligatory and not optional unlike
other curial officials, such as Episcopal vicars whose appointments are optional: “In each
diocese a financial administrator is to be appointed by the Bishop, after consulting the college

197 C. 1217.
198 Fischer, Georg: Finanzierung der Kirchlichen Sendung: Das Kanonische Rechts und die
Kirchenfinanzierungssysteme in der Bundesrepublik Deutschland und USA (KStKR 5). Paderbon / München
del Vescovo diocesano (cann. 1276-1277), in: I beni temporali della chiesa (StudG 50). Città del Vaticano
of conselors and the finance committee.”\textsuperscript{199} This obligation of hearing the diocesan finance committee and the college of conselors before appointing the diocesan financial administrator is for the validity of the act. It is regarded also as an act of control and transparency. However, the diocesan Bishop does not need the consent of the members of the diocesan finance committee and/or the college of conselors for the appointment of the diocesan financial administrator.

The law giver stipulates the office of the diocesan financial administrator in order to help the diocesan Bishop in his day to day administration of temporal goods of the diocese so that the diocesan Bishop may have time to concentrate more on his pastoral work of the diocese as echoed by Georg Fischer:

\begin{quote}
“Der CIC/1983 schafft mit dem Diözesanökonomen vielmehr ein Amt, das den Bischof in der Vermögensverwaltung entlastet, um ihm so einen größeren Freiraum in seinem Dienst als Hirten der Teilkirche zu ermöglichen.”\textsuperscript{200}
\end{quote}

The diocesan financial administrator may be a cleric or a lay person, a man or a woman who is a catholic, that is, he or she should be in full communion\textsuperscript{201} with the catholic Church as echoed in the Code: “In order to be promoted in an ecclesiastical office, one must be in communion with the Church, and be suitable, that is, possessed of those qualities which are required for that office by universal or particular law or by the law of the foundation.”\textsuperscript{202} Financial expertise is a \textit{sine qua non} qualification, usually as a certified public accountant or a member of a similar profession, and he or she must be distinguished for his or her personal honesty and integrity.

The law giver does not prohibit the diocesan Bishop to appoint his relative in the office of diocesan financial administrator as is the case in the appointment to the office of Vicar General and Episcopal Vicar (c. 478 § 2) and for the members of the diocesan finance committee (c. 492 § 3). But common sense tells him not to elect his relative to the office of

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\textsuperscript{200} \textit{Fischer}: Finanzierung der Kirchlichen Sendung, p. 128.

\textsuperscript{201} Full communion means those who are baptized and who share the same faith, sacraments and are under the same ecclesiastical authority (c. 205; Art. 14, Abs. 2 VatII LG).

\textsuperscript{202} C. 149 § 1.
\end{flushright}
diocesan financial administrator in order to avoid abuse and the impression of nepotism in the
diocesan governance.\textsuperscript{203}

The diocesan financial administrator is a stable office, that means, that the diocesan Bishop
cannot ‘hire and fire’ him or her without a grave cause. C. 494 § 2 stipulates that the diocesan
financial administrator cannot be removed from office for only a just reason like Vicar
General (c. 477), Episcopal vicar or Chancellor but only for a grave cause and after the
diocesan Bishop has consulted the diocesan finance committee and the college of consultors.
‘Grave causes’ that give good reason for the Bishop to remove the financial administrator
from office include: any criminal acts, such as misappropriation of funds, or incompetent and
negligent management that caused or was likely to cause harm to the stable patrimony of the
diocese or even its reputation, for example investing diocesan funds in shares in companies
whose policies were contrary to Church teaching (for example an industry which produces
condoms).

The diocesan Bishop is free to remove from office the financial administrator if he loses
faith in him or her. The law giver is keen to prevent the diocesan financial administrator from
being removed from office at will especially when he or she works according to the canonical
regulations but contrary to the will of the diocesan Bishop. However, the removal due to
grave cause/causes should be executed by a decree in writing.\textsuperscript{204}

The diocesan financial administrator is appointed for a period of five years and at the end
of this period he or she can be reappointed:

“The financial administrator is to be appointed for five years, but when this period has
expired, maybe appointed for further terms of five years. While in office he or she is not
to be removed except for a grave reason, to be estimated by the Bishop after consulting
the college of consultors and the finance committee.”\textsuperscript{205}

The Code does not give a limit of his or her reappointment. This stable nature of the office
of the diocesan administrator is supported by the content of c. 193, § 1 which stipulates: “No
one may be removed from an office which is conferred on a person for an indeterminate time,
except for grave reasons and in accordance with the procedure defined by law.” The Code


\textsuperscript{204} Cf. c. 51.

\textsuperscript{205} C. 494 § 2.
stipulates that 6 months before the 5 year-term contract expires the diocese can make a provision for the same or another diocesan financial administrator, and this new appointment takes effect on the day of the expiration of the existing contract:

“If, however, there is question of an office which by law is conferred for a determinate time, provision can be made within six months before the expiry of this time, and it takes effect from the day the office falls vacant.”

Duties of diocesan financial Administrator. The canonical duties of the financial administrator are enumerated as follows: firstly, to administer under the authority of the diocesan Bishop goods of the diocese in accordance with the plan of the finance council. Secondly, to make those payments from diocesan funds which the Bishop or his delegate has lawfully authorized. Thirdly, to submit to the finance council an annual report of diocesan income and expenditures which will be significant for future budgeting purposes. The fact that the financial administrator is to give an annual report to the finance council means that he is not a member of it, much less someone delegated by the Bishop to preside over it (c. 492 § 1); this is because he is accountable to it (c. 494 § 3).

Fourthly, to prepare an annual financial report the Bishop is to give to the people of the diocese concerning goods offered by them to the Church (c. 1287 § 2). Fifthly, he or she has to receive and keep records of monthly remittances and other special collections (diocesan/national/pontifical like mission Sunday, etc.,) of parishes. Sixthly, he or she is obliged to furnish reports of the monthly remittances and other collections to priests during the regular assembly meetings. Seventhly, he or she is to ensure that special collections are remitted or forwarded to the proper and designated offices. Eighthly, he or she has the duty to disburse Medicare funds to priests requesting reimbursements for their medical expenses.

Other obligations include: ninthly, to keep accurate records of all the expenditures of the diocese (e.g., salaries, food, apostolate, etc.). Tenthly, to keep records of business contracts/agreements entered into by the diocese. Eleventh, he or she has to ensure punctual payments of the annual taxes and the like. Twelfth, he or she fulfills the duty to assist the parishes in keeping, securing, updating and correcting records of the temporal goods of the

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206 C. 153 § 2.
207 Cf. c. 494 § 3.
208 Cf. c. 494 § 4.
parishes (copies of such documents are to be deposited in the office of the financial administrator).\textsuperscript{209}

The financial officer has also the duty to administer the Bishop’s house. He or she has to firstly, keep an inventory of the properties of the Bishop’s house. Secondly, he or she has to ensure that the Bishop and other priests/guests staying at the Bishop’s house have a sufficient weekly budget for food and house maintenance and cleanliness. Thirdly, he or she has to supervise the workers/staff of the Bishop’s house and meet them regularly. Fourthly, he or she has to ensure a decent accommodation for the priests during their assembly meetings and other gatherings in the diocese. Fifthly, he or she has to supervise the provision and preparation of food during regular and special assemblies of priests. And lastly, he or she has to consult the Bishop at all times.\textsuperscript{210}

In short, the financial administrator carries out and fulfills his or her duties within the parameters of the budget developed by the financial council and approved by the Bishop. The duty of the financial officer is not to make policy decisions, a duty which belongs to the diocesan Bishop and the finance council. His or her responsibility is to apply the established policy and control receipts and expenditures in accordance with proper authorization.

Regulation of Diocesan Financial Administrator during ‘Sede Vacante’. The Episcopal See becomes vacant with the death of the diocesan Bishop, by his resignation accepted by the Holy See, by transfer, or by deprivation notified to the Bishop.\textsuperscript{211} The office of the diocesan financial administrator is a stable office and so does not cease to exist when the Episcopal See is vacant. When the diocesan financial administrator is elected to the office of the diocesan administrator during ‘Vacant See’, the Code stipulates that the diocesan finance council has to elect a temporary diocesan financial administrator. He or she is called a temporary diocesan financial administrator in the sense that when the new diocesan Bishop is appointed and takes up canonical possession of his diocese, he may confirm him or her or appoint a new person. He or she is also called temporary diocesan financial administrator in the sense that when the former diocesan financial administrator who at this time is diocesan administrator will not be

\textsuperscript{209} Cf. c. 1283, 3°.
\textsuperscript{210} Interview with Peter Mapunda, the former financial administrator of the diocese of Tanga, February 20\textsuperscript{th}, 2013.
\textsuperscript{211} C. 416.
appointed a diocesan Bishop, he will go back to his former office of diocesan financial administrator and complete his term of office if it is not yet completed. Barbara Anne Cusack echoes the same idea when she writes:

“Under normal circumstances, the finance officer is appointed by the diocesan bishop. However, when a see is vacant, if the finance officer is chosen as diocesan administrator, he is to be replaced by someone appointed by the finance council, a rare example of a significant diocesan appointment by someone other than the bishop. If during the vacant see the finance officer resigns or dies, the diocesan administrator may appoint a finance officer, because he generally has the rights and obligations of a diocesan bishop.”

The new Code stipulates that one ceases to be diocesan financial administrator if one reaches the end of his or her service term and is not reappointed, or if one is removed from office due to grave cause or causes, or one resigns from the office for a just reason or when one dies.

3.2.4.2 Organs of the Administration of the Temporal Goods in a Diocese

Organs of the administration of temporal goods of the diocese are referred to here as an aggregate (a group, or a body) of physical persons established in accordance with the law to assist the diocesan Bishop in the administration of the temporal goods of the diocese. They are consultative organs of the diocesan Bishop. The organs of the administration of temporal goods of the Church are as follows:

Diocesan Finance council. The diocesan finance council ‘consilium a rebus oeconomicis’ is an organ with maximum responsibility for the patrimonial administration in the diocese under the authority of the diocesan Bishop and its existence in the diocese is canonically required. The diocesan Bishop is canonically obliged to establish this organ in order to help him in the administration of temporal goods of the diocese. The Latin words res oeconomicae which are within the name of this organ can be directly translated as things pertaining to the economic sphere, economic matter, or household. This organ was known in the 1917 Code as consilium administrationis and in CIC/1983, it is known as consilium a rebus oeconomicis. The Latin phrase consilium a rebus oeconomicis stipulated in the new Code cannot be directly

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212 Cusack: The Internal Ordering of Particular Churches, p. 651; cf. also c. 427 § 1.
214 Cf. c. 492, § 1.
interpreted. Some commentators of the Code of Canon Law have translated *consilium a rebus oeconomicis* as financial committee and others have named it as finance council. In some dioceses, the financial council is replaced by the Registered Trustees. The same system is still practiced up to today in England where financial council carries the name of ‘trustees’.

The obligation to establish this organ is once more mandated in c. 1280 CIC/1983 as it reads: “Every juridical person is to have its own finance council, or at least two counselors, who are to assist in the performance of the administrator’s duties, in accordance with the statutes.” For the members of the diocesan finance council, the diocesan Bishop is obliged to appoint at least three members of Christ’s faithful to this body. The law giver gives the minimum number for the financial council but gives the diocesan Bishop freedom to fix the highest number in order to find the most diverse expertise among the members. However, too large a body could become cumbersome for discussion and deliberation. An even number of the members is advisable for the clearer result of vote when the consent of this organ is required by the diocesan Bishop.

The diocesan Bishop is obliged to appoint at least three persons to form the *consilium a rebus oeconomicis*. In appointing the members the diocesan Bishop is free to appoint a male or a female, a layperson or a cleric provided that he comes from the members of Christ’s faithful who is in full communion with the Catholic Church. Full communion with the Catholic Church is a qualification among others to enter into the diocesan finance council.

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215 English translation prepared by the Canon Law Society of Australia, New Zealand and Canada published by the Collins Liturgical Publication in 1983 uses the term finance committee to translate *consilium a rebus oeconomicis*. The Code of Canon Law: A Text and Commentary, commissioned by the Canon Law Society of America and published by Geoffrey Chapman in 1985, uses the term financial council to translate *consilium a rebus oeconomicis*.

216 Cf. Woodall: A Passion for Justice, p. 156.

217 Cf. c. 492 § 1.

218 The freedom to appoint the members of the diocesan financial committee is a new phenomenon in the new Code because in the old Code 1917 the diocesan Bishop was obliged to consult and discuss with the Cathedral chapter. At the same time the diocesan Bishop was limited in the old Code to only appoint male members to this organ. (Cf. c. 1520 § 1 CIC/1917).

219 Some Canonists differ in their commentaries about the opinion as to whether or not the members of the finance council, as well as the diocesan financial officer, must be Catholics. The basis for these varying positions is the interpretation of c. 149 § 1 which explains the requirements for holding an ecclesiastical office. That canon states that office holders must be “in the communion of the Church.” C. 205 describes those who are Catholic or in full communion. Full communion is stated as a requirement for some but not all offices: members of the diocesan pastoral council, for example, must be in full communion (c. 512 § 1). Some commentators hold that full communion is intended in c. 149 § 1 and, therefore, the members of the...
Secondly; the members should be expert in financial matters and or civil law.\textsuperscript{220} Thirdly, the member should possess personal integrity and truthfulness.\textsuperscript{221} Pastoral competence for a member of this organ is an extra qualification that the diocesan Bishop can also look at when appointing the members although it is not part of the canonical qualification posed by the Code. This will help in fulfilling the duty of supervising the finance councils of other juridical persons who carry out the mission of the Church and their finances are supervised by the diocese.

To avoid nepotism and favoritism the law prohibits certain close relatives of the diocesan Bishop from being chosen, i.e., fourth degree of consanguinity (e.g., first cousin) or affinity.\textsuperscript{222} The question of nepotism and favoritism is very sensitive in most African societies including Tanzania. Therefore when dealing with such cases a diocesan Bishop should take great care to avoid misinterpretations from members of faithful in their diocese. For example, when the diocesan Bishop comes from the same diocese, it will be a matter of prudence not to appoint all members of the finance council from his tribe or home-parish. Although this is not against the precepts of the Code of Canon Law, to appoint all members of the financial council from Bishop’s tribe or from his home-parish will however amount to feelings of nepotism or favoritism before the eyes of some people according to the experience of the Church in Tanzania.

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\textsuperscript{220} Cf. c. 492, § 1: “In each diocese a finance committee is to be established, presided over by the diocesan Bishop or his delegate. It is to be composed of at least three of the faithful, expert in financial affairs and civil law, of outstanding integrity, and appointed by the Bishop”.
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\textsuperscript{221} „Außer durch seine Fachkompetenz muss sich jedes Ratsmitglied durch persönliche Integrität auszeichnen (§ 1), und zwar sowohl im Privatbereich (Zuverlässigkeit, Vertrauenswürdigkeit), als auch im Berufsleben (Seriosität, Unbescholtenheit, einwandfreier Leumund in der Geschäftswelt).“ See Bier, Georg: c. 492, Rn. 9, in: MK CIC (Stand: Dezember 1999).
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\textsuperscript{222} Cf. Green: Shepherding the Patrimony of the Poor, p. 714; see also c. 492, §§ 1-3.
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The diocesan Bishop himself is not part of the members of diocesan finance council. He is to chair the meeting of the diocesan finance council as the law requires him to do so. He is however; free to delegate someone to preside over the meeting. Even when the diocesan Bishop does not preside over the meeting he cannot be a member of this organ. The diocesan Bishop is free to delegate any Christ’s faithful; except the diocesan financial administrator; to preside on his behalf over the meeting of the diocesan financial council. It is however advisable to delegate in the first line his vicar general or Episcopal vicar, because these are canonically his representatives.

The diocesan finance council should be different from the presbyterium (cc. 496-499) and the diocesan pastoral council (c. 512). The members of the diocesan finance council are to be appointed for a period of five years which can be renewable according to the wish of the diocesan Bishop. The diocesan Bishop can remove members of the diocesan finance council before the end of their five year term only for unspecified grave reasons. Unlike other significant entities of the diocese such as the presbyteral council which ceases during sede vacante, the diocesan finance council continues to exist even when the diocese is without a Bishop i.e., in sede vacante. The diocesan finance council however is prohibited in sede vacante to make any significant innovations to the diocesan patrimony and other rights of the diocese.


224 Cf. c. 193 § 2.

225 Cf. c. 501 § 2: “When the See is vacant, the council of priests lapses and its functions are fulfilled by the college of consultors. The Bishop must reconstitute the council of priests within a year of taking possession.”

226 Cf. c. 428 §§ 1-2: “While the see is vacant, no innovation is to be made,” and “Those who have interim governance of the diocese are forbidden to do anything which could in any way prejudice the rights of the diocese or of the Bishop. Both they, and in like manner any other persons, are specifically forbidden to remove, destroy or in any other way alter documents of the diocesan curia, either personally or through another.”
Functions of the diocesan finance council. The diocesan finance council has the duty to prepare the annual diocesan budget of income and expenses according to the directions of the diocesan Bishop as echoed in the new Code:

“Besides the functions entrusted to it in Book V, it is the responsibility of the finance committee to prepare each year a budget of income and expenditure over the coming year for the governance of the whole diocese, in accordance with the direction of the diocesan Bishop.”

Barbara Anne Cusack is of the opinion that the diocesan finance council has to calculate the available resources for the coming fiscal year in order to establish from the very outset a benchmark for achieving a balance between income and expenses. In doing so the diocesan finance council is obliged to invite various offices, departments, institutions, and agencies in the diocese in the stages of budget procedures writing:

“Consistent with the principle of subsidiary, it would be appropriate that the various offices, departments, institutions, and agencies which are supported by diocesan fund be involved at least in the initial stages of budget preparation.”

Secondly, the diocesan finance council has to review the annual reports of all administrators of juridical persons subject to the diocesan Bishop (e.g., parishes) and offer recommendations to secure greater financial accountability and more effective pursuit of ecclesial purposes:

“Where ecclesiastical goods of any kind are not lawfully withdrawn from the power of governance of the diocesan Bishop, their administrators, both clerical and lay, are bound to submit each year to the local Ordinary an account of their administration, which he is to pass on to his finance committee for examination.”

The diocesan finance council has to call to the attention of the diocesan Bishop any matters that seem to need more immediate attention, such as regular over-spending in a particular area of a budget.

Thirdly; to ensure that funds designated for restricted purposes have been allocated only to those purposes: “Offerings given by the faithful for a specified purpose may be used only for that purpose.” In connection with this point, the diocesan finance council has to help the

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227 C. 493.
228 Cusack: The Internal Ordering of the Particular churches, p. 649.
229 C. 1287 § 1.
230 C. 1267 § 3.
diocesan Bishop in preparing his obligatory public financial accounting report to the faithful of the diocese.\textsuperscript{231}

The fourth function of the diocesan finance council is to give advice or consent to the diocesan Bishop with regard to the administration of temporal goods of the diocese. This obligation of the diocesan Bishop to consult the diocesan finance council should not be easily dismissed.\textsuperscript{232} If the consent is to be sought, the diocesan Bishop must listen to the opinions of those convened regarding the matter under consideration. When consent is required, the diocesan Bishop cannot act validly without the vote of an absolute majority of those present. The diocesan Bishop therefore is obliged to consult the diocesan finance council before undertaking the following decisions:

i) The imposition of a moderate tax on public juridical persons subject to his authority.\textsuperscript{233}

ii) The imposition of an extraordinary tax on other juridical and physical persons.\textsuperscript{234}

iii) The performance of more important acts of administration.\textsuperscript{235}

iv) The determination of limits of ordinary administration of those subject to him.\textsuperscript{236}

v) The designation of appropriate investment strategies for goods assigned to an endowment.\textsuperscript{237}

vi) The diminishment of obligations arising from a foundation when their fulfillment becomes impossible.\textsuperscript{238}

The consent of the diocesan finance council is required when the diocesan Bishop intends to do the following:

i) To perform acts of extraordinary administration.\textsuperscript{239}

ii) To alienate property beyond a stipulated amount determined by the conference of bishop\textsuperscript{240}.

\textsuperscript{231} Cf. Cusack: The Internal Ordering of the Particular churches, p. 650.
\textsuperscript{232} Cf. c. 127 §§ 1-3.
\textsuperscript{233} Cf. c. 1263.
\textsuperscript{234} Cf. c. 1263.
\textsuperscript{235} Cf. c. 1277.
\textsuperscript{236} Cf. c. 1281 § 2.
\textsuperscript{237} Cf. c. 1305.
\textsuperscript{238} Cf. c. 1310 § 2; see also Cusack: The Internal Ordering of the Particular churches, p. 650.
\textsuperscript{239} Cf. c. 1277.
iii) To complete any transaction, in addition to alienation which could worsen the financial condition of the diocese.\textsuperscript{241}

College of consultors. In order to cultivate close connection and cooperation between the diocesan Bishop and his presbyterate (i.e., council of priests), Vatican II exhorted the Bishops to listen to priests and indeed consult them and have discussion with them about those matters, which concern the necessities of the pastoral, and the welfare of the diocese.\textsuperscript{242} This Conciliar instruction was further polished in the implementation of legislation of \textit{Moto Proprio Ecclesiae sanctae} which made the institution of the body of consultors a requirement:

“In each diocese, according to a method and plan to be determined by the bishop, there should be a council of priests, that is a group or senate of priests who represent the body of priests and who by their counsel can effectively assist the bishop in the government of the diocese. In this council the bishop should listen to his priests, consult them and have dialogue with them on those matters, which pertain to the needs of pastoral work and the good of the diocese.”\textsuperscript{243}

The college of consultors can be considered as an innovation of the new Code. In the old Code, that is, CIC/1917, an equivalent organization was provided to those dioceses in which it was not possible to constitute a cathedral chapter:

“Der CIC/1917 kannte als ‘Senat des Bischofs’ das Kathedralkapitel, das Teilhatte an der Leitung der Diözese (vgl. c. 391 § 1 CIC/1917). In Gegenden, in denen kein Domkapitel errichtet werden konnte, mussten Diözesankonsultoren an dessen Stelle handeln (vgl. cann. 423, 427 CIC/1917).”\textsuperscript{244}

C. 502 § 1 stipulates that the diocesan Bishop can freely appoint from among the members of the council of priests not few than six and not more than twelve priests, who are for five years to constitute the college of consultors.\textsuperscript{245} Paragraph 3 of the same canon however, gives the Bishop’s conferences the faculty to decide that the functions of the college of consultors be attributed to the cathedral chapter. Following this provision the Bishops’ Conferences of

\textsuperscript{240} Cf. c. 1292 § 1.
\textsuperscript{241} Cf. c. 1295; see also \textit{Cusack: The Internal Ordering of the Particular churches}, p. 650.
\textsuperscript{242} Cf. Art. 7 VatII PO and Art. 27 VatII CD.
\textsuperscript{244} \textit{Bier, Georg}: c. 502, Rn. 1, in: MK CIC (Stand: April 1997).
German speaking countries resorted to the use of Cathedral chapter rather than college of consultors as stipulated by Bier:


The Code stipulates that the diocesan Bishop freely appoints the members of the college of consultors from the members of the council of priests. That means, one of the condition to belong to this college is to have received priestly oridem Unlike the members of the diocesan financial council and the diocesan financial administrator where lay persons can be appointed, the Code restricts members of this organ only to priests and Bishops. The diocesan Bishop therefore, cannot dispense this provision in order to allow deacons or lay person to be members.

Once one becomes a member of the college of consultors, his membership becomes independent of the membership of the council of priests. That means, one can cease to serve on the council of priests and still retain his membership in the college of consultors:

“In case a member of the college of consultors stops being a member of the council of priests during the time of its mandate he remains nonetheless, in his office of consultor.”

If a member of the college of consultors leaves office, for whatever reason, before the expiry of his five-year term, the diocesan Bishop may, but need not, replace him; he is obliged to replace him only if the number would fall below the minimum level of six. The replacement shall complete only the unexpired term because it is the 5 year-term of the college that counts and not of the individual members. When their term expires, the members continue to function until they are notified in writings of that fact as stipulated in the Code: “Loss of office by reason of the expiry of a predetermined time or of reaching the age limit has effect only from the moment that this is communicated in writing by the competent

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246 Ibid., Rn. 9.
authority.”

Moreover, the members of the college continue to function until the diocesan Bishop constitutes another college as stipulated in the last verse of c. 502 § 1: “On the expiry of five year period, however; it continues to exercise its functions until the new college is constituted”.

The diocesan Bishop normally presides over the college of consultors. He can however, delegate this presidency role to another person:

“The diocesan Bishop presides over the college of consultors. If, however, the see is impeded or vacant, that person presides who in the interim takes the Bishop’s place or, if he has not yet been appointed, then the priest in the college of consultors who is senior by ordination.”

Functions of the college of consultors. The specific functions of the council of the consultors among others are to be heard and consulted by the diocesan Bishop about matters concerning finance and the temporal goods of the diocese. The Code calls also the diocesan financial council to be consulted and heard by the diocesan Bishop as discussed above in the section of diocesan financial council. But the Code however, does not specify the order in which the two bodies are to work. Perhaps it may be wise for the diocesan finance council be approached first, since it has the technical expertise relevant to the cases in hand, which might inform the judgment of the college of consultors.

The Code enumerates the functions of the college of consultors as follows:

1. During the situation of vacant see which has been so for one year, a diocesan administrator can grant excardination or incardination only with the consent of the college of consultors (c. 272).
2. The Pontifical legate is to contact some of the members of the council prior to the election of the diocesan or coadjutor Bishop (c. 377 § 3).
3. The coadjutor Bishop shows his letter of appointment to the diocesan Bishop and the members of the council of consultors before he takes possession of his office (c. 404 § 3).

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248 C. 186.


250 C. 502 § 2; cf. also Green: Shepherding the Patrimony of the Poor, p. 719.

251 Woodall: A Passion for Justice, p. 453.

252 I have decided to quote the functions of the council of consultants in the order and words as appears in: Cusack: The Internal Ordering of the Particular churches, p. 662. The functions of the college are sorted out very good here.
4. When the see is impeded the auxiliary and coadjutor Bishop take office by showing their letters of appointment to the college of consultors (c. 404 § 1).

5. When the See is impeded and there is no coadjutor, or he also is impeded, the college of consultors is to select a priest to govern the diocese if the diocesan order of succession is not available (c. 413 § 2).

6. When there is no auxiliary Bishop, the college assumes the governance of a vacant See in the interim before the selection of a diocesan administrator (c. 419).

7. The college is to elect a diocesan administrator within eight days of receiving notice that the see is vacant (c. 421 § 1).

8. When there is no auxiliary Bishop, the college is to notify the Apostolic See of the death of the diocesan Bishop (c. 422).

9. The diocesan administrator can remove chancellors and other notaries from office only with the consent of the college (c. 485).

10. Before naming a diocesan finance officer, the diocesan Bishop is to consult with the college (c. 494 § 1).

11. The diocesan Bishop has to consult the college before removing the diocesan financial administrator from office (c. 494 § 2).

12. The diocesan administrator is to make his profession of faith in the presence of the college (c. 833, 4°).

13. The college must give its consent before the diocesan administrator can issue dimissorial letters (c. 1018 § 1, 2°).

14. The diocesan Bishop must consult with the college prior to placing more important acts of administration (c. 1277).

15. The diocesan Bishop, likewise, needs the college’s consent for acts of extraordinary administration (c. 1277).

16. The diocesan Bishop also needs its consent for alienation of property beyond the amount specified by the conference of Bishops (c. 1292 § 1).

The Presbyteral council. The presbyteral council or the council of priests is one of the organs for the administration of temporal goods in the diocese. It is a juridical institute restored as a result of the teaching in the Documents of Vatican II.

“Bishops, therefore, because of the gift of the Holy Spirit that has been given to priests at their ordination, will regard them as their indispensable helpers and advisers in the ministry and in the task of teaching, sanctifying and shepherding the people of God…They should be glad to listen to their priests’ views and even consult them and
hold conference with them about matters that concern the needs of pastoral work and the good of the diocese."^{253}

C. 495 has established it as current law. The new Code demands each diocese to establish a presbyteral council as it reads: “In each diocese there is to be established a council of priests, that is, a group of priests who represent the presbyterium and who are to be, as it were, the Bishop’s senate . . .”^{254} This council represents the presbyterium in variety of functions, circumstances, and offices inherent to it. It reflects the different ministerial and personal offices and circumstances that are present in the presbyterium and the diocese in general. Cc. 497-499 require that the council have a representative nature. The same representative nature of the council is also stipulated in the letter of the Sacred Congregation for the clergy, _Presbyteri Sacra ordinatione_ of April 11th, 1970.^{255}

Membership of the presbyteral council. Three ways are applied to obtain membership of the council of priests namely by free election, by office, or by Episcopal appointment. Approximately half of the members of this council are obtained by means of free election^{256}. The second category of the members is obtained _ex-officio_. This means that by reason of the office they hold, certain members of the presbyterate are appropriate members of the council; for example, vicar General, Episcopal vicar, moderator of the curia and rector of the seminary according to the criteria established by each conference of Bishops. The diocesan Bishop cannot dispense with the _ex-officio_ members of the council of priests since the canon uses the phrase _esse debent_ and not _esse possunt_ as was in the first draft of the canon.^{257} The Code stipulates clearly the presence of _ex-officio_ members: “Some priests must, in accordance with the statutes, be members _ex-officio_, that is belong to the council by reason of the office they hold.”^{258} The Code however, gives room to the diocesan Bishop to add some members to the council if he determines that additional members would enhance the function of the council.

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^{253} Art. 17 VatII PO.
^{254} C. 495 § 1.
^{255} Cf. Sacred Congregation for the clergy: Apostolic Letter _Presbyteri Sacra ordinatione_, April 11th, 1970, in: AAS 62 (1970), pp. 459-465. This representative nature of the council of priests is supposed to include: half of the members who are freely elected by the priests themselves, some priests must are members _ex-officio_, that is belong to the council by reason of the office they hold; and others freely appointed by the diocesan Bishop.
^{258} C. 497 § 2.
“Other members shall be appointed directly by the Bishop, which makes it possible to correct any shortcomings in the representative process.”259

Functions of the presbyteral council. There are instances in the Code when the validity of a decision rendered by the diocesan Bishop rests partly on his consultation with his presbyteral council. The Code requires the diocesan Bishop to consult the presbyteral council:

(i) Before he establishes, closes, or notably modifies parishes; consolidates parishes or changes a territorial parish to a personal parish or vice versa; “The diocesan Bishop alone can establish, suppress or alter parishes. He is not to establish, suppress or notably alter them unless he has consulted the council of priests” 260

(ii) Before he prescribes regulations concerning the destination of offerings at the performance of parochial functions and the remuneration of clerics who fulfill such a parochial function.261

(iii) Before he decides whether to establish a pastoral council in each parish: “if, after consulting the council of priests, the diocesan Bishop considers it opportune, a pastoral council is to be established in each parish.”262

(iv) The diocesan Bishop must also consult the council before approving the building of a church: “The diocesan Bishop is not to give his consent until he has consulted the council of priests and the rectors of neighboring churches, and then decides that the new church can serve the good of souls …. ”263

(v) The diocesan Bishop has likewise to consult the council of priests before he allows a church to be used for some secular purpose: “Where other grave reasons suggest that a particular church should no longer be used for divine worship, the diocesan Bishop may allow it to be used for a secular but not unbecoming purpose. Before doing so, he must consult the council of priests; he must also have the consent of those who

260 C. 515 § 2.
261 C. 531: “Even though another person has performed some parochial function, he is to give the offering he receive from the faithful on the that occasion to the parish fund unless, in respect of voluntary offerings, there is a clear contrary intention on the donor’s part; it is for the diocesan Bishop, after consulting the council of priests, to prescribe regulations concerning the destination of these offerings and to provide for the remuneration of clerics who fulfill such a parochial function”.
262 C. 536 § 1.
263 C. 1215 § 2.
could lawfully claim rights over that church, and be sure that the good of souls would not be harmed by the transfer.”

(vi) The diocesan Bishop before taxing the physical persons or juridical persons has also to consult the council of priests. “The diocesan Bishop, after consulting the finance committee and the council of priests, has the right to levy on public juridical persons subject to his authority a tax for the needs of the diocese …”

(vii) The council must also be consulted before convoking a diocesan synod. “The diocesan synod is to be held in each particular Church when the diocesan Bishop, after consulting the council of priests, judges that the circumstances suggest it.”

3.2.4.3 Agents and Organs of Administration of Temporal Goods in a Parish

The parish is one of the institutes of a diocese and the most common form of a public juridical person in the Church. The new Code describes a parish as: “A certain community of stable basis within a particular Church, whose pastoral care is under the authority of diocesan Bishop, entrusted to a parish priest as its proper pastor.” The new Code also prescribes types of parishes in the Church namely a personal parish, quasi-parish and other communities.

A personal parish is one having its pastor, its church and a definite population determined by personal qualities alone, without any territorial consideration. The old Code ruled that personal parishes for people of various tongues, nationalities, for certain families or persons could be set up only with a special apostolic indult. The new Code makes a general provision that, whenever it is judged useful, personal parishes based on rite, language, nationality of the people of a certain territory or some other determining factor, are to be established.

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264 C. 1222 § 2.
265 C. 1263.
266 C. 461 § 1.
269 Cf. c. 216 § 4 CIC/1917; cf. also c. 518; cf. Schick: Die Pfarrei, p. 486.
A quasi-parish is a certain community of Christ’s faithful within a particular Church, entrusted to a priest as its proper pastor, but because of special circumstances not yet established as a parish.\textsuperscript{270}

3.2.4.3.1 The parish priest

The person in charge of the temporal goods in a parish is a parish priest (\textit{Parochus}) or equivalent figure.\textsuperscript{271} From the fact that the parish priest is the administrator of the parish he can therefore acquire, retain, administer, and alienate temporal goods on behalf of the parish.\textsuperscript{272}

“In all juridical matters, the parish priest acts in the person of the parish, in accordance with the law. He is to ensure that the parish goods are administered in accordance with cann. 1281-1288.”\textsuperscript{273}

3.2.4.3.1.1 Appointment of a parish priest

The appointment of a parish priest belongs to the diocesan Bishop,\textsuperscript{274} who is free to confer it to anyone unless someone possesses the right of presentation or of election, because in this last case the confirmation of the election concerns the latter. The new Code of Canon Law states:

\textsuperscript{270} Cf. c. 516; cf. . \textit{Schick: Die Pfarrei}, p. 491.
\textsuperscript{271} \textit{John Anthony Renken} describes the equivalent of the \textit{parochus} as the parochial administrator (c. 540); the interim parish leader when a parish becomes vacant or the \textit{parochus} becomes impeded, who immediately assumes parochial governance temporarily until a parochial administrator is appointed (c. 541 § 1); the moderator of the priests to whom is entrusted \textit{in solidum} the pastoral care of a parish(es) (see canon 543 § 2.3); and the “priest-moderator” of a vacant parish in which, due to a dearth of available priests, a person(s) other than a priest has been given a participation in the exercise of parochial pastoral care (c. 517 § 2). Cf. \textit{Renken, John Anthony: The Parochus as Administrator of Parish Property}, in: StCan 43 (2009), pp. 487-520, here p. 487; \textit{Rees, Wilhelm: Die Sicherung der Hirtenorgie. Can. 517 § 2 CIC und die österreichischen diözesanen Rahmenordnungen}, in: \textit{Panhofer, Johannes / Schneider, Sebastian (Hg.): Spuren in die Kirche von morgen. Erfahrungen mit Gemeindeleitung ohne Pfarrer vor Ort – Impulse für eine menschennahe Seelsorge (Kommunikative Theologie12). Mainz am Rhein 2009, pp. 156-174; Heinemann: Der Pfarrer}, p. 496.
\textsuperscript{272} C. 1254 § 1.
\textsuperscript{273} C. 532.
\textsuperscript{274} Cf. Heinemann: Der Pfarrer, p. 506 f.
“With due regard for the prescription of can. 682 § 2, the diocesan Bishop is the person competent to provide for the office of pastor by means of free conferral unless someone possesses the right of presentation or of election.”

To be validly appointed as parish priest one must be in the sacred order. He is as well to be outstanding in sound doctrine and uprightness of character, endowed with zeal for souls and other virtues, and must possess those qualities which by universal or particular law are required for the care of the parish in question.

Before the diocesan Bishop appoints a parish priest, he is to consult the vicar forane, conduct suitable enquiries, and if it is appropriate, see the view of some priests and lay members of Christ’s faithful:

“After he has weight all the circumstances, the diocesan Bishop is to confer a vacant parish on the person whom he judges suited to fulfill its parochial care without any partiality; in order to make a judgment concerning a person’s suitability he is to listen to the vicar forane, conduct appropriate investigations and if it is warranted, listen to certain presbyters and lay members of the Christian faithful.”

3.2.4.3.1.2 Duties of the parish priest

The parish priest immediately administer the parish according to the precepts of the Code which states:

“The administration of ecclesiastical goods is the responsibility of the individual who immediately governs the person [juridical person] to whom the goods belong unless particular law, statutes or lawful custom provide otherwise and with due regard for the right of the ordinary to intervene in case of negligence by an administrator.”

The parish priest is therefore bound to fulfill his duties in the name of the Church according to the norm of law. The parish priest has therefore to fulfill the following:

i) He must take an oath before the ordinary or his delegate that he will be efficient and faithful administrator (c. 1283, 1°). On July, 1st 1989, the Congregation for the Doctrine of the Faith issued the “Profession of Faith and Oath of Fidelity on

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275 C. 523.
276 C. 524.
277 This is my addition for more understanding.
278 C. 1279 § 1; cf. De Paolis: L’amministrazione dei beni, pp. 59-82.
Assuming an Office to be exercised in the Name of the Church.”\textsuperscript{281} Below is an abstract of the translation of this oath of fidelity:

I shall carry out with the greatest care and fidelity the duties incumbent on me toward both the universal Church and the particular church in which, according to the provisions of the law, I have been called to exercise my service …

I shall follow and foster the common discipline of the whole Church and I shall observe all ecclesiastical laws, especially those which are contained in the Code of Canon Law.\textsuperscript{282}

ii) Vigilance. The parish priest is to exercise vigilance over parish property so that it is not lost or damaged. This includes the acquiring of an adequate insurance coverage for the parish, insofar as necessary (c. 1284 § 2, 1°).

iii) Civil legal protection of property. The parish priest is obliged to ensure that the ownership of the parish property is protected by methods recognized as valid in the civil forum (c. 1284 § 2, 2°).

iv) Observance of biding precepts. The parish priest is to observe the prescripts of canon law, civil law, founders, donors, and legitimate authority. He is to ensure that no damage comes to the parish by the non-observance of civil laws (c. 1284 § 2, 3°).

v) Managing income property. The parish priest is to collect the return of goods and the income correctly and on time. He is to protect what is collected and to use it according to the intention of the founder or legitimate norms (c. 1284 § 2, 4°).

vi) Debt reduction or elimination. The parish priest is to pay interest due on a loan or mortgage at the stated time. He would wisely establish a debt reduction schedule so that the debt itself is eliminated in a timely fashion (c. 1284 § 2, 5°).

vii) Investment and surplus revenue. The parish priest with the consent of the diocesan Bishop is to invest surplus revenue such as money remaining after expenses have been met, so that it can be used for the purpose of the juridical person which in this case is the parish (c. 1284 § 2, 6°).

viii) Accurate financial recording keeping. The Parish priest is to maintain well organized books of income and expenses (c. 1284 § 2, 7°).


ix) Annual parish financial report. The parish priest must present an annual financial report to the local ordinary, who must present it to the diocesan finance council for examination; any contrary custom is reprobated (c. 1287 § 1; see also c. 24 § 2).

x) Financial report to donors. The parish priest must give to the faithful an account of the goods they offer to the parish (c. 1287 § 2).

xi) Safety of documents proving parish property rights. The parish priest is to keep safely the documents and records on which parish property rights are based. He is to deposit authentic copies of them in the archive of the diocesan curia (c. 1284 § 2, 9º).

xii) Budget preparation: The parish priest is to prepare annual budgets of projected income and expenditure. Diocesan particular law may mandate annual budgets, and determine more precisely their format. (c. 1284 § 3).

xiii) Justice in employment. The parish priest is to observe carefully civil labor and social policies, according to the principles handed down by the Church, in the employment of parish personnel (c. 1286, 1º). He has to pay them a just and decent wage, so that they can provide fittingly for their own and their dependents’ needs (c. 1286, 2º).

xiv) Smaller Donations. The parish priest is allowed to give assistance for purposes of piety or Christian Charity from movable goods which do not belong to the stable patrimony of the parish, but only within the limits of ordinary administration. (c. 1285).

xv) Observation of norms of contracts. The parish priest must observe civil law when he enters contracts, provided that the contracts’ provisions are not contrary to divine law and that canon law does not make other provisions (cc. 22; 1290).

xvi) The parish priest is obliged to prepare and sign an accurate and clear inventory of [the parish’s] immovable property, movable objects, whether precious or of some cultural value, or other goods, with their description and appraisal at the time he takes over the parish. He is to update regularly this inventory and the updated document is to be preserved in the archive of the parish and of the diocesan curia. 283

The parish priest is obliged to fulfill all the functions listed above with the diligence of a good householder as stipulated in the Code: “All administrators are to perform their duties

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283 Cf. c. 1283, 2º-3º.
with the diligence of a good householder.”284 He is not to relinquish his administrative function on his own initiative; if he should do so arbitrarily and harm should come to the parish as a result, he is bound to make restitution. This phrase is echoed in the Code as it states: “… administrators may not arbitrarily relinquish the work they have undertaken. If they do so, and this occasions damage to the Church, they are bound to restitution.”285

The parish priest is therefore not allowed to alienate or lease any parish property to himself or to his relatives up to the fourth degree of consanguinity or affinity (i.e., to his parents, aunts/uncles and their spouses, siblings and their spouses, and nephews/nieces and their spouses) without a written permission of a competent authority, unless the parish property is of little value.286

The parish priest likewise needs the permission of the diocesan Bishop for the valid alienation287 of goods which constitute a stable property of the parish and whose value exceeds the minimum sum identified by the conference of Bishops:

“The permission of the competent authority according to the norm of law is required in order validly to alienate the goods which through lawful designation constitute the stable patrimony of a public juridical person and whose value exceeds the sum determined in law.”288

The diocesan Bishop needs the consent of the diocesan financial council, the college of consultors and those concerned (the interested parties or beneficiaries) before he gives this permission.

The permission of the Holy See is needed when the parish priest wants to alienate parish property which exceeds the maximum amount defined by the conference of Bishops289. The parish priest needs also the permission of the Holy See to alienate property given to the parish

284 C. 1284 § 1.
285 C. 1289.
286 Cf. c. 1298.
287 In the Strict sense, “alienation” is “any act by which the right to ownership of ecclesiastical property is transferred to another”. In the broad sense, alienation is “any act by which the use of the right or the right itself, of ownership is or could be diminished, restricted, or endangered”. See Morrisey, Francis: The Conveyance of Ecclesiastical Goods, PCLSA 38 (1976), pp. 123-137, here pp. 126 f.
288 C. 1291.
289 Cf. c. 1292 § 2: “The additional permission of the Holy See is required for the valid alienation of goods whose value exceeds the maximum sum, or if it is a question of alienation of something given to the Church by reason of a vow, or of objects which are precious by reason of their artistic or historical significance”.
by vow, parish property precious for artistic or historical reasons, relics and images of great significance and popular honor. This permission can be obtained through correspondence between the diocesan Bishop and the appropriate dicastery.

Administrators are neither to begin a law suit in the name of a public juridical person nor act as a defendant against one in civil court unless they have obtained the written permission of their Ordinary. If the parish is owned (as opposed to merely be administered) by a religious institute or society of apostolic life of pontifical right, the major superior is the competent Ordinary to give this permission.

3.2.4.3.2 Parish finance council

The parish finance council assists the parish priest in the administration of temporal goods. Parish finance council is supposed to be of great help to the parish priest and he should regard it as a key element for promoting the financial health of a parish, in assuring accountability and pastor responsibility.

The Code introduces the parish finance council as a mandated body which has an advisory and consultative role with the parish priest: “In each parish there is to be a finance committee to help the parish priest in the administration of the goods of the parish, without prejudice to c. 532. It is ruled by the universal law and by the norms laid down by the diocesan Bishop, and it is comprised of members of the faithful selected according to these norms.”

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290 Cf. c. 1190, §§ 1-2: “It is absolutely wrong to sell sacred relics. Distinguished relics, and others which are held in great veneration by the people, may not validly be in any way neither alienated nor transferred on a permanent basis, without the permission of the Apostolic See”.

291 Cf. c. 1288: “Administrators may not, in the name of a public juridical person, either institute or contest legal proceedings in a civil court without first having obtained the written permission of their proper Ordinary”.


293 C. 537.
canon reflects also another c. 280 which provides that each juridical person is to have its own financial council which is to assist the administrator in fulfilling his or her function.

C. 295, in the Code of Canons of the Eastern Churches provides that in the parish there are to be appropriate councils dealing with pastoral and economic matters according to the particular norms of its own Church sui juris. The Eastern Code seems to see pastoral councils as more of a necessity than does the Latin code.294

In Presbyterorum ordinis Art. 17, the parish priest is admonished to manage temporal goods of the Church according to canon law and “with all possible help from experienced laymen”295. The experience of the laity referred to here is the expertise in financial affairs and or civil law as stipulated in the Code.

Although the establishment of the parish finance council is mandated by the universal law, the Episcopal Conference of a particular region can decide to abide to other system equivalent to that stipulated in Code of course after consultation and permission from the Holy See as is the case in the dioceses in Germany:

„In Deutschland haben die pfarrlichen Vermögensverwaltungsräte (oder auch Kirchenvorstand, Kirchenverwaltung, Kirchenausschuss) aufgrund von Konkordatsrecht oder staatlichen bzw. partikularen Gesetzen z.T. weiterreichende Befugnisse, vor allem was die Verbindlichkeit der Beschlüsse angeht. Diese Rechte bleiben gemäß 3 bzw. Aufgrund des Indultes des Apostolischen Stuhls vom 13.1.1984 (532, 7) bestehen.“296

3.2.4.3.2.1 Membership of the parish finance council

The members should consist of no less than three members. It is recommended that the parish finance council have an odd number of members and unless for unusual circumstances, membership be limited at no more than nine voting members.297 The members are to be appointed by the parish priest for fixed terms determined by the parish priest if the diocesan statutes does not provide otherwise. It is within the power of the parish priest to reappoint them or terminate their role. The parish priest is obliged to see to it that any person who may

295 Art. 17 VatII PO.
296 Ahlers, Reinhild: c. 537, Rn. 6, in: MK CIC (Stand: Februar 2009).
have a conflict of interest in view of other services, either paid or unpaid, rendered to the parish by the parish financial council member, the member’s family or the member’s business is ineligible to serve as a member of the parish financial council. To avoid this conflict of interest therefore, no parish employee or member of the family of employee or relative of the parish priest may serve on the finance council.

Other qualifications of being of a member in the parish financial council are analogical with those qualification provided for membership of the diocesan financial council namely such a person must be in full communion with the Catholic Church, outstanding in firm faith, good morals and prudence, truly expert in financial affairs and civil law and outstanding in integrity.

3.2.4.3.2.2 Functions of the parish finance council

The Code legislates that the parish finance council is a consultative body which has to duty to assist the parish priest to fulfill his responsibilities for parish financial and temporal management. Although the pastor is not obliged to follow the recommendations of the parish financial council, the parish priest should not act against such advice, especially when there is consensus, unless there is prevailing reason. The Code did not list down the functions of the parish financial council and has given this duty to the Ordinaries to legislate the guidelines for it. Some of the following parish financial council guidelines seem to be applicable in many parishes in analogy to the diocesan financial council given in the Code: Firstly; to advice the parish priest for both acts of ordinary administration and acts of extraordinary administration. Although for actions of day-to-day administration the parish priest does not need any specific

298 Cf. c. 512 § 1.

299 Nr. 1650 of the Catechism of the Catholic Church is a reference to those who are in invalid second marriage: “Today there are numerous Catholics in many countries who have recourse to civil divorce and contract new civil unions. In fidelity to the words of Jesus Christ – ‘Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries she commits adultery’ The Church maintains that a new union cannot be recognized as valid, if the first marriage was. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God’s law. Consequently, they cannot receive Eucharistic communion as long as this situation persists. For the same reason, they cannot exercise certain ecclesial responsibilities”.

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authorization to perform such actions, the advice of the parish financial council may be very useful for example on reducing the cost of recurring purchases.\(^{300}\)

Secondly; the advice of the parish finance council may be sought in the management of parish funds and banking arrangements. The parish finance council should approve a new bank account before it is opened.\(^ {301}\)

Thirdly; the parish finance council should review the parish annual budget and parish annual report. They should ordinarily be involved in the preparation of both reports, particularly the budget report.\(^ {302}\)

Fourthly; the parish finance council should offer assistance to the parish priest in the formulation and communication of the annual financial report to the parish community as required in the Code:

“Administrators are to render an account to the faithful concerning the goods offered by the faithful to the Church, according to norms to be determined by particular law.”\(^ {303}\)

The communication of the annual financial report helps the parishioners to be well-informed of the parish’s condition, its priorities, its needs, and progress on previously announced initiatives.

Fifthly; the parish priest should consult the parish finance council on matters of construction or renovation of parish facilities, and rental agreements. The finance council assists him in planning for repair, replacement, or service of property and equipment to ensure that the parish buildings and property are adequately maintained.\(^ {304}\)

The parish finance council helps also the parish priest in the questions of personnel policies; internal control policies and procedures; review of contracts, investments, insurance, employee benefits; inventory of assets, review of fund-raising procedure; development of the school budget; approval of non-budgeted expenses over a certain amount.


\(^ {301}\) Cf. *Ibid.*


\(^ {303}\) C. 1287 § 2.

3.2.4.3.2.3 Issue of confidentiality

The members of the parish finance council hear much and most of what they hear might be very confidential: such as the amount of salaries, the place that a parish is planning to buy or sell. The parish priest may well seek the advice of his finance council on the possibility that a staff member is embezzling or that a collection counter is taking money. It is the duty and obligation of members of the parish finance council to keep all these affairs in confidentiality. The parish finance council guidelines have therefore to address such an issue and the parish priest can offer a workshop or orientation on this topic.

3.2.5 Purposes of the Church’s Temporal Goods

The new Code lists proper objectives which justify the Church to own temporal goods as follows: “… 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 the needy.” This canon is derived from c. 1496 CIC/1917 with the additional phrase namely “works of the sacred apostolate and of charity, especially towards the needy.” The additional phrase was done by the 1977 Schema and published in the Communicationes as it reads:

“§ 2. Fines vero proprii praeicipue sunt: cultus divinus ordinandus, honesta cleri aliorumque ministrorum sustentatio procuranda, opera sacri apostolatus et caritatis, praeertim erga egenos, exercenda.”

These additional words are in line with the insistence of the Vatican II council and Pope Paul VI that the Church must neither amasses nor even appears to amass goods for their own sake. Excess wealth should be shared, and in a special way with the poor.

“By friendly and fraternal dealings among themselves and with other men, priests can learn to cultivate human values and to esteem created goods as gifts of God…With all possible help from experienced laymen, priests should manage those goods which are, strictly speaking, ecclesiastical as the norms of Church law and the nature of the goods require. They should always direct them toward the goals in pursuit of which it is lawful for the Church to possess temporal goods. Such are: the arrangement of divine worship,

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305 C. 1254 § 2.
the procuring of an honest living for the clergy, and the exercise of works of the sacred apostolate or of charity, especially toward the needy.”307

For the proper objectives of temporal goods of the Church listed above, questions are raised by some canonists whether or not the purposes are listed in order of priority. This is due to fact that the order in c. 222 § 1 and in the parallel canon in the Code of Canons of the Eastern Churches is different. C. 222 § 1 stipulates:308

“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 for the worthy support of its ministers.”

And its corresponding c. 1007 of the Code of Canons of the Eastern Churches reads:

“In looking after the spiritual well-being of people, the Church needs and uses temporal goods, inasmuch as its proper mission demands it; especially for divine worship, works of the apostolate and of charity and fitting support of ministers.”309

Although the Code does not specify the order of priority in the case of patrimony that cannot satisfy all the objectives or is not related to a specific objective, the canonists argue that the most argent needs should be taken into account. While circumstances may dictate that one or another purpose be given priority, care should be taken by the administrators that “none of the purposes become so dominant as to preclude fulfillment of others. In particular, it should not be forgotten that one of the principal purposes for the acquisition of the material possessions by the Church is to use them for, or give them to, the poor and needy.”310. The canonists also agree that the purpose of temporal goods of the Church given in c. 1254 § 2 is only a summary of the Church’s teaching on that issue, it is only an indicative of the purposes for which such goods can be legitimately employed and does not exhaust the ends of the church as stipulated here below:

“This statement of the Church’s ends, given its location in Book V, obviously refers to those ends for which property is used. It is an illustrative, and not an exhaustive list of the

307 Art. 17 VatII PO; cf. also Enc. PopulorumProgressio nn. 18-19.
309 C. 1007 CCEO.
Church’s purposes. It is, however, an exhaustive list of the purposes for which property can be held.”

Below are the analysis and the meaning of the Church’s needs in conjunction with the proper ends of its temporal goods.

3.2.5.1 **Divine Worship**

Divine worship is one of the essential elements of the very existence of the Church. Divine worship refers to the sanctification of mankind through sensible signs, which is signified and affected in a manner proper to each of the signs, and a full public worship of God is carried on by the Mystical Body of Christ, that is to say, by the head and members. This concern the cult offered in the name of the Church. The Catechism of the Catholic Church teaches also that the Church is among other things, a worshipping community. All the faithful have been called to participate according to each one’s calling in this noble duty entrusted to the Church namely the Bishops, priests, deacons and members of Christ’s faithful.

To celebrate the sacraments, material things such as oil, hosts, wine, chalices, and bread for Eucharist, vestments, altars, bells, to mention but a few, are needed. In order to celebrate the Liturgy of the Hours the Church needs to print and buy “the Breviary”. In order to carry out this noble duty the Church needs also to build edifices, supplied with furniture and other appliances.

3.2.5.2 **Support of the Clergy and Other Ministers**

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312 Cf. c. 834 § 1: “The Church carries out its office of sanctifying in a special way in the sacred liturgy, which is indeed seen as an exercise of the priestly office of Jesus Christ. In the liturgy, by the use of signs perceptible to the senses, our sanctification is symbolized and, in a manner appropriate to each sign, is brought about. Through the liturgy a complete public worship is offered to God by the head and members of the mystical body of Christ”.

313 CCC, n. 1066.

314 Cf. c. 835 §§ 1-4.

315 Cf. c. 924 § 1.
The entitlement of clerics and other ministers to receive financial support and the obligation to assure that it is provided are addressed in cc. 281, 384, 269, 1274, 1350 and indirectly in c. 195. The CIC/1917 made the mention of the ministers other than priests as it stipulates:

“The Church also has the right, independently of the civil authority, to demand from the faithful whatever is necessary for the observance of divine worship, the adequate support of clerics and other ministers …”

Art. 20 VatII PO also discusses the support of the clergy and this document can be taken as basis of this entitlement of the support of the clerics as it reads: “… As those dedicated to the service of God and the fulfillment of the office entrusted to them, priests deserve to receive an equitable remuneration.” The provisions of canon law for the clergy support find their scriptural foundation in Luke 10:7, Romans 15:26-27 and 1 Corinthians 9:14. The Commission of the Code of Canon Law Revision also tackled the question regarding the nature of the remuneration to which priests are entitled.

C. 281 § 1 states: “Since clerics dedicate themselves to the ecclesiastical ministry, they deserve the remuneration that befits their condition, taking into account both the nature of

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316 C. 284: “He is to have a special concern for the priests, to whom he is to listen as his helpers and counselors. He is to defend their rights and ensure that they fulfill the obligations proper to their state. He is to see that they have the means and the institutions needed for the development of their spiritual and intellectual life. He is to ensure that they are provided with adequate means of livelihood and social welfare, in accordance with the law”.

317 C. 269: “A diocesan Bishop is not to incardinate a cleric unless: 1º the need or the advantage of his particular Church requires it, and the provisions of law concerning the worthy support of the cleric are observed”.

318 C. 1274 § 1: “In every diocese there is to be a special fund which collects offerings and temporal goods for the purpose of providing, in accordance with c. 281, for the support of the clergy who serve the diocese, unless they are otherwise catered for”.

319 C. 1350 § 1: “In imposing penalties on a cleric, except in the case of dismissal from the clerical state, care must always be taken that he does not lack what is necessary for his worthy support”, and § 2 states: “If a person is truly in need because he has been dismissed from the clerical state, the Ordinary is to provide in the best way possible”.


321 “Bleibt in diesem Haus, esset und trinket, was man euch anbietet; denn wer arbeitet, hat ein Recht auf seinen Lohn”.

322 “Denn Mazedonien und Achaia haben eine Sammlung beschlossen für die Armen unter den Heiligen in Jerusalem. Sie haben das beschlossen, weil sie ihre Schuldner sind. Denn wenn die Heiden an ihren geistlichen Gütern Anteil erhalten haben, so sind sie auch verpflichtet, ihnen mit irdischen Gütern zu dienen”.

323 “So hat auch der Herr denen, die das Evangelium verkündigen, geboten, vom Evangelium zu leben”.

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 services they need” and
§ 2 states that: “Suitable provision is likewise to be made for such social welfare as they may
need in infirmity, sickness or old age”. And § 3 states: “Married deacons who dedicate
themselves full-time to the ecclesiastical ministry deserve remuneration sufficient to provide
for themselves and their families. Those, however, who receive remuneration by reason of a
secular profession which they exercise or exercised, are to see to their own and to their
families’ needs from that income”.

There are different terminologies used in the Code to describe the support entitled to the
clergy. The Code uses five different expressions namely: remuneration [remuneratio], social
assistance [assistentiae sociali], decent support [honesta sustentatio], support [sustentatio]
and subsistence [subsistentia]. Some of the canonists use these terms interchangeably to mean
the same in describing the support of the priests. However, there are relevant distinctions to be
made in understanding the significance of these terms as they are used in the Code. It is good
to consider support/sustenance [sustentatio] and decent support [honesta sustentatio] as
general terms referring to the financial support due to clergy, and remuneration [remuneratio]
and social assistance [assistentiae sociali] as more specific terms.325

There are two types of support of the clergy depending on their particular circumstances:
the support due to clergy who suffer from illness, incapacity or old age (c. 281 § 2), and that
due to those who have dedicated themselves to ecclesiastical ministry who are not suffering
from illness, incapacity or old age (c. 281 § 1). The Code does not indicate if the provisions of
c. 281 § 1 (remuneration) apply only to those who are actively engaged in ministry, and
whether or not remuneration ceases to be due when a cleric is no longer actively engaged in
ministry, especially those who have been removed due to accusation or proof of the sexual
abuse of a minor.326

Reading c. 281 within the lines, one finds that the support ceases when someone has been
removed from the clerical state, and the same idea is presented by c. 1350 § 1 which states “In

325 Brown, Phillip J.: The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support, in: StCan 45
(2011), pp. 27-66, here p. 32; Schwendenwein, Hugo: Die Rechte und Pflichten der Kleriker, in:
HdbKathKR2, pp. 274-283, here p. 275 f.; ders.: Brüderlichkeit und “Grundrechte” in der Kirche, in:
326 Ibid; cf. Muamba Kalala, André: Rémunération des clercs après le Concile. Le point du droit à la lumière de
imposing penalties on a cleric, except in the case of dismissal from the clerical state, care must always be taken that he does not lack what is necessary for his worthy support”. The entitlement to remuneration does depend on his continuance in the clerical state, since c. 281 § 1 concerns the remuneration and social assistance of clerics who have dedicated themselves to ecclesiastical ministry, not all those who have been ordained.\textsuperscript{327} But c. 1350 § 2 on the other hand states that if a person is truly in need because he has been dismissed from the clerical state, the ordinary is to provide in the best way possible.

C. 384 places a canonical obligation on the diocesan Bishop to “protect the rights” of priests and also to take care that provision is made for their decent support and social assistance, according to the norm of law. The diocesan Bishop is not required here to do it personally but rather to ensure that provision is made in some way for their decent support and social assistance. The obligation on c. 384 extends to priests only and not to other clerics.\textsuperscript{328} The Code proposes that in each diocese be established an institute to assuring the decent support and social assistance of the priests and the diocesan Bishop is to see to it that this institute exist in his diocese. The Code moreover made a mention of the principal responsibility on the conference of Bishops to see to it that such an institute exists to provide for the social security of clergy. C. 1274 legislates:

“§ 1: In every diocese there is to be a special fund which collects offerings and temporal goods for the purpose of providing, in accordance with c. 281, for the support of the clergy who serve the diocese, unless they are otherwise catered for.

§ 2. Where there is as yet no properly organized system of social provision for the clergy, the Episcopal Conference is to see that a fund is established which will furnish adequate social security for them.”

The Code does not specify the amount that is due to a priest, it rather indicates that the amount “should basically be the same for all working under the same conditions”\textsuperscript{329} and should be conditioned by the nature and responsibilities of his function, and by conditions of time and place.

There are varied levels of clergy remuneration in different local churches depending in the policies of these local churches and the policies of their individual states. For example, the

\textsuperscript{327} Brown: The Perils of Bankruptcy, p. 38.
\textsuperscript{328} Ibid., p. 43.
\textsuperscript{329} Art. 20 VatII PO.
German state tax system means diocesan clergy are in some respects equivalent to employees of the state, with contracts, salaries and social security. In England and Wales, diocesan clergy are supported by the contributions of the faithful, allowed to take a minimal salary from the parish (£66,-) per Month, but their housing, utility bills and food are paid out of parish funds, as well as social security contributions which give them rights to access the health system and the state pension.\(^{330}\) In Tanzania, most of the local churches have no clergy remuneration/support policies whatsoever although the Code legislates that. This area will be discussed in details on the coming chapter about the effects of the declining support for the church in Tanzania.

The Code mentions “other ministers” who should receive decent support from the temporal goods of the Church. Such ministers are the religious and laity who devote themselves permanently or temporarily to some service in the Church. They have also a right to remuneration suited to their condition:

“§ 1: Lay people, who are pledged to the special service of the Church, whether permanently or for a time, have a duty to acquire the appropriate formation which their role demands, so that they may conscientiously, earnestly and diligently fulfill this role.

§ 2: Without prejudice to the provisions of can. 230 § 1, they have the right to a worthy remuneration befitting their condition, whereby, with due regard also to the provisions of the civil law, they can becomingly provide for their own needs and the needs of their families. Likewise, they have the right to have their insurance, social security and medical benefits duly safeguarded.”\(^{331}\)

The priests however, are invited to look on temporal goods with faith, to lead a life of poverty, and to keep in mind the needs of the diocese: “Therefore they should not regard an ecclesiastical office as a source of profit, nor should they spend the revenue accruing to it for the advantage of their own families. Hence by never attaching their hearts to riches, priests will always avoid any greediness and carefully abstain from any appearance of merchandising.”\(^{332}\) The newly elected Pope Francis commenting on the same point said:

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\(^{331}\) C. 231 § 1-2.

\(^{332}\) Art. 17 VatII PO.
“it hurts my heart when I see a priest or a nun with the latest model of a car … cars are necessary. But take a more humble one. Think of how many children die of hunger and dedicate the savings to them.”

The two Codes of the Catholic Church, namely the CIC/1983 and CCEO, agree on restricting the freedom of the clerics to make money through commerce and trade, a right which the lay people enjoy:

“Clerics are forbidden to practice commerce or trade, either personally or through another, for their own or another’s benefit, except with the permission of the authority defined by the particular law of their own Church sui iuris or by the Apostolic See.”

Some of the clerics especially in the developing countries have been violating this law after their living standard deteriorated and engaged themselves in business or trade of some kind especially where the dioceses have no means or system of providing for the priests although the Code has fixed the punishment for such priests who violate this law: “Clerics or religious who engage in trading or business contrary to the provisions of the canon, are to be punished according to the gravity of the offence.”

3.2.5.3 Works of the Sacred Apostolate

The Church is by its nature missionary: “Because the whole church is of its nature missionary and the work of evangelization is to be considered a fundamental duty of the people of God, all Christ’s faithful must be conscious of the responsibility to play their part in missionary activity.” The Church has the duty to bring the good news of the Gospel to all peoples.

The Agents who carry this mission need all kinds of material and spiritual support in order to fulfill their mission, e.g., to finance means of transport to reach the people in remote areas where the gospel is not yet preached. The Church therefore carries out this apostolate in many ways such as through promotion of catholic schools of every grade and level, and making use of instruments of social communications: “… Hence she judges it part of her duty to preach the news of redemption with the aid of the instruments of social communication, and to

334 C. 385 § 2 CCEO; c. 286 CIC/1983.
335 C. 1392.
336 C. 781.
337 C. 211.
instruct mankind as well in their worthy use.”\textsuperscript{338} The Code in addition gives a more concrete meaning to the teaching when it states that all the faithful, whether priests or not, according to their possibility, must endeavor to see that the truths of Catholic faith and morality are faithfully expounded through the means of social communication:

“In exercising their office the pastors of the Church, availing themselves of a right which belongs to the Church, are to make an ample use of the means of social communication […] Pastors are also to teach the faithful that they have the duty of working together so that the use of the means of social communication may be imbued with a human and Christian spirit.”\textsuperscript{339}

\section*{3.2.5.4 Works of Charity Especially for the Poor}

The idea of works of charity for the poor as legislated in the Code is not a new phenomenon in the life and mission of the Church throughout the years.\textsuperscript{340} It is traceable in the Old Testament, to the New Testament, and to the life and teaching of Jesus. The Church has to continue with this mission of caring for the needy as Jesus its founder did:

“Then the King will say to those at his right hand, ‘Come O blessed of my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcome me, I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me...’.”\textsuperscript{341}

The provision of the poor in the Church is also vivid in the practices of the early Church as described by St. Justin the martyr in his first apology in defense of the Christians as he writes:

“On Sundays there is an assembly of all who live in towns or in the country and the memoirs of the apostles or wittings of the prophets are read […] Those who are well provided for, if they wish to do so, contribute what each thinks fit; this is collected and left with president, so that he can help the orphans and the widows and the sick, and all who are in need for any other reason, such as prisoners and visitors from abroad; in shot he provides for all who are in want.”\textsuperscript{342}

\begin{thebibliography}{99}
\bibitem{338} Art. 3 VatII IM.
\bibitem{339} C. 822 §§ 1-2.
\bibitem{341} Mt 25:34-36.
\bibitem{342} \textit{Divine Office}, Approved by the hierarchies of Australia, England, Wales, and Ireland. Sunday Eastertide week 3, p. 531.
\end{thebibliography}
The Fathers of Vatican II discussed the issue of caring for the poor and the needy as one of the priorities of the mission of the Church. In the decree on the laity, *Apostolicam actuositatem*, they stated:

“Wherever men are to be found who are in want of food or drink, or clothing, housing, medicine, work, education, the means necessary for leading a truly human life, wherever there are men racked by misfortune or illness, men suffering exile or imprisonment, Christian charity should go in search of them and find them out […]. This obligation binds first and foremost the more affluent individuals and nations […]. Purity of intention should not be stained by any self-seeking or desire to dominate. The demands of justice must first of all be satisfied; that which is already due in justice is not offered as a gift of charity […] then laity should therefore highly esteem and support as far as they can, private and public works of charity […].”

John Paul II teaches in his document *Sollicitudo rei socialis*, that one of the characteristic themes of that teaching of the Church is the option or love of preference for the poor:

“This is an option or a special form of primacy in the exercise of Christian charity, to which the whole tradition of the Church bears witness. It affects the life of Christ, but it applies equally to our social responsibilities and hence to our manner of living, and to the logical decisions to be made concerning the ownership and the use of goods.”

Benedict XVI teaches that this option is implicit in our Christian faith in a God who became poor for us so as to enrich us with his poverty. Pope Francis who chose this name of his pontificate with special eye on the poor teaches on the priority of the Church’s mission to the poor in his pastoral exhortation *Evangelii Gaudium*:

“God’s heart has a special place for the poor, so much so that he himself “became poor” (2 Cor 8:9). The entire history of our redemption is marked by the presence of the poor. Salvation came to us from the “yes” uttered by a lowly maiden from a small town on the fringes of a great empire. The Savior was born in a manger, in the midst of animals, like children of poor families; he was presented at the Temple along with two turtledoves, the offering made by those who could not afford a lamb (Cf. Lk. 2:24; Lev. 5:7); he was raised in a home of ordinary workers and worked with his own hands to earn his bread. When he began to preach the Kingdom, crowds of the dispossessed followed him, illustrating his words: “The Spirit of the Lord is upon me, because he has anointed me to preach good news to the poor” (Lk. 4:18). He assured those burdened by sorrow and crushed by poverty that God has a special place for them in his heart: “Blessed are you poor, yours is the kingdom of God” (Lk. 6:20); he made himself one of them: “I was

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343 Art. 8 VatII AA.
hungry and you gave me food to eat‖, and he taught them that mercy towards all of these is the key to heaven (cf. Mt. 25:5ff.).\textsuperscript{346}

Conclusively I can argue that the fulfillment of the obligation of Charity for the poor and other objectives in the Church requires substantial means and unhampered liberty which, again, is possible only if the Church is endowed with the inherent right to possess property. So the Church considers any money or property owned, used, or held by any public juridical person in the Church as owned, used or held for the above-mentioned purposes.\textsuperscript{347}

3.2.6 Contrasting c. 1254 CIC/1983 with c. 1007 CCEO

Pope John Paul II taught that the Eastern Code (CCEO), the Latin Code (CIC/1983) and the Apostolic Constitution on the Roman Curia (Pastor bonus) constitute one Corpus Iuris Canonici in the Universal Church. He insisted that a proper and comparative study of both Codes be promoted in faculties of Canon Law.\textsuperscript{348} He said this during the presentation of the CCEO to the twenty eighth General Congregation of the Synod of Bishops on October 25\textsuperscript{th}, 1990.

In contrast, c. 1254 § 1 CIC/1983 states:

“The Catholic Church has the inherent right, independently of any secular power, to acquire, retain, administer and alienate temporal goods, in pursuit of its proper objectives”. And in the same c. § 2 states: “These proper objectives are principally the regulation of divine worship, the provision of fitting support for the clergy and other ministers, and carrying out of works of the sacred apostolate and of charity, especially for the needy.”\textsuperscript{349}

C. 1007 CCEO states:

\begin{footnotes}
\item \textsuperscript{347} Cf. c. 1254. §§ 1-2.
\item \textsuperscript{348} Cf. Comm. 25 (1993), pp. 13-14: “Obviaoritur adhortatio ut in Facultalibus Iuris Canonici idoneum provehatur stadium comparativum amborum Codicem, et siillae, pro suis constitutionibus, ut ipraecipuum materiam stadium habentater utriuseorum.”
\item \textsuperscript{349} C. 1254 § 1 CIC/1983: “Ecclesia catholica bona temporalia iure nativo, independenter a civili potestate, acquirere, retinere, administrare et alienare valet ad fines sibi proprios prosequendos.”
\end{footnotes}
In looking after the spiritual well being of people, the Church needs and uses temporal goods, in as much as its proper mission demands it; therefore it has an innate right of acquiring, possessing, administering and alienating those temporal goods that are necessary to pursue its proper ends, especially for divine worship, works of the apostolate and of charity and fitting support of ministers.\textsuperscript{350}

There is much in common between these two canons.\textsuperscript{351} The major difference is found in the following areas: between public and private juridical persons, the CIC/1983 states that public juridical persons function in the name of the Church while private juridical persons do not.\textsuperscript{352} No distinction between public and private juridical person is made in the CCEO; the juridical person of CCEO is to be equated with the juridical person of the CIC/1983. In the CCEO it is stated that only juridical persons are capable of acquiring, possessing, administering and alienating the temporal goods of the Church.\textsuperscript{353} On the other hand the CIC/1983 adds moral persons, specifically referring to the Catholic Church and the Apostolic See\textsuperscript{354} as also competent to acquire temporal goods.\textsuperscript{355} The CCEO is silent regarding moral persons. The Code of the Canons for the Oriental Churches (CCEO) lists the three purposes in a different order.\textsuperscript{356} Divine worship is listed as the first purpose, then works of the apostolate and charity, without the phrase “towards the needy” is listed before the maintenance of ministers.

This change would suggest either that the order of listing is not seen as setting a fixed order of priority or that the Oriental and Latin Rite Churches have different priorities in this matter. It is important to note that the actual needs of each place and time may set the priority. John Paul II has stated that in some circumstances it could be desirable to sell church ornaments and costly furnishings to provide food, drink, clothing and shelter for the needy\textsuperscript{357}. Existing needs, then, establish the priority. And in this regard, the final clause of the canon “especially towards the needy” is significant.

\begin{itemize}
\item \textsuperscript{350} C. 1007 CCEO.
\item \textsuperscript{352} C. 116 § 1 CIC/1983.
\item \textsuperscript{353} Cf. c. 1009 § 1 CCEO.
\item \textsuperscript{354} Cf. c. 113 § 1 CIC/1983.
\item \textsuperscript{355} Cf. c. 1257 § 1 CIC/1983.
\item \textsuperscript{356} Cf. c. 1007 CCEO.
\item \textsuperscript{357} Cf. John Paul II, Enc. Sollicitudo Rei Socialis, n. 31, in AAS 80 (1988), p. 555.
\end{itemize}
3.3 Conclusion

C. 1254 has been the main treatment of this chapter. This canon legislates clearly the right of the Church to acquire, retain, administer, and alienate temporal goods for its mission. Ladislaus Örsy called it the “leading canon” because it introduces the other canons in the entire Book V.\textsuperscript{358} The canon teaches that the Church property never belongs to an individual person as if it were his or her own personal property. Church property always belongs to some juridical or moral person and is the concern of the Christian community. Since public juridical persons have the right to possess temporal goods, they must abide by the Church’s laws and act in its spirit, in communion with and under the supervision of the hierarchy, especially the Holy See. The Church in its mission uses temporal goods as mere instruments to achieve its ends, and never in the spirit of accumulation, or a quest for power, but to present the image of the poor Church.

\textsuperscript{358} Cf. Örsy, Ladislaus: Theology and Canon Law. Minnesota 1992, p. 56.
4 SYSTEMS OF CHURCH FINANCING IN EUROPE

This section treats the systems of Church financing in Europe and the challenges the local churches encounter in the praxis of these varied systems, in order to make a contrast with the Church financing systems in Tanzania in general and in the Catholic diocese of Tanga in particular. This research limits itself with the discussion about the Church financing systems of Europe because the greater percentage of the financial support of the Church of Tanzania in general and of the Catholic diocese of Tanga in particular comes from the churches and help organizations in Europe. However, this does not tantamount to watering down the generous support of the churches and help organizations from other parts of the world like North America and Australia. This exclusion should only be understood as a limit factor of my research.

The section starts by exposing the general view of the Church financing systems in different parts of Europe including Germany, Austria, Italy, France, Sweden, Switzerland, Poland, Great Britain, Finland, Luxemburg, Spain, Portugal, Ireland, to mention but a few. The systems of church financing differ from one country to another. But in general there is no Church in a country which depends only on one system. The Churches use mixed systems which are basically four to finance its pastoral activities namely donation, collection, church contribution, church tax system and other tax solutions. Other form of church support is the financial support from the Church capital or treasury (Vermögenserträge).

Then four countries will be picked out namely Austria, Germany, Italy, France and their financial systems be discussed in detail. These four countries have different Church financing systems and are among the great donors of the financial aid for the Church in Tanzania in general and the Catholic diocese of Tanga in particular. Then the research will also expose the Church financing systems applied by the Church of Tanzania in general and the Catholic diocese of Tanga in particular and analyzing if the Church in Tanzania can apply the Church financing systems of one of the churches in Europe or not. Lastly this chapter discusses the obligation of the Christ’s faithful of supporting their local churches as stipulated in cc. 222 § 1 and 1260 CIC/1983. These canons are discussed at the end to create the base which justifies the variety of methods used above to enable Christ’s faithful support their local churches in line with the legal systems of their countries, customs and traditions.
4.1 Church-State Relationship and its Impact on Church Financing Systems in Europe

Church-state relationship plays a significant role in determining a system of Church financing in different parts of Europe. It is therefore important to give a bird’s eye view of the Church-State relationship and their consequent Church financing system out of that relationship.\(^{359}\) Winfred Löfller, a philosopher and professor in the University of Innsbruck, distinguishes three basic types of Church-State relationship in Europe. Firstly; there is kind of Church-State relationship which is basically practiced in the United Kingdom (concerning the Anglican Church); Greece (concerning the Greek Orthodox Church); Denmark and Finland (concerning the Lutheran Church). These churches are supported by their respective states. There are also other churches in the European Union which are supported by their respective governments. Wilhelm Rees, a canonist and professor in the state university of Innsbruck adds a list to the above countries namely Estonia, Lithuania, and Czech Republic. They receive direct or indirect support.\(^{360}\) Secondly; there is a system of strict separation between Church

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and State, for example, in France, the Netherland and Ireland, where the state does not support
the Church. This system resembles that of Tanzania, where the state does not engage in
religious matters. Thirdly; there is a system of a basic separation, but with some kind of
cooperation in a number of areas. This kind of Church-State relationship is basically in
Austria, Germany, Italy, Belgium, Luxembourg, Sweden (since 01.01.2000), Spain and
Portugal.

Löffler noted further that this Church-State relationship has no direct connection with
whether a society is more secular or religious in a given state. For example; the system of
Church-State relationship in one hand is practiced in a highly secular society like Finland
and on the other hand the system of strict separation between Church and state is practiced in
a highly religious society of Ireland. Where Church-State relationship is amicable the
Church receives a considerable financial support from the State in various ways which will be
discussed below. Hartmut Böttcher summarizes types of Church financing in Europe as from
its patrimony, from State, from Christ’s faithful (its members) through collection, church
contribution, church tax and through donation.
4.2 Various Sources of Income for the Churches in Europe

The Churches in Europe and some aid organizations which receive also support from the church members are the great donors of the Church in Tanzania in general and the catholic diocese of Tanga in particular. It is therefore worthwhile to survey the financial sources of these churches.

4.2.1 Real Estate and Financial Capital

The first source of income of most of these churches is the so-called real estate and financial capital. Real estate is a legal term used in jurisdiction which refers to “a property consisting of land and the building on it, along with natural resources such as crops, mineral, water; immovable property and interest vested in this…”\(^{364}\) while financial capital refers to saved-up financial wealth, especially that used to start or maintain a business. The second source is subsidies. These subsidies are given by the states and they can further be classified into two categories, namely direct subsidies and indirect subsidies. Direct monetary subsidies can be given by a state without special reason or with some special reason. An example of subsidy for a special reason can be for day-rates in Church-run hospitals, deficit supply etc.\(^{365}\)

4.2.2 Direct-non-monetary Subsidies

There are direct-non-monetary subsidies which the churches receive. For example; for the personnel who work for the Church institutes, the state can take up the obligation to pay for their salaries. Such personnel are for example; religion and theology teachers, military, prison and hospital chaplaincy to mention but a few. On the other hand indirect subsidies manifest itself in things like tax exemption for the Church itself, for her schools, for her hospitals and other institutes, and also for donation given to the Church.\(^{366}\)


\(^{366}\) Cf. Ibid. Following the argument of Winfried Löffler, I can say that the Church of Tanzania in general and the Catholic diocese of Tanga in particular is supported by the State in the sense that the Church has tax exemption for the importation of items like cars, and other items for the Church’s use; and Church hospitals receive subsidies like salaries for some nurses and or doctors.
4.2.3 Contributions by the Members

The third source is the contributions by the members.\(^\text{367}\) This source can also be categorized into free/irregular contribution and obligatory/regular contribution. The free/irregular contributions can be made with or without special reason. For example, the collections which are done on Sundays during the mass are in the category of contribution without special reason; and those which are made for special projects or relief-works, etc., are categorized in contribution with a special reason. The obligatory/regular contributions fall into three categories, namely tax-like contributions, membership-fee like contributions and cultural tax-like contributions. Another contribution by the members is the special fees for defined services, for example, mass stipends and stole-fees. Stole Fees are usually free will offerings given by the laity to clergy for different rites or ceremonies associated with the church, but not the offering of Mass which is governed by canon law. Stole fees can include offerings for Baptisms, weddings, funerals, house blessings and other associated blessings such as cars.

4.2.4 Financial Support from Sponsors

Lastly, there is financial support from sponsors mostly the well-to-do people and firms. These can give their sponsorship overt or silently. Their sponsorship can be connected with special projects or without such a connection. Apart from firms, there are also bigger individual donations, inheritance etc. This can be for special projects or for unspecified tasks.\(^\text{368}\)

4.3 General View of the Church Financing Systems in Europe

4.3.1 Collection/Donation System

The Church financing systems in Europe reflect the sources of finance discussed above. Winfried Löffler suggests six financial systems of the Churches in Europe as follows; firstly

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\(^\text{367}\) Cf. Löffler: Financing the Churches, p. 212.

\(^\text{368}\) Cf. Ibid.
there is a “collection/donation system”. This system is mainly practiced in France and Netherlands. This system allows the Christ’s faithful to freely finance their churches through free collections and donations. It is of recently recommended that the members of various churches can contribute a certain percentage of their income to their respective churches. However, this is not an obligatory.

4.3.2 Church-Tax-System

The second Church financing system is a “Church-tax-system” which is famously known as Kirchensteuer in Germany. This system is practiced in Germany, Denmark, Sweden Finland and Island. In Germany for example, the law stipulates that all Germans who are officially registered as Catholics, Protestants or Jews have to pay a religious tax on their annual income tax bill. The levy is collected by Germany tax officers and channeled to those faiths for their ecclesiastical tasks/mission.

4.3.3 Membership-Fee-System

The third Church financing system is a “membership-fee-system” famously known as Kirchenbeitrag. This system is mainly practiced in Austria. In this system a defined percentage of the members’ income is to be collected by the Church authorities.

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372 Further Informations about the German “Church-tax-system” see below.


375 Cf. Hollerbach: Kirchensteuer und Kirchenbeitrag, pp. 1089 f.; further Informations about the Austrian „membership-fee-system“ see below.
4.3.4 Cultural Tax

Fourthly, there is a “cultural tax” system which is practiced in Italy and Spain. In this system a certain percentage of income of each citizen is extracted and directed to the churches or to social/humanitarian/cultural activities, according to the choice of a citizen, i.e., a citizen himself will decide either the said percentage of his/her income be directed to the Church or to the social/humanitarian/cultural activities.

4.3.5 Donations and Real Estate

Fifthly, is a basically-financed system, with income from donations and real estate. This system is basically practiced in Belgium, Luxembourg and Greece. And lastly is a basically


Cf. Löffler: Financing the Churches, p. 211.

real estate-financed system, with additional income from donations and collections. This system is mainly practiced in Portugal and the United Kingdom with respect to the Anglican Church.

However, Rees Wilhelm, the canonist and professor of canon Law at the University of Innsbruck, quoting Andreas Mösenthin argues that the countries in Europe have above named methods of financing their churches only as the main methods, but actually no church in an European country which uses only one method. All these churches use mixed methods of church financing with one specific method being the main one.

4.3.6 Membership-Fee System in Austria (Kirchenbeitrag)

The Church in Austria is financed through different means but significantly through membership-fee system. It is estimated that the membership-fee contributes about 85% of the total income of the Catholic Church in Austria as echoed by Johannes-Peter Schiestl:

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„Die Finanzierung der Kirche ruht in Österreich auf mehreren Säulen. Während die Stifte (die großen Klöster der alten Orden) und die anderen Orden ihren Bedarf überwiegend aus den Erträgen ihres eigenen Vermögens und ihrer Unternehmungen und Werke finanzieren, ist für die Diözesen der Kirchenbeitrag eine von der Kirche eingehobene Pflichtabgabe zu etwa 85 % die finanzielle Basis für ihr Wirken."

**The income of church contribution for dioceses in Austria 2013**

Although some Catholics popularly see this system differently and labeled it as church-tax or ‘Kirchensteuer’, the fact shows that it is different from church tax practiced in Germany.
Up to the year 1939 the Church financing system of Austria was basically from the sacramental fee (Stolgebühren), private benefactors, religious funds initiated by Kaiser Joseph II, and church patrimony. The intrusion of Hitler to Austria in 1938 came with the introduction of all Germany law and regulation with the exception of church tax which was practiced in Germany. In April 28th, 1939, the National Socialists party of Hitler enacted the law of church contribution in Austria (KirchenbeitragsG) with effect from May 1st, 1939. This law was then incorporated in the order law of Austria in May 1st, 1945 (Staatsgesetzblatt).

In actual sense church contribution is different from the church-tax system which is practiced basically in Germany as will be discussed bellow we have seen above.

The National Socialist Regime thought that in order to make many people in Austria drop out of the Church, they introduced the system of Church contribution and they made it a law for all members of the Church. This was an evil plan against the catholic Church but fortunately this evil plan did not turn out as planned by the National Social Regime as echoed by Johannes-Peter Schiestl:

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“Das NS-Regime hoffte, dass die Katholiken sobald sie Kirchenbeitrag leisten müssen, in Massen aus der Kirche austreten werden... Aber diese Rechnung ging nicht auf. Die meinsten katholischen Männer und Frauen blieben auch in diese schwierigen Zeit ihrer Kirche treu und leisteten den Kirchenbeitrag.”

The difference of Church contribution in Austria and Church tax in Germany is that Church contribution is organized and collected by the Church itself while that in Germany is collected by the state. The basic Church contribution starts from 1.1% of someone’s income and can be more in some places according to the individual dioceses. This amount can also be reduced because of some factors which a certain person has, e.g., children upbringing, building of a living home etc. From 1995 there have been registration forms in villages and town where one has to go and register himself/herself and in this registration one declares his or her religion which it then means the accepting of the paying of Church contribution.

The system has however a number of challenges. Firstly the system of Church contribution requires comparatively high administrative cost of about 15%. It is also estimated that ⅓ of the possible income is being lost due to incorrect declaration of the income and too late payment. This membership fee is governed by state law and the Church authorities execute it. When there is a problem of executing it, the Church authority can call on ordinary law courts to pursue the contribution duties according to the Austrian law. Winfried Löffler is of the opinion that this relationship between Church and state in executing the fulfillment of Church contribution presents the negative picture for the Church as a political institute.

388 Schiestl: Kirchenfinanzierung in Österreich, p. 70.
389 Löffler: Financing the Churches, p. 220.
probably be the reason why most people in Austria regard it as Church tax (*Kirchensteuer*). In the present years church contribution has been the cause among other causes of the rising number of Church drops (*Kirchenaustritte*).\(^{392}\) The Church contribution is considered by some especially young people as something bad and unwanted and in order to liberate themselves from this burden they go to the registration office in their respective villages or towns and declare that they do no longer belong to the Catholic Church. Wolfgang Paset found this same truth in his research: “Der Kirchenbeitrag in der täglichen Praxis” when collecting the opinion of some of those he interviewed he writes: “Und ich verstehe auch nicht, wieso sie eine Info über mein Einkommen brauchen! Welchen Nutzen habe ich denn, wenn ich den Beitrag einbezahle?”\(^{393}\)

Another reaction from the Church drops presents Wolfgang Paset when he writes:

> "Leider kommt Ihr E-Mail sehr spät. ... Deshalb und aus Gründen des Umgangs der katholischen Kirche mit ihren Mitgliedern prüfen meine Frau und ich den Übertritt in eine seriöse Religionsgemeinschaft, da diese Kirche nicht mehr unsere Heimat zu sein scheint."\(^{394}\)

However, from the time of apostles the Christ’s faithful were aware that they are obliged to support their Church not only through spiritual goods but also with temporal goods.\(^{395}\) The Church contribution system in Austria is one way of the Christen to fulfill this obligation which is also canonical obligation as echoed in c. 1260 i.V.m. c. 222 § 1 CIC/1983 as it reads:

> “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 apostolic and charitable work and for the worthy support of its ministers.” And also c. 1260 states that the Church has the inherent right to require from Christ’s faithful whatever is necessary for its proper objectives. Hans Rotter, the Moral theologian is of the opinion that paying Church contribution is a positive thing for those who pay it because they take part in the mission of the Church to spread the Gospel to the whole world and they take part in building up the love in our world. He writes:


4.3.7 Church Tax System in Germany (Kirchensteuer)

The Catholic Church in Germany uses different methods apart from Church tax in acquiring financial support to finance its mission. The first method is famously known as the ‘sounding purse’ – ‘Klingelbeutel’ and it is done regularly on Sundays or Saturdays depending on the plan of the Sunday service. This collection will be annually sent to the Holy See for the so called ‘St. Peter’s penny’. These collections contribute also to the ‘help organizations’ like Misereor and Adveniat. There is another type of collection which is not done regularly but selfdom on the streets and in the homes. It is done for a specific motive like caritas or for Church media etc. There is also donation for special motive like new building or renovation of Church building, buying of bells or organ etc.

The most famous and basic Church financing method in Germany is the Church tax (Kirchensteuer). Although the term Church tax is seen as political by some Catholics in

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396 Paset: Der Kirchenbeitrag in der täglichen Praxis, p. 144.
397 MISEREOR is the German Catholic Bishops’ Organization for Development Cooperation. For over 50 years MISEREOR has been committed to fighting poverty in Africa, Asia and Latin America. MISEREOR’s support is available to any human being in need – regardless of their religion, ethnicity or gender. MISEREOR believes in supporting initiatives driven and owned by the poor and the disadvantaged. Cf. Misereor: About us, at: http://www.misereor.org/about-us.html (6.6.2015).

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Germany, the system is justified canonically by c. 1263 CIC/1983 and c. 1012 §§ 1-2 CCEO.

C. 1263 CIC/1983 states:

“The diocesan Bishop, after consulting the finance committee and the council of priests, has the right to levy on public juridical persons subject to his authority a tax for the needs of the diocese. This tax must be moderate and proportionate to the income. He may impose an extra ordinary and moderate tax on other physical and juridical persons only in a grave necessity and under the same conditions, but without prejudice to particular laws and customs which may give him greater rights.”

The Church tax in Germany has its source in (Art. 137 Abs. 6 WRV) of the Weimar Constitution of 1919 which was later guaranteed by the National Socialist time (1933-1945) and Art. 140 of the German basic law of 1949 (Art. 140 GG i.V.m Art. 137 Abs. 6 WRV). The Law was incorporated in the Germany basic Law (Art. 140 GG) and after the reunion of West and East Germany it is now used in both sides. The Weimar Constitution Law states that all public societies (like the Catholic Church) have the right to put tax on its members:

“Die Religionsgesellschaften, welche Körperschaften des öffentlichen Rechtes sind, sind berechtigt, auf Grund der bürgerlichen Steuerlisten nach Maßgabe der landesrechtlichen Bestimmungen Steuern zu erheben.”

Gerhard Hartmann writes the historical sequence of how Church tax in Germany went through different processes to be established the way it is today. That means Church tax is


politically and juridically protected in Germany and in order to abolish it the law needs \( \frac{2}{3} \) of the votes of “Bundestag” and “Bundesrat” according to (Art. 79 Abs. 2 GG). This system helps the Church not be dependent on the few rich people.

About 70\% of Church revenue comes from Church tax. This is about 9.2 billion (in 2010). This tax can be collected by the authorities of the state; then, the authorities withhold a collection fee; or the tax can be collected by the religious communities themselves if they choose to do so, for example the Jewish communities in Berlin chose to collect taxes themselves to save collection fees the government would charge otherwise. The Church tax

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is only paid by members of the respective churches.\textsuperscript{410} Those who are not members of a Church-tax collecting denomination do not have to pay it.\textsuperscript{411}

Problem of this system is that some of the Christians are trying to escape this obligation, especially those people with high salaries, by dropping out of the Church (\textit{Kirchenaustritten}).\textsuperscript{412}

“Durch die Anknüpfung der Kirchensteuer an die Einkommenssteuer ergibt sich eine starke Progression der Kirchensteuer, die Höherverdienenden einen Kirchenaustritt und damit die Befreiung von der Kirchensteuer plausibel erscheinen lassen.”\textsuperscript{413}

For example for the following five consecutive years the number of Catholics dropping out of the Church is great namely in the year 2008: 121,155 Catholics; the year 2009: 123,681 Catholics; the year 2010: 181,193 Catholics; the year 2011: 126,488 Catholics and the year 2012: 118,335 Catholics.\textsuperscript{414}

Members of different religious communities may, under public law, formally pronounce their wish to leave the community. They should do this through the state authorities and not through the Church authorities. With such a pronouncement, their obligation to pay Church tax ceases. Some religious communities reject to administer marriages and burials of (former) member who had declared to leave it:

“All those who opt out of the tax will no longer be allowed to receive sacraments, except the last rites before death. They will also not be permitted, for example, to take part in

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confession, confirmation, work in the Church/house of worship and its schools or hospitals, became a godparent, or take part in parish activities.\textsuperscript{415}

Those who opt out of the Church can be liable to canonical punishment which is found in cc. 751 and 1364 CIC/1983 which deal with those committing apostasy, heresy or schism. But the problem lies in the fact that most of those opting to drop out of the Church are naming financial constraints as a reason for their drop out and not that they have problem with articles of faith or teachings of the Church.

There have been voices raised against Church tax in Germany\textsuperscript{416} and against the kind of Church punishment someone incurs when he refuses to pay Church tax. Hartmut Zapp, a retired professor of church law, filed a legal challenge in 2007, arguing that under Catholic doctrine, Church membership was determined by a person’s beliefs and not by a financial relationship. He said he wanted to go on praying and receiving Holy Communion without paying the religious levy. He said this in opposition to the Bishops’ decree issued, according to which anyone failing to pay Church tax (Kirchensteuer) will no longer have the right to Holy Communion and religious burial. They said refusal to pay Church tax should be seen as a serious act against the community.\textsuperscript{417} In fact there are a number of motives which contribute to the cause of the Church drop out and the Church tax is not the only reason, because Church tax is canonically justified in the Church as we have seen above in c. 1263 CIC/1983.

\textsuperscript{415} 10 Facts about Church Tax, at: http://blog.mygermanexpert.com/2013/06/10-Facts-about-German-Church-Tax.html (20.05.2014).


\textsuperscript{417} Cf. German Catholics can only remain in the Church if they pay membership tax, rules court, October 23\textsuperscript{rd} 2013, at: http://en.mercopress.com/2013/10/23/german-catholics-can-only-remain-in-the-church-if-they-pay-membership-tax-rules-court (20.05.2014).
Apart from the challenges the Church tax encounters, Löffler is of the opinion that it (Church tax) makes German Churches probably the best-endowed in Europe and allows a variety of ecclesiastic initiatives on the background of stable finances.\textsuperscript{418} The Church tax has done a lot of positive effects especially through the financial support of the mission lands like Tanzania in general and the Catholic diocese of Tanga in particular, in fulfilling their mission activities like spreading the gospel and caritas works among others.

### 4.3.8 Cultural Tax System in Italy

The Church financing in Italy has the historical background to the benefice system.\textsuperscript{419} Because of the problems caused by the benefice system, this system was changed according to cc. 1272 and 1274 CIC/1983.\textsuperscript{420}

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“Angelpunkt dieses neuen Konzeptes ist die Abschaffung des bisherigen jahrhundertealten Benefizialsystems, das durch Geldzuwendungen von Seiten des Staates ergänzt war, welche ihre Begründung in der Säkularisation der kirchlichen Güter im 19. Jahrhundert hatten.”

The benefice system was exposed and its goods entrusted to the new body for the diocesan institute for the care of the priests known as *Instituto Diocesano per il Sostentamento del Clero* in each diocese.\(^{422}\) The Bishops’ conference of Italy also initiated the like body *Instituto Centrale per Il Sostentamento del Clero* which caters for the care of the priests in whose dioceses such a system does not exists.\(^{423}\)

The state of Italy recently introduced a new way to finance Churches by introducing the system called “*fondo per il culto*” which it means “cultural fund”. The cultural fund counts 0.8% of the income tax in Italy and this amount must be dedicated for the churches or for some other religious, social, humanitarian or cultural activity. This depends on the choice of each of the tax-payer. This means the tax-payer decides where his/her income-tax should go among the areas named above.\(^{424}\) In the diocese of Bozen-Brixen, there is a slogan to motivate people to contribute for the Church. This slogan is called “*ottopermille*”.\(^{425}\) The Slogan goes:

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424 *Löffler*: Financing the Churches, p. 222; *Stragenegg / Weinberger*: Republik Italien, p. 186 f.

“8 %, jede Unterschrift zählt! Nur gemeinsam sind wir stark! ... Eine Unterschrift für die Katholische Kirche kostet nichts, hilft aber viel.”

Löffler explaining about this system he mentioned the conditions that the churches and religious groups had to fulfill in order to benefit from the cultural fund. He said that in order to receive money, the respective religious group was obliged to settle upon a contract with the state. Beyond this cooperation with the state, there would be no other direct subventions to the churches.

The cultural-tax as Church financing system in Italy proved to be effective compared to those systems in Austria and Germany because it strikes a balance of freedom on one hand and the obligation or commitment on the other. Löffler comparing it with other systems of Church financing in Europe echoes:

“The system is highly transparent, comparatively cost-effective and highly socially just from an internal standpoint: poor members bear little, rich members much of the financial burdens of the church. The system is in principle also highly socially just from an external standpoint: since the 0.8 % is deducted from the income-tax and not the income itself.”

There is also indirect support that the churches like other organs in Italy enjoy. For example a firm with a status of juridical or physical person and also communities can receive 2 % every year of their declared income when they engage in education, health sector or religious purposes. Physical and juridical persons, organizations, clubs and union can 27 % of the repaid for the sum of money used for maintenance especially the restoration of churches, parish houses and other buildings which are protected historical monuments. From January 1st, 1989 it is allowed any citizen that is physical person to donate until Euros 1.032,91 to Centrale per il Sostentamento del Clero with the purpose of paying salary for the clerics which amount will not be taxed. Other money which will not be taxed is that used for social and humanitarian purposes, e.g., catastrophe aid (calamita naturali), refuge aid (assistenza

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426 Löffler: Financing the Churches, p. 222. Mit diesen und ähnlichen plakativen Schlagworten wird den Bürgern der Republik Italien in Bewusstsein gerufen, bei der jährlichen Steuererklärung ihre Unterschrift in ein eigens ausgewiesenes Feld des Steuerformulars zu setzen und damit die Wahl für die Zuweisung von 0,8 % Prozent des Steueraufkommens zu treffen.


430 Cf. Stragenegg / Weinberger: Republik Italien, p. 185.
airifugiati), the fight against hunger, conservation of cultural goods and so on.\textsuperscript{431} The fund of the Catholic Church of Italian Bishops conference which covers the religious need e.g., the living of the clerics,\textsuperscript{432} caritas work, payment of the cultural buildings, missionary works (activities) in the third world is also not taxed. Another indirect income the Church receives from the state is salary paid those who teach religion in schools and colleges, salary for the chaplains in military and hospitals. This system enables for example Agnostic to support the Catholic Church and a Catholic to support the state or other religious society.\textsuperscript{433}

The method of Church financing in Italy is theologically reasonable and justified because canonically the Christ’s faithful is obliged according to c. 222 § 1 CIC/1983, to contribute for the needs of the Church and the diocesan Bishop is obliged to insist the fulfillment of this duty according to c. 1261 § 2 CIC/1983.\textsuperscript{434} In other countries like Austria the obligation of contributing to the wellbeing of the Church according to the canonical obligation of the Christ’s faithful caused a constant drop out of members of the church the case is different in Italy while the system in Italy has not experience drop outs.

4.3.9 Church Financing System in France

France is a secular state which means state and church are completely separate in the question of Church financing from state.\textsuperscript{435} In November 2\textsuperscript{nd}, 1789 the Church in France suffered a great loss in connection to its properties.\textsuperscript{436} In the same year a decree was given by

\textsuperscript{431} Cf. Ibid., p. 186; Vegas: Note marginali in materia di utilizzo della quota dell’otto per mille, pp. 463-473.

\textsuperscript{432} Cf. Stragenegg / Weinberger: Republik Italien, p. 190-192.

\textsuperscript{433} Cf. Ibid, p. 186-188.

\textsuperscript{434} Cf. Rees: Das Verhältnis von Staat und Kirche, p. 34.


the state of France to privatize some of the Church properties which were fundamental in generating the financial support for the Church. After the privatization the state opted to take the obligation of paying the salaries of the clergy. In 1905 a law was established in France and Art. 2 of this law prohibited the state of France from paying the salaries of the clergy and the state practiced subversion for the public associations. Instead of the religious societies/associations the state introduced and recognized the so called cultural associations which could have the right of possession of properties. The Church in France objected this suggestion and this caused its properties to hang in a vacuum, which caused the state establishing another law in 2nd January, 1907, and 3rd April, 1908 through which cathedrals and Bishops’ residents were confiscated and declared to belong to the state.

The Church in France has the systems of Church financing which resembles very much that of the Church in Tanzania and particularly of the Catholic diocese of Tanga. 75 % of the total income for the Church in France is through the so called free collection and donation from the members, 25 % is acquired by the suggested annual, however non-obligatory contributions of the members which rules out that this contribution amount to 1-2 % of total earnings of the members. However, it is obeyed by 45 % of the members. This contribution is also known as cultural contribution and is supposed to cover the remuneration of priests and laity in service in the Church and also for cultural buildings and seminaries. This contribution is collected annually especially in Lent in individual parishes or through bank. As already discussed above, the state direct subventions are forbidden according to the strict separation model; however, the state owns church buildings dating from before 1905 and bears most of the reparation costs. Furthermore, there is a certain amount of subventions for buildings and private schools, and there are some tax exemptions. The state pays salaries for prison and army chaplaincy and for some teachers of religion.


439 Cf. Ibid., p. 235.

In evaluating this financial system of church support in France, Löffler is of the opinion that this system is economically ineffective, and makes the churches in France the poorest church in Europe, resulting to negative effects on pastoral work (cf. c. 1254 § 2). He gives the example of many priests who cannot live from their small salaries and often do their work only part-time besides another profession. On the other hand, this system has something positive also for the financial system of the churches in Tanzania, and specifically for the Catholic diocese of Tanga in the sense that the system induces a high consciousness of self-identification and responsibility among the churches’ members and motivates various spiritual initiatives. Another positive point is the clear separation of church and state which does not burden the church with the appearance of enjoying undue historical privileges.\(^{441}\)

**4.3.10 Congregation of the Evangelization of Peoples**

After describing the methods of financing of the Churches in Europe, the following discussion views the congregation of the evangelization of people because it contributes greatly to the motivation, collection and sending of material and financial aid to the Churches in the poor and young Churches in the mission lands like Catholic diocese of Tanga Tanzania.

The Congregation of the evangelization of peoples was founded in order to provide material goods for the missions in the world. The congregation has to fulfill the duty of providing means and ways (including financial) in order to carry out this noble duty of proclaiming Christ to the end of the World. This is stipulated in the Apostolic Constitution Pastor bonus:

“To foster missionary cooperation, even through the effective collection and equal distribution of subsidies, the congregation chiefly uses the Pontifical Missionary Works namely, the Society of the Propagation of the Faith, the Society of St. Peter the Apostle and the Holy Childhood Association, as well as the Pontifical Missionary Union of the Clergy.”\(^{442}\)

The congregation within its jurisdiction collects, allocates and administers its own funds and other resources destined for the mission, lent with full accountability to the prefecture for the economic affairs of the Holy See as echoed in the Pastor bonus:


\(^{442}\) Art. 91 PastBon.
“Through a special office, the Congregation administers its own funds and other resources destined for the missions, with full accountability to the Prefecture for the Economic Affairs of the Holy See.”

In giving out aid, the individual character of the young Churches is respected and no other elements are imposed, as is clearly stated in the statute:

“The Pontifical Mission Aid Societies must procure for the young Churches indispensable help, while safeguarding the respect which is their due. They invite these young Churches to make every effort to become progressively self-sufficient.”

Those responsible for the task of missionary animation and cooperation, are to utilize the Pontifical mission Societies as their principal instruments, whether at the level of the universal Church or at that of the local or particular Churches. It is for this reason that the Pontifical Mission Societies depend not only on the Roman Pontiff and the congregation of the peoples but also on the whole Episcopal colleges, and therefore at the service of the various Episcopal college, and of individual Bishops. This is because the command to preach the gospel throughout all the earth devolves, in collegiality, on all the shepherds and all the Churches:

“This collegial union is apparent also in the mutual relations of the individual bishops with particular churches and with the universal Church. The Roman Pontiff, as the successor of Peter, is the perpetual and visible principle and foundation of unity of both the bishops and of the faithful. The individual bishops, however, are the visible principle and foundation of unity in their particular churches, fashioned after the model of the universal Church, in and from which churches comes into being the one and only Catholic Church. For this reason the individual bishops represent each his own church, but all of them together and with the Pope represent the entire Church in the bond of peace, love and unity.”

The Pontifical Missionary work play a significant role in the spreading of the gospel by subsidizing activities in poor and young Churches like the Catholic diocese of Tanga, without which the work of spreading the gospel would be more difficult and perhaps in some instance even impossible. Msgr. Cyriacus Mba, of Nigeria once commented that “without the ordinary and extraordinary subsidies from Rome, our seminaries would have no option but to close

443 Art. 92 PastBon.


445 Art. 23 VatII LG.
down and leave vocation to decay at home”⁴⁴⁶. He mentioned only seminaries, but in fact, all the sectors of the missionary Church, if they were not supported by these subsidies from Rome, would be in a very miserable state. All particular Churches find the Pontifical Mission Aid Societies an irreplaceable institution for accomplishing their missionary task. The Pontifical Mission Aid Societies form one institution with four branches.

At the super-national level the Pontifical societies are presided over by the cardinal prefect of the congregation of the evangelization of Peoples and the superior council, presided over by the president of the Pontifical societies, who at the time of writing this work is the Adjunct secretary of the congregation of the evangelization of Peoples, Archbishop Protase Rugambwa from Tanzania. Each of the societies also has a secretary general. The supreme committee watches over the activities and development of each society while the superior council, which meets annually, makes decisions concerning the distribution of subsidies, both ordinary and extraordinary.⁴⁴⁷

### 4.3.11 Pontifical Society for the Propagation of Faith

This society is one of the organs based in Vatican which supports greatly the mission of the poor and young dioceses in the mission lands. The aim of forming this society is among others to foster interest in universal evangelization among all sectors of the people of God, and to promote spiritual and material aid among local Churches, as well as the exchange of apostolic personnel. This is a well established Pontifical society found in almost all the dioceses of the world. Through its branches, money is collected and sent to Rome and is distributed according to the needs of the poor Churches every year. This is canonically established in c. 791, § 2: “In order to foster missionary cooperation, in each diocese: each year an appropriate financial contribution for the missions is to be sent to the Holy See.”

The society of Propagation of Faith seeks prayer and sacrifice for missions for the many young and poor dioceses in the world. There are now 1,500 dioceses in Asia, Africa, the Pacific Islands and remote regions of Latin America which are being supported by this

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society. The aid offered which can be in material or financial form is used for pastoral and evangelizing programs, for catechists and the catechetical work, to build churches and chapels for the work of religious communities in health care and education and for communication and transport needs.

4.3.12 Pontifical Society of St. Peter

This society was founded in France, at Caen in 1889, by Stephanie Bigard and her daughter Jeanne. Its head quarter was transferred to Rome in 1920, and was officially given Pontifical status on May 3rd, 1922. This society comes into existence in order to awaken Christ’s faithful to the problem of training local clergy in the mission territories and invite them to cooperate in the training of candidates for the priesthood by their spiritual and material aid. The material aid (including funds) obtained are used for scholarship, payments of living expenses, fees and other donation; this have made it possible to establish and develop numerous diocesan major and minor seminaries. Subsides are granted to priests and men and women religious sent by their respective superiors for further studies in various fields in Europe or Africa. For example in 1997/1998 academic year there were 342 students priests from 56 countries of young and poor countries financed by this society. Today more than ever, the society of St. Peter the Apostle is an important means of maintaining the increasing number of native seminaries in all mission territories.

4.3.13 Pontifical Society of the Holy Childhood

The Pontifical society of the Holy Childhood (Pontificium Opus a sancta Infantia) was founded in 1843 by the most reverent Bishop De Forbin-Janson, Bishop of Nancy (France) with the following goals: firstly to awakening in children a universal missionary conscience; secondly, to move children to share their faith and material means with the children of the neediest regions and churches; to promote vocations and lastly to integrate into the overall pastoral program of Christian education, to which it will contribute to its missionary

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449 Ibid.
projection. The intentions above would help the children to see the need to help their contemporaries in missionary countries with their prayers and material support. Through this society, all children are called to pray for each other and to prepare themselves for the new world order where, hopefully, fellowship and love will be the guiding principle of life and not war and destruction. It is also through this society that children seek a greater friendship and intimacy with Jesus and deepen always the spiritual dimension of their lives in the family at school, and generally with their peer group.

It is interesting to note that the principal contributors of material goods in this society are children from different parts of the world helping their fellow children who are in greater need at the time.

“Today, MCA [i.e., Missionary Childhood Association] continues to follow the vision of Bishop Forbin-Janson: ‘children helping children’. After learning about the great needs of the world’s poorest children, young people are invited to pray and to offer financial help so that children in the Missions today may know Christ and experience His love and care.”

4.3.14 Pontifical Missionary Union for the Clergy

This sprung up from the utterly Catholic soul of Father Paul Manna, a priest of the Milan Foreign Mission Society on October 31st, 1916. He was born at Avellino in 1872 and died in Naples in 1952, after a life dedicated to the missions. He was a missionary in Burma for 12 years but had to return to Italy in 1907 because he had contacted tuberculosis. The three Pontifical missionary societies have the collection and distribution of financial aid to the missions as one of their main ends, the Pontifical Missionary Union has unique mission. Its primary purpose is to enable priests to come to a clear realization of the missionary responsibility which is theirs, though of course, subject to the authority of their Bishops and dependent upon the supreme pontiff. Its secondary aim is to help them to integrate their concern for the missions with their pastoral activities and to promote among the Catholic laity an apostolate of prayer and generosity towards the Pontifical Mission Aid Societies. This universal and missionary consciousness will be a course of spiritual and material aid for the missions and will raise up vocations for the many different types of missionary work.


452 Cf. Art. 38 VatII AG.
His endeavor received an overwhelming support from a number of Pontiffs of the Roman church. Pope Benedict XV, on November 30th 1919 wrote to all the Bishops of the world as follows: 453 “Know that it is our wish to see the missionary Union of the Clergy established in all the diocese of the world.” 454 All the popes of the time highly appreciated the work of Pontifical Missionary Union. Pope Pius XII on June 2nd, 1951 defined the Pontifical Missionary Union of the clergy as follows: “It is the source from which flow the nourishing waters of the Pontifical Mission Aid societies.” 455 Pope Paul VI pronounced on August 5th, 1966 that “every priest should take an active part in the Pontifical Missionary Union as should all religious both men and women, this is a duty binding in conscience which is of a serious nature than a juridical obligation” 456. At present the Pontifical Missionary Union is established in more than hundred countries of which many are mission territories.

4.3.15 Pontifical Council Cor Unum

The Pontifical council Cor Unum which deals with human and Christian development was established by Pope Paul VI with his letter of institution Amoris Officio on July 15th, 1971. The territories of the young and poor Churches experience a lot of human suffering through catastrophes and underdevelopment and to address these problems the Pope founded this council. The Pontifical council Cor Unum expresses its mission as: “the care of the Catholic Church for the needy, thereby encouraging human fellowship and making manifest the charity of Christ.” 457 The council fulfills this mission by humanitarian relief operations following disasters, fostering charity, encouraging cooperation and coordination of other Catholic organizations.

Charity enables one to see in the poor and needy the face of Jesus Christ, who reminds us “I was hungry, thirsty, and lonely and you helped me” 458. In his address to this Pontifical

454 Mba: My experience in running a seminary in the east central state of Nigeria, p. 91.
457 Art. 145 PastBon.
458 Mt. 25:36.
council *Cor Unum*, Paul VI echoed: “So we were able to give your ecclesial action for aid [...] the name of *Cor Unum*, ‘one heart’, a heart that beats in rhythm with the heart of Christ, whose pity for the hungry multitudes reaches them even in their spiritual hunger.”459 The objectives of the Pontifical council *Cor Unum* are enumerated as firstly, to assist the Pope and be his instrument for carrying out special initiatives in the field of humanitarian actions when disasters occur or in the field of integral human promotion; secondly to foster the catechesis of charity and encourage the faithful to give a concrete witness to evangelical charity; thirdly, to encourage and coordinate the initiatives of Catholic organizations through the exchange of information and by promoting fraternal cooperation in favor of internal human development.460

During his visit to Africa, Pope Johannes Paul II saw the great tragedy lived by people due to long-term drought and desertification. He established in 1984 “Paul II foundation for the Sahel” and placed under the Pontifical council *Cor Unum*. During the foundation of the Foundation of Paul II for Sahel, the Pope echoed: “When the poor and the needy cannot find water…From this very place I launch a solemn appeal to entire World … I raise my voice the voice of those who have no voice, the voice of the innocent ....”461 The Holy Father established the care of the funds, and the legal see of the foundation would remain with the Pontifical council “*Cor Unum*” with the duty to periodically report to the supreme Pontiff, the founder. He insisted on the duty of the Church through this Foundation to help the poor and the needy when he spoke: “You are in a certain sense the eye that spots the multiple ‘poverties’. You are the heart that has compassion and wants to do for the other who is in need, what one would wish for oneself. You are the hand that is stretched out fraternal and gives practical help.”462

This Pontifical council gets support from donations mainly from developed countries and other charitable organizations. The duties of this Pontifical council are to promote in the

faithful a deepening of the knowledge and practice of the seven corporal and spiritual works of mercy. It promotes and animates the catechesis of charity. It prepares and diffuses the yearly Lenten message of the Holy Father.

### 4.4 Church Financing Systems in the Catholic Diocese of Tanga

According to the Statutes of the Board of the Trustee of the Catholic diocese of Tanga which was sent to the government of Tanzania, the diocese prescribes the methods of acquiring fund as follows:

“The Diocese shall obtain its funds from the following sources; self-reliance projects, socio-economic projects, charitable donations from inside and outside the Country, voluntary and church related collections from Catholics and from parishes.”\(^{463}\)

Here below are the different methods used by the Catholic diocese of Tanga in securing funds and support.

#### 4.4.1 Missionary Contribution

The Catholic diocese of Tanga is among the mission dioceses under the supervision of the Congregation for the Evangelization of Peoples and so relies on external assistance from missionaries, churches, and aid organizations in a wide range of areas. These include training and maintenance of priests and religious personnel, church structures, provision of transport, building schools, hospitals, and water projects among many others. It is worth noting here that the missionary contribution to the growth and development of the diocese can never be underrated. The missionary resources aided the efforts of evangelization right from the diocese’s foundation. This generosity on the part of the missionaries has arisen from the deep awareness that all are brothers and sisters in Christ, and therefore those in need should not be left without the basic essentials of life.\(^{464}\)

#### 4.4.2 Subsidies

The diocese receives subsidies from the Congregation of Evangelization of Peoples. This Congregation distributes to mission land dioceses in need of assistance funds collected from

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\(^{463}\) The Registered Trustee of the Catholic Diocese of Tanga; Section II, Art. VIII.

all over the world during Mission Sunday, which is in October each year. Also the Pontifical Mission Societies, through their structures, assist the poorer dioceses in developing countries by funding projects that generate resources, with a view to increasing the financial self-reliance of these dioceses. The Congregation of Evangelization of Peoples also gives assistance for the formation of senior seminarians and the upkeep of diocesan minor seminaries. However, the challenge is the decline of these grants given by the Congregation. There are Sundays set aside when offerings are collected for specific pastoral activities. These are mission Sundays, St. Peter the Apostles, Good Friday collections, Holy Childhood and Lenten Campaigns. These are usually forwarded to the diocese, a certain percentage is retained at the diocese and the rest is handed over to the appropriate body. For example, the money collected on mission Sunday is forwarded to the Congregation for the Evangelization of Peoples, which then distributes it to needy dioceses in Africa, Asia, South America and Eastern Europe.

4.4.3 Sunday Collection

The diocese uses Sunday collections as means of income. In all parishes every Sunday the faithful give offerings usually in the form of cash money. This is popularly known as sadaka. It is the major source of income. In some cases or on request foodstuffs are offered. The amounts collected are made known to the faithful on the following Sunday. These offerings are supposed to meet the expenditures of the parish. When the needs are greater than the offerings, the parish council organizes a second collection.

Contributions are also collected as Easter and Christmas dues known as zaka or tithing, and they make up a substantial percentage of the income in many of the parishes in the diocese. The challenge faced in some parishes is the legacy of dependence left by some missionaries. They did not put much emphasis on the sadaka, this is because the needs of those missionary clergy and the parishes were provided for from abroad. Although the situation has changed today, the faithful still assume that finances to meet the daily operations of the parish should come from somewhere or someone other than themselves.

466 Cf. Ruwa: The Church and Self-reliance, p. 25.
467 Sadaka is Swahili word which is generally applied to gifts of support of Church needs but mostly applied for Sunday collections.
In connection with Sunday collections, there is tithing also known as Shukrani ya mavuno which are Swahili words meaning thanksgiving for the harvest. Every Christian in the diocese is expected to give 10% of income or harvest, he or she has got in the whole year. This tithing has its basis in the teaching of the Bible:

“The first batch of our dough, and our offerings of the fruit of every tree, of wine and of oil, we will bring to the priests, to the chambers of the house of our God. The tithe of our fields we will bring to the Levites; they, the Levites shall take the tithe in all the cities of our service.”

The harvest is collected in the parishes in the month of October of each year and then the tithing is sent to the diocese. However, the challenge here is that the parishes and the faithful do not follow this rule strictly. Most members may not be contributing at all, because of lack of commitment, ignorance and unclear procedures as to how it should be done and the lack of accountability as echoed by Mrs. Ako who said:

“What I give is not ten percent of my annual income. I could give more. This is because we don’t know exactly what percentage we should give to the Church; let the priests not feel shy educate us and to demand it from the Christians.”

It is unfortunate that continued unchecked missionary financial assistance has made the faithful to develop a culture of dependency. This has created the wrong impression on some Christians that without external help the church cannot function. Even in places where the Christians are able to take over the responsibility they still look for support from overseas.

4.4.4 Fundraising

Fundraising, widely known in Swahili as Chakula cha hisani, is done at the diocesan or parish level. Dinner accompanied by drinks is prepared. Parishioners and other prominent people are invited on a set date and pull together their resources mainly money, in order to undertake a development activity, such as building a church, school, dispensary, buying a musical instruments, transport for the pastor, etc. In some cases, those invited may be required to give a fixed amount of money. In such a case they are given a span of time to contribute. In

468 Neh. 10:38-39 also Gen. 14:20; Lev. 27:30-32; and Hebr. 7:4-10.
469 Reply from Mrs. Ako, a business woman in the city of Tanga, interviewed by the Author on February 25th, 2014.
470 Chakula cha hisani is a Swahili expression which means dinner party prepared for fund raising. The Author has experienced similar fund raising here in Austria called “Suppentag” in supporting projects in Africa or Europe or within the Land.
other cases they are left free to contribute what they can afford. Donations in kind are also accepted. These are in turn auctioned, usually at a higher price than usual e.g., a watch of a Bishop can be sold up to one million Tanzania Shillings (equivalent to 500,- Euro).

4.4.5 Taxation

The Commission for the revision of the Code in the 1977 schema proposed that the diocesan Bishop could impose a tax on the baptized as physical persons as well as juridic persons\footnote{Juridic Person according to Canon Law is a distinct legal entity, a creation of a law, a subject of obligations and rights (c. 113, § 2), an aggregate, that is, a group of persons or things (c. 115, § 1) which are directed to a purpose befitting the Church’s mission and which transcends the purpose of the individuals. Public juridic persons are aggregates of persons or of things, which are established by the competent ecclesiastical authority so that within the limits allotted to them in the name of the Church, and in accordance with the provisions of the law, they might fulfill the specific task entrusted to them for the public good (c. 116, § 1). A public juridic person acquires a juridical personality either by the law itself or by a special decree of the competent ecclesiastical authority (c. 116, § 2). Private juridic person is an aggregate of persons or of things established by a competent ecclesiastical authority, which acquires a juridical personality only by a special decree of the competent authority expressly granting it. Private juridic person cannot act in the name of the Church. Private and public juridic persons cease to exist on two grounds: firstly, if the association itself is dissolved in accordance with the statutes and secondly, if in the judgment of the competent authority, the foundation itself has in accordance with its statutes, ceased to exist.} whenever this was necessary for the good of the diocese. The responses to the 1977 Schema were negative, and so it was rejected. The text was revised in the 1980 schema to permit the Bishop to impose an extraordinary and moderate tax in cases of grave necessity.\footnote{Cf. Comm. 15(1984), pp. 24-30; cf. also c. 1263.}

In the diocese of Tanga, a tax has been imposed on all the baptized Catholics who have completed 18 years of age; they are required to contribute 500,- Tanzania Shillings annually for the Bishop’s development fund. 500,- Tanzania Shillings is equivalent to 0,25 Euro. The amount is very small, because in the last five years our Tanzanian currency has been affected by devaluation. What is collected is forwarded to the financial administrator of the diocese who gives a receipt and prepares a report of the amount collected for the whole diocese and distributes a report to all parishes in the diocese.

4.4.6 Investments

The Catholic diocese of Tanga has invested much in the social services which do not produce profit because they are non-profitable investments. However, there are a few profitable investments like hostels for girls who attend schools in the city of Tanga, a pastoral
center which has halls for conferences, workshops and meetings and accommodation for the visitors. There is also a bookshop in the city center for selling Christian literature in the form of books, bulletin, newspapers and other forms of readable materials. The bookshop also supplies liturgical materials like vestments, hosts, wine, rosaries, crosses, candles, lectionaries and altar missals. Though the bookshop is mainly a service, nevertheless, it provides some small income to the diocese. It is difficult for the diocese to undertake profitable investments because the church in Tanzania is registered as a non-profitable organization and because of that it enjoys tax exemption.

The diocese has at its disposal a number of health centers, dispensaries, health post, secondary schools and kindergartens but these are not counted as one of the dioceses’ investment because they are meant to offer one of the social services to the poor of the poorest. Most of the time the diocese uses its funds from other sources to enable these institutes continue offering the social services due to the deficit they incur because they are not profit generating projects and their operations depend mostly from the foreign support in the form of finance, personnel and materials like medicaments.

4.5 Obligation of Christ’s Faithful to Support their Church
(c. 1260 CIC/1983)

In some countries some members of the Catholic Church claim to abandon their faith as a way of avoiding the fulfillment of the canonical obligation to support their church as stipulated in c. 1260 CIC/1983. Such cases are for example the church tax in Germany and church contribution in Austria. But c. 1260 legislates that the Church has the inherent right to require from Christ’s faithful whatever is necessary for its proper objectives. And these proper objectives among others are enumerated in c. 1254 § 2 as principally 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 need.

The ‘inherent right’ ius nativum, which means original and not derived, is the independency from civil authority. C. 1263 requires the diocesan Bishop to consult the finance council and the council of priests before he exercises the right of imposing tax on the
public juridical persons subject to his authority.\textsuperscript{473} At the end of this canon, the law giver gives room for the local traditions and customs in connection with tax to be held. In this case church contribution in Austria and church tax in Germany remained in operation.\textsuperscript{474} This right of the Church to require from Christ’s faithful whatever is necessary for its proper objectives is legislated also in c. 264 in which a diocesan Bishop can impose a tax on every ecclesiastical juridical person even private juridical persons for the maintenance of a seminary.

Wilhelm Rees comments that Christ’s faithful have the obligation to help their Church through different taxes imposed upon them by competent authority such as church contribution in Austria and church tax in Germany on the ground that they belong to the church through baptism and so their membership in the Church has rights and obligation in the same way it is for the citizen of a State or members of a party or a club. So paying a tax is one of their obligations.\textsuperscript{475}

Although the Code on one hand legislates that the Church has inherent right to require from its Christ’s faithful whatever is necessary for its proper objectives, the same Code on the other hand the exhorts the Christ’s faithful through the Church’s appeals to support the Church in accordance with the norms laid down by Episcopal Conference.\textsuperscript{476} The word ‘appeal’ has the element of voluntarism on the side of the donor.

\textsuperscript{473} Cf. c. 1263: “The diocesan Bishop, after consulting the finance committee and the council of priests, has the right to levy on public juridical persons subject to his authority a tax for the needs of the diocese”. Cf. Also Cafardi: L’autorità di imporre le tasse da parte del Vescovo diocesano, pp. 127-138.

\textsuperscript{474} Cf. Rees: Kirchenrechtliche Aspekte der Kirchenfinanzierung, p. 35: „Mit klaren Worten hebt der kirchliche Gesetzgeber im letzten Halbsatz des c. 1263 CIC/1983 hervor, das die particularen bzw. teilkirchlichen Gesetze und Gewohnheiten, die den Bischof weitergehende Rechte einräumen (salvis legibus et consuetudinibus particularibus quae eidem potiora iura tribuant) in Geltung bleiben.“

\textsuperscript{475} Cf. Rees: Kirchenrechtliche Aspekte der Kirchenfinanzierung, p. 36: „Bürgerinnen und Bürger eines Staates sind zur Entrichtung von Abgaben bzw. Steuern verpflichtet. Die Abgaben (Steuer-)Pflichtigkeit als classische Grundpflicht eines jeden Staatsbürgers und einer jeden Staatsbürgerin folgt aus der Überzeugung, dass jedes Mitglied einer Gemeinschaft zu deren Lasten beitragen muß, damit die gemeinsamen Aufgaben erfüllt werden können“. Wie die Zugehörigkeit zum Staat, so hat auch die Zugehörigkeit zu römisch-katholische Kirche, die durch die Taufe begründet wird, die Pflicht aller Christgläubigen zur Folge, „für die Erfordernisse der Kirche Beiträge zu leisten, damit ihr ihr die Mittel zur Verfügung stehen, die für den Gottesdienst, die Werke des Apostolats und der Caritas sowie für einen angemessenen Unterhalt der in ihrem Dienst Stehenden (d.h. Klerikern und Laien) notwendig sind‘ (c. 222 § 1 CIC/1983 vgl. c. 25 § 1 CCEO). Dadurch, dass diese Pflicht in den Katalog der Rechte und Pflichten aller Christgläubigen, d.h. von Klerikern und Laien, eingeordnet ist, erhält sie eine besondere Betonung und Qualität.“

\textsuperscript{476} Cf. c. 1262 CIC/1983: “The faithful are to give their support to the Church in response to appeals and in accordance with the norms laid down by the Episcopal Conference”. See also c. 1012 §§ 1-2 CCEO.
Although there is no church tax or church contribution systems in the Catholic diocese of Tanga as is the case in Germany and Austria, some Christ’s faithful are of the opinion that the habit of a priest or a parish leader to speak almost every Sunday about money contribution for several projects of the parish discourages some Christ’s faithful to attend the mass. This is because some of the Christ’s faithful hardly manage their own life, because they life from hand to mouth and on top of that they find it difficult to meet school fees, food costs and medical expenses for themselves and their families. However, on the other hand there are those who are rich members of the Church but they are generous in supporting their Church as required by canonical precepts of cc. 1260 and 222.\footnote{477} However, that is somehow amazing because some of them belong as members to various clubs, associations or political parties and they pay a kind of fee or tax in a fixed time framework to support these clubs, associations or political parties and they do that voluntarily. The author has also discovered that the same Christ’s faithful are able to contribute a considerable amount of money for kichten party, send off party and wedding reception several times in a year. The author has further discovered that the Christ’s faithful in the protestant churches contribute twice as much in Sunday collections in comparison with their counterpart in the Catholic Church both in urban and rural areas. The Christ’s faithful in the Catholic diocese of Tanga need more catechesis and motivation on the question of their obligation to support their Church.

C. 222 of the CIC/1983 states that Christ’s faithful have the obligation to provide for the needs of the Church, so that their Church has available to it those things which are necessary for divine worship, for apostolic and charitable work and for the worthy support of its ministers. The Latin word used in the canon is “\textit{subvenire}”\footnote{478} which means to come to help; which is also translated as “to contribute” for the activities of the Church and here includes also finances. C. 25 § 1 CCEO states almost the same words of the Latin Code on the obligation of the Christ’s faithful to freely support their Church: All Christ’s faithful; laity, religious and the hierarchy are called to actively support the Church through their personal talents as well as through financial support. Clerics are urged to use any extra income to provide for the good of the Church and for charitable purposes as it is stipulated here:

\begin{quote}
\footnote{477} Reply from Simon Ntahondereye, the parishioner at Kabuku Parish Tanga.
\footnote{478} “\textit{Christifideles obligatio tenentur necessitatibus subveniendi Ecclesiae, ut eidem praesto sint quae ad cultum divinum, ad opera apostolatus et caritatis atque ad honestam ministrorum sustentationem necessaria sunt.”}
\end{quote}
“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 fulfillment of all the duties of their state, they may well wish to use of the good of the Church and for charitable works.”479

C. 1261 CIC/1983 emphasizes the same and obliges the diocesan Bishop to remind the faithful of their obligation and in an appropriate manner to urge its observance. The obligation to financially support the Church is also stipulated in CCC, Nr. 2043 which states that the faithful have the duty of providing for the material needs of the Church, each according to his abilities.

There are various forms through which the members of the Church can use to fulfill their obligation as stipulated in c. 1260 i.V.m. c. 222 § 1 CIC/1983.480 Firstly, the Christ’s faithful can support the Church by paying a kind of contribution for the acts of sacraments as prescribed by the Apostolic See:

“Unless the law prescribes otherwise, it is for the provincial Bishops’ meeting to determine the taxes, to be approved by the Apostolic See, for acts of executive authority which grant a favor, or for the execution of prescripts of the Apostolic See.”481

The second method of supporting the Church is through the so called (Stolgebühren) stole-fee recently known as offering482 on the occasion of the celebration of the sacraments and or the sacramentals.483

C. 946 stipulates that the faithful who make an offering so that Mass can be celebrated for their intentions, contribute to the good of the Church, and by that offering they share in the Church’s concern for the support of its ministers and its activities. Christ’s faithful have to know that clerics who dedicate their service to the ministry deserve remuneration consistent with their responsibilities and conditions of time and place.

In connection to the stole-fee, a precaution is given in c. 848 against demanding more offering and against depriving the poor of a funeral service when they cannot afford paying the sum determined by the competent authority as stipulated in the Code: “For administration of the sacraments the minister may not ask for anything beyond the offerings which are

479 C. 282 § 2.
480 Cf. Rees: Das Verhältnis von Staat und Kirche, p. 34.
481 C. 1264, 1º; cf. Rees: Das Verhältnis von Staat und Kirche, p. 35.
482 The giving of offering (oblationes) instead of stole fee is used to avoid the word ‘stole fee’ (taxas) or tax.
483 C. 1264, 2º.
determined by the competent authority, and he must always ensure that the needy are not deprived of the help of the sacraments by reason of poverty”. Precaution is also to be taken against any favoritism towards persons, for example, funeral mass for the rich contributing parishioners while limiting others of the liturgy of the word celebrated by a deacon or lay person. A deacon and a lay person may do that only in a situation of a pastoral need but not in consideration of persons. The 1971 Synod of Bishops had stated:

“It seems greatly to be desired that the Christian people be gradually instructed in such a way that priests’ incomes may be separated from the acts of their ministry, especially sacramental ones.”

In connection to the offering, there is also Friedhofsgebühren and Stempelgebühren which Christ’s faithful give and which can be translated as burial offer or burial contribution. This is also a method whereby Christ’s faithful use to support their Church. However, this method is not applicable by the Church in Tanzania and especially in the Catholic diocese of Tanga because the graveyards in the towns are owned by city councils and the fee is collected by a city council of a given area, and there is no fee for graveyard in villages.

Another method used by the Christ’s faithful to contribute to the Church as c. 1260 requires them to do is through “tributa” which can be imposed on all juridical persons through canonical regulation. C. 1266 allows the diocesan Bishop to require a special collection for specific parochial, diocesan, national, or universal projects after appropriate consultation: “In all churches and oratories regularly open to Christ’s faithful, including those belonging to religious institutes, the local ordinary may order that a special collection be taken up for specified parochial, diocesan, nation or universal initiatives. The collection must afterwards be carefully forwarded to the diocesan curia.”

The Christ’s faithful contribute also to the support of the Church by contributing to the judicial expenses as stipulated in c. 1649 § 1 that the Bishop who is responsible for governing the tribunal is to establish norms concerning the declarations that parties are liable for the payment or reimbursement of judicial expenses; and for the honorariums for advocates, experts and interpreters, and the expenses of witnesses. Other methods which can also be

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485 Cf. Pope Francis, in his annual address to the judges of the Apostolic Tribunal of the Rota Romana, which serves as the court of appeals principally for marriage annulment cases, said: “Sacraments are free of charge.
used by the Christ’s faithful in supporting the Church are through fund raising, Sunday collections and *inter vivos* and *mortis causa* as discussed above.

Although c. 1260 CIC/1983 (c. 1011 CCEO) i.V.m. c. 222 CIC/1983 (c. 25 CCEO) and CCC, Nr. 2044 require Christ’s faithful to support the Church in carrying out its mission as part of their obligations in the Church, there is no canonical sanctions or punishment for those Christ’s faithful who publicly or in secret refuse to fulfil this duty. This poses a great challenge for the Churches’ ability not only in financing its mission but also in carrying out the mission itself. In combating this characteristic the Catholic Bishops of Germany ruled out with a decree that anyone failing to pay the tax will no longer have the right to Holy Communion and religious burial. The Bishops added that refusal to pay Church tax should be seen as a serious act against the community. However, there is a procedure that a Christ’s faithful follows when he or she doesn’t like to continue paying Church tax. It requires one to fill in a special form with which one declares to cease being Church member and so liberate him/herself from this obligation. The person who fills the form of declaration of ceasing being a Catholic is given three months time of reflecting on his decision he/she undertakes and within this time when he changes his/her mind there is still room to revoke his decision.

**Table showing Nrs. of Catholics, Nrs. of Drop outs, Nrs of those who revoked their Decision after Reflection and Nrs. of the Deceased in dioceses in Austria 2013**

<table>
<thead>
<tr>
<th>Dioceses</th>
<th>Catholics</th>
<th>Drop outs</th>
<th>Revoked Decision</th>
<th>Diseased</th>
</tr>
</thead>
</table>

The sacraments give us grace. And marriage processes touch on the sacrament. How I would like all marriage processes to be free of charge!” The Pope expressed his wish and he was not legislating a requirement. See *Francis: Annual Address to the judges of the Apostolic Tribunal Roman Rota, January 23th, 2015*, engl. at: http://w2.vatican.va/content/francesco/en/speeches/2015/january/documents/papa-francesco_20150123_tribunale-roma-romana.html (6.6.2015).

In contrast to the Church in Austria and Germany, the Church in Tanzania and especially the Catholic diocese of Tanga has no cases of its members giving up their membership in the Church in order to free themselves from fulfilling their obligation of supporting the Church. The measures undertaken by the Catholic diocese of Tanga to combat those members who do not like to fulfil their obligation in the Church is to prove them when

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they come to the Church and require their rights such as sacrament of baptism for their children, first communion, confirmation or sacrament of marriage for themselves and or some other rights as stipulated in the Code. When these members have not fulfilled their duty of supporting the Church, they would be asked to do that and pay the debts of at least three years if they were within the parish or bring confirming documents of his Catholic status. However, in most cases these members prepare themselves and come to pay their debts (obligation) before they come to ask for the sacraments (their rights) such as mentioned above.

4.6 Conclusion

This section exposed the funding systems for the churches in Europe in general and that of Germany, Austria, Italy and France in particular. It discussed historical background of the systems for each of the named countries and where possible cited also the legal foundation protecting the particular funding system in a given country. The section also endeavoured to point out the advantages and disadvantages of the funding systems in those countries by exposing the statistics of the Christ’s faithful that leave their faith among other reasons in order to free themselves from the obligation of supporting their local churches. This section ended by the discussion of c. 1260 i.V.m. c. 222 § 1 CIC/1983 which concretizes the canonical justification which obliges the Christ’s faithful to fulfil their duty of supporting their churches and its ministers who dedicate themselves for the mission of the Church.
5 DECLINE OF FOREIGN AID IN TANZANIA

This section will be divided in three subsections. Subsection one will discuss the reality of the decline of foreign aid for the Catholic dioceses in Tanzania and especially in the Catholic diocese of Tanga. Subsection two will describe some of the factors limiting the efforts undertaken by Christ’s faithful to achieve the self-reliance. These factors are namely irresponsible parenthood, exploitation by the developed nations, rampant corruption by the government leaders, alcohol consumption and alcoholism, damage and sabotage to the Church property done by Islamic fundamentalists, natural calamities, HIV/AIDS pandemic and illiteracy. Other factors are related with the mismanagement of temporal goods itself and this concerns the administrators of temporal goods in the Church. These include; inventory problem, land administration problem, employees and labour law problem, insurance matters, unequal distribution of resources between the parishes and egoism of some administrators. Subsection three will survey the effects caused by the decline of foreign funding on the stipulated and already discussed areas of c. 1254 § 2 namely 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.

5.1 The Reality of the Decline of Foreign Aid

It is unpleasant to say that the country of Tanzania like other countries in Africa seems to be fully used to live in the culture of aid and begging. It seems the country is already addicted to aid. The dependent mentality is predominant among both political and religious lea

For more than 50 years of independence the government of Tanzania has heavily depended on foreign funding for its national budget despite the blessing of almost all natural resources it needs for its self reliance namely natural gas, recently discovered oil, different types of minerals; gold, diamond, uranium, iron, ruby, tanzanite, oceans, rivers, national parks, vast arable land, working population, to mention but a few. It is not easy to understand why such a country with rich natural resource ranks among the poorest countries of the world.

The poverty of the citizen of Tanzania means also the poverty for the Church of Tanzania because these citizens are the very same Christ’s faithful of the Church in Tanzania. The dependent mentality of the country affects also the thinking mentality of the Christ’s faithful. For more than 50 years of evangelization the dependency syndrome is still dominant for some
dioeceses. Most of these local churches mainly survive on donation from overseas. Such a dependency on European and North American donations makes one fear for the future of the missionary activities and programmes in these dioceses to the point of asking until when this dependency syndrome will come to an end. Rogatian Kimaryo who was later appointed Bishop of the Catholic diocese of Same in Tanzania commented on this point when he wrote: “A good number of dioceses in Tanzania could support themselves if they were to be sincere and realistic. But it is, perhaps, easier for the Bishops and religious superiors to sit down and plan for projects and make applications to *Misereor, Missio* or *Kirche in Not, Adveniat, Oxfam* etc., than to mobilize their people and create missionary awareness in them”\(^489\).

However we should read his comment with caution because most Tanzanians have been crippled economically and they can hardly manage their own subsistence. How can one milk a cow which has no milk? Most of the dioceses survive economically depending to a great extend on subsidies from the CEP and other charitable institutions in developed countries.

The research uncovered that each diocese in Tanzania receives annually an ordinary subsidy for the diocese, catechists, seminaries of whatever level in a diocese and some kind of subsidy for construction or renovation of churches, kindergarten, presbytery or religious houses. For example the subsidies according the year 2013 for the seminaries and novices of Africa are as follows:\(^490\)

**AFRICA: $ USA**

<table>
<thead>
<tr>
<th>Sussidi ordinari:</th>
<th>Ai Seminari minori</th>
<th>3.679.339,90</th>
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<tbody>
<tr>
<td></td>
<td>Ai Seminari propedeutici</td>
<td>1.810.548,70</td>
</tr>
<tr>
<td></td>
<td>Ai Seminari maggiori</td>
<td>9.054.928,80</td>
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<tr>
<td>Sussidi straordinari:</td>
<td>Ai Seminari minori</td>
<td>238.950,-</td>
</tr>
<tr>
<td></td>
<td>Ai Seminari propedeutici</td>
<td>317.900,-</td>
</tr>
<tr>
<td></td>
<td>Ai Seminari maggiori</td>
<td>1.378.670,-</td>
</tr>
</tbody>
</table>


Sussidi Straordinari vari 202.460,20
Sussidi ai Novizi 393.921,-
Sussidi alle Novizie 600.278,-

Number of Seminarians in Africa as per year 2013:

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
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<tbody>
<tr>
<td>Formatori</td>
<td>1.252</td>
</tr>
<tr>
<td>Minori</td>
<td>37.743</td>
</tr>
<tr>
<td>Prepedeutici</td>
<td>3.675</td>
</tr>
<tr>
<td>Maggiori</td>
<td>14.153</td>
</tr>
<tr>
<td>Totale</td>
<td>56.823</td>
</tr>
</tbody>
</table>

In recent times however, the foreign funding to the local churches of Tanzania has been considerably on the decline. The flow of donor aid from European and North American churches and donor agents is not the same like 20 years ago: “The donors are growing weary. As shown earlier, over the past twenty years foreign aid to Africa has been on the decline. Whether it is because donors don’t believe it works, or they don’t have the cash or they simply don’t care, the fact remains that the donors’ Africa aid purse is slowly shrinking.”

This research has discovered some of the reasons leading to such a decline of foreign aid to the dioceses in Africa and specifically in Tanzania are as follows: Firstly, the funding agencies receive a bulk of applications for funds and therefore their available fund is overstretched. New dioceses are created mostly in mission territories and these have to be given priority compared to the dioceses which are more than 50 years old like the Catholic diocese of Tanga.

Secondly, the number of Church drop-outs in donor countries especially in Germany and Austria as depicted in the statistic above has weakened the financial capacities of some dioceses and funding agencies in these countries. Most of the Church drop-outs are young people who are employed and they do so to avoid paying church tax (in Germany) and Church contribution (in Austria). The other point is that, those young people who have not

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officially declared to drop their faith are not active members of the Church. The churches in these funding countries suffer a loss of active young generation in mass attendance and so they don’t take active part in donating for projects initiated in their churches. However, they are active for collection on fest of Epiphany famously known in Germany and Austria as *Sternsinger*. Most of participants in this collection of money for the mission are the young people and children.

The third reason for the decline of foreign funding is financial and economic crises which happen in the donor countries. It has been estimated that Bush’s war on terror fought in Iraq, Afghanistan and Pakistan cost the US almost US-$ 3 trillion. The financial crises in America affected some banks and the Euro crisis in Europe which occurred few years ago weakened the financial capacities of donor agencies in financing as many as possible applications for funds as before.

The fourth reason is the so called donor-fatigue. This is because for a long time the donor countries have poured out funds to their brothers and sisters in need in Tanzania hoping that one day in the future they will be able to stand up on their own feet and support their own Churches and missionary programmes. But the fulfilment of this expectation seems to be still farfetched reality. This reality is echoed by the secretary of the Pontifical Missionary Works when he said the donor-fatigue is today not something new.

The fifth reason is the disproportion between the old generation and the young generation. There is the tendency in Europe of limiting number of children in a family which to the time of writing this research the birth rates in the EU are low with the average woman having 1.6 children. That means the number of retirees outnumber that of productive young as echoed by international economists Dambisa Moyo: “Demographic shifts are putting further strain on Western economies. Increasing numbers of retirees and fewer productive young

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492 The Author writes this out of his pastoral work experience in Austria and Germany.

493 Statement of Peter Orszag, Director: “Estimated costs of U.S operations in Iraq and Afghanistan and of other activities related to the War on Terrorism before the committee on the Budget U.S. House of Representatives”, 24. October 2007.

people (owing to the ageing baby boomers and lower birth rates) mean increasing health costs, lower tax revenues and less to give away.”

The fifth reason is the scandals in relation to mismanagement of church fund by church leaders for their luxury houses and cars coupled with sex abuse scandals in the church. The research shows that when there is church funds mismanagement e.g., with the case of the diocese of Limburg in Germany or when the media announce scandals committed by church leaders e.g., child abuse scandals in Europe and America to mention but a few, then that year’s caritas and mission contribution will drop tremendously and the number of people dropping out of the Church will raise. The news presented by media about these scandals play a great role for the caritas and mission donation:

“The Catholic Church in Germany, already struggling to cope with the sex abuse scandal, has been hit by revelation of theft, opaque accounting and extravagance. While the grassroots faithful are being forced to make cutbacks, some Bishops enjoy the trappings of the Church’s considerable hidden wealth.”

Such information from the media has impact on the decline of foreign aid to needy dioceses in Asia, South America and Africa including Tanzania. Pope Francis exhorted a group of young nuns and monks in summer when he said: “It hurts me when I see a priest or nun with the latest model car. You can’t do this!” He added, “Just think of how many children die of hunger and dedicate the savings to them”. The month before, he denounced also those ambitious “airport Bishops” looking out for a more prestigious diocese, whom he compared to men “who are constantly looking at other women more beautiful than their own”; and he commented, “Careerism is a cancer”. These factors mentioned above can be among other causes for the decline of the foreign aid for the mission of the Church in Tanzania and for the Catholic diocese of Tanga.

The differences in culture and wealth between the countries of origin of the missionaries and the mission territories have inevitably led to the principle of dependence on help from abroad. First, the courts of Spain and Portugal covered the costs of the missions, and then

495 Moyo: Dead Aid, p. 75.
came the various kinds of missionary associations and the appeal sermons preached. Through this kind of approach, a lot of financial and material goods were received, baggage trains of supplies sent, clothes for themselves and the children, provisions and medicines, machines and tools, candle-sticks and chocolates, vestments and every kind of sacred and material goods. The people were genuinely poor and needed help in everything but as a consequence, the local congregation became passive. An African priest, B. Nkissi from Cameroon, described this situation: “The Mission Churches find themselves in a situation which we must unhesitatingly call dramatic. They are alive only through artificial feeding. They are like patients whose vital organs heart, lungs are artificial, and who breathe through an oxygen mask and can survive only with regular blood transfusions.” The Bishops of Kenya insisting on self-reliance for the churches in Africa said:

“… unchecked financial assistance creates dependency and patronage. This gives wrong impression that without external help the church cannot function. We still need donor assistance to facilitate evangelization by supplementing the local contribution in areas of health, education, social services and pastoral care. The major contribution in all these efforts must be generated from within.”

Discussed above are the reasons why foreign aid to the mission dioceses including the Catholic diocese of Tanga are declining and the exhortations from different Popes and other academicians pointing out to the awareness of the decline and calling the diocese in the mission lands to wake up from the sleep of dependency. But the efforts made by the dioceses in Tanzania and by the Catholic diocese of Tanga had some bottlenecks towards its success and below is the discussion of these challenges.

5.2 Factors Limiting Self-reliance of the Church in Tanzania

5.2.1 Irresponsible Parenthood

Irresponsible parenthood is one of the factors which play a role contributing to the poverty of the families in Tanzania and in the Catholic diocese of Tanga and therefore cripples their ability the support themselves and their Church. Some parents do not like to consider large families in proportion to their low income as a problem resulting to more poverty. They blame

underdevelopment and social injustice to be the cause of their miserable life. But the truth is
that people are poor and development is impossible because of large and hard to manage
families. The quest for war on poverty in Africa should receive new impetus from
considerations on the problem of irresponsible parenthood manifested in having large
families. The Church in Tanzania and in the Catholic diocese of Tanga is faced with this
serious and urgent situation. Without condemning large families VatII rightly teaches:

“Married couples should regard it as their proper mission to transmit human life and to
educate their children; they should realize that they are thereby co-operating with the love
of God the creator and are, in a certain sense, its interpreters…it also involves the
consideration of their won good and the good of their children already born or yet to
come, an ability to read the signs of the times and of their won situation on the material
and spiritual level, and, finally, an estimation of the good of family, of society and of the
Church.”

Christian tradition and teaching endorses responsible parenthood, a parenthood in which a
decision about the size of the family is taken by the spouses themselves in a loving, caring
and understanding attitude before God. The decision is made in accordance with a proper
scale of values, where the spiritual and supernatural are duly heeded to. The decision should
distinguish between necessities and luxuries. In large a family, children should not lack those
essentials that are necessary for their physical, mental and spiritual development. John Paul II
in his homily at Capital Mall, Washington, on October 7th, 1979, gave a message of relevant
to married couples stating:

“Decisions about the number of children and the sacrifices to be made for them must both
be taken only with a view of adding to comfort and preserving a peaceful existence.
Reflecting upon this matter before God, with the graces drawn from the sacrament, and
guided by the teaching of the Church, parents will remind themselves that it is certainly
less serious to deny their children certain comforts or material advantages than deprive
them of the presence of brothers and sisters, who could help them to grow in humanity
and to realize the beauty of the life at all its ages and in all its variety.”

Planning the size of a family assists a given couple to be loving and more communicative
about fecundity and any other spheres of their family and /or marriage life. Such a planning
includes no doubt, the proper utilization of finances and other significant resources. A

501 Art. 50 VatII GS.

Washington, October 7th, 1979, AAS 71 (1979), pp. 1251-1259; engl. in: OR (engl.), November 5th, 1979,
responsible and careful planning of one’s family size is a significant way out of poverty in Africa.\textsuperscript{503}

\textbf{5.2.2 Exploitation by the Developed Nations}

It is a paradox for Tanzania to be among the list of the poorest countries in the world while it is endowed with the greatest wealth in terms of natural resources. The exploitation by the developed nations is among factors which make the citizens deprived of consumer goods and services and consequently not to be able to financially support their churches. Tanzania like other African countries is exploited through trade. The relationship of trade between the developed countries and Tanzania is very unfair. Good example is the export of agricultural produce from Tanzania and the import of manufactured goods into Tanzania. The prices of the agricultural products are fixed by the developed countries and the prices of the manufactured goods imported into Tanzania are determined by them and are fixed to frequent changes. The same applies to the valuing of minerals. This transaction of import and export relationship is one of unequal exchange and of exploitation.\textsuperscript{504}

Economic globalization has been the tool for pauperization of Tanzania and Africa in general. The apostles of globalization include the omnipresent and omnipotent institution and agreements such as the IMF, World Bank and GATT. These institutes control the political and cultural life of Tanzania; they hold it hostage to their whims and desires. It is almost literally true to say that when the IMF sneezes, Tanzania shakes and when the World Bank frowns Tanzania trembles. These institutions impose the conditions and agreements often unilaterally on Tanzania economies in spite of such conditions being invariably devastating in human terms. Among them are:

Firstly, the opening up of Africa’s markets to foreign goods: This is imposed in the name of free market and fair international competition. It is no secret, however, that this is killing nascent local industries. Since when did a right-thinking judge set a dwarf against a giant in a cut-throat fight, and all in the name of free and fair competition? The opening up of African markets unrestrictedly to foreign goods forestalls any sensible competition between the poor


and the rich nations of the world. In the end, there is no competition, no free market, but merely exploitation and oppression of the weak by the strong.\textsuperscript{505}

Secondly, Aid. It is argued that although millions of dollars are poured into Africa every year in the form of loans and grants-in-aid, by the developed countries of the North, there is little notable change in the majority of cases as far as economic development is concerned. Many aid agencies and governments point to corruption as the culprit in all this. This is true, but it is only partly so. The real reason for the failure of aid to jumpstart Africa’s economies has mainly to do with the fact that the type of projects aided are often irrelevant to Tanzanians needs. Aid thus becomes not a solution, but part of the problem; a way of globalizing poverty.

The result of this exploitation is that majority of Tanzanians whose 90\% are farmers live in poverty. Lack of an adequate income makes them very vulnerable because they are unable to make ends meet on a daily basis. Proper housing, clean water, health-care, education for their children, respect for human dignity and freedom of thought remain elusive to most people. Poverty has undermined their human dignity and caused underdevelopment which has led to sickness and ultimate death. Poverty, underdevelopment, pain, suffering, etc. that people in Tanzania undergo are neither part of the natural order nor the people’s mistake. Rather, they are the consequences of a system rooted in injustice and based on the principle of exploitation and dependency between developing and developed. It is this type of relationship between the rich and the poor, the North and the South, the first world and the third world that enhances the poverty on the developing nations.\textsuperscript{506}

Although there are many foreign investors in Tanzania who justly own land, mines, factories, banks, insurance companies, security firms, means of transportation, power stations, etc., but the laws and contracts governing these investments are very bad and are formulated to benefit only those foreign investors and few politicians while the citizens remain poor and are affected by the pollution of environment caused by these investment:


“The mining that goes on in African leaves holes in the ground and the nature of agricultural production leaves African soils impoverished…and fatten a few people’s pockets leaving the majority impoverished.”

5.2.3 Rampant Corruption by Government Leaders

Political leaders of Tanzania like those of other countries in Africa are infected with chronic diseases of corruption in which with collaboration with unfaithful investors they enter and sign on behalf of the country contracts allowing the investors to annex almost 90% of countries resources with amnesty not to pay taxes and the 10% which ought to benefit the countries enter into the pockets of these politicians most of them are ministers. This stolen money is deposited in Swiss private banks.

According to Transparency International, Mobutu Sese Seko the president of former Zaire and which is now known as D.R. Congo is estimated to have looted his country to the tune of US-$ 5 billion; roughly the same amount was stolen from Nigeria by President Sani Abacha and placed in Swiss private banks (later US-$ 700 million of the loot was returned to Nigeria). However, a lot of money remained frozen as echoed by the Transparency International: “While a large amount was ‘voluntarily’ returned, more remained frozen in other jurisdictions, including US-$ 1.3 billion in Switzerland, Luxembourg and Liechtenstein. Five years after Abacha’s death, none of this money has been returned and the Obasanjo government is still trying to reach a settlement.”

In 2004, the British envoy to Kenya, Sir Edward Clay, complained about rampant corruption in the country, commenting that Kenya’s corrupt ministers were ‘eating like gluttons’ and vomiting in the shoes of foreign donors. In February 2005, he was forced to apologize for insulting the government of Kenya. Instead, he apologized – saying he was sorry for the ‘moderation’ of his language, for underestimating the scale of the looting and for failing to speak out earlier.

Tanzania suffers the same chronic diseases of corruption which exploits the majority citizens and enriches the minority in politics. Recently the country has been economically paralyzed

509 Cf. Moyo: Dead Aid, p. 48.
by the corruption scam conducted by some of the ministers in the government led by the political party called *Chama Cha Mapinduzi* (CCM). Among others is the misappropriation of fund under External Payment Arrears (EPA) in which fraudulent payment of about Tanzania shillings. 133 billion (US-$116 million) made by Bank of Tanzania (BOT) to the ghost companies i.e., companies which do not exist at all. This scandal was followed by another scandal know as Richmond Scandal which involved the prime minister Edward Lowassa signing a vain contract with a ghost company for power supply. This scandal after it was discovered forced the Prime minister to resign from his office but unfortunately he has not up to now been sued to the court to answer the charges.

With such rampant corruption by government leaders the capacity of the simple citizen to support themselves and their families and later their Churches is greatly paralysed, because such corruption makes the government fail to improve infrastructures, fail to provide basic social services including water, schools, medical services and so on. As a result the citizen including the Christ’s faithful in the Catholic diocese of Tanga finds themselves in the vicious circle of poverty and this is extended to the problem of self-insufficiency of the Church in Tanzania and of the Catholic diocese of Tanga in particular.

There is however a nerve wrecking issue as to why the donors continue to pump in foreign aid to the corrupt governments such as those discussed above. Some donors argue that if they don’t donate the poor would suffer, health and education budgets wouldn’t be met and countries would falter. But the reality is that the poor are not getting the money. And besides, that even under the aid era, African countries are faltering anyway. Another point is that the donors themselves don’t agree on the question of corruption. The African economist Dambisa Moyo gives the example of Tanzania to prove this. She says was as Tanzania was omitted from the US millennium Challenge Account list, apparently for reasons of corruption, in November 2001 the then British government’s Secretary of Development called Clare Short, hailed Tanzania as a model of good governance and announced that Tanzania would benefit from a new pilot aid programme. The same applies to IMF which continues to pump monies to the corrupt governments. On this point, Dambisa Moyo again argues that the donors fear that if they stop pumping in money, poor countries would not be capable to pay back what they already owe, and this would have an effect on the donors’ financing themselves. She continues giving statistic to show how this aid helps the donors themselves and said that World Bank employs 10,000 people, the IMF over 2,500; add another 5,000 for the other UN
agencies; add to the employees of at least 25,000 registered NGOs, private charities and the army of government aid agencies; taken together around 500,000 people, the population of Swaziland. Looking at all these points and facts of corrupt governments including the government of Tanzania which continue receiving huge amount of aid, Dambisa Moyo concluded that the donor has a greater need for giving the aid than the recipient has for taking it.\footnote{Cf. \textit{Ibid.} pp. 54 f.}

### 5.2.4 Alcohol Consumption and Alcoholism

Abuse of alcohol by some men, women and the youth is among the contributing factors of poverty in Tanzania and in the Catholic diocese of Tanga, which makes in turn the Christ’s faithful unable to contribute effectively to the self-reliance of their local Churches. This research found out that both in villages and urban areas, money is being wasted on the consumption of alcoholic beverages at the expense of family needs i.e., children’s educational requirements, food, clothing, legitimate recreation and productivity. Excessive drinking of alcohol often leads to the breakdown of families, violence, sexual misconduct, spread of HIV and AIDS, poor performance at work and poor health for some people.

The problem becomes worse when this behaviour is found among the administrators of temporal goods of the Church including parish priests and financial administrators. That means the money contributed by the Christ’s faithful for the support of the Church can be misused or mismanaged by an alcoholic administrator by buying himself/herself alcohol beverages. On the other hand, due to the influence of alcohol the affected administrator will not be able to monitor well the financial matters of his/her juridical person. Moreover, this will lead to the Christ’s faithful being discouraged to contribute more for the self-sufficiency of their local Church because of the misuse or mismanagement of their funds by the administrators of the temporal goods. Excessive alcohol consumption and alcoholism has been a pastoral problem in the Catholic diocese of Tanga and the pastors are making effort to create awareness of its impacts on their parishioners.

Actually, alcoholism has become a public health problem; it is a complex disease having physiological, psychological and social implication. It is a disease with symptom of a more
complex and all-inclusive pathological situation that involves the patient’s mind, body, morals, and intelligence not to mention his environment, interpersonal relationships, and his country. It is a disease characterized by preoccupation with alcohol and loss of control over its consumption such as to lead usually to intoxication if drinking is begun. Peter Kasenene agrees that:

“Alcohol is a serious health and social problem in Africa, raising concern in various circles in society. It is a mental and physical illness with complex social excessive and continuous consumption of alcohol. Not all forms of alcoholic consumption, however, are alcoholism.”

Because of alcoholic problems some people including those in the Catholic diocese of Tanga resort to selling of family property such as food-stuffs, land, etc. in order to buy and consume alcohol. Others exchange these commodities directly for alcohol. The selling or exchange of these goods leaves individuals and families in dreadful and deplorable life conditions. There are many cases where families have become squatters and homeless simply because the head of the family failed to pay for the debts he/she accumulated as a result of excessive alcohol consumption. The Holy Bible gives a warning about the psychological effects that result from alcoholism

“Do not look at wine when it is red, when it sparkles in the cup and goes down smoothly. At the last it bites like a serpent, and stings like an adder. Your eyes will see strange things, and your mind utter perverse things. You will be like one who lies down in the midst of the sea, like one who lies on the top of a mast. You will say ‘…they beat me, but I did not feel it. When shall I awake? I will seek another drink.’”

From a juridical view point, alcohol in Tanzania is legally tolerated. However, the possession of certain alcoholic beverages such as enguli from Uganda, chang’aa from Kenya and gongo from Tanzania, is an offence but not in the same grade as being found with Indian hemp or morphine. There are a number of approaches, which the criminal law has devised to control public intoxication as well as public drinking. The majority of states have statutes which prohibit public intoxication “whoever is found in any public place or a place of

512 Prov. 23:29-35.
513 enguli, chang’aa and gongo are alcoholic spirits which are produced locally and have no bureau standards for human consumption.
public resort in a state of intoxication will be punished …"\textsuperscript{514}. The punishment in Tanzania is usually a fine, imprisonment, or both; no state provides solely for jail terms. It is also forbidden in Tanzania to sell alcohol beverages to the people of less than eighteen years of age.

From a canonical point of view alcoholism defects the consent on the part of the intellect because of the lack of sufficient use of reason.\textsuperscript{515} Unconsciousness due to alcohol or by drugs renders the act invalid. In the penal law of the Church, alcoholism or drunkenness is categorized with other mental disturbances that have been deliberately sought out so as to commit an offence and so does not exempt one from being penalized. Priests and religious people who cause scandal in the community due to alcoholism are normally sent to the special Church centers for alcoholics. Those who show resistance are suspended.

The symptoms of alcoholism vary from person to person but the more common ones are as follows: gulping; obsession with drink; thinking and planning about it; drinking for relief; for example if you are tired you drink to relieve tiredness, passing a limit which you set yourself; memory blackout; amnesia; change of character; one becomes a different person under the influence of alcohol; loss of appetite for food; loss of sleep or irregular sleep; increasing tolerance; lying about drinking and becoming a habitual liar; hiding drinks; shaking of hands and legs and sweats. The consequence of the prolonged use of large amount of alcohol may cause serious liver damage. In the first stage of liver disease caused by alcohol, fat accumulates in the liver; this stage is known as fatty liver. Most people do not notice symptoms of fatty liver. Some people with fatty liver develop hepatitis, which inflames and kills liver cells. Hepatitis is marked by jaundice, which gives a yellowish tint to the eyes and skin. Others may develop cirrhosis, an irreversible condition in which normal liver tissue is replaced by scar tissue. The scarring prevents blood from traveling freely through the liver, building blood pressure in the veins that run from the intestine to the liver. Consequently, the liver is no longer able to process toxins efficiently, causing poisons to build up in the blood. This building up can be fatal. Alcoholics tend to have high blood levels of hormone


\textsuperscript{515} Cf. c. 1095, 1°.
epinephrine and deficiencies of the mineral magnesium. This combination produces heart beat irregularities, which is a common cause of sudden death in heavy drinkers.

Chronic drinkers typically develop hypertension, which is a leading cause for stroke. In some cases, alcohol withdrawal may lead to delirium tremens (DTS), which produces increasing confusion, sleeplessness, depression, and terrifying hallucinations. As this delirium progresses, the hands develop a persistent and uncontrollable shaking that may extend to the head and body.\textsuperscript{516} Alcohol poisoning is another danger for the drinkers in Tanzania. E.g., if one drinks 2 liters of whisky in one hour it can kill him/her. Such deaths happen often in Tanzania due to competition to prove who is the strongest in drinking spirits in a short time. Such competitions take place in bars and often end up in death. Alcohol is a poison.

Also alcohol has been a cause of ‘silly’ accidents like falling down the steps, drowning by falling face down in a pool of water not enough to drown an ordinary person. Serious and sometimes fatal road accidents are reported to be generally due to drunkenness, the drunken drivers care less about the other users of the road. Another example is setting the house on fire by e.g., smoking in bed while drunk and then falling asleep and letting the cigarette fall on the mattress and setting it on fire. If this happens when the person is alone in the room then there is disaster.

Another damage of alcoholism is suicide. Many alcoholics end up by committing suicide. As the illness becomes chronic alcoholics do not enjoy drinking any more. In fact they remain in a constant state of depression. Alcohol is depressant; it causes depression. Moreover, some forms of cancers are caused by alcoholism e.g. cancers of the liver and stomach. The result is again death. For people with diabetes drinking is forbidden. So alcohol is also a cause of death when taken by people suffering from illness that forbid the use of alcohol. Finally alcoholism causes insanity. This is due to brain damage. If treatment is sought early this can be reversed. But once the patient develops a ‘wet brain’ then it is too late. Alcoholism is dangerous. If the person does not stop drinking the result is early death or insanity.

Other consequences of alcoholism lead to the breakdown of families through divorce, separation or desertion and homicide. Fights between husbands and wives become frequent

\footnote{\textsuperscript{516} Microsoft Encarta Encyclopedia Deluxe 2005.}
often leading to violence by one of the spouse against the other. Cases of wife-beating, wife abuse and wife victimization are also common in families with alcohol problems.

Widespread drunkenness reduces production and industrial development through absenteeism; industrial accidents, inefficiency and carelessness, forgery and embezzlement. These are crimes that some people commit, in order to satisfy their drinking habits. Very often the drunkard loses his employment, which in turn may seriously affect his social roles, especially his family. In fact alcoholism is a major factor in causing poverty to the highest number of families and consequently prevents the citizens from achieving self sufficiency for their families and their Church.

5.2.5 Damage and Sabotage of Property from Tribal Conflicts and Religious Extremists

The poverty of the citizens of Tanzania including the Christ’s faithful in the Catholic diocese of Tanga is caused also by occasional damage and sabotage brought about by tribal conflicts between the farmers and pastoralists, and religious extremists as will be highlighted below. Conflicts between farmers and pastoralists in Tanzania have been frequent and claiming the life of many innocent people and creating a negative economic impact on the nation. Lack of policy, government negligence, and corruption of leaders in their respective areas are some of the major contributing factors to those conflicts between farmers and pastoralists:

“In recent years deadly conflicts have been erupting in Tanzania mainly between farmers and pastoralists and the government has been dilly dallying at taking immediate actions to mitigate that conflict.”

Farmers clash occasionally with pastoralists who because of the drought in their areas steadily march in search of pasture and water for their animals. Scarcity of water which has led to unending drought has forced hundreds of herdsmen to stream to areas of the farmers with thousands of their cattle in search of water and land for pastures for their animals. This movement results in fighting, injuries and even several deaths.

“Tanzania is known as a paradise of peace in the troubled continent of Africa. The country neither experienced civil wars, religious conflicts, ethnicity nor coups since

independence… However, the occurrence of violent conflicts in recent years challenge the peaceful atmosphere enjoyed by Tanzania since independence. For example, on 27th October, 2008 fighting involving peasants and farmers of Mabwegere village, Kilosa district, Morogoro Region erupted. About eight people were killed and more than 832 villagers took refuge in neighboring villages. A similar type of conflict broke in Kilosa district, Morogoro in 2000 and more than 15 people were killed.”

Where clashes occur farmers have been accusing the pastoralists claiming that their herd of cattle have been eating and trampling on crops, including rice and maize; hence, destroying their livelihood.

However, all blames are attributed to the side of the government for failing to resolve the deadlock disputes between the two groups. Also increased human and livestock populations have resulted in increased competition for resources including productive land and water. This has contributed significantly to inter-communal conflicts especially between pastoralists and farmers. Another cause of farmer-herdsmen conflicts is the increasing rate of cattle theft which is often accompanied by violence. Other perceived causes of farmer-herdsmen conflict include unequal access to land, diminishing land resources, antagonistic values among user groups, policy contradictions, and non-recognition of the rights of indigenous people.

Whatever the causes of farmer-herdsmen conflicts, it is evident that the conflict has negative effects on the economy of the citizen and consequently on the ability of Christ’s faithful to support their local churches. The affected people often lose their houses, farms and relatives or others may become crippled for life and thus become dependent on other relatives or on the local church when he or she has no relative. In this way the circle of poverty continues to escalate.

Another challenge for the Church in Tanzania and the Catholic diocese of Tanga in their struggle to achieve self-sufficiency is the sabotage of Church properties and the killing of Church personnel done by the members of Islamic extremists or religious fundamentalism in Swahili known as (Imani kali/ siasa kali). Most of these people operate in the name of Islam. During the reign of Julius Kambarage Nyerere; the first president of Tanganyika and later Tanzania; the relationship between Christians and Muslims was good. Religious conflicts began with the reign of president Ally Hassan Mwinyi, the second president of Tanzania who himself was a Muslim. In 1990s a group of Muslims called “Islamic Bible Scholars”

organised rallies all over the country attacking Christians and their faith in a very provocative manner. In such rallies sometimes Bibles were burnt and central doctrines of Christianity ridiculed. Unfortunately the government did little to check the trend in the name of freedom of worship. The situation escalated with the burning of Church institutions like secondary schools and churches. In 1994, a secondary school called Shauritanga was set on fire and a total of 43 students lost their lives. This was followed by the burning of other secondary schools which belong to the Church. Some of the culprits who were caught in these crimes confessed to having been send by the Islamic extremists and were highly paid to carry out these acts. In 1995-2005 the situation calmed as a new president Benjamin Mkapa took over and allowed the rule of order to take an upper hand.

2005 the fourth president came into power, President Jakaya Mrisho Kikwete who is also a Muslim. The Islamic fundamentalism emerged with high velocity and religious conflicts escalated once more. The burning of the Church properties and sabotage continued. Churches, schools were set on fire or were completely destroyed. A striking example is the burning of churches and church properties in Mbagala – Dar es Salaam which occurred 2012.

“The mob burned a Seventh-day Adventist church in Mbagala, causing damages of an estimated 25.2 million Tanzanian shillings (US$ 15,710); then they burned an Anglican church, though a church secretary there was unsure of the amount of damages; the mob also set fire to a Tanzania Assemblies of God (TAG) church building, with Assistant Bishop Magnus Mhiche saying damages amounted to 40 million Tanzanian shillings (US$24,940). Several cars of unconfirmed value were also destroyed, and two Catholic Church buildings were also reportedly damaged.”

The situation continued to worsen when the group began to preach and expressed their anti-Christian sentiments in videos encouraging Muslims to kill priests and Bishops. And this culminated in 2013 with the shooting of two priests in Zanzibar:

“Suspected Islamic extremists on Sunday (Feb. 17) shot and killed a Roman Catholic priest on the Tanzanian island of Zanzibar, area sources said. Two assailants on a motorbike approached the Rev. Evaristus Mushi as he arrived in his car to the Mass he was about to officiate in the Mtoni area outside Zanzibar city shortly after 7 a.m., area pastors said. The murder comes nearly two months after the Christmas Day shooting of another Catholic priest, the Rev. Ambrose Mkenda that seriously injured him. Members

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of the separatist group Uamsho (Re-awakening) were suspected. Uamsho, the Association for Islamic Mobilization and Propagation, has threatened Christians since October 2012.521

Before the shooting of these two priests, there had been the burning of Churches and destroying of schools belonging to the Christians in Zanzibar. The shooting and killing of these priests was followed by the bombing and the killing of 3 and seriously wounding of 65 Catholics during the inauguration of the new church in Arusha which took 5 years to build through local contribution of the Catholics in Arusha:

“The attack took place as worshippers and dignitaries packed into the newly built church in Arusha's Olasiti suburb to celebrate its first mass, beginning at 10 am. Among the worshippers were the Vatican's Ambassador to Tanzania Archbishop Francisco Montecillo Padilla and Archbishop Josaphat Louis Lebulu of the Arusha Diocese. Tanzania’s Information Services Director Assah Mwambene, who was at the church on Sunday, said a huge blast went off as soon as the mass started. ‘We were all deafened,’ he said. ‘When I looked around, I saw people bleeding, lying down, and drums and other [musical] instruments scattered. It was terrifying’.”522

The Islamic religious fundamentalists who attack and kill Christians and damage their properties have the following claims: Firstly, that all evils that engulfed Tanzania can be attributed to Christianity. The erosion of morals in Tanzania society today is blamed on the influence of the Judeo-Christian culture expressed in ever-present television, video and newspapers. The impression is given that if you remove Christianity all will be well. Another reason is the dichotomizing the West and the rest of the World. The connivance of the so-called advanced Christian nations, like the United States, Britain, France and Germany is said to be at the root of Muslim’s problems.523 The consequence is the killing of Christians and damage of their property as a reaction, which can be seen in the case of Boko Haram in north Nigeria.

Another grievance of Muslims in Tanzania is the rejection of the demand of the Kadhi court to be introduced in Tanzania. Muslims demanded the Kadhi court to be introduced in Tanzania mainland as is the case in Zanzibar. The personnel for the Kadhi courts would then


be paid their salaries by the government. This was strongly opposed by Christians who claim that the state of Tanzania should not interfere with the activities of any religion as is stated in the constitution of the Union Republic of Tanzania. In parallel line the Muslims demanded also that Tanzania be a member of the Organization of Islamic Conference (OIC). Among the goals of this organization is the paying of membership fees which will be used among others for the propagation of Islamic faith. The Christians in Tanzania strongly opposed this idea and this increased the tension between the two major religions in Tanzania. In reaction to this refusal by the Christians, the Muslims in Tanzania questioned the presence of the Nuncio in Tanzania who represents the Catholic Church and in return demanded OIC for the Muslims on the same ground. As their demands were not complied with, the group of Islamic fundamentalists reacted by sabotaging the properties of the Church in many parts of the country.

Another reason which leads the group of Islamist extremists to attack and sabotage the properties of the Church is the fact that the Church is heavily involved in social services for the poor especially in health and academic sectors. The Church has built a number of hospitals, health centre and dispensaries all over the country and it supplies 40% of the total health service in the country. Equally, the Church has done a lot in regard to the sector of education. Church schools appear every year among the best ten schools in the country according to the nation examinations results ranking. The schools are however open for children of all faiths and there is no segregation in contrast to the schools run by the counterpart. The schools range from nursery schools, primary schools, secondary schools, secondary high schools, and home crafts and vocation training colleges. Apart from schools and colleges the Church has a number of universities in the country with various faculties and they are among the best universities in the country. Because of the quality education offered by these Church institutes and the rate at social service institutes established by the Church, the counterpart falsely propagate that the Church manages all this because it is being supported by the state and claims this as a reason as to why they are not able to coup with the speed of the Church in delivering quality service in the field of education and health. Of course, this too creates hate among the Muslims.

The Muslim extremists claim that the Church is supported by the state citing the fact that the Church enjoys tax exemption, and some of the personnel e.g., the doctors and nurses are paid by the government in order to subsidize the cost of running the health sectors for the
Church. That is however, a false accusation because the state gives subsidy to all organisations whether they are religious or not religious, given the fact that they help the state in delivering the social services to the poor.

5.2.6 Natural Calamities

Most of the Christ’s faithful in Tanzania and in the Catholic diocese of Tanga are small scale farmers. Many of them are living in rural areas and they rely on agriculture to earn their living. Due to global warming the farmers in Tanzania suffer from natural calamities like floods, drought, hurricanes, etc. These calamities when they come destroy crops and cause food shortage and less income. In some places houses are destroyed and life of people are lost. In such situations there are losses which increase the poverty among the people, and so they become dependent on emergency aid from good Samaritans and so they cannot support themselves, neither can they support their local Churches. Bansikiza named these calamities as factors which accelerate poverty in Africa:

“There are also natural catastrophes that destroy crops such as sudden climatic change, pests and dieses. Examples include too much rain or sunshine and the invasion of locusts or pests that destroy crops or plants respectively. Many farmers suffer heavy losses when their crops are destroyed. In such scenarios, families are left without food and income.”

In addition to the calamities, the farmers are being exploited by those who buy their crops. Their cash crops such as tea, coffee, pyrethrum are not paid on time. Very often these farmers have to wait for months before they receive any payment for their crops. This delay keeps these small scale farmers in poverty because they are not able to satisfy their immediate needs. Sometimes they end up by not being paid and if payment is made, it may be too little to sustain their families. This unfair treatment aggravates poverty among these farmers who make up 90% of the population of Tanzania and a greater part of the Christ’s faithful of the Catholic diocese of Tanga. As a consequence the Christ’s faithful are made unable to sufficiently support their local Churches and the circle of poverty continues.

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524 Bansikiza: Responding to Poverty in Africa, p. 49.
5.2.7 The HIV/AIDS Pandemic, Tropical Diseases and Illiteracy

It is estimated that many people in Tanga region (including Catholics) especially in rural areas are infected with HIV and AIDS and many children have lost one or both parents, guardians or sponsors to the AIDS pandemic. The AIDS pandemic is producing orphans, widows and widowers who are destitute and marginalized on a shocking scale. Families, small Christian communities, parishes and the Catholic diocese of Tanga in general is being robbed of productive adults and Church members leaving behind helpless children as young as ten or less, caring for households in stinking poverty.\footnote{Cf. Moli, Humphrey: AIDS & Poverty: Part and Parcel, in: Leadership 395 (2001), p. 6.} There are several homes for such orphans in Tanga region, and the Catholic diocese of Tanga has established two homes for orphans who have inherited the disease (HIV/AIDS) from their parents at the time of birth and there was no one to take care of them at home.

There is a close relationship between poverty and the AIDS pandemic. The UNAIDS pointed out this fact as it states that “poverty creates AIDS, AIDS deepens poverty and AIDS makes poverty harder to escape from”\footnote{Ibid.}. Although the rich can also be infected, nevertheless once a poor person is infected he/she encounters difficulties in affording the cost of care and so tend to develop AIDS faster.

Another problem is tropical diseases including malaria. In many parts of the Catholic diocese of Tanga malaria is a common disease and appears number one on the list of diseases in almost all health institutes. This disease is spread by mosquitoes especially in the darkness or during the night. Many people do not live in good houses which prevent mosquitoes from invading the homes. Nor can they afford to buy mosquito nets and use them. Inadequate health care in Tanzania and many parts of the Catholic diocese of Tanga has a negative impact on the workers’ productivity; escalates poverty. This is because the poor especially in rural areas lack sustained access to safe and clean water; proper nutrition and a clean and healthy environment.

In addition to the HIV/AIDS pandemic and malaria that are sky-rocketing poverty is the problem of illiteracy. Many children nowadays attend schools but teachers have no incentive and moral to teach. They harbour grievances against the government which pay them little and late. When the teachers try to voice their grievances the government stops them by court
order. As a result the teachers have lost the moral to teach. It is therefore not uncommon to find some children who have attended primary school for seven years and at the end of their school time they can hardly read and write.

In recent years the government of Tanzania has encouraged the citizens to build in every ward (Kata) a secondary school, so that many children who finish primary school level get an opportunity to continue with secondary school level. But most of these schools lack teachers, laboratories and other teaching materials. Moreover, these children who attend kata schools run a risk of dropping out of school because of premature pregnancy\textsuperscript{527} for girls and lack of interests in the case of boys. Because of these unfavourable conditions in the kata schools there are a great number of school dropouts who find it very difficult to access to job opportunities. The HIV/AIDS pandemic, malaria and illiteracy contribute to a great extent to the failure of the Christ’s faithful to make their Church self supportive because they skyrocket the poverty among the Christ’s faithful.

\textbf{5.2.8 Problems in the Administration of Temporal Goods}

Apart from the challenges described above which are to a great extend outside the circles of the Church, below is the list of the challenges and problems within the reach of the Church which hinders the struggle to reach Church self-sufficiency desired in the Catholic diocese of Tanga.

\textbf{5.2.8.1 Inventory Problem}

Inventory which comes from Latin word \textit{inventarium} is a descriptive list in which are enumerated systematically, item by item, the personal and real property, rights, titles, and papers or documents of a person, or estate, or any institution.\textsuperscript{528} Ernest Caparros, a canonist is

\textsuperscript{527} Many of the kata secondary school girls end up with premature pregnancy because at the time of school they have to hire rooms near the school due to few or lack of dormitories for all girls leave alone boys. And because of unlimited freedom coupled with poverty the girls easily fall prey to men and are sexually exploited.

of the opinion that an inventory must describe and evaluate immovable property, precious movable property, property of cultural interest, and other goods.\textsuperscript{529}

It is a juridical requirement that administrators before undertaking the duties of the office have to prepare an up-to-date inventory and appraisal of all temporal goods to be administered. When the period of management expires, the outgoing official must produce all the things, which appear in this inventory or were added later, excepting those, which have been consumed or rendered useless. Then the inventory is to be verified by an authorized official, a notary, or merely in the presence of witness.

“Before the administrators undertake their duties: they are to draw up a clear and accurate inventory, to be signed by themselves, of all immovable goods, of those movable goods which are precious or of a high cultural value, and of all other goods, with a description and an estimate of their value: when this has been compiled, it is to be certified as correct.”\textsuperscript{530}

Then one copy of the inventory is to be kept in the archive of the administration and the other in the diocesan curia and any changes in the patrimony are to be noted thereon. This is because inventory is the measure of basic cautiousness for the conservation of the ecclesiastical patrimony. If taken seriously, it may serve to ensure that the patrimony of the juridical person will be preserved, the management of the previous administrator will be controlled and the new administrator won’t have any problems in the future. The interviews with some administrators in the Catholic diocese of Tanga show that 40\% of them were not satisfied with the handing over of their present parishes especially due to the absence of inventory. Some administrators complained that parish projects were cancelled by previous administrators as soon as they learned of their transfer. They also complained about the growing problem of outstanding electricity, telephone and water bills. In most cases such bills become part of what is handled over to the new administrator as one of them claimed during the interview:

“I remember when I was appointed a parish priest of Potwe, I went to complain about the outstanding electric bill which was not shown in the inventory of my new parish, the diocesan finance officer said, ‘You are complaining about your electric bill of 100,000 Tanzania shillings, look here the new pastor of Mlingano parish has inherited 2,000,000 Tanzania shillings debt and that of Lushoto parish 1,000,000 Tanzania shillings, and the Tanzania National Electric Supply Company (TANESCO) has decided to cut the power


\textsuperscript{530} C. 1283, 2º.
supply to them. You should talk with the outgoing parish priest and the financial committee of the parish to settle the outstanding bills. The diocese cannot pay for you all those bills.\footnote{Reply given by Msemwa Severine, Pastor of Potwe parish, interviewed on 25\textsuperscript{th} February, 2014.}

The Author has unveiled another inventory problem in some parishes. In these parishes there are no copies of an inventory with details of parish property according to the categories stipulated above. The author has uncovered that the administrators start to prepare inventories only when they receive letters of transfer. This results in poorly drawn up inventories which lack important details like electricity debts and estimated value of immovable goods. It was also discovered that some administrators are reluctant to prepare inventory because it is neither demanded nor controlled by the diocesan financial committee or financial officer. Moreover, some administrators have no proper inventory of their personal properties distinct from the inventory containing parish property. In the Third Plenary Council of Baltimore Nr. 268, the Council provided that administrators of Church properties should make a two-fold inventory: one of their own belongings and another of Church property, whether held by them in fee simple, in trust, or as a corporation sole.\footnote{Cf. Coriden, James A. / Green, Thomas J. / Heintschel, Donald E. (eds.): The Code of Canon Law. A Text and Commentary. London 1985, p. 876.} Requirement of an inventory is a requirement of a good administration.\footnote{Cf. Okoh, Innocent Ekumauche: Church finance & Accounting. Lagos 1997, p. 20.} The Church has always insisted on the need of an accurate inventory in the administration of her properties. To achieve this therefore, accurate record-keeping is useful in administering the financial and other economic aspects of the Church.\footnote{Cf. Hanna, Jerome Daniel: The Cleric’s Last Will, in: Jurist 8 (1948), p. 50.}

Other administrators abuse their trust by secretly transferring some of the parish property to themselves or to their relatives. Upon the arrival to a new parish an administrator may be handed over to him a parish well equipped with furniture and other house equipment. When he is transferred, he would remove all valuable things claiming them to be his personal property. This is due to poor inventory management and negligence of the rule on inventory, among other causes. In the absence of a thorough, authenticated, and up-to-date inventory, serious conflicts can arise between individual administrators such as parish priests and their successors over which assets belong personally to the administrator and those which belong to the juridical person (a parish). It is therefore the purpose of c. 1283 to prevent such conflicts

\footnote{Reply given by Msemwa Severine, Pastor of Potwe parish, interviewed on 25\textsuperscript{th} February, 2014.}

\footnote{Cf. Hanna, Jerome Daniel: The Cleric’s Last Will, in: Jurist 8 (1948), p. 50.}


\footnote{Cf. Okoh, Innocent Ekumauche: Church finance & Accounting. Lagos 1997, p. 20.}
by requiring up-to-date copies to be kept in the archives of both the juridical person and of relevant curia. The absence of good inventory discourages also the efforts of the Christ’s faithful to attain self-sufficiency of their local churches. The following example below can serve as a good example of cases that may arise due to the negligence of the rule on inventory.\textsuperscript{535}

5.2.8.2 \textit{Challenge in Land Administration}

In the Catholic diocese of Tanga, land is the major and basic resource on which the majority of the population depends as the sole livelihood and source of income. Land provides one’s livelihood, determines one’s status and provides a sense of belonging and identity. Land is thus of economic, political and symbolic significance. In Tanzania no one owns land outright. The government owns all land. Citizens only apply for a lease from the office of land registry and they get a certificate to show the boundaries of specific piece of land which they own. Government gives land lease for a maximum 100 years.\textsuperscript{536}

C. 1259 states that “the Church can acquire temporal goods by every just means of natural or positive law permitted to others”. It is worth presenting the regulation required in the country for one to acquire and own land. On February 11\textsuperscript{th}, 1999, the Tanzania Parliament

\textsuperscript{535} Fr. Mkemia has recently been appointed pastor of Immaculate Mary Parish. He was very pleased with his appointment since he knew well the outgoing parish priest there. Fr. Mkemia had visited that parish for several times during his ministry as he used to offer part-time pastoral service in this parish whenever requested by the parish priests in that parish. Fr. Mkemia was impressed with the care of the facilities and the amount of furniture that decorated the church and the rectory. The parish was well equipped with several projects to support the parish such as milk cows, poultry and a big farm with a tractor. The former parish priest had told Fr. Mkemia that the parish was handed over to him the way it was by a missionary priest (a rosminian priest who had founded that parish). Upon arriving at the parish to take over as the new parish priest, Fr. Mkemia discovered that both the church and the rectory had been stripped of the beautiful furniture he knew very well; also the television set and refrigerator which were inherited from the missionary priest were missing. The situation in the church was similar. The candlesticks, vestments, chalices, monstrance and an assortment of albs and other altar linens had also been removed. The tractor for the farm was also missing and it was found to be sold to someone 200 km from the parish. When Fr. Mkemia made an inquiry with the parish financial committee about the goods, he was told that the former parish priest had removed them contending that these were his personal property and thus part of his estate. Fr Mkemia asked whether or not the parish archive contains the inventory of the parish property. He was told that no such inventory existed. He then consulted the dean and the chancery and made an inquiry as to whether or not an inventory of the parish had been filed in the curia archives. He was told that no inventory existed, and that the diocese had not requested any inventory of parish property for many years. Fr. Mkemia had to start buying new furniture and he asked the support of the parishioners who were scandalized by what their former pastor had done, since they knew well that their former pastor had inherited all from the missionary priest who had founded that parish.

passed the Land Act of 1999 and the Village Land Act of 1999. The Act provides the legal framework for two categories, namely General Land and Reserved Land. Reserved Land denotes all land set aside for special purposes including forest reserve, game parks, game reserves, land reserved for public utilities and highways, hazardous land and land designated under the Town and Country Planning Ordinance. The Village Land Act states that “A customary right of occupancy is in every respect of equal status and effect to a granted right of occupancy”\(^{537}\).

In order to acquire the rights of occupancy for a piece of land, the administrators like other citizens are required to make an application of right of occupancy following these steps: a duly filled in Land Form Nr. 19; passport size photograph; application fee of 5,000 Tanzania Shillings; any other information as required by the commissioner and consent of local authority or other body where the law requires it. Then a certificate of occupancy shall be issued, that is, Form Nr. 22 (for urban land), and Land Form Nr. 23 (for farm land). There are other payable fees: survey, registration, preparation fees, and stamp duty and rent charges\(^{538}\).

This research has discovered that some of the administrators who have the care of some part of diocesan lands, when they fail to get enough funds to utilize these lands, resort to leasing them in their own way without following right procedures. The tenants without any restrictions start planting whatever crops they wish including the permanent ones. This poses a very serious problem of losing the land of the diocese through prescription due to the leasing without proper contract. Some tenants even sell those borrowed pieces of land without the knowledge of the rightful owner, the diocese. A serious case; for example, was when a mosque was built on a parish land of Gare parish. Other institutes affected in connection with this problem are Soni junior seminary, which had to compensate the tenants; Rangwi parish where the disputes ended up in civil courts. This was due to the negligence of the administrators as regards the law of the country on land possession. The interview shows that some administrators do not have the necessary copies of the pieces of land their parishes occupy. When asked how they knew the boundaries of parish areas, they said they had been

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\(^{537}\) Cf. Ibid. Sect. 18(1).

\(^{538}\) Cf. Ibid.
taken all round the area.\textsuperscript{539} The problem is that in the absence of proper documentation people claim that parish territory belongs to them.

Another problem relating to the land administration is unoccupied land. This research has discovered that parts of the land of the Catholic diocese of Tanga have been surveyed, mapped and registered but are not occupied. This is partly due to lack of funds or their unfavourable location. When such land remains uncultivated or idle (unoccupied), it looks as if the diocese is amassing a lot of wealth without being mindful of the poor landless people and the consequence is clearly stated in the Land Act that if the government gives you land for 99 years and you don’t develop it within three years, it takes it back and gives it to someone able to use it.\textsuperscript{540} It is such unoccupied land which is always catching the attraction of land grabbers, who bring about endless land disputes with the diocese, as was the case in the above named institutes namely.

Lack of training in land affairs for the land committee of the Catholic diocese of Tanga poses another challenge for the land administration. Some members of the Land committee in the Catholic diocese of Tanga are inactive because they are not informed on land laws; they rely to a great extent on their experience, creativity and consultations. Due to lack of adequate knowledge, there is the danger that those members working on land might sometimes be misled by the corrupt land officers, and a lot of time and money might be spent unnecessarily on some land cases.\textsuperscript{541}

5.2.8.3 Challenges in Management of Employees and Labour Laws

It is a juridical requirement that administrators of temporal goods of the Church observe local laws concerning the employment of workers: “Administrators of goods in employment of workers are to observe meticulously also the civil laws concerning labour and social policy, according to the principles handed on by the Church.”\textsuperscript{542} The same canon also admonishes the

\begin{itemize}
\item Those interviewed begged their names not to be disclosed.
\item Cf. The Land Act of Tanzania 1999, Sect. 24 (4).
\item The level of corruption in connection with land issues is enormous in Tanzania and to a great extent it is carried out by land officers. It is not uncommon to hear a case in court where a Land officer has allocated one piece of land to two owners.
\item C. 1286 § 1; cf. Bamberg, Anne: Le renvoi du législateur à la loi civile et la responsabilité sociale de l’Église catholique: réflexion autour de l’interprétation du canon 1286 du code de droit canonique, in: Tuffery-
administrators to pay a just and decent wage to employees so that they are able to provide fittingly for their own needs and those of their dependants.\textsuperscript{543}

Concerning the just wage and benefits of those employed by public juridical persons, the Code stipulates that this has to be diligently fulfilled by the administrators:

“Without prejudice to the provision of c. 239 § 1 they have the right to a worthy remuneration befitting their condition, whereby, with due regard also to the provisions of the civil law, they can becomingly provide for their own needs and the needs of their families. Likewise, they have the right to have their insurance, social security and medical benefits duly safeguarded.”\textsuperscript{544}

The norms on just wage are also grounded in the Church’s Social Doctrine and specify certain implications of that teaching regarding employment benefits. Such benefits would include appropriate wages that respect civil law requirements as well as the right to social provision such as health, disability, and retirement insurance that people need to provide decently for themselves and their families.

“Further more ... and this must be especially emphasized ... the worker has a right to a wage determined according to criteria of justice, and sufficient, therefore, in proportion to the available resources, to give the worker and his family a standard of living in keeping with the dignity of human person.”\textsuperscript{545}

All these rights under the law have been slow to be realized in practice by some administrators in some places in the Catholic diocese of Tanga who keep on believing that the Church is a separate institution immune from the requirements of its own law. Many lay persons who serve the Church are not aware of this teaching or have been reluctant to bring a case in canonical court for the vindication of this right since such an action effectively brands them as ‘troublemakers’ and in effect makes them unemployed in the Church. The danger with such workers is that once they are fired or reach the age of retirement they sue the diocese in the civil courts for their due payments, and sometimes the diocese loses a lot of money to pay such workers.

\textsuperscript{543} Andrieu, Jeanne-Marie (ed.): La responsabilité sociale de l’entreprise en Alsace et en Lorraine du XIX\textsuperscript{e} au XXI\textsuperscript{e} siècle. Rennes 2011, pp. 99-105.

\textsuperscript{544} C. 1286 § 2.

As it stands now, employment benefits are no longer a matter of the good will of an administrator but an obligation based on the command of the law of the Church as well as the local civil laws. Since the benefits come under the Bill of Human Rights, to deny a Church employee any of them is the violence of or injury to his/her rights. Trade unions in Tanzania have come out very seriously in defending employees against the employers, the Catholic diocese of Tanga being not an exception.

The administrators especially in rural areas should be very careful with casual workers who work more time than the one fixed by Employment and Labour Relations Act of 2004 (ELRA) section 14. This section states that a contract with an employee can be a contract for an unspecified time or contract for a specified period of time. It also stipulates that a contract may be either in writing or oral, though the employer must supply the employee with a written statement of ‘particulars’ including the name, age, address and sex of the employee, the place of recruitment, the job description, the date of commencement, the form and duration of the contract, the place of work, remuneration and benefits and other prescribed information.\textsuperscript{546}

The administrator is required by law to keep the above record for five years after the employee has stopped working: “the employer shall keep the written particulars prescribed in subsection one, for a period of five years after the termination of employment.”\textsuperscript{547} Failure to produce the required documents can jeopardize the diocese and bring a penalty by civil court or trade union. Since it is legislated that “if in any legal proceedings, an employer who fails to produce a written contract or the written particulars prescribed in subsection one, the burden of proving or disproving an alleged term of employment stipulated in subsection one shall be on the employer”\textsuperscript{548}. The administrators therefore should regard the following workers with great care, applying strictly what the Employment Labour Relations Act legislates for managing the employees; to teachers in Church owned schools, well-trained catechists and well-trained secretaries, health workers, cooks, watchmen, drivers and other casual workers who work for the administrators on the pretext of volunteering without proper contracts. The increase of the number of the laypersons working in formal positions within the diocese has


\textsuperscript{547} ELRA 2004, sect. 15(5).

\textsuperscript{548} Ibid. Sect. 15(6).
placed a particularly heavy burden on the diocesan institutions to honour the laws managing employees.

5.2.8.4 Challenge in Insurance Matters

Insurance is defined as an arrangement with a company in which you pay them regular amounts of money and they agree to pay the costs; for example, if you die or are ill, or if you lose or damage something.\textsuperscript{549} Insurance is a protection against possible hazard. An administrator can buy insurance against an event, which may or may not happen, such as burglary, an illness, loss of property or a legal liability. Insurance policies can cover a residence, its contents, commercial property, vehicles, livestock or crops against specified events, including natural disasters. Any form of insurance entails the payment of a sum (premium) to the insurer; this is often split into regular instalments.\textsuperscript{550}

Some administrators have not insured the good under their care. The only insured properties are automobiles because it is required by the State that all drivers should carry, at a minimum, liability insurance under a non-fault scheme.\textsuperscript{551} Some administrators confessed that they insure their cars just to avoid disturbances and fines imposed by traffic police who seriously and mercilessly punish those who violate this law. The author discovered that some of the administrators are ignorant of the importance of insurance policies and the juridical requirement that require them to insure the goods under their care as part of duties as administrators as c. 1284 § 2, 1º states:

“\textbf{All administrators are bound to fulfil their function with the diligence of a good householder. Consequently they must: exercise vigilance so that the goods entrusted to their care are in no way lost or damaged, taking out insurance policies for this purpose insofar as necessary.}”

The automobile insurance policies contain liability insurance, which is insurance against injury to another person or against damage to another person’s vehicle caused by the insured’s vehicle. This insurance may also pay for the loss of or damage to the insured’s motor

\textsuperscript{549} Cf. Oxford Advanced Genie in Microsoft Word.

\textsuperscript{550} The Reply given by Mr. Mhapa, officer in national Insurance Company in Tanga City, interiewed February 22\textsuperscript{nd}, 2014.

\textsuperscript{551} Ibid.
vehicle.\textsuperscript{552} It is therefore very important to ensure all automobiles belonging to the diocese. This research has discovered that some of the buildings belonging to the diocese are not insured. If, for example, a rectory is burnt down the diocese will have to build it anew. There is a tremendous increase in fire incidents in the country at the time, due to fluctuation of electricity power. This has caused fire to destroy some houses included part of the White House, school hostels, and shops. This is an indication that even Church building can catch fire and be destroyed. Fire insurance policies cover damage caused by fire explosions, earthquakes, lightning, water, wind, rain, collision and riots. Mr. Mbapu also suggested that Health insurance is also very important for the diocesan workers especially the ordained ministers since this insurance covers one specified risk. They generally pay for the expenses incurred from bodily injury, disability, sickness and accidental death.\textsuperscript{553}

5.2.8.5 Unequal Distribution of Resources between Parishes

Another problem is related to the fact that those living in the city centre have a very high income while those in the country have very little income, and so the administrators who live in the country find it very difficult to meet their necessities. Very often the richest parish in the city centre gets an approximate amount of 700,000,-/= to 1,000,000,-/= Tanzania shillings, i.e., equivalent to 350,- to 500,- Euro per week respectively as offering whereas the poorest parish gets a total amount of 30,000,-/= to 50,000,-/= Tanzania shillings, i.e., equivalent to 15,- to 25- Euro per week. There is no diocesan policy, which requires the rich parishes to assist the poorer ones. This inequality requires appropriate regulatory provision by diocese. Because of this difference in the income between the parishes in the city centre and those in the country a priest who gets an appointment in one of those parishes in the city centre regards himself as a fortunate priest in the diocese and at the same time the parish priest who is appointed as a parish priest for the parish in the country regards himself as the most unfortunate among the priests in the diocese, and some of them regard it as probably a punishment. Most of the parishes in the country suffer from scarcity of water, and they have no electric power. The roads which lead to these parishes are bad and very poor and the people have no medical services. In most cases the parish priest acts as the ambulance for the

\textsuperscript{552} Ibid.
\textsuperscript{553} Reply given by Mr. Mbapu.
whole village. This research saw the need of the rich parishes in the city centres to help the poor parishes in the country.

5.2.8.6 Egoism of some Administrators of Temporal Goods

This research has discovered that some administrators are passive in developing the parishes and institutions entrusted to their care. Church buildings like rectories and churches are in poor conditions, the surroundings are dirty and uncared for and furniture is dilapidated. Passivity and lack of creativity for the parish development is often due to an egoistic spirit. The research found out that the same administrators who perform poorly in the administration of Church properties entrusted to them turn out to be good administrators for their personal or private projects outside their place of work. At times some administrators alienate Church goods without permission by a competent authority to improve their personal and private projects and violate the juridical requirements which state that all administrators are bound to fulfil their duties with the diligence of a good householder. This egoistic spirit has a negative impact on the efforts to enable Church institution to self support their programs in the carrying out of their mission. The spirit of egoism among the administrators can be shown in the following example which occurred in one of the parishes in Tanzania.

Pope John Paul II recalled the importance of total honesty and transparency in the administrators of temporal goods of the Church as part of the duty of a clergy in Postsynodal Exhortation Pastores Dabo Vobis when he wrote:

554 Cf. c. 1284 § 1.

555 Administrator X was a parish priest in a remote area of one of the dioceses in Tanzania. The economic situation of this parish was very difficult as he arrived there. However, administrator X mobilized his parishioners to start several projects in the parish for the aim of making this parish self supporting for the priest himself and for the pastoral programs. So several projects were started like banana farm, piggery project, poultry, orchard etc. After five years this parish was one of the few parishes in the diocese which was self-supporting. On the sixth year, priest X received a letter of appointment to go to another poor parish in the same diocese. Priest X had to exchange with priest Y who now come to enjoy the well established projects of priest X. This new appointment disappointed priest X and decided to destroy all the banana plants and orchard by falling them down. He then sold and rewarded what was in the piggery project and poultry. The parish of priest X was as empty and poor as he found it six years ago. The day of departure came and he reported to the new parish where he decided not to start any project for this new poor parish. The news of what he did in his previous parish reached the Bishop of his diocese. The Bishop was very disappointed on account of this egoistic tendency of priest X. As a lesson, the Bishop wrote him another letter of appointment assigning him to his previous parish so that he may go there and face the situation he prepared for priest Y. This is an example among many others which have negative impact on the struggle to reach the goal of many Church institutes of self support their pastoral planning.
“Being personally involved in the life of the community and being responsible for it, the priest should also offer the witness of a total honesty for it in the administration of the goods of the community, which he will never treat as if they were his own property, but rather something for which he will be held accountable by God and his brothers and sisters, especially the poor.”

Conclusively, I can affirm that there are causes which make the Church in Tanzania in general and the Catholic diocese of Tanga unable to self support its pastoral programs and its ministers which are categorised into two, namely, causes which are outside the control of Church administrators of temporal goods on one hand, and causes which are due to negligence of abiding to canonical norms on the part of administrators of temporal goods of the Church on the other hand.

5.3 How the Decline of Foreign Aid affects the Mission of the Church in Tanzania

Mission is a word which comes from the Latin word *mittere*, meaning to send. Jesus is the Son of God sent by his Father to proclaim the good news to the poor: „Der Geist des Herrn ruht auf mir: denn der Herr hat mich gesalbt. Er hat mich gesandt, damit ich den Armen eine gute Nachricht bringe; damit ich den Gefangenen die Entlassung verkündende den Blinden das Augenlicht; damit ich die Zerschlagenen in Freiheit setze und ein Gnadenjahr des Herrn auferle. “ Jesus asserts that he has received this mission from his Father and he commissions the Church to carry on this mission: “As the Father sent me, so am I sending you” – “Sicut misit me Pater, et ego mitto vos”.

The Church is missionary by her very nature, since it is from the mission of the Son and the mission of the Holy Spirit that she draws her origin. This mission of the Church is portrayed in the words of Jesus commissioning his disciples before his ascension:

“Go therefore and make disciples of all the nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things that I have commended you and lo, I am with you always, even to the end of the age.”

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557 Lk. 4:18.
558 Jn. 20:21.
559 Art. 2 VatII AG.
560 Mt. 28:19-20.
C. 1254 § 2 summarizes the objectives of Church’s temporal goods in supporting the carrying out of this mission in the following categories namely; 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. It is the aim of the author of this work to examine the reality of these objectives as portrayed in the canon above in the Church of Tanzania and especially the Catholic diocese of Tanga and enumerate the consequences caused by the decline of the foreign aid and or the absence of this aid for the agents of evangelization who are the important stake holders of the mission of the Church as handed over by Jesus Christ to the Church.

5.3.1 Regulation of Divine Worship

Carrying out of divine worship including the celebration of sacraments needs the availability of material things like oil, hosts, wine, chalices, vestments, altars, bells, breviary, church building, furniture and other appliances. This research has discovered that the above named materials were easily available during the missionary times and were in good quality and condition. With the disappearance of the missionaries, many parishes have remained with the materials bought or brought by the missionaries. In the course of time these materials get old and lose their quality and need to be replaced by new ones. For example; chalices, vestments, church buildings and furniture. As regards church buildings, refectories and furniture, the missionaries built huge buildings (of course with the idea of the churches and houses in their motherland where they come from) and it is nowadays very difficult for the local priests to maintain them by renovation and paying of bills. The missionaries could afford maintaining these buildings because they received sufficient aid from their home churches and relatives. The decline of this aid has caused the maintaining and availability of the materials for the divine worship mentioned above to deteriorate to a great extent.

Another challenge the local priests face is the building of new churches and refectories. Tanzania is a country of two strong religions, Christianity and Islam. At this time when the Church in Tanzania receives very limited aid for the project of building a church or
refectory,⁵⁶¹ the counterpart religion are receiving a lot of financial support from Saudi Arabia and Oman and they build a lot of new and beautiful mosques. In rural areas for example, the new and beautiful mosques among other reasons, have been the way of attracting the already baptized Christians to join Islamic religion. The interviewed priests who carry out pastoral work in poor rural areas have mentioned that it is very difficult to ask contribution from the poor Christians who find it difficult themselves to afford their daily meal, and at the same time they hear from their fellow Muslims that their new mosque has been built by a donation from Saudi Arabia or Oman.

In some rural areas it is very common to find Christians praying under a tree due to the absence of church building or in a very poorly built small church and their counterpart Muslims at the same areas pray in a very beautiful modern mosque. Although theologically the place of prayer doesn’t matter much but for the uneducated simple poor people in rural areas the difference counts a lot and pose a pastoral challenge in carrying out the mission of the Church entrusted by Jesus.

5.3.2 Fitting Support for the Clergy and Other Ministers

The basis of the entitlement of the support of the clergy is Art. 20 VatII PO which reads: “… As those dedicated to the service of God and the fulfillment of the office entrusted to them, priests deserve to receive an equitable remuneration.” This point is also supported in the Holy Scriptures namely in Luke 10:7,⁵⁶² Romans 15:26-27⁵⁶³ and I Corinthians 9:14.⁵⁶⁴ The other ministers mentioned here are catechists and deacons. But because in the Church of Tanzania and in the Catholic diocese of Tanga there are no permanent deacons at least at the time of writing this work, I limit myself to researching the fitting support of the parish priests

⁵⁶¹ Apart from aid from the Congregation for the Evangelization of Peoples, many of the aid organizations in Europe have no interest in supporting building of churches. This is due to the decline of the church goers in their homeland and the experience that some churches in Europe have to be sold and turned into another use because of the scarcity of the church goers. They are willing to donate for the social service projects more as for those with the propagation of faith.

⁵⁶² “Bleibt in diesem Haus, esst und trinkt, was man euch anbietet; denn wer arbeitet, hat ein Recht auf seinen Lohn.”

⁵⁶³ “Denn Mazedonien und Achaia haben eine Sammlung beschlossen für die Armen unter den Heiligen in Jerusalem. Sie haben das beschlossen, weil sie ihre Schuldner sind.Denn wenn die Heiden an ihren geistlichen Gütern Anteil erhalten haben, so sind sie auch verpflichtet, ihnen mit irdischen Gütern zu dienen.”

⁵⁶⁴ “So hat auch der Herr denen, die das Evangelium verkündigen, geboten, vom Evangelium zu leben.”
and assistant parish priests and priests working in other institutions of the diocese and the catechists working in the parish churches and the outstations commonly known as vigango in Kiswahili language.

This research has discovered that in some dioceses in Tanzania there is no fixed regulation of the amount of the support of the clergy or assistant parish priest per week or per month. The author of this work admits that this was a sensitive area in this research. Some of assistant parish priests responded that they receive two times a year mass stipends from the diocese which is equivalent to 600,000/= Tanzania Shillings (300,- Euro). Apart from that it depends on the regulation of the parish priest and the parish financial council to decide.

In short, there is no fixed remuneration in some dioceses in Tanzania as stipulated in the Code of Canon Law and in the VatII PO. It all depends on the mercy of parishioners where one works. In some parishes the research discovered that the parish priests have absolute power over the Sunday collection and they can decide what to do with it without sharing with the assistant parish priest. Most of the parish priests and assistant parish priests in rural areas have financial difficulties compared to their fellow priests in the urban areas. This difference was neutralized by foreign aid from abroad sent to the missionaries who later shared with the priests in rural areas as subsidies to strike a balance with those in urban areas. The decline of this aid has caused a great difficult in the question of remuneration of priests for their fitting as stipulated in the Code and VatII.

Another challenge is the unacceptable difference of the income between priests of the same level of education but with different pastoral obligations. Those who happen to teach in one of the Church universities have a good salary and other benefits while those priests teaching in major or minor seminaries or work in parishes in rural areas have no fixed remuneration. This has been pointed out by some interviewed priests as a very demoralizing aspect in their pastoral zeal. Due to the sensitivity of this issue and the promise of obedience to the hierarchy, no priest dared to put the aspect of remuneration into question. On the other hand the priests in the urban areas who receive good remuneration are contented with the situation and they don’t like to upset their remuneration security by bringing forward this question for discussion. Some diocesan leaders have no courage to raise the question of fixed remuneration for their priests, although they are aware that it is demanded in the Code of C. law and in VatII PO because of the financial difficulties their dioceses face. So long that
the priests do not officially claiming their miserable situation, the hierarchy doesn’t dare to initiate tackling the problem.

The consequences of this aspect for the mission of the Church in Tanzania and also in the Catholic diocese of Tanga is that some priests who have no fixed remuneration devote a lot of their time not to do pastoral activities but to improve their living conditions. They don’t engage themselves in teaching religion in the schools situated around their parishes but they are busy looking for their daily bread and so deprive the catholic pupils of their right to religious education.

Another effect is that some of the young people who see how some of the priests live without fixed remuneration lose their zeal to become priests in the future and those already in minor or major seminaries choose to leave and to take courses other than theology and do other jobs, because they claim that a good catholic with a good job and a good salary and family can also go to heaven like priests and so enjoy life here on earth and in heaven as well. These seminarians are aware of priests in other regions of the world who have a fixed monthly remuneration.565

The lack of fixed remuneration for the priests in some dioceses in Tanzania, including the Catholic diocese of Tanga affects the mission of the Church due to the fact that some of the young priests who are sent by their Bishops for studies in Europe or America prefer not to return to their home dioceses after studies and instead work as priests in those countries where they study and so deprive their home dioceses of the educated and qualified personnel as mentioned in the instruction Cooperatio Missionalis:

“Often their motives are based on the higher living conditions which these countries offer and the need for young priests in some of the established Churches. These priests are then convinced by such reasoning not to return to their own country, sometimes with the tacit permission of their own Bishop, or at other times in opposition to his request that they return home. A certain permanency is then given to such irregular situations by virtue of the vast distances and poor communication.

With this Instruction, therefore, the Missionary Dicastery wishes to provide norms to govern the sojourn of diocesan priests from mission territories who are living abroad.

565 It is very common to find African priests incardinated in the dioceses in Europe and America, or working as missionaries in those dioceses where priests receive fitting remuneration. This does not mean that the home diocese of these priests have enough priests for pastoral works. (This is according to the observation of the author of this work of dioceses in Tanzania).
Such reasoning is warranted so that the young missionary Churches which are already short of personnel, and in particular of priests, are not deprived of ample apostolic strength that is absolutely indispensable for their Christian life and the ongoing development of evangelization among those people who for the most part are not yet baptized.\textsuperscript{566}

The search for green pastures by the priest students who study in Europe and America could be reduced if their home dioceses had followed the stipulation of c. 281 § 1.

Priests in rural areas have a lot of pastoral challenges. In rural areas infrastructure is very poor, no electricity, no water pipes, no dispensaries. In most cases a car of a priest in rural area is used as an ambulance for the whole village and so the priests have sometimes to rush critically sick people to a nearby hospital\textsuperscript{567} to save the life. Most of cases involved are those of expectant women. In saving the life of the sick people in rural areas, the priest incurs some costs like that of fuel because most of the families cannot afford to refund the cost that the priest incurs.

In the case of sickness, the priest in rural area has to decide between administering the sacrament of the sick and thereafter helping the sick person to go to the hospital or administering the sacrament and thereafter letting him or her die. In almost all rural areas there is no emergence social service which man can dial for help. The priest in such an area will be called to offer humanitarian help for sick person who are not Catholics and who do not need the sacrament of the sick. They need the priest to help send the sick to a hospital for treatment. The missionaries who worked in those rural areas offered such support and left a very strong legacy behind that a priest is there for the people to help them not only spiritually but also materially. The attempt to explain the difference between the local priests and the missionaries in terms of financial capacity seems to be not easily understood by the villagers because the first form of evangelization is witness. People today put more trust in witnesses than in teaches, in experience than in teaching, and in life and action than in theories.\textsuperscript{568} The situation in rural areas is such that the villagers come to the priest for spiritual and material support and not vice versa. Moreover a priest in rural area is expected to know almost

\begin{footnotes}
\item[566] Cf. Congregation for the Evangelization of Peoples: Instruction \textit{Cooperatio Missionalis}, n. 20.
\item[567] A nearby hospital can be up to 60 km but due to the bad roads the journey to the hospital may take sometime up to 2 hours.
\end{footnotes}
everything and he is expected to give advice to the villagers. For example, he would be expected to know something about medicine, something about building, something about auto mechanics, school management, agriculture etc. In short, a priest in rural areas is expected to be ‘a jack of all trades, master of none’.

Due to lack of remuneration required by the Code,\textsuperscript{569} and due to the decline of financial support from Europe and North America, the priests in rural areas cannot afford to help people the way the missionaries did. This has major impact on their mission because these priests cannot carry out their mission effectively the way missionaries did. Tresoldi is of the echoes the same opinion for the religious congregation in the mission land which have handed the leadership to the local members.\textsuperscript{570} Some of the parishes in rural areas have 15 to 20 parish outstations (Vigango) which are; for some parishes; up to 70 km away from the parish. These priests have to visit these parish outstations at least once a month and celebrate sacraments. Normally the Christ’s faithful in these parish outstations have to give special contribution to the priest for fuel in addition to the regular collection during the mass. Actually what they do is refunding the priest his fuel. But most of them do not afford it and this affect the mission of the priest because he can no longer afford to visit these people even occasionally.

The remuneration of Catechists poses another challenge on what c. 1254 § 2 requires about the fitting support for the other ministers. The other ministers who receive the fitting support of the Church are religious and laity who devote themselves permanently or temporarily to some special service in the Church. This discussion will limit itself to the catechists as other ministers referred to in the c. 1254 § 2 since the Church in Tanzania and in the Catholic diocese of Tanga have priests and catechists who are closely engaged in the work of evangelization and some of these have difficulties with the question of remuneration.

\textsuperscript{569} Cf. c. 281 § 1.

\textsuperscript{570} The financial situation and the administration of temporal goods in nearly all diocesan congregations in the missions is indeed a difficult subject to tackle. It touches various aspects of life and makes its effects felt also in the field of evangelization. Despite the efforts that Congregations are making in general to become financially self-sufficient, they are still very far from being so. This has painful repercussions not only on the interior life of the community, but also on the choices they would like to make in favor of the poor and which they cannot make because they themselves still suffer from much poverty. Cfr. Tresoldi, G.: Diocesan Congregations: Present problems and Prospects, in: Omnis terra 259 (1999), p. 118.
The Code of Canon Law describes catechists as “lay members of Christ's faithful who have received proper formation and are outstanding in their living of the Christian life. Under the direction of missionaries, they are to present the Gospel teaching and engage in liturgical worship and in works of charity”. The Congregation for the Evangelization of peoples in its plenary Assembly 1970 defined a catechist as “a lay person specially appointed by the Church, in accordance with local needs, to make Christ known, loved and followed by those who do not yet know Him and by the faithful themselves”. The Encyclical letter Redemptoris Missio describes catechists as specialized workers, direct witnesses, indispensable evangelizers, who represent the basic strength of Christian communities, especially in the young Churches.

Catechists play a very significant role in the mission of the Church in Tanzania and in the Catholic diocese of Tanga as stipulated in the documents above. There are two categories of catechists namely those catechists who devote their life completely to this service and are officially recognized as such; and part-time catechists, who offer a more limited, but still precious, collaboration. The proportion between the two categories varies from place to place, but in general there are far more part-time than full-time catechists.

The role of catechists in the mission of the Church in Tanzania and in the Catholic diocese of Tanga is catechizing which include educating young people and adults in the faith, preparing candidates and their families for the sacraments of Christian initiation, and helping with retreats and other meetings connected with catechesis. Other activities include preaching to non-Christians; catechizing catechumens and those already baptized; leading community prayer, especially at the Sunday liturgy in the absence of a priest; helping the sick and presiding at funerals; training other catechists in special centers. The catechists are indispensable in carrying out the mission of the Church in mission lands including Tanzania and the Catholic diocese of Tanga. Being aware of the great role which the catechists play in the mission of the Church, the Congregation for the Evangelization of peoples had stipulates remuneration for them. But the question of proper remuneration for catechists is one of the

571 C. 785 § 1.
most difficult ones to solve in Tanzania and in the Catholic diocese of Tanga just as in other parts of the mission lands. The decline of the foreign financial support to the mission dioceses today has an impact on the remuneration of the catechists. This has caused young people to avoid doing this work and look for a work with good pay. This is because most of them have families to support. As the consequence the mission of the Church is greatly affected.

“But when catechists are paid by the Church, especially when they have a family to support, their salary must be adequate and must take full account of the cost of living. If the salary is not high enough, there will be several negative consequences: on the choice of candidates, because capable persons will prefer better paid jobs; on commitment, because it might be necessary to take on other work to make up the deficit.”

The Congregation for the evangelization of peoples exhorts the dioceses and parishes to find permanent solution for the problem of remuneration for the catechists. The remuneration of catechists is the matter of justice and it is not benevolence as many people in Tanzania and in the Catholic of Tanga believe. “The CEP, for its part, will continue, in so far as it can, to raise and distribute subsidies for catechists, but each diocese should try to arrive at a more stable solution of the problem.” The research has discovered that most of the dioceses in Tanzania has not taken seriously the advice of the Congregation of Evangelization of Peoples (CEP) and they still depend heavily on the little money for the catechist which come from Rome.

The missionaries in Tanzania and in the Catholic diocese of Tanga, apart from a monthly salary, also supported their catechists by building them good houses, sending their children to good schools and paid school fees for them and other material support like second hand clothes, medicines etc, that the missionaries received from their relatives abroad. But the local priests cannot do what the missionaries did in supporting their catechists, and this has an impact on the performance of the catechists today in comparison with the catechists who worked in the times of missionaries, because incentives at that time had motivated them to dedicate themselves completely to the work of evangelization.

574 Ibid., n. 31.
575 Ibid., n. 32.
576 Second hand clothes were famously known as Kafa Ulaya (Kiswahili which means dead in Europe). The clothes were regarded to belong to the dead people in Europe and whose relatives have donated them for the poor in Africa. Only poor people opted for these clothes, and it was a shame to put them on for those who were well to do in the society.
The problem of remuneration, therefore, is one that has to be solved basically by the local Church. Subsidies from abroad can help, but it is up to the local Church to find a place in its budget for this important apostolic work and to educate the faithful to contribute to its support.\textsuperscript{577} This will help the young and well educated people to devote themselves to the work of evangelization unlike the present situation where young people are unwilling to work as catechist because of lack of incentives and salary. It is not uncommon to hear young people say in Kiswahili “sifanyi kazi ya kanisa” “sifanyikazi ya kujitolea” which are Swahili expressions which means “I don’t prefer working for the Church” “I don’t prefer volunteering for the Church” respectively, because for them working for the Church means little or no payment at all. The local Church in Tanzania and in the Catholic diocese of Tanga must take seriously the advice of the CEP as a guide for catechists in the question of remuneration and understand the difficult economic situation of the catechists who are overburdened by the care of their families and relatives. Both Codes of Canon Law, the CIC/1983 and CIC/1917, require that just wages be paid to employees.\textsuperscript{578} They have a right to a decent remuneration suited to their condition, as stated in c. 231 § 2. The neglect of this advice has negative impact on the mission of the Church in relation to the gigantic indispensable work of the catechists in the Church of Tanzania in general and in the Catholic diocese of Tanga in particular as is also the case in many other parts of the Church in Africa as echoed here:

“The Church in Africa also has a very poor track record in the ways she treats her own employees. Catechists and other church workers are, in many parishes and dioceses, poorly paid. Many Church employees are denied of jobs and other social benefits. While, the financial situations of most church institutions are hard, when compared to the affluent and opulent lifestyles of bishops, priests, and nuns the contrasts in lifestyles and privileges are equally ranked. It behooves urgently on the African Catholic church to rethink her mission regarding faith, social justice and peace. Our sense of commitments and our understanding of justice and peace issues must rise beyond mere fancy rhetoric and glibbish fanciful sermonizing. If we do not create the foundations for the fundamental embedding of justice and peace in our world, as a church, we too are doomed.”\textsuperscript{579}

\textsuperscript{577} Cf. \textit{Ibid.}

\textsuperscript{578} Cf. CIC/1917, c. 1524 CIC/1983, and c. 1286 CIC/1983: “Administrators of temporal goods: 1º in making contracts of employment, are accurately to observe also, according to the principles taught by the Church, the civil laws relating to labor and social life; 2º are to pay to those who work for them under contract a just and honest wage which will be sufficient to provide for their needs and those of their dependents.

The Church of Tanzania and of the Catholic diocese of Tanga has to reconsider on the way they treat their catechists and the incentives they offer them. The dioceses have to decide whether these incentives are reasonable to attract at least those who are willing to devote their talents and energy for the Church especially the young generation who have received good education to take the catechist courses and teach religion in primary and secondary schools where religious instruction is taught by few if at all any capable teachers.

5.3.3 Charity Especially Toward the Needy

The Church in Tanzania and in the Catholic diocese of Tanga has been for a long time a refuge place for many desperately poor people. The Church helps these people through charity and in most cases through medical services and social services like water, food and shelter. For example, the health posts and centers which belong to the Catholic diocese of Tanga would never refuse to help a poor patient who has no money to pay for his/her medicine. In some parishes there are rooms set aside in order to provide at least one meal (lunch) for the homeless and jobless people.

The decline of foreign aid has a negative impact on fulfilling charitable activities especially towards the needy. Most of the health centers and posts which belong to the Church are non profitable service institutes. They depend heavily on the support from abroad to buy medicines and pay nurses and doctors. The fulfillment of this canonical requirement is very challenging for the Church in Tanzania and in the Catholic diocese of Tanga in today’s time, because of the decline of foreign aid. The local Churches in mission land including the Catholic diocese of Tanga cannot afford to run these health centers without subside from abroad or from the government. Instead there are established Non Governmental Organizations (NGO) which offer health services but without including moral ethics propagated by the teaching of the Catholic Church on issues like abortion and contraceptives. And this is a setback for the evangelization process of the Church.\(^{580}\)

5.4 Conclusion

This Section treated the decline of foreign aid and its effects on the Church of Tanzania in general and of the catholic of Tanga in particular. The effects were considered in relation to the stipulation of c. 1254 § 2 CIC/1983 that states:

“The proper objectives of the temporal goods of the Church are principally the regulation of divine worship, the provision of the 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”.

The section gave the evidence of the decline of the foreign aid and outlined the factors which hinder the efforts to reach self-reliance of the Church in Tanzania and in the Catholic diocese of Tanga. The factors were those from outside the influence of the Church personnel such as irresponsible parenthood, exploitation by the developed nations, rampant corruption by the government leaders, alcohol consumption and alcoholism, damage and sabotage of property from tribal conflicts and Islamic extremists, natural calamities, HIV/AIDS pandemic and illiteracy. Discussed were also those factors within the influence of the Church personnel in relation to administration of goods. These factors are inventory problem, land administration problem, employees and labor law management, insurance matters, unequal distribution of resources between the parishes, and egoism of some administrators.

What was exposed in this chapter is a clear indication that the Church in Tanzania and in the Catholic diocese of Tanga is affected in some ways in carrying out its mission because of the dependence for a long time on foreign aid which is now on the decline. The next chapter will devote its discussion to some of the areas which need be taken seriously if self-support is to be achieved.
6 RECOMMENDATIONS TOWARDS SELF-SUFFICIENT CHURCH

This section gives some recommendations for the Catholic Church of Tanzania in general and the Catholic diocese of Tanga in particular which will help in the efforts to achieve financial self-support for its pastoral programs. The author recognizes efforts already made to achieve this goal. These recommendations and resolutions are based on the areas that the author has unveiled as needing to be addressed in order to improve the efforts to realize this goal of achieving a financially self-reliant Church.

The first recommendation is the role of the Church addressing the social and economic injustices and poverty as stipulated in the social teaching and other documents of the Church. The fight against social and economic injustices goes hand in hand with a call for solidarity from the sister Churches in the West and the North and the international communities. Without addressing these long-standing social and economic injustices on the international level the struggle and efforts to realize this goal will be in vain.

Another recommendation is the capacity building of the administrators’ skills in Church property management through seminars, conferences and workshops organized by either the diocese or the deaneries with regard to canon and civil law demands. The section suggests also a simple method of church finance management which can be applied by the administrators of temporal goods of the Church, especially those with little or no financial knowledge. It further suggests various investments that can be realized by various dioceses in Tanzania in general and by the Catholic diocese of Tanga in particular in view of the opportunities available.

The section concludes by recommending the spirit of work and innovative minds as a therapy for a dependency attitude, which has darkened the minds of some administrators as well as Christ’s faithful due to the legacy left behind by some missionaries. It is now time for the Christ’s faithful and administrators of temporal good of the Church in Tanzania and in Tanga to ‘light the candle and stop cursing the darkness’. This section therefore recommends inventory updating, making use of idle lands owned by the diocese, precaution against fake title deeds in the question of land management and contracts, accountability and transparency in giving financial reports and the clergy fund for priests working in poorer parishes.
6.1 The Fight against Social and Economic Injustices in Tanzania

C. 222 § 2 stipulates that striving for social justice is a duty of every member of the Church and in a special way of the ministers of the Church:581

“They are also obliged to promote social justice and, mindful of the Lord’s precept, to help the poor from their own resources”.

The Mission of the Church is the evangelization of all nations to the end of the world. However, this evangelization will not be successful if people to be evangelized live in extreme poverty like most of the Christ’s faithful in Tanzania. The Church in Tanzania and of the Catholic diocese of Tanga must continue to address those structures which exploit and suppress the poor people and prevent them from achieving better standard of life. In this matter, Pope Paul VI recalled in his Apostolic letter said:

“Between evangelization and human advancement- development and liberation- there are in fact profound links. These include links of an anthropological order, because the man who is to be evangelized is not an abstract being but is subject to social and economic questions. They also include links in the theological order, since one cannot dissociate the plan of creation from the plan of Redemption. The latter plan touches the very concrete situations of injustice to be combated and of justice to be restored …. We ourselves have taken care to point this out, by recalling that it is impossible to accept that in evangelization one could or should ignore the importance of the problems so much discussed today, concerning justice, liberation, development and peace in the world. This would be to forget the lesson which comes to us from the Gospel concerning love of our neighbor who is suffering and in need.”582

Challenges to the Church of Tanzania and the Catholic diocese of Tanga in this regard are many and serious. There are issues of abject poverty, diseases, corruption, bad governments as well as widespread illiteracy and ignorance. An example of these injustices in Tanzania goes back to the year 2009, when many villagers were removed from their occupied land in Geita town, in order to make way for mining operations. Those people had lost their homes and in this difficult situation they called the help of religious leaders to intervene. Religious leaders examined and interrogated the district authorities who later accepted having received $ 400,000,- (four hundred thousand Sterling Pounds) from the mining company in question in order to pay compensation to the affected families. But religious leaders discovered further that only less than 10 % of this money had been paid to the families. When the Bishops of


Christian forum met with the mining company, the company claimed to have actually paid more than $1.2 m to the government as compensation money to be distributed to the families.\textsuperscript{583} Commenting on such blatant injustices happening in our world today, Paul VI once confirmed that “there are certainly situations whose injustices cries to heaven”\textsuperscript{584}. The Pope goes on to call for deep structural transformations in the global political and economic order:

“We want to be clearly understood: the present situation must be faced with courage and the injustice linked with it must be fought against and overcome. Development demands bold transformations, innovations that go deep. Urgent reforms should be undertaken without delay.”\textsuperscript{585}

Poverty and suffering are serious pastoral problems and a hindrance to the preaching of the Gospel not only in the Catholic diocese of Tanga but in the world in general. People in extreme poverty cannot be expected to contribute to the support of their local churches so that these churches may reach the goal of self sufficiency. Gustavo Gutierrez remarked that: “how are we to preach the gospel with any credibility to those two-thirds of humanity which goes to bed each night hungry, ill-housed, chronically ill and without hope for the political and material improvement of their lives? What can the phrase ‘God is love’ or ‘redemption from the yoke of sin’ possibly mean to them”\textsuperscript{586}.

All these sufferings derive from the violation of the fundamental human rights of persons and groups. The basic cause of these sad situations is a human weakness and the wickedness of the heart of man, his egoism and greed. In the face of these realities, it is of paramount importance that the Church at all levels plays her role of awakening the moral conscience of all with the aim of healing the ills which afflict society. Liberation from structures of injustice is increasingly seen as both the pre-condition of evangelization and its effective consequence. For the Church’s mission the liberation from structural sin is paramount to the credibility of the Gospel’s proclamation of a new creation in Christ.


\textsuperscript{585} \textit{Ibid.}, n. 32.

The Church in Tanzania and in the Catholic diocese of Tanga is duty-bound to speak out and ask for the change of all the social and economical injustices within its environment. The picture of a human person we see in Tanzania today is an ugly one. Individual human rights are violated daily through hunger and starvation, ignorance and diseases, political and economic injustice. Hundreds of people continue to die of starvation in a country that is richly endowed with material resources. Corruption has become the norm in day to day activities of civil servants. Probity, accountability and transparency in the conduct of the civil affairs are mere popular slogans which are not practiced in the day-to-day transactions of public offices in Tanzania today. The very people (the educated Tanzanians officials) who were supposed to protect and help poor peasants’ and workers’ interests have, instead, been responsible for the institutionalized looting of capital to the extent of wrecking the Tanzanian economy.\(^587\)

Since most of these injustices affect the poor and the marginalized, the Church has to be the defender and speaker on behalf of these people who do not have a platform to address the issues of injustices against them. And if the Church in Tanzania and in the Catholic diocese of Tanga ignores this duty, then it is running away from its evangelical mission. The Church, when it addresses issues of social injustice in the community should get involved in its methodology study, earnest prayer, and action within the normative, ethical guidelines for Christian conduct set out in Scriptures.\(^588\)

Dioceses in Tanzania in general and the Catholic diocese of Tanga are faced at times with the choice between speaking openly against social evils and not speaking out publicly. The purpose for the particular choice should be obedience to the Lord of the Church to fulfill its ministry. Wisdom will be needed so that the Church in Tanzania will neither speak rashly and make its witness ineffective, nor remain silent when to do so would deny its prophetic

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\(^{587}\) **Lwaminda, Peter**: The African Synod and Development, in: African Ecclesial Review 37/5-6 (1995), pp. 278-291, here p. 283. He writes that the African Synod Fathers spoke against these academicians: “The opportunism, cowardice and unprincipled role played by a section of the so-called African intelligentsia have brought Africa into its present quandary. Lawyers, doctors, professors and a whole host of other educated Africans have willingly participated and are participating in the general repression of their people. African dictators stayed, and (some) are still in power by buying off or co-opting Africa’s academicians and opposition leadem The Synod Fathers emphasized that one of the lessons for Africa’s academicians is that singing praises to a tyrannical regime offers them no protection against missteps”.

A story is told of an Italian priest who visited one of the Synod experts at Casa Romana (where this expert lived during the African Synod) and said to him:

“I have been looking on television at Press Conferences given by some of the Synod Members and it seems to me that the Synod is more like parliament than a meeting of the Church. (Why? Because) the Bishops were not talking about the Mass or the Sacraments or teaching catechism or devotion to our Lady or sodalities or Catholic Action; they were like members of parliament talking about poverty, and injustice, about tribalism, racism, the external debt, unjust structures of society, AIDS and health care, refugees, displaced people…”

It is very unfortunate that even some priests are ignorant of what the mission of the Church mean. Christianity must touch every aspect of human life just as the Good News of Jesus Christ is concerned with every aspect of humanity, and the Church is called upon to have a special concern for the weakest and the neglected of society. Therefore anything touching human existence is not foreign to the interest of the Church and its mission of evangelization. If the Church fails to be present at the birth of a new, more just society and to voice its protest against systematic oppression of whole classes, races, and nations, it fails in the same way to be that Church which was sent by Christ to show forth its discipleship by its strong love.

Today Tanzania’s economy is greatly hampered by corruption, which has also destroyed people’s moral power to fight against it. A corrupt system cannot fight itself. That is the fact with the state machinery of Tanzania. It is only the Church in Tanzania in general and the Catholic diocese of Tanga which can stand up against corruption. This goes in line with Exodus 23:8 which states that, “you shall take no bribe, for a bribe blinds the officials; and subverts the cause of those who are in the right”. It is the Church’s responsibility therefore, to eliminate corruption from within the Church itself and from without, i.e., in the society. The Church being the ‘light of the world’ has to show the way in situations where society has been blinded by corruption. This blindness was clearly expressed by Don Helder Camara, a church leader in Central America when he observed, “when I give food to the poor they call me a saint. When I ask why the poor have no food they call me a communist”.

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591 Cf. Lk. 18:25-30.
592 Mt. 5:14.
wealthy and powerful tycoons (government ministers, top military and police officers, judges and lawyers, businessmen, etc.) who exploit the poor are totally blind to the latter’s sufferings, needs, rights, fundamental claims to life, justice, and liberty. They create an environment where bribery, embezzlement of public funds, organized murder sagas, illicit and immoral contracts as well as questionable business deals become the order of the day. And the worst thing is that, when someone tries to stop them from their devices, this man turns out to be an enemy to be eradicated from the society. There is an urgent need, therefore, that such sinful structures of exploitation, domination and coercion be condemned by the Church and by all people of good will. Unfortunately, the majority of people including Christ’s faithful do not seem to understand why the Church should be involved in the fight against this social injustice and exploitation, hence statements like; ‘leave politics to the politicians and preach the Gospel’ are very common in Tanzania.

The Church must therefore take a bold stand in its condemnation of corruption in society. It should also be ready to face persecution in this struggle against corrupt social structures. This is not an easy task given that corruption has become a way of life in many African countries, including Tanzania; but the Church has to respond to Christ’s mandate: “So if anyone declares himself for me in the presence of human beings, I will declare myself for him in the presence of my Father in heaven. But the one who disowns me in the presence of human beings, I will disown him in the presence of my Father in heaven.”

A theology or evangelization that conceals and hinders justice is heretical because it makes Christians comfortable with the social, political and economic structures which are oppressive. Such a theology blinds the Church to the Gospel challenges thereby hindering it to fulfill its role in the society. This view was shared by the first Present of Tanzania, Julius Nyerere when he spoke to the Maryknoll Sisters’ community in New York:

“Unless we participate actively against those social structures and economic organizations which condemn men to poverty, humiliation and degradation, then the church will become irrelevant to man and the Christian religion will degenerate into a set of superstitions accepted by the fearful.”

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594 Mt. 10:32-32.

Solidarity in the Fight against Social and Economical Injustices

Solidarity is derived from the Latin word *solidare*, which means to join firmly together; it signifies a mutual bond and obligation. The word is therefore against individualism, which denies the social nature of man and regards society simply as a vehicle that mechanically conciliates individual interests as well as collectivism, which deprives man of his personal dignity and degrades him to the mere object of social, national and economic processes. Cardinal Höfner on the issue of solidarity contributes:

“The principle of solidarity does not lie somewhere in the middle between individualism and collectivism, since it appeals simultaneously to human dignity and to the social nature of man. It represents a new and unique approach to the relationship between man and society. In one respect, this principle rests on the existential reciprocal relationship between the individual and society. On the other hand it denotes the moral responsibility emanating from this existential condition. Hence, solidarity is both an ontological and an ethical principle.”

The Church in Tanzania and in the Catholic diocese of Tanga must address the social and economic injustices of its people to the platform of the international community and seek a pledge for solidarity from sister Churches in Europe and America in this struggle. To mention but only a few areas to be addressed in this platform are the following: Firstly, the question of ever-growing external debt and the Economic Structural Adjustment Programs (ESAP). These programs were imposed by the International Monetary Fund (IMF) and are meant to help Tanzania to repay its external debt. These programs are economically well thought out, especially as far as the creditors are concerned, but the conditions attached to them are responsible for the deterioration of the social and political situation in Tanzania. The freezing of wages, the drastic cut down of subsidies for public services and the so called liberalization of prices, etc., are a burden too heavy to carry for the majority of the poor citizens of Tanzania. This kind of *new world order* enables, perhaps, Tanzania to become externally a more reliable debtor, but it creates at the same time a new national disorder among the poor population of Tanzania. Thomas Sankara, a socialist revolutionary leader of Burkina Faso, (1983-1987), in his speech to the African Unity Organization Summit of 1987, he made it clear that it was great injustice for the poor countries like his to pay debts to international imperialist powers who exploited these lands and made them poor. He said:

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“We have been indebted for fifty, sixty years and even more … Debt cannot be repaid, first because if we don’t repay, lenders will not die; that is for sure. But if we repay, we are going to die. That is also for sure.”

Such courageous worlds have to be said also by the Church of Tanzania in general and the Catholic diocese of Tanga in solidarity with sister Churches of Europe and America.

This work recommends that the Churches in Tanzania urge for the cancellation of the foreign debts to Tanzania. It is historically attested that the West contributed greatly to the impoverishing of Africa through the slave trade and colonialism. It is unfair for the same West to insist that Tanzania should pay back the huge debts or else it cuts all aid to Tanzania. Many citizens are suffering heavily under the immense burden of external debt. The Church in Tanzania has to join the campaign to ask for the cancellation of all debts to Tanzania which are burdensome and are harming poor people throughout the country. Cancellation of such debts is not ‘charity’ but ‘justice’. It is quite in order that debts should be repaid. Nevertheless, there should be ways that avoid compromising the fundamental right of peoples to subsistence and development.

John Paul II rightly teaches:

“It will be necessary above all to abandon a mentality in which the poor – as individuals and as peoples – are considered a burden, as irksome intruders trying to consume what others have produced. The poor ask for the right to share in enjoying material goods and to make good use of their capacity to work, thus creating a world that is more just and prosperous for all. The advancement of the poor constitutes a great opportunity for the moral, cultural and even economic growth of all humanity.”

Such an attitude if it is concretized may assist to alleviate the widening gap between the rich and poor individuals and countries in Africa-including Tanzania.

Secondly, the global trade in the ideology of a free market is very unfair. The free market ideology is exploitative for Tanzania and African countries in general. This market is not free as labeled by the western counterpart, because the African countries as partners in this free market have no say at all in the fixing of international prices of goods either for selling or for buying them. It is trade between two unequal partners. Julius Nyerere, the first President of Tanzania called this trade as a very unfair competition and said even in the boxing ring people

599 John Paul II, Enc. Centesimus Annus, n. 28.
don’t allow a heavy weight boxer to fight with a middle weight boxer. This is a challenge to our brothers and sisters in faith in the rich countries, and especially to their pastors, to raise their voices in protest against injustices and help create more evangelical awareness among their respective governments in terms of international justice and solidarity. Moral education is fundamental in the promotion of justice; therefore the Church must continue to proclaim the evangelical values through its Catholic Social Teaching. No matter how much Africa appreciates the millions of tons of food and medicines given to the victims of drought and famine, this cannot make up for the lack of justice in international trade.

6.3 Educating Christ’s Faith on canon1260 and Administrators’ Skills

Educating and motivating Christ’s faithful of Tanzania and of the Catholic diocese of Tanga on their duty and obligation to support their local Churches is very significant as a way to reach the goal of self supportive Church. The Code speaks of the rights and duties of the Christ’s faithful in Book II “The People of God”. C. 222, § 1 CIC/1983 states clearly that Christ’s faithful have the obligation to provide for the needs of the Church, so that the Church is able to carry out those things which are necessary for divine worship, for apostolic and charitable work and for the worthy support of its ministers. The Code stipulates further in c. 1260, that the Church has inherent right to require from Christ’s faithful whatever is necessary for its proper objectives. This obligation to help their Church has threefold implication namely the provision of time, of talent and of financial support. The Code also stipulates different forms of contribution that the Christ’s faithful can use to support the Church as taxes and contribution for the celebration of sacraments. C. 1261 also obliges the


602 Cf. Reinhardt: c. 222, Rn. 2: „Als Formen der Beitragsleistung der Christgläubigen an die Kirche werde im Codex genannt: (i) Gebühren für die Akte der freiwilligen Rechtspflege und für den Vollzug von Reskripten des Apostolischen Stuhls (c. 1264, 1º); (ii) Stolgebühren (das sind ursprünglich Pfarrsteuern) anläßlich der Spende von Sakramenten und Sakramentalien (c. 1264, 2º); (iii) „tributa“, d.h. Steuern, die öffentlichen juristischen Personen kirchlichen Rechtscher überlagert werden können (c. 1263) und (iv) „exactiones“, und zwar
diocesan Bishops to remind the faithful of their obligation as stipulated in c. 222, § 1 and in an appropriate manner to urge its observance. And the Catechism of the Catholic Church Nr. 2043 demonstrates the duty of the Christ’s faithful to provide for the material needs of the Church, each according to his/her ability. This work has found out that most of the Christ’s faithful in Tanzania are unaware of their canonical duty to support their local Church. The legacies of the white missionaries have blinded most of the Christ’s faithful in Tanzania and in the Catholic diocese of Tanga towards fulfilling their noble duty, and most of them think that the Vatican has the duty to support their local Churches. This work recommends that pastors take an upper hand in the work of educating their Christ’s faithful on their noble duty of supporting their local Churches.

The second point is the subject of property management for the Church in Tanzania and for the Catholic diocese of Tanga which is very important and relevant in the struggle to achieve self-sufficiency. It is not uncommon to hear reports that some large amounts of funds and properties belonging to the Church were ‘lost’ and could not be accounted for. Such reports are very demoralizing for the Christ’s faithful who contribute to the support of their local Churches and at the same time it is an indication of the negligence of the administrators in fulfilling their canonical duties which require them to be always on guard so that no damage comes to the Church from the non observances of the laws. A striking example occurred on April 2009 when a young Bishop in Tanzania (52) years old was forced to resign and shortly after his resignation his diocese was declared bankrupt. All Catholic dioceses in Tanzania had been required to financially support that diocese and the then new diocesan apostolic administrator. This supportive contribution was organized by the Episcopal Conference of Tanzania. Now it is a fact that in some dioceses in Tanzania and also in the Catholic diocese of Tanga, every takeover or handover in some dioceses and Church institutions leaves the successor worried. The first task of the successor is to pay debts incurred by the predecessor! This fact was demonstrated by Fr. Peter Mulomole the then secretary general of AMECEA when he said: “…One thing is clear to me today, that we priests are generally poor financial managers. Our seminary formation till now does not carter for this very important area. The Catholic Church is very rich in material resources and investments in this region, but very

„extraordinariae et modertae“, d.h. außerordentliche und maßvolle Abgaben, die im Falle großen Notstandes auch den übrigen natürlichen und juristischen Personen auferlegt werden können (c. 1263).“

603 Cf. c. 1284 § 2, 3°.
poor (scandalously poor for that matter) in management of the same." Some of the Administrators of Church property in the Church in Tanzania and in the Catholic diocese of Tanga need on job training in order to check the mismanagement of Church’s property. This will increase the quality of their performance in the administration of Church property. On job training will help them to polish and sharpen the administrators’ skills by equipping them with competence, confidence, knowledge and right skills for their property administration.

The author of this work recommends training to be undertaken in the theological seminaries as part of priestly training; and for the priests already on duty, they can get this knowledge through seminars, conferences and workshops organized by either the dioceses or the deaneries. Because the Code requires the administrators to “observe the prescripts of both canon and civil law or those imposed by a founder, a donor or legitimate authority, and especially be on guard so that no damage comes to the Church from the non-observance of civil laws”605. Seminars, conferences and workshops will update their understanding of laws on property administration, since the ignorance or error of the law does not exempt anyone from punishment.606 The deans can organize these seminars, conferences and workshops in their respective deaneries by inviting experts on matters pertaining to administration of goods. For example, they can invite an expert to give a seminar on inventory management; rights and duties of employees and employers according to the Tanzania labor laws; project writ up and management; significance of insurance and book-keeping or simple accounting for parish money.

UMAWATA, which is the short form of Swahili words, Umoja wa Mapadre Wazalendo Tanga607 is challenged to come up with positive and constructive strategic plans to improve the administration of Church property in the Catholic diocese of Tanga through various methods of training as mentioned above. Where possible the Catholic diocese of Tanga should support such training. On job training is in line with the canonical requirement which requires priests to undertake it as part of their ongoing formation after their ordination:

605 C. 1284 § 2, 3º.
606 C. 15 § 2 states that, “Ignorance or error is not presumed about a law, a penalty, a fact concerning oneself, or a notorious fact concerning another. It is presumed about a fact concerning another while it is not notorious until the contrary is proved”.
607 Cf. UMAWATA is an association of diocesan clergy in the Catholic diocese of Tanga.
“Priests are to attend pastoral courses to be arranged for them after their ordination, in accordance with the provisions of particular law. At times determined by the same law, they are to attend other courses, theological meetings or conferences, which offer them an occasion to acquire further knowledge of the sacred sciences and pastoral method.”

6.4 Accountability, Transparency and Inventory System

Goods and monies of public juridical persons are not the personal property of the administrators. It is a canonical requirement that administrators be accountable and transparent in giving a report to those who contribute to the Church. C. 1287 explicitly refers to the administrators’ accountability to ecclesiastical authority in this case the diocesan Bishop, and to members of the faithful. The canon states:

“Where ecclesiastical goods of any kind are not lawfully withdrawn from the power of governance of the diocesan Bishop, their administrators, both clerical and lay, are bound to submit each year to the local Ordinary an account of their administration, which he is to pass on to his finance committee for examination. Any contrary custom is reprobated. Administrators are to render an account to the faithful concerning goods offered by the faithful to the Church.”

This work found out that some of the administrators treat parish goods and monies as their own property. It is recommended that, for the proper management of funds and other goods of the Church, reports are to be given transparently as a sign of gratitude also to those Christ’s faithful who contribute to the Church. Furthermore, the financial councils of each parish are challenged to use their right to review the parish financial reports and to evaluate the financial position of the parish monthly or at least quarterly in a year at the discretion of the council. It is also their duty to check the balance sheet and income statements, so as to make a comparison between the budgets to actual figures. Antonio Rosmini the founder of the Institute of Charity IC(or famously known in Tanga as Rosminian order), commenting on this point wrote:

“When human beings cannot conceal their sins, they do not sin or at least they do not go on sinning for long. An obligation to present the faithful, and the general public, with an account of their administration would provide the stimulus necessary for awakening of many drowsy consciences, and ensure that Church offices were in the hands of honest, sincere, devout persons.”

608 C. 279 § 2.
609 C. 1287 §§ 1-2; see also Cf. c. 1284 § 2, 8º.
610 Rosmini: The Five Wounds of the Church, n. 162, p. 155.
The annual rendering of accounts is an ordinary instrument for controlling the administration of temporal goods. For the administration of diocesan temporal goods, c. 494 § 4 stipulates that at the end of the fiscal year, the diocesan financial administrator must give an account of income and expenditure to the finance council. The finance council after studying this account is to forward it to the diocesan Bishop with their comments and observations. As we have seen above, c. 1284 § 2, 8º obliges also all other administrators of ecclesiastical goods to draw up an account of their administration at the end of each year. This shows the importance, which the Code attaches to the rendering of accounts in the matter of transparency. Just as the faithful have the obligation to contribute for the support of parishes and the diocese, they also have a right to be given an account at least of the goods they contributed to the diocese.

It is through such reports that the Church in Tanzania and in the Catholic diocese of Tanga will be able to curb the danger of loss of Church’s property. This work recommends further the proper implementation of the canonical norms during the handing over of an office to a new administrator. The emphasis here is on the inventory. This work has found out that the canonical requirements of inventory during the handing over of an office are not observed and this has been the source of loss of some Church property and has given rise to complaints of the new administrators. The Code requires that before the commencement of office, administrators should draw up an inventory of immovable goods, precious movable goods, property of cultural interest and other goods:

“Before administrators undertake their duties: they are to draw up a clear and accurate inventory, to be signed by themselves, of all immovable goods, of those movable goods which are precious or of a high cultural value, and of all other goods, with a description and an estimate of their value; when this has been compiled, it is to be certified as correct; one copy of this inventory is to be kept in the administration office and another in the curial archive; any change which takes place in the property is to be noted on both copies.”

This work recommends that the first category of the inventory should include immovable goods belonging to the juridical person. The second category should be movable goods, which are precious. The third category to be included in the inventory should cover any other goods that are part of the public juridical person. The intention of this suggestion is to assure that all the property owned by the juridical person is accounted for in the inventory. This work

611 C. 1283, 2º-3º.
recommends also that there should be a description and estimate of the value of all inventoried goods as explained by Velasio De Paolis.\textsuperscript{612} However, great care should be taken to see that the values stated in the inventories are safe and sound, neither too optimistic nor too pessimistic.

In order to solve the problem of inventory in the Catholic diocese of Tanga, this work recommends that the competent authority appoints a committee of six people, two from the diocesan financial council including the financial officer and the four deans to administer the exercise of preparation of up-to-date inventories of all diocesan juridical persons and submit the copies to the diocesan curia. The committee should also see to it that the inventories are updated twice a year. And during the handing over of the parishes or juridical persons to new administrators, the committee should be present to preside over this exercise.

This work suggests further that the competent authority takes disciplinary measures for an administrator doesn’t update the inventory of the juridical person of which he/she is in charge. During transfers the new administrator should be protected so as not to inherit any debt of the previous administrator such as electric bills, telephone bills, water bills and unpaid salaries of the parish workers. The administrator should settle their debts before they leave.

\subsection*{6.5 Sufficient Remuneration for the Administrators of Temporal Goods}

The Code requires that the administrators of the temporal goods of the Church whether laity, deacons or priests are to be sufficiently remunerated. The Code says the lay people have special service in the Church, whether permanently or for some time, have the right to an adequate remuneration befitting their condition, whereby, with due regard also to the provision of the civil law, they can provide for their own needs and the needs of their families.\textsuperscript{613} The Code also requires that clerics be adequately remunerated and the permanent

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\item[613] Cf. c. 231 § 2; cf. also \textit{Reinhardt}, Heinrich J. F.: c. 231, Rn. 2, in. MK CIC (Stand: Oktober 1987): „Der Verpflichtung der Laien im Kirchendienst zu sachgerechter, dem kirchlichen Dienst angemessener Erfüllung der ihnen übertragenen Aufgaben (§ 1) entspricht ihr Recht auf angemessene Vergütung ihrer Leistung und auf soziale Absicherung. Die Vergütung der Laien im Kirchendienst soll so bemessen sein, dass sie zum einen der Stellung entspricht, die Laien aufgrund ihres Amtes oder ihrer Funktion in der Kirche haben. Sie soll aber auch so bemessen sein, dass mit der Vergütung die (alltäglichen) Bedürfnisse der Laien und ihrer Familien (etwa Nahrung, Wohnung, Kleidung usw.) in geziemender Weise („decenter“) befriedigt werden können. Dabei sind jeweils die Vorschriften des weltlichen Rechts (Besteuerung, arbeitsrechtliche Vorschriften usw.) mit zu beachten.“ \textit{Reinhardt}: c. 231, Rn. 4 schreibt: „Es wird in § 2 ausdrücklich noch
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deacons as well. “Since the 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 . . .” 614

This work has found out that the inadequate remuneration of the administrators of temporal goods of the Church or total lack of it is the source of mismanagement and ineffective administration of the entrusted temporal goods. Because of the inadequate or lack of remuneration the administrators are tempted to use the goods entrusted to his or her care without accounting for them. This work recommends that the administrators be adequately remunerated so that those administrators do not fall into the temptation of using diocesan funds for their own private interest and maintenance. Furthermore, it will encourage the administrators to keep accurate records of financial transactions and to administer the goods entrusted to them in the spirit of good householders and in accordance with the law.

6.6 Work as Solution for Dependency Attitude

This work recommends and challenges some of the administrators of temporal goods especially those based in the parishes with pastoral duties (parish priests) to imitate the monasteries of Western Europe which were not only the centers of prayer but also of work, following the Benedictine motto, ora et labora. Pope John Paul II, in his encyclical letter on human labor, Laborem exercens presents work as an integral element of promoting and enhancing human dignity; “Work is a good thing for man and a good thing for his humanity because through work man not only transforms nature, adapting it to his own need, but he also achieves fulfillment as a human and indeed, in a sense, becomes more a human being” 615. St. Paul the Apostle was very strict towards those people who did not want to work to the extent of giving a directive of denying them food; “We gave you a rule when we were with you not to let anyone have any food if he refused to do any work. Now such persons we einmal darauf verwiesen, dass die Übertragung der in 230 § 1 genannten „ministeria“ keinen Anspruch auf Unterhalt oder Vergütung gegenüber der Kirche begründet. Dies schließt natürlich nicht aus, dass Akolythen oder Lektoren aufgrund anderer Ämter und Funktionen in der Kirche diesen Rechtsanspruch nach 231 § 2 erwerben.”

614 C. 281 §§ 1-3.

command and exhort in the Lord Jesus Christ to do their work in quietness and to earn their own living.\textsuperscript{616}

This work has found that some of the administrators of temporal goods of the Church especially those who are based in parishes and some young people in rural and urban areas are not engaging themselves in productive work. For example, in a parish where there is more than one priest, only one will be in the parish office doing secretarial works\textsuperscript{617} and at the same time attending to the Christ’s faithful. Other priests have no daily working plan after the celebration of the morning mass. They pass the whole day idly. This work recommends that these priests should engage themselves in manual work in farms and give up the idea of depending on aids from abroad or elsewhere for their subsistence. These administrators “… are like patients whose vital organs heart, lungs are artificial, who breathe through an oxygen mask and can survive only with regular blood transfusion.”\textsuperscript{618}

This work recommends further that the Church in Tanzania and in the Catholic diocese of Tanga get involved in the established kata secondary schools all over the country which have a great need for teachers. The Church in Tanzania has also established a number of universities in some dioceses. Some of the priests can attend crash course in teaching programs in these universities and help in teaching religion and other subjects in these kata secondary schools. By doing so, the priests will be fulfilling their pastoral duty of teaching religion in schools and at the same time earning a living for themselves. This work has found that many of the kata secondary schools and other schools have religious classes set aside for the pupils but there are no teachers to teach. This work has found that some of the priests in the donor countries like Germany and Austria are teaching religion in schools and this does not affect their pastoral activities because of a good pastoral planning. The Church in Tanzania and in the Catholic diocese of Tanga can adopt this method which is used by the Church in the donor countries.

This work suggests that the administrators engage themselves in small-scale farming to produce their own food instead of buying it from the market. They can grow, for example,

\begin{footnotes}
\item[616] 2 Thes. 3:10-12.
\item[617] In most parishes in the Catholic diocese of Tanga there is no employed secretary, the priests are doing this work. This is due to lack of funds to pay the employed secretary. In other parishes some of the Christ’s faithful with the secretarial skills help voluntarily once or twice a week.
\item[618] Bühlmann: The Coming of the Third Church, p. 160.
\end{footnotes}
cabbages, carrots, *sukumawiki*\(^619\) and onions around the parish land especially where water is available. This will have two advantages for the priests, namely they will save money and increase their income and secondly it will improve their health. This is because most of the priests are suffering from diabetic because of the nature of their work that does not include physical exercise (movements), and most of them do not make sport. This work found out that most of the priests depend on the Sunday collections and Mass stipends from abroad for their sustenance. However, the number of Mass stipends from abroad remains very unreliable and difficult to get. This puts in jeopardy the upkeep and sustenance of these clergy.

However, the scarcity and unreliability of Mass stipends and inadequate Sunday collection should not be taken as a license for the clergy to plunge themselves into business transactions to supplement their income. The clergy are reminded of the legislation concerning business by the clerics as stipulated in the Code of Canon Law; “Clerics are prohibited from conducting business or trade personally or through others, for their own advantage or that of others, except with the permission of legitimate ecclesiastical authority”\(^620\). This prohibition refers to commercial enterprises like buying goods with the intention of selling them unchanged for a profit, currency exchange where money itself is bought and sold for a profit. However, domestic business is allowed like selling wine from one’s own farms, selling books and religious articles provided that all profit accrued goes to the community or parish. The clergy are reminded of the disciplinary measures for those who violate the laws governing the administration as it is stipulated in Code of Canon Law; “Clerics or religious who exercise a trade or business contrary to the prescripts of the canons are to be punished according to the gravity of the delict”\(^621\).

### 6.7 Utilization of the Idle Land

This work found out that the Church does not utilize some of the registered lands, for example Lulago farm in Kwediboma. This might be due to lack of funds or lack of a program in land use in the diocese. Lands, which are idle and unused, attract land grabbers especially at this time where there are often land conflicts between farmers and pastoralists as stated

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\(^{619}\) *Sukumawiki* is a type of vegetable which is very easy to grow and is long lasting.

\(^{620}\) C. 286.

\(^{621}\) C. 1392.
above and give a bad image to the Church as an institute, which amasses wealth that she does not need. Pope Paul VI in his Encyclical *Populorum Progressio* discourages those who leave the land idle while some poor people have no land to farm or grow their crops for food;

“Land holdings that are often poorly cultivated or simply left uncultivated for speculation, while agricultural production should in fact, be increased in order to satisfy the growing food needs of the majority of population who have too little or no land to farm, such latifundia go against the principle that the world is given to all not only to the rich.”

Pope Paul VI refers also to it in the same encyclical as inhuman and not Christian to keep unproductive lands. It is like hiding the bread from so many poor families. In order to avoid appearing like rich land lords who are careless towards the poor landless neighbors, this work recommends that unutilized land of the diocese should be given out on short-term leases to the progressive farmers for a period of time ranging from two years to ten years and the conditions of the contract should be strictly followed. This work recommends further that the lands owned by the diocese be marked and fenced by planting trees or any other demarcation that will be appropriate to mark the territoriality.

### 6.8 The Founding of Diocesan Clergy Fund

This work suggests the founding of diocesan clergy fund in all dioceses in Tanzania including the Catholic diocese of Tanga in order to strike a balance between the income of the parishes in poor rural areas and those in rich urban areas as stipulated in the *Presbyterorum ordnis*. The great difference of the income between the clergy working in rural areas and those working in urban areas should be resolved through the setting up of the diocesan clergy fund because at the time of writing this work the only income of the clergy in many dioceses in Tanzania including the Catholic diocese of Tanga is the Sunday collection and other methods of collection as named above. The Church Fathers in support of this idea of a diocesan clergy fund stated clearly that the dioceses have to keep always before their eyes the example of the faithful of the early church in Jerusalem, who held all things in common (Acts 4:32) and distribution was made to each according to his/her needs (Acts 4:35). This clergy fund is proposed to be set up at least in regions where the support of the clergy completely or largely depends on the offerings of the faithful. The Church Fathers further

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advise that this collection be collected by a special diocesan institute, which the diocesan Bishop administers with the help of priests and, when useful, of lay people who are expert in financial matters. Some diocesan centralization is useful, even necessary, so that the priests of every parish, whether poor or rich, have what they need for their living. This will ensure the fundamental equality of support for the clergy. This work suggests that the beneficiaries of the clergy fund are to be limited to clergy incardinated in the Catholic diocese of Tanga, and for the religious and externs serving in the diocese, the diocesan Bishop and the superiors should discuss how to remunerate them.

6.9 The Innovation and Creation of the Diocesan Investments

In order to shake off the dependence syndrome, this work suggests that the dioceses in Tanzania should come up with development programs which create investments which will further generate income to support their pastoral and charity programs. As already pointed out, donors’ financial help from abroad declines and dwindles annually, this work suggests therefore that the dioceses, after consulting their financial experts, take some considerable credit from inland banks and carry on their capital generation projects. The dioceses in Tanzania have various opportunities and chances to start these investments but this work suggests only the opportunities which this diocese has got.

6.9.1 Hostels for Students

The city of Tanga has a great potential because of the increasing number of secondary schools, colleges and university. The demand for hostels for the students is high. The Catholic diocese of Tanga has the advantage of getting students because of the security and the discipline the students who live in Church hostels have. Many parents in Tanzania want their children; especially the girls to live in the hostels run by the Catholic Church for the sake of discipline and moral security. The existing small old hostel at Chumbageni does not generate sufficient income for the diocese. By building a massive hostel for girls and boys the Catholic diocese of Tanga will be able to earn a considerable amount of income which will support the pastoral and charity programs, but at the same time fulfill her duty in the moral and spiritual upbringing of the young generation at the time of their stay there. These hostels can be built in

623 Art. 21 VatII PO.
Tanga city, where there are many secondary schools and a university, and in Lushoto district where there is judicial college and a university.

6.9.2 Building of Hotels and Rent Houses

The Catholic diocese of Tanga has the advantage of being on the coast of the Indian Ocean. This work suggests that the Catholic diocese of Tanga come up with the decision to build hotels and or motels on the beaches of the Indian Ocean and seize the opportunity of attracting tourists and other customers. These hotels and motels can be built on the beaches of Tanga and Pangani. These hotels can be also built in Lushoto where tourism is very active. The Catholic diocese of Tanga should not hesitate because some of the congregations have already dared to undertake such investments and they have been prosperous, for example, the sisters of our Lady of Usambara they have St. Eugen’s hotel, the Holy Ghost Fathers hotel in Pangani, to mention but a few. The investment of hotels should go side by side with the building of conference halls and entertainment halls adjacent with to them. The conference halls for seminars and meetings; and entertainments halls for wedding ceremonies, first communion, confirmation, graduation etc, can generate good income. This work has found out that even the donor churches in Europe and America have invested heavily in this area and it helps in generating income for these Church. This work suggests that investments should be applied by dioceses in Tanzania and especially the Catholic diocese of Tanga in solving the problem of dependency on foreign aid. In connection with the building of hotels, hostels, beach resorts, this work suggests the Catholic diocese of Tanga to undertake project of building houses for renting in the growing cities of Tanga, Muheza, Korogwe and Lushoto in order to generate income in the near future.

6.9.3 Investment on Agriculture, Animal Farming and Fishing

This work suggests to the Catholic diocese of Tanga to invest in agriculture like tea and coffee plantations. There are areas in the Catholic diocese of Tanga which are conducive for tea and coffee plantations. These areas are Amani, Soni, Kwemvumo, Mponde, Bumbuli, Mazumbai to mention but a few. In these areas there are established tea and coffee factories which supply reliable market for the products. There are other cash crops like orange, cashew nuts and sisal which can also be started for income generation. This work suggests also that
the existing diary project in Kange be modernized and enlarged. The diocese can also start piggery, poultry and fishpond projects alongside the existing Kange diary project.

The financial committee of the Catholic diocese of Tanga is to investigate why the Kwamatuku farm project failed before undertaking any new farming projects. The financial committee of the Catholic diocese of Tanga has to learn from the successive farming projects managed by Passionist Fathers and Ivrea sisters in Hale. These two congregations have large scale farming projects that generate good income for their pastoral and charity programs.

This work suggests also that the Catholic diocese of Tanga make use of the advantage of the Indian Ocean. The diocese is located along the Indian Ocean and is endowed with fisheries resources which create major activities for most people but there are no special plans to improve fishermen’s standard of living. The fishing industry in Tanga is up to now not sufficiently exploited. The demand for fish is great in Tanga, especially in towns like Muheza, Korogwe and Lushoto. The diocese can buy modern fishing boats and nets and hire them under contract to the fishermen who will do the fishing, and pay the diocese the agreed sum of money from the income and profit they make. This kind of project will enable Christ’s faithful who are unemployed especially the youth to have income generating activities and they will in turn be able to fulfill their canonical obligation to support their Church. The Church will have fulfilled its mission of helping the poor and jobless to help themselves.

6.9.4 Other Forms of Projects

This work suggests other possibilities for the Catholic diocese of Tanga to undertake other forms of projects which can help the diocese generate income. These other projects are like starting a clearing and forwarding department, filling stations, car garage, and carwash stations. The opportunity of being along the Indian Ocean and near to the Port of Tanga gives the Catholic diocese of Tanga an advantage of to starting a clearing and forwarding department. Many other dioceses and religious congregations can make use of this department for exporting and importing goods to and from overseas. In addition to the clearing and forwarding department, the Catholic diocese of Tanga can build petrol stations in the city of Tanga and on the main roads to Mombasa, Dar es Salaam and Arusha. The advantage of this project is that, the Catholic diocese of Tanga itself has many cars for its institutions spread all over the diocese. To start with only the diocesan cars, there is enough market for the diocesan
petrol stations which will be started. In addition to that there are thousands of Catholics in Tanga Region who own cars. If the Catholic diocese of Tanga makes mobilization in all parishes and create awareness among the Catholics that by buying fuel in the petrol stations of the diocese is one of the ways of supporting the diocese, then truly most of the Christ’s faithful would heartedly make use of these petrol stations in supporting their Church. However, in order to be successful in all these projects for income generation, the diocese needs to have honest and zealous administrators who will abide to canonical norms on the administration of Church finance, of course endowed with skills and knowledge for the respective projects.

6.10 Proposed Diocesan Policy on the Administration of Temporal Goods

This work suggests the introduction of guidelines for the administration of temporal goods in the Catholic diocese of Tanga. These guidelines require all administrators of temporal goods to adhere to the proper implementation of the norms of the Code of Canon Law and those proposed by the diocesan guidelines. These guidelines indicate the functions, duties and responsibilities of administrators of temporal goods in the diocese. The Code gives room for the competent authority to introduction of such regulations in the diocese.\(^\text{624}\)

The guidelines require the implantation of norms such as; the drawing up of an account of the administration of temporal goods of the Church at the end of the year\(^\text{625}\) and the manner how to render it. Any administrator, who fails to follow the proposed guidelines, should be reminded of his duty to comply with diocesan guideline and canonical norms. These guidelines will be compiled in the form of a handbook for the administration of temporal goods in the diocese of Tang. These guidelines then will help to curb the mismanagement of temporal goods as illustrated above, especially when a parish priest is transferred to another parish as in the cases already report in this work. Bishop Dr. Anthony Banzi, Bishop of Tanga stresses the importance of the diocesan guidelines for the administration of temporal goods of the Church in the Catholic diocese of Tanga when said:

\(^{624}\text{Cf. c. 34 § 1: “Instructions, namely, which set out the provision of a law and develop the manner in which it is to be put into effect, are given for the benefit of those whose duty is to execute the law, and they bind them in executing the law. Those who have executive power may, within the limit of their competence, lawfully publish such instructions.”}\)

\(^{625}\text{C. 1284 § 2, 8”}\).
We have heard grievances and complaints in the past, especially when one parish priest transfers to another parish, he takes with him all money and properties of the parish and this creates difficult situation for the priest who takes over. Apart from transferring with money and property of the parish, those priests leave behind huge debts unpaid. In order to curb such happenings it could be good in the future that the Catholic diocese of Tanga comes out with the policy for the management of church finance and temporal goods.\(^{626}\)

The proposed guidelines for finance and temporal goods of the Church for the Catholic diocese of Tanga suggest that the collection of Sundays and holidays be counted by specially appointed people of two categories namely from the members of Christ’s faithful and from those employed by the Church; catechists or nuns.\(^{627}\) The guidelines suggest that those who will count the collection should not be less than three and not more than ten people. The parish financial officer will have to supervise the activity of counting it. The guidelines require the proper implementation of financial information on dealing with church finance, for example the use of pay-in-slips, bank debit advices or credit advices in making any transaction, and these should be carefully preserved for the auditing in the future.

In dealing with the problem of employees of the diocese, the guidelines suggest the use of pay roll system. This system will assure the diocese in paying all required contributions of a worker as stipulated by the labor laws of the country. The guidelines require that the administrators of temporal goods, as employer, should have and carefully keep the letters of employment of their workers which show the type of contract they have entered into with their employees. This will keep the diocese from wasting a lot of time and money in lawsuits when workers have not been paid because of the negligence of some administrators.

The guidelines suggest also the use of payment voucher for petty cash and cash book/analytical cash book to be a must in every parish and institutions of the Catholic diocese of Tanga. The cash book should be closed at the end of every month and should have also a


\(^{627}\) This is to control unfaithfulness in the process of counting the collection. Some cases have already occurred where those who count the collection take part of the money for their own use. The author suggests also that the parish priests should also occasionally participate in the counting of the collection to have a average sum of the collection per Sunday.
page which shows the bank transactions. This is very important for the bank reconciliation at the end of every month. Financial information for the Christ’s faithful, the benefactors is a must and there must be a time frame for all administrators of the temporal goods in the Catholic diocese of Tanga to present it. Every parish and diocesan institute has to prepare and present a budget to the diocese and at the end of the year to give information of how far the budget was materialized.

Another very important aspect in the guidelines is an inspection and an auditing of inventory and financial reports respectively. The inventory should show the movable and immovable properties of the parish or institutes and with its values according to the regulations already discussed above. This will help to solve the problems which occur during the transfers of administrators of temporal goods as explained above.

6.11 Disciplinary Measures for the Mismanagement of Church Property

On some occasions there have been reports of the administrators mismanaging church funds for their own use or that of their families or friends. And there have been no disciplinary measures taken against them. They were transferred to other parishes where they repeated the same mess. The improper administration of temporal goods of the Church has great repercussion on the Christ’s faithful and demoralizes them in giving and supporting the Church. The administrators of temporal goods have the responsibility to acquire, retain, administer, and alienate them in accordance with the law (canon and civil laws). Financial mismanagement or property mismanagement done by these administrators is a disregard of public ecclesiastical trust and brings great scandal and harm to many. This work suggests the canonical disciplinary measures to be applied against those administrators who mismanage Church properties and hamper the struggle of the Christ’s faithful to achieve self-sufficiency in their local church.628

C. 1399 permits the imposition of a just penalty when the grave external violation of a divine or canonical law, and this is an urgent need to prevent or repair scandal:

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628 Cf. cc. 1274 § 5 and 1284 § 2, 2°.
“Besides the cases prescribed in this or in other laws, the external violation of divine or canon law can be punished, and with a just penalty, only when the special gravity of the violation requires it and necessity demands that scandals be prevented or repaired.”

C. 1282 states that “All clerics or lay persons who take part in the administration of ecclesiastical goods by a legitimate title are bound to fulfill their functions in the name of the Church according to the norm of law”. Depending on the circumstances, those required to fulfill this duty may abuse their authority maliciously, or by negligence and bring harm by such acts as: embezzling funds owned by the public juridical person, retaining for personal use an offering which properly belongs to the public juridical person, failing to observe civil laws in regarding church assets, failing to make an accurate and clear inventory of immovable property, movable objects or other goods with their description and appraisal; failing to review an existing inventory; or to update the inventory periodically, alienating or leasing ecclesiastical goods by an administrator to his or her relatives up to the fourth degree of consanguinity or affinity without the special written permission of competent authority.

Another crime that administrator of temporal goods can commit and which is punishable, is the invalid alienation of ecclesiastical goods without the prescribed permission as prescribed in the Code: “a person who without the prescribed permission alienates

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629 Cf. c. 1399.
630 Cf. c. 1256: “under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridical person who has lawfully acquired them.”
631 Cf. c. 531: “Even though another person has performed some parochial function, he is to give the offering he receives from the faithful on that occasion to the parish fund unless, in respect of voluntary offerings, there is a clear contrary intention on the donor’s part; it is for the diocesan Bishop, after consulting the council of priests, to prescribe regulations concerning the destination of these offerings and to provide for the remuneration of clerics who fulfill such a parochial function.”
632 Cf. c. 1284 § 2, 2º-3º. The administrators must “ensure that the ownership of ecclesiastical goods is safeguarded in ways which are valid in civil law”; and “Observe the provisions of canon and civil law, and the stipulations of the founder or donor or lawful authority; they are to take special care that damage will not be suffered by the Church through the non-observance of the civil law”.
633 Cf. c. 1283 2º-3º Before the administrators undertake their duties, “They are to draw up a clear and accurate inventory, to be signed by themselves, of all immovable goods, of those movable goods which are precious or of a high cultural value, and of all other goods, with a description and an estimate of their value; when this has been compiled, it is to be certified as correct” and “One copy of the inventory has to be kept in the administration office and another in the curial archive; any change which takes place in the property is to be noted on both copies.”
634 Cf. c. 1298: „Unless they are of little value, ecclesiastical goods are not to be sold or leased to the administrators themselves or to their relatives up to the fourth degree of consanguinity or affinity, without the special written permission of the competent authority.”
ecclesiastical goods, is to be punished with a just penalty. This canon is somehow related to c. 1296 which states that when the alienation has been made without the prescribed canonical formalities, but is valid in civil law, the competent authority must carefully weigh all the circumstances and decide whether action is to be taken, namely personal or real, by whom and against whom, to vindicate the rights of the Church.

The Code requires the punishment ferenda sententiae censure or another just expiatory penalty be applied to those administrators who make profit from mass offerings. Canons 945-958 provide regulations to be followed with regard to the celebration of mass with offering. The amount for the offering to be received is regulated by the decree of the provincial Bishops of the given area. So the priest is not permitted to seek a larger sum, although he may accept a larger amount if it is voluntarily offered. Moreover, the Code requires that separate masses are to be applied for each single offering. A priest should not retain more than one Mass offering per day, except on Christmas. No individual priest is allowed to retain more mass offerings than he can satisfy within one year. To curb the practice of making business with mass offering the Code requires that when a priest transfers mass offerings to other priests he must transfer the entire offering received unless it is certain that the excess over the sum fixed in the diocese was given to him personally.

In short in the case of mass offering the offenses liable to be punished according to the Code are celebrating one mass for several mass offerings, illegitimately applying the discipline of Mos igitur to masses with “collective” intentions more than twice a week, retaining more than one mass offering per day, except on Christmas, accepting and retaining an offering for a second mass which one concelebrates, requiring a greater amount for a mass offering than is set by a decree of the provincial Bishops, accepting and retaining more mass

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635 C. 1377.
636 C. 952 § 1: “The provincial council or the provincial Bishop’s meeting is to determine by decree, for the whole of the province, what offering is to be made for the celebration and application of a Mass, an offering voluntarily made, which is greater, or even less, than that which has been determined.”
637 C. 949. However on February 22, 1992, the Congregation for the Clergy issued a decree called Mos igitur allowed the celebration of “collective” intentions twice a week. He can retain however only the amount for a single Mass offering as it is regulated by the provincial Bishops, and he has to remit the excess money to the ordinary.
638 C. 951 § 1.
639 C. 956.
640 C. 955 § 1.
offerings than a priest can satisfy within a year, and accepting and not transferring the entire mass offering to other priests.

The above restrictions seem to concern priests rather than the laity; c. 956 however, acknowledges the role of administrators of pious causes and others who are to pass to their ordinaries mass stipends which have not been satisfied within a year:

“Each administrator of pious causes and those, whether clerics or lay persons, who are in any way obliged to provide for the celebration of Masses, are to transfer to their Ordinaries, in a manner to be determined by the latter, such mass obligations as have not been discharged within a year.”

Before the Ordinary undertakes to punish the administrator of temporal goods of the Church for the mismanagement and misappropriation of Church finance, the Code suggests that the Ordinary must conduct a preliminary investigation, unless such action seems entirely superfluous. The preliminary investigation however, should be begun and concluded with a decree. When the Ordinary finds out that mismanagement of funds has been done, he is obliged to discern whether fraternal correction, rebuke, or some other means of pastoral solicitude can sufficiently repair the scandal, restore justice, and reform the offender. If a censure is imposed, the Code suggests that this should follow canonical warming: “A censure cannot validly be imposed unless the offender has beforehand received at least one warning to purge the contempt, and has been allowed suitable time to do so.” This work lists some other offences which are punishable in accordance with canonical penal law in the matter of mismanagement of financial and property of the Church. These include; failing to organize correctly and to protect in a suitable and proper archive the documents and records on which the property rights of the Church or the institute is based, and failing to deposit authentic copies of them in the archive of the curia when it can be done conveniently (c. 1284 § 2, 9°). Failing to observe in the employment of workers the civil laws concerning labor and social policy, according to the principles handed down by the Church, or failing to pay a just and decent wage to employees (c. 1284). Failing to render an account to the faithful concerning the goods offered by them to the Church (c. 1287 § 2). Failing to obtain the written

641 C. 956.

642 C. 1341: “The Ordinary is to start a judicial or an administrative procedure for the imposition or the declaration of penalties only when he perceives that neither by fraternal correction or reproof, nor by any methods of pastoral care, can the scandal be sufficiently repaired, justice restored and the offender reformed.”

643 C. 1347.
permission of one’s proper ordinary to initiate or contest civil litigation in the name of the public juridical person (c. 1288).

6.12 Conclusion

The dependency problem and the effects of the decline of the foreign aid on the mission of the Church of Tanzania in general and of the Catholic diocese of Tanga in particular can be overcome by following suggestions proposed in this last section. These suggestions are; the addressing of the social and economic injustices as stipulated in the social teaching of the Church and other documents of the Church’s *Magisterium*. The injustices to be addressed range from national to international levels and by doing this the Church of Tanzania requires the support of sister Churches from abroad and international communities. This section also suggests the capacity building of the administrators’ skills in Church property management through seminars, conferences and workshops where the administrators can learn simple Church finance management. This section recommends also the creation of awareness among the Christ’s faithful of their rights and obligations to support the Church.

The section discussed further the different types of investments the Catholic diocese of Tanga can undertake which can help in the generation of capital/fund which later can help to finance the different pastoral programs and therefore achieve a self-sufficient Church. These investments include hotels, hostels, rent houses, petrol stations, agriculture, animal keeping and fishing, clearing and forwarding department. In addition to these investments the section pointed out some other solutions for dependency attitude, namely occupation of idle lands that belong to the Church and the founding of the diocesan clergy fund. At the end, this section proposes a diocesan policy on the administration of temporal goods and the disciplinary measures for the administrators who mismanage Church properties. Some of the offences that are liable to canonical penalty are listed at the end of the section to help sensitize the administrators to perform their duty in accordance with the canonical norms.
7 GENERAL CONCLUSION

Church’s finance has been the curtain raising issue in recent times. Pope Francis has made his stand clear that he wants the poor church for the poor. This is to insist on the canonical objectives which justify the Church to possess temporal goods namely; regulation of divine worship, the provision of fitting support of the clergy and other ministers, and the carrying out of works of the sacred apostolate and of charity, especially for the needy.\textsuperscript{644} These objectives can only be adequately achieved if the administrators of temporal goods of the Church adhere to the canonical precepts stipulated in the Code. Negligence of the administrators of temporal goods in performing their duty\textsuperscript{645} paints a bad image for the Church and discourages the Christ’s faithful from supporting their Churches.

This work therefore outlined the history of the administration of temporal goods in the mission of the Church in the Old Testament, the New Testament, the early Church, the Middle Ages, during the Council of Trent, the CIC/1917, the Vatican II teaching, in CIC/1983, in the Postsynodal Apostolic Ehortation \textit{Ecclesiae in Africa} and Postsynodal Apostolic Exhortation \textit{Africae Munus}.

The work researched the reasons why the foreign aid or donation has declined in recent years and how this decline affects the mission of the Church of Tanzania in general and in the Catholic diocese of Tanga in particular. It concentrated on c. 1254 CIC/1983, and examined how the decline of foreign aid affects the carrying out 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.\textsuperscript{646} This work examined the reasons which prevent the dioceses of Tanzania and of the Catholic diocese of Tanga from achieving the desired goal of self-sufficiency. These reasons include the rampant corruption of political leaders and the exploitation of natural resources by the multinational corporations, alcohol consumption and alcoholism, tribal conflicts and religious fundamentalists, natural calamities, HIV/AIDS pandemic, tropical diseases and illiteracy religious and tribal conflicts which are reasons which are out of the control of the Church mechanism. But there are also reasons which are within the reach of the control the Church’s mechanisms which include: lack of

\textsuperscript{644} C. 1254 § 2.
\textsuperscript{645} C. 1284 §§ 1-2.
\textsuperscript{646} C. 1254 § 2.
proper planning and management, dependency mentality of the Christ’s faithful, inventory problem, challenges in land administration, lack of training for administrators in financial matters, unequal distribution of diocesan resources, lack of transparency in financial reports, employees problems, insurance problems and egoism.

This work researched and pointed out the financial systems of the donor churches in Europe including; the membership fee system of the Church in Austria, Church tax system in Germany, cultural tax system in Italy and Church support in France. The work pointed out the support from the Congregation of the Evangelization of Peoples which include the Pontifical Society for the Propagation of Faith, the Society of St. Peter, the Pontifical Society of the Holy Childhood, the Pontifical Missionary Union for the Clergy; the Pontifical Council Cor unum. These are the main donors of the financial support for the mission of the Church in Tanzania in general and of the Catholic diocese of Tanga in particular.

This work ended by recommending the way forward in the struggle to achieve self-sufficiency for the Church in Tanzania in general and of the Catholic diocese of Tanga in particular. These solutions include; the role of the Church in Tanzania and that of the Catholic diocese of Tanga in the fight against social and economic injustices and the calling for solidarity of the sister churches of Europe and America and other international organizations in the fight against social and economical injustices. This work also recommended the sensitization of the Christ’s faithful for their canonical obligation to support their Church (c. 1260 i.V.m. c. 222 CIC/1983) and empowering of the administrators of temporal goods on the financial matters with regard to the canonical and civil law precepts.

Further recommendations were accountability, transparency, inventory management system; sufficient remuneration for the administrators of temporal goods; the founding of clergy fund and the innovation and creation of diocesan investments. Lastly, this work suggested the diocesan financial policy for the Catholic diocese of Tanga and the canonical disciplinary measures to be imposed on those administrators who will mismanage the temporal goods of the Church.

The availability of foreign aid from donor churches and institutions should assist the dioceses in Tanzania and the Catholic diocese of Tanga to devise effective means to enable them stand on their own feet. Pius Male, the canonist and lecturer in the Catholic University of East Africa is of the opinion that unless the local Churches either collectively or
individually embark convincingly on such huge self-sustaining undertakings, donor churches should feel bound by the Gospel imperative to completely terminate all forms of financial assistance. The Church in Tanzania and that of the Catholic diocese of Tanga have to read the ‘signs of the time’ and be responsive to them as it has been established in this work that the foreign aid to finance their pastoral activities is declining and donor fatigue is on the rise. The catechesis on the obligation of the faithful to support their own churches (c. 1260 i.V.m. c. 222 CIC/1983) should be repeatedly and carefully given. When the faithful are mobilized they are capable of making significant contributions towards supporting their own Church and achieve the main objectives of the Church requiring temporal goods namely 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.648

647 Ssentumbwe: The Role and Temporal Goods, p. 312.
648 Cf. c. 1254 § 2.
This map is by the courtesy of www.mapofworld.com
APPENDIX II: THE MAP OF EVANGELIZATION OF TANZANIA

This map is by the courtesy of Tanzania Episcopal Conference Website.
APPENDIX III: THE MAP OF DIOCESES OF TANZANIA

METROPOLITANS AND DIOCESES OF TANZANIA

This map is by the courtesy of Google.at
APPENDIX IV:

THE TRUSTEES OF THE DIOCESE OF TANGA

CONSTITUTION

ARTICLE I:

SECTION 1: The registered Trustees of the Catholic Diocese of Tanga and Office Bearers of the Diocese of Tanga, namely the Bishop of the Diocese, the Financial Administrator and the Chancellor (NOTARY).

SECTION 2: The Bishop is the overall administrator of the Diocese. He appoints the other two Office Bearers namely the Financial Administrator and the Chancellor.

SECTION 3: The number of Trustees may not be less than three persons and no more than five persons.

SECTION 4: In the three Trustees shall be vested whatever belongs to the Diocese.

SECTION 5: The circumstances under which a person ceases to be a Trustee are on Resignation, Removal, Retirement or Death.

SECTION 6: (i) The Trustees may be appointed by a Special General meeting of the College of Consultants.

(ii) The Special General meeting is to be convoked in accordance with the norms of C. law Nrs. 164-179 every five years when the Trustees may be selected for not more than two terms.

(iii) The duration of the term for Office Bearer Trustees shall be five years.

(iv) The Bishop is the Chairman, and the Financial Administrator and Chancellor are the ex-officio members appointed by the Bishop in accordance with Article 1 Section. 2 above.

SECTION 7: The Common Seal will only be affixed to documents in the presence of any three of the Registered Trustees.
ARTICLE II: The Trustees shall have the right to acquire land and other property and to dispose of diocesan property in the name of the Diocese of Tanga.

ARTICLE III: The Headquarters of Tanga Diocese will be situated in the Bishop’s House, P.O. BOX. 1108, TANGA- TANZANIA. While The Diocese of Tanga, P.O. BOX. 84, TANGA- TANZANIA, will be a valid alternative address for the Registered Trustees of Diocese of Tanga.

ARTICLE IV: AIMS AND OBJECTIVES OF THE DIOCESE OF TANGA.

SECTION 1: To exercise religious and Pastoral activities for the Spiritual welfare of the Catholic population in the Diocese of Tanga.

SECTION 2: To assist in promoting the common good of all the people within the Diocese of Tanga for their Spiritual, social and material welfare.

ARTICLE V: OFFICE BEARERS

The Diocese of Tanga shall have the following Office Bearers:

1. The Bishop.

2. The Vicar General (who shall be appointed by the Bishop of the entire Diocese).

3. The Chancellor/Notary appointed by the Bishop, is to be the public person of faith in legal matters. He is appointed for not more than two five year successive terms (C. law 482-484).

4. The Financial Administrator, also pointed by the Bishop is responsible to him for administering and keeping the financial account of the Diocese. His appointment is for not more than two five-year successive terms (C. 492).

5. Vicar Forene.

He is appointed by the Bishop if he considers it prudent. His main job is to promote and coordinate pastoral activities in his vicariate Deanery (for his duties and rights see C. 555).

6. Parish Priest.
He is appointed by the Bishop to assist him in different religious and pastoral activities in Tanga Diocese. (C. 515).

ARTICLE VII: DIOCESAN COMMITTIES AND THEIR DUTIES

The Diocese of Tanga shall have the following committees

1. Diocesan Financial Committee.
   a) Composed of at least three of the faithful with outstanding integrity and who have expertise in financial affairs and civil law. They are to be appointed by the Bishop. The Diocesan Financial Committee is to be presided over by the Diocesan Bishop or his Delegate (C. 492, § 1).
   b) Term of Office: The members of the financial committee are appointed for five years but may be appointed for further terms of five years. (C. 492, § 20).
   c) Eligibility: Persons related to the Bishop up to the fourth Degree of consanguinity or affinity is excluded from the financial committee. (C. 492, § 3).
   d) Competence: Besides the functions entrusted to it in Book V of Church (Canon Law) - “Temporal Goods of the Church”, it is the responsibility of the Financial Committee to prepare an Income and Expenditure budget for the whole Diocese in accordance with the Directions of the Diocesan Bishop.
   e) It is the responsibility of the financial administrator, under the authority of the Bishop, to administer the goods of the diocese in accordance with the plan of the finance committee, and to make those payments from diocesan funds which the Bishop or his delegates have lawfully authorized.(C. 494, § 3).

2. College of Consultors
   a) They are appointed by the Bishop from among the Priests of the Diocese. There should be no fewer than six but not more than twelve.(C. 502).
   b) Term of Office: They are appointed for not more than two successive five-year terms.(C. 502).
   c) Competence: The College of Consultors is presided over by the Diocesan Bishop in accordance with the norms of Canon Law (C. 502).
(d) The Functions: The Consultors functions are determined by the Universal Church Law, among which are: in the event of vacant see, election of a Diocesan Administrator, in accordance with prescriptions of Canon Law, and appointment of the Registered Trustees as per Article 1 SECTION 6 above (C. 502, § 2).

ARTICLE VIII: FUNDS

The Diocese shall obtain its funds from the following sources.

(a) Self-reliance projects.

(b) Socio-economic projects.

(c) Charitable Donations from inside and outside the Country.

(d) Voluntary and church related collections from Catholics and from Parishes.

ARTICLE IX: AMMENDMENT OF CONSTITUTION

Any amendment of this constitution must be approved by the Bishop in full sitting with the Trustees of the Diocese of TANGA.

The full sitting of the Trustees is to be held at least once annually.

This………………………….. Day of…………… Year………………

I verify

This is a true copy of the Original

(Signed) and sealed

District Magistrate

Date…………………………………………………………
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242


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