

The Chinese Church's Communion with the Universal Church in light of Various Constitutions of the "Bishops' Conference of the Catholic Church in China"

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The government-sanctioned "Bishops' Conference in China" was established in 1980. In May, 1980 the first National Assembly of Chinese Catholic Representatives was held in Beijing. During the Assembly, the Church Administrative Commission and Bishops' Conference were formed. Bishop Zhang Jiashu (張家樹主教) from Shanghai was elected as Chairman of the Bishops' Conference. The Conference comprised 33 members and included Bishops Deng Jizhou (鄧及洲主教), Duan Yinming (段蔭明主教), Han Tingbi (韓廷弼主教) and Wang Xueming (王學明主教). These four bishops were appointed by Pope Pius XII. But another six bishops appointed by Pope Pius XII did not attend the meeting. They were: Bishop Gong Pinmei of Shanghai (龔品梅主教, actually appointed as Cardinal *in pectore*), Bishop Fan Xueyan (范學淹主教) of Baoding, Hebei, Bishop Zhang Kexing (張克興主教) of Xiwanzi, Hebei, Bishop Zhou Weidou (周維道主教) of Fengxiang, Shaanxi, Bishop Li Boyu (李伯漁主教) of Zhouzhi, Shaanxi and Bishop Deng Yiming (鄧以明) of Guangzhou, Guangdong (appointed as Archbishop one year later).

The earliest constitution and its limitations

When the Bishops' Conference in China was established, it did not have its own constitution. Apparently, it derived its juridical status from the constitution of the Church Administrative Commission. Articles 3 and 7 of that constitution dealt with the subject of the Bishops' Conference in China. Article 3 states:

The supreme organisation of the Commission is the Conference of Chinese Catholic Representatives (CCCR). Its role is to establish and revise the constitution of the individual commissions, to listen to and supervise the work reports of such commissions, and to elect members to the Bishops' Conference in China.

Article 7 states:

The Bishops' Conference in China consists of the episcopal ordinaries of the different dioceses. Its role is to study and explain the doctrines of faith, to regulate Church discipline, to exchange evangelisation experiences, and to promote external friendly relations. It should have a chairman, several vice-chairmen, and one secretary-general. These should be elected by all the members of the Bishops' Conference.

According to Article 7, the main responsibility of the Bishops' Conference in China is to defend the doctrines of faith and to foster exchange. But on 3 June, 1980, the Bishops' Conference in China issued a directive on "Decisions concerning the granting of faculties for administering the sacraments"; and again in November 1986, it issued another directive, in conjunction with the Church Administrative Commission, entitled: "Some regulations concerning church affairs." These two directives indicate that the authority of the Bishops' Conference in China goes beyond its stated boundaries of doctrine and discipline to reach into the area of episcopal appointments and the curtailment of episcopal authority. For example, according to Article 3, paragraph 4, of the above-mentioned regulations, if a bishop fails to abide by Article 1, paragraph 3, of the same regulations, he will be stripped of his episcopal authority and functions. They can only be restored pending the approval of the Bishops' Conference in China and the Administrative Commission. Thus the authority of the Bishops' Conference in China supersedes that of the individual diocesan bishop. When Jin Luxian and Li Side were chosen as auxiliary bishops in December 1984, the church in Shanghai applied for

approval from both the Church Administrative Commission and the Bishops' Conference. We gather from this that the Bishops' Conference in China had the authority to approve the election of bishops.

Indeed, the Bishops' Conference in China realised that they should have their own constitution. So at their meeting in 1989, a committee was set up to draft the new constitution. It researched the constitutions of various Bishops' Conferences around the world, including that of the Chinese Regional Bishops' Conference in Taiwan. In September 1992, the constitution of the Bishops' Conference in China (hereafter referred to as the 1992 Constitution) was formally approved. This constitution consisted of 14 articles. It was not divided into chapters.

There are three major differences between the 1992 Constitution and those of Bishops' Conferences in other parts of the world. First, the authority of the Bishops' Conference in China is derived from the National Assembly of Catholic Representatives. The Bishops' Conference in China is responsible to the National Assembly and this Assembly has the authority to deliberate and adopt the important resolutions and decisions of the Conference. (1992 Constitution, Article 4) This is a major difference with other Bishops' Conferences, as in these conferences the bishops themselves have authority over their decisions, the resolutions they adopt, and in electing their own members.

Besides, the 1992 Constitution stated that the Bishops' Conference in China is responsible for examining and approving the selection and consecration of diocesan bishops. This is totally at variance with the practice of other Bishops' Conferences which, although organised by the bishops themselves, do not override the authority of individual bishops. Furthermore, the authority to select and appoint bishops is a prerogative of the Pope himself. The 1992 Constitution is thus obviously at odds with Canon Law.

Finally, constitutions of other Bishops' Conferences throughout the world take effect only upon the approval of the Pope. Neither can the constitution be amended without the approval of the Holy See. However, according to Article 14 of the 1992 Constitution, the conference's constitution can be adopted and

implemented by the National Assembly of Catholic Representatives. This Assembly acts, then, in place of the Holy See.

Relations with the universal Church

From 27 to 30 April, 1989, the Catholic Church in China (leaders of the official church) held a meeting in Beijing. Most of the bishops in attendance voiced their approval for "upholding the primacy and authority of Pope Paul John II."¹ This is an important doctrinal step for the Chinese Church in achieving better relationships with the universal Church. This step forward could not be viewed outside China's political context, yet it did show the efforts the Bishops' Conference in China was making towards unity. Article 2 of the 1992 Constitution states:

The Conference is the leading national structure for church affairs of the Chinese Catholic Church. In accordance with the Bible and based on the traditional spirit of the one, holy, catholic and apostolic Church, its purpose is to: study and explain the doctrines and rules to be followed and observed in the Church; examine and approve the election and ordination of diocesan bishops; institute, regulate and develop pastoral work; unite the clergy and laity across the country to abide by the Constitution, laws, regulations and policies of the State; implement the principles of independence, self-government and self-management according to the conditions in China.

The conference represents the Chinese Catholic Church in dealing with external matters and relations.

The declaration in the 1992 Constitution to "implement the principles of independence, self-government and self-management according to the situation in China" might be a constraint owing to political reality, but it is still not acceptable to the universal Church. However, the underpinning statement "based on the traditional

¹ "The Meeting of the Bishops Conference in China on the Mainland," *The Christian Life Weekly* (1 June, 1989; Taipei: Archdiocese of Taipei).

spirit of the one, holy, catholic and apostolic Church” seemed to suggest that the Bishops’ Conference in China valued the relations with the universal Church and her heritage. This is worth commending.

The 2004 Constitution and the latest changes

In January 1998, the government-sanctioned open community convened the 6th National Assembly of Catholic Representatives. During the Assembly, representatives voted for a minor amendment of the 1992 Constitution. The amended Constitution consisted of 15 articles, without chapters. During the National Assembly of Catholic Representatives in 2004, however, a brand new version of the Constitution of Bishops’ Conference in China (hereafter referred to as the 2004 Constitution) was adopted. The 2004 Constitution consisted of 7 chapters and 37 articles. It serves as the basic framework up to now.

On 9 December, 2010, the National Assembly of Catholic Representatives passed an important amendment of the 2004 Constitution (hereafter referred to as the 2010 Constitution). During the 9th Assembly, only a minor change was made on 29 December, 2016 (in Article 28, the sentences after “the Conference can set up Honourable Chairman and Advisers” were deleted.). Otherwise the 2010 Constitution was unchanged.

Therefore, I would like to compare the 2010 Constitution with the 2004 Constitution to see how far the Bishops’ Conference in China might be recognised by the Universal Church.

Two major changes

The 2010 Constitution contains two significant changes that had been largely neglected. First, in the 2004 Constitution, Chapter 2, Article 6 listed among the Conference’s duties: “2. Examine and approve the consecration of bishops and the demarcation of dioceses.” In the 2010 Constitution, this was changed to: “3. examine and approve the bishop-candidates that emerge from democratic elections, direct the consecration work of diocesan bishops. According to the needs of the national and individual

diocesan development, consult on the demarcation and adjustment of dioceses, and review the transfer of diocesan bishops.”

The new version only mentioned the “bishop-candidates” and avoided mentioning “Examine and approve the consecration of bishops.” Prudently it allows room for compliance with Canon Law Article 377, §1, “The Supreme Pontiff freely appoints bishops or confirms those legitimately elected.” As for directing the “consecration work of diocesan bishops,” that is a liturgical matter and gives even greater room to adhere to Canon Law.

Another significant change concerns Chapter 3, Article 9 of the 2004 Constitution. It stated, “the Conference is accountable to the National Assembly of Catholic Representatives.” But in the 2010 Constitution, the Article was expanded: “in matters concerning faith and evangelisation, the Conference fulfils its pastoral mission, according to the mandate of our Lord Jesus Christ to the Apostles and the power granted by the Holy Spirit. Regarding Dogma and Doctrines, we remain in communion with the successor of Peter, the head of the apostles. In terms of social organisation, we are accountable to the National Assembly of Catholic Representatives.”

It was the first time since its founding in 1980 that the Bishops' Conference in China admitted to full communion with the Pope in matters of faith. This deserves our attention. And the change from accountability to the National Assembly of Catholic Representatives” to “in terms of social organisation, we are accountable to the National Assembly of Catholic Representatives” means that it complies with the teaching of Jesus, “repay to Caesar what belongs to Caesar and to God what belongs to God.” (Matthew 22:21)

Conclusion

No doubt, the representation of the Bishops' Conference in China suffers certain limitations. We cannot ignore that up to the signing of the Sino-Vatican provisional agreement on September 22, 2018, a significant number of bishops in China has not joined the Bishops' Conference in China. In November 1989, a group of unofficial bishops and priests held a secret meeting in Zhangerce

Village (張二冊村) in Sanyuen Diocese (三原教區), Shaanxi (陝西省). There they set up their own Bishops' Conference of China. Soon afterwards government authorities arrested and detained those who had taken part in the meeting. Finally they were all released by 1993. So far, the Holy See has recognised neither Bishops' Conference. How they can merge with one another in the future would be a feat requiring great wisdom.

Returning to the 2010 Constitution which, compared with the 2004 Constitution, marked a significant effort to follow the teachings of the universal Church. Unfortunately, the “illicit consecration in Chengde” in 2010 and other incidents of “self-election, self-consecration” in 2011 forced the Holy See to take strong measures to prevent further cases from happening. Amidst these conflicts, the verbal efforts of the bishops that produced the 2010 Constitution were overshadowed.

Fortunately the 2016 Constitution fundamentally kept the promising articles of the 2010 Constitution. Now that the Holy See and China have reached a provisional agreement, it is necessary to review how the 2010 and 2016 Constitutions of the Bishops' Conference in China might accord with Canon Law. If future versions of the Constitution for the bishops' conference in China could be revised according to Canon Law, it would help the Catholic Church in China enter into full reconciliation and communion.