

THE HORIZON OF THE "PRIMACY" OF THE BISHOP OF ROME

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It is impossible to present in a few pages a question so complex, so vast and so debated in ecumenical circles as that of the "primacy" of the Bishop of Rome. One must therefore begin by defining the angle from which one proposes to tackle it and by limiting the field of vision.

Since I do not have to examine the biblical aspect of the problem --which is the subject of another paper-- I think it important to centre my research on one single point, though with careful attention to the documents over the whole field. This is the point moreover which harmonises with the main trend of the Agreement on the Eucharist and the Agreement on the Ministry. It is a question of what I shall call the horizon of the office that Roman Catholic tradition calls the "primacy" of the Bishop of Rome.

I. The position of the Roman Catholic Church

Perhaps insufficient stress has been laid on the manner in which the First Vatican Council, in its Dogmatic Constitution Pastor Aeternus, gave the service of unity as the essential ratio of the place accorded to the successors of Peter in the See of Rome. The Council thus placed the function of the "primacy" at the centre of the two data attested by Scripture : the "ut unum sint" of st. John's Gospel (with its reverberations in the New Testament tradition) and the emergence of an episkopè entrusted by the Spirit with the task of keeping the new People faithful to the Gospel. The text returns to this point several times :

"The Eternal Pastor and Bishop of our souls, in order to continue for all time the life-giving work of His Redemption, determined to build up the Holy Church, wherein, as in the House of the living God, all who believe might be united in the bond of one faith and one charity. Wherefore, before He entered into His glory, He prayed unto the Father, not for the Apostles only, but for those also who through their preaching should come to believe in Him, that all might be one even as He the Son and the Father are one. As then He sent the Apostles whom He had chosen to Himself from the world, as He Himself had been sent by the Father : so He willed that there should ever be pastors and teachers in His Church to the end of the world. And in order that the Episcopate also might be one and undivided, and that by means of a closely united priesthood the multitude of the faithful might be kept secure in the oneness of faith and communion, He set Blessed Peter over the rest of the Apostles, and fixed in him the abiding principle of this twofold unity, and its visible foundation"(DS 3050).

"So that the Church of Christ may be one flock under one supreme pastor through the preservation of unity both of communion and of profession of the same faith with the Roman Pontiff" (DS 3060).

But the definitive text takes care to recall and insist upon the fact that this affirmation of the "primacy" of the Bishop of Rome must be set within a vast background. This is the background which it calls "the ancient and constant faith of the universal Church" (secundum antiquam atque constantem universalis Ecclesiae fidem, DS 3052), manifested in the testimonies of the "acts of the Ecumenical Councils and of the sacred canons" (DS 3059), proved by "the perpetual usage of the Churches", expressed in the declarations of the Ecumenical Councils, "especially those in which the East met the West in the union of faith and charity"

(DS 3065). Now in such an official text these references are not mere stylistic clauses. It is to be regretted that subsequent theology, being too absorbed by the problem of papal infallibility, has done little to make this section of Pastor Aeternus more explicit.

It is true that the conciliar document itself neglects to highlight the conditions, implications and limits of the "primacy"⁽¹⁾. One must in fact reproach its authors for having approached this crucial problem with less interest, preparation and sense of nuance than in the case of infallibility⁽²⁾. But when one reads the debates and especially when one follows the evolution of the discussion, one discovers that the objections or difficulties of the minority were not without effect. It was an unobtrusive, attenuated effect, like a sort of watermark that one hardly notices at first. It was an effect that nevertheless is not without importance today.

In fact (and in the course of the discussions men such as Mgr Smiciklas⁽³⁾, the Melchite Patriarch Gregory Jussef⁽⁴⁾ or Mgr Papp-Szilágyi⁽⁵⁾ pointed out the ecumenical impact of this point) the question of the "primacy" as it was posed, in the coordinates of the ut sint unum and the universal episkopè, does not lead in the first place to the affirmation of the Pope's "power" over each Christian or each community. It bears first, and essentially, on the balance of two dimensions of the episkopè, with a view to the full service of the Church and especially her unity. There is no need to state that here we understand the term episkopè in the wide sense given to it by the Agreement on the Ministry (N.9). Episkopè therefore means the responsibility entrusted by the Spirit to certain ministers --bishops (episkopoi), presbyters, deacons-- for the purpose of maintaining the whole Church in fidelity to the apostolic faith and for the sake of the incarnation of this same faith at the present time. The office of the "primacy" of the Bishop of Rome can only be understood in the perspectives of this episkopè, which relates wholly to the service of the People of God. But, in the vast field of the episkopè, this office more immediately concerns the universal dimension of the koinônia, the catholicity of the ut sint unum in relation to the necessary multiplicity of the expressions and incarnations of faith.

Under the influence of the minority (and doubtless in the desire to respect "the perpetual usage of the Churches" as much as the sacred canons and the Ecumenical Councils, "especially those in which the East met the West in the union of faith and charity" (DS 3065)), the Constitution Pastor Aeternus also puts forward a clarification. It says that the potestas ordinaria et immediata, vere episcopalis, which it links with the "primacy" of the Bishop of Rome, in no way constitutes an obstacle to the potestas ordinaria et immediata, episcopalis, whereby the other bishops "pasture and govern as true shepherds the flock entrusted to each one" (DS 3061). Quite the opposite: the "primacy" is for the strengthening, defence and promotion of episcopal power:

"But so far is this power of the Supreme Pontiff from being any prejudice to the ordinary and immediate power of episcopal jurisdiction, by which Bishops, who have been set by the Holy Ghost to succeed and hold the place of the Apostles, feed and govern, each his own flock, as true Pastors, that this their episcopal authority is really asserted, strengthened, and protected by the supreme and universal Pastor; in accordance with the words of St. Gregory the Great: 'My honour is the honour of the whole Church. My honour is the firm strength of my brethren. I am truly honoured, when the honour due to each and all is not withheld' " (DS 3061) (6).

To do otherwise would amount to contradicting one of the great traditional principles that must be respected: the power exercised by the See of Peter must be ad aedificationem non ad destructionem Ecclesiae (7).

It must certainly be recognized that the conciliar text, though drafted with a view to clarification, could be clearer, especially on a subject of this importance! The explicit wish of the Fathers of the Deputatio De Fide to avoid dealing with the limits of papal power, sometimes indeed seeming to take rather lightly the objections raised (8), has not really proved helpful. The spectre of Gallicanism has been put to flight, but we are left empty-handed. Certain tensions at the last Synod of the Roman Catholic Church, in the face of the desires expressed by several episcopates for wider creative scope, show that because of a failure to go deeply into the question of the appropriate time there is a risk, even after Vatican II, of our being left with incurable maladies. In particular, the use of the same terms --potestas episcopalis, ordinaria et immediata-- to qualify both the power of the papacy and that of the local episcopate, with the intention of expressing thereby that the two are not in conflict, leaves the impression that

each diocese is subject to two powers with identical jurisdiction: episcopal, immediate and ordinary. If taken at their face value, each episcopal Tweedledee is duplicated by a papal Tweedledum; and as the papacy was sufficient in itself, there seems no reason why redundancy notices should not be served on the episcopal Tweedledees (9).

Surely we have here the squaring of the circle.

But a conciliar text can only be understood by a constant reference to the discussions that led up to it. And it must be read in the sense given to it by those who drew it up. Now the study of the documentation of Vatican I provides a little of the light that we would like to find in the texts voted upon. And this little light, which is very valuable, enables us to grasp more clearly "the horizon of the primacy of the Bishop of Rome". We shall now try to show this.

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In the first place, at the moment when, before the final vote, the meaning of the text is officially stated, it is explicitly declared that whatever is said about the "primacy" of the Bishop of Rome cannot conflict with what the Church's Tradition considers as of divine right for the episcopate. This is true not only as regards the ~~existence~~ of the latter, but also as regards the functions assigned to it and the powers it is recognized as possessing. The proclamation of the "primacy" must therefore be understood within the whole

content of the traditional data concerning the episcopate. The primacy is limited, is judged by the episcopate. And this means the episcopate such as it has been regarded by "the Ecumenical Councils and the sacred canons", especially (we repeat) the Councils at which "the East met the West in the union of faith and charity". For, as is noted in the final report by Mgr Zinelli, "nemo sanus dicere potest aut papam aut concilium oecumenicum posse destruere episcopatum caeteraque iura divina in Ecclesia determinata"⁽¹⁰⁾.

Now it would be destroying the truth of the pastoral function of the bishops to permit someone else to carry out the tasks which precisely make up this function. And how could the episcopal power be "asserted, strengthened and protected" (DS 3061) if in practice it were put in the shade? Therefore the "primacy" of the Bishop of Rome also has norms: it is measured by everything in the Church that comes from the will of God⁽¹¹⁾. And without any doubt it is precisely in this sense that, at least at the moment of the definitive vote, the articulation of the potestas ordinaria of the Pope and the potestas ordinaria of the local bishop was thought of. In the two cases the word "ordinary" does not have the same meaning. In the case of the Pope it signifies "adnexum officio", that is to say, given with the function itself and not delegated. In the case of the local bishop, it signifies "not only in extraordinary cases", and thus indicates "a daily exercise, relative to all the needs and all the cases normally arising, ordinarily, in a diocese"⁽¹²⁾. Now, as the Bishop of Saint-Brieuc, Mgr David, remarked in open Council, "ordinaria est sane summi pontificis potestas, eo sensu quod non sit delegata", but "non eo sensu quod ordinaria eadem ac ab ordinario in qualibet dioecesi exerceri possit"⁽¹³⁾. It is precisely along these lines that on 5 July 1870 Mgr Zinelli, in the very name of the Deputatio De Fide, was to define the use of the word in order to characterize the power of the Pope :

"Omnes dicunt potestatem ordinariam quae alicui competit ratione muneris, delegatam quae non competit alicui ratione muneris sed nomine alterius exercetur in quo est ordinaria. Explicito sensu vocabulorum, lis ut videtur Deputationi, finita est. Nam potestas quae summo pontifici tribuitur nonne est illo ratione muneris? Si est ratione muneris est ordinaria"⁽¹⁴⁾.

"All (the jurists and doctors of canon law) call ordinary the power which belongs to someone by reason of his office, and delegated that which does not belong to him by reason of his office but which he exercises in the name of someone else in whom it is ordinary. The meaning of the terms having thus been made explicit, the Deputatio de Fide considers that the dispute is at an end. For does not the Supreme Pontiff possess the power attributed to him by reason of his office? If it is by reason of his office, it is an ordinary power"⁽¹⁴⁾.

This is an enlightening clarification, on a text that otherwise people seem to take delight in keeping obscure. Vatican I refuses to turn the episcopate into a body of functionaries or delegates of the Pope, an army of shadows carrying out as doubles what in fact the supreme Head would more fittingly do by himself. The Council does not consider (in fact it refuses to do so) the "primacy" of the Bishop of Rome as an omnipresent "power" enveloping all episcopal activities. The Pope's jurisdiction cannot be an obstacle to that of each individual bishop. And unanimously

the Fathers (of the Council) reject the idea that the Roman Pontiff would intervene in their diocese ordinarie, in their own manner, for the daily, habitual and ordinary government of all the diocese. Considered according to this mode of exercise, the jurisdiction over a particular Church belongs to them properly and, in a certain sense, exclusively, but always, of course, under the supreme authority of the Roman Pontiff. And before the final vote, Mgr Zinelli declared that it was indeed in this way that the Deputatio De Fide understood it: '... si Summus Pontifex... se ut ita dicam multiplicaret, et quotidie, nulla habita ratione episcopi, ea quae ab hoc sapienter determinarentur, destrueret : uteretur non ad aedificationem sed in destructionem sua potestate' (MANSI, 52, 1105 CD). This would be to use a papal prerogative in destructionem (15).

Certainly, the Council says nothing about the concrete coordination between the potestas ordinaria of the Pope and the potestas ordinaria of the bishop of the local Church. It leaves ecclesiologists unsatisfied. But I think that what I have just pointed out gives the hermeneutic principle which, especially in the light of the developments of Vatican II on the episcopate, enables us to place the "primacy" by giving it its real meaning: it can only be understood in reference to the bishops' function, ad aedificationem Ecclesiae. An aedificatio which takes place through the potestas ordinaria of the bishop of each local Church, open to the universal koinônia, and therefore in act of catholicity. The "primacy" is an extension, along a certain line, of the potestas vere episcopalis (DS 3060) of one of the bishops --the one who presides over the church of Rome-- with a view to the full actualization by his brothers, the other bishops, of their responsibility (munus) on the spot, the munus of the aedificatio Ecclesiae in universal koinônia. With a view, therefore, to the full catholicity of the local koinônia over which they exercise the episkopè.

This is also why we must make a clear distinction between the function of the Bishop of Rome within the Urbs, his diocese, and his proper function with regard to the universal Church, the Orbis. For while in the former case it is for him to exercise the potestas ordinaria which belongs to each bishop as he is habitually and constantly faced with the problems and needs of his diocese, he would be acting in destructionem Ecclesiae if he considered the universal Church as a sort of vast diocese whose bishops were his auxiliaries or "apostolic vicars". Beyond the limits of the Urbs romana, the other bishops entrusted with the care of the dioceses are not his "auxiliaries". This distinction is of capital importance. And it is well known that at the time of the Kulturkampf, Pius IX confirmed the German bishops' declaration emphasising that "the Pope is the Bishop of Rome but is not the bishop of any other place or diocese"⁽¹⁶⁾.

It is true that the problem is complicated by the fact that the Bishop of Rome is also considered by Tradition as the Patriarch of the West, that is to say, of the Latin Church. Canon 34 of the Apostolic Canons and

Canon 6 of the Council of Nicaea show in fact that at a very early date the regional episcopates formed into structural wholes by each one taking one bishop as prôtos ("first") placed at their head⁽¹⁷⁾. The Council of Nicaea recognizes as an ancient custom the existence of such a prôtos in Alexandria, Rome and Antioch⁽¹⁸⁾. And the evidence goes to show that this prôtos had a power that was wider than that of the other bishops of the region⁽¹⁹⁾. It was a power founded on the privileges (presbeia) of his church. Alexandria, Rome and Antioch exchange letters of communion, and these signify and reinforce the unity of all the local churches. In the Latin West, it is the local church of Rome that enjoys this privilege. And by this fact it is found involved, with Alexandria and Antioch, in this interplay of reciprocal communion. And yet already with a special position. As J. Ratzinger writes:

"This means that the Bishop of Rome possesses an administrative function for the churches of Italy (and of the West in general), but not for the Church as a whole; and for the latter he nevertheless has a "primacy" inasmuch as he is the point of orientation and the criterion of unity. One could also say: the primates of Alexandria and Antioch are regional primates, the Bishop of Rome has a regional 'primacy' and, in addition, a primacy relative to the Church as a whole, which is of another kind" (20).

Now little by little the church of Rome will tend to unify into a single concern its regional and patriarchal "primacy" and its special "apostolic charge"⁽²¹⁾. It will then in a way place all its primacies under one single title⁽²²⁾. In fact, during the first thousand years it is clear that the powers of the patriarchates "are not a sharing in the papal government. They are in no way privileges granted by Rome, but an expression of episcopal jurisdiction itself. They manifest quite simply the realization that the college of bishops, in a determined area, united to Rome, is its own regulator"⁽²³⁾. But Rome will soon speak of these powers as privileges "granted" and renewed, and Boniface VIII will declare that it is the Holy See itself that has instituted primates, patriarchates, metropolises, episcopal sees⁽²⁴⁾. From the amalgam of these different levels of the "primacies" of the church of Rome will thus spring a centralization that without any doubt will alter the true face of the apostolic "primacy" of the See of Rome. For this apostolic "primacy" is not identical either with the office of Bishop of the particular church of Rome or with the functions of the Patriarch of the West.

Coming back to the text of Vatican I, we can now distinguish better, at least negatively, the characteristics proper to this particular "primacy" in relation to the Church as a whole. We have seen that the intention explicitly made known by the Council Fathers, before the final vote, was precisely to refuse what would tend in destructionem Ecclesiae, that is, concretely, what would be a nibbling away at the function of the bishops. The fresh light cast by Vatican II on the collegial dimension of episcopal activity in its own way contributes to reminding us of some of the frontiers, not explicitly envisaged by Pastor Aeternus, which cannot be violated without thereby encroaching on the episcopate's own responsibility. Furthermore, the 1870 Council stated its clear and firm wish not to diverge from the old path of the ancient Councils and ec-

clesial canons, especially of those promulgated when East and West were still united. Now the presence at that time of several large patriarchates, enjoying a wide margin of self-determination within a true communion guaranteed by the link with Rome, itself opens up broad perspectives to a communion that would be something different from submission to an omnipresent and haughty authority, wishing to control everything.

Should not the proper function of the "primacy" therefore be sought not in a descending perspective but in an ascending view rising from the episcopacy?

2. How the "primacy" is to be understood

In the Relatio of 13 May 1870 introducing, in the name of the Deputatio De Fide, the general discussion of the Constitutio dogmatica prima de ecclesia Dei, the Ultramontane Bishop Pie of Poitiers declared:

"Neque unquam in ulla lingua humana, quanto minus in idiomate ecclesiastico, qui et caractere et auctoritate principes sunt, sub nomine pastorum sive praelatorum inferiorum designari continget; primi sunt ecclesiarum pastores. Et si hac certe mira varietate ecclesia sancta circumdatur, ornatur et regitur, dum alii in ea pontifices, alii minoris ordinis et secundae dignitatis sacerdotes, diversorum ordinum viri consecrantur, de episcopis merito praeconio praedicatur quod eos Christus pontifices summos regendis populis praefecerit (25).

Now to say in this way, and in such a context, that the bishops are the primi pastores, that Christ himself makes them the summi pontifices of his People, that they are therefore et caractere et auctoritate the princes of the Church, is to reiterate one of the most traditional and capital truths of the teaching of the Church. On the sacramental level --which formally constitutes her in her being as the Ekklesia tou Theou-- the Church knows no hierarchical degree higher than that of the episcopate. The structured hierarchical ministry in fact consists of the three elements of diaconate, priesthood and episcopate. In other words there does not exist a sacrament of the "papal primacy".

Such an affirmation may seem banal. Nevertheless it is full of implications. If in fact this primacy is a constituent element of the Church, it must, like the other "primacies" that we have mentioned --the primacy of the prôtos placed at the head of one of the three principal churches-- be understood theologically within the function of the episcopate. A Pope, ordained Bishop of Rome, is elected, "crowned" Pope. He is not "consecrated" Pope by a sacramental act. He never has been. The special power that he possesses and which marks him out can therefore only be explained within the episcopal prerogatives. And in addition, he does not have an object exceeding the limits of what the whole of Tradition (especially where "East and West met in the union of faith and charity") considers as the very object of the episcopal munus. To state the opposite would be completely to change the nature of the Church by placing on top of it a principle of cohesion that as such does not come under sacramental reality.

For (and this is the root affirmation on which the Christian view of the Church is based) the Body of Christ is born of the Holy Spirit and the sacrament. In the Church every structural element, constitutive and essential, must be situated in the union of Spirit and sacrament. This is true even when we are talking of powers⁽²⁶⁾. The affirmation of Vatican I, so strongly criticized during the debates --potestas quae vere episcopalis est--⁽²⁷⁾, is thus a happier one than was first thought. And it must be interpreted strictly.

It is not perhaps superfluous to note that the paragraph of Chapter 5 of Pastor Aeternus in which this expression is inserted (DS 3060) begins by mentioning not the primacy of the Bishop of Rome but that of the Church of Rome :

"Hence we teach and declare that by appointment of our Lord the Roman Church possesses a superiority of ordinary power over all other Churches, and that this power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate".

In the previous paragraph (DS 3059), the text spoke of the Sedes Apostolica. Certainly we must not extrapolate, nor even overstress this passage from church to bishop, and not from bishop to church, in our text. At the same time, I think it is indicative of a solid rooting in the Tradition of the undivided Church, for which the primacy which Rome is recognized as possessing⁽²⁸⁾ comes primarily not from the bishop of this see but from the importance of the local church of Rome in the midst of the other local churches⁽²⁹⁾.

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In our reflection, let us therefore start from the nature of the local church and of the responsibility of the bishop who presides over it. In the middle of the chapter of Lumen Gentium devoted to the hierarchical constitution of the Church, Vatican II recalls one of the aspects of the mystery of the Church which is most important for our subject, when it states :

"This Church of Christ is truly present in all legitimate local congregations of the faithful which, united with their pastors, are themselves called Churches in the New Testament. For in their own place these are the new people called by God, in the Holy Spirit and in much fullness" (Lumen Gentium, 26).

"Haec Christi Ecclesia vere adest in omnibus, legitimis fidelium congregationibus localibus, quae, pastoribus suis adhaerentes, et ipsae in Novo Testamento ecclesiae vocantur. Hae sunt enim loco suo Populus novus a Deo vocatus, in Spiritu Sancto et in plenitudine multa" (Lumen Gentium, 26).

As the koinônia of faith, charity and hope, the local church --the one presided over by each local bishop-- is not simply a segment of Christ's Church. It is such in one of its manifestations hic et nunc. The Eucharistic synaxis represents as it were the emergence of the Ekklesia tou Theou as such, in this place and in this historical situation. The Eucharistic community is not therefore a small section of the mystery of the universal Church but the appearance --the "symbol" in the full sense of the term-- of this Church in communion with the Father and in fraternal communion in Christ the Lord. This is why each local community, bound together by the Eucharist, finds itself by this very fact

in full unity with the other local communities, wherever they are in the world, not "by virtue of a superimposed external structure, but by virtue of the total Christ present in each of them"⁽³¹⁾. For she is, in spite of her limits, the indivisible Church of God in the act of manifestation. Synthesizing the data of the Acts of the Apostles, Fr. J.Hamer writes :

"But the Christian assembly is not just any random assembly. It is the ekklesia tou Theou (acts 20:28). That is its distinguishing mark...It follows that the theological concept of the Church cannot be thought of in a quantitative sense but in a qualitative sense... What constitutes it a 'Church' is nothing to do with larger or smaller numbers, but the intervention of God who gathers his own together... The general community which constitutes the Church does not take its being from an adding together of local communities, but ... each community, however small it may be, represents the whole Church" (32).

Now this true presence of the whole Church in each local community is only realized if the Church of God "which is in such-and-such a place" recognizes itself as identical with the Church of God "which is in such-and-such another place". As soon as we stop thinking of the organic unity and catholicity of the Church as an adding together of these parts made up of the local communities, forming together a large whole in which one completes the other, we should in fact think of it in terms of identity and recognition. For

"the nature of this unity does not consist in the fact that all the local churches together form a single organism, but in the fact that each church --in the identity of faith, structure and grace-- is the same Church, the same Christ being immutably present wherever the 'ecclesia' is...

It is this ontology of the Church as a theandric unity, incarnate whole and indivisibly in each church, which is the basis of the link between the churches... The fullness of the local church consists in the fact that it possesses in itself everything that each church possesses and that they all possess together (33).

The basic function of the bishop is precisely to maintain his church in this identity, ensuring that every other authentic church will recognize itself therein. On this level he is clearly the fundamental creator of unity. And this is what his presiding at the Eucharist signifies (34).

But it is equally obvious that, since the Christian communities are scattered throughout the world, and since faith is not an abstract acceptance of Christ but rather a life that must be lived in the most widely differing concrete situations, this identity is only real if the local churches open themselves to one another, assist one another and, even more fundamentally, strive to grow together in their fidelity to Christ. Identity can only be discerned in manifestations and expressions taken as whole. In other words, radical ontological identity demands a "communion" in the expression of faith, obedience to the Spirit's desires, the sacraments, the mission in the world. Otherwise we leave the universe of faith, for acceptance of the Spirit must necessarily be translated into a praxis. Since it is the Church in the entirety of her essence that manifests herself in each local church, the latter must break with every temptation to close in on itself, to take an independent path, and to concentrate its energies exclusively on its own views. The universality of

the Ekklesia tou Theou thus imposes on the life of the local community, because of the very nature of faith, a constant comparison with the life and thought of the other local communities and an openness towards those communities. The "ut unum sint" that John puts on Jesus' lips likewise concerns this translation into external acts of the profound unity of hearts. For "the world will not believe" that God "has sent Jesus" unless it perceives the unity of the disciples in the elements of their daily lives --this is the only place where it can perceive it.

Catholicity represents as it were the necessary making explicit of this identity through numberless manifestations. For identity and catholicity go hand-in-hand. On the one hand identity would be purely illusory if in those very diverse contexts and situations, in which acceptance of Jesus is embodied, we should fail to recognize one another any longer. On the other hand, there is no de facto catholicity (not purely theoretical) unless the ontological, invisible identity, by which all the local churches are the indivisible Church, is "sacramentalized" in an outward and visible way and there exists an accord manifesting fullness of communion. Vatican II puts this very well: "This variety of local churches with one common aspiration is particularly splendid evidence of the catholicity of the undivided Church"⁽³⁵⁾. Thus one understands why Tradition includes among the essential functions of the bishop this opening of his church to catholicity. It is not a function added to his episkopè but one deeply rooted in it⁽³⁶⁾. Being signified and realised by the presence of several bishops at his episcopal ordination⁽³⁷⁾, it must in fact show itself in his conduct and pastoral praxis.

In the light of what has been said, it becomes clear that the bishop's episkopè --the ministry which in the Spirit structures the Church by preserving her in fidelity to herself-- stands at the meeting-point of two communions both of which are the radically necessary guarantee of ecclesial identity. The "apostolic succession" ensures vertical communion, by guaranteeing the identity of the local church, entrusted to this bishop, with the Church of the Apostles. This is identity in time: an identity which links the present moment with the origins and enables the local community to recognize itself in the characteristics of the Church of the Apostles. But there must also be a horizontal communion guaranteeing the identity of this local church with the other local churches here and now scattered throughout the world. This is identity in space: an identity which enables the local church, manifesting its faith and obedience in the conditions and situations peculiar to it, to recognize itself in the other local churches, manifesting the same faith and the same obedience in the conditions and situations peculiar to them in their turn. This second communion, the horizontal variety, is just as essential to the Church as the first, the vertical communion.

In short, the bishop's function --we can even say his primary function-- is "to permit the catholicity of the Church to reveal itself in a certain place"⁽³⁸⁾, according to its two essential dimensions. And just as, when it is a question of the vertical dimension, it is through the bishop that there is signified and guaranteed in and for the local church "the continuity of the historical life of the Church taken as a whole"⁽³⁹⁾, so when it is a question of

the horizontal dimension it is likewise through the bishop (in an eminent degree in the celebration of the Memorial) that there is signified and guaranteed the communion here and now of his small community with all the churches living throughout the world. Now, since the apostolic succession (understood in the terms of our Agreement on the Ministry) enables the bishop to carry out authentically his munus with regard to the first of these dimensions, it is communion with the centrum unitatis which enables the bishop to carry out authentically the same munus with regard to the second of the dimensions of catholicity. In other words, communion with the centrum unitatis is, with regard to the horizontal dimension of catholicity (itself inseparable from ecclesial identity as such), what insertion into the apostolic succession is with regard to the historical (or vertical) dimension thereof.

It will be noted that both insertion into the apostolic succession and communion with the centrum unitatis, on this level of the ministerial structuring of the Church, are for the benefit of the bishop's episkopè, that is to say, in order that the bishop, as pastor of the local church, may authentically carry out his task. And just as the reference to the Apostles does not make him an "auxiliary", a "deputy", or a "delegate" of the Apostles but on the contrary a true "leader" (with the other ministers) of his church, in the same way the reference to the centrum unitatis does not reduce him to the rank of an "auxiliary", "deputy" or "delegate" of the one who carries out this role. It is neither the Apostles nor the centrum unitatis which concretely ensure the task of building up the local church and watching over it in the Holy Spirit. It is the bishop, but only to the extent that he is in communion with the Apostles and with the centrum unitatis.

* * *

Predictably, the way in which this centrum unitatis will exercise its function over that of the other bishops will depend essentially on the precise reasons for which such a centrum is necessary and (Catholic belief says) willed by Christ. We have emphasized, in line with the ancient Tradition to which Vatican I explicitly wishes to remain faithful, that this centrum was not demanded by the need to bind together parts such as could only find their fullness by the addition of other parts supplying what they lacked. Each local church, however humble, is, as we were saying, the ekklesia tou Theou in that place. But because the People of God is scattered and, from its very beginnings, faced with profoundly differing situations, there must be at the centre of the bishops' episkopè a "service" (ministerium) more especially concerned with the cohesion of all the churches in the unity of the same faith and of one same mission.

As we noted earlier, in speaking of the 34th Apostolic Canon and Canon 6 of Nicaea, the following fact emerges : the bishop who ensures this episcopal service of the whole body of bishops, for the good of their churches and for their own fidelity to the charge they have received from the Lord, has a rank apart in the body of bishops. He is the prôtos, the kephalè (to quote the terms used in the 34th Apostolic Canon); he has a certain exousia over the bishops (as the 6th Canon of Nicaea states concerning the Bishop of Alexandria). But this status of being prôtos and this exousia, which are real and not at all mere titles of honour, are exercised in the very midst of the episcopal communion and for its sake. Indeed, the acts carried out by this prôtos, acts stemming directly from his primacy, are episcopal acts. He carries them out in virtue of the sacramental grace of his episcopacy, inasmuch as he is entrusted, with all the other bishops, with episkopè over the Church. What is individual to him is the fact that the Spirit entrusts him, within this "episcopal communion" and in a special and unique way, with ensuring that all the churches remain in the conditions of faith and charity required in order that in each of them ecclesial identity shall be preserved. One can therefore rightly say with Lumen Gentiúm :

Romanus Pontifex, ut successor Petri, est unitatis, tum Episcoporum tum fidelium multitudinis, perpetuum ac visibile principium et fundamentum. Episcopi autem singuli visibile principium et fundamentum sunt unitatis in suis Ecclesiis particularibus, ad imaginem Ecclesiae universalis formati, in quibus et ex quibus una et unica Ecclesia catholica existit. Qua de causa singuli Episcopi suam Ecclesiam, omnes autem simul cum Papa totam Ecclesiam repraesentant in vinculo pacis, amoris et unitatis.

The Roman Pontiff, as the successor of Peter, is the perpetual and visible principle and foundation of the unity of the bishops and of the multitude of the faithful. The individual bishop, however, is the visible principle and foundation of unity in his particular church, fashioned after the model of the universal Church and in which and from which the one and unique catholic Church comes into being. For this reason each individual bishop represents his own church, but all of them together in union with the Pope represent the whole Church in the bond of peace, love and unity (IG, 23).

He who among the bishops has the primacy is in fact the one whose function is to keep alive and authentic the openness of each church to the other churches. Not just an openness of smooth running procedures or good relations, but an openness ontologically based upon the fact that, since each church possesses substantially what the others have and substantially lives its faith in the same way as the others, they all recognize in one another their own identity. The bishop who has the primacy, inasmuch as he is the one specially responsible for the catholic dimension of the episkopè within the episcopal college, is the one thanks to whose ministry the koinônia of all the churches has and preserves its truth. But we can see that his office, far from encroaching on that of the other bishops or entering into rivalry with it, is entirely relative to it. The function of this prôtos is to guarantee, strengthen and ensure full catholicity to the building up of each local church, the bishop being the builder.

The Tradition of the undivided Church shows us that this office of prôtos especially manifests itself through a function of "point of awareness", of "memory". And, as I have ventured to indicate elsewhere (40), we must see in what the Roman Catholic tradition calls the infallibility of the Bishop of Rome one of the extreme forms of this function whose exercise is normally called for in a more simple fashion.

What in fact are we to understand by "point of awareness" and "memory" ? Quite simply the recalling (fraternal, but nonetheless authoritative) of the essential point without which one is no longer in the unity of faith and communion; it also includes the recalling and stating of the conditions required for the actual, visible expression of this unity of faith and communion. It is a prophetic office. And, in order that such a function should not be merely theoretical but should really and effectively serve the ut sint unum, it is clear that it calls for, as its correlative, on the part of the other bishops and of their churches, the acceptance of its interventions. It is an acceptance that can be critical, but, where the conditions laid down for the validity of such interventions have been respected, it must nevertheless remain loyal. We would also add that it is the task of the prôtos, inasmuch as he is the centrum unitatis, on the one hand to accept and "ratify" important decisions taken by the local churches (judging them in the light of the common good of unity) and on the other hand, in cases of conflict in matters touching upon the Christian identity, to act not only as an arbiter but as a locus of conciliation.

But we hasten to state that this prophetic office enters immediately into the episkopè of the whole of the episcopal body. The centrum unitatis is not like the top of a pyramid from which everything comes down and to which everything returns. Rather it is like the centre in which each bishop recognizes himself and discerns the responsibility of his own episkopè. The most apt biblical category for bringing out this relation between the prôtos and the other bishops, is, we think, that of the "corporate personality" such as is illustrated particularly by Henry Wheeler Robinson and his pupils (41).

As is well known, the expression "corporate personality", adopting certain analyses from the French school of sociology, means the phenomenon whereby the consciousness of a social group concentrates the group in one of its members, who nevertheless remains homogeneous with the other members. It is a sort of crystallization in this particular individual of the group's intuition of itself, in such a way that the group "recognizes itself" in this individual. As H.H. Rowley writes, summing up the thought of H. Wheeler Robinson :

The group could be thought of as functioning through an individual member, who for the time being so completely represented it that he became identical with it. By the study of this concept Wheeler Robinson has thrown light on the use of the pronoun I by the Psalmists, and on the Suffering Servant of Deutero-Isaiah. There was a fluidity of thought which seems strange to us, whereby the speaker could pass from the community to the individual who represented it, and from the individual back to the community, without any apparent consciousness of the transitions (42).

This "dialectical simultaneity of the one and of the multiple" whereby "the individual tends to become the group, and the group tends to identify itself with the individual representing it" accounts for the relationships of causality and influence :

Basically, the individual does not content himself with representing the group, or with influencing it for good or ill; in the context of "corporate personality" one can say with all objectivity that he is the group, and that the group is he (43).

Several exegetes explain by recourse to this notion the capital fact that biblical thought sees in Adam the totality of the human race, in the King the whole people, in the Ebed Yahweh the whole of Israel God's Servant, in the Son of Man the whole "people of the saints of the Most High" (44). And New Testament specialists think that "corporate personality" also accounts for the link between the personal act of Jesus and its repercussion upon the multitude of the saved. They add that it seems to them difficult to "grasp the profound and original meaning", "the basic theological expression" of the titles that Scripture gives to Christ - the Second Adam, King, Suffering Servant, Son of Man, High Priest - without having recourse to this notion (45). And in their view this notion makes it possible, while remaining faithful to the biblical categories, to go to the heart of traditional affirmations such as the filii in Filio (to express the nature of grace), the Church the Body of Christ inseparable from the relationship to the individual Body of the Lord (46), the apostolicity of the whole Church in radical liaison with the "apostolic group", Peter and the Eleven.

It seems to me that the notion of "corporate personality", used with some finesse and a sense of nuance, not straining after agreement but taking account of analogy, helps one to grasp properly the nature of the relationships between the prôtos and the other bishops, within

the episcopal communion. The clear identity between the group and the "individual representing it", in this dynamic union, especially enables one to understand better how the prôtos is, inseparably from his relation to the others, the one who represents them and in whom they recognize themselves, the one also who bears in the place of all an embracing responsibility which nevertheless is not the same as the responsibility of each of them. In the light of what has just been said, certain lines of Lumen Gentium may become clearer :

Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intellegatur... Romanus enim Pontifex habet in Ecclesiam, vi muneris sui, Vicarii scilicet Christi et totius Ecclesiae Pastoris, plenam, supremam et universalem potestatem... Ordo autem Episcoporum... una cum Capite suo Romano Pontifice, et nunquam sine hoc capite, subjectum quoque supremae ac plenae potestatis in universam Ecclesiam existit (LG 22).

The college or body of bishops has no authority unless it is simultaneously conceived in terms of unity with its head, the Roman Pontiff... For in virtue of his office, that is as Vicar of Christ and pastor of the whole Church, the Roman Pontiff has full, supreme and universal power in the Church... Together with its head, the Roman Pontiff, and never without its head, the episcopal order is also the subject of supreme and full power in the universal Church (LG,22)

But whatever the validity of recourse to "corporate personality", the Tradition repeated by Vatican I teaches that the authoritative word which in certain cases the prôtos is led to pronounce does not claim, any more than the council gathering the bishops together claims, to create something new, springing from it. It can only cause to emerge, with a guarantee of authority, the datum of faith or the certainty of the urgencies present in each bishop. For it expresses to the whole body of bishops and to the church "the self-understanding of the Church finding utterance" (48). This is why, even when it is a question of dogmatic definitions directly involving papal infallibility, the Bishop of Rome situates his intervention at the centre of a consultation with his brothers in the episcopate (49). In a certain way he places the seal of his authority - linked with his responsibility with regard to the ut sint unum - on a moral unanimity that he thus causes to become manifest (50). His decision is a word in the body (the collegium) of those who have received from the Lord the charge of the episkopè. And in this decision the other bishops recognize their own mandate (51).

But as the centrum or principium unitatis, he who thus serves as the "point of awareness" or "memory" can, it is true, in certain cases be called upon to intervene in a direct manner in the internal life of a local church. We here come upon the problem of jurisdiction ordinaria et immediata, vere episcopalis. Since this question is the subject of another paper I cannot go into it in detail. Nevertheless, it seems to me necessary to recall how Vatican I refuses to allow these papal interventions to detract from the power of the bishop, who is the true head and pastor of this church. Otherwise they would

be in destructionem and no longer in aedificationem Ecclesiae. And for this it is not sufficient (yet it is required) that everything should be done in a spirit of koinônia analogous to the one spoken of, at the level of the Patriarchates, by the 6th Canon of Nicaea when it demanded that in cases of conflict all should act with respect both for the hierarchy and for episcopal solidarity. It is also necessary that, in a climate of loyalty and love, the principle of subsidiarity should be applied.

What is to be understood by that (52) ? A firm maintaining of the responsibility and power - ordinary, immediate, vere episcopalis - of the prôtos, but in a direction tending to the opposite of centralization. For profound and true communion is not synonymous with centralization. And since, as we recalled, the Roman centralization of recent centuries indeed seems to be the fruit of a telescoping of two distinct roles - that of universal primacy and that of the Patriarch of the West - this subsidiarity requires that the specific object of each function assumed by the Bishop of Rome should be clearly defined. It is only valid, in fact, for the exercise of his office as centrum et principium unitatis. The role of Patriarch of the West does not come in here.

In subsidiarity, the higher authority, faced with a smaller group over which it exercises real authority, seeks to reduce its interventions as far as possible. For it leaves this group to supply itself, concretely, the means of incarnating its faith and of settling questions bound up with its identity and life. It only has to intervene (but then it must do so from its very mission) if this group has, in vain, exhausted its resources in the face of an internal crisis, is drifting or is proving unable to discern for itself things essential, imperative. In this case, the prôtos has the duty to act, for the good of the whole Church involved in each local church, when he perceives that one of these churches has run out of resources and is allowing itself to deteriorate in a way that seriously threatens its identity (and thereby the universal koinônia), or is neglecting, in grave situations, to make decisions that are called for. And it is obvious that in this intervention it will not be a matter of undermining the local bishop's authority but of strengthening and defending it (cf. DS 3061), of awakening the local bishop to his own responsibilities and of providing him with the extra means that he needs. Still less will it be a matter of interfering with the total fabric which embodies essential values; this would mean failure to distinguish between the elements without which there is no koinônia (since Christian identity is no longer preserved) and, say, a collection of rites, customs, traditions, theologies, legislation which though perhaps strange seeming to a certain Latin mentality are yet compatible with faith and charity. Is not catholicity more clearly expressed in this presence of identity under the multiplicity of forms and manifestations ?

Vatican I refused to define the limits of the primacy. What I have just made clear shows that in fact, in order to discover the Bishop of Rome's place within the universal episkopè, it is better to state that, beyond his (extremely important) function as the symbol of unity in actu, he is the one among the bishops whose proper task is to preserve the episcopal body in a total fidelity to the mission of building up the Church of God in unity and catholicity. And if his words and decisions reach every Christian, it is because they express (whether they utter or recall truths touching the general good of the Church, or are concerned with particular and rather rare events) the universal episkopè. Of this episkopè he is, in the sense here explained, the prôtos, the principium et centrum but it is the bishop of each local church who exercises the episkopè in communion with the prôtos and with all the other bishops.

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If from these standpoints we raise questions about the realization of what the Malta Report calls unity by stages, I think it is possible to envisage two stages. The first of these stages is the one to which we have seriously committed ourselves by the Agreements on the Eucharist and on Ministry and by the preparation of a similar Agreement on Authority. These texts have been submitted to our respective authorities. If after study and possibly a request for clarifications these authorities accept them and ratify them, thus expressing a sort of moral unanimity of the Christians of our two Communions as a whole, an essential point will have been gained. De facto, our two Communions of local churches will recognize themselves in each other. And after the official act whereby they will mutually admit the value of the Eucharist and the apostolicity of the ministry that each possesses - taking into account traditions, customs and different emphases, but not touching the essential elements of belief - our relations will be in essentials analogous with those now existing between the Orthodox Churches and the Roman Church. With one difference, however, and one that seems to us of capital importance : that in our case, officially and by the wish of the highest hierarchical authorities, there is an intention to go further still towards organic unity.

It will therefore be clear that in the Eucharistic celebration of the neighbouring Anglican community the Catholic community will recognize a true Eucharist, linked - through the reality of the Body of the Lord, given in truth in the signs of the bread and the cup - to its own membership of the ecclesial Body of Christ. In other words, its identity will be there, at least substantially. In the innermost being of grace, where the Spirit of God acts, the two Churches will recognize a *koinônia* "already" brought about. Returning to what we were saying above about the two essential dimensions of catholicity - the vertical dimension linked to apostolicity and the horizontal

dimension - it seems to me accurate to state that this first stage would seal the recognition of a vertical koinônia, koinônia in relation to apostolicity. This in itself would be something very great. Koinônia of two sister Churches because they are both really rooted here and now in the same apostolic Church, the real bearers here and now of the characteristics of that apostolic Church nourished here and now by the same Body of the Lord who grasps them in his Unity.

There would be lacking the horizontal dimension of this catholicity. The second stage would be the transition to this dimension - thus ensuring full catholicity and therefore full koinônia - by the reference of all the churches of our two Communion to one single centrum unitatis. It is obvious that, history being what it is, this centrum would be the one that already exists, but thought of in a way that avoids any confusion and any interpenetration between the office of prôtos of the universal Church and the quality of Patriarch of the Latin Church. And the churches of the Anglican Communion, keeping their customs, their rites, their canonical legislations compatible with catholicity as a whole, their own Primate, could very well then find themselves in a situation vis-à-vis the Bishop of Rome analogous to that of the Patriarchates of Antioch or Alexandria vis-à-vis the presbeion of the Church of Rome in the time of the undivided Church. The horizontal koinônia would thus consist in an explicit and visible insertion into the unity of faith and communion, thanks to koinônia with the prôtos. But it would not involve, on the part of that "great church" which is the Anglican Communion established in a body of traditions and expressions of faith often superior to what is lived in the Latin churches, any important modification of its internal organization and its style of Gospel living. Are we naive in thinking that the first of these stages could, if we both really wanted it, be accomplished fairly quickly ? But for this to come about perhaps it is necessary that the local churches should make their voices heard more loudly.....

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- 1) On this point see the very interesting article by G. SWEENEY, "The Primacy : The Small Print of Vatican I", in The Clergy Review 59, 1974, 96-121 (especially 107-114); G. THILS, "Potestas ordinaria", in Y. CONGAR and B.D. DUPUY, L'épiscopat et l'Eglise universelle, coll. Unam Sanctam 39, Paris 1962, 689-707 (especially 689-691).
- 2) "Had the Primacy been debated after, instead of before, the question of Infallibility, it seems probable that the resultant picture might have been avoided. The debate on the latter question showed that a definition of limits to infallibility could not be avoided; and that the key to identifying these limits was to be found only in the purpose which ex cathedra pronouncements were meant to serve" (G. SWEENEY, art. cit., 111). See also E. AMANN DTC XV, 2583 : "The concentration of the struggle around infallibility has overshadowed the importance of the famous Chapter II of the Constitution Pastor Aeternus".
- 3) "Ne paulatim per theologorum subtilitates in quaestionem revocetur potestas divinitus collata episcopis, constituta duplici jurisdictione immediata in eundem locum, et ita subordinata potestate episcoporum, ut illam tantum habeant quam tribuerint summi pontifices; unde simplices evaderent vicarii apostolici. Quod maximum horrorem incuteret Orientalibus quorum tamen jura et constitutiones se perpetuo integre servaturos promiserunt Romani pontifices" J.D. MANSI, Sacrorum Conciliorum nova et amplissima Collectio, vol. 51, 969 (no 71).
- 4) "Quomodo, quaeso, ... hanc constitutionem ita conceptam per Orientem in lucem edere et executioni mandare poterimus ?... Nonne nos accusabunt tanquam contemptores sacrae antiquitatis et violatores conciliorum et canonum ? Quid illis respondendum est, qui maxima veneratione prosequuntur concilia in Oriente celebrata, cum nobis afferent canonem sextum Concilii Nicaeni I, canonem octavum Concilii Constantinopolitani I, canonem decimum septimum Concilii Constantinopolitani IV, canonem quartum Concilii Chalcedonensis vim legis habentis ex Justiniani novella 131, qui canones editi atque consecrati ad integritatem jurium et immunitatum ecclesiae orientalis tuendam servandamque et per Concilia Lateranense IV et Florentinum ratihabiti fuerunt ?" (MANSI, 52, 135; see the continuation of this important intervention, especially 136). The Patriarch was to return to this subject, in a passionate speech (ibid., 671-676).
- 5) "hodie ego inter vos causam graecae orientalis ecclesiae pretiosissimae quondam sororis quam a nobis hacdum separatam esse dolemus, agam, dum de apostolico Romani pontificis primatu in universa ecclesia discussionem instituimus. Objectum magnum, objectum magni ponderis est" (MANSI 52, 601; see also 604 : "si istam paragraphum quae superflua est... non exmiseritis es hoc schemata et a definitione concilii Vaticani, tunc pro omni aeternitate clausistis portam, et quidem clausistis clavibus Petri ita ut nunquam amplius sit possibilis ecclesiae orientalis ad sacram unionem reversio").
- 6) The inclusion of the text of Gregory the Great (Epist. 30 ad Eulogium Alexandrinum, PL 931-932) was suggested by Bishop Spalding of Baltimore (MANSI 53, 246). The following is the context from which the passage quoted by Pastor Aeternus is taken: Indicare quoque vestra beatitudo studuit, jam se quibusdam non scribere superba vocabula, quae ex vanitatis radice prodierunt, et mihi loquitur, dicens : Sicut jussistis. Quod verbum jussionis peto a meo auditu removete, quia scio qui sum, qui estis. Loco enim mihi fratres estis, moribus patres. Non ergo jussi, sed quae utilia visa sunt, indicare curavi. Non tamen invenio vestram beatitudinem hoc ipsum quod memoriae vestrae intuli, perfecte retinere voluisse. Nam dixi, nec mihi vos, nec cuiquam alteri tale aliquid scribere debere; et ecce (Grat. dist. 99, c. 5) in praefatione epistolae quam ad me ipsum qui prohibui direxistis, superbae appellationis verbum universalem, me papam dicentes,

imprimere curastis. Quod peto dulcissima mihi sanctitas vestra ultra non faciat, quia vobis subtrahitur quod alteri plus quam ratio exigit praebetur. Ego enim non verbis quaero prosperari, sed moribus. Nec honorem esse deputo, in quo fratres meos honorem suum perdere cognosco. Meus namque honor est honor universalis Ecclesiae. Meus honor est fratrum meorum solidus vigor. Tunc ego vere honoratus sum, cum singulis quibusque honor debitus non negatur. Si enim universalem me papam vestra sanctitas dicit, negat se hoc esse quod me fatetur universum. Sed absit hoc. Recedant verba quae vanitatem inflant, et charitatem vulnerant.

"Your Beatitude... speaks to me saying 'as you have ordered'. I ask you not to use these words when speaking of me, for I know what I am and what you are. In rank you are my brethren, in conduct my fathers. I have therefore not ordered, but simply tried to show what to me seemed useful. And yet I do not have the impression that Your Beatitude has taken care to remember perfectly what I wanted to imprint on your memory. For I had said that neither you, nor I nor anyone else ought to write to another in that fashion. And here at the top of your letter I find this "proud" title of universal Pope, that I have refused. I ask your most beloved Holiness not to do this any more, for then you would be losing what would, exaggeratedly, be given to another. It is not through words that I want to find my greatness but through my conduct. And I do not consider an honour that which, I know, would detract from the honour of my brethren. My honour is the honour of the universal Church. My honour is the solid vigour of my brethren. What truly honours me is when no one is denied the honour due to him. But if Your Holiness treats me as universal Pope, you are by that very fact denying something to yourself. Let this not be. Let words which puff up vanity and wound charity begone".

- 7) This formula is quoted in full Conciliar discussion, and is found on the lips of Mgr Zinelli, speaking before the final vote in the name of the Deputation of Faith: "certe si summus pontifex... se ut ita dicam multiplicaret et quotidie, nulla habita ratione episcopi, ea quae ab hoc sapienter determinarentur destrueret uteretur non in aedificationem sed in destructionem sua potestate" (MANSI, 52, 1105 C-D). It has very ancient roots: "as has been written, on many occasions, from John of Paris to Nicholas Cusanus, the Pope's power must be, in the expression of Saint Paul, ad aedificationem non ad destructionem Ecclesiae; Christianity must take care that this is so", J. LECLERCQ, Le pape ou le concile? Une interrogation de l'église médiévale, Paris 1973, 177. We shall limit ourself to quoting two texts of the Dominican JOHN OF PARIS (about 1302): "papa non potest ad libitum detrahere bona ecclesiastica ita quod quidquid ordinet de ipsis teneat. Hoc enim verum esset si esset dominus, sed cum sit dispensator bonorum communitatis in quo requiritur bona fides, non habet sibi collatam potestatem super bonis ipsis nisi ad necessitatem vel utilitatem ecclesiae communis. Propter quod dicitur II ad Corinthios 13 et 10 quod Deus dedit potestatem praelatis ad aedificationem et non ad destructionem" (Tractatus de potestate regia et papali; ed. J. LECLERCQ, Jean de Paris et l'ecclésiologie du XIIIe siècle, Paris 1942, 188); "Deus non dedit potestatem Petro vel ministris ecclesiasticis ad ordinandum pro libito sed bona fide ad aedificationem et non ad destructionem" (ibid., 240).
- 8) Thus compare in MANSI 52, 585-591 the intervention of Bishop Augustin Vérot of Saint Augustin and the reply of Cardinal Capalti: "non sumus in theatro ad audiendas scurras, sed sumus in ecclesia Dei viventis ad tractanda gravis ecclesiae negotia"; see also the replies of Zinelli to the suggested amendments (ibid., 1100-1119, especially 1103 c, 1105 D).
- 9) G. SWEENEY, art. cit., 110.
- 10) MANSI 52, 1114 D.

- 11) "to say that the exercise of the universal jurisdiction of the Pope cannot destroy the episcopate, etc. is to express, with or without the word, a certain form of limitation, of determination" G. THILS, op. cit., 703
- 12) Ibid. 693
- 13) MANSI 51, 955.
- 14) MANSI 52, 1105 B.
- 15) G. THILS, op. cit., 702
- 16) These very important texts will be found, published and remarkably well commented upon by Dom O. ROUSSEAU, "La vraie valeur de l'épiscopat dans l'Eglise, d'après d'importants documents de 1875", both in Irenikon 29, 1956, 121-142, 143-150, and in Y CONGAR and B.D. DUPUY, L'épiscopat et l'Eglise universelle, 709-736. It seems to me important to reproduce here the essential passages of the documents, which are little known outside the circles of Roman Catholic ecclesiologists :

DECLARATION OF THE GERMAN EPISCOPATE, 1875 :

Der "Staats-Anzeiger" hat unlängst eine auf die künftige Papstwahl bezügliche Circular-Depesche des Herrn Reichskanzlers Fürsten von Bismark vom 14. Mai 1872 veröffentlicht, welche nach der ausdrücklichen Erklärung des "Anzeigers" "die Basis zu dem ganzen der Oeffentlichkeit vorenthaltenen Fascikel" der in dem Prozesse gegen den Grafen v. Arnim oft erwähnten Actenstücke kirchenpolitischen Inhaltes bildete.

Diese Depesche geht von der Voraussetzung aus, dass durch "das Vaticanische Concil und seine beiden wichtigsten Bestimmungen über die Unfehlbarkeit und die Jurisdiction des Papstes die Stellung des letzteren auch den Regierungen gegenüber gänzlich verändert sei", und folgert hieraus, dass "das Interesse der letzteren an der Papstwahl aufs Höchste gesteigert, damit aber auch ihrem Rechte, sich darum zu kümmern, eine um so festere Basis gegeben sei".

Diese Folgerungen sind ebenso ungerechtfertigt, als ihre Voraussetzung unbegründet ist; und es halten bei der hohen Wichtigkeit dieses Actenstückes und bei dem Schlusse, welchen dasselbe auf die leitenden Principien des Reichskanzlersamtes in der Behandlung der kirchlichen Angelegenheiten Deutschlands gestattet, die unterzeichneten Oberhirten sich für ebenso berechtigt als verpflichtet, den darin enthaltenen irrigen Anschauungen im Interesse der Wahrheit eine öffentliche Erklärung entgegenzustellen.

Die Circular-Depesche behauptet hinsichtlich der Beschlüsse des Vaticanischen Concils: "Durch diese Beschlüsse ist der Papst in die Lage gekommen, in jeder einzelnen Diöcese die bischöflichen Rechte in die Hand zu nehmen und die päpstliche Gewalt der landesbischöflichen zu substituieren". "Die bischöfliche Jurisdiction ist in der päpstlichen aufgegangen". "Der Papst übt nicht mehr, wie bisher, einzelne bestimmte Reservatrechte aus, sondern die ganze Fülle der bischöflichen Rechte ruht in seiner Hand"; "er ist im Princip an die Stelle jedes einzelnen Bischofs getreten", "und es hängt nur von ihm ab, sich auch in der Praxis in jedem einzelnen Augenblicke an die Stelle desselben gegenüber den Regierungen zu setzen". "Die Bischöfe sind nur noch seine Werkzeuge, seine Beamten ohne eigene Verantwortlichkeit"; "sie sind den Regierungen gegenüber Beamte eines fremden Souverains geworden", "und zwar eines Souverains, der vermöge seiner Unfehlbarkeit ein vollkommen absoluter ist, mehr als irgend ein absoluter Monarch der Welt".

All diese Sätze entbehren der Begründung und stehen mit dem Wortlaute, wie mit dem richtigen, durch den Papst, den Episcopat und die Vertreter der katholischen Wissenschaft wiederholt erklärten Sinne der Beschlüsse des Vaticanischen Concils entschieden im Widerspruch.

Allerdings ist nach diesen Beschlüssen die kirchliche Jurisdictionsgewalt des Papstes eine potestas suprema, ordinaria et immediata, eine dem Papst von Jesus Christus, dem Sohne Gottes, in der Person des hl. Petrus verliehene, auf die ganze Kirche, mithin auch auf jede einzelne Diöcese und alle Gläubigen sich direct erstreckende oberste Amtsgewalt zur Erhaltung der Einheit des Glaubens, der Disciplin und der Regierung der Kirche, und keineswegs eine bloss aus einigen Reservatrechten bestehende Befugniss.

Dies ist aber keine neue Lehre, sondern eine stets anerkannte Wahrheit des katholischen Glaubens und ein bekannter Grundsatz des kanonischen Rechts, eine Lehre, welche das Vaticanische Concil gegenüber den Irrthümern der Gallicaner, Jansenisten und Febronianer im Anschluss an die Aussprüche der früheren allgemeinen Concilien neuerdings erklärt und bestätigt hat. Nach dieser Lehre der katholischen Kirche ist der Papst Bischof von Rom, nicht Bischof irgend einer andern Stadt oder Diöcese, nicht Bischof von Köln oder Breslau u. s. w. Aber als Bischof von Rom ist er zugleich Papst, d. h. Hirt und Oberhaupt der ganzen Kirche, Oberhaupt aller Bischöfe und aller Gläubigen, und seine päpstliche Gewalt lebt nicht etwa in bestimmten Ausnahmefällen erst auf, sondern sie hat immer und allezeit und überall Geltung und Kraft. In dieser seiner Stellung hat der Papst darüber zu wachen, dass jeder Bischof im ganzen Umfange seines Amtes seine Pflicht erfülle, und wo ein Bischof behindert ist, oder eine anderweitige Nothwendigkeit es erfordert, da hat der Papst das Recht und die Pflicht, nicht als Bischof der betreffenden Diöcese, sondern als Papst, alles in derselben anzuordnen, was zur Verwaltung derselben gehört. Diese päpstlichen Rechte haben alle Staaten Europas bis auf die gegenwärtige Zeit stets als zum Systeme der katholischen Kirche gehörend anerkannt und in ihren Verhandlungen mit dem päpstlichen Stuhle den Inhaber desselben immer als das wirkliche Oberhaupt der ganzen katholischen Kirche, der Bischöfe sowohl als der Gläubigen, und keineswegs als den blossen Träger einiger bestimmter Reservatrechte betrachtet.

Die Beschlüsse des Vaticanischen Concils bieten ferner keinen Schatten von Grund zu der Behauptung, es sei der Papst durch dieselben ein absoluter Souverain geworden, und zwar vermöge seiner Unfehlbarkeit ein vollkommen absoluter, mehr als irgendein absoluter Monarch der Welt.

.....

Hinsichtlich der Regierungshandlungen des Papstes ist dadurch nicht das Mindeste geändert worden. Wenn Diesem nach die Meinung, es sei die Stellung des Papstes zum Episcopat durch die Vaticanischen Beschlüsse alteriert worden, als eine völlig unbegründete erscheint, so verliert eben damit auch die aus jener Voraussetzung hergeleitete Folgerung, dass die Stellung des Papstes den Regierungen gegenüber durch jene Beschlüsse verändert sei, allen Grund und Boden.

- 16) Litterae apostolicae ad Germaniae Archiepiscopos, Episcopos, etc :
Pius PP. IX.

Venerabiles Fratres, Salutem et Apostolicam Benedictionem. Mirabilis illa constantia, quae pro veritatis, justitiae, sacrorumque jurium assertione et tutela nec iram veretur potentum, nec eorum minas, nec bonorum jacturam, exilium, carceres, mortem, sicuti per priora saecula Christi ecclesiam illustravit, sic postea semper adornare perrexit: aperte docens, in ea sola splendescere veram illam et nobilem libertatem, quae inani quidem nomine reboat ubique, sed reipsa nullibi apparet. Hanc certe gloriam Ecclesiae vos continuastis, Venerabiles Fratres, dum germanum Vaticani Concilii definitionum sensum a vulgata quadam circulari epistola captiosa commentatione detortum restituendum suscepistis, ne fideles deciperet et, in invidiam conversus, ansam praebere videretur machinationibus objiciendis libertati electionis novi Pontificis. Equidem ea est perspicuitas et soliditas declarationis vestrae, ut, cum nihil desiderandum relinquat, amplissimis tantum gratulationibus Nostris occasionem suppeditare deberet; nisi gravius etiam testimonium exposceret a Nobis versuta quarundam ephemeridum vox, quae, ad restituendam refutatae a vobis epistolae vim, conata est lucubrationi vestrae fidem derogare, suadendo, emolitam et minime propterea respondentem hujusce Sedis Apostolicae menti probatam a vobis fuisse conciliarium definitionum doctrinam. Nos itaque vanam hanc et calomniosam insinuationem ac suggestionem rejicimus; cum declaratio vestra nativam referat catholicam, ac propterea Sacri Concilii et hujus Sanctae Sedis sententiam luculentis et ineluctabilibus raticum momentis scitissime munitam et nitide sic explicatam, ut honesto cuilibet ostendere valeat, nihil prorsus esse in impetitis definitionibus, quod novum sit, aut quidquam immutet in veteribus relationibus, quodque obtentum aliquem praebere possit urgendae vexationi Ecclesiae et moliendis novi Pontificis electionis difficultatibus.

Extract from Consistorial Allocution of March 15, 1875 :

Nec vero satis est Ecclesiae oppugnantibus earum rerum acerbitas, quas memoravimus, sed ad novas etiam parandas causas dissidiorum et perturbationum in ipsa fidelium conscientia eorum conatus conversi fuere. Nuper enim in extera regione quibusdam scriptis in publicam lucem vulgatis, quibus Vaticani Concilii decreta in laevam partem detorquebantur, id spectabatur, ut in successoribus Nostris eligendis Senatus vestri libertas violaretur, atque ut in ea re, quae tota ordinis ecclesiastici est, magna pars civili potestatis tribueretur. At Deus misericors, qui praeest et consulit Ecclesiae suae, provide effecit, ut fortissimi atque spectatissimi Germanici imperii episcopi illustri declaratione edita, quae in Ecclesiae fastis memorabilis erit, erroneas doctrinas et cavillationes hac occasione prolatas sapientissime refellerent, et nobilissimo trophaeo veritati erecto, Nos et universam ecclesiam laetificarent. Dum autem amplissimas laudes coram vobis et Catholico orbe praedictis Episcopis universis ac singulis tribuimus, praeclaras eas declarationes et protestationes, ipsorum virtute, gradu ac religione dignas, ratas habemus, easque Apostolicae Auctoritatis plenitudine confirmamus.

- 17) On this point see P. DUPREY, "Brief reflections on the title Primus inter pares", in One in Christ 10, 1974, 7-12; M.J. LE GUILLOU, "L'expérience orientale de la collégialité épiscopale et ses requêtes", in Istina 10, 1964, 111-124; P. EVDOKIMOV, "Un ministère pétrinien dans l'Eglise peut-il avoir un sens ? Une réponse russe orthodoxe", in Concilium 64, 1971, 109-112.
- 18) Text in Conciliorum Oecumenicorum Decreta, 8. The following is the English translation by W.A. HAMMOND, The Definitions of Faith and Canons of Discipline of the six Oecumenical Councils : "Let the ancient customs be maintained, which are in Egypt and Libya and Pentapolis, according to which the Bishop of Alexandria has

authority over all those places. For this is also customary to the Bishop of Rome. In like manner in Antioch, and in the other Provinces, the privileges are to be preserved to the Churches. But this is clearly to be understood, that if any one be made a Bishop without the consent of the Metropolitan, the great Synod declares that he shall not be a Bishop. If however two or three Bishops shall from private contention oppose the common choice of all the others, it being a reasonable one, and made according to the Ecclesiastical Canons, let the choice of the majority hold good".

Original text :

VI. De primatibus episcoporum (cf. Can.ap.34-35 (CSP 24).

Antiqua consuetudo servetur per Aegyptum Libyam et Pentapolim, ita ut Alexandrinus episcopus horum omnium habeat potestatem, quia et urbis Romae episcopo parilis mos est. Similiter autem et apud Antiochiam ceterasque provincias sua privilegia servantur ecclesiis.

Illud autem generaliter clarum est, quod si quis praeter consilium metropolitani fuerit factus episcopus, hunc magna synodus definivit episcopum existere non debere. Sin autem communi cunctorum decreto rationabili et secundum ecclesiasticam regulam comprobato duo vel tres propter contentiones proprias contradicunt, obtineat sententia plurimorum.

- 19) "These two texts, which came from the East where they have always had great importance, but which belong to the tradition of the undivided Church, clearly witness to the fact that for the first among the bishops in a region, the fact of being head of the others includes a power (exousia). At the same time as the synodical principle is affirmed and put into practice, so is the principle of the primacy. Synodical activity presupposes, at its various levels, one who is 'first', a primate who makes this activity possible. If all the bishops are equal as bishops, there are those who are first among them, one who is first for the sake of giving a structure to Catholic communion" (P. DUPREY, art. cit., 11). See also E. LANNE, *Eglises locales et patriarchats à l'époque des grands Conciles*, in Irénikon 34, 1961, 292-321.
- 20) J. RATZINGER, Le nouveau Peuple de Dieu, Paris 1971, 54
- 21) For the history of this process see the rapid approaches grouped together in Concilium 64, 1971 (J.F. McCUE, "La primauté romaine aux trois premiers siècles", 31-38; W. de VRIES, "L'évolution postérieure à l'ère constantinienne", 39-46; H. FUHRMANN, "Du haut Moyen Age à la réforme grégorienne", 47-52).
- 22) This is well illustrated by G. de VRIES, "La S. Sede e i Patriarchati cattolici d'Oriente", in *Or. Chr. Per.* 27, 1961, 313-361.
- 23) M.J. LE GUILLOU, art. cit., 117
- 24) "This view of things... explains the conflict latent since the 14th century between the united Oriental Patriarchates which claim to retain their autonomy... and Rome which thinks essentially in terms of privileges" M.J. LE GUILLOU, *ibid.* 122.
- 25) MANSI 52, 33 C.
- 26) "If this (non-sacramental) power existed, it would be of another nature than the power of grace and in consequence its source would be elsewhere than in the Church", A SCHMEMMANN, "La notion de primauté dans l'ecclésiologie orthodoxe", in La primauté de Pierre, Neuchatel Paris 1960, 122.
- 27) On the debates on the expression see particularly W.F. DEWAN, "Potestas vere episcopalis au premier concile du Vatican", in Y. CONGAR and B.D. DUPUY, L'épiscopat et l'Eglise universelle, 661-687.

- 28) "An objective study of traditions convinces me without any possible doubt that, together with the regional 'primates' and the local centres of her unanimity, the Church always knew and possessed a universal primacy. The ecclesiological error of Rome consists not in the affirmation of its primacy but in the fact that it identifies this primacy with the supreme power" : thus writes, from an Orthodox point of view, A. SCHMEMANN, *op.cit.* 141. It is in the same perspective that Fr. HEILER situates himself, quoted by O. KARRER, "La succession apostolique et la primauté", in Questions théologiques aujourd'hui, D. de B. 1963, 292-293. As P. BATTIFOL writes, this time from a Roman Catholic point of view, but in terms of an historical analysis, in Cathedra Petri, coll. Unam Sanctam 4, Paris 1938 (the text dates from 1922) : "The papacy of the first centuries is the authority that the Roman Church exercises over the other Churches, an authority that consists in being anxious over their conformity to the authentic tradition of the faith, an authority which controls communion with the unity of the universal Church, which authority is claimed by no other Church than the Roman Church" (p. 28).
- 29) But as is cleverly noted by E. LANNE, "L'Eglise locale : sa catholicité et son apostolicité", in Istina 14, 1969, 46-66 : "there is therefore a local Church which, in this traditional Roman Catholic teaching, has a privileged apostolicity and whose communion is the touchstone of catholicity. But in fact is it a question of the person of the Bishop of Rome as the successor of Peter, or rather is it the Church of Rome itself, although inseparable from its Bishop, which, according to this official teaching, bears this privileged mark of apostolicity and catholicity ?" (p. 53).
- 30) This is well brought out by E. LANNE, art. cit.
- 31) J. ZIZIOULAS, "La communauté eucharistique et la Catholicité de l'Eglise", in Istina 14, 1969, 67-88 (78).
- 32) J. HAMER, L'Eglise est une communion, coll. Unam Sanctam 40, 1962, 38.
- 33) A. SCHMEMANN, op. cit., 132
- 34) It is well known how much emphasis VATICAN II placed on this signification of presiding at the Eucharist, especially in Lumen Gentium, 26. This point was made explicit in the Instruction Eucharisticum Mysterium of 25 May 1967 (no 16), expounding no 41 of the Constitution on the Liturgy.
- 35) Lumen Gentium, 23
- 36) And once more Vatican II takes up this point. See especially Lumen Gentium, 23 and Christus Dominus, 6.
- 37) This is attested to by the Apostolic Tradition of Hippolytus, chapter 2. But see also Canon 4 of the first Council of Nicaea (Conciliorum Oecumenicorum Decreta, 6). As J. ZIZIOULAS writes : "The fact that at least two or three bishops of the neighbouring Churches had to take part in any episcopal ordination radically linked the bishop's charge, and with it the eucharistic community in which his ordination took place, with the rest of the other eucharistic communities scattered throughout the world" (art. cit., 16-77).
- 38) J. ZIZIOULAS, ibid., 85.
- 39) Ibid., 87.
- 40) In my study on the Sensus Fidelium, the English translation of which is published in One in Christ 11, 1975, 2-29

- 41) See especially H. WHEELER ROBINSON, "The Hebrew Conception of Corporate Personality", in Zeitschrift für die alttestamentliche Wissenschaft 66, 1936, 49-61; R. AUBREY JOHNSON, The One and the Many in the Israelite Conception of God, Cardiff 1942; ID., The Vitality of the Individual in the Thought of Ancient Israel, Cardiff 1949; J. de FRAINE, Adam et son lignage, études sur la notion de "personnalité corporative" dans la Bible, D. de B. 1959.
- 42) H.H. ROWLEY, The Re-discovery of the Old Testament, London 1945, 152.
- 43) J. de FRAINE, op. cit., 220
- 44) This is amply presented, with bibliographies, in J. de FRAINE, op. cit.
- 45) J. de FRAINE, op. cit.; 224 sums up these positions.
- 46) Compare J. de FRAINE, op. cit., 202-217 with the well known views of AUGUSTIN.
- 47) J. ZIZIOULAS, art. cit. immediately situates eucharistic ecclesiology in this perspective (especially pp. 69-76).
- 48) See, with regard to the Councils, Y CONGAR, Sainte Eglise, coll. Unam Sanctam 41, Paris 1963, 311.
- 49) See the texts preparatory to the definitions of the Immaculate Conception and the Assumption quoted in my study on the Sensus Fidelium
- 50) On this moral unanimity, see Y. CONGAR, Sainte Eglise, 311.
- 51) On this point see J. RATZINGER, Das Zweite Vatikanische Konzil I in LTh K, 348-357 (especially 356-357).
- 52) On the notion of subsidiarity see especially W. BERTRAMS, "De principio subsidiaritatis in Jure Canonico", in Periodica 46, 1957, 3-65; ID., Quaestiones fundamentales Juris Canonici, Rome 1969, 545-562; O. KARRER, "Le principe de subsidiarité dans l'Eglise", in L'Eglise de Vatican II, T.1, coll. Unam Sanctam 51 b, Paris 1966, 575-606; R. METZ, "La subsidiarité principe régulateur des tensions dans l'Eglise", in Rev. de Droit Canon 22, 1972, 155-176.