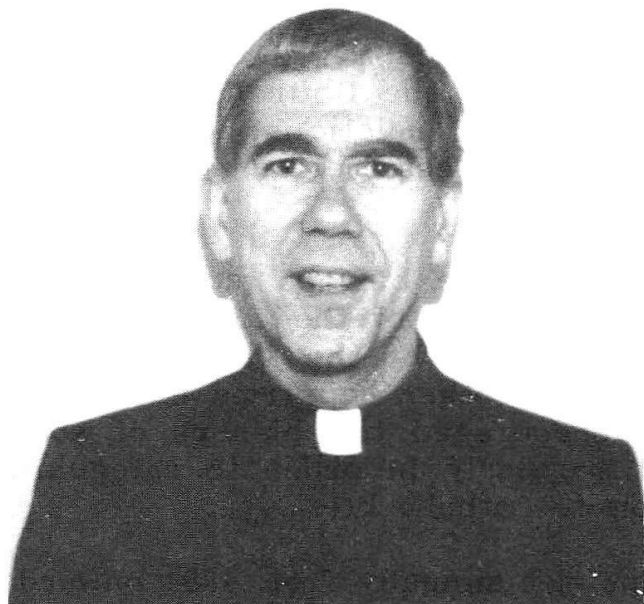


Bishops' Conferences

by James H. Provost



Editor's Note: Professor James Provost is the Chairperson for the Canon Law Department of the Catholic University of America, Washington, D.C.

Bishop's Conferences form a significant element in the Catholic Church today. They express the presence of the Church at the national level, support the efforts of individual bishops in their dioceses, and form important links of communication and mutual solicitude among bishops in various nations. To understand their present importance, it will be helpful to review the history of these conferences, their importance at the Second Vatican Council, their theological and canonical status, and their competence today.

A Brief History

From the earliest Christian times, bishops gathered together on a regular basis to discuss the faith and church discipline, and to provide mutual support to one another both within a region and with bishops of other regions. Eventually these meetings were formalized into provincial and plenary (national) councils. Such councils were key to the development of dogma and of church legislation. But by the Middle Ages in Europe they had become infrequent. Efforts to reform the Church were often directed through new attempts to hold regular particular councils (i.e., provincial and plenary councils).

By the sixteenth century, however, there were heavy restrictions on particular councils. Civil government authorities demanded control over the decisions the bishops might reach in a council. Vatican officials refused to permit bishops to hold councils without prior clearance from them. Caught between restrictions from secular governments and top church officials, the bishops of some countries decided to meet in

"conferences" rather than councils. While a council could make decisions that bound all the bishops involved, a conference was a forum to exchange information and to develop common approaches to problems; the only binding force its decisions could have was whatever the individual bishops wanted to give them.

From 1516 until 1788 the archbishops of France met in regular conferences. They dealt with relations between the Church and state, common issues of church discipline, and with relations between the bishops and Rome. Similar meetings, but on a less frequent basis, were held in parts of Germany and Italy.

A new start at conferences was made by the bishops of Belgium in 1830. All the bishops (not just the archbishops) of the country began to meet on an annual basis to direct the role of the Church in the newly independent nation's life. Bishops in other countries eventually followed this example. Pope Leo XIII encouraged the bishops of some nations (for example, Austria) to meet regularly in order to safeguard the interests of the Church and to promote Catholic life.

In the United States, the archbishops met annually from 1884 onward. In 1917 they organized all the bishops into a national organization to direct Catholic efforts in their country during the First World War. Later this became the National Catholic Welfare Conference, although not without a struggle. Some bishops asked Rome to disband the organization, fearing it would limit their own power or might weaken the role of the Apostolic See. The majority of American bishops, however, wanted the new organization. After pressuring Rome, it was allowed to continue and it grew into an important service to the Church's work in education, charities, immigration, and social justice issues.

In other countries the bishops also began to gather on a regular basis, and after 1945 the Apostolic See encouraged this movement. It responded positively to a suggestion of Latin American bishops that a conference be set up for all of Latin America (CELAM, or the "Consejo episcopal Latino-Americano"). While each country in Latin America has its own bishops' conference, this continental-wide organization provides a coordinated approach to the pastoral situation these countries share in common.

In more recent years other international conferences have been formed, including the Federation of Asian Bishops' Conferences, several multi-national organizations in Africa, a conference of European bishops' conferences, etc.

Importance at Vatican II

By the time of the Second Vatican Council, bishops' conferences already existed in many nations, especially those which had several ecclesiastical provinces. These conferences played an important role during Vatican II, providing a structure in which the bishops could discuss the issues being debated by the council and could take collective action. They were important from the very first week of the council in proposing nominees for the various conciliar commissions, rather than just accepting those proposed by the preparatory commission.

The documents of the Second Vatican Council reflect this importance of bishops' conferences. From the very first document (on the liturgy), these conferences were seen as the major structure by which the reform of the Church could be carried out, and its life adapted to the many different cultures in which the Church seeks to be at home.

The decree on the bishops' pastoral office called for conferences to be set up throughout the Latin Church. These were normally to be set up on national lines, although for various reasons other kinds of groupings could be used. In practice, most conferences include the bishops of one nation; however, some include only part of a nation (e.g., the bishops of Puerto Rico are part of the United States, but form their own conferences), and others include bishops of several nations (e.g. the bishops of Scandinavia, or of various island nations in the Pacific).

Following the council, bishops' conferences were charged with major steps in implementing its decisions as various documents were issued by the Apostolic See. In a number of documents relating to adaptations of the liturgy, decisions regarding priestly ministry, adaptations of religious life, etc., bishops, conferences exercised a competence analogous to that of Patriarchs and their synods in the Eastern Catholic Churches. Conferences also took the initiative in several countries to coordinate the work of dioceses in implementing the council, or in adopting pastoral initiatives suited to their particular situation (e.g., the "preferential option for the poor" in Latin American churches).

Theological Status

During the council, bishops' conferences were often referred to as a modern-day expression of the collegiality of bishops. They express in practical terms the collegial spirit of "solicitude" bishops should have among themselves and for the rest of the Church. If they are an expression of collegiality, this is because their members are all members of the College of Bishops. While the whole College is not at work in an individual bishops' conference, the conference does represent activity

by College members, precisely as members of the College. Hence conferences are often spoken of as "partial" expressions of collegiality.

Another basis advanced for bishops' conferences is the communion of churches. The Catholic Church is a communion of particular churches, expressed in various dimensions. It is not only the communion of dioceses on a universal scale, but also the communion of local churches in regions, on the national level, in multinational groupings, and indeed in autonomous ritual churches or rites. Bishops' conferences can be viewed as one of the instruments by which this communion of churches is expressed in a particular way, usually on a national basis. In the conference the bishops who have a pastoral role within these local churches meet together, discuss matters of mutual concern to their churches, and develop practical decisions which affect the life of their churches. They "represent" their churches, as Vatican II stated in the constitution on the Church Lumen gentium, and in this sense make present the Catholic Church on a supra-diocesan basis.

As members of the College of Bishops and as pastors of local churches, bishops continue the work of the apostles; they exercise the functions of teaching, sanctifying, and governing. In the teaching area, tension arose not long after the council over the papal encyclical on the regulation of births, Humanae vitae. Once the encyclical was issued a request was sent from the Vatican for the bishops' conferences to support the pope's position. A number of conferences issued statements, but many of these added nuances not found in the encyclical and some seemed lukewarm in their support. This raised the question of whether conferences could exercise a teaching authority of their own, or should only reflect the teaching set down by the Apostolic See.

In 1969 Paul VI convened an extraordinary session of the Synod of Bishops to discuss the relationship between bishops' conferences and the Apostolic See. The discussions were reportedly quite frank, and a number of practical suggestions were made to improve these relationships. Unfortunately, very few of these have ever been implemented.

The theological status of conferences and their teaching authority were questioned again in 1985 when John Paul II convened a second extraordinary Synod of Bishops to review the twenty years since Vatican II. While the synod generally supported the work of the council and its implementation, questions were raised about bishops' conferences by some participants, and a special study commission was named after the synod to develop a policy statement about them. In 1988 a "working paper" (instrumentum laboris) was issued by the study commission.

However, it was very poorly done and received strong negative criticism from bishops and scholars. It is not clear what will be the next development in regard to a policy statement on bishops' conferences.

Canonical Status

The status of bishops' conferences in canon law is much clearer. The 1983 Code of Canon Law canonizes their status in canons 447-459. In the 1917 Code of Canon Law bishops' conferences were treated only as provincial meetings of bishops (1917 code, c. 292); in the 1983 code, they are "a grouping of bishops of a given nation or territory whereby, according to the norm of law, they jointly exercise certain pastoral functions on behalf of the Christian faithful of their territory in view of promoting that greater good which the Church offers humankind, especially through forms and programs of the apostolate which are fittingly adapted" to local circumstances (c. 447).

The law recognizes that conferences are generally national in scope; but it also provides for a portion of a nation to have its own conference, as well as conferences involving several nations (c. 448). While Vatican II's decree on bishops' pastoral office spoke of the bishops forming the conference and then having their statutes approved by the Apostolic See, the code now requires that conferences be erected by supreme church authority (c. 449) as well as have their statutes approved by the Holy See (c. 451). Once established, a conference is a "permanent institution" (c. 447), and enjoys juridic personality in virtue of the law itself (c. 449 #2).

By law, members include all Latin rite diocesan bishops and those equivalent to them, as well as coadjutor, auxiliary and other titular bishops who fulfill a particular function in the territory (c. 45). The conference can also decide to include ordinaries of other rites, and may extend to them a deliberative vote.

These members are to meet at least once a year, and as often as special circumstances require (c.453). Diocesan bishops and those equivalent to them in law, and coadjutors, have a deliberative vote; the statutes are to determine what kind of vote (consultative or deliberative) the other bishop members enjoy. In some countries, for example, this latter group do not vote when financial questions are involved. In any case, only the first group (diocesan bishops, etc.) can vote to adopt or change the statutes. (c. 454).

Each conference is free to develop its own internal organization. The law does set down certain basic requirements. The conference is to

elect its own president and vice-president (or "pro-president"), who preside over plenary meetings as well as meetings of the "permanent council" (c. 452). The permanent council of bishops is an executive group which assists in the direction of the conference. The conference is also to have a general secretary, selected according to conference statutes. Whether to form other commissions, committees, secretariats, etc., is left to the decision of each conference.

In practice the conferences have adopted varying organizational structures. Those with a large number of bishops have frequently formed various committees, secretariats and commissions. Sometimes these are made up entirely of bishops. In other instances, religious and lay persons are also members of the groups. These structures pay special attention to public policy issues in dealing with the secular government, as well as to specifically church concerns ranging from priests, seminaries and religious life, to doctrine, canon law, education and liturgy. Frequently there are agencies of the conference which work for social justice, promote church teaching on respect for human life, and foster pastoral care of migrants and other special groups.

Conferences with smaller numbers of bishops have much simpler organizations. They will often meet more frequently and address various issues as a full body, rather than forming sub-groups to do this work. The key is to remain flexible enough for the conference to be at the service of the bishops and local churches, yet organized enough to be effective in carrying out this service.

Conferences' Competence

A central issue in the canon law treatment of bishops' conferences is their competence, especially those matters on which they can make decisions which bind all the bishops and their dioceses. From the beginning the approach to this issue has been ambiguous. During and since Vatican II many have thought that by increasing the binding authority of conferences they could promote more effective adaptation to local cultures and increase the possibilities for reform in the Church. They also saw this as a means to foster greater coordination and collaboration among dioceses, thus contributing to a more integrated pastoral approach within each country.

On the other hand, there were bishops during the council and since then who have complained of an increasing bureaucratic structure which burdens their ability to pastor their own dioceses. Some fears have also been expressed that conferences will develop greater independence and thus threaten the unity of the Catholic Church. This tendency has

sought to reduce the issues on which conferences could make binding decisions.

The two tendencies are at work today as well, not only in the compromises evident in the Code of Canon Law but also in the workings of individual conferences and in their relationships with the Roman Curia. There are twenty-nine issues on which conferences by law are to adopt binding decrees; there are another fifty-three in which the code mentions conferences' competence, although it is optional whether a bishops' conference will choose to act in these matters.

Some of the issues on which conferences are supposed to take some action are relatively prosaic, such as determining what records are to be kept by parishes or how marriages are to be noted in parish registers. Others affect the life of the Church in more notable ways, such as norms for preaching by lay persons in churches or any preaching on radio and television, regulations on the catechumenates, norms for presbyteral councils and for the formation of deacons, regulations affecting funding raising and the leasing of church property, determining which holy days of obligation are to be observed and what the practices of fast and abstinence will be in the country.

To make a binding decision on an issue not listed in the code or other document from the Apostolic See, a conference must request prior authorization from Rome. Thus the listing of issues contained in the code is significant, for it eliminates the need for such prior authorization.

On the other hand, any decision of a conference which will be binding in the country, whether as a general decree (law) or general executive decree (which specifies how to observe a law), must receive prior "recognitio" from the Apostolic See before it can take effect. This is the same norm which has applied to provincial and plenary councils since the sixteenth century. Both the meaning and practice of "recognitio" continue to pose problems for conferences, as they have for councils.

"Recognitio" does not change the nature of the decree; it remains a decree of the bishops' conference. It is not, however, merely a review to see that the decree is not contrary to universal church law. In the process of "recognitio" the Apostolic See can (and does) change specific provisions of decrees, so that when they are finally promulgated as conference decrees they may not actually reflect the decision of the conference but one imposed by Vatican authorities. Similarly, even if a decree receives the required "recognitio," there is no guarantee that

subsequently some Vatican office will not object to the decree. This is clear from the experience of a 1927 provincial council in China, which received a "recognitio" from the Propaganda Fide, but later was objected to by the Holy Office.

In the case of a council there is no recourse when decrees are changed in the process of "recognitio," for the council has closed and ceases to exist. Bishops' conferences, however, are on-going bodies. If a decree is changed in the "recognitio" process, the bishops can begin a process of dialogue and can negotiate until they arrive at an acceptable compromise before issuing the decree.

Bishops' conferences have been so helpful in so many aspects of church life, and in the relations of church and secular society, that they are now taken for granted by most church leaders. Their value lies chiefly in the regular contact of bishops, dealing with issues of major pastoral concern to their churches, and attempting to apply the gospel to the social, cultural and economic conditions of their people. Beyond the issue of binding decisions, the more important contribution of conferences lies in the development of a sense of "Church" which breaks open the narrow confines of parochialism, whether in a local parish or diocese, and helps expand the horizons of Catholics to a truly universal church. This is all the more true when conferences are in close contact with each other.

Selected Bibliography

Francis P. Carroll, The Development of Episcopal Conferences. Sydney: Catholic Press Newspaper, 1965.

Giorgio Feliciani, Le Conferenze Episcopali. Bologna: Il Mulino, 1974.

Hervé Legrand, Julio Manzanares, and Antonio Garcia y Garcia, eds., The Nature and Future of Episcopal Conferences. Washington, DC: Catholic University of American Press. (Proceedings of a 1988 symposium in Salamanca, Spain, also published in French, Italian and Spanish.)

Reinhard Lettmann, "Episcopal Conferences in the New Canon Law," Studia Canonica 14 (1980) 347-367.

Hubert Müller and Herman J. Pottmeyer, eds., Die Bischofskonferenz: Theologischer und juridischer Status. Düsseldorf: Patmos, 1989.

James H. Provost, "Conferences of Bishops," pp. 363-377 in The Code of Canon Law: A Text and Commentary, ed. James A. Coriden et al. New York: Paulist Press, 1985.

Thomas J. Reese, ed. Episcopal Conferences: Historical, Canonical & Theological Studies. Washington, DC: Georgetown University Press, 1989.