

Episcopal Conferences in  
the Context of Communion:  
Some Notes on the  
American Experience

Eugene Duffy

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## EPISCOPAL CONFERENCES IN THE CONTEXT OF COMMUNION: SOME NOTES ON THE AMERICAN EXPERIENCE

EUGENE DUFFY\*

In *A Report on the Crisis in the Catholic Church in the United States*, The National Review Board for the Protection of Children and Young People<sup>1</sup> made numerous observations about the exercise of the episcopal ministry that indicated a serious lack of accountability among bishops, an unwillingness to heed advice from the bishops' conference, from their own clergy, and from the faithful at large. The authors claimed that "the bishops failed to make effective use of the accountability mechanisms already built into the Church's structure by Church law," whether these be the diocesan consultors, the finance council, the metropolitan, or the national conference of bishops.<sup>2</sup> They draw attention to a statement of John Paul II in *Pastores gregis*, to the effect that, "[I]f communion expresses the Church's essence, then it is normal that the spirituality of communion will tend to manifest itself in both personal and community spheres, awakening ever new forms of participation and shared responsibility in the faithful of every category."<sup>3</sup>

This particular crisis has indirectly thrown into question again the role of the episcopal conference and its *modus operandi*. This paper will look at the American bishops' conference during the first twenty-five years of its existence and highlight how in that period it placed significant value on lessons to be learned from the wider American socio-political culture. This discussion will be situated within the context of an ecclesiology of communion as this bears on an understanding of episcopal conferences. Following this basic introduction, it will be shown how the bishops placed a high value on the spirit of participative democracy so characteristic of their territory. Although the bishops regularly appealed to this socio-political reality as a way of justifying their *modus operandi* as teachers, they failed to reflect on and to articulate the theological ground-

\* Western Theological Institute, Galway, Ireland.

<sup>1</sup> (Washington, DC: United States Conference of Catholic Bishops, 2004) (A Report).

<sup>2</sup> *Ibid.*, 125-139. Cf. Stephen Pope, "Accountability and Sexual Abuse in the United States: Lessons for the Universal Church," *Irish Theological Quarterly* 69 (2004) 73-78.

<sup>3</sup> A Report, 132.

ity is as genuine at the local or regional level as it is at the universal level in the Church. Secondly, "the decisions of an episcopal conference taken in assembly are formally acts taken by the bishops in the name of their belonging to the *collegium*, and due to the solicitude for all the churches to which they are called. These are also actions in implicit communion with the entirety of the *collegium* . . ." <sup>11</sup> Thirdly, the historical fact is that conferences have enabled the Church to be rooted in a variety of different cultures. In this way they have contributed to the development of the local church and safeguarded diversity within the *koinonia* of the Church. Respect for cultural diversity is integral to the very nature of the Church, which in turn is to respect a fundamental principle of the incarnation and salvation history, namely, that people are graced and saved in particular social, cultural and historical situations; that salvation respects the traits of human reality which are compatible with grace, but which are differentiated by nature. <sup>12</sup> Thus it makes sense that those bishops who share responsibility for a local church should work with other bishops who share with them care for a people with similar problems, traits, characteristics, talents, and gifts. Matters which concern only certain geographical areas should not necessarily involve the whole *collegium* but can be dealt with by the episcopal conference of that area. <sup>13</sup> Finally, Tillard notes that the conferences are not there simply to translate the will of Rome into other cultural situations but to give to Rome the fruit of the experience of the Christian community in their own territory, so that the diversities of the incarnations of grace can be more fully appreciated. Communion with Rome is not simply obedience; it is the reciprocal exchange of gifts.

Thus for Tillard the source for an understanding of the ecclesiological foundations of the solidarity and collegial spirit of episcopal conferences is to be located in the solidarity and communion of the local churches. <sup>14</sup> The conferences enable the Church to give witness to its rich diversity

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l'église en un lieu," in *Initiation à la pratique de la théologie*, publié sous la direction de Bernard Laurent et François Refoulé (Paris: Les Éditions du Cerf, 1983) 322–324.

<sup>11</sup> Ibid.

<sup>12</sup> Similarly, according to Angel Antón the episcopal conferences can guarantee difference in the Church, which prevents unity becoming a matter of uniformity and catholicity from becoming simply a question of geography. See *Le conferenze episcopali. Instance intermédiaire?* (Milan: Edizioni Paoline, 1992) 315. See also comments by Mark E. Chapman on the importance of time and space in the exercise of ecclesial teaching authority: "The Spirit and the Magisterium," *The Ecumenical Review* 42 (1990) 268–278.

<sup>13</sup> *L'Église locale: Ecclésiologie de communion et catholicité*, (Paris: Les Éditions du Cerf, 1995) 474.

<sup>14</sup> Ibid., 471.

and catholicity and to the reality that people are graced and saved in their particular cultural and historic situations.

### *Apostolos suos*

In his apostolic letter, *Apostolos suos*, Pope John Paul II says that episcopal conferences “admirably help to foster a spirit of communion with the Universal Church and among different local Churches.”<sup>15</sup> He sees them as “contributing effectively to unity between the Bishops, and thus to the unity of the Church, since they are a most helpful means of strengthening ecclesial communion.”<sup>16</sup> However, he emphasizes the cultural or social reasons for their existence, thus downplaying their theological status, when he says:

they bring together the bishops of one country only, since the links of culture, tradition and common history, as well as the interconnection of social relations among citizens of the same nation require more constant collaboration among the members of the episcopate of that territory than the ecclesial circumstances of another territorial entity might require.<sup>17</sup>

The theological reality and the authority of the conferences are already limited by the statement that:

The binding effect of the acts of the episcopal ministry jointly exercised within Conferences of Bishops and in communion with the Apostolic See derives from the fact that the latter has constituted the former and has entrusted to them, on the basis of the sacred power of the individual Bishops, specific areas of competence.<sup>18</sup>

This, as Francis Sullivan has pointed out, does not match the history of the conferences, the conciliar perspective on their place in the life of the Church, or the post-conciliar instruction on the establishment of conferences.<sup>19</sup> Furthermore, the teaching authority of a conference is limited to

<sup>15</sup> *Apostolos suos*, Eng. trans. *The Theological and Juridical Nature of Episcopal Conferences*. (Sherbrooke, QC.: Médiaspaul, 1998) #8.

<sup>16</sup> *Ibid.*, #6.

<sup>17</sup> *Ibid.*, #16

<sup>18</sup> *Ibid.*, #13

<sup>19</sup> “The Teaching Authority of Episcopal Conferences,” *Theological Studies* 63 (2002) 472–493. For a comprehensive history of the emergence and development of episcopal conferences, see Giorgio Feliciani, *Le conferenze episcopali* (Bologna: Società Editrice Il Mulino, 1974).

those situations where the bishops agree unanimously on an issue or, where this unanimity is lacking, the Apostolic See approves the conference statement. This effectively limits the exercise of an episcopal magisterium to two instances: the universal magisterium of the entire college with the pope, or the individual bishop teaching within his own diocese. Thus an intermediary teaching authority is precluded by this document.<sup>20</sup>

An underlying principle of *Apostolos suos* is that the universal Church has priority over the local churches, and the latter are understood as dependent on the former. This has been a concern of the Congregation for the Doctrine of the Faith for some time, as evidenced in a letter it issued in May 1992 entitled "Letter to the Bishops of the Catholic Church on Some Aspects of the Church Considered as Communion."<sup>21</sup> In that letter the CDF drew the conclusion that the universal Church "is not the result of the communion of the churches, but in its essential mystery it is a reality ontologically and temporally prior to every individual particular Church" (no. 9). This letter was seriously criticized by Bishop Walter Kasper, in 1999,<sup>22</sup> because he saw it as an attempt to imply that the universal Church was to be identified with the pope and the curia. In particular he noted how this thinking found its way into *Apostolos suos* and is astonished that the conferences of bishops are not even recognized as partial realizations of the collegiality of the episcopate. Like Sullivan, he finds this a theologically thin document and consequently regards it as a provisional position on the teaching authority of the conferences.<sup>23</sup>

Kasper in the ensuing debate with Cardinal Joseph Ratzinger is insistent that the universal and local churches exist simultaneously in a perichoretic relationship, one of mutual inclusion and reciprocity. Ratzinger

<sup>20</sup> The same criticisms that were made of the original *instrumentum laboris*, following the 1985 synod of bishops, can still be made of this apostolic letter. See Joseph Komonchak, "The Roman Working Paper," in *Episcopal Conferences: Historical, Canonical & Theological Studies*, ed. Thomas J. Reese, (Georgetown University Press, 1989) 177–204. An English text of the *instrumentum laboris* appeared as "Draft Statement on Episcopal Conferences" in *Origins* 17 [1988] 731–737.

<sup>21</sup> *Origins* 22 (June, 25, 1992) 108–112.

<sup>22</sup> "Zur Theologie und Praxis des bischöflichen Amtes," in *Auf neue Art Kirche Sein: Wirklichkeiten-Herausforderungen-Wandlungen* (Munich: Bernward bei don Bosco, 1999) 32–48.

<sup>23</sup> *Ibid.*, 46. A full report of the ensuing debate between Kasper and Ratzinger on the question of the priority of the universal or local church is to be found in Kilian McDonnell, O.S.B., "The Ratzinger/Kasper Debate: The Universal Church and Local Churches," in *Theological Studies* 63 (2002) 227–250; see also Medard Kehl, "Der Disput der Kardinäle," *Stimmen der Zeit* 128 Heft 4 (2003) 219–232.

agrees, provided that the universal has priority in the sequence; he equates the pre-existent Church and the universal Church. Kasper disagrees noting that if one insists that the pre-existent Church is only the universal Church apart from the local churches, then one has opted for an ecclesiological abstraction. At the root of the exchange between the two prelates is a concern to safeguard the reality of the Church as a communion. However, Kasper's fear is that the 1992 letter is a dismissal of the reality of communion and an attempt to restore Roman centralism. This latter practice throws off balance the proper relationship between the universal and local churches.

Ghislain Lafont highlights the need for an ecclesiology of communion to be conscious of the Church as Body of Christ and as People of God, both of which were images prominently used by *Lumen gentium*.<sup>24</sup> In this way both the inner life of the Church and its historical realization can be safeguarded. Like Kasper, he claims that the inner life of the Church remains an abstraction unless it finds expression in the concrete local circumstances in which people live out their lives:

When we speak of particularity we touch on the concreteness of the human: the family of God, the flock of Christ gathers men and women in a particular place, with their language, and their local customs, starting in a determined geographical place, with a certain social structure, and a definite political form. The Church adopts this ensemble of elements, and by the might and holiness coming from the Spirit, offers its criticism, contests some elements, heals others, and so in the end promotes it. Here is the place where the tone and colour of specific rituals, a proper ethical accent, and an art of living remain always open to further refinement.<sup>25</sup>

Episcopal conferences, then, can be viewed as means whereby the Church can be encouraged and supported in realizing itself in ways that

<sup>24</sup> Lafont is conscious of the fact that the use of *communio* can have its own dangers: "Left to itself, the term 'communion' offers too 'spiritual' an impression not to awaken certain suspicions on our part. It can remind us of the anti-institutional ecclesiologies of former times, ecclesiologies founded exclusively on holiness or the Bible alone. But it can especially awaken the fear that, once we have defined Church as communion, we feel quite free to develop a juridical structure that is even more restrictive and burdensome than the idea of communion will bear. That is why I maintain that the body of Christ and the People of God, used in tandem, attain a certain equilibrium." *Imagining the Catholic Church*, 94.

<sup>25</sup> *Imagining the Church*, 95

make it understandable, accessible, and appealing to the variety of peoples who constitute the human family. It also provides the context within which to examine the self-understanding of the American bishops' conference.

### *The Establishment of the NCCB*

When the American bishops returned from Vatican II they had to reorganize their conference, previously known as the National Catholic Welfare Conference (NCWC), in conformity with the principles of Paul VI's *motu proprio, Ecclesiae sanctae*.<sup>26</sup> The bishops commissioned a consulting firm to advise them on the reorganization of their conference. At their November 1966 meeting they created the National Conference of Catholic Bishops (NCCB) to deal with ecclesial matters and the United States Catholic Conference (USCC) to deal with public policy issues. On the basis of the consulting firm's recommendation, a National Advisory Council was established in 1971 to advise the Administrative Board and Committee in the preparation of the agenda for the general meetings of both the NCCB and the USCC. This council had 63 members: bishops, diocesan priests, religious and lay members. The council's contribution was important because it ensured input from a wide spectrum of opinion into the work of the conference and from the outset shows a desire on the part of the bishops to engage more than their own expertise in their guidance of the Church in their territory.<sup>27</sup> It is also worth noting that from the inception of the NCCB/USCC the conference president was elected by the bishops, rather than the most senior cardinal *ex officio* assuming the role as was the case in the NCWC. This already indicated a mindset that was more democratic in attitude than its predecessor.

### *Membership of the Conference*

In drawing up the statutes for the Conference the members were anxious to grant membership and voting rights to retired bishops. Rome ob-

<sup>26</sup> Text in *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery (Northport, New York: Costello Publishing Co, 1975) 591–610.

<sup>27</sup> For a full account of the structures of the conferences see Thomas J. Reese, *A Flock of Shepherds: The National Conference of Catholic Bishops* (Flock of Shepherds) (Kansas City, MO: Sheed & Ward, 1992). The Advisory Council made a significant contribution in 1973 when it advocated that diocesan bishops write pastoral letters on the topic of shared responsibility. See "The Quest for Shared Responsibility," *Origins* 2 [1973] 693, 695, 705–708; Michael Sheehan, "Aspects/Prospects: Shared Responsibility," *Origins* 4 [1974] 59–61.

jected to both proposals. The Americans conceded the point on voting rights but for more than a decade vigorously challenged the Roman demand to deprive retired bishops of membership. In 1978 when the statutes were being revised, Bishop John Sullivan argued that American citizens are allowed to vote after they retire and, so, it seemed that such a civil right should also be reflected in the Conference. This summed up the bishops' difficulties with the Roman position. Despite the opposition, however, the statutes were amended to read:

Retired bishops, although no longer *de iure* members of the Conference, are encouraged and invited to attend all sessions of the bishops' meetings, and to make available to the Conference their special wisdom and experience by speaking to the issues at hand.<sup>28</sup>

Membership and voting rights touched on agendas significant to Americans, namely, the right to participate in decision making, to have one's voice heard, and to be able to influence the outcome of a debate. Thus it can be seen the bishops did not lose sight of their own American traditions and despite appeals from Rome were very slow to concede what for them were deeply held principles.

### *Open Meetings*

As early as 1969, Russell Shaw, press secretary to the Conference, wrote to Bishop Bernardin suggesting that the bishops open their meetings to the public or at least to the press and selected groups.<sup>29</sup> Eventually, at their meeting in November 1971 the bishops agreed to the proposal on the basis that the climate in the United States establishes a unique relationship with the press which would make their admission particularly appropriate. It was suggested that the hierarchy should not fear the American desire for openness and accountability and that the opening of their meetings to the press would further their credibility as teachers in the United States.<sup>30</sup> Once again the local culture significantly influenced the ethos of the Conference.

<sup>28</sup> *Flock of Shepherds*, 23.

<sup>29</sup> Letter of Russell Shaw to Bernardin, November 18, 1969, (NCCB Archives).

<sup>30</sup> The main points of the committee's recommendations are to be found in "Observers to be Admitted to Bishops' Meeting," *Origins* 1 (1971) 398. An overview of this debate is also to be found in the "Bishops to open meetings to press," *National Catholic Reporter* (November 26, 1971) 6.



*The Self-Understanding of the NCCB*

An important key to the Conference's self-understanding are the addresses given by the various presidents of the NCCB, because they enjoyed the confidence of their fellow-bishops and in turn exercised a very important influence over the workings of the Conference for their three years tenure.<sup>31</sup> A brief survey of their statements over the twenty-five years being reviewed will show that they were anxious to fit the teaching ministry of the Conference into the context of American socio-political life.<sup>32</sup>

The first two presidents of the Conference, John Dearden and John Krol, were convinced that the National Advisory Council was an important means of ensuring a more participative style of leadership for the Church. Dearden said that the National Advisory Council was a means whereby "religious and laymen are enabled to collaborate with us in decision-making to a degree that has been impossible until now . . . we have only begun to tap its potential as a prototype for participation and shared responsibility in the Church."<sup>33</sup> Krol in turn pointed to the Advisory Council as playing an important part in ensuring a wide collaborative effort on the part of the bishops as they exercised their joint pastoral role within the Church in the United States. He emphasized the needs and experience of the wider Church membership as an important contribution to the work of the Conference.<sup>34</sup>

Krol also saw the value of the Conference in the context of the universal Church: "It serves as an instrument for decentralization; for providing intensive care to particular areas, for multiplying and adapting various forms of pastoral action to local needs and certainly for manifesting the unity and solidarity of the Church."<sup>35</sup> A decade later John Roach remarked in similar vein that "Part of our task is to interpret the teaching and policy of the Holy Father to the Church in the United States . . . but

<sup>31</sup> The duties of the president are outlined in "The Presidential Duties," *Origins* 1 (1971) 403-405.

<sup>32</sup> Joseph P. Chinnici has interpreted the change in bishops' approach as a turn to the "pastoral" following the lead of John XXIII and Vatican II. See idem, "Reception of Vatican II in the United States," *Theological Studies* 64 [2003] 461-494. While this is true, the bishops' sensitivity to their socio-political environment was also an important determinant in their post-conciliar methodology.

<sup>33</sup> *Minutes of the Eleventh General Meeting of the National Conference of Catholic Bishops*, November 15-19, 1971, (NCCB Archives) 94.

<sup>34</sup> *Minutes of the Twelfth General Meeting of the National Conference of Catholic Bishops*, April 11-13, 1972, (NCCB Archives) 52.

<sup>35</sup> *Ibid.*

another part of our task is to interpret the experience and insights of the Church in the United States to the Holy Father."<sup>36</sup>

The most significant contribution of the NCCB over the first twenty-five years of its existence was the teaching methodology which it developed, a feature its presidents regularly highlighted. The process of consultation and discussion which the Americans developed was encouraged especially by Joseph Bernardin, who had played a pivotal role in the Conference from its inception. He was conscious that the American context shaped the content and style of the bishops' ministry, which corresponded to what *Lumen gentium* calls the 'abilities, resources and customs' of the people. An important American 'custom' of governance is to have public hearings on issues of serious public concern before enacting legislation to govern these matters.<sup>37</sup> This function of the Conference's governance was in part fulfilled by the Advisory Council; but it was also achieved through professional research and wide ranging consultations with theologians and experts in the areas which the bishops wished to address.<sup>38</sup>

Bernardin spoke of the need for continual dialogue, even with those whose opinions differ from those of the bishops. Unity can be affirmed and effected "through calm, candid, patient and charitable dialogue in which we engage on these occasions. Through this dialogue we can share our insights and evolve collaborative responses to the questions before us."<sup>39</sup> At the 1977 general meeting he encouraged the bishops to dialogue more intensively with theologians and the scholarly community in general, to benefit from their insights and wisdom. Such consultation in no way diminishes the distinction in roles between bishops and scholars but complements each in turn.<sup>40</sup> The most celebrated example of this con-

<sup>36</sup> "The Bishops and the Vatican: New, Positive Chapter," *Origins* 13 (1983) 403.

<sup>37</sup> See Joseph F. Zimmerman, *Participatory Democracy: Pluralism Revived* (New York: Praeger, 1986) for some comments on the tradition of town hearings in the United States.

<sup>38</sup> The points noted here were in Bernardin's address to the NCCB at a meeting in 1976. The full text appears as "Bishops Discuss their Mission," *Origins* 6 (1976) 9-14.

<sup>39</sup> "Pastoral Sensitivity and Fidelity to the Gospel," *Origins* 7 (1977) 31. In 1975 he had made a similar appeal to the bishops at their general meeting. See "Pastoral Challenges," *Origins* 5 (1975) 357. In his very first address to the Conference Bernardin had described the NCCB as "an excellent forum for the exchange of ideas and for reaching consensus on those issues which transcend diocesan boundaries." See "New President/Episcopal Conference," *Origins* 4 (1974) 373.

<sup>40</sup> Bernardin said: "I make a special plea that we establish a close relationship, both as a conference and as individual bishops, with theologians, social scientists and other scholars. . . . A closer relationship and a more intensive dialogue would help to avoid some of

sultation and collaboration was in the preparation of the joint pastorals *The Challenge of Peace*<sup>41</sup> and *Economic Justice for All*<sup>42</sup>

On the occasion of presenting the second draft of *The Challenge of Peace* to the general meeting of the bishops, he said:

Within the Church the contribution of the pastoral should be assessed in terms of the process and the product. The process of discussion, writing and witness which already has been generated by the statements of bishops and particularly the pastoral may be the most important long-range consequence of our efforts. . . . The process has already begun and needs to be continued.<sup>43</sup>

When the archbishops of the United States met with the pope in 1989 for a dialogue on matters which had caused some tension between Rome and the NCCB, Bernardin gave the opening address. His central point was that the culture of the United States is unique and that an awareness of it is indispensable for an understanding of how it proclaims the Gospel. He pointed out that:

Americans are accustomed to "government in the open", that is, most of our institutions debate and decide the major issues in public with maximum participation by the governors and those governed. Americans are accustomed to electing their public officials and those who will actualise their noblest hopes and aspi-

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the crises and confrontation in the past . . ." in "The Most Important Task of a Bishop," *Origins* 7 (1977) 372.

<sup>41</sup> *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, vol. IV 1975–1983 (Washington, DC: USCC, 1983) 493–581.

<sup>42</sup> *Pastoral Letters of the United States Catholic Bishops*, ed. Hugh J. Nolan, vol. V 1983–1988 (Washington, DC: USCC, 1989) 371–492.

<sup>43</sup> "U.S. Bishops Debate War and Peace Pastoral," *Origins* 12 (1982) 398. The importance of the consultative process is highlighted by Webster T. Patterson in his comments on the preparation of the pastoral. He makes the important point that: "Communal discernment does not depend upon some concession from the bishops, but flows from the status of the laity as an integral part of the Church and from the whole community's participation in the prophetic office of Christ." See "Nuclear War, the Bishops, and the Sensus Fidelium: A New Process for Consensus?" *Chicago Studies* 22 (1983) 156. See also the analysis of Kenneth Himes, "The Challenge of Peace and Economic Justice for All: Reflections Twenty Years Later," in David A. Stosur, ed., *Unfailing Patience and Sound Teaching: Reflections on Episcopal Ministry in Honour of Rembert G. Weakland, OSB* (Collegeville, Minnesota: The Liturgical Press, 2003); Camilla J. Kari, *Public Witness: The Pastoral Letters of the American Catholic Bishops* (Collegeville: The Liturgical Press, 2004).

rations. Americans are accustomed to exercising their basic freedoms by civil discourse, open to inquiry into any issue that touches upon the common good or the rights of the individual. As U.S. bishops we value highly the founding principles of our country and its democratic traditions. . . .<sup>44</sup>

Similarly, James Malone noted that "It is our process as much as our product that makes us unique."<sup>45</sup> The process of debate and clarification then are important means for engaging public interest in the agendas which the bishops bring forward. Malone spoke of the need for the assistance of theologians, religious, priests, and laity in the work of preparing a document. Unless there is public discussion and consultation then their insights will not be available. In addition the time devoted to this public consultation and discussion allows, what he called, "a certain gestation period which provides the atmosphere for a position to grow and develop."<sup>46</sup> The further point which he made was particularly significant:

I believe this particular methodology did more to teach our Catholic people and to interject our voice in the American public debate than would have happened if we had simply published a final version. Ours became a five-year project rather than a five-minute news story. People read, discussed, debated. Bishops taught; people learned; even bishops learned.<sup>47</sup>

Again, like Bernardin and Malone, when addressing the pope about the American situation, John May emphasized how important it was for their Conference to take seriously the socio-political context within which they carried on their ministry:

Perhaps most significant of all, *the spirit of democracy* courses through America and influences our lives. Authoritarianism is suspect in any area of learning or culture. Individual freedom is prized supremely. Religious doctrine and moral teaching are widely judged by these criteria. Therefore, to assert that there is a Church teaching with authority binding and loosing for eternity is truly a sign of contradiction to many Americans who consider

<sup>44</sup> "Opening Comments by Joseph Cardinal Bernardin," in *Evangelization in the Culture and Society of the United States and the Bishop as Teacher of the Faith: Meeting of His Holiness John Paul II with the Archbishops of the United States, March 8-11, 1989* (Washington, D.C.: USCC, 1989) 2.

<sup>45</sup> "Episcopal Conferences: What Does the Future Hold?" *Origins* 19 (1989) 371.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

the divine right of bishops as outmoded as the divine right of kings. Accordingly, the bishops live and work constantly in this atmosphere.<sup>48</sup>

Under the presidency of Daniel J. Pilarczyk, 1989–1992, the Conference is regarded as having become more introspective and concerned with internal ecclesial affairs and less with social issues.<sup>49</sup> However, he was like those before him, careful to link the work of the bishops with American ways and to show that their “concerns were also those of good citizenship: . . . when our bishops’ Conference teaches about a plethora of social issues we do so as . . . conscientious Church leaders and good citizens speaking to those who will hear us about the implications of the principles which all Americans hold in common.”<sup>50</sup>

#### *The Theological Underpinning for the Methodology of the NCCB*

In the light of the above survey it can be seen that the NCCB was keenly aware of its situation in a particular socio-political context, one that prized its tradition of participative democracy. This encouraged the Conference to adopt a process of consultation and discussion in the preparation of its teaching statements. The bishops had a sense of the value of decentralization in the Church, of the fact that there is a reciprocal relationship between Rome and the local conferences of bishops, that their role is not simply to relay the teaching of the papal or universal magisterium. At the same time they were keen to maintain unity and solidarity among themselves, with other conferences and with Rome. They valued the contributions that theologians and other experts could offer them as they formulated their positions, thus showing a collegial spirit not just among themselves but with the community of scholars, both inside and outside the Church and even with those who may not agree with them. They demonstrated an openness to discovering truth in a wide range of sources, not confined to magisterial authorities.

These factors then conditioned the methodology employed by the Conference in the exercise of its teaching magisterium, one which created a certain tension with the Roman authorities. The Americans were particularly aware of the value of the local church and of the need to give expression to the gospel in a way that could be heard, understood and ap-

<sup>48</sup> In *Evangelization in the Culture and Society of the United States and the Bishop as Teacher of the Faith*, 11.

<sup>49</sup> *A Flock of Shepherds*, 62–65.

<sup>50</sup> “The Bishops’ Conference: Introspective Mood,” *Origins* 21 (1991) 380.

propriated by their people. They were quite sure that if their people did not have some sense of participation in the preparation and formulation of teaching that affected their lives then the reception of that teaching would be indeed problematic, a position not easily understood by Rome. Yet it was one position from which the Americans were not easily deflected.

While the strength of the bishops' methodology is evident, it suffers from a serious shortcoming. Indeed, as early as 1971, Dearden was able to identify it, viz., that they needed a better theological underpinning for the activity of the Conference. This underpinning was not explicitly provided by the Conference but in fact it was implicit in their work. This can be explored under the following headings: the importance of the local church, the theology of inculturation, the role of Holy Spirit, a listening magisterium, the *sensus fidelium*—*sensus fidei* and the reception of teaching. Each of these can now be viewed in turn.

#### *The Importance of the Local Church*

While there is general agreement about the meaning of the universal Church, there is no consistency, even in magisterial documents, about the precise meanings of local church or particular church. The Code of Canon Law uses particular churches to mean dioceses.<sup>51</sup> Cardinal Henri de Lubac also used the designations 'particular church' for the diocese and 'local church' for groupings of dioceses within a nation or region, a position adopted by Joseph Komonchak, with some qualifications.<sup>52</sup> Komonchak is not at ease with the sharp distinction that de Lubac makes between the designations particular and local. For de Lubac the particular belongs to the fundamental structure of the universal Church; the local is accidental and belongs more to the socio-cultural order than the theological. "The result is that the particular church appears to float in mid-air, constituted solely by theological, divine, supernatural elements, while socio-cultural locality represents at best the natural and human variety within catholicity, indispensable *ad bonum Ecclesiae*, and at worst centrifugal tendencies."<sup>53</sup> While it can be agreed that the Word, Spirit, sacrament and apostolic ministry are generative of the Church, they must be received in specific historical, geographical, social, and cultural con-

<sup>51</sup> Sec 1983 code, c. 368.

<sup>52</sup> "The Local Church and the Church Catholic: The Contemporary Theological Problematic," *The Jurist* 52 (1992) 416–447; Henri de Lubac, *Les églises particulières dans l'Église universelle* (Paris: Montaigne, 1971).

<sup>53</sup> Komonchak, 436.

texts. Human experience as conditioned by these factors shapes the reception of God's gifts and consequently the expression that the Church will be given in any time and place. This is not to underestimate the other side of the reality whereby the particular culture or situation is itself changed by the Church's presence. In its encounter with a given culture the gospel meets elements that are in need of purification and elevation as well as elements that it can promote and include in its proclamation (LG 13). Here, we will follow Komonchak's usage and therefore speak of the Church in the United States as a local Church.

In this analysis, then, the Church is constituted by divine and human elements, the latter not being purely passive but also constitutive of its historical reality. There is a uniqueness about each local Church in so far as it emerges from a unique encounter between the Word of God and the pre-existing subjectivity and freedom of men and women in particular socio-cultural situations. Therefore the locality of the Church is of significance in its self-expression and self-realization, and those socio-cultural elements which contribute to this are of significance and value.

At the same time the local expressions of the Church have to be situated very definitely within a context of communion; otherwise there is the real danger of national or ethnic churches that can readily sunder the unity of the Church, a hazard signaled by Komonchak.<sup>54</sup> In this regard the Petrine ministry can play a crucial role by ensuring that "the basic ecclesial choices of believers in one community must be able to be harmonized with those of the faithful in other communities, in order to allow that communion of minds and hearts for which Christ prayed at the Last Supper."<sup>55</sup> In this way not only are natural and cultural gifts shared but the special Christian experiences generated by the encounter between gospel and culture are also shared. This ensures that the catholicity of the Church is realized. An ecclesiology of communion then acts both as a corrective on the excesses that locality might introduce and as a promoter of what is good.

<sup>54</sup> "Culture and History as the Material Condition of the Genesis of the Local Church" in *Changing Churches: The Local Church and Structures of Change*, ed. Michael Warren. (Portland, Oregon: Pastoral Press, 2000) 55.

<sup>55</sup> Pope John Paul II, in a speech to Australian aborigines: *Origins* 16/26 (December 11, 1986) 476, quoted in Komonchak, "The Local Church and the Church Catholic," 441. Avery Dulles argues that a strong Petrine ministry is important in ensuring the unity of the Church in the face of nationalistic or ethnic tendencies that surface at various points in history. See "The Universal and Particular Church" in *CLSA Proceedings* 65 (2003) 39-41.

The American bishops took seriously those elements that constitute the local church. They factored into their teaching methodology a sensitivity to the socio-political realities of their country while at the same time carefully attending to their communion with other local churches and especially the see of Rome. They saw the value of collaboration among their particular churches on issues that they had in common but not necessarily shared with the universal Church, while at the same time maintaining that wider communion on essentials of doctrine and morals.

### *A Theology of Inculturation*

Once one begins to give value and significance to the local church as the place where the gospel is to be proclaimed and lived, the question of the encounter between Word, Spirit, sacrament and ministry, and a culture comes into sharper focus. This in turn raises the question of inculturation.<sup>56</sup> The need for the Church to engage in the process of inculturation is rooted in the mystery of the Incarnation as articulated in *Lumen gentium* 13. This means that the Church engages respectfully with the culture that is there while at the same time not imposing elements of another culture unnecessarily on it.

Francis A. Sullivan in his comments on *Lumen gentium* 13 notes:

In the light of the post-conciliar development of the notion of inculturation, one might find the council's emphasis on 'taking to herself' [the ability, resources and customs of each people] somewhat one-sided. The Church realises her catholicity in the first place by her insertion into each culture, allowing herself to be taken into that culture, and not merely "taking to herself" what is there. Inculturation may be described as "incarnation with a view to redemption." . . . The more fully inculturated its particular churches are, the more catholic the universal Church will be, provided that in the process the essential bonds of communion are not weakened.<sup>57</sup>

<sup>56</sup> For an overview of the problem see: John A. Coleman, "Inculturation and Evangelization in the North American Context," in *CTSA Proceedings* 45 (1990) 15-29; Carl F. Starkloff, "Inculturation and Cultural Systems," *Theological Studies* 55 (1994) 66-81, 274-94; Christopher O'Donnell, *Ecclesia: A Theological Encyclopedia of the Church* (Collegeville, MN.: The Liturgical Press, 1996) s.v. Inculturation; Ian Thompson, "Opening up Discussion on the Theology of Culture," *Australasian Catholic Record* 74 (1997) 5-14.

<sup>57</sup> *The Church We Believe In* (Dublin: Gill and Macmillan, 1988) 93.



It is a task of the Church to reflect on the revealed word of God and to reformulate it anew for each culture in a language and a way of life that can be understood and appropriated by those who belong to it. This is a particular responsibility for each local church. It has to incarnate the Christian faith in a way that maintains continuity and communion with the universal Church of the past and present

It is in this context that Cardinal Avery Dulles sees the episcopal conferences playing a particularly significant role, being indispensable organs for evangelization in the light of the need for inculturation when teaching the gospel today. Here he emphasizes the pastoral magisterium of the conference and distinguishes it more clearly from the strictly doctrinal magisterium. The doctrinal magisterium is concerned with establishing "permanent and universal truth as something to be accepted with firm intellectual assent." The pastoral magisterium, on the other hand, "seeks to make the truth of the gospel accessible and fruitful in the lives of the faithful."<sup>58</sup> Given the complexities of contemporary life and culture, the individual bishop, despite his inalienable right as the chief teacher in his diocese, cannot be expected to teach in isolation. He can be assisted and strengthened by co-operating with neighboring bishops who are coping with similar issues. Neither can a central or universal teaching authority be expected to address all the local peculiarities of language and culture which must be reckoned with when teaching the doctrine of the faith. So, Dulles concludes that:

It is almost essential, therefore, that there be a pastoral teaching agency intermediate between the residential bishop and the Holy See. This could in principle be a particular council, but since plenary and provincial councils have become exceedingly rare, . . . it is clearly advantageous for the episcopal conferences to assume the pastoral teaching role on the regional and national level.<sup>59</sup>

<sup>58</sup> "The Doctrinal Authority of Episcopal Conferences," in Reese, *Episcopal Conferences*, 224. However, as should be obvious from this, the pastoral and the doctrinal cannot be easily separated. Dulles himself said in an earlier article: "I do not see how the pastoral can be defined in a way which excludes the doctrinal, for within the Church of Christ all pastoral activity has, or should have, a doctrinal basis." See "The Teaching Authority of Bishops' Conferences," *America* 148 (1983) 453.

<sup>59</sup> *Ibid.*, 226. Karl Rahner had argued earlier that not only might there be intermediary structures between the local church and the universal Church but that "an essential structure of the Church *iuris divini* can be put into effect and made concrete, even though in a historically determined form." He was also supportive of the idea that the conferences have as much autonomy as possible, even in their relationships with Rome. See "On Bish-

Dulles, here, seems to follow a line proposed earlier by Karl Rahner with regard to the value of episcopal conferences. Rahner had suggested that the old ecclesiastical provinces were out of date and that:

[T]he individual State is today a force which influences and penetrates every sphere of human life. So much does it impress itself upon all spheres of life in accordance with its own particular historical and political character that the Church must have a representation of this particular country.<sup>60</sup>

This representation is most aptly provided by the national conference of bishops. In a similar vein, Dulles argues for the value of the national conference of bishops by taking the example of the NCCB. He provides a number of examples which highlight the peculiarities of the American situation, which its national conference is capable of addressing in a language and style which is understandable and acceptable to the American faithful. He mentions the interest in ecumenism, women's issues, the American achievements in science and technology, and very significantly the American interest in freedom and independence. Americans "expect communications to be free, frank, and open. They want their public officials to explain why they take the positions they do and to be accountable in their actions."<sup>61</sup>

Dulles also highlights the value of the consultative process used by the NCCB in the preparation and publication of many of its most important documents and statements. This process is itself educative:

By inviting participation and engaging in dialogue with morally and religiously concerned persons, the bishops stimulate reflection on the issues of the day in the light of the gospel. By means such as this they can perform a true teaching role even before they formulate the conclusions to which, in their judgment, the process leads.<sup>62</sup>

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ops' Conferences," in *Theological Investigations*, Vol. 6 (London: Darton, Longman & Todd, 1969) 379 and esp. 387. Thomas Esselman provides a helpful treatment of episcopal conferences in the task of inculturation in "Episcopal Conferences: An Application of the Principle of Functionality," *The Jurist* 51 (1991) 311-325.

<sup>60</sup> *Theological Investigations* 6: 381.

<sup>61</sup> "The Doctrinal Authority of Episcopal Conferences," 226. For a further development of this theme see his "Catholicism and American Culture: The Uneasy Dialogue," *America* 162 (1990) 54-59.

<sup>62</sup> "The Doctrinal Authority of Episcopal Conferences," 230.

This teaching methodology which the bishops followed was firmly rooted in the democratic tradition of the United States.<sup>63</sup> The authors of *Habits of the Heart* have shown that the American desire for participation in public life, whether at the most local level or at the national level, a feature recorded by de Tocqueville in the middle of the last century, is still an important feature of the American temperament.<sup>64</sup> This desire for discussion and debate among the citizens was at the heart of civilization according to John Courtney Murray.<sup>65</sup> He was convinced that the American consensus about democratic government was consistent with the best Catholic principles on the matter "because the contents of this consensus—the ethical and political principles drawn from the tradition of natural law—approve themselves to the Catholic intelligence and conscience."<sup>66</sup>

<sup>63</sup> The distinctiveness of the American situation from that of Europe since the French Revolution runs through much of the writing of John Courtney Murray, especially *We Hold These Truths* (New York: Sheed and Ward, 1960). Among others who discuss this issue are: Robert N. Bellah, *Beyond Belief: Essays on Religion in a Post-Traditional World* (New York, Evanston, and London: Harper & Row, 1970); idem et al., *Habits of the Heart: Individualism and Commitment in American Life*. (New York: Harper & Row, 1985); *A Democratic Church: The Reconstruction of Roman Catholicism*, ed. Eugene Bianchi and Rosemary Radford Reuther, (New York: Crossroad, 1992); John A. Coleman, *An American Strategic Theology* (New York: Paulist Press, 1982); Jay P. Dolan, *In Search of an American Catholicism: A History of Religion and Culture in Tension* (New York: Oxford University Press, 2002); Robin W. Lovin, ed., *Religion and American Public Life: Interpretations and Public Life* (New York: Paulist Press, 1986); Richard McBrien, *Caesar's Coin: Religion and Politics in America* (New York: Macmillan, 1987); Dennis P. McCann, *New Experiment in Democracy: The Challenge for American Catholicism* (Kansas MO.: Sheed & Ward, 1987); Thomas T. McGreevey, *Catholicism and American Freedom: A History* (New York and London: W. W. Norton & Co., 2003); David O'Brien, *The Renewal of American Catholicism* (New York: Oxford University Press, 1972); George Weigel, *Catholicism and the Renewal of American Democracy* (New York: Paulist, 1989).

<sup>64</sup> *Habits of the Heart*, 204. The authors treat of democracy and the desire for greater participation in the civic life of the country in chapters 7 and 8. A comprehensive review of the town meeting mechanism in American public life is to be found in Joseph F. Zimmerman, *Participatory Democracy: Pluralism Revived* (New York: Praeger, 1986). See also Kenneth Janda and Jeffrey M. Berry, Jerry Goldman, *The Challenge of Democracy: Government in America*, 2nd ed., (Boston—Toronto: Houghton Mifflin Company, 1994). A survey of American Catholic laity showed that a majority in every age group surveyed and at least two-thirds of those under 55 wanted a Church that would be more democratic in its decision making. See William D'Antonio et al., *American Catholic Laity in a Changing Church* (Kansas City, Mo: Sheed and Ward, 1989) 109–111.

<sup>65</sup> *We Hold These Truths*, 13.

<sup>66</sup> *Ibid.*, 41. Murray devotes one of his essays to the question of consensus, namely, "The Origins and Authority of the Public Consensus," in *We Hold These Truths*, 97–123. Karl Lehmann amplifies Murray's position when he says: "... there are certain sustaining

John A. Coleman suggests that the episcopal conference is a means by which this democratic ethos can be expressed in the Church, and in fact has been expressed by the American bishops in their Conference. He says:

... the American experience of wide consultation process at the United States Catholic Conference has shown procedures for democratization can be institutionalized. Attention to episcopal conferences at the national and regional level might heed Alexis de Tocqueville's insistence that the most effective institutional guarantee for democratic freedom consists in local freedoms embodied in intermediate bodies, the sort of intermediate hierarchical authority the canon law speaks of when it refers to episcopal conferences.<sup>67</sup>

The American bishops did not attempt to introduce a democratic structure as such into Church governance in the post-conciliar period; and any attempts by others, whether through the Call to Action project, in priests'

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elements in the basic nature of the Church which exhibit points of contact with the ethos of democracy as a form of life. The freedom of the children of God, the universal priesthood, the imparting of the Spirit to all (charismata), the conscious holding of faith in common on the part of believers, the basic equality of Christians, the equality of dignity attached to the name of Christian and other elements provide a basis for this fundamental structure. See "Dogmatic Justification for a Process of Democratization," *Concilium* 3 (1971) 68. Another presentation of these comparisons is provided by Johann Auer, "Church and Democracy," in idem and Joseph Ratzinger, *Dogmatic Theology: The Church* (Washington: Catholic University Press, 1993) 167-173.

<sup>67</sup> "Not Democracy but Democratization," in *A Democratic Church*, ed. Eugene Bianchi, and Rosemary Radford Ruether, 238-239. For a comment on the principle of democracy in the Church and its relationship to the *consensus fidelium* see Leonard Swidler, "Demo-kratia, the Rule of the People of God, or *Consensus Fidelium*," *Journal of Ecumenical Studies* 19 (1982) 226-243. More recently, Brian Tierney has shown how the Church has adopted and adapted various forms of secular governance and in the process has contributed significantly to the development of constitutional theory in general. He says:

"The modern practices of representation and consent that characterize secular constitutional government are not alien to the tradition of the Church. And if in the future the Church should choose to adapt such practices to meet its own needs in a changing world that would not be a revolutionary departure but a recovery of a lost part of the Church's own early tradition . . . the task has always been to find a constitutional structure for the Church that reflects its own intrinsic collegial nature as a community of the faithful." "Church Law and Alternative Structures: A Medieval Perspective", in *Governance, Accountability and the Future of the Catholic Church*, ed. Francis Oakley and Bruce Russett, (New York: Continuum, 2004) 61.

gatherings or anywhere else were quite firmly rejected. Nevertheless, in the exercise of their own teaching ministry they were at ease appealing to the American tradition of democracy as a justification for the consultative processes that they used in the formulation of some of their more important pastorals and other documents.<sup>68</sup> So, while they may have rejected an overtly democratic ordering of the Church they did embody something of a democratic or participative approach in their teaching ministry. In so far as they followed this approach they were true to the principles of inculturation, building on local strengths and holding unity in communion with the universal Church.

### *The Role of the Holy Spirit*

It is the Spirit who effects and sustains the unity of the Church as the Body of Christ, enabling it to be a communion of persons, at once united and diverse. First of all, it has to be granted that the Spirit is given both to the Church as a whole and to the individuals who are its members.<sup>69</sup> Yves Congar complained that in more recent times the Catholic Church has neglected this personal sphere of the Spirit's action and even distrusted it due to an excessive emphasis on the role of authority and a "juridical tendency to reduce order to an observance of imposed rules, and unity to uniformity."<sup>70</sup> The Spirit is the source of diversity in the Church and this diversity has to be held together in unity. The task of maintaining this unity belongs to the pastoral hierarchy, which is enabled to achieve this unity by the Spirit. "He does not bring about unity by using pressure or by reducing the whole of the Church's life to a uniform pattern. He does it by the more delicate way of communion."<sup>71</sup>

The Church in its universality was established in the world by the power of the Spirit at Pentecost and "this was achieved not by means of a uniform extension, but by the fact that everyone understood and ex-

<sup>68</sup> The author has shown elsewhere that in dealing with issues touching on the priesthood the bishops adopted a widely consultative process, which was effective in addressing many of the practical aspects of priestly ministry in the United States. See his doctoral diss., *The Exercise of the munus docendi of a Bishops' Conference: A Case Study—the National Conference of Catholic Bishops of the United States on the Presbyterate (1996–1990)* (Dublin: The Milltown Institute of Theology, 1997).

<sup>69</sup> At Pentecost the Spirit descends on the gathered community first and then comes to rest on the head of each of those present (Acts 2:1–4).

<sup>70</sup> *I Believe in the Holy Spirit*, vol II (New York: Seabury Press and London: Geoffrey Chapman, 1983) 16.

<sup>71</sup> *Ibid.*, 17.

pressed the marvels of God in his own language (Acts 2: 6–11). Through the mission and gift of the Holy Spirit, the Church was born universal by being born manifold and particular.<sup>72</sup> The Spirit ensures that the Church is gifted with a variety of charisms for its up-building and for the good of all its members. The variety of peoples, languages and cultures which are an aspect of the Church's life are themselves expressions of the Spirit's gifts. These aspects of the Church's existence add a new urgency to recognizing the importance and significance of the local and particular churches. The Church benefits from the diversity of peoples and cultures that characterize its membership.

This diversity of cultural elements in the Church, already mentioned in *Lumen gentium*, was viewed positively by *Gaudium et spes*, which saw them as ways of deepening insight into the human person and into truth itself. "The church learned early in its history to express the Christian message in the concepts and language of different peoples and tried to clarify it in the light of the wisdom of their philosophers."<sup>73</sup> This is still a task for the Church today, "to create in every country the possibility of expressing the message of Christ in suitable terms". Under the guidance of the Spirit it is the task of the whole people of God, especially pastors and theologians "to listen to the many voices of our times and to interpret them in the light of the divine Word, in order that the revealed truth may be more deeply penetrated, better understood, and more suitably presented."<sup>74</sup>

#### *A Listening Magisterium*

Karl Rahner has noted that in the teaching ministry of the Church most emphasis has been placed on the prerogatives of the magisterium to teach, while far less attention has been paid to the Church as "hearing and believing."<sup>75</sup> *Lumen gentium*, chapters 2 and 4, attribute infallibility of faith to the whole people of God and to the people of the Church as the recipients of teaching. Those who teach are themselves members of the believing community wherein revelation is vested and their own authority grounded. While this is not the same as saying that the Church is a democracy, in which those who exercise authority do so on the basis of an authority vested in them by the Church's membership, it still ac-

<sup>72</sup> Ibid., 25–26.

<sup>73</sup> GS 44.

<sup>74</sup> Ibid.

<sup>75</sup> "The Teaching Office of the Church in the Present-Day Crisis of Authority," *Theological Investigations* 12 (London: Darton Longman Todd, 1974) 5.

knowledges the ecclesial source and dimension of that authority as ultimately coming from Christ. The faith which the magisterium teaches depends on the entire Church. Its members, "who by their lives, the confession of their faith, their prayers, their concrete decisions, the theology which they work out for themselves," contribute to the development of doctrine, which the Church teaches.<sup>76</sup> Rahner was conscious of the danger that the Church can too easily have recourse to its formal and juridical framework and lose sight of the importance of its concrete existence in human society wherein it takes on its institutional form. Consequently, "the officially appointed teachers of the Church have to apply the appropriate human means in order to arrive at the truth in official decisions on matters of doctrine."<sup>77</sup> It is incumbent on those who teach in the Church, then, to maintain contact with the living awareness of the faith which manifests itself in the Church as a whole.

A concrete fear on the part of the magisterium is that if people are made aware of these very human means employed in arriving at the expression of divine truth, then somehow confidence in the divine assistance promised to the office holders in the Church will be undermined or compromised. Such an approach is to deny the fact that God acts in and through human effort and activity and not apart from this. Therefore, according to Rahner, these human factors should be brought into the open and their real worth assessed.<sup>78</sup> Furthermore, the credibility of the Church's teaching office is enhanced by such a way of proceeding.

In this overview, Rahner provides an important theological grounding for what the NCCB was doing. In its processes of discussion and debate it was seeking clarification, especially from the local church, about how best to present the truths of the faith in a way that this Church could understand. It was not a matter of abdicating its responsibility to some form of popular agreement on matters of morality governing warfare, economic policy or matters of doctrine to do with the Church or its ministry. It was more a matter of listening so as to find a way of making the Church's teaching more easily understood and accessible for the culture within which they were working. But even that practical consideration had sound theological warrant in an appreciation of the Church as a whole being gifted with an unerring faith. In the case of the local church it must assume that the bonds of communion are in place with the other

<sup>76</sup> *Ibid.*, 8.

<sup>77</sup> *Ibid.*, 11.

<sup>78</sup> *Ibid.*, 12.

local churches and with the Church of Rome, because no local church can claim to interpret the faith of the Church on its own, independent of this genuine communion. Rather than relying on the fact that it is empowered to teach, the magisterium, at whatever level it is being exercised, needs to be sensitive to the wider conditions within which its teaching is being proclaimed. In this respect the American bishops attempted to engage seriously with their cultural milieu in a way that would lend further credibility to their teaching.

*The NCCB and the Sensus fidelium—Sensus fidei*

The *sensus fidelium*—*sensus fidei*<sup>79</sup> are rooted in the Spirit of God who animates the entire Church giving to all its members a variety of gifts and charisms for the up-building of the community and the spreading of the Kingdom in word and deed. It is further grounded in the notion of the Church as a communion, a community of love and fellowship which shares in the life of the Triune God. The *locus classicus* for understanding the idea of the *sensus fidei* in the post-conciliar era is *Lumen gentium* 12, although the idea is one deeply rooted in the life and tradition of the Church.<sup>80</sup> Cardinal Walter Kasper commenting on this article said:

[This passage] maintains that the witness to the truth of the Gospel is not only the task of the magisterial office of the Church in the narrow sense, but is also the task of the whole People of God. . . . The day-to-day experiences of the faith by believers, therefore, are constitutive of the Church's witness to the faith. But this also means that the truths of the faith must be understood in their *Sitz im Leben*. . . . Belief and fidelity do not depend in the first instance on a person's giving assent to specific propositions

<sup>79</sup> These two terms are often used interchangeably although they can be distinguished formally: the *sensus fidei* refers to "an aspect of the knowability of faith; faith possesses what is called a 'connatural', or instinctive knowledge of its object (God)." The *sensus fidelium* is "the intuitive grasp on the truth of God that is possessed by the Church as a whole, as a consensus. It is both an adherence to the public teaching of the Church and an active charism of discernment, a power of practical and possessive knowledge belonging to the body of the faithful by virtue of their concrete living of the faith in response to God as Spirit." See Roger Haight, in *The Harper Collins Encyclopedia of Catholicism*, ed. Richard McBrien (New York, NY: Harper Collins, 1995), s.v. *sensus fidelium*.

<sup>80</sup> For a good overview of the understanding and development of the "*Sensus fidelium*," see Jean M.R. Tillard, "Sensus Fidelium," *One in Christ* 11 (1975) 2–29. The related issue of the *consensus fidelium* is treated by Robert Eno in "Consensus and Doctrine: Three Ancient Views," *Église et théologie* 9 (1978) 473–483.



and concepts which have been invested with authority. What is truly normative is the entire life of the whole Church.<sup>81</sup>

Christopher O'Donnell amplifies Kasper's interpretation by highlighting the force of the verbs used by *Lumen gentium* in describing the activity of both the Spirit and the faithful in ensuring the acceptance and proclamation of the Word of God:

the sense of faith is aroused and sustained (*excitatur* and *sustentatur*) by the Spirit; it is under the guidance of the magisterium (*sub ductu sacri magisterii*); the people receives (*accipit*) the word of God and adheres (*adhaeret*), penetrates into (*penetrat*), and applies it (*applicat*). There is a clear role for the magisterium but this passage envisages that all in the Church can teach and all must learn: in chapter 2 of "The People of God" (not just "Laity"), there is no room for a division in the Church which would have the hierarchy only teaching and the laity only listening, though the particular teaching ministry of the hierarchy is detailed later (LG 25).<sup>82</sup>

Central to the revitalization of an appreciation for the *sensus fidelium*—*sensus fidei* at Vatican II was a rediscovery of the pneumatological principle at work in the Church. Tillard clarifies further the importance of this principle:

only a theology centred upon the relation of the Spirit to the body of the Church as a whole makes it possible to pass beyond the dead-end into which one is led by a downward view which pictures the whole ecclesial reality as hanging upon a participation by the 'simple faithful' in a knowledge of the Christian mystery which is first communicated to the hierarchy and given in its fullness only to the latter. The Holy Spirit himself, who gives each believer new life, leads him to a knowledge of the mystery of Christ in a fashion that is meant to benefit the whole body of believers. The whole of the ecclesial body, by a sort of interaction

<sup>81</sup> "Zum Problem der Rechtgläubigkeit in der Kirche von morgen," F. Haarsma, Walter Kasper and Franz X. Kaufmann, *Kirchliche Lehre Skepsis der Gläubigen* (Freiburg: Herder, 1970) 44–45, quoted in John Burkhard, "Sensus Fidei: Meaning, Role and Future of a Teaching of Vatican II," *Louvain Studies* 17 (1992) 18.

<sup>82</sup> *Ecclesia*, 423.

and complementarity of charisms and functions, must enter into the truth.<sup>83</sup>

Tillard shows that the faith which believers come to possess is not just a grasp of the truth which remains at some intellectual level but that it finds expression in the very way in which believers live their lives. Faith finds its expression in love; this love is evident in the quality of relationships which exist between believers and God, and among believers themselves in the communion of life which they share. Thus it is by living in a community of faith that one begins to develop the *sensus fidelium*, which is more than a keen sense for right doctrine: "it creates a climate, a collective instinct, which will be as it were the lived data to which each believer will feel himself more or less consciously linked from the very fact that he means to avoid any breach with his original background."<sup>84</sup> Thus the *sensus fidei* and the *sensus fidelium* cannot be easily divorced from their lived expressions and the cultural forms which they assume. It is precisely because the faith germinates in specific cultural situations that one must be attentive to the cultural forms which it assumes and in which it is expressed. This attentiveness is required of those who wish to discover what the truths of faith are; it is also required of those whose task it is to communicate that truth.

These considerations of the *sensus fidelium*—*sensus fidei* are important in the present discussion about the methodology followed by the NCCB. Apart from there being a sound cultural basis for extensive consultations on matters to be spoken about by the bishops there was also a profoundly significant theological reason for so doing, although the bishops do not seem to have attended to this or articulated it in any explicit fashion. The theological foundation for their method has to be a serious regard for the *sensus fidei* and the *sensus fidelium* which are gifts and characteristics of the entire membership of the Church by virtue of baptism. All the members share in the life of saving truth and live from its resources. Thus it is only fitting that the American bishops should attempt to see and hear how that faith is lived, understood, and expressed by the

<sup>83</sup> "Sensus Fidelium," *One in Christ* 11 (1975) 11. The importance of pneumatology in any discussion of teaching and believing in the Church is particularly well developed in the Orthodox theological tradition. For two helpful perspectives on this see: John D. Zizioulas, "The Theological Problem of Reception," *One in Christ* 21 (1985) 187–193; Paul O'Leary, "Authority to Proclaim the Word of God, and the Consent of the Church," *Freiburger Zeitschrift für Philosophie und Theologie* 29 (1982) 239–251.

<sup>84</sup> "Sensus Fidelium," 25.

faithful in the United States before they make any pronouncements on it. This is not like the taking of a Gallup poll or a counting of votes. Rather it is "a being-with and a listening to the living and vital tradition."<sup>85</sup>

### *The Reception of Teaching*

Apart from the content, one has also to take serious account of how the teaching of the Church is received. Cardinal Johannes Willebrands has suggested that reception:

can be circumscribed as a process by means of which the People of God, in its differentiated structure and under the guidance of the Holy Spirit, recognises and accepts new insights, new witness of truth and their forms of expression because they are deemed to be in the line of the apostolic tradition and in harmony with the *sensus fidelium* of the Church as a whole. Because such witness of new insights and experiences are recognised as authentic elements of apostolicity and catholicity, they basically aim at acceptance and inclusion in the living faith of the Church.<sup>86</sup>

The process of reception in the Church is one which embraces all the members and all aspects of the faith as lived and communicated in the community of believers. All are involved in the unfolding truth of God's word: the theologians do so by means of their research work; the general body of the faithful by their perseverance in lives of fidelity and service; the bishops through their witness to the tradition and their judgments of the authentic faith of the Church.<sup>87</sup>

One could say that reception is a characteristic of the Church in so far as it is born from a process of reception. It receives its life from God, through Christ in the Holy Spirit. It also receives shape and form from the history and culture of the world in which it is incarnated. In turn, the world also receives from it the gift of God's love shown forth in Christ and sustained by the Holy Spirit.<sup>88</sup> The Church exists so that what it has received can in turn be received by the world: the gift of divine love. This

<sup>85</sup> Paul O'Leary, "Authority to Proclaim the Word of God, and the Consent of the Church," 250.

<sup>86</sup> "The Ecumenical Dialogue and its Reception," *One in Christ* 21 (1985) 221-222.

<sup>87</sup> Christopher O'Donnell, "Reception," in *Ecclesia*, 400. For a comprehensive review of the term see Gilles Routhier, *La réception d'un concile* (Paris: Les Éditions du Cerf, 1993).

<sup>88</sup> John D. Zizioulas, "The Theological Problem of Reception," *One in Christ* 21 (1985) 189.

gift is communicated in the gospel and in the creeds of the Church but also in a very concrete fashion in and through the people who embody that love in the circumstances of their lives.<sup>89</sup> Therefore, reception involves more than the handing on and acceptance of propositional truth statements. It is rather the integration of the message of divine revelation by each succeeding generation and cultural grouping into their particular contexts. Each generation and each cultural grouping has to recognize for itself and actualize in concrete circumstances what has been offered by God, once for all in Christ Jesus.

Reception operates in two directions. The hierarchy receives fresh insight and new perspectives from the faithful at large and vice-versa. Since reception is seen too often as a quasi-judicial notion, or merely as having, or not having, happened, it is important to note its profound theological and pneumatological roots.<sup>90</sup> For Congar reception "derives from a theology of communion, itself associated with a theology of local Churches, a pneumatology and a theology of tradition and a sense of the profound conciliarity of the Church."<sup>91</sup> If attention is given simply to the magisterial aspect of reception to the exclusion of these other important considerations, then one obscures the role of the Holy Spirit and ends up with a view of the Church "as a mass totally determined by the summit."<sup>92</sup> This in turn would lead to a primacy of authority over the primacy of the truth.

The search for the truth is conducted in the lived experience of the community which is a communion of love among the members themselves and between them and God. Indeed the possession of the truth is verified in the love which the members show towards one another (1Jn 4:16). This is to respect the incarnational nature of the Church, which finds its most immediate self-expression and self-understanding in the local community. Yet this is never adequate because what it finds to be true of the love at the heart of a local community it must express in relationship to the neighboring community. It is called to share that local experience of love with those around it and ultimately with the universal

<sup>89</sup> Reception is an important word in the context of the ecumenical dialogue and agreed statements; and in fact, it is largely through this channel that the word has gained prominence in theological vocabulary in recent decades.

<sup>90</sup> A survey of some doctrines' reception and non-reception is provided by Luis Bermejo in *Church, Conciliarity and Communion* (Anand: Gujarat Sahitya Prakash, 1990) 214-275.

<sup>91</sup> "Reception as an Ecclesiological Reality," *Concilium* 77 (1972) 60.

<sup>92</sup> *Ibid.*

Church. This love at the heart of the Church is a sign of the Spirit's presence animating it. And if the Spirit leads people into all truth (Jn 16: 13), the Spirit does so in accord with the Spirit's primary work, effecting communion. This means that the experience of deep communion in love clarifies the truth of the divine self-communication in Jesus.<sup>93</sup> So any attempt to grasp the truth of revelation apart from the life of Christian communion is false. Moreover, the teaching of the Church must then be seen as something which is continually developing as it is lived out in new contexts with new opportunities and challenges.

The theology of reception provides another important theological underpinning for the way in which the American bishops have exercised their teaching ministry as a Conference; as in the case of the *sensus fidei*, they did not explicitly advert to this theological category. The bishops' pattern of consulting widely in the course of preparing their statements shows an implicit recognition of the fact that the Church, in all its members, is a Spirit-filled and gifted community. It is not a question of simply consulting the members of the Church but of testing the faith of the Church on the matters on which they wished to speak. The process of dialogue and conversation which characterised so much of their activity, through the instrumentality of various committees, was an important means of establishing how that faith was being lived, expressed and articulated.<sup>94</sup> At the same time they also listened to the faith of the Church at large as that was expressed in the teaching of Vatican II, post-conciliar decrees, papal teaching, and in the teaching experiences of other episcopal conferences. So, in addition to attempting to hold a vertical consensus in teaching with the past, the bishops also attempted to find and express a horizontal consensus with the living faith of the Church in the United States and with the Church at large. In doing so they were ensuring that the local church could more readily accept the Church's teaching than if it were simply proclaimed with an appeal to the authority of those proclaiming it.

### Conclusion

This survey indicates that the American bishops' conference had for the most part a genuine sensitivity to the socio-political context within

<sup>93</sup> Michael J. Himes, "The Ecclesiological Significance of the Reception of Doctrine," *Heythrop Journal* 33 (1992) 152.

<sup>94</sup> On the importance of dialogue in the Church see Karl Rahner, "Dialogue in the Church," *Theological Investigations* 10: 103-121.

which it exercised a ministry of teaching and governance. This was evidenced in the initial structuring of the conference and in the addresses made by its various presidents over its first twenty-five years. This sensitivity manifested itself in the methodology followed by the conference in some of its more public moral statements, but also in several other areas of a more doctrinal nature. The bishops were quite explicit in providing a socio-political grounding for their methodology but less so in providing a serious theological underpinning. Nevertheless, they had an implicit theology operative in their work.

They showed a real appreciation for: the place of the local church in ecclesiology, the theological significance of inculturation, the theological values latent in a democratic ethos, the role of the Holy Spirit in guiding the entire membership of the Church in the way of truth, the value of a listening magisterium, the importance of the *sensus fidelium*—*sensus fidei* in discerning truth, and the significance of reception in the teaching ministry of the Church. All of these values are consistent with a sound communion ecclesiology. However, it was a weakness of the Conference that it never really provided a clearly articulated theological underpinning for its work. If it had done so, the bishops most likely would have enhanced their credibility with Rome and rendered an even richer service to the universal Church. They would have provided encouragement to other conferences of bishops in their work of inculturating the gospel in their own local churches.

Further work needs to be done to establish the extent to which other conferences of bishops have been successful in adapting their methodologies of teaching and governance to their cultural circumstances. Also within the local churches it would be helpful to discover the extent to which the churches at diocesan level appropriated the methodologies followed by the conferences to which they belonged. One suspects that, even in the American context, not all of the bishops in their individual dioceses were as sensitive to the peculiarities of the American cultural environment as was the NCCB in the first twenty-five years of its existence.