

# *Episcopal Ordinations in the Catholic Church in China since 1950: Evaluated from the potestas sacra and communio in Lumen Gentium and the 1983 Code of Canon Law*

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**T**he Second Vatican Council pointed out that “the apostles were careful to appoint successors in this hierarchically constituted society,” that is the Church. The bishops have received “the ministry of pastors, as teachers of doctrine, as ministers of sacred worship and as apostles governing the Church” (*Lumen Gentium* 20). At the same time, by episcopal ordination, they receive the fullness of the sacrament of orders, that, “together with the office of sanctifying, also confers the offices of teaching and of ruling, which, however, by their very nature, can be exercised only in hierarchical communion with the Head and the members of the College” (LG 21; cf. *Christus Dominus* 2). This passage was re-produced exactly in paragraph 2 of canon 375 of the present Code of Canon Law (CIC).

“By their very nature” means that the offices of teaching and governing are tasks that demand intrinsically the subordination of the bishops to the Supreme Pastor. This is the hierarchical communion. The Council referred explicitly to the need of hierarchical communion for *the munera docendi et gubernandi* (the gifts, or offices, of teaching and governing) to take effect. It would be opposed to the very idea of episcopal authority exercised against, or apart from, the Church. Pope John Paul II, in the Apostolic Exhortation *Pastores Gregis*, no. 8, affirms that “the three functions received in an episcopal ordination — namely, sanctifying, teaching

and governing — should be exercised in the hierarchical communion, although, in distinct modes.”

The *potestas* (power) is truly received with sacramental ordination, but it does not possess *ad actum expedita* (readiness to act). For this it needs canonical or juridical determination on the part of the legitimate authority, which guarantees hierarchical communion. This is because the episcopal ministry of teaching and governing has to be carried out in a coordinated way within the episcopal *communio*. This norm is required by the very nature of the things, since it deals with offices, which have to be exercised by many subjects, who, by the will of Christ, have to cooperate hierarchically. It is a ministry, which should be fulfilled in the bosom of an organized group which requires order and unity, i.e. *communio*; and it is so, by reason of its very nature.

As a consequence, the communion of the bishops among themselves and with their Head in the exercise of their ministry demands not only a subjective disposition of fraternal “affection” among themselves, but the communion should be expressed also in an objective, external and hierarchical way, since it constitutes an “organic reality.”

In *Lumen Gentium* no. 22, “one is constituted as a member of the episcopal body by virtue of sacramental consecration and by hierarchical communion with the Head and with the members of the College”. These words were adopted whole and entire in canon 336 of the current CIC. The incorporation into the College occurs, therefore, not only through sacramental consecration, but also by the hierarchical communion with the Head and the other members. The adjective “hierarchical” means that the episcopal communion, by its very nature, supposes the bond of subordination of the members to the Head of the College. Both requirements are necessary at the same time. The bishops must exercise this office in a hierarchical communion. This “communion” should not be understood to mean an undefined feeling but as an organic reality that demands a juridical form and that, in turn, is animated by charity. The bishop commits himself to this when he takes the oath of fidelity to the Apostolic See prior to taking possession of his office (cf. canon 380).

*Communio*, as a fundamental reality of the ecclesial constitution, does not pertain only to the ontological order of the *potestas sacra* (sacred power), but it is a datum of fact. It is an ecclesial reality, which either exists or does not exist, but which can be ascertained and judged in its authenticity only by someone invested with the fullness of the *potestas sacra*. As an objective fact, the *communio hierarchica* (hierarchical communion) does not depend on the caprice of the authority. It is the structure of the Church by virtue of which the *potestas sacra* itself exists.

In ascertaining the existence of communion in virtue of his *potestas sacra*, the Pope expresses himself above all according to the modality proper to the power of jurisdiction. This means that the *potestas sacra* and the *communio* are not identical realities. The *communio* is, on the one hand, the ontological ecclesial reality within which the *potestas sacra* must act to be integrally efficacious. On the other hand, it is a reality that the *potestas sacra* itself helps to generate. Even though the *potestas sacra* is conferred with the sacrament of Orders, to confer jurisdiction with the *missio*, separately from ordination, means an act with which the legitimate authority assigns, in virtue of the *potestas sacra* (which in the case in point is expressed by the modality of jurisdiction), the area within which a bishop or other minister must exercise his proper *potestas* to remain organically inserted in the *communio hierarchica*.

In the case of the Catholic Church in China since 1950, while bearing in mind the concept of *communio hierarchica* emphasized so much in Vatican Council II, one can evaluate the episcopal ordinations “without” papal mandate in the secret ordinations carried out by Bishop Fan in 1981, and those which took place without papal mandate in recent years.

Starting from 1981, Bishop Fan, realizing that he was already aging, and the Church in China really needed pastors, secretly ordained several priests as bishops. The Holy Father, John Paul II, then came to know about these acts of episcopal ordination without a previous papal mandate. He did not declare the ordaining bishop nor the ordained bishops to be excommunicated. Instead he praised them for their heroic act of fidelity. It therefore provided a firm clarification to the “Privileges and Faculties” given to the silent

Church in China in 1978, which did not grant the privilege to ordain bishops, but only priests and other ministers. The reason for not excommunicating the bishops involved in the 1981 secret ordinations is very clear: the ordaining bishop and the ordained bishops were in full hierarchical communion with the Head and the members of the College of Bishops of the whole Church. They were true successors of the Apostles of Jesus Christ and pastors of the Holy Catholic Church. In fact, these secret ordinations were *ad mentem* (according to the mind) of the Head and of the other members of the College of Bishops.

On the other hand, the illegitimate episcopal ordinations of the past few years were definitely sacramental consecrations carried out by valid bishops. The question is, however, were those ordaining bishops and ordained bishops in hierarchical communion with the Pope and the College of Bishops around the world? If yes, to what degree does their hierarchical communion exist? Without such *communio*, that is, without the canonical mission determined by the Pope, even though they were consecrated sacramentally as bishops, they could not exercise the three *munera*. In the absence of *communio*, those ordaining bishops and the ordained bishops would have incurred the excommunication *latae sententiae* (taking into account the situations mentioned in canons 1322-1324). Many of them requested pardon from the Pope later, and according to individual cases, the Pope re-established the hierarchical communion with them, though in varying degrees.

When a minister exceeds the proper authority imposed on him by canon law, the sacramental and jurisdictional acts carried out by him cease to be acts capable of realizing the *communio plena* (full communion), and it follows that they cease to be binding for the Catholic Church. This does not mean, however, that these acts are necessarily null or invalid, in the same sense in which this is said of purely juridical acts.

In canonical doctrine, one can argue that the exercise of the *potestas sacra*, both in the sacramental and jurisdictional expression, could be held to be invalid in the measure in which it is realized outside of the minimum grade of communion which guarantees the existence of a reality still capable of being defined as an ecclesial reality. The absence of the objective elements of the *communio*

renders the *potestas* inefficacious, that is, invalid. If these conditions are realized, ordinations “*extra communionem*” (outside communion) can be considered to be invalid because they would be placed within a reality that no longer has the specific structure of the Church even to the minimum degree. If the lack of communion, on the other hand, means “*extra communionem plenam*”, the problem of validity is transformed into the problem of liceity.

When we consider the most irregular cases in the recent episcopal ordinations, in which some of the ordaining bishops and ordained bishops never asked for pardon from, or sought hierarchical communion with the Holy Father; or even in the worst cases, in which the “candidates” were already clearly informed before their ordinations that the Holy Father had not approved them (and they still proceeded with an episcopal ordination anyway), what were they thinking? In the mind of those ordained bishops, was their intention in being ordained to serve the one, holy, catholic and apostolic Church or to serve just their “own” church, the “China” church or the “patriotic” church? Were those ordinations “*extra communionem*” or merely “*extra communionem plenam*”?

“In order to shepherd the People of God and to increase its numbers without cease, Jesus Christ our Lord set up in his Church a variety of offices which aim at the good of the whole body (*communio*). The holders of office, who are invested with a *potestas sacra*, are, in fact, dedicated to promoting the interests of their brothers and sisters, so that all who belong to the People of God, and are consequently endowed with true Christian dignity, may, through their free and well-ordered efforts towards a common goal, attain to salvation” (LG 18). This quotation from *Lumen Gentium* can be used to help us to see the difference between the “secret” ordinations of the early 1980s and the recent “illegitimate” ordinations, and to judge whether they are within the *communio* or are they *extra communionem*?