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Selecting Australia's Bishops: Finding a Role for All



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Image: Pentecost, Duccio Di Buoninsegna, 1308-11, added by Catholics For Renewal. www.catholicsforrenewal.org.au

Peter J Wilkinson puts forward a proposal for a process to select new bishops that respects the history of bishops' selection and current laws and practice. This article will be followed by another article in the next edition of *The Swag*. The second article focuses on an analysis of bishops' appointments in Australia and a way to improve these in the future.

Underlying the proceedings at the 2nd Vatican Council were two major principles: *ressourcement*, calling for a return to the sources, and *aggiornamento*, calling for a genuine update of the Church to increase its relevancy to the modern world.

For two millennia the *ecclesia*, founded on the leadership of the Apostles, had held firm to the essence of its faith, worship and governance, but with the passage of time and the vicissitudes of history had also acquired much peripheral baggage of beliefs, customs and practices far removed from the apostolic tradition. Many were also anachronistic, with little or no meaning for the Church and world of the 20th century, and they were hindering, not helping evangelization.

The People of God and Bishops

One outcome of applying those principles was a new emphasis on the Church as the 'People of God' open to and embracing all persons, with every member enjoying equality by virtue of their baptism, and all united to Christ under the bishops with Peter at their head, who 'pass on the apostolic seed' (*Lumen Gentium*, n. 20). Moreover, this People of God as a whole, 'from the bishops to the last member of the laity', with its supernatural sense of faith, has an unerring quality in matters of faith and morals (*LG*, n.12).

Another outcome was the re-emphasis on the communion and collegiality of the bishops, linked to one another and to the Bishop of Rome by the bonds of unity, charity and peace

(*LG*, n. 22). While individual bishops govern their own particular local church, they have no power over other particular churches, nor over the universal church; but each, as a member of the College of Bishops, must be solicitous for the whole Church, for it is in and out of the particular churches that the one and unique Catholic Church exists (*LG*, n. 23).

A third outcome was the fresh understanding of the rights and duties of the laity, understood as ‘all the Faithful, except those in Holy Orders and in the religious state’. By baptism every lay member of the People of God shares in the priestly, prophetic and kingly functions of Christ (*LG*, n. 31). And in Christ and the Church there is no inequality on the basis of race or nationality, social condition, or sex, for all are ‘one’ in Christ (*LG*, n. 32). All laypersons have the right and duty to openly reveal to the bishops their needs and desires with the freedom and confidence which befits sons of God and brothers in Christ. Moreover, all laypersons, by reason of their knowledge, competence or ability, are permitted and at times even obliged to express their opinion on ‘things which concern the good of the Church’. And when occasions arise, they should do this through the agencies set up by the Church for this purpose, but always in truth, courage, and prudence, and with reverence and charity toward their bishops (*LG*, n. 37).

To facilitate the open expression of the laity’s (and clergy’s) needs and desires, the Council established new structures such as diocesan and parish pastoral and financial councils and national Episcopal conferences, and reaffirmed old ones, particularly plenary (national) and diocesan synods which it wanted to see ‘flourish’ with genuine representation of clergy, religious and laity, and of men and women. Through all these structures the Council sought to restore to all the Faithful their right to exercise their share in the kingly function of Christ received in Baptism, and to apply the wisdom and understanding gifted them by the Spirit in Confirmation. It also expected those rights and duties to be exercised in a co-responsible, co-operative and respectful manner leading to greater subsidiarity and local decision-making.

‘Things which concern the good of the Church’

Of those things which concern the good of the church, the selection of new bishops and the qualities they need must rank high.

A return to the sources shows that from the first days of the Church the selection of bishops was a matter of great importance. Within 53 days of Judas Iscariot’s demise, Peter had called for his replacement and insisted on all 120 gathered ‘brothers’ (usually understood as those who were not apostles or elders) participating in the selection process which resulted in Mathias being chosen and confirmed as one of the Twelve (*Acts*, 1: 15-26).

St Paul detailed the qualities of a bishop: “...irreproachable, married only once, temperate, self-controlled, decent, hospitable, able to teach, not a drunkard, not aggressive but gentle, not contentious, not a lover of money; able to manage his own household well, keeping his children under control with perfect dignity ... hav[ing] a good reputation among outsiders” (*1 Tim.* 3:1-7; 5:17-19); “... blameless, not arrogant, not irritable, ... not greedy for sordid gain, ...a lover of goodness, temperate, just, holy ..., holding fast to the true message as taught so that he will be able both to exhort with sound doctrine and to refute opponents” (*Titus*, 1:5-9).

The 2nd century *Didache* (*Teaching of the Twelve Apostles*) advised: “You must elect for yourselves bishops and deacons who are a credit to the Lord, men who are gentle, generous, faithful, and well tried” (n.15.1), and in the 3rd century, Hippolytus of Rome wrote: “He who

is ordained as a bishop, being chosen by all the people, must be irreproachable”. St. Cyprian of Carthage stated that by virtue of divine authority, the bishop should be elected by all the faithful, and that the provincial bishops, after consenting to the election, should ordain the one elected. The people, he added, “have the power of choosing worthy priests and of rejecting unworthy ones”. On the election of Cornelius as Bishop of Rome, Cyprian wrote: “Cornelius was made bishop by the judgment of God and His Christ, by the testimony of almost all the clergy, by the vote (*suffragium*) of the people present, and by the college of mature priests and good men”.

Spontaneous elections prompted by the Spirit and acclamation of the faithful also took place (e.g. Ambrose of Milan in 373 AD), and in the 5th century, Pope Celestine I stated that “no one who is unwanted should be made a bishop; the desire and consent of the clergy and the people and the order is required”. Pope Leo I the Great declared that “the one who is to be head over all should be elected by all”, and “when the election of the chief priest is being considered, the one whom the unanimous consent of the clergy and people proposes should be put forward ... [for] if they cannot have the candidate they desire, the people may all turn away from religion unduly”.

Provincial and ecumenical synods also affirmed the principle that bishops should be chosen by the clergy and laity assembled together in synod with the metropolitan archbishop and other provincial bishops. The synodal election process would likely include an assessment of the suitability of the candidates, a vote by all the assembly, and the acceptance of the chosen candidate by the bishops and metropolitan, who would then ordain the bishop-elect to serve a specific community or diocese. Episcopal transfers were to be avoided.

During the first millennium, three authorities were normally decisive in nominating a new bishop to a diocese: the local faithful, the local clergy, and the neighbouring bishops, or what we would today call the local bishops' conference. However, by the end of the first millennium in the Latin Church, the local clergy and laity had effectively been deprived of their role in the selection of their bishops, and the process had been virtually taken over by bishops and secular authorities. From the 11th century, however, bishops themselves steadily relinquished more and more power to Rome, and from the Middle Ages up to the later part of the 19th century, secular authorities frequently demanded their say in the selection process and even the right to choose the bishops directly, or if this was not permitted, at least the right of veto.

Corrupted by simony (the buying and selling of church offices) and investiture (the practice of civil authorities selecting bishops), the process of selecting and appointing bishops underwent major reforms in the 11th and 12th centuries when several popes challenged the claims of European monarchs. An agreement on the differentiation of secular and spiritual powers was settled by the Concordat of Worms in 1122 AD, but even then some limited power and privilege was ceded to the emperor. By the 16th century investiture had ceased to be a major issue, but other abuses were widespread, especially simony, bishopric accumulation, and absentee bishops. In response, the Council of Trent (1545-63) decreed that henceforth “in the ordination of bishops ... neither the consent, vocation, nor authority of the people or civil power is required for validity: rather ... [bishops who] are only called and instituted by the people, or by the civil power ... are not ministers of the church, but ...thieves and robbers, who have not entered by the door.” (Trent, Session 23, Ch. IV).

After Trent, decision-making on Episcopal appointments became increasingly centralized in Rome until the 1917 Code of Canon Law gave the ultimate power of appointment and

confirmation exclusively to the Pope. Any remaining vestiges of secular privilege were virtually extinguished by Vatican II, which also introduced reforms to bring the selection process somewhat into line with the modern world and the principle of co-responsibility. It decreed that local bishops ‘in exercising pastoral care should preserve for their faithful the share proper to them in Church affairs, and they should recognize their duty and right to collaborate actively in the building up of the Mystical Body of Christ’ (*Christus Dominus*, n. 16). Canon 212 of the 1983 Code also stated that ‘all the faithful, according to their knowledge, competence and prestige, have the right and, at times, the duty to manifest to the bishops ... their opinion on matters which pertain to the good of the Church, and to make their opinion known to the rest of the Christian faithful’.

As the selection of bishops is clearly a matter which pertains to the good of the Church, particularly the local diocesan church to which most Catholics belong, educated Catholics now believe that they have a right and duty to participate co-responsibly in the selection of their bishops, and seek reforms which will allow and encourage this.

Joseph O’Callaghan, in *Electing our Bishops*, argues that a “return to the ancient tradition of allowing clergy and people to elect as bishop someone they know and recognize as worthy of the office will do much to restore the trust between bishops and the faithful that has been so eroded”. Thomas Reese, former editor of *America*, wants the Church to return to the system endorsed by Pope Leo I, where every bishop would be elected by the local clergy, accepted by the people of his diocese, and consecrated by the bishops of his province. Jesuit theologian, Michael Buckley, warns that “if the present system for the selection of bishops is not addressed, all other attempts at serious reform will founder and ever greater numbers of Catholics will move toward alienation, disinterest and affective schism.”

Current selection process

Currently, the process for selecting bishops and the qualities required in candidates are set out in Canons 376-380 of the 1983 Code of Canon Law. Every three years at least, the Episcopal Conference or provincial group of bishops, in common and in secret, must draw up a list of suitable priest candidates, and forward it to the Congregation for Bishops in Rome via the local Apostolic Nuncio. Individual bishops can send their preferences direct. When a new or replacement bishop is needed, the Nuncio must prepare a preferred list of three names (*ternus*) after he has consulted with the relevant provincial bishops, the president of the national Episcopal Conference, the consultors of the diocese where the replacement or bishop is needed, and if he sees fit, also seek individually and in secret the opinion of other clergy and laity. The Nuncio attaches his own opinion to the submitted *ternus*.

Candidates whose names are put forward must have a solid faith, good morals, piety, zeal for souls, wisdom, prudence, other virtues and qualities suited to the office, and a good reputation. They should be at least 35 years of age, ordained for at least 5 years, and have a higher degree in a sacred science from an approved university, or expertise in these areas. The Congregation for Bishops is the ultimate advisor and the Pope the ultimate decision-maker and appointer.

The Code places no limitations on which or how many clergy or laypersons the Nuncio may consult, save that they be persons of wisdom. The canonical process is forward looking, insisting that provincial and national groups of bishops plan for their succession regularly and

discreetly. Related to the process is the requirement that all diocesan bishops report to the Pope every 5 years on the condition of their diocese (C. 399).

New and replacement Australian bishops in 2016

Replacement diocesan bishops are needed when an incumbent dies, retires, resigns, or is transferred or removed. New bishops are needed when a new diocese, eparchy or ordinariate is established, or when a diocese needs an extra bishop. Most of these events can be anticipated especially when a bishop resigns due to age, for Canon 401 requires every bishop to tender his resignation to the pope when he completes his 75th year. The pope will then make provision after examining all the circumstances.

In 2016 it likely that 12 replacement and new bishops will be needed for Australia's territorial dioceses: nine diocesan bishops (ordinaries) and three auxiliaries. At 1 January 2016, four dioceses were already awaiting replacement ordinaries - Townsville, Parramatta, Lismore, and Darwin – while another five dioceses can expect their ordinaries to tender their resignations due to age during the year: Wollongong and Geraldton in January, Melbourne in May, Port Pirie in August, and Wagga Wagga in December. Brisbane and Sydney together are also likely to need three new auxiliaries.

By 31 December 2016 one third of Australia's bishops should be new. But if the past is any indication, all appointments by that date are unlikely, for the process of selecting and appointing Australian bishops has usually been dogged by massive delays. In the period 2008-2015, when 20 of the territorial dioceses needed 22 replacement ordinaries (twice in Sale and Parramatta). For various reasons, it took an average 518 days to replace them, with 4 still outstanding.

A proposal to enhance the selection process

If more lay and clerical members of the People of God are to have a co-responsible and participatory role in the selection of their bishops, reforms are needed. A proposal to achieve this follows. It respects the existing canonical process, but seeks to enhance it. It encourages co-responsible participation by laypersons, as anticipated by Canon 212, and recognizes the gifts of wisdom and understanding received in Confirmation and which bond all more perfectly with the Church (CCC, 1303).

It is a proposal closely aligned to the one submitted to the Apostolic Nuncio in the US in 2012 by the US group, Voice of the Faithful (VOTF), when the Archdiocese of Chicago needed a new archbishop. The Nuncio at the time told VOTF that he would welcome "any expressions of a lay Catholic in regard to his or her own concerns in regard to a new bishop or recommendation(s) that he or she might propose" and that the group was "free to encourage such communications." In 2013 the Nuncio also assured VOTF that any input would be reviewed.

The proposal now put forward for the Church in Australia is that:

1. Whenever a diocese requires a new ordinary or new auxiliary bishop, the incumbent bishop or administrator will invite and encourage all the confirmed faithful of the diocese, clerical, religious and lay, to participate in the selection process for the new bishop.

2. The Apostolic Nuncio, to ensure participation is co-responsible and orderly, will either directly or indirectly give the faithful of the diocese timely notice of the commencement and close of the selection process, and invite them to send to the Nunciature, individually and in confidence, their considered opinions or suggestions regarding:
 - a) The current and future needs of their diocese;
 - b) The qualities the new ordinary or auxiliary bishop should possess to address those needs; and
 - c) [OPTIONAL] The name(s) of the priest (or priests) who, in their considered judgment, would be an excellent candidate for bishop, and explain why.
3. The Apostolic Nuncio will assure the participating faithful, lay and clerical, that their opinions and suggestions will receive his consideration when preparing his *ternus* and advice to the Congregation for Bishops.

This proposal does not suggest initiatives to organize group responses which might constitute a parallel procedure not part of the canonical selection process. Nor does it promote or encourage any form of ‘politicking’, but fully recognizes and respects the confidential and individual basis for the expression of views to the Apostolic Nuncio. Further, it does not suggest or recommend that persons intending on their own initiative to express their views to the Nuncio, make use of the official questionnaire prepared by the Holy See for the internal purposes of the Nunciature.

To avoid undue delays in the selection and appointment of replacement ordinaries when a retirement can be anticipated due to age, it is also proposed that:

4. Any incumbent ordinary who is approaching his 75th year, will advise all the faithful of his diocese one year prior to the date that:
 - a) he will be tendering his resignation on completion of his 75th year;
 - b) all the faithful of the diocese have a right to participate in the selection process for the new bishop; and
 - c) they are encouraged to participate.
5. The incumbent bishop will prepare and make available to all the faithful of the diocese a full report on the current state of the diocese, particularly in relation to its goals, future plans, governance, personnel, parishes, educational, health and welfare ministries, diocesan finances, and any significant issues currently facing the diocese or likely to in the near future.
6. When the new bishop has been appointed and taken possession of the diocese, he will convene a diocesan synod within his first year in office to discuss the issues set out in his predecessor’s report and develop or review the diocesan pastoral plan.