

## Episcopal Conferences: A Question of Purpose

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Episcopal conferences grew up with little or no theory behind them. Invented here and there for local reasons, they were marked off from synods and councils by expensive traits: the bishops had to meet on an annual schedule, with by-laws and elected officers, and with the interim support of a permanent staff. Everything seemed affordable in the golden years of Pius XII and John XXIII, and so the creation of more conferences was strongly recommended at Vatican II (especially in the decree *Christus Dominus*). Before long about a hundred of them had come into existence throughout the world.

But what were they supposed to do? The Council's boosterism was couched in general terms: "when the insights of prudence and experience have been shared and views exchanged, there will emerge a holy union of energies in the service of the common good of the churches." The new-fangled conferences were not defined in terms of any *mandate* more precise than that.

The omission was odd because Catholic thinkers are supposed to be keen on teleology. They are supposed to understand that institutions are like tools, which are inexplicable apart from the precise purposes they are intended to serve. This particular tool, the conference, was unclear in

its purpose. It was not to rule any diocese, nor any set of dioceses, jointly. As a new layer of structure, the conference did not displace the immediate local jurisdiction of the ordinary in his own see, nor the immediate universal jurisdiction of the Holy See. So what was the layer for?

To this day, an official answer has emerged only in part. The official answer is still being formulated, because, in the meantime, an unofficial answer has hatched, strutted, and come to grief.

#### The Unofficial Purpose

Many bishops and prominent *periti* at Vatican II had a comprehensive vision of the Church "restored," that is, brought back to her mode of operation in the age of the Fathers. Without denying the final authority of the Holy See, they deplored the concentration of initial and intermediate decision-making in Rome. They wanted individual bishops to function again as real leaders, as Basil, Cyril, and Augustine had done. The bishops were to revive their sense of joint responsibility for the churches in their area ("collegiality") and, through local cooperation, regain the vitality they had had in pre-Tridentine times, as voices in debate on controversial points of doctrine and as pioneers in applying morals and discipline to new circumstances.

Episcopal conferences were the core of this design. Conferences would be the modern successors to the local councils of yore. Based on different continents, facing different cultures, they would be centers of experimentation in renewal. Different philosophies and schools of theology would take root in them. They would be like the historic assemblies of Antioch, Alexandria, Carthage, or Toledo, but better equipped and permanently organized.

That something of this ambitious vision animated the re-organization of our USCC/NCCB under John Cardinal Dearden in the middle '60s is beyond question. That Pope Paul VI himself had a sympathy for it is well known. But how far this vision might have blossomed with Vatican blessing we shall never know. For the whole project of legitimate decentralization was overshadowed by the massive crisis of faith that shook the post-conciliar Church to her roots.

In essence, the genuine diversity of places and needs was obscured by a concocted diversity between the future and the past. Mankind was said to be in the throes of social and conceptual mutations which called all past formulations of doctrine and discipline into doubt. The design of "restoration" thus shifted, subtly, into a design of revolution. Between 1965 and 1968, the Dutch episcopal conference became a rubber-stamp for outrageous innovations. Openings were created at Medellin to theologies of violence. A dozen conferences greeted *Humanae vitae* with open or thinly disguised dissent. Many more conferences couldn't maintain in the schools, pulpits, and catechisms entrusted to their vigilance basic points of faith and morals, despite a continual stream of pleas, warnings, and correctives from the Holy See. There was no Boniface in Rotterdam, no Germanus in Auxerre.

In other words, it took history less than three years to discredit the unofficial answer to the question of what episcopal conferences are supposed to be for.

The Evolving Split

This brutal truth may have been invisible in Utrecht and hazy in Washington, but it was clear enough in Rome and (thank God) in Cracow. So the Vatican has taken a long time to formulate a better and official answer.

Eighteen years after the Council closed, the Church got a new Code of Canon Law. Thirteen new canons in it bore upon episcopal conferences (## 447-459), setting details of their officers, membership, and voting rules.

In canon 455 one learned that a bishops' conference could issue valid general decrees in those areas in which the Code itself, or a special empowerment from the Holy See, had given it competence. But when one looked through the Code, one discovered that these areas of competence were a miscellany of practical details. A national conference was supposed to support retired bishops, approve national shrines, and fine-tune abstinences. It could set norms for all sorts of things that were also covered by diocesan statute, such as matters of Catholic education; it could set the usual age for confirmation, licit marriage, and ordination; it could prepare translations of liturgical books and issue, if need be, a national catechism. But much of what the conference did was subject to approval by Rome. It could abolish or transfer holy days of obligation, but only with the approval of the Holy See. It could draw up a ritual for Christian marriage, but only for review by the Holy See. It could convoke a local council, but not without the assent of the Holy See.

Clearly, these miscellaneous and controlled permissions did not add up to a definition of purpose. If an active staff wanted the bishops' conference to do something that wasn't explicitly on the list, an argument over whether the conference had the power to do it would be difficult to

resolve. One would have to turn to canon 447, the Code's only attempt at a general description of what conferences are about. It reads: "The conference . . . is a group of bishops . . . who exercise certain pastoral functions jointly . . . the better to promote the good which the Church offers to mankind, especially through forms of apostolate suited to the circumstances of time and place." Not exactly a sunburst, is it?

Hence nothing in the Code *excluded* the starring role which our own conference, the NCCB, continued to script for itself, under the inspiration of the unofficial purpose, discredited but not repudiated. Our conference, by presiding over the Church's fortunes in the world's most advanced nation, would feel the energies of the future. These the bishops would interpret magisterially, discerning and advocating the path of their accommodation. The conference-as-star would be part prophet, part activist, but above all, teacher. For when they had learned the direction of the Spirit by reading the signs of the times, the bishops would be able to teach what they had learned. The big pastoral letters on nuclear deterrence and the economy showed an ambition to break new ground in the development of social doctrine. In these documents, Archbishop May has boasted, "the bishops gave unique witness of their ability -- I would go so far as to call it a charism -- to apply Catholic doctrine to the life and death issues of the day."

But the Holy See and a substantial segment of the American laity were not applauding. During the drafting of the nuclear weapons pastoral, Rome not only quarrelled with the view of deterrence it contained but also began to suggest that the "pastoral letters" were not real cases of teaching; they were not exercises of magisterium. This suggestion threatened to recast the star as a bit-player.

So, in 1985, when an Extraordinary Synod was called to mark the 20th anniversary of Vatican II and to assess its implementation in the Church, the Synod fathers asked for a special study of the "theological status" of national episcopal conferences, "and above all the problem of their doctrinal authority." The Pope welcomed this request, and several Vatican bodies were put to work on it.

In the summer of '87, a "Draft Statement on Episcopal Conferences" was finished in Italian and circulated to the bishops of the world for comment. It developed the same show-stopping suggestion and was principally the work of the Congregation for Bishops and the Congregation for the Doctrine of the Faith, though the Congregations for Eastern Churches and Evangelism also had a hand in it, as did the General Secretariat of the Synod.

In the spring of '88, the American bishops aired their first impressions of the Draft, and a majority took it ill. Archbishop John May cried alarm, with lines supplied by Avery Dulles and "other theologians." A full-scale debate is set for this November, when the bishops meet in Washington.

Here's the beef. The current leaders of the NCCB want the bishops' conference to continue in the same line and style as it has for the last twenty years -- dominating the climate of opinion in American dioceses by issuing highly publicized pastoral letters, which hope and purport to be the cutting edge of Catholic teaching. Archbishop May and his colleagues reject the Vatican Draft as advancing an *inadequate theory* -- inadequate to justify what they are doing. For them, the fight coming this fall is about the right theory to put behind the developing practice. The Vatican, on the other hand, wants to move episcopal conferences away from a doctrinal

role, towards the humbler pastoral tasks specified by canon law. The Vatican's Draft Statement presents a theory to rein in the practice of the conference. The surface issue is theory but the deeper issue is practice -- *unjustified practice*, because it goes beyond any acceptable theory.

#### The American Case

Since the Code of Canon Law does not assign to conferences as such a teaching mandate, it would seem that the Vatican's case would be an easy one to make. But the contrary is true. For elsewhere in the Code, we read this about the teaching office of bishops in general:

Whether they act as individuals or gathered together in conferences of bishops or particular councils, the bishops who are in communion with the head and members of the college are authentic teachers of the faith to the faithful committed to their care, even though they do not enjoy infallibility in their teaching; the faithful are obliged to adhere to the authentic teaching office of their own bishops with religious obedience of mind.

This is canon 753. It says that the teaching power, resident in each bishop as an individual member of the college, is undiminished by their choice to gather together. It says, or certainly seems to say, that it doesn't *matter* whether they teach together as a conference or as a local council; they can still act as teachers. And if they do, their acts must still count as acts of authentic magisterium. Hence the famous Pastoral Letters and many other documents of the American bishops are products of authentic (non-infallible) magisterium.

Moreover, the Code gives national conferences certain tasks which seem to involve at least an implicit teaching mandate. For example, as noted above, the Code says that the conference can issue a national catechism. In choosing its contents, in voting on drafts of its several chapters, the

conference would certainly seem to be making magisterial judgments -- judgments about what is to be taught to all the faithful, as a formulation of doctrine bearing episcopal approval.

This is Archbishop May's argument, backed up by Fr. Avery Dulles, and it seems to be in order. Of course, the Archbishop does not pretend that the conference can "make" dogma. But it can teach and apply dogma, he argues. Fr. Dulles backs this up with a distinction (apparently his own invention) between "doctrinal magisterium" and "pastoral magisterium." The point is to claim that conferences do have a teaching office (magisterium), though it is of the "pastoral" variety.

#### The Vatican's Draft and its Case

The Vatican Draft knows nothing of this new kind of magisterium. It ties "magisterium" in the traditional sense to "exercise of membership in the college" -- that is, to "collegiality" -- and then defines collegiality in such a way that the tasks committed to national conferences do not exemplify the strict sense of it. At least, that's what I think the basic moves are. The Draft is not exactly a model of lucidity. It takes a good deal of work to distil the lines of argument out of it.

The Draft begins with the overall nature of the Church as a *communio*, a sharing between people of blessings and mysteries that descend from God. It is then noted that this sharing takes place on several levels in the Church, and that on the level of the bishops the sharing is called "collegiality." But this term has been used in various ways in post-conciliar documents and discussions, so that it needs to be better defined. Here the Draft enters controversial territory. It takes 'collegiality' in two senses, one of them labeled primary and "proper," the other labeled secondary and "analogous."

'Collegiality' in the proper sense means acting as a member of the episcopal college, *so as to be a participant in an act of the College*. In other words, 'collegiality' is the property of belonging to the whole episcopal college in operation as a whole. In this sense, collegiality is the trait of bishops acting together as an Ecumenical Council (where they are physically together) or as respondents in a world-wide canvass conducted by the Pope (wherein they are morally together). Now, when the bishops of the world act together in this way, *as a College*, the main thing they will be doing is teaching. Hence collegiality and magisterium are tied together.

This is not to say that a bishop never teaches unless he acts with all the others, as a college. No, the episcopate is also a personal office, and each bishop can teach authentically in his own diocese. Rather, it is to say that bishops only teach in a *joint* way that is *higher* than their individual capacity when they teach as a college. Otherwise they *just teach individually*, and their teaching acts, in case they agree or duplicate one another, should be called "convergent acts," not collegial ones.

Next, the Draft takes 'collegiality' in the looser or "analogous" sense as the disposition of bishops to act together, out of an "*affectus collegialis*," as they do routinely in their national episcopal conferences and other fora. This probably is the sense normally intended when the word 'collegiality' is bandied about in the American church, but the Vatican Draft considers it an improper sense. It is easy to see why. When bishops act jointly, say, at the national level, they are doing something similar to acting jointly at the world level, *as the college*. But the difference

remains: acting jointly as a *part* is different from acting jointly as the *whole*. Only in the latter capacity do they teach with genuinely united authority -- as the Apostles living on, as a body, in their successors.

The conclusion is now drawn. Since the acts of episcopal conferences are not collegial (are not acts of the college), they are not magisterial either. Conference documents have no standing as magisterial statements, and the American bishops' Pastoral Letters will never appear excerpted in future editions of *Denziger*.

This seems to be the main thread of the argument. It is interwoven, however, with two others.

First, there is what I call the ontological thread. It posits the causality of higher-order, universal entities, which enjoy a true "priority" over individual human agents. Thus the universal Church is said to be such a higher entity, enjoying a causality that is prior to that of her human members, and prior to that of her local realizations in particular churches or dioceses. Likewise, the Apostolic college is presented as a higher agent/entity. When individual bishops act together in an ecumenical council or canvass, their individual actions are said to be "assumed or integrated" into the act of the higher agent. Their several actions become, together, *an act* of the college. By contrast, when several bishops concelebrate the Eucharist together, there is "no higher operating subject" into which their actions are assumed. The college does not say Mass. Only an individual person says Mass. Hence a concelebration is not a collegial act but only a "collective" act, even if every bishop in the world should happen to be a celebrant in the same Mass.

Now the function of this ontological thread is not only to back up a distinction between collegial acts and concelebrations but also to back up the distinction between collegial acts in the *proper* sense and collegial acts in the improper, analogous sense. Once again the former are assumed into a higher agent (the college), and the latter are not. For the national conference is not a "higher operating subject." As the Draft says, "Episcopal conferences were not instituted for the pastoral government of a nation nor to replace the diocesan bishops as a kind of superior or parallel government . . ." The conference is a tool for coordination, not subordination. No higher entity comes into play when the conference acts; rather, the members of the conference coordinate their own initiatives. These coordinated initiatives should be called "corresponsible acts," not collegial ones.

The second interwoven thread concerns "representation." The whole episcopal college "represents" the Church, and hence can teach in her name. The individual bishop in his diocese "represents the college" to his people, and so can teach in its name. But the conference doesn't "represent" anything. In particular, it doesn't represent the college. Hence the decisions of the conference cannot be acts of the college, and so cannot be "collegial" acts. They have no authority to them save that of the "component bishops," which I take to mean that conference documents have no more authority to them than they would have had if issued by individual bishops in dispersion. This, the Draft says, is the authentic meaning of canon 753; individual bishops do not lose their *munus magisterii* when they meet as a conference, but neither do they enhance it, pool it, solidify it, or elevate it.

All three threads of the argument conduce to the same conclusion: "conferences do not, properly speaking, as such enjoy this *munus magisterii*." Yes, they have pastoral responsibilities in such areas as evangelization and catechesis, which involve and require vigilance over doctrine. "The episcopal conferences do not however constitute a doctrinal instance; they have no competence to establish doctrinal and moral contents."

With that settled, the Draft turns to what we have been wanting to know all along, the actual and official purpose of the conference as a new layer of structure. We are told that "the conference is a contingent structure regulated by law," whose acts have "a collective, not collegial, character." The conference has "an auxiliary role" to diocesan bishops, "to help them in the fulfillment of some common tasks." Conferences have "a rather practical role within the sphere of concrete problems of time and place, and centered in the exchange of opinions and experiences, *the finality of which is to create a consensus concerning the general lines of pastoral action*." The conference can embody that consensus in legislation, but only "in those cases in which the [Canon] law or superior authority deems necessary." This is the difference between a conference and a local council, which is unrestricted in its legislative power (and which, therefore, isn't allowed to meet without special prior consent from Rome).

#### Evaluations

Frankly, the Vatican's cause is a good deal better than its case. The cause is simple. Rome wants to minimize friction with the national hierarchies. Rome doesn't want to be quarreling with whole conferences over half-baked doctrinal positions. It would rather be quarreling with

the individual bishops who hold these positions. Thus Rome wants to put a stop to the process whereby, for example, Bishop Gumbleton's views of Christian pacifism get included (by courtesy, by staff complicity, or by whatever) in documents issued by the whole conference, with the result that Rome's displeasure with those views gets elevated, politically, to a level on which it doesn't belong. The expeditious way to reach this goal is to block the conferences from issuing documents in which it, the conference, purports to teach.

But the Vatican's cause is not very well served by the case put forward in this Draft. The case is messy, convoluted, and overly speculative. Furthermore, within the Draft, it is necessary to distinguish between the conclusions it reaches and the arguments it uses to get there. The conclusions are likely to hold firm. The arguments are trial balloons.

It seems to me that the conclusions are four in number and are best stated in the following order.

(1) As creations of positive law, episcopal conferences find their purpose in the tasks committed to them by positive law.

(2) According to church law, the mandate of episcopal conferences is to promote national or regional consensus in the disciplinary/managerial sphere, not the doctrinal sphere. In other words, the conference exists to promote consensus in setting policy, not in seeking truth.

(3) Documents in which the conference purports to teach are in fact documents in which its component bishops teach, and no such document has any higher authority than it would have had if a single such bishop had issued it.

(4) The acts of episcopal conferences are not collegial acts in the proper sense.

The Draft devotes almost all of its argument to establishing (4), because its authors imagine that (3) follows from (4); (3) then justifies (2), which is the main order of business.

I agree that (2) is the main issue, but I don't think it needs any justification other than (1). Meanwhile, the argument expended on (4) is wasted, in my opinion, because (3) in fact follows from (2). Finally, (4) can be defended on other grounds and using a far more familiar sense of 'collegial'.

The Draft lays down what is in effect a stipulative definition of 'collegiality' in what is to count as its "proper" sense. Fine. But the only kind of magisterium that is tied to collegiality in this defined sense is extraordinary magisterium, irreformable teaching. This is what the whole college alone (or its head alone) can do. But no episcopal conference has ever pretended otherwise. The issue on the table is authentic, ordinary, non-infallible magisterium. This is what the American bishops claim to be exercising in their Pastoral Letters; and, when push comes to shove, the Vatican Draft has no resources to deny their claim. In fact, it cannot be denied, because it is a corollary of conclusion (3). If conference documents which purport to teach have the authority they would have had if issued by a single bishop, but that bishop's act would have been one of authentic magisterium, as the Draft concedes, then it follows that the conference document is a product of authentic magisterium.

The real issue is not whether this is the case but why. A teaching document is the product of a teaching act. So the real question is this: is the conference document a product of authentic magisterium *ratione actus conferentiae* (by reason of being issued by the conference) or *ratione actus episcopi componentis* (by reason of being issued by any given bishop who belongs to the conference)? Archbishop May and his colleagues seem to prefer the former answer. If they are right, the peace pastoral, for example, is a product of authentic magisterium because the *conference's act* of issuing it (which took place because there were enough votes for it) was an authentic magisterial *act*. The Vatican Draft, in conclusion (3), would mandate the second answer. If conclusion (3) is true, the peace pastoral is a product of authentic magisterium only because one or another *bishop's act* of assenting to it (which took place because he saw enough reasons for it) was an authentic magisterial *act*. This is the crucial issue; and on it the Vatican Draft is right.

But the argument in the Draft is wrong. It tries to prove that the conference's act is not magisterial because it isn't collegial (in the "proper" sense of collegial). But even if we accept the stipulated definition of 'collegial', the argument only proves that the conference's act is not infallible-magisterial. Why couldn't it still be authentic-magisterial? Call the act collective, corresponsable, or what you will: why couldn't it be a teaching act *of the conference as such*? This is where the ontological strand of the argument comes in. The question now is whether there can be a conference-level act of authentic teaching. The Draft's answer is 'no' because the conference is not a higher-order entity into whose higher-order act the several acts of the component bishops could

be "assumed and integrated." But why does this matter? The conference is a juridical entity. It doesn't need any higher ontological status in order for its acts to be juridically distinct from the individual actions of its bishop-members. In just the same way, the Congress of the United States is a juridical entity whose acts are distinct; an act *of Congress* can make a bill law, whereas no act of an individual Congressman (as such) can do so. Yet Congress has, thank God, no higher ontological mystique.

No, the real reason why the conference's act (as such) is not a magisterial act is because the conference (like Congress!) has no power to teach. It has no power to pass a judgment (infallible or non-infallible) on new and disputed questions of faith and morals. It has no such power because it has no such mandate. Its mandate is in the realm of policy making, not truth seeking. And it has no mandate to teach because, as a creation of positive law, the conference has only that mandate which the law gives it. Thus conclusion (3) follows from conclusions (1) and (2). The collegiality issue in conclusion (4) has nothing to do with it.

I suppose the argument just given will disappoint some people, because it sounds more lawyerly than theological. Moreover, it seems open to the following line of objection. Suppose we concede that the conference is a contingent structure in the church, created by positive law. Suppose we also concede that such an entity has no scope of operation but the one given it in the law, and that in fact conferences are given no power to teach. All of that may be true, but it is only a matter of fact. It doesn't touch the issue of what is right. Suppose it is argued that canon law, as written, is unduly restrictive. Suppose conferences *ought* to be granted the power to teach (merely authentically) because, pastorally

speaking, they have good use for it -- or because, historically speaking, ancient local councils had this power, and today's conferences ought to be viewed as their heirs.

I have already indicated a purely practical response to this line of objection: giving the conferences teaching power would tend to put the Vatican in conflict with national hierarchies. But a theological response is also possible. It examines more deeply the nature of magisterium and the *munus regendi*. It also exposes a better way to define 'collegiality' and does more justice to the contributions of local councils to the history of dogma. I conclude this essay with a sketch of it.

What the Apostolic College does as teacher is different from what the homilist does or the catechist. These latter repeat and paraphrase what is already to be believed. What the College does, by contrast, is answer a living question. When it is in doubt what God has told us, or how it applies to our lives, what we as Catholics need from the Apostles' successors is an answer.

But the answer is a *judgment*. It has the character of a decision or a verdict. The decision is that God's word means *this*. His word obliges us to do *that*. This judgment has to be right, and it has to be reached in agreement, lest the Church break up into parties.

Every bishop has a charism to reach judgment and to agree about it. This is what is special about Catholic bishops as teachers. They have a charism not only to reach the right judgment but to come to one mind about it, because it is right -- that is, because they love the truth and love each other in the Truth.

Reaching the right judgment and displaying agreement on it -- this is the *munus*. This is the "job" of the Apostles and their successors as teachers. This is what edifies the rest of us when the job needs doing and we see them do it.

The whole issue of "college" and "collegiality" comes up precisely because the teaching *munus* has these two features. The individual bishop reaching a judgment in his own diocese may very well be right -- he has a charism to be right -- but he isn't showing us agreement. He may very well be showing us the truth, but he isn't showing us Catholic unity in holding the truth. By contrast, when the whole episcopal body in concert with its head reaches a judgment, we immediately see the Church in unity of mind (and in truth of mind, because the Church in unity of belief cannot be in error).

Now between these two extremes of the bishop teaching alone and the whole college teaching in unison, there is the middle case of the local Council or "Synod." Since the very early days of the Church, bishops faced with disputed questions have willed to travel to a common site and there reach an answer together. The reason they have willed to do this is not because each man individually was stumped, nor because they believed that fifty heads were better than one intellectually, nor because they each believed that his own judgment would have no episcopal "force" without fifty or a hundred echoes. They came together because they wanted to agree. They didn't only want to be right. They wanted to be right *together*, because this shows the *koinonia* of the Church. And this motivation was precisely "collegiality." Hence the ancient local Council showed collegiality in the full and proper sense of the word, in my

opinion, though it didn't show infallibility, because its actions were deeds of a part of the college, not the whole. Part was free to correct part, and the whole had authority to correct them all, as happened many times in the first five centuries.

In essentials, the same must be said today. The decisions of a modern local Council on matters of faith and morals would be authentic acts of ordinary magisterium, properly collegial but not infallible. They would be subject to review by the Holy See.

This account of 'collegiality' ties 'collegiality' to ordinary magisterium and not just to the extraordinary magisterium. This is appropriate because *collegialitas illa est dispositio qua episcopi questiones disputatas de rebus fidei et morum, per iudicium cum aliis episcopis conjunctim latum, magis quam suo cuique ingenio, resolvere praeferunt et conantur*. This definition ties 'collegiality' to the bishops' *munus regendi* just insofar as the latter is accomplished by exercise of magisterium.

When one understands that episcopal magisterium, in its most distinctive exercise, is not mere pastoral repetition of the already settled, like catechetics, but the giving of an *answer*, which is the reaching of a *verdict* on a disputed question of what to believe or how to live, one can see that this "teaching" act is the core act of *governance* in the Church. The bishops rule by deciding, like a judiciary. It is only to such ruling-by-teaching that 'collegiality' significantly attaches.

To be sure, the *munus regendi* has other aspects, peripheral, more distinctively "executive." The erection and abandonment of parishes, missions, and chapels, the assignment of diocesan personnel, the directing

of apostolates, the running of schools, the setting of times and rubrics for public worship, and a host of other matters, require the "executive" attention of a bishop and can benefit from the attention of several, working regionally. It was to secure the benefit of regional attention that episcopal conferences were created as canonical entities.

The willingness of each bishop to work with a conference requires a certain brotherly spirit or sense of collegiality, no doubt, but I think it only confuses matters to call that sense or spirit an "*affectus collegialis*," as the Vatican Draft does. For in these executive aspects of the *munus regendi*, collegiality is not in play at all, not even analogously. Why not? Because in these aspects of governance the bishops need not agree and have no duty to reach agreement. They have no charism each to run his diocese the way the others run theirs. If anything, they have a charism of *appropriate diversity*, each running his diocese with insight into its particular needs. The rule is *libertas* in these things, not *unitas*. And so the bishops have no need to act as a college. I mean: they have no inherent need, no need to act together that is inherent in this kind of exercise of this *munus*. In other words, I say of the bishops' executive duties exactly what the Vatican draft says of their eucharistic presidency. They have no inherent need to concelebrate. Hence, if they do, their togetherness is not "collegial" in any sense, not even the analogous sense, but merely "collective."

Of course, in their executive capacity, the bishops can recognize a contingent need, arising from regional or national circumstances, for a certain level of joint planning, or for a certain level of pastoral uniformity, and this is what the conference allows them to realize. But it

follows that the whole purpose and nature of the episcopal conference lies in the executive aspects of the *munus regendi*, which are distinct from rule-by-teaching and therefore outside of collegiality. What goes on in the Conferences is just "collective," as the Draft also concludes, and so I reach the same conclusion by what, I hope, is a better route.