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GLOSSARY

Apostolic administrator	Priest or bishop who governs an ecclesiastical territory in the name of the Pope
Apostolic delegate	Diplomatic representative of the Apostolic See in a country where it does not have full diplomatic status
Apostolic See	The Pope, Secretariat of State of the Vatican City and the institutes of the Roman Curia
Auxiliary bishop	Assistant bishop
Coadjutor	Assistant bishop with right of succession
<i>Coetus episcoporum</i>	Assembly of bishops
Dicastery	A congregation or department of the Roman Curia
Diocese	Ecclesiastical territory entrusted to a bishop
Diocesan bishop	Bishop in charge of a diocese or vicariate apostolic
Holy See	<i>vide</i> 'Apostolic See'
<i>Lineamenta</i>	List of questions sent to bishops in preparation for a synod of bishops
Magisterium	Teaching authority of church
<i>Motu proprio</i>	Statements of the pope at his own initiative
Nuncio	Diplomat who represents the Holy See in a country with full diplomatic status
Ordinary	A person placed in authority over a diocese or its equivalent; a person who possesses ordinary executive power, the power attached to an office, e.g. bishop, major religious superior, or vicar apostolic.
<i>Periti</i>	Theological experts at Vatican II
<i>Relatio post disceptationem</i>	Summary of contributions after first session synod of bishops
Vicar apostolic	Bishop appointed to take care of a vicariate apostolic
Vicariate apostolic	Ecclesiastical territory not yet established as a diocese

GENERAL INTRODUCTION

1 Motivation

A very small and insignificant observation gave rise to this study and research. When the bishops of the Southern African Catholic Bishops' Conference (hereafter, SACBC or, Conference) gather bi-annually in plenary session, their meetings are normally open to whoever has the task of making a particular presentation. A group of Catholic theologians, for example, participates in an advisory capacity in the bishops' discussion on some moral-theological issue like the use of condoms by a discordant married couple. After listening to input from various experts and engaging in serious discussion with them the bishops vote on the matter and may agree to publish a statement that sets out their position and teaching.

However, bishops could also choose to hold their discussion on the issue behind closed doors. Potentially difficult issues on which they could not reach consensus would be held over for this time, as would delicate decisions on sensitive matters. These private sessions would exclude all other officials who are not bishops, except for their representatives in their absence. Not even the secretaries tasked with recording the procedures or the secretary-general would be allowed to attend this session behind closed doors.

The bishops call this secret session "collegial" or "collegial concerns." The name of this secret session set off this study and research. As a teacher of Ecclesiology in the seminary and ever its keen student, this researcher knew that those

sessions behind closed doors may well be secret and sensitive, but secrecy and sensitivity, so aptly symbolised by closed doors, had little to do with collegiality or collegial concerns. Could this rather trivial naming of a secret session at the bishops' conference be hiding a more significant misunderstanding of collegiality?

Another matter that helped the genesis of this research was the comment some bishops made off the record and in other forums about the apparent disrespect of some members and officials of the Vatican Curia for the power and authority of diocesan bishops. This pointed to a misunderstanding of collegiality by 'Rome.' In addition, local bishops experience difficulties on various levels of the Conference, which could be the consequence of individual bishops' apparent disregard for decisions made by all bishops in plenary session; again an apparent infringement of episcopal collegiality.

All these suggest either a misunderstanding or ignorance that local bishops may have of collegiality. Is this suggestion rooted in reality? This is the central question of the research.

Of what significance is this study for Ecclesiology and the local church?

2 Significance

Collegiality is an essential dimension of the episcopal ministry. When ordained, a bishop becomes a member of the college of bishops. With its head, the Bishop of Rome, this college is the supreme authority in the Catholic Church. This collegial authority is exercised formally in ecumenical councils and other collegial actions of the college, including episcopal conferences. While each bishop has full charge

and responsibility for the diocese to which he has been appointed and for which he has been ordained, all the bishops, thus the whole college, have joint responsibility for the universal church.

The collegiality of bishops is an expression of the communion of the church – in other words, while each diocese is in itself a full expression and realization of the church of Jesus Christ and therefore an independent reality, it is in communion with every other diocese because of the communion its bishop has with all the other bishops in the college of bishops. Collegiality is therefore not only an essential feature of the ministry of bishops, but also an essential dimension of the structure of the church.

This research wishes to focus on the collegial activities of the Southern African Catholic Bishops' Conference. The local episcopal conference is first of all in itself an expression of collegiality. One therefore expects collegiality to permeate the Conference's activities on every level. If collegiality were not healthy in the Conference, it would suggest that the communion of the churches could also be unhealthy. In addition, the ministerial relations of a particular bishop with the clergy and faithful of his own diocese could also be affected negatively. A good and thorough understanding and practice of collegiality by the bishops within the SACBC is essential to the life of the Catholic Church in Southern Africa and the relation of the Church with other dioceses in the world and its Christian neighbours.

Finally, the question has enormous ecumenical significance. In discussing the place of the papal ministry of the Bishop of Rome in a united Church, the attention

is often turned to the way in which that ministry is currently exercised within the Roman Catholic Church. In *Gift of Authority* the second Anglican-Roman Catholic International Commission pertinently asked the Roman Catholic Church whether the teaching of the Second Vatican Council regarding collegiality has been implemented “sufficiently” (ARCIC 1999).

Again, the question of this research could be stated differently, namely, is collegiality a permeating feature of SACBC thought and practice?

3 Basic assumption

This research operates from the assumption that the bishops’ conference is a major instrument of collegiality in the college of bishops. As would be demonstrated in the thesis, official interpretation of the conciliar text has persistently claimed the contrary. It would be shown that this interpretation has left the bishops’ conference much the weaker in the college of bishops to the extent that the bishops’ conference is officially regarded as an expression of mere collegial feeling.

The prime expression of collegiality that accompanies this assumption is the solicitude the individual bishop has for the whole church by virtue of him becoming a member of the college of bishops through ordination. The bishops’ conference facilitates a bishop’s solicitude for the church. If such solicitude can be demonstrated in the Southern African Catholic Bishops’ Conference, one would be able to conclude that collegiality is present in the actions of the Conference. This solicitude is expressed through joint pastoral action by the bishops through

the pooling of wise counsel and experiences, according to the statutes of the SACBC.

If such joint pastoral action exists and if it shown that this joint action has been reached through the pooling of wise counsel and experiences one could conclude that collegiality is a practice of the Conference.

The Conference is a tool of collegiality. The question is to what extent it is a lived reality among bishops in the SACBC.

4 Methods of research

To do justice to this inquiry, one would first have to situate collegiality within the framework of post-Vatican II theology. A thorough analysis of all relevant documentary sources, including the minutes of the plenary sessions of the SACBC, as well as various meetings on the different levels of conference will possibly assist in determining the state of local collegiality. By direct qualitative observation of meetings and formal interviews with members and officials of the conference, one would be able to conclude sufficiently as regards the understanding and practice of collegiality in the Conference.

To conduct such documentary analysis and empirical research one would first have to establish a theological framework in which to place collegiality. Official church documents dealing particularly with communion between bishops and the office of bishops from the Second Vatican Council to the present would form a solid starting point. To this would be added the development of the theology of collegiality, which would include current emphases and interpretations by various

theologians. This framework enables one to be on the lookout for particular issues during the empirical research, as it would enable a focused critique of collegiality in the SACBC.

Only then would one be able to begin to work towards suggesting a local model of collegiality.

4.1 Observing the Conference

The first step in the research process was to ask the permission of the Conference that it be the object of observation and study in this research. Thus, in a 3 February 2004 letter to the president of the Conference, at the time Cardinal Wilfrid Napier, Archbishop of Durban, the aim and motivation of the proposed research was explained.

By observing meetings on the different levels of the Conference and conducting formal interviews with as many bishops as possible, as well as some officials of the SACBC, one would be able to conclude sufficiently as regards the understanding and practice of collegiality in the Conference and predict the consequences thereof for the life of the Catholic Church in Southern Africa, it was explained to the cardinal (Parry 2004:2-3).

Permission was slow in coming, for the wheels of the Conference grind slowly. The letter was only considered three months later at the May 2004 board meeting, which granted the researcher permission “to attend and observe various meetings of the different organs of the Bishops’ Conference” (Napier 2004:1).

The observation period began on 1 August 2004 and ended on 31 July 2005, even though some interviews were done later.

There are two ways of observation in social research, namely direct and indirect observation. When the relationship between the observer and the observed is not

mediated through a third party, the observation is direct (Groenewald 1986:38). Bailey (1987:239) distinguishes between participant and non-participant direct observation. Non-participant observation takes place when the observer does not participate in the group activities of the group s/he observes and does not pretend to be a member, as may happen in participant observation (Bailey 1987:239). This researcher undertook non-participant direct observation.

4.1.1 Conference meetings

At the plenary meetings the observer recorded the verbal and other contributions of each member who made a contribution during the plenary meetings in his laptop computer as accurately as possible. The recorded observations are contained in documents totalling 135 pages referred to in the text as Plenary 2004, Board 2004 and Plenary 2005. Appendix 3 provides a sample from the document Plenary 2004.

The first plenary session in Mariannhill was the first meeting of bishops the observer attended. He was considerably nervous, but eager to observe as much of everything that was said and done. Consequently, he recorded as much as he possibly could. In addition, it felt awkward to be in session with the members of the Conference all the time, especially when they discussed issues that were clearly very sensitive, such as the pastoral discussion on their ministry to young priests on Saturday, 7 August 2004 (see Plenary 2004:28-29). However, by the time of the next meeting in October 2004 with the ecclesiastical province of Pretoria in Witbank, the observer could be at ease – he had come to calm his raw nerves through observation of and conversation with the bishops.

On the part of the bishops, one could assume that they became used to the presence of the observer fairly quickly, which made for a more honest and natural interaction between bishops in the different sessions of their meetings. It was important for the observer to settle this difficulty, as a non-threatening environment for both observer and observed is essential for proper and uncluttered observation.

Members of the Conference execute their specific Conference tasks chiefly through their involvement with the particular Conference structures of which they are chairpersons or episcopal members. At the meetings of these structures the researcher would become acquainted with the work of that structure and the way its staff members and bishops go about executing their specific mandates from the Conference. The observation took place in more or less the same way as in plenary sessions and board meetings, but less intense, since, admittedly, the Conference structures at this level have a smaller component of episcopal interaction.

To this effect, observation took place at meetings of the department of Ecumenism and Inter-religious Dialogue on 14 September 2004, the department of Justice and Peace on 2 December 2004 and two different kinds of meetings of the AIDS Office on 29 September and 1 December 2004. A conversation with the director of Siyabhabha on 2 December 2004 gave direction on studying the reports of that associate body that were tabled at the plenary sessions and board meeting. A letter to the Seminaries Department whereby permission was requested to observe a meeting did not receive a reply. The episcopal chairperson

to observe the nonverbal behaviour of the interviewee; in addition they allow for a spontaneous interaction between interviewer and interviewee (Bailey 1987:174). The most obvious disadvantage for this preference was the cost attached to travelling to each interviewee. A reimbursement claim made by the researcher to the Seminaries' Trust Fund at the end of a series of interviews led to the prompt withdrawal of the monthly allowance for study expenses, which, admittedly, dealt a major blow to the extent of this research.

The social nature of the interview opens up the possibility for "all sorts of bias, inconsistencies, and inaccuracies," which may include, on the part of the interviewee, deliberate lying, unconscious mistakes, accidental errors and memory failures; and, on the part of the interviewer, asking and probing errors (Bailey 1987:177).

The lessons of the research of Part One as well as the observation of the interaction of members on different levels of Conference meetings would enable the construction of a fairly short but comprehensive list of interview questions, within the framework of the research.

Letters for requesting an interview or written responses to the list of questions were either sent by mail, fax or email to members of the Conference, or handed to them at a Conference meeting. By oversight two bishops were not contacted for a request. All the others received such letters.

The response was largely positive. Twenty-two of the twenty-eight members, thus 78.5%, responded to the requests verbally at meetings, by fax, email or telephone

call. Of those twenty-two responses, one bishop immediately declined because of his full schedule and another bishop immediately accepted but the interview was never scheduled due to the bishop's illness. Thus, a total of twenty responses, or 91% of twenty-two requests were followed through by interview or written response. Twenty respondents from a total of thirty members of the Conference make for 67%. It is through this majority of Conference members that the researcher managed to gain invaluable insight into the mind of the Conference in its current make-up. Twelve members agreed to the interview, while three chose to give written responses to the questionnaire. However, by the end of July 2005, after a radically shortened list of questions was sent to members who were not yet approached for an interview or who had not responded to previous letters, three members sent written responses and two agreed to interviews.

The first interview with a member of the Conference took place on 13 December 2004 and the last one on 16 August 2005. The observer travelled to 11 interviewees' home dioceses and interviewed members in their offices or homes for an average period of sixty-five minutes. The two final interviews lasted approximately forty minutes each. One interview took place at a liturgical event in a bishop's neighbouring diocese, one at Johannesburg International Airport where the interviewee was in transit to the 2005 *ad limina* visit of the Conference and one at St Peter's Seminary during the January 2005 plenary session. The furthest this Pretoria-based interviewer travelled was the approximately 3000 km to Cape Town and back.

In all cases the researcher was the interviewer.

Fourteen interviews were recorded on tape and later transcribed. Interviewees were assured beforehand in the letter requesting an interview and just before the start of the interview that the tape recorder could be switched off when they were about to speak about sensitive issues. One bishop used that option briefly during his interview and another bishop requested that no direct quotations from his interview were to be used.

Appendix 4 is the list of questions on which the interviews were based. During the interviews, most of the questions on the list were dealt with, but at times, the conversation and time allowing, the interview took a different direction from the prepared list of questions, which made a broad overview of responses difficult. Appendix 5 is an excerpt from an interview that took its own direction.

4.1.3 Conference documents

The documentary analysis started and stayed mostly with a thorough study of the *Minutes* of the plenary sessions from 1952-2005, embellished here and there with references to the *Minutes* of different board meetings. Whereas plenary session *Minutes* are reasonably detailed, board meeting *Minutes* are quite sketchy, especially earlier ones.

In all the board *Minutes* of 1999, for example, there is little or no reference to the problems surrounding the complete and unprecedented withdrawal of Cape Town Archdiocese from the Conference seminaries. This happened while both Archbishop Lawrence Henry of Cape Town and Bishop Reginald Cawcutt, at the time auxiliary bishop of Cape Town, were members of the administrative board.

One does not know how to interpret this omission, except to suggest that the Cape Town withdrawal would have been discussed in the closed session, where the *Minutes'* author would have been absent.

On the contrary, plenary session *Minutes* of 1999 were more forthcoming on the withdrawal discussions and decisions of the bishops. Other documents studied were those tabled at the different meetings of which the observer managed to obtain copies and which were eventually printed as appendices to the *Minutes*.

5 Difficulties and limitations

5.1 Focus

An early warning steered the research focus away from individual bishops within their dioceses and the concomitant processes in that sphere that might demonstrate collegiality. Instead the focus was restricted to the bishops as conference within the Conference.

The advantages of such a proper and strict focus are obvious. Firstly, a study such as this needs to be properly and strictly focused in order to gain proper insight into the object of study. Secondly, a scattered, or wide-angle focus may ultimately lead to poorer vision of the finer details that constitute collegiality in the bishops' conference.

The disadvantages of such a strict focus are equally obvious. Firstly, it is a reality that collegiality, or collaborative ministry, to use a catchphrase, has become part and parcel of the life of the church on all levels. To focus strictly on the bishops' conference and discover that little collegial interaction takes place there might

lead some to jump to unwarranted conclusions about the state of collegiality in the local Catholic Church as a whole. Secondly, collegial ministry and synodal structure may be a stronger contemporary feature of other Christian Churches, such as the Methodists, Anglicans and Reformed. Insights from those experiences are lost to this study, since the focus remains on the Roman Catholic Church.

In the same way, insights from other Catholic bishops' conferences and their experiences of collegial solidarity may have enhanced this study immeasurably. Efforts to this effect, however, have failed. The researcher established contact with the Kenya Episcopal Conference (KEC), but poor communication from the General Secretariat of KEC forced the shelving of plans to visit that conference for a comparative observation. Time did not allow renewing efforts, or changing focus to another neighbouring bishops' conference.

5.2 Involvement and distance

There are other limiting factors. Firstly, the researcher is an ordained priest in the Roman Catholic Church, from the Diocese of Oudtshoorn. Secondly, at the time of the research he was an employee of the SACBC. Working under the auspices of the Department for Seminaries of the Conference, he was attached to St John Vianney Seminary, one of the Conference seminaries, as a full-time formator and lecturer since 2000.

There is a real danger that these very facts could compromise the examination results. On the one hand, it is quite possible for the researcher to remain the uninvolved observer, especially when bishops would discuss, say, matters

pertaining to the seminary, or the difficulty bishops have with their young priests. In this regard, unconscious negative feelings towards particular bishops or members of the Conference who, from the perspective of the researcher, will have negative things to say about seminary staff or young priests in general, could influence the way he would eventually write about this bishop or that discussion.

On the other hand, it is also possible for an observer in this position to sweet-talk the object of study if it is also his employer, in this case, the SACBC. This, one would imagine, is a much more conscious process than it is unconscious. For in such sweet-talk the employee may see a future salary increment or more perquisites, or the like.

Both these extremes have been scrupulously avoided as far as possible in the research process and the writing of the thesis. However, only the reader would ultimately be able to determine from what is said and unsaid in the text of this thesis whether the researcher has been able to avoid these pitfalls.

5.3 Out of date

Another weakness of a study such as this is that it is by its very nature out of date as soon as the first word of the final draft is written. The structure and membership of the SACBC are constantly changing and never stable for a long time.

At the beginning of the study period, just prior to the observation, it was the clearly stated intention of the researcher to have solid interviews with the only surviving bishop of the SACBC who participated in the Second Vatican Council, Archbishop Denis Hurley, OMI, of Durban. Before the official observation of the Conference

began, the Archbishop was dead and buried. In the course of the observation, two more bishops died, namely the Bishop of Eshowe, Mansuet Biyase and the Bishop of Mariannhill, Paul Mngoma. As the draft of the research text was being composed, at least one diocese became vacant when the Apostolic See accepted the resignation of its bishop. When the final draft of the thesis was almost done, the long vacant see of the Archdiocese of Bloemfontein was finally filled when Jabulani Nxumalo OMI, at the time Auxiliary Bishop of Durban, accepted that appointment. At the same time, the Conference had one more member added to it, namely the new Auxiliary Bishop of Durban, Barry Wood OMI. In addition, the position of Secretary General and Associate Secretary General also changed hands during the time of study. The biggest change of staff in the Catholic Church at the time was, undoubtedly, that which happened in the See of Peter. Pope John Paul II died in April 2005 and was succeeded in May of that year by the former Prefect of the Congregation for the Doctrine of the Faith, Cardinal Joseph Ratzinger who took the name Benedict XVI.

The subject of study was therefore never stable. Personnel changes bring about change of perspective and opinion. Needless to say, this influences the outcome of the conclusions, since they were drawn on a subject that is not the same anymore.

6 Layout of thesis

What is the state of collegiality among the bishops in the SACBC? The answer to this question is developed over three sections in this thesis, Parts One to Three.

Part One examines the development of the theology of episcopal collegiality from the time of the Second Vatican Council to the present. This examination should develop a set of criteria that will enable the researcher to empirically observe key structures of the SACBC and formal interaction of its bishops to determine the understanding and practice of collegiality in the SACBC.

The first chapter briefly clarifies the terms and concepts that are used repeatedly in the text. The second chapter defines the concept episcopal collegiality according to the relevant texts of Vatican II and traces the theological development of the concept. The third chapter describes what a bishops' conference is. Chapter 4 summarises the insights of Part One and provides the link to Part Two of the thesis.

Part Two contains the report and results of the empirical observation of the SACBC and the analysis of its documents. These results determine the extent of collegiality in the SACBC – it could be riddled with flaws or it could be an outstanding example of peaceful relations among Christian leaders. The researcher regards this part as the actual unique contribution of this thesis to the corpus of research about the local church.

Chapter 5 describes and examines the Conference's decision-making structures, namely the plenary session and the administrative board. It records and analyses the self-image of the bishops as Conference. Chapter 6 looks at the structures that execute many of the bishops' decisions taken in plenary sessions and board meetings. In this study these structures are collectively called organs of Conference or Conference organs. Chapter 7 draws together the reflections of the

bishops on collegiality in four 'we-statements', namely we are in it together, we speak with one voice, we support one another pastorally and we have common projects. Under each of these 'we-statements' the merits of the bishops' perceptions are tested. Chapter 8 integrates all the evaluative remarks made in the course of the main chapters of Part Two and presents a final pronouncement on the state of episcopal collegiality in the SACBC in the light of the research. This chapter also sets up the link to the next and final section of the thesis.

Part Three consists of a single chapter and the General Conclusion to the thesis. Chapter 9 outlines the essential steps for the development of a local concept of collegiality. While it does not spell out or develop a local concept of collegiality through, for example, a discussion on inculturation, it nevertheless argues that without these basic steps such development would not at all be possible.

Chapter 1

Explanation Of Concepts

Introduction

The title of this thesis, “A critical examination of collegiality in the Southern African Catholic Bishops’ Conference (SACBC): towards a local model of collegiality”, requires that two basic concepts be clearly defined. These are “collegiality” and its peculiar use in “episcopal collegiality,” and “bishops’ conference.” While the word “church” does not appear in the title it is used throughout and therefore its use should also be clarified.

1 “Collegiality”

The noun ‘collegiality’ is nowhere to be found in the texts of the Second Vatican Council. Different expressions occur in the documents of Vatican II, all referring somehow to the reality of collegiality. ‘Collegiality’ nevertheless became part of the theological vocabulary in the conciliar debates on the draft document on the church. Yves Congar first used ‘collegiality’ in the 1950’s in the context of the theology of the laity (Kloppenburger 1974:183). Apart from that, according to Kloppenburger, the word did not appear much in the theological works of the time.

‘Collegiality’ derives from the word ‘college.’ A college, according to *The Pocket Oxford Dictionary of Current English* is an “organized body of persons with shared functions and privileges.” A *collegium*, according to *A Supplement to the Oxford English Dictionary*, is an advisory board or committee. A practice introduced by Peter the Great of Russia, of attaching a *collegium* of members of his

Commissariat to every People's Commissar, which he had to consult before promulgating any order, serves as an example.

In the *Woordeboek van die Afrikaanse Taal* (WAT) 'collegiality' is linked to the principle of having a *collegium*. In a *collegium* decision-making is the responsibility of the whole *collegium*. This is contrasted to the 'one-man management' principle. WAT also describe collegiality as the relationship or mentality of a colleague among colleagues. To be *kollegiaal* (collegial) is normal or suitable among colleagues. It is the spirit or feeling among them of commitment, unity, loyalty, appreciation and devotion. A *kollegiale bestuursvorm* (collegial form of management) is described as resting with a number of persons; the supreme authority is vested in a few persons whose task it is to lead, to govern and who are responsible as a group for good progress of things.

Writing in a theological context, Heiner Grote (1990:54f) provides a simple yet useful definition of 'collegiality'. First of all, a college is group of a manageable number of people. Someone becomes a member of the group through a profession, a discipline, or an office; in other words, there is a definite common denominator among them. This common denominator is the basis of the members' equal rights. Secondly, some forms of behaviour are at the core of collegiality. There is an expectation, formal or otherwise, to act in certain ways within and on behalf of the group. Examples may be the readiness to supplement and help, toleration in conflict and respect for a leader. Thirdly, the collaboration within the group is such that members are ready to be delegated by the group to undertake tasks that benefit all. Lastly, the group is able to take decisions and act

on them. They unite behind these actions, even if not all members are in favour thereof, so that, consequently, they always seem united to the outside.

2 “Episcopal collegiality”

A Supplement to the Oxford English Dictionary best explains ‘episcopal collegiality’. According to the dictionary, it is “the sharing of the bishops, with the Pope as their head, in the supreme responsibility of the government of the Church.” It is this definition of ‘episcopal collegiality’ that will form the basis of our use of the concept in this thesis.

A group report of a consultation held by the Faith and Order Commission of the World Council of Churches in Crêt-Bérard, Switzerland in 1997 on the issue of *episkopé* (oversight) and the visible unity of churches noted that it was to the group of apostles that Christ “gave the commission to preach the gospel and lead the church” (Report of Group I 1999:52). The words this group used to describe what they mean by collegiality are, among others, ‘sharing in mission’ with reference to Matthew 28:1-10.16-20 and John 20:22-23 (the great commission to preach); and ‘caring for one another’ with reference to 1 Corinthians 12:25 (collections for the Jerusalem community).

Ultimately, collegial oversight always includes care and concern for communities beyond one’s own. In this sense, the Catholic Church describes episcopal collegiality as the sacramental communion between bishops who act collaboratively in the Church with the head of the college, the pope (Granfield

1995:89), expressing in this way their care for the whole of the Catholic Church and not simply their own dioceses.

Their communion and collaboration requires a certain common authority. Karl Rahner (in Rahner and Ratzinger 1962:75) maintains that the apostolic college and by implication the episcopate is a genuine corporate body in which members have their authority because of them belonging to this college. The members of the episcopal college have their authority from their episcopal ordination: ordination is the ontological and sacramental foundation for collegiality.

There is an important digression from Grote's description in this regard. Grote (1990:54) maintains that members of a college are equal because they share the same authority. 'Catholic' episcopal collegiality excludes such equality. Bishops are not a group of equals; the author(s) of the *Nota explicativa praevia*, 1 of the *Dogmatic Constitution on the Church, "Lumen Gentium"* (hereafter LG) state(s) clearly that there is no equality between the head and members of the college of bishops. In this sense the college of bishops in the Catholic Church is not strictly a *collegium*. Accordingly, 'college' should not be understood in the legal sense, where a body of equals is intended, where one member is nominated to act authoritatively in the name of all.

Tom Stransky (1991:192) provides a suitable conclusion to this subsection. According to him 'collegiality' lies simply in the avoidance of subjection to domineering lords (1 Pt 5:3) as the contemporary disciples of Christ keep alive the tradition and memory of Christ.

2.1 Collegiality in the church

Grote (1990) forces one to think of collegiality on a much wider scale than simply in the episcopal realm. He brings the concept to the level of the activities of the baptised and confirmed – collegiality permeates church life. He insists that the Roman Catholic Church is “a great treasury of both technical and spiritual collegiality. No other institution on this earth produces collegiality to this extent and degree” (1990:63). Not all may agree with Grote’s excitement in this regard. On the contrary, many ‘insiders,’ as will become clear in the text of the thesis, accuse the Roman Catholic Church as having betrayed many of the central aspirations of Vatican II.

Surprisingly, Grote maintains that collegiality does not mean the advent of the demise of hierarchy (Grote 1990:63). Since collegiality is possible only in manageable groups a total ‘democratisation’ of collegiality is out of the question, for “once they go beyond a particular size, human social groups are quite ungovernable unless rule is exercised only by hierarchical directives” (ibid.).

Hans Küng takes a different view (Küng 1990:77). According to him, there exists in the church a fundamental equality among all members of the church as a result of baptism. Consequently, no one is simply a presiding officer or a subordinate. Because of this basic status and equality there exists in the church a collegiality of all for all. Küng is convinced that collegiality should not remain limited to the ‘uppermost level’ of the universal church, but that it should be realised on all levels of experience of church, both national and diocesan. “That means very clearly a dissolution of that authoritarian one-man rule” (Küng 1990:89).

3 “Bishops’ conference”

In this thesis ‘bishops’ conference’ and ‘episcopal conference’ will be used interchangeably.

The episcopal conference, according to the revised *Code of Canon Law* (1983)

is the assembly of the Bishops of a country or of a certain territory, exercising together certain pastoral offices for Christ’s faithful of that territory. By forms and means of apostolate suited to the circumstances of time and place, it is to promote, in accordance with the law, that greater good which the Church offers to all people (can. 447).

This definition is built on the Vatican II decree on the bishops, *Christus Dominus* (hereafter CD), that described episcopal conferences in more or less the same terms as a form of assembly of the bishops of a region or country, in which they exercise their pastoral office jointly through means and methods suited to the times, so the good of all people can be served by the Church (CD 38:1). This definition will be developed in the chapter on episcopal conferences as expressions of collegiality.

4 ‘Church’

One immediately thinks of one’s own experiences of church upon hearing the word “church.”

It is the reality of Christianity that there are different denominations. A Christian is usually either Catholic or Anglican or Lutheran, etc. He belongs to a specific church and his mere belonging to that church colours his whole Christian experience and outlook.

A person's experience of "church" is also determined or influenced by his ecclesial position or standing. He may be a theologian, a church leader, a committed believer, or simply someone who somehow believes and occasionally attends church services, but is not really all that excited about church things and church activities.

There is a tendency, borne out by church history, since the schism in the eleventh century and the Reformation in the sixteenth century for some Catholics to regard their church as the Church of Christ, or as the only Christian church. This tendency and mentality to equate their church with the Church that Jesus founded has been repudiated by a peculiar but very important phrase in *Lumen Gentium*, namely "*subsistit in.*"

According to the text, the Church of Christ subsists in the Catholic Church (LG 8) – which is different from saying that the Church of Jesus Christ is (equal to; none other than) the Catholic Church. *Subsistit in* means to remain in, to continue to exist in, to carry on to be in. It follows, therefore, that according to LG 8, the Church of Christ continues to exist in the Catholic Church. The text goes on to say that elements of ecclesiality exist in other Churches and ecclesial communities. In other words, the Catholic Church is not alone the Church of Christ.

So, even though the Declaration of the Congregation for the Doctrine of the Faith on the unicity and salvific universality of Jesus Christ and the Church, *Dominus Iesus* (CDF 2000:no.6) of 5 September 2000 affirms that the Church of Christ

subsists “fully only”¹ in the Catholic Church, it still has to admit of many elements of sanctification and truth in other Churches and ecclesial communities not in full communion with the Catholic Church.

These few paragraphs point to the minefield the contemporary Christian has to walk when reflecting on “church” within the context of the variety of brands there are, to use marketing language. In any case, the word “church” in this thesis will be used in reference to the Catholic Church. Sometimes this church is also called the Roman Catholic Church, as in documents produced in bilateral and multilateral ecumenical dialogues in which the Catholic Church is an official participant. The sole focus on collegiality in this church, however, does not mean that it is the only sort of collegiality there can be in the Christian world, or that its description is valid for all Christian churches.

Conclusion

This brief chapter endeavoured to give introductory definitions to the central concepts of “collegiality,” “episcopal collegiality,” and “bishops’ conference.” The difficulties surrounding the use of the word “church” were highlighted as well.

¹ This is not a true rendering of the text of LG 8. It reads too much in the conciliar text to say subsists or exists “fully only,” for the Council clearly left it open-ended. But the matters of “subsistit in” and of elements of ecclesiality, as well as those raised in the CDF’s *Dominus Iesus* are difficult issues sure to raise the temperature on any ecumenical dialogue of ‘church’ with the Roman Catholic Church.

Chapter 2

The Teaching of *Lumen Gentium* on Collegiality

Introduction

This chapter examines the teaching of *Lumen Gentium* on episcopal collegiality contained in various articles in the third chapter of the constitution. It will be seen that the council gives a clear and strict definition of episcopal collegiality as the exercise of supreme authority by the college of bishops in certain situations. The definition is indeed strict and leaves little room for other expressions of collegiality. Nevertheless, it remains open. Naturally, this open-endedness makes for an ambiguous understanding of collegiality.

Firstly, the historical context of Vatican II will be described in order to place *Lumen Gentium* in proper perspective. Secondly, the contents of *Lumen Gentium*, including the prefatory note will be closely examined. In the third and last place, the distinction between so-called effective and affective collegiality in the interpretation of the conciliar text will be considered critically.

1 The Second Vatican Council

1.1 The historical context of Vatican II

In the history of Christianity, councils were normally held with the aim of refuting and condemning doctrinal or practical trends that posed a danger to Christian faith and morals (cf. Dvornik 1961:7-12). However, Vatican II was held when no such trend was clearly discernable (Martina 1988:4). Of course, it does not mean

approaching everything in the church as if it could be solved by canon law (Philips 1967:109).

1.2 The purpose of Vatican II

Why did Pope John XXIII announce a council?

The idea to call a council came to him as an impulse, an inspiration. When he first announced his plan to a surprised group of cardinals at the Roman Basilica of St Paul Outside the Walls in January 1959 he was not sure exactly what he wanted in a council. He knew that the church needed a shake-up, an *aggiornamento* (updating) as he called it, but he was not forthcoming with details.

It is often repeated as one of the anecdotes of the history of the council that one day, some time after his announcement at St. Paul's, someone asked Pope John what he was expecting from the council. He responded: "I don't know." Then, strolling over to the window, he opened it and replied: "At least a bit of fresh air" (Moeller 1965:155). What the good pope more or less knew was that "the church had to break out of the prison in which it had locked itself, to stop navel-gazing" and to commit itself anew to serving humanity (*National Catholic Reporter*, 9 October 1998).

His language from then on was not very technical in the canonical or theological sense. It was full of living images. He said in his opening address that the council would be one whose purpose was not to censure and condemn heretics and dissenters, but to promote human solidarity not just for Catholics, Christians or

even religious people, but for all humanity. The church should emerge from the council not as a stuffy museum, for we are not baptised to be museum-keepers. After the council the church should be a flourishing garden of life. The council should open the windows of the church to let in fresh air, so that it and especially the message of the Gospel could be shown to be relevant to humanity here and now (Moeller 1965:155).

On a more formal level the purpose of the council was verbalised in the brief to the Theological Preparatory Commission. Constituted by John XXIII on 5 June 1960, the task of the Commission was to formulate the dogmatic texts for discussion at the imminent council. Commissioners had to operate within the following norms:

- ❑ to deal with matters not in a theoretical-scientific manner, but to always keep in mind the actual needs of the church;
- ❑ to leave aside all that is antiquated or in peaceful possession;
- ❑ not to condemn individual errors that do not pose any danger to the faith;
- ❑ not to repeat previous definitions where it was not really necessary, but when doing so, only in brief and in simple language; and
- ❑ not to introduce disputed matters or questions that have not yet reached maturity in theology (Betti 1965:133).

The twenty-first 'ecumenical' council, by Roman Catholic counting, was convened and opened on 11 October 1962. It was held over four sessions for four consecutive years under two popes: September – December 1962 under John

XXIII, September – December 1963, September – November 1964 and September – December 1965, all under Paul VI. The council produced sixteen major documents, of which *Lumen Gentium* is one.

2 *Lumen Gentium* and the debate on episcopal collegiality

In this document the bishops at Vatican II summarised the current self-understanding of the Catholic Church. Certainly, the council has not given the final word on the church in this *Constitution*, simply because it is not possible. In fact, as Paul VI explained when he inaugurated the second session of the council on 29 September 1963, the church is a mystery, a reality intimately permeated with the presence of God. Consequently, it is within the very nature of the church to be always open to new and ever greater exploration (Betti 1965:154). Certainly, *Lumen Gentium* is the *Magna Carta* to which every study on the ecclesiology of Catholic Church should refer.

It became clear to participants of the council that the draft on the church was at the “centre and climax of the council” (Philips 1967:107). Archbishop Denis Hurley of Durban, who attended the council as a young archbishop, remembered that “the two most important weeks of the Second Vatican Council” were those that “dealt with the nature of the Church, and the issue of primacy and collegiality” (*The Southern Cross*, 11 March 2001).

In the debate on collegiality a minority of bishops was strongly opposed to the introduction of collegiality as an essential character of episcopacy. In fact, Cardinal Ottaviani, prefect of the Congregation for the Doctrine of the Faith at the

time, said there was little or no foundation in the New Testament for the view that the original apostolic college was collegial in nature (Stanley 1964:198). This should come as no surprise, said John Quinn (1999:84), archbishop emeritus of San Francisco, if one considers their understanding to be based on the classical Roman law. Accordingly, a college was an “aggregate of equals.” This meaning was not intended in the conciliar text. Since ‘collegiality’ was still a relatively unknown concept among theologians and bishops its eventual inclusion in the text of LG and its application to the *coetus episcoporum* have done little to clarify the meaning of the term. For it is not understood in reference to a group of equals, neither is it understood in the sense in which it is used in any of the other spheres of our world, be it that of education, politics or the world of work, where it has to do with moments of democratic equality and human solidarity in the pursuit of a common task (Scheffczyk 1982:83).

2.1 The contents of *Lumen Gentium* on collegiality

2.1.1 *Lumen Gentium* 19

This article affirms that the college of apostles, or the Twelve, originated with Jesus. The Twelve were a stable group and collegiate in nature. As college it had Peter placed over it as head, an action not done by the college itself, but by Christ. They were sharers in the power of Christ. They received their mission from Christ, a mission confirmed by the Spirit on the day of Pentecost. As a group they executed their mission and in this way they gathered the universal church.

The text does not attempt to settle questions of a particular nature with regard to the Twelve, for example, the fact that they were not very missionary according to New Testament evidence.

Excursus 1: On the collegial nature of the apostles' ministry

Does the New Testament provide a sufficient basis for the insistence of LG 19 for a collegial ministry of the apostles?

The first institutional act of Jesus, said DeJaifve (in Stanley 1964:200), was the establishment of the Twelve whom he called apostles. The Twelve and the traditions surrounding them were significant in the catechesis of all the communities in which the Synoptics were received. The synoptic gospels recount the story of the institution of the Twelve (Mk 3:16-19; Mt. 10:2-4; Lk. 6:13-16) in addition to the narratives relating the call of the individual disciples.

For Michael Stanley (1964:200-201) the repetition of the list of the names of the Twelve just before the outpouring of the Spirit on the church is an indication that Luke was convinced those apostles became the apostolic college in the church. As a group they became its leaders. The Synoptic writers always refer to the apostles as a group (Mk 3:14; Mt. 10:1; Lk. 6:12-13). This group-character of Jesus' apostles is very significant if one considers the order of their names in the four lists of the apostles in the New Testament (Mk 3:16-19, Mt. 10:2-4, Lk. 6:14-16 and Acts 1:13) from various angles. Firstly, there is a fixed chronology in them of three series with four names each, with the first series constant. This is probably a mnemonic tool in catechesis (Brown 1991:1378). Secondly, Peter is always the first to appear in all the lists as a sort of focal point of unity among the Twelve. This point, however, is clearly a rereading of the list in terms of contemporary Catholic experience of church. Thirdly, the faithful inclusion of the name of Judas Iscariot in all lists points to the importance of the memory of the Twelve as a fixed group among Christians. For Stanley, then, the fixed lists of names of the apostles point to their fundamental group character.

Myles Bourke (1971:1-13) offers a somewhat different yet most interesting slant on the matter. His exegesis of some texts on the issue of co-responsibility in the early church, 1 Cor. 5:1-13 (Paul's decree on the man who lives with his stepmother), Mt. 18:18-20 (the Matthean community's disciplinary procedures) and Acts 15:1-29 (the so-called Council of Jerusalem) shows that leaders took decisions with the whole church and not on their own.

While the apostles always appear as a collegiate body (Acts 15:1-29; 2:42; 4:33; 5:2.12.18.29.40; 6:2; 8:1.14; 9:27; 11:1; 15:6.22.23; Gal. 2:1-10), as Rahner (Rahner & Ratzinger 1962:79) shows, there are still incidences in the ministry of Paul

and Peter that showed no 'collegial anxiety' (Tillard 1992:198). They decided and acted directly 'from the Spirit' with no consultation with fellow leaders or with the communities, e.g., in Acts 10:19-20 ff. (the vision of Peter regarding ministry to 'non-Jews') and 11:1-3.18 (the acceptance by the community of Peter's decision). Still, full authority is a collegially exercised reality, as Rudolf Pesch (1998:75) demonstrates in reference to Matthew 18:18 with regard to Peter and the rest of the Twelve.

In any case, one should not imagine that apostles took decisions formally in groups or in meetings, as one would expect, say, from a particular council of a region's bishops or a so-called ecumenical council in the later Church. It was not common for the apostles to meet after they dispersed from Jerusalem. The group dimension of the apostles' being and mission should not be seen as an apostle conforming at every bend and turn to the apostolic group's decisions taken democratically in plenary sessions. We are dealing here with an inner reality (Scheffczyk 1982:86), a fact of being more than it was an expression of doing (Scheffczyk 1982:88). The specific explicit acts are not more important than the inner unity of being together. Jean-Marie Tillard (1992:198) insists that "each of the apostles presented in the New Testament enjoys the broadest power of initiative, evidently within fidelity to the recollection of the *acta et dicta* (deeds and words) of the Lord Jesus Christ." The group reality is borne out by each apostle's fidelity to the common apostolic witness.

2.1.2 *Lumen Gentium* 20

In this article we have the core of the teaching on apostolic succession. Christ sent the apostles. The apostles, aware that the mission of Christ had to be confirmed and completed to the end of time and to the ends of the world, appointed men in their place and those in their turn. In this way the mission continued in particular ministries amongst which the episcopate takes first place, assisted by priests and deacons. Together, as shepherds of the flock of God, they teach doctrine, are priests of sacred worship and ministers of government. In a nutshell, bishops have succeeded the apostles as shepherds of the church. Those who listen to them listen to Christ and those who reject them reject Christ, so the council teaches in reference to Luke 10:16 and pope Leo XIII.

By divine institution, then, bishops are the successors of the apostles. It implies that the office of bishop is not a purely human development necessitated by the exigencies of the church in history. The ministry of bishop does not originate in church law in the sense that there could have been other developments to answer the needs of tradition and oversight (or shepherding), such as a non-episcopal ministry. Instead, the episcopal constitution of the church is ultimately part of divine revelation (Rahner 1967:191).

Succession does not mean total and complete identification of apostles and bishops. It is obvious, says Rahner (1967:192), that “not all the prerogatives of the apostles, such as their quality of eyewitnesses, are transmitted to the bishops.”

Excursus 2: The problem of succession

The transporting of the apostolic college to the body of Catholic bishops or college of bishops is problematic. Historical-critical scholarship does not cater for such a clear-cut application as is made in *Lumen Gentium*. In fact, Raymond Brown, Catholic biblical scholar, demonstrating that apostleship was a post-resurrection concept, stated that “while the Fathers of Vatican II responded well to modern biblical insights, many statements in the documents are biblically naïve, as [demonstrated in the statements on] the bishops as successors of the apostles” (Brown 1970:21).

There is no evidence in Acts to suggest that any of the apostles or the Twelve as a whole presided over a local church (Brown 1970:52), which is exactly what a bishop in the Catholic Church does today even if he is a titular bishop of some long vanished local church. The James who presided over the church in Jerusalem, for example, was most probably not the James of Alphaeus in the list of the Twelve (Acts 1:13-14). The apostles did not do any missionary work themselves, despite the injunction of the Lord in Acts 1:8, but the Twelve did authorise missionary efforts to the Gentiles (Acts 8:1-15; 11:1-18; 15:1-12). Paul and Barnabas and others like them were missionary apostles. These missionary apostles appointed pastoral caretakers in the communities they established (Acts 14:23). The Twelve were also not bishops, which only became a lived reality in some communities towards the end of the second century (Brown 1970:43). The Twelve are not shown as laying hands on

successors since Acts 6:6 does not clearly state who does the laying-on of hands: the apostles, or the whole community.

Presbyter-bishops developed in the churches known to Paul towards the end of the first century. These men were, according to Brown (1970:35), largely residential and as a group pastorally cared for those post-Pauline churches. By the end of the first century, however, there is evidence of some sort of awareness of the connection or continuity between the leadership of the church and the apostles. The *First Letter of Clement* (42,1 and 44,1 in Jurgens 1970:10), written either in the late eighties or middle to late nineties of the first century, contains a neat progression in the work of God: God sent the Lord Jesus Christ; Jesus appointed and sent his apostles; the apostles appointed their first converts as bishops and deacons of future believers and made provision that when these die, "other *virī probati* (approved men) should succeed to their ministry." By 110 it appeared that this structure developed, because in many communities a single bishop emerged as the head of a 'college' of presbyters, even though other communities, such as Rome, did not know anything beyond such a college (Brown 1970:39). By the turn of the second century churches have grown larger, necessitating reorganisation on many levels. Consequently, many communities came to consider the bishop or designated priests as successors of the apostles "in the sense that they were to the later church what the apostles were to the primitive church" (Brown 1970:42).

It is clear that history does not support unequivocally the claim that bishops are successors of the apostles. The danger is, as Scheffczyk (1982:88) warns, that positing a discontinuity between the church of here and now with the church of the apostles would regard apostolic witness as unable of itself to reach beyond the death of the apostles. In any case, this does not mean that all is lost for the idea that Christ established the episcopate for it is true in the nuanced sense that it gradually emerged in a church that stemmed from Christ and, as believers would claim, this emergence was guided by the Holy Spirit (Brown 1970:73).

The succession from the apostles developed into an error-fighting mechanism by the second century. Succession became a sign and function of orthodoxy. If a bishop erred with regard to teaching the orthodox faith and persisted stubbornly in doing so he removed himself from the succession of the apostles. Truth can only be found in those churches who were in this line, as Irenaeus wrote around 185 in his *Adversus haereses* 3,1,1 and 3,3,1 (in Jurgens 1970:89) and Tertullian when he was still orthodox in his *De praescriptione haereticorum* 32,1 of circa 200 (in Jurgens 1970:121-122). At the time there seemed to be, according to Tillard (1992:201), an insistence on "absolute unanimity" in the confession of the apostolic faith.

2.1.3 *Lumen Gentium* 21

This article provides some detail as to the mechanics of succession. It shows how succession takes place in today's church. Through his ordination a bishop becomes a member of the *corpus episcoporum*. Episcopal consecration places a bishop in the line of succession. It confers sacred power, or fullness of power, which enables them to teach, sanctify and govern. It enables the bishop to act in the person of Christ the teacher, shepherd and high priest.

A bishop does not replace Christ but merely acts in the person of Christ in an eminent or resplendent way and a visibly tangible manner. This active presence in the bishop is not exclusive for Christ does not act only through bishops. It is primarily through their ministry that he acts, as the text makes clear (Rahner 1967:192). But episcopal consecration is not sufficient in itself for succession. The sacred power conferred by consecration is exercised in hierarchical communion with the head and members of the college. Thus, episcopal consecration and hierarchical communion are constitutive of apostolic succession.

Excursus 3: Who gets ordained and who not?

In 1976 the Congregation for the Doctrine of the Faith published, with the approval of Pope Paul VI, a declaration on the question of the admission of women to the ministerial priesthood, "*Inter Insigniores*" (CDF 1976). According to this declaration the main reasons for the Catholic Church's policy of non-ordination of women are, firstly, that according to the church's constant tradition she has never ordained women. Secondly, it was the attitude of Christ to do things against very basic determinations of Jewish religion and culture. Yet, he neither called women as apostles nor chose women to belong to the Twelve. Thirdly, it was the practice of the Apostles never to appoint women as leaders of Christian communities. The value of Jesus' attitude and the church's practice is permanent. Consequently, church policy in this regard cannot be changed. In addition, the sacramental structure demands that there

ordination has been part and parcel of more recent church practice. Ideally, even if the practice is not present in the Roman Catholic Church, dialogue partners should insist that this form part of the agenda in official or formal ecumenical dialogues with the Roman Catholic Church. It would only stand that church in good stead, since such dialogue could serve to prepare the thinking of Catholic men and women outside women-church movements like the international *We are Church* and the local *Women's Ordination, South Africa* where women's ordinations have regularly taken place since the 1980's (see Hunt 1999: 106-107). Besides, as Angela Berlis (1999:80) insists, "no church will be able to evade this task [of ordaining women] in the long run, since in contemporary discussion it is very closely interwoven with the question of women generally." Ultimately, Schüssler Fiorenza (1999:66) advises those whose views have yet again been ignored by the latest document from Rome on women's ordination, to "tell again and again the story of the Emperor who has no clothes."

2.1.4 *Lumen Gentium* 22

This paragraph deals with the relationship between the pope and bishops in the college of bishops. Like the apostolic college the bishops who are successors of the apostles, united with the successor of Peter, constitute a college. The bishops and pope are joined together, are related with and are united with one another. Peter, and by implication the bishop of Rome, has the origin of his office within the Twelve and is not outside or above that college. The college or body of bishops is a permanent continuation of the college of apostles. They are college by disposition of the Lord, not by necessity of history.

This paragraph calls upon 'ancient' practice: the bond of unity, charity and peace of the bishops with the bishop of Rome, the councils and the presence of bishops

at a bishop's consecration. These practices point to the collegial nature and structure of the episcopal order.²

The college is college only with its head, the pope, and never without him since the pope (and so the bishops) is the subject of full, supreme and universal power in the church. Without its head, the college is not college anymore. Only with its head is the college the subject of full, supreme and universal power in the church. Consequently, the college may never act without its head.

However, this does not apply vice-versa. The pope, as head of the college, may act independently of the college: "he is always free to exercise this power" (LG 22). Ratzinger (1965:748) insists that this is purely and simply a juridical statement. While the pope may juridically act in this manner, namely independent of the college, he may never, from a moral point of view, ignore the voices of the church and its bishops. Herwi Rikhof (1990) is not impressed. This particular text as well as the others dealing with the prerogatives of the pope is cast in absolute terms, while those on collegiality are shadowed in terms of ambiguity. The texts on the pope "strike one as being absolutes: no attack on the power of the

² Liturgically, this unanimity was expressed when bishops from neighbouring dioceses participated in the ordination of a bishop, as the *Apostolic Tradition* of Hippolytus of Rome, circa 215 (in Jurgens 1970:165ff) witnesses. At such events, and also in letters and other meetings, the orthodoxy of the ordinand was checked through his fidelity to the Nicæan creed. Should he refrain from professing this creed it was understood that he cut himself off from the orthodox faith and therefore from the church. Indeed, when certain aspects of the faith were threatened by error bishops of a certain region would gather in a single place to resolve whatever crisis. From these meetings they would send a synodal letter to the churches in their own and other regions in order to ensure solidarity for the decisions taken and for whatever crisis they experienced. The exchange of letters was an important tool of the unity of the churches and the solidarity of their bishops. Cyprian encouraged bishops that they may be assured of the unity of teaching and for mutual enlightenment. It expressed their solicitude for the church beyond the borders of their own (Tillard 1992:204).

primacy, the pastor of the whole church, always free exercise of power, only to Simon” (Rikhof 1990:12).

It is in this paragraph that the council gives its definition of collegiality. An act is collegial in the strict sense only in an ‘ecumenical’ council which the pope calls, presides over and approves, and when the bishops, dispersed over the whole world unite in action by themselves or at the instigation of the pope. This action has to be approved or freely accepted by the pope. No norms are laid down for the ‘second’ form of collegial activity and the text remains vague in this regard. It is therefore difficult to determine from the text alone what exactly constitutes collegial activity by dispersed bishops not gathered in ‘ecumenical’ council. Would the magisterial or teaching actions of a particular bishops’ conference, done in communion with the faith and discipline of the universal church, for example, constitute a collegial action? Not even in the schema are there any specifications of actions that could demonstrate this.

Excursus 4: Peter, the pope and the early church

Kremer (1990:32) shows that in Paul, Luke-Acts, Matthew and John the tradition of Peter’s leadership role among the apostles was preserved with different shades of meaning and understanding depending on the needs of the readers. For example, in the growing Johannine community there was a need to show that while they respected the place of Peter among the apostles they were nevertheless independent. This they did by acknowledging the prominence of their own leader, namely the disciple Jesus loved (Kremer 1990:38-40). They were in communion, yet independent. Luke, again, painted Peter in a leading role, amongst others, to show his largely Gentile readership that mission to the Gentiles had already been sanctioned and willed by Peter, who was the first among apostles (Kremer 1990:33-34). Generally, however, his first place is accorded him in Christian communities because of his status as first witness among the apostles of the resurrection (Kremer 1990:47), despite the fact that writings on post-resurrection appearances or empty tomb traditions have women as the very first witnesses.

Of a succession of the role and task of Peter to the bishop of Rome, however, no evidence exists in the first two centuries (Kremer 1990:40). The *First Letter of Clement* makes no special reference to the bishop or the leader of the Roman church – it simply addresses the writing from “the Church of God which sojourns in Rome to the Church of God which sojourns in Corinth” (in Jurgens 1970:7). The same applies to Ignatius of Antioch, who wrote to the Church of Rome “which holds the presidency in the place of the country of the Romans” (in Jurgens 1970:2), not mentioning at all its bishop. Indeed, it mentions the Church of Rome which presides in love, not its bishop in terms of his succession of Peter. Even the oft-quoted Irenaeus of Lyons’ vigorous defence of orthodoxy identified with apostolic churches, refers to the apostolic Church of Rome, through which its bishop is in the line of succession, as are the bishops of the other apostolic churches. In other words, the order is apostle → church → bishop and not apostle → bishop → church. The apostolicity of the church guarantees the orthodoxy of its teachings (*Adversus Haereses* 3,3,2 in Jurgens 1970:91).

Josef Blank (1982:89ff) maintains that the NT does indeed witness to a Petrine office, but it does not mean that this office should therefore be normative. In other words, it should not be consequently understood that the church should have it in a particular form since it is of divine institution due to its presence in Scriptures. Blank further insists that one could not draw a direct line between the NT Petrine office and the Roman papacy (1982:146). Papal primacy is nothing more than a unique socio-historical development in the sense that Rome’s bishops steadily and successfully monopolised the Petrine office. Each bishop of the ancient church, says Blank (1982:146), was for his community the incumbent of the Petrine office. Lukas Vischer concurs with Blank. According to Vischer (1999:143), Peter has successors not only in the pope, but also in all those charismatic figures with prophetic and visionary gifts who are raised by God as witnesses to the true message of Christ. Such Peter-successors would include Francis Xavier and Count Zinzendorf of the missionary movement, John Mott, William Temple, Patriarch Athenagoras, Martin Luther King and others such as Mother Theresa. These are “the true successors of Peter” (Vischer 1999:143). Blank (1982:27) is convinced that ever since Irenaeus of Lyon and Eusebius of Caesarea, and again especially since the Reformation, historical understanding had not been very critical, but ordered towards the legitimisation of contemporary apologetic matters and centred on controversy.

Only in the later second century, with the gradual settlement in many churches of the monarchical episcopate, did the bishops of Rome come to the fore in letters and other texts. It was Cyprian of Carthage (d. 258) who first used the concepts *cathedra Petri* (chair of Peter) and *primatus Petri* (primacy of Peter) in reference to Rome. Still, it was the same Cyprian who accused Rome’s bishop at the time, Stephen I, in the dispute over the rebaptism of heretics, of being a tyrannical bishop of bishops. Stephen had no right, Cyprian protested, to go about it in the manner he did – Pope Stephen excommunicated all bishops who did not follow the Roman practice in their

dioceses. Cyprian insisted that each bishop is completely free and independent in the exercise of his own office (Kremer 1990:41-42).

Once Christianity became not only a recognised and tolerated, but also the 'state religion' of the empire, bishops began to exercise a monarchical rule over their churches (Kremer 1990:30). Under the administrative system in the Roman Empire bishops of the politically important cities took on a leading role in the church, e.g. Carthage in North Africa, Lyons in Gallia, Tarragona and Toledo in Spain. Even Constantinople became a prominent episcopal city to the extent that it was even called the New Rome, simply because of the emperor's home in it. The bishops of these cities (as those of Jerusalem, Antioch – previously the capital of Syria, Alexandria and Rome) had to see to episcopal ordinations as a sort of regularised regional liturgy, the calling of synods and taking a leading role in the safeguarding of the true faith. Theirs was the task of nurturing the bond of unity, charity and peace between churches.

Rome had a special place among these as a sort of a court of appeal in important questions of faith and discipline in unresolved controversies within or between churches, not as leader over the others. This power was never exercised on a regular basis but always with restraint by the churches (Quinn 1999:93). In some cases such appeal was frowned upon. The Synod of Carthage strongly discouraged African churches from using the Roman church as court of appeal instead of the neighbouring African churches, or its regional councils or primatial churches (in Kremer 1990:44).

2.1.5 *Lumen Gentium 23*

The individuals in the college of bishops serve as principles of the unity of the church. The pope is the principle and foundation of the unity of all Catholic bishops and faithful. The individual bishop is the principle of unity within his own diocese. The bishops and the pope, as college of bishops represent the whole church in a bond of peace, love and unity.

The individual diocesan bishop has this authority only within his diocese. It does not extend to any other local church outside the borders of his diocese, nor, on a bigger scale, to the universal church. Nevertheless, this juridical affirmation (or limitation, depending on which way one looks at it) does not mean that a bishop's

care is limited to his diocese only. On the contrary, as member of the college of bishops and by the command of Christ every bishop has the duty to be solicitous for the whole church, even though this solicitude is not juridically defined.

This solicitude for the whole church is a foundational character of collegiality. It includes the promotion and safeguarding of the unity of the faith and discipline of the church, teaching and promoting love for the whole community of the church, especially the poor and those suffering injustice, and promoting all that is in the best interest of the church and of humanity's search for truth.

Other ways to express the collegial spirit of the episcopacy are stated in this article. These are patriarchal churches and episcopal conferences. Episcopal conferences contribute in "many and fruitful ways to the concrete realisation of the collegiate spirit."

2.1.6 *Lumen Gentium* 27

This article discusses the pastoral office of the bishop. Of importance is the teaching that the bishop's authority and power is proper, ordinary and immediate. Bishops have this power by virtue of their ordination. It is divinely given. Diocesan bishops are therefore not legates or representatives of the pope in their dioceses – they are bishops by virtue of the power obtained sacramentally.

Even if this power is obtained through the sacrament of ordination, it is nevertheless regulated and sometimes limited by the pope for a particular task in

the church. In this case, the pope who is the supreme lawgiver does not destroy their power. He merely channels and affirms, strengthens and vindicates it.

2.2 The prefatory note

2.2.1 Origin and context

The sudden introduction of an explanatory note to the already approved draft text caused severe tension among the bishops. It was not an act of council since it was not debated and voted on. Gérard Philips states that it evoked the “unconcealed displeasure of the majority (1967:136).

The prefatory explanatory note has its origin in the amendments to chapter III of the draft on the church discussed by the Theological Commission, the heart of which is episcopal collegiality. When it was introduced after the final draft of the constitution the council fathers were reminded that the doctrine contained in the whole of Chapter III should be read, interpreted and understood according to the mind of the note. According to Ratzinger (1967:298) it was a move by the pope to get the minority in line. In this way he prevented whatever further tensions the minority was expected to introduce at the final voting session. The pope demonstrated with this manoeuvre that he is the one who has the final say, so to say. With this move he ‘appeased’ the minority group who was convinced that the pope’s prerogatives as supreme lawgiver in the church were being eroded before his very eyes through the easy acceptance of collegiality.

All the issues dealt with in the note were already contained in the final approved draft of chapter III of LG according to the note’s authors. Whatever tensions the

prefatory note caused in the final days of the council, it seemed to have won over those bishops who wanted by all means to oppose the formal teaching of episcopal collegiality by the council. Two thousand and fifty one bishops voted to accept the final text with the note, while only five voted to accept with reservation. Only three days before, on 17 November 1964, forty-six bishops rejected the text through a negative vote (Ratzinger 1967:298).

A closer look at the prefatory note could contribute to a better understanding of collegiality.

2.2.2 Contents

The *nota explicativa* rejected complaints by the minority that procedural rules were not followed. It made clear that the documents of the council, where nothing is explicitly defined, are constitutive elements of the doctrine of the supreme Magisterium and must therefore be believed and proclaimed by the teachers of the faith. This was in reply to the minority who realised that they were not going to move the majority to accept their view. They publicised their intention to ignore the teaching on collegiality on the basis that the document had no doctrinal authority (Philips 1967:135-136).

As stated earlier, the *nota* merely repeated what was already stated in the text of *Lumen Gentium*, namely that

- The college is not to be understood in the strict legal sense of the word, which presupposes a radical equality of all of its members. The meaning that was intended for the college of bishops was built on the patristic

conception of collegiality, which is strictly hierarchical (Ratzinger 1967:299).

- The college of bishops exists within the structures of laws and directives. Consequently, while it is episcopal consecration that confers authority and membership of the college, it is church law that regulates this authority.
- As members of the college, all bishops have supreme and universal authority in the church, but each exercises this authority in accordance with his specific task in the college of bishops.
- The assent of the pope as head of the college is required for an act of the college to be considered a collegial act – this is the meaning of the textual insistence on ‘agreement’ of the college of bishops dispersed through the world with the pope. This was included to allay the fears of the minority that the pope was simply going to rubberstamp decisions of the college (Quinn 1999:93).

It is interesting to note that the Theological Commission rejected a suggestion by the pope that the note should also declare that the pope answers to no one but God. According to this papal proposal, the function of the *nota* should be to clarify that as holder of supreme governance, he has the final word in the church. As such he was not going to be held to ransom by the rest of the college of bishops. One could see in this proposition a wish to avoid the conflict that may arise between the two centres of authority, the council (or college, in this case) and the pope. But the Theological Commission insisted that there were too many reasons that such a statement could and should not be added. The pope is answerable, for example, to Revelation and to the church’s living expression of its response to that Revelation, namely Tradition. He is also answerable to the structure of the church, to the faith of the church, and so on. All of these impose definite limitations to the exercise of supreme authority in the church.

The significance of chapter three of *Lumen Gentium* lies in the affirmation of the “ancient truth” of collegiality, which gives new impulse to church life and practice (Rahner 1967:187). As it is nothing new, one should ask why it was deemed necessary to make this affirmation. It was indispensable, for there was a changed mentality in the church that adopted a critical attitude towards the tendency by Vatican congregations to centralise as much as possible any authority in the universal church.

3 The distinction between effective and affective collegiality

Lumen Gentium 23 teaches that the bishops and the pope as college of bishops possess full and supreme authority in the church. This authority is expressed mainly in ‘ecumenical’ council when the college of bishops gathers together with its head, the pope. It is also expressed, somewhat ambiguously according to this researcher, in certain acts of all bishops dispersed all over the world with the approval of the pope. There are other acts which give expression to this collegial spirit among bishops. This includes synods of bishops and episcopal conferences, the bond of unity, charity and peace between bishops and their churches.

As a result of the textual ambiguity many have drawn a distinction between effective and affective collegiality. Effective collegiality refers to the strict exercise of collegiality in ecumenical councils and whatever is intended by the college of bishops dispersed all over the world with the pope. Affective collegiality is “an

atmosphere of mutual co-operation, assistance, and love among the bishops” (Murphy 1985:40).

It is easier to dwell on expressions of the collegial feeling than to imagine the more difficult pope-approved collegial action of dispersed bishops. Cardinal Adrianus Simonis of Rotterdam refers to the brotherliness between bishops as an expression of the collegial feeling (Simonis 1982:154-155). The twinning of dioceses is another expression of this brotherliness. A rich diocese twins up with a poorer diocese elsewhere in the world in a brotherly exchange of personnel and of material and spiritual gifts. *Ad limina* visits – the quinquennial visits of groups of bishops to the pope in Rome – are another expression of the collegial feeling. Nowadays the reason for these visits is acceptable to most bishops as it caters, ideally, for the common discussion of current problems and cares of bishops with the “universal shepherd” (Simonis 1982:155).

Excursus 5: *Ad limina* visits

Of course, the *ad limina* visit has darker origins. Pope Pius IX (1846-1878) forbade the formation of national bishops' conferences. Bishops were to have as little contact as possible with each other, and had to cultivate their individual connection with Rome as carefully as possible. For this reason obligatory visits of individual bishops to the pope were introduced during his papacy. “At bottom, the idea was to eliminate bishops' independence as much as possible. The bishop had to administer their dioceses in strict subordination to the pope” (Hasler 1981:43). But faced with the German Chancellor Pius IX adopted a different attitude. As part of his *Kulturkampf* (Struggle for the Culture), Chancellor Bismarck sent the bishops a telegram in 1872 in which he argued that because of the teachings of Vatican I on the primacy of the pope, the bishops had become foreigners in their own land. They had no authority in their own dioceses, for such authority belonged to the pope. Consequently, they were representatives of a foreign sovereign in Germany, and therefore subjects of that foreign sovereign (Cf. Denzinger 3112, especially the introduction given by Hünemann to this section on p. 836). The German bishops responded by explaining that the pope was not the bishop of any diocese outside his own (Rome) but that he had, as shepherd and supreme head of the universal church, the duty of overseeing the good governance of all

dioceses. Pius IX reacted very enthusiastically to this explanation of the German bishops, confirming it with full authority in his apostolic letter *Mirabilis illa constantia* of 4 March 1875 (Cf. Denzinger 3113). Thus Bismarck unwittingly assisted the post-Vatican I church to clarify its teachings on the papacy and its place in the college of bishops. He also succeeded to orchestrate, unknowingly to him and to Pius, a grand display of collegiality between the pope and bishops!

The question is whether collegiality, which the council obviously did not want to define very specifically, justifies the distinction between effective and affective, between the reality and the feeling. In addition, one may ask whether it is correct to suggest that the feeling or attitude of collegiality is less real than the 'reality.' Does its rigid classification as mere 'collegial spirit or attitude' really make certain actions of bishops less real?

Leo Scheffczyk regards it as a useful distinction. Scheffczyk (1982:94) maintains that the distinction between what is really collegial and merely a collegial feeling, points to the absolutely essential uniqueness, authenticity and authority of collegiality among bishops. Collegiality is not just any episcopal action. No single bishop, or single group of bishops, as in a particular nation's or region's bishops' conference, can block the communion, universality and catholicity of the whole college of bishops through potentially provincial and inward-looking decisions, actions and teachings. For this reason it is providential that bishops' conferences are not expressions of collegiality in the real sense of the word.

Provincialism and exclusivity may easily become commonplace in bishops' conferences and would put the theological status of episcopal conferences immediately and precariously in the balance (Ratzinger 1982:xi). It would also

make of bishops mere 'mitre-wearing bureaucrats,' to use a phrase of a theologian acquaintance to Cardinal Ratzinger.

For theologians such as Scheffczyk, therefore, such strict limitation of collegiality presents no problem at all. The absence of collegiality in bishops' conferences and other meetings of bishops is by no means an indication of a perceived lesser importance of such bodies and gatherings. In fact, he echoes, it is an important expression of the *affectus collegialis* (collegial spirit), which, ultimately underscores the proper collegial being and actions of the college of bishops (Scheffczyk 1982:95).

Others see the reduction of the theological and practical significance of the episcopal conference, or any other effort by a bishop or bishops of a region, as the necessary outcome of such an excessively rigid conception of collegiality. Affective collegiality amounts to nothing more than a "vague fellow-feeling among bishops" (Komonchak 1989:193-194). For John Quinn (1999:101) this distinction reduces collegiality to a mere feeling or attitude. *Affectus*, he insists, goes beyond feeling. It implies "some objective thing or reason on which that feeling is based." Affective collegiality is not a mere courtesy or friendliness – it is a property of real collegiality (Quinn 1999:101). Angel Antón (1988:207) shares this view. Accordingly, affective collegiality is an authentic collegiality, not one of a second order.

Walter Kasper (1987:3) takes episcopal consecration as his starting point. Episcopal consecration is the ontological and sacramental foundation of

collegiality, and as a consequence, of the bishops' conference. As such, the so-called affective collegiality cannot be reduced to a mere feeling, since it is an expression of the ontological-sacramental reality of collegiality. Ladislav Örsy (1989:249, note 22) pleads for a clearer language. Thus, "*affectus collegialis* is the necessary internal disposition for any type of collegial action, admitting that the *effectus* can be of different degree and intensity."

The distinction, forced as it is in the terms 'effective' versus 'affective,' nevertheless has its origin in the conciliar debate, if the text of *Lumen Gentium* is strictly interpreted. The caution of the minority at the council was based on nothing other than the 'need' to protect papal prerogatives as the supreme authority in the church. This concern was never real, since the prerogatives of the pope as supreme authority was never really endangered by the discussions on collegiality. Bishops had no intention to introduce the old council-pope tension. Neither were they intent on revisiting the previous council's definition of papal primacy, which review was expedient in the light of the 'rediscovery' of collegiality among bishops. And so there had to be a very restricted exercise by bishops of their supreme authority in the church in order for the pope's place according to Vatican I to be safeguarded. A proper conciliar consideration of collegiality has, in this researcher's view, been sacrificed for the appeasement of a minority feared to disrupt the council.

At the same time, as Murphy (1985:41) cautiously suggests, the conciliar texts contain enough openings to give doctrinal grounding for more local and specific

expressions of collegiality, allowing for possibilities that he would seemingly not be ready to consider or accept.

Another ground for the strict interpretation of collegiality to actions of the entire college or pope-approved acts of dispersed bishops could be the concomitant preference for the universal church over the particular church (Komonchak 1989:184). Some, says Komonchak (1989:180, note 7), argue for the precedence of the universal church to the plurality of the particular churches. Particular churches are born of the universal church and receive their ecclesial character from it. Others, according to Komonchak (1989:180), argue that the issue should not be the primacy of the one or the other, but of the *Ineinandersein* (mutual interiority) of both, or to use Trinitarian language, the circumincession, or interpenetration of both. One suspects that the preference for the universal church's primacy has much to do with the political desire to keep leaders of local churches properly *sub Pietro* (under Peter).

The distinction between effective and affective collegiality has a history that "remains to be written" (Komonchak 1989:191), for it does not appear as such in the conciliar debate. The distinction serves only to the impoverishment of conciliar openness as opposed to an increasing enrichment of the teaching and reception of the doctrine of collegiality. In the light of the above, this researcher is convinced that theology should abandon the distinction. Consequently, this thesis will use the distinction very sparingly, if at all.

Conclusion

The teaching of Vatican II on collegiality is mainly contained in *Lumen Gentium*. The council teaches that Christ instituted the college of the apostles, also referred to as the Twelve. The college of apostles was collegial in nature. Peter was appointed, even though not in a juridical manner, head of the college of apostles. The college of apostles was succeeded by the college of bishops because of the necessity of the mission of Christ to reach the ends of the world and the end of times. One becomes a member of the college of bishops by episcopal consecration and stays a member by continual hierarchical communion with the rest of the college and its head, the pope of Rome. The college of bishops is not a college in the juridical sense of the word, according to which a society of equals is intended, for there is no juridical equality among bishops in the college. The college of bishops have their authority as bishops by virtue of their episcopal consecration and not from its head, the pope. Still, this authority must be channelled according to custom, namely, the law of the church.

The strict conciliar definition of episcopal collegiality leaves very little room for the application of collegiality to other actions of the bishops. In fact, only two situations are collegial: the bishops with their head the pope gathered in council and the dispersed bishops united in action approved by the pope. Besides these, nothing else can be called collegial, even if certain institutions, such as patriarchal churches, synods of bishops and episcopal conferences are termed by the council as excellent expressions of the collegial spirit among bishops.

The following chapter tackles this problem. It looks at the merits and demerits of the strict conciliar definition of collegiality by closely examining the institutions said to express the *affectus collegialis* (collegial feeling).

Chapter 3

The Bishops' Conference as Expression of Collegiality

Introduction

A strict reading of the conciliar text, such as is evident in official documents from various Vatican congregations and papal documents, allows no application of episcopal collegiality to any actions of bishops except for two situations. In the first instance, bishops act in collegial fashion in 'ecumenical' council, when the entire college of bishops, with their head the pope, discuss and legislate for the whole church. The second instance of collegial action takes place when the dispersed bishops all over the world unite in some action that is freely accepted by the pope. Only these actions, through which the college of bishops exercise their supreme power over the universal church, can be called collegial.

Other actions of bishops are expressions of the collegial spirit among bishops. These include the synod of bishops and episcopal conferences, the five yearly *ad limina* visits of bishops as a conference to the pope, and the Roman Curia or Vatican congregations which help the pope govern the universal church.

This chapter examines one particular expression of the collegial spirit among bishops, namely Episcopal Conferences, which is the main theme of the current research work.

alliance of the Apostolic See, endowed as it was, as they put it, with a 'greater grace'" (Sieben 1988:37). It is a pity that the bishop of Rome began to see such notifications as requests for confirmation – as in the case of Innocent I in 404. He regarded as null and void the judgment of particular councils which did not seek his acceptance or permission (Sieben 1988:47). By the ninth century, Rome's bishop, Nicholas I could claim that "all synods and holy councils derive their power and validity from the authority and order [of the Roman Church]" (Ep. 86, in Sieben 1988:54).

An important distinction with regard to the history of particular councils of the early church and today's episcopal conferences is the fact that whereas today we generally speak in terms of national episcopal conferences, such as the Kenyan or the Belgian bishops' conference, nationality was unknown in the third, fourth and fifth centuries. Therefore, the bishops who gathered in particular councils in a particular region were not necessarily bishops of a single 'nation.' National meetings of bishops took place for the first time in the sixth century, after the migration of peoples across the territory of the Roman Empire (Sieben 1988:38).

What is clear from the custom of particular councils is that the church sought not only to be "a communion of faith, but also a communion of discipline" (García y García 1988:58).

Episcopal conferences are not particular councils. Yet, they seem to be facilitative of the very same matters, as Yves Congar (in Komonchak 1989:197) insisted: "what the episcopal colleges are doing today is the same thing. I am convinced that in the Middle Ages they would have been called 'councils.'"

1.2 Spontaneous gatherings of bishops

The recent history of episcopal conferences starts as early as 1830 when the Belgian bishops gathered at Malines for mutual consultation (Feliciani 1974:16-17). At this meeting bishops discussed questions relations with the political authorities of the day and matters liturgical, disciplinary, pastoral and several other church issues. They decided to meet annually from 1832. Soon the Vatican supported this decision. So useful was this local gathering of bishops that word spread to neighbouring churches, not in the least assisted eventually by Pope Leo XIII (Feliciani 1974:16).

The German bishops, under the influence of one or two very influential personalities managed to have a well attended meeting in 1848, but avoided a national episcopal meeting (Feliciani 1974:17ff). The Roman Curia was ill disposed towards a national convention of German bishops for fear of the development of a type of super-bishop in the German church, according to a letter of the Vatican Secretary of State to the nuncio at Paris in 1848. The intention of such a concept, said the letter, was to refuse any subjection to Rome and thus had to be avoided at all costs. There was also the danger that such a convention of bishops would seek reunification with the Protestants and adopt a reform of the clergy and of the church in manners “contrary to divine institution” (Feliciani 1974:43, note 25). From 1849 it became clear, in a letter of Pius IX to the German bishops, that the Vatican did in fact not favour the meeting of bishops at national level for fear of the birth of a national church, Gallican or Febronian or the like (ibid., note 26).

At the same time Pius IX had started an aggressive campaign of centralisation. Thus, whenever bishops met in groups they would “confirm in magnanimous and explicit manner their most devoted submission to the Holy See” (Feliciani 1974:18-19; my translation). Such declarations elicited lavish papal praise for the declarers and ‘encouragement’ to others to do likewise. Pius IX wanted bishops “to have as little contact as possible with each other;” instead they were “to cultivate all the more their connection with Rome” (Hasler 1981:43). However, with the 1864 meeting of the Bavarian bishops in Bamberg, when they discussed matters of education in conflict with the king and decided to meet annually, Pius IX gave his explicit consent to that specific meeting (Feliciani 1974:20). This represents a significant moment in the history of episcopal conferences, given the centralist papacy of the same pope.

Even though American archbishops had met on an annual basis since 1884, all bishops started to gather as a national body only from 1919 (McKeown 1989:59-61).

The South African bishops first met in 1891 at Port Elizabeth on the occasion of the episcopal consecration of Peter Strobino (Feliciani 1974:39; SACBC 2004b:368). They had their next meeting in 1895 in Cape Town at the instigation of the Congregation for the Propagation of the Faith (Feliciani 1974:56).

These spontaneous gatherings of bishops occupied an increasingly important place in the life of the local churches. It was a natural development when bishops at Vatican II sanctioned their existence.

1.3 Vatican II and thereafter

In *Christus Dominus* the bishops at Vatican II expressed the hope that particular councils may flourish with renewed vigour (CD 36), as they had all but disappeared from church life in the Latin Rite. In no small way did Vatican II emphasize the importance of these intermediary associations between the local church and its bishop and the universal church and ‘its bishop,’ the pope (LG 23). The church is a communion of churches. The collegiality among bishops is an expression of such communion. Recognising the value of particular churches – dioceses in a region, as in a bishops’ conference – is an essential element of collegiality.

1.3.1 Pope Paul VI – Ecclesiae Sanctae & Ecclesiae Imago

The council described a bishops’ conference as “an assembly in which the bishops of a certain country or region exercise their pastoral office jointly by devising forms of the apostolate and apostolic methods suitably adapted to the circumstances of the times” (CD 38). In 1966 Paul VI, by his *motu proprio* (at his own initiative) *Apostolic Letter “Ecclesia Sanctae”* established episcopal conferences, where none yet existed, prompting existing ones to draw up statutes and individual bishops who may not have been convinced, to join. The *Directory for Bishops, “Ecclesiae Imago”* (see Sacred Congregation for Bishops 1974) placed all the teachings of the Council and subsequent developments in the theology of the role of bishops into digestible form in a very pastoral and practical way. Canon law reforms, completed in 1983, took up the teachings and decrees of the council and laid down specific regulations concerning episcopal conferences.

Apostolorum Successores, the latest directory for bishops, was published in Latin in February 2004, the result of a suggestion by the bishops at the 2001 synod to update the 1973 pastoral directory for bishops. Translations followed months later.

1.3.2 The 1985 synod of bishops

The Second Extraordinary Session of the Synod of Bishops in 1985, which contemplated the reception of Vatican II twenty years after its conclusion, called for a further study on episcopal conferences. Such a call points to the ambiguity surrounding the doctrine of collegiality and the nature of episcopal conferences. On the one hand, bishops consistently expressed a need for more space to act in episcopal conferences, or to be collegial. They desired to exercise their supreme power in the church in smaller collectivities outside 'ecumenical' council. On the other hand, some preferred a narrow reading of the conciliar texts, which precludes bishops in episcopal conferences from 'proper' collegial action. Much was fought about and much had to be thought about; consequently the call at the 1985 Synod was most opportune.

At the synod, the ninth such gathering since Vatican II, no single body was immediately deputed by the synod or by the pope to do the study. As a result scholars in various places assembled the best minds on the issue and produced various studies, e.g. at Salamanca, Spain (see Anton 1988) and at the Woodstock Centre in Washington, D.C. in the United States of America (see Reese 1989). In the meantime, however, the Vatican also produced a document, after some study by a post-synodal commission which included Cardinal Joseph Ratzinger of the Congregation for the Doctrine of the Faith. The document, an *instrumentum*

laboris (working paper), was released in January 1988. Scholars were not impressed. “The theological reasoning was one-sided, inconsistent, and lacked any historical sense” (Reese 1989:ix). Many scholars, in fact, considered it “so poorly done that they did not want to waste their time commenting on it” (1989:ix).

Responses from episcopal conferences to the 1988 document were put together in a second text. This text was completed in 1990 but never published. In 1996 the pope formally requested the Congregation for the Doctrine of the Faith to study and develop the theological aspects of episcopal conferences. In 1998 John Paul II released these results in an *Apostolic Letter “Apostolos Suos”* (hereafter, AS) *motu proprio* on the theological and juridical nature of episcopal conferences, in which, he said, he remained strictly faithful to Vatican II (AS 7).

1.3.3 Pope John Paul II – Apostolos Suos

Pope John Paul II places the history of episcopal conferences in historical context by showing how the apostolic college was collegial in nature (AS 1). He then repeats Vatican II teaching on apostolic succession (AS 2), after which he demonstrates the development of particular councils and synods which facilitated “pastoral cooperation, consultation, mutual assistance, etc.” (AS 3). Of course, he does not link the gradual fading away of particular councils with the ever-increasing Vatican centralisation. In any case, he makes it clear that episcopal conferences are like particular councils in some ways, but unlike them in other ways – they have a permanent character, they arose for “historical, cultural and sociological reasons” (AS 4). With this he places episcopal conferences safely outside of divine purpose and institution.

The pope quotes conciliar teaching on collegiality that bishops can only act collegially in council, or dispersed in unified action called for or accepted by the pope. There was no other way. “Equivalent collegial actions cannot be carried out at the level of individual particular Churches or of gatherings of such Churches called together by their respective Bishops” (AS 10). Putting paid to speculations in theology that the *coniunctim* (joint action) of CD 37 could be read as an equivalent to ‘collegial’, he states emphatically that bishops in charge of particular churches “do not exercise pastoral care jointly with collegial acts equal to those of the College of Bishops” (AS 10). Thus, as far as episcopal conferences are concerned, they are not expressions of episcopal collegiality, even though bishops express their solicitude for the whole church through this body and by their offices of teaching and sanctifying (AS 11). In all these cases the bishops’ actions “are strictly personal, not collegial, even when he has a sense of being in communion” (AS 10). As such, even though the joint exercise of bishops’ pastoral care in a body like the episcopal conference is a “concrete application of collegial spirit (*affectus collegialis*),” this action, which is territorially based, not universal, “never takes on the collegial nature” (AS 12).

John Paul II sanctifies a narrow, one-sided interpretation of Vatican II teaching, according to which nothing is collegial except the actions of the whole college (in council and dispersed) or of the pope individually. As seen in the previous chapter, though, it is clear that the conciliar text was essentially left open-ended, which allows for a reading in favour of collegiality by local churches and their bishops. For John Paul II, the bishops “have no competence to act over the whole Church except collegially,” something that only takes place in council or through

pope-approved actions of the dispersed college. On the contrary, “only the Roman Pontiff, head of the College, can individually exercise supreme power over the Church” (AS 12).

To appease those who may be offended by such an absolutist interpretation of Vatican II teachings, John Paul adds: “This power, however, should not be understood as dominion; rather, essential to it is the notion of service, because it is derived from Christ” (AS 12).

1.3.4 The 2001 Synod of bishops & Pastores Gregis

Not much development took place after *Apostolos Suos* in terms of the narrow, one-sided interpretation of Vatican II on collegiality and episcopal conferences. In fact, there is enough evidence to suggest there has been a regression in this regard in the postsynodal exhortation of Pope John Paul II, *Pastores Gregis* (hereafter PG).

While the official line is repeated throughout this document, the pope falls back on the 1988 *instrumentum laboris* by employing the unfortunate distinction between ‘effective’ and ‘affective’ collegiality (PG 8). In addition, the pope emphasizes that episcopal conferences (PG 63) and synods of bishops (PG 58) are but expressions of ‘affective’ collegiality, adding to this list the Roman Curia (PG 8), *ad limina* visits (PG 57), missionary cooperation (PG 65) and the like.

Certainly, the pope may not have intended anything significant by the order of his list, but it stands out that episcopal conferences are dealt with only after the *ad*

limina visits, synod of bishops, patriarchal churches and synods in the Eastern Catholic churches.

The role of the individual bishop is paramount in John Paul's discussion on episcopal conferences. Bishops' conferences are only effective insofar as they are considered vis-à-vis the role of the individual bishop. It is only the latter that is divinely instituted. The episcopal conference, a thing of historical exigency, has significance only in terms of the individual bishop. Even so, "the Bishops set over the individual Churches do not jointly exercise their pastoral care through collegial acts comparable to those of the College of Bishops" (PG 63).

Pope John Paul II did not dismiss the importance of episcopal conferences outright. According to him they "also express and encourage the collegial spirit of union between Bishops and, consequently, communion between the different Churches" (PG 63).

2 The theological nature of episcopal conferences

What is the theological basis for episcopal conferences? The debates at Vatican II on collegiality on the role of episcopal conferences remain not only instructive, but topical as well.

At Vatican II there were those who justified the existence of episcopal conferences on the grounds of the doctrine of collegiality which is of divine institution (Feliciani 1974:374). Others saw both in the conferences and collegiality nothing but an answer to the practical needs of the church – in other words, neither collegiality, nor episcopal conferences were of God's intention and making. The problem was

able to discuss matters affecting the entire church, since it is, by nature limited to a particular nation or region.

Even at this stage there is no clear and reasonable teaching on the theological basis for the episcopal conference. There is a formidable refusal in official documents to make episcopal conferences an outflow of collegiality and a preference to make them simply bodies of social convenience.

However, many build collegiality on a very solid foundation, namely episcopal consecration. Episcopal consecration is the ontological and sacramental basis of collegiality, for through it, a person enters into the college of bishops (Kasper 1987:3). As such, collegiality is not a mere legal reality. Only through episcopal consecration, therefore, as member of the college of bishops in hierarchical communion with the college and its head is one enabled to function properly as bishop – teaching, sanctifying and governing. A bishop does not cease to be a member of the college of bishops when an ‘ecumenical’ council is not in session. He remains a member of the college, whether he is governing his diocese or sits at a plenary meeting of his bishops’ conference. The universal responsibility of the individual bishop, though not juridical, is necessarily expressed concretely and visibly. It does not remain abstract. A bishops’ conference does not merely rest on “the practical necessity of co-operation between bishops”; in fact, it is an “absolutely necessary expression of an essential element of the Church” (Rahner 1974:377).

One should be very careful about dismissing those institutions in the church which according to Catholic theology are not of divine origin. The church has created

structures in the course of history which are situated completely, as far as their origin is concerned, in ecclesiastical law, but are necessary if the structures of divine law are to function properly (Antón 1988:188). While they are not of divine law, it does not mean one could therefore dismiss them as non-essential. On the contrary, Rahner maintains (1974:377) bishops' conferences arise from the "very nature of the Church." They pertain to an essential element of the church, namely that bishops have a right and duty to care for the universal church and their immediate neighbour churches (Rahner 1974:378). Granted, they did not exist in the church earlier on as we presently perceive and experience them today and they still have not found final form, despite the final and absolutist tone of John Paul's *Apostolos Suos* and other official documents on the matter.

Jean-Marie Tillard (1988: 220-221) points to a very significant fact, which is often overlooked in the fierce discussions on the extent of the real authority of episcopal conferences. Much more ecclesiological weight should be given to what happens outside formal decision-making sessions. The exchanges, research, reports, discussion and confrontation within and between organs and branches of the episcopal conference are important in the sense that they represent the incarnation of the collegial spirit. In this way they shape the communion between local churches. So are the "gropings, sounding outs, initiatives subject to revision" (Tillard 1988:221) and the consultations, commissions, orientations and synthesis between formal meetings.

3 The functions of episcopal conferences

According to the Decree on the Bishops *Christus Dominus*, episcopal conferences

jointly exercise certain pastoral functions on behalf of the Christian faithful of their territory in view of promoting that greater good which the Church offers humankind, especially through forms and programs of the apostolate which are fittingly adapted to the circumstances of the time and place (CD 38).

Into what concrete actions does this translate?

3.1 General principles

The debates of Vatican II and subsequent documents provide a good insight into the mind of the council on the functions of episcopal conferences.

One should keep in mind that episcopal conferences existed in different forms in different countries. Bishops at the council and to a limited extent even those working in the Vatican dicasteries had their own individual and collective experience of the particular episcopal conference in their own country or region. These experiences, negative and positive, informed the debates and find expression in the documents. The duties or functions set out below were given at a particular time and context in the history of the church. Meanwhile, functions of episcopal conferences have developed positively or negatively, according to new insights after decades of study and comment on the nature of episcopal conferences. This development will be seen in the eventual crystallisation of functions set out in the 1983 Code of Canon Law, even if it will be only briefly stated. John Paul's list of functions in *Apostolos Suos* is, by his own admittance, not exhaustive (AS 15).

Two principles guide all the actions of the episcopal conference, namely, the joint action of bishops for the good of the church and the solicitude each bishop should have for the whole church.

3.1.1 Necessary joint action for the good of the church

From the definition of the functions set out in paragraphs 37-38 of *Christus Dominus* it is almost impossible to identify every possible function of the episcopal conference. The bishops at Vatican II wisely left it open, presumably to accommodate development in the understanding of the nature of episcopal conferences. In general and as a matter of principle, the joint action of bishops is opportune and indispensable in all those areas where problems arise. This is bigger than a single diocese and its bishop can handle effectively.

3.1.2 Solitude for all the churches

In addition, as *Lumen Gentium* 22-23 point out, insofar as they are successors of the apostles all bishops inherit the task of solicitude for the whole church, that is, for their own dioceses, but also for those dioceses beyond their own. This task is completed collegially, not only by bishops gathered in council, but also in the episcopal conference.

3.2 Members of the conference

According to *Apostolos Suos*, an episcopal conference is constituted by all diocesan bishops or their equals, co-adjutor bishops, as well as auxiliary and other titular bishops in the area of the conference (canon 450, §1). Normally, only diocesan bishops and co-adjutor bishops have a deliberative vote except when the statutes of an episcopal conference determine that auxiliary and other titular bishops also have such a vote. Otherwise the votes of the latter two groupings

remain consultative (canon 454, §1). In addition, this vote is personal, since it is not given in the name of a diocese or a collective (Sobanski 1988:98).

The conference has no power to delegate its teaching authority. Consequently, the departments and any other organs of an episcopal conference do not have the same authority as the conference in plenary session (Manzanares 1988:262). They have presumptive authority, since the conference judges the officers of these organs competent for their particular offices (Dulles 1989:222). Normally the organs of the episcopal conference consist of one or two bishops and other church personnel or members of the Catholic Church, both lay and clerical.

3.3 Functions according to Vatican II documents

Episcopal conferences can or should do the following, in no particular order of importance:

- ❑ Decide whether it is appropriate to establish the permanent diaconate in their region (LG 29).
- ❑ Decide whether and to what extent the vernacular is to be used in the administration of sacraments, in the other parts of the liturgy, in readings, prayers and chants (*Constitution on the sacred liturgy, "Sacrosanctum Concilium,"* – hereafter SC – art. 36, no. 3).
- ❑ Translate, with authentication by the Apostolic See, the Roman Ritual and other liturgical texts into the vernacular (SC 63).
- ❑ Specify adaptations regarding the administration of sacraments, sacramentals, processions, liturgical language, sacred music and the arts (SC 39).

- Consider which elements from the traditions and cultures of individual peoples are to be admitted into the liturgy and submit proposals for consequent adaptation to the Holy See (SC 40).
- Set up a liturgical commission assisted by experts in liturgy, music, art and “pastoral practice,” which will regulate pastoral liturgical action in the conference area, promote studies and execute experiments in the liturgy for the sake of proposing adaptations to the liturgy to the Apostolic See (SC 44).
- Revise the liturgical year to suit the conditions of the times and make adaptations according to local conditions (SC 107).
- Judge the suitability of using instruments other than the pipe organ in the liturgy and give consent accordingly (SC 120).
- Adapt external things pertaining to the liturgy, such as the layout of churches, sacred images, decorations, vestments to the needs and customs of the region (SC 128).
- Decide on the concrete course of action to be taken in ecumenical matters (*Decree on ecumenism, “Unitatis Redintegratio”* – hereafter UR, 8).
- Draw up its own program for priestly training, and regularly revise it, with the approval of the Holy See (*Decree on the training of priest, “Optatam Totius,”* - 1).
- Provide the appropriate means of priestly training after the completion of the seminary course (*Optatam Totius* 22).
- Adapt fundamental principles of Christian education to local circumstances (*Declaration on Christian education, “Gravissimum Educationis,”* Preface).
- Coordinate and cooperate with conferences or councils of major superiors of religious institutes in their region (*Decree on the up-to-date renewal of religious life, “Perfectae Caritatis,”* 23).
- Consider sending diocesan priests as missionaries; determine annual financial contributions of dioceses for missionary work; determine aid for seminaries and missionary institutes in mission; foster closer links with missionary institutes (*Decree on the Church’s missionary activity, “Ad Gentes”* – hereafter AG – 38).

- ❑ Establish and promote agencies caring for immigrants (AG 38).
- ❑ Pool resources and projects; coordinate with other conferences in missionary activity (AG 31).
- ❑ Draw up norms with religious institutes regulating relations between bishops and religious institutes (AG 32).
- ❑ Avoid the multiplication in their territory of religious institutes with the same apostolic end (AG 18).
- ❑ Ensure refresher courses on the Bible and in spiritual and pastoral theology (AG 20).
- ❑ Draw up a common plan for dialogue with different associations of peoples (AG 20).
- ❑ Provide for the setting up of institutes or associations for medical aid and pension for priests (*Decree on the ministry and life of priests, "Presbyterorum Ordinis,"* 21).

3.4 Functions according to the Code of Canon Law

The Code of Canon Law attributes 111 canons to the episcopal conference. Appendix 1 provides a table of all the relevant canons.

This includes a wide range of regulations, in Book Two (The People of God), Book Four (The sanctifying office of the Church), Book Five (The temporal goods of the Church) and Book Seven (Process).

The canons in Book Two give episcopal conferences power to establish norms regulating different things for different categories of people and ministries within the church. Episcopal conferences can, for example, determine norms for a suitable dress code for ordained clergy (canon 284) and for preaching by lay people in the liturgy (canon 766).

Those in Book Four enable the conference to put in place norms for the regulation of the administration of sacraments. So, for example, can the episcopal conference determine the manner of baptism – by immersion or pouring (canon 854), or determine holy days of obligation to be observed in its territory (canon 1246, §2).

The relevant canons of Book Five enable conferences to determine norms regulating the administration of funds.

The two canons in Book Seven enable episcopal conferences to determine norms for the setting up of offices and processes of mediation and arbitration on conference and diocesan level.

3.5 Functions in *Apostolos Suos*

The functions according to this list should be considered in the light of the aim of *Apostolos Suos*, namely the clarification of questions regarding the teaching authority of the episcopal conference. This is made very clear with reference to the particular canon (753) regulating the teaching function of the episcopal conference: the episcopal conference does not enjoy infallible teaching authority.

From *Apostolos Suos* it emerges that episcopal conferences see to

the promotion and safeguarding of faith and morals, the translation of liturgical books, the promotion and formation of priestly vocations, the preparation of catechetical aids, the promotion and safeguarding of Catholic universities and other educational centres, the ecumenical task, relations with civil authorities, the defence of human life, of peace, and of human rights, also in order to ensure their protection in civil legislation, the promotion of social justice, the use of the means of social communications (AS 15).

3.6 Can the episcopal conference teach and act normatively, or not?

The 1973 Directory obliged bishops to submit loyally to a (two-thirds) majority decision of the episcopal conference with which they may not necessarily agree. In fact, decisions that were not juridically binding were not to be dismissed lightly by bishops who did not agree with them. A bishop was expected to implement them in his diocese unless there were grave reasons considered in serious prayer before the Lord (*Ecclesiae Imago*, 212; Feliciani 1988:20).

Apostolos Suos 22 and article 1 of its complementary norms effectively lift this obligation. Accordingly, a completely unanimous decision is required for any doctrinal statement to be published as belonging to or taught by the episcopal conference. If a statement is carried by a two-thirds majority it may no longer, as before, be published as a statement of the conference. Instead, it should be sent to the Vatican, where the pope will give his approval before that statement could be released, or not. As a result a bishop may now easily disregard majority decisions of an episcopal conference with which he does not agree.

Apostolos Suos goes a long way to safeguard the prerogatives and the supreme authority of the individual diocesan bishop and those of the pope. Their power is protected against an intermediate majority body of bishops. The individual bishop and his loyalty to the universal magisterium of the pope are of utmost importance. This is reminiscent of Pius IX who succeeded in cancelling the possible power base of national conferences or smaller collectivities of bishops. The idea and the significance of a college are seemingly ignored, defiant of the position of bishops in the structure of the church.

Suos, John Paul effectively declared that episcopal conferences are only to teach what the pope approves (see complementary norm, article 1).

For all practical purposes, then, episcopal conferences, understood officially, are none other than institutions of “friendly exchange” between bishops (Örsy 1989:249). They are certainly no replacements for particular councils.

Conclusion

A concerted effort on the part of Roman Catholic officialdom can be seen in the documents to reduce the scope of episcopal collegiality. Most of those officials who work in the Roman Curia seem to prefer a narrow interpretation of the conciliar text on collegiality. Such an interpretation allows for no application of episcopal collegiality to any actions of bishops except for two situations, namely when bishops assemble in ‘ecumenical’ council and when the dispersed bishops all over the world unite in some action that is freely accepted or approved by the pope. The other actions of bishops are merely expressions of the collegial spirit among bishops, including episcopal conferences.

Two principles guide any reflection on the function of episcopal conferences as expression of the collegial spirit, namely the joint action of bishops in areas bigger than a single diocese and its bishop can handle, and the task of bishops to have solicitude for the whole church. These tasks are completed collegially in the episcopal conference, even if not exclusively there.

The narrow interpretation of the conciliar texts amounts to a reduction of the significance of the episcopal conference as a real expression of collegiality. This

narrow interpretation is demonstrated in this chapter in various Vatican documents. The real issue behind such a reduction is not theological; it is simply a “practical and church-political” matter, a view expressed by Joseph Komonchak (1989:202), with which this researcher fully agrees. It is officialdom’s answer to persistent calls for decentralisation in the supreme governing of the church and the resistance of many against overarching uniformity in all of church life willed by Rome’s Catholicism.

Bishops in episcopal conferences, however, have to carry on whatever they regard as necessary joint action and express solicitude for the whole church despite the restriction and reduction of episcopal conferences. Two challenges remain for bishops’ conferences in respect of the prerogatives of the diocesan bishops (Feliciani 1988:24-25). Firstly, conferences will necessarily, in the present legal dispensation, remain consultative. In this regard bishops’ gatherings in conference should continue to be characterised by constructive dialogue with the participation of all present and the serene confrontation of the different expectations and various orientations of member bishops. In this way, the prerogatives of each individual bishop will be protected. Secondly, however, bishops’ conferences must rise to their normative and practical tasks so that the conference is more than a mere talk-shop.

Chapter 4

Collegiality And The Bishops' Conference

Introduction

This chapter summarises Part One and provides a link with Part Two. It offers a theological orientation for the observation of a particular bishops' conference, the SACBC. Part One of this study enunciates a basic theological understanding of collegiality and the episcopal conference and will enable an informed examination in Part Two of a particular episcopal conference, the Southern African Catholic Bishops' Conference.

1 Conciliar teaching – intentionally unfinished

Part One attempted to define episcopal collegiality by tracing its conciliar origins. Its theological development was followed in post conciliar official documents and in some circles of theologians.

According to the conciliar texts episcopal collegiality takes place when the college of bishops, that is, all the bishops of the Roman Catholic Church with its head the pope, congregate in council. This is the first and surest instance of the exercise of collegiality by the college of bishops. An example of such a council would be the Second Vatican Council held in Rome from 1962 to 1965. As history illustrates, these councils are few and far between. Therefore, strictly speaking, the college of bishops rarely gets to exercise its collegiality. In the SACBC, for example, the only bishop who participated in the Second Vatican Council was Archbishop Denis Hurley who died in 2004. It means that only one bishop in the SACBC exercised

his collegiality. The other bishops, who had been bishops for a long time, such as, Bishop Erwin Hecht, OMI, of Kimberley, had never, and will most probably not participate in an 'ecumenical' council, since he has not taken part in Vatican II and is set to retire soon. In effect, Bishop Hecht will never be able to act in a collegial fashion.

Conciliar definition in the second instance of the exercise of collegiality by the college compensates for this deficiency. Accordingly, the college of bishops acts collegially when bishops dispersed over the whole world unite in action by themselves or at the instigation of the head of the college. For this action to be considered collegial, it has to be completed by the pope granting his approval or accepting it.

It is not clear how the second type of collegial action takes place. The Council describes episcopal conferences, among others, as realisations or expressions only of the collegial spirit. But it never goes as far as stating that episcopal conferences are expressions of collegiality, or that the actions of episcopal conferences are collegial actions of the second type of collegiality. It is almost as if the Council intended to leave it to post-conciliar theology to finalise what the Council could not.

2 Interpretation and distinction

Post-conciliar theology did not do much in this regard. One stream of theology maintained that episcopal collegiality is only realised in the actions of the college of bishops gathered in council. No effort was made to define or describe collegial

actions of the dispersed college. The prefatory note of *Lumen Gentium* explained that such action takes place when the head of that college, the pope of Rome, acts on behalf of the college. Apart from these two instances, there is no episcopal collegiality.

Part One demonstrated comprehensively that official Vatican documents since the Council preferred the above stream of interpretation.

The other stream of interpretation originates at the vague conciliar description of the second instance of collegiality, according to which episcopal conferences are only expressions of the collegial spirit. This stream of interpretation regards episcopal conferences as real expressions of collegiality. The concept 'collegial spirit' should not be downplayed as a lesser collegiality or a non-collegiality. In effect, this interpretation insists that when bishops gather in meetings as conference or as synods of bishops their actions are those of the college of bishops and are therefore collegial.

Reasonably speaking, both streams of interpretation appear equally valid in the light of the conciliar text, which gives the twofold 'definition.' That is, collegiality takes place in the college of bishops in council and dispersed, and episcopal conferences are expressions of the collegial spirit. This led to a stalemate, with the protagonists of the first stream denying collegiality to episcopal conferences and their antagonists insisting on it. Effectively, the denial of collegiality to episcopal conference means that bishops gathered in the meetings of their episcopal conferences do not have supreme authority in the church, but only when congregated in council.

Such impasse necessitated the artificial introduction of a distinction in the quality of collegiality, namely effective and affective collegiality.

Effective collegiality is characteristic of the actions of the college of bishops in council and dispersed united action approved by the pope. Affective collegiality refers to the atmosphere of mutual support, assistance, co-operation and the feeling of fraternity among bishops. Officialdom shows a preference to describe all actions and institutions or forums of bishops outside the council as expressions of affective collegiality. They are not instances or expressions of real collegiality. Affective collegiality leaves bishops' conferences out in the cold. They are there, but in terms of governing the church, their existence counts for nothing. They become meeting places for bishops where they pray for and support each other, as if in quasi-retreat, from which they emerge refreshed and ready for their real work as individual bishops, the governance of their particular churches.

The distinction is artificial and merely political. It has more to do with protecting the prerogatives of the pope as the privileged possessor of supreme governance of the church in the name and on behalf of the college of bishops. It serves also to protect the prerogatives of the individual diocesan bishop. It denies that the actual possessor of supreme governance in the church is the college of bishops with its head the pope. One would expect that since bishops have supreme governance in the church in virtue of their being part of the college of bishops that they would be able to deliberate authoritatively and legislate validly for the Church in legitimate group of bishops. However, the lived reality in the Catholic Church almost fifty years after the conclusion of Vatican II is different.

Conclusion

Part One established a single and certain fact. All is not well with the concept and experience of episcopal collegiality in the Catholic Church today.

Collegiality may well be much healthier on other levels in the Church, for example, in a diocese where a bishop governs and animates the faithful of his diocese with a team of fellow workers, or on the level of the *presbyterium* of a diocese where a bishop stands among his fellow priests as the leading priest instead of an eminent lord above or apart from them. But on the level of bishops, within the college of bishops with its head the pope, collegiality has been the victim of a relentless battering by Roman officialdom, all in the name of the council.

What is the state of collegiality within the SACBC? This is the focus of Part Two.

PART II

**OBSERVING THE
SOUTHERN AFRICAN CATHOLIC BISHOPS'
CONFERENCE**

Chapter 5

Decision-Making Structures Of The Southern African Catholic Bishops' Conference

Introduction

This chapter describes the SACBC in terms of its membership and its aims and functions according to Conference's documents. The description includes the current members' perception of the aims and functions as well as their description of the Conference. This is followed by a description and examination of the Conference's decision-making structures and processes, namely the plenary session and the administrative board. A guiding question for this chapter is whether the Conference's decision-making structures are able to do what the Conference wants it to do, in other words, do they in fact make decisions? How do they make decisions? Are those decisions implemented?

1 The Southern African Catholic Bishops' Conference

1.1 Diocese and bishops

The Second Vatican Council recognised the invaluable contribution of bishops' conferences in the church and consequently legislated that all bishops establish themselves in a bishops' conference where it was not yet in existence:

It is often impossible, nowadays especially, for bishops to exercise their office suitably and fruitfully unless they establish closer understanding and cooperation with other bishops. Since episcopal conferences – many such have already been established in different countries – have produced outstanding examples of a more fruitful apostolate, this sacred Synod judges that it would be in the highest degree helpful in all parts of the world the bishops of each country or region would meet regularly, so that by sharing their wisdom and experience and exchanging views they may jointly formulate a program for the common good of the Church (CD 37).

metropolitan (canon 435). An ecclesiastical province is known by the name of its 'capital' diocese, the diocese of the metropolitan; in this case, Cape Town, Durban, Pretoria and Bloemfontein. The dioceses arranged under the jurisdiction of a metropolitan diocese are called suffragan dioceses, and are normally headed by a bishop. Below is a table of four ecclesiastical provinces of the SACBC with their suffragan dioceses:

<u>Ecclesiastical Province of</u>	<u>Suffragan dioceses</u>
Cape Town	Port Elizabeth Aliwal De Aar Oudtshoorn Queenstown
Durban	Eshowe Kokstad Mariannhill Umtata Umzimkulu Dundee Vicariate Apostolic of Ingwavuma
Pretoria	Johannesburg Tzaneen Witbank Manzini Pietersburg Klerksdorp Rustenburg
Bloemfontein	Bethlehem Gaborone Kroonstad Keimoes-Upington Kimberley Vicariate Apostolic of Francistown

The metropolitan of an ecclesiastical province has no power of governance in the suffragan dioceses of his province (canon 436, §3). His duty is to oversee that the faith and discipline of the Church are carefully observed within his and the suffragan dioceses, failing which he should notify the pope (canon 436, §1, 1°). He could also conduct a canonical visitation in a diocese where its own bishop

has not done so (canon 436, §1, 2°). When a diocese is vacant through the death or resignation of its bishop, and the priests of that diocese fail to appoint an administrator in the required canonical time, the metropolitan should appoint an administrator (canon 436, §1, 3°).

During the period of the empirical observation of the Conference in this research, from 1 August 2004 to 31 July 2005, the following men were bishops of these dioceses:

Cape Town	Archbishop Lawrence Henry
Aliwal ⁴	(Bishop Oswald Hirmer, Administrator)
Aliwal, Bishop Emeritus ⁵	Bishop Fritz Lobinger
De Aar	Bishop Joseph Potocnak, SCJ
Oudtshoorn	Bishop Edward Adams
Port Elizabeth	Bishop Michael Coleman
Queenstown	Bishop Herbert Lenhof, SAC
Durban	Cardinal Wilfrid Napier, OFM
Durban, Auxiliary Bishop	Bishop Jabulani Nxumalo, OMI ⁶
Dundee ⁷	Bishop Paschal Rowland, OFM
Eshowe	Bishop Mansuet Biyase ⁸
Ingwavuma	Bishop Michael O'Shea, OSM
Kokstad	Bishop William Slattery, OFM
Mariannhill	Bishop Paul Mngoma ⁹
Mariannhill, Auxiliary Bishop	Bishop Pius Dlungwane

⁴ Vacant since 29 April 2004 when the Holy See accepted Bishop Lobinger's resignation.

⁵ *Propositio* 33 of the 2001 synod of bishops encouraged bishops' conferences to make good use of the "personal spiritual patrimony" of Emeritus Bishops, for they carry "a valuable part of the historical memory of the Churches which they led for many years." Bishops' conferences should examine the possibility of making use of their skills in Conference organs (cf. PG 59).

⁶ Bishop Nxumalo was appointed Archbishop of Bloemfontein on 10 October 2005, while Fr Barry Wood, OMI was appointed new Auxiliary Bishop of Durban at the same time (*Southern Cross*, October 19 to October 25, 2005).

⁷ Vacant since 30 September 2005 when the Holy See accepted Bishop Paschal's resignation.

⁸ Bishop Biyase died on 1 July 2005.

⁹ Bishop Mngoma, whose resignation was effective from 7 February 2005, died on 15 June 2005.

Umtata ¹⁰	Bishop Oswald Hirmer
Umzimkulu ¹¹	(Cardinal Wilfrid Napier, OFM, Administrator)
Pretoria	Archbishop George Daniel
Johannesburg	Archbishop Buti Tlhagale, OMI
Klerksdorp	Bishop Zithulele Mvemve
Manzini	Bishop Louis Ndlovu, OSM
Pietersburg	Bishop Mogale Nkhumishe
Rustenburg	Bishop Kevin Dowling, CSsR
Tzaneen	Bishop Hugh Slattery, MSC
Witbank	Bishop Paul Khumalo, CMM
Bloemfontein¹²	(Father Emmanuel Rakaki, Administrator)
Bethlehem	Bishop Hubert Bucher
Francistown	Bishop Franklyn Nubuasah, SVD
Gaborone	Bishop Boniface Setlalekgosi
Keimoes-Upington	Bishop Edward Risi, OMI
Kimberley	Bishop Erwin Hecht, OMI
Kroonstad ¹³	(Monsignor Stephen Brislin, Administrator)

At the beginning of the observation period in this research there were a total of thirty persons engaged in twenty-nine dioceses. Of these, twenty-eight were bishops. Fourteen belonged to a religious congregation and the other fourteen were diocesan priests. Eleven were expatriates. Of these, nine were from Europe, one from the United States of America and another one from Ghana. Of the twenty-eight bishops, twenty-five worked in South Africa, two in Botswana and

¹⁰ While this diocese canonically belongs to the Durban ecclesiastical province, its bishop attends the meetings of the Cape Town ecclesiastical province.

¹¹ Vacant since August 1994, when Bishop Sithunywa Ndlovu resigned.

¹² Vacant since 8 April 2003, when its archbishop, Buti Tlhagale, was appointed bishop of Johannesburg. The situation was changed when its new archbishop, Jabulani Nxumalo, OMI was announced on 10 October 2005.

¹³ Vacant since 2 July 2003, when Bishop Johannes Brenninkmeijer, OP, died.

one in Swaziland. Of the twenty-five whose dioceses were in South Africa, three were Coloured, eight Black and fourteen White.¹⁴

1.2 Aims and function

Members “exercise their pastoral office jointly through the pooling of wise counsel and experiences in matters concerning their common interest” (SACBC 2005a:5). The pastoral office of the bishops is organised “according to the threefold function of teaching, sanctifying, and governing” (PG 9). But it is the function of governing that describes the bishop’s pastoral ministry best. As a pastor the bishop takes care of “a particular portion of the people of God” in the Catholic Church in the diocese of which he has been appointed head (PG 43). In their dioceses they do this by “their counsels, exhortations and example”, but above all by their authority and sacred power (LG 27). This power of the bishop gives him the right and duty to make laws for his the priests and people in his diocese, “to pass judgment on them, and to moderate everything pertaining to the ordering of worship and the apostolate” (PG 43).

While this power is given to the bishop to exercise within his diocese, he does so as a member of the college of bishops. As a member of this college the bishop is obliged to show concern not only for his own diocese but for particular churches as found in the neighbouring dioceses and the universal church. Pope John Paul II expressed it as follows: every bishop “is at once responsible, albeit in different

¹⁴ The *Catholic Directory* (SACBC 2004b:566) of 2004-2005 uses a table taken from the South African Census 2001 of the religion and population groups in South Africa. This table uses the categories of Black African, Coloured, and White. The author is acutely aware of the difficulties surrounding each of these categories and prefers the following: Coloured, Black and White.

ways, for his particular Church, the neighbouring sister Churches and the universal Church” (PG 59). The bishops’ conference facilitates the exercise of this responsibility of the bishops. Through the pooling of their wisdom and experience the bishops’ conference helps them to channel their solicitude for the whole church. This duty of the bishops finds expression in the general aim of the SACBC, which is to “foster the spirit of communion within the universal Church and between the particular churches” (SACBC 2005a:6). Its particular aim is to provide the facilities for consultation and united action in matters of common interests. These are divided in five broad categories, namely

- consultation and co-operation with other hierarchies;
- fostering priestly and religious vocations;
- formation of clergy, religious and laity;
- promotion of missionary activity, catechetics, liturgy, lay apostolate, ecumenism, development, justice and reconciliation, social welfare, schools, hospitals, apostolate of the news media and other means of social communication;
- “and any other necessary activity” (SACBC 2005a:6).

Pope John Paul II offered a neater-looking but longer list of issues that constitute joint action of bishops in *Apostolos Suos*:

- the promotion and safeguarding of faith and morals;
- the translation of liturgical books;
- the promotion and formation of priestly vocations;
- the preparation of catechetical aids;

- the promotion and safeguarding of Catholic universities and other educational centres;
 - the ecumenical task;
 - relations with civil authorities;
 - defence of human life, peace, human rights, protection before the law, promotion of social justice, use of the means of social communication, etc.
- (AS 15).

Both lists of priorities of the aims and function of the bishops' conference are based on the description of bishops' conferences in *Christus Dominus* (36-43).

There is a marked difference of priorities in the two lists, as the following table illustrates:

John Paul II	SACBC
1. Faith	Hierarchical contact
2. Liturgy	Education
3. Education	Faith, liturgy, ecumenism, etc. & prophetic role
4. Ecumenism	
5. Prophetic role	

For the bishops of the SACBC, hierarchical contact between bishops' conferences takes priority, while for John Paul II it is the promotion and safeguarding of the faith and discipline of the church, the latter being one of the central tasks of a bishop. Speculation, however, allows one to infer that the prioritising of the protection and advancement of the faith is done normally in a situation where the said faith is under threat. If this was indeed in the mind of John Paul II, such a

situation was, supposedly, non-existent in the SACBC region and therefore it is not top priority for them for it appears only further down their list, grouped together with many other things, including the prophetic role of the bishops' conference.

Education includes basic education of the Christian faith such as catechism, and higher education such as priestly formation and universities. Whereas Education is third on the pope's list, the Southern African bishops put it in second place. It shows a church that is conscious of its duty to uplift, inform and empower all its members on all levels of church life.

In the third item on their list the bishops join different things such as liturgy, ecumenism and the prophetic role of the church. This may well show that these form part of the duty of the bishops' conference in a way that does not distinguish between their importance for the life of the church in the region. In other words, building relations with the believers of other Christian Churches and other faith communities is as important as the translation of liturgical texts or advancing the church's relationship with the government of the day.

Interestingly, John Paul's list contains no reference whatsoever to establishing and developing relations with other bishops' conferences.

How do the individual bishops of the SACBC view the Conference?

1.3 Members describe the Conference

Sixteen of twenty respondents described the Conference in a strikingly similar manner. For them the Conference is a unifying force, a coordinating body and a

forum of support for the bishops of the region. This forum, or “club,” as one bishop called it, enables the members to have a unified vision of the local church’s task and to speak with a unified voice. The Conference defines the specific role of bishops. The bishops confront the challenges of the times together by inspiring, informing, supporting and encouraging one another. These comments and answers create the impression of a support club for members only, even if it is the leadership of a catholic church. Certainly, only those who are pastors of their dioceses become members. It is, therefore, no open club. A few examples illustrate the above view.

Archbishop George Daniel of Pretoria, a member of the Conference for the past thirty years, spoke for many of his brother bishops when he described the Conference as a coordinating body. It “coordinates the work of the Bishops” in the Conference territory (Daniel 2004). The Conference is “a place for sharing experiences, getting inspiration and working together on the major issues of policy of the church and the world around us,” said Bishop Hugh Slattery MSC, of Tzaneen, who has been a member of the Conference for twenty years (Slattery 2005). Jabulani Nxumalo OMI, Auxiliary Bishop of Durban, who received episcopal ordination in 2002, said the Conference “is a forum for the bishops of the region to help each other more or less in their responsibility as regards pastoral care of the particular churches” (Nxumalo 2005). For Bishop Mogale Nkhumishe of Pietersburg, member since 1981, the function of the Conference is “to facilitate, coordinate and promote all Pastoral Policies, dialogue and activities of the Church within the Southern African region” (Nkhumishe 2005). Bishop Louis Ndlovu OSM, of Manzini, who became bishop in 1985, said the essential task of

the Conference was to “work together as bishops and share our experiences and also to let the other bishops know about our situations, the joys and the frustrations of our different dioceses” (Ndlovu 2005). Finally, Bishop Edward Adams of Oudtshoorn, also a twenty one year old member of the Conference, gave a highly formal description with an informal metaphor:

For me the SACBC (excluding the college of bishops) is a purely ecclesiastical institute ran according to a constitution with certain byelaws and regulations in which the autonomy of the local Ordinary is respected. I believe when one belongs to a club one has an obligation to participate in its activities, accepting certain responsibilities. Therefore, during my 21 years of membership I have always helped by holding different portfolios to help the Conference function properly (Adams 2005).

For a significant number of bishops, then, the Conference they belong to is a unifying force, a coordinating body and a forum of support for the bishops of the region.

Of the twenty respondents, four, including some of the previous group in their embellishments, stayed away from the ‘club’ idea. But they did not, in all truth, radically digress from it either. They described the Conference as the local leadership of the Catholic Church who determine the direction of the local church. This picture keeps in tension an understanding of the church universal and local. Accordingly, the church is a foreign or universal body that is made visible on local level through its leadership. The local church constantly keeps the faith and discipline of its members in touch with that of the universal church by acting as a conduit.

Fritz Lobinger, Bishop Emeritus of Aliwal, described the Conference as a body that “has to determine the direction of the church in the country. In theology language, we have to chart the way of the church” (Lobinger 2005). Archbishop

bishops have a deliberative vote (CD 38; canon 450, §1; SACBC 2005a:7). The person who represents an absent bishop has no voting powers.

Office bearers in the Conference who constitute the administrative board are elected by absolute majority in a secret ballot every third or sixth year at the plenary session (SACBC 2005a:9.50). They are: the president of the Conference, two vice-presidents, the chairpersons and vice-chairpersons of departments. Episcopal members of departments, liaison bishops for offices and episcopal representatives for associate bodies of the Conference are also elected at the plenary session.

The president of the Conference presides over the plenary session and is assisted by the two vice-presidents. In certain cases the Troika, as the president and vice-presidents are known (SACBC 2005a:48), takes decisions on behalf of the board. Before a plenary session, the president sends a copy of the agenda to the nuncio with a clear distinction between issues that will be discussed and those where decisions will be taken. After a plenary session the president submits a copy of the minutes to the Holy See (SACBC 2005a:50).

The Conference's ordinary plenary sessions are conducted over five days at the end of January in Pretoria and in the first half of August in Mariannhill, near Durban (45.2 in SACBC 2005a:47). Each day begins with the celebration of the Eucharist. The day's work is done over four sessions. Normally, there is a free day, usually Sunday, when they would attend a liturgical event in some local church. At the August 2004 plenary session, for example, the bishops travelled to Umzimkulu on the Sunday to celebrate the golden jubilee of that diocese. At the

January 2005 plenary session they celebrated the Eucharist at the Regina Mundi church in Soweto to officially launch the Conference's anti-retroviral treatment programme in Southern Africa.

Each member is allowed to speak in the plenary session, but not for longer than five minutes, according to standing order 48.14 (SACBC 2005a:48).

Non-members can be invited by the administrative board. Statute 5.5 specifically provides for the nuncio to attend at least the first meeting of each plenary session, since it is desirable for "fraternal dialogue" (SACBC 2005a:7). Other non-members include advisers, members or collaborators of Conference organs, and visitors from other Christian Churches and faith communities. February 1970 was the first time when observers from other Christian Churches attended the plenary session. Representatives from the Church of the Province of South Africa, Methodist, Dutch Reformed, United Congregational, Swiss Mission and Presbyterian Churches attended (SACBC 1970a:5). The *Minutes* of 1973 mentioned that these observers were welcomed to "the open sessions" (SACBC 1973:1). This may indicate that the bishops decided to have closed sessions attended by members of the Conference only. These closed sessions were later called "collegial concerns," a concept used for the first time in the 1980 plenary session *Minutes* (SACBC 1980:74).

2.2 Decision-making in plenary sessions

When the bishops debated the nature of a plenary session in 1952, Apostolic Delegate Archbishop Lucas, who was instrumental in setting up the local bishops'

conference,¹⁵ reassured the bishops that each diocesan bishop remains the only legislator in his diocese or vicariate (SACBC 1952:13). A conference of bishops would never encroach upon the powers of a diocesan bishop. The decisions they take as a bishops' conference would have no effect until an individual bishop legislates accordingly in his own diocese. Still, it is advisable to have common statutes. Such common laws in all dioceses exist for the sake of "uniformity of discipline," for, Lucas argued, "if the rules given by one bishop regarding a particular subject are quite different from those given by his neighbouring bishop, what will be the effect on his priests and his faithful in general?" (SACBC 1952:12)

In 1967 the bishops confirmed by a vote of twenty-eight out thirty in favour, that the "Conference is primarily a consultative body and its resolutions have no binding force on the Ordinaries or their subjects except insofar as individual Ordinaries consent to support them" (SACBC 1967:8).

Today, more than fifty years after Lucas tabled his views, the Conference is still a consultative body. The only binding decisions it makes are those prescribed by canon law or those specified by the Holy See. Such decisions are made by a two-thirds majority vote and each bishop is obliged to implement the decisions of Conference. Appendix 1 summarizes all those laws the Conference can or should determine, as well as the local decrees and norms of the SACBC.

Other decisions not juridically binding are taken generally by a two-thirds majority vote. When a decision of lesser import has to be made an absolute majority vote

¹⁵ In a conversation many years ago between Fr. Laurence Prior OFM and Archbishop Denis Hurley, the latter related how he put pressure on the Apostolic Delegate to establish the bishops' conference here (Prior 2005).

suffices for it to be carried (SACBC 2005a:8). A decision of Conference only becomes law in a diocese when its bishop decides to make it a diocesan law. It is entirely dependent on the diocesan bishop to implement Conference decisions. As a result bishops of the Conference have to be encouraged in their constitution and statutes to make Conference laws their own.

It is recommended that an individual bishop make these non-juridically binding resolutions his own with a view to unity and charity with his brother bishops, unless serious reasons he has carefully considered in the Lord prevent it (SACBC 2005a:8).

Should a bishop choose not to implement the decisions of the Conference in his diocese, he is “invited, for the sake of unity and action within the Conference” to notify the president of the Conference of his decisions (SACBC 2005a:8). Note that he is invited to notify, not required to explain or justify.

The fact that Conference resolutions are not binding on any of its members except occasionally reveals a structural and constitutional weakness of the plenary session which is the highest decision maker of the Conference. However, one has to accept it against the background of what was said in Part One, where it was argued that the bishops’ conference had been relegated to a structure of little consequence in the college of bishops in terms of collegiality. One can therefore understand that other pressures are brought to bear upon bishops to make conference decisions their own, for example, gentle persuasion and lobbying. This structural weakness can be seen very clearly in discussions in the plenary session, especially when bishops treat a difficult or sensitive matter. The discussion of the application of the pastoral solution provides is a pertinent example.

2.2.1 The pastoral solution

At the August 2004 plenary session in Mariannahill the bishops discussed the issue of applying the 'pastoral solution' to divorced Catholics who remarry civilly without having obtained a decree of nullity from a church tribunal. The pastoral question the bishops struggled with was how to minister to those who, while not having gone through the canonical process, nevertheless contract civil marriage and desire to be active Catholics in terms of reception of the sacraments, especially the Eucharist. The application of the pastoral solution empowers ordained ministers to give these Catholics the sacraments without first going through the arduous processes of declaration of nullity.

Excursus 6: The Internal Forum Solution (Pastoral solution)

Bishop Hubert Bucher of Bethlehem tabled a document at the August 2004 plenary session that explained how the pastoral solution should be applied (Bucher in SACBC 2004a:107-108). What follows is a summary of this document, which Bucher used in his diocese as a guideline for priests on the application of this principle.

The pastoral solution may be applied by a priest to enable a Catholic person who lives in an irregular union, in other words, a union that is not recognised by the Church as marriage, to receive the sacraments of Reconciliation and the Eucharist. In this case, the priest makes a decision in the internal forum – he does not declare it in public and makes no public inquiry – that the person in question may in good conscience receive the sacraments. He makes such a decision knowing that no church tribunal has made a canonical decision on the validity of the person's previous marriage. It may only be applied under the following conditions:

- ❑ Both the priest and the person in question are convinced of the invalidity of the person's previous marriage, even though such a conviction has not been arrived at by due canonical examination. They are convinced even if they do not have the evidence that would satisfy a tribunal.
- ❑ The person in whose benefit the decision is made is a practising Catholic who sets a good example and raises the children born of the union in the church.
- ❑ The present 'irregular' union is otherwise of a Christian character. The partners, in other words, fulfil the responsibilities of Christian marriage.

- ❑ The couple promise to validate their union at the death of the person in question's first spouse.
- ❑ The couple understand that the application of the pastoral solution in their case, does not change Catholic teaching on marriage and it does not constitute public approval of their union by the church.
- ❑ As far as possible, the couple should receive sacraments in a parish where it will not give scandal.

What clearly showed in the bishops' discussion was that most bishops treaded carefully around the matter. They never wanted to overtly offend canon law in this regard. They did not want to be out of step with the universal church, since they are leaders of dioceses that remain in communion with other dioceses and in so doing, with the universal church. Still, they knew that they dare not ignore the sacramental desires of remarried divorced members of their churches. Consequently, most find refuge in the pastoral solution, but not without questioning themselves and their motives continually. Therefore they looked to the bishops of other episcopal conferences and examined the actions of those conferences.

Bishop Bucher referred to a group of German bishops who in 1997 prepared to publish guidelines for their priests on the application of the pastoral solution (Plenary 2004:5). A letter from the Vatican, so the bishop reported, asked the bishops to not go ahead with the publication of those guidelines. Bucher emphasized that the Vatican did not condemn the German bishops' application of the pastoral solution – it simply asked them to withhold publication which they subsequently did. What the German bishops also did, however, was to continue the practice of the application of the pastoral solution according to their own guidelines, an action upon which the Vatican did not react, according Bucher (Plenary 2004:5).

Some bishops asked the question whether they could take the actions of the German bishops as example and adopt the practice. Certainly, replied others, for, as one bishop noted, he had been doing this in his diocese “with no qualms of conscience” (Plenary 2004:5).

Other bishops quoted the Orthodox principle of *oikonomia* upon which the Western practice of the pastoral solution was founded. Accordingly, as Archbishop Daniel and Bishop Lobinger explained, in questions of this nature the pastor should always endeavour to apply the ideal (Plenary 2004:4). Since the ideal cannot always be reached this principle provides a solution. Daniel warned, however, that the constant and indiscriminate application of this principle could clear the road for abuses and in this way not only cloud but also destroy the ideal. “It is difficult to maintain the balance between the ideal and what happens on the ground,” Daniel said (Plenary 2004:4).

After several opinions to and fro and eventually moving the spirited discussion to “Collegial Concerns” (Plenary 2004:38), the bishops adopted a resolution that “each inter-diocesan tribunal bring together a group of experts to advise the bishops concerned in the application of the internal forum solution” (SACBC 2004a:8). The matter was not raised again at the November 2004 board meeting, nor at the January 2005 plenary session. The bishops made no decision that would be binding on the members of the Conference and on their priests and people. They deferred any decision on the matter to a later occasion, after study by the experts of their tribunals, even though the application of the pastoral solution is still is an ongoing practice (Plenary 2004:5).

2.2.2 Decisions of an advisory body

Given the advisory nature of the Conference, with particular reference to its decisions in the plenary session, it remains for each bishop to decide whether or not to implement Conference decisions in his diocese.

Most bishops did not see in this provision any real obstacle. They based their opinion on the different pastoral realities of the dioceses of the Conference.

For Bishop Adams (2005) some bishops do not implement Conference decisions mainly when they do not agree with the majority decision of the Conference at plenary. For Bishop Joseph Potocnak (2004) SCJ, of De Aar, a bishop has a certain intuition whether something decided at the plenary session would be worth implementing in his diocese or not. It is on this basis he decides to make Conference decisions his own, provided, of course, Potocnak (2004) added, that his decision does not go against the faith and discipline of the Church. Bishop Michael Coleman of Port Elizabeth and first vice-president of the SACBC concurred with this view. According to him, each diocese warrants a particular pastoral approach and ministerial style which sometimes force a bishop to take a stand that differs from a Conference decision (Coleman 2005).

In this regard, for example, Coleman decided not to implement a liturgical requirement of the universal church enforced by the Conference, of making 1 January, the Solemnity of Mary the Mother of God, a day of obligation for the faithful of his diocese. He dispenses them from this obligation every New Year (Coleman 2005). The feast of Mary the Mother of God is listed as a holy day of

obligation which is to be observed in the universal church according to canon 1246, §1. But the bishops' conference may with papal approval "suppress certain holydays of obligation or transfer them to a Sunday" (canon 1246, §2). The SACBC did not suppress this particular holy day of obligation but added it to its own list of obligatory feast days (see complementary norm 29 in SACBC 1998:63). On days of obligation Catholics are required to attend Holy Mass in celebration of that particular feast but the obligation ceases where it is impossible to do so, either because no priest is available or for some other grave reason (SACBC 1998:63). Said Coleman:

This is one day when many people traditionally, over years, have spent going to the beaches or they go to their families and then to make it a holiday of obligation! We'd be putting people into bad faith (Coleman 2005).

This dispensation is also granted annually in Cape Town for the same reason. "The environment is not suitable," agreed Archbishop Lawrence Henry of Cape Town, because

you have the coons of *Nuwejaar* (New Year). While I do encourage the people to use the first day of the year as a day of prayer, half our people would be at the beach. They get two, three weeks of holiday from the factories and they are just in a camping mood (Henry 2005).

In Durban Archdiocese, however, 1 January remains a holy day of obligation. So it does in every other diocese of the Conference.

Despite his decision, Henry insists that when resolutions are made in plenary sessions by consensus it is incumbent on each bishop of the Conference to implement it within his diocese in the light of the circumstances of each diocese (Henry 2005). Bishop Frank Nubuasah of Francistown regards the advisory nature of Conference decisions as a protective measure. It safeguards the freedom of the diocesan bishop. For him, as for most other bishops, different circumstances

according to Bishop Nxumalo (2005). Yet in some cases, as seen from the view of the Seminaries Department, of which Nxumalo is a member, when bishops divert from Conference decisions in their dioceses it could result in their very Conference falling apart. It is undermined at national level even though things may be working well at diocesan level (Nxumalo 2005). The view of Archbishop Tlhagale (2005) is that the credibility of the Conference is only at stake when bishops go their own way on major issues. The training of priests, and therefore the national seminary is such a major issue, said Tlhagale. Another issue is the ongoing formation of priests, a source of utter frustration for Tlhagale. For nine years, he said,

we have been talking about this, never able to reach a clear-cut decision as Conference for Conference. Because it is the very nature of this sort of body: we make decisions, but we cannot expect those decisions to carry. We are big enough [as Conference] to set up our own program but we are unable to make a decision about it (Board 2004:12).¹⁶

It is surprising that more bishops did not express such frustration. One is forced to conclude that members of the Conference have no problem with them making decisions at plenary session and then ignoring those decisions in their own dioceses. It is true that unity of action does not mean uniformity and conformity, as Father Stephen Brislin, Administrator of the Diocese of Kroonstad and Bishop Nubuasah insisted (Brislin 2005; Nubuasah 2005). Conference decisions can be applied to local situations only when they make sense at that level. Structurally, though, it could make the Conference meetings a waste of time in terms of decisions taken after a great deal of discussion, particularly at plenary session

¹⁶ The Conference eventually set up the programme Archbishop Tlhagale referred to. Associate secretary general, Fr Vincent Brennan reported to the May 2005 board meeting that the Constantia Valley Sabbatical programme is scheduled to take place at Schoenstatt, Constantia from 9 January 2006 to 18 March 2006 (SACBC 2005e:1).

level. Tlhagale cut to the heart of the matter when he said that a plenary session is “an awful waste of time...[because] we talk endlessly” (Tlhagale 2005).

2.3 Formal interaction in the plenary session

While Archbishop Tlhagale insists that bishops talk endlessly during the plenary session, this observer noticed that some bishops rarely speak. At the August 2004 plenary session from a total of twenty-eight members present at most sessions, five bishops consistently remained quiet in the plenary discussions and spoke only when some of them were asked a direct question or when they had to read a report or introduce members of their department, office, or associate body. On the contrary, six bishops consistently gave contributions in the plenary discussions, even though never exceeding the five-minute allowance (SACBC 2005a:48). The other seventeen members were average contributors.

According to Bishop Erwin Hecht OMI, of Kimberley, this situation is sustained because stronger personalities among the bishops dominate plenary session proceedings (Hecht 2004). Several others agree with him (Ndlovu, Nubuasah, Adams, Mvemve, Hirmer). In fact, Bishop Coleman felt that the non-involvement of some bishops is the weakest feature of the Conference. It is difficult to know what they feel and think about matters under discussion. “Talking to some of them afterwards, you find they have significant insights and contributions they could have made” (Coleman 2005). Coleman should know, because, as first vice-president of the Conference, he chairs many of the sessions during the meetings of the plenary session.

This raises a serious question about the make-up of the plenary session. Do many bishops merely go along with the flow? Or do some not want to upset progress of discussions by voting against the majority or by voicing opposition to an apparent majority viewpoint? Said Hecht (2004):

The danger is that strong characters dominate the conference and the things, but the majority keeps quiet not to disturb the spirit of unity. Or both, possibly, vote yes although in their heart they have strong doubts or [are] even against it.

Bishop Potocnak put it more succinctly, when he said, “I think there are a few bishops that talk a lot ... and other guys just say, the heck with it” (Potocnak 2005).

In addition to the non-participation of some it did not appear for this observer that there is sufficiently serious reflection on matters in a plenary session. Of the sixteen members who were asked if they prepared for the plenary sessions beforehand by reading through the documents they receive before the plenary session, ten responded in the affirmative. Of these, five read all the documents comprehensively, three read only the documents pertaining to their own portfolio or department in the Conference and two read only the agenda. One of those in the latter category was an administrative board member. Six responded negatively to the question. Of these, three were administrative board members. One of the three said the reason for his failure to prepare was that he had a big diocese. Only one bishop who belongs to the category of those who normally prepare beforehand, said that he also prepares for the plenary with “fervent prayer.” This short examination shows clearly that serious preparation for the plenary sessions is not a priority for most of the bishops. It is, however, compounded by factors

such as the late reception of documents from Khanya House, as bishop Paul Khumalo (2005) CMM, of Witbank insisted.

The bishops address each other mostly by their first names in the sessions. They are proud of their friendly and informal interaction during the formal sessions of the Conference. It is a characteristic feature of this Conference, if one should listen to visitors from other bishops' conferences. Said Bishop Lobinger (2005), "When the German bishops' conference came here, they said, 'we were surprised by how much you laughed.' There is an atmosphere ... which is a bit lighter and it is good." Lobinger referred to the 1987 visit from the German Bishops' Conference. Bishop Homeyer of Hildesheim brought greetings from the German Conference and expressed "admiration and respect for the SACBC which did so much hard and serious work in a spirit of friendliness and light heartedness" (SACBC 1987:211). Lobinger insisted that this atmosphere, together with other factors, enhances the level of trust between bishops. "I am with people whom I can trust" (Lobinger 2005). Bishop Oswald Hirmer of Umtata affirmed Lobinger's experience: "I look forward to the Conferences. There is a certain pleasure to be with the old warriors: we crack jokes... and we can talk as brothers to each other" (Hirmer 2005).

2.3.1 Pastoral reflection groups

One way in which the formal interaction between bishops in plenary sessions has improved is through the pastoral reflection groups.

Pastoral reflections are small group reflections on different pastoral issues which may be problematic or need the attention of the Conference. In a brainstorm session in small groups bishops suggest themes they think need to be discussed by the plenary session. In the report back session common themes are identified. Time is then set-aside at the plenary session to discuss these themes in small groups. At the August 2004 plenary session one of the pastoral reflection sessions tackled the ministry of bishops to their priests.

Pastoral reflection groups, however, are few and far between and show little flow-through to Conference decisions. The bishops' discussion of their ministry to the priests in their diocese, for example, did not reach resolution stage at the August 2004 plenary session. While these reflection sessions are useful in raising the awareness of the bishops on some matters and allowing bishops to share their frustrations, they remain little more than spontaneous reflections on what bishops experience, think or feel as pastors. There is no immediate expert input and the sessions are not equipped to reflect comprehensively on the issue at hand. Nowhere is an issue properly and exhaustively reflected on and threshed out. This observation is borne out by Cardinal Napier who bemoaned the lack of proper debate on some major issues in the Conference. While he was not sure whether the Conference's plenary session is the most suitable place where this should be taking place, "bishops are not provided really with the opportunity and maybe the ambience and circumstance for real substantive debate about issues" (Napier 2005).

2.4 The closed session a.k.a. “Collegial Concerns”

Built into the agenda of the plenary session is one or a collection of slots named “Collegial” or “Collegial Concerns.” These are closed sessions attended only by members of the Conference. All other attendants at the meeting, usually the minutes-taker, the secretary general, his associate and any other consultant or staff member of the Conference organs leave when the closed session is announced by the chairman. Closed sessions also take place at the meetings of the other levels of the Conference, namely the Board and the Metropolitan Province. The Metropolitan provincial meetings, attended by the bishops of a particular Metropolitan Province and whatever consultants, experts and collaborators in particular ministries under discussion, also have such closed sessions. In fact, the Cape Town and Bloemfontein Metropolitan Provinces have a considerable part of their meetings behind closed doors in the ‘Collegial Concerns’-style of the plenary session (Potocnak 2004; Brislin 2005). Bar this observer at the Pretoria Metropolitan Province meeting on 26 October 2004 in Witbank the only participants were the bishops of the Province. The absence of anyone else gave the meeting a “Collegial Concerns” atmosphere.

It is certainly not a unique feature of the SACBC, as is attested to by Bishop Rowland’s report to the August 2004 plenary session of his visit as observer to the Tanzanian Episcopal Conference (see SACBC 2004a:106). There it is also called “Collegial Session.”

No one among the interviewed members of the Conference could explain when exactly the closed session was introduced to the plenary session and other

meetings of the bishops. In fact, this concept was used for the first time in the text of the *Minutes* of the 1980 plenary session (SACBC 1980:74) but already in 1973 the author of the *Minutes* referred to 'open sessions' which observers from other Christian Churches were free to attend (SACBC 1973:1). The reference to 'open' sessions presupposes 'closed' sessions. When Bishop Hecht, currently the longest serving active member of the SACBC became a member of the Conference in 1972 it was already a custom in the plenary sessions (Hecht 2004).

The bishops can neither explain exactly why it is labelled "collegial."

2.4.1 When they go behind closed doors

Normally the times for the closed sessions are fixed with the agenda of the plenary session that is set by the November and May board meetings. In addition to this the president of the Conference normally gauges the need for a closed session as the meetings of the plenary session continue, when issues arise which bishops bring under his attention, or when an issue cannot be resolved in plenary session due to obstinate positioning or disagreements threatening to get out of hand. At the August 2004 plenary session, for example, formal provision was made for such sessions on both Friday, 6 August and Saturday, 7 August, from 16:30-18:00 (see SACBC 2004d). But another closed session was unexpectedly brought into the proceedings by the chairman of the morning session on the penultimate day of that plenary session, Tuesday, 10 August 2004 (Plenary 2004:43).

2.4.2 What they do behind closed doors

The “Collegial Concerns” of the SACBC is a loosely structured session. Among the members who are normally bishops of dioceses, any priest who legally represents his absent bishop at that meeting is also admitted, as was the experience of Father Francis Muhenda, who represented the bishop of Witbank at the August 2004 plenary session and Father Philemon Thobela, who represented the bishop of Tzaneen at the January 2005 plenary session. He has no deliberative vote (SACBC 2005a:7). At board meetings such representation does not take place. An episcopal chairperson of a department is either absent, or represented by an episcopal vice-chairperson, or third episcopal member of that department, as happened in the case of Bishop Hirmer, the chairperson of the Ecumenical department, who, in his absence at the November 2004 board meeting was represented by the vice-chairperson of that department, Archbishop Daniel.

Whenever a member has an issue that he thinks belongs in the closed session, he would indicate so to the president of the Conference by means of an informal note. The note would only contain a word describing the matter he wishes to table there, not a detailed layout or outline thereof. At the time appointed for the closed session all non-members of the Conference except for those priests who represent their absent bishops leave the meeting place. The meeting normally takes place in the same venue where the open sessions are held. The president of the Conference chairs the meeting. He would name the particular issue on his list and invite the bishop who brought it forward to raise the matter. Depending on

the issue, other bishops then give their response, whether it is opinion or advice or the mere sharing of their own experience. An ad hoc secretary takes rudimentary minutes and hands them over to the president for chairman's reference or formal follow-up in the case of appointments to posts in the Conference or the like (Daniel 2005; Hecht 2004; Potocnak 2004).

2.4.3 What they say behind closed doors

Asked for examples of matters they would spontaneously table at a closed session, most bishops cited appointments of persons to key positions in Conference institutions or departments. Bishops were hesitant to give examples, understandably, and quickly took to general descriptions or hypothetical cases lest they would be in breach of confidence. Nevertheless, in the answers several issues surfaced, including the following:

- appointments to positions in (Hecht, Adams) and issues relating to Conference seminaries (Coleman, Henry);
- clergy issues, including misbehaviour (Mvemve), abuse (Napier) and ministry to priests (Hirmer);
- personal or pastoral difficulties of Conference members (Ndlovu, Brislin);
- concerns about a 'public' Conference program gone wrong (Lobinger);
- an idea, plan, or decision that cannot yet be tabled openly (Coleman); and
- ring fencing the departments of the Conference (Risi, in Plenary 2004:19).

might feel freer to discuss it” (Plenary 2004:19). The necessity of a closed session at which they can do this freely without showing disunity is obvious.¹⁷

The closed session has a much deeper value than merely saving bishops from embarrassment in front of non-bishops. All of the bishops interviewed, with no exception, confirmed the personal value and significance of this session. For Archbishop Henry (2005), this is the most valuable part of the plenary session, because, as also the Cardinal (Napier 2005) affirmed, here the bishops confirm to each other that they are ‘in it together.’ Bishop Hecht (2004) maintained that it is the one session where bishops get a “moral boost”. The atmosphere is one of mutual trust (Slattery 2005), where bishops guide and advise each other (Nxumalo 2005). It is always a touching session, “an exercise in trust” (Lobinger 2005). Bishops need this outlet, where they can freely talk, assured of a listening ear (Nxumalo 2005). It is also the place where the “quieter bishops” normally feel freer to talk, according to Bishop Zithulele Mvemve of Klerksdorp (Mvemve 2004). Many members interviewed thought that more time for the closed session would benefit the Conference (Adams, Potocnak, Coleman, Napier, Hirmer, Rowland, Daniel, Brislin).

2.4.5 Evaluating “Collegial Concerns”

Father Vincent Brennan SMA, Associate Secretary General at the time of the observation, pointed out a weakness in the closed sessions. He related that when reporting on a specific issue an advisor or Conference worker has been working

¹⁷ Sometimes, however, such disagreements become public. The SACBC of the sixties of the previous century is a case in point. The public ‘spat’ between Archbishops Hurley and Whelan refers. This episode is discussed in Chapter 7.

on for a long time, a few “alert” bishops ask some questions, the advisor leaves after a “polite clap,” but the final decision is made during the closed session “when you are not present to explain, answer questions, [and] clarify issues” (Brennan 2000:32). However, Brother Jude Pieterse FMS, who was the Conference’s Secretary General from 1988 to 1995, insisted on its value in the plenary session, otherwise some bishops would not speak (Pieterse 2005).

Sitting in the November 2004 board meeting, this observer was privy to a curious exchange about the nature of the closed session. On the last day of the Board meeting the bishops were preparing the agenda for the upcoming plenary session in January 2005, jiggling with slots for departments, offices, general issues and “Collegial Concerns.” Unexpectedly, one bishop let up a complaint about these closed sessions:

Collegials can be hesitant and slow-starting affairs. Could we ask bishops to give their diocesan situations succinctly in five or six minutes? After that any old topic arises and suddenly all take off passionately (Board 2004:33).

The chairman of the session, quickly retorted: “Hold on, now, that’s for ‘Collegial’; let’s keep it at ‘Collegial’” (Board 2004:33). Seemingly even the nature of the closed session can only be discussed behind closed doors in the closed session!

2.5 The business load of the plenary session

Does the plenary session succeed to do what it is supposed to do? In other words, does it reasonably successfully run the Conference according to the demands of its members?

The members of the Conference have a variety of difficulties about the nature and procedure of the plenary session that range from complaints about too many handouts (Adams), the lack of real and substantial debate in the deliberations (Napier & Nxumalo), the tedious manner of approving Conference resolutions and statements (Potocnak), the lack of practical pastoral help and the dominance of the theoretical (Hecht), the rushed manner of common prayer (Hirmer), to members leaving the plenary session before its completion (Henry).

A fairly common complaint was that the plenary sessions have too many business items to work through (Adams, Potocnak, Coleman, Hirmer, Napier, Rowland, Nxumalo, Tlhagale, H Slattery, Nubuasah, Risi). It takes up too much time, maintained Bishop Hugh Slattery (2005). Ideally, business should be fixed in the departments and the plenary session should not be burdened with the details of decisions which departments are equipped to handle. The departments should think on behalf of the bishops, according to Archbishop Tlhagale (2005), especially when the issues are of a very particular nature. Tlhagale illustrated this by means of a decision by the Department for Seminaries which decreed that students are not allowed to use cellular telephones in the Conference seminaries:

Let us debate recommendations [from the Seminaries Department], not individual students and drunkenness and smoking and cell phones. We waste a lot of time through those things: should students have cell phones? That's none of our business! The Seminaries [Department] should discuss those things. They want cell phones? They have them! They don't want them? They don't have them! We should not be brought down to that level (Tlhagale 2005).

For Tlhagale, who as one-time Secretary General of the SACBC was involved in consolidating the streamlining of plenary session procedures, this is a serious weakness of the present-day plenary session. Bishops Nubuasah (2005) and

Nxumalo (2005) envision a shorter January plenary session for business matters and a slightly longer August plenary session for study and reflection. This latter session would see the bishops tackling a particular relevant theme as pastors comprehensively and positioning the Conference to give leadership to the church in the region in terms of faith and discipline.

While Tlhagale bemoaned the mixed pot of business, spirituality and collegiality that a plenary session is, many others desired to see the plenary session give more time to prayer and reflection – a sort of retreat from which bishops will come away refreshed and more focused for their pastoral duties in their dioceses (Adams, Potocnak, Coleman, Napier).

2.6 Lay input from outside Khanya House

There is no place for the laity to make their voices heard at the plenary session except for the report the bishop in charge of the Laity Office submits. This could be problematic, especially when the Laity Office is not structurally or otherwise capable to serve as an ear of the bishops or a mouthpiece of the laity on national level.

This was visibly demonstrated at the August 2004 plenary session when on Monday, 9 August, a group of men interrupted a meeting of the bishops in session, demanding to be heard. The men from Eshowe Diocese simply walked in and stood to the side of the room. They patiently waited for a chance to speak which the chairman of the particular session refused to give. This standoff lasted

five minutes until the chairman spoke to them, asking them to show *hlonipha* (respect), upon which they agreed to leave.

The chairman subsequently explained to the stunned bishops present that the problem on which the men demanded to be heard concerned a religious sister in the diocese of Eshowe, who headed an AIDS clinic in the diocese. The community, the church and the priests in the region wanted the sister removed for many reasons. Bishop Mansuet Biyase of Eshowe decided not to concede and the sister stayed on. The people of the area were not satisfied, the chairman explained. The bishops of the Durban Ecclesiastical Province addressed the matter on a previous occasion and together with the nuncio, in agreement with the bishop of Eshowe, realised that the sister could in justice not be removed from the community. The community refused to budge and made the trip from Eshowe to Mariannhill where they knew their bishop was in plenary session with the other bishops of the Conference. Bishop Biyase would not speak about the matter at that moment to the plenary meeting, saying only that the matter belongs with him in his diocese and not with the other bishops at Conference. (Plenary 2004:39)

At the tea break, Cardinal Napier, Archbishop Tlhagale and Bishop Biyase met with the delegation and heard the views of the group. Later, when the bishops' session continued, the group entered in orderly fashion and asked to apologise for their disturbance of the meeting earlier. They were given a chance to do so, upon which they left in peace, satisfied to have been heard.

While the group's disturbance had much to do with the domestic squabbles of a diocese, it certainly points to the red tape any person encounters to be heard at

plenary session level. A person submits a matter to the board months before a plenary session. The board's bishops determine whether an issue deserves to be heard by the plenary session or not. The best chance any layperson has is to make some sort of input to one of the Conference's departments, offices, or associate bodies who all somehow have a direct line to the board and plenary session.

The Conference's racism report, *Race relations and the Catholic Church in South Africa: a decade after Apartheid* (SACBC 2005g), which was spearheaded by the Justice and Peace Department is an example of such input. The findings of the report, contained on pages 27-28 are a summary of all the outcomes of seminars conducted in Cape Town, Durban, Bethlehem, Port Elizabeth, Aliwal North, Klerksdorp, Johannesburg and Oudtshoorn in 2003 and 2004 (SACBC Justice and Peace Department 2005: 27). In other words, lay people on one of the most basic levels of church managed to speak directly to the January plenary session, at which the report was tabled, at least in outline form.

This process, however, remains much too indirect, as the episode of the Eshowe gatecrashers proved.

3 Administrative Board

3.1 Structures and procedures

The president of the Conference, the two vice-presidents, the chairmen of the Conference departments and a Cardinal member of the Conference constitute the administrative board, according to Statute 8.1 (SACBC 2005a:10).

The board is the executive arm of the Conference. It prepares and sets the agenda for the plenary sessions of the Conference and ensures that decisions taken at plenary sessions are properly executed.

Nothing is on the agenda of the plenary session that has not been examined and approved by the board (SACBC 2005a:48). In fact, bishops who serve on the board get very anxious if documents that departments wish to table for discussion at a plenary session are not available first for their own perusal at the foregoing board meeting. A case in point is the November 2004 board meeting.

At this meeting, the Justice and Peace Department noted in its report that while the gender desk was created after the board approved it the department had yet to complete the gender policy (Board 2004:15). They promised its completion in time for the January 2005 plenary session where the bishops would consider its approval. The same applied to the draft pastoral statement on ten years of democracy in South Africa which the Justice and Peace department wanted the bishops to issue. The department had not yet finished drafting the statement but promised to table it at the upcoming plenary. This was not acceptable for the board's bishops. Cardinal Napier insisted that the board should know what bishops at the plenary session will have before their eyes. Rightly, the bishops of the board demanded "that any document must come to the Board prior to its presentation at the Plenary" (SACBC 2004c:17). The members of the department present had to assure the bishops that the documents in question would be available to the bishops of the board before the plenary session that was less than two months away (Board 2004:16).

In addition to these fundamental tasks in terms of the plenary sessions, the board regulates the finances of the Conference, administers Conference property in cooperation with the Finance department and coordinates the work of the different organs of the Conference with the assistance of the general secretary. It is also the prerogative of the board to invite non-members to attend an ordinary plenary session; these would generally include delegates from other churches, observers from other bishops' conferences, or guest speakers and consultants on specific matters. Significantly, the board is empowered to "take such action as may be deemed necessary in the interests of the church on behalf of the Conference" (SACBC 2005a:52). This provision hands the board a virtual *carte blanche*: it can do whatever it thinks it should, which makes the board an extremely potent organ of the Conference.

The board meets twice a year (SACBC 2005a:52), in May and September at the General Secretariat's Khanya House in Pretoria. It also meets immediately before and after each plenary session for the purposes of previewing and reviewing the decisions of the plenary session.

3.2 Matters from the plenary session

The plenary session places a lot of trust in the board. Apart from business and administrative matters, the plenary session transfers to the board those issues the plenary session is unable to settle. These matters range from the mundane to the very serious. Three examples suffice.

At the 1960 plenary session the bishops suggested appropriate venues for a Catholic Institute (SACBC 1960a:20-21). Some bishops suggested Rivonia, where the Conference had property. Others felt Rivonia was too isolated and suggested Pretoria, where access to government offices would be easier. One bishop offered property at Cullinan and another suggested Village Main. There was no clear swing of balance to any particular preference. Archbishop McCann of Cape Town eventually proposed that the matter be referred to the administrative board. The proposal carried.

A second example comes from the same plenary session. For most of the afternoon session of 1 February 1960 the bishops discussed the building of a national Marian shrine, earmarked for Irene (SACBC 1960a:31.39). They continued the discussion the next morning as they could not reach agreement on the religious congregation that should staff the shrine. Eventually they agreed to refer the matter to the board. However, some wanted such referral only if a secret ballot decided it, while others insisted on a postal ballot. A simple majority (fifteen out of twenty-six in favour) determined that an immediate ballot should decide whether to refer the matter to the Board (SACBC 1960a:32). By the time the board met in September, negotiations had already started with the Oblates of Mary Immaculate for the running of the Marian shrine (SACBC 1960b:6). Fifteen years later, in 1976, nothing had been done about setting up a national Marian shrine but the Conference had a sizeable amount in its coffers which the bishops had to spend *ad intentionem dantis* (according to the intentions of the donor), or return the money. The 1976 plenary session adopted a resolution that the bishops assembled there should take a final decision on the Marian shrine (SACBC

The bishops at the plenary session eventually decided that “a public statement would not be opportune at this time” (SACBC 1994b:35), but did not want to dismiss the matter completely. Consequently, they tasked the Troika, the Justice and Peace Department and the Secretary General to “arrange further treatment of the subject” (SACBC 1994b:36). Note that the matter is not referred back to the board again – only the Troika. Brother Jude Pieterse (2005) recalled how a bishop serving on the board supported the tabling of the matter at the plenary session and agreed in the board meeting that the bishops should respond to it. At the plenary session where it was discussed, this bishop opposed any such response.

The August 2004 plenary session referred no less than twenty issues to the board. Six of these were financial in nature, five dealt with liturgical and theological issues, three were administrative, another three about vacancies in different Conference organs and one each concerned a legal matter, the next plenary session and a high level meeting with the South African government (Board 2004:1-2). It raises the question whether the actual highest decision maker of the Conference is the plenary session or the administrative board.

3.3 A miniature plenary session

The meetings of the administrative board look very much like a plenary session, only on a smaller scale. The agenda is composed according to the existing departments, offices and associate bodies of the conference. Each of these gives a detailed report to the board and tables all the documents that would be submitted to the plenary session. Bishops present ask them for clarification and explanation based on their own experience in their dioceses and the departments

they work in currently and they give their input accordingly. The department subsequently fine-tunes proposed texts and reports. The very same process repeats itself at the plenary session; the only difference is that the bishops of the board hear it for a second time. It begs the question whether the board is a mini-plenary session and, besides real administrative matters that pertain to it, whether it is a superfluous body otherwise, despite its huge power.

While one cannot expect that an executive administrative body such as the board should do a lot of theological reflection, it is reasonable to expect that bishops of the board thoroughly reflect on and discuss matters placed before the board. Neither the former nor the latter takes place in a board meeting. The bishops of the board get a file of documents that will be discussed in the meeting as they enter the meeting place. In other words, they come to the meeting with no preparation, except for an outline-agenda sent to each member beforehand and the departmental chairperson's report and specific request from the board. The time for the discussion of the issues on the agenda totally depends on the secretary general, who sets up the timetable in collaboration with the president. Together they determine when what is discussed, where and for how long. The result of all this is some frustration of the board members at not having had enough time in the meeting to examine a particular topic comprehensively (Board 2004:14).

Conclusion

This chapter described the SACBC and its aims and functions in general terms and examined members' perception of the Conference. The members understand

the Conference in the terms of a club of the local church's leaders, where members give and find support and through which they coordinate some pastoral and other matters.

A subsequent description was given of the Conference's decision-making structures and processes, namely the plenary session and the administrative board. A thorough examination of these found that there are several structural weaknesses around decision-making. This includes, amongst others, the structural exclusion of lay people from decision-making processes on a national level. The sheer disregard of Conference decisions by individual bishops in their dioceses and a fairly consistent pattern of procrastination on various matters needing decision were clearly demonstrated. In addition, it was found that the discussions of the bishops at Conference meetings lack quality because of, amongst others, little proper preparation.

Such a laissez-faire attitude underlying the most important structures of the Conference eventually weakens the status of the bishops' conference from within and relegates it to a structure of little or no consequence in the Church.

A further danger is the complaint by many bishops about the workload of the plenary session coupled with their plea for more prayer, reflection and sharing. The plenary session is a decision-making body of the Conference, not a vehicle for retreats. The insistence of bishops on lessening the business of making decisions and of spiritualising the plenary session critically weakens the decisive pastoral leadership a plenary session should be giving to the Church. In

conclusion, the Conference's decision-making structures are severely hampered to do what they should do – make decisions.

The following chapter examines the structures that execute some of the bishops' decisions taken in plenary sessions and board meetings.

Chapter 6

The Organs Of The SACBC

Introduction

This chapter explores the structures that execute some of the resolutions or decisions of the plenary session and administrative board. These structures are the departments, offices and associate bodies coordinated by the general secretariat. These structures are interchangeably referred to in this text as organs of Conference or Conference organs.

The exploration of this chapter is presented in the following manner: a description each organ is followed by the researcher's observation of and critical remarks regarding the interaction between them and the decision-making structures of the Conference. This observation gives insight into the degree to which the bishops know and work with Conference organs.

An important indicator of collegiality is the manner in which a bishops' conference is involved with dioceses outside the borders of that conference. Such involvement affords a conference the opportunity to express its collective solicitude for the whole church. In this regard, one has to focus on at least three areas of interaction, which are, firstly, the conference's relationship with the Holy See; secondly, its multilateral bond with conferences all over the world in the synods of bishops and lastly, its bilateral relations with particular bishops' conferences. These aspects are dealt with in separate sections in this chapter,

with particular reference to specific Conference organs as the principal means through which the SACBC relates to other bishops' conferences.

1 Organs of the Conference

When the bishops established the Conference in 1947 they elected four members to set up and serve on the administrative board. This board had to define policy, take initiative on behalf of the Conference, lead and represent the Conference and disseminate information to all the member bishops. Besides this election they established the Church Interest, Education, Press, and Native [Affairs] Departments, headed by the four bishops on the board (SACBC 1947a:3). These departments were renamed and expanded over the years as the needs and scope of the Conference developed. By mid-1947, after a meeting of the administrative board in Aliwal North at the occasion of the episcopal consecration of Bishop Lueck, the fledgling conference had its structures in place, complete with a new name, the 'Southern African Catholic Bishops' Conference' (SACBC 1947b:4). The Conference would meet in plenary sessions every five years, while the administrative board meeting would hold meetings as often as required. Only in 1952 did the conference acquire and set up a secretariat.

By 1971 the Conference had seven departments, which were renamed commissions. These were the commissions for Clergy, Religious and Missionary Endeavour; Doctrine, Seminaries and Priestly Formation; Ecumenism; Afrikaans Apostolate; Lay Apostolate and Social Communications; Education, Catechetics and Liturgy; and Social Welfare and Hospitals (SACBC 1971:46).

In 1974 the commission structure was refined. Each commission then coordinated two to four departments, with a department specialising in some aspect of the commission's work. The commissions were:

- **Commission for Christian Service**, with the four departments for Justice and Reconciliation, Development, Social Welfare and Hospitals;
- **Commission for Seminaries, Priests, Religious, and other Ministries** which housed the departments for Seminaries, Priests, Religious and Deacons and other Ministers;
- **Commission for Christian Education and Worship** with the three departments for Schools, Catechetics and Liturgy;
- **Commission for Mission, Migration and Tourism** with its four departments for Mission, Migrant workers, Immigrants and Tourists and Seafarers or the Apostleship of the Sea;
- **Commission for Laity** which housed the two departments for Lay structures – Southern African, regional, diocesan, parish and lay organizations – and Youth;
- **Commission for Doctrine, Ecumenism and Inter-Religious Affairs** which coordinated the four departments for Doctrine, Ecumenism, Non-Christians and Non-Believers; and the
- **Commission for Social Communications** with three departments for The Press, Radio and TV, and Cinema, Theatre and Art;
- **The Finance Committee** formed a separate and independent commission.

Every department of the various commissions submitted a report every time the bishops met in an ordinary plenary session. This led to very cumbersome plenary sessions. At the end of the 1976 plenary session the bishops insisted that the next plenary session should not be overloaded and that reports must be digested (SACBC 1976a:104). In fact, when the Chairman of the Commission for Seminaries, Priests, Religious, and Deacons introduced the commission's report to the plenary session of 1977, he admitted that the current structure of the Conference was "rather big and unwieldy" and that some bishops were considering its restructuring in some detail (SACBC 1977a:31). However, in the 1978 plenary session the bishops changed the Department of Seminaries into a commission on its own; the same applied to the Department of Priests and Religious (SACBC 1978:42-43) – two more commissions in a body that was already "unwieldy"!

Despite this the SACBC had matured into a highly developed organism with specialised structures to perform their tasks. The same development wrought the SACBC structurally too large.

This was addressed when the bishops were in Rome for their *ad limina* visit in 1987. In their Roman deliberations the bishops expressed a desire to run the Conference meetings, especially the plenary session, more efficiently (SACBC 1988a:3). The vice-president of the Conference, Bishop Reginald Orsmond of Johannesburg, subsequently arranged for a "businessman to sit in for a few periods during the Plenary Session to evaluate the method of working from a

business-like point of view” (SACBC 1988a:3). Brother Jude, the new secretary general, implemented the suggested changes.

The bishops decided that the plenary sessions should be shorter and each commission should hand in a written report that would be available before the plenary session. Each commission would then give only a summary at the plenary session, concentrating on those areas they ask the Conference for a specific decision or resolution. In addition, the commissions report over the course of the two plenary sessions. Six commissions report in January, and the other five in August (SACBC 1989:33).

More downscaling and streamlining proved necessary a few years later. A complete overhaul of the commission system saw it refashioned into departments, offices, associated bodies and forums, each with a different degree of dependence on the Conference. However, already in 1995 the bishops noted that the newly created offices of the SACBC hung “loosely in the air,” leading to the suggestion of a second associate secretary general who would attend to “the apparent lack of supervision” (SACBC 1995a:28).

In the August plenary session of 1999 some bishops questioned the necessity of two plenary sessions in the year in view of the changing political context in the country. The complaining bishops were invited to table a memorandum motivating their request (SACBC 1999b:13). The documents show no such memorandum tabled.

bodies, including bishops' conferences, the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM), and IMBISA, the Interregional Meeting of Bishops of Southern Africa (SACBC 2005a:11).

The secretary general is therefore a pivotal functionary in the bishops' conference.

1.2 Departments

The Conference establishes departments "to provide specific services" in the Conference territory (SACBC 2005a:16).

While a department does not have any legislative power and cannot have such power delegated to it from the Conference (SACBC 2005a:11), it can act, publish and make decisions which are not necessarily that of the conference (SACBC 2005a:16). However, a department has to carry out any mandate it receives from the plenary session and has to study and submit recommendations on the matters pertaining to its particular scope (SACBC 2005a:12).

The Conference regularly evaluates the activities and projects of departments in terms of the pastoral needs of the Conference territory "as a whole, and of the individual diocese, which they are meant to address" (SACBC 2005a:17). Each department serves as the liaison between the SACBC and the relevant bodies of the Holy See and other bishops' conferences.

There are currently six departments (SACBC 2005a:16-33):

- **Christian Formation and Liturgy.** This department comprises the Committee for Catechesis and Christian Formation, and the Committee for

Liturgy. The committee for catechesis assists dioceses in all matters catechetical, spearheads research and oversees conference level publications. Together with the various pastoral language regions the Liturgy committee facilitates liturgical translations from Latin to the vernacular. It also studies liturgical inculturation and provides guidance in this regard.

- **Ecumenism and Inter-Religious Dialogue.** This department promotes ecumenism, inter-religious dialogue and dialogue with people outside faith-based movements in the worlds of culture, science and art (SACBC 2005a:22).
- **Finance.** The Conference is assisted in all financial matters by this department, e.g. Conference business transactions, administration of its own finances, departments and dependent bodies' budgets review and fund-raising.
- **Justice and Peace.** This department raises the awareness of the members of the Conference or other individuals and groups to suffering, injustice, and violence against humanity and the environment in the areas of the Conference and elsewhere. Their research identifies the causes and implications of injustice, and subsequently defines and encourages appropriate action. The department assists the members of the Conference in formulating views on socio-political issues and helps to communicate those views to the relevant government or societal bodies and the media. Justice and Peace commissions in the various dioceses draw on this department's work.

- **Evangelisation.** This department is at the service of local churches or dioceses for the continuous and relevant implementation of the bishops' Pastoral Plan and Pope John Paul II's *Ecclesia in Africa*.
- **Seminaries.** The department coordinates and oversees the effective functioning of Conference seminaries. It makes recommendations to the board and plenary session about formation policy and other seminary affairs, such as the appointment of staff members and acquisition and the alienation of property.

1.3 Offices

The General Secretariat currently hosts ten offices (SACBC 2005a:34-42):

- **AIDS Care and Awareness.** This office advises the Conference on policies, statements and appropriate action for the Catholic Church in Southern Africa, all geared to the pastoral care of persons with HIV/AIDS.
- **Documentation.** This office maintains the archives of the Conference and is responsible for the publication of the *Catholic Directory*.
- **Lenten Appeal.** The collection for the Lenten Appeal of the Bishops is held in all dioceses of the Conference during the Sundays of Lent. It is then received by and disseminated from a central office according to policies set up by the office and approved by the bishops for the work of the Church and "helping the poor."
- **Marriage Officers.** The administrative secretary of the Conference deals with the administration and appointment of marriage officers, liaising with the Department of Home Affairs.

- **Migrants, Refugees and Itinerant People (including Apostleship of the Sea).** This office serves as a point of information to bishops in the relevant areas for matters regarding migrants, refugees and itinerant people.
- **Natural Family Planning.** The Conference has the duty to uphold the teachings of the Church on marriage and human sexuality. The Natural Family Planning office assists the Conference in this task. It does so by offering instruction “on the appreciation and understanding of the gift of human fertility” and by encouraging people to “integrate and live this creative potential, according to their life choice of either celibacy or marriage” (SACBC 2004b:39).
- **Pastoral Care of Vocations.** This office deals with recruitment of men to the diocesan priesthood. The Conference assists diocesan promoters of vocations through this office.
- **Social Communications.** This is the media office of the Conference. The official spokesperson of the Conference is “preferably a bishop” (SACBC 2005a:57). During this research Archbishop Buti Tlhagale of Johannesburg filled this post. The Conference appoints a full-time information officer who is qualified in news and information. S/he assists the spokesperson in his task. The Social Communications office provides Conference members with a list of experts on various matters who are easily accessible for consultation and comment on topical matters. For statements “of grave doctrinal or pastoral importance” or issues that are likely to have some impact on public opinion the Conference president and vice presidents are consulted (SACBC 2005a:58).

- **Specialized Ministries.** Military, prison and police chaplainries are regulated and coordinated through this office.
- **Youth Ministry.** This office liases with diocesan and other youth movements and its fulltime workers.

Offices are established by the administrative board. They are accountable to the secretary general and sometimes have a liaison bishop (SACBC 2005a:34).

1.4 Associate Bodies

The Conference has twelve associate bodies. Some of these were initially established by the Conference to facilitate a certain aspect of the Conference's common action. Others were granted associate body status because its work complements an aspect of the Conference's work. They act independently of the Conference, but in matters of faith and morals are subject to the Conference.

They have access to the plenary session of the Conference through the administrative board by a request made to the secretary general (SACBC 2005a:44). The Conference appoints a bishop or another person to act as liaison between the associate body and the Conference. Some associate bodies, like the Siyabhabha Trust (hereafter, Siyabhabha), and the Legal Advisory Committee (hereafter, LAC) have up to three bishop representatives.¹⁸ Others have only one or no bishop at all (cf. SACBC 2004b:13)

The following are associate bodies of the SACBC (2005a:43):

¹⁸ LAC is not listed in the *Statutes, bye-laws and standing orders* (2005a). It appears in the list of associate bodies in the *Catholic directory* (2004b:13).

- **Catholic Institute of Education (CIE).** Established in 1985, CIE provides the Conference and its education bodies on all levels with a variety of services through research and assistance (SACBC 2004b:32-33). This includes the promotion of teachers' training and the development of learning and teaching materials (CIE 2004a:14).
- **Leadership Conference of Consecrated Life – South Africa (LCCL-SA).** This body brings together the major superiors of the religious institutes and congregations working in South Africa. There are 75 congregations of sisters and 35 congregations of brothers and priests in LCCL-SA. As a canonical body, LCCL-SA encourages its members to “achieve more fully the purpose of each”, and facilitates coordination and cooperation between them and the Conference (canon 708). Only the pope can establish them as a juridical personality (canon 709), which would give them complete independence from the SACBC.
- **Lumko.** This pastoral institute trains leaders in pastoral ministry on different levels of the church: parish, small Christian community and diocesan (SACBC 2004b:50).
- **Pontifical Mission Societies (PMS).** PMS coordinates the activities of parish-level fundraising efforts of the different Roman fundraising bodies, the Society for the propagation of the faith, the Society of the Missionary Childhood, the Society of St Peter the Apostle and the Pontifical Missionary Union (cf. SACBC 2004b:30-31).
- **Development and Welfare Agency of the SACBC.** The agency's name was changed to Siyabhabha Trust. Siyabhabha coordinates and supports

- development, welfare and crisis relief in the dioceses of the Conference. It monitors “legislation and lobbying at Parliament in development and welfare issues on behalf of the church” (SACBC 2004b:46).
- **South African Council of Priests (SACOP).** This council helps to promote close cooperation of priests with the Conference on a general level. It serves as a forum for priests to debate and develop views and insight into their role in the Church. Priests working in the dioceses of the Conference area are represented on SACOP in a relation of one delegate per fifty priests or part thereof (SACBC 2004b:29).
 - **Theological Advisory Committee (TAC).** From time to time the Conference approaches this committee to advise it on theological matters. Constituted by the Conference, the members are chosen and appointed by the bishops.
 - **Catholic Health Care (CATHCA).** This body represents the health care institutions run by the Church in the Conference area (SACBC 2004b:41).
 - **Rural Education Access Programme (REAP).** REAP facilitates the access of “disadvantaged, isolated and marginalized rural youth” to funds for higher education (REAP 2003/2004:2).
 - **Hurley Peace Institute.** This is the latest associate body initiated by the Conference’s Justice and Peace department. The institute’s overall objective is to “build peace through justice in Africa and the other parts of the world” (SACBC 2005b:94). It is a vehicle through which the Conference contributes to peace-building on the continent, especially where other

bishops' conferences have approached the SACBC in this regard (SACBC 2005b:94).

Associate bodies are important, but have no direct connection to the administrative board, unlike a department whose link is its chairperson. The chairperson is a member of the board. Thus associate bodies do not have direct access to decision-making bodies.

2 The Relationship between Bishops and Organs of Conference

How do the bishops of the SACBC relate to departments, offices, and associated bodies? The following remarks are based on interviews with members of the Conference, questionnaires, subject-related conversations with the organising secretaries of the Justice and Peace Department and the AIDS Office, the director of the Siyabhabha Trust, and observation of different department meetings of Justice and Peace and AIDS.

2.1 Inadequate stewardship

Some Conference organs serve as channels for large amounts of money to local projects. The Conference's AIDS Office, for example, spent over R50million in 2004 (Plenary 2005:6). It is the prerogative of Conference organs, their employees and board members to handle and distribute funds. While the bishops involved in these organs have no deciding vote on which way funding goes, it is true to say that funding is given to departments such as Justice and Peace, offices such as AIDS Office, and associate bodies such as Siyabhaha because of their association with, or their operation under the auspices of the SACBC. One would

therefore expect that the bishops would have a fair amount of direct involvement in these organs. This is not the case.

Currently, bishops are involved generally in approving the fund applications of local projects within the territorial boundaries of their own dioceses (cf. SACBC 2004a:53). Bishops are also involved insofar as they serve as liaison or representative bishops on these organs or serve on their board. True, the funds handled by the SACBC do not really belong to the SACBC, but it would not be wrong to say that the SACBC, in particular the bishops, are custodians of the trust of funding bodies and stewards of their money.

One should therefore question the minimal involvement of the bishops in the Conference organs, specifically those that channel large amounts of money to projects in the Conference area. It helps when the relevant Conference organs have an independent evaluation of their work from time to time, as did the AIDS Office with the *Evaluation of CMMB/SACBC HIV/AIDS Projects* by the Pretoria University in 2003 (see University of Pretoria 2003). This report monitored amongst others the effectiveness and sustainability of the different projects funded by one particular donor (Catholic Medical Mission Board) through the AIDS office.

To that end, Bishop Bucher of Bethlehem, Finance Department chairperson, pleaded for more control over spending at the August 2004 plenary session (SACBC 2004a:42) when it was discovered that a particular department had already spent money promised to them that they did not have yet. This they did by borrowing money from one project to finance another.

These two incidents give the impression of a department out of the bishops' control. This impression was confirmed soon.

The very next day at the board meeting, 11 November 2005, the bishops tackled general issues. One of these dealt with a department who had its budget returned unapproved since no income statement was provided. All other departments, offices, and associate bodies handed in a full budget statement to the Finance department, with the exception of a particular department, which was a fairly prominent one in the Conference. The department's explanation was that they had a three-year plan that necessitated a three-year cycle budget (Board 2004:29).

To make matters worse, the episcopal chairperson of that department said he had no knowledge of the missing budget or of his department's excuse (Board 2004:29). Neither was the current coordinating secretary present at the board meeting to clarify the bishops' questions in this regard (Board 2004:29). "Not acceptable," and "Unjust!" protested two bishops. The board ruled subsequently that the department had to submit their complete budget in less than a month (Board 2004:29).

It was clear that communication between some bishops and Conference organs left much to be desired. There might be a structural weakness that allows little effective contact with bishops, or no contact at all (cf. SACBC 2004b:13). This understandably leads to problems in communication: some bishops may know very little of what is happening in, for example associate bodies, and from sheer ignorance criticize that particular Conference organ's activities.

Reaction at the August 2004 plenary session to Siyabhabha's report provided insight into the knowledge and experience bishops have of Conference organs. Bishop Fritz Lobinger, bishop emeritus of Aliwal diocese, maintained that some structures of the Conference were very strong at the top level, but became weaker further down (Plenary 2004:47). Lobinger lamented the fact that there was little evidence, for example, of Siyabhabha's work at local diocesan level. However, in reaction to Lobinger's lament, Bishop Edward Adams of Oudtshoorn stated that in the Western Cape development is progressing as a direct result of the work of Siyabhabha (Plenary 2004:48). A different situation means a different degree of involvement, and necessarily, a different appreciation of its work by individual bishops. Lobinger queried Siyabhabha in ignorance, since it was not active in Aliwal diocese, while Adams praised it since he knew Siyabhabha's work in Oudtshoorn diocese. It also points to the as yet limited extent of Siyabhabha's work in the Conference area.

It is a fact, according to Dorelle Sapere, Director of Siyabhabha, that a Conference organ has a stronger voice if its representative bishop is on the administrative board, as in the case of departments (Sapere 2004).

A lot would therefore depend on the relationship of such an associate body with the secretary general. This relationship is enhanced through physical proximity. Many of the Conference organs do not have offices in Khanya House, among which are LCCL-SA, PMS, CIE, and REAP.

Siyabhabha, with its office in Khanya House, managed to get Archbishop Lawrence Henry and Bishop Kevin Dowling of Rustenburg on its board in addition

to its one liaison bishop. With each bishop Siyabhabha's lobbying power with the Conference undoubtedly increased.

Siyabhabha, like other associate bodies still enjoys a fair amount of independence. Father Vincent Brennan, Associate Secretary General at the time of this research, conducted a canonical study of the effectiveness of Conference in 2000. Accordingly, associate bodies were more effective than departments because of higher autonomy and financial independence (Brennan 2000:23). Such autonomy and independence differ from one organ to the next in real terms.

An associate body like Siyabhabha is far more independent than the Southern African Council of Priests (SACOP). At the August 2004 plenary session Siyabhabha was, as a result of huge funding and a proven 'channeling' record, an organisation that handled over R10million. They were financially secure (SACBC 2004a:68). In sharp contrast, SACOP, an association that barely scrapes by and depends on diocesan bishops for funding, had to beg the bishops at the January 2005 plenary session to increase the subscription of their priests from R30 to R50 (Plenary 2005:19). Frankly, SACOP can do precious little should a bishop choose not to pay or withdraw his priests completely. In fact, Cardinal Napier (2005) recalled how some bishops withdrew their priests from SACOP because they were unhappy with the Council's management style. The priests from some of these dioceses have not returned to SACOP, even if the problem was resolved in the mean time.

2.3 Conflicting direction

It is not surprising that there are questions about the direction that many Conference organs take. While bishops should take the blame for their ignorance about some Conference organs,¹⁹ they often have strong views on the focus of the organs they do know.

One bishop had very critical comments on the focus of the Justice and Peace Department:

Justice and Peace is very big on international issues. But in our dioceses, people are not very interested in global issues. What bothers them are questions such as: does a teacher do his job, and the police, and public servant? Do they do what they are supposed to do? What would be a father's response to his children asking him these questions? We are not talking about these issues – why not, Justice and Peace? (Board 2004:16)

This is not the view of a stray bishop. Bishop Herbert Bucher already tabled this sentiment in a small group working session at the August 2004 plenary session when bishops were asked to identify issues for pastoral reflection. The small group for which Bucher reported back stated that the Justice and Peace Department was good with issues at macro-level, but not so in practical matters at local level (Plenary 2004:3).

Only a complete overhaul and even renaming of the Justice and Peace Department would satisfy Bishop Hugh Slattery of Tzaneen, for it is completely out of focus (Slattery 2005). Justice and Peace should have taken a stronger stand in support of the bishops during the debate on the liberalisation of the abortion legislation of many years ago. Instead, they were “absolutely lukewarm” (Slattery 2005).

¹⁹ Some bishops confessed that they had never been to Khanya House.

Archbishop Buti Tlhagale grumbled about the fact that most employees and members of Conference organs were not trained in the mind of the Church, no matter how competent and professional they may be in dispensing their specialised tasks in those organs (Tlhagale 2005). Most had no training in the Church's history and doctrine. Consequently, a department like Justice and Peace might feel that the treatment of women in the Catholic Church leaves much to be desired and create a gender desk to address the issue. But

in terms of understanding the history, the aspirations of women in the Church, you would also need to be a theologian to know why women are excluded, if you are going to try and fight their cause. And they don't know that. All they know is that this is a male-dominated Church, but they do not have the theological grounding as to why we think the way we do, in order to be able to challenge us on our own grounds, on our own turf. They are not on our turf and therefore are unable to be effective, and that's how the Conference works most of the time: with lay people who are willing and capable, but not trained in the right field. That is a weakness of Conference (Tlhagale 2005).

Because the specific Conference organ does not know the mind of the Church fully, bishops become inept spokespersons of the Church when responding to issues of the day.

We don't react to them. We are not competent to react to them. It depends on our – if you call me and say, what do you think about this piece of legislation, I am going to get to my gut feeling or to my general understanding of the Church's position, but it will not be a thoroughly informed reaction. Because of this lack of expertise, our reaction to issues is very limited (Tlhagale 2005).

2.4 Episcopal musical chairs

Every sixth year the bishops elect the Troika, i.e. the president of the Conference, and its first and second vice-president, and one or two days later, the chairpersons and additional members of departments (SACBC 2005a:49).

While this provides for the widest possible application of a bishop's abilities and talents to Conference organs, it renders them unstable in terms of focus and episcopal commitment. Some bishops seem to cast their commitments and interest in the work of Conference organs fairly wide, while others reserve themselves and most of their energy for their own dioceses.

Bishop Kevin Dowling, who referred to elections in the Conference as the celebration of musical chairs (cf. Brennan 2000:33), appears to be one of the much sought after bishops in Conference organs. Dowling had been the episcopal chairperson of the Justice and Peace Department (cf. SACBC 2001c:12) for a number of years, but was voted in as vice-chairperson of the same department at subsequent elections (cf. SACBC 2004b:12). He is currently also second liaison bishop of the AIDS Office, as well as third episcopal representative on Siyabhabha Trust (cf. SACBC 2004b:13). In all three these Conference organs he is a pro-active worker. Besides these, other organs use his talent as well. CIE, of which he is the episcopal representative, secured his services as keynote speaker at the 2nd National Catholic Schools Congress in 2004 (CIE 2004b:36-50).

Bishop Dowling, who could not boast of good health all year round, is not unique in this regard. Some bishops do spread themselves thinly, but precisely this fluctuating commitment of bishops, coupled with other factors, necessitates the frequent change around of bishops in Conference organs (Pieterse 2005). This optimism is not shared by Father Brennan (2000:34), who saw in the changing episcopal personnel of Conference organs the possible reason for the failure of some of these organs. "They were headed by bishops who put down their names

for a portfolio for which they were not qualified or in which they had little interest” (Brennan 2000:34).

It seems an organising secretary with a strong hand who is able to inspire the staff and the bishops of that particular Conference organ is indispensable. This is not always the case in a Conference organ. Lenten Appeal, for example, is one Conference organ which recently had three directors in three years. By the end of the observation period, the third one still held.

3 SACBC-Holy See relations: from sons to brothers

The language in the telegram correspondence with the Vatican is a possible indicator of the self-understanding of the Conference vis-à-vis the pope.

In 1957 the bishops at the Mariannhill plenary council, as they called it, sent the pope a telegram expressing the bishops’ “filial love and devotion to His Holiness, the Pope” (SACBC 1952:4). The wording here – ‘filial’ – implies a father-son relationship. The same applies vice-versa. Cardinal Montini, later pope Paul VI, an official in the Secretariat of State, replied on behalf of the pope who imparted his “paternal apostolic blessing” (SACBC 1952:15) on the Southern African bishops. A similar relationship underpins a letter dated 18 June 1957 from the Secretariat of State on behalf of the pope. The bishops are assured of the pope’s “paternal interest” (SACBC 1957:4).

By the seventies, when the bishops of the world had begun to reflect on their relationship to each other and the pope as bishops' conferences,²⁰ this tone disappeared completely. The 1976 plenary session telegram to the Holy See reads as follows: the SACBC gathered in plenary session "sends assurance devotion asks for prayers for guidance" (SACBC 1976a:24). Secretary of State, Cardinal Villot responded:

Deeply thankful to you and to Southern African Bishops' Conference for your kind message. His Holiness prayerfully calls on the Holy Spirit to enlighten and strengthen all participating in work of this session. Praying for the success of all your efforts on behalf of the Gospel, the Holy Father cordially imparts his **Apostolic** blessing (SACBC 1976a:25, my emphasis).

The relationship now is perceived as one between brothers. In 1980, when Pope John Paul II still positively alluded to collegial consultation,²¹ the bishops sent a message of "fraternal love" to the pope on the occasion of their plenary session. The Secretary of State responded with assurance of the Holy Father's "fraternal affection" (SACBC 1980:25). The message sent to an ailing pope John Paul II from the February 2005 plenary session simply wished him "warmest greetings," and assured him of the bishops' prayer "that the Lord's wisdom guide" him in his personal life and leadership of the worldwide Church. There was no asking for his paternal blessing and no assurance of their filial devotion (SACBC 2005d:1).

²⁰ The 1969 synod reflected on this very theme.

²¹ Pope John Paul II addressed the bishops of Latin America, who gathered as members of CELAM (Episcopal Conferences of Latin America) in Rio de Janeiro in July 1980 and the bishops of Brazil, where he talked in glowing terms of the unity between pope and bishops, especially in turbulent times (see SACBC 1981:22).

4 Synod of Bishops

4.1 A description

4.1.1 History

At Vatican II Archbishop Silvio Oddi, nuncio to the United Arab Republic (Egypt, today), later cardinal and prefect for the Vatican Congregation for the Clergy, tabled a proposal on 9 November 1959 of establishing a central governing body of bishops, a consultative body that would be a 'Council in miniature' (Holy See Press Office 2001). A council, which is a formal gathering of all the bishops in union with the pope, is the highest legislative body of the Church. Councils, at least in the Latin part of the Catholic Church, are not convoked regularly. If the same body could be formed without the same physical make-up of all the bishops in the world, meeting in council could become a more regular feature in the Church. In other words, representatives of bishops' conferences instead of all the bishops would meet to discuss current matters in the Church, and to legislate accordingly with the same authority of a general or ecumenical council. The college of bishops with its head the pope, the single holder of supreme governance in the Church, would then come to its full meaning as it would in a council. The council fathers discussed the idea of such a council in Rome meeting periodically but with a permanent secretariat. This council would be more an organ of the bishops of the whole world rather than a part of the papal bureaucracy as Vatican departments are, thought Father Joseph Ratzinger (1966:58), one of the council *periti*. At this council the bishops of the world would meet each other, exchange experiences and so serve the universal Church (Ratzinger 1966:58).

is to discuss the matters proposed to it and set forth recommendations. It is not its function to settle matters or to draw up decrees, unless the Roman Pontiff has given it deliberative power in certain cases; in this even, it rests with the Roman Pontiff to ratify the decisions of the synod (canon 344).

4.1.3 Membership

Participation at synods is synod-specific. In other words, the membership of the individual bishop-participants of the synod of bishops expires at the end of the particular synod. There are a few permanent members, namely the secretary general with his team of assistants. Current legislation on the synod of bishops has altered nothing of its essential make-up. Accordingly, the synod of bishops

is a group of Bishops selected from different parts of the world, who meet together at specified times to promote the close relationship between the Roman Pontiff and the Bishops. These Bishops, by their counsel, assist the Roman Pontiff in the defence and development of faith and more and in the preservation and strengthening of ecclesiastical discipline. They also consider questions concerning the mission of the Church in the world (canon 342).

4.1.4 Types

There are two kinds of synod gatherings, namely the general assembly and the special assembly.

The general assembly deals with issues concerning the universal Church, while the special assembly deals with matters directly affecting a particular region or regions (cf. canon 345). On its part, the general assembly may be an ordinary general assembly or an extraordinary general assembly. An extraordinary general assembly deals with matters requiring a “speedy solution” (canon 346, §2).

Membership varies according to the type of synod assembly (canon 346, §3). So for example would the members of a special assembly of the synod be only those

bishops of the specific region for which the synod was called, as in the special assembly of the synod of bishops for Africa and Madagascar – bishops of this continent would form the major part of the membership.

Bishop-representatives from each bishops' conference in the world would form the membership of an ordinary general assembly, whereas only those bishops with a particular office in the college of bishops would be members of the extraordinary general assembly of the synod (canon 346, §§1 & 2).

Up to the end of October 2005 there had been eleven general assemblies of the synod, two extraordinary general assemblies, and eight special assemblies for the Netherlands (1980), Europe (1991 & 1999), Africa (1994), Lebanon (1995), America (1997), Asia (1998), and Oceania (1998).

4.1.5 The agenda

Participants in a synod suggest themes for a subsequent synod. Topics should be relevant, both in “character and urgency;” to the whole Church; they should be pastoral but doctrinally based, and they should be accomplishable (Holy See Press Office 2001). From these, the pope chooses a specific theme or declares his own and he announces the next synod.

The synods of bishops so far dealt with a variety of issues that were topical or pressing at the time. The first ordinary general synod was held in 1967, just two years after its establishment at Vatican II by Pope Paul VI. It had as its theme the “Preservation and strengthening of the Catholic faith, its integrity, its force, its development, its doctrinal and historical coherence,” while the latest synod, the

tenth ordinary general assembly in 2001 considered “The Bishop: servant of the gospel of Jesus Christ for the hope of the world.” The 2005 synod discussed “The Eucharist: source and summit of the life and mission of the Church.” Appendix 2 provides a list of all the synods of bishops from 1967 to 2005.

As soon as the pope has announced a synod the permanent secretariat of the synod of bishops would then send a document on the chosen topic of the synod with a list of questions, the *lineamenta*, to all the bishops. Bishops, with their theologians and faithful, study the document in the light of their own situation and formulate responses to the Roman questions. An official response is sent to the secretariat of the synod. On the basis of the responses the secretariat draws up a working document, the *instrumentum laboris* that forms the framework within which deliberations will be held in the synod hall.

4.1.6 Procedures in the synod hall

The average duration for a synod is two weeks in plenary session. Each member is allotted eight minutes to speak on a topic of his choice related to the general theme of the synod. This member normally reads the submission of the bishops' conference he represents. During open time a member is allowed to speak for three minutes.

No debate takes place. As John Quinn, Archbishop Emeritus of San Francisco remembered: “The assembly listens passively” (Quinn 1999:112). Official Vatican information on the synod claims the contrary. This phase, it insists, “encourages

an **exchange** of faith and cultural experiences on the synod topic” (Holy See Press Office 2001; my emphasis).

At the end of these two weeks a report, the *relatio post disceptationem*, summarises the key points made by speakers. It is a key moment in the synodal process (*National Catholic Reporter*, 26 October 2001). The relator, whose task it is to draw up and present the summary, bases his recommendation for topics to be discussed in the *circuli minores* (small groups) on this summary. The discussion in small groups is the second stage in the synod process.

The reports of the small groups are submitted in plenary. The groups meet once more to formulate specific suggestions and observations. These are presented to the plenary session. The special secretary then combines these into an integrated list of propositions which are returned to the small groups for discussion and amendment. Each synod father votes on the list of propositions. Afterwards the final list is presented to the plenary assembly who then approves or rejects the propositions by voting. The general secretary then combines this final list and presents it to the pope, who might write a post-synodal exhortation, after the manner of pope Paul VI. This pope started the custom after the 1974 synod with his exhortation on evangelisation in the modern world, *Evangelii nuntiandi* (Holy See Press Office 2001), and John Paul II continued it faithfully.

4.2 The SACBC and the Synod of Bishops

The following subsections show how the SACBC initially participated in the synod with vigilant enthusiasm. Eventually, through a consistent negative collective

experience of the synod and its processes, the Conference's enthusiasm gave way to unbridled indifference.

4.2.1 The 1969 synod – let it be an instrument of collegiality

In the February 1969 plenary session of the Conference the bishops discussed the upcoming first extraordinary general assembly of the synod.

The theme of the synod was “the determination of the responsibility of unity in co-operation between (i) the Conferences and the Holy Father, and (ii) between the Conferences themselves” (SACBC 1969a:19). Archbishop Denis Hurley of Durban, Cardinal Owen McCann of Cape Town and Bishop Joseph de Palma SCJ of De Aar presented papers on the synod theme (SACBC 1969a:19). In the subsequent discussion Bishop van Hoeck OSB, abbot-bishop of Pietersburg, asked that the synod clear the confusion around the subject. For him it was clear that a bishops' conference was not independent “in looking after the welfare of a country” (SACBC 1969a:19). The synod had to clarify and declare if collegiality is actually vested in the principle of the primacy of the pope.

The bishops struggled in their deliberations on the two realities of the primacy of the bishop of Rome and that of the college of bishops, as both of these form the single locus of supreme governance of the Church. The author of the *Minutes* of the August plenary session reported that

Archbishop Hurley said that although it was clearly realised that there is a primacy, the corporate responsibility of the College of Bishops was considered just as important, and he was of the opinion that in the sociological and psychological circumstances of to-day this corporate responsibility must be developed psychologically. It was fully accepted that there were supernatural dimensions, the dimensions of the presence of the Holy Spirit. He was therefore asking for further discussion in order that there may be deeper understanding and appreciation of this corporate responsibility, of the demands it makes upon those who belong to the College, and the still more exacting demands it makes upon the leader of the College (SACBC 1969b:10).

About exchanges with other bishops' conferences, the bishops agreed that for now, the SACBC should rather work towards exchanging views, ideas and decisions with the bishops' conferences of Africa (SACBC 1969b:17). To this end they adopted the following resolution:

The Conference resolves, that in its name, a letter be sent by the President to the Holy Father, thanking him for his visit to Uganda, and, through Uganda, to the whole of Africa; expressing appreciation of the vision of the future of Africa and of its contribution to Christianity, presented in his allocution: and pledging the affection and loyalty of the Conference (SACBC 1969b:35).

Archbishop Hurley summarised the more significant points of the bishops' deliberations (SACBC 1969a:20) as follows:

- Bishops' suggestions for the synod's agenda should be taken seriously (SACBC 1969b:15);
- The consent of the synod should be sought before the pope legislates for the universal church. Synods should be an organ of all the bishops, i.e. of "the Episcopacy as a whole" and not merely a forum of discussion that advises the pope. (SACBC 1969b:16). The synod should be mainly an instrument of the exercise of the collegial responsibility of the bishops (SABC 1969b:12.16). The concept of collegiality should be clarified;

- Major problems in the church should be determined as such on the basis of real consultation with bishops' conferences;
- A permanent commission in Rome should consult bishops' conferences on an ongoing basis.

The bishops “respectfully” submitted these and other points of argument to the secretariat of the synod of bishops (SACBC 1969a:29).

Their submission carried the message that the bishops of the SACBC were going to be no pushover; that they were going to be a force to be reckoned with. This attitude defined their preparations for the 1974 synod.

4.2.2 The 1974 synod – expecting something better

In preparation for the 1974 synod, with the theme ‘Evangelisation in the Modern World,’ Archbishop Hurley emphasized the necessity of properly defining and understanding the aim of the synod in a well-prepared and simple, yet powerful paper (SACBC 1974a:78).

If the aim, Hurley said, were to define and introduce new ideas or a new theological understanding on evangelisation, the synod would be a futile exercise. “After long and frustrating experience in the Church,” he said, “we should know that in such cases the practical results are deeply disappointing” (SACBC 1974a:79). New ideas take a long time to settle in the minds and actions of pastors and people in the Church, said Hurley, and are often received with much suspicion initially. If the synod aimed at searching and finding new practical ways of evangelisation in the pastoral practices of the Church, it would be a most useful

synod for the whole Church indeed. “The demands of the practical must dominate all thinking, planning and formulating...” and the aim of the synod should be clearly defined as a practical, pastoral aim, Hurley insisted (SACBC 1974a:80).

The input showed a pastor speaking, one who was keenly aware of the needs of the Church at its most basic level. It so impressed the bishops that some insisted that Hurley’s paper form the core of the Conference’s official submission to the synod (SACBC 1974a:7). In addition, Hurley and Archbishop Joseph Fitzgerald OMI, of Bloemfontein and vice-president of the Conference, were elected delegates to the Synod (SACBC 1974a:38).

The bishops were clearly unsatisfied about the mere consultative and therefore restrictive nature of the synod of bishops. In February 1974 they adopted a bold resolution that “members of the Synod be granted a deliberative vote” (SACBC 1974a:39). When the president of the Conference reported a few months later that the secretariat of the synod had not received the Conference’s submission the bishops encouraged the delegates to “bring up the matter of deliberative vote ... ‘viva voce’ in the course of debate in the Synod” (SACBC 1974b:24).

This intention was smothered on the eve of the synod when the president received a reply from the pope to this matter which led the Conference’s delegates to agree not to pursue the issue at the synod (SACBC 1975:5). In truth, according to Fitzgerald, the Vatican Secretariat of State reacted rather sharply to

their demand that bishops participate in setting the synod agenda (SACBC 1975:9).²²

The 1974 Synod was a failure, if one were to summarise the report of the delegates (SACBC 1975:17). It failed, firstly, because synod members did not know exactly where their discussions and debates were going. While the bishops at synod knew they were merely consulted, they did not know how that consultation actually took place and if they were only expected to produce a document. Secondly, partly due to the concerns resulting from the theme, the synod was doomed for failure. The concerns and interests of the synod fathers among others varied from the lay apostolate, basic Christian communities, family life, pastoral councils, priests' councils, the media, ecumenical and inter-faith dialogue, youth, and the role of women and their rights. There was not the slightest hope that each would be dealt with "even superficially" (SACBC 1975:81).

Fitzgerald reported that one "came from the Synod with the realisation that they had said nothing at all especially when confronted with practical problems of today" (SACBC 1975:17). Bishop van Velsen OP of Kroonstad reacted angrily to this rather glum report, insisting that this "was one of the reasons that we had no vocations. It was not worthwhile for young people to come to such a church. One expected something better from the Synod" (SACBC 1975:18).

²² While in Rome for the synod, the two delegates were invited to the Congregation for the Doctrine of Faith for a "consultation" on all the matters resulting from the *Pastoral Directive on Family Planning* (SACBC 1974c), which the bishops approved in their 1974 August plenary session.

started. Careful attention to the debates of the synod would help finalise the outcome of the synod. This manner of 'doing' synod would develop collegiality, because synod would then be "a forum for effective debate and exchange of ideas and information among the bishops of the world" (SACBC 1985:42).

If the synod structure continued to weaken, as it had been since its inception, there was a real danger, they warned, that regional groupings in the Church would settle issues in dioceses and consequently either stifle diocesan initiative, "or overload the diocesan bishops with extra work and responsibility on behalf of the group" (SACBC 1985:42).

In this researcher's opinion, this response was undoubtedly crafted on Archbishop Hurley's genius, for it played on the old fear, clearly bandied about at Vatican II when the council fathers with the young Hurley in their midst, discussed collegiality in terms of bishops' conferences. At play here is the reservation of many that bishops' conferences as an intermediate power bloc would encroach upon the powers and prerogatives of the two centres of supreme power in the Church, namely the pope and the individual diocesan bishop. Hurley and the bishops had to know that this would strike a raw nerve, and, to use language dear to Hurley, that they could take a wicket by getting a substantial acknowledgement of the power of bishops in synod. But the other team outclassed them as we would see in the following section.

4.2.4 The 2001 synod – a waste of time

Archbishop Buti Tlhagale attended the 2001 synod on "The bishop" as one of the Conference's delegates. The SACBC recommended, by now as if by custom, that the synod should truly become a consultative body and that this consultation must be real and not merely ceremonial. The bishops who participate in the synod should have a deliberative vote (Tlhagale 2005). Again, as if by custom, it came to nothing.

For Tlhagale, the synod proved to be a frustrating experience. The Conference, said the young bishop Tlhagale (2005), should not send young bishops to the synod, for "they are useless." He continued:

Because Conference is frustrated with synod, they would therefore send raw, inexperienced people, who are going there for the first time, and what contribution can they make? Very little, except the statement from their own conference. That's what I did. I read the statement from our Conference. But you can't argue with authority. You are too young. You are there with bishops and cardinals who are just about in their menopausal age. There is no way they are going to be open to new ideas. You are not coming to change; this system has worked for a thousand years. They are not going to change it (Tlhagale 2005).

Tlhagale laid his finger on the crux of the matter. It was the collective experience of the SACBC that synods – because of their weak structure – was ultimately "just a waste of time", to quote Tlhagale's (2005) inimitable words.

4.2.5 Collective experience – we were bulldozed

When Tlhagale maintained that "most bishops [of the SACBC] will not go to synod" (Tlhagale 2005), he was not making a sweeping statement. Most respondents reiterated that synod was a disconcerting experience for various reasons.

Bishop Adams' attendance of the 1990 synod on the formation of priests serves as a real-life example. He admits the only positive experience for him about that particular synod was that for the first time bishops from Eastern European countries were present *en masse*. Their witness about the persecution of the church in their countries behind the Iron Curtain made a lasting impression on Adams, who felt affirmed by their faith and by the universality of the church. For him this was where collegiality became tangible in an unspeakable manner (Adams 2005). Bishop Frank Nubuasah of Francistown, who went to the 2001 synod, agrees:

It was a great experience of the church being universal. The one who was sitting on my right was French speaking and I could speak very little French. But each time we met, we embraced. Despite my little French and his knowledge of one or two words in English, we tried to communicate... Language barriers did not matter much. For me that was the positive side of it: that the leaders of the church from all over the world were sitting there discussing an issue. From me that was the greatest point of it (Nubuasah 2005).

But that was where the significance of the synod ended, for ideally the “synod should be able to make binding resolutions”, but it did not (Nubuasah 2005).

Moreover, the manner of debating was extremely frustrating. “There is no interaction, just speeches. They call it debate”, said Nubuasah (2005). Adams did not appreciate sitting through two weeks of speeches. For him the whole synod became a mere talk shop (Adams 2005). For Bishop Lobinger the speeches were pointless (Lobinger 2005). As is the Roman custom, he said, debate has a meaning completely different to the Anglo-Saxon understanding of it. For the Romans it means people get up to give speeches, one after the other, and debate is thus considered to have taken place. There is no interaction between speakers

or groups of opinions or schools of thought, said Napier (2005). As Nubuasah (2005) contended, “It’s just speech after speech,” no arguing, no interaction.

Bishop Coleman, who attended the 1990 synod with Adams, had the same views. He is convinced of “the validity of the claim” that the synod was a mere talk shop (Coleman 2005). In addition, Coleman insisted that synods have been emasculated in terms of what they were intended for – mutual consultation and advice. He felt that the outright restriction on the discussion of ‘taboo’ subjects, such as the priestly ordination of *viri probati* (proven men) in a situation where the church experiences a dire need of priestly vocations, was completely counterproductive to dialogue in the synod (Coleman 2005).²³

Lobinger was convinced that the working document – a product of the bishops’ conferences around the world – was completely ignored in plenary sessions and the themes of small group discussions at the synod (Lobinger 2005). In addition, the chairpersons of the synod sessions were jealously controlling every aspect of interaction between bishops. Even in the small groups these men determined what should be discussed and ruled out what should not be discussed (Mvemve 2004). “We were bulldozed,” concluded Lobinger (2005).

While bishops vigorously discussed the application of the ‘pastoral solution’ at the 1980 synod and voted in large majorities on what they deemed important regarding the family, none of it was included in the final records of the synod

²³ The bishops of the SACBC will never quite leave alone the taboo subject of the ordination of *viri probati*. Not only has one of them written a monograph on the subject, mapping out the preparation for the day when the go-ahead for the ordination of such men will eventually be given (Lobinger 1998), but Bishop Adams insisted that *viri probati* be brought to the table of the 2005 synod - again (Plenary 2004:36).

according to Bishop Dowling, nor was it included in the post-synodal exhortation of Pope John Paul II, *Familiaris Consortio* (Plenary 2004:4). Coming to a decision on the application of the pastoral solution was a grave pastoral matter “that we should be responding to, but we are prevented from doing so. We cannot, because our powers to do so have been taken away” (Plenary 2004:4).

A sad consequence is that the bishops do not seem to take preparation for synods very seriously, as Bishop Edward Risi, OMI, of Keimoes-Upington diocese pointed out (Risi 2005). He regretted the scant attention the SACBC gives to synod preparation. “It is almost as if the Conference has only time for its own issues and does not give much attention to issues of the universal church,” said Risi (2005). Bishop Hugh Slattery attributed the meagre attention, the lack of confidence and the unwillingness of bishops to the fact that “you know that somewhere down the line you are not taken seriously” (Slattery 2005). Though he never attended any synods, he does not regret it, he said.

Only two bishops among the respondents, Bishop Louis Ndlovu of Manzini and Archbishop Lawrence Henry of Cape Town, had no negative experiences at synods. Except for the Latin in which all announcements were made (Ndlovu 2005), and the short time given for speeches (Henry 2005) both men were happy with synod on the whole. The views of these bishops, based on their positive experience, are a truly discordant note in the chorus of SACBC discontentment.

In this regard Archbishop Henry and Bishop Ndlovu were in good company. Pope John Paul II wrote in his post-synodal exhortation *Pastores Gregis* after the 2001 synod that the synod is an expression of true co-responsibility of bishops united

with the head of their college. Their vote, even if it is consultative, expresses “their participation in the governance of the universal Church” (PG 58). Indeed, through the synod of bishops, continued John Paul II, “concrete expression is given to the spirit of collegiality and the solicitude of the Bishops for the good of the whole Church” (PG 58).

Excursus 7: Universal disgruntlement

It is not as if the bishops of the SACBC are the only ones frustrated with the nature and processes of the synod of bishops. Discontent with this issue is a universal phenomenon.

Much seems amiss with the synodal procedure in its current form. Asked to comment on the present synodal procedures, Cardinal Joseph Ratzinger, Prefect of the Congregation for the Doctrine of the Faith in 1994, replied that the method is somewhat ritualised. “It guarantees an agile rhythm in the working sessions, but it has the disadvantage that a genuine discussion between the bishops participating is not possible” (Zenit, 22 February 2004). In addition to those hitches with synodal procedure mentioned in the previous sections in interviews with members of the SACBC, the following examples suffice to illustrate Ratzinger’s view.

The *relatio post disceptationem* represents a key moment in the synodal process. In this summary of the two-week long deputations, or speeches by members, the relator points out the key issues for the synod, and indicate the themes for discussion in the small groups. But, as *The Tablet* (9 May 1998) reports, this *relatio* may in fact have been completed before the end of all the participants’ speeches. That is why the *National Catholic Reporter’s* John Allen insists that it “is the first clear hint of what spin papal appointees intend to put on the synod’s content” (26 October 2001). Bishop Nubuasah, who attended the 2001 Synod, echoes this. For him it was clear that some things pertaining to what appears in post-synodal documents are decided beforehand (Nubuasah 2005).

US theologian Joseph Komonchak (1986:59), who attended the 1985 Synod on the twentieth anniversary of Vatican II, says that the *Final Report* of that synod is silent about the many problems raised in the initial report and in the many synodal interventions about the problems of collegiality and its practical implementation. Komonchak (1986:59) insists that the report glosses over the debates in the Synod hall, which were very vocal in this regard. In addition, bishops raised their difficulties with synod procedures in several pre-synodal responses to the *lineamenta* and in the oral interventions at the synod. But of these there is no mention in the Final Report (Komonchak 1986:60).

Archbishop John Quinn (1999:11), emeritus bishop of San Francisco, declared that the tendency was to restrict the synod members as far as possible. A prime example of such restriction, subtle yet ominous, was the absolutist and overwhelming role of the pope: the pope calls the synod, the pope determines the agenda, the synod is held in the Vatican and deliberations and recommendations are secret.

Bishop Nubuasah commented on the obstinate use of Latin by Synod chairpersons and assistants at the 2001 synod. For him the overemphasis on Latin contributed to the restrictive nature of the synod: "The chairperson would make announcements in Latin, and he speaks fluent French, English, and Italian. But he said, it was to keep the Latin alive. Then, the documentation was in Latin. The propositions we had to debate before we make final proposals to the pope were written in Latin. So, if you had no Latin, you could not contribute to that process" (Nubuasah 2005). John Allen, reporting on the same synod, repeated this: "The propositions are long and often complex. They are written in Latin, and participants have only a short time to study them before being asked to vote. When final balloting comes, participants are often confused as to what the issue is. The result thus tends to be overwhelmingly positive" (*National Catholic Reporter*, 9 November 2001).

In conclusion, the synod of bishops is an institution that can certainly claim value in sounding out the minds of the different bishops' conferences around the world and in giving the participants a fresh experience of the Church's universality. But it is an institution that lost credibility and continues to be a source of deep frustration for bishops around the world.

4.3 Benedict and the synod

Initial signs from Pope Benedict XVI are encouraging, even if only in terms of synodal procedures. He introduced several changes, which took effect with the October 2005 synod on the 'The Eucharist.'

Archbishop Nikola Eterovic, present secretary of the synod of bishops, explained that Benedict had shortened the synod from its present four weeks to three weeks, after bishops complained that they are kept from their dioceses for a whole

month (*National Catholic Reporter*, 8 July 2005). A shorter synod means trimmer speeches within only six instead of eight minutes per speaker. Speeches are also grouped around a specific theme (*Southern Cross*, October 19 to October 25, 2005).

Benedict also added an hour's work to the synod's day. At the end of each day there is an hour of free or open discussion where synod members would have a three minute speaking time each. This free session is designed "to facilitate a more open and lively exchange of opinions at the synod" (*Southern Cross*, October 19 to October 25, 2005).

Twelve ecumenical observers (previously six) will now also participate in the small group discussions.

Twelve members of the synod, of whom eight are elected by the assembly and four appointed by the pope, write the final message of the synodal assembly. While this message is published, the final propositions of the synod remain confidential.

However, already the October 2005 synod, even though credited with frank discussion on issues, has drawn some criticism from one observer. Francis Moloney, an Australian Salesian priest from the Catholic University of America, and member of the International Theological Commission, the main advisory body to the CDF was disappointed at the "relatively low level of theological reflection" at a synod presided over by the "superb theologian" Pope Joseph Ratzinger is (*National Catholic Reporter*, 21 October 2005). Synod participants, he said,

tended to focus the discussion on rites, rules, and practical matters, which produced “a fairly mediocre level of discussion among the bishops about ultimate theological and pastoral issues” (*National Catholic Reporter*, 21 October 2005). But that was to be understood, said Moloney, because the bishops of today’s church are forced to handle huge administrative matters, including the consequences of sex scandals of some of their priests.

5 Regional episcopal bodies

The Conference’s relationship with bishops’ conferences in the region is formally expressed in two bodies of bishops’ conferences, namely the Symposium of Episcopal Conferences in Africa and Madagascar (SECAM) and the Interregional Meeting of Bishops of Southern Africa, IMBISA.

5.1 Symposium of Episcopal Conferences in Africa and Madagascar

SECAM was formed during the Second Vatican Council through a spontaneous meeting of bishops from Africa and Madagascar who discussed council issues in order to “bring African perspectives to bear” on the council (SACBC 2004b:70). The Congregation for the Evangelisation of Peoples, popularly known by its old name Propaganda Fide, convened a more formal meeting of these bishops, and from these meetings SECAM developed eventually. All African bishops’ conferences have a seat in SECAM.

The main purpose of SECAM, as they said at the time, was the “exchange of information which would enable each Conference or country to take specific appropriate action” (SACBC 1978:24). The meetings of SECAM created “greater

IMBISA therefore aims to establish and maintain a measure of contact among the bishops of the region, so they could consult on pastoral matters and other issues of common concern, including the movement of peoples between their countries (SACBC 2004b:80). The plenary assembly, the supreme authority of IMBISA, meets every three years. IMBISA is the only regional association of bishops' conferences in Africa that uses two languages, namely English and Portuguese.

The general secretariat is currently situated in Harare, Zimbabwe (SACBC 2004b:81).

5.2.2 What are they saying about IMBISA?

There is a fair amount of scepticism among the bishops of the SACBC about IMBISA. That scepticism is based mainly on the absence of IMBISA and its programs in any individual bishop's immediate context, his diocese. The more contact a bishop has with the programs and sessions of IMBISA, on the contrary, the quicker this scepticism is replaced by a significance of this body for him and his diocese.

Six out of twenty bishops, 30% of the respondents, were convinced that IMBISA served no purpose or that it has very little advantage for a local bishop and his diocese and that it is not really productive. Bishop Adams (2005) questioned the need of "these superstructures." IMBISA just "sends you all kind of papers ... stuff that you just throw away" (Potocnak 2005). While it was interesting to meet bishops from the region through IMBISA, its only redeeming feature (Adams 2005), Bishop Hecht (2004) remained convinced that 'we could do without it.'

Bishop Risi (2005), who attended only one session of IMBISA “did not enjoy it nor did I find in it any resonance with my pastoral role of bishop.” Bishop Rowland (2005) felt IMBISA had “very little advantage” for him. Bishop Lobinger (2005) remarked that “most of us experience it as a waste of time, and it is not really productive.”

Most respondents, however, 70% in fact, were manifestly more positive about IMBISA. For them IMBISA provided an overall picture of all the important pastoral and socio-political issues in the region. As such it is an instrument for the church to define its role in the region (Ndlovu 2005; Tlhagale 2005). In fact, when the situation in a country in the region became politically complicated for a bishops’ conference, IMBISA could take pressure off local bishops’ conferences in its relationship with the local government through its assistance and statements from a centralised office (Hirmer 2005; Slattery 2005).

Initially there was much suspicion from the Portuguese-speaking bishops over the political motivations and the general pastoral style of the South African bishops because of the war and the pastoral and liturgical orientations of the two language-groups (Coleman 2005; Lobinger 2005; Hirmer 2005). This suspicion gradually disappeared, largely through living contact with the bishops in the region in plenary session meetings (Daniel 2005; Henry 2005) as well as the involvement of the different bishops’ conference members in the standing committees over the years.

One reason why the impact of IMBISA, as well as its growth and development have not been felt so vividly by the bishops of the SACBC, is the fact that the

SACBC was always big enough – in terms of size, capacity, and virtually everything else (Nubuasah 2005). Because of this the other bishops of IMBISA have great respect for the SACBC. They “think we can do a lot” (Nubuasah 2005), and therefore they look to the SACBC for leadership in the region.

Many bishops and other workers of the SACBC have been serving in one or other capacity since the inception of IMBISA, among who were Archbishop Fitzgerald, Father Smangaliso Mkhathshwa, Bishop Coleman, Bishop Mvemve and Bishop Ndlovu, the latter who served as president of IMBISA. Archbishop Tlhagale is its current president and Bishop Nubuasah is a standing committee member.

6 Other local Churches and bishops’ conferences

The bilateral relationships of the Conference with other bishops’ conferences in Africa are generally expressed outside the formal structures of SECAM and IMBISA, though not necessarily without their involvement. In 1995 SACBC began to use the Justice and Peace Department “to show concern to Bishops’ Conferences throughout the world which were experiencing repression and persecution” (SACBC 1995a:55). In the first years, they concentrated on Sudan where “gross violations of human rights” took place against Christians in the Darfur region (SACBC 1995a:55).

6.1 Sudan

In the first week of February 1997, as Bishop Louis Ndlovu, president of the Conference at the time reported to the August 1997 plenary session, an SACBC delegation visited the Sudanese Bishops’ Conference. Ndlovu reported:

The conflict is between the Arab North and the South, which is mainly populated by Africans. The conflict is also along religious lines. The Arabs of the North are mainly Muslim and the Africans in the South are mainly Christian. The people of the South are calling for self determination, which is being denied by the government of Khartoum. There is clearly a discrimination against the people of the South. Many of them have moved to Khartoum, fleeing from the civil war in the South, and in Khartoum, they occupy virtually what we would consider as squatter camps in South Africa. There are very few services rendered to the people who are on the periphery of the city of Khartoum (SACBC 1997:52).

In years to come the SACBC would send and receive delegates to and from Sudan. In so doing the Conference maintained its bond of solidarity with the bishops and the people of that country during severely trying times.

The SACBC kept the South African government informed on the situation in Sudan (SACBC 2000b:33-34). In October 2000 the Justice and Peace Department of the SACBC hosted a visit from a Sudan delegation consisting of three bishops, two priests and two laypersons from the north and south of the country. "The aim of this exercise was to expose the delegation to the work and experiences of our Justice and Peace Department" (SACBC 2000a:102). At the January 2001 plenary session the bishops again received a large delegation from Sudan. The Sudanese asked the assistance of the Conference in the form of, among others, a pastoral letter on the situation in Sudan and pressure on the South African government by the SACBC to advance peace in Sudan (SACBC 2001a:28).

The serious nature of the involvement of SACBC with the bishops' conference of Sudan and other church groups is recorded in a publication under the auspices of the Justice and Peace Department, *Five years of Sudan Focal Point* (Ashworth 2004). Author John Ashworth chronicles the involvement of the SACBC and other

church organisations in Sudan from 1999 to 2004 through monthly briefings, briefing papers and reports in that period.

Archbishop Daniel Adwok of Khartoum gave public recognition to these efforts at the First World Congress of Justice and Peace in October 2004 in Rome when he thanked the SACBC Justice and Peace Department “for the solidarity with them over the years” (SACBC 2004e:1).

6.2 Zimbabwe

In his address to the plenary session in January 2001, visitor Bishop Alberto Floro of Zimbabwe expressed the appreciation of the Zimbabwe Catholic Bishops’ Conference for “the support they had received from the SACBC, particularly during the time when Archbishop Ncube was threatened” (SACBC 2001a:16).

According to him, Archbishop Pius Ncube of Bulawayo had received death threats in the run-up to the June 2000 parliamentary elections. This came after the President of that country, Robert Mugabe, attacked the Archbishop, “implicating him in conspiring with [the opposition party] MDC in Matebeleland to promote [the ruling party] Zanu-PF defeat at the polls” (SACBC 2000b:36).

The SACBC had sent a draft statement to the Zimbabwean bishops’ conference for comment before publication in South Africa; they never responded, and “have been generally non-committal” (SACBC 2000b:36), perhaps indicating a wish that SACBC do not become too directly involved in a struggle they had to fight on their own. This is a common response of those bishops’ conferences that are in difficult national positions – statements from other bishops’ conferences may complicate

issues or may just be inopportune at the time. At other times, those bishops' conferences request a statement from another bishops' conference. Thomas Reese (1990:111) summarises the dilemma with regard to the United States' National Catholic Conference of Bishops (NCCB) as follows: The "American bishops never said anything about the 'disappeared', because their offers of assistance were rejected by the Argentine hierarchy" (1990:111).²⁴ They also did not make any statement on the situation in Northern Ireland, since "the Irish bishops have not encouraged one" (Reese 1990:111). Nevertheless the Zimbabwean Catholic Bishops' Conference (ZCBC) kept up relations with the SACBC.

Archbishop Pius Ncube visited Cardinal Napier and other Church leaders in South Africa in July 2004 (cf. SACBC 2004a:73). Bishop Patrick Mutume of ZCBC attended the SACBC January 2005 plenary session where he conveyed greetings from the Zimbabwean bishops. He highlighted the government clampdown on the media, which included a ban on the publication of pastoral letters from the bishops, political violence which included the disappearance and displacement of people in Zimbabwe, and the protracted contact Church leaders had with the president which were all to no effect as the president showed himself *mala fide* (in bad faith) every time (SACBC 2005b:22).

The Conference's bishops reaffirmed their commitment "to engaging with Zimbabwean, Sudanese and other African church and political leaders to ensure a

²⁴ Since 2001 the newest name for the NCCB, which, for many years was known under the double barrel name of its two-tiered structure, NCCB/USCC (National Conference of Catholic Bishops/United States Catholic Conference), is USCCB, the United States Catholic Conference of Bishops (cf. Dolan 2005).

lasting end to Africa's conflicts" in a press statement at the end of the August 2004 plenary session (SACBC 2004a:110). To facilitate this intention the plenary session 'outsourced' this task of maintaining SACBC contact with bishops' conferences elsewhere in Africa with the creation of a separate Conference organ, the Hurley Peace Institute (cf. SACBC 2005a:43).

6.3 Conferences elsewhere

The SACBC was also extensively involved in the independence of Namibia for which the people of that country expressed their gratitude to the SACBC as "the voice of Namibia to the world" (SACBC 1988b:136).

On 10 August 1999 the Conference released a statement on the situation in Rwanda where it appeared that an aggressive misinformation campaign was perpetrated against the Church for its 'non-assistance' of the persecuted during the 1994 genocides. The bishops appealed to the Rwanda government to ensure that justice is done during the legal proceedings against the bishop of Gikongoro (SACBC 1999b:124-125). Since then, contact between the two bishops' conferences is faithfully maintained.

The Angolan situation also came under Conference attention. Bishop Dowling, episcopal chairperson of Justice and Peace at the time, met with a Foreign Affairs department on the situation of Angola. While the officials were not very optimistic about a peace process in that country, they encouraged the Church to continue to seek avenues outside government (SACBC 2002:30).

At the 1986 January plenary session the SACBC received a large delegation from the churches of Belgium and Canada. Of course, the stature of the SACBC grew formidably over the years since the late seventies as the situation in the country escalated into one of lawlessness and state murder under apartheid. Bishop Reginald Orsmond, Bishop of Johannesburg and then president of the Conference, acknowledged the fact that the Conference received numerous invitations to other conferences and church gatherings due to the “growing intensity of confrontation in South Africa” (SACBC 1987:30). The task of these delegations was to “provide information and influence public opinion” in their countries (SACBC 1987:30).

The August 1995 plenary session tabled a letter from the Japanese Bishops’ Conference “appealing for solidarity from the Conference in the matter of the abolition for nuclear weapons” (SACBC 1995b:25).

Conclusion

This chapter critically surveyed the structures that execute many of the Conference decisions made in the plenary session and administrative board meeting. Particular types of organs – departments (Justice and Peace), offices (AIDS), and associate bodies (Siyabhabha, SACOP) – were observed and described in order to identify the type of interaction between them and the decision-making structures of the Conference, as well as the bishops’ knowledge and interaction with Conference organs. A mixed picture emerged.

It was found that varying degrees of commitment to Conference organs can be distinguished among the bishops. While some are sought after persons within these organs precisely because of their commitment to the Conference and its work, others keep themselves at a safe distance because of, say, their work in their own dioceses. As a result, it appears commonplace for bishops not to know what happens within Conference organs. It is not surprising then that there should, from time to time, arise conflicts between some bishops and Conference organs about the direction those bodies take. If bishops are stewards of these goods of the church, namely the Conference and its works, their stewardship often appears inadequate.

One is tempted to say that it sometimes amounts to sheer negligence. Certainly, no one wants to have bishops who supervise Conference organs to the extent of suffocating them. Bishops are understandably busy men who all have the grave responsibility of shepherding the faithful of their dioceses. Yet, the grand efforts of some bishops in Conference organs remain invaluable to the life of the Conference. It has to be said that to neglect the Conference, its work and its organs is to diminish the Conference to an irrelevant body that is more a burden to the local church than an asset. If letting the Conference and its organs work is but one aspect of a bishop's solicitude for the whole church, the record of the SACBC is shamefully poor.

Subsequent sections of the chapter provide a critical description and examination of those avenues that facilitate solicitude for the whole church. This solicitude finds expression in relations with the Holy See and other local churches and

What remains, is to ask the question directly – what is collegiality according to the SACBC? Do bishops of the Conference think they are a conference that is sufficiently collegial? This question is dealt with in the next chapter.

Chapter 7

Expressions Of Collegiality In The SACBC

Introduction

The work in the previous two chapters is the result of the observation and examination of the structures of the SACBC, namely their decision-making structures and those structures that execute these decisions. Conclusions regarding collegiality and its quality were derived from this exercise. What follows is a direct question to the members of the Conference: What is the meaning of episcopal collegiality for you? Do you think that your work and relations within the Conference are truly collegial?

From the interviews, questionnaires and *Minutes* of the plenary sessions and board meetings, as well as the observation at those gatherings, specific ideas emerged on the significance of episcopal collegiality for the bishops and their concomitant behaviour. This chapter records members' explanation and thoughts on collegiality and their first-hand experience of it in the SACBC.

Their views on collegiality will be analysed in four sections, using these statements as points of departure: (1) We are in it together, (2) We speak with one voice, (3) We support one other and (4) We engage in common projects.

In two of these sections the Conference is further examined with specific reference to the plenary session and board meeting, particular Conference organs like the Justice and Peace Department, Department for Seminaries, Lenten Appeal Office, and the associate body of the Theological Advisory Commission.

The Lenten Appeal and the Seminaries are two major, continuous projects of the Conference and both most likely to be perceived as direct expressions of the bishops' collegial solidarity. For this reason they will serve as measures of collegiality.

1 We are in it together

Which one of the following comes to mind immediately when thinking about collegiality. Is it the

- (a) feeling of fraternity among bishops? or
- (b) shared governing of the Church? Why?

These questions were put to twenty members of the Conference. While all of the respondents and interviewees pointed to the importance of (a) as an essential part in the bishop's dispensation of his task, seven (35%) indicated it as the only ingredient of collegiality. For ten (50%) respondents, shared governance defines collegiality while three (15%) responded with both (a) and (b).

When asked whether their replies were evident of collegiality in the SACBC, many tended to focus on whether the bishops were more or less united, whether they assisted one another and, especially, whether they generally agreed on matters. In other words, most claimed shared governance as the first thing that came to mind, but fraternity and unity seem to be the defining characteristics of collegiality for them.

This becomes clearer when one studies individual responses. Bishop Edward Adams (2005) of Oudtshoorn holds collegiality to the shared governing of the Church in the college of bishops. However, when asked to give examples of collegiality among bishops of the SACBC, Adams pointed to a united SACBC during apartheid times. Father Stephen Brislin, Administrator of Kroonstad also pointed to the unity of the bishops during the struggle against apartheid (Brislin 2005). Bishop Erwin Hecht (2004) of Kimberley situated his response in the same frame of reference.

Archbishop Lawrence Henry of Cape Town, who also gave (b) in response to the question alluded to unity among bishops in his definition of collegiality as attempts “to be at one with one another” (Henry 2005). “We’re in it together... make decisions together. ... We understand the other one’s perspective, ... we respect the other one,” Henry declared. Cardinal Wilfrid Napier of Durban had practically the same view. For him the starting point and the basis for collegiality is the feeling among bishops that they are together (Napier 2005). Bishop Joseph Potocnak (2004) of De Aar equalled collegiality to ‘good relationships’ among bishops. Bishop Zithulele Mvemve (2004) of Klerksdorp expanded on these examples with: “If a bishop is in trouble they will not just leave him alone.” This is a clear indication that to many, if not all bishops, collegiality is expressed in the support of and advice they give to one another.

These replies speak for many of the respondents and interviewees who all cited times and events when bishops were united with each other as examples of

collegiality and times when they were united within an atmosphere of fraternity and in solidarity with one another.

Respondents said there was no collegiality among bishops when they could not agree on something, when there was a breach of agreement, when there was no united action as a result of this breach or when they failed to support one another.

But according to Archbishop George Daniel of Pretoria these occasions were few and far between. Asked to give an example, he pointed to “the misunderstanding caused by one diocese deciding to open a diocesan seminary having decided **unilaterally** to opt out of participation in the inter-diocesan seminary system” (Daniel 2005; my emphasis). He was, in all probability, referring to the Cape Town Archdiocese that unexpectedly withdrew its students and staff from all Conference seminaries in 1999 and established its own seminary. Surprisingly, Archbishop Henry also quoted the same incident as an example of non-collegiality, but from another angle (Henry 2005). When Henry decided against all odds to go ahead with the withdrawal of his students from the Conference system, the bishops, Henry said, failed in their collegial support when he stated his reasons for this decision in a “Collegial Concerns” session. Instead of getting their support in a lonely decision, he felt alienated. “I felt very much alone at that time. Nobody saw my perspective at all. They didn’t appreciate it as a matter of conscience” (Henry 2005).

Bishop Frank Nubuasah (2005) of Francistown, who attended the plenary session for the first time in 1999, also described this lack of support in a “Collegial

Concerns” session for a distressed bishop – whom he did not name – as an example of failed collegiality:

He stated his problem and nobody spoke. And that was my first meeting. I was so down. I couldn't say anything, I was new. I did not know the history, the background, so I kept quiet. Afterwards I caught up with him, and he told me he was very disappointed. And I said, I felt for him, I told him what I told you now. ... That was my first experience, a disappointment in collegiality.

Bishop Potocnak (2005) thought of non-collegial behaviour as criticising another bishop. It would almost be like a personal attack, which is very rare, said Potocnak (2005). For Bishop Hecht (2004) non-collegiality manifests itself when there are different opinions that are equally very strong.

2 We speak with one voice

Bishop Adams (2005) gave another example of collegiality among the bishops as demonstrated in the abortion (SACBC 1990a) and AIDS (SACBC 1990b; SACBC 2001b) statements. What he emphasized here was the fact that all the bishops agreed on these two matters and that this agreement is expressed in SACBC statements and letters. This was also true for Father Emil Blaser OP, former Associate Secretary General of the SACBC, who claimed: “That is where they exercise their collegiality, in the drawing up of and agreeing about statements and pastoral letters, talking about it, discussing it, and agreeing” (Blaser 2004). Again, the real issue Adams and Blaser pointed to was unity, more particularly, the ability to agree on a text that would bear the name of the SACBC.

Some members, Bishops Adams, Hecht, Mvemve, Ndlovu, Coleman, Rowland and Father Brislin often quote the example of a united stand against apartheid as the indication *par excellence* of collegiality among the bishops of the SACBC.

For Bishop Louis Ndlovu of Manzini an example of non-collegiality among bishops was the time when they could not agree completely on their statements regarding sanctions against the apartheid government of South Africa (SACBC 1986:16-21) and on condoms. The bishops differed, but “the majority won, and the other bishops just had to follow”, said Ndlovu (2005).

A more explicit example of bishops disagreeing in public takes the reader back to the 1960's. Archbishop Hurley addressed the South African Institute of Race Relations on 16 January 1964 as its new chairman. In his lecture, which *Southern Cross* published in a five-part series, he lashed out at white Christians in South Africa, showing in a thorough but long and dense argument how apartheid was an evil force that refused to recognise the God-given human dignity of all people and the apartheid policies went against the grain of Christian love.

Apartheid is a challenge to a crusade of love, of love bursting through the shell of old fears and prejudices to meet the love that has been waiting all these years in the hearts of Africans and Coloureds and Asians, love withered by interminable delay, love almost extinguished by disappointment and despair, but love that still survives and hopes and waits for the day when Europeans will be Christians at last (*Southern Cross*, 19 February 1964).

He warned that the “day of reckoning is bound to come. White South Africa must decide whether it is to be a reckoning of revenge or of fraternal recognition” (*Southern Cross*, 19 February 1964).

Archbishop W.P. Whelan OMI of Bloemfontein reacted to Hurley's lecture in an interview in the *Southern Cross*. He declared that there was

no teaching of the Church in opposition of the idea of a State composed of a number of national or racial groups, maintained in their separate and distinct identity by the State of which they form a part (*Southern Cross*, 19 February 1964).

Therefore, said Whelan, the South African situation, “despite its defects, is stable, secure, and full of prospects for future development” (*Southern Cross*, 19 February 1964). Whelan, director of the SACBC Department of Press, Radio and Cinema at the time, believed

that when one considers a country’s socio-political future it must always be against the background of its economic possibilities. In this respect South Africa offers unrivalled possibilities, unequalled anywhere in Africa. For this reason I foresee a happy issue out of our current social and political difficulties, including those arising from the multi-racial character of our society (*Southern Cross*, 19 February 1964).

Naturally, all hell broke loose. There was heavy press coverage of the Whelan position.²⁵ Archbishop Owen McCann of Cape Town, chairman of the SACBC, reacted immediately by saying that Whelan’s views were his own and not those of the Conference. Whelan, however, stood by his statement, yet admitted that his statement was not made on behalf of the Conference (*Southern Cross*, 26 February 1964).²⁶

²⁵ *Southern Cross* (26 February 1964) listed the headlines of dailies, as follows. *Cape Times*: R.C. Church outlines its attitude to S.A. racial issues. *Die Burger*: Gunstige Roomse oordeel oor S.A.L. Veilige, stabile (sic) en hoopvol (Favourable Roman judgement on S.A.: Safe, stable and hopeful). *Rand Daily Mail*: R.C. policy does not oppose separation – Archbishop. *Die Volksblad*: “Gelukkige oplossing” vir S.A.: Katolieke leier oor ons rassekwessie (“Happy solution” for S.A.: Catholic leader on our race question). *The Friend*: Archbishop sees happy end to S.A.’s problems. *Die Vaderland*: Kan apartheid nie bloot as onchristelik verwerp, se aartsbiskop (Apartheid cannot simply be rejected as unchristian: one man, one vote not always desirable, says archbishop).

²⁶ The *Southern Cross* (26 February 1964) list continues: *The Star*: Two archbishops comment: Whelan’s apartheid view not Church’s. *Cape Argus*: R.C. apartheid statement poses riddle: Church view or not? *Cape Times*: McCann says Whelan’s race views not those of R.C. bishops. Whelan: replies were not only personal. *Die Burger*: Verklaring was amptelik, se Whelan: skerp reaksie uitgelok (Statement was official, says Whelan: sharp reaction evoked). *Die Transvaler*: Twis dreig oor apartheid: Roomse biskoppe bots. (Strife threatens over apartheid: Roman bishops clash). *Rand Daily Mail*: Hurley, McCann says view not official: Whelan stands firm: archbishops differ on apartheid. *The Rhodesian Herald*: R.C. Archbishop’s views of apartheid cause alarm. *Cape Argus*: Whelan did not speak for R.C. bishops. *Rand Daily Mail*: Whelan shocks laity: condemnation of apartheid wanted: clergy fear effect on Africans. *Natal Mercury*: Future bright says archbishop. *Daily News*: Disagreement on whether it is official: R.C. hierarchy to meet on “race” statement. *Diamond Fields Advertiser*: Statement not in private capacity – Archbishop. *Evening Post*: Whelan shocks Catholics: apartheid views not those of Church.

In a column entitled "A Layman's Log" in *Southern Cross* (26 February 1964) the author commented that the Whelan statement presented a test case for the collegiality of the bishops. The faithful are used "to hearing the Church speak with one voice" and Whelan caused much confusion. *Southern Cross* (4 March 1964) discontinued reporting on the matter "in accordance with a directive received."

Excursus 8: SACBC and apartheid

The Conference's contribution to the struggle against apartheid is documented in detail elsewhere, among others in a general and indirect manner in Prior (1982), and in an excellent way from the vantage point of the Conference itself, in Abraham (1989), and in a documentary history in the series *The bishops speak*. The SACBC also made a submission to the Truth and Reconciliation Commission on their role in the apartheid struggle.

The following paragraphs isolate a few entries in the *Minutes* over the years in order to show how other bishops' conferences and the Holy See saw the SACBC in their contribution to the struggle.

In the 1978 plenary session the bishops were commended by the Holy See for the three statements they issued as a Conference in 1977 (SACBC 1978:22), namely "Statement on current situation and citizen rights of Blacks" (SACBC 1977b), "Declaration of commitment on social justice and race relations within the Church" (SACBC 1977c) and "Statement on conscientious objection" (SACBC 1977d). These statements, said Apostolic Delegate Archbishop Poledrini, presented "a penetrating analysis of the current situation and summon[ed] the faithful to a fuller christian (sic) commitment in the domain of Social Justice and Race Relations" (SACBC 1978:22).

In fact, many African bishops in forums such as SECAM claimed that SACBC statements "had encouraged them to speak out against injustices" in their own countries (SACBC 1978:24). There was a great African interest "in what the Church in South Africa was doing" according to a report from a laity chairpersons' meeting in Yaounde, Cameroon (SACBC 1982:76). The impression was that "we were well organized as a Church in Southern Africa" (SACBC 1982:76). "If there ever was a time when the church came close to being a people's church it was during the mid-eighties," said Father Smangalis Mkhathshwa, Secretary General of the SACBC from 1981-1987. This was a time when the Conference assumed a high profile that earned the "wrath and admiration of millions of people," for the church's preferential option for the poor and the spiritual, moral and material support for those who were persecuted by the apartheid government (Mkhathshwa 1990:viii).

example of how to be a bishops' conference in circumstances that were like those of South Africa in the early eighties. "At no stage of the long drawn-out conflict that led to independence of their country did they endorse a particular party or play party-politics" (SACBC 1981:25). The bishops will remain credible only if they stay united in their fight against apartheid and if they refrain from supporting one party over against another, said Cassidy.

Bishop D. Lamont, representing the ZCBC, reiterated the Zimbabwean bishops' experience and their role in the *chimurenga* (struggle) and their country's movement to independence (SACBC 1981:42-43).

Charge d'Affaires of the Apostolic Delegation, Monsignor Mario Cassari, gave a fiery speech to the bishops at the opening of the 1988 plenary session. Calling to mind the encouragement of Pope John Paul II during their *ad limina* visit in 1987, he said, in the words of the pope: "Year in, year out you have stood with your people in their needs, and at the same time you have withstood much unjust criticism in transmitting to them the uplifting message of the Gospel" (SACBC 1988b:21). On behalf of the pope, yet again, he expressed his full solidarity with the bishops. At the end of his address, which was truly inspirational for the times of the Church in South Africa in particular, and quite undiplomatic in tone, Cassari received a standing ovation from the whole assembly of bishops and guests. Among them were the Canadian and Belgian ambassadors to South Africa and representatives from the South African Council of Churches, the Anglican, Methodist, Presbyterian, United Congregational, Dutch Reformed and Apostolic Faith Mission Churches.

2.1 The journey of a statement

Some members refer to the making of statements as a sign of collegiality (Ndlovu, Blaser, Brislin). This gives rise to the question of the genesis and journey of a statement which is eventually published in the name of the Conference. Three documents will be referred to in this section, in order to come to some understanding of the statement-making processes of the Conference.

2.1.1 Decade of democracy statement

When the Justice and Peace Department reported to the administrative board on 10 November 2004 it notified the bishops of its intention to table a draft pastoral

statement at the upcoming plenary session in January 2005. This pastoral statement would deal with the decade of democracy in South Africa and celebrate the tenth anniversary of the African synod. The Justice and Peace members present at the meeting assured the board members that this draft letter would be circulated “to the Bishops before the January Plenary for discussion during the Plenary Session” (SACBC 2004c:17).

Cardinal Napier appeared upset that the board did not already have something in writing. It prompted more questions and comments from the bishops. Napier: “What is the rationale and philosophy behind the pastoral statement?” Bishop Edward Risi of Keimoes-Upington: “What is the connection between democracy and the African Synod? Napier: What issues do we need to put into the statement?”

Suggestions then followed for matters to be included, such as the sin of the arms deal (W. Slattery), life issues and same-sex marriages (Coleman). When all these questions and comments were raised, the bishops returned to the realisation that the department wanted to table an issue at the plenary session without having tabled it at the board meeting first. Any document, they reminded the Justice and Peace Department members, “must come the Board prior to its presentation at the Plenary” (SACBC 2004c:17). To be precise, a proposal must be at the secretariat “three weeks before the November Board Meeting for the following January plenary session” (SACBC 2005a:47-48). Apart “from what appears in reports authorised by the Conference or the Administrative Board, no item shall be placed

on the agenda of a plenary session except by consent of the Administrative Board or the Troika” (SACBC 2005a:48).

The bishops at the November 2004 board meeting gave the impression that it was the first time they heard about the proposed pastoral statement. In truth, however, the Justice and Peace Department already notified the August 2004 plenary session that such a statement was in the pipeline (SACBC 2004a:45).

From the exchange of the bishops of the board with the Justice and Peace Department one gets the impression that an organ of Conference decides it is opportune or necessary for the Conference to issue a pastoral statement. Some person or a group of persons composes the statement. The department, office or associate body finalises the draft and accepts it at a meeting as an official draft to be submitted to the board. The specific Conference organ presents the draft document to the secretariat. The secretariat submits it to the board. The board approves both the necessity of such a document as well as the draft document in principle (or not). The document is tabled at the plenary session (or not). The bishops of the SACBC approve, reject or propose changes to the draft document. The relevant body redrafts the document (or files it away) and the SACBC then publishes the approved document in its name.

In other words, a document moves from the bottom upward; from the Conference organ to the bishops’ plenary session.

2.1.2 Letter on human sexuality

But there is another way, as the journey of a proposed letter on sexuality (SACBC 2004f) suggests. The bishops had expressed the need in a discussion to make a positive statement about human sexuality, in the light of the negative airing it constantly receives and scandals involving clergy and religious.

This task was passed on to the Theological Advisory Committee (TAC) an associate body of the Conference that facilitates theological advice and insight (SACBC 2004a:69). The TAC organised a meeting where scholars and experts presented papers on a wide spectrum of issues concerning human sexuality. They collated these papers and eventually delivered a summary in a draft document that would pass as a letter from the bishops.

The draft was presented to the August 2004 plenary session where the bishops reacted mainly negatively to the letter (Plenary 2004:21-22). They insisted that something more pastoral was needed and that the treatment on human sexuality should include catechetical material aimed specifically at the youth (SACBC 2004a:69-70). By the next board meeting, in November 2004, the bishops heard that the TAC was revising the draft text and that they intended a two-page document that could eventually be a pastoral letter. To this letter would be attached, so they promised, firstly, a document outlining the Church's position on contemporary contentious issues, such as same-sex marriages or condom use in discordant couples living with HIV/AIDS. Secondly, a selection of catechetical material will be attached (Board 2004:8; SACBC 2004c:22).

In the case of the sex letter, then, it is clear that its production started with the bishops who then referred it to a particular Conference organ before it came back to the bishops of the plenary and board.

2.1.3 Pastoral Introduction to the Order of Mass

There is yet another way that the bishops reach agreement on a text. The Committee for Liturgy in the Department for Christian Formation and Liturgy tabled the *Pastoral Introduction to the Order of Mass – a pastoral directory and resource* at the August 2004 plenary session as a document of the SACBC. They composed the document, so they reported, against the background of the multicultural situation of Southern Africa, but borrowed extensively from a similar United States Conference of Catholic Bishops document (SACBC 2004a:31).

The bishops discussed the text of this document in small working groups, bringing together a host of questions, comments and suggestions for changes in the text (Plenary 2004:15-17). The liturgy committee redrafted the text with the modifications suggested by the bishops. At the end of August 2004 the committee met with liturgy committees from the dioceses of the Conference at Bethlehem to study its content and discuss its possible implementation at local level (SACBC 2004a:33). Diocesan representatives took the text to their own dioceses where they conducted workshops around the text.

At the November 2004 board meeting it was clear that some issues needed further research and discussion, including the Hail Mary at the Prayers of the Faithful, the Prayer for Peace in the Rite of Communion, the colour of vestments

and certain postures at the celebration of the Eucharist, particularly that of kneeling (SACBC 2004c:9). After further study on these issues and questions, comments and suggestions from the dioceses will lead to a redraft of the document. The final draft will eventually be approved by the plenary before the board submits it to the Holy See for approval.

The movement of the text in this case was largely from the bishops and their organ to the faithful in their dioceses, back to the bishops and the relevant department, from there to Rome and finally back to the Conference for publication.

2.2 Meticulous preparation of statements past and present

The history of the SACBC in terms of its pastoral letters and statements is a witness to the ability of its bishops to agree on matters that are relevant to their ministry at particular times in their countries' histories. It is documented in *The bishops speak*, which contains the pastoral letters and statements the bishops made from 1952 to 1990, published in five volumes. The *Minutes* of the plenary sessions demonstrate how various SACBC bishops have worked towards agreement on published statements. The bishops' family planning *Directive* (SACBC 1974c) illustrates their struggle towards agreement.

2.2.1 Pastoral directive on family planning

At the plenary session of February 1974, the bishops approved their *Pastoral directive on family planning* (SACBC 1974c; SACBC 1980:20-24). The *Minutes* of that plenary session (SACBC 1974a:10-15) elucidates their effort of teaching the Church's doctrine faithfully, yet fittingly in their own situation in Southern Africa

against the background of Pope Paul VI's encyclical "Humanae Vitae" on the regulation of births. It illustrates how they meticulously approved each paragraph after additions, subtractions and modifications of the draft text. Eventually, instead of a blanket condemnation of all birth control measures in all circumstances, the bishops affirmed that a person – in this case in the married couple – had to follow his or her conscience after considering all the factors prayerfully (SACBC 1974a:12-13). The bishops were also wary that their directive did not give the impression that they allow the "State to impose the Government Family Planning Campaign or to seem to back that campaign" (SACBC 1974a:14). After much discussion they decided that the "document would be printed as a handbill and made available to the people on the first Sunday of Lent when it would be read from the pulpit" (SACBC 1974a:15).

In the published text the bishops emphasized that "it is for the parents to decide what in their circumstances is the best or only practical way" of dealing with the prospect of another pregnancy which may be unacceptable for reasons of health or "difficult domestic conditions," and where "continence would threaten family peace, marital fidelity or the future of the marriage itself" (SACBC 1974c:3). In such a conflict the responsible decision of the parents (the couple), having the common good of the family in mind and not the selfish exclusion of pregnancy, "though falling short of the ideal, will be subjectively defensible" (SACBC 1974c:3).

When Archbishops Fitzgerald and Hurley went to Rome later that year (27 September – 26 October 1974) to represent the SACBC at the synod on 'evangelisation in the modern world', the Congregation for the Doctrine of Faith

'invited' them for a 'consultation' on the consequences of the Conference's *Pastoral Directive on Family Planning* (SACBC 1975:5). The *Minutes* does not contain any report of that consultation.

2.2.2 Letter of support to the South African Police Service

At the board meeting in November 2004, the members of the board raised critical questions regarding job losses over the past ten years, and the effects of the government's arms deal (Board 2004:26-27). The bishops affirmed their duty to be constantly critical of the government, yet at the same time offer praise where it is merited. It was in this context that Archbishop Buti Tlhagale of Johannesburg tabled the suggestion of writing a letter or some statement to South African Police Services (SAPS) to encourage and congratulate them in their endeavours, since they ordinarily get a lot of bad press which was not always fair (Board 2004:27).

A draft statement reached the plenary session of January 2005 (Plenary 2005:13-14). The draft elicited a protracted yet animated exchange between the members. Some commented on the alleged criminal actions of police in their region as well as persistent and justified negative perceptions about the police. They insisted that it should be included before all else in this letter (Coleman, Hirmer). Other members disagreed, insisting that when encouraging them, the bishops should not 'hammer' them (Rowland, W Slattery, Menatsi). Then came suggestions including the expansion of the target audience to include members of Correctional Services (Adams), improving the morale of police (Napier, Hirmer) and theological (Risi, Daniel, Hirmer) and conceptual or grammatical embellishments to the text (Napier, Lobinger, Dowling). All these were challenged in disagreement by other

bishops or approved by agreement. These sentiments were expressed either verbally or with a nod or a shake of the head (Plenary 2005:13-14).

Eventually, after much in the text had been changed, added and deleted, and after the bishops had questioned, debated and clarified their motives and objectives, they agreed that a redraft be composed in the light of their contributions upon which they would later vote (Plenary 2005:14). The *Open letter in support of the South African Police Service* (SACBC 2005f) was published in a press statement on Wednesday, 2 February 2005.

3 We support one another pastorally

There were times when bishops supported one another beyond the closed sessions of a plenary session and the agreed statements of the Conference. Bishop Oswald Hirmer of Umtata maintained that the relations of the bishops are indeed often an example of collegiality, because “we assist each other:”

When Bloemfontein asked the Conference members to contribute to pay the debts, ... we all came to his assistance. Or when I need somebody, I call Kokstad, and he comes gladly. Then, Witbank, when he could not pay the seminary fees, Johannesburg came to his aid, and paid for two students. When Pretoria said, the roof of my cathedral should be redone and he asked R10 000 from the Lenten Appeal and we were immediately against that. Again, Johannesburg came and said, Daniel, keep quiet! We do this among ourselves. Here you see collegiality in practice (Hirmer 2005).

Archbishop Tlhagale showed this researcher a letter from the bishop of a diocese from another metropolitan province. The episcopal author thanked Tlhagale for creating the opportunity for a priest from his diocese to engage in pastoral work in a Johannesburg parish while on a recuperation programme there (Tlhagale 2005). For Tlhagale this was one way of showing solidarity with another bishop.

4.1 Pastoral Plan

In 1979 the Conference invited each diocese to hold consultations on the direction of the Church for the next ten years (Connor 1991:40). These intra-diocesan consultations, held in thirteen out of twenty-nine dioceses, were followed by an inter-diocesan consultation with the bishops in August 1980 at St Peter's Seminary, Hammanskraal (Connor 1991:41).

The plenary session after this consultation examined the recommendations and saw the "need for considerable reorganization within the Church" (Connor 1991:41). A planning committee began to work on a 'Guiding Vision' for the Catholic Church in Southern Africa, resulting in the 1984 publication of a *Working paper on pastoral planning*, a discussion document for dioceses. Eventually a theme and catchphrase was composed: 'Community serving humanity.' Under the auspices of this theme dioceses adopted either of two broad streams of pastoral programmes, namely Renew and Small Christian Communities.

The Pastoral Plan focused all the dioceses in a way that was never seen before in the Conference.

The self-reliance campaign, the campaign for a self-sustaining Church, which the Conference discussed and adopted at the January 2005 plenary session after the bishops returned from a 2004 plenary session of IMBISA (SACBC 2005b:7; Plenary 2005:6-11), has all the makings of a project that will provide both the dioceses and especially the Conference with a single vision.

4.2 Lenten Appeal

The bishops' Lenten Appeal is an annual national fundraiser among members of the church on all levels – young and old, individuals and families, and so on – during the six weeks of Lent. Traditionally, the appeal is directed at the work of the church and the benefits the poor. According to the 2004-2005 *Catholic Directory* (SACBC 2004b:29) the major share of the funds gathered in this way goes to the poor – the definition of poor is not given. The rest goes towards a range of things: bursaries, priestly and other formation programmes, including catechetical work and ecumenical projects building projects and renovation work in poorer parishes or other institutions.

Archbishop Tlhagale believed that funds are “dissipated each year in response to virtually any application,” from fencing parish property to buying table cloths for the parish hall and presbytery, applications which put the traditional aims of Lenten Appeal solidly in the background (Tlhagale 2004a:1). He questioned the relevance of these aims and suggested that Lenten Appeal should instead “support the core business of the Conference” (Tlhagale 2004b:1). Bishops should decide what is core. He accused the Conference of a lack of imaginative and aggressive thinking because of limited resources (Tlhagale 2004a:1). Tlhagale could certainly afford to pull his weight since his diocese contributes the largest amount, not only to the Conference in terms of levies but also to the Lenten Appeal annually.²⁷

²⁷ A large South African diocese paid just over R285 000 in levies to the Conference in 2004, followed by another large diocese who paid in the region of R175 000. One rural diocese paid a levy of only about R2 500 (SACBC 2004c:7; names and precise figures withheld).

Tlhagale's efforts paid off grandly. He hauled in a financial advisor of the Conference, Ronnie van't Hof, to the November 2004 board meeting to advise the board on the prospects of a changed vision for Lenten Appeal (SACBC 2004c:11). What follows is a summary of van't Hof's presentation to the board.

A realistic appraisal of the Catholic population in the Conference area – 3,5 million people – showed that the Lenten Appeal could and should aim at an annual target of R50million instead of the current R5million.

For this to happen, however, the Conference needs to define very clearly its core and non-core activities, so that the Conference efficiently spends the money it receives through the Lenten Appeal. When people know that the money they give is well spent on core activities of the church, they will continue to give and give more. Catholics consistently experience the church directly at Mass, and then, through prior programmes of catechesis, at other sacraments.²⁸ The core issues of the church in Southern Africa, and therefore of the Conference, should be Liturgy and Catechesis, said van't Hof. Current spending, however, suggests the opposite – Liturgy and Catechesis rank very low among Conference spending. The Conference spends a mere 0.5% of its budget on Liturgy and Catechesis (SACBC 2004c:12). That should change if the Conference wanted more money from the Lenten Appeal. Not only should the Conference focus on the identified key issues, but it should also detach itself from non-key issues and Conference organs with sufficient offshore funding should be granted more independence from the Conference.

²⁸ Like baptism classes that parents and sponsors have to attend before celebrating the sacrament of baptism of their child or a marriage preparation course or program before Matrimony.

The board was convinced. Taking into account Tlhagale's pleas, as well as an earlier position paper he wrote on refocusing Conference efforts around a particular campaign (*Duc in altum*, in SACBC 2004a:83-91), Bishop Bucher, chairperson of the Finance Department tabled the Tlhagale advice as neat proposals (SACBC 2004c:13-15).

At the January 2005 plenary session the overhaul of the Lenten Appeal got underway. The diocesan directors of Lenten Appeal from most dioceses in the Conference area attended a special session on the Lenten Appeal. They witnessed the van't Hof presentation and heard the board's proposals. With the bishops they worked through ideas concerning the workings of the Lenten Appeal, its aims and the way ahead in terms of the bishops' intended self-reliance campaign. Subsequently, after an executive meeting of the Lenten Appeal on 8 March 2005, where the new director was introduced, a Lenten Appeal Board meeting on 12 March 2005 and yet another meeting with the diocesan directors of Lenten Appeal on 12 July 2005, the adapted rules, criteria for application and allocation and the underlying philosophy became part of the new Lenten Appeal package.

The Lenten Appeal is easily the most successful project of the Conference, for two reasons. Firstly, it is a continuous project. Secondly all dioceses and parishes in these dioceses participate. The Lenten Appeal has become part of the Lenten discipline of the Catholic faithful in Southern Africa. Yet, Tlhagale (2004b:1) regretted the attitude of bishops and their dioceses according to which they feel entitled to receive whenever they ask from the Lenten Appeal, just because they

contribute to it. Nevertheless, it remains the one project that outlasts all others. It is a project par excellence of solidarity with and solicitude for other dioceses, in which bishops agree, some perhaps grudgingly, to work together unselfishly.

4.3 Seminaries

The same cannot, unfortunately, be said of the Conference seminaries, another common project that was and should be an example of collegial solidarity. The following sections will show that the quality of this solidarity regressed over the years, from proud cooperation to stubborn dissent. The section will comment on events at St John Vianney Seminary for purposes of focus.

4.3.1 The Seminaries Department

The Conference runs its three seminaries mainly through its Seminaries Department. The Department is the main think tank and policy-making workplace of the Conference for its task of training priests in Conference seminaries. It supervises the seminaries, recruits full time formation staff, advises the rectors and bishops, draws up formation policy and together with the Conference's Finance Department raise funds and authorise budgets for the different seminaries. (SACBC 2005a:32).

Training for diocesan clergy presently consists of one year accompaniment in the their dioceses, an orientation year at St Kizito's in Oakford near Durban, two years of philosophy at St Peter's Seminary in Garsfontein and four and a half years of theology and pastoral formation at St John Vianney Seminary in Waterkloof (Brain 2002:182). When students arrive at St John Vianney they already spent at least

three or four years in structured formation. The eight and a half years formation program covers four areas: human, spiritual, pastoral and intellectual formation.

4.3.2 From the friars to diocesan priests

The history of the Conference's work in regard to the seminaries is a testimony to collegiality among the bishops. Philippe Denis (1999:124-150) provides an historical overview of clergy training in South Africa and points out the difficulties experienced over the years in terms of, among others, seminary staff. Joy Brain's monograph (2002) on the history of St John Vianney Seminary provides some insight into the mind of the Conference concerning priestly training.

In 1948 the bishops enlisted the help of the Friars Minor, a religious congregation more popularly known as the friars or the Franciscans, to work in St John Vianney Seminary (Brain 2002:28.32). A fifty-year contract was eventually put in place on 24 June 1951 (Brain 2002:32) which empowered the Franciscans to run the seminary almost independently. This included determining formation models and programs, setting up curricula, and enlisting formation and teaching staff from their own ranks. The bishops simply sent their students, paid for their studies and continued with their tasks as diocesan shepherds.

The Franciscans left St John Vianney Seminary at the end of 1998, even though they continued to lecture there (*Southern Cross*, 10 January 1999). Diocesan priests and priests and brothers of the Society of Jesus formed the core staff until 2002. The Comboni Missionaries were also involved in teaching for many years.

Lately the Stigmatine Congregation, who sent their scholastics to St John Vianney for theological training since the 1970's, started teaching there.

Against this background Father Graham Rose, a South African priest from the Diocese of Johannesburg, was appointed rector of St John Vianney Seminary in August 1991. He was the first local diocesan priest appointed to this position after the fifty years of the Friars.

It was with the appointment of a local, diocesan priest as rector that the problems for the bishops began. With the Friars gone, the sustained staffing of the seminary was no longer guaranteed. It was now the task of Graham Rose and the bishops of the Conference to find suitable diocesan clergy to work in the seminary. This proved to be difficult and Rose's administration was characterised by "a chronic shortage of teaching staff" (Brain 2002:134).

During Rose's years as rector a considerable change in the staffing profile took place when religious sisters and black priests joined to be formators and teach theology in a larger number than ever before. Despite this growth the problem persisted of finding sufficiently trained diocesan clergy from within the local church to be on the permanent formation and teaching staff. When Rose's successor, Father Pius Dlungwane, a priest from Mariannhill diocese, was appointed, St John Vianney had a full time or residential staff of thirteen. Barely a year later the number dropped to nine.

In general some dioceses have consistently, and others erratically supplied diocesan clergy for the purposes of staffing the seminary. Among the dioceses

which released at least one of their diocesan priests for a longer or shorter period for work in St John Vianney Seminary over the past fifteen years are Bethlehem, Cape Town, Durban, Eshowe, Johannesburg, Mariannhill, Oudtshoorn, Pietersburg, Port Elizabeth, Pretoria, Queenstown and Witbank dioceses. These priests, with the exception of a few, came and went. This led, naturally, to a lack of stability in the permanent and residential formation team. This phenomenon compounded the problem, since it created an environment where insecurity hampered every activity within the seminary, from planning with regard to courses and teaching staff, finding a formator to head the different formation groups and dealing with disciplinary problems.

The overall picture remains one of a consistent lack of residential formation staff. Joy Brain concludes: “[i]n 1951, when the Waterkloof seminary opened, there were eight staff members for 20 students; in 2004 there were nine permanent staff for 90 residential students (SACBC 2004a:47-48).

4.3.3 Black diocesan priests – dioceses withdraw

Mariannhill diocesan priest Pius Mlungisi Dlungwane, the first black rector of St John Vianney Seminary was inaugurated in September 1998.

Hardly two working months later, in January 1999, Archbishop Lawrence Henry of Cape Town caught bishops unaware as *Southern Cross* (14 February 1999) reports, when he announced the immediate withdrawal of his seminarians and priests from all Conference seminaries. In 2005 Henry admitted in an interview with this researcher that he was puzzled at his fellow bishops’ reaction to his

decision. He raised his difficulties with discipline and other issues in the seminaries in the closed session at plenary sessions for at least three years, he said. Once he decided to withdraw after the bishops could or would not address his concerns, he informed the chairman of the Department for Seminaries and the rectors of the Conference seminaries of his decision at the end of 1998 of his decision (*Southern Cross*, 24 January 1999).

Allegations “of misbehaviour among seminarians, including alcohol abuse and inappropriate contact with women” (Denis 1999:149), played a role in Henry’s decision. “He was deeply disturbed by the reports given by his seminary students of alleged student indiscipline”, explains Brain (2002:148). The *Southern Cross* (17 January 1999) reported gloatingly on the alleged disciplinary troubles among students.

Southern Cross reports and Henry’s complaints created the impression that staff closed their eyes to students’ misbehaviour, an impression which Dlungwane, rector of St John Vianney at the time set out to correct. He was not aware that any of the allegations of indiscipline occurred without it being attended to by the staff, he told the *Southern Cross* (17 January 1999). It severely dented the image of the national seminaries, as Bishop Louis Ndlovu noted in his presidential address at the plenary session immediately after Henry’s announcement: “[t]he picture of our seminaries ... in the *Southern Cross* is truly worrying” (SACBC 1999a:58).

The official and key motivation, according to the Auxiliary Bishop of Cape Town at the time, Reginald Cawcutt, was to put students through a “programme of hands-on pastoral involvement in the areas in which students will one day work”

seminaries in Pretoria were allowed to complete their studies there. Bishop Edward Adams of Oudtshoorn sent some of his “late vocation” students – men who are much older than the average seminarian – to the Cape Town Diocesan seminary, but kept his other seminarians in the Conference seminaries. He believed the national system

is a culturally enriching experience. The cross-cultural aspect of the national programme is so important as it allows students to learn from one another and to respect each other (*Southern Cross*, 24 January 1999).

Bishop Edward Risi of Keimoes-Upington was the next bishop to completely withdraw his students from Conference seminaries. Some religious congregations have since begun to make use of the services of the Cape Town Diocesan Seminary for the training of their students, among which the Oratorians of St Philip Neri, the Norbertines, the Salesians, the Capuchins, and the Redemptorists (Henry 2005). Other dioceses adopted a two-pronged attitude, sending the larger number of their students to seminaries in Lesotho and Zimbabwe, while keeping a minimal number in the national structures. Financial considerations played a role here. By May 2005 some dioceses disclosed these figures of students studying elsewhere in a report to the board (SACBC 2005c:2):

Bloemfontein	2 students in Lesotho
Keimoes-Upington	7 students in Cape Town
Kimberley	9 students at Cedara
Mariannhill	17 in Lesotho & Zimbabwe
Eshowe	2 students at Cedara
Witbank	5 students at Lesotho, and
Port Elizabeth	7 students at Cape Town.

This brings the total to forty-nine seminarians studying outside Conference seminaries. The number these and other dioceses sent to Propaganda Fide differed somewhat but pushed the total to sixty-four (Congregation for the Evangelisation of Peoples 2005:76-78).

The bishops of these students never revealed the real reason why they prefer to train their students elsewhere. They cannot directly point out the defects in Conference seminaries, a Conference seminary rector said in desperation after the August 2005 plenary session, where the bishops intended to 'definitively' address the problem of seminaries (Sipuka 2005).

4.3.4 Defining the problem – finding a solution

After Cape Town's withdrawal, the bishops had a three-day consultation with the seminaries' staff to examine the

drop in quality of the students over the past 5 years; the moral life among the students; a review of life style in the seminaries, which currently is first world; the reality of the difficulties caused through reluctance of bishops to release priests qualified for seminary ministry; problems involved in assessment of students (SACBC 1999a:28-29).

The above formulation of the aim of their consultation reveals what they thought was wrong in the Conference seminaries. One could read between the lines of their formulation that:

- It was their opinion that the quality of the seminarians dwindled since the Friars left and diocesan clergy took over the general running of the seminary. Rose was appointed rector from 1991 to 1997, and from then to 1999, Dlungwane, both diocesan priests. The "past five years" in the above quotation coincide with their tenures as rector of St John Vianney Seminary

- These diocesan men had presumably been unable to set the example for and maintain a seminarian who was morally upright

Whether it was for these or other reasons, the Conference's bishops admitted that they are reluctant to release their priests for formation and teaching in the seminary. In other words, they are reluctant to sustain a Conference project which requires human capital. Apart from this, the Conference showed a consistent reluctance and inability to address a problem of which they have different definitions, to say the least.

Bishop Coleman thought the problem had, among others, to do with student misbehaviour. Reacting to an item in the rector's report of Father Sithembele Sipuka of St John Vianney Seminary, he said

Stealing and copying is symptomatic of a malaise. When they come to St John Vianney, they are already in their fifth year of formation. It is a bad omen for our priests in future. I have serious concerns about this. It is a bad sign for the church in South Africa (Plenary 2004:24).

Bishop William Slattery, chairperson of the Department for Seminaries shifted the blame from the students to staff and specifically the average age of the priests employed on the residential formation staff:

We have many younger men in the seminary and they are attracted to outside events. We need older men who are at home with themselves in the priesthood, and whom the young men in the seminary would be attracted to as role models. Young priests don't have much weight in the seminary (Plenary 2004:27).

Currently, there are only two priests in the Conference seminaries younger forty.

Father Raphael Mahlangu, rector of St Peter's Seminary at the time of the research, also thought the compilation of staff is at the basis of the seminaries' problems, but from a different angle. He said

We have identified the bright boys only [to come and work in the seminary], and that is our problem. But the bright boys only want to teach. Is going to the seminaries merely a way of getting your priests educated? Because priests get a degree, then upon finishing those degrees they return to their dioceses (Plenary 2004:27).

For Bishop Bucher the problem was with some bishops' decision to abandon Conference seminaries:

In the past we used to have long discussion about building and we built. Now those buildings are empty because we are losing students to Cape Town and elsewhere. Can we not appeal to those bishops who send their students elsewhere to show solidarity in this regard? (Plenary 2004:26)

Mahlangu echoed Bucher when he said that a consequence of bishops' decision to pull out of Conference seminaries left those very seminaries in dire straits. At the August 2004 plenary session Mahlangu reported that his seminary made two large loans in July to cover his overheads. Mahlangu maintained that "this deficit is attributable to the large number of external staff salaries compounded with the drop in student numbers" (SACBC 2004:48). The main problem for Mahlangu was the declining seminary population, which for him was directly connected to bishops not supporting their own Conference seminaries (Plenary 2004:25). The ever-decreasing number of seminarians, Mahlangu said,

has serious consequences, for we cannot send the workers [in the seminary] away according to the rise and fall of the student population. So, if the number goes down, less money is coming from student fees, and we are in trouble. The numbers are not going to rise seriously in the future, since bishops are increasingly sending their students to Cape Town and Cedara (Plenary 2004:25).

At the November 2004 board meeting he insisted: "The more they send their students elsewhere the more difficult it becomes for us to run the seminaries" (Board 2004:18). Archbishop Tlhagale agreed: "If you withdraw your student, you withdraw your money, and the fewer students the seminary has, the more

precarious will be the situation of the seminary with regards to funding and running costs” (Tlhagale 2005).

Bishops who sent their students elsewhere, however, had no concern for Bucher’s empty buildings or Mahlangu’s financial woes. According to a report tabled at the May 2005 board meeting, these bishops felt, among others, that Conference seminaries provided insufficient formation, that the academic standards at Conference seminaries were too high for some seminarians who may otherwise succeed in Lesotho, and the standard at Cedara was better than in Conference seminaries (SACBC 2005c:3). Sipuka could not have wished for more direct, albeit conflicting reasons: his and other seminaries simply do not measure up to standards set by religious congregations and as diocesan clergy they are unable to train diocesan priests. In addition they are too young and therefore outward-looking, with their minds on everything but their task as seminary formators. On the contrary, and astonishingly, they pitch their academic standards far too high.

Bishop Coleman also wondered aloud why “the number of white students have dropped dramatically from about 80 in my time, as far as I can remember to about three in the current system. We don’t know why, but it is very significant” (Plenary 2004:26). In addition, Coleman (2005) suggested that St John Vianney Seminary had become increasingly unwelcoming to white people. Coleman was brave to air this opinion, for rarely did one hear that part of the seminaries’ problem was culture and race, even if diversity is understandable, given South Africa’s heritage. Culture and race, however, never came under scrutiny in relation to the

seminaries' problem. If it were the problem, it still remains unsaid in the public discourses of the Conference.

Excursus 9: Racism and the Conference seminaries

Other critical observers on this issue highlighted racism as one of the significant reasons for the exodus of some dioceses from the Conference seminaries.

It was in apparent response to racism overtures surrounding, perhaps by pure coincidence, the whole issue of Cape Town's withdrawal that a group of (initially black) diocesan priests founded the African Catholic Priests Solidarity Movement (ACAPSM). ACAPSM is a group of "responsible and committed priests who have the interests of the Church at heart," whose primary aim is to "spearhead a campaign for African Catholics to stand up and assume personal responsibility for the Church" (ACAPSM 1999:20). This movement that came into being in 1999 has taken up the issue of racism in the seminaries assertively. It addressed a Memorandum to the bishops of the SACBC entitled *Call to action* in February 1999, hardly a month after the public announcement of Cape Town's well-publicised withdrawal from the national seminaries.

It was the contention of ACAPSM, with particular reference to Cape Town's decision that some bishops were prepared to "go to any lengths in protecting the interests of their white and coloured seminarians" (ACAPSM 1999:10). Church leadership were "still trapped in what could be described as the tail-end of white racism" (ACAPSM 1999:15). In substantiation of this claim *Call to action* demonstrated that racism takes place when "voices of white and coloured seminarians carry more weight with bishops than those of their black rectors and formators" (ACAPSM 1999:15). Also, "every effort is made to rescue white and coloured seminarians – some of whom clearly manifest a racist attitude – from the important process of multicultural integration" (ACAPSM 1999:15-16).²⁹

Cape Town's Archbishop denied that his decision had anything to do with racism (Henry 2005). So did the first rector of Cape Town Diocesan seminary in his report to the annual general meeting of SACOP in September 1999. Father Michael van Heerden said he and his staff were "deeply hurt by allegations that this was a racist move, as the implication is, then, that we have either unwittingly or maliciously cooperated in a racist project" (SACOP 1999:7). Van Heerden continued to state that one national, racially-integrated seminary system, while "a great witness during the apartheid years and also feasible logistically (as there were drastically fewer students)" can no longer be sustained, "nor is it desirable for the integral formation of priests in our

²⁹ In 1998 St John Vianney Seminary had 88 resident students. 12 were Coloured, of whom 7 belonged to Cape Town. 9 were white, of whom 3 were from Cape Town. The archdiocese had one black student.

context" (SACOP 1999:7). One hopes that van Heerden meant that it is the one national seminary system that is no longer desirable, and not a racially-integrated seminary.

ACAPSM called on the bishops to admit that "things are not well" in the Catholic Church in post-apartheid South Africa, by addressing such issues as the "inequity in the distribution and management" of the Church's material goods, and the "disproportionate representation of the black majority in the highest leadership structures" in the Church (1999:17-20).

Six years after ACAPSM's call to action, the views of Father Dabula Mpako, founding member of ACAPSM, remained basically unchanged, even though the demographic realities of the Conference seminaries have changed radically in terms of staff and student population. Mpako, writing in the racism report of the SACBC (2005g:23), states that the "voices and opinions of white priests and seminarians carry more weight than those of their black counterparts do."

Finally, though, one bishop's unannounced and untimely withdrawal from a big Conference project made it possible for him and others to lay (some of) their cards on the table: a vote of no confidence in Conference seminaries run by priests who are not religious, black and who smiled on ill-discipline. This divided situation, undesirable as it may be, was accepted by the Conference. The Cape Town Archdiocesan seminary is sitting Seminaries Department meetings as a full member. Indications are that these bishops do not have enough will-power to definitively address the problem. Until then, Conference seminaries remain the one common project where the Conference's show of collegial solidarity has failed spectacularly.

Conclusion

This chapter inquired more directly from members of the Conference what they thought collegiality was. The results of the inquiry were captured in four statements which formed the sub-sections of this chapter: we are in it together, we

speak with one voice, we make common statements, and we have common projects.

Two of these common projects were examined at some length, for they are large and continuing projects of the Conference. They are, however, at opposing ends of the spectrum. The latter part of this chapter argued that the Lenten Appeal appears to be a healthy expression of collegial solidarity, whereas Conference seminaries is a project that clearly indicates a steadily deteriorating collegiality of bishops in the Conference.

After the observations made in this chapter and the two preceding ones, one is now able to draw conclusions on the state of collegiality in the SACBC. The following chapter gives detailed attention to this matter.

Chapter 8

The State Of Collegiality In The SACBC

Introduction

The observation of the SACBC, of which the results are written up in the three main chapters of Part Two, was conducted from a basic assumption, namely that the bishops' conference is an expression and instrument of episcopal collegiality. Episcopal collegiality is demonstrated to a large extent in the solicitude an individual bishop has for the church, in other words, for local churches outside the boundaries of the local church of which he is bishop.

The SACBC (2005a:5) describes itself as an organisation "in and through which members exercise their pastoral office jointly through the pooling of wise counsel and experiences in matters concerning their common interest." So then, can solicitude for other local Churches be shown in the SACBC through the joint pastoral action of the bishops? And is such solicitous action the result of the pooling of wise counsel and experience within the Conference?

Solicitous action was demonstrated in the actions of the Conference on behalf of the churches in Sudan, Zimbabwe, Angola, Namibia, and elsewhere. Though its participation in the synods of bishops – where the college of bishops at least reflect on the situation of the churches in the world – has been frustrating, the Conference continued to pull its weight there, mindful of its task of solicitude to all the churches. The record of the SACBC is impressive. While the Pastoral Plan, Lenten Appeal and Seminaries have served as examples of joint pastoral action,

respect it for being just that, the danger is that this casting of the Conference in terms of a support group may lead, inadvertently, to a siege mentality. During Conference meetings they are cordoned off against the world and their dioceses. There they 'nurse' one another's wounds inflicted in the battlefield of modern day church life. Their retreating further into the laager behind closed doors reinforces this perception. As a result, many bishops complain of the workload of the plenary session and plead for more nursing and nurture time, more prayer and more closed sessions.

On the other hand the bishops see the Conference as the group that gives direction to the Catholic Church in Southern Africa, the group that charts the way of the church. In this description of their leadership of the church, however, lies buried a tension between the local and the universal. Some say the Conference is a conduit for the teachings of the Magisterium to the local church. In other words, the Conference is a channel of the teachings of the world's bishops. This leaves the impression that the Conference is a mere agent of the real leaders who are elsewhere, in the 'universal Church.' This image of the church and its leaders on local level could influence the development of the local church, especially when this image exists with those whose authority should empower them to change the local church if need be.

Apart from the exclusive club and support group image, the bishops also experience the Conference as a useful tool for the facilitation and coordination of their work. This work is described as the exercise of their pastoral office jointly through the pooling of wise counsel and experience in matters concerning their

common interest. It is precisely at this juncture where collegiality will either stand or fall. For joint pastoral action seems to be the chief manner of expressing their solicitude for the church. If there is evidence of joint pastoral action, it means solicitude is present in their action as Conference, and collegiality is therefore a dynamic characteristic of the Conference. This perception of the Conference, as a facilitating and coordinating instrument for their work as pastors of the local church is by far the most dominant among bishops.

It must be a frustrating component of the Conference that decisions of the Conference do not carry any weight until an individual diocesan bishop sanctions them in his diocese. For what good are the decisions that bishops make through supposedly careful debate if each individual bishop may simply ignore decisions anyway? Does it not frustrate Conference efforts at joint pastoral action? Apparently not. True, a regional structure is not best suited to make decisions about specific local circumstances. But it does not therefore mean that Conference decisions are necessarily unsuitable for dioceses. If Conference decisions are left completely to the whims and fancies of a local bishop, or more mildly, to his personal preferences and temperamental disposition, Conference decision-making, however serious it appears, is consequently little more than the constant and formal gathering of straw votes. Conference meetings, whether in plenary or in board, and ultimately Conference itself, become little more than a talk shop, and a waste of every bishop's time.

There is another side to this. The Conference experiences frustration because of its legal inability to pass joint pastoral decisions on certain matters, which are

either reserved for the Holy See, or on which canon law precludes any decision. The discussion on the correctness of the application of the pastoral solution at the August 2004 plenary session refers. Bishops know well enough the sometimes-limited playfield a bishops' conference is allowed to operate in. They know the frustration of being leaders who can sometimes make no real decision on pressing pastoral matters. From the point of view of the Holy See the bishops' conference is shown to be little more than an exclusive discussion club for episcopal gentlemen, a pastors' support group with little effective pastoral power. This should also be a source of frustration for the members of the Conference.

The matter of Conference's legal inability to make effective pastoral decisions in the face of Vatican intransigence may bring home to the bishops the frustration that might be experienced by lay faithful who have little impact on the ultimate decision-making in the church. Bishops do not bring to a meeting with other bishops formal reports from their diocesan structures such as the diocesan pastoral council, where the lay faithful have some decision-making powers. Neither does a bishop come with a formal report on the vital statistics of his diocese, as he does every five years when he goes for the *ad limina* visit to the pope. Were such reports to be tabled the aspirations and frustrations of the lay faithful could feed directly into the deliberations of the bishops at Conference level. Since no such reports are tabled, the lay voice is silenced. Bishops only bring their own impressions and their own understanding of what the needs and aspirations of the faithful in his diocese are. But people-connected as many bishops may be, their impressions may not necessarily reflect the aspirations of their people at all.

Plenary session, the highest decision-making structure of the Conference is further weakened by the poor quality of participation in the sessions. Some bishops, as has been shown, quietly sit their way through sessions, apparently retreated into blissful apathy, while others appear to blow the horn on every issue tabled for discussion. In addition, bishops have little opportunity and capacity to properly discuss matters and plan joint action. The question is whether a plenary session is actually the best place to seriously scrutinise matters. Currently the Conference organs are actually the most appropriate for such activity as they are the workrooms of the Conference. The disadvantage of completely shifting the real work and reflection to Conference organs is that their focus may be too limited for a really effective decision. As it is, bishops generally spend little time working in Conference organs, and have, consequently, little control over the direction of the thinking and work within these structures.

2 SACBC – a college player

Conference organs and Conference contact with the rest of the college of bishops came under scrutiny in Chapter 6.

On one issue there should be no doubt in the mind of anyone who studies the Conference. The SACBC is dynamic in its organs, for these have undergone consistent change in organisation and focus under direction of the SACBC.

However, the bishops of the SACBC appear to have a love-hate relationship with Conference organs. Some Conference organs they know, others they don't. The ones they know they understand, cherish and encourage. The ones they don't

know they criticize or ignore. This makes for unhealthy cooperation of those organs with the central structures of the Conference, namely the plenary session and the board. It also causes unhealthy developments within the organs in terms of focus and direction. Conference organs may as a result of the little contact most bishops have with them and the little input bishops make in their thinking and work take directions that go against the grain of what the Conference and the church stand for.

It is, of course, a structural weakness, as the provisions of the Conference make it possible for some Conference organs to have a good number of bishops within its ranks, while others have a few or none. In addition, because bishops structurally or officially change their formal participation in particular Conference organs frequently, at least every three years, the chasm between bishops and Conference organs may widen even further. Such practice allows for little sustainable development of Conference organs, for their staff and leadership components are not stable. Neither will development take place if the secretary general is a distant or weak figure. The problem and its solution are quite basic and simple – these bodies belong to the bishops. Let them be more involved with Conference organs than they are at present.

Regarding the Conference's contact with the rest of the college of bishops in other bishops' conferences and in synods, it is clear that the SACBC is no isolated or weak player. The bishops' involvement with other conferences is clearly formidable and is, as far as this observer is concerned, on the right track.

Their participation in the synods of bishops also showed the bishops of the Conference are clear about how they understood their role as bishops in the synod. They want the Vatican to know that the bishops of the world are not to be overlooked in the governing of the church. Their understanding of collegiality in this sense is clear. The SACBC insisted it would not be a pushover or bullied into step by Vatican dicasteries. The bishops persistently repeated, for instance, that one or two demands be tabled for discussion at synod, even if they met with refusal every time. This pertained to the ordination of suitable married lay leaders for the celebration of the Eucharist in a situation where priests are scarce. They did so again for the 2005 synod. Their message is that the Holy See must take them seriously, since they form a legitimate part of the college of bishops. As such they are possessors of supreme authority in the church with their head, the pope.

3 In their own words – a vague collegiality

The bishops' own understanding of episcopal collegiality is written up in Chapter 7 under four we-statements, namely we are in it together, we speak with one voice, we support each other pastorally, and we have common projects.

Their understanding of episcopal collegiality is somewhat confused. Some see episcopal collegiality as mutual support and understanding at Conference meetings, especially in the closed sessions and wherever they pray communally and conduct personal sharing. The positive experience of such sessions, and the uneasy moments when they disagree in sessions lead to an ambiguous perception of episcopal collegiality. However, the bishops of the Conference know

that episcopal collegiality refers to the governing the universal church as the college of bishops.

Their individual and collective experience of this reality is non-existent, and so they are forced, unwittingly, to give the concept of episcopal collegiality another meaning. With their superficial distinction between effective and affective collegiality they reduce collegiality to the affective, the feeling. It is a collegiality that is less real, as one of them said. Since there are no real governing issues for a bishops' conference to tackle, there is no real collegiality in the sense of mutual governance of the Church. It is imperative for the development of the concept that the bishops pursue their power of mutual governance.

Chapter 7 also listed some of the common projects of the Conference, examining the extent to which they are expressions of the joint pastoral action which is a defining action of the bishops' conference. While all the quoted examples are legitimate indicators of this joint action, it is obvious that the Seminaries as a joint action is slowly eroding the collegial foundations of the Conference.

The inability on the part of the bishops of the SACBC to work towards a sustainable solution of the problem of the seminaries is indisputable. Firstly, there is a chronic inability to settle the matter of suitable staff for Conference seminaries. In terms of staffing the seminary with diocesan priests, the bishops simply do not volunteer priests from their dioceses or do not want to transfer them. Secondly, the inability to control the ever-increasing costs is also quite clear. Thus, on the one hand the bishops agree in their plenary session to increments in the diocesan fees for students, while on the other hand they decide on their own

to withdraw their seminarians from Conference seminaries, mostly because of the high fees.

Such behaviour simply does not make much sense. It ridicules the decision-making bodies and processes of the Conference. It points to the sheer unwillingness of many bishops to make a project such as the seminaries, which is a conference creature like the Lenten Appeal, work. While the Cape Town decision had shaken the bishops, the fact remains that the bishops are not in action as committed to their own seminaries as they might be in intention. For it to work the bishops need to own the seminaries, or better still, own the Conference. Until they do, the precarious situation of the seminaries will be a tarnished reflection of the state of the SACBC and of the state of collegiality among the bishops.

Conclusion

This chapter drew its conclusions from the whole process of presenting and weighing the facts as they unfolded in observation and survey the available literature. This process, embedded in the three main chapters of Part Two, concludes in this chapter.

It was found that the SACBC has an excellent record as far as solicitude for the whole church is concerned. To the inside, though, bishops show little capacity to treat and discuss matters in a thorough and comprehensive manner in their decision-making meetings, namely the plenary session and board meetings. There is a haphazard or sporadic commitment to the organs they have created to

do the work of the Conference. Finally, while a common project, such as the Lenten Appeal is a proud record of collegial solidarity with local dioceses within the borders of the Conference territory, one major and defining common project, namely the Seminaries, could not foster equal solidarity among bishops.

The problem, however, lies much deeper than suspicious voting at plenary sessions or the stubborn refusal to implement Conference decisions in their own dioceses. It also lies deeper than the suspected but unsaid concern of some bishops for the 'moral safety or cultural purity' of their students. It cuts straight to the heart of the matter. The SACBC, like all other bishops' conferences in the Catholic Church, has a built-in self-destructive device, namely, that the bishops' conference does not have juridically enforceable power over individual diocesan bishops. The Conference cannot enforce the decisions its bishops make in plenary session on the bishops in their dioceses. The Conference is a consultative body.

Therein, and nowhere else, lies the cause of the Conference seminaries' problems, and ultimately the Conference's capacity to live episcopal collegiality.

This brings to a conclusion Part Two. What now remains is consolidate the information gathered in the observation of the SACBC. This will be done in the penultimate chapter of this thesis.

Chapter 9

Developing a local model of collegiality – initial steps

Introduction

The work done in the main body of this thesis suggests that all is not well with collegiality among bishops in the SACBC, even if the Conference's solicitude for churches outside its own borders is impressive.

Firstly, the poor understanding of collegiality among the bishops of the SACBC weakens one of the essential tools of collegiality, namely the bishops' conference. Secondly, organisational incapacities lead to a weaker Conference and ultimately poorer realisation of collegial action.

These two anomalies have to be removed before one can begin to consider the formation of a local concept of collegiality. In fact, if they can be removed by the Conference, given its precarious situation as a body that canonically has to answer to the Holy See, its bishops will have strengthened the local church immeasurably.

The two sections of this chapter attempt to address these issues.

1 Bishops, become what you are

1.1 Members of the college of bishops

If one were to summarise the SACBC bishops' understanding of collegiality, it would be along the lines of gathering as bishops for collective business and common prayer. Collegiality is especially manifested when bishops agree with

each other and when each bishop implements Conference decisions in his diocese. Collegiality as the actions of the college of bishops, the subject of supreme authority in the church, is only peripheral to their understanding.

This rather poor, even incorrect perception of collegiality contributes significantly to the weakening of the bishops' conference. In other words, an incomplete understanding of episcopal collegiality allows the bishops to shoot themselves in the foot as a Conference. Consequently, the members of the SACBC relegate their own Conference to a discussion club for local Catholic bishops and a prayer group for bishops in which they affirm and support each other. They do not show what and who they are, namely, members of the college of bishops, who, together with their head, the pope, have supreme authority in the Catholic Church.

There is therefore an urgent need for bishops of the SACBC to develop their understanding of collegiality so that it eventually reflects the theology of the Second Vatican Council. Understandably, they have not been encouraged in this regard by the centralising papacy of Pope John Paul II. But it will help the Catholic Church in no way if bishops cease to insist on collegiality within the college of bishops. Only perseverance in this regard from all bishops' conferences will ultimately stimulate corrective attitude and action from the Holy See and its dicasteries.

Excursus 10 – [Theology on the battlefield](#)

However passionately one may plea with the bishops of the SACBC to become what they are, namely members of the college of bishops, one should keep in mind that they are bishops against the background of increasing centralisation by dicasteries of the Holy See.

Ultimately, we have to connect the overt and constant tendencies of many Vatican congregations to centralisation over the years before Vatican II with the eventual introduction of the concept of collegiality, a victory by the majority of bishops at that council. It was the result of their deliberate and conscious action against what they perceived to be the erosion of their episcopal power by the workmen and the working ethos of many Vatican dicasteries. They were victorious in a way that no one imagined possible. Their political battle was won by a theological concept, collegiality.

The terms of collegiality were clear: as bishops they are part of the college of bishops by virtue of their ordination, not by decree of dicasteries. This college of bishops with their head the pope – and never without him, as the text of the constitution on the church eventually made clear – is the subject of supreme authority in the church. That, is, as the college of bishops they are tasked with the supreme governance of the church. As supreme pastors in the church they legislate, govern, safeguard the faith and enforce discipline – as a college.

The victory was sweet, but short-lived. Almost fifty years after they introduced that splendid theological concept that has won them an intense political battle, bishops are more or less back at square one, after the long years of the centralising papacy of John Paul II. As Paul Collins (1998:22) notes, “John Paul II has achieved a centralization of papal power unmatched in history.” Today more than ever, bishops have to look to Rome for anything that has to do with the power of governance (see Woodrow 1998:86-87), teaching, and worshipping; they and their flock: believers, clergy, and theologians - all of them. Gregory Baum (1999:40) maintains that bishops “are excluded from their co-responsibility for the church as a whole, recognized by Vatican II as the principle of collegiality.” Against the teachings of *Lumen Gentium*, “bishops are urged to think of themselves increasingly as local representatives of the pope” (Baum 1999:41).

Today collegiality is an almost empty concept in the Catholic Church and meaningless as it ever could ever be.

At the moment, there is no single tool to air the frustration and express this insistence. Part Two of this thesis shows that the voices of bishops in the synod tend to go unheeded. But this does not mean that bishops who represent their bishops’ conferences at synods should therefore refrain from speaking, especially about ‘taboo’ issues. In addition, the persistent attack on the integrity of the bishops’ conference as a major expression of collegiality by the Holy See and many of the Vatican dicasteries needs to be counteracted by an equally persistent

affirmation by bishops of the place of bishops' conferences in the college of bishops. This Conference should likewise, especially in its participation at synods and other forums where bishops meet, during the *ad limina* visits and in its correspondence with the Holy See.

However, this could only be done successfully if bishops become more catholic in their thinking, attitude, and action.

1.2 Become catholic

The term “catholic” comes from the Greek adverb *kath' holon*, literally meaning “according to the whole.” The basic meaning is “universal.” From the adjective *katholikos* derives specifically “catholic”. Transcribed into Latin as *catholicus*, the proper Latin translation would be *universalis*, *communis*, or *generalis*. In English, universal means “comprehending, affecting, or extending to the whole.”

1.2.1 Stop your diocesan navel-gazing, bishop

For a bishop to be universally focused means not to be limited to the concerns of his own diocese but to show tangible support for other dioceses and the Conference even where one's own diocese does not appear to benefit from such solidarity and support.

Archbishop Poledrini, Apostolic Delegate during the stormy seventies before and after June 1976, spoke to the bishops gathered in plenary session in February 1977 and commented on the “new concept of collegiality” (SACBC 1977a:14). Unity and universality are fundamental to collegiality among bishops, who give

their collective support for every activity common to the whole Church. In a collegial framework, said Poledrini, there is no place for “a parochial or provincial outlook,” which is foreign to the “ecumenical, catholic, universal tradition of the Christian Church” (SACBC 1977a:14).

When a bishop’s outlook is limited to his own diocese it is easier for him to ignore Conference decisions. It is easy to decide in one direction in Conference meetings and then implement in a different, even contrary direction in the diocese. Such dishonest decision-making is unfortunately a permeating and apparently permanent feature of the Conference. It is facilitated by official interpretation of conciliar texts concerning episcopal collegiality that has relegated the bishops’ conference to a gentlemen’s club. They make decisions by gentlemen’s agreement and the implementation and respect of those decisions depend solely on the good will of the club members.

There is no place for such attitudes in a bishops’ conference.

Consequently, bishops need to do serious soul searching or risk remaining a gentlemen’s club with no backbone. Once the bishops own the Conference they will show much more commitment not only to the decisions they take in plenary sessions but they will also own and therefore genuinely appreciate Conference organs. Should this happen, Conference seminaries, for example, would have half of their problems solved. As it is, they remain in a very precarious situation and rectors shoulder the blame.

1.2.2 Implications for catholicity in the church

Of course, the fact that individual bishops would participate with much more personal commitment than they do at the moment in the Conference has wider implications. As a bishops' conference, the bishops are able to create a common opinion on various pastoral matters. Other opinions, similar or dissimilar, would develop elsewhere in the church, through discussion by other bishops' conferences. Along with this, various centres of independence would develop that should cancel out continual referral to Rome (Ratzinger 1966:57). This would underwrite the catholicity of the church in a very powerful way, because a multiplicity of opinions and understanding would lead the whole church to a fuller expression of the catholic truths of the Christian faith.

Antonio García y García (1988:57) notices how the frequent particular councils in the province of Africa, in the Visigoth church and that of Gaul stood out for their originality as well as for "the reception of their canons in other churches." These particular councils were not merely useful reunions of bishops. On the contrary, they were "a principal form of collegiality for bishops and of communion with other churches" (García y García 1988:57). The present bishops' conferences "have come to take the place of particular councils in the Church" (García y García 1988:67). By developing bishops' conferences through the recognition of their legitimate place in the college of bishops one would, as Ratzinger once insisted, revive the ancient synodal structure of the church (Ratzinger 1966:57).

If the mindset of our bishops could be changed similarly, bishops' conferences could indeed become powerful centres of collegiality. This, however, can only be

done when bishops own their bishops' conferences. The chance is indeed very slim for an individual bishop to develop a serious and developed pastoral opinion on his own, given that most of the dioceses of the SACBC have limited resources in terms of theological capacity.

1.2.3 Caution

At the same time, however, bishops' growing involvement in the work of the Conference could lead to undue organisational growth of the Conference. Timothy Dolan (2005) shows how the phenomenal growth in size of the Bishops' Conference of the United States actually led to the restriction of the voices of individual diocesan bishops. The United States Conference of Catholic Bishops (USCCB) grew formidably over two hundred years. Eventually it became so large that by the 1980's some critics said the conference had become staff-driven, bishops mere spectators and that plenary sessions looked more "like political conventions than pastoral meetings" (Dolan 2005).

Therefore, there should be a counter-balance in what the bishops of the SACBC need to do: become catholic by moving exclusive focus away from their own dioceses, yet guard against the bureaucratisation in a rapidly expanding bishops' conference. To do this they need to streamline the Conference, or, put loosely, the bishops need to lose weight.

2 Lose weight

Various organisational anomalies in the Conference limit the expression of collegiality. This includes, among others, the poor quality of debate and discussion

in plenary meetings and the haphazard commitment of bishops to Conference organs.

2.1 Have quality discussions

The quality of discussion in plenary sessions leaves much to be desired. There is generally little personal preparation for plenary meetings, as shown in Part Two. At plenary sessions some bishops remain persistently quiet while others make their voices heard on every single point of discussion. In addition to this, several organisational weaknesses contribute to a poor interaction between the bishops and the Conference organs. Bishops allow themselves to be bullied into decisions at plenary sessions by stronger personalities, for they keep quiet not to upset the flow of a majority opinion (Hecht 2004; Potocnak 2004). This, and their generally poor involvement with Conference organs lead to a considerably weaker Conference and therefore, ultimately, a poorer collegiality.

It is imperative for chairpersons in the plenary sessions to “draw other people out of themselves, [and] not only hear those who want to speak and have the gift of speech” (Nubuasah 2005).

In addition, bishops need to take seriously their preparation for the plenary sessions. When Jabulani Nxumalo OMI, was still a member of the TAC and teaching at St Joseph’s Theological Institute, he became aware of the measure to which most bishops came to plenary sessions: they were plainly very poorly prepared (Nxumalo 2005). Nxumalo reminisced of the leading figures of the

Conference at the time, emphasizing the importance and benefit of proper preparation:

I became aware that Archbishop Hurley, Cardinal McCann, Stephen Naidoo, Joseph Fitzgerald, and Zwane of Swaziland lead the bishops' conference. They came prepared. Like Hurley: the week before, he sat and read every document. He prepared. When he came to the bishops' conference, he came prepared. I realised the best thing one can do is to read each and every report that is given and also to look at proposals. That is helpful for participation and it also makes the session lighter, because your mind is engaged. If you are not prepared, it can be tiring, because you are not really engaged, and things take you by surprise. So, therefore, for me it is to sit down, read, and prepare the mind and to see what I can.

However, it would be burdensome for most bishops to properly prepare in the way Archbishop Hurley and the others did if they have two heavily loaded plenary sessions per annum.

2.2 Improve decision-making processes

Conference decision-making structures and processes need to be consolidated. A good feature of the SACBC is that it has changed in structure very often. There is a constant desire to adapt the structures to better use the skills that Conference acquires as the years go by. This dynamic character of the Conference needs to be extended consciously.

2.2.1 Let the board be a board

Firstly, the board needs to become more what it is, an executive body, handling the administrative decisions and determining to a large extent the general direction of the Conference. The constant running about between board and plenary session to determine some matters is a waste of energy and time. Once

Splitting business from more serious pastoral matters in this way would radically improve the quality of participation and discussion.³⁰ In addition, bishops would have stronger opinions, which they certainly would not be prepared to trade in or forget in the face of either dominant personalities or babbling bishops. In such a scenario, it is easier to imagine how the chairpersons of the sessions would constantly seek to move a discussion towards consensus. Hermann-Josef Sieben (1988:32-33) shows how in particular councils of the first millennium the seeking and giving of consensus was constantly striven for.

2.3 Pray and share elsewhere

The strengthening of plenary session procedure would necessitate that bishops meet in other forums to address their spiritual needs and their need for mutual personal support. Workshops, such as the one organised by Brother Jude in Port Elizabeth in 1994 (Pieterse 2005) and retreats for bishops are just two examples of such forums. Plenary sessions would then not have to be burdened by bishops' constant demands for more prayer and sharing.

As such it would stem the more or less general opinion of SACBC members that plenary session is a place where bishops come together to be supported. This erroneous perception of what a bishops' conference is, downgrades the Conference to a place where touchy-feely stuff happens; that is, where bishops

³⁰ The Acts of the 14th Council of Toledo (see Sieben 1988:40-41) show how bishops divided their plenary sessions. After the solemn opening the council would start its agenda: the first three days were given to the consideration of doctrinal matters and the following days would be dedicated to deciding disciplinary matters.

get together to support and feel supported. It is because of this that the bishops' conference is viewed as an expression of affective collegiality.

Conclusion

This chapter took the critical examination of Part Two as the basis for suggesting essentials for an eventual discussion on a local concept of collegiality. Two basic suggestions were made, and these were briefly developed in the subsections of the chapter. Firstly, bishops needed to become what they are, members of the college of bishops and catholic. They should take possession of the conciliar teaching on the episcopal college, the holder of supreme authority in the church. Such possession can only come about if bishops moved from parochial navel-gazing in their own diocese to a truly universal outlook and attitude.

Secondly, bishops needed to trim down their Conference by streamlining their decision-making structures. Empowering the administrative board and splitting business from the pastoral are two basic steps in the right direction. It was suggested that this could only happen if they first improved the quality of their deliberations through proper personal preparation and channelled their insistence on more prayer and sharing at plenary sessions to separate events, such as a retreat.

These are very basic matters. But it is only through fixing these matters that one can begin to think of a local concept of collegiality.

GENERAL CONCLUSION

The trivial naming of a secret session at the plenary session and other meetings of the bishops of the SACBC gave rise to the question of whether the bishops did not perhaps operate from a misunderstanding of collegiality. Added to this was many bishops' perception of the disrespect of some members and officials of the Roman Curia for the power and authority of diocesan bishops and bishops' conferences. This clearly pointed to a misunderstanding of collegiality by those members and officials. Finally, some bishops of the SACBC showed apparent disregard for Conference decisions in their own dioceses.

This thesis set out to confirm or disprove these phenomena in Parts One and Two.

Part One described collegiality. A person becomes a member of the college of bishops through episcopal ordination. With its head, the Bishop of Rome, and never without him, the college is the subject of supreme authority in the Catholic Church. According to the teachings of Vatican II in *Lumen Gentium* this collegial authority is formally exercised in ecumenical councils, through pope-approved actions of the dispersed college of bishops, and other collegial actions such as the episcopal conference, which is an expression of the collegial spirit. Each diocesan bishop has full charge and responsibility for his own diocese. At the same time, however, each bishop has solicitude for the whole church and never only for his diocese.

Part One demonstrated that the conciliar definitions of collegiality have been deliberately left open-ended, mainly because the concept has not yet settled well in the church at the time. Even if grounded in Scriptures, it was still novel. Thus, the actions of bishops would be collegial when the whole college of bishops gather in council; or when the college, dispersed over the whole world, unites in some action which is accepted or approved by the head of the college, the pope, or when the head of the college, the pope acts in the name of the college. The first and second description is clear enough: the whole college in council acts, or the pope acts. The middle description is somewhat vague, and has never been spelled out at Vatican II, except to say that bishops' conferences are also an expression of the collegial spirit.

Official post-conciliar interpretation of *Lumen Gentium* has consistently given a very strict interpretation of the instances of collegial action of the college of bishops. Only when in council can bishops, and always only the pope, act in collegial fashion. Part One has argued that this interpretation, which consciously excludes bishops' conferences as tools and expressions of collegiality, was never representative of conciliar teaching.

In spite of official interpretation and accepting conciliar teaching, this research operated under the assumption that the bishops' conference is, in fact, a tool and expression of collegiality. Part Two therefore examined the expression of collegiality in the structure and activity of the SACBC. It endeavoured to answer the question whether collegiality was a permeating feature of SACBC thought and practice.

The research of Part Two found that the SACBC had an excellent record as far as solicitude for the whole church is concerned. But this has to be qualified immediately. It simply means that the bishops of the Conference related well to local churches and conferences outside Conference borders with the solicitude for the whole church expected of them. They were very solicitous *ad extra* (towards the outside), but had a much less impressive record *ad intra* (towards the inside).

Firstly, bishops showed an alarming lack of capacity in the plenary session and board meetings, their decision-making bodies. Blame is largely to be laid at the door of the poor quality of reflection, discussion and interaction. This is the result of poor personal preparation, the domination of sessions by a few bishops with strong personalities as well as the canonical lack of capacity of the Conference to enforce its decisions. Secondly, bishops had a questionable commitment to the organs of Conference. Finally, some common projects, such as the Lenten Appeal, had a consistently good record of collegial solidarity behind them, while the Seminaries demonstrate the opposite. It was the one project that showed dismal collegial cooperation among bishops that was set to become even worse.

Ultimately, the results of this examination were condensed into two factors. Firstly, a poor understanding of collegiality among the bishops weakened the SACBC. Secondly, organisational incapacities lead to a weaker Conference, and ultimately to a poorer realisation of collegial action.

Part Three argued that these anomalies had to be removed before any reflection on a local concept of collegiality could be started, and that the strengthening of basic matters will strengthen episcopal collegiality in the local church.

Consequently, bishops were, firstly, encouraged to become what they were, namely, members of the college of bishops, and catholic. They were to maintain and insist that bishops' conferences had a legitimate place in the basic structure of the church and that they were not merely practically useful. Bishops were asked to become truly universal in their outlook and commitment, not restricted in their vision to their dioceses only.

The bishops were, secondly, encouraged to lose weight. In real terms, this meant that they should organisationally streamline the Conference by improving the quality of discussion and decision-making. They were also encouraged to pray elsewhere and not turn plenary sessions into quasi-retreats. Certainly, they are there to make decisions through consensus, and to do that they need to pray, since running the Church is the very business of the Spirit of God. But to outpray each other and spiritualise a decision-making meeting hardly meet the objective of making decisions properly.

This researcher believes that these are the basic steps to the strengthening of collegiality in the local bishops' conference. Any discussion towards the fashioning of a local model of collegiality stands or falls on the correction and maintenance of these basics.

Appendices

Appendix 1

What a bishops' conference should or may enact

The Code of Canon Law (CIC) promulgated in 1983 contains 111 canons on the nature and legal tasks of a bishops' conference. Some of the canons enable the conference to do something, others oblige. The bishops' conference should in certain cases make local decrees based on the 1983 Code. In January 1998, the SACBC published these decrees in its *Official document promulgating complementary norms* (SACBC 1998). The table below provides the number of the CIC canon followed by a summary thereof, followed, lastly by the local decree or complementary norm number of the SACBC.

Canon	Summary	SA norm
230, §1	Determine age and qualifications for lector and acolyte ministries	11
237, §2	Give approval to an inter-diocesan seminary	
236	Lay down provisions for training of permanent deacons	28
242	Compose common plan for priestly formation for all seminaries	
276, §2, 3°	Determine obligatory prayers from the breviary for permanent deacons	2
281	Determine support for retired priests	20
284	Lay down norms for dress by clergy	12
294	Be consulted by Apostolic See for personal prelatures	
312	Establish national associations	
320, §2	Suppress associations when reasons grave	
372, § 2	Be consulted for establishment of particular rites	
377, §2	Compose list of candidates suitable for episcopate	
377, §3	President to be consulted for nominations	
433, § 1	Propose joining of ecclesiastical provinces	
434	Conference powers do not belong to other bishop-groups	
439, §1	Organise plenary council for all dioceses	
441	Convene, choose venue, choose president, set agenda for council	

443, §1	Determine voting members at particular council	
443, §6	Invite guests	
447-459	The nature of a bishops' conference	
496	Bishop to take account of Conference norms for priests' council	19
502, §3	Determine when cathedral chapter replace consultors	
522	Bishop appoint parish priest according to Conference time-frame	3
535, §1	Determine registers besides basic ones to be kept in parish	4
538, §3	Bishop take account of Conference norms for retired priests	20
753	As conference, bishops authentic teachers of faith	
755, §2	Issue practical ecumenical norms	
766	Lay-preaching rules follow Conference norms	13
772, §2	Radio & TV preaching according to Conference norms	14
775, §2&3	Publish catechisms, establish catechetical office	
788, §3	Establish norms for catechumenate	
792	Welcome and assist ministers and students from mission countries/ other dioceses	15
804, §1	Issue general norms for teaching Catholic religion in schools	
809	Take care for Catholic universities or faculties	
810, §2	See that principles of Catholic doctrine observed in these universities or faculties	
821	Establish institutes for higher religious studies	
823	Safeguard integrity of faith and discipline in Catholic media	
825	Approve publishing of (parts of) sacred Scriptures and translations	
830, §1	Draw up list of persons competent to be censors	
831, §2	Establish radio & TV norms for clerics & religious regarding faith & discipline	14
838, §3	Prepare and publish liturgical translations	
844, §5	Issue general norms for sacramental sharing after consultation	
851, 1°	Adults baptised according to Conference norms & adaptation of rite of initiation	22
854	Manner of baptism done according to provisions of Conference	
877, §3	Baptism register details of adopted persons recorded according to Conference rulings	16
891	Determine age for reception of sacrament of confirmation	
895	Keep confirmation register according to Conference prescriptions	4
961, §2	Bishop to be mindful of Conference agreement on general absolution	
964, §2	Issue architectural norms regarding the confessional	5
1031, §3	Rule on ordination ages for priests & permanent deacons	27

1062, §1	Engagements governed by Conference law	
1067, §1	Lay down norms for pre-marriage enquiry and banns	23, 25
1083, §2	If desired, established (higher) age for lawful marriage	26
1112, §1	Give permission for bishops to delegate lay persons to assist at marriage where there is no ordinary minister	
1120	Conference may have own rite(s) of marriage	
1121, §1	Keep marriage register according to Conference prescriptions	
1126	Prescribe manner of declarations & promises in 'mixed' marriages	24
1127, §2	Establish norms for dispensation from form of marriage	21
1231	Approve national shrines	
1232, §1	Approve statutes of national shrines	
1246, §2	Suppress or move certain holydays of obligation, with papal approval	29
1251	Determine abstinence on Fridays	
1253	Determine more particular ways of fasting and abstinence, of penance	7
1262	Contributions given according to Conference norms	17
1265, §2	Draw up rules regarding collections, even for mendicants	
1272	Regulate benefices in area	
1274, §2&4	Establish pension fund for priests and other church workers	20
1277	Define "acts of extraordinary administration"	18
1292, §1	Determine minimum & maximum amounts for alienation of property	8
1297	Determine norms for leasing of ecclesiastical goods	9
1421, §2	Permit lay persons to be tribunal judges	10
1425, §4	Where impossible to constitute college of judges, allow diocesan bishop to use a single clerical judge	
1439	Establish and regulate second instance tribunals	
1714	Parties in dispute may use Conference laws of mediation & arbitration	
1733, §2	Lay down norms of mediation dioceses may use	

13. Special Assembly for Africa	10 April – 8 May 1994	The Church in Africa and her evangelising mission towards the Year 2000: 'You shall be my witnesses' (Acts 1,8)
14. Ninth Ordinary General Assembly	2 – 9 October 1994	The consecrated life and its role in the Church and in the world
15. Special Assembly for Lebanon	26 November – 14 December 1995	Christ is our hope: renewed by his Spirit, in solidarity we bear witness to his love
16. Special Assembly for America	12 November – 12 December 1997	Encounter with the living Jesus Christ: the way to conversion, communion and solidarity in America
17. Special Assembly for Asia	19 April – 14 May 1998	Jesus Christ the Saviour and his mission of love and service in Asia: '...That they may have life, and have it abundantly' (Jn 10,10)
18. Special Assembly for Oceania	22 November – 12 December 1998	Jesus Christ and the peoples of Oceania: walking his way, telling his truth, living his life
19. Second Special Assembly for Europe	1-23 October 1999	Jesus Christ, alive in his Church, source of hope for Europe
20. Tenth Ordinary General Assembly	30 September – 27 October 2001	The bishop: servant of the gospel of Jesus Christ for the hope of the world
21. Eleventh Ordinary General Assembly	2 – 23 October 2005	The Eucharist: source and summit of the life and mission of the church

Appendix 3

Sample from Plenary 2004

The following is an excerpt from the notes made at the August 2004 plenary session on Monday, 9 August 2004 (Plenary 2004:34-37). The names of the participants have been withheld.

Pastoral Reflection: The upcoming Synod

Accompanying document: Preparation for the Synod of Bishops of 2005 on the Eucharist. Bishop 3, who prepared the paper, reads the whole document through.

Archbishop A (chairman of this session) invites responses.

Archbishop B: we also have elements of the old church in our white parishes, and their complaints are the same as those from the church of the north.

Bishop 1: the question we are asking is the central one: how to appreciate better the presence of God. We must study, share together in groups – all these are intellectual responses. There must be something that comes out of contemplation, and this is somehow missing to his treatment of the mystagogy.

Bishop 2: excellent document! The issue of silence would be important. The ICEL document, what we have to realise, Rome is saying we must not lose that we must still get a sense of the proper translation into modern languages. We ICEL people came to the conclusion that we bit off more than we could choose. They can maybe supervise the main languages, but there is no way they can supervise everything. There is a lack of capacity in Rome as regards translations.

Archbishop C: I also find Bishop 3's presentation helpful. I find the concept of inculturation empty. I say that with regard to paragraph three on page three on the Eucharistic prayer. I have a different take to what Bishop 3 said. During the Eucharistic prayer, one lady collapsed and she had to be helped out. That is not uncommon; it is very common. The role of the Spirit should not be ignored. If the whole issue of the epiclesis could be opened up, a lot of strange things would be happening. But as it is structured now, it is a clerical thing, and therefore people do not experience participation in the same manner. At macro level we could have a Eucharistic congress, to be able to have an indication of what the people think and respond to certain questions of the Eucharistic. It might be something worth considering.

Bishop 4: I wonder if there shouldn't be something regarding relationship; between people and God, and people themselves, since the Eucharist should be really about this relationship.

Bishop 5: we should not issue a blanket condemnation. At the same time we should not issue a blanket acceptance of all that happens in our liturgies. Not everything is acceptable, and those things need to be condemned as undesirable. Priests should have enough sense to control these things. The understanding of what Christ did and what Christ meant is lost, when we put all our kinds of human senses in it. Yesterday, people shouted – a meaningless thing!

Archbishop C– Its not!

Bishop 2: the whole area of reconciliation that Bishop 4 mentioned is vitally important. The breakdown of relationships can lead to all kinds of witchcraft issues.

Bishop 6: sometimes I get the impression that people would feel very content about celebrations if the priest would just say the canon quietly, and they would just sing and dance. They would go home feeling very nicely. They would still be deeply impressed. But still the mystery would still lack. The realisation of where we are, and who is present – this to me is still lacking in our people. It is a question of catechesis.

Archbishop A: of our priests as well.

Bishop 7: the dignity, the presence. The rhythm: times of dancing, times of reflection; this sensitivity should be present. The absence of silence in many celebrations serves as an example. The beat and so on: they do not evoke the presence of God; they evoke a beat, and nothing else. The people do not have a sense that Mass is a sacrifice.

Archbishop A now asks people to share their thoughts in small groups. The bishops oblige immediately, in eleven groups of two's and three's. After some time they get back into plenary.

Bishop 8: thanks, Bishop 3 for the input. Archbishop C really put the finger on the point. He only alluded to certain points, but referred to the woman carried out yesterday during the canon. He did mention if the people would own the epiclesis in a much bigger way, big things would happen. Already there are things happening here, people claiming the celebration with joy, which is the very opposite of what happens in the. I would support the idea of the Eucharistic Congress very much, if it is very well prepared. I would say we have not yet touched the root of inculturation regarding the Eucharist.

Bishop 9: this was for me the centre. What can we do to make the people to allow experiencing Christ where there is no Eucharistic celebration? This has been my life's work. We cannot allow the people to sense the experience of the mystery by

expecting no experience of mystery outside the Eucharist. To experience Christ better in the Eucharist, one has to sense that mystery outside. It is a pastoral package deal.

Bishop 10: emphasis on the word. Many times one hears good homilies, but their contents there are something else: psychology, not the Word. It should be remembered. Then there are gestures, which become meaningless, or take on different meanings. The introduction of the Eucharistic Prayer in the form of a dialogue as in one of the Children's Masses.

Archbishop C: I sense a difference of culture in what Bishop 7 has said. That particular area of experience: trance, etc. has not been evangelised. This pagan experience of mystery – it has not been evangelised. Whose mystery are we talking about, because in African communities, this is a seven-day experience. As Africans, speaking in that way, people are open to being converted. As pagans they are open to the experience of God in many ways. It is not necessarily a wrong thing, but at the moment I will hold my peace.

Bishop 11: C has touched on what I grappled with. That is, we talk about issues like silence, or what happens spontaneously at the sign of peace, and we say things like the up and down rhythm, and I ask myself, where are those givens coming from through which we are looking at these experiences. And the norm is Eurocentric, because that is where our liturgies are coming from. I find myself asking what would the case have been if the reverse were true? I feel we need to do a profound amount of listening and questioning, such as: what is moving you to greet with peace everybody, instead of just the people immediately around you; for these practices have grown in our liturgies, so far. After such listening, we could begin to have a different sense of liturgy. I do not think we can make presumptions that our own values are absent, and therefore there is nothing of value.

Bishop 12: I got a very strong message here concerning *virī probati*. There must have been only two venues where that have been used during the Synod of 1990. Maybe we should put the issue of *virī probati* back on the table at this Synod. Maybe we should ask Rome to consider their ordination again.

Bishop 13: We know in the Greek Church they handle the mystery by taking it behind the curtain, while the deacon commented on it. Priest with the back to the people, another way of keeping the mystery away from the people. How are we today dealing with the great mystery?

Archbishop A: had in mind the movie *The Passion of the Christ*. How he used his Catholic bias to reflect back to the Last Supper while the Christ was suffering. The point I am picking up: a lot have been said about the mystery, relationship – participation, reconciliation, the power of the Spirit, modulation, the epiclesis – its opening up to the people, what we see people doing, their expression of the need/mystery of God. Why do communities do these things?

Bishop 14: incarnation is the great Catholic emphasis. I think that is the real mystery; this brings into focus Bishop 13's document.

Fr X: I realised when leaving the seminary that the way of experiencing God was at variance with the communities I began to serve as a priest; it came out very strongly from the people in preparation and in celebration. The way they experience the presence of God, is to enter into dialogue with God. I think we need to give our people such an opportunity as well, how they want to express their experience of the presence of the mystery of God.

Bishop 15: If we would give more space to artistic expressions and symbols as well.

Archbishop B: about silence. I always used to think that there is no place for silence in African cultures. When we buried the dead, there was absolute silence, especially at burials toward the north. At the resurrection there was great joy, it is a time of joy that comes out very strongly in the way people express joy.

Bishop 9: When there is a Xhosa sacrifice at the kraal, there must be dead silence. We could say that to our people. We want silence. And people are silent.

Bishop 3: my impression is that we have just demonstrated what the synod could mean for us. We could see from the rich discussion that it is something very close to us. Let us take this to our priests and the people and handle it in sharing and discussion. People would love this question; it simply needs to be posed. The priests would bring these very same issues up in discussion, for the Eucharist is also very close to them. We have shown what kind of reflection would be needed.

Archbishop C: short of precipitating things, how do we take this discussion forward? A Eucharistic congress should be the ideal place to handle this.

Archbishop A: there is still some time left in our program. Please bring it up again.

Bishop 8: my experience of the one Congress I attended in Seville was not good, and so were that of the people who accompanied me. Originally it was meant to be a deep reflection in small groups.

At this point Bishop 11 ask for resolutions to be brought to him, especially by the Heads of Department. The Nuncio would leave after lunch. He speaks words of farewell.

Nuncio: regarding the mystagogical question: it comes not from the language only, not only from the origin, but the difficulty comes from the mystery itself. There are some different viewpoints, official prayers of the church that have to be said more or less in the same way everywhere, so that the very same mystery is understood. Secondly, concerning the Eucharist. There has to be a certain convergence as to how the mass is celebrated everywhere. The many things, which exist in local traditions, have to be tested, not merely accepted. What we presume to be

absent, e.g. silence has meaning in local cultures; we have to ask what the meaning of silence is in its different uses. [A little word follows on the use of the greeting of peace.]

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Appendix 4 List of interview questions

The following is the list of questions sent to Bishop Michael Coleman of Port Elizabeth in preparation for an interview. Similar lists were sent to those who preferred to answer the questions in writing.

SACBC

1. What would you say is the work of the Bishops' Conference?
2. Give a significant reason why being a member of the SACBC is useful to you as bishop, and to your diocese.
3. Is membership of the SACBC sometimes inconvenient to you as bishop, and to your diocese? Why?
4. Do you experience any tensions in the Conference between the needs of rural dioceses and urban dioceses? If yes, name them.
5. You became a Member of the Conference in 1986, but you were involved in various ways before that. What is the most significant development in the SACBC since you became a member?
6. Describe the current portfolios you have in the Conference.
7. Each bishop decides whether or not he will implement the decisions taken at Conference level. Does that frustrate Conference efforts at common pastoral action or not?
8. Bishops are free to implement non-juridically binding decisions in their own dioceses or not. Yet they are encouraged to implement them with a view to unity and charity with his brother bishops unless he has serious reasons that he has carefully considered in the Lord. Describe an occasion you chose not implement an SACBC decision and the reasons for your decision.
9. Do you have non-business contact with other bishops? Of what significance is it to you?
10. What would you say is the strongest feature of the SACBC? And the weakest? Why?

Khanya House

1. Which departments, offices, associated bodies of Khanya House (i.e. of the Conference) are, in your opinion, at the core of the mission of the SACBC, and which are at the periphery? Why?

Plenary sessions

1. How do you prepare for a plenary session of the conference?
2. Are two plenary sessions per annum sufficient for the business of the Conference? Why (not)?

3. Was there ever a time when you experienced the plenary session as an imposition to you and your diocese? Why (not)?
4. Name one or two things you would change about a plenary session.
5. Why are the closed sessions at a plenary called “collegial concerns”?
6. Describe what happens in such a “collegial” session.
7. Name one issue that you would move more or less spontaneously to a “collegial” session.
8. Why is the “collegial” session useful to you as bishop?
9. Name one thing you would change about the “collegial” session.

The Metropolitan Province

1. What is the role of the Metropolitan Province in your life as bishop and in the life of your diocese?
2. What would you like to see improving about the Metropolitan Provincial structure in relation to the Conference?
3. Explain briefly the process of nominating a candidate for the appointment of bishop, and outline the role of the Metropolitan Province in the process.
4. Do bishops of a province have any role in the ‘unmaking’ of a bishop (as, for example, in moving his canonical retirement to a later date, or as in the ‘deposition’ of a diocesan bishop or an auxiliary)?

IMBISA

1. What do you see as the role of IMBISA?
2. Is it achieving its purpose?
3. Did you attend the recent plenary session of IMBISA? Share one significant experience you had in IMBISA.
4. What needs to improve about the role and place of IMBISA in the life of the local Conference?

The Synod of Bishops

1. Describe how the SACBC prepare its submission to a synod of bishops.
2. Which synod(s) of bishops have you attended?
3. Name one positive experience you had at a synod of bishops.
4. Name one negative experience you had at a synod of bishops.
5. Name one thing you would change about a synod of bishop.

Ad limina visits

1. What do you understand to be the purpose of an *ad limina* visit? Do you have any lasting memory of a particular visit that you would like to share?
2. Is there anything about the institution that could change for the better?

Collegiality

1. Which one of the following comes immediately to mind when you think about collegiality: (a) a feeling of fraternity among bishops, or (b) shared governing of the Church? Why?
2. Would you say bishops of the SACBC are collegial in their relationships with each other? Why?
3. Have there been occasions when bishops of the SACBC were **not** collegial with each other? How and why?
4. Give one way in which bishops of the SACBC could improve their collegiality with each other and with bishops of other conferences.
5. State one way in which Khanya House/ the Secretariat facilitates or hinders collegiality between bishops of the SACBC.
6. The Bishops' Lenten Appeal, the National Seminary, and the 'involvement' of the Conference with other Bishops' Conferences, common salary scales of personnel in a region or Province could be examples of collegial cooperation. Have you any comments on the actual cooperation of the bishops in these things? What would you like to see improve about them and why? What other examples come to mind?

So as an individual bishop they just ignore it, but you can't ignore a policy decision like that. So whether you like it or not, whether it is practical or not practical, at least you have the obligation of trying to implement it.

Speaking of obligation, apart from the specific example you make, the bishops' conference can only exert a moral influence on a bishop in terms of implementing things. Is that an obstacle?

No, its not; you need that. You know there are some situations where if a bishop doesn't want to retire incapacitated, who removes him? Rome has to remove him, but Rome is far removed from here to be able to understand that the diocese is falling apart because this man is incapacitated. So the bishops' conference can then say to its president: can you do something about this, can you talk to Rome, can you talk to the nuncio or whoever is in charge, or whoever is responsible, that there is a problem here? You do need somebody. You do need a conference. A metropolitan can do that, but at times it is far better when it is done at conference level, so that there is a kind of solidarity and a common judgment that this situation needs to be ended. So that moral authority is important to have.

An authority which bishops could also ignore if they want to?

They can ignore that, but you can't. If, for example, and I talk hypothetically here, I mean, one is tempted to give you concrete cases which unfortunately will go onto your... Should you switch off that thing, I will tell you.

[tape switched off for a period of time]

...

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