

## Commentary on “A Management System for Catholic Dioceses in China”

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**O**n March 21-22, 2003, the Standing Committee of the Chinese Catholic Patriotic Association and the Chinese Catholic Bishops College co-sponsored a joint meeting in Beijing. During the meeting, three documents were proposed and passed. They were: *The System for the Joint Conference of Chairpersons of the Chinese Catholic Patriotic Association and of the Bishops Conference of the Catholic Church in China, Work Regulations for the Chinese Catholic Patriotic Association, and A Management System for Catholic Dioceses in China.*



Many experts have commented on these three documents. Readers can find some of these comments in this issue of *Tripod*. For my part, I would like to concentrate on the third document: “A Management System for Catholic Dioceses in China.” (Hereafter referred to as “Management System.”)

This document, called “*A Draft for Soliciting Opinions,*” consists of 12 chapters, containing a total of 83 articles. Its structure is more or less similar to that of the Code of Canon Law (1983). After comparing its articles with the statements in Canon Law, however, we find significant differences between the two. A great part of the legal authority of the Roman Pontiff and Bishops as stated in Canon Law has been usurped in the “Management System.” The following tables

will help readers understand to what extent the Church's authority has been obliterated. The first table concerns the usurpation of papal authority, and the second concerns the usurpation of episcopal authority in an individual diocese.

### Usurpation of Papal Authority

Articles in the "Management System"	Statements in Canon Law (1983)
<p><b>Article 4:</b> To establish a new diocese, or to re-draw the boundaries of a diocese, the matter should follow the "Procedure" and "Method" regulated by the Chinese Catholic Bishops Conference and reported to the Joint Conference of Chairpersons of the Chinese Catholic Patriotic Association and of the Bishops Conference of the Catholic Church in China for examination.</p>	<p><b>Can. 373</b> It is within the competence of the supreme authority alone to establish particular Churches; once they are lawfully established, the law itself gives them juridical personality.</p>
<p><b>Article 7:</b> The election, ordination and taking of office of a bishop is to be carried out according to the order and method prescribed in "The Regulations for the Election and Ordination of Bishops of the Chinese Catholic Bishops Conference." Once the bishop has been ordained, he receives at the same time the offices of sanctifier, teacher and governor.</p>	<p><b>Can. 377 § 1</b> The Supreme Pontiff freely appoints Bishops or confirms those lawfully elected.</p>
<p><b>Article 15:</b> When the episcopal see falls vacant:</p> <p>2. If there is no bishop in a diocese, and while the diocese is not capable of electing a new bishop, after soliciting the agreement of the provincial<sup>1</sup> church affairs committee and the provincial patriotic association (below briefly called the "two committees") and</p>	<p><b>Can. 421 § 1</b> Within eight days of receiving notification of the vacancy of an episcopal see, a diocesan Administrator is to be elected by the college of consultors, to govern the diocese for the time being, without prejudice to the provisions of can. 502 § 3.</p> <p><b>§ 2</b> If, for any reason, the diocesan Administrator is not lawfully</p>

<p>obtaining the approval of the Bishops' Conference, people may invite the bishop of a neighboring diocese to oversee the diocese concurrently. The bishop takes over all the episcopal responsibilities, and enjoys all the episcopal powers, in the new diocese. However, generally speaking, he is not concurrently in-charge-of the diocesan properties. On Sundays and on holidays of obligation he should offer one Mass for the Christians entrusted to his care.</p>	<p>elected within the prescribed time, his appointment devolves upon the Metropolitan. If the metropolitan see is itself vacant, or if both the metropolitan see and a suffragan see are vacant, the appointment devolves on the suffragan that is senior by promotion.</p>
<p><b>Article 15:</b> 3. If because of age, serious illness or any other reason, the bishop is not capable of carrying out his duties, the bishop, by himself, or at the exhortation of the responsible persons in the provincial "two committees," can submit his resignation to the bishops' conference. However, the home diocese is responsible for supporting the bishop.</p>	<p><b>Can. 401 § 2</b> A diocesan Bishop who, because of illness or some other grave reason, has become unsuited for the fulfillment of his office, is earnestly requested to offer his resignation from office.</p>
<p><b>Article 15:</b> 4. If a bishop, without proper reason, leaves his diocese for a period of six months or more, or seriously neglects his duties, the provincial "two committees" or an older bishop in the province should report the matter to the bishop's conference.</p>	<p><b>Can. 395 § 4</b> If the Bishop is unlawfully absent from the diocese for more than six months, the Metropolitan is to notify the Holy See. If it is the Metropolitan who is absent, the senior suffragan is to do the same.</p>
<p><b>Article 16:</b> If pastoral needs require it, and based on the ordinary's request, a coadjutor bishop or an auxiliary bishop may be appointed. The election, consecration and assumption of office for the coadjutor or</p>	<p><b>Can. 403 § 1</b> When the pastoral needs of the diocese require it, one or more auxiliary Bishops are to be appointed at the request of the diocesan Bishop. An auxiliary Bishop does not have the right of</p>

<p>auxiliary bishop is to be carried out in accordance with the order and method of the "Regulations of the Chinese Catholic Bishops Conference regarding the Election and the Consecration of Bishops." The coadjutor bishop has the right of succession, while the auxiliary bishop does not have this right.</p>	<p>succession.</p>
<p><b>Article 29:</b> The diocesan administrator's office is terminated if he resigns, if he is removed from office by the provincial church affairs committee, or if a new bishop assumes office.</p>	<p><b>Can. 430 § 1</b> The office of the diocesan Administrator ceases when the new Bishop takes possession of the diocese.</p> <p><b>§ 2</b> Removal of the diocesan Administrator is reserved to the Holy See. Should he perchance resign, the resignation is to be submitted in authentic form to the college which is competent to elect, but it does not require acceptance by the college. If the diocesan Administrator is removed, resigns or dies, another diocesan Administrator is to be elected in accordance with can. 421.</p>

The Patriotic Association, through the "Management System," usurps papal authority in two ways. First, it usurps the papal authority of appointing and dismissing Bishops, coadjutor Bishops and auxiliary Bishops. Secondly, it usurps the papal authority in the matter of establishing and re-structuring dioceses and ecclesiastical provinces. Such usurpation exists also in the two other documents.

### **Usurpation of the Authority of Diocesan Bishops**

There are additional articles regarding the problem of the usurpation of episcopal authority. Some of these articles directly abuse the authority of diocesan Bishops; others handicap the functions of diocesan priests so that the diocesan priests cannot work freely as co-workers of the Bishops. Therefore, episcopal authority at the parish level is damaged. Details of the usurpation are as follows:



Articles in the "Management System"	Statements in Canon Law (1983)
<p><b>Article 16:</b> (paragraph II) For the diocese's greater benefit, the ordinary of the diocese should discuss important matters together with the coadjutor bishop, the auxiliary bishop and the patriotic organizations.</p> <p>When the ordinary is considering any pastoral matters, he should first ask the advice of coadjutor bishop and the auxiliary bishop.</p>	<p><i>(No parallel articles in Canon Law. There is nothing in Canon Law putting a consultation body on a level equivalent to the coadjutor or auxiliary bishops.)</i></p>
<p><b>Article 18:</b> The ordinary, coadjutor and auxiliary bishops should respect all levels of the Patriotic Association. According to the principle of democratically running the church, they should join together with the responsible persons of the Patriotic Association to discuss important matters in the church. They should implement the principles of joint leadership, democratic supervision, mutual consultation and common decision-making.</p>	<p><i>(No parallel statements of such "Joint Meetings" in Canon Law. Can. 381 § 1, however, states that "In the diocese entrusted to his care, the diocesan Bishop has all the ordinary, proper and immediate power required for the exercise of his pastoral office, except in those matters which the law or a decree of the Supreme Pontiff reserves to the supreme or to some other ecclesiastical authority.")</i></p>
<p><b>Article 22:</b> The ordinary should solicit the opinion of the local "two committees," carry out a rigorous examination of the candidate, and then appoint him as vicar general or bishop's representative. The bishop can also excuse him from office. If there is no coadjutor or auxiliary bishop in the diocese, then it is good to appoint a priest, at least 30 years of age and rich in pastoral experience and knowledge, to the position of vicar general or bishop's representative.</p>	<p><b>Can. 477 § 1</b> The Vicar general and the episcopal Vicar are freely appointed by the diocesan Bishop, and can be freely removed by him, without prejudice to can. 406.</p> <p><b>Can. 406 § 1</b> The coadjutor Bishop, and likewise the auxiliary Bishop mentioned in can. 403 § 2 is to be appointed a Vicar general by the diocesan Bishop. The diocesan Bishop is to entrust to him, in preference to others, those</p>

When the ordinary appoints a vicar general or bishop's representative, it is necessary to record this with the provincial "two committees" and with the Chinese Catholic Bishops Conference.

The ordinary should not appoint to the post of vicar general or bishop's representative a priest who is within the fourth degree of kinship to him.

**Article 30:** The diocesan management committee is a supervisory body, which helps the bishop to manage the whole diocese, in the spirit of democratically running the church. Its main tasks are helping the bishop to improve the spiritual formation of priesthood and sisterhood candidates, routine management, diocesan economy, financial management and pastoral works.

**Article 31:** The clergy and Catholic representatives of that diocese form the diocesan management committee through election. It is made up of the ordinary, coadjutor and auxiliary bishops, vicar general (if there is no bishop, then the diocesan administrator), the secretary-general of the local Patriotic Association, the priests, Sisters and Catholics. The bishop is the chairperson (director).

A diocesan management committee, which covers the whole territory, should draw participants from the democratic management committees (groups) and Patriotic Associations (groups) of each parish.

things, which by law require a special mandate.

**§ 2** Unless the apostolic letters provide otherwise, and without prejudice to the provision of § 1, the diocesan Bishop is to appoint his auxiliary or auxiliaries as Vicar general or at least episcopal Vicar, in dependence solely on his authority, or on that of the coadjutor Bishop or of the auxiliary Bishop mentioned in can. 403 § 2.

**Can. 469**

The diocesan curia is composed of those institutes and persons who assist the Bishop in governing the entire diocese, especially in directing pastoral action, in providing for the administration of the diocese, and in exercising judicial power.

**Can. 470**

The appointment of those who fulfil an office in the diocesan curia belongs to the diocesan Bishop.

**Can. 471** All who are admitted to an office in the curia must:

1. promise to fulfil their office faithfully, as determined by law or by the Bishop,
2. observe secrecy within the limits and according to the matter determined by law or by the Bishop.

<p><b>Article 37:</b> The formation and function of the finance committee is as follows:</p> <p>1. The bishop or his representative is the chairperson of the finance committee. The committee is made up of 1-3 persons appointed by the bishop and 1-3 representatives of the Patriotic Association. The members of the finance committee should be priests or Catholics of high moral character, possessing a certain professional knowledge and a familiarity with the concerned laws.</p>	<p><b>Can. 492 § 1</b> In each diocese a finance committee is to be established, presided over by the diocesan Bishop or his delegate. It is to be composed of at least three of the faithful, expert in financial affairs and civil law, of outstanding integrity, and appointed by the Bishop.</p>
<p><b>Article 37:</b></p> <p>5. Regarding diocesan finances, the finance committee should act as advisors to the bishop. When the bishop is in the process of making a decision involving diocesan finances, he should solicit the opinions of the finance committee. If it concerns a large outlay of funds or a real estate deal, then it is necessary to have the approval of the diocesan management committee.</p>	<p><b>Can. 1277</b> In carrying out acts of administration, which, in the light of the financial situation of the diocese, are of major importance, the diocesan Bishop must consult the finance committee and the college of consultors. For acts of extraordinary administration, except in cases expressly provided for in the universal law or stated in the documents of foundation, the diocesan Bishop needs the consent of the committee and of the college of consultors. It is for the Episcopal Conference to determine what are to be regarded as acts of extraordinary administration. <i>(Please refer also to Can. 1292 and Can. 1295.)</i> <i>(There are different statements regarding "consultation" and "consent" in financial affairs, including can 1277, can. 1292, and can. 1295.)</i></p>

<p><b>Article 50:</b> After soliciting the opinions of the priests in a deanery and obtaining the approval of the joint chairpersons meeting, the ordinary of a diocese, based on his wisdom and judgment, can appoint a priest to the office of dean. He can also dissolve the office.</p>	<p><b>Can. 553 § 2</b> Unless it is otherwise prescribed by particular law, the Vicar forane is appointed by the diocesan Bishop; if he has considered it prudent to do so, he will have consulted the priests who are exercising the ministry in the vicariate</p>
<p><b>Article 52:</b> The assignment of the parish priest</p> <p>4. The ordinary of the diocese can assign a parish priest to a parish, re-assign or remove him from his position altogether, at the recommendation of the diocesan management committee and after soliciting the agreement of the joint meeting.</p> <p>The assignment, re-assignment or removal of a parish priest must be registered with the concerned departments of the local government.</p> <p>5. An examination may be held to determine whether the priest is qualified for the job.</p> <p>7. When a parish falls vacant, the bishop should set aside all personal feelings, and after considering all factors, he should temporarily assign a priest whom he considers qualified to take the place of the parish priest. In order to observe whether he is qualified and has the requirements to be parish priest, the bishop should seek the advice and opinions of the local Patriotic Association, and concerned priests and faithful. The change should also be registered with the local government.</p>	<p><b>Can. 523</b> Without prejudice to can. 682, appointment to the office of parish priest belongs to the diocesan Bishop, who is free to confer it on whomsoever he wishes, unless someone else has a right of presentation or election.</p> <p><i>(Can. 682 defines the requirement regarding an appointment of a religious to an ecclesiastical office.)</i></p>

<p><b>Article 57: The parish</b></p> <p>2. The bishop or diocesan administrator, after seeking the advice of the priests, and obtaining the agreement of the joint meeting of responsible persons in the diocese and the Patriotic Association, can establish, cancel or change the boundaries of a parish. He must also register this with the concerned government departments.</p>	<p><b>Can. 515 § 2</b> The diocesan Bishop alone can establish, suppress or alter parishes. He is not to establish, suppress or notably alter them unless he has consulted the council of priests.</p>
<p><b>Article 59: The parish management group</b></p> <p>1. Each parish should establish a parish democratic management group. The priests and Catholics together form this group. It should contain at least three persons, including one chairman and one vice-chairman. The parish priest is the chairman. The group comes into existence after approval by the diocese. The group helps the parish priest manage administrative, pastoral and financial affairs, in order to develop all the work of the parish.</p> <p>When there is no residential priest in a parish, lay Catholics can be chosen, through democratic election, to become person-in-charge of the parish management committee.</p> <p>2. The parish management group should follow the principles of collective leadership and democratic supervision in carrying out their tasks. Their most important responsibilities are:</p> <p>i) Register in a ledger all the</p>	<p><b>Can. 519</b> The parish priest is the proper pastor of the parish entrusted to him. He exercises the pastoral care of the community entrusted to him under the authority of the diocesan Bishop, whose ministry of Christ he is called to share, so that for this community he may carry out the office of deacon and with the assistance of lay members of Christ's faithful, in accordance with the law.</p> <p><b>Can. 521 § 1</b> To be validly appointed a parish priest, one must be in the sacred order of priesthood.</p> <p><b>Can. 532</b> In all juridical matters, the parish priest acts in the person of the parish, in accordance with the law. He is to ensure that the parish goods are administered in accordance with cann. 1281-1288.</p>

properties of the churches and meeting points in the parish.	
<b>Chapter Ten: Women Congregations</b>	<i>(No parallel statements in Canon Law. Section I: Institutes of Consecrated Life of Part III in Canon Law. That is for both men and women religious.)</i>

### Analysis

In going through the whole document, we find that the Catholic Patriotic Association is trying its best to build up mechanisms to control dioceses. Paragraph two of Article 15 is the core of this mechanism. It puts the CCPA on a level equivalent to the Church hierarchy and usurps the authority of diocesan bishops.

The document introduces two mechanisms for shifting power. The first one is the joint-meeting mechanism. Article 17 of the *Last Draft for Soliciting Opinions of the Management System* reads "The ordinary, coadjutor and auxiliary bishops should respect all levels of the Patriotic Association. According to the principle of democratically running the church, they should, at definite times, together with the responsible persons of the Patriotic Association, hold joint meetings to discuss important matters in the church. They should implement the principles of joint leadership, democratic supervision, mutual consultation and common decision making." In the final version it becomes Article 18. Though in the new version the term "joint-meeting" has been deleted, the basic tone remains the same.

The so-called joint meeting is actually passing the authentic authority from the hands of the bishops to the hands of the CCPA members. Most of the problems of power shifting raised in the rest of the articles come from this mechanism.

The second mechanism for shifting power is the Diocesan Management Committee, which is mentioned in Article 30 and Article 31. Under these two mechanisms, most of the authority of a bishop is passed through lay organizations to the hands of CCPA members. In some cases in the document, however, the CCPA members try to grasp the authority overtly. The details of the deprivation of episcopal authority are listed below:

### ***Deprivation of authority of appointment***

The statement of Article 22 reads, "The ordinary should solicit the opinion of the local 'two committees,' carry out a rigorous examination of the candidate, ..." The "two committees" means the Patriotic Association and the Church Affairs Committee. In this article, bishops are deprived of their authority to appoint a vicar general. Moreover, Article 47 deprives bishops of their authority to appoint parish priests. Bishops are also deprived of their authority to dismiss parish priests. Article 64 deprives bishops of their authority to appoint and dismiss Vicars and deans.

### ***Deprivation of authority of leadership***

Once the joint meeting hinders the bishops' authority of appointing parish priests, their ability to lead will also be deeply affected. The parish priests are no longer accountable to the bishops alone, but also to the joint meeting.

### ***Deprivation of authority for decision making***

Article 16 and Article 17 directly lead to the deprivation of authority for decision making at the diocesan level. Article 46 deprives a parish priest of the authority to make decisions at the parish level. As we know, diocesan priests are the co-workers of the bishops. Deprivation of their authority indirectly deprives the bishops of authority.

### ***Deprivation of authority of administration***

Articles 30 and 31 mention the setting up of a Diocesan Management Committee. With this article the authority of the Diocesan Curia is passed to the hands of "elected" lay representatives. Through such representatives, together with the CCPA member who takes up the role of secretary general, the authority of administration will be shifted to the hands of CCPA members. Following the same pattern, Article 59 shifts the authority of administration from the hand of a parish priest to the Parish Management Committee. Although the parish priest will act as the chairperson of the committee, his authority is greatly diluted.

### ***Deprivation of authority regarding financial affairs***

According to Canon Law, the authority regarding Financial Affairs should belong solely to the diocesan Bishop. He can assign suitable persons to the related committees. Article 37, however, states that the committee is made up of 1-3 persons appointed by the bishop and 1-3 representatives of the Patriotic Association. Now the CCPA

shares half of the authority. Moreover, such an arrangement creates a very dangerous grey area. The bishop, however, may not always appoint three people. What happens if the bishop appoints one person to the committee and the CCPA sends three people? It makes the CCPA a majority on the committee. In Article 59, the same thing happens at the parish level. Deprivation of financial authority at the parish level indirectly leads to the deprivation of financial authority in the episcopal see.

## Conclusion

Since the bishops' authority is subject to other people's consent, their authority is badly undermined. The deprivation of authority in so many areas leaves bishops with their teaching authority only.

After reviewing the comparison above, it is not surprising to find that some overseas observers are very worried about the power shift introduced in these three documents. Other church observers maintain that there is no substantial change at all. They point out that, formerly, a great deal of episcopal authority has been concentrated in the hands of the Patriotic Association. Most people will admit that the local church in China has been deeply affected by the Patriotic Association. The local governments at different levels have never stopped trying to control the local churches. In this regard, we can say that there is nothing new in these documents.

It is the first time, however, that Patriotic Association members try to make such a power shift into law. In the past, the usurpation of authority by the Patriotic Association was treated as a kind of power struggle. Now it becomes a structural crisis in dioceses. The problem is more severe. A Church watcher in Hong Kong even exclaimed that the documents make the Church in China no longer Catholic.

Obviously, the leaders of the Patriotic Association in Beijing would like to establish a structure that is parallel to the universal Church. They want to make it similar to but, at the same time, completely independent from the universal Church. This is a serious threat to the Church.

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<sup>1</sup> In the Chinese original of the document, the term "Provincial" is expanded to include "those of a Province, Autonomous Region or Municipality."