

RELIGION, LAW AND COVID-19 EMERGENCY

Covid-19 between the Chinese patriotic church and the under-ground church in the diocese of Shanghai (China)

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1. In this frenetic succession of regulatory provisions in Italy, it seems that in a single stroke Covid 19 has deeply compressed religious freedom, reducing it almost to an abstraction, when the Catholic Church (as well as other religious confessions) and citizens- Catholic faithful have had to observe the provisions of the Italian State, with evident sacrifice of their fundamental rights of religious freedom and freedom of worship, for the benefit of the protection of the right to health and life, a priority in the acute phase of the pandemic.

However, looking at the provisions observed by the Chinese people in Shanghai, it is evident that the Italian Republic has, in fact, aligned itself with the contemporary limitations of freedom of worship, adopted in China: with the closure of the Churches and with the preclusion for the faithful to participate in masses.

It seems that a virus has managed to reduce the distance between countries which, despite having different forms of government, have at times found consonance in the - albeit temporary - compression of the right to religious freedom and freedom of worship.

For the first time in the history of humanity, the way in which each believer lived his faith was identical and unique: privately, in his own home, with his family only, using technological tools to share his worship at least virtually.

This study is aimed at analyzing five documents (published in the appendix), which occurred during the lockdown caused by the Covid 19 pandemic, relating to the Diocese of Shanghai.

Perhaps not everyone knows that the Bishop of Shanghai, Mons. Taddeo Ma Daqian, has been substantially under house arrest since 2012, for publicly declaring, immediately after his ordination, that he wants to leave the patriotic association. He lives near the Sheshan shrine and is not recognized by the Chinese Patriotic Church as

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RELIGION, LAW AND COVID-19 EMERGENCY

a bishop, but only as a priest¹. He can now move around with some limits, but is not permitted to exercise his episcopal functions publicly.

2. That said, it should be noted that the provisions restricting freedom of religion in Shanghai were not the result of official enactments by the Chinese government; there was no regulatory or legal provision that prohibited the celebration of masses.

We mentioned above how the provisions restricting of freedom of worship implemented by the Chinese government did not originate from any official law or decree of a legal nature. Starting from 24 to 26 January 2020 (which fell on Sunday) the request for the suspension of the celebration of masses until a date to be determined by the Diocese circulated on the social networks of Catholic groups, but without any state regulatory source being to base on.

In the face of a total absence of legislation on the restriction of freedom of worship requested by the Prevention and Control Commission of the Council of State or by the Local Councils and disclosed through press releases and social media, here are some documents posted to places of worship from the Diocese of Shanghai.

1) In the Shanghai St. Peter's International Parish, celebrations used to be held in both Chinese and English. As soon as the lockdown period began, two separate notices were posted on the same date on January 24, 2020, having the same object: all masses are suspended and the faithful are exempted from the obligation to attend mass.

However, the first notice in Chinese is different from the second one in English: it is addressed to all parishes, not to individual parish priests; although it bears the stamp of the Diocese, it does not have the Bishop's signature; much less is it a question of communication addressed by the Bishop to the parish priests, as it should have been². The other, in English, also bears the stamp of the Diocese of Shanghai, but is regularly signed by the chaplain for the English-speaking community and addressed to the faithful³.

The latter case is more in conformity with canon law and, in particular, with can. 519 of the Code of Canon Law, according to which the parish priest is the proper pastor of the parish entrusted to him; he exercises the pastoral care of the parish community under the authority of the diocesan Bishop, with whom he is called to participate in the mystery of Christ, to perform the functions of teaching, sanctifying and governing in accordance with the law.

In support of the validity of the parish priest's decree are a) can. 562 of the Code of Canon Law, according to which the rector of a church, under the authority of the local Ordinary is obliged to ensure that sacred functions are celebrated in the church

¹ Cfr. *www.asianews.it*.

² Document dated 24 January 2020 n. 1, in the appendix.

³ Document dated 24 January 2020 n. 2 in the appendix signed by the parish priest Br. Antony Ruiqi Chen.

RELIGION, LAW AND COVID-19 EMERGENCY

according to the liturgical norms and the provisions of the canons and the obligations are faithfully fulfilled; b) can. 838 § 4 of the Code of Canon Law, according to which it is up to the diocesan Bishop in the church to which he is entrusted to give norms on liturgical matters, to which all are bound.

The analyzed documentation, published for the first time as an appendix to this contribution, highlights the discrepancy between two different approaches: in the first the governmental imprint is evident: the figure of the priest and the government official almost coincide; in the second, a purely pastoral and ecclesial approach prevails. Furthermore, the stamps are different, not only in color but also in the logo (the Chinese one, in red, reproduces the design of the facade of the Parish is the stamp of the Diocese of Shanghai, the other, in blue, depicting the symbol of the crucifix with a written “Church of Saint Peter” in Chinese, and the words “Dioecesis Shanghai” and “Eccl. Sancti Petri” in Latin).

2) The divergence highlighted above seems to be attenuated in a notice of March 29, 2020 from the St. Peter's Church, in which the priest, in the first part, aseptically reports what was decided by the Diocese of Shanghai on the closure of churches during Holy Week. Then follows a nice speech with a spiritual content of encouragement that he addresses directly to his parishioners⁴, not failing to remember Pope Francis, alone in St. Peter's Square, during the *Urbi et Orbi* of 27 March 2020.

3) Another communication dated April 13, 2020 provides for the suspension of pilgrimages in the month of May to the Shrine of St. Mary Help of Christians in Sheshan⁵, the most important and visited shrine in China⁶, under the watchful eye of the police⁷.

The document bears only the stamp of the Diocese of Shanghai, perfectly identical to that contained in the document in Chinese language above. The strong governmental imprint in the restrictive provisions of Catholic worship appears evident, which does

⁴ Document dated 29 March 2020 n. 3 in the appendix.

⁵ Document of 13 April 2020, n. 4 in the appendix.

⁶ May 24 is the feast of Mary Help of Christians, invoked in China for the Help of Christians, in the National Shrine of Sheshan, in Shanghai, as recalled by Pope Francis: «On May 24, we will all spiritually join the Catholic faithful in China, on the of the Blessed Virgin Mary “Help of Christians”, venerated in the shrine of Sheshan in Shanghai. To Chinese Catholics I say: let us raise our gaze to Mary our Mother, to help us discern the will of God regarding the concrete path of the Church in China and to support us in generously accepting her plan of love. Mary encourages us to offer our personal contribution for the communion among believers and for the harmony of the whole society. Let us not forget to bear witness to the faith with prayer and love, keeping ourselves open to encounter and dialogue, always». See Pope Francis at *Regina Caeli* 21 May 2017. See *website www.vatican.va*. In fact, on May 24, 2017, the day of prayer for the Church in China, announced by Benedict XVI exactly ten years earlier, was celebrated in all the Dioceses of the world.

⁷ As reported on the website *www.famigliacristiana* of 24 May 2017.

RELIGION, LAW AND COVID-19 EMERGENCY

not seem to leave any space for ministers of worship, not even for communications addressed to the faithful.

This decree also does not conform to canons 562 and 838 § 4 highlighted above. In this case, the signature of the rector of the sanctuary or the Diocesan Bishop is missing (cann. 1230-1234 Code of Canon Law).

4) After the closure of churches and oratories for months, there was a timid recovery in July. This is documented by another notice dated 8 July 2020, also unpublished⁸. This is a communication from the Xujiahui Cathedral located in one of the largest commercial districts of central Shanghai, announcing the possibility of attending the Eucharistic celebrations starting from the following 10 July, provided that the total capacity of 30% is not exceeded, equal to about 360 seats. The notice requires showing the health code and temperature taking at the entrance, as well as respecting social distancing. It is specified that the celebrations will be held in Chinese only and that there will be no catechism.

After the lockdown throughout Shanghai there is a resumption of the celebration of mass only in the Cathedral and in St. Peter and few other churches, where only three or four celebrations are held a week, always subject to registration, following which a pass that allows you to attend the celebration of the chosen mass. The Church of St. Peter, which traditionally hosts the international community, despite the opening for worship after the lockdown, is not yet very popular. It is possible that some faithful do not feel very safe due to the checks resulting from the registrations required for access (the wind can change, and those belonging to the under-ground Catholic Church could be registered).

Many other churches remain closed. Nor are celebrations held in languages other than Chinese. All without publishing circulars or decrees. On the other hand, in some rural areas of China, far from the metropolises, churches, large cathedrals in the desert, may have remained open.

From the analysis of the documents in the appendix, one can still guess a rift, albeit on the mend, between the patriotic Church and the Church under-ground. Certainly, there is a wound within the Chinese Church that must be healed. But it is very likely that over time there will be a merger between the patriotic Catholic Church (in which the Bishops are appointed by the Chinese Communist Party) and the clandestine one, in which, according to the Code of Canon Law, the Bishops are appointed by the Pope, to reach the compromise of the appointment of Bishops directly by the Pope, but at the same time welcome to the Chinese Communist Party. The extension of the Agreement stipulated on 22 September 2018 between the Holy See and China that has just occurred may be of help. The future is characterized by the proclamation of the Gospel according to the parameters dictated by politics, by the ideology of Chinese

⁸ Document of 8 July 2020 n. 5 in the appendix.

RELIGION, LAW AND COVID-19 EMERGENCY

society. But the Church is called, adds Li Shan, to use Chinese culture to interpret doctrine and express faith, to the point of shaping a Catholic culture with Chinese characteristics. This is what Pope Benedict XVI hoped when he referred to an Asian or Chinese Christianity. And perhaps this is what Pope Francis, a Jesuit, hopes in his heart, who cannot fail to recall the presence in China, rich in not only cultural meanings, of another Jesuit: Matteo Ricci. The CCP also hopes for a more “Chinese” Church, perhaps a Church more obedient to the government apparatus.

A thousand bodies with one heart. This is how the Chinese sing the national anthem. Certainly, it cannot be denied that, despite the materialist ideal professed by the government, the Chinese people possess a high spirituality that has distinguished them in an even more remote era than in the West.

During the lockdown in Shanghai, all the Catholic faithful immediately adapted to the requirements of the Zone Council through WeChat: they feel part of a family, led by a “mother” state that cares about their well-being. Nobody dares to comment on or reject anti-Covid prescriptions restricting freedom of worship. In the face of the legitimacy disputes regarding the anti-Covid19 provisions adopted by the Italian government, in China there is an attitude of total trust towards the government, in the awareness that all initiatives are taken to protect the “children” of the state that lived as a big family. It is a concept of obedience comparable to that which exists within the Church.

The Chinese citizen does not obey the law or the judge directly, as happens in the Italian State, but obey the official who represents the administrative authority. That is, the central bodies give their directives to the lower level administrative bodies and so on, up to the network of authorities that relate directly to the citizen. In this way the normative acts follow and do not precede the application process. All this also happens thanks to the criterion of obedience, through which a virus was fought tenaciously⁹.

While the hypothesis of a new lockdown is now open for Italy with the Prime Minister's Decree of 25 October 2020 (although no restrictions on freedom of worship are prescribed), China appears to be out of danger. Right now one of the objectives to be pursued is to carry on the great anti-epidemic spirit and focus on coordinating the promotion of epidemic prevention and control and economic and social development (弘扬伟大 抗疫精神 着力 统筹推进 疫情防控 和 经济社会 发展)¹⁰.

Finally, thousands of faithful will be able to return to pay homage to the tomb of the great Jesuit Matteo Ricci, buried there.

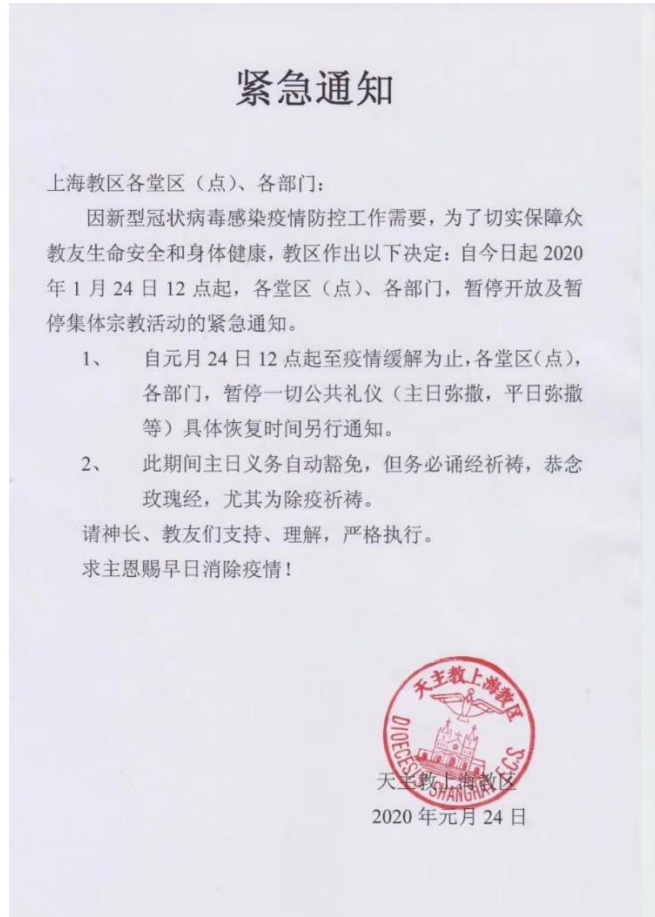
⁹ Cfr. the careful analysis of H. Pazzaglini, *L'obbedienza nell'ordinamento cinese nell'attuazione delle misure sanitarie anti covid-19*, in www.apertacontrada.it, 24.4.2020.

¹⁰ Cfr. www.xuexi.cn.

RELIGION, LAW AND COVID-19 EMERGENCY

Appendix

Document no. 1 dated 24 January 2020 Shanghai St. Peter's International Parish



RELIGION, LAW AND COVID-19 EMERGENCY

Document no. 2 dated 24 January 2020 Shanghai St. Peter's International Parish

English Masses Temporary Suspension Notice

January 24th, 2020

Dear parishioners,

Happy Chinese New Year!

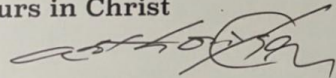
Due to the coronavirus situation in Shanghai, the Diocese of Shanghai suspends all Masses in churches starting today. St. Peter's church is closed to public. English Mass will be suspended temporarily until further notice. We will keep you posted of further Masses arrangement.

Sunday Mass obligation will be dispensed during this period.

Let us pray for healing and mercy from our Lord Jesus Christ!

I keep you all in my prayers.

Yours in Christ



Fr. Anthony Ruiqi Chen
Pastor of St. Peter's International parish



RELIGION, LAW AND COVID-19 EMERGENCY

Document no. 3 dated 29 March 2020 Shanghai St. Peter's International Parish



March 29, 2020

St. Peter's Church Will Remain Closed During Holy Week

Dear Sisters and Brothers in Christ,

Peace be with you!

Our diocese has announced that all the churches will remain closed during Holy Week. All priests must follow the diocesan pastoral directive in the COVID-19 pandemic. Therefore, there will be no public Masses in the church during Holy Week. All the faithful are encouraged to attend (watch) Mass spiritually by means of livestreamed Mass online if they can get it. But, above all, we should not give up our daily prayers in this holy season. Our faith will be strengthened by reading and meditating on the daily Mass readings; our hearts will be satisfied by spiritually receiving Holy Communion; and our family will be truly united by praying together.

The coronavirus crisis can become a grace for us if we use this time to live out our Christian life. Pope Francis encourages us to have faith in the Lord Jesus Christ in this time. Let us pray to our Lord Jesus and trust his mercy. The Lord Jesus is with us all the time and never abandons his Church. Let us pray daily in union with the Universal Church.

I also encourage you to read Pope Francis' whole homily before his *Urbi et Orbi* blessing on March 27, 2020. Our Holy Father shows us the genuine way to face this coronavirus pandemic. I would like to quote his words here as my message to you also. He says:

Embracing his cross means finding the courage to embrace all the hardships of the present time, abandoning for a moment our eagerness for power and possessions in order to make room for the creativity that only the Spirit is capable of inspiring. It means finding the courage to create spaces where everyone can recognize that they are called, and to allow new forms of hospitality, fraternity and solidarity. By his cross we have been saved in order to embrace hope and let it strengthen and sustain all measures and all possible avenues for helping us protect ourselves and others. Embracing the Lord in order to embrace hope; that is the strength of faith, which frees us from fear and gives us hope. (Urbi et Orbi blessing on March 27, 2020)

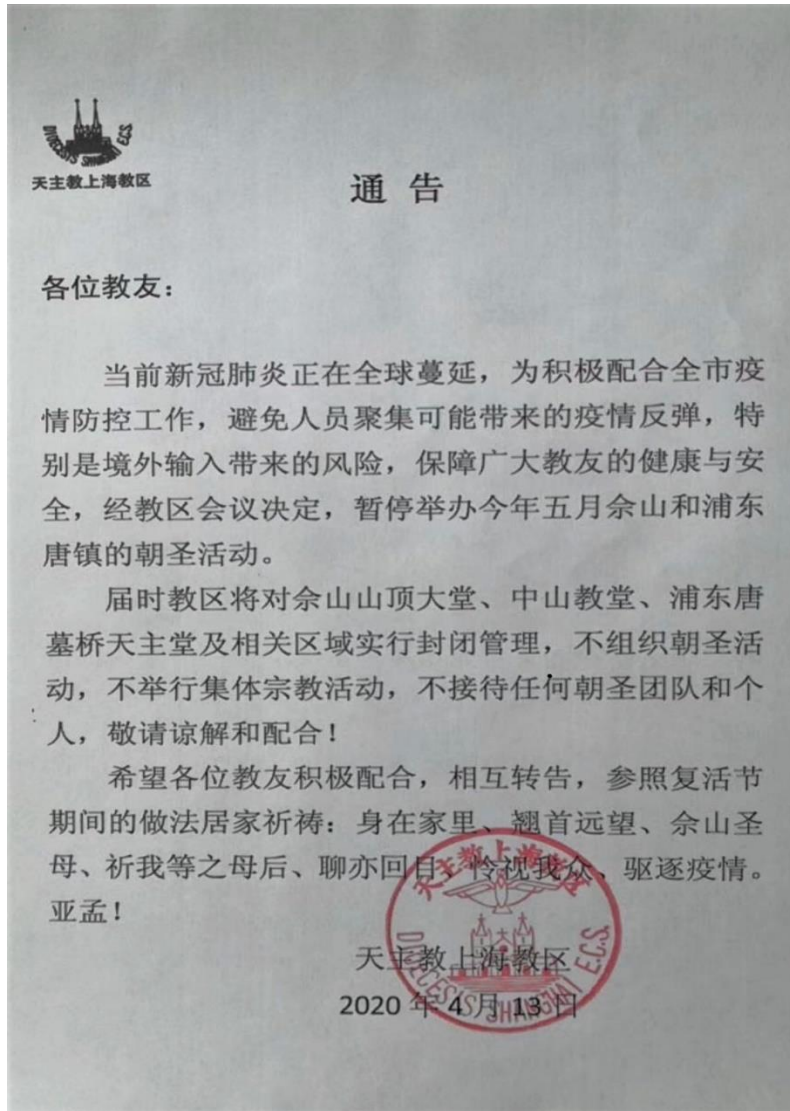
I assure you that I keep you all in my prayers and daily Mass. May the Crucified Lord heal our wounds and comfort our hearts and bring peace to the world. Amen! Alleluia!

Peace and joy in the Lord,

Fr. Anthony Chen
Pastor at St. Peter's International Parish

RELIGION, LAW AND COVID-19 EMERGENCY

Document no. 4 dated 1 April 2020 Shrine of St. Mary Help of Christians in Sheshan



RELIGION, LAW AND COVID-19 EMERGENCY

Document no. 5 dated 8 July 2020 Xujiahui Cathedral

