

# NEW DOCUMENT ON BISHOPS

AS PRESENTED BY FR. ROBERTO TUCCI, S.J.

After the Council, and particularly in the last few years, the various members of the ecclesial community had stressed, in different countries, the necessity of updating the procedure for designating candidates for the episcopate. The question is now dealt within the normative document that was published on 12 May, preceded by an introductory letter from Cardinal John Villot, in his capacity as Prefect of the Council for the Public Affairs of the Church.

Presenting the document to journalists in the Press Office of the Holy See on 12 May, Father Roberto Tucci, S.J. stressed in the first place its topical interest, connecting up its letter and spirit both with the indications given by the Council and with the *Motu Proprio Ecclesiae Sanctae* in 1966. In the decree *Christus Dominus* on the Bishop's pastoral office, the only section on the nomination of bishops is the one that claims the full freedom of the Church as regards the civil authorities (n. 20). But it was certainly the ecclesiological renewal brought about by the Council — Fr. Tucci pointed out — “with the well balanced stress laid on collegial collaboration and the responsibilities of the whole People of God, that contributed to a greater extent to making the need felt for an updating of the existing norms, even in the more responsible spheres. In any case, these norms have varied considerably even in more recent times, according to the different circumstances of time and place”.

This updating was heralded as early as 1966, in the *Motu Proprio Ecclesiae Sanctae*, with which Paul VI established the norms for the application of some decrees of Vatican II, in connection with the nomination of bishops and with reference to the decree *Christus Dominus*. It said in fact: “While it remains the right of the Roman Pontiff to nominate the bishops freely

and confer the office upon them, and without interfering with the discipline of the Oriental Churches, the episcopal Conferences will discuss every year, prudently and in secrecy, which ecclesiastics are worthy of being promoted to the episcopal office and will propose the names of the candidates to the Apostolic See, according to the norms established or to be established by the Holy See" (I, article 10).

Some time afterwards a *broad consultation* was held to find out the opinion of the pontifical Representatives and the local episcopates. A *first thorough examination of the question* by the members of the Council for the Public Affairs of the Church and of the Sacred Congregation for the Bishops, took place as early as May 1968. In the various phases of drawing up the new norms, the collaboration of two other Congregations concerned was requested, namely the Sacred Congregation for the Evangelization of Peoples (competent for the nomination of bishops in the territories under its jurisdiction) and the Sacred Congregation for the Oriental Churches (competent for the rare cases of dioceses of the Latin rite in territories under the jurisdiction of this Congregation), and also the collaboration of the Pontifical Commission for the Revision of the Code of Canon Law. The declared purpose of this work was to revise all the material on the designation of candidates to the episcopate, that is, to update the decrees already in force and to introduce them in countries in which there were not yet regular meetings of the bishops to draw up lists of suitable candidates for the episcopate.

Thus we come to the non-definitive text, which was sent on 1 September 1970 by Cardinal Villot to all the episcopal Conferences. To give the latter a better possibility to make known their remarks and suggestions on this text, the deadline for their communications was extended first to 15 February and then to the end of July 1971.

Numerous answers were received. Forty-two out of 84 Episcopal Conferences sent their observations; probably some were not directly concerned. Non-collegial answers came from eight other episcopates. Thus the document was revised again on the basis of these replies. The definitive text obtained in this way, Father Tucci pointed out, if compared with the preceding one,

and confer the office upon them, and without interfering with the discipline of the Oriental Churches, the episcopal Conferences will discuss every year, prudently and in secrecy, which ecclesiastics are worthy of being promoted to the episcopal office and will propose the names of the candidates to the Apostolic See, according to the norms established or to be established by the Holy See" (I, article 10).

Some time afterwards a *broad consultation* was held to find out the opinion of the pontifical Representatives and the local episcopates. A *first thorough examination of the question* by the members of the Council for the Public Affairs of the Church and of the Sacred Congregation for the Bishops, took place as early as May 1968. In the various phases of drawing up the new norms, the collaboration of two other Congregations concerned was requested, namely the Sacred Congregation for the Evangelization of Peoples (competent for the nomination of bishops in the territories under its jurisdiction) and the Sacred Congregation for the Oriental Churches (competent for the rare cases of dioceses of the Latin rite in territories under the jurisdiction of this Congregation), and also the collaboration of the Pontifical Commission for the Revision of the Code of Canon Law. The declared purpose of this work was to revise all the material on the designation of candidates to the episcopate, that is, to update the decrees already in force and to introduce them in countries in which there were not yet regular meetings of the bishops to draw up lists of suitable candidates for the episcopate.

Thus we come to the non-definitive text, which was sent on 1 September 1970 by Cardinal Villot to all the episcopal Conferences. To give the latter a better possibility to make known their remarks and suggestions on this text, the deadline for their communications was extended first to 15 February and then to the end of July 1971.

Numerous answers were received. Forty-two out of 84 Episcopal Conferences sent their observations; probably some were not directly concerned. Non-collegial answers came from eight other episcopates. Thus the document was revised again on the basis of these replies. The definitive text obtained in this way, Father Tucci pointed out, if compared with the preceding one,

shows some appreciable improvements in the direction indicated by the episcopates. The main requests put forward by the Episcopal Conferences were, in fact, included in it. The definitive text was sent to the Episcopal Conferences, with a letter from Cardinal Villot, on 25 March last. The document will come into force on 21 May.

Fr. Tucci went on to deal with the nature of the document. It contains the new norms approved by the Holy Father regarding the designation of candidates to the episcopate in the whole Church of Latin rite; these norms do not apply, therefore, to the Oriental Churches, which have their own discipline. As regards the Church of Latin rite, the cancel the preceding norms, but not the legitimate privileges recognized by law and the particular procedures approved by the Holy See by means of an agreement or in any other way, nor do they take their place (art. XV). The exception considered here concern both the case, for example, of particular Churches whose cathedral Chapter enjoys the right and privilege of presenting three nominees, and the case of countries in which there exists a Concordat (or similar agreement) with particular clauses regarding a possible intervention of the civil authorities in the procedure of nominating the bishops. At the same time the desire expressed by Vatican II in the decree *Christus Dominus*, n. 20, concerning the free choice of bishops, is repeated (art. XV): "Since the apostolic office of bishops was instituted by Christ the Lord and serve a spiritual and supernatural purpose, this most sacred Ecumenical Synod declares that the right of nominating and appointing bishops belongs properly, particularly, and of itself exclusively to the competent ecclesiastical authority. Therefore, for the purpose of duly protecting the freedom of the Church and of promoting more suitably and efficiently the welfare of the faithful, this most holy Council desires that in the future no rights or privileges of election, nomination, presentation, or designation for office of bishop be granted to civil authorities. Such vivid authorities, whose favorable attitude towards the Church this most sacred Synod gratefully acknowledges and very warmly appreciates, are most kindly requested to make a voluntary renunciation of the above-mentioned rights and privileges which they presently enjoy by reason of a treaty or custom. The matter, however, should first be discussed with the Apostolic See".

The Council, Father Tucci added, wished to specify, by listing them analytically, what were the privileges that violate the freedom of the Church. In fact the privilege of election, presentation and designation is one thing, and that of an unofficial pre-notification is quite another. The latter does not in itself harm the freedom of the Church, unless the government considers it a right of veto, in which case it would fall under the cases the Council listed. Pius XI affirmed very forcefully, in connection with the Concordat with Italy, and explicitly sanctioned in the Concordat with Germany, the principle that unofficial pre-notification does not constitute a right of veto.

The central purpose of the document is to carry out the indications of the Council, and to apply what was established in the *Motu Proprio Ecclesiae Sanctae*, to give the procedure in question a common content, wide enough, however, to allow for the great diversity of circumstances of the various particular Churches, and introducing considerable innovations on more than one point, at least as regards even the more recent practice in several countries. The document aims, finally, at ensuring better, in the present concrete and varied situation of the Church of the Latin rite, the choice of Pastors really suited to guide the local Churches in the present necessities and to exercise collegial co-responsibility at the various levels. It does so mainly by authorizing, though within precise limits, a wider consultation of the ecclesial community at the different levels.

"Since the pastoral office of bishops is so important and weighty, when diocesan bishops and others, regarded in law as their equals, have become less capable of fulfilling their duties properly because of the increasing burden of age or some other serious reason, they are earnestly requested to offer their resignation from their office either on their own initiative or upon invitation from the competent authority. If the competent authority accepts the resignation, it will make provision for the suitable support of all those who have resigned and for special rights to be accorded them."

(*Christus Dominus*, n. 21)