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# A juridical-canonical perspective of internal criticism in the Church: Act of service or treason?

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## ABSTRACT

In the last decade, we have witnessed a progressive increase in criticism of the Pope, the hierarchy, and the Roman Curia from within the Church itself. In this context of growing contestation and polarization, this paper addresses the legal-canonical admissibility of internal criticisms of the Church hierarchy. To this end, after first delimiting the concepts of criticism and hierarchy, the normative framework applicable to criticism is then described. This framework is essentially composed of canon 212 § 3 (which recognizes freedom of expression) and the canons 209 § 1, 212 § 1 and 223 § 1 (which establish the duties of communion and obedience). Then, the opportunities and dangers of internal criticism in the Church are analyzed. Finally, a series of criteria that may be useful for discerning the lawfulness of internal criticism in the Church is presented.

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## 1. Introduction

In the last decade, we have witnessed a progressive increase in criticism of the Pope, the hierarchy, and the Roman Curia from within the Catholic Church itself. To the well-known critical voices against the post-conciliar magisterium, which we could simply describe as heterodox, have been added those of supposedly ‘orthodox’ sectors, which criticize Francis’ decisions or style of government as excessively innovative and disrespectful of tradition. If to this equation is added the factor of the rise of Internet communication, with all its characteristics (multiplication of voices, superficiality, polarization, *click-bating*, bubble filters, echo chambers and so forth) the result cannot surprise us: an image of the Church as a battlefield in which the various positions are defended with acrimony and in a climate of confrontation, and where criticism of the hierarchy (particularly of the Pope) is common currency.<sup>1</sup>

The present study intends to reflect on this phenomenon and to offer a set of criteria that will make it possible to discern in which cases the issuing of a critical judgment against the hierarchy in the Church constitutes a legitimate exercise of the right and

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duty of freedom of expression, foreseen in canon 212 § 3 CIC, and in which other cases it is an abuse of the right that threatens communion and damages the ecclesial body. This paper is, therefore, a juridical research, which analyzes the internal criticisms of the hierarchy in light of the law in force in the Catholic Church. In any case, we consider that the juridical-canonical perspective adopted is illuminating for evaluating —*mutatis mutandis*—the internal criticisms of religious leaders in other Christian denominations and other religious groups.

The proposed analysis is considered particularly relevant in the synodal context in which Pope Francis has wanted to place the Church in recent years (cf. Francis 2015). This synodal pathway, which invites the active participation of all the faithful in the life of the Church, necessarily implies dialogue and the confrontation of ideas and perspectives, which will not infrequently result in the expression of not very positive, or even critical, evaluations concerning practices present in the ecclesial community.

The article is structured in four sections. First, the concepts of criticism and hierarchy are delimited, and a brief taxonomy of the possible internal criticisms in the Church is laid out. Next, the normative framework applicable to criticism is described, presenting those canons of the Code of Canon Law (CIC) that regulate freedom of expression in the Church. Third, the opportunities and dangers of internal criticism in the Church are analyzed. Finally, a series of criteria are presented that can be useful in discerning in which cases the exercise of criticism in the Church is licit.

## 2. Conceptual approach and types of internal criticism

As noted in the introduction, this study deals with the juridical-canonical analysis of the internal criticisms directed against the hierarchy of the Catholic Church.

The Cambridge Dictionary offers several definitions of criticism. The first one, very succinct, defines criticism as ‘the act of saying that something or someone is bad’; the third definition, more accurate, goes as follows: ‘an opinion given about something or someone, especially a negative opinion, or the activity of making such judgments’.<sup>2</sup> It is worth noting at the outset that the word ‘criticism’ does not necessarily have a negative connotation, because sometimes honest and constructive criticism can be a valuable tool for improvement. Internal criticism is criticism expressed by any member of the Catholic Church (clerical or lay), as well as any criticism coming from juridical persons recognized by canon law, such as an association of the faithful, a diocese, or a foundation.

The concept of ecclesiastical hierarchy that we use is broad, including all the pastors and hierarchical superiors of the Church, as well as the bodies that gather or advise them (colleges of bishops, synods, episcopal conferences, Roman and diocesan curia, etc.)<sup>3</sup> We will leave aside, therefore, other forms of purely horizontal internal criticism which, not being directed against the hierarchy or its actions, mainly affect the *communio fidelium*, but not the *communio hierarchica*.

The typology of criticisms of the hierarchy is certainly broad. Without wishing to be exhaustive, we can attempt a rudimentary taxonomy that will allow us to understand which behaviors we are going to deal with.

Criticism may be distinguished according to its source, that is, whether it comes from lay faithful or clerics (a priest, a bishop), from legal persons under private law (a confraternity), or from legal persons under public law (a bishops' conference).

It can also be distinguished according to its object. The object of critical judgment can be something accidental (a manner of speaking used by the Holy Father on an airplane flight); or it could be something important but debatable (what is the best way to govern a seminary or face a certain problem); or important but not debatable (the obligation of a bishop to respect the labor rights of the employees of the diocese); or something essential, on which the magisterium has pronounced itself definitively (the infallibility of the Pope or the exclusion of women from priestly orders).

Depending on the channel through which they are expressed, criticisms can be more or less public, ranging from a private letter to a bishop to a scientific or informative publication; from a comment in a private conversation to a message broadcast in a social media outlet with a wide audience.

Other classification criteria that could be considered are the level of formality surrounding the criticism (a talk over coffee, a homily, or a manifesto); tone (constructive and respectful or destructive and acidic); or reiteration (a criticism can be isolated, occasional, or systematic).

Naturally, not all criticisms are on the same plane or deserve the same judgment. There are fair and unfair criticisms; opportune and inopportune; necessary and superfluous. And, from a legal-canonical point of view, there are licit and illicit criticisms.

Let us now look at the legal-canonical coordinates in which the internal criticisms in the Church exist, which will allow us to make a well-founded judgment about their legality.

### **3. The normative framework: Freedom of expression and the duties of obedience and communion**

#### ***3.1. Freedom of expression in the Church***

The main norm of reference for our study is the Code of Canon Law (CIC), promulgated in 1983 by John Paul II.<sup>4</sup> Canon 212 § 3 recognizes the right/duty of the faithful to freedom of expression in the following terms: 'According to the knowledge, competence, and prestige which they possess, they [the Christian faithful] have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.'

This canon, an almost word-for-word reiteration of paragraph 37 of *Lumen Gentium*, is included in the Title of the Code dedicated to the obligations and rights of all the faithful. Significantly, freedom of expression is contained in the same canon that regulates the duty of obedience of the faithful (section 1) and the right to petition (section 2). These three issues, as the doctrine has pointed out, refer to the mutual interdependence that exists among the faithful, and to the dynamic relationships that exist among them (Kaslyn 2000, 263). By regulating in the same canon the duty of obedience

and freedom of expression, the Legislator seems to be emphasizing that the latter cannot be conceived as a *carte blanche* that protects any dissent or discord.<sup>5</sup>

The right to freedom of expression is attributed, in principle, to all the faithful, whether lay or clerical. This affirmation, however, is qualified by the canon itself, which conditions the exercise of the right to the knowledge, competence, and prestige (*scientia, competentia et praestantia*) of the person expressing an opinion. Although these presuppositions seem reasonable (it makes little sense to express an opinion, and even less to offer criticism, on a subject about which one is ignorant), some authors have raised concerns. They argue that an extensive interpretation of these conditions would exclude a large group of the faithful from the right to freedom of expression and would violate the principle of equality of all in the Church (Díaz Moreno 2006, 168).

According to canon 212 § 3, the Christian faithful have the right, and sometimes even the duty, of expressing their opinions, in the first place, to their pastors. Moreover, the canon specifies that they can also make their opinions known to the rest of the Christian faithful. This entails that the CIC positively values the existence of an authentic public opinion within the Church, comprising all the different currents of opinion within the ecclesial community.

Free opinion in the Church has a double foundation (Le Tourneau 2014, 65–66). On the one hand, the human right to freedom of expression, unanimously recognized in international treaties on human rights and in democratic constitutions.<sup>6</sup> On the other hand, free opinion in the Church finds its proximate foundation in the right of the faithful (clergy and laity) to participate actively in the life of the Church (Hervada 2001, 136; del Pozzo 2018, 149) (Cf. Canons 208, 225 § 1 and 228).

Freedom of expression in the Church, in any case, does not constitute an unlimited right. This is recognized in canon 212 § 3, which states that the exercise of this freedom must always respect ‘the integrity of faith and morals, reverence for the Pastors’, and take into account ‘the common good’ and the ‘dignity of persons’.

There are, then, four express limits that circumscribe the legitimate exercise of free opinion, and which therefore delimit the terrain of licit criticism within the ecclesial community. In the first place, there is respect for the integrity of faith and morals. Indeed, as Hervada (2004, 173) has pointed out, ‘there is no free opinion concerning matters of faith authentically taught by the magisterium, according to their varying degrees of binding authority’. A second limit is the duty of reverence for pastors, who represent Christ in their respective spheres of competence. In this sense, irreverent, disrespectful, acid, or contemptuous opinions do not fall within the scope of protection of canon 212 § 3. Reverence for pastors does not amount to agreeing with their actions always and in everything, nor does it require an uncritical acceptance of all their decisions (Torfs 1990, 680; Lawler 2010, 256). Consequently, reverence does not exclude dissent or criticism, as long as the same are expressed respectfully and politely (Lamet 2019, 815). The third limit foreseen by the Legislator is common utility. Free expression in the Church finds its primary meaning in the edification of the community, and not in the satisfaction of a primarily individual or, much less, individualistic interest (Schoupe 1995, 115). This limit must be taken into account by those who seek to express dissenting opinions, since these can easily generate disorientation or division within the community. Finally, the Code states that free expression shall be exercised

with due respect for the dignity of persons, which excludes *a priori* the protection of expressions that infringe on the rights of third parties such as honor, equality, privacy, etc.

The express inclusion of these limits in canon 212 § 3 admits both a positive and a negative reading. The positive interpretation is based on the pedagogical function of making explicit the basic coordinates for the legitimate exercise of the right to freedom of expression. The negative reading, on the other hand, stresses that its inclusion in the canon is legally superfluous and tinges the recognition of the right/duty with an excessively defensive tone. It is juridically superfluous because such limits are already contained in canons 209 § 1 and 223 § 1, which respectively open and close the title of the obligations and rights of all the faithful (Provost 1985, 147). Thus, it tinges the canon with a shadow of distrust by raising to eight the number of presuppositions and limits to the exercise of the right, which ultimately conveys the impression that the Legislator only reluctantly recognizes freedom of expression (Demel 2002, 2). Perhaps this set of precautions is understandable in the light of the excesses that occurred in the Church during the post-conciliar period, often protected by a misunderstood freedom of expression (Cf. Guerrero Montero 2015, 548; and González Gaitano 2016, 180–181). In any case, it would be desirable that in future revisions of the Code this right and duty be recognized with a wording that reflects a more positive and optimistic vision of the freedom of expression of the faithful.

Still in relation to canon 212 § 3, it must be emphasized that freedom of expression within the Church is conceived by the Code in a double dimension: as a right and as a duty. In fact, when the good of the Church requires it, the expression of one's opinion constitutes a true duty, to be exercised with caution and prudence, but also with fortitude, with *parresia* (Russett 2004, 202).<sup>7</sup>

### **3.2. Duties of communion and obedience in the Church**

Having described the outlines of freedom of expression in the Church, as detailed in canon 212 § 3, it is appropriate to turn our attention to other precepts of the CIC that contribute to a fuller understanding of the scope of this right and duty in the canonical juridical order. In the light of these canons (209 § 1, on the duty of communion; 212 § 1, on the duty of obedience; and 223 § 1, on the manner of exercising rights in the Church), we can better delimit the legitimate scope of opinion in the Church and thus discern the lawfulness of criticisms of the hierarchy.

Canon 209 § 1 constitutes a sort of entrance or key for reading the rest of the duties and rights of the faithful (Ghirlanda 1985, 24). Its literal wording, admittedly meager, states: 'the Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church'. This duty of communion sets a guideline for the rest of the duties and rights of the faithful, which ultimately aim at preserving and strengthening the communion of the faithful with the Church and with God (Cenalmor 2004a, 50 *et seq.*). Consequently, neither duties nor rights can be demanded in an individualistic, vindictive, or conflictive way, as a weapon against the hierarchy or other faithful. These affirmations are particularly pertinent for the purposes of our study, since internal criticisms constitute an exercise of the duty/right of freedom of

expression that can easily imply (or be interpreted as) an attack against hierarchical communion. For this reason, in harmony with canon 209 § 1, negative comments on the hierarchy should be expressed with the greatest caution, always safeguarding the bonds of communion (Díaz Moreno 1988, 63–64).

Freedom of expression is also conditioned by the duty of obedience contained in paragraph 1 of canon 212.<sup>8</sup> According to it, ‘conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church’.<sup>9</sup> The duty of obedience that binds the faithful is a manifestation of the *communio hierarchica*, and it can be demanded by the pastors themselves when what they command falls within the legitimate sphere of exercise of the functions of teaching and ruling that are their responsibility (Cenalmor 2004b, 68).

This duty of obedience raises two questions of interest for our study. On the one hand, its extent and intensity, insofar as such a duty may exclude certain forms of criticism. On the other hand, the possible compatibility between obedience and criticism.

As for the scope of the duty of obedience, it extends to both governmental and magisterial decisions, understood as those through which the deposit of faith is scrutinized, announced, and expounded (Guerrero Montero 2015, 533). Concerning the latter, canons 750–753 specify the different degrees of submission or obedience due to the different declarations emanating from the magisterium, depending on their solemnity and their more or less definitive character. These degrees or levels range from obedience of faith (can. 750 § 1), through definitive assent (can. 750 § 2), to religious obedience (canons 752–753). For its part, canon 754 refers to disciplinary obedience, requiring the faithful to observe ‘the constitutions and decrees which the legitimate authority of the Church issues in order to propose doctrine and to proscribe erroneous opinions.’<sup>10</sup>

Some conclusions can be drawn from the foregoing. In the first place, obedience extends exclusively to dispositions in matters of faith, sacraments, and government of the Church, and not to other matters of a purely temporal nature (Schoupe 1995, 92; Provost 1985, 145). Consequently, the actions of pastors beyond their sphere of competence will *a priori* be perfectly open to criticism. Secondly, obedience to the magisterium admits gradation in virtue of its greater or lesser solemnity, so that the teachings or declarations of pastors of an informal or isolated character may also be subject to a certain criticism (Guerrero Montero 2015, 514). Finally, and as far as government decisions are concerned, canons 212 § 2 and 754 establish a general duty of obedience that, while inviting acceptance of their content, does not exclude outright and in all cases the issuance of critical judgments, as will immediately be discussed.

Having described, in broad strokes, the scope of the duty of obedience, it is appropriate to question whether obedience and criticism are compatible attitudes, particularly with regard to the decisions of government.<sup>11</sup> An excessively rigorous vision could understand that they are not, that the obedience required by c. 212 § 1 consists of a silent and uncritical submission, which excludes any criticism of the mandate or of the authority from which it comes. On the contrary, in our opinion, obedience and criticism can be reconcilable. Indeed, we consider that in some circumstances it will be perfectly legitimate for a Christian, while obeying the decision of a superior, to express



privately or publicly his disagreement with it. If the manner of expressing the disagreement is respectful, we find no reason to maintain that one has disobeyed or committed an attack against authority or communion (in this sense, Provost 1985, 145; and Martínez de Lahidalga 1965a, 150). Let us think, for example, of a priest unjustly accused of abuse, who is suspended from his duties without even being heard. If such a cleric, abiding by the decision of his ordinary, publicly or privately regrets not having been able to plead anything in his defense, he is in a certain sense both obeying and criticizing the decision.

A final canon that contributes to delimiting the perimeter of the right/duty of freedom of expression is canon 223 § 1, whose literal wording states: ‘in exercising their rights, the Christian faithful, both as individuals and gathered together in associations, must take into account the common good of the Church, the rights of others, and their own duties toward others.’ If, as we said, canon 209 opens the Title of the obligations and rights of the faithful by proclaiming the duty of communion, this canon 223 closes the Title by making a substantially equivalent call. This is because the invitation to ‘take into account the common good of the Church’ and ‘the rights of others’ is, in the final analysis, nothing more than a new call to the spirit of communion that should guide the exercise of rights in the Church (Cenalmor 2004c, 148; Ghirlanda 1985, 35–36). In this way, and as we have already noted, the different opinions in the Church (particularly the less positive or critical ones) must always be expressed with the aim of contributing to the building up of the people of God.

#### **4. Opportunities and dangers of criticism in the Church**

Having presented the normative framework applicable to the opinions of the faithful, let us now consider the opportunities and dangers posed by internal criticism of the authority in the Church. This analysis will allow us to avoid two simplistic interpretations: that of condemning any criticism of the hierarchy as disloyalty and a lack of unity; and that of celebrating it in any case as a manifestation of pluralism and freedom that is to be welcomed.

Before presenting the threats and opportunities, a prior clarification is needed: the juridical (and moral) evaluation of a behavior does not depend fundamentally on its consequences. Indeed, there will be licit criticisms with negative effects (such as the scandal for some of the faithful); and illicit criticisms with positive effects (such as a criticism filled with irony or insults that alerts us to a situation of real abuse and initiates a process of reform and purification). Naturally, before issuing a criticism it will be necessary to carefully consider its effects; such prudential assessment is an essential element of the lawfulness of the criticism. However, the actual effects of the criticism, as we have pointed out, are not decisive for its canonical admissibility.

##### **4.1. Opportunities**

###### **4.1.1. Criticism encourages greater sense of responsibility in the exercise of power**

The existence of a healthy criticism of the decisions of the authority has as a direct consequence a greater sense of responsibility on the part of those who exercise power



(Wuerl 2004, 18).<sup>12</sup> Indeed, the awareness of being subject to (human) scrutiny and the real possibility of being publicly criticized makes it easier for those who hold a government position to act with a greater sense of responsibility. This evidence lies behind numerous norms and institutions in the civil sphere, such as parliamentary control sessions of the government, the prohibition of prior censorship, or certain obligations in terms of transparency. Those who know they are subject to criticism often try to be particularly diligent and scrupulous in the exercise of their responsibilities, while those who know they are oblivious or immune to any critical judgment easily slide down the slippery slope of bungling, irresponsibility, or corruption (Demel 2002, 8).

Although governance in the Church has a supernatural and mystical dimension, it would be naive to think that pastors are immune to such basic human motivations. Therefore, we believe that the existence of critical voices about behaviors, teachings, or decisions of pastors can be a valuable incentive for the correct exercise of power.

#### ***4.1.2. Criticism helps to purify the Church***

Secondly, the manifestation of critical judgments can contribute to the perennial reformation of which the Church itself, considered as a human and earthly institution, is always in need (Paul VI 1964, n. 6).

The Church in this world is only imperfectly holy, and its face is marked by blemishes and wrinkles, the inevitable consequence of the defects of its members. Without falling into Montanist utopias, both a sense of responsibility and a healthy eagerness for reform and renewal impel the faithful to warn against these imperfections, a warning that will sometimes take the form of a negative judgment. As Lawler (2010, 256) notes, ‘loving the Church means denouncing the corruption. Denouncing the corruption, in turn, means protecting the inner strength of our Church, clinging jealously to our one, last, infallible hope. [...]. Under these circumstances lay Catholics who criticize their bishops are not showing their disrespect for the bishop’s office. Quite the contrary. Those who revere the authority of a Catholic bishop should protect that authority –if necessary, even from the man who occupies the office.’

In fact, these criticisms, the outcome of a courageous and sincere examination of conscience, can be the first step in curbing abuses, correcting excesses, and improving dynamics in the exercise of ecclesial government (Le Tourneau 2014, 76). This is evidenced by the history of so many prophets and saints (from Nathan to Jeremiah, from St. Bridget to St. Catherine of Siena, from St. Bernard to St. Peter Damian) who, with their criticisms and denunciations, contributed to correcting abuses by the religious authorities of their time.

When criticism is intended to warn of abuses or excesses, it will usually take the form of a denunciation or a complaint, which may be filed privately or through the media. The institution of denunciation is common currency in all legal systems, since (with the due guarantees) it helps public authorities to identify and prosecute irregular situations that infringe on public or private interests (Domenech Pascual 2013, 173).

The corrective effect of the complaint can be achieved in two ways. On the one hand, by the amendment of the person responsible for the abuse or excess, who, upon learning of the complaint, may decide to correct himself, either out of conviction or to avoid further consequences. On the other hand, by the action of a controlling authority

(executive or judicial) which, upon learning of the complaint, decides to intervene and put an end to the harmful action.

Two examples illustrate this corrective effect. The first goes back to apostolic times, when St. Paul reproaches St. Peter for his change of conduct concerning the Gentiles, in order to make himself look good to the circumcised Christians (see Gal. 2:11–13). The second, more recent and painful, is the one concerning the cover-up of crimes of pederasty in the Church. It seems beyond doubt that if this concealment or passivity on the part of the hierarchy had been brought to the public's attention sooner, many outrages could have been corrected more quickly or avoided (Shaw 2008, 37).

In addition to correcting irregular situations, healthy criticism also allows for the improvement of certain governance dynamics that, without being illicit, are often markedly improvable. Thus, when it reveals a matter that could be done better, criticism is a valuable tool in the service of improvement (Provost 1985, 146).

#### **4.1.3. Criticism contributes to the formation of public opinion in the Church**

In a famous speech in 1950, Pius XII recognized for the first time the intrinsically positive value of public opinion in the Church, pointing out that its total absence would be tantamount to a sickness or vice imputable to both pastors and the faithful.<sup>13</sup> The subsequent magisterium has pronounced in a similar sense, although with different accents depending on the ecclesial context of each moment.<sup>14</sup> Following in this wake, Pope Francis has recently invited all the faithful to overcome clericalism and to recover the synodal aspect of the Church, in which everyone speaks and listens because they have something to contribute and to learn. In the words of Francis, 'a synodal Church is a Church which listens, which realizes that listening *is more than simply hearing*. It is a mutual listening in which everyone has something to learn. The faithful people, the college of bishops, the Bishop of Rome: all listening to each other, and all listening to the Holy Spirit, the *Spirit of truth* (Jn 14:17), in order to know what he *says to the Churches* (Rev 2:7)' (Francis 2015).

This is not the place for a detailed analysis of the existence, value, and limits of public opinion within the Church, a question that is undoubtedly complex and beyond the scope of the present study. It suffices, therefore, to point out that a responsible criticism of the hierarchy, within the juridical limits previously described, contributes to the configuration of a healthy public opinion among the people of God, which neither ignores nor hides the diversity of opinions and experiences.<sup>15</sup> This ecclesial public opinion, of which dissenting voices are an indispensable part, is ideal for purifying the faith, purifying the dynamics of governance that are less in accord with the Gospel, and finding the best forms of action in those matters that are substantially open to opinion.<sup>16</sup>

#### **4.1.4. Criticism is a manifestation of a healthy pluralism**

Closely related to public opinion, another positive consequence of criticism in the Church is the existence of a healthy pluralism.

The vast majority of actions taken by members of the hierarchy (such as making a certain person a cardinal, selecting the site of a new church, or spending the money of the diocese on a certain project), belong to the realm of the prudential and the

debatable. Therefore, it will be absolutely natural that such actions are not unanimously approved by the rest of the faithful. Contrary to what many of its detractors proclaim, the Church is not a kind of single-party system in which the members renounce thinking and blindly agree with the proclamations and slogans of the hierarchy, but a living community in which many ways of thinking and understanding the faith coexist peacefully. Pluralism in the Church (whether in matters of opinion or in ways of explaining the deposit of faith) is not a pathology, but a desirable consequence of the freedom of the children of God (Díaz Moreno 1988, 67).<sup>17</sup>

With regard to internal dialogue and pluralism in the Church, the invitation contained in *Gaudium et Spes* n. 92 is illuminating: ‘let there be unity in what is necessary; freedom in what is unsettled, and charity in any case.’ And, it should be remembered, many of the actions of pastors belong to the realm of the doubtful, of the essentially debatable, so that to demand a strict unity in these fields would be contrary to the conciliar magisterium. It should not be forgotten, in any case, that within ‘what is necessary’, is the existence of a hierarchy that governs the Church and makes decisions regarding ‘what is doubtful’, so that permanent discrepancy based on the doubtful or debatable character of the decisions of government would also be contrary to the conciliar spirit.

The pluralism to which *Gaudium et Spes* invites us will manifest itself in many ways, among which criticism, understood as negative commentary, should not be excluded. No one should be surprised or scandalized, to give just three examples, if a member of the faithful dislikes the supposed climate of triumphalism that pervades a World Youth Day or the architecture of St. Peter’s Square; if a German member of the faithful criticizes the drift of the synodal journey undertaken in his country; or if a priest from Buenos Aires is angry that Pope Francis has not yet visited Argentina, and manifests this in various ways. Far from constituting execrable attacks against unity and communion, these criticisms are perfectly legitimate and natural, and it is positive that they can be externalized in a climate of communion (Lamet 2019, 809).

#### **4.1.5. Criticism is a form of participation of the faithful**

One of the rediscoveries of the ecclesiology of the Second Vatican Council is the active role that all the faithful, particularly the laity, are called to play in the life of the Church (see *Lumen Gentium* nos. 10, 11, 33 and 37). The fundamental equality of the faithful implies a *conditio activa* shared by all, which is manifested in a series of duties and rights of participation. In fact, the Church should not be conceived as a rigid society in which a protagonist minority (the hierarchy, the clergy) acts and decides everything, while a passive majority (the laity) limits itself to obeying, ‘as an anonymous and gregarious mass without initiative, without interest and without responsibility’ (Legorreta Zepeda 2013, 25).<sup>18</sup> On the contrary, as canons 204 § 1 and 208 affirm, the Church is a people in which each and every one is called to make his or her own particular contribution.<sup>19</sup>

The free expression of one’s own opinion in the Church (whether it coincides or diverges with the actions of the pastors) should be understood as a form of personal participation that, *a priori*, should be encouraged (Provost 1985, 145). The various collegial panels that advise the Holy Father, the bishops, or parish priests exist precisely

for this reason. They are not intended to be mere fan clubs or cheer squads, but rather environments of dialogue where all opinions – including criticism – can be expressed in a climate of freedom.<sup>20</sup> Naturally, this does not mean that all opinions should be given the same status, nor does it mean that all opinions should be placed on the same level, since there will be positive and negative, timely and inopportune, licit and illicit opinions. What we intend to emphasize is that, the fact that the faithful form and express an opinion on questions that affect the good of the Church expresses a certain commitment and a desire to participate that is essentially positive, and should therefore be perceived, rather than as a danger, an opportunity (Lara 1966, 124).<sup>21</sup>

## **4.2. Dangers**

### **4.2.1. Criticism can threaten ecclesial communion**

Criticism of the hierarchy, as we have already pointed out, can constitute an attack on ecclesial communion and an act of disobedience, implying a breach of the duties contained in canons 209 § 1 and 212 § 1.

These duties entail an attitude of reverence for the pastors of the Church that is difficult to reconcile with criticism of their actions, so that criticism will usually constitute a proximate occasion of an attack on communion. Deep faith and humility are required in order to voice criticism while maintaining the respect due to communion and obedience. On the other hand, it is clear that not every critical judgment implies an attack on communion, as is evident in the lives of so many prophets and saints.<sup>22</sup>

### **4.2.2. Criticism can generate scandal among the faithful**

A second danger stemming from these behaviors is the scandal they can cause among the rest of the faithful, particularly among the unlearned and those of simple faith (Schouppe 2013, 717). It is undeniable that for many Christians disagreements with the hierarchy can be a cause of disorientation, weakening of faith, and even sin. That this danger should not be underestimated is evidenced by the words of Jesus concerning the scandal of the little ones (Mt 18:6). Furthermore, St. Paul himself, a true apostle of freedom of spirit, warns that certain perfectly licit behaviors (such as eating meat sacrificed to idols) should be avoided when they are an occasion of stumbling or scandal to the brethren (1 Cor 8:9–13).

Consequently, before criticizing the hierarchy, the effects that such criticism might have on other members of the faithful should be carefully considered, taking into account the evangelical and Pauline doctrine on scandal. But this consideration should not lead one to exclude criticism always and in every case, since not even the most legitimate and necessary criticism will be exempt from arousing scandal in some of the faithful. Moreover, it is important not to lose sight of the fact that, although there may indeed be people who are disconcerted by diversity and pluralism, the practice of hiding every disagreement can be a greater cause of scandal than the disagreement itself (Guerrero Montero 2015, 529; Shaw 2008, 13).

#### **4.2.3. Criticism can discourage pastors**

Governing a portion of the people of God is a service, one that is motivated, ideally, by the single-minded desire to serve God, the Church, and one's brothers and sisters. This premise entails the presumption that all the decisions of the pastor (be it the Holy Father or a bishop) are rooted in his sense of fidelity to his mission. At the same time, due to the limits of human finitude, as well as the fact that most of the decisions of the hierarchy lie outside the realm of infallibility, no one should be surprised that pastors sometimes err, adopting suboptimal, ill-advised, or simply erroneous decisions.

Systematic criticism of such suboptimal decisions carries with it the danger of discouraging the pastors of the Church in their demanding mission. If the episcopal office were an honor to be coveted for obtaining prestige, money, and power, perhaps we could conclude that the assumption of criticism is nothing more than the price to be paid for obtaining these advantages, a nuisance which (if we may use the colloquialism) 'goes with the job'. However, when those who occupy an office do so with a fully evangelical sensibility, as servants sincerely striving to live up to their responsibility before God and mankind, the fact of being criticized by their brothers and sisters can produce discouragement and disappointment.

In this sense, when issuing a critical judgment, it is necessary to weigh well its potential effect on the pastor, a brother who has dedicated his life to the service of the Gospel and who is exercising his ministry in the best way he knows how. This elementary caution will be particularly necessary when the criticism falls on minor or debatable issues, which necessarily admit a wide ambit of prudential discretion on the part of the authority.

#### **4.2.4. Criticism can impose pressure that hinders effective government**

As we pointed out above, criticism implies a certain check on the exercise of power. This control can be positive and encourage greater responsibility in those who govern. However, when criticism is particularly insistent or virulent, it can produce excessive pressure on pastors, even restricting their freedom in the government of the portion of God's people entrusted to them (Congar 1981, 148). As the Pastoral Instruction *Aetatis Novae* reminds us, 'it will be well to bear in mind, however, in cases of dissent, that it is not by seeking to exert the pressure of public opinion that one contributes to the clarification of doctrinal issues and renders service to the truth' (n. 10).<sup>23</sup>

This danger of conditioning the freedom of the pastors is particularly intense when criticism of the hierarchy is organized into pressure groups or opinion campaigns that seek to impose a certain agenda.<sup>24</sup> Although the organization of groups and the collective exercise of rights is a natural reality and in itself positive, the presence of such organizations in the Church demands particular caution, to prevent them from becoming forms of veiled coercion.

#### **4.2.5. Criticism can erode the prestige of the hierarchy and of the Church itself**

Behind the aphorism that 'dirty laundry should be washed at home' lies the general conviction that airing one's problems or disagreements in public damages reputations in a way that normally should be avoided. This consideration is perfectly transferable to the Church: publicly voiced internal criticism can undermine its prestige and hinder

the fulfillment of its mission. This is a real danger that must be taken into consideration.

We live in a society where corporate reputation is a rising value, as evidenced by the very high sums that public and private entities invest in public relations. In this context, it is reasonable that the Church should also strive to maintain a good image, which will allow it to communicate better and reach more easily the head and heart of contemporary man.<sup>25</sup> Unity and internal harmony undoubtedly contribute to building this good image. In fact, although he did not speak precisely of corporate communication, at the Last Supper Jesus himself referred to the unity of the Church as a sign so that the world might believe (Jn 17:21). There is no doubt that internal criticism can be a powerful instrument for fragmenting this unity, with the consequent institutional discredit and loss of evangelizing attractiveness. For all these reasons, it must be used carefully.

Having pointed out the above, it is important to make a few clarifications. In the first place, it is important not to lose sight of the fact that the main purpose of the Church is not to be liked but to serve the Gospel. In this sense, it is never justifiable to put personal or institutional prestige before the truth, so as to silence reasonable criticisms that call attention to improvable practices or to unjust conduct that must be corrected.<sup>26</sup> The Church's reputation is not damaged by those who denounce abuse, but, in the first instance, by those who commit it and, in the second, by those who try to cover it up.<sup>27</sup> Nor should unity be confused with standardization and uniformity. From this point of view, the fact that certain internal criticisms are admitted in the Church, far from implying a lack of unity that erodes its prestige, is rather evidence of respect for freedom that is undeniably attractive.

## **5. Some criteria for discerning the canonical legality of criticism**

As noted at the beginning of this article, the diversity of possible internal criticisms in the Church is enormous, so offering a closed and conclusive set of theoretical criteria to assess its legal-canonical admissibility is almost impossible.

With this difficulty in view, a set of guidelines for evaluating the legality of internal criticism in the Church is proposed. It is an open, preliminary list of criteria that intends to illuminate, not replace, the assessment of each particular criticism.<sup>28</sup> To illustrate the proposed criteria, examples of criticism are given in quotation marks. They are plainly synthetic and markedly informal. Their didactic purpose justifies the tone used, which is more typical of a chat over coffee, a radio talk show, or a comment on a social network, than of an elaborated critique written for academic publication.

### **5.1. The object**

With regard to the object of the criticism, in the first place, it is necessary to consider as illicit those criticisms that fall directly on the person of the pastor. Freedom of expression in the Church is limited by the duties of communion and obedience (cf. Canons 209 § 1, 212 § 1 and 212 § 3), which must preside over and guide the actions of the faithful. Therefore, certain criticisms against certain decisions or teachings may

be licit, but those that consist of *ad hominem* attacks on the hierarchy will always be contrary to law, as they contravene the aforementioned duties.

Second, criticism of matters pertaining to the deposit of faith and morals that have already been definitively settled by the magisterium, are also illicit. It is a question of those truths of faith and morals to which obedience of faith is due, in conformity with canon 750.

Apart from these assumptions, any criticism may be admissible (or even required) depending on the circumstances. The greatest room for criticism will be found in the strictly personal actions of pastors, particularly those that are not related to the spiritual purpose of the Church.<sup>29</sup> For example, criticizing the way the Holy Father dresses ('too pompous'; 'too informal'); the car in which a cardinal moves around the city ('does he think he's a duke or something?'; 'he could at least wash it more often'); or the approach of a bishop in relation to temporal issues ('he shouldn't publicly defend Brexit'; 'he could spare his nods to the Catalan independence movement'). Similarly, decisions of lesser importance, as well as informal teachings, will also admit a greater degree of criticism ('why doesn't he retire the judicial vicar?'; 'he should not have expressed himself in those terms in that interview').

At the opposite extreme, there is less room for criticism in relation to the ordinary magisterium of pastors, to which obedience of the understanding and will is required (cc. 753–754).<sup>30</sup> In any case, it is possible to imagine cases in which such criticism can be reasonable. Let us think, for example, of discrepancies regarding the accents of the magisterium ('Why do they insist so much on sexual morality?'; 'Enough talk of ecology!'; 'Would it not be better to expound the doctrine in a more conciliatory way?'); or criticism of the magisterium of a bishop who, without breaking communion, is a bit heterodox ('Has this good gentleman not read the latest encyclical of the Pope?').<sup>31</sup>

With regard to criticism directed against conduct or decisions of greater importance (such as the appointment of a bishop or the approval of provisions in matters of worship, to give two examples), it will be appropriate to exercise extreme caution, recalling the presuppositions of 'knowledge, experience and prestige' expressly mentioned in canon 212 § 3. This is because, even if it is a matter open to free opinion ('what is unsettled,' in the expression of *Gaudium et Spes*, n. 92), it is legitimately up to pastors to make these decisions, in regard to which the faithful have a general duty of obedience under canon 212 § 1.

## 5.2. The cause

Behind a particular critique may lie the conviction that something should not be done ('the bishop should stop receiving this young lady in his office'); that it should be done better ('we have to submit the accounts of the bishopric to a periodic external audit'); or that it could be done better ('the construction of the cathedral could have been entrusted to another company').

This graduation of motives from which criticism may originate allows us to offer another criterion about its admissibility. When the one who criticizes does so because he considers certain behavior or teaching unacceptable, or because he thinks that something should be done better, the critical judgment is based on a very relevant



cause, at least from the subjective point of view of the one who issues it. In these cases, it will be common for the criticizer to be convinced that he or she is fulfilling a duty, so that it can be presumed that his or her negative comment is legitimate. On the other hand, if the reason for the criticism is that something ‘could be done better’, the criticism will often be unnecessary, especially when it concerns matters of little importance or those that have already been noted in the past. Indeed, in the discretionary realm, it is inevitable that pastors will make decisions that not everyone likes. Criticizing them for being less than optimal may make little sense since there are no perfect solutions and whoever governs must choose one among many possible solutions to each issue.

### **5.3. The mode**

A third element that sheds light on the lawfulness of a criticism is its mode and tone. Negative comments can be expressed in any number of ways. Criticisms formulated in a humble, conciliatory, respectful, moderate, nuanced, or constructive way deserve *a priori* a favorable judgment. On the contrary, those expressed in a haughty, bitter, defiant, dismissive, ironic, exaggerated, or divisive manner are certainly illicit (Martínez de Lahidalga 1965b, 248). While the former is criticism coming from love, the latter causes a rupture or erosion of communion understood as ‘cordial adherence’ to the Church and its pastors.<sup>32</sup>

By way of illustration, it can be agreed that an open letter, which requests the Holy Father to clarify some points of a magisterial document that is considered unclear, in which filial respect for the Pontiff is clearly expressed, does not deserve the same evaluation as an open letter with a similar request in which the Pope is labeled a heretic and his resignation or removal is demanded. Similarly, suggesting that the bursar of a diocese is not very transparent in his transactions is not legally equivalent to labelling him a ‘scoundrel and a thief.’

### **5.4. The channel**

The channel used to express the criticism may also have an impact on its legal assessment.

As a general idea, it should be noted that in principle it is preferable to express one’s negative opinion privately or in an intra-ecclesial setting; and only in the event that such a channel proves to be unsuccessful in resolving the problem or in establishing a dialogue, would it be prudent to resort to a wider means of diffusion, such as a media outlet or a social network.<sup>33</sup> We are aware, of course, that adherence to this guideline will not always be easy. While a decision of the bishop could reasonably be discussed by a priest in a private audience or at a meeting of the presbyteral council, perhaps a member of the faithful who is dissatisfied with a decision of the Roman Pontiff does not have such an easy internal avenue to make his voice heard, so maybe it is not illicit for him to express his opinion directly in a public forum.<sup>34</sup> Moreover, the community of the faithful has the right to know the opinion of others in matters that concern the good of the Church, that are not a secret or a reserved matter but rather a matter of general interest. Whatever the case may be, channeling criticism through internal

channels rather than airing it in the media is usually a prudent measure that should be respected. Furthermore, if the object of the criticism is a morally reprehensible attitude, it should sometimes be made personally and privately, in the evangelical exercise of fraternal correction (Mt 18:15–20). Naturally, if the conduct that is criticized generates public scandal or seriously violates general interests, it is possible that the criticism, denunciation, or correction should be done publicly. There are few solid grounds, as can be seen, to support *a priori* the judgment of the suitability of the means of diffusion chosen for the criticism.

Also concerning the channel of diffusion, some authors maintain that certain controversial or critical positions may be admissible in a specialized forum or tribune, such as a theological journal or a scientific congress, while being illicit in a more general medium, such as a Catholic weekly for the general public or a Sunday homily, since in the latter case the risk of scandal or embarrassment of other faithful may be greater (Cenalmor 2004b, 75).

Finally, gossip, understood as prejudiced criticism made behind the back of the person concerned, is always illicit. As the CIC points out (cc. 212 § 3 and 223 § 1), opinions in the Church must be expressed for the common good, a good that by definition cannot be achieved through a lack of charity such as backbiting. In this regard, the insistence with which Pope Francis fights backbiting in the Church is very eloquent, pointing out that ‘it is more lethal than weapons,’ and describing it as ‘a diabolical cancer’ and ‘the most destructive exercise.’<sup>35</sup>

### **5.5. The reiteration**

A final, purely juridical criterion for judging the legality of criticism is that of its frequency or repetition. While it is true that the just man sins seven times a day (Prov. 24:16), and the members of the hierarchy are no exception, it is also true that a continuous and systematic criticism is hardly compatible with the good of the Church and with the common good.<sup>36</sup> In this sense, when the negative comments of a member of the faithful are too frequent, it is presumable that they are illicit, because they are due to less noble motives than filial concern for the good of the Church: personal enmity, an persistent wound, the desire for notoriety, the will to exert pressure on a pastor, etc. Even if the cause of the criticism is just, once it has been formulated before the competent ecclesial body and transferred to public opinion if necessary, often the most responsible attitude will be that of silence and prayer, placing the defense of the supposedly threatened or violated ecclesial good in the hands of Providence.

### **5.6. Other criteria**

Before proceeding to the conclusions, we would like to present two further criteria that can shed light on the legitimacy of criticism in the Church. These are criteria or recommendations of a substantially moral nature, addressed particularly to the Christian faithful who have doubts about the appropriateness of criticizing the hierarchy. Since they are extra-legal criteria, rather than determining the canonical legality of the criticism, they will fundamentally affect its moral legitimacy.

In the first place, it is opportune that, before expressing a critical judgment of the hierarchy, the faithful seek the advice of a person of faith and good judgment, such as a pastor or spiritual director. This prior consultation can be useful to verify that the object, cause, and form of criticism are reasonable, and that the chosen channel to express it is pertinent. In fact, the intervention of a third party with good religious formation can contribute to overcoming a certain precipitation or subjectivism in the negative perception of the ecclesial reality (Chamberlain 1966, 65). Moreover, the fact of seeking this advice and giving it priority before expressing any criticism manifests considerable humility and a rectitude of intention that suggest that the exercise of freedom of expression is legitimate.

Secondly, in case of doubt about the appropriateness of criticism, it is preferable to avoid it. According to classical doctrine, virtue is situated at the midpoint between two extremes of excess and deficiency. However, as Aristotle (2009) observes (*Nicomachean Ethics*, Book II; VIII), the midpoint does not represent a point equidistant between too much and too little, but is in any particular case closer to one than to the other. Moderation is closer to frustration than to unrestraint; generosity, closer to wastefulness than to avarice; courage, closer to risk than to cowardice. In the same way, in the matter at hand the middle ground—fair and pertinent criticism—is closer to mute servility than to exacerbated and uncontrolled criticism.<sup>37</sup> Therefore, in case of doubt as to the most appropriate conduct in each case, it seems advisable to opt for the omission of criticism. Another alternative in case of doubt, of course, would be to make the negative comment while expressing one's own doubts about it, sincerely and humbly, admitting the possibility of not being right.

## 6. Conclusions

Freedom of expression in the Church has been solemnly recognized in *Lumen Gentium* n. 37, and codified in canon 212 § 3 CIC. This right/duty has as its corollary the existence of a public opinion in the Church, recognized as a necessary good by the magisterium of recent popes. The recent invitation of Pope Francis to recover synodality can also be understood as a call to active participation in the life of the Church by all the faithful, participation that in many cases will consist precisely in giving one's own opinion on what concerns the good of the Church.

Logically, among the diverse voices that make up intra-ecclesial public opinion, there will be all kinds of voices, including critical or dissonant ones. To insist otherwise would require a control of expression that is hardly compatible with the freedom of the children of God proclaimed by the Church, and would imply a pathologically monolithic conception of ecclesial communion. For this reason, it is necessary to conclude that the fact that within the Church itself critical voices are being heard (including those critical of the hierarchy) is good news. The right/duty to freedom of expression in the Church is neither a vase nor an incense burner: its purpose is not exclusively ornamental, nor is it satisfied exclusively by issuing praise to those who govern. As we have pointed out, criticism in the Church is fraught with positive opportunities, and its absence deprives those who govern of a contrast and control that are enormously convenient, if not absolutely necessary.

Having said this, it must also be stressed that not everything in the Church can be criticized. In any society, a generalized climate of criticism and contestation of authority undermines the foundations of coexistence and, except in cases of flagrant injustice in the exercise of power, is contrary to the common good. This affirmation is particularly true with regard to the Church, whose fundamental law is love (*Lumen Gentium* n. 9) and where communion is a right and a duty to be safeguarded. Thus, when commenting negatively on the decisions or directives of those who govern the Church, it is necessary to exercise extreme caution so as not to compromise the good of communion for the sake of some lesser interest, whether general or particular.

In the preceding pages we have tried to offer some prudential criteria that can guide this weighing of goods and interests, in order to elucidate when criticism in the Church is licit and when it is not. Even at the risk of being extremely reductionist, we can conclude by pointing out that criticism will be admissible when, without falling on questions definitively settled by the authority of the Church or on the person of the pastor, it is constructively and respectfully expressed, in a spirit of communion, through the most suitable channels for preserving the good of the Church.

The considerations contained in the present paper refer specifically to internal criticisms against the Catholic hierarchy. In any case, we believe that they are valuable and can be transferred to many other religious communities with analogous elements to those existing in Catholicism: truths of faith, moral precepts, rites, and a form of hierarchical relationship among its members.

## Notes

1. For an interesting description of the fragmentation and polarization in the Church, as well as a proposal for overcoming them, Radcliffe (2006) remains topical. The bibliography on the effects of the Internet and social networks on public opinion is enormous. We limit ourselves to citing two works that highlight their divisive potential, which is relevant for the purposes of our study: Arias Maldonado (2016) and Lanier (2018).
2. Cf. <https://dictionary.cambridge.org/dictionary/english/criticism> (last visited: 29 March 2022).
3. For reasons of space, we will not deal specifically with the admissibility of internal criticism of superiors in institutes of consecrated life. While most of the affirmations contained in this study are perfectly applicable in this context, others would require certain nuances, derived from the particular obligations that arise from the vow of obedience.
4. To this norm should be added the Code of Canons of the Eastern Churches, promulgated in 1990. Bearing in mind that this second code applies to barely 2% of Catholics, and that its provisions on the matter at hand are identical to those of the Latin Code, we will henceforth refer exclusively to the latter normative text.
5. As for the relationship between the right of petition and freedom of expression, it should be noted that while the former refers primarily to matters of particular interest to the faithful, freedom of expression has as its object matters of public interest, 'pertaining to the good of the Church'.
6. By way of example, see Articles 19 of the Universal Declaration of Human Rights; 19 of the International Covenant on Civil and Political Rights; 13 of the American Convention on Human Rights; and 10 of the European Convention on Human Rights. The different canonistic schools of thought emphasize more or less the relationship between the

right/duty recognized in can. 212 § 3 and the human right to freedom of expression. While the more 'juridical' position underlines the natural continuity between these two rights, the 'theological' approach emphasizes their essential differences. Archetypal expositions of both sensibilities can be found respectively in: Errázuriz (2000, 203 *et seq.*) and Corecco (1997).

7. Pope Francis has frequently resorted to the term 'parresia' as a synonym for courage, bravery and freedom to speak (cf. Francis 2018, nos. 129 *et seq.*).
8. Some authors find it difficult to reconcile freedom of expression with obedience (Velasco 2000, 600 *et seq.*; Maza 2006, pos. 68 [digital book]). This conclusion is perfectly logical if one starts from a fundamentally horizontal or democratic vision of the Church. The problem is that such a democratizing ecclesiology is absolutely foreign to the ecclesiological foundations of the Second Vatican Council and its reflection in the 1983 Code, which call for a harmonious conciliation of hierarchy and equality, obedience and freedom. For a succinct approach to the binomial obedience and freedom more in line with the conciliar ecclesiological doctrine, see Areitio (2013, 630 *et seq.*).
9. The literal tenor of this canon has been drawn up on the basis of *Lumen Gentium*, n.37b.
10. A clear and detailed exposition on the different degrees of obedience required in the Church can be found in Demel (2002, 6–7).
11. The following analysis refers fundamentally to decisions of government, since in matters of faith assent seems to exclude criticism. Thus, for example, it would not make much sense to believe and criticize the dogma of the Immaculate Conception, or that of the infallibility of the Roman Pontiff when he declares truths of faith *ex cathedra*. The discrepancy or dissent in matters of faith poses a specific problem, which exceeds the purpose of this work. In this regard, the Instruction *Donum Veritatis. On the Ecclesial Vocation of the Theologian* (Congregation for the Doctrine of the Faith 1990), is of interest, particularly its nos. 32–41.
12. It should not be surprising that this benefit of criticism in the Church has been underlined by those who tend to see the hierarchy fundamentally as a power structure (cf. Maza 2006, 284). In our opinion, while rightly warning about the risks of power exercised without restraints, this dialectical vision of relationships in the Church does not fit well with the requirement contained in canon 223.
13. On that occasion, addressing Catholic journalists, Pope Pacelli affirmed that public opinion is the patrimony of every normal society, and that its absence, also in the Church, must be qualified as a vice or sickness. The Church, as a society and a living body, does not escape this law, and 'it would lack something of its life, if public opinion were lacking; a lack whose censure would fall on the pastors and on the faithful.' (Pius XII 1950, n. 22).
14. Thus, while Paul VI was openly in favor of such intra-ecclesial public opinion, particularly in the first years of his pontificate, John Paul II was more reluctant to make general proclamations, given the doctrinal and liturgical disorders that occurred in the post-conciliar period, often justified by an alleged right to dissent, a by-product of a misunderstood freedom of expression. The most significant documents in this regard are the Pastoral Instructions *Communio et Progressio* of 1971 and *Aetatis Novae* of 1993. A valuable summary of this magisterium can be found in Hannon (2012) or in Martín Rodríguez (2000).
15. This was recently pointed out by the International Theological Commission, paraphrasing various documents of the magisterium of Francis: 'The criterion according to which *unity prevails over conflict* is of particular value in conducting a dialogue, managing different opinions and experiences and learning *a style of constructing history, a vital field where conflicts, tensions and opposites can reach a pluriform unity which generates new life*, making it possible to *build communion amid disagreement*. Actually, dialogue offers the opportunity to acquire new perspectives and points of view in order to shed light on the solution of the matter in question' (International Theological Commission 2018, n.111).

16. In relation to public opinion in the Church, the distinction of three planes proposed by González Gaitano (2016, 184 *et seq.*) is thought-provoking: the plane of faith, the plane of government and the plane of the debatable or contingent. On each of these planes, public opinion (and criticism of the hierarchy, one might add) has a specific meaning and limits.
17. In relation to the alleged right to dissent, Ghirlanda (1985, 31) emphasizes that ‘the Church cannot be considered a pluralistic society’ in relation to the truths of faith.
18. In a similar sense, Pérez del Viso (1964, 764) points out: ‘the Church can be happily defined as a large family. [...] To feel as a family in the Church is the fundamental requirement to be able to express an opinion with simplicity and spontaneity, with confidence and respect. Then the fear of being displaced from a certain position because one’s opinions have displeased the hierarchy disappears.’
19. The authoritarianism of the hierarchy carries with it a double risk: that of ‘reducing the community to inertia and infantilism or, on the contrary, exciting it to rebellion and systematic and bitter dissent’ (Guerrero Montero 2015, 519).
20. Vanzetto (1988, 67) gives a brief review of the institutionalized channels of internal opinion.
21. Russett (2004, 202) points out that, in the face of what the faithful perceive as a defect or mistake in the Church, there are three possible attitudes: abandonment, or leaving the institution (exit); a misunderstood loyalty, which takes the form of an uncritical acceptance of any decision of the hierarchy; or a responsible loyalty (voice), which is often expressed precisely through a denunciation or criticism. It goes without saying which of these three attitudes reflects a greater commitment and love for the Church.
22. We fully endorse the following affirmations of Díaz Moreno (2006, 168–169): ‘the healthy and respectful manifestation of opinion in the Church should be a matter of course, without exaggerated fears that it might affect the unity of the Church and its hierarchical structure. [...] If any expression of opinion in the Church which may be critical is interpreted as an injury to the integrity of the faith or as irreverence towards the sacred pastors, the right recognized and protected here will be, in practice, nothing but a mere declaration of good intentions, without real effectiveness in the life of the Church.’
23. Schouppe (2013, 718) points out that this polemical attitude aimed at pressuring ecclesial authority through social media is contrary to the obedience due to pastors and ecclesial communion.
24. In relation to lobbies in the Church, del Pozzo (2018, 152) has pointed out that they constitute an adulteration of public opinion and of the synodal aspect of the Church.
25. Valuable reflections on this can be found in Maier (2016).
26. In this sense, Castillo (2002, 34) points out that what is harmful to the Church is not that certain things are known, but that certain things are done.
27. Experience has shown that the concealment of abuse, once discovered, results in a greater discredit than that which was supposed to be concealed. This is how O’Loan (2010, 268) explains it in relation to sexual abuse of minors: ‘to save the public face of the Church, decisions have been made to protect wrongdoers in a way that has had consequences which may have been unintended, but which have been dreadful. As the world has seen the cover-up of wrongdoing by the Church itself, the reputation and integrity of the Church has been terribly damaged.’
28. Del Pozzo (2018, 151) points out that the content of the right-duty of expression in the Church cannot be determined in an abstract way, but always requires an attentive, prudential assessment *ad casum*.
29. Cenalmor (2004b, 69) recalls that ‘within the temporal sphere, the actions of the Hierarchy ought to be limited to fulfilling its magisterial mission of proposing principles and of forming the conscience of the faithful, so that they can be the ones who, freely and responsibly—as the Council has taught—make those decisions that each specific case

- may require, thereby acknowledging the just liberty that belongs to everyone in earthly society.’
30. This gradation of the admissibility of criticism corresponds to the hierarchical gradation of the truths of the faith and the different levels of obligatory nature of a doctrine. Cf. Demel (2002, 8).
  31. The same opinion is expressed by Ghirlanda (1985, 30): ‘one can admit a right to disagree on undefined doctrinal questions, but always with respect for authority, with prudence, and avoiding scandal and disorientation among the faithful. Respectful and prudent disagreement is often the presupposition for a more responsible search for the truth, so that it can be useful for the magisterium itself.’
  32. On communion as cordial adherence to what the Church is and means, see Díaz Moreno (1988, 60 *et seq.*).
  33. This seems to follow the tenor of canon 212 § 3, as Torfs 1995, 61 and Provost 1985, 146 point out. With regard to the objections of theologians to magisterial affirmations, the Instruction *Donum Veritatis. On the Ecclesial Vocation of the Theologian* (n. 30) sustains this same criterion.
  34. Schouppe (1995, 101) points out that councils at all levels – diocesan, parish, etc. – are an ideal setting for making one’s opinion heard in the Church, and therefore strongly recommends their creation and maintenance. Going a step further, O’Loan (2010, 271) proposes the creation of a mechanism for receiving complaints at the diocesan level, which could be a valuable instrument for effectively channeling the complaints and criticisms of the faithful.
  35. These expressions, listed among many similar ones, correspond respectively to the Homily of the morning Mass in the chapel of Santa Marta of September 13, 2013; to the Catechesis of September 25, 2019; and to the Angelus of March 3, 2019. The verbatim transcripts of these interventions can be consulted from the following link: <https://www.vatican.va/content/francesco/it.html>.
  36. As Díaz Moreno (1988, 63–64) points out, ‘to see in the Church only its shadows, its deficiencies, and its sins’ reveals a lack of love for the Church that threatens communion, since it means not accepting ‘the Church as it is, but as we believe it should be.’
  37. In his aforementioned 1950 address to the Catholic press, Pius XII thus identified the vices—by defect and by excess—of public opinion in the Church. Cf. Pius XII (1950, n. 23).

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No potential conflict of interest was reported by the author.

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