

## *Regulations of the Chinese Catholic Bishops' Conference Regarding the Election and Consecration of Bishops: Some Canonical Comments*

*by Geoffrey King, S.J.*

It is perfectly clear that the procedures for the election and consecration of bishops in China are not the normal procedures of the Catholic Church. The normal procedures are those described in the Latin Code of Canon Law in canon 377§2-4, involving discussion in the Bishops' Conference, a process of consultation conducted by the papal legate and involving at least the bishops of the province and the president of the Bishops' Conference, and finally appointment by the Pope. But these procedures are normal only in the statistical sense, not in the sense of being normative. Exceptions to them exist in countries as diverse as Switzerland and Venezuela. In some places the cathedral chapter has a special role, in some places the secular government.



These other possibilities, indeed actualities, are implicitly recognised in canon 337§1 which states that "the Supreme Pontiff freely appoints Bishops or *confirms those lawfully elected*" (emphasis mine). In principle at least, it would be possible for the Holy See to recognise the method of election in China as a lawful election and to confirm those elected. Whether such a recognition would be wise is, of course, another matter.

In fact, the method prescribed in China corresponds at several points with the methods used in the early centuries of the Church. There were variations from one local church to another, but almost universally bishops were elected by clergy and people, and some special role in the process was given to the Metropolitan and other bishops of the province. The

election by clergy and people was meant to assure rootedness in the local church; the intervention of the Metropolitan and comprovincials to assure communion with the wider church. In the Chinese method, the first element (clergy and people) is covered in article 3; the second (Metropolitan and comprovincials) is covered in a roughly equivalent way by article 4 (supervision of election) and article 5 (approval by Bishops' Conference).

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An obviously problematic element in the procedures is the role of the Chinese government. The local government must agree to the process of election being put in train (article 1). Whether this will cause difficulties depends, of course, on the local government officials. Potentially problematic too is the role assigned to the "provincial (municipal, autonomous region) church administrative committee". The administrative committee must give permission for an election to go ahead (article 1), and the same committee must "examine" the name of the person elected before forwarding it to the Bishops' Conference. At first sight this does not seem to be an opening for government interference. The committee consists of bishops, priests, Sisters and laypeople. At the national level, the Church Administrative Committee is supposed to be concerned with religious matters and with the internal affairs of the Church. Difficulty arises, however, from the fact that there are provincial Catholic Patriotic Associations which are supposed to be parallel to the administrative committees. In practice members of the CPA will join the administrative committee, and the CPAs can have a great deal of influence in the administrative committee. Moreover, according to the Constitution of the Bishops' Conference of 1992 and the renewed Constitution of the Catholic Patriotic Association of the same year, all important

matters are to be jointly discussed by the two organizations. Obviously, episcopal elections are an important matter. Hence, they will be discussed by the two organizations, and this gives people who are not church-affiliated a chance to control the elections.<sup>1</sup>

It goes without saying that these openings to government, or at least "outside", interference are far from ideal from the Church's point of view. Two mitigating factors should, however, be mentioned. First, in some of the procedures for selection of bishops in other countries, procedures that are enshrined in concordats, there is also room for government or non-church influence. Second, the degree of interference on the part of the Catholic Patriotic Associations is likely to vary greatly from place to place. It is well known that Patriotic Associations act in very different ways in different parts of China: some exercise a great deal of control, others very little.

In a different way, article 3 perhaps opens the way for further interference. Those to be involved in the election are "clergy, seminarians, Sisters and representatives of the Catholics". The involvement of lay Catholics is in itself admirable, and accords with the practice of the early centuries of the Church. What is lacking in the Regulations, however, is any procedure for assuring that the lay people involved are truly "representative". In some models proposed in other countries the lay people have been chosen by, for instance, the diocesan pastoral council. One cannot simply transpose such models to China, but some roughly comparable mechanism seems desirable. Otherwise, to put it bluntly, there is danger that the lay people will not be representative but will be political appointees.

I turn now to two other points in the Regulations. Both touch on the obviously problematic question of relations with the Holy See.

The qualities required in a candidate for the episcopacy (article 2) are similar to those in the CIC 378 -- strong faith and a variety of virtues, a minimum age of 35 years and 5 years of ordination. The Chinese requirements do not include the licentiate in theology, Scripture or canon law mentioned in CIC 378§1,1<sup>o</sup>. Such a requirement would simply be impossible to fulfill in China, and even the Code

allows the alternative "or at least be well versed in these disciplines". On the other hand, the Chinese requirements include two not mentioned by the Code. The first *need* cause no problems, but is clearly open to difficult interpretations -- "loving of the motherland and law abiding". The second is more problematic -- "supportive of the principle of the independent administration of the church". This raises, of course, the whole issue of relations with the Holy See. If a person is asked, "Do you support the principle of independent administration", he can answer "yes" and at the same time be supportive of papal primacy. After all, the documents of Vatican II (e.g. *Lumen gentium* 27) acknowledge a certain independence for the local church. On the other hand, the requirement could be used to exclude someone who accepts papal primacy. The text as it stands is acceptable: all will depend on interpretation.

The preamble to the Regulations states: "In his own diocese the bishop has the jurisdiction to perform all tasks his pastoral office requires". This is very much in line with Vatican II's *Christus dominus* 8 which states:

Bishops, as successors of the apostles, enjoy as of right in the dioceses assigned to them all ordinary, special and immediate power which is necessary for the exercise of their pastoral office....

*Christus dominus* 8 is in effect an application of *Lumen gentium* 27, which recognised that episcopal power is immediate, not mediated through delegation by the Pope. But both *Lumen gentium* and *Christus dominus* do add a limitation. As *Christus dominus* puts it:

...but always without prejudice to the power which the Roman Pontiff possesses, by virtue of his office, of reserving certain matters to himself or to some other authority.

Of course, the Chinese regulation makes no mention of such power being possessed by the Pope. What the text says is unexceptionable; it is what is left unsaid that remains problematic.

One final point. The Regulations speak of the "consecration" of bishops. Since Vatican II it has become customary to

speak of "ordination" rather than "consecration", so as to emphasise that the episcopate is part of the sacrament of order. An important implication of this change is in fact dealt with in *Lumen gentium* 27: episcopal ordination confers not just sacramental powers but also powers of governance. This was to reject the older theory that the bishop's power of governance was delegated by the Pope. Hence, the use of the term "ordination" would better reflect the ecclesiology implied in the Regulations and authoritatively taught by Vatican II.

## Note

1. For much of the material in this paragraph, I am indebted to Anthony Lam of the Holy Spirit Study Centre.

