

# R E P O R T S     A N D     I N F O R M A T I O N

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WINIFRED MONEME

## PARTICIPATORY VIDEO-CONFERENCE MEETING ON THE RECEPTION OF CANON LAW IN AFRICA – SUMMARY

<b>Meeting attended by:</b>	<b>ACTING ADMINISTRATORS:</b> Urszula Paprocka-Piotrowska, Robert Lezohupski, Leszek Adamowicz <b>CLASSIFIED:</b> Dennis Beshara, Albert de Jong, Reginald Cruz, Bosienei Pauline Jepkemei, Radoslaw Malinowski, Peter Nyariki <b>FACULTY:</b> Canon Law Faculty of Lublin, Canon Law Institute of Eastern African and its Affiliate Institute Tangaza College <b>STUDENTS:</b> Moneme Winifred, Richard Mwebe, Lennoxie Lusabe, Edwin Mogwe, Tagba K. Wilfried, Valence Kisaka, Iguem Efembele Beatrice, Redempta Kulundu, Osei Asante Stephen, Munene Elijah Mwiti, Justine Naluggya, Ndungu William, Daniel Endrias, Richard Kemei, Dominic Kagwe, Calisto Nyagilo, Israel Madziakaphwa
<b>Absent from meeting:</b>	<b>NONE</b>
<b>Date:</b>	February 19, 2014
<b>Time:</b>	12:30pm-2:35pm
<b>Facilitator:</b>	<b>Fr. Robert Lezohupski-Skillman</b>
<b>Agenda Topic #1:</b> Opening Introductions:	– Fr. Robert Lezohupski - TUC
<b>Opening Prayer:</b>	– Fr. Albert de Jong- Dean SOT TUC

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Sr. WINIFRED MONEME – J.C.L. Candidate CUEA, Nairobi, Kenya; address for correspondence adamoneme@yahoo.com

<b>Invitation to Participate and Greetings:</b>	– From Prof. Dr habil. U. Pa-procka-Piotrowska vice-rector KUL for ds. International cooperation
<b>Presentation of both Sides:</b>	– respectively Fr. Robert Lezohupski TUC, Prof. Leszek Adamowicz KUL
<b>Purpose of the Conference:</b>	– Fr. Robert Lezohupski
<b>Opening Remarks:</b>	– Fr. Calisto Nyagilo, personal secretary of Archbishop of Nairobi Cardinal John Njue
<b>Introduction and Moderation:</b>	– title plus content (in a form of open discussion coordinated by Fr. Robert Lezohupski and conducted by Fr. Israel Madziakaphwa with sharing of anyone willing on both sides after each section)
<b>Notes:</b> After introduction of members, each constituent group were identified by Fr. Robert Lezohupski, the process used to identify the representatives was through face to face visual learning method.	
<b>Action Items:</b> All constituent groups were told about the history of the project. It is a special event of the day. First meeting of University of Poland, Tangaza College and Institute of Canon Law of Catholic University of Eastern Africa-Kenya. The event is an international convention through e-learning process, bringing together the experience of Kenya and Poland. Fr. Robert Lezohupski puts the action items as starting with canon law today and will continue with other disciplines as time goes-by.	
<b>Purpose of the Conference:</b> Fr Robert Lezohupski introduces the topic which is the purpose of the conference. He says it will help to discover the spirit of Law. To discover different sensibilities of different nations. It serves as a human dignity and love. He gave example of at least ten different nations with different mentality present. It means different ideas. He welcomed everybody to share after each section of Fr. Israel Madziakaphwa's presentation.	

<p><b>Opening remarks:</b> Fr. Calisto Nyagilo convinced the assembly about the reality and pertinent of the Topic of the discussion. He recalls the colonial experience in Africa, referring to the horrific confrontations which befall Africa following the western forceful and painful subsequent control over its continent for several centuries. The mood of suspicion still dominates the minds of many in Africa and could have still be the contributing factor for its lack of enthusiastic reception by both the clergy and the faithful.</p>	
<p><b>Second remark:</b> Fr. Albert de Jong gave a perspective of Kenya. He has worked in Kenya for so many years. He recalls his experience over the period he has been here in Africa. Some serious question especially those which had to do with Sacraments especially Marriage (Polygamy) were raised because canon law was almost been perceived as an obstacle to the project of Evangelization. Vatican Council Fathers proposed the possibilities of adopting some of the cultural elements which could enhance the whole project of evangelization beginning from this particular section. They hence thought that different adaptation could be made for different provisions in the code so that the canon law could find its proper place in the numerous cultures where the code applies.</p>	
<p><b>Agenda Topic #2:</b> Canon Law (NOT) an Instrument of Neo-Colonization: its Reception and the Contribution of John Paul II in Africa</p>	
<p><b>Notes:</b> <b>1. Understanding Canon Law in general</b> <b>1.1 Canon Law: Universal ordinance of the Church</b> <b>1.2 Provision of particular laws in the Church</b></p>	

<p>Fr. Israel Madziakaphwa points out that different country have an opportunity following the second Vatican Councils, resolution to give an opportunity to have the guiding Norms particular to each particular culture while retaining the universal code of canon law. The Episcopal conferences were given mandate to work on such Norms provided they remain faithful to the code itself. Today different region in Africa have their own particular norms, for example South Africa, Nigeria etc. Fr. Israel Madziakaphwa's paper gives a general understanding of canon law which becomes a foundation in elaborating that in whatever region of the world, and especially in Africa, canon law is not a means of neo-colonisation. It is a way through which the unity of the Church is expressed while at the same time giving favourable conditions for the customs of the people to be systematically mingled with the general law.</p>	
<p><b>Acknowledgement:</b> Fr. Robert Lezohupski acknowledged the presentation of first section of Fr. Israel Madziakaphwa and gave room for Questions and comments from both bodies.</p>	
<p><b>Action Items:</b> Many different ideas were raised from both parts. Question from Lublin- How does Fr. Israel would describe Neo-Colonialism? Response was that different ways in which the Africans are still constrained by different forms of exploitation, imperialism, domination etc.</p>	
<p>Bro. Dr. Reginald raised a Question as to what exactly the theme sets to address. Is it an imposition of the code? Or the cultural imperialism, is the church being imposed to other cultures which in this case would be the Africa culture?</p>	
<p>Fr. Albert de Jong concur with the professor (from Lublin) that it would be important to recognize the challenges facing Africa on the area of canon law in particular and so speak more about the uniformity but "unity in diversity". In other words they are both speaking of Africanisation of canon law.</p>	
<p>This means the action items of the first section of the presentation propose unity in diversity as portrayed by Pope John II. Africa is canonization of canon law. Problems of marriage even in Poland. What is the concept on neo-colonization of canon law brought the concept which comes after colonization in Africa. Colonized by British, Portuguese etc. when Europeans left, there is still some suffering experienced in Africa. This simply calls for unity in diversity. Neo-colonization came as a result of colonialism in Africa. Here, we talk of cultural imperialism that something coming from outside without dialogue.</p>	

<b>Agenda Topic #3: African understanding of law in general</b>	
<b>Notes:</b> <b>2.1 Perspective of Canon Law in the African Church</b> <b>2.2 Revision of the 1983 Code: The Africans' participation</b> <b>2.3 Customary law and canonisation of "civil law"</b>	
<p>Fr. Israel Madziakaphwa gave lectures on the second section. How do African understand and perceive of the law? Africans had laws in solving their own issues, therefore, not new. It is foreign (canon law) in African. Africans are receptive to ideology. Laws came to Africa in foreign languages – for example Latin. Around 1960's dioceses were called mission territories and were headed by missionaries. Those who participated in the revision of the code appear that they do not have the purpose of Africa. Bishops in Africa and Madagascar that there should be an African code of canon law in 1978. Can. 22 relates to canonization of civil law. How do we to reconcile church law with the problem of marriage? Reception of this law is by welcoming it and accepting it. He indicated a willingness to educate people on the importance and values of such laws. To do some catechesis before solving such a problem. Polygamous is the main problem especially in formalizing marriage in the church. Because of colonization, Africans felt that canon law was an instrument that was used to succumb Africans.</p>	
<b>Action Items:</b> Some questions are raised following the SECAM proposal whether we can have an African Canon law which should emanate from the African theology.	
Question from Lublin Agnieszka Romanko says to what extent do Africa involve canon law to particular law especially to marriage?	
Fr. Martin Owor responding to question of marriage and other sacraments to the situation in Kenya and other places of Africa. He indicated harmony and conflict which he says the Africa welcomes and rejected at the same time. Some say it is a rule of conduct which cannot be solve at the same time. Very important to educate our people and spread the information for concrete experience.	
Fr. Calisto Nyagilo in defense mentioned the issue of polygamy. He gave example of the situation when the missionaries came and the families in that situation were asked to canonically wed the first wife and treat the rest like sisters. He imposed no conjugal love when it is in that nature.	

<p>Fr. Dominic Kagwe says Africans have sense of law. For him when religion came, it was in a very wrong way. Colonizers fought Africans in order to colonize them. He quoted John Paul II in Ecclesia in Africa – that church in Africa have to share in order to have African out view. He proposed that church in Africa have to argue for themselves. „<i>SPEAK TO THE AFRICANS IN AN AFRICAN LANGUAGE.</i>”</p>	
<p><b>Agenda Topic #4: Received or Rejected? Reaction to Canon Law</b></p>	
<p><b>Notes:</b>  <b>3.1 Canon law (NOT) an Instrument of neo-colonisation</b>  <b>3.2 African particular laws: a contribution to the canonical tradition</b>  <b>3.3 Contribution of John Paul II to the reception of canon law in Africa</b></p>	
<p>Fr. Israel Madziakaphwa gave light to the third chapter. The paper shows how the African Church has received canon law, how Episcopal conferences have tried to make the law more applicable to the people by legislating particular laws. There will also be an exploration to find out why, though foreign to most of the customs of Africans, the law has been well received by the Christians in the African society. The background to such reception of canon law will be noted from the contribution that John Paul II has made through the doctrinal teaching of inculturation he says.</p>	
<p>The meaning to this idea is that after having received the law, the Africans have to show that they live the law. The root of non-reception is that the law is not received and accepted. Africans may have received the law, but have they accepted and lived it? Africans had their own laws/rules which were binding. To Africans, laws must be respected. Pope Paul VI was the first pope who came to Africa. “The church should always be catholic....” practically not every law has been followed by Africans. The lacuna between universal and particular laws has been filled by other laws (particular) legislated – for example in Nigeria.</p>	
<p><b>Action Items:</b>  Prof. Leszek Adamowicz was on the opinion of respect to Christian message in full, that is, of the local custom. To receive universal law and establish particular law. He observed three principles:  a) respect to Sanctio legis  b) thinking with the church and  c) solidarity  He again talks on the issue of Eastern churches having been a lecturer of the eastern code for so many years.</p>	

<p>So many other opinions were raised from Sr. Winifred Mone-me, Fr. Daniel Endrias, Mr. Peter Nyariki, Radosław Malinowski urging the respect to rules and culture, thinking with the church and solidarity.</p>	
<p>Contributions from the students asking the religion Christian seems to have come a wrong time since the colonization during the time of colonialism. The word of suspicion which developed out of the inhuman approach which the western powers took affected the reception of the law (canon law) seriously. Missionaries were never distinguished from the colonialists. Unfortunately the canon law and indeed the whole enterprise of mission did not take much from the African customs. This remains the case today.</p>	
<p>Finally the question could be whether the understanding of the concept of “freedom” in African context differs in essence from the western one.</p>	
<p><b>Agenda Topic #5: Conclusion</b></p>	
<p><b>Notes:</b> Fr. Israel Madziakaphwa in his conclusion says the paper has established that canon law is a universal ordinance for the whole Church. It was determined in his paper that canon law is not an instrument of neo-colonisation to the African Christian, rather it is an opening for them to participate better in the unity of the Church. The paper also affirms positively that canon law has been received in the African Church because it is part of the Church system. He says that John Paul II has contributed to this by encouraging the doctrine of inculturation and in that way implicitly allowing canon law, which is another element in the Church, to be accepted and be “inculturated” in the lives of the people. He supported the idea of John Paul II for who encouraged the Africans to own the Church (and her laws) and to participate positively in the spread and growth of the Church.</p>	
<p><b>Action Items:</b> The action is to think of canon law by asking questions. Canon law is not an instrument of neo-colonisation rather an opening of African church to participate in unity of the church. Africans have received the law but living the law is where the problems lay. John Paul II makes a big contribution in the reception of the code of canon law through inculturation. Therefore he has invited Africans to inculturate canon law.</p>	
<p><b>Agenda Topic #6: Closing Remarks</b></p>	<p>– Fr. Richard Mwebe, personal secretary of Archbishop of Kampala, Uganda</p>

<p><b>Notes:</b>  – <i>BARDZO DZIĘKUJĘ</i> – “Thank you very much”  – <i>WITAMY</i> – “welcome”</p>	
<p><b>Action Items:</b>  Fr. Richard Mwebe in summary gave a vote of thanks for the active participation on both sides. He analyses the program for the whole discussion. By virtue of baptism he says, we are all equal quoting can. 208. We have rights and obligations cann. 204-329. He thanked Tangaza community and university of Lublin and the church as a whole for the opportunity of use of modern means of communication can. 822. He says that the church is not a democracy but a theocracy. It all calls for unity and love above all things. He concluded by saying <i>Bardzo dziękuję</i> – Lubians way of saying “Thank you very much” and <i>Witamy</i> – welcome</p>	
<p><b>Agenda Topic #7: Plans for future</b></p>	
<p><b>Notes:</b>  Respectively Fr. Robert Lezohupski TUC, Prof. Leszek Adamowicz throws open the discussion on plans for future which occurred on seeking clarity on the issues concerning Human trafficking.</p>	<p>Next Scheduled Meeting:  Human trafficking</p>
<p><b>Action Items:</b>  <b>Request for Agenda item 1:</b>  Identification of other communities/persons which are interested in sharing in the next e-learning academic gain.  <b>Request for Agenda Item 2:</b>  Clarification on the Academic Future agendas and any additional info need distribution in advance of meetings.</p>	<p><b>Next Scheduled Meeting:</b>  No specific Date, Time, or Venue</p>
<p><b>Final Prayer:</b>  Prof. Leszek Adamowicz</p>	