

# **TANGAZA COLLEGE**

**CATHOLIC UNIVERSITY OF EASTERN AFRICA**

**BY: NZIOKI STANISLAUS NZOMO**

## **EFFECTIVE COMMUNICATION OF CHURCH LAW**

**A CASE STUDY IN THE DIOCESE OF MACHAKOS**

**Moderator**

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**A Long Essay Submitted in Partial Fulfillment  
of the Requirements for the Bachelor of Arts in Religious Studies**

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## STUDENT'S DECLARATION

I, the undersigned, declare that this long essay is my original work achieved through my personal reading, scientific research method and critical reflections. It is submitted in partial fulfilment of the requirements for the Degree of Bachelor of Arts in Religious Studies. It has never been submitted to any other college or university for academic credit. All sources have been cited in full and acknowledged.

Signed: ..... *[Signature]* .....

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Date: ..... *25/02/2025* .....

This long essay has been submitted for examination with my approval as the college supervisor.

Signed: ..... *[Signature]* .....

Name of Supervisor: ..... *ANDREW E. LUJULO* .....

Date: ..... *25/02/2025* .....

## **DEDICATION**

To my dear parents Felister and Simeon and all the Seven Nziokis in whose company I learned how to relate and communicate.

## EPIGRAPH

“Through communication there is constituted community and, conversely, community constitutes and, perfects itself through communication. Further, the Church is a structured process. As does human society, it trains personnel. It distinguishes roles and assigns to them tasks. It has developed already understood and accepted modes of cooperation. It promotes a good of order in which Christian needs are met regularly, sufficiently, efficiently.” *LONERGAN, Bernard.*

## ACKNOWLEDGMENT

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In particular, I wish to shout a big thanks to Mr. Lujuo my moderator for tireless and selfless assistance, to Sr. Paola for encouraging me to take up the challenge of this study, my friends Rambau L., Waswa R., Mugabe P., Robey L., and Kunga F. for their support.

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## GENERAL INTRODUCTION

### Background of the Study

Of recent, there seem to be a very strong wave of change, democracy, human rights, review of constitutions and laws here in Kenya across Africa and possibly other parts of the world. Politicians, leaders and those in influential positions have seized the opportunity to manipulate this situation in human history for good or for worse as witnessed here in Kenya during 2002 elections. “Yote yawezekana, bila Moi (*Everything is possible, without Moi*). The words of a religious song were appropriately changed to become an instant hit against President Moi. The refrain was sung over and over by opposition members and has since become a favoured tune by all “unbwogable”, or *unshakable* supporters of change, a change now at the horizon with a new government and a refreshed awareness for democracy. In the past two elections, President Moi won thanks to rigging and a divided opposition.”<sup>1</sup>

For the first time in Kenyan history, “the 2002 elections were considered free and fair by all parties, local and international observers. On my way to the swearing in ceremony” continues the reporter, “I met a *mkorino*, a follower of a Christian sect. he saw my press badge and volunteered his comments that ‘today is the first time in my life I am free’, he was no more than fifty. The feeling of this man was shared by most of the half million people who witnessed Mr. Kibaki swearing faithfulness to

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<sup>1</sup> D. MFICHTWA, *New People*, 4.

the constitution and the people of Kenya. The newly sworn in President addressed the crowd promising change from an era of illegality, oppression and lack of human rights.<sup>2</sup> Under Moi's regime, judges took direct orders from the head of the state. If he said that a person was innocent, the day after a judge would find the legal jargon to let that suspect free. No crime was too dreadful that it could not be forgiven with the right amount of money. The Law Society popularised the motto: "Why pay a lawyer, when you can buy a judge?" Corruption in the police force was much deeper than the request for *chai*, money to buy tea, at road junctions. Police officials were colluding with criminals, orchestrated the disappearance of people, and hid evidence in cases of political sensitivity, like the killing of Father Kaiser.<sup>3</sup>

With such a strong wave of change sweeping across the country, the effects bound to be felt within the church structures. Indeed some Christians have been advocating for new structures and policies within the Catholic Church. This is what struck me and caught my attention and I felt obliged to seize the opportunity to know more about the new attitude. If this has befallen the government will the church survive? After inquiring from different institutions (e.g., Tangaza, Hekima, Marist and Chemi Chemi) I found out that they offered limited courses in Canon Law and mainly in elective format. Tangaza College, for example, has barely three core courses in Canon Law (Principles and Sacraments). Out of curiosity, I decided to ask some of my colleagues why they were so critical concerning Church Law and its related courses and my fears were confirmed. For them, it is a waste of time and resources for a 'pastor of souls' to study useless, impractical, rigid, and old versioned subject. Why not take open, flexible, easy, interesting, practical, modern

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<sup>2</sup> Cf. *Ibid*, 5.

<sup>3</sup> Cf. *Ibid*, 7.

and helpful courses?<sup>4</sup> Even though I have been able to approach bishops, canonists, priests, religious, lay and lecturers, I am still nursing unanswered questions fuelled by my curiosity.

### **Statement of the Problem**

My observations in the college, in our houses of formation, in the parishes, among the ordained ministers and the lay, Church Law seem to enjoy slim interest among its subjects... Either church law is foreign to its subjects or vice versa. There do not seem to be smooth integration between the lives of people and the church law. The faithful especially the clergy and religious have knowledge of existence and importance of church law. Of the many causes that have resulted to this 'rift', I am convinced that the major problem cause is ineffective, improper or even breakdown of communication.<sup>5</sup>

### **Working Hypothesis**

There seem to be great presumption that church law is well known hence not sufficiently taught (communicated). Most of the methods used in communicating church law are old versioned and uninteresting or ineffective compared to the modern era techniques.<sup>6</sup> Due to the history of the church and its laws, many people still have negative attitude towards law. Law is associated with punishments; poorly presented, technically complicated thus people in their search of unlimited freedom lose interest in it.

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<sup>4</sup> A few of my friends including Rambau L., Mugabe P., and Musolo J., made fun out of my choice to take an elective on Sanctions and worse still to write Long Essay with some element of Church Law.

<sup>5</sup> Cf. R. METZ, *What is Canon Law?* 7.

<sup>6</sup> Interview held on 3<sup>rd</sup> August 2004 with Machakos Canonist Fr. Peter Mathuva.



This negative attitude towards Church Law or any law for this matter was confirmed by a Canonist<sup>7</sup> when he revealed to me that many people including ordained ministers believed that Church Law did not address their daily life questions since it was formulated in times long past and outside their daily experiences any way. His great challenge, as I will present in the third chapter, was in helping the faithful, both ordained and lay, that Church Law was for their common good and salvation. One of the difficulties he is facing in this attempt is the poor network of communication given that the Diocese has not invested on modern means of social communication.<sup>8</sup>

### **Significance of the Study**

If my work could be part of the efforts to dispel the misguided tendency and conception that law is oppressive, complicated, useless, uninteresting, old versioned and succeed in presenting church law as a very useful tool/means in administration of sacraments, proclamation of God's word as well as safeguarding the rights and obligations of people of good will, the church and its individual members, my worries will begin to fade.

I hope that pastors will be able to see the legal norms in a broader context, raise new questions, discover new answers, and then integrate the same norms into the life of the community in a happy combination of the old and new so that each and all can experience, taste, and enjoy the freedom that was given to us, citizens of the kingdom.<sup>9</sup> The choice of means of communication and their proper use as well of the quality of the formulation of the message will be an opportunity to realize this noble goal.

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Cf. Ibid.*

<sup>9</sup> L. ÖRSY, *Theology and Canon Law*, 17.

## **Scope of the Study**

Though noble, this work is greatly limited due to the time and space allotted for such thesis (long essay). I would like to zero in depth the meaning and importance of law in the church and the necessity to communicate it effectively. With Örsy, I would like to offer this work more as a documentation of on-going search than an advocacy of its final conclusion. For this reason, the questions it raises might be of great importance than the answers it reaches. Good questions are like the good seed: once sown, they can bring forth fruit a hundredfold.<sup>10</sup> As often said, good questions will always be better than bad answers.

## **Research Method**

In this work, I will greatly rely on written sources especially textbooks, church documents and articles. My personal experience, observation, interaction and sharing with both lay and ordained faithful, the interviews I conducted and the questionnaires I circulated in Machakos Diocese serve as useful tools in understanding the root cause of the problem in order to pave way for a lasting solution.

## **Structure of the Paper**

This work is treated in three chapters: Presence of Law in the Church, Effective Communication of this Law, and Case Study Report with some Recommendations. In the first part of the first chapter of this work I will explore the presence of law with its meaning, importance and goal. The second part will be on the two major tendencies by which the law has been received in the church and the necessity to reconcile them. In the third part, I will make an attempt to present a crucial solution of effective communication of law. It is in this last part there seem

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<sup>10</sup> Cf. *Ibid*, 8.

to be historical challenges where church law was not taught in a manner recognizing and respecting human nature of intellect and will to an extent that it has been difficult to link laws and the values they uphold.

In second chapter I would begin by clarifying the terms before visiting relevance of mass media according to church document and conclude by stressing the need to master media languages so as to be competent and creative in order to communicate effectively to a specific audience in specific context to be effective.

The third chapter will be a presentation of Case Study in Diocese of Machakos and recommendations on how proper and intense use of modern means of social communication can help Church Law better known, appreciated and applied by its subjects.

## **Chapter I**

### **Church law**

#### **1. Introduction**

The Catholic Church, which has been commissioned by Christ to direct the faithful to their supernatural, eternal end, accomplishes its mission here upon earth through the exercise of a threefold power: the legislative, judicial, and executive. She uses her legislative power by enacting laws which are necessary and useful for the attainment of her final purpose.<sup>11</sup>

#### **2. Presence of Law in the Church**

Laws are norms of action for the community, set by legitimate authority, for the appropriation of values by the community. They are instruments of life, growth and perfection because they point to needed values and prompts the community to reach out for them.<sup>12</sup> In Christian terminology, the Greek *Kanon* (a “rule” used by masons or carpenters) designated as standard or an approved list. This is the etymology of what is today known as canon law.<sup>13</sup> Law in the church is considered as an ordinance of reason formulated and duly promulgated by those officially entrusted with care of the Christian community.<sup>14</sup> St. Thomas Aquinas in defining law called it “a regulation in accordance with reason promulgated by the head of the community for the sake of common welfare” while Suarez described it as “a general

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<sup>11</sup> R.A. MATULENAS, *Communication...*, vii.

<sup>12</sup> Cf. L. ÖRSY, *Theology and Canon Law*, 32.

<sup>13</sup> Cf. E. FURGUSON, ed., *Encyclopedia of Early Church*, 173.

<sup>14</sup> M.K., HELLWIG, *The Modern Catholic Encyclopedia*, 120.

precept, which is just and stable in its character and has been promulgated in sufficient manner".<sup>15</sup>

With these views concerning the meaning of law as our background, it is possible to zero to my area of interest of law as a communication of legislator's will as a representation of the community. In this whole process, law can be considered as the means by which individuals and groups attain their goals under the guidance of their leaders. Given the nature of human person and society, it is absurd to imagine a united and focused society in absence of guiding norms. Church Law has a vital role in human efforts to attain perfection.

### ***2.1 Necessity of Church Law***

In order that the Church might attain her final end in conformity with the demands of justice, she must enact laws which impose uniform obligations upon her members, and she must secure the rights of her members in uniform way, for the very nature of law demands that the common, rather than the particular good be promoted.<sup>16</sup> The ecclesiastical society is not composed of saints but of men who combine many faults with their good qualities. Conflicts and quarrels between its members are inevitable. It is necessary, therefore, to provide for their settlement. Hence the church, like civil society, has a procedural law and the penal law which normally and necessarily goes with it.<sup>17</sup>

Canon law is concerned with matters that touch upon the mission of the church and upon the relationships within the catholic communion. Those subjects include such matters as norms for celebration of the sacraments and public worship, for the preaching of the gospel, for the organization of clerical and religious life for

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<sup>15</sup> Cf. M.N. LOHMULLER, *The Promulgation*, 3.

<sup>16</sup> R.A. MATULENAS, *Communication*, ii.

<sup>17</sup> Cf. R. METZ, *What is Canon Law*, 110.

the catholic education, for the use and administration of the church property, for procedures in the adjudication of the conflicts, for allocation of penalties, and for the rights and obligations of the Christian faithful.<sup>18</sup> Law must give the society of the church the element of stability that is essential to good order and the common good.

## **2.2 Supreme Goal of Church Law**

The presence of law in the church is a sign of weakness of which the church is not responsible; its explanation is to be sought in the fallen state of human beings. The church is not to be identified with her legislative texts nor should we confuse the gospel and the code, theology and legislation, morality and jurisprudence. The legislation is at the service of the church, at the service of the work of salvation; its function is to guide the faithful in the pursuit of their destiny, and to make its achievement easier for them.

The correct conception of canon law places it in the order of salvation; it sees our whole legal system as part of the redeeming mission of the word made flesh, “who for us human persons, and for our salvation, came down from heaven.”<sup>19</sup> The church must guide men to heaven: that is her purpose and the reason for her existence. All her activities converge towards this end, even if it is not always easy to perceive the connection between certain matters that preoccupy the church and the “one thing necessary”, which is the salvation of her members.<sup>20</sup>

The misconception to be discarded is that canon law exists and operates in a “purely juridical order”, and that it is as autonomous as civil law is independent in its own sphere. In truth, the nature of canon law is radically different from that of civil law because the nature of the church is radically different from that of the state.

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<sup>18</sup> Cf. R.P., McBRIEN, *The Harper*, 219.

<sup>19</sup> Cf. L. ÖRSY, *Theology and Canon Law*, 111.

<sup>20</sup> Cf. *The Code of Canon Law*, (Can. 1752), 386.

The church exists for the sake of the redemption of human person, redemption through the proclamation of the good news of eternal life and through the dispensation of the sacraments. The state exists for the sake of creating order and peace in the community and ensuring reasonable freedom and temporal prosperity for the citizens.<sup>21</sup>

### **3. Attitudes towards Church Law**

Down history, church law has experienced two main opposing opinions. While some feel totally convinced on the necessity of church law others hold the opposite opinion. Below is brief presentation of these different opinions and the need to reconcile them.

#### **3.1 Anti-law Attitudes**

In the beginning of Christian era the science of Canon Law was not developed for several reasons. Primarily it was because the church at first was ruled by the authority of the apostles rather than by means of juridical structure in the church. Then, too, the enthusiasm of the early Christians made technical determination seem unnecessary. When law crept in the church, it did not get down well with some Christians. The church was accused of making business out of supernatural with her legalism leading infallibly to formalism, e.g., relics and indulgencies with translation of years in purgatory into financial terms. Mass, confessions and other collections became external requirements of the law.<sup>22</sup> Since the rich ecclesiastical teaching of Vatican II, a widespread tendency to misunderstand and undervalue the law in the church's life and mission has been a constantly recurring factor. Indeed, there has always been in the two thousand years

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<sup>21</sup> *Ibid*, 111.

<sup>22</sup> Cf. R. METZ, *What is Canon Law?* 13.

of the church's history an attitude of rejection or of refusal on the part of individuals or of entire groups of faithful or doctrinal currents.<sup>23</sup>

### 3.1.1 Radical Positions

William of Ockam's affirmation that juridical norms in the Church were more the result of clerical arbitrariness than a product of reasoning and faith, or Martin Luther's symbolic gesture of burning the papal bull which condemned him and at the same time a copy of the *Corpus iuris canonici*, were to be given subsequently a radical doctrinal formulation – as is well known -- in the theses of R. Sohm on the absolute incompatibility between the “essence of canon law” (a Church based on the law) and the “essence of the Church” (a Church as a spiritual community), the latter, according to him, being the only willed by Christ.<sup>24</sup>

### 3.1.2 Moderate Dialectical Positions

Those who hold the *dialectic contraposition between charism and norm* sustain that the law- by its very characteristics of fixedness and generalness- represents in theory, and often constitutes in practice, a brake or at least a hindrance to the free initiative and spontaneity of action of the members of the faithful. For them, canonical forms, which aim to channel the entire life of the Church according to the rigid concept of order, constitute an obstacle to the effectiveness of the charisms with which the Holy Spirit, who dwells in the hearts of the faithful, enlightens their minds and strengthens and guides their actions, whether personal or collective and associated.<sup>25</sup>

*A dialectic contraposition between canon law and ecclesial co-responsibility* position holds that the primary purpose of canon law has always been

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<sup>23</sup> Cf. J.H. CASADO, *Renewal and Effectiveness in Canon Law*, 7.

<sup>24</sup> Cf. *Ibid*, 8.

<sup>25</sup> Cf. *Ibid*, 9.



to proclaim and defend the power of the ecclesiastical hierarchy, by stressing its divine origin while failing to recognize both the character of service which is intrinsic to the “munus” of the pastors and the subjective rights of the faithful and their active participation in the one common mission of the Church.<sup>26</sup>

The view of a *dialectical contraposition between a pastoral spirit and the Church's legal system* sustains that charity, and specifically the charity proper to pastoral activity, which requires mercy, understanding, benignity, and other similar virtues, is incompatible with the norms of a legal system, be they substantial or functional. At the root of this incompatibility there would lay the fact that law is tied to the juridical norm's general and binding character, which is opposed to a “pastoral spirit” which knows how to adjust its decisions to the multiform circumstances and differing needs of individual cases.<sup>27</sup>

This brief examination of anti-juridical tendencies (whether extreme and radical, or moderate and “ecclesial”) by their criticisms has placed a question mark over the legitimacy or identity of canon law. They seem to hold the opinion that there is a contradiction between the concept of law and the essence of the church; the church therefore must be free from laws.

### **3.2 Pro-law Attitude**

Other individuals and groups, to be sure, saw it differently. They knew that as a perfect society the church must possess an autonomous legal structure, independent of the state.<sup>28</sup> They realized that the church could not preach justice to the world without practicing it within its community. If our words were contradicted

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<sup>26</sup> Cf. *Ibid.*

<sup>27</sup> Cf. *Ibid.*, 10.

<sup>28</sup> S. KUTTNER, *The History of Ideas*, 2.

by our deeds, the effectiveness of our preaching would be undermined and the world would rightly convict us of a lack of integrity.

To speak of the church is to speak of a society and a society requires at least some organization. No society can survive without rules to avoid disorder and anarchy. Human beings will always follow their own fancies hence means of defence against individual whims will be necessary. Moreover, a society cannot do without resources; it must be able to meet its expenses. With the danger of trafficking, strict control will be necessary supported when need be by sanctions.

The activities of the society necessitate a certain exterior display; it needs complex machinery of administration and soon of temptation of power. When Jesus entrusted the work of salvation to a society composed of mortal men, he obliged his church to organize herself to control authority of her members, to protect herself against factions through code of laws with all the humiliating consequences that it entails. He did this by commissioning only a few to preach and teach.

The church is the interpreter of the will of God to the faithful in the setting before them the conscience from the laws that are contained in scripture and those which are implicit in human nature. She is not the author of these laws; she just incorporates them in her legislation and when necessary provides penalties for those who transgress against them.<sup>29</sup>

Love without law is like power without direction while law without love is like empty engine. We can't talk about love outside law since law has common good as its final goal by administering justice. While the church is indeed a graced community empowered by the spirit, its members sincerely reflect the weakness and

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<sup>29</sup> R. METZ, *What is Canon Law?* 26.

limitations of human condition. Occasionally, their attitudes are contrary to the faith or their behaviour is contrary to the Christian way of life.<sup>30</sup> This provokes a disturbance within the faith community and brings them into conflict especially with those in authority who have special responsibility to protect the integrity of the community's faith, communion and service. This consequently makes it imperative that there be some kind of framework to "restore peace" and "order" and reintegrate the offending party within the life of the community.<sup>31</sup>

### **3.3 Need to Reconcile the Two Views**

History of canon law is also the history of accumulation of ideas, suggestions, exhortations and individual devotions. The trimming back of a legal system, however, is easier said than done. Unlike statutes and prayers, laws tend to cling tenaciously to the book. It takes time and expert hands to do away with them when by their sheer volume they obscure the evangelical message.<sup>32</sup> The complexity of the system of laws may overshadow and obscure the clarity and simplicity of the evangelical message. The honest task of the interpreter is to point out clearly when a law is too much of a burden on the community and, if it is so warranted, to lighten the burden by interpretation. Besides, the community itself should be aware of its capacity to evaluate the law and to respond to it by customs legitimately initiated.<sup>33</sup>

If we have no difficulty in recognizing that the reception of doctrine is necessary for the *sensus fidelium* to play its part in doctrinal development; we should not have difficulty, either, admitting that reception of a law is necessary in order to

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<sup>30</sup> Cf. *NRSV, Rom.*, 7:7-25.

<sup>31</sup> Cf. J.A. CORIDEN (ed.), *The Code of Canon Law*, 893-894.

<sup>32</sup> Cf. L. ÖRSY, *Theology and Canon Law*, 72.

<sup>33</sup> Cf. *Ibid.*, 71.

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let the *sensus fidelium* play its role in developing the legal system.<sup>34</sup> To speak of “the beauty of the laws” could be an invitation for sarcastic comments; rarely does a legal system awake any kind of aesthetic interest. Yet there is a genuine beauty in the ideal we have discussed: laws in the service of values, nothing more, and nothing less. Dealing with law without expressly discussing justice means rejecting the genuine substance and vital principle of laws and forcing people to look for it elsewhere- perhaps in daily life, or in common sense, or best of all, in human consciousness itself.<sup>35</sup>

Harmony between values and laws can indeed be delightful. It should be the task of canon lawyers to assist the people in this process. This brings up the problem of the training of lawyers in the church. If they are not trained to recognize values and judge their relationship to the law, they will only perpetuate the legal nominalism of Post-Tredentine centuries.<sup>36</sup> If there is resentment in the Christian community against canon law, it is not because the church makes laws for strictly right and duty situations, but because spiritual services have been put to into the categories of a “juridical order” and imposed on the people as such. They sense that something went wrong even if they cannot articulate it.<sup>37</sup>

Some canonists in the past had to search for sanctions in the case of norms concerning devotional exercises (Easter duty, Mass attendance, fasting, etc.). Not finding them in the ecclesiastical law, they had to invoke other worldly sanctions, such as punishment in purgatory or even eternal damnation. For them no law could exist without sanctions. Some facts can be easily recalled: canon law has been and,

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<sup>34</sup> Cf. *Ibid*, 61.

<sup>35</sup> Cf. A. ROSMINI, *The Essence of Right*, 3.

<sup>36</sup> Cf. L. ÖRSY, *Theology and Canon Law*, 101.

<sup>37</sup> *Ibid*, 137.

to a large extent, is being created in the context of European culture, and especially in an Italian environment; and is meant for Christians all over the world living in different cultures.<sup>38</sup>

There is need to continue exploring opportunities on how to inculturate some elements of church law so as to be effectively applicable in particular situations. We need not blow the need of law out of proportion. Overstressing literal observation of law instead of its spirit will be backtracking to the past mistakes. Worse still is the tendency to manipulate church law for selfish goals or to cover up unfounded fears and failure.

#### **4. Necessity of Effectively Communicating church Law**

One of the major constitutions to the negative attitude towards law is poor link between the values it upholds and the life of the people as a result of communication breakdown, lack of creativity or ineffective old means of communication. This requirement leads us to point to a deep social problem in the church, certainly present but rarely mentioned. Our legal traditions developed in an age when the standard of general education was much lower than today and, as a rule there was no cultural equity between the legislator, learned and his uneducated and ignorant subjects. In such circumstances it may have been right to stress obedience to the law and to assume that the members of the community had little capacity to contribute to the legislative process.

Today we live in a different world. The standard of education is high in many countries and rapidly developing in many others. The Christian community at large is more and more capable of making its contribution to the creation and

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<sup>38</sup> Cf. *Ibid*, 70.

interpretation of laws. Means of communication have rapidly advanced in terms of technology, quantity and quality. It would be wrong to ask an intelligent and free person to perform an act, even in obedience to a law, if he or she had not reached a personal judgement that the act was a pursuance of a true value and decided freely to do it.

Today it is no longer fitting to promulgate the law without any explanation and then to urge the people to obey. The legislator has the duty of clarifying the value that the law intends to uphold, or the good effect that the law is meant to achieve. By doing this, he recognizes that the church is a gathering of intelligent and free persons.<sup>39</sup> Promulgation is an absolute condition for the effectiveness of a law; those concerned must know what obligation it is that is being placed upon them.<sup>40</sup>

#### ***4.1 Respect of Human Nature***

The church is helped by the Holy Spirit to remain faithful to the evangelical message; it cannot lose, destroy, or substantially distort the word of God. But the church is not helped by the Holy Spirit to create the best legal system or to enact the wisest laws all the time. It needs the intelligence and prudence, the learning and competence of Christian persons to make good laws, to interpret them correctly, and to do away with them when they have fulfilled their purpose.<sup>41</sup> This should not be understood as an attempt to rule out the vital role of the Holy Spirit because he enlightens our minds in all our good works.

The very nature of a community composed of intelligent and free persons requires that, every "ordinance of reason," should be given to the community in circumstances respecting human nature, which is intelligent and free. The very fact

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<sup>39</sup> *Ibid*, 50.

<sup>40</sup> R. METZ, *What is Canon Law?* 41.

<sup>41</sup> L. ÖRSY, *Theology and Canon Law*, 37.

of belonging to the church requires obedience to its laws. But still, the church member should implement those laws as befits a person: intelligently and freely. The citizens and the faithful are much more aware of their innate dignity. They want to know why the law is there; they want to act with responsible freedom.

#### ***4.2 Link between Laws, Values and Life of the Community***

Before any law is enacted there ought to be a critical assessment of the value it intends to serve, and its suitability to do so. The act of promulgation should be an intelligent act of communication: the link of the law to the values that inspired it should be explained, so that the subjects can make a “responsible sacrifice” by accepting it. The capacity of the faithful to discover values for themselves and to build customary rules for upholding them should be respected.

When utopian laws are on a flesh-and-blood of society, a tension develops between the laws and the demands of life; eventually a breakdown of the public order is likely to follow.<sup>42</sup> The norms point to a value that is needed and instruct the community to reach out for it. There is a fundamental wholeness in the community that is contented with its laws and lives by them. This integrity can be achieved only when the world of values and the world of laws blend into each other so that there is a smooth transition from one to the other, when there is an organic and dynamic unity between them.

One type of distortion occurs when the world of laws moves away from the world of values. Laws begin to reign supreme; they can even present themselves as objects of religious cult, gently leading the community toward a kind of “worship of the law”. They no longer appear as servants of values; they justify their existence

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<sup>42</sup> *Ibid*, 93.

with the fact that they exist. They tend to claim authority and demand compliance on the ground alone that “this is the law” and “the subject owes allegiance to the law. In the case of values known through faith only, no one may be able to grasp the value fully because it is wrapped up in a mystery, yet the legislator can still show that our faith postulates that the community should pursue a given value.

## 5. Law as an Act of Communication

Promulgation of law is not simply the imposition of a norm of action from above, but rather the communication of vision concerning the life of the community. This is communication with power, surely in a biblical expression, *en dynamei*; always with the connotation that the strength of the Holy Spirit is there and not political or juridical power.<sup>43</sup> Every law is an act of communication between the legislator and the subjects. To grasp its message, it is necessary to have a good knowledge of the world of the legislator.

But this communication is not merely mechanical. It is not like transmitting electronic signals from one station to another simply because the meaning that words and sentences carry exist in the minds of the living persons who perceive and understand everything in the context of their own universe. The universe of the lawmaker is not the same as the universe of the subjects: a message communicated to another is received in a different world. By necessity it receives new shades of meaning.<sup>44</sup> For obedience to be intelligent and free, it is necessary that it be informed. Information means communication on the part of the lawgiver not only of what a legal norm is but also of what the value is that the norm intends to uphold.

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<sup>43</sup> Cf. *Ibid.*, 46.

<sup>44</sup> *Ibid.*, 82.



The subjects are exercising their full personhood only when they make an effort to understand that value and decide to reach out for it. This does not mean that all the subjects must understand the reasons for every single paragraph in a law. It is reasonable effort, on the part of legislator, to put out substantial information and similar effort on the part of the subjects to learn about the values that the law intends to uphold. Technicalities can be left to technicians.<sup>45</sup>

## 6. Conclusion

I would like to share Newman's idea that, historians of the future writing about our age will most probably describe it as "The Age of Liberty". A preoccupation with freedom is one of the most notable characteristics of contemporary secular and religious society.<sup>46</sup> Although much of church law is already taught through many practical ways, there is need to train church personnel to be competent in church law through further studies, ongoing formation, seminars, workshops, refresher courses, meetings and catechesis. It would be better still to set up of a commission to go through church law and recommend those laws that need to be reviewed, have church law simplified and made available through translation into vernacular, be divided and taught in separate sections, and inculturating whatever is suitable for specific people in specific context.

I wish to challenge those entrusted with this noble task to seize the opportunity of the technical advancement in mass communication. Much focus has been on accumulation of academic knowledge (quantity) rather than quality of communicating what is already known. Priority should be competence and effective use of both traditional and modern means of communication.

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<sup>45</sup> *Ibid*, 46.

<sup>46</sup> J. NEWMAN, *Conscience versus Law*, 1.

## **Chapter II**

### **Effective Communication**

#### **1. Introduction**

With no doubts, we are living in an era of mass communication and interaction. Within a short space of time, the world of communication has undergone a massive technological revolution. A few years ago, most, if not all, means of mass communication were owned and controlled by the government in most developing countries. Today the situation is far much different in most cities. There has been a rapid mushrooming of radio and TV stations, video production studios, internet connections, etc. this is the background of my paper.

This revolution in the communication sector has had great influence on the lives people. Mass media are shaping people's opinions and expectations and have become a relevant agent of socialization. They are the major source of knowledge, role-models and standards, provide shared leisure activities, filter our contact with the main institutions in the society and present us "what is relevant" and create "modern myths and rituals".

With all the advantages, mass media have posed a number of challenges if not problems. They do not tell people what to think but what to think about. If they bring some issues to the attention of the public, these issues become "socially relevant". Powerful, selfish individuals and organizations have seized this opportunity to promote "false consciousness" among the working class through commercialisations, production of false needs, consumerism illusion of classiness,

and devotion to short-term gratification in order to avoid social change. After all it is a very fertile business ground worthy investing in. it is also the easiest means of influencing the mass in order to grow rich retain and maintain status in the society.

Unlike some years ago, we know that communication is not easy and natural but a complex process. Mass media are no longer considered neutral instruments of reporting since technology has made it possible to choose what to report and how to report it in order to achieve desired goals. How well, then, are the church communicators trained and equipped in order to be effective in their communication? How will the audience be able to read, watch and listen the message of mass media critically? Since effective communication has become the ideal, there is need to invest a lot of time, resources and creativity in order to 'hook' the audience and ensure that they are sustained to the end and the point has been effectively understood.

This is much needed by students, teachers and indeed all the subjects of Church Law. We all need to master media languages in order to be competent, creative and effective in communicating the 'treasures' within Church Law. In an attempt to stress this point, I will present church's attitude towards the means of much communication in the next chapter since church, as an organization, depends upon communication to maintain a coherent presence among the faithful.<sup>47</sup> To achieve this goal, I have used some of encyclicals and church documents which are relevant in this subject matter.

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<sup>47</sup> Cf. P.A. SOUKUP, *Media, Culture and Catholicism*, 82.

## 2. Definition of Terms

### 2.1 Communication

The word 'communicate' is historically related to the word 'common'. It stems from the Latin verb *communicare*, which means 'to share', 'to make common', and which in turn is related to the Latin word for common: *communis*.<sup>48</sup> With such an etymology of the word communication, I can confidently assert that communication is about making things in common through a process by which senders and receivers of messages interact in given social contexts. This helps in increasing our shared knowledge, behaviour, and traditions and views the basic precondition of all community

As much as communication is basic necessity to human beings, it is basic to our Christian faith as well. It lies at the heart of faith in Jesus Christ who is the communication of God in the fullest sense. It is at the heart of the mission and purpose of the church to obey the Lord's command to go and tell all peoples of the love of God and salvation in Christ.<sup>49</sup>

### 2.2 Mass Communication

Mass communication is a process of public transport/transmission/presentation of message via visual, audio or audiovisual technological means by media (mass media) institutions of differing dimensions to a dispersed public with the intention of providing information, entertainment, education, having an influence, etc.<sup>50</sup> Mass communication is without limitations of reception and is not linked to specific persons, there is distance in space, time or

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<sup>48</sup> K.E. ROSENGREN, *Communication: An Introduction*, 1.

<sup>49</sup> Cf. AMECEA and IMBISA, *Basic Human Communication*, 11.

<sup>50</sup> AMECEA and IMBISA, *Communication in the Church and Society*, 62.

both between the sender and receiver and is one way with no change in the roles of sender and receiver.<sup>51</sup>

### 2.3 Church

Church is originally Greek term *ekklesia* that means “called (out) by God”. The English word “church” comes from *kyriokos*, “of the Lord”, the *kyrios*; community, fellowship. According to Second Vatican Council, universal Church is seen to be “a people brought into unity of the Father, the Son and the Holy Spirit”.<sup>52</sup> Using simple language, church can be defined as a graced and ordered community, empowered by the Spirit with a common path (Jesus) towards a common goal (salvation).

### 3. Church Documents on Mass Media

Faith and church have been confronted with emergence of different mass media throughout the centuries up until the present time. At the beginning, during the emergence of the print media, the church experienced these media as a threat to her monopoly of communication and education. Later on, when film, radio and television came into existence, there was still the same fear vis-à-vis the media.<sup>53</sup> They were primary seen as a danger to the faith and morality of the people. The initial relationship of the church to the mass media, therefore, can be characterised by attitudes of suspicion and mistrust and by actions of censorship in order to control her members. During the last decade, one can observe changes in the thinking, attitudes and actions of the church in view of better relationships with the media world. There is in the church a growing familiarity, more competence and

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<sup>51</sup> Cf. A. FLANNERY, *Inter Mirifica*, (no. 1), 262.

<sup>52</sup> Cf. *Lumen Gentium*, (no. 4), 322.

<sup>53</sup> Cf. AMECEA and IMBISA, *Communication in the Church and Society*, 144.

certain professionalism concerning the mass media as such.<sup>54</sup> This attitude of the church towards mass media is clear from the following documents.

### **3.1 *Vigilanti Cura* (1936)**

In this Encyclical Letter, pope Pius XI was concerned about motion pictures in USA. Although he still had some moral concern, he thanked American Catholics for *Legion of Decency* about immoral cinema in terms of racism, segregation, violence, extermination of the blacks and local people.<sup>55</sup> Since motion pictures had become powerful, the church had to respond by establishing international office to control it and educate the audience on how to be critical in using it.

### **3.1 *Miranda Prorsus* (1957)**

Pope Pius XII was responding to cinema, radio and television by giving directives and instructions. Since God is the supreme good, the evil seed sown by media was not from him and there are misuse the media which is “neutral”.<sup>56</sup> According to God’s plan the purpose of media is history of salvation. As in this confirmed that, the new means of communication have influence on the manner of thinking and acting of both individuals and groups. While appreciating the great advantages offered by these new arts, Pope Pius warned of the great dangers of enslaving the mind. We ought not to neglect ethical implications of media in the name of freedom and creativity. Now that the risk of media is right in the home surroundings, the audience has responsibility to choose prudently what to see and hear. The pope encouraged the setting up of religious media.<sup>57</sup>

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<sup>54</sup> Cf. *Ibid.*

<sup>55</sup> Cf. *Vigilanti Cura*, 4.

<sup>56</sup> Cf. *Miranda Prorsus*, (no. 26), 350.

<sup>57</sup> Cf. *Ibid.*, (no. 139), 360.

### 3.3 *Inter Mirifica* (1963)

This document states that the wise use of the mass media of social communication (press, radio, television, films), which are so accessible to all ages and levels of culture, depends on proper habits of reading, listening and viewing being taught to different categories of users. While this Encyclical stressed moral aspect and correct use of media through change of attitude, it advocated the use of media as if they were loudspeakers with no relation to culture.<sup>58</sup>

### 3.4 *Communio et Progressio* (1971)

Emphasising the Trinitarian unity, common good and cooperation, the document presents the church primarily as a “communio” model of the people of God and emphasises a more horizontal, dialogical model of communication and media. As gifts of God, means of communication ought to promote unity, advancement, common good, cooperation and truth.<sup>59</sup> Communicators have duty to be competent so as to be effective in their work. The audience needs help to be able to interpret message accurately and benefit fully as well as play their role in the society. However, media has dangers of weakening direct human contact, escape from real into fantasy world, appeals to emotions and encourages mental idleness and passivity.<sup>60</sup>

### 3.4 *Aetatis Novae*, (1992)

This document promoted church unity and emphasising the role of authority and need for obedience. As such, this document accentuates a more vertical and hierarchical model with regard to communication and media. Expansion of human communication is influencing culture unifying humanity and turning it into ‘global

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<sup>58</sup> Cf. A. FLANNERY, *Inter Mirifica*, no. 11, 265.

<sup>59</sup> Cf. *Communio et Progressio*, (nos. 8-9), 273.

<sup>60</sup> Cf. *Ibid.*, (no. 21), 277.

village.' Human experience has become an experience media since knowledge and thinking is conditioned by media. The church, which is to bring salvation to all mankind and is bound to proclaim the gospel, has a right to the use of the mass media.

The church, therefore, claims as a birthright the use of all means of this kind necessary for the formation and salvation of Christians.<sup>61</sup> Pastors and people of the church are encouraged to deepen understanding in communication issues of media and make practical programs. While reaffirming the views of *Communio et Progressio*, this document applies pastoral cycle method (See, Judge and Act), talks of the effects of media on globalisation and cultures.<sup>62</sup>

#### **4. Mastering Media Languages**

As a public organisation, the church too has a meaningful message to give to the society she is part of. She consequently has a responsibility of using the media critically. She can fulfil this responsibility by underlining the meaning of the mass media as a public service institution on behalf of the society and the church. Thus, the church should be a participant in the world of the mass media; in other words, the church has to be a mass communicator herself in order to be in communion with the media and all who use the mass media. She has to do this, however, from the standpoint of her own identity as church. She should use the media professionally, knowing her own communication possibilities and limitations and skilled in her own language of the different mass media.<sup>63</sup>

Effective communication requires not merely the transmission of information, but the sharing of a message, not only the sharing of a message, but

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<sup>61</sup> Cf. F. EILERS, Ed., *Aetatis Novae*, (no. 10), 126.

<sup>62</sup> Cf. *Ibid.* (no. 11), 127.

<sup>63</sup> Cf. AMECEA and IMBISA, *Communication in the Church and Society*, 116.



sharing the meaning of a message; not only sharing the meaning of a message, but the sharing of life itself which is communion.<sup>64</sup> Effective communication fosters understanding of one another and brings people closer together. We live in a century desperately in need of understanding among people. Whatever promotes better communication and understanding, promotes cooperation, solidarity and peace and progress. Even with all the excitement and explosion of mass communication, it is our times than ever that we often hear complaints about lack of communication-communication gaps, cross-communication and so on. Communication cannot be taken for granted for it is difficult.<sup>65</sup>

Thus, communication educating of pastoral personnel is more than simply encouraging a more intensive use of the media but instead, it seeks the habitual mode of religious interpretation of life experiences which are a formation in a particular theological perspective inculcates. It implies a theology which is concerned about pastoral communication and has therefore appropriated concepts of contemporary communication theory and practice which reflect contemporary cultural context.<sup>66</sup>

To communicate more effectively, it is necessary to develop the ability to speak and respond consistently in ways that have the greatest likelihood of accomplishing the required objectives. The audience expects to hear, understand, and enjoy a presenter who has something worthwhile to present. Audiences listen to speakers in order to get help in making some sense out of life and the tangled world in which they live. As audience, we, read watch or listen for new ideas and

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<sup>64</sup> Cf. J. MAURUS, *The Art of Communicating Effectively*, 12.

<sup>65</sup> Cf. *Ibid*, 9.

<sup>66</sup> Cf. D.J. FELTON, *The Unavoidable Dialogue*, 11.

information or for new interpretation of an old idea. We listen for encouragement, for ways to strengthen our resolves, for the beauties, realities, and glories of living. We read, watch and listen to presenters who are impelling, exciting and communicative.<sup>67</sup> This leads us to creativity that is associated with an ability to produce ideas easily and quickly, an ability to change approaches, and an ability to associate different ideas and to elaborate and refine concepts in new ways.

Since different types of media have a different impact on the people depending on different factors operating at a personal, socio-cultural and economic level, we must be knowledgeable about both the medium of expression and the technical aspects of its use. We can structure our message well or badly. It will, obviously, be received with great clarity and more understanding the better we structure it. When you know your audience you can plan the appropriate message and the appropriate manner of presenting the message. It is important to know the language, idioms, images, ideas and the capability of ideas as much as possible. The languages to be mastered are the media, that is, the press, radio, television, video, Internet, etc. it will be helpful to be aware of the techniques used producing and broadcasting programs. This will help the audience as well as those involved in this sophisticated multimillion sector on how to be active rather than passive receivers and employees.

## 5. Conclusion

The role of communication in community building is trebly necessary and unavoidable. Where there is good communication, people are able to progress. But when communication is limited or insufficient or defective, the existence and growth

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<sup>67</sup> Cf. R.W. PACE-B.D. PETERSON-M.D. BURNETT, *Techniques for Effective Communication*, 237.

of community suffers. If a community is to come together into existence, individuals must have contacts with each other. This process of contacting cannot come about without the mechanism of communication.<sup>68</sup>

Since communication is neither natural nor the means (media) neutral, a lot of time and resources have to be invested in training and forming communicators and audience to foster competence, creativity and effectiveness. There is need to master the languages (media) suitable for specific audience in specific context.<sup>69</sup> The church cannot afford to ignore the opportunities presented by the technical advancement in means of social communication but on contrary, she has to make the fullest use of any fresh opportunities that the improvement of those instruments may disclose.<sup>70</sup>

The next chapter is meant to verify the steps the local church (Machakos Diocese), in its context and on a certain subject (Church Law) has taken to ensure effective communication is maintained. This is an opportunity to put my hypothesis into test and verify whether there is any element of truth. It would have been very futile just to sit and write such important essay relying on mere assumptions. What I am presenting below are the views I collected from the faithful in order to find out how the local church has used means of social communication in order to communicate Church Law. My recommendations have been dictated both by the research of the case study and library sources and they are aimed at improving communication within the local church in order to achieve desired goal.

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<sup>68</sup> Cf. J.F. LONERGAN, *Method in Theology*, 357.

<sup>69</sup> Cf. AMECEA and IMBISA, *Communication, Culture and Community*, 90.

<sup>70</sup> Cf. PCMSC, 45.

## **Chapter III**

### **Case Study: Machakos Diocese**

#### **1. Introduction**

In order to verify my hypothesis, I decided to reach out and find out the situation on the ground especially including a bishop, canonist, priests and a few lay faithful. I could not do this better and with comfort in any other place than the place I grew in with people whose culture and language I am well versed, the Kamba people of Machakos Diocese.

#### **2. Place and population**

Machakos Diocese is on the east part of Kenya bordering Nairobi, Thika, Murang'a, Embu, Kitui, and Ngong Dioceses. This Diocese has an approximate population of 1,914,963 by 2004. More than 564,246 of this population are baptized Catholics. There are over 120 priests working in more than 40 parishes of the Diocese.

#### **3. Method of Research**

Due to the nature of the population, I have decided to carry out my research in two approaches: interviews for the bishop and canonist and questionnaires for the priests and lay faithful. I would have preferred to use only interviews for all the respondents so as to have in-depth and more accurate information but it is

impossible to meet even a small number of priests from extreme parts of the Diocese due to time and cost factors. For the priests and lay faithful, I opted to use survey research, possibly the frequently used mode of observation in the social sciences.

By distributing questionnaires to individuals from selected areas and of varied age and experience, I have been to receive original and standardized data in a short period of time and at a low cost. Unlike interviews, questionnaires have the danger of being artificial and superficial. They also pose a big problem of representativeness, that is, all characteristics in a sample drawn from a population are present in the same proportion as they are present in the original population.

In preparing the questionnaires, I conducted a pre-test or pilot-test before the final copy in order to check for confusing or ambiguous items and estimate the time needed for administration. So as to ensure conformity of responses and easy coding data analysis, I prepared Closed-Ended questions with only one Open-Ended question. I made sure that the questions were necessary and clear and that the respondents were willing, competent and carefully selected. All the questionnaires contained clear instructions concerning the content and purpose of the research. All the respondents are assured in the questionnaires that all the information will remain anonymous and confidential.

## **4. Interviews**

### **4.1 Bishop**

On Wednesday April 21<sup>st</sup>, 2004 I met Rev. Martin K. Musonde bishop of Machakos Diocese. When I briefed him of my proposal to write Long Essay on “Effective Communication of Church Law” with a case study in Machakos Diocese, he was very interested. We went through the title, outline, hypothesis and objectives together and made some helpful suggestions particularly in the area of

communication in which he is a professional. For the rest of assistance, he directed me to the diocese canonist Fr. Peter Mathuva.

On the area of communication, bishop did admit that most of it was still group and person to person format. However, he assured me that plans were underway to ensure efficiency, accuracy and effective communication within the Diocese. Within the few months he had been office, bishop had already established communication office. I called Fr. Sebastian who is in charge just to get it straight from him and he confirmed that he was already publishing news from all around the Diocese through a monthly paper named "Uw'o" (The Truth).

#### **4.2 Canonist**

With the questionnaires already in circulation, I booked an appointment with the canonist of Machakos Diocese Fr. Mathuva on Tuesday august 3<sup>rd</sup>, 2004. We held a very fruitful interview in his office for some good hours and he was very generous to me. I was astonished to learn that he was above 60 years of age with an experience of 28 years as a priest and 24 years as a canonist.

He disclosed to me that he had no special interest in Church Law while in seminary until an elderly and experienced Church Law lecturer taught him the subject. It was at this point when he was convinced that Church Law was for the good of all catholic faithful to guarantee right and ensure service. After seminary studies and ordination, he was sent by the bishop to Rome for further studies on Church Law in Urbaniana University in 1978 where he obtained Doctorate Degree in 1980. His becoming canonist of the Diocese was the bishop's choice a choice Fr. Mathuva appreciated wholeheartedly.

According to Fr. Mathuva, the lay faithful do not know Church Law as a subject since it is not taught in any specific way like catechism but is only communicated through themes and topics such as Marriage Instructions, Church Dues, Sacraments, Liturgical Rites, etc. Although ordained ministers hardly refer to Church Law in their homilies, sermons and religious rituals, they are fully guided by it. Within the Diocese, seminars are only offered to the clergy and religious but never to the lay faithful. The lay hardly know anything about Church Law until its application on them by the authority.

His experienced as a canonist has taught him that though many priests may claim to have had positive attitude towards Church Law while in seminary, the attitude is opposite as soon as they step out of class. Most of them complain of Church Law as very controlling, strict, has harsh sanctions, old versioned, hard to understand and apply to particular cases, it does not address local needs since it is from outside and imposed on the local culture. Many feel that their superiors use Church Law only to punish, oppress, overburden and deny them rights. On the other hand, the lay faithful only identify Church Law with the absolute powers and privileges invested in the ordained ministers who exercise it with no procedure or consultation as it is with civil authority.

Fr. Mathuva has had great challenge as a canonist in trying to help others understand and appreciate Church Law. He confesses that it is not easy to give proper and practical interpretation as well as efforts to put church Law in simple language for ordinary Christians.

In order to better equip those in seminary, father suggests that they be helped and convinced that Church Law is not mere theory but is part and parcel in their

future life and ministry. They are to develop interest and love the subject for the purpose of rendering quality service to the Christian community. Professionals and experts should help provide seminaries with simplified texts and commentaries. For those no longer in seminaries, it would be better to ensure that they receive the relevant periodicals, articles in Diocesan magazines and offer them seminars through ongoing formation programs.

Of the present, drafts, sent to bishops' conferences, canonists who are renowned and experts in other disciplines, communicate Church Law. This communication can be improved by letting these drafts find their way to seminaries and to groups of knowledgeable lay faithful. Concerning the concrete plans by the Diocese in order to help Church Law be given the attention it deserves, father disclosed that this is an issue which has not been given any attention so far...

## **5. Questionnaires**

### **5.1 Priests**

Out of the 34 questionnaires I prepared and circulated to different priests within the Diocese, on 5 copies were lost. Most of the respondents have some experience and are still working in different parishes. My target was mainly the priests who have no been out of seminary formation for a long period of time with experience of between a month and twenty years after ordination. The major reason for my target is that the respondents will find it easy to bridge their fresh experience on the ground with what they studied in seminary. Through such respondents, it will be easy to pinpoint the most current and possibly future challenges communication of Church Law is or will faced with so as to help come up with practical solutions. In all this, I did put into consideration whatever changes or improvements may have



been put in place some few years ago in bid to effectively communicate Church Law.

Surprisingly, majority of the respondents indicated that they were taught all the seven books of the new Code of Canon Law and very sufficiently. They developed positive attitude towards law, would have wished to take further studies in the subject, they find Church Law a very useful tool in their ministry and nearly all have a copy of the Code which they consult whenever need be. A small section, however, feel that they were not sufficiently taught Church Law while others have no wish to take further studies in the subject. There is a neck-to-neck situation with sharp division on whether people generally have positive attitude towards law. On the other hand, most respondents hold firmly that the lay faithful know very little, if any, about Church Law.

The most interesting part of the survey is the responses on the open-ended question concerning what need to be done in order to improve the attitude, knowledge and application of Church Law among the clergy, those in seminary and the lay faithful and the best means to achieve it. Most proposals would like to see frequent seminars and workshops organized for both ordained and lay faithful. Others have suggested that the law be simplified through translation into vernacular, each book be printed separately and its contents be made more accessible to the lay faithful, carry out a radical review of the entire body of Church Law and have well prepared and competed professionals in this areas to update the lay, those in seminaries, priests and bishops.

All these suggestions are a clear proof that something need to be done if Church Law is to enjoy the attention it deserves and in turn guarantee its subjects

with the badly needed rights and services. These responses seem to be honest and spontaneous slightly differing with the close-ended questions.

## ***5.2 Lay Faithful***

In strict sense, the lay faithful are not the primary target of my research given the nature of subject matter, their disposition and population. If some of those who have undergone formal and intensive formation in matters of Church Law are not well conversant or even not comfortable with it, how then, do expect the lay faithful to be competed?

However, along with the questionnaires for the priests I thought is better to circulate some few and different questionnaires to the lay faithful so as to have an idea of their situation. Unfortunately, out of the 15 questionnaires I gave out to some lay faithful from different parts of the Diocese, of varied social status, experience and age between 60 and 20 years, only 5 copies made it back to me.

Of these 5 copies, 4 have some remote idea of Church Law while all five are convinced that law is a necessity but would like to be taught more about Church Law. Three feel that Church Law does not address issues directly affecting them in daily life experience while two hold the opposite. All expect the priests to teach them Church Law through seminars and workshops.

## **6. Recommendations**

Now that we are aware that Church Law plays an important role in guaranteeing order, justice and eventually as a means of salvation within the Church Society as well the indispensable responsibility the leaders have of keeping the faithful sufficiently informed through constant and accurate communication, it is the right moment to lay down some recommendations on how this can be improved.

Episcopal Conferences and individual Bishops should capitalize on those elements of the Church Law, which allow new creation, or formulation of existing or new law in order to suit particular local church and culture. They should invest time, resources and personnel in preparing experts in order to interpret and formulate Church Law in simple and clear language for both ordained and lay faithful.

Drafts from experts should find their way should be pre-tested before the final formulation so as to blend smoothly with local needs and culture of the faithful. This, notwithstanding any mitigation of the gospel truth and common good for the sake of mere cultural demands.

It would be very useful for the Diocese and even parishes to have libraries to furnish those who have interest in Church matters before or after benefiting from seminars.

Priests, religious and professionals should do what is possible in their situation to promote, understand, appreciate and promote a healthy balance of Church Law with the needs local church.

Those entrusted with the formation of future ministers and professionals in colleges and seminaries should see to it that students are taught sufficiently by competent persons using modern means and approaches so as to arouse interest and create a lasting impression that Church Law is not oppressive but redeeming.

Instead of relying on seminars, workshops and group-based means only to communicate Church Law, the local church should make a proper use of the technological advances in the means of social communication with all the opportunities it has opened.<sup>71</sup>

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<sup>71</sup> CDF, 3.

Since modern means of social communication are there for the good of all and to serve all<sup>72</sup> and are indispensable means of evangelisation, enlightening the minds and hearts as well as contributing towards co-operation in furthering human progress by a Christian leavening of the social order<sup>73</sup>, the church should not ignore such opportunities. On the contrary, she should make the fullest use of any fresh opportunities that the improvement of those instruments may disclose.<sup>74</sup>

A very practical application of the call to use modern means of social communication in Machakos Diocese could be presentation of religious programs KBC central station.<sup>75</sup> This station broadcasts in vernacular (Kamba) and reaches all parts of the Diocese. Many people both in towns and villages tune to this state-run station since there is at least one transistor radio in each homestead. Alternatively, the local Church of Machakos Diocese can put up its own transmission station so as to ensure effectiveness and consistency. This can offer a great opportunity of presenting and discussing matters of Church Law with high involvement of the faithful.

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<sup>72</sup> Cf. *PCMSC*, 37.

<sup>73</sup> *Ibid*, 47.

<sup>74</sup> *Ibid*, 45.

<sup>75</sup> Cf. M.N. LOHMULLER, *The Promulgation of Law*, 112.

## GENERAL CONCLUSION

As already discussed in the first chapter of this work as working definition, law is an act of communication of legislator's vision concerning the life of the community, it would be fitting to treat communication education of pastoral personnel not as mere encouragement for intense use of media of training church personnel in the techniques of "the new media"<sup>76</sup> but as "the habitual mode of religious interpretation of life experiences.

While it is historically true that for the most part, the attitude of the catholic church towards new modes and emerging patterns of communication as been at first negative and distrustful, the contrast is true after the period immediately following Second Vatican Council which was characterised by a 'change of attitude' towards modern means of social communication.<sup>77</sup> Accordingly, post-councillor documents such as *Communio et Progressio* (1971) and *Evangelii Nuntiandi* (1975) viewed and stressed mass media as a gift from God in accordance with his providential design and plan for salvation.

More recently, the Catholic Church and other Christian churches have manifested yet another shift in their moral view of communication. The enthusiasin

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<sup>76</sup> Cf. *PCMSC*, 10.

<sup>77</sup> Cf. P. MOGGI, *Lecture Notes on Church and Communication*, (Unpublished)

of the past years has been tampered by a more critical evaluation of new modes of communication, especially new media technology.<sup>78</sup> Christianity does, however, assert that communication is a basic human right and, as such, the Christian seeks to establish a pattern of communication in which the free, creative expression of the person is recognised, respected and invited. It will difficult for the church to tell media professionals or policy-makers to develop more democratic communications if the church is not doing this itself.<sup>79</sup> In all these, it important to remember that during his life on earth, Christ showed himself to be the perfect communicator while the Apostles used what means of social communication were available in their time. It is now necessary that the same message be carried by the means of social communication that are available today.<sup>80</sup>

In Lonergan a word, community is not just an aggregate of individuals within a frontier, for that overlooks its formal constituent, which is common meaning. Such common meaning call for a common field of experience and, when that is lacking, people get out of touch. It calls for common or complementary ways of understanding and, they are lacking, people begin to misunderstand, to distrust, to suspect, to fear, to result to violence. It calls for common judgements and, when they are lacking, people reside in different world. It calls for common values, goals, policies and, when they are lacking, people operate at cross-purposes. The genesis of common meaning is ongoing process of communication, of people coming to share the same cognitive, constitutive, and effective meaning. As common meaning constitutes community, so divergent meaning divides it.<sup>81</sup>

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<sup>78</sup> Cf. *Ibid*, 11.

<sup>79</sup> Cf. *Ibid*, 12.

<sup>80</sup> Cf. *Ibid*.

<sup>81</sup> Cf. B. LONERGAN, *Method in Theology*, 357.

Finally, I would like to stress that Church Law is a precious gift to the church and all should be done to discourage any attempt to water its contents through the negative influence of modern cultures. After all, it is not possible to have every article of Church Law simplified and communicated effectively. Mine is just an highlighting of the grave common role shared by both law and shared common meaning for both lead to order, justice and common good of all the faithful.

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## **APPENDIX 1: ABBREVIATIONS**

AMECEA	Association of Member Episcopal Conference of Eastern Africa
CDF	Congregation for the Doctrine of the Faith
IMBISA	Inter-regional Meeting of Bishops of Southern Africa
KBC	Kenya Broadcasting Cooperation
NRSV	New Revised Standard Version
PCMSC	Pontifical Commission for Means of Social Communication
Rom.	Romans

## **APPENDIX 2: INTERVIEWS**

### **Bishop**

Dear Bishop, Canonist, Father, Mr/Mrs/Miss Introduction for all)

Canon law could be more helpful tool in administering sacraments, proclaiming Word of God as well as safeguarding the right and obligations of the church and its individual members. The intelligent and free nature of this community and its members ought to be respected if they are to see the values promoted by canon law. This would thus mean that promulgation of canon law is not simply imposition of a norm of action but rather a communication of a vision concerning the life of the community. As such, effective communication of canon law is inevitable if its subjects are to reach personal judgement that the act was in pursuance of a true value and decide freely to do it.

I am conducting the research on communication of canon law. I have prepared questions on your interest and knowledge of canon law, the relevance of canon law in the lives the faithful in your Diocese, importance and the challenges of communicating canon law, as well as the best means of communication to be used if canon law was to be better known and applied in your real life situation. There are no right or wrong answers; your opinion is what matters. All that you will share is confidential. Please don't write your name. Your generous contribution will help me and many other people to know and treasure the values promoted by canon law especially the salvation of souls. Thank you so much for your time.

How did you specialize in communication?

Why did you specialize in it at all?

What are the advantages of communication?

What are its challenges?

Is canon an essential tool in the attainment of salvation of souls?

How can the values promoted by canon law be effectively communicated?

## Canonist

Dear Canonist,

Canon law could be more helpful tool in administering sacraments, proclaiming Word of God as well as safeguarding the right and obligations of the church and its individual members. The intelligent and free nature of this community and its members ought to be respected if they are to see the values promoted by canon law. This would thus mean that promulgation of canon law is not simply imposition of a norm of action but rather a communication of a vision concerning the life of the community. As such, effective communication of canon law is inevitable if its subjects are to reach personal judgement that the act was in pursuance of a true value and decide freely to do it.

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Did you have special interest in canon law while in seminary?

How did you become a canonist?

Is canon law well known among its subjects in Machakos Diocese?

What more can be done to have it effectively communicated?

What is the attitude of clergy and the lay towards Canon Law?

What are some of the challenges you face as a Canonist?

What can be done to equip better those in seminary in matters of Canon Law?

What are the best means to do it?

Are there programs to keep those who are no longer in seminary updated on matters of Canon Law?

What are the best means to do this?

What are the means used in promulgation of Canon Law?

How can they be improved?

What concrete plans do you (Diocese) have to help Canon Law enjoy the attention it

How many years are as a priest?

What is your age?

How many years have you been a priest and how many as canonist?

## APPENDIX 3: QUESTIONNAIRES

### Priests

Dear Father,

Canon law could be more helpful tool in administering sacraments, proclaiming Word of God as well as safeguarding the right and obligations of the church and its individual members. The intelligent and free nature of this community and its members ought to be respected if they are to see the values promoted by canon law. This would thus mean that promulgation of canon law is not simply imposition of a norm of action but rather a communication of a vision concerning the life of the community. As such, effective communication of canon law is inevitable if its subjects are to reach personal judgement that the act was in pursuance of a true value and decide freely to do it.

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Which books (sections) of Canon Law were taught in seminary?

- General Norms ☐
- The People of God ☐
- The Teaching Office of the Church ☐
- The Sanctifying Office of the Church ☐
- The Temporal Goods of the Church ☐
- Sanctions in the Church ☐
- Processes ☐

Did you feel sufficiently taught in Canon Law? Yes ☐ No ☐

Did you develop positive attitude towards law Yes ☐ No ☐

Would you have wished to take further studies in Canon Law Yes ☐ No ☐

Do you think people have negative attitude towards law? Yes ☐ No ☐

Is Canon Law helpful tool to you as a Minister of the Word and Sacraments? Yes ☐ No ☐

Is what you studied about Canon Law applicable in Parish ministry? Yes ☐ No ☐

Do you have a copy of Canon Law Yes ☐ No ☐

How often do you consult it?

- Daily ☐
- Weekly ☐
- Monthly ☐
- Once in a year ☐
- Only when need be ☐
- Never ☐

Do the faithful know anything about Canon Law? Yes ☐ No ☐

What more can be done to improve the attitude, knowledge and application of Canon Law among the clergy, those in seminary and the lay?

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What are the best means to do this? \_\_\_\_\_

How old are you? \_\_\_\_\_

## Lay Faithful

Dear Mr/Mrs/Miss,

Canon law could be more helpful tool in administering sacraments, proclaiming Word of God as well as safeguarding the right and obligations of the church and its individual members. The intelligent and free nature of this community and its members ought to be respected if they are to see the values promoted by canon law. This would thus mean that promulgation of canon law is not simply imposition of a norm of action but rather a communication of a vision concerning the life of the community. As such, effective communication of canon law is inevitable if its subjects are to reach personal judgement that the act was in pursuance of a true value and decide freely to do it.

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Have you idea of Canon Law? Yes ☐ No ☐

Do you think it is necessary? Yes ☐ No ☐

Do you like law Yes ☐ No ☐

Does canon law address the issues directly affecting Yes ☐ No ☐

Would you like to be taught more about Canon Law? Yes ☐ No ☐

Who do you think should teach you? \_\_\_\_\_

What are the best means to do this? \_\_\_\_\_

How old are you? \_\_\_\_\_





# PARISHES OF THE CATHOLIC DIOCESE OF MACHAKOS

		Population	B. Catholic	C. Actual	OUT-STATIONS		
					Permanent	Semi. Perma	T. Struc
1	ATHIRIVER	52900	4650	17300	1	7	1
2	EKARAKARA	16401	8845	10525	13	3	0
3	IKALAASA	66339	25180	25180	9	8	7
4	KAMBU	35356	11824	13082	21	18	5
5	KASIKEU	56615	21140	16140	16	14	25
6	KATANGI	63900	14914	17250	18	10	15
7	KATHONZWENI	70000	22212	22212	30	8	6
8	KAUMONI	70500	20734	12500	5	1	16
9	KIBWEZI	51750	12060	10647	15	25	3
10	KALAWA	36500	2319	5808	9	9	3
11	KATALONI	11450	969	1020	2	0	4
12	KILUNGU	97000	38148	20200	17	5	11
13	KOLA	51000	8249	7108	14	16	2
14	KANZALU	78985	49683	39561	8	0	6
15	KITETA	21343	20710	19000	10	15	0
16	KIONGWANI	34604	7180	14902	13	8	3
17	KANGUNDO	30000	2300	20000	16	5	0
18	MAKAVETI	45000	2320	5500	11	0	4
19	MATILIKU	15000	3333	4000	30	1	11
20	MAKINDU	50724	12629	20000	34	7	6
21	MAKUENI	74340	20140	30000	13	14	1
22	MATUU	82813	5802	35167	18	15	6
23	MITABONI	14364	6387	7000	9	10	9
24	MWALA	29120	19305	18205	13	3	3
25	MAVOLONI	7600	4240	3950	3	7	3
26	MBITINI	52000	17129	19587	6	6	4
27	MBOONI	80495	17698	20000	17	4	0
28	MBIUNI	40987	37786	26511	16	0	1
29	MASINGA	23289	6188	12050	16	5	4
30	MASII	37514	6130	13532	14	34	0
31	MACHAKOS	150945	43841	32745	18	6	20
32	MTITO ANDEI	13000	1269	7500	15	6	3
33	MUKUYUNI	17698	1153	10941	7	5	2
34	MBUMBUNI	27260	1286	12169	3	6	6
35	NOITHINI	46632	11986	16946	19	5	1
36	NGUNGA	46539	17026	17100	16	4	3
37	NAIKONI	52000	2954	12500	14	1	4
38	TALA	80000	38853	22879	9	6	1
39	TAWA	53000	5885	10500	13	1	0
40	THATHA	30000	9789	16000	18	8	112
TOTAL		1914963	564246	648209	549	306	311

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