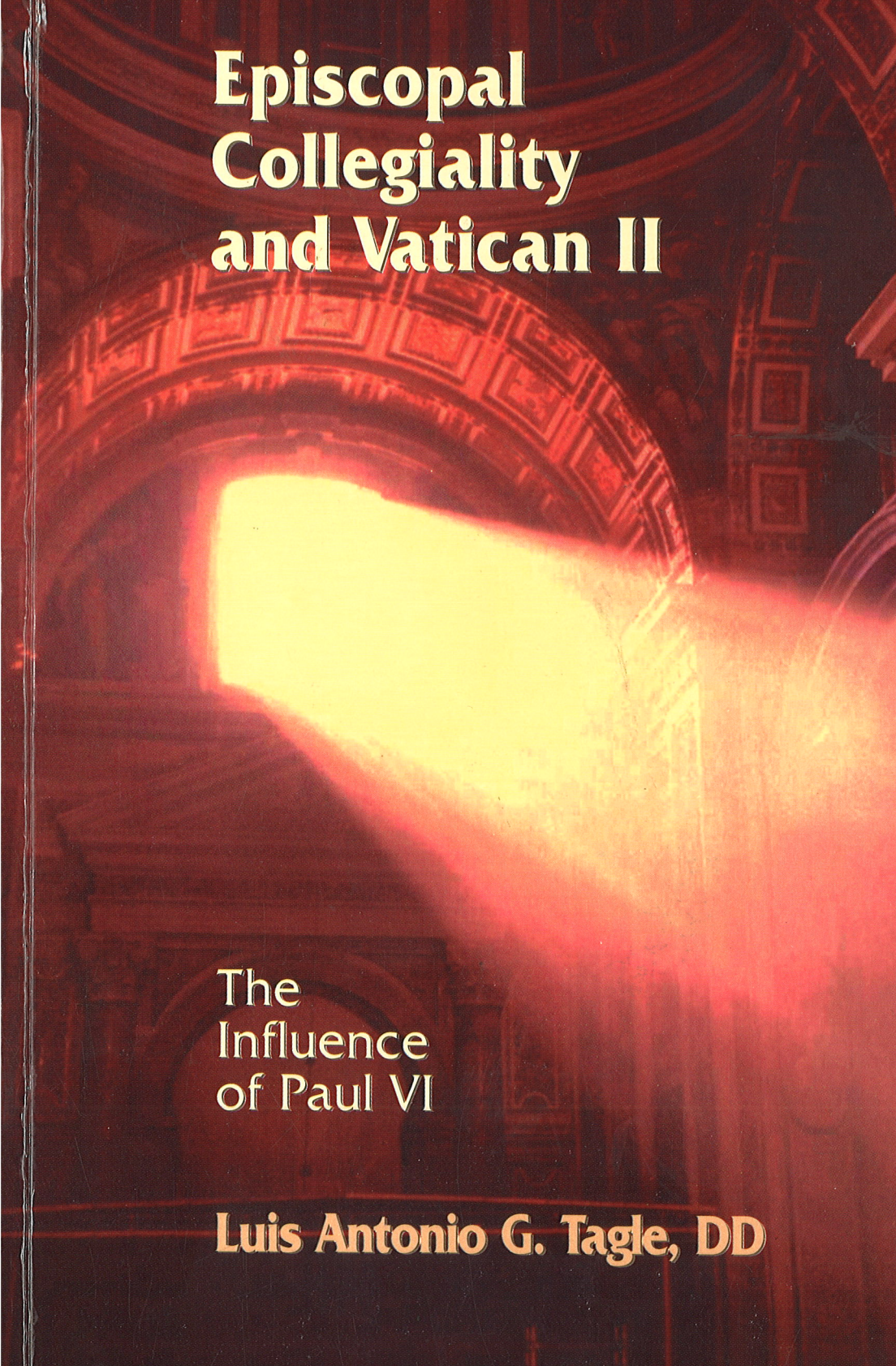
Episcopal Collegiality and Vatican II



The Influence of Paul VI

Luis Antonio G. Tagle, DD

Episcopal Collegiality and Vatican II



The Influence of Paul VI

Collegiality was one of the great themes of the Second Vatican Council. Under and around this term were grouped a series of dimensions crucial to the nature, life, and activity of the Church: the relationship between the one and universal Church and the many Churches in which alone does it live and act; the relationship between a bishop's responsibility for a particular Church entrusted to his care and his role in the life and well-being of the whole Church; the relationship between the universal responsibility of the pope and that of the whole body of bishops.

Collegiality was the term used to describe the common responsibility of all bishops for the good of the Church. The recognition of this common task was matched at the Council by a parallel recognition of the common responsibility of priests within a diocese and of the common responsibility of all, lay, religious and clergy, within a parish, within a diocese, within the worldwide Church. Collegiality, in other words, was a term that helped awaken the whole Christian people to a new sense of their individual and collective responsibilities for the life and activity of the Church.

At Vatican II, collegiality was also a controversial topic. Some participants feared that it would detract from the supreme authority of the pope as it had been defined at the First Vatican Council. As the debates on collegiality intensified, great pressure was exerted from all sides upon Pope Paul VI. If this pope had a strong sense of his own unique responsibilities as supreme pastor of the whole Church, he also recognized that these responsibilities were shared by the whole body of bishops not only when, as at Vatican II, they were gathered in an ecumenical council, but also when they were exercising their roles as heads of local Churches. In the figure of Paul VI were personalized, sometimes acutely, the difficulties in articulating, both in theory and in practice, the various dimensions of the papal and episcopal roles in the Church.

This book by Bishop Tagle tells the story of how Paul VI dealt with the question of collegiality during the dramatic days of Vatican II. The work is based upon broad and deep reading not only of published sources but of archival materials as well. By the intelligence, sensitivity and balance displayed in it, this work makes a very important contribution to the assessment of the pontificate of Paul VI and of the history of Vatican II, but it will also enable readers to gain a deeper and broader understanding of issues still vital to the Church today.

Joseph A. Komonchak
The Catholic University of America

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Luis Antonio G. Tagle, DD

LOYOLA SCHOOL OF THEOLOGY
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In memory of Paul VI

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Series Foreword

When Loyola School of Theology (LST) launched the series Landas Lectures last March 2003, we also announced our desire to launch another series called Landas Monographs. The latter series intends to publish graduate school dissertations and theses that make a valuable and important contribution to their disciplines.

In terms of continuity with the past, Landas Monographs corresponds to Logos Monographs, a series that began with Philip J. Calderone's dissertation on *Dynastic Oracle and Suzerainty Treaty*, published in 1966, and ended with Douglas R. Kull's *Karl Rahner's Theology of Revelation: A View from the Philippines* in 1979, for a total of thirteen volumes.

We are proud to announce the publication of the first volume of Landas Monographs. It is a happy coincidence that while the first volume of Landas Lectures featured Bishop Luis Antonio Tagle's *"It is the Lord!" Occasional Lectures at Loyola School of Theology*, the first volume of Landas Monographs likewise features another work by Bishop Tagle—his doctoral dissertation from the Catholic University of America.

The publication of Bishop Tagle's *Episcopal Collegiality and Vatican II: The Influence of Paul VI* is LST's inaugural offering of a yearlong festivity to celebrate and commemorate the fortieth anniversary of the Second Vatican Council.

The same publication is also a fitting and continuing tribute to one of LST's illustrious professors, considered to be one of the world's more knowledgeable scholars on Vatican II. We are grateful to Bishop Tagle for giving us permission to publish his dissertation.

We also thank Vernon R. Totanes, Assistant Editor, for his invaluable professional expertise in helping to bring to birth this important volume. Mr. Totanes and I found the work of preparing the material for publication a pleasurable experience indeed.

It is with great expectation that we look forward to many more volumes of Landas Monographs.

Victor R. Salanga, SJ
President
Loyola School of Theology
30 July 2004
Vigil of the Feast of St. Ignatius

Foreword

As the fortieth anniversary of the ending of the Second Vatican Council approaches (8 December 1965), there has been a real renewal of interest (or of curiosity, at least!) regarding the history of the Council. *History of Vatican II*, edited by Giuseppe Alberigo, with Joseph Komonchak as English edition editor, has reached its fourth volume—an immense and valuable work to which we can first turn as point of departure for future study and research.[1] Among other publications of the last few years, perhaps the two volumes of Father (later Cardinal) Yves Congar's *Mon Journal du Concile*[2]—the diaries of that giant in ecclesiology "on the entire course of the council, from its preparation, two years before it opened, to its reception, a year after it ended"—have been the subject of deservedly special interest and commentary.[3]

Santiago Madrigal, Jesuit theologian at the University of Comillas in Madrid, has given us his *esquemas para una eclesiología* in *Vaticano II: Remembranza y actualización*[4]—an interesting, if perhaps somewhat uneven, work—with a first part, *evocación y remembranza*, giving us a brief theological history of the four sessions of the council, plus a history-cum-reflection on the Extraor-

[1] *History of Vatican II*, ed. G. Alberigó and J. Komonchak, 4 vols. to date (Maryknoll, NY: Orbis, 1995-).

[2] Y. Congar, *Mon Journal du Concile*, 2 vols. (Paris: Cerf, 2002).

[3] Several very long reviews, notably B. Sesboüé's in *Recherches de Science Religieuse* 89 (2001): 271-87, have shown us how important this work is for understanding the council in its context.

[4] S. Madrigal, *Vaticano II: Remembranza y actualización* (Santander: Sal Terrae, 2002).

dinary Synod of Bishops in 1985, followed by *actualización y recepción*, almost two hundred pages on various ecclesiological themes as they have been taken up, debated and developed from the end of the council to our own time.

Those of our generation who were alive and old enough, and "involved enough in the life of the Church" during the years of the council are, in a way, reliving those exciting years, "almost obsessively engrossing" (as someone has said), even if we were far away from Rome. During those years, we heard about what was going on in St. Peter's (and maybe even more, around St. Peter's), happenings that would change—almost incredibly, for us—the Church in which we had grown up in our younger years and which we believed was unchanging, even unchangeable, "in all the things that mattered."

For those of us who are still alive forty years after that experience, the words Pope John Paul II uses in his *Novo Millenio Adveniente* do have true resonance.

> After concluding the jubilee of the year 2000, I believe ever more that I have the duty to say that the Second Vatican Council was *the* great grace the Church of the twentieth century received from God. With the Council we have been given a sure roadmap to orient us and guide us on the way we must pursue in the new millennium.

Or, the judgment given by Monsignor Hakim of Akka: "Whether we like it or not, the Council of the twentieth century will be the Council for the twenty-first." What theologians (largely after Congar) call the "reception" of the Council has been in great part the working-out of Vatican II in the day-to-day life of our Church in the last forty years. And this will go on through the early decades of our new century, if not longer.

This has been a long introduction to the doctoral dissertation of Father (now Bishop) Luis Antonio Tagle, which he worked on as a graduate student at the Catholic University of America (Washington, DC) from 1985 to 1992.[5] Browsing through the dissertation again, before writing this foreword, so much of my "experience" of Vatican II events—"experienced from afar"—come back, and perhaps some "experience" of Vatican II is one gift this book will bring to its younger readers, because (as Madrigal notes) this experience for them will have to be *libresca*—largely drawn from books and written accounts of the events of those years that have changed

[5]Luis Antonio G. Tagle, "Episcopal Collegiality in the Teaching and Practice of Paul VI (1959-1967)" (STD diss., Catholic University of America, 1992).

the Church in the last forty years and will continue to change it in the decades still to come.

Pope Paul VI—whose figure has, I believe, grown "in historic stature" in the years after his death—is the subject of Bishop Tagle's dissertation, i.e., Cardinal Montini's teaching on episcopal collegiality and his practice of it in the years following the council. Bishop Tagle says,

> On account of his singular relationship to the conciliar process, Paul VI's thought on the themes taken up by the council, in this case episcopal collegiality, provides a special vantage point from which the history of a teaching can be viewed. His interpretation of it also constitutes a particular moment in the official reception of the council. It will not be an exaggeration to claim that episcopal collegiality as taught by Vatican II can be adequately grasped only if Paul VI's involvement in its complex history is sufficiently considered.[6]

A by-product of the research into Paul VI's theology of collegiality, happily, sheds much light on his "understanding of the Church, of the papacy and of the Church's living Tradition."[7]

The preceding paragraphs indicate some of the reasons why Bishop Tagle's dissertation retains its actuality and relevance, and thus deserves a wider audience just as we are preparing to celebrate Vatican II's "forty years later." This is not the place to present some kind of a summary of this valuable work. Bishop Tagle has himself given us somewhat more popular presentations of the themes and events taken up in the dissertation: "The 'Black Week' of Vatican II, 14-21 November 1964," in *History of Vatican II*, and (very summarily) "Bishops, the Pope and Collegiality," in *"It Is the Lord!"*[8] One might, instead, briefly indicate some points to keep in mind as we take up again this *magnum opus* of Bishop Tagle and find anew what it can teach us about the doctrine of Vatican II and of the great Paul VI on the papacy and collegiality—a theological topic that in our time continues to call for constantly renewed reflection in the life of the Church.

Point one: The dissertation presents a history of the discussion of episcopal collegiality as it unfolded in the aula of St. Peter's and—perhaps more importantly and crucially—behind the scenes, especially during the third session of Vatican II. This history gives us an experience of what *aggiornamento*

[6]Ibid., 3.

[7]Ibid., 4.

[8]Luis Antonio G. Tagle, "The 'Black Week' of Vatican II, 14-21 November 1964," in *History of Vatican II*, 4:388-452, and "Bishops, the Pope and Collegiality," in *It Is the Lord! Occasional Lectures at Loyola School of Theology* (Manila: Loyola School of Theology, 2003), 41-53.

meant as undertaken by the conciliar Fathers themselves. *Aggiornamento* was not for them the search for something novel, not a quest to put in something wholly or radically new in the life of the Church. It was, rather, a seeking out of elements of the life that past ages had perhaps forgotten or largely set aside, but which were newly-relevant for the Church as it sought to bring Gospel and faith more authentically and more meaningfully into the contemporary world. All "going forward" in the Church must mean rediscovering the essentials and creatively re-living them for our time; fidelity and creativity must join hands anytime we, as Church, "make progress" for both present and future. Authentic Tradition must be living and ever-renewed as it faces the culture of each time and place, as it confronts history, as it is transmitted from generation to generation.

Point two: The discussion spoken of above made it evident that if we are to understand more deeply and more fully what communion and co-responsibility in the worldwide episcopate means, and what it means in practice, we have to develop an adequate theology of "the Church of the churches"—a theology of the communion of local Churches.[8] The debates—open and hidden—during the Vatican II period progressively moved toward the issue of harmonizing papal prerogatives with the powers of the bishops; this was, unfortunately, a narrowing-down of the horizons that needed to be kept in view. Consistently collocating papacy and episcopate within a more comprehensive theology of communion would have kept open wider vistas, a wider framework for reflection—and thus, a better understanding of the questions being debated. In the more developed theology of the local Church and its inter-relationship with the Universal Church, which has been worked out in recent decades, we see more clearly that the episcopal college is both sign and instrument of the communion of local Churches in the one Universal Church. We have realized more clearly also that, even theologically, we must see the Church's pastors as not separated from their communities.

Point three: If I may here cite Bishop Tagle directly:

> Vatican II was episcopal collegiality in action. The role of Paul VI in the development of the Vatican II discussions, in the resolution of the controversies that arose, in the conclusion of the council, and—later on—in the implementation of the council's orientations and directives, instructs us on how the Petrine ministry keeps episcopal and ecclesial communion intact in

[8]In fact, in the wake of Vatican II, we have the work of Joseph Komonchak, Hervé Legrand, Jean Marie Tillard and others who have done much to develop just such a theology.

> an increasingly pluralist episcopate and Church. Reading how Paul VI kept "the boat afloat"— during both the turbulent moments of the council and the difficult period that followed it—makes us thank God for the gift of the papal ministry as the center of stability, unity and direction for the pastors of the Church and for the entire ecclesial community.[9]

As "Vatican II, forty years later" approaches, what Bishop Tagle's dissertation brings before us—on Paul VI and his theology, on the theme of episcopal collegiality and its relationship with the papal primacy, on the "inside-and-outside" history of the council—all of these take on a new interest for us, summoning some of us to *remembranza*, others to a fresh study of past events, past decrees and their *actualización* in the last four decades, to our own time. So this carefully researched and well-organized dissertation, the first fruits of Bishop Tagle's theological service to the Church, still has much to give us. May it find many— especially theology students— who will take the time and effort to read and study it. They will surely be amply rewarded.

Catalino G. Arévalo, SJ
31 July 2004
Feast of St. Ignatius

[9]Luis Antonio G. Tagle, note to author of this foreword, July 16, 2004.

Preface

Numerous books and studies on Vatican II and Episcopal Collegiality have been published since the completion of my dissertation in 1991. I want to mention three publications that I consider most significant. The first is *Paolo VI e la collegialità episcopale*,[1] a compilation of the acts of an international colloquium, sponsored by the Istituto Paolo VI, in which I participated. The second is the five-volume work *Storia del Concilio Vaticano II*,[2] published in six languages by an international team with its center of coordination at the Istituto per le Scienze Religiose, Bologna, Italy. I had the privilege of contributing a chapter to the fourth volume. The third is Y. Congar's *Mon Journal du Concile*,[3] a passionate and revealing account of the council that I devoured with joy in its manuscript form while preparing my contribution to the *Storia del Concilio Vaticano II*. More articles and books have since advanced research on Vatican II and Episcopal Collegiality, but too many to mention in this introduction. The recently published works on Vatican II and memoirs of those who were present at the council update and even correct some portions of my dissertation. We have decided, however, to publish the original dissertation with the suggestion that readers consult the rich body of literature now available.

It is not only the state of research that has changed since 1991. My life condition has been altered as well since then, at some points quite dramati-

[1] *Paolo VI e la collegialità episcopale*, Colloquio internazionale di studio (Brescia, September 25-27, 1992) (Brescia: Istituto Paolo VI, 1995).

[2] *Storia del Concilio Vaticano II*, ed. G. Alberigo, 4 vols. to date (Leuven: Peeters, 1995-).

[3] Y. Congar, *Mon Journal du Concile*, 2 vols. (Paris: Cerf, 2002).

cally. I chose Episcopal Collegiality for my dissertation simply as a door to the broader topic of the Church as communion. Upon my return to the Philippines after doctoral studies, with my ministerial responsibilities in the Diocese of Imus, I saw the living reality of communion, co-responsibility and collaboration. I was further initiated into collegiality through my involvement in two plenary assemblies of the Federation of Asian Bishops' Conferences (1995 and 2000), and the various offices, retreats, programs and meetings of the Catholic Bishops' Conference of the Philippines. I experienced collegiality in action, especially when assisting the bishops in reaching a meeting of minds and hearts through a common statement on a particular issue.

In 1997, Pope John Paul II nominated me to the International Theological Commission of the Vatican. Working with an international group of theologians, I saw the difficult but fruitful (sometimes miraculous!) ways by which various theological currents and pastoral realities are assumed into a consensus borne out of faith and fidelity to the Church. On the said commission, I learned to listen more intently to the concerns and "anxiety for the Churches" of the Holy Father, the bishops and pastors of the world-wide Church. In 1998, the same Holy Father appointed me among the *periti* to the Special Assembly of the Synod of Bishops for Asia in preparation for the Great Jubilee of 2000. In the bishops, clergy, religious and laity of this vast continent of Asia represented at the Synod, I saw how the diversity that is our wealth could lead to the poverty of fragmentation if not rooted and made fruitful in communion. Much of what I had written in my dissertation has been affirmed and challenged, not anymore by publications but by what I have seen, heard and touched of the Church striving to keep its rich cultural and pastoral diversity, while being in communion in the one Spirit, Word and mission. In a singular way, I saw the bishops of the Church carrying the full weight of this concern. In the bishops I have known, served and worked with, the reality of a local Church, both patterned after the Universal Church and manifesting the Universal Church, acquired a human ministerial face.

In 2001, ten years after the completion of my doctoral studies, John Paul II named me bishop of my home diocese of Imus. The episcopacy as fullness of sacred order started becoming clearer to me as the fuller representation of and responsibility for the Church. My ministry has brought me to a more profound embrace of the concerns of the diocesan community, making them the sighs and joys of my heart. On the many occasions where I interact with other bishops, whether as ecclesiastical provinces or national

conferences or continental bodies, I bring the Diocese of Imus in my heart to the communion of hearts of the local Churches. And in those moments of intense communion, I am convinced that I am not alone, our diocese is not alone. I belong to a body of brother-bishops and our diocese is in communion with the whole Church in faith and mission.

As my solicitude for the Diocese of Imus deepens, I am also consumed by concern for other local Churches, for we are one Church. The Diocese of Imus desires to respond to the needs of other churches, for they are its own. It brings me great consolation to be of service to my brother-bishops and their dioceses. To serve them is to serve our diocese too and the Church worldwide. It has been my aim to bring the priests, religious and lay people of Imus to a heightened consciousness of the bonds of faith and mission that tie us with other churches. Responding to the victims of the landslide in Maasin, Leyte, was a spiritual experience for us in Imus. Sending our own priests to serve in Barcelona, Vienna, Nice, Canada and the United States, even when we need them badly, is a comforting sacrifice to make. In the retreats and conferences I give to the clergy, religious and lay people of other dioceses, I bring our stories as living testimony and come home with their testimonies interwoven with ours in a beautiful tapestry of living faith. The tiring trips to the Churches in Asia, the United States and Europe that have invited me become moments of rest, made serene by love shared and received. My first *ad limina* visit was an encounter with a pope who confirmed his brother-bishops through the marks of a body spent for love of Christ and the Church.

I am grateful to Loyola School of Theology for publishing my dissertation as part of its celebration of the fortieth anniversary of the conclusion of Vatican II. It is the *wissenschaftlich* (scientific) portion of my study in Episcopal Collegiality and Vatican II. The sequel, I hope, will be a study of Episcopal Collegiality as experienced by a bishop who is learning its hard but comforting ways from the joys and hopes, anxieties and sorrows of men and women mirrored in the hearts of their bishops.

+ Luis Antonio G. Tagle, DD
Bishop of Imus
21 June 2004
Memorial of St. Aloysius Gonzaga

Acknowledgments

Dr. Joseph Komonchak, who also directed my STL thesis, has led me again in this STD dissertation into an enriching exploration of Vatican II and one of its themes. He taught me how intellectual rigor and total self-engagement make theology a truly living enterprise. Dr. Patrick Granfield has given helpful suggestions and has lavished me with trust. Dr. David Power has been a most valuable critical companion, never failing to make me feel that I was a colleague and friend.

Some persons and institutions deserve to be specifically mentioned for their assistance in my research:

1. The administration and staff of the Istituto Paolo VI, Brescia, Italy, for allowing me to use the institute's library; for indicating publications relevant to my study; for arranging interviews with Sen. Lodovico Montini, Paul VI's brother, and with Bishop Carlo Maziana, a friend of Paul VI's; and for inviting me to the 1989 international colloquium on Paul VI organized by the institute;
2. Dr. Alberto Melloni of the Istituto per le scienze religiose, Bologna, Italy, for providing copies of unpublished works found in the institute's collection;
3. Prof. Jan Grootaers of the Katholieke Universiteit Leuven, Belgium, for allowing me to use portions of the Gérard Philips dossier that he had prepared for publication;
4. Msgr. Vicenzo Carbone of the Archivio del Concilio Vaticano II, Rome; Msgr. Giuseppe Colombo of the Facoltà Teologica Interregionale, Milan; and Bishop Carlo Colombo, one of Paul VI's

theological advisers, for affording me the opportunity to interview them;

5. The staff of the following libraries that I consulted the most: Pontificia Università Gregoriana, Pontificia Università Urbaniana, the Curia of the Society of Jesus, and the Catholic University of America.

I also want to acknowledge the precious help and support I received from the Philippine Province of the Society of Jesus; the Society of the Catholic Apostolate in the US (Pallottines); the Maryknoll Fathers in the Philippines; the General Council of the Missionary Sisters of the Immaculate Heart of Mary (ICM); the General Council of the Divine Word Missionaries (SVD); the General Council and *collegio* community of the Congregation of the Immaculate Heart of Mary (CICM); the Congregation of the Sacred Family of Nazareth in Brescia (Piamarta); the Canossian Sisters (Figlie della Carità) in Rome, Bologna, Ancona, and Milan; Missio (Aachen, Germany) and the Catholics in Germany; and the Missionary Oblates of Mary Immaculate, especially those of the Oblate residence in Washington, DC, who have been my community since 1985.

Bishop Felix Perez, the clergy and the people of the Diocese of Imus, Cavite, Philippines, discerned in me a capacity for theological studies that should be developed for a particular ministry in the Church. The Jesuit faculty of San José Major seminary and the Loyola School of Theology, Quezon City, Philippines, where I underwent seminary formation, had earlier shared with Bishop Perez their own discernment of my possible contribution to the Church. For their care, trust and commission, I am deeply grateful.

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Note from the Editor

This monograph was prepared for publication using Bishop Tagle's original dissertation, but changes were made to correct typographical errors and ensure consistency in spelling and punctuation. Footnotes have been revised so that subsequent references to an article using its shortened title may be easily looked up under "Works Cited." Abbreviations were also altered to reflect changes made in the text and footnotes. In addition, translations of the more commonly-used non-English words and phrases are provided in the "Glossary."

Abbreviations

A	Philips's original *Addenda,* November 2, 1964; see Appendix III
A'	Version with revisions brought in at the commission meeting of November 6, 1964; see Appendix III
A"	Retouching by Philips after the commission meeting of November 6, 1964; see Appendix III
A1	*Alberigo 1* in Appendix I
A2	*Alberigo 2* in Appendix I
AAS	*Acta Apostolicae Sedis*
AC	*Acerbi* in Appendix I
ACOA I	*Acta et documenta Concilio Oecumenico Vaticano Secundo Apparando. Series I: Antepreparatoria*
ACOA II	*Acta et documenta Concilio Oecumenico Vaticano Secundo Apparando. Series II: Preparatoria*
AS	*Apostolica Sollicitudo*
ASSC	*Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*
B	The project becomes the NEP, November 11, 1964; see Appendix III
B'	Version after the commission meeting of November 12, 1964; see Appendix III
B"	The final form of the NEP; see Appendix III
B1, B2, etc.	Eighteen documents in U. Betti, "Documenti complementari," in *La Dottrina sull'episcopato del Concilio Vaticano II,* 442-539.

C1, C2, etc.	Fifty-two documents in G. Caprile, "Contributo alla storia della 'nota explicativa praevia,'" in *Paolo VI e i Problemi Ecclesiologici al Concilio*, 587-697.
CD	*Christus Dominus*
CEI	Italian Episcopal Conference
CPC	Central Preparatory Commission
CS II	Closing speech of Paul VI, second period, December 4, 1963
CS III	Closing speech of Paul VI, third period, November 21, 1964
DS	Denzinger-Schönmetzer's *Enchiridion Symbolorum*
ES	*Ecclesiam Suam*
LG	*Lumen Gentium*
NEP	*Nota explicativa praevia*
OS II	Opening speech of Paul VI, second period, September 29, 1963
OS III	Opening speech of Paul VI, third period, September 14, 1964
OS IV	Opening speech of Paul VI, fourth period, September 14, 1965
P1, P2, etc.	Five documents in "Objections à la doctrine de la collégialité et réfutation de ces objections (à la veille de la session de 1964)," in *Primauté et collégialité*, 147-59.
P3/1, P3/2, etc.	Eleven documents in "Le Dossier de G. Philips," in *Primauté et collégialité*, 85-124.
PC	G.B. Montini, "Pensiamo al Concilio" in *Discorsi e scritti sul concilio (1959-1963)*, 72-108.
TE	*Textus emendatus*
TP	*Textus prior*
TPR	*Textus propositus*
TR	*Textus recognitus*

Introduction

The reality to which the term *episcopal collegiality* refers was already a matter of deep concern at the First Vatican Council. But the premature termination of the council rendered impossible a thorough consideration of the matter. The resulting one-sided conciliar definition of papal primacy of jurisdiction and infallible magisterium consolidated ecclesiological doctrines and practices that did not show full appreciation of the role and mission of bishops in the Church. However, the wave of biblical, patristic, liturgical and historical studies at mid-century retrieved the understanding of the episcopacy contained in an earlier Tradition, thus regenerating interest in the issue.

The announcement by John XXIII of the convocation of a Second Vatican Council renewed hopes that the doctrine of Vatican I would finally be completed by a conciliar teaching on the episcopacy. The preparatory stages and the actual sessions of Vatican II testified to the passionate engagement with which the conciliar Fathers approached the question, now more openly referred to as the issue of episcopal collegiality. Despite the positions expressed in conciliar teaching, the question was not totally resolved. From the closing of the council down to the present time, the doctrinal and institutional controversies surrounding the search for appropriate expressions of the collegial principle have revealed that the question is still open and requires further exploration. It has become clearer also that the problem involves more than the authority of bishops; rather, it con-

Tagle, Luis Antonio G., *Episcopal Collegiality and Vatican II* (Manila: LST, 2004), 1-4.

cerns the very nature of the Church as communion and as the subject of its self-definition and self-determination.

The present study concentrates on the contribution of Paul VI[1] to the discussion on episcopal collegiality during Vatican II and the years immediately following it. The interest in his thought comes primarily from his unique position in the conciliar event: Cardinal Montini, as the archbishop of Milan, was among the Fathers who not only participated in the preparation of the council and its first period, but wielded considerable influence as well; upon his election to the See of Rome and taking the name Paul VI, he reconvened the council as its new head and conducted it, through three more periods, to its conclusion; and after the official closing of the council, he applied himself to the transformation of ecclesial life according to its teachings and norms. On account of his singular relationship to the conciliar process, Paul VI's thought on the themes taken up by the council, in this case episcopal collegiality, provides a special vantage point from which the history of a teaching can be viewed. His interpretation of it also constitutes a particular moment in the official reception of the council. It will not be an exaggeration to claim that episcopal collegiality as taught by Vatican II can be adequately grasped only if Paul VI's involvement in its complex history is sufficiently considered.

It is not the aim of the present work to cover the whole pontificate of Paul VI (1963-1978). With the actual holding of the council as its focal point (1962-1965), it will survey the time from the announcement of

[1]Giovanni Battista Montini was born on September 26, 1897. Ordained in 1920, he entered the Academy of Noble Ecclesiastics two years later, and spent a few months of diplomatic service in Warsaw. In 1924, he joined the staff of the Vatican Secretariat of State, where he remained for the next thirty years. Pius XI appointed him *Sostituto* of the Secretariat in 1937. Pius XII named him Undersecretary of State in 1939, and Pro-Secretary for Ordinary Affairs in 1944. In 1954, he was consecrated archbishop of Milan. John XXIII elevated him to the cardinalate in 1958. On June 21, 1963, he was elected bishop of Rome and took the name Paul VI. He reconvened Vatican II and brought it to conclusion in 1965. He died on August 6, 1978.

A full biography of Paul VI is yet to be written. What we have at the moment are biographies meant to introduce him to the world immediately after his election as pope. They include W.E. Barrett, *Shepherd of Mankind: a Biography of Pope Paul VI* (Garden City, NY: Doubleday, 1964); J.G. Clancy, *Apostle for our Time: Pope Paul VI* (New York: P.J. Kenedy, 1963); J.L. González, *Paul VI* (Boston: St. Paul, 1964); C. Calderón, *Montini, Papa* (Salamanca: Ediciones Sigueme, 1963); A. Hatch, *Pope Paul VI* (New York: Random House, 1966); G. Huber, *Paul VI* (Paderborn: Verlag Bonifacius-Druckerei, 1964); J.M. Javierre, *Pablo VI, Pontífice Romano* (Madrid: Editorial Alameda, 1963); P. Lesourd, *Qui est le pape Paul VI?* (Paris: Éditions de Paris, 1963). Biographical materials are also found in issues of the *Notiziario* of the Istituto Paolo VI.

John XXIII's desire to summon the bishops into an ecumenical council (1959) to the first session of the synod of bishops (1967).[2] Paul VI's "journey" on the way of collegiality will be situated within the broader search undertaken by the conciliar assembly, primarily in its discussions on *De Ecclesia* and *De Episcopis*. In this way, his position will be clarified in dialectic with the myriad of opinions expressed, and his mediating strategies will come to light in the face of contrasting views. The tensions, uncertainties, hesitations and lack of resolution present in his thought will also be made manifest in confrontation with the lucid, if rigid, reasoning employed by the belligerent camps. Wherever possible, major influences on his positions and judgments will be indicated. But in all this, Paul VI's understanding of the Church, of the papacy and of the Church's living Tradition will come to the fore as the question of the episcopacy is addressed.

The primary sources needed for this type of study have not always been readily available, mainly because of restrictions still set on accessibility to archives. Pertinent materials, however, may still be found in the *Acta* of the council, in the collection of Paul VI's *insegnamenti*, and in the publications of the Istituto Paolo VI in Brescia, Italy, and of centers of documentation in Bologna, Italy, and Leuven, Belgium. Though executed within these limitations, the present study is still a relatively complete presentation of Paul VI's approach to episcopal collegiality.

The present work is divided into nine chapters. Chapter One examines the state of the discussion on episcopal collegiality among scholars during the decade preceding Vatican II. It prepares the terrain on which the council and Paul VI will be located. Chapter Two dwells on the ideas on the episcopacy expressed by Montini in his activities on behalf of the council during its ante-preparatory phase (1959-1960), and in his participation in the Central Preparatory Commission and the first conciliar period (1962). Chapter Three considers the second conciliar period, the first to be headed by Paul VI. Special attention will be given to the council speeches he delivered, the vote of orientation on the doctrine on the episcopacy proposed by *De Ecclesia* (October 30, 1963), the council debate on *De Episcopis*, and the formula utilized by Paul VI in promulgating conciliar decrees. Chapter Four looks at his "informal" extra-conciliar teaching on the Church, the papacy and the episcopacy from his election as bishop of Rome to the 1963-1964 intersession.

[2]There is nothing "sacred" about 1967. Aside from the practical need "to stop at some point," 1967 marks the completion of the phase of issuing guidelines concerning the three institutional reforms on which this study will focus.

Chapter Five studies in a rather detailed manner the thirteen *modi* sent by Paul VI to the doctrinal commission in May 1964, aimed at making the schema's doctrine on the episcopacy more precise. Chapter Six focuses on the first portion of the third conciliar period (1964) where the battle over collegiality continued to rage furiously but was now transported from the high visibility of the aula to the privacy of papal arbitration. Chapter Seven investigates the history, the content and doctrinal import of the *nota explicativa praevia* attached to Chapter III of *Lumen Gentium* a few days before the promulgation of the constitution. Chapter Eight considers the decree *Christus Dominus* on the pastoral office of bishops and the three Montinian efforts at institutionalizing collegiality in accordance with the stipulations of the council, i.e., the institution of the synod of bishops, the establishment of episcopal conferences and the reform of the Roman Curia. Chapter Nine summarizes the findings of the preceding chapters and concludes with an evaluation of Paul VI's contribution.

CHAPTER I

Views on Episcopal Collegiality a Decade Before Vatican II

In order to situate Cardinal Montini's views on the role and significance of the episcopal college within the larger theological discussion on the matter prior to the announcement and convocation of Vatican II, this chapter will present a brief survey of important orientations on episcopal collegiality indicated by some theologians approximately a decade before the commencement of the council. The same orientations and their defenders would be encountered by Montini during the council's preparation and sessions. It should be stated at the outset that before the council, systematic studies on episcopal collegiality *per se* and surveys of theological positions on the question were rather scarce. It does not follow, however, that it was a neglected topic. On the contrary, it occupied an increasingly salient position in the numerous and varied investigations dealing with the theology of the episcopacy or some of its specific aspects. The survey made in this chapter, therefore, inevitably relies on how episcopal collegiality figured in general studies on the theology of the episcopacy or some of its aspects.

Needless to say, not every single work on the episcopacy that appeared a decade before the council is included in this chapter. The first major section will dwell on survey articles that can give a general idea of the points of interest, discussion and debate regarding the theology of the episcopacy. Theologians who have made significant contributions to the theological reflection on the topic will also be identified. The next two sections will

Tagle, Luis Antonio G., *Episcopal Collegiality and Vatican II* (Manila: LST, 2004), 5-38.

then pursue in a more detailed manner the themes that figure prominently in these authors' understanding of episcopal collegiality. In all three sections, the diversity of theological opinions will be allowed to shine forth, rather than forcing them into a synthesis that will try to find and order common elements.

A. SOME SURVEY ARTICLES

Of the five survey articles to be presented in this section, the first two appeared before the announcement of the council by John XXIII.

1. "Propos sur la 'Collégialité'"

Under the "Notes et Documents" section of *Irénikon* in 1956 appears "Propos sur la 'Collégialité,'"[1] a report on three authors' studies on collegiality in the Church. Congar is commended for finding an expression that would adequately translate for the Western Church the Russian notion of *Sobornost*, namely, *collegiality* or *the collegial principle* operative in the Church.[2] Rahner rediscovers the *collegial sense of eucharistic concelebration*, arguing that the college formed by the celebrant and concelebrants is a single moral subject performing one sacrificial act.[3] Finally, parts of an address by Roguet on the *collegiality of the priesthood* are reproduced. Sacerdotal collegiality, according to the author, manifests itself in *ordination rites*, in the role of the bishop as possessor of *the fullness of priesthood*, and the institution of the *apostolic college* to which the *episcopal college* succeeds.

Especially in Roguet and Congar, collegiality comes out as an *ecclesial* and *liturgical/sacramental* principle.

2. "Was ist ein Bischof?"

"Was ist ein Bischof?" is an unsigned article published in the *Herder Korrespondenz* in 1958 devoted to opinions on the episcopacy circulating mostly among French and Belgian authors, such as Charue, Rousseau, Botte and Lécuyer.[4] The article first indicates some clarifications on the nature and role of the episcopacy already made by the German bishops after Vatican I in response to Bismarck, by Pius IX in his favorable response to

[1]"Propos sur la 'Collégialité,'" *Irénikon* 29 (1956): 320-29.

[2]This proposal is put forward in Y. Congar, "Le peuple fidèle et la fonction prophétique de l'Église," *Irénikon* 24 (1951): 289-312, 440-66.

[3]K. Rahner, "Dogmatische Bemerkung über die Frage der Konzelebration," *Münchener Theologische Zeitschrift* 6 (1955): 81-106.

[4]"Was ist ein Bischof?" *Herder Korrespondenz* 12 (1958): 188-94.

the German bishops' declaration, and by Pius XII in his teaching and homilies. The article then goes through the different aspects of the episcopacy that receive great attention from the authors cited. Heading the list of these aspects is the much-debated question of the *sacramentality of episcopal consecration.* The article shows that a position taken up in favor of sacramentality ties the specific sacramental grace of the episcopacy with *apostolic succession,* especially in its collegial dimension. The issue of the *powers of the bishops over the Universal Church* then enters and necessarily carries with it the subject of the *relationship between the pope and the bishops.* Consequently, the nature and role of the *ordo episcoporum* comes to the fore. Another item that touches on the sacramentality of episcopal consecration is the *relationship between the presbyterate and the episcopate,* the latter being referred to as the fullness of priesthood. Throughout the presentation of these topics, the article shows how the authors draw mostly from patristic and liturgical sources. The scholastic and thomistic teaching on the episcopacy is reconsidered in light of these sources.

3. "Die Nachfolger der Apostel"

Three years after the appearance of the article discussed above, a second essay, entitled "Die Nachfolger der Apostel," came out in the same publication to supplement the materials reviewed in the 1958 article and to express opinions on how the episcopacy should be treated in the forthcoming ecumenical council.[5] The themes singled out generally coincide with those of the previous survey article. But besides the formulation of a "proposal" for a council agendum, Rahner's impact on the debate on the episcopacy is an obvious addition.

As in the 1958 article, the present one opens with a review of the teaching of the magisterium on the episcopal office. Then Botte's patristic research and Kleutgen's work during Vatican I are amply treated. A discussion follows on *the college of bishops,* perusing the studies of Lécuyer and Rahner. *The episcopal college and individual bishops* is the next big topic, with Dejaifve and Rahner as the major authors. *The relation between episcopacy and primacy* receives attention from theologians like Dejaifve, Rousseau, Ratzinger, Rahner, and Schauf, and is indicative of how crucial this point is for the theology of the episcopacy. Finally, the bishop and his relations are explored: *the bishop and his flock, the bishop and his presbyterium,* and *the bishop and the laity.* There exists an obvious search for the bishop's identity and mission within two principal contexts: the *episcopal college* and the *local Church.* These

[5]"Die Nachfolger der Apostel," *Herder Korrespondenz* 16 (1961): 31-39.

foci blend well with the desire of the author of the article that Vatican II rethink papal primacy and ecclesial authority in light of the needs of the time and of the Church. "What we long for is... an integration of the teaching on the papal and episcopal office in the realm of a fuller ecclesiology."[6]

4. "Orientations présentes de la théologie de l'épiscopat"

The fourth survey article is Lécuyer's "Orientations présentes de la théologie de l'épiscopat."[7] Manifestly written with some of the questions evoked by the coming council in mind, the article concentrates on three topics: *episcopal consecration, the teaching authority of bishops,* and *episcopal power of jurisdiction.* Lécuyer spells out the trends in theological reflection for each topic, utilizing the findings of authors like Botte, Bouëssé, Rahner, Journet, C. Colombo, Congar, Hamer and his own investigations into liturgical, patristic and thomistic sources.

With regard to episcopal consecration, Lécuyer states categorically that the episcopacy is the sacrament of order in its highest degree, which confers, if not jurisdiction or other juridical powers, a *charism,* a *spiritual power,* a *fundamental capability to govern all God's people.* In consecration, *reception into the episcopal body* also occurs.

Teaching authority in the Church, which should not be reduced to the question of infallibility, is not so much a juridical power as a *mission to proclaim the Good News.* It is the whole episcopal body that has been mandated by Jesus to teach and has received the promise of infallibility in its exercise of the teaching office. Even when the pope defines a dogma, it is the entire episcopal college that actually speaks through him, with an infallibility that is no different from that granted to the whole Church.

Regarding the exercise of universal jurisdiction over the whole People of God by the episcopal college, manifested "perfectly" in an ecumenical council, Lécuyer sees this grounded in episcopal consecration, which imparts spiritual power to be heads of God's People and incorporates those consecrated into the episcopal college. Since the local Church in which a bishop is center of unity is the true Church of God present in a particular place, every bishop is responsible for the Universal Church in whose communion he maintains his local Church. The communion that is the Church is safeguarded by the communion of bishops within the episcopal college.

[6]"Was wir wünschen, das ist, wie anfangs gesagt, eine Integration der Lehre vom päpstlichen und bischöflichen Amt im Rahmen einer vollständigeren Ekklesiologie." Ibid., 38.

[7]J. Lécuyer, "Orientations présentes de la théologie de l'épiscopat," in *L'Épiscopat et L'Église universelle* (Paris: Cerf, 1962), 781-811.

Lécuyer then utilizes these points to provide an explanation for the theory of two inadequately distinct subjects of supreme authority in the Church.

Lécuyer's article brings the coming of the episcopal college into the center of the theology of the episcopacy. But, as he demonstrates, such a movement is accompanied by a shift from juridical categories to those of *charism*, *mission*, and *communion*.

5. *"Rassegna bibliografica sull'Episcopato"*

The fifth and final article is Serenthà's "Rassegna bibliografica sull'Episcopato."[8] As the title indicates, it is a bibliographical review covering general, magisterial, historical and speculative/systematic studies on the episcopacy. Serenthà prefaces his essay with what he perceives as the reasons for the pervasive interest in the episcopacy. They include the incompleteness of the doctrine of Vatican I; the controversy with the Protestants over Church hierarchy in the early Church; the growing consciousness of the mystery of the Church; the life of the Church itself, with its missionary and ecumenical movements, liturgical renewal and lay initiatives; and finally the discussions generated by Vatican II.

On the speculative/systematic side of the issue, Serenthà discerns a number of concerns in the literature he surveys. First is the concern to understand the episcopal office within the *mystery of Christ and of the Church*. There is an awareness that *apostolic succession* is the link through which the episcopacy can be adequately inserted within the divine economy of salvation. Then the question of *episcopal collegiality* and the concomitant issue of *pope-college relations* are raised. These all tie in with the *sacramentality* of the episcopacy. Finally, the question of *pluralism in the Church*, of unity in diversity, is to be addressed.

Collegiality is one of eleven topics listed under the speculative/systematic heading. The bibliography prepared by Serenthà for collegiality includes works by Botte, Frisque, Le Guillou, Colson, Congar, Houtart, Thils, Briva Miravent, and Broutin. Of fundamental concern is the need to establish *the collegial character of the episcopate*. It is more difficult though to define the precise *nature of collegiality*, paying attention to the complex intermingling of divine and human components. Also interesting is the study of present and possible *future forms of collegiality*. The *missionary and ecumenical consequences of collegiality* are frequently adverted to. But the most controversial issue re-

[8]L. Serenthà, "Rassegna bibliografica sull'Episcopato," *La Scuola Cattolica - Supplemento Bibliografico* 91 (1963): 243-71.

mains that of specifying the *relations between the pope and the bishops within the episcopal college.*

Serenthà concludes his review with the observation that the most fruitful theologico-systematic perspectives are those that situate the problem of the episcopacy within the vaster mystery of the Church, of Christ and of the economy of salvation.[9]

These five articles define the foci of discussion among theologians with regard to the theology of the episcopacy. It is now time to look at how episcopal collegiality was related to these focal points in the works of individual theologians in two time periods: 1950-1958, before the announcement of the council; and 1959-1961, in view of the council's preparation and opening. The mere prospect of having the world's episcopate assembled in a council brought particular emphases and a sense of urgency into the discussion on the episcopacy.

B. EPISCOPAL COLLEGIALITY: 1950-1958

1. Congar: The Collegial Principle in the Church

Congar deserves a section by himself for his groundbreaking contribution to collegiality. In his vision, two ecclesiological principles must be maintained, i.e., the structural principle and the principle of communitarian life.[10] The first is Christological and hierarchical, while the second is pneumatological and concerns communion.[11] These distinct aspects are united in the Russian Orthodox notion of *sobornost,* a retrieval of which is necessary so that western "hierarchology" may be balanced by the more classical "ecclesiology" of the patristic and medieval tradition. *Sobornost* can be translated by *collegiality* or *collegial principle,* which conveys the idea of several persons related to an identical principle of life according to varying ranks, resources and tasks.[12] The collegial principle is also at the heart of the apostolic college, where a true hierarchy exists but tied to communion. All have

[9]Projects similar to Serenthá's were pursued by M. Useros, "Eclesiología del episcopado a la hora del Concilio," *Salmanticensis* 9 (1962): 203-29; and U. Domínguez del Val, "La eclesiología en los ultimos años (1950-1964), Orientaciones bibliográficas," *Salmanticensis* 12 (1965): 319-94, especially 356-63, for collegiality. Useros' section on collegiality is short and considers authors already covered by the five articles reported in the present survey.

[10]See Congar, "Le peuple," 303.

[11]See also Y. Congar, "Le Saint-Esprit et le Corps apostolique," in *Esquisses du Mystère de l'Église* (Paris: Cerf, 1953): 129-79.

[12]Congar, "Le peuple," 446-47.

a part in the working of the whole college by virtue of communion.[13] So collegiality operates both on the level of the whole Church and that of the apostolic body.

2. Episcopal Consecration and the Episcopal College

A big question then concerned the sacramentality of the episcopacy. According to Lécuyer, episcopal consecration is a sacrament that confers a distinct sacramental character and grace, "the grace of the apostolate in the most precise sense of the word: the bishop is a successor of the Apostles, he is a witness sent by Christ."[14] Universal evangelization is the fundamental duty that befalls a bishop at ordination[15] and the apostolic word that he is commissioned to preach is the instrument of gathering and unifying humanity into a new people.[16] The Spirit-inspired unity of this apostolic word "continues in the episcopal body, where it is always 'Peter with the Eleven' who raise their voice to preach."[17] Thus the unique grace received at consecration makes "the episcopal body a body of witnesses," gathering the dispersed peoples of the world through the evangelical word received from the apostles.

Using the thomistic view of sacraments as point of departure, Bouëssé holds that the episcopacy is a sacrament that imparts the grace of headship and the poor to govern.[18] But unlike Lécuyer, Bouëssé does not see the conferral of a new sacramental character in episcopal consecration.[19] The very nature of episcopal power links it to the Church as a visible society. Christ instituted the episcopal college to represent Him as head, to perpetuate his royal power everywhere for all time, to organize, to govern, to direct and to "hierarchize" the Church in its essential structures, under the authority of the pope. In this perspective, the episcopate is essentially missionary

[13]Ibid., 440-44.

[14]"Et cette grâce, nous l'avons dit, est une grâce d'apostolat, dans le sens le plus précis de ce mot: l'évêque est le successeur des Apôtres, il est un témoin envoyé par le Christ." J. Lécuyer, "La grâce de la consécration épiscopale," *Revue des Sciences Philosophiques et Théologiques* 36 (1952): 412. See also idem, "Le sacrement de l'Épiscopat," *Divinitas* 1 (1957): 201-31.

[15]Lécuyer, "La grâce," 413-15. Lécuyer discusses the fulfillment of this duty in the local Churches where bishops are visible heads of the apostolate.

[16]Ibid., 410.

[17]"...cette unité se continue dans le corps épiscopal, où c'est toujours 'Pierre avec les Onze' qui élèvent la voix pour prêcher." Ibid., 411.

[18]H. Bouëssé, "Épiscopat et Sacerdoce," *Revue des Sciences Religieuses* 28 (1954): 372, 385, 388-89.

[19]Ibid., 385. Compare with J. Lécuyer, "Aux origines de la théologie thomiste de l'Épiscopat," *Gregorianum* 35 (1954): 86.

and every bishop is first responsible for the evangelization of the world before being attached to a particular Church.[20] Lécuyer would generally agree with Bouëssé's conclusion that the grace of episcopal consecration is primarily the grace of being a head of the Church, of apostleship, of witnessing, and of missionary responsibility.[21] But for him, the conferral of a character distinct from that received at presbyteral ordination has an important implication: "the power to confer this highest degree of priesthood will always remain as an inalienable prerogative of the episcopal body."[22] As one receives, so one can give.

Boularand also argues for the sacramentality of episcopal consecration from various angles and identifies the charism and mission it bestows.[23] It is the most solemn of all ordination liturgies and confers fuller gifts and powers than those rendered by the presbyterate or the diaconate. The presence of several bishops in an episcopal consecration, required for legitimacy, not for validity, signifies that the "elevation of a man to the office of successor of the Apostles would need the visible assent of the episcopal body."[24] Reception by the episcopal body of a bishop into its membership is somehow linked to the sacramental reception by the bishop of the apostolic office.

A study of ordination prayers leads Botte to affirm the sacramentality of the episcopacy.[25] Constituted successors of the apostles at ordination, bishops receive the grace necessary to govern the Church and to continue the work of the apostles. The episcopal body assures the stability and growth of the whole Church and is, therefore, to be considered the "armature of the Universal Church." Consecration is not a purely personal act by which an individual bishop transmits his powers to a candidate. Rather it is a collective act of the episcopal body that admits a candidate into the *ordo episcoporum*, signified by the presence of not less than three bishops at an

[20]Bouëssé, "Épiscopat," 374, 390.

[21]Lécuyer, "Aux origines," 89, and "La grâce," 411.

[22]"Si on admet, en effet, que l'Épiscopat est bien un Ordre conférant la grâce et imprimant un caractère distinct du presbytérat, le pouvoir de conférer ce degré suprême du sacerdoce demeurera toujours comme une prérogative inaliénable du Corps épiscopal." Lécuyer, "Aux origines," 88.

[23]E. Boularand, "La consécration épiscopale est-elle sacramentelle?" *Bulletin de Littérature Ecclésiastique* 54 (1953): 3-36.

[24]"Présence requise non pour sa validité, mais pour sa légitimité, comme si l'élévation d'un homme à la charge de successeur des Apôtres exigeait l'acquiescement visible du corps épiscopal." Ibid., 30.

[25]B. Botte, "L'Ordre d'après les prières d'ordination," *Études sur le sacrement de l'ordre* (Paris: Cerf, 1957), 31-33.

episcopal ordination.[26] The charisms received at any ordination are not purely individual; rather, they form orders that build up the Church.[27] And as Gy and Roguet point out, the word *ordo* had a collective connotation in antiquity, which included both the "reception" of an order and the more frequent sense of "entrance" into it.[28] The episcopal college is, therefore, set up on the reception of a sacramental charism, which also gives rise to a college capable of admitting to itself new sharers in its unique mission.

In yet another article, Botte pursues more pointedly the collegial character of the episcopate, presupposing what has just been indicated above.[29] In the historical sense of the term, *ordo episcoporum* designates the body that assures the continuity of the Church; in the hierarchical sense, it refers to the belongingness of bishops to a college of pastors that maintains the unity of the Universal Church.[30] The ordination liturgy reveals that "the election of a bishop is not only the affair of one community; it concerns the whole Church. The candidate is incorporated into the *ordo episcoporum* by a collegial act."[31] The bishops' awareness of the communion of the Church that exists in their own unity has been translated into many acts of communion in history, the most important of which is the conciliar movement.[32] The sacramental reality that is the episcopal college "organizes" the Church along the lines of communion.

Having recognized the episcopacy as an order in the strict sense, Journet classifies the grace or effects of consecration on three levels: the power of order, configuration to Christ the King and Prophet or jurisdiction, and configuration to the holiness of Christ.[33]

> Universal jurisdiction, or sovereign pontificate, resides entirely in the pope alone but it is participated in by the episcopal college united to the pope, associated to his missionary work and to his concern for the catholicity and expansion of the Church.[34]

[26]Ibid., 31-32.

[27]Ibid., 34.

[28]P.M. Gy, "Remarques sur le vocabulaire antique du sacerdoce chrétien," *Études sur le sacrement de l'ordre*, 129. R.P. Roguet, quoted in "Propos sur la 'Collégialité,'" *Irénikon* 29 (1956): 323.

[29]B. Botte, "Caractère colégial du presbytérat et de l'épiscopat," in *Études sur le sacrement de l'ordre*, 97-124. The same article appeared earlier in *Irénikon* 29 (1956): 5-27; and was slightly edited for the *Études* collection.

[30]Ibid., 110, 121.

[31]"C'est que l'élection d'un évêque n'est pas seulement l'affaire d'une communauté; elle intéresse toute l'Église. L'élu est agrégé à *l'ordo episcoporum* par un acte collégial." Ibid., 112.

[32]Ibid., 112-17.

[33]C. Journet, "Vues récentes sur le sacrement de l'ordre," *Revue Thomiste* 53 (1953): 90.

In their dioceses, bishops possess particular jurisdiction. Consecration also gives grace to enable bishops to exercise their personal and collegial functions in a holy manner. The sacrament, therefore, empowers the episcopal college to participate in the universal pastoral power of the pope.

Orrieux, for his part, makes the distinction between *hierarchical powers and functions* the basis of his reflections.[35] The Church hierarchy is built on a sacramental framework as a series of orders converging toward the episcopal order as summit.[36] These orders or degrees are constituted by reciprocal relations of authority and subordination founded on hierarchical powers received at ordination. By virtue of these powers that give a fundamental capacity to exercise hierarchical functions in the visible Church, a bishop is tied to the Church as head, though not to any particular Church,[37] which is yet to be supplied by jurisdiction. But still, bishops enter the highest order through God's action in a sacrament, thereby making them pastors in their own right, not papal vicars.[38]

Not all authors are convinced that the episcopate makes up a sacrament distinct from the presbyterate. Among the dissenting voices are Beyer,[39] Alonso,[40] and Monsegú.[41] Of the three, only Monsegú makes substantial references to the episcopal college. His basic thesis could be stated thus: individual bishops are members of the episcopal college and, by being members, are also successors of the apostles because they have been consecrated and/or designated by the pope as heads of particular churches.[42]

[34]"La juridiction universelle, ou souverain pontificat, réside tout entière d'abord dans le pape seul; mais elle est participée par le collège épiscopal uni au pape, associé à son oeuvre missionnaire et à son souci de catholicité et d'expansion de l'Église." Ibid.

[35]L.M. Orrieux, "Fonctions et pouvoirs hiérarchiques," *Revue Thomiste* 58 (1958): 654-73.

[36]Ibid., 662, 657.

[37]Ibid., 662.

[38]Ibid., 670.

[39]J. Beyer, "Nature et Position du Sacerdoce," *Nouvelle Revue Théologique* 96 (1954): 356-73.

[40]J.M. Alonso, "Orden y jurisdicción: dos potestades y una sola jerarquía en la constitución íntima de la iglesia y de su economía sacramentaria," in *XVI Semana Española de Teología* (Madrid: Consejo superior de investigaciones cientificas, 1957), 363-454.

[41]B. Monsegú, "Los obispos ¿son sucesores de los apóstoles directa e inmediatamente como miembros del colegio o más bien en cuanto personalmente consagrados o investidos de su oficio?" in *XVI Semana Española de Teología*, 215-47.

[42]Ibid., 236-40. He sometimes gives the impression that consecration *and* papal mandate incorporate into the college; at other times, that it is either one. But from the thrust of the whole article, it is better to keep the *and* since it is also the pope who chooses those to be consecrated. It is not clear whether the power to consecrate also comes from the pope.

Consecration, which is not a sacrament, confers only the power of order, whereas the papal mandate assigning an individual to a local Church conveys the power of jurisdiction. Only in the papal act of calling an individual to be consecrated and to be invested with office does the formally abstract apostolic succession get concretely verified in a particular person constituted bishop or member of the college.[43] Monsegú characterizes the succession of the episcopal college to the apostolic college as indirect succession, always in need of papal intervention to materialize.

Though none of the authors selected directly deals with the precise connection between episcopal consecration and the episcopal college, they agree that the episcopal body is somehow founded on consecration, regardless of whether it is a sacrament or not. Consecration, by granting a particular *charism* and *mission*, makes bishops successors of the apostles in and for the Universal Church and incorporates them into an episcopal body. To the episcopal college is entrusted the evangelization of the whole world (Lécuyer), the missionary growth of the Church (Bouëssé, Botte, Lécuyer), its unity (Botte, Lécuyer) and stability (Botte), its "hierarchization" (Bouëssé), and at least a participation in its universal governance (Journet). Consecration, with its "order-forming" and "order-incorporating" grace (Botte), sets up the episcopacy as the highest order in the Church (Orrieux). This collegial character of episcopal consecration and its grace is eloquently attested to by ordination liturgies (Botte, Boularand, Lécuyer). The same grace that equips bishops for the universal mission inherited from the apostles makes of them a body of pastors solicitous for the Universal Church. Objections to the sacramentality of the episcopate are somehow linked to a view that stresses the bishop's role in the local Church without a clear explanation of how the local Church relates to the Universal Church.

In this section, the apparently simple question of incorporation into the episcopal college is shown to be associated with issues such as the sacramentality of consecration, the effects of consecration, the source of episcopal jurisdiction and the role of the papal mandate. Paul VI will address the same problems that, during the council, will increasingly focus on the following: Is the episcopate a sacrament? If so, which powers are sacramentally conferred and how are they to be exercised without prejudice to papal primacy? What are the conditions for membership in the college of bishops?

[43]See ibid., especially 238-40.

3. Apostolic Succession and the Episcopal College

As seen in the preceding section, some authors attach apostolic succession to the *grace of episcopal consecration.* For Lécuyer, bishops are successors of the apostles because they receive the same grace granted to the Twelve, namely, the charism to be a body of witnesses of Christ, the gift of certain knowledge of the New Law and the power to interpret it infallibly, and the courage to testify.[44] Boularand locates the episcopal charism in the universality and plenitude of spiritual powers inherited from the apostles, which come with the unique task of assuring the "total mediation" of Christ in the Church. So all powers in the Church are a participation in varying degrees in the full powers, "which the episcopal body holds from Christ."[45] Journet, in defining the grace of the episcopate, claims that the power of order and collegial participation in papal universal jurisdiction are transmitted at consecration through apostolic succession.[46] Finally, for Botte, bishops are successors of the apostles because they are graced to govern the Church and to continue the work of the apostles. The grace received forms bishops into an order or a college that also signifies the succession of bishops through which the apostolic tradition is transmitted.[47] From these authors, it may be concluded that apostolic succession is at the core of the grace of consecration since the grace empowers bishops precisely to continue the work of the apostles. As it empowers them, it establishes them as a body that guarantees the continuance of apostolic succession, particularly by incorporating new members to itself.

Papal authority, rather than consecration, occupies a more prominent position in the presentation of other authors on apostolic succession and the episcopal college. Marina contends that the Church is apostolic in origin, in doctrine and in ministry or succession.[48] True apostolic succession is guaranteed by two conditions: the uninterrupted succession of pastors and the legitimacy of succession, the latter obtaining from communion with the See

[44]Lécuyer, "La grâce," 406-10.

[45]Boularand, "La consécration," 35.

[46]Journet, "Vues récentes," 90.

[47]Botte, "L'ordre," 32-34, and "Caractère collégial," 108. In Botte's studies, the role of bishops in local Churches is at the forefront. But whether the connection of bishops to the Universal Church depends on their relation to the local Churches is not clear. In one instance, he says, "Les ordres sacrés apparaissent, dans les anciens documents, moins dans les détails des droits et devoirs de chacun que dans la perspective de l'Église universelle, corps vivant où chacun doit tenir sa place." Idem, "L'ordre," 34-35.

[48]B. Marina, "La apostolicidad como propriedad y nota de la iglesia," *XVI Semana Española de Teología,* 111.

of Peter, from which all power in the Church is derived.[49] Christ instituted the ordinary apostolic ministry *per modum collegii*, under the supreme direction of Peter and this divinely willed condition of legitimacy needs to be verified in visible communion with the Pope.[50]

Iturrioz affirms the succession of the episcopal college to the apostles especially in the office of teaching and governing.[51] Being head of the college, the pope is the only one who can admit members to the episcopal college. The powers of the apostles' successors are a natural and necessary extension of and participation in the fullness of power confided to Peter's successors.[52] Incorporation into the body that succeeds to the apostles, the acquisition and exercise of apostolic powers are all derived from and dependent on the successor of Peter.

Besides the arguments from consecration and the papacy, the one from an understanding of the *Universal Church* is employed by others. To explicate his thesis that a bishop is the visible image of Christ, Colson goes through an elaborate line of reasoning that starts with Christ as the "tradition" of God handed over to humanity, the apostles being the first witnesses of this "tradition."[53] Christ's "tradition," which is ultimately himself, is for us the episcopal body in its totality, the "global succession of bishops of all times and places."[54] The universal and timeless episcopate incarnates and interprets "tradition," the foundation of the unity of the Church. A bishop in any given diocese is "*only a mouthpiece of the great episcopal body* in which the spirit of Jesus Christ is incarnate."[55] Every bishop is bishop not individually but collegially, in unity with the whole episcopate, which builds the Universal Church in unity, and only thus can he in turn incarnate the Universal Church in a particular place.[56] So the individuality of a bishop is hardly important. What matters is that he is *Bishop*, the representative of the apostolic succession, and in him, as bishop and not as this or that individual, the mystical marriage between the apostolic succession and a particular Church occurs. Collegial succession to the apostles preserves the "tradition" and the

[49]Ibid., 111-12. Marina does not talk of validity but only of legitimacy of succession and its effect on jurisdiction and magisterium.

[50]Ibid., 113, 119.

[51]D. Iturrioz, "¿Es posible una verdadera sucesiòn apostólica enteramente independiente del sucesor de San Pedro?" in *XVI Semana Española de Teología*, 179-213.

[52]Ibid., 203-6.

[53]J. Colson, "Qu'est-ce qu'un diocèse?" *Nouvelle Revue Théologique* 75 (1953): 475.

[54]Ibid., 477.

[55]"L'évêque dans le 'diocèse' n'est qu'*une bouche de ce grand corps épiscopal* dans lequel s'incarne l'esprit de Jésus-Christ." Ibid., 478.

[56]Ibid., 479.

communion of the Church and assures the incarnation of the same "tradition" and Church in specific localities.

Frisque[57] starts with a view of the particular Church as a particular people gathered by the bishop in a particular place and time through his preaching, the sacraments, especially the Eucharist, and his apostolic action. He then grapples with how the bishop ministerially exercises the headship of Christ in the "convocation" of a local Church when in fact the lordship of Christ is universal. His solution is that a bishop is inserted into apostolic communion or spatial catholicity and in Tradition or temporal catholicity.[58] Since the Universal Church is a communion, each particular Church is authentic only to the extent that it maintains communion with the other Churches. Now every bishop truly assembles his local Church only if he sustains his link to the apostolic body of which he is a member. "He is 'one-who-assembles-in-communion with' other bishops."[59] But this communion in space needs to be coupled with apostolic succession in time, which focuses not primarily on the gathering of a people, but on the preservation and interpretation for all time of the apostolic witness or Tradition.[60] As in Colson, the local Church and the bishop's role in it make sense only in the communion that is the Universal Church, secured by apostolic communion and succession in the episcopal college.

Ultimately, all the talk about apostolic succession raises the question of whether the apostles could really be succeeded by bishops or by anyone, and if so, how? What is the *relation between the apostolate and the episcopate*? Rahner, seeing how different bishops governing limited territories succeed the apostles, proposes that the expression "successors to the apostles" be understood in the sense that

> the function of the apostolic college as a whole is continued in the Church primarily by the episcopal college as a whole, and not in the sense that each bishop is the direct successor of a particular apostle, because in that case neither his confinement to one territory nor his more limited teaching power could be plausibly explained.[61]

College succeeds to college in function. Furthermore, he proposes that the episcopate, especially in tandem with the papacy, be studied in the light of

[57]J. Frisque, "La place de l'Évêque dans la vie chrétienne," *Église vivante* 6 (1954): 278-82.

[58]Ibid., 282.

[59]"Il est 'celui-qui-convoque-en-communion-avec' les autres évêques." Ibid., 283.

[60]Ibid., 286-91.

[61]"Es nützt also für unsere genauere Fragestellung nichts, auf das Verhältnis zwischen Petrus und den Aposteln zurückzugreifen, zumal die Bischöfe ein begrenztes Territorium

the relationship between the local Church and the Universal Church, and not solely in reference to Peter and the apostles.[62]

Authors like Fernández-Jiménez and Monsegú, dwelling on Peter and the apostles, point out that succession does not entail the complete transmission of the *munus apostolicum* to the bishops, whether taken individually or collegially. The apostolic office has two aspects, one extraordinary and the other ordinary.[63] The former, properly apostolic, pertains to the unique task of founding the Church, while the latter, properly episcopal, deals with the governance of the Church for all time.[64] Extraordinary powers are not transferable, only ordinary episcopal powers are. Regarding jurisdiction, that of the apostles is extraordinary, received directly from God and full on account of the exigencies of the Church in its beginnings.[65] Bishops do not succeed to that. When it comes to infallibility, the apostles possess personal infallibility as an extraordinary power, and collegial infallibility as ordinary power.

The episcopal college is heir only to the latter.[66] Personal succession occurs only among the successors of Peter. The episcopal college figures differently in the discussion of apostolic succession according to the perspectives upheld by various authors.

verwalten und sich dadurch von den Aposteln auch unter einem jurisdiktionellen Gesichtspunkt wesentlich unterscheiden, so daß es sogar nicht ganz leicht ist zu sagen, inwiefern sie die 'Nachfolger' der Apostel seien, und es wahl geraten ist, diese Aussage danin zu verstehen, daß *primär* das Bischofskollegium als Ganzes eine Funktion in der Kirche ausübt, die die des Apostelkollegiums als Ganzes fortsetzt, nicht aber der einzelne Bischof umittelbar Nachfolger eines bestimmten Apostels ist, weil dann weder seine territoriale Gebundenheit noch seine geringere Lehrautorität erklärbar wäre." K. Rahner, "Primat und Episkopat," *Stimmen der Zeit* 161 (1957/58): 327. English translation used is from K. Rahner and J. Ratzinger, *The Episcopate and the Primacy* (New York: Herder and Herder, 1962), 22.

[62]Ibid., 20-30. For Rahner, the Eucharist and its presider, the bishop, are the main factors that determine the local Church as an "event" of the Universal Church.

[63]M. Fernández-Jiménez, "Fundamentos teológicos de la distinción de potestades de los apóstoles en ordinarias y extraordinarias y de por qué los obispos suceden en unas y no en otras," *XVI Semana Española de Teología*, 280.

[64]Monsegú, "Los obispos," 232. See also Journet, "Vues récentes," 90; Orrieux, "Fonctions," 667; M. Oltra, "Las potestades en que por razón del orden suceden los obispos ¿son las mismas de los apóstoles sin limitación alguna?" *XVI Semana Española de Teología*, 350-51.

[65]Fernández-Jiménez, "Fundamentos teológicos," 305-7; and Oltra, "Las potestades," 350-51.

[66]Fernández-Jiménez, "Fundamentos teológicos," 325.

a. Apostolic succession, deemed as the unique grace of consecration, constitutes bishops into a college, which is also the agent of the continuance of succession.
b. Without denying the succession of the episcopal college to the ordinary apostolic ministry, those who enter the issue by the door of papal supreme power conclude that whatever power the college has by virtue of succession is possessed and exercised as an extension of the pope's. Apostolic succession seems to be reduced to a problem of power, which is solved by reiterating and protecting the fullness of papal power.
c. Even the succession of the episcopal college to the ordinary powers of the apostolic college can be handled in such a way as to "isolate" the pope in the inheritance received personally from Peter and to limit what individual bishops have been given and can do personally.
d. At least two views of succession in relation to the Universal Church are discernible. The universalist tendency takes off from apostolic succession and the episcopal college as supralocal realities that render individual bishops as mere spokesmen of the college, and that membership to the college makes possible the incarnation of the Universal Church in particular places. The other perspective makes communion with the college and apostolic succession a condition for the authentic convocation of a local Church, which remains the primary task of a bishop.

In the council, Paul VI will often appeal to the theme of apostolic succession without expounding on its content. He will also concentrate on collegial succession as a relationship of proportionality, not of equality, between the apostolic college and the episcopal college.

4. Universal Jurisdiction and the Episcopal College

Journet[67] and Orrieux[68] follow the canonical theory that in the line of jurisdiction, Christ instituted two degrees: the supreme pontificate over the Universal Church transmitted to Peter's successors, and the subordinate episcopate passed over to the other apostles' successors who govern local Churches. The college, "*in solidum*, succeeds to the apostolic college in the task of structuring the Church by the transmission of the deposit of faith,

[67]Journet, "Vues récentes," 82.
[68]Orrieux, "Fonctions," 654.

of the sacraments and of authority,"[69] while the bishop of Rome succeeds to Peter and possesses supreme jurisdiction over the Church. These comprise, for Orrieux, the two ways by which the episcopate succeeds to the ordinary apostolic power. According to Journet, however, the episcopal college united to the pope can participate in his supreme jurisdiction.

For Monsegú, bishops have particular jurisdiction with respect to their local Churches, but as subordinate to and a participation in the universal jurisdiction of the pope,[70] whereas jurisdiction was universal and absolute in each of the apostles. This apostolic jurisdiction, though *received* directly from Christ, also came to them as subordinate to and participatory of Peter's,[71] and could be *exercised* only in communion with Peter on whom the Church was built.[72] For bishops, reception and exercise of particular jurisdiction follow the call from the pope to join the episcopal college and the papal mandate to govern a portion of the Church.

Alonso, stressing the intimate connection between the powers of order and of jurisdiction in the one hierarchy, argues that just as there is only one priesthood with various degrees of participation leading up to the singular power of consecrating the Real Body of Christ, so in jurisdiction, "all participation ascends to and descends from the Roman Pontiff."[73]

The authors noted above try to explain the jurisdiction of bishops by comparison and contrast with that of the apostles and of the pope. Under this two-pronged relation, three major issues are touched upon: the nature of episcopal jurisdiction, the origin of jurisdiction, and its exercise. Amid all the fine distinctions, the episcopal college gets scanty mention, but the little said about it deserves attention.

a. The discourse on jurisdiction does not clarify whether or not the college of bishops has a sacramental basis.
b. Membership in the college is seemingly rendered, in some of the authors, a mere prerequisite for the reception and exercise of particular jurisdiction and for participation in papal universal jurisdiction.

[69]"...le corps épiscopal, *in solidum*, succède au corps apostolique en la charge de structurer l'Église par la transmission du dépôt divin de la foi, des sacrements et de l'autorité..." Ibid., 667-68.

[70]Monsegú, "Los obispos," 230.

[71]Ibid., 232.

[72]Ibid., 236-37.

[73]"Del mismo modo (en la consagración del Cuerpo Real del Señor), en la línea de la jurisdicción, todas las participaciones ascienden hasta y descienden del Romano Pontífice." Alonso, "Orden y jurisdicción," 454.

c. The adjective "collegial" is often used to distinguish what the individual apostles and the pope are empowered to do personally for the Universal Church from what individual bishops cannot do personally on the same universal scale. In this sense, "episcopal college" is used as a wedge to separate bishops from the pope whose supreme universal power cannot entertain any rivalry. This is corroborated by the fact that very seldom is the pope explicitly referred to as a member who is also head of the college. Neither does the relationship between the bishops' particular Churches and the Universal Church get any solid treatment from the perspective of universal jurisdiction.

The question of collegial universal jurisdiction will later pose the greatest problem for Paul VI, whose attempts to reconcile the college's authority with papal universal prerogatives will lead to ambiguous declarations. The whole problematic will eventually center on the preservation of papal freedom in the exercise of supreme power.

5. Teaching Authority and the Episcopal College

Discussions on the teaching office of bishops frequently lead to a consideration of infallibility and jurisdiction. As is to be expected, different authors bring in their peculiar biases to the exploration of the topic. Lécuyer, working from the sacramental grace of the episcopate through which the Spirit permanently guides the Church, states that it is the Spirit who testifies through the bishops, not only in extraordinary circumstances like in a council, but at all times since the episcopal body possesses the sure charism of truth.[74] Thus, it is possible to link the "infallibility of the episcopal body [with] episcopal consecration itself."[75]

A question frequently asked is whether the teaching office of bishops arises from the power of order or from jurisdiction. Orrieux does not want to attribute the teaching role exclusively to either one, but acknowledges that its exercise might be by virtue of jurisdiction.[76] He would rather see the magisterial office as the fulfillment of the highest task demanded by apostolic succession, i.e., to assure the perpetuation and integrity of the deposit of faith. Teaching the faith must also pay heed to universality or diversity in the Church, without detriment to the unity of the faith. To respond to this double need, "the supreme jurisdiction, represented either

[74]Lécuyer, "Le sacrement," 250-51.
[75]Lécuyer, "La grâce," 409, n. 91.
[76]Orrieux, "Fonctions," 667.

by the pope alone or by the ecumenical council," is empowered to determine the truth of the faith through dogmatic definitions.[77]

> It is the doctrine of the episcopal body, defined either when it is dispersed or gathered in ecumenical council or concentrated in its head, the pope, teaching *ex cathedra*, that forms the proximate and immediate rule of the catholic faith.[78]

Not unlike Orrieux, Oltra believes that the *potestas docendi* belongs to both order and jurisdiction and can be better understood as an aspect of apostolic succession.[79] As first witnesses to Christ, each of the apostles has been given the Spirit's assistance of full, perfect and universal doctrinal power and infallibility. But with bishops, the special help of the Spirit guarantees infallibility only in the action of the college, considered not only materially one but also formally united with the pope, the symbol of unity.[80] Fernández-Jiménez concurs with this view,[81] but stresses the *universal* thrust of a magisterial act underlying infallibility. The pope teaches infallibly when he speaks to the *whole* Church *ex cathedra*. "In the same way, an ecumenical council and the college of bishops dispersed all over the world are also infallible."[82]

Finally, Iturrioz considers the teaching power as "a modality, the most intimate and profound, of the power of jurisdiction that the Church enjoys."[83] So what he says about jurisdiction above may be applied to magisterium: the bishops' teaching power comes immediately from the pope and is to be exercised in total dependence on him.

No one denies bishops their teaching authority and there is unanimity in ascribing to the college the Spirit's assistance in the infallible exercise of the magisterium under certain conditions. But differences in orientation also exist among authors.

a. What one holds as the ground of the college's existence and role often becomes the source of its power to teach and of its infallibility.
b. Whenever there is a tendency to associate the teaching office with jurisdiction more closely, the episcopal college enters only when

[77]Ibid., 668-69.

[78]"C'est la doctrine du corps épiscopal ainsi défini, soit dispersé, soit rassemblé en concile oecuménique, soit concentré en son chef le pape, enseignant *ex cathedra*, qui forme la règle prochaine et immédiate de la foi catholique." Ibid., 667.

[79]Oltra, "Las potestades," 359.

[80]Ibid., 361.

[81]Fernández-Jiménez, "Fundamentos teológicos," 325.

[82]Ibid., 326.

[83]Iturrioz, "¿Es posible?" 204.

> doctrinal infallibility, supreme jurisdiction and the Universal Church are the foci.

As the teaching role is seemingly narrowed down to the infallible exercise of teaching authority in this context, it is nevertheless elevated to a universalistic juridic level that can allow the involvement of bishops only as a *whole college*, with every caution about unity with the pope, the "natural heir" of the *potestas docendi*, as Oltra says. In such a universalistic perspective, the bishops' teaching power in their Churches does not seem to count for much for the whole Church. After all, bishops succeed to the apostles' infallibility only as a college, not as individuals. It is either the whole college or none at all, and in the college, it is ultimately the pope who counts.

Paul VI's concern with collegial teaching authority will be manifested in the effort to find an appropriate way of promulgating the teachings of an ecumenical council such that the pope and bishops may be presented as forming one collegial magisterial authority.

6. The Papacy and the Episcopal College

Since aspects of this theme have been touched upon in the preceding portions, what will be pointed out here are mostly efforts by authors to clarify the issue by returning to the history and doctrine of Vatican I. In dialoguing with the Orthodox, Dejaifve admits that the major obstacle to union with Rome is the question of supreme government in the Church, which is understood differently in ecclesiologies distinctive to each Church.[84] His main effort then is to show that the Orthodox notion of *sobornost, koinonia* or conciliarity is alive in the Catholic Church and that it is compatible with papal primacy.[85] For him, it could be inferred from the constitution *Pastor Aeternus* of Vatican I that the Church, in its totality, is governed by the episcopal body, successor to the apostolic college, with Peter and his successors as the principle of the college's unity. It is precisely the pope's mission to defend the cohesion of the flock and the united action of the episcopate. While the pope's power is full, it is not unlimited.

> It is exercised within the limits themselves of the Church's constitution, in accordance with its founder's will who associates to [the pope] in a binding way a college of bishops, natural and legitimate participants in his authority.[86]

[84]G. Dejaifve, "'Sobornost' ou Papauté?" *Nouvelle Revue Théologique* 74 (1952): 357, 481.
[85]Ibid., 468-69.
[86]"...il (le pouvoir du Pape) s'exerce dans les limites mêmes de la constitution de l'Église, conformément à la volonté de son fondateur qui lui associe obligatoirement un collège d'évêques, co-participants naturels de son autorité." Ibid., 473.

Rousseau illustrates basically the same idea by focusing on the interpretation of the teaching of Vatican I by the German bishops in 1875 and the favorable reception by Pius IX of the German declaration.[87] The affirmations of the bishops and Pius IX establish without doubt that the bishops have been instituted by Christ as successors to the apostles and nothing can change this essential structure of the Church. It is against this background that both Rousseau and Charue react against Beyer who believes that "if the Church wants to remain one in a world that is unifying, the papacy must speak, must speak often and must direct all," almost to the annihilation of the episcopate.[88]

For Iturrioz, the doctrine of Vatican I implies that at least in the visible social dimension, incorporation into the episcopal college, the immediate conferral of the power of jurisdiction, the exercise of this power, and the power to teach all depend on the authoritative will of the pope.[89] Bishops indeed teach and govern with proper authority, but it is received from the pope as a participation in the fullness of his own. Monsegú arrives at the same conclusion, without explicit reference to Vatican I. He also recalls that the apostolic college always includes Peter.

Still on the subject of universal jurisdiction but not directly drawn from Vatican I, Colson calls the pope the efficacious symbol of the unity of the episcopal college. It is the jurisdiction of the universal pastor that makes him such a symbol of the unity of the episcopate and of the Churches.[90]

It is quite obvious that the question of pope-college relation often boils down to a problem of power within the college and over the whole Church.

a. There is universal agreement that the pope is the center of unity for the episcopal body and the Church, but as seen above, he is efficaciously the symbol of unity because of his supreme jurisdiction.

[87]The texts of the German bishops' declaration and Pius IX's response are in O. Rousseau, "La vraie valeur de l'Épiscopat dans l'Église d'après d'importants documents de 1875," *Irénikon* 29 (1956): 121-50.

[88]J. Beyer, quoted in ibid., 128, n. 2; and in A.M. Charue, "L'évêque dans l'Église," *La Documentation Catholique* 1251 (1957): 634-35. Beyer says, "Si l'Église veut rester une dans un monde qui s'unifie, il faut que la papauté parle, qu'elle parle souvent et qu'elle dirige tout. Et voilà pourquoi ce XXe siècle est une nouvelle aurore dans l'Église, une aurore d'une ère nouvelle, d'une ère pontificale, comme il est également l'aurore d'un monde universel, d'une société internationale, et, comme les États disparaîtront, les évêches perdront de leur souveraineté laissant à Pierre et à ses successeurs la direction générale de tout le mouvement catholique, de toute l'action catholique, de tout l'apostolat."

[89]Iturrioz, "¿Es posible?" 211.

[90]Colson, "Qu'est-ce qu'un diocèse?" 480-81.

b. While the divinely instituted episcopate cannot be dissolved by the pope, thereby setting itself as a "limit" to his full power, reminders of the college's dependence on and subordination to the pope are certainly not wanting, especially in the realm of power.
c. Monsegú acutely observes that the college always includes the pope. This raises the question of the proper way of talking and thinking about the college that is always mindful of the pope's belongingness to it, an "inclusive language" of sorts.

The reconciliation of papal prerogatives with the individual and collegial powers of bishops will be the thorniest of issues to be encountered by Paul VI. It will also enter into almost all questions raised about collegiality.

C. EPISCOPAL COLLEGIALITY: 1959-1961

John XXIII's announcement of his intention to call an ecumenical council and the subsequent preparation for the historic gathering stimulated interest in episcopal collegiality, especially as represented and exercised in councils. But as Frisque rightly points out, factors like the liturgical and missionary movements also played no small role in stirring up discussion on collegiality. The liturgical movement has led to a rediscovery of the bishop as pastor or "convoker" of a local Church, within the communion of all bishops and of Churches.[91] The challenges presented by the modern world to the missionary enterprise brought to mind that Jesus' mission in the world is necessarily the mission of the apostolic college, "for no individual can bear adequately the missionary project of Jesus Christ, only this (apostolic) collegiality carries it."[92] But it goes without saying that the calling of Vatican II was the principal cause of a re-focusing on collegiality. In fact, many have suggested that the new council complete the Vatican I definition of papal primacy and infallibility by relating it to the episcopal body and by determining the place of both in a fuller ecclesiology.[93] It is not surprising to discover, therefore, that the reflection on collegiality during the antepreparatory and preparatory periods of Vatican II concentrated on the *theology of the ecumenical council* and the *ecclesiology of Vatican I*, while points

[91]J. Frisque, "La théologie de l'Église," *La Revue Nouvelle* 30 (1959): 524.

[92]Ibid., 523.

[93]See G. Dejaifve, "Le Premier des évêques," *Nouvelle Revue Théologique* 82 (1960): 562; H. Küng, "Das theologische Verständnis des ökumenischen Konzils," *Theologische Quartalschrift* 141 (1961): 75; R. Aubert, "Qu'est-ce qu'un Concile?" *La Revue Nouvelle* 30 (1959): 488; G. Thils, "Parlera-t-on des évêques au concile?" *Nouvelle Revue Théologique* 83 (1961): 788.

already raised in discussions before the announcement of the council underwent refinements.

1. The Theology of the Ecumenical Council

a. Ecclesiological Foundations

Presenting the conclusions of the days of ecumenical studies at Chevetogne for 1959, Congar dwells on the theology of councils or the ecclesiology involved in conciliar realities.[94] Collegiality is a property derived from the very nature of the Church as communion and must be honored in its structures, its prayer, and the exercise of authority. Created by the Spirit,[95] communion and unanimity are expressed in a council, a privileged moment where the solidarity or profound unity of the episcopal body in the one episcopate or the same pastoral charge of the Church is made manifest, "where each bishop has jurisdiction over the whole Church, judges the faith for the whole Church and can pronounce a *dogma* for it, the faith being precisely the universal reality *par excellence*."[96] But this universal scope of a council does not blur the relation between the bishop and the local Church, where the former is the personification or *résumé* of the latter.[97]

Rahner insists that if supreme authority is possessed by an ecumenical council, there must be a principle *iuris divini* to support it; otherwise its power is either a curtailment of papal primacy or merely a concession from the pope.[98] To get over the dilemma, it must be acknowledged that the episcopal college always exists as the subject of the *potestas suprema* even when not gathered in a council and even when the pope acts *ex sese* because, as pope, he acts as head of the college.[99]

[94]Y. Congar, "Conclusion," *Le Concile et les conciles: contribution à l'histoire de la vie conciliare de l'Église* (Paris: Cerf, 1960), 300ff.

[95]"Une théologie de la collégialité suppose une théologie du Saint-Esprit: c'est Lui qui est créateur de la communion, de l'unanimité." Ibid., 312.

[96]"(Cette possibilité de s'occuper du tout s'actualise) soit enfin au concile oecuménique, où chaque évêque a juridiction sur toute l'Église, juge de la foi pour toute l'Église et peut prononcer un *dogma* pour elle; la foi étant précisément la réalité universelle par excellence, la première de celles auxquelles et dans lesquelles tous communient." Ibid., 308.

[97]Congar, however, also says: "L'épiscopat reproduit des traits de l'apostolat, dont il dérive. Il est une réalité unique à laquelle chaque évêque participe: il est charge pastorale *de l'Église* avant d'être charge pastorale d'une Église particulière dans la communion de toutes les autres." Ibid., 307.

[98]K. Rahner, "On the Divine Right of the Episcopate," *The Episcopate and the Primacy*, 85.

[99]Ibid., 86, 120.

For Le Guillou, traditional ecclesiology held by East and West before the schism maintains that the Church is "constituted by the communion of local Churches represented by their bishops and identified with them, a communion which has the Church of Rome as its center and head."[100] Since local Churches are eucharistic assemblies gathered around the bishops and linked among themselves in a communion symbolized by the Eucharist, the Church then is a sacramental communion of various local Churches expressed in the communion of bishops who guard together the faith and unity of the Church. Bishops are aware that they have been incorporated into a college through the collegial act of consecration, and that they lead their respective flocks in communion with that college.

> This awareness of "communion" will give birth to ecumenical councils which are nothing but the episcopal college, the *Ordo Episcoporum*, united to exercise harmoniously and together its task of governing the Church of God, conscious of guarding the deposit under the impulse of the Spirit.[101]

Through some etymological analysis of the words *concilium* and *ekklesia*, Küng concludes that the Church is in essence "the great *Concilium* of believers which God through Christ in the Spirit has called together"[102] or the ecumenical council of divine convocation (*ökumenische Konzil aus göttlicher Berufung*). What is normally known as an ecumenical council is to be qualified as a council of human convocation (*aus menschlicher Berufung*), which "is not entirely the Church but only the representation, the portrayal and the realization of the Church."[103] While history attests to the active role of lay people in councils, Catholic tradition holds a special place for the participation of bishops since a council should reflect the very structure of the Church. Bishops who represent particular Churches must exercise in a council their function of teaching and leadership for the whole Church. They do not

[100]"Aussi bien, l'Église catholique, *dans sa visibilité même*, est-elle constituée par la communion des Églises locales représentées par leur évêque et comme identifiées à lui, communion qui a pour centre et pour tête l'Église de Rome." M.J. Le Guillou, "Église et 'Communion,'" *Istina* 6 (1959): 34.

[101]"Cette conscience de la 'communion' donnera naissance aux Conciles oecuméniques qui ne sont rien d'autre que le Collège épiscopal – l'Ordo Episcoporum – réuni pour exercer d'un commun accord et conjointement, la charge qu'il a de régir l'Église de Dieu, dans la conscience de garder le dépot sous la motion de l'Esprit." Ibid., 38.

[102]"So ist die Gesamtekklesia die geheimnisvolle Versammlung der Christusgläubigen. Sie ist – um es nun mit einem anderen Worte zu sagen – das große *Concilium* der Glaubenden, das Gott selbst durch Christus im Geiste berufen hat." Küng, "Das theologische Verständnis," 59.

[103]"Das ökumenische Konzil aus menschlicher Berufung ist nicht einfach die Kirche, sondern nur Repräsentation, Darstellung und Vergegenwärtigung der Kirche." Ibid., 60.

advise the pope; rather they decide directly and authoritatively on the concerns of the Universal Church, and so exercise their part in its governance. Therefore, in a council, it is the task of the bishops "to represent and to guarantee the apostolic *collegiality* of the Church and its leadership."[104]

Ratzinger disagrees with Küng's deduction of the theology of ecumenical councils directly from the essence of the whole Church, for one would be hard pressed to explain why only one group of that Church, the bishops, is predominantly represented in a council.[105] One should start instead with the mission of the Twelve to whom the bishops succeed as a college. A bishop is bishop only by belonging to this college and by the presence of the whole college in him. The collegiality of bishops "belongs to the nature of the Church which is and remains apostolic Church only through this collegiality."[106] From the earliest of times, bishops have come together to live out their being one community. This type of gathering has come to be known as a council, the practical fulfillment of collegiality. Collegiality as a constitutional element in the Church is of divine right; the manner of concretizing it is of human designation. He concludes: "Not directly from the idea of the Church itself, but first from the idea of episcopal collegiality does the essential notion of a council follow."[107]

Haible, like Ratzinger, roots the theology of councils in the succession of bishops to the college of the Twelve who proclaimed and interpreted not only the word that Jesus said, but the Word that Jesus is.[108] To the episcopal college is entrusted the further deepening and preaching of the apostles' word about Jesus. In a council, where the episcopal college can make binding and infallible proclamations, not only is the apostolic word made present, but the apostolic college as well.[109] In a similar vein, Aubert is able to say that an ecumenical council is the "continuation and most adequate representation of the apostolic college."[110] While it cannot be stressed enough that in a council the college of bishops solemnly expresses the au-

[104]"...ist es... die besondere Funktion der im ökumenischen Konzil aus menschlicher Berufung zusammentretenden Episkopoi, die apostolische *Kollegialität* der Kirche und ihrer Leitung zu repräsentieren und zu guarantieren." Ibid., 76.

[105]J. Ratzinger, "Zur Theologie des Konzils," *Catholica* 15 (1961): 297.

[106]"...gehört die Kollegialität der Bischöfe zum Wesen der Kirche, die nur durch diese Kollegialität apostolische Kirche ist und bleibt." Ibid., 298.

[107]"Nicht unmittelbar aus dem Begriff der Kirche selbst, sondern erst aus dem Begriff der bischöflichen Kollegialität folgt der Wesensbegriff des Konzils." Ibid.

[108]E. Haible, "Die Vergegenwärtigung des Apostelkollegiums," *Zeitschrift für katolische Theologie* 83 (1961): 83.

[109]Ibid., 87.

[110]Aubert, "Qu'est-ce qu'un concile?" 481.

thentic apostolic Tradition of the whole Church, Aubert insinuates that bishops can judge the Tradition adequately only if they truly witness to the faith and diverse traditions of their local Churches in whose interaction the core of the common faith shines forth.[111]

The conclusion reached by Botte in his research could serve as a summary of the various theologies of councils. While the conciliar movement "could have been facilitated from outside (the Church), it nevertheless comes from within,"[112] namely, from *the Church's foundation on the apostolic college, on apostolic tradition and apostolic authority.* The successors of the apostles, the bishops, watch over the deposit of faith in solidarity with each other. This collegial principle is what has been concretized in the conciliar organization of the Church.

b. Collegial Jurisdiction

What is the source of the collegial jurisdiction exercised by bishops in a council? What is its nature? These questions are closely related to questions such as: Who can participate in a council by right? Who is (are) the subject(s) of supreme power in the Church? The theory put forth by the eighteenth-century theologian Bolgeni on the matter receives differing responses from Hamer and Gagnebet.[113] Bolgeni distinguishes between particular jurisdiction limited to a diocese and universal collegial jurisdiction, which consists of the right to govern the Universal Church and the duty to see to its needs. Bishops obtain this universal jurisdiction through consecration, which incorporates them into the episcopal college and which makes them capable of governing the Church either united in council or dispersed but in union with the pope. Not coming from the pope, it nevertheless is exercised under his authority. Thus, there exist in the Church two subjects of supreme and universal power: the pope and the episcopal body united to the pope.

For Hamer, Bolgeni has given new expression to a traditional teaching. By accenting the collective aspect of the bishops' succession to the apostles, Bolgeni was able to justify the existence of episcopal universal collegial jurisdiction while keeping papal universal jurisdiction intact. Bolgeni's theory is affirmed by Kleutgen in his redaction of *de Ecclesia Christi* at Vatican I.[114]

[111]Ibid., 483, 496.

[112]B. Botte, "La Collégialité dans le Nouveau Testament et chez les Pères apostoliques," *Le Concile et les conciles*, 18.

[113]J. Hamer, "Note sur la collégialité épiscopale," *Revue des Sciences philosophiques et Théologiques* 44 (1960): 45ff; M.R. Gagnebet, "L'origine de la juridiction collégiale du corps épiscopal au concile selon Bolgeni," *Divinitas* 5 (1961): 435ff.

[114]Hamer, "Note," 48-49.

Gagnebet is not sympathetic to Bolgeni and his supporters. If the universal jurisdiction of bishops is granted at consecration, Peter would cease being the sole holder of the fullness of power over the Universal Church, thereby endangering its monarchical constitution.[115] Episcopal character does not confer jurisdiction but makes a bishop capable of receiving and exercising it. Collegial universal jurisdiction, by which bishops exercise the supreme magisterium and universal governance for the Church, is communicated by the pope to the bishops associated to his concern for the whole Church. Before being called to a council, bishops possess a *simple aptitude* to be associated by the pope with the exercise of his supreme authority.[116] When the pontifical authority has been communicated to them, their particular jurisdiction is elevated to the universal level, making them true teachers and legislators, though not supreme judges and sovereign heads.[117] The authority of councils is not equal to the fullness of apostolic power. So it is better to say that there are two subjects of supreme power related differently to the supreme authority.

> This [supreme] authority belongs to the pope exclusively in all its fullness and independently of all visible authority in the Church... The episcopal body, on the contrary, does not have it by itself: it has only the capacity or the aptitude to receive communication of this power from its proper subject, the pope, in order to exercise it collectively with him and in dependence on him.[118]

According to Rahner, episcopal power of jurisdiction belongs to the whole episcopate by divine right and cannot be claimed by the pope for himself alone.[119] The episcopal college is the unique subject of supreme jurisdiction and magisterium. The pope is head of the Church and enjoys full jurisdiction insofar as he is head of the college. In this framework, the college truly rules the Church without reducing the pope to a mere delegate of the college, and the pope truly governs the Church without turning the college into his executive instrument.[120]

[115]Gagnebet, "L'origine," 467-69.

[116]Ibid., 475.

[117]Ibid., 477-79.

[118]"Au Pape, cette autorité appartient en propre dans toute sa plénitude et dans l'indépendance de toute autre autorité visible dans l'Église... Le corps épiscopal au contraire ne l'a pas par lui-même: il ne lui convient que la capacité ou l'aptitude à recevoir communication de ce pouvoir par le Pape son sujet propre, pour l'exercer conjointement avec lui et dans sa dépendance." Ibid., 488.

[119]Rahner, "On the Divine Right," 71ff.

[120]Ibid., 79.

c. Conciliar Magisterium and Infallibility

Ratzinger often reflects on this topic in connection with papal primacy. The bearers of simple ordinary magisterium are the diocesan bishops, while the general ordinary magisterium is found in the unanimous proclamation of bishops united with the pope.[121] This general ordinary teaching function, which is collegial, is the normal form of infallibility in the Church.[122] Just as the simple ordinary magisterium can take extraordinary forms in diocesan and provincial synods, so can the general ordinary magisterium take extraordinary forms in councils and in the *ex cathedra* definition by the pope. An ecumenical council can never take sides against the pope because the episcopal college is not the full college without the bishop of Rome. In another article, he argues that the ecumenicity of a council depends on the participation of the See of Rome, outside of which there is no "weightier" apostolic see.

> To this extent a council is never an independent subject of infallibility, distinct from, or even against, the pope. For the pope is himself a bishop, *the* ecumenical bishop, without whom the episcopate would never have its full number, nor above all its "full weight," but would necessarily have to be judged "too light."[123]

Even without a council, a solemn definition by the pope is juridically complete, although its sense and legitimacy come from the *consensus fidelium*.[124] Ratzinger ends by suggesting that one important task is to let the ordinary magisterium be ordinary and the extraordinary be extraordinary. The ordinary collegial magisterium of bishops should not be made superfluous by constant pronouncements of a central bureaucracy.[125]

C. Colombo also considers collegial infallibility vis-à-vis papal infallibility.[126] In the episcopal college united with the pope, there is no doctrinal infallibility greater than that possessed by the pope personally. But in the

[121]Ratzinger, "Zur Theologie," 299.

[122]Ibid., 300.

[123]"Insofern ist das Konzil niemals ein selbständiger Unfehlbarkeitsträger neben oder gar gegen den Papst. Der Papst is ja selbst ein Bischof, *der* ökumenische Bischof, ohne den der Episkopat nicht vollzählig und vor allern nicht 'vollgewichtig' wäre, sondern notwendig als 'zu leicht' befunden werden müßte." J. Ratzinger, "Primat, Episkopat und Successio Apostolica," *Catholica* 13 (1959): 260-277. English translation in Rahner and Ratzinger, *The Episcopate and the Primacy*, 61.

[124]Ratzinger, "Zur Theologie," 302.

[125]Ibid., 303.

[126]C. Colombo, "Episcopato e primato pontificio nella vita della Chiesa," *La Scuola Cattolica* 88 (1960): 426ff.

episcopal college, there is a greater wealth of "charisms" for the building up of the Church, making the whole college headed by the pope a more adequate body for the fuller investigation and presentation of the Christian truth. After all, the primacy involves "the charism of personal infallibility, but not omniscience for the teaching of revealed truth."[127] Besides, the united college brings out a more appropriate image of the Good Shepherd since the bishops know the unique character and needs of the particular flocks they "represent" in the college.

Among the many issues raised in this section, that which will occupy Paul VI the most—because of its ramifications for papal personal power—is the teaching on the episcopal college as subject of supreme and full power. As already noted earlier, Paul VI will also deal with the manner of promulgating conciliar teachings as acts of the college.

2. Vatican I Studies

The studies on the theology of the episcopate in Vatican I have three predominant interests:

a. to make plain the incompleteness of the promulgated doctrine on the papacy due to the absence of an ample presentation on the episcopacy;
b. to indicate, through the perusal of documentation of deliberations in the aula and in commissions, that the problem of the episcopate was indeed alive in Vatican I; and
c. to point out for the coming council questions on the episcopacy that need to be addressed, not to abrogate the doctrine of Vatican I, but to place it within a fuller ecclesiology.

The lack of explicit treatment of the relation between the bishop of Rome and the episcopal college in the Vatican I constitution on the Church has given the impression that the pope is outside the college. The problem is compounded, in C. Colombo's opinion, by the fact that the papacy was approached as a juridical principle rather than as a historical supernatural reality.[128] Be that as it may, in the finished product, G. Colombo shows that questions, issues and theologies related to the episcopate were truly raised at significant moments of the genesis and history of the constitution.[129] Dejaifve

[127]"Il Primato comporta il carisma della infalibilità personale, ma non l'onniscienza per l'insegnamento della verità rivelata." Ibid., 427.

[128]Ibid., 402.

[129]G. Colombo, "Il problema dell'episcopato nella constituzione 'de ecclesia catholica' del Concilio Vaticano I," *La Scuola Cattolica* 89 (1961): 344-72.

basically does the same thing.[130] The concern to keep secure the role of the episcopal college in the Church was not a creation of the post-Vatican I era.

One area of Vatican I research that has received much attention is Kleutgen's redaction of the second constitution on the Church, according to the observations of the council Fathers. Hamer calls it "the least deformed echo that we have of the common convictions of a very considerable part of the assembly at the moment when it dispersed."[131] There Kleutgen says that the fullness of supreme power resides in two subjects, the pope and the episcopal body united to the pope, either in council or dispersed all over the world. These two subjects, though distinct, are not separate from or opposed to each other. The possession of supreme power by two subjects is ultimately explained by the dual promise of Jesus, one made personally to Peter and the other made collectively to the college led by him. Thils documents the presence of the same ideas in Zinelli.[132] These views reflect those of Bolgeni, whose position Hamer has presented in an essay on how the preparation for Vatican I raised the question of participation in a council and of collegial jurisdiction. One of the most notable aspects of the supreme power attributed to the episcopal body is doctrinal authority. Thus, the episcopal college united with the pope, either in council or while dispersed, is a subject of infallibility.[133]

Aside from the topic of power, the reform of the Church's central government as demanded by the principle of conciliarity is the focus of Dejaifve's study of a document signed by eleven French bishops during Vatican I.[134] These bishops called for the internationalization of the Roman Curia and the College of Cardinals, for decentralization and more episcopal autonomy in the governance of their Churches, for respect for the ordinary jurisdiction of bishops in their dioceses, for the liberty of action necessary for the fulfillment of their collegial mission in the whole Church, for the periodic holding of provincial, national and even ecumenical councils. It is also shown that the unity of the Church and its apostolic mission were the objects of these bishops' collegial solicitude.

[130]Dejaifve, "Le Premier," 563ff.

[131]"Je n'hésite pas à dire que le document du P. Kleutgen est l'écho le moins déformé que nous ayons des convictions communes d'une partie très considérable de l'assemblée au moment où elle se sépare." J. Hamer, "Le corps épiscopal uni au pape, son autorité dans l'Église, d'aprés les documents du premier concile du Vatican," *Revue des Sciences Philosophiques et Théologiques* 45 (1961): 25.

[132]Thils, "Parlera-t-on," 794ff.

[133]Ibid., 797-99, 802.

[134]G. Dejaifve, "Conciliarité au Concile du Vatican," *Nouvelle Revue Théologique* 82 (1960): 785-801.

From their studies, the authors cited above have come up with interesting theological and pastoral implications of the ecclesiology of Vatican I.

a. Each bishop is a mediator of salvation for a particular Church as he participates in a universal mission due to the apostolic power he has received. As a college united to its head, all bishops have supreme power over the Church. Though the pope's specific office is the universal governance of the Church, it must be exercised simultaneously over and within a collegiality such that bishops, who have been given as natural and obligatory associates, cannot be passed over by the pope.[135]
b. In a council, the episcopal body united to its head exercises full and supreme power in a collective act, a consensus. The episcopate is not merely associated to the pope's personal decision; it is rather involved in a "concert," an exercise of coresponsibility, which demands openness to the universal needs of the Church and readiness to respond to them. Constant presence to the problems facing the Church's universal mission is also presupposed.[136]
c. Episcopal collegiality is not exercised solely in an ecumenical council but also in the ordinary universal magisterium of bishops. On a lesser scale and according to various modalities, it is at work in particular councils and episcopal conferences. Since a diocese is the presence of the Church in a particular territory, bishops also exercise collegiality in their openness to the universal needs of the Church.[137]

As indicated at the beginning of this section, many authors continued reflecting on collegiality in conjunction with aspects of the theology of the episcopate already elaborated on in the second section of this chapter. It suffices here to name these authors and to show, where needed, new emphases.

The basis of episcopal collegiality in *sacramental charism* and *apostolic succession* is very much in evidence in C. Colombo and Broutin.[138] The *relation between the Universal Church and the local Church* occupies a major part in the works of Duquoc[139] and Colson.[140] The argument from *the mission to evange-*

[135]Dejaifve, "Le Premier," 572-74.

[136]Hamer, "Le corps épiscopal," 29-31.

[137]Hamer, "Note," 50.

[138]P. Broutin, "Du devoir divin d'évangéliser le monde imparti au collège épiscopal," in *L'Évêque dans l'Église du Christ* (Bruges: Brouwer, 1963), 95-122.

[139]C. Duquoc, "Tête et corps dans le collège episcopal: infaillibilité fonctionnelle et graduée, l'impossible dilemme," in *L'Évêque dans l'Église du Christ*, 81-93.

lize the world is pursued by Colson, Broutin and Orrieux. Broutin uses a "praxis approach," working from the actual efforts and activities of the French bishops in the evangelization of Canada, Africa and Asia to demonstrate the existence in history of the episcopal college in its common concern for evangelization. Reflections on *jurisdiction and apostolic authority* are found in Benoit,[141] Journet,[142] and C. Colombo. The *teaching authority and infallibility* of the college is treated in the survey article of Otto[143] and in the work of Duquoc, where he speaks of two modalities, rather than subjects, of infallibility. Finally, the *practical applications of collegiality* are spelled out by many. But the most interesting, on account of the author's prominence among Montini's trusted advisers, are C. Colombo's. After calling for a dogmatic definition of the charism of the episcopate and the sacramentality of episcopal consecration, he adds that in the juridico-pastoral realm, bishops should be given sufficient freedom of action and power to deepen and conserve the spiritual traditions of their Churches. He also favors the collaboration among dioceses belonging to identical communities and advocates the development of "collegial" organizations like episcopal conferences. Lastly, forms of collaboration between the pope and the bishops should be fostered.

> One such form could be the constitution in Rome of central organisms, maybe of periodic types, composed of members (bishops) in part chosen by the Supreme Pontiff, in part elected by national episcopal conferences, to whom would be entrusted the task of examining and of deciding on all problems of a doctrinal, disciplinary and spiritual character that could arise, in order to reconcile the unity, universality and apostolicity of the one Church of Christ, while respecting the "spiritual traditions" of the individual portions of the one Church and the proper pastoral competence of the bishops. The collegial decisions would acquire value, obviously, only with the approval and promulgation by the Supreme Pontiff, to whom falls, as is evident, the final judgment.[144]

[140]J. Colson, "Evangelisation et collégialité apostolique," *Nouvelle Revue Théologique* 82 (1960): 349-72.

[141]P. Benoit, "Les origines apostoliques de l'épiscopat selon le nouveau testament," in *L'Évêque dans l'Église du Christ*, 13-57.

[142]C. Journet, "Les pouvoirs hiérarchiques chez les apotres, le pape, les évêques," in *L'Évêque dans l'Église du Christ*, 193-202.

[143]S. Otto, "Papst, Bischof, Konzil," *Münchener Theologische Zeitschrift* 11 (1960): 248-61.

[144]"Una di tali forme potrebbe essere la costituzione a Roma di organismi centrali, forse di tipo periodico, composti di membri (Vescovi) in parte scelti dal Sommo Pontefice in parte eletti dalle Conferenze Episcopali nazionali, ai quali venisse affidato il compito di esaminare e di decidere tutti i problemi di carattere dottrinale, disciplinare e spirituale, che

This suggestion contains ideas similar to those that will eventually inspire the institution of the synod of bishops.

Regarding Vatican I, Paul VI will repeatedly state that one mission of Vatican II is to complete the doctrine of Vatican I on the papacy with that on the episcopacy. During the council itself, he will start preparing the ground for institutional reforms that will make the collegial principle operative in the life of the Church.

D. CONCLUSION

If there is anything that this chapter has shown, it is the complexity of the discussion on episcopal collegiality during the decade before the opening of Vatican II. It also comes out quite clearly that it has been rightfully a part of the much larger search for a new ecclesiological synthesis, much fueled at the eve of the council. The diverse and often conflicting perspectives on collegiality are simply reflective of the "agitations" accompanying the adjustments needed in balancing the highly juridical and monolithic ecclesiologies with those stressing the mysteric, sacramental, communitarian and missionary facets of the Church. It has never been an issue of mutual exclusion, but of rediscovering other doors provided by Tradition through which to enter the mystery of the Church and of rethinking its various aspects from the vistas opened up by the newly trodden paths. This phenomenon is reflected in the growing use of the language of charism, mission, communion, local Churches, diversity and pluralism, coresponsibility and collegiality. Biblical, liturgical and patristic sources also became precious wells from which to draw ecclesiological insights.

Almost every important issue touching episcopal collegiality could be considered a stage on which differing frameworks presented their respective cases and challenged each other's merits, and in the process brought questions into sharper focus. Some of these questions are:

1. Does the college have a sacramental basis?
2. How does one enter into the college?
3. What are the effects of episcopal consecration?
4. What is an adequate understanding of apostolic succession?

potessero sorgere per conciliare l'unità, l'universalità e la apostolicità dell'unica Chiesa di Cristo con il rispetto e la cura delle 'tradizioni spirituali' delle singole porzioni dell'unica Chiesa e della competenza pastorale propria dei Vescovi. Le decisioni collegiali acquisterebbero valore, evidentemente, soltanto con la approvazione e la promulgazione da parte del Somma Pontefice, al quale spetta, com'è evidente, il giudizio ultimo." C. Colombo, "Episcopato," 433.

5. What is the role of the college in the Universal Church? By what right does it receive this role? How is it exercised?
6. With papal primacy and infallibility securely set in place by Vatican I, how are collegial jurisdiction and infallibility to be explained? What is the source of collegial jurisdiction and infallibility?
7. How do we explain the relation within the college between bishops and the pope, who is both a member and head of the college? How does the pope's headship of the Church relate to headship of the college?
8. How does headship of a local Church relate to a bishop's membership in the college?

With the announcement of Vatican II, the debate became a forum on how collegiality should be understood and practiced in a council. Since an ecumenical council was unanimously accepted as the most appropriate expression of collegiality, the forthcoming one provided not only the occasion for the proliferation of theologies of councils, but also an imminent "test case," as it were, of how collegiality worked, especially in the thorny area of reconciling papal authority with collegial jurisdiction. Reminders of the diversity of local Churches and traditions that must be respected were inserted in many studies, as well as suggestions on how to keep collegiality alive in the Church at the conclusion of the council.

Montini would not only witness the intense debates on the theology of the Church and on collegiality and be bombarded by the varied views presented in this chapter, but especially as pope, would have to guide the search for a new ecclesiological balance of which episcopal collegiality has always been hailed as a touchstone. On his shoulders also fell the burden of manifesting in the first council after the definition of papal primacy and infallibility how a pope exercised his personal prerogatives at a special moment when his fellow bishops were gathered to exercise with him their collegial authority in the Church.

CHAPTER II

Cardinal Montini's Participation in the Preparation and First Period of Vatican II

John XXIII's announcement of his intention to convoke an ecumenical council was promptly followed by an antepreparatory stage (1959-1960). This stage consisted mainly of consultations of the worldwide episcopate and other ecclesiastics and institutions. The succeeding preparatory stage (1961-1962) saw the creation of various commissions entrusted with drafting and refining schemata. The schemata were based on suggestions gathered in the preceding phase and the general goals of the council. The first period solemnly opened on October 11, 1962, and closed on December 8, 1962. The activities of the intersession were interrupted by the death of John XXIII on June 3, 1963, but were resumed by his successor, Paul VI. One of his first decisions was to continue the council. These four time segments spanning almost four years will be the scope of this chapter's investigation.

An adequate presentation of Cardinal Montini's contribution to the preparation and unfolding of the council, even prescinding from the question of the episcopate and collegiality, would have to consider both his public acts and his *activité en coulisse*.[1] Both sets of activities, in turn, need to be understood in the light of numerous contexts. Foremost among these was the Montinian episcopate in Milan, the Church he directly "represented"

[1]J. Grootaers, "L'attitude de l'archevêque Montini au cours de la première période du concile (octobre 1962-juin 1963)," *Giovanni Battista Montini, Arcivescovo di Milano e il Concilio Ecumenico Vaticano II, preparazione e primo periodo* (Brescia: Istituto Paolo VI, 1985), 263-72.

at the council.[2] Not to be dismissed are his theological and cultural preparation, preferences and evolution.[3] His ecclesiastical "career,"[4] the privileged relation he maintained with John XXIII,[5] his position within the Italian episcopate, and his reputation and standing in the Roman Curia surely influenced his conduct and views.[6] Finally, his instinctive reaction to the announcement of the council and his impressions of its actual progression somehow determined his major concerns.[7]

Valid and important though these overlapping contexts may be, they are not easily verifiable given the archival restrictions still in place and the dearth of published memoirs of conciliar Fathers and *periti*. Such a state of affairs imposes a methodological limit and forces one to concentrate on Montini's public official acts and initiatives on behalf of the council. Among the activities behind the scenes and factors determinant of contexts, only those strongly supported by reliable and converging testimonies will be adverted to.

For someone whose temperament and training would have made it impossible for him to call an ecumenical council had he been pope in 1958,[8]

[2]R. Aubert and G. Colombo, "Note Preliminari," in *Giovanni Battista Montini*, 11-16, and the two detailed studies in the same volume by G. Rumi, "L'Arcivescovo Montini e la società del suo tempo," 17-33; and E. Manfredini, "Le scelte pastorali dell'arcivescovo Montini," 46-155. See also G. Rumi, "Montini Arcivescovo di Milano," in *Paul VI et la modernité dans l'Église* (Rome: École française de Rome, 1984), 129-34.

[3]The following studies are worth noting in *Paul VI et la modernité dans l'Église*: É. Fouilloux, "Giovanni Battista Montini face aux débats ecclésiaux de son temps, 1944-1954," 85-99; J. Prévotat, "Les sources françaises dans la formation intellectuelle de G.B. Montini," 101-27; N. Vian, "Le radici bresciane di G.B. Montini," 15-31. See also V. Peri, "Le radici italiane nella maturazione culturale di Giovanni Battista Montini," *Archivium Historiae Pontificiae* 22 (1984): 299-356.

[4]Almost all studies mentioned in the preceding footnote include remarks on the effect that Montini's years in the Vatican Secretariat of State had on his views and approaches. For more specifics, see R.A. Graham, "G.B. Montini Substitut Secretary of State (in tandem with Domenico Tardini)," in *Paul VI et la modernité dans l'Église*, 68-82.

[5]A valuable aid to gain insight into this long relationship is *Giovanni e Paolo, Due Papi: Saggio di corrispondenza (1925-1962)*, ed. L.F. Capovilla (Brescia: Istituto Paolo VI, 1982).

[6]See especially Grootaers, "L'attitude," 257ff.; Fouilloux, "Giovanni," 89-90, 99; and Prévotat, "Les sources," 124.

[7]A. Fappani, *Padre Giulio Bevilacqua, Il cardinale-parroco* (Brescia, 1979), 296; cited in G. Martina, "Paolo VI e la ripresa del concilio," *Paolo VI e i Problemi Ecclesiologici al Concilio* (Brescia: Istituto Paolo VI, 1989), 20. Montini's dissatisfaction with the direction of the council is part of the testimony presented by L. Suenens, "Testimonianze," in *Giovanni Battista Montini*, 178-87, and "Aux origines du Concile Vatican II," *Nouvelle Revue Théologique* 107 (1985): 3-21.

[8]A. Rimoldi, "La preparazione del Concilio," *Giovanni Battista Montini*, 205.

and whose alleged first reaction to the pope's announcement was fear of the potential problems such an undertaking could give rise to,[9] Montini's array of activities related to the council is quite impressive.[10] His meticulous personal study, his concern to prepare the archdiocese of Milan, his clarity of purpose, his love for the Church, his loyalty to the pope and his faith in the Christ who guides His Church all shine through Montini's conferences, homilies, letters and opinions during this period of the council. And it is in the same spirit that he addressed the question of the episcopate.

A. ANTEPREPARATORY PHASE: 1959-1960

With regard to the episcopate and collegiality, three sources deserve attention. First is Montini's *Pareri e voti per la buona riuscita del concilio*, sent to the Conciliar Antepreparatory Commission on May 8, 1960.[11] Second is the *Pareri e voti della Pontificia Facoltà di Milano*, approved by Montini in his capacity as Chancellor of the university.[12] The last is Montini's conference entitled *I Concili ecumenici nella vita della Chiesa*, delivered at Passo della Mendola on August 16, 1960, during the XXXII Corso di aggiornamento culturale organized by the Università Cattolica del S. Cuore.[13] In these documents, the episcopacy surfaces in two major contexts: within the general doctrine on the Church that the council must take up and within his reflections on the concept of an ecumenical council.

1. The Episcopacy as an Ecclesiological Topic at the Council

The text of the Cardinal's *Pareri*, by its very nature an enumeration of opinions and desires, does not contain argued theological positions and explanations. But it nevertheless provides important indications of Montini's orientation on the episcopacy.

He first mentions the episcopacy in the second major part of the document devoted to doctrinal issues, under the subheading *Quaestiones circa*

[9]G. Martina and E. Manfredini, "Discussione," *Giovanni Battista Montini*, 244, 252. Martina refers to Fappani's biography of Padre Bevilacqua, which recounts Montini's alleged remark in a telephone call to Bevilacqua upon hearing the announcement of the council, "Ha sentito, padre? Che vespaio, che vespaio!" See Martina, "Paolo VI," 20.

[10]The two best studies on this are Rimoldi, "La preparazione," 202-241; and Grootaers, "L'attitude," 256-86.

[11]*Acta et documenta Concilio Oecumenico Vaticano Secundo Apparando. Series I: Antepreparatoria* (Typis Polyglottis Vaticanis, 1960-1961), I/II, 3:374-81. Henceforth, ACOA I plus volume and book number. The Italian version is found in *Notiziario* 6, 47-52.

[12]ACOA I/IV, 2:666-96.

[13]G.B. Montini, *Discorsi e scritti sul concilio (1959-1963)* (Brescia: Istituto Paolo VI, 1983), 42-59.

doctrinam et vitam Ecclesiae.[14] Of the four proposals touching on the Church, the third asserts:

> The nature of the sacrament of the New Law which is inherent in episcopal consecration should be defined, as also the office and charisms proper to the episcopate in the governance of the Church, according to the will of Christ.[15]

Among the suggestions expressed in the third major portion, *Circa disciplinam generalem et vitam pastoralem*, one states that

> a more unitary discipline of the apostolic action of the Church should be elaborated, one that is juridically better defined and that determines the dependence of religious on the ordinary of the place in all that concerns the needs and life of the Church.[16]

The preceding point is picked up again in the fourth part of the document, *Circa reformationem Codicis Iuris Canonici*, specifically where he deals with religious. He observes an unhealthy sense of independence and insubordination among exempt religious, "which is incongruous with the unitary and fundamental law of the Church,"[17] and detrimental to the apostolate. He therefore suggests that "a better sense and spirit of ecclesiastical community and of respect for the authority of the bishop be restored in order to produce better results."[18]

Finally, Montini mentions the reform of the Roman Curia among the canonical changes he envisions. He calls for a review of the order of precedence in the curia in view of giving a position of greater consideration to patriarchs, metropolitans and bishops. He also recalls "the incongruence which, in the Roman Curia, puts bishops after the other prelates without episcopal consecration."[19]

[14]ACOA I/II, 3:377.

[15]"Natura vero Sacramenti Novae Legis, quae inest Consecrationi Episcopatus definiatur, necnon munus et charismata Episcopatus in Ecclesiae regimine propria ex Christi voluntate." Ibid.

[16]"Elaboretur disciplina magis unitaria apostolicae actionis Ecclesiae, iuridice magis firmata et determinata dependentia religiosorum ab Ordinariis loci in omnibus quae spectant ad necessitates et vitam Ecclesiae." Ibid., 378.

[17]"iuri unitario et fundamentali Ecclesiae incongruum." Ibid., 380.

[18]"Melior sensus et spiritus ecclesiasticae communitatis restituendus videtur et obsequium erga Episcopi auctoritatem melius ad effectum producendum." Ibid.

[19]"item memoratur incongruentia quae Episcopos postposuit aliis Praelatis episcopali charactere carentibus in Curia Remana." Ibid., 379.

From this document, three areas emerge as Montini's major concerns:

a. the *sacramentality of episcopal consecration* and the *episcopal office* and *charisms*;
b. the *unity* of ecclesiastical community and pastoral activity centered on the bishop; and
c. the recognition and honoring of *episcopal dignity*.

The *Pareri e voti della Pontificia Facoltà di Milano*, though not issued in the name of the Chancellor or as an elaboration of Montini's theological positions, merits scrutiny because it was formulated under his supervision and submitted to the Conciliar Antepreparatory Commission only after his approval. At the very least, the document does not contain anything to which Montini would have objected vehemently. Rimoldi, a member of the drafting committee, even outrightly declares the complementarity of the Cardinal's *Pareri* and those of the faculty.[20] Another compelling reason is the prominent role of Montini's close collaborator, C. Colombo, in the preparation of the text, particularly of the section entitled *De Episcopis in Ecclesia*.[21] C. Colombo would continue to enjoy Montini's trust after his election to the See of Peter and could have influenced some of Paul VI's views during the conciliar debate on the episcopate and collegiality.

The faculty's main assertions about the episcopacy can be grouped under six headings. First, the *sacramentality of episcopal consecration* is affirmed.[22] By virtue of consecration, bishops are constituted successors of the apostles,[23] assumed into the episcopal college,[24] and conferred with the fullness of priesthood.[25] Being successors of the apostles means receiving the apostolic charisma and powers necessary for the governance, sanctification and spread of the Church.[26] These apostolic charisms and powers, through which Christ is present to the Church,[27] are perpetually transmitted and preserved through episcopal consecration.[28]

[20]Rimoldi, "La preparazione," especially 220-22.

[21]ACOA I/II, 3:684-93. According to Rimoldi, "Il testo *De Episcopis in Ecclesia* che certamente costituisce la parte più significativa dal *Documento della Facoltà Teologica di Milano*, è stato preparato quasi esclusivamente da don Carlo Colombo." Rimoldi, "La preparazione," 217, n. 38.

[22]ACOA I/II, 3:686.

[23]Ibid., 684.

[24]Ibid., 688.

[25]Ibid., 685.

[26]Ibid., 684.

[27]Ibid., 685.

[28]Ibid., 686.

The *episcopal charism*, a participation in the graces and powers of the apostles, is the spiritual gift to be worthy of the governance, sanctification, instruction and missionary expansion of the Church. Since the sacrament makes bishops members of the episcopal college and sharers of the apostolic charisms, the gifts and powers they receive are directed to the good of the Universal Church[29] and should be exercised in communion with the college presided by the pope.[30]

With regard to *the individual exercise of episcopal powers*, it is noted that the power of ordinary jurisdiction for the governance of particular Churches is received from the Roman Pontiff.[31] Communion with and subjection to the pope are required for the individual and collegial exercise of episcopal office to be legitimate.[32] Since individual bishops do not succeed to individual apostles and do not hold the place of Christ in their dioceses by any private title but only by membership in the episcopal college,[33] they must be zealous for the good of the whole Church, even in the direction of their local Churches.[34]

The collegial exercise of episcopal powers is rooted in common membership in the episcopal college and the possession of apostolic charisms for leadership in the Universal Church.[35] Common action among bishops is always subject to the authority of the pope and undertaken in communion with him.[36] Cooperation in advancing the good of the whole Church happens in various ways, but most solemnly in an ecumenical council where bishops, as judges with the pope, affirm and infallibly declare revealed truth, and as pastors united with the pope, exercise supreme authority in defining and legislating for the whole Church.[37] Even when dispersed, they do not cease to be part of the college and cooperators with the pope in promoting the good of the Universal Church.[38]

[29]"Cum omnis Episcopus episcopali consecratione in Episcoporum Conlegium assumatur et potestatum ac gratiarum particeps fiat quas Christus Dominus Apostolis contulit, idcirco potestates et dona et conlata non ad suam tantum singularem Ecclesiam spectant, verum etiam ad universalem Ecclesiam." Ibid., 688.

[30]Ibid., 685.

[31]Ibid., 687.

[32]Ibid.

[33]Ibid., 691.

[34]Ibid., 689.

[35]Ibid., 687-88.

[36]Ibid., 687.

[37]Ibid., 689.

[38]"Nec tamen in orbe terrarum dispersi Episcopi, in sua quisque Ecclesia, partem in Conlegio Episcopali desinunt habere, et cum Romano Pontifice, cuius in munere apostolatus

The episcopal college presided by the pope succeeds to the college of apostles presided by Peter.[39] Christ's will for the Church[40] and the very nature of the Church as one body[41] demand the cooperation, unity and love of bishops in the task of governing the dioceses and the Universal Church.

Some institutional questions are also addressed. The diversity and complexity of problems encountered by the Churches in different nations should prompt the Council to formulate only general principles and norms whose local application should be left to episcopal national groupings and local councils.[42] Links among diocesan bishops must be fostered on the regional or national level.[43] In Rome, a commission composed of members designated by the Holy See and by national conferences of bishops should be set up to study pressing problems raised by the conferences. Their findings will then be submitted to the Holy See.[44] Ultimately, the hope is to see a *iuridicam munerum distributionem*.[45]

Also belonging to the institutional problems is the evaluation and revision of the relation between ordinaries and exempt religious so as to strengthen the apostolic unity of the Church's mission.[46]

The correspondence of Montini's topics to those of the faculty cannot be denied. It is quite obvious that Montini's broad proposal to have the sacramentality and charisms of the episcopate defined receives ample theological grounding and elaboration in the text of the faculty. Montini's stress on the bishop as the center of the unity of the ecclesial community and of pastoral activity is repeated by the faculty. The reform of Church laws and structures is present in both; while Montini retrieves the dignity of bishops often forgotten in the operations of the Roman Curia, the faculty envisages post-conciliar structures that will accept and honor diversity in the Church and link the center of government to the periphery.

It should be noted that the sacramentality of episcopal consecration is especially crucial to the faculty's argumentation. In the sacrament, succession to apostolic charisms and powers and succession of the episcopal college

exercendo primi et natura proximi cooperatores sunt, Ecclesiae universalis bonum causandi participes esse officii." Ibid.

[39]Ibid., 691.

[40]Ibid.

[41]Ibid., 689.

[42]Ibid., 669-70.

[43]Ibid., 692.

[44]Ibid., 670-1, 692.

[45]Ibid., 692.

[46]Ibid., 669, 692.

to the apostolic college both occur. This "double succession" imposes on bishops responsibilities for the Universal Church since the charisms are intended for the guidance of the whole Church, and also because communion with the episcopal college translates into pastoral cooperation among bishops.

There seems to be a lacuna, however, when it comes to the individual exercise of episcopal powers in dioceses. This is not connected explicitly to the heavily collegial effects and universal implications of consecration, but rather to the pope who gives ordinary jurisdiction. Even the language of charism and communion is replaced by that of jurisdiction. The lack of an adequate theology of the local Church and its relation to the Universal Church is probably at the root of this vacuum. Moreover, the local character of Churches is adverted to only as a datum in the structural reordering demanded by the times but not yet as an ecclesiological principle.

2. *The Ecumenical Council as a Collegial Exercise of Episcopal Powers*

Montini's reflections on the episcopal college's exercise of authority over the Universal Church during an ecumenical council are mostly found in his conference entitled *I Concili ecumenici nella vita della Chiesa.* As he attempts to clarify the concept of an ecumenical council, he necessarily enters into the notion of episcopal college.

He draws attention first of all to *the composition of the members* of a council. Canon law states that an ecumenical council is a solemn gathering of the bishops of the whole world. Montini thinks that bishops participate in this assembly by divine right since "the episcopal body succeeds to the apostolic college to which Christ has entrusted specific ecclesiastical powers."[47]

Further precision is brought to the understanding of a council when one considers its *formal element*, i.e., the authority of the pope, the element that informs and vivifies the council.[48] Papal authority is necessary to have a council because the episcopal college, which succeeds to the apostolic college, cannot subsist without the successor of Peter.[49]

The *finality* of a conciliar gathering also distinguishes it from other meetings of bishops. An ecumenical council is convened for the purpose "of

[47]"A questa riunione i vescovi partecipano per diritto divino, in quanto il corpo episcopale succede al collegio apostolico, a cui Cristo ha affidato specifici poteri ecclesiastici." Montini, *Discorsi*, 47.

[48]"Perchè si abbia un Concilio ecumenico è necessaria l'autorità del papa, elemento che informa cioè vivifica il Concilio." Ibid., 48.

[49]Ibid.

exercising the authority with which Christ has endowed the apostolic college, whether of teaching or of governing."[50]

Ecumenical councils are derived from the primordial constitution given by Christ to the apostolic college.[51] As a collegial act of pastors of individual dioceses gathered around the universal pastor of the Church, an ecumenical council responds to the unitarian, communitarian and organizing genius of the visible Church, as it equally manifests the monarchical, hierarchical, and collegial constitution of ecclesial government.[52] Convoked to meet urgent needs in the Church and in society, an ecumenical council

> displays the highest authority, that of the pope, which in itself could be sufficient to regulate every question concerning the direction of the Church, but which in this case, associates to itself the authority of the episcopal body and merges it with its own, giving clearer splendor to the universal aspect of ecclesiastical power, increasing its interior capacity for supernatural animation and augmenting the possibility of a rapid and homogeneous propagation of the norms set by the council.[53]

Turning to the forthcoming council, Montini expresses the desire to see the doctrine of Vatican I on the divine rights of the papacy completed by the doctrine on the episcopacy. The balance this completion would give to ecclesiology could also help resolve some practical and canonical questions.[54]

Montini makes the ecumenical council the expression of the apostolic college's constitution. But he does it in a very juridical manner, predominated by talk of powers, authority, and ecclesiastical government. The primary model for describing the apostolic college reflected in a council seems to be that of gathering around Peter, where a fusion of papal power and episcopal collegial power results in a more universal manifestation of ecclesiastical power. This raises the question of how to adequately distinguish episcopal collegial power from papal power when in fact the college, in and out of council, cannot subsist as college without the pope. It could also

[50]"è necessario che il convegno dei vescovi col papa abbia lo scopo di esercitare l'autorità di cui Cristo ha dotato il collegio apostolico, sia di magistero, sia di governo." Ibid., 49.

[51]Ibid., 50.

[52]Ibid.

[53]"un atto di giurisdizione straordinaria, che, di fronte a grave necessità, dispiega la massima autorità, quella del papa, che sarebbe di per sè sufficiente a regolare ogni questione concernente la direzione della Chiesa, che però in questo caso si associa l'autorità del corpo episcopale e la fonde con la sua dando più evidente splendore all'aspetto universale della potestà ecclesiastica, accrescendone l'interiore capacità di animazione soprannaturale, e aumentando la possibilità della divulgazione rapida ed omogenea delle norme conciliarmente stabilite." Ibid.

[54]Ibid., 54, 56.

be asked whether Montini reads what he calls the primordial constitution of the apostolic college from the optic of current canonical conditions, rather than vice versa. Finally, the description of papal power as the informing and vivifying element of a council, as it were its "soul," seems to make quite excessive a claim, for it tends to put aside the Spirit.

B. SPEECHES AND WRITINGS: 1961-1962

The speeches and writings to be studied in this section were selected from the many that Montini composed for various groups during the preparatory stage of Vatican II till the eve of its inauguration. They were intended mainly to help ponder the significance of ecumenical councils in the Church and to offer prospects for the imminent council. These two purposes provided Montini with contexts that touched on the episcopate and the college of bishops.

1. The Episcopacy as an Ecclesiological Topic of the Council

In his celebrated 1962 Lenten pastoral letter to the Milan archdiocese entitled "Pensiamo al Concilio,"[55] Montini reiterates his desire that Vatican II clarify the doctrine on the episcopacy in order to achieve a more balanced ecclesiology.

Vatican I defined the constitutional law of the Church with reference to the Roman Pontiff, but its interruption prevented the formulation of a similar definition concerning bishops. There still exists a need to explicate the essence, functions, powers and duties of the episcopate.[56] He supposes, therefore, that Vatican II would have the episcopate as one of its topics

> in order to illustrate its evangelical origins, the sacramental gifts of grace, the powers of teaching, ministry and jurisdiction, both in the person of the individual bishop and in its collegial expressions, and in order to confirm dependence on the pope and at the same time communion, brotherhood and collaboration with the supreme pontiff. Whether under the doctrinal or juridical and pastoral aspect, this topic of the episcopacy is probably the most awaited, the most serious and the most promising of beneficial results.[57]

[55]See G.B. Montini, "Pensiamo al Concilio" in *Discorsi*, 72-108. Henceforth, PC plus article number.

[56]PC 42.

[57]"il secondo Concilio Vaticano avrà fra i suoi argomenti anche quello sull'episcopato, per illustrarne le origini evangeliche, i doni sacramentali di grazia, i poteri di ministero e di giurisdizione, sia nella persona del singolo vescovo, sia nelle sue espressioni collegiali, e per confermare la dipendenza dal papa e nel tempo stesso la communione, la fratellanza e la

The harmonization of the nature and functions of the episcopate with Roman primacy will be able to generate a new affirmation of the living unity of the Church around Peter, which is not simply juridical. It can also lead to the organic internationalization of the Church's central government.[58]

For Montini, ecclesiology would remain incomplete without a clear doctrine on bishops taken individually and collegially. In such an ecclesiology, the episcopal office would be reconciled with papal primacy in the two-fold relation of dependence and communion.

2. *The Episcopal College and Ecumenical Councils*

Some patterns with regard to the relation between the episcopal college and ecumenical councils are discernible. One big theme is the manifestation of the nature of the Church in the gathering of the college in a council. Another deals with the blending of episcopal powers and papal primacy in the collegial exercise of authority during a council.

a. Ecumenical Councils and the Nature of the Church

According to Montini, the gathering of the episcopal college by and around the pope in an ecumenical council *manifests what the Church is* and *is rendered possible by what the Church is.* He uses extensively the so-called theological notes of the Church as the basic framework in expounding this theme.

First, the role of the pope in a council and the convergence of the entire college around him bring forth the *unity* of the Church.[59]

Second, the very presence of the episcopal college derived from the apostolic college demonstrates the *apostolicity* of the Church.[60] The faithful uninterrupted derivation of hierarchical instrumentality and causality, which goes back to the apostles and is now exercised by the episcopate, is displayed in an ecumenical council. The birth of the Church as a visible hierarchical community according to Christ's will and arising from apostolic initiative is confirmed.[61]

collaborazione col sommo pontefice. Sia sotto l'aspetto dottrinale, che giuridico e pastorale, è questo argomento dell'episcopato forse il più atteso, il più grave e il più fecondo di benefici risultati." Ibid.

[58]PC 43.

[59]Montini, *Discorsi*, 116.

[60]Ibid., 115-16.

[61]"la Chiesa nasce dall'iniziativa apostolica, da un'autorità che desume da Cristo il suo mandato e che crea intorno a sé una comunità visibile, organizzata e governata." Ibid., 113.

Third, the members of the episcopal body, embodying a diversity of languages and races, of cultures and histories, show the *catholicity* of the Church, which is universality lived out in catholic unity, in the identity of faith and love.[62]

Fourth, a council, which is also a priestly assembly, serves as a *synthesis of the Church,* for where the priestly composition of a gathering is more marked, the moral presence of the Church is accentuated.[63] In a council, *the faith of the whole Church* is expressed

> certainly not because the bishops are delegated by the faithful but because the bishops are the witnesses and teachers of the common faith of the Church, and they themselves participate in the religious life of the whole community of believers, by which the deposit of faith is preserved.[64]

Bishops obtain from their people testimonies of faith, to which they witness in a council. Thus, the experience of the Churches becomes the book for bishops to read in order to orientate their deliberations, and the desires of the Churches becomes the indices for their work.[65] Indeed, the whole Church is present in a council because neither pope nor bishops could be conceived of without the Church.[66] Rather, in the persons of the bishops, the Christian world is truly gathered (*ecclesia*) in a council.[67]

Finally, an ecumenical council is an *assembly of ecclesiastical government* in its most solemn and efficacious form, the clearest expression of the Church's teaching authority and jurisdiction.[68] But it is not solely a juridical event, for it demonstrates the mystery of the Church in its distinctive notes: apostolicity, unity, catholicity and holiness.[69]

b. Collegial Powers and Papal Primacy

Montini shows awareness of the problem involved in reconciling papal primacy with the powers of the college of bishops. He says:

> Christ has put at the head of His Church the primacy of Peter, necessary and sufficient to govern it, but he instituted also the apostolic college with the

[62]Ibid., 116-17.

[63]PC 20.

[64]"il Concilio esprime la fede di tutta la Chiesa, non certo perchè i vescovi siano delegati dai fedeli, ma perchè i vescovi sono i testimoni ed i maestri della fede commune della Chiesa, ed essi stessi partecipano alla vita religiosa di tutta la comunità dei credenti, dalla quale è custodito il deposito della fede." Montini, *Discorsi,* 114, 164.

[65]Ibid., 164-65.

[66]PC 20.

[67]Montini, *Discorsi,* 173.

[68]PC 10, 13.

[69]PC 13.

> power and the mandate of teaching and of pastoral care, in communion with Peter.[70]

Both primacy and the college are of divine institution and empowerment.

Papal prerogatives could be summed up in the supreme and full power of jurisdiction and magisterium possessed by the pope as sovereign prerogatives necessary and sufficient for the governance of the Church.[71] Essential for Church unity, the papacy shines forth nowhere more clearly as head, center and cornerstone of the Church than in an ecumenical council. But the conciliar assembly does not add substantial validity to the pope's authority, while the pope's concurrence is necessary for a council to have efficacy.[72] On the other hand, Peter is not the only apostle, though he may be the first. And even if the pope can act with full authority without a council, he must be aware of his communion with the episcopate and the Church in the exercise of his authority.[73]

The *interplay of primacy and collegiality* during a council is handled by Montini with complex and dense assertions. The powers of the apostolic college are primarily to be recognized as subordinate to and co-essential with those of the pope.[74] During a council, "the primatial power of Peter... is fused with the collegial power of the apostles."[75] "The council does not distinguish its jurisdiction from that of the pope but identifies its own with the pope's, constituting with him the supreme power in the whole Church,"[76] in a communion of government. In another set of statements, Montini claims that, in a council, the episcopal college can enjoy the papal prerogatives of infallible magisterium and supreme jurisdiction if it is in communion with the pope, convoked by him, presided over or validated by him.[77]

Pontifical authority, however, does not diminish or annul the authority of bishops, for they receive the fullness of priesthood in a sacrament. It is

[70]"Cristo ha preposto alla sua Chiesa il primato di Pietro, necessario e sufficiente a governarla; ma ha istituito altresi il collegio apostolico con potestà e con mandato di magistero e di cura pastorale, in comunione con Pietro." Ibid.

[71]PC 12; and Montini, *Discorsi*, 113, 116.

[72]PC 13.

[73]Ibid.

[74]"sappiamo anche come le potestà del collegio apostolico siano subordinate e coessenziali rispetto a quelle del Capo della Chiesa." Montini, *Discorsi*, 113.

[75]"La potestà primaziale di Pietro... si fonde con la potestà collegiale degli apostoli." PC 13.

[76]"Il Concilio non distingue la sua giurisdizione da quella del papa, ma si identifica con quella del papa, costituendo con lui la supreme potestà in tutta la Chiesa." Ibid.

[77]Montini, *Discorsi*, 119.

jurisdiction over their dioceses that is conferred by the pope. Papal authority sustains and finds its honor in episcopal dignity and stability, in accordance with the words of Gregory the Great.[78]

Some comments are in order. To apply the theological notes in a description of an ecumenical council runs the risk of "sacerdotalizing" both Church and council, since the main subjects are the pope and the college. What saves Montini from falling into an extremely hierarchized approach is the reference of bishops to the faith life of particular Churches. The episcopal college that manifests the Church in a council, therefore, testifies not only to the existence of a priestly class, but to the Churches of diverse cultures and histories. And it is also the faith of these Churches that renders a council an epiphany of the one Church.

Though Montini affirms that councils are not indispensable for the governance of the Church,[79] he does not make the same claim of the episcopate. He does not seem to restrict the existence of the episcopal college to the time of conciliar activity. Neither is there a trace of annulling the episcopate before the grandeur of the papacy. His firm adhesion to the sacramentality of episcopal consecration guards against any such tendency. And he believes that collegiality and primacy are not mutually exclusive or contradictory. Without denying papal prerogatives, which he repeatedly characterizes as necessary and sufficient for the governance of the Church, he also finds ways of "relativizing" the papacy by recalling that Peter is not the only apostle and that the pope must consciously act in communion with bishops and the Church in every exercise of his authority. In the celebration of a council, this communion translates into a fusion of collegial and papal powers in one supreme ecclesiastical power. But when this merging occurs in a council, it is the papal claims of infallible magisterium and supreme jurisdiction that the college enjoys in communion with the pope. Ultimately, for Montini, the primatial rights as defined by Vatican I are determinant of at least the description of conciliar powers.

C. THE CENTRAL PREPARATORY COMMISSION: JANUARY-JUNE 1962

On November 6, 1961, John XXIII nominated Montini for membership in the Central Preparatory Commission (CPC) of the council. He was, therefore, excluded from the first two sessions of 1961 but was able to

[78]PC 16.
[79]PC 13.

participate from the third to the seventh. As a member of this important body, Montini had the privilege of joining in the discussion, debate and voting on the schemata prepared by the various commissions.[80] But a perusal of the minutes of these meetings yields very little of Montini's personal views on matters since he seldom spoke at length. He often merely referred to names of other commission members whose *modi* he deemed worthy of consideration, without identifying which aspects he agreed or disagreed with and without specifying the reasons for his interest in the *modi*.[81] In order to avoid unfounded speculations, this section will focus only on points that Montini himself raised and explained. Only schemata with bearing on the episcopacy and collegiality will be considered, many of which were eventually incorporated into *Lumen Gentium* (LG) and *Christus Dominus*. These include *De Dioeceseon partitione*,[82] *De Episcoporum coetu seu conferentia*,[83] *De rationibus inter episcopos et SS. Curiae Romanae Congregationes*,[84] *De rationibus inter Episcopos et parochos*,[85] *De Episcoporum coadiutoribus et auxiliaribus degue Episcoporum cessatione a munere pastorali*,[86] *De Ecclesia, Pars I, Caput 1*,[87] *Caput 2*,[88] *Caput 3*: *De Episcopatu ut supremo gradu sacramenti Ordinis et de Sacerdotio*,[89] *Caput 4*: *De Episcopis residentialibus*,[90] *De facultatibus Episcoporum*,[91] *De rationibus inter Episcopos et religiosos praesertim quoad apostolatus opera exercenda*,[92] and *Caput 7*: *De Ecclesiae magisterio*.[93]

a. Montini remarks that the schema *De Dioeceseon partitione* principally looks at quantitative indices when talking of dioceses, i.e., the number of the faithful, territorial boundaries. He suggests that

[80]Montini's voting record in the CPC is neatly collated in the appendix of Montini, *Discorsi*, 223-32.

[81]A pattern seems to emerge with respect to the members whose positions Montini chose to emphasize: Liénart, Frings, Léger, Confalonieri, Döpfner, Alfrink, Bea, König, Beat. Saigh.

[82]*Acta et documenta Concilio Oecumenico Vaticano Secundo Apparando. Series II: Preparatoria* (Vatican City: Typis Polyglottis Vaticanis, 1964-1969), II/II, 2:496-98. Henceforth, ACOA II plus volume and book number.

[83]Ibid., 518-22.

[84]Ibid., 541-46.

[85]Ibid., 577-81.

[86]ACOA II/II, 3:643-48.

[87]Ibid., 986-90.

[88]Ibid., 990-94.

[89]Ibid., 1038-39.

[90]Ibid., 1039-47.

[91]Ibid., 1280-82.

[92]ACOA II/II, 4:221-31.

[93]Ibid., 621-29.

> principles touching on the spiritual and traditional cohesion of the diocesan community should be considered also: the diocese is a Church or a religious society, which should not be dismembered easily.[94]

The spiritual unity and ecclesiality of the diocesan family form the core of this comment.

b. On the status of coadjutor bishops as expounded in *De Episcoporum coadiutoribus et auxiliaribus degue Episcoporum cessatione a munere pastorali*, Montini's main objection consists in the seeming installation of two regimes in the same diocese and the possible division of the faithful and clergy between competing loyalties to the ordinary and to the coadjutor.[95] The renunciation of office by bishops stricken with sickness or weakened by senility appears to be a more acceptable measure than appointing coadjutors. He also disagrees with the conferral of the authority of vicar general on auxiliary bishops *ipso iure* because

> the authority of the bishop is surely weakened and the unity of government is hurt. The mystery of the unity of ecclesiastical government is also obscured.[96]

Obviously Montini's overriding concern here is the preservation of ecclesial unity by maintaining the unicity of episcopal authority in dioceses.

c. In the discussion on *De Rationibus inter Episcopos et SS. Curiae Romanae Congregationes*, Montini observes:

> No suspicion about diminishing the authority of the Sacred Congregation of the Holy Office should arise. But a desire is expressed that in the ways of exercising its authority, some better system be introduced which would have more regard for the dignity and authority of bishops.[97]

In this statement, Montini reveals again his concern that episcopal honor be recognized and safeguarded in the operations of the Holy Office.[98]

[94]"videntur quoque consideranda principia de spirituali et traditionali cohaesione communitatis dioecesanae: Dioecesis est Ecclesia, seu societas religiosa quae non facile est dismembranda." ACOA II/II, 2:513.

[95]ACOA II/II, 3:665.

[96]"auctoritas Episcopi prorsus infirmatur, et unitas regiminis laeditur; mysterium quoque unitatis ecclesiastici regiminis obfuscatur." Ibid., 666.

[97]"Nulla oriatur suspicio de auctoritatis Supr. S. Congregationis S. Officii detractione facienda, sed circa methodos exercitii eiusdem auctoritatis exprimitur votum ut aliqualis melior ratio inducatur, quae dignitati et auctoritati Episcoporum magis consulat." Ibid., 569.

[98]Montini singled out the views expressed by Liénart, Frings, Léger, Confalonieri, Döpfner, Alfrink and Bea as worthy of further consideration. These cardinals brought up similar matters: the elimination of the language of concession when it comes to faculties, respect

d. *De Ecclesia* gets a more extended comment from Montini. After praising the scriptural and solid theological approach of Chapters I and II, he draws attention to the meager use of the Fathers and of Catholic tradition.[99] He, however, does not explain what he means by Catholic tradition.

Chapters III and IV are about the sacramentality of the episcopate and residential bishops, respectively. The latter chapter is divided into four sections: the office and dignity of bishops; the primacy and bishops; the relation of bishops to the whole Church; and the episcopal body. Chapter III receives Montini's *placet* but he expresses reservations about the other. "An exact and well-ordered doctrine on the episcopate should be given in a more organic and complete schema," he says.[100] He then lays down the reason why the council cannot remain silent on the topic: "the expectation of the whole Catholic Church and of the separated brothers and sisters is directed most especially to this subject."[101]

Montini soon turns to the thorny issue of the relation between the episcopacy and the papacy. Generally, he assures those who fear an assault on the primacy that a crystallization of the role of bishops will, on the contrary, benefit it.

> It should not trouble or alarm this forthcoming council to investigate this doctrine which completes and crowns that on papal primacy and infallibility defined by the First Vatican Council, and which almost flows from that... To affirm and declare the rights and tasks of both the episcopal college and of individual bishops cannot take away from the authority and primacy of the Roman Pontiff, nor in any way oppose him, but rather confer on him the glory and support of a greater and clearer communion with the Church...[102]

for bishops' authority in the procedures of the Roman Curia, the internationalization of the same Curia, the unacceptability, especially to Orientals, of the notion that the pope is the proximate cause of particular jurisdiction.

[99]ACOA II/II, 3:1028.

[100]"Detur exacta et ordinata doctrina de Episcopatu, uno schemate magis organico et completo." Ibid., 1070.

[101]"expectatio enim totius Ecclesiae catholicae et fratrum dissidentium ad hoc maxime intendit argumentum." Ibid.

[102]"Ne pigeat hunc coetum neve Concilium cras pavescat hanc pertractare doctrinam, quae illam de primatu et infallibilitate pontificia a Concilio Vaticano primo definitam integrat et coronat, et quasi de illa profluere patet... Iura et officia sive Collegii Episcopalis adfirmare sive singulorum Episcoporum declarare nec potest detrahere auctoritati ac primatui Romani Pontificis, neque Illi quovis modo adversari, sed potius Illi maioris et evidentioris communionis cum Ecclesia gloriam et fulcimentum conferre..." Ibid.

Montini's attempt to assuage suspicions already testifies to the difficulty with which the question of the episcopal body will be beset, particularly in the face of the papacy.[103]

Chapter VII is about the teaching office in the Church. Montini submits two interesting proposals. The first suggestion involves the insertion of a statement on the unicity and indivisibility of the Church's Magisterium. It reads:

> This Magisterium, although exercised by many persons or organs, either by individual pastors dispersed in the world and in communion with the Roman Pontiff, or collegially by pastors gathered in a universal council, or personally by the Roman Pontiff as successor of Peter the apostle and head of the college of bishops, is always one and indivisible. For it was constituted by Christ, the one Lord, it represents His authority and is assisted by the one Spirit of truth so that in exercising the office it teaches His truth. Thus no division should come between the legitimate pastors and teachers of the same Church of Christ, but all concur in this that each, offering his own, proposes to the faithful people the treasures of one and the same Teacher of truth.[104]

The second proposal clarifies the schema's statement about papal *ex cathedra* definitions. Montini introduces the following precisions:

> At that time [of an *ex cathedra* definition] the Roman Pontiff, although he teaches by the proper authority conferred on him immediately by Christ as successor of Peter, *nevertheless does not propose his private opinion*, but as pastor

[103]If an inventory is made of the *modi* Montini refers to in the discussion on Chapters III and IV of *De Ecclesia*, the catalog of views would look like this: why excessive talk of the pope? (Maximos, Confalonieri); the episcopacy is of divine right (Döpfner) and episcopal powers are not delegated (König, Döpfner); the college's powers are rooted in a sacrament (Richaud, Confalonieri); the primacy of collegial mission over that which is individual needs to be stressed (Richaud, König, Confalonieri); the college's responsibility and ordinary power over the Universal Church, even outside of an ecumenical council, needs to be explicitated (Richaud, König, Döpfner, Confalonieri); the papal source of episcopal jurisdiction is questionable (Maximos); the relation between the local Churches and the Universal Church is involved here (Döpfner).

[104]"Magisterium hoc quamvis a pluribus personis vel organis exerceatur, sive a singulis Pastoribus per orbem dispersis et in communione cum Romano Pontifice, sive collegialiter ab iisdem in Concilio universali coadunatis, sive personaliter ab ipso Romano Pontifice tamquam successore Petri Apostoli et capite Collegii Episcoporum, semper unum et indivisibile est; ab uno enim Christo Domino constitutum est, Eiusdemque auctoritatem repraesentat, et ab uno Spiritu veritatis assistitur ut in exercendo munere Illius veritatem doceat. Nulla ergo inter legitimos Pastores et Doctores eiusdem Ecclesiae Christi divisio intercedere debet, sed omnes in hoc concurrunt ut, sua quisque proferens, unius eiusdemque Magistri thesauros veritatis fideli populo proponant." ACOA II/IV, 650.

and teacher of the Universal Church and *head of the college of bishops,* sets forth *or upholds divine revelation.*[105]

It should be noted that Montini refers twice to the pope both as universal pastor and head of the college of bishops.[106]

From these virtually fragmentary comments of Montini directed to the CPC, one can detect constant concerns regarding the episcopate. The first preoccupation is the insistence on the spiritual and ecclesial unity of the diocese, which is truly Church. This unity, which is simultaneously juridical and mysteric, is centered on the bishop's office and authority. Keeping inviolate the bishop's uniqueness and role guarantees the unity and ecclesiality of a diocese.

The second preoccupation flows naturally from the first, namely, the respect and recognition that episcopal dignity deserves in diocesan life, in doctrinal formulation and in the functioning of the central government of the Church. Not to be disregarded is the ecumenical motive that he alludes to.

Finally, the question of consequence remains that of the papacy and episcopacy. Montini exerts every effort to remove the view that depicts the two as mutually destructive. The episcopacy rather crowns and completes the papacy, and with it forms an organic unity, especially in the exercise of the teaching office. He does not hesitate to call the pope "head of the college of bishops." He also recognizes the need to clarify both the collegial and individual prerogatives of the episcopate. The existence of the college is affirmed, and its rights and tasks are somehow distinguished from those possessed by bishops individually. The functions of both the college and individual bishops must be reconciled with those of the papacy.

[105]"Tunc enim Romanus Pontifex, etsi propria auctoritate doceat, sibi qua successori Petri et immediate a Christo collata, non tamen suam privatam sententiam proponit, sed tamquam universalis Ecclesiae Pastor et Doctor et Collegii Episcoporum Caput, divinam revelationem exponit vel tuetur." Ibid. The original schema says, "Tunc enim Romanus Pontifex propria auctoritate docet, sibi qua successori Petri directe et immediate a Christo collata, ideoque suam sententiam non ut privatam proponit, sed tamquam universalis Ecclesiae pastor et doctor et Princeps Episcoporum, divinam veritatem exponit..." Ibid., 622.

[106]Montini's suggestions were fundamentally incorporated into the revised text of *De ecclesia* distributed to the council Fathers on November 23, 1962. See *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II* (Vatican City: Typis Polyglottis Vaticanis, 1970-1986), I, 4:48-49. Henceforth, ASSC plus volume and book number.

D. THE FIRST CONCILIAR PERIOD AND INTERSESSION: OCTOBER 1962-JUNE 1963

Montini's writings and speeches during the first period of the Council narrate his own involvement in the making of its history. In a colloquium on Montini and the preparation and first period of Vatican II held in 1983, Cardinal Suenens revealed the existence of a letter sent by Montini to the then Secretary of State, Cardinal Cicognani, on October 18, 1962, merely a week after the council's inauguration.[107] In that letter, Montini lamented the lack of an overall plan for the council and dared to propose an organic plan revolving around the Church's nature, mission and relations, with affinity to the *Ecclesia ad intra-Ecclesia ad extra* structure proposed by Suenens. From Suenens' reconstruction of events, it shows that Montini was part of a small group of cardinals that had been meeting even before the opening of the council precisely to design a general scheme for the council's deliberation.[108]

While confined within the walls of the conciliar hall, Montini maintained what he called "*il colloquio della famiglia diocesana*" through his *Lettere dal Concilio*,[109] seven letters addressed by him from Rome to the Milanese archdiocese. Aside from being a venue for expressing his impressions of the debates, the letters convey the impact the gathering of the world's episcopate had on him.

Montini intervened in the general congregations only twice. The first intervention took place at the fourth congregation, October 22, 1962, when the schema on the liturgy was being discussed. Then followed six weeks of conspicuous silence during some of the most heated debates of the first period. When he finally spoke on December 5 about the schema on the Church, the day following Suenens' presentation of his plan for the council, he got an attentive audience.[110] Grootaers notes that this speech should be read in the context of the emergence of the new leadership toward the end of the first period, when the majority view crystallized and the health of the pope necessitated more aggressive action on the part of influential Fa-

[107]G.B. Montini, "Lettera del Card. G.B. Montini al Card. A. Cicognani, Segretario di Stato (18 ottobre 1962)," in *Giovanni Battista Montini*, 420-23. Suenens received a photocopy of Montini's letter from John XXIII himself. See Suenens, "Testimonianze," 178-87.

[108]Ibid., 179-80, 184.

[109]Montini, *Discorsi*, 178-98.

[110]ASSC I, 4:291-94.

thers.[111] Cardinal Garrone ecstatically characterizes Montini as the voice of the Spirit for the council at this moment since he indicated the path that must be pursued.[112] Many believed that given his links with John XXIII, Montini reflected the mind of the pope himself in this speech and that he was the pope's mouthpiece.[113] But his personal authority and standing among the conciliar Fathers also played a decisive role in the positive reception of this speech, where he dealt with the question of the episcopate.[114]

On December 7, a day before the closing of the first period, Montini delivered a homily on the mystery of the Church and St. Ambrose.[115] There he assessed the work of the council and picked out the ecclesiological project that the council had laid out for itself to accomplish. Pope John's role in the council would be touched upon in a memorial for the dead pope in the Duomo on June 7, 1963.

As in the past, Montini discussed the episcopate within the ecclesiological program of the council. But when the council began, he also reflected on the episcopate as seen in the conciliar event itself.

1. The Episcopacy and the Ecclesiological Project of Vatican II

Almost by necessity, Vatican II should focus on one theme, the Church, since the doctrine on Roman primacy requires completion and continuation. The interest of the world's bishops particularly lies in the doctrine on the episcopate, for they want to know their precise role in the Church.[116] Besides, the developments in theology, in catholic movements, in spirituality and liturgy, in missionary expansion, in ecumenism and the evolution of the contemporary world have made conditions ripe for a broadening of the Church's consciousness of itself.[117]

[111]Grootaers, "L'attitude," 270ff.

[112]G.M. Garrone, "Testimonianze," *Giovanni Battista Montini*, 194.

[113]See Grootaers, "L'attitude," 262, 276.

[114]Grootaers says, "Cependant cette autorité particulière exercée par le card. Montini ne devrait pas être attribuée uniquement à des facteurs extérieurs. Il y avait plus et autre chose: d'abord ses qualités personelles, sa culture théologique, cette espèce d'éloquence retenue qui était chez Montini une forme de pudeur. Mais il y avait aussi dans le discours du 5 décembre une grandeur particulière que je voudrais appeler 'politique' dans le sens profond du terme: je veux dire ce *sens exceptionnel des responsabilités* qu'il a partagé avec d'autres leaders de Vatican II et qui dans une situation disons 'd'opposition' l'incitait à parler avec la *modération de quelqu'un qui sait ce qu'est la charge du pouvoir.*" Ibid., 276-77.

[115]G.B. Montini, "Il mistero della Chiesa nella luce di S. Ambrogio," *L'Osservatore Romano* (December 10-11, 1962): 6.

[116]Montini, "Lettera," 421; ASSC I, 4:293; Montini, "Il mistero," 1.

[117]Ibid.

Vatican II's approach to the episcopate should follow the method employed by Vatican I on the papacy. The chapters will therefore be:

> 1) On the institution of the college of apostles and on the tasks entrusted to it; 2) on the succession of the episcopal body to the apostolic college; 3) on the tasks and faculties of individual bishops and on the sacramental basis of the episcopal office.[118]

Such a treatment would not only be congruent with Christ's will but would also be ecumenically satisfying.

Montini cannot stress enough that the episcopate belongs to the mystery of the Church and should be handled as such.[119] Far from negating the juridical visible aspect of the Church, he rather calls for respect of the Church's integrity in its human and supernatural aspects.[120] The schema presented at the council is deficient because it is more juridical than theological.[121] Bishops should also be considered supernaturally as image of the Father and of Christ, the way the Fathers of the Church spoke of them.[122] All in all, the council must capture a fuller, more balanced view of the Church:

> In this regard the phenomenon of the increasing extension that the topic is assuming is very interesting: yesterday the question of the Church appeared to be restricted to the powers of the pope, today it is extended to the episcopate, to the religious, to the laity, to the entire body of the Church; yesterday they talked predominantly of the rights of the Church, almost transferring by analogy to its definition of perfect society the constitutive elements of civil society, today other realities are being discovered in the Church (the charisms of grace and of holiness, for example) which purely juridical notions cannot define; yesterday it was the external history of the Church that interested us primarily, today also that which is interior, generated by the mysterious presence of Christ in it.[123]

[118]"Haec autem sunt capita: 1) De institutione collegii apostolorum ac de muneribus his concreditis; 2) De successione corporis episcopalis in locum collegii apostolici; 3) De muneribus et facultatibus singulorum episcoporum, deque sacramentali fundamento muneris episcopalis." ASSC I, 4:293.

[119]Montini, "Lettera," 421.

[120]Montini, "Il mistero," 1.

[121]ASSC I, 4:293.

[122]Ibid.

[123]"Interessantissimo a questo riguardo è il fenomeno della crescente estensione che l'argomento viene assumendo: ieri l'argomento della Chiesa pareva restringersi alle potestà del Papa, oggi si estende all'Episcopato, ai religiosi, ai laici, al Corpo intero della Chiesa; ieri si parlava prevalentemente dei diritti della Chiesa, quasi trasferendo per analogia la sua definizione di società perfetta gli elementi costitutivi della società civile, oggi si scoprono

With regard to the important question of the relation between the episcopal college and its head, the schema proposed to the council has offered little light. While the successor of Peter should be celebrated and openly declared in the council as the secret of the Church's unity and strength,[124] Montini shares the difficulty with the idea, expressed by other bishops, that the pope is the sole origin of episcopal jurisdiction.[125] And the preceding quote makes it clear that he longs to see the definition of the Church stretch beyond the papal office.

From all of the above, three points can be highlighted:

a. The *ecclesiological expansion* that Montini calls for takes two forms. First, the continuation and completion of Vatican I so that components of the Church other than the papacy can find their place in ecclesiological doctrine. The episcopate, though it may be the most pressing topic, should not have an exclusive hold on the council's attention. Second, a fuller ecclesiology demands a fuller methodology, which must consider both the juridical and the spiritual aspects of the Church.
b. The *sacramental basis* of the episcopacy, the *succession of the episcopal college to the apostolic college* and the *collegial and individual roles* of bishops form the foundations of the doctrine on the episcopate.
c. The *relationship between the papacy and episcopacy* has to be sufficiently defined.

Montini, in raising these three points, is mainly motivated by the express desires of the bishops themselves, by the changes in the Church and by a growing ecumenical sensitivity.

2. The Experience of the Episcopacy in the Council

Montini cherishes his immersion in the assembly of thousands of bishops as an experience of the Church's concrete catholicity, which has an

nella Chiesa altre realtà (i carismi di grazia e di santità, ad esempio) che le nozioni puramente giuridiche non possono definire; ieri era la storia esteriore della Chiesa che ci interessava principalmente, oggi anche quella interiore, generata dalla arcana presenza di Cristo in essa..." Montini, "Il mistero," 1.

[124]Montini, "Lettera," 421.

[125]The written text of the speech has this comment: "Assentior Patribus qui difficultatem se experiri dixerunt... circa originem iurisdictionis episcopalis ab unico fonte, qui sit Romanus Pontifex (quamvis cum hoc unico fonte debeat esse coniuncta); circa non sufficientem definitionem relationis, quae inter collegium episcopale et Caput eiusdem collegii intercedit." ASSC I, 4:294, n. 4.

internal principle of unity, the presence of Christ.[126] He acknowledges the role of John XXIII, who brought about the conditions for the "collaboration of the episcopal body surely not in the exercise of (which certainly will remain personal and unitary) but in the responsibility for the governance of the entire Church."[127]

The council also brings to maturity some circumstances that hold promise for the collaboration of national episcopal conferences.[128] He, for one, hails the meeting of the Italian bishops as a new canonical condition for the Italian Church, which can lead to further developments in the consciousness and activity of the Italian episcopal college.[129] And in the other national and linguistic groupings of bishops, the "nations" have surfaced not to break up communion but to coordinate and build up.[130] Looking ahead to the post-conciliar period, Montini mentions a hypothesis that would recognize some faculties in the episcopal conferences while the Holy See remains the supreme legislative authority.[131]

Two remarks conclude this portion:

a. Montini makes an interesting distinction between collaboration in the *responsibility* of governing the Universal Church and the actual *exercise of governance.* The episcopal college shares in the former but the latter remains personal and unitary, presumably to the pope.

b. The international character and diversity of the episcopate and of the Churches they represent must have confirmed for Montini the need to enhance the role of *episcopal conferences* and other episcopal groupings both for the enrichment of the whole Church and for the concrete and local implementation of general directives issued by the council or by the Holy See. The conciliar experience thus far

[126]Montini, *Discorsi,* 181.

[127]"le condizioni spirituali e practiche per la consolante collaborazione del corpo episcopale non già all'esercizio (che certo resterà personale ed unitario), ma alla responsabilità del governo della Chiesa intera." Ibid., 219.

[128]Ibid., 182. Here, Montini refers to the first meeting of the Italian episcopate.

[129]Grootaers detects a discrepancy between Montini, who sees these assemblies as true meetings of the Italian episcopal conference, and the officials of the CEI, who consider them as informal gatherings of a consultative type. "L'appréciation du card. Montini est donc fort différente de celle des instances officielles et du président de l'époque de la C.E.I." Grootaers, "L'attitude," 266.

[130]Montini, *Discorsi,* 183. C. Colombo testifies that Montini desires that every nation bring something original and unique to the council for the enrichment of all. See C. Colombo, "Discussione," *Giovanni Battista Montini,* 160.

[131]Montini, *Discorsi,* 186.

also convinced him that linguistic and national groups could build up the whole rather than destroy.

E. SYNTHESIS

The synthesis that follows will revolve around three poles: what remained unchanged in Montini's outlook during the time under scrutiny, what evolved, and what begs for clarification.

1. The Consistent Aspects

It is not difficult to determine some thoughts that are repeatedly expressed in Montini's views on the episcopate.

a. The *broader ecclesiological project* comes, first of all, under the rubric of "continuing and completing Vatican I," which is a call for an expansion of the Church's consciousness or for an ecclesiology that goes beyond the papacy. Second, it reclaims a holistic approach, which considers but transcends the juridical.

b. The *doctrine on the episcopate* occupies a prominent position in the above mentioned project and must be seen in the light of the project's two aspects. The foundational question remains that of the *sacramentality of consecration* and the *charisms and tasks* it confers on individual bishops and the college. *Episcopal dignity* needs to be honored in doctrine and practice and *ecclesial and apostolic unity* of dioceses must be anchored on the bishop. The *succession of the episcopal college to the apostolic college* is strongly affirmed and the *individual and collegial exercise* of apostolic charisms and powers is recognized. No matter how formidable the task of *reconciling papal primacy with episcopal prerogatives* may seem to be, it is desirable and possible.

Ecumenical councils are the most solemn manifestation of the episcopal college's succession to the apostolic college and to its authority over the Universal Church. In a council, papal and collegial powers unite to form *one supreme power.*

2. Signs of "Evolution"

Some changes can be detected in Montini's handling of a few of the recurrent themes adverted to above.

a. The most noticeable is the later "softening" of the juridical tone that dominated his works during the antepreparatory stage as exemplified by the conference *I Concili ecumenici nella vita della Chiesa,*

where canon law serves as point of departure and overall framework. More theological and pastoral data find their way into the materials of the succeeding stages. But there is no trace whatsoever of an eventual total abandonment of the juridical strand in Montini's thought.[132] A reinterpretation and enlargement through conciliation with other available methods better describes the approach.

b. By 1962, Montini had achieved a clearer vision of the episcopal office in terms of the bishop's relation to the local Church as witness of faith. He can therefore securely call the conciliar gathering of the episcopal college an ecclesial synthesis without falling into a clerical reductionist image of the Church. The college becomes a sign of the unity in faith of diverse local Churches. It may not be pure coincidence that this valuation of the local Church comes at a time of intense contact with other bishops in the preparatory commissions, and is intensified during the council itself. His subsequent judgment that regional or national episcopal groupings enhance rather than corrode the unity of the Universal Church can be an offshoot of this experience and of the theological reflection generated by it.[133] And this aspect of his thought can provide fertile ground for an exploration of collegiality from the angle of the local Church's relation to the Universal Church.

c. Whereas before the first period, Montini could state plainly that episcopal jurisdiction in dioceses came from the pope, in his speech in the conciliar aula, he shared the difficulty of other Fathers with the idea of a unique papal source of jurisdiction. This shift can be attributed to his ecumenical sensitivity, which already shone in whole sections of his *Pareri*, but was later translated into theological and canonical proposals. Another possible cause is his insistence on the sacramentality of the episcopate, which demands a review of the source and origins of episcopal charisms and powers.

[132]J.I. Saranyana's description of PC and the December 5 intervention as a total turnabout in Montini's ecclesiology from the one contained in his *Pareri* seems simplistic. Aside from disregarding the diversity of materials involved, he misses Montini's attempt at reconciling various ecclesiological approaches, rather than eliminating one in favor of another. See J.I. Saranyana, "Testimonianze e interventi scritti," *Giovanni Battista Montini*, 363, 367.

[133]See the interpretations of Montini's attitude toward the local Church and the Universal Church in Rimoldi, "La preparazione," 240; and W. De Vries, "Discussione," *Giovanni Battista Montini*, 173. De Vries implies that dedication to Rome, rather than the idea of *koinonia* of local Churches, characterizes Montini's attitude to the Universal Church. Montini's position is surely more nuanced than thus expressed.

3. Points to be Clarified

The areas of Montini's thought that raise some questions usually arise from assertions that are not fully explained or are not satisfactorily linked with others.

a. Montini often distinguishes between bishops considered individually and collegially, and also between the individual exercise of episcopal powers from that which is collegial. But he does not explain why and how "individual" and "collegial" differ and are related. The individual component lacks the more manifest sacramental rooting of membership in the college and the collegial exercise of apostolic charism.

b. According to Montini, the merging of papal and collegial powers accounts for the constitution of an ecumenical council as supreme authority in the Church. If the college cannot subsist without its head, what is collegial power if it does not already contain papal power? Does the episcopal college united to its head but not convened in council still possess supreme power?

c. The papal titles "universal pastor" and "head of the episcopal college" are both used by Montini. In one sense, he exhibits boldness in the use of *caput collegii episcoporum* when others might hesitate in even calling the episcopal body a college. On the other hand, he does not show how universal headship of the Church relates to headship of the college. In some of his expressions, he can give the impression that the pope is outside and independent of the college, whose existence totally depends on him and whose power is a mere participation in or association with his power.

d. Though it occurs only once, Montini's distinction between responsibility for the governance of the Universal Church and the actual exercise of governance, which stands personal and unitary, is intriguing. He attributes the former to the college and the latter presumably to the pope. This language of personal and unitary exercise of leadership is similar to the one he uses for describing the bishop's role in a diocese. If the connection being insinuated here is correct, would not the Universal Church appear as one big diocese governed by one superbishop? What does collegial responsibility for the Church involve, as distinguished from the actual exercise of governance? Is not an ecumenical council an instance of collegial exercise of authority over the Universal Church?

The ideas expressed by Montini at this stage of the council are not exclusive or original to him.[134] It may even be concluded after comprehensive study that aspects of his thought are very much akin to some of the *modi* presented by other members of the CPC.[135]

Regarding his general approach to the matter, some insights can be gained about the man himself. Though basically trained in canon law, in ecclesiastical diplomacy and in curial affairs, he nevertheless displays freedom to go beyond them and even to view them with a critical eye. Fouilloux attributes Montini's ease in handling new ecclesiological ideas and debates to this freedom.[136] His remarkable capacity to listen and to respect diversity is, for Prévotat, a hallmark of his free spirit.[137]

But this freedom to test and to explore cannot be equated with forsaking whatever is canonical and curial in his culture and preparation. Rather than discarding, he reconciles positions by rethinking one in the light of others, and by moderating one on account of the others. In this sense, Montini treads a mediatory path.[138] Rumi, in his study of the Montinian episcopate in Milan, gives indications of how the "Montinian equilibrium" has always been an effort to walk between individual and society, order and progress, novelty and tradition.[139]

The question of the episcopate does not acquire importance for Montini only because of the council. Those who have known him attest to the reverence and scrupulous sense of responsibility with which he embraced his role as bishop of Milan.[140] For someone with his temperament and way of approaching issues, the "trembling" that the episcopal office arouses could have come only from the conviction that the episcopacy is of divine institution and cannot be dispensed with without violating the Church.

Montini can be counted among those who, formed in a particular ecclesiological mold but aware of the demands of new theological and pastoral realities, find themselves in leadership positions in the search for a new equilibrium. The tentativeness and lack of clarity that often accompany this effort simply reflect the disquiet that usually attends the breaking of new ground.

[134]The various opinions circulating during this period are excellently summarized in U. Betti, *La Dottrina sull'Episcopato del Concilio Vaticano II* (Rome: [n.p.], 1984), 18-69.

[135]See nn. 97 and 102 above.

[136]Fouilloux, "Giovanni," 99.

[137]Prévotat, "Les sources," 125.

[138]Fouilloux shows how Montini has played this mediatory role between bishops and the Roman Curia. Fouilloux, "Giovanni," 89-91.

[139]Rumi, "L'Arcivescovo," 33, and "Montini," 132.

[140]Manfredini, "Le scelte," 54, 147.

CHAPTER III

Paul VI and the Second Period of Vatican II

The death of John XXIII on June 3, 1963, was accompanied by diverse speculations on the type of successor that the cardinals would elect. Depending on one's evaluation of the deceased pope's exercise of the papal ministry and of his program, where the Second Vatican Council was certainly the centerpiece, one envisaged either a successor who would follow the Johannine line and keep alive the hopes he had awakened in the world or one who would restore order in the Church and clarity in its relation with the world after a period of laxity.[1] The scenario was such that the election of a new pope became a forum on the "reception" of John XXIII and, at times, an arena where contrasting interpretations of his papacy fought for dominance.

Paul VI, elected on June 21, 1963, showed awareness of his mission and a personal need to clarify John's methodology, pastoral goals and legacy. The published private notes of the newly-elected pope reveal his cognizance of his peculiar and difficult position of being successor to a popular pope, of completing a work started by his predecessor, and of keeping John XXIII's person safe from false interpretations.[2] But this personal process that Paul VI chose to pursue with respect to his predecessor did not

[1]The varying expectations are well presented in Martina, "Paolo VI," 24ff. See also R. Aubert, "Attentes des Églises et du monde au moment de l'élection de Paul VI," in *Ecclesiam Suam: Première Lettre Encyclique de Paul VI* (Brescia: Istituto Paolo VI, 1982), 11-39.

[2]*Notiziario* 13, 11-29. Martina used the same documents in the article cited in n. 1.

impede him from acting with amazing swiftness on key issues. In his first radio message a day after his election, he announced that the most important part of his pontificate would be devoted to the continuation and conclusion of Vatican II.[3] On June 27, 1963, in a letter to Cardinal Cicognani, the Secretary of State, he set the opening of the second conciliar period for September 29.[4] Then he oversaw the work of the commissions and introduced structural and procedural changes, most of which were explained in his letter dated September 12 to Cardinal Tisserant.[5] John XXIII's project would henceforth bear the Montinian mark, or more precisely, the *aggiornamento* called forth by John would now receive a Montinian interpretation and methodology.

Paul VI's exercise of the papal ministry during the council is of special import to the question of episcopal collegiality. G. Colombo rightly observes that Vatican II is the first council celebrated after *Pastor Aeternus*, Vatican I's dogmatic constitution on papal primacy and papal infallible teaching authority, which provided a reflex and canonized consciousness of papal supremacy.[6] He adds:

> History, historical circumstances, committed Paul VI who, unlike John XXIII had not chosen and programmed it [the council], to demonstrate not only in theory, as the *relator* of Vatican Council I had done, but "in fact," the "new equilibrium" in the Church, i.e., how the Petrine ministry, in terms defined by *Pastor Aeternus*, and the council can coexist and prove operative in the life of the Church.[7]

The main question of the present chapter is how Paul VI addressed the issue of the episcopate and collegiality when he was presiding for the first time over the bishops gathered in a council that was venturing on a doctrinal and pastoral clarification of the episcopate. The pope's speeches, especially those directly concerned with the second conciliar period and its

[3]*Acta Apostolicae Sedis* 55 (1963): 571. Henceforth, AAS plus volume and year.

[4]Paul VI, *Discorsi e documenti sul concilio (1963-1965)* (Brescia: Istituto Paolo VI, 1986), 3.

[5]Ibid., 4-7. Martina summarizes Paul VI's activities before the opening of the second period along three lines: stimulating control of the commissions' work, the creation of a climate favorable to work, and modifications in the rules of the assembly. See Martina, "Paolo VI," 36.

[6]G. Colombo, "Presentazione del colloquio," *Paolo VI e i Problemi Ecclesiologici al Concilio,* 15.

[7]"La storia, la congiuntura storica ha impegnato Paolo VI, che a differenza a Giovanni XXIII, non l'aveva scelto e programmato, a dimostrare, non solo in teoria, come aveva fatto il relatore del Concilio Vatican I, ma 'nei fatti,' i 'nuovi equilibri' nella Chiesa, cioè come possano convivere e risultare funzionali alla vita della Chiesa il ministero petrino, nei termini definiti dalla *Pastor Aeternus* e il Concilio." Ibid.

discussion on bishops, provide the primary sources.[8] A separate chapter will deal with his "extra-conciliar" teaching contained in homilies and addresses, particularly at the Wednesday audiences and Sunday angelus.

A. TOWARD THE SECOND PERIOD

Of the immense number of speeches and letters that appeared between the papal election and the inauguration of the second period, the most significant for collegiality is the address of Paul VI to the Roman Curia on September 21, 1963.[9] The pope reminded the curial members of the importance of the ecumenical council and the conformity with the pope expected of them in the implementation of the conciliar decisions. After reviewing the curia's service to the pope's universal ministry, he went into the delicate issue of curial reform demanded by the bishops of the world.

Consistent with his earlier quest for a fuller approach to ecclesiology, Paul VI pushed for a reform of the curia that would involve not only updating its juridical structures, but also deepening its spiritual consciousness.[10] The curia should not be a merely legalistic and ritualistic bureaucracy, a field of ambitions and antagonisms, but rather a true community of faith, love, prayer and service.[11] Set against this holistic view, the curia's character as *papal arm* for the governance of the Universal Church was stressed.[12] On account of its *raison d'etre,* the curia should not be found wanting in solidarity and collaboration with the pope in the fulfillment of *his* ministry.[13] So there are two aspects to the general context where curial reform happens:

1. an ecclesiology beyond legalism that the curia itself must embody in its practice; and
2. a return to its original purpose for existence.

[8]Following G. Colombo's suggestion, the Italian texts of the pope's speeches are preferred because the Latin, despite its official character, is a translation. See G. Colombo, "I discorsi di Paolo VI in apertura e chiusura dei periodi concliari," *Paolo VI e il rapporto Chiesa-Mondo al Concilio* (Brescia: Istituto Paolo VI), 247. In the same article, portions of Paul VI's handwritten Italian drafts are reproduced.

[9]AAS 55 (1963): 793-800.

[10]Ibid., 797.

[11]"Non sia pertanto la Curia Romana una burocrazia, come a torto qualcuno la giudica, pretenziosa ed apatica, solo canonista e ritualista, una palestra di nascoste ambizioni e di sordi antagonismi, come altrui la accusano; ma sia una vera comunità di fede e di carità, di preghiera e di azione, di fratelli e figli del Papa..." Ibid., 800.

[12]Ibid., 793, 796.

[13]Ibid., 794-95.

Paul VI then moved on to the details of reform, which included updating structures, decentralization, simplification and internationalization. In the discussion of the particulars of this reform, the role of bishops was brought in. In the first place, the pope warned the curia not to jealously cling to its faculties which, "without detriment to the universal ecclesiastical order, can be better exercised by the episcopate by itself and locally."[14] Second, he considered the possibility of associating representatives of diocesan bishops with the pope in the central government of the Church, should the council ask for it:

> Should the ecumenical council express the desire to see some representatives of the episcopate, particularly among the prelates who govern a diocese, associated in a certain way and for certain questions, in conformity with the doctrine of the Church and with canon law, to the supreme head of the Church itself in the study and in the responsibility of ecclesiastical government, the Roman Curia will surely not oppose it...[15]

Finally, in an apparent expression of principle underlying the proposed structural changes, the pope ideally described the curia in its relation to the pope and to bishops:

> The Roman Curia is not an anonymous body insensible to the great spiritual problems, a body that dictates laws mechanically. It is rather a living, faithful and docile instrument of the Head of the Church. It is an organ fully aware of the heavy responsibilities arising from its functions and full of reverence and concern toward those prelates whom *Spiritus Sanctus posuit episcopos regere Ecclesiam Dei* (Acts 20:28).[16]

A number of things need to be pointed out:

1. The speech, according to Martina, testifies not only to the preoccupations of the pope but to the persistence of a certain distrust among some curial members toward the council and perhaps to-

[14]"Non sarà gelosa la Curia Romana... di sue facoltà che senza ledere l'ordine ecclesiastico universale, oggi l'Episcopato può da sè e localmente meglio esercitare..." Ibid., 798.

[15]"quando il Concilio ecumenico mostrasse desiderio di vedere associato in un certo modo a per certe questioni, in conformità alla dottrina della Chiesa e alla legge canonica, qualche rappresentante dell'Episcopato, particolarmente fra i Presuli che dirigono una diocesi, al Capo supremo della Chiesa stessa, nello studio a nella responsabilità del governo ecclesiastico, non sarà sicuramente la Curia Romana a farvi opposizione..." Ibid., 799.

[16]"La Curia Romana non è un corpo anonimo, insensibile ai grandi problemi spirituali, che detta leggi automaticamente; ma un vivo organo fedele e docile del Capo della Chiesa; un organo compreso delle gravi responsabilità delle sue funzioni, e pieno di riverenza e di sollecitudine verso quei Presuli che *Spiritus Sanctus posuit episcopos regere Ecclesiam Dei* (Act. 20, 28)." Ibid., 800.

ward the person of Paul VI.[17] Fagiolo, in fact, recalls how Monsignor Felici, the council's secretary general and often a good representative of the curial view, lamented the efforts of Cardinals Suenens, Urbani, Montini and Bea to influence John XXIII and to change the course of the council.[18] Some of these negative feelings must have lived on even after Montini's election to the See of Peter. Paul VI had yet to win the curia over.

2. The fact that the pope could openly talk of *reform* is significant especially when applied to an institution noted for its immovability. But more striking is the fact that this curial reform is situated within that "perennial reform of which the Church itself, as a human and earthly institution, has perpetual need."[19] It must be recalled that in Paul VI's vision a great part of the reform that the Church and its many organs have to undertake lies in the recovery of a fuller doctrine of the Church.
3. Implied in the speech is the pope's "invitation" to the council to consider ways of reforming the curia, especially in terms of associating the worldwide episcopate with it,[20] though without any commitment that its suggestions would automatically be implemented. But it should be noted right away that if diocesan bishops are brought into the curia or are consulted as the need arises, the impression could be given that they can exercise their responsibility for the whole Church only by becoming a part of the docile instrument of the pope's universal ministry. The question remains whether bishops or their representatives have any responsibility and authority to govern the Universal Church as an inherent quality of the college united with their head. Or is this responsibility exercised simply as a participation in the pope's authority over the Universal Church, which he concedes to them?
4. What does he mean by the expression "representatives of the episcopate"? Could the college ever validly operate through representatives? Will the actions of such representatives be recognized as collegial?

[17]Martina, "Paolo VI," 43.

[18]V. Fagiolo, "Paolo VI e il segretario generale del concilio ecumenico Vaticano II," *Paolo VI e i Problemi Ecclesiologici al Concilio,* 216.

[19]"quella perenne riforma, di cui la Chiesa stessa, in quanto istituzione umana e terrena, ha perpetuo bisogno." AAS 55 (1963): 797.

[20]J. Ratzinger, *Das Konzil auf dem Weg, Rückblick auf die zweite Sitzungsperiode* (Cologne: Bachem, 1964), 10.

5. Finally, the pope shows recognition of the local character of the exercise of episcopal ministry by stating that some faculties are indeed better exercised by bishops themselves where they are rather than kept as a monopoly by the curia in Rome.

B. THE OPENING SPEECH (SEPTEMBER 29, 1963)

Martina, who had access to the pope's personal documents preserved in the archives of the Istituto Paolo VI, remarks in a study on the new pope's preparation for the second period of the council that the discourse of September 29, 1963, contained the ideas and logic of Montini's letter to Cicognani on October 18, 1962, where he had offered a plan for the council.[21] One can go further than Martina by affirming the presence of the speech's key ideas in the Montinian teaching *corpus* discussed in the preceding chapter. Congar was particularly struck by three features of the speech: the strong Christological affirmation, the insistence on bishops and episcopal solidarity, and the openness toward others.[22] G. Colombo, for his part, sees in the speech, especially in its rather complex introduction, the position that the pope was establishing for himself in relation to the bishops in council, to the future of the council and of his pontificate, and to the tradition received from John XXIII.[23] Whoever the commentator may be, no one denies that the episcopacy and its relation to the papacy receive considerable attention in this speech.

1. The Ecclesiological Context

It has become almost the standard Montinian *modus* (quite fittingly) to start off the discussion on the episcopate from the broader context of ecclesiology.

a. The Church as the Central Theme of Vatican II

Paul VI argued, as he had many times previously, that the council should take the Church as its unifying theme. Numerous historical, theological, pastoral, missionary and ecumenical factors have made it ripe for Vatican II to choose the Church as its central problematic.[24] Indeed, that was what the second session intended to do: to reflect on the Church itself.[25] Among the

[21]Martina, "Paolo VI," 50.

[22]Y. Congar, *Le Concile au jour le jour* (Paris: Cerf, 1964), 2:84.

[23]G. Colombo, "I discorsi," 254.

[24]The Italian text is used here. *Enchiridion Vaticanum*, vol. 1 (Bologna: Dehoniane, 1981), paragraph numbers 149-50. Opening speech, second period, September 29, 1963. Henceforth, OS II plus paragraph number. The official Latin text is in AAS 55 (1963): 841-59.

various topics, he told the bishops, the one that concerned them as bishops of the Church of God took first place.[26]

b. A Fuller Ecclesiology

First of all, a fuller and more precise ecclesiology comes from the use of "fuller sources," i.e., the scriptural data in all its wealth, the mysterious divine presence in a visible society, the magisterial teaching contained particularly in *Mysticis Corporis* and Vatican I, the historical and geographical development of the Church through the ages, and the reality of various Churches.[27] Second, though the doctrine of Vatican I on the papacy should be kept unaltered, it nevertheless needs to be completed by the doctrine on the episcopate[28] and on the others who make up the pilgrim Church, namely, the clergy, the religious, the faithful and the separated Christians, called as they are to full union with the Church.[29]

The publication of the pope's personal notes for the opening of the second period sheds new light on what he means by completing Vatican I and achieving a much fuller experience of Church. In one set of notes, after calling Vatican II the rightful complement of Vatican I, the pope further characterizes the former as "the springlike reawakening of immense spiritual energies, present as though sleeping in the bosom of the Church."[30] He goes on to call it the "earnest intent to rejuvenate the figure of the Church," in its moral forces, structures, laws, rituals and doctrine.[31] All this will happen when the Church fixes its gaze on Christ.

In another set of notes, Paul VI writes in outline form:

> The First Vatican Council – had before it a fundamentally homogeneous Church; – the concept of *identification* of the Church with peoples and their characteristics was not developed.
>
> The Second Vatican Council – will have to consider this (cfr. the Japanese language); Christianity does not have to be lived in ways alien to the character of each people without taking away the sense of belonging to one communion.[32]

[25]OS II 155.

[26]OS II 157.

[27]OS II 149-50.

[28]OS II 157.

[29]OS II 158.

[30]"è il primaverile risveglio d'immense energie spirituali, quasi dormienti nel seno della Chiesa." *Notiziario* 13, 20-21.

[31]"è il risoluto proposito d'un ringiovanimento del costume della Chiesa..." Ibid., 23.

[32]"Il Concilio Vat.[icano] Primo – aveva davanti una Chiesa fondamentalmente omogenea; – non era sviluppato il concetto della *immedisimazione* della Chiesa con i singoli popoli e le

The completion of Vatican I appears to be more than just defining the role and mission of all those who, besides the pope, make up or are related to the Church. It also means achieving, through a return to Christ, a reactivation of energies that have been lying dormant within the other sectors of the Church left untouched by Vatican I.

Vatican I also cries out for completion in the sense of breaking its homogeneous ecclesiology to accommodate the "peoples." Christianity does not have to be tied to one culture that is alien to others. Identification with diverse peoples does not have to destroy the Church's communion.

A Christ-centered, inclusive and communion ecclesiology can be considered, in this regard, the horizon within which the question of the episcopacy and collegiality should be addressed.

2. Bishops and the Pope

In this speech, Paul VI also provided some detailed comments on the episcopal office and mission and its relation to the Petrine office.

a. Bishops as Successors to the Apostles

Extending his salutations to the bishops gathered around the successor of Peter, the pope reminded them that they are also apostles, "originating from the apostolic college and its authoritative successors."[33] Their solemn and fraternal assembly deserves the name *Ecclesia,* that is, gathering and convocation.[34] Moreover, it unveils the characteristics that constitute the Church's mystery: unity, catholicity, apostolicity and sanctity.[35]

b. The Pope

As for the papal office that he had just assumed, Paul VI stated that he had been elected "to the episcopal See of Rome and thus to the supreme pontificate in the Universal Church."[36] In this Roman See, he is Peter's suc-

loro caratteristiche. il Concilio Vat.[icano] Secondo – dovrà tener conto di ciò (cfr. lingua giapponese) il crist.[ianesimo] non deve essera vissuto con forme estranee all' indole d'ogni popolo – senza togliere il senso di appartenenza all'unica comunione." Ibid., 23-24.

[33]"apostoli anche voi, dal collegio apostolico provenienti e suoi autentici continuatori." OS II 134. The Latin says, "vos, Venerabiles Fratres, convenistis, qui et ipsi apostoli estis, et a Collegio Apostolico originem ducitis eiusque veri estis heredes." See also OS II 139.

[34]OS II 134.

[35]Ibid. Paul VI expounds on these notes in a Wednesday audience a few days after delivering the opening speech. *Insegnamenti di Paolo VI* (1963), 1:493-94.

[36]"[il Sacro Collegio cardinalizio] ci ha voluto eleggere alla sede episcopale di Roma e perciò al sommo pontificato nella Chiesa universale." OS II 137.

cessor, having the same authority and mission as the first apostle.[37] And though he may be the least among his brothers in the episcopate, he nevertheless is charged with the supreme keys entrusted to Peter.[38]

c. Bishops and the Pope

In the opening part of the speech, Paul VI warmly expressed to the bishops his desire to pray, converse, deliberate and work with them. Then the pope declared, in a deeply personal way, his position with regard to the episcopal assembly:

> The Lord is our witness when, in the initial moment of the second session of this great synod, we tell you that there is nothing in our heart which lays claim to human dominion, no jealous retention of exclusive power. There is nothing other than the desire and the will to exercise the divine mandate which makes of us, brothers, the supreme Pastor among you and of you. Of you this same mandate asks that which forms our "joy" and "crown," the "communion of saints," that is, your fidelity, your adhesion, your collaboration. And the Supreme Pastor offers that which he is most happy to give: his veneration, his esteem, his trust, his love.[39]

At the outset, Paul VI deflected the relation between bishops and pope away from the realm of power and located it instead in the divine will. By employing the basic idea of Phil 4:1, he advanced an image of the papacy fulfilled by communion with the episcopate, rather than by the deployment of power.[40] Respectful dialogue between bishops and the pope occurs in communion, rather than in the interplay of power.

[37]OS II 134.

[38]OS II 135.

[39]"Oh, il Signore ci è testimonio quando noi, e fin da questo momento iniziale della seconda sessione del grande Sinodo, vi diciamo non essere nel nostro animo alcun proposito di umano dominio, alcuna gelosia di esclusivo potere; ma solo desiderio e volontà d'esercitare il divino mandato che tra voi e di voi, fratelli, ci fa sommo Pastore, e che da voi chiede ciò che forma il suo 'gaudio' e la sua 'corona,' la 'comunione dei santi,' la vostra fedeltà, la vostra adesione, la vostra collaborazione; ed a voi offre ciò che maggiormente lo allieta donare, la sua venerazione, la sua stima, la sua fiducia, la sua carità." Ibid. Part of the Latin says, "Quod mandatum a vobis id petit, quod Nostrum efficit 'gaudium et coronam' hoc est 'sanctorum communionem,' vestram erga Nos fidelitatem, animum vestrum Nobiscum coniunctum, operam vestram Nobiscum sociatam. Nos autem in vicem ea vobis deferimus, quae deferre laetamur admodum: Nostram nempe venerationem, existimationem Nostram fiduciam, caritatem Nostram."

[40]Regarding the use of the Pauline imagery of *gaudio* and *corona*, G. Colombo comments that these are just metaphors and should not be seen as an attempt to fix a theology of collegiality. See G. Colombo, "I discorsi," 255. While it must be granted that a full theology of collegiality cannot be adequately expressed by borrowing two metaphors, still their use

Power in the Church, however, is not denied by the pope. He trusts that the council's reflection on the doctrine on the episcopacy

> will certainly offer to us ourselves the doctrinal and practical criteria through which our apostolic office, though endowed by Christ with fullness and sufficiency of power... can be better assisted and strengthened by a more valid and more responsible collaboration of our beloved and venerated brothers in the episcopate, in ways to be established.[41]

A number of comments close this section. Many of the ideas in the opening speech and in its preparation have been encountered already in Montini's earlier writings and speeches, while some are at least viewed in a new light.

1. The Christological affirmation, one of Montini's distinguishing marks, comes out strongly in this speech. Only in the person and will of Christ can the Church find renewal of its self-understanding and inner vitality. The doctrine on the episcopacy can only be crystallized in the discernment of Christ's will.
2. Cultural diversity in the Church is definitely acknowledged and accepted as compatible with the reality of communion. This principle will later qualify as a factor in the collegiality of bishops of local Churches.
3. In an ecclesiology of communion, the papacy is seen as the center of communion of bishops, whose collaboration and fidelity in turn crowns and confirms it. But a tension exists in Paul VI's thinking. By forcefully talking of the sufficiency and fullness of papal power, he seems to consider the collaboration of bishops more as an assistance to and affirmation of the papal office than an exercise of their proper responsibility for the Church.
4. The existence of the apostolic college is affirmed, as well as the rightful succession to it by bishops. But Paul VI does not offer any

cannot be dismissed, especially when dealing with Montini's thought. For a man like Paul VI, who communicates at special moments with symbolic language and gestures, no metaphor can be lightly labeled as "mere" metaphor. Besides, even in the deliberations of the CPC on *De Ecclesia*, Montini intervened along the same lines. See ACOA II/II, 3:1070. The appropriateness of these metaphors for expressing the relation between pope and bishops should be evaluated.

[41]"[questa prossima trattazione] offrirà certamente a noi stessi i criteri dottrinali e pratici, per cui il nostro apostolico ufficio, quantunque dotato da Cristo della pienezza e della sufficienza di potestà, che voi conoscete, possa essere meglio assistito e confortato nei modi da stabilire, da una più valida e più responsabile collaborazione dei nostri diletti e venerati fratelli nell'episcopato." OS II 157.

explanation of his understanding of the notion of apostolic succession. More reflection goes into the pope's succession to Peter than to that of the bishops to the other apostles.

C. THE VOTE OF ORIENTATION (OCTOBER 30, 1963)

1. Events Surrounding the Vote

The schema *De Ecclesia* was at the top of the agenda of the second session.[42] The assembly discussed Chapter II, which dealt with the hierarchy, from October 4-16, 1963, with a few more speakers heard on October 17. Those days saw some of the most contrasting positions ever expressed in the council hall on a particular topic. The most disputed matter was collegiality, especially that aspect which dealt with the relation between bishops and the pope.[43] A brief presentation of the differing views can be helpful.[44]

Diverse theological models and methods surfaced during the debate and affected all aspects of the doctrine on the episcopacy, e.g., the sacramentality of consecration and its effects, the suitability of the term *collegium* to refer to the Twelve and to bishops, the notion of apostolic succession, and the subject/s of supreme and full power over the Universal Church and the exercise of that power. But the views expressed on these points often merely extended the Fathers' approaches to the central problem of the relation between bishops and the pope in the exercise of supreme and full power over the Church.

For the so-called minority group, paramount in the episcopal office is jurisdiction over local Churches. Every form of jurisdiction comes from one source, the papacy, which alone has been divinely willed to perform a function of universal scope in the Church. Bishops indeed succeed to the apostles, but not in the extraordinary powers that accrue to the latter and certainly not in the form of a college of equals who co-govern with their head. There is no permanently existing episcopal college that exercises full jurisdiction over the Universal Church by divine right. Such *iure divino* existence of the college is tenable only if it is brought about by the *pope's* convo-

[42]The *textus prior* (TP) of *De Ecclesia*'s Chapter II, used during the second period, is in ASSC II, 1:231-52.

[43]For the debate on Chapter II, see A. Acerbi, *Due ecclesiologie, ecclesiologia giuridica ed ecclesiologia di comunione nella 'lumen gentium'* (Bologna: Dehoniane, 1975), 267-94; Betti, *La Dottrina*, 117-83; G. Philips, *L'Église et son mystère au deuxième concile du Vatican* (Paris: Desclée, 1967), 1:25-29.

[44]Acerbi's synthesis will be utilized here extensively.

cation; otherwise, the college must be considered an institution of ecclesiastical law. Episcopal consecration, which confers a higher jurisdiction than that possessed by a presbyter and, therefore, not a new order, gives bishops the *capacity* to be called by the pope to participate in *his* exercise of universal jurisdiction.

The so-called majority position generally rested on the sacramental nature of the Church and of the episcopacy. Of major concern is not jurisdiction but the mission that Christ entrusted to the apostles and to their successors. To fulfill this mission, powers are given. Since the apostolic mission covers the pastoral government of the whole Church, apostolic powers are received as a unity (sanctifying, teaching and governing). Episcopal consecration is the sacrament of succession to the apostolic mission and powers through incorporation into the episcopal college. The episcopal college, always existing with and under its head, does not exist transitorily and occasionally. It rather participates permanently as one body in the common mission and responsibility of guiding the Church. Together with its head, the college is the subject of supreme and full power in the Church. This power belongs to the college by divine right and not by derivation from papal power. Among the majority, however, there were differences on the concrete modalities of the exercise of collegial supreme power and the role of the papacy, e.g., how does canonical mission or determination relate to episcopal powers conferred sacramentally? Is there a permanent exercise of collegial power? Is there one distinct subject or are there two inadequately distinct subjects of supreme and full power in the Church? Does the pope act as head of the college when he exercises his full power? Even the majority did not offer uniform answers to some of these questions.

In the context of intense opposition, the final *relatio* of Cardinal Browne on October 15 did not help clear the air, since he simply assured the assembly that the teaching of Vatican I on the papacy would be safeguarded by the doctrinal commission. This commission was fully aware of the dangers of using *collegium* in the narrow sense, which reduced the pope to a *primus inter pares*.[45] He did not indicate, however, how the completion of Vatican I desired by Paul VI and the Fathers would be accomplished. So from the official *relatio* of the doctrinal commission's representative to the disparate interventions of the Fathers, it was not clear where the council really stood on key points of the doctrine on the episcopacy. In this general state of

[45]ASSC II, 2:600-1.

affairs, Suenens, acting as moderator for the day, made the following announcement on October 15:

> It was requested by many Fathers that at the end of the discussion on Chapter II, some kind of vote be held on the chief points of the chapter so that the general thinking of the Fathers on the more important problems may be expressed.
>
> Tomorrow, in the council hall, you will receive a page with four questions proposed to you. These questions intend to give to the doctrinal commission orientations or guiding norms for further elaboration of the schema so that the work of the commission can proceed more easily and clearly.[46]

The vote was planned for October 17.

One known request for a vote of orientation came from the president of the episcopal conference of Chile. On October 8, 1963, Cardinal Silva Henríquez, acting on behalf of seventy-seven Latin American bishops, presented to the moderators a petition for such a vote, a proposal that the same cardinal repeated directly to Paul VI on October 22.[47] Betti, therefore, comments that the moderators' initiative was far from arbitrary. The pope himself could not have been in the dark about it.[48] Besides there had been a precedent in the first session when Tisserant called for a similar vote on the constitution on the liturgy.[49]

The vote scheduled for October 17, however, actually took place only on October 30. On October 16, the Fathers were notified that the vote was being put off until an unspecified date.[50] Then a series of moves and meetings took place but their results were not readily made public. The long silence on the fate of the questions only indicated the presence of difficulties among the council's directorial bodies. In the first place, it was asked by some conciliar administrative bodies whether the moderators had the authority to present to the assembly a vote that was not explicitly provided

[46]"A perpluribus Patribus rogatum est ut in fine discussionis cap. II quaedam votatio habeatur de praecipuis argumentis cap. II, ita ut quoad maiora problemata pateat generalis mens Patrum. Feria proxima, in aula, accipietis folium cum quatuor votis vobis propositis: quae vota intendunt dare commissioni theologicae orientationes seu normas directivas pro ulteriori elaboratione schematis, ita ut labor commissionis facilius et clarius progredi possit." Ibid., 597.

[47]See E. Viganó, "El 30 de octubre," *Teología y vida* 5 (1964): 15-25, especially 17-18. Betti confirms the information contained in Viganó's article. Betti, *La Dottrina*, 184, n. 382.

[48]Ibid., 185.

[49]A. Wenger, *Vatican II* (Paris: Centurion, 1964), 2:74; and C. Troisfontaines, "À propos de quelques intervention de Paul VI dans l'élaboration de 'lumen gentium,'" *Paolo VI e i Problemi Ecclesiologici al Concilio,* 101.

[50]ASSC II, 2:605.

for by the rules of the council.[51] Second, even given the admissibility, in principle, of a vote of orientation, who should formulate the text of the questions, the commission in charge of the schema under discussion or the moderators?[52] Does the doctrinal commission's responsibility extend to the content of such questions? The issue also pitted the moderators against the Council of Presidents, the General Secretary and the doctrinal commission.

Paul VI was approached by the various sides engaged in this "political war." How did he handle the conflict and what was his role in the subsequent realization of the vote? Chroniclers of the council have their own information to share. La Valle just presumes that the pope must have known of the moderators' move in the course of their weekly audiences.[53] The pope allegedly had prior knowledge of the questions on October 15 and his agreement was conveyed by Dossetti in a letter to Lercaro and Suenens on the same day. The letter basically requested that the cardinals reject any attempt to weaken the text of the questions.[54] In contrast, Carbone, relying on Felici's account, paints a picture of a pope who knew nothing of the initiative, was angered when told about it, and disapproved of both the distribution of the printed questions and the vote.[55] Wenger, for his part, calls attention to a news dispatch from Dossetti, published in the Bologna newspaper *L'Avvenire d'Italia* on October 16, informing the public that the council would vote on October 17 on questions related to collegiality, the diaconate and mariology. Paul VI, according to Wenger, felt displeasure at seeing the object of the questions, which was yet unknown to the Fathers, divulged by the press.[56] But Wenger says nothing about the pope's prior knowledge or approval of the initiative. It is difficult to settle the issue of

[51]See R. La Valle, *Coraggio del concilio* (Brescia: Morcelliana, 1964), 208; an interview of Krol with the NCWC News Service, quoted in G. Caprile, *Il Concilio Vaticano II* (Rome: Edizioni "La Civiltà Cattolica," 1967), 3:168; Troisfontaines, "À propos," 101. The letters of Lercaro also refer to this difficulty. See G. Lercaro, *Lettere dal concilio* (Bologna: Dehoniane, 1980), 188-89, 191-93.

[52]See P. Levillain, *La mécanique politique de Vatican II* (Paris: Beauchesne, 1975), 329.

[53]La Valle, *Coraggio*, 208.

[54]"Posso infine dire in coscienza che su queste proposizioni anche il S. Padre è certo d'accordo." See text in Lercaro, *Lettere*, 187, n. 2. Dossetti, a priest of Bologna and *peritus* of Lercaro, served as "informal secretary" to the moderators. C. Colombo's collaboration in the various stages of the redaction is proof for Alberigo that Paul VI knew and approved of the project. See G. Alberigo, "L'Episcopato al Vaticano II," *Cristianesimo nella storia* 8 (1987), 155, n. 10.

[55]V. Carbone, "L'azione direttiva di Paolo VI nei periodi II e III del Concilio Ecumenico Vaticano Secondo," *Paolo VI e i Problemi Ecclesiologici al Concilio*, 81.

[56]Wenger, *Vatican II*, 2:75.

where Paul VI stood on the matter when Suenens announced the vote on October 15.

According to Grootaers,[57] the moderators met with Paul VI on October 17, with no conclusive results. But on October 18, a new redaction of the questions began.[58] So the pope had not shelved the project. On October 21, Suenens met with the pope. Paul VI then convened a meeting of the council's top administrative bodies on October 23, where the lawfulness of the moderators' action, as well as the revisions on the questions previously submitted to him, was discussed.[59] From Suenens' reminiscence, Paul VI rallied behind the decision of this meeting to go ahead with the vote, but he communicated his final authorization only at the last minute.[60] In the moderators' meeting with the pope on either October 26 or 27, the four questions were definitively launched.[61] Suenens had a last meeting with the pope on October 27 and the following day, the cardinal handed to Felici the revised text reviewed and approved by the pope, now expanded to five questions (the fifth on the diaconate), with a preface and a *nota bene.* Some additions in the pope's handwriting appeared on it.[62] The questions were distributed to the Fathers on October 29. The historic vote occurred on October 30. On the afternoon of that same day, Paul VI welcomed the moderators to their usual audience by saying, "Today has been a great day!"[63]

If Carbone's account of the events of October 15 is right, then Paul VI must have changed his mind about the moderators' action. If he had initially disagreed, it was possible that he did not want to embarrass the moderators publicly by personally blocking their initiative till a judgment on its legality had been passed by the competent body. If Dossetti is to be believed, then Paul VI's official silence could be due to respect for the conflicting conciliar bodies and a desire not to side with one and disavow the others.[64] Or the pope could just be expressing his dissatisfaction with leaks

[57]Grootaers' chronology of events is found in R. Laurentin, *L'enjeu du concile* (Paris: Seuil, 1964), 2:98. See also Caprile, *Il Concilio,* 3:168.

[58]Troisfontaines talks of a reformulation worked out in the Belgian College by a group of experts. See Troisfontaines, "À propos," 101.

[59]Laurentin, *L'enjeu du concile,* 2:99; and Levillain, *La mécanique,* 326.

[60]Troisfontaines, "À propos," 101.

[61]Lercaro writes, "Si ebbe, i '4,' un'altra riunione col S. Padre e i famosi quesiti furono definitivamente varati." Lercaro, *Lettere,* 196. Lercaro states that this meeting took place on October 27, whereas Grootaers has it a day earlier.

[62]Carbone, "L'azione," 82.

[63]"Quella sera, il S. Padre, ricevendoci nella consueta udienza, cominciò: 'Oggi è stata una grande giornata!" Lercaro, *Lettere,* 201.

[64]Wenger, *Vatican II,* 2:76, 250.

to the press. Suenens recalls the pope's own explanation for waiting till the last moment: "I wanted that it [the vote] be made under the responsibility of the moderators, without engaging myself personally."[65] This comment has been interpreted by Troisfontaines as indicative of the pope's essential reserve. But whatever his motives might have been, Paul VI did not stop the vote, he took interest in the redaction of the questions, commented on the text, and welcomed the results.

2. Redaction and Contents of the Questions

Since Paul VI definitely had a hand in the final version of the questions, it is important to investigate their theological content, especially in comparison with the *textus prior* (TP), with earlier redactions and with some opinions expressed by some Fathers on these redactions.

Alberigo published two earlier versions, presumably retrieved from the Lercaro and Dossetti files (see *Alberigo 1* and *Alberigo 2* in Appendix I; henceforth, A1 and A2).[66] Acerbi, using the Colombo files, presents other earlier editions which, from their style, seemed to have been composed independently of each other and of those found by Alberigo (see *Acerbi* in Appendix I; henceforth, AC).[67] The authors of these various drafts are not identified. Troisfontaines attributes the original project dated October 14 to Dossetti, and the second project dated October 19 to Philips, assisted by Prignon and Moeller.[68] But he does not produce the text resulting from these two projects, making it impossible to match them with what Alberigo and Acerbi had made public. It also seems that the doctrinal commission received from some Fathers (Cardinals Bacci, Browne and Spellman, and Bishop Bandeira de Mello) written comments on the drafts of the questions, which apparently were considered in the final redaction.[69] All these

[65]"Je voulais que ce soit fait sous la responsabilité des modérateurs, sans m'engager personnellement." This remark of Paul VI, made to Suenens eight days after the vote, is reported in Troisfontaines, "À propos," 101.

[66]*Synopsis Historica, Constitutionis Dogmaticae Lumen Gentium* (Bologna: Istituto per le Scienze Religiose, 1975), 429-30. The same versions are also found in G. Ghirlanda, *Hierarchica Communio* (Rome: Università Gregoriana Editrice, 1980), 280-81.

[67]Acerbi, *Due ecclesiologie*, 295-97.

[68]Troisfontaines, "À propos," 135-36. According to Grootaers, the questions underwent five or six versions. The main redactors were Dossetti, Philips, Suenens and some members of the doctrinal commission whose involvement was unknown to Ottaviani. Grootaers did not publish the said versions. J. Grootaers, "Le Pape, vicaire du Christ et tête du Collège des Évêques?" *Primauté et collégialité, Le dossier de Gérard Philips sur la Nota Explicativa Praevia* (Leuven: Leuven University Press, 1986), 29.

[69]ASSC II, 3:673-74. See also Ghirlanda, *Hierarchica*, 281-82.

sources must be studied to determine the exact content of the final questions approved by Paul VI and overwhelmingly accepted by the Fathers.

Before reading the propositions to the Fathers on October 29, Felici mentioned three times in his brief remark that the distribution, reading and vote were all being done *ex mandato moderatorum.*[70] The preface contained the *rationale* and the *weight* of the vote. Not unlike Suenens' announcement on October 15, it stated that many Fathers, and at times whole episcopal conferences, had requested a vote in order to give the pertinent commission a way of judging the assembly's inclination and extent of adhesion to some views. The vote now set by the moderators would not approve or reject any text. In the light of the results, the commission would weigh the individual interventions of the Fathers and submit the whole text for a vote at a general congregation.[71] Therefore, the moderators' action in proposing the vote was not one of careless manipulation. The assembly's propensities on key issues must be determined in order to aid the doctrinal commission whose critical function remained intact. This particular formulation of the vote's weight was at the root of a later controversy on:

a. the relation between the assembly and the commission; and
b. the binding character of the vote.

On the one hand, the commission was being reminded that it was at the service of the assembly whose views must be considered in the revision of texts. On the other hand, the commission's freedom in interpreting the questions, in the light of which the doctrinal content of the assembly's interventions would be evaluated, seemed to be guaranteed. In a seeming attempt to safeguard this freedom, the questions were worded in such a way that the responses could be interpreted as expressions of *desired textual formulations*, rather than explicit affirmation of doctrine. Each question thus began: "It is asked whether the Fathers would want the schema to be so prepared

[70]ASSC II, 3:573.

[71]"Cum ex interventionibus Patrum in Aula Conciliari non sit possibile eruere quot Patres revera stent pro tali vel tali sententia, eo fine ut afferatur Commissioni competenti elementum aliquod iudicii circa amplitudinem adhaesionis quam appositae sententiae revera habent in Congregatione; adhaerendo petitionibus multorum Patrum, immo universae etiam aliquando Conferentiae episcopalis; Moderatores proponunt Patres, pro Capite II Schematis De Ecclesia, quaestiones quae sequuntur. Vota Patrum de eisdem, proinde, nullum textum adprobant vel reiiciunt; unice eo tendunt ut Commissio scire possit quae sit propensio Congregationis circa propositas quaestiones; competens deinde Commissio Conciliaris, debite, iuxta Ordinem Concilii, perpendet singulas Patrum interventiones; ac deinde integrum textum subiiciet suffragationi Patrum in Congregatione generali." Ibid., 573-74.

as to say that..."[72] In this way, the commission, if it wanted to, could freely disregard the vote, interpreting it as a mere expression of wishes rather than as a binding conciliar assertion of doctrine.

The four questions concerning the episcopate and the results of the vote are as follows:

It is asked: Whether the Fathers would want the schema to be so prepared as to say	*Placet*	*Non Placet*
1. that episcopal consecration constitutes the highest degree of the sacrament of order.	2123	34
2. that every bishop, legitimately consecrated, in communion with the other bishops and the Roman Pontiff, who is their head and principle of unity, is a member of the body of bishops.	2049	104
3. that the body or college of bishops succeeds to the college of apostles in the office of evangelizing, sanctifying and governing, and that the body, in union with its head, the Roman Pontiff, and never without this head (whose primatial right over all pastors and faithful remains intact and complete), possesses full and supreme power over the whole Church.	1808	336
4. that the said power belongs to the college of bishops united to its head by divine right.*	1717	408

* N.B.: The third and fourth propositions signify the following: a) the actual exercise of the power of the body of bishops is regulated by norms approved by the Roman Pontiff; b) there is no truly collegial act of the body of bishops without the invitation or "at least the free acceptance" by the Roman Pontiff (Cf. Schema "De Ecclesia," p. 27, l. 38); c) the practical and concrete way by which the double form of supreme power in the Church is exercised will receive further theological and juridical determination, with the Holy Spirit strengthening in an indefectible way the harmony between one and the other form.[73]

[72]"Quaeritur: Utrum placeat Patribus ita apparari schema ut dicatur..." Ibid., 574.

[73]"Quaeritur: 1. Utrum placeat Patribus ita apparari schema ut dicatur Episcopalem consecrationem summum gradum Sacramenti Ordinis constituere. 2. ...omnem Episcopum legitime consecratum in communione Episcoporum et Romani Pontificis, qui est eorum Caput et principium unitatis, membrum esse Corporis Episcoporum. 3. ...Corpus seu Collegium Episcoporum in munere evangelizandi, sanctificandi et pascendi succedere Collegio Apostolorum; et ipsum, una cum capite suo Romano Pontifice et numquam sine hoc capite (cuius salvum et integrum remanet ius primatiale in omnes pastores et fideles), plena et suprema potestate in universam Ecclesiam pollere. 4. ...praedictam potestatem ipsi Collegia Episcoporum Capiti unito competere iure divino.*

*N.B. sensus propositionum tertiae et quartae est: a) actuale exercitium potestatis Corporis Episcoporum regitur ordinationibus a Romano Pontifice adprobatis; b) actus vere

The first proposition plainly concerns the *sacramentality* of episcopal consecration already affirmed in substance in TP 14 and in A1 and A2.[74] The final text discarded references to the Fathers of the Church and liturgical sources in support of sacramentality (A1 and TP 14 § 1). It also left out any mention of the episcopate's superiority to the presbyterate (A2 and Bandeira de Mello's comment) and of a character proper to consecration (AC and TP § 1). So the question simply affirms that the episcopacy constitutes the highest degree of the sacrament of Orders.

A detail that can prove significant must be pointed out. A1 and A2 both had a question explicitly dealing with the sacramental origin and unity of episcopal powers and the canonical determinations needed for the actual exercise of jurisdiction over particular Churches. This unity of episcopal powers given at consecration was only vaguely hinted at in TP 14 § 1.[75] The final version of the questions, however, did not include this hotly debated issue.

The second proposition is about the *conditions for incorporation into the body of bishops*, i.e., legitimate consecration and communion with other bishops and the pope. The question of legitimate consecration began to surface only in A2 and AC. The definitive formulation seems to imply that communion renders consecration legitimate, and that it is legitimacy of consecration that matters for membership in the episcopal body. It must be noted that nowhere in TP is there any assertion about the conditions for insertion into the episcopal college. This is a novelty introduced by the questions. It should also be indicated that the second proposition does not explicitly claim that membership in the college of bishops is an effect of the sacrament, although Betti argues that the content of the question is a logical consequence of sacramentality and an application of the initial affirmation of TP 16 (*De Collegio Episcopali eiusque Capite*).[76] AC's direct linkage of mem-

collegialis Corporis Episcoporum non datur nisi invitante aut 'saltem libere recipiente' (cf. Schema 'De Ecclesia,' p. 27, l. 38) Romano Pontifice; c) modus practicus et concretus, quo duplex forma supremae potestatis in Ecclesia exercetur, ad ulteriorem determinationem theologicam et iuridicam pertinet, Spiritu Sancto harmoniam inter utramque formam indefectibiliter roborante." Ibid. The results of the vote are in ibid., 670.

[74]For a comparison of the redactions of the four questions, see Appendix I.

[75]"Dominus Iesus, pastor et episcopus animarum nostrarum (1 Pt. 2, 25), potestatem authentice docendi et gubernandi in Ecclesia ita instituit, ut arcto vinculo coniungeretur potestati sanctificandi quae in sacramento ordinis confertur." TP 14 § 1.

[76]See Acerbi, *Due ecclesiologie*, 295; and Betti, *La Dottrina*, 186. TP 16 § 1 says, "Sicut in Evangelio, statuente Domino, sanctus Petrus et alii Apostoli unum collegium apostolicum constituunt, eadem ratione successor Petri, Romanus Pontifex, et Episcopi, successores Apostolorum, inter se coniunguntur."

bership in the college and being the subject of power in the Church is missing in the final form of the question.

The expression "college of bishops" in A1 and the equivalent "episcopal college" in AC were replaced by the more neutral "body of bishops" in A2 and in the final form probably to show to those who were against the use of *collegium* that it was interchangeable with *corpus* or *ordo*. Bandeira de Mello, however, still found the use of *corpus* dangerous since its signification was not explicitated.

The third proposition asserts that:

a. *the episcopal college succeeds to the apostolic college* in the three-fold office of evangelizing, sanctifying and governing (cf. TP 16 § 4),[77]
b. the college is to be understood always with its head (cf. TP 16 § 3),[78]
c. *the head's primacy* remains intact within the college (cf. TP 16 § 5),[79] and
d. the college possesses *full and supreme* power over the Church (cf. TP 16 § 4).[80]

The fourth proposition then states that this power belongs to the college *by divine right*. So the third question finds direct correspondence with TP 16 and also some parts of TP 13 (*De Episcopis successoribus Apostolorum*). Even A1 and A2 already reproduced parts of TP 16 almost to the letter. The power of the college *iure divino* was not expressed so explicitly and succinctly in TP as in the fourth question, but could be deduced from TP 16 and Questions 1 and 2.[81]

The definitive form of Question 3 does not incorporate suggestions that would have further emphasized papal primacy *within* the college (Bacci)

[77]"...collegio Episcoporum autem, quod collegio Apostolorum in magisterio et regimine pastorali succedit..." TP 16 § 4.

[78]"Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intelligatur." TP 16 § 3.

[79]"...In Collegio illo, Episcopi primatum et principatum Capitis sui fideliter observantes..." TP 16 § 5.

[80]"...collegium Episcoporum, autem, quod collegio Apostolorum in magisterio et regimine pastoral succedit, imo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, indivisum subiectum plenae et supremae potestatis in universam Ecclesiam creditur." TP 16 § 4.

[81]"Sicut in Evangelio, statuente Domino, sanctus Petrus et alii Apostoli unum collegium apostolicum constituunt, eadem ratione successor Petri, Romanus Pontifex, et Episcopi, successores Apostolorum, inter se coniunguntur." TP 16. See also the comments of Betti, *La Dottrina*, 187.

and *over* the college (Bandeira de Mello). Also rejected was Browne's idea that the college enjoys supreme and full power *when* invited by the pope and when the results of its deliberations are freely accepted by him. Browne's recommendation, however, was somehow brought into the *nota bene*, but not in the extremely restrictive sense originally given to it by the author. Spellman wanted the expression *indivisum subiectum plenae et supremae potestatis* found in A1 and A2 (and in TP 16 § 4) be changed to *unum subiectum*. The final form dropped any mention of *subiectum* and merely said that the college enjoys supreme and full power.

Philips insists more than anyone else that Questions 3 and 4 be understood with the *nota bene*.[82] These notes rest on the distinction between the college's supreme power *iure divino* and its exercise. According to Note A, the exercise of this power depends on the regulation by the Roman Pontiff, presumably as part of his primatial office, which remains whole within the college. The reference to norms, not necessarily from the pope (e.g., ecumenical councils, customs) but "at least not revoked" by him (A1, A2 and TP 18 § 2), was eliminated. According to Note B, a "truly collegial act," a notion taken from TP 16,[83] is one that depends on the invitation or at least the reception by the pope, removing any impression of a habitual exercise of supreme power by the college independently of the head. The final form has tempered A2 V.2, which stated in a direct manner that the pope is to make the final judgment on the opportuneness of collegial action. But TP 16, the source of the expression *verus actus collegialis*, set the invitation or reception by the pope as a condition for the common action of bishops *dispersed all over the world* to be truly collegial. The *nota bene* has almost universalized it as a condition for any action to be collegial. In Note C, the exercise of the two forms of supreme power is recognized, i.e., papal and collegial, whose harmonization is the fruit of the Spirit and eventual ecclesiastical determination (cf. TP 16 § 5).[84] So what the notes do with Questions 3 and 4 is to highlight the dependence of the college on its head for a truly collegial exercise of the supreme power, of which it is the acknowl-

[82]Philips, *L'Église*, 31.

[83]"Eadem potestas collegialis una cum Papa exerceri potest ab Episcopis in orbe terrarum degentibus, dummodo Caput collegii eos ad actionem collegialem invitet, vel saltem Episcoporum dispersorum unitam actionem approbet vel libere recipiat, ita ut verus actus collegialis efficiatur." TP 16 § 7.

[84]Compare Note C to the following in TP 16 § 5: "In Collegio illo, Episcopi primatum et principatum Capitis sui fideliter observantes, sub eius suprema auctoritate propria potestate in bonum fidelium suorum, imo totius Ecclesiae funguntur, Spiritu Sancto organicam structuram eiusque concordiam continenter roborante."

edged subject by divine right (Question 4) and by virtue of succession to the apostolic college (Question 3). Note C, in particular, likewise reminds that the recognition of collegial supreme power does not eliminate the papal exercise of supreme power in the Church.

3. Theological Orientations

What theological orientations were clarified by the vote? There was no unanimity among the conciliar Fathers or among commentators on the council.[85]

Among the conciliar Fathers, there was division on the orientation that the vote was supposed to have elucidated. In the general congregations after the vote, which dwelt on the schema *De episcopis ac de dioecesium regimine*, conflicting views were voiced on the value and doctrinal content of the vote. The theological question, however, was often clouded by and intertwined with the political battle among the official organs of the council. Cardinals Browne[86] and Ruffini,[87] and Monsignor Muñoyerro[88] flatly de-

[85]Alberigo sees in each of the four propositions a retrieval of an "apostolic ecclesiology," the basic structure of the Church centered on the Twelve, whose power over the whole Church was commensurate to their mission encompassing the whole world. "Una giornata eccezionale," *L'Avvenire d'Italia* (November 3, 1963), reprinted in La Valle, *Coraggio*, 223-27. Ratzinger approximates Alberigo's interpretation. J. Ratzinger, *Ergebnisse und Probleme der dritten Konzilsperiode* (Cologne: Bachem, 1965), 32-37. Schillebeeckx more confidently proclaims that the vote was the council's way of making its own the notion of collegiality proposed by some progressive theologians. The pope has not only a moral, but a divine and ecclesial obligation to consider the mind of the world's episcopate in the exercise of his power. Supreme power, which is distinct from primacy, is by definition collegial. As the only member of the college gifted with primacy, the pope is its head entitled to exercise supreme power in a personal manner. E. Schillebeeckx, *L'Église du Christ et l'homme d'aujourd'hui selon Vatican II* (Le Puy: Xavier Mappus, 1965), 99-108. For Congar, the vote did away with the view that bishops are confined to their dioceses, exercising power conceded to them by the pope. Rather, by virtue of consecration, bishops form one body succeeding to the mission and power of the apostles. The supreme power of the episcopate is by divine institution. Congar, *Le Concile au jour le jour*, 2:113-15. La Valle largely follows Congar's interpretation. La Valle, *Coraggio*, 209-11. Grasso does not see how the questions resolved the question of the relationship between the pope's power and the college's. Question 3 repeats the data of the problem without indicating a solution. Question 4, at first glance, seems to put forth the college as the unique subject of supreme power. But in Notes B and C, the theory of two inadequately distinct subjects is prominent. D. Grasso, "Bilancio della seconda sessione del concilio," *La Civiltà Cattolica* 115/1 (1964): 335-36.

[86]ASSC II, 4:486.

[87]Ibid., 476.

[88]Ibid., 88.

[89]Ibid., 561.

clared that the vote did not have binding force and did not clarify the notion of collegiality. Monsignor Florit stated that collegiality in the strict sense cannot possibly be approved by any council and one should not deduce any argumentation in support of it from the vote.[89] A week later, he admitted that the vote had affirmed some form of collegiality, which was nevertheless left unspecified: Was it moral or juridical collegiality?[90]

On the other side, Monsignors Veuillot[91] and D'Souza,[92] and Cardinal Frings[93] considered the quasi-unanimous consensus of the Fathers a clear manifestation of their thinking, although no definitive vote on a text was taken. Frings expressed astonishment at Browne's comments on November 6 about the lack of clarity of the notion of collegiality. Then he turned to the role of the doctrinal commission, a procedural matter:

> In my humble opinion, it is not for the conciliar commissions, after the debate in the hall, to offer a new judgment on the matter already treated, as though they possess truth special to themselves and hidden from others. But since the commissions are instruments of the general congregations, it seems to me that they should seek out and follow the mind and will of the Fathers.[94]

The cardinal continued with a stinging attack on the procedures of the Holy Office, to great applause.

Cardinal Ottaviani angrily responded to Frings on the same day.[95] After declaring that every attack on the Holy Office was actually being leveled against the pope, he criticized the moderators for not subjecting to the doctrinal commission's scrutiny the doctrinal aspect of the questions submitted to the assembly on October 30. Had the moderators done this, expressions liable to be misinterpreted could have been avoided. For example, the existence of the apostles as a *college* was presumed when it was only in the council of Jerusalem that they acted as one. The cardinal, therefore, combined the theological and procedural issues.[96]

[90]ASSC II, 5:206.

[91]ASSC II, 4:488.

[92]Ibid., 636.

[93]Ibid., 616-18.

[94]"Secundum meum humile iudicium, commissionum conciliarium non est, post disceptationem in aula factam, novum iudicium proferre de re iam tractata, quasi si haberent propriam sibi veritatem, quae aliis lateret, sed quia commissiones sunt instrumenta congregationum generalium, earum mihi esse videtur, mentem et voluntatem Patrum explorare et exsequi." Ibid.

[95]Ibid., 624-26.

[96]The cardinal's complaint on the lack of consultation of the doctrinal commission is challenged by the existence of written comments from Browne. Other commission mem-

Cardinal Döpfner, one of the moderators, took the stand on November 11. Using a biblical analogy, he said that the recent exchanges could give the impression that some enemy had sown the vote in the field of the council.[97] But in fact, *the questions were derived from the schema proposed by the doctrinal commission itself, if not verbally, at least in their basic meaning.* He likewise reminded the commissions that they were at the service of the general congregations. A few days later, Cardinal Alfrink would indicate once again the connection of the four questions to TP, which came from the doctrinal commission itself.[98]

The polemical exchanges among the Fathers *post factum* show the lack of attentiveness to the real doctrinal issues involved in the October 30 vote. No one on either side, except for Döpfner and Alfrink, cleared a path toward the resolution of what was doctrinally ascertained by the vote. The two cardinals' reference to TP should be taken seriously and critically, in conjunction with the various redactions of the questions. The vote was actually a "referendum" on TP and an initial, though partial, interpretation of it. What aspects of TP were affirmed by the questions and the vote? What were left out in the questions and in the vote? What new dimensions were opened by the questions?

The following elements of TP were incorporated into the questions and thus definitely accepted by the Fathers:

a. that the episcopacy constitutes the highest degree of the sacrament of orders:
b. that the body or college of bishops succeeds to the college of apostles in the three-fold office of sanctifying, teaching and governing;
c. that this body, with its head and never without its head, enjoys full and supreme power over the whole Church;
d. that this is so by divine right;
e. that within the college, the head's primacy over all pastors and the faithful remains whole and complete;
f. that the actual exercise of the power of the college is regulated by norms approved by the pope;

bers might have been consulted but not to Ottaviani's knowledge. Carli would later lament the fact that the contrasting sides had not been given the chance to express their lines of reasoning before the vote. Failure to do this hampered the formation of a mature judgment on the part of the Fathers, for which reason, the vote was illegitimate. See ASSC II, 5:73.

[97]ASSC II, 4:712.

[98]ASSC II, 5:197.

g. that the invitation or at least reception by the pope is required for a truly collegial act to exist;
h. that *collegium* and *corpus* can be used interchangeably;
i. that the Holy Spirit will harmonize and strengthen the relation between bishops and pope in the college.

The following elements of TP, found in earlier redactions of the questions, have not been included in the final formulation and therefore not voted on explicitly, but not for that matter denied:

a. the use of the Fathers of the Church and liturgical customs to support the sacramentality of the episcopacy;
b. the "sacramental" superiority of the episcopate over the presbyterate;
c. the conferral of a sacramental character proper to the episcopate;
d. the unity of episcopal power originating from the sacrament;
e. that the episcopal college united to its head is the *indivisum subiectum* of supreme and full power over the whole Church;
f. that legitimate customs not revoked by the supreme authority or laws offered and recognized by the same authority can regulate the mission of bishops.

An element not found in TP but introduced by the questions is the statement on the conditions for incorporation into the episcopal college, namely, legitimate consecration and communion with bishops and the pope.

From this summary presentation, it can be concluded that the moderators, with Paul VI's approval, left two crucial issues open:

a. whether there is one undivided subject of supreme power in the Church; and
b. the sacramental origin of all episcopal powers and the role of canonical determination in their exercise.

The minority, who had always held that the pope is the only subject of supreme power and that the episcopal power of jurisdiction cannot possibly be conferred sacramentally, would continue raising these topics. The clear distinction made by the vote between powers and their exercise, the latter being totally dependent on the pope, was not sufficient to convince them that the college's existence and power *iure divino* would not in any way jeopardize papal primacy. Till the final moments before the promulgation of *De Ecclesia*, the minority would oppose the doctrine on collegiality based on these two issues of sacramental origin of episcopal powers and the unicity of the subject of supreme power. All other issues, even those clearly

approved by the vote and contained in TP, would be put to doubt by the minority on account of them.[99]

On the other hand, the majority seemed to have taken for granted that the aspects of the doctrine voted on necessarily implied an endorsement of the sacramental origin of episcopal jurisdiction. They were, however, also divided on how to explain the problem of the subject of supreme power. Even after the vote, the logic provided by differing ecclesiological methods filtered into the understanding of what had been affirmed in the vote. As far as Paul VI is concerned, there was little doubt in his mind about the sacramental origin and unity of episcopal power, but he seemingly agreed to leave the question open. Of the elements accepted in the vote, Paul VI would have most reservation about explanations of the exercise of supreme power by the episcopal college that would diminish papal primacy. In this context, it is understandable why he also left the issue of the unicity of the subject of supreme power unresolved.[100] But apart from the doctrinal issues, the pope probably hoped that the vote would pave the path toward dialogue and unity in the council. In an address at the Lateran University the day after the vote, Paul VI exhorted the administrators and students to harmonize with other institutions of high ecclesiastical culture, never in the spirit of destructive rivalry or polemic: *non mai!*[101]

One final observation: Philips, the main architect of TP, one of those consulted for the formulation of the four questions and the author of the first draft of the *nota explicativa praevia* (NEP), says that Questions 3 and 4, with the *nota bene*, will eventually resurface in the NEP.[102] It is amazing that a

[99]A study on how the doctrinal commission used the vote of October 30 to revise *De Ecclesia* is yet to be done. But it can be said at this point that though the sacramental origin and unity of episcopal power were not part of the vote, they found their way into the final text. The same holds true for the reference to the college as subject of supreme and full power. The conditions for incorporation into the college, though not originally in TP, became part of the constitution after the vote.

[100]In the context of the analysis of the doctrinal content of the vote, Schillebeeckx's interpretation of the vote seems to be more optimistic and "progressive" than the evidence would indicate. Alberigo's, Ratzinger's, Congar's and La Valle's respective presentations could be justified, but not as exhaustive treatments of the whole issue. Grasso finds some loopholes that will re-emerge in later conciliar debates.

[101]"E i Nostri voti sono tanto più vivi in quanto... auspicano... che la sua affermazione nel concerto dei grandi, celebri e benemeriti istituti romani di alta cultura ecclesiastica sia quella della sincera riconoscenza, della fraterna collaborazione, della leale emulazione, della mutua riverenza e dell'amica concordia, non mai d'una gelosa concorrenza, o d'una fastidiosa polemica; non mai!" *Insegnamenti di Paolo VI* (1963), 1:272.

vote that had become a battle cry for the majority could later be a source of appeasement for a troubled minority. Philips' comments could well be an attempt on his part to persuade those disappointed with the NEP of the continuity of this document with the whole history of the constitution. Judgment on the alleged connection between the NEP and the vote of orientation will be discussed in Chapter Seven.

D. THE DECREE ON BISHOPS AND DIOCESES

The vote of orientation was followed by a recess for the celebration of All Saints and All Souls. When the regular general congregations resumed, the schema put forward was *De episcopis ac de dioecesium regimine*, a logical sequel to the preceding dogmatic discussion and vote on the episcopate.[103] The document occupied the council from November 5-15, 1963. In this section, the theological aspect of the conciliar debate on the reform of the Roman Curia, on the proposed "senate of bishops" and on episcopal conferences will receive attention in order to see how the notion of collegiality figured in it.[104] How the Fathers interpreted Paul VI's speeches to support their views on collegial structures will also be examined.

1. General Comments: Collegiality and Structural Reform

Alfrink commented at the 61st General Congregation of November 6, 1963, that after the discussion on collegiality and the episcopal college's power *iure divino*, the schema on bishops should focus on the *exercise* of this power.[105] Bea made a similar remark but stressed that the principles governing the organization and action of the Church are not to be derived from mere considerations of utility and functionality, but from divine revelation itself.[106] The debates were expected then to touch on the structural

[102]Philips, *L'Église*, 31. Philips will also draw from these questions and *nota bene* in his *relatio* of June 1964 to explain the commission's response to some of the *modi* sent in the name of Paul VI in May 1964.

[103]The text of *De episcopis* distributed to the assembly can be found in ASSC II, 4:364-92. It had an introduction and five chapters: 1) the relation between bishops and the Roman Congregations, 2) coadjutor and auxiliary bishops, 3) episcopal conferences, 4) boundaries of dioceses and ecclesiastical provinces, and 5) the erection and boundaries of parishes. Two appendices were attached to the schema, the first of which concerned faculties of bishops.

[104]Caprile's summary has been most helpful. See Caprile, *Il Concilio*, 3:187-98, 205-17, 245-58, 261-71.

[105]ASSC II, 4:479-80.

[106]Ibid., 481-82.

changes needed to be implemented for the theological insights on collegiality to come to fruition in Church praxis. There was a barrage of appeals to incorporate the perspectives opened by the prior doctrinal debates and vote on collegiality occasioned by *De Ecclesia*, and to draw out their implications and concrete applications.[107] There were Fathers, however, who held it a grave mistake to suppose that collegiality had already been so clarified in previous discussions that it could now be applied to the question of Church structures.[108] It is not difficult to get the impression that these two sides were talking of different realities when referring to collegiality.

Practicing collegiality meant for some Fathers that Church structures and procedures should reflect the possession by the episcopal college of *supreme power* over the Universal Church. Bishops then deserve to be heard with regard to issues affecting the whole Church.[109] Since the powers of bishops, taken individually and collegially, are of divine right, the language of *concession* should cease to be used when referring to episcopal faculties that many bishops had been requesting Rome to allow them to exercise habitually and locally.[110] Monsignor Kalwa preferred to call it a restitution of faculties rather than a recognition or concession.[111] Involved in this particular approach to collegiality, which concentrates on episcopal powers, are:

a. the recognition and restitution of the powers inherent to the episcopal office by divine institution; and
b. the *universalization* or *extension* of episcopal power, specifically as collegial power, to encompass the whole Church.

Another direction indicated by some Fathers regarding collegiality in practice was the application of the principle of *subsidiarity*, resulting in *decentralization*.[112] If bishops truly hold powers by divine right, then they should be able to exercise them more freely than is the case when the central authority controls and "concedes" the powers. Bea beautifully situated

[107]See ibid., 445-46 (Liénart); 450-52 (Richaud); 460-62 (De Bazelaire); 465-66 (Garrone); 467-69 (Marty); 469-71 (Baudoux); 478-79 (König); 487-88 (Veuillot); 488-91 (Gomes dos Santos); 497-99 (Olalia); 503-5 (Hodges); 616-18 (Frings); 636-38 (D'Souza); 641-43 (Martinez-Gonzáles).

[108]See ibid., 476-78 (Ruffini); 486, 626-27 (Browne); 559-64 (Florit); 631-33 (De Castro Mayer); 643-44 (M. Lefebvre).

[109]See ibid., 467-69 (Marty); 505-8 (González Moralejo); 621-23 (Rugambwa).

[110]See ibid., 450 (Richaud); 461 (De Bazelaire); 462-64 (Correa Leon); 469-71 (Baudoux); 479-81 (Alfrink); 584-91 (Méndez Arceo).

[111]Ibid., 572.

[112]See ibid., 454 (Gargitter); 479 (König); 482-83 (Bea).

subsidiarity within the doctrine of the Church as Christ's body composed of various members, each one important and gifted to contribute to the good of the whole. It is not the task of Church authority, therefore, to substitute for individual members in what they can do by themselves.[113] This subsidiary role of authority holds true for the relation between bishops and the Church's central government. So from the *iure divino* powers of bishops and the broader ecclesiology of the body of Christ, collegiality calls for "decentralization," "*distribution*" and "*localization*" of Church power. The *universalist/extensive* dimension evidenced previously is completed by what can be called a *localist/intensive* component. Both mirror the universal and local facets of the episcopal office and the Church itself.

2. *Reform of the Roman Curia and the "Senate" of Bishops*

This part of the debate concentrated on the *universalist* direction of collegiality. Frings verbalized most dramatically the call for changes in the curial organization and style.[114] But there were other voices raised in defense of the curia and its procedure, a defense that often made every criticism appear like an assault on the pope.[115] The most important issue, however, was how curial reform was connected doctrinally to the notion of collegiality, and organizationally to the creation of some sort of senate or council of bishops as an expression of collegiality. The bases most utilized by supporters of both connections were Paul VI's speech to the Roman Curia on September 21, 1963, and his opening discourse for the second period of the council on September 29, 1963.[116] As mentioned in preceding sections, in these speeches he talked about associating bishops or their representatives with the pope in the responsibility of Church government.

To some Fathers, the pope's proposal could be fulfilled by internationalizing the curia through the inclusion of bishops from around the world among its members and consultors.[117] Such a move, aside from bringing firsthand information from various nations to the central administration, could be a veritable exercise of collegiality.[118] Here collegiality consists in *participation in the pope's instrument for universal governance.* Maximos IV, how-

[113]Ibid., 483.

[114]Ibid., 616-18, see also 453 (Gargitter).

[115]See ibid., 558-59 (Ignazio Pietro XVI); 596-99 (Del Pino Gómez); 606-7 (Mason); 624-26 (Ottaviani); 626-27 (Browne).

[116]Ibid., 445 (Liénart); 452 (Richaud); 570 (Gouyon); 573 (Kalwa); 592 (Van der Burgt); 621-22 (Rugambwa).

[117]See ibid., 452 (Richaud); 454 (Gargitter).

[118]See ibid., 568-70 (Gouyon).

ever, thought that membership in the Roman dicasteries is not enough, for it confines participation in the central government of the Church to service in the curia. Collegiality in the sense of a *direct and effective association with the pope's responsibility for the whole Church* is needed.[119] How could this association, which Paul VI had hinted at, be structured in a way that would constitute a true exercise of collegiality? Many proposals gravitated toward the formation of a senate or council of bishops separate from the curia.

To begin with, some Fathers proposed the drafting of a new chapter on the relation between the pope and bishops,[120] or a renaming of the chapter on Roman Congregations and bishops to convey more clearly that it is with the pope that bishops relate in the college, not with the curia.[121] Collegiality demands a more direct, *unmediated union between bishops and their head.* For this reason, a senate of bishops is being suggested. This body would have to be international in composition.[122]

There seemed to be a fair amount of agreement that this body would collaborate with or assist the pope in his solicitude for the whole Church and its governing.[123] But opinions varied on the concrete spot this body would take vis-à-vis the Roman Curia, and on its function. It could become the central council (Alfrink), the central coordinating body (Gouyon), the supreme congregation and highest tribunal of appeal (Olalia), a mere consultative body (McCann) or the true Sacred College of the Universal Church, where some of its members would take turns to form the supreme executive and judicial council of the pope, not dissimilar to the Oriental synod (Maximos IV).

Though the concrete details remained vague and diverse, there existed a desire to see more than just an advisory body, much less a token of recognition to bishops' power over the whole Church. In this vision, the conduct of the curia would inevitably have to be altered since a new body would directly share the pope's governance of the Church.

How would this senate provide the unmediated association of bishops with the pope in the governance of the Church? Some answers given by the Fathers could be provided.

[119]Ibid., 516-19.

[120]Ibid., 445-46 (Liénart); 480 (Alfrink).

[121]See ibid., 571 (Kalwa); 592 (Van der Burgt).

[122]For the various suggestions, see ibid., 478-79 (König); 497-99 (Olalia); 516-19 (Maximos IV); 571-73 (Kalwa); 592-94 (Van der Burgt).

[123]See ibid., 479-81 (König, Bea, Olalia, Alfrink); 576-77 (McCann).

First, Van der Burgt envisioned it to be a venue for actual, living and permanent contact and cooperation among the successors of the apostles, where the full voice of humanity would be heard through the pastors of many lands, and it would bear fruit in pastoral practice more suitable for the varied circumstances of the modern world.[124] So the senate would embody the *collegiality of bishops at the service of the communion of peoples and of a praxis sensitive to the diversity of situations.*

Second, Kalwa saw in the formation of such a body a fulfillment of Questions 3 and 4 of the orientative vote of October 30, 1963, in which an explanatory note indicated that the two ways of exercising supreme power would receive concrete determinations from later legislation.[125] This time, the senate would furnish an experience of collegiality as *reconciliation of collegial and papal powers.*

Finally, McCann considered this body a representative of the whole college,[126] while Alfrink did not.[127] For Alfrink, this central organ was neither the episcopal college nor a "parliamentary" representation of the college. It would be a sign and instrument by which collegial governance could be exercised in some way, stressing some form of "centralization," which would be necessary as episcopal conferences moved toward "decentralization." So the senate revived the question of *the possibility of representing the whole college and of the multiple "levels" of exercising collegiality.*

Even among supporters of collegiality like the ones just referred to, diverse interpretations of collegiality were present, which naturally spilled over into their understanding of the actualization of collegiality in Church structures. But since the topic was the reform of the organ of the pope's central and universal governance, the common emphasis naturally fell on the *universalist* aspect of collegiality, on how bishops could effectively exercise their power over the Universal Church in harmony with the pope's. But when so attached to the issues surrounding the curia and central government, the universalist/extensive direction manifested a centralizing or "centralist" bent. The "intensive" aspect surfaced minimally, except when it was a question of linking the periphery with the center of universal government.

As pointed out earlier, defenders of collegiality used Paul VI's speeches to support their proposals for collegial praxis in the Church. But those

[124]Ibid., 592-93.
[125]Ibid., 573.
[126]Ibid., 577.
[127]Ibid., 480.

against the notion also relied on the same speeches, especially on portions where the pope exalted the papal prerogatives and reaffirmed Vatican I teaching on the papacy to caution the assembly.[128] In fairness to Paul VI, it should be said that the papal speeches were not meant to settle the debate to its fine details. In some sense they were bold enough even to suggest an association between pope and bishops in central ecclesiastical governance. But they also contained enough points of "tension" reflected in and nourishing the assembly's division.

3. Episcopal Conferences

This part of the debate focused in turn on the *localist* aspect of collegiality. Although a consensus existed among the council Fathers that episcopal conferences constituted an appropriate venue for pastoral cooperation and effectiveness, there were deep differences on the suitability of grounding this institution in the doctrine of collegiality. The affirmative and negative responses to the coupling of collegiality with episcopal conferences unavoidably exposed conflicting notions of collegiality. Like the discussion on curial reform and the proposed senate of bishops, the debate on the conferences was really a battle for the true understanding of collegiality.

One objection to the doublet "conferences-collegiality *iure divino*" was the alleged consequent mandatory attribution to these groupings of bishops of a juridical status that could jeopardize the unity and monarchical structure of the Church.[129] The potential threat posed by national Churches, episcopal oligarchy in nations and a nationalistic conception of the Church loomed large in the horizon.[130] The thrust of these misgivings was the protection of papal primacy and the monarchical structure of the whole Church. Cardinal McIntyre could therefore say that the pope, more than any association of bishops, knows what is good for the Church.[131] From these negative comments, *collegiality is perceived as a juridical force that could only threaten the divinely willed papal primacy of jurisdiction on which solely rests the unity of the whole Church.* If this were collegiality, the argument goes, then it could not possibly be *iure divino* or the foundation of any episcopal grouping, for it would be *ad destructionem Ecclesiae.*

[128]See ibid., 643 (M. Lefebvre); 560 (Florit); and Carli, who even went back to an address of the pope when he was still cardinal of Milan. ASSC II, 5:74.

[129]See ibid., 37-38 (McIntyre); 73 (Carli); 92-93 (Bianchi).

[130]Ibid., 60-70 (Olaechea Loizaga); 199 (Peiris). As a reaction, Zoghby reminded the assembly that not all "nationalism" is bad. Ibid., 237.

[131]Ibid., 37.

Another difficulty voiced in the aula was the possible restriction of the powers of individual bishops by an episcopal conference if its decisions were given a juridically binding force.[132] If that were the case, the new institution would end up being a new form of the bureaucracy and centralization that many bishops had been reacting to.[133] Frings, for example, mentioned that what really matter are liberty, voluntarism and fraternity.[134] Even among supporters of collegiality, the concern to safeguard the freedom of individual bishops against the encroachment of a juridical group was paramount. This only indicates that there was common rejection of *a juridical approach to collegiality that would infringe not only on the pope's freedom but on that of the bishops as well.* The difference between objectors and supporters lay in this: the former conceived of collegiality only in a juridical sense and rejected the notion all together on this basis, while the latter explored the polyvalence of the concept and accepted it when so liberated from its narrow juridical confines. What formed the whole for one was simply a part of the whole for the other.

It might be helpful to consider some outstanding examples of how collegiality, having been interpreted beyond its juridical meaning, was applied to episcopal conferences. Bishop Ancel[135] pointed out that territorial collegiality arises from the responsibility of dioceses to assist each other. This responsibility does not lie in the juridical order but in the *order of mission.* The non-recognition of the latter or the confusion between mission and jurisdiction has led bishops to believe that their mission ends where other bishops' jurisdiction begins. Those who in fact support one another tend to consider mutual help as a mere caritative act rather than an expression of a true *sense of responsibility.* So for Ancel, accentuating *the aspects of mission and mutual responsibility* makes collegiality a fitting doctrinal grounding for episcopal conferences.

Another effort was made by Bishop Bellido.[136] The Church is the communion of local Churches, which are in turn the presence of the Church's mystery in local settings. Bishops, whose episcopal office serves as one foundation of the local Churches, bring their communities into communion with the head of the Church and with each other. Episcopal conferences are essentially a *communion of local Churches* in their bishops, where the *common*

[132]Ibid., 478-79 (König); 65-66 (Spellman); 67 (Frings).
[133]Ibid., 39 (Gracia); 42 (Meyer).
[134]Ibid.
[135]Ibid., 75-78.
[136]Ibid., 82-85.

good of the Church in a particular territory is promoted and the relationship of bishops coordinated. For him, collegiality makes sense only if the episcopal office is first situated within the local Church and, from there, within an ecclesiology of communion.

Alfrink confronted the thorniest issue: power. The expression "episcopal college" refers to all bishops with its head and never to portions of it. The tasks and powers of the whole college cannot be transferred to local or national episcopal groupings. *Collegiality in the strictly theological sense* applies only to the whole college, its mission and its authority. Episcopal conferences actualize collegiality in "some way," though not in the strict sense. Their authority comes either from the power of each bishop, which is not surpassed, or from delegation by supreme authority. The goal is not to usurp full collegial power but to allow bishops to exercise *their own power in their dioceses* in a decentralized but coordinated and locally relevant manner. Alfrink seems to justify the possibility for *different "degrees" or levels of collegiality from the fact that there exist different levels of powers in the Church, not only the strictly collegial one.*

Cardinal J. Lefèbvre observed that the difficulties encountered in the debates were due in no small measure to differing meanings attached to the word *collegialitas.*[137] He offered some clarification. Bishops, always united with its head, form a college that can make binding decisions for the whole Church. The mission and power of this college totally depends on the pope's determination for its concrete exercise while the pope does not in any way depend on the college. Seeing how unique the episcopal college is in comparison to other human bodies, the council must transcend the purely juridical connotation normally attached to the word college. Taken in an *analogical sense, collegiality embraces responsibility, concern, mission, service and above all love.* It follows then that bishops must be concerned for the whole Church and its mission. Collegiality understood in the analogical sense poses no threat to papal primacy; it rather makes the exercise of the papal ministry easier and more fruitful.

The topic of episcopal conferences naturally focused attention on the "localist" dimension of collegiality, which included a decentralizing component. Though variously interpreted, the universalist import of collegiality was generally accepted. But the possibility of applying the doctrine to the local levels of the Church was in dispute. The challenge enabled the Fathers to draw out the potentials of the concept of collegiality and even revealed

[137]Ibid., 231-33.

the need for an ecclesiology wherein the "universalist/centralist" and "localist/decentralist" moments of collegiality could coincide.

4. Conclusion

Ample space has been devoted to the various opinions that circulated in the conciliar hall during the debate on *De episcopis* because the organizational and structural concerns elicited by the nature of the schema and the events from the opening of the period to the vote of orientation somehow cast new light on the Fathers' theological positions on collegiality.[138] Among others, Paul VI's invitation to consider ways of associating bishops with the pope's governance of the Universal Church was interpreted as a call for a praxis of collegiality, but there was no unity as to how to execute it. Part of the problem was the diverse notions of collegiality operative in the debate, which all lent themselves to equally diverse ways of structuralization. This section showed the divergence of opinions between the supporters and non-supporters of collegiality and among the supporters themselves. Paul VI would have to deal with these numerous and often conflicting theologico-structural views not only in the second and the succeeding periods, but even after the council. The succeeding sections and chapters will discuss some of his responses.

E. *PASTORALE MUNUS* (NOVEMBER 30, 1963)

Pastorale munus are the opening words of an apostolic letter issued by Paul VI *motu proprio* dated November 30, 1963, where some faculties and privileges were conceded to bishops.[139] It is not the objective of this section to analyze each of the forty faculties and eight privileges, or to compare them with analogous documents like the code of canon law or the appendix to the schema *De episcopis*, although the apostolic letter seems to have some affinity to the latter. The major concern is to bring to light Paul VI's understanding of episcopal powers and their relation to the papal ministry. The discussion will focus on the explanatory paragraphs of the document.

[138]As Laurentin rightly observes, the schema had been "surpassed" by the council by the time it was presented for discussion because it had been drafted before Paul VI's two speeches and the vote of orientation. These turned out to be the Fathers' three main "sources" during the debate on *De episcopis*. See Laurentin, *L'enjeu du concile*, 2:111-12.

[139]Definitive text in AAS 56 (1964): 5-12. Though dated November 30, 1963, the text was distributed to the conciliar assembly on December 3, 1963. Caprile says that the official text published in AAS contains some modifications with respect to the one received by the Fathers during the council. See Caprile, *Il Concilio*, 3:444. The text received by the Fathers is unavailable.

Paul VI situates this particular act of granting faculties within the Holy See's usual response to bishops whenever their preoccupations and work increase as they fulfill their pastoral charge "to which Jesus Christ associated the heavy offices of teaching, sanctifying, binding and loosing."[140] The Apostolic See always responds to bishops' requests related to their pastoral concerns, increases their extraordinary authority and gives them powers and privileges to better equip them to meet the needs of the times.[141] Once more, the bishops in council express their desire to have more faculties and he accedes to it by conceding to them faculties "through which their episcopal dignity will be manifested and at the same time their pastoral office will be rendered more effective and lighter."[142] The said powers are now declared by him as belonging by right to residential bishops and other persons identified by existing legislation.[143] This act of conceding powers, which corresponds fully to his office as universal pastor,[144] is likewise a testimony of his great esteem for his brothers in the episcopate.[145] In return, he asks that they be united with Christ and with His Vicar and that they lighten his "concern for all the Churches" through their collaboration.[146]

In this document, Paul VI presents episcopal powers at the service of the Church's pastoral concerns in contemporary times. This pastoral/ecclesial orientation is coupled with a modest but real exaltation of episcopal dignity, part of which are the powers that belong to the episcopal office by

[140]"Pastorale munus, cum quo Christus Iesus gravissima coniunxit officia docendi, ad sanctitatem adducendi, ligandi atque solvendi, sacrorum Antistites, licet multis obsaepti impedimentis, praecipuae tamen caritatis editis exemplis omni tempore coluerunt." Paul VI, "Motu proprio 'Pastorale munus,'" AAS 56 (1964): 5.

[141]"Increbrescentibus vero per saeculorum decursum Ecclesiae curis laboribusque, Apostolica Sedes intento semper libentique animo Episcoporum postulationibus respondit, quae ad pastoralem sollicitudinem attinerent, eademque dioecesium Praesules non solum extraordinaria auctoritate et iurisdictione auxit, sed singularibus etiam facultatibus et privilegiis ditavit, quae praesentibus necessitatibus opportune satisfacerent." Ibid.

[142]"...eorum vota Nobis visum est libenter excipere, eaque ipsis concedere, quibus simul eorum episcopalis dignitas in sua luce ponatur, simul pastorale munus efficacius expeditiusque reddatur." Ibid., 5-6.

[143]Ibid., 6.

[144]"Id enim cum officio Nostro Pastoris universalis apprime congruere putamus." Ibid.

[145]"...Nos nihil optatius habeamus quam Patrubis Conciliaribus permagnae existimationis testimonia praebeamus, qua omnes Venerabiles Fratres in Episcopatu prosequimur..." Ibid., 5.

[146]"Dum vero haec Episcopis magna voluntate impertimus, eos pariter rogamus, ut iidem omnes, cum Christo et Nobiscum, eius in terris Vicario, artissime coniuncti, flagrantisque caritatis afflatu commoti, *sollicitudinem illam omnium ecclesiarum* (2 Cor. 11, 28), quae Nostros aggravat humeros, leviorem adiutrice sua ipsorum opera efficere studeant." Ibid., 6.

right. But a tension occurs in Paul VI's thinking at this point. If the faculties that the document is concerned about are possessed by bishops by right, then how appropriate is it to call the recognition of them by the pope an act of concession? Is he implying that it is only by papal concession that bishops enjoy the faculties proper to their position? Is he implicitly making a distinction between the power itself and its exercise, the latter being dependent on papal concession? No answers emerge from the meager paragraphs of the document. But it is clear enough that Paul VI is attempting to safeguard both the divinely willed episcopate and the papal prerogatives. Just like the conciliar assembly, he is still searching for an acceptable synthesis.[147]

F. THE FORMULA OF PROMULGATION

The formula pronounced by the pope in promulgating the conciliar decrees generated a number of comments. Congar writes in his council journal, "We awaited the formula of promulgation with a certain anxiety. An extremely important ecclesiological question is involved."[148] The formula, first used by Paul VI on December 4, 1963, is of value for determining the *subject of conciliar decisions* and consequently the *ecclesiological nature of councils.*

Article 49 of the *Ordo concilii oecumenici Vaticani II celebrandi* approved by John XXIII on August 6, 1962, suggests the following formula to be pronounced by the pope:

> Decreta et Canones modo lecta placuerunt Patribus, nemine dissentiente (vel si quis forte dissenserit, tot numero exceptis) Nosque, sacro approbante Concilio, illa ita decernimus, statuimus atque sancimus, ut lecta sunt.[149]

The revised *ordo* issued on September 13, 1963, with Paul VI's authorization simply took over the formula contained in the 1962 *ordo.* But the one actually used by the pope on December 4, 1963, for the promulgation of the constitution on the liturgy and the decree on social communication went this way:

[147]Falconi considers the act itself of declaring which faculties bishops could habitually exercise as *sabotaggio del Concilio* staged by Paul VI and the curia, who deprived the assembly of the right to decide on this important issue. No evidence has yet surfaced to support this interpretation of the pope's motives. See C. Falconi, *La svolta di Paolo VI, valutazione critica del suo pontificato* (Rome: Ubaldini Editore, 1968), 34.

[148]"Nous attendions avec une cetain anxiété la formule de promulgation. Il y a là un problème ecclésiologique extrêmement important." Congar, *Le Concile au jour le jour,* 2:153.

[149]Paul VI, *Discorsi,* 248.

> In nomine sanctissimae et individuae Trinitatis Patris et Filii et Spiritus Sancti. Decreta, quae in hac sacrosancta et universali synodo Vaticana secunda legitime congregata modo lecta sunt placuerunt Patribus. Et Nos, apostolica a Christo Nobis tradita potestate, illa, una cum venerabilibus Patribus, in Spiritu Sancto approbamus, decernimus et statuimus, et quae ita synodaliter statuta sunt ad Dei gloriam promulgari iubemus.[150]

The heading of the conciliar decrees, "Paulus Episcopus servus servorum Dei una cum sacrosancti concilii Patribus ad perpetuam rei memoriam," conformed to the formula of promulgation. However, the subsequent editions of the decrees, starting with that of the *Acta Apostolicae Sedis*, contained a different version of the formula of promulgation:

> Haec omnia et singula quae in hac constitutione edicta sunt placuerunt sacrosancti concilii patribus. Et Nos, apostolica a Christo tradita potestate, illa, una cum venerabilibus Patribus, in Spiritu Sancto approbamus, decernimus ac statuimus et quae ita synodaliter statuta sunt ad Dei gloriam promulgari iubemus.[151]

Despite the omission here of the important references to the Trinity and the legitimate congregation of the council found in the formula pronounced by Paul VI, the part that has attracted much attention, the *una cum venerabilibus Patribus*, has been preserved in the printed official editions.

1. The History of the Formula

Though the exact details of the formula's redactional stages still remain sketchy, it can be securely said that Paul VI ensured that time be devoted to the drafting and maturation of a formula reflective of the conciliar experience and debate on the episcopacy. Alberigo finds interesting the fact that the *Methodus servanda et preces recitandae in sessione publica Concilii Oecumenici Vaticani II die 4 decembris 1963* had a blank space where the formula should have been, a historical detail that can hint at the pope's scrupulous search for a suitable text up to the last moment.[152]

[150]*L'Osservatore Romano* (December 5, 1963): n. 281.

[151]AAS 56 (1964): 134. Alberigo and Fagiolo noted this change. G. Alberigo, "Una cum patribus," *Ecclesia a Spiritu Sancto edocta, Mélanges théologiques, Hommage à Mgr. Gérard Philips* (Gembloux: Duculot, 1970), 295, n. 11; and V. Fagiolo, "La formula di approvazzione e promulgazione dei decreti conciliari," *Il Diritto Ecclesiastico* 75 (1964): 373, n. 10.

[152]Alberigo, "Una cum patribus," 204-5, especially n. 10. In his usual manner, Carbone "downplays" this fact by claiming that there was no need to print the formula in the *Methodus* since it was already contained in the *ordo*. But this does not explain why a new formula was used. See Carbone, "L'azione," 75, n. 53.

Among the reasons given for the perceived inadequacy of the old formula in conveying the import of conciliar decrees are the new insights gained from the debates on collegiality,[153] the generally amicable relation between the pope and the episcopate, which contrasts dramatically with that of 1869-70,[154] and the orientations defined by the vote on October 30, 1963.[155]

In view of the factors just stated, Alberigo claims that on Paul VI's initiative, a group of experts, namely C. Colombo, Jedin, Dossetti, Mörsdorf and Rahner, gathered to study and to propose a new formula.[156] Carbone is of the impression that the formula agreed upon resulted from C. Colombo's personal work, which eventually won the group's approval. Carbone also adds the names of Vagaggini, Maccarone, Bertrams, and Thils among those consulted.[157] In any case, Paul VI promoted a study of the formulae used in preceding councils. The text submitted by the experts in the fall of 1963 as an appropriate one was:

> In nomine sanctissimae et individuae Trinitatis decretum (vel decreta) quod (vel quae) in hac sacrosancta et universali synodo Vaticana II in Spiritu sancto legitime congregata modo lectum placuit (vel lecta placuerunt) patribus, nemine dissentiente (vel tot dissentientibus) Nos, Paulus VI apostolica auctoritate capitis huius sacri concilii [et vicarii Christi], plene consentimus et quae ita synodaliter statuta sunt promulgari iubemus.[158]

Carbone also asserted that the pope requested Frings on October 31, 1963, to propose a formula. The cardinal suggested the following modification to the last part of the old formula: "[...] Nosque, eorum [Patrum] beneplacitis accedentes, una cum ipsis in Spiritu Sancto decernimus, statuimus et sancimus."[159] Carbone also mentions an opinion transmitted to Paul VI on November 6, 1963, by an expert stating that "una cum hoc sacro Concilio" is not substantially different from "sacro approbante Concilio."[160] Meetings

[153]Alberigo, "Una cum patribus," 294; and Carbone, "L'azione," 75.

[154]Alberigo, "Una cum patribus," 294-97.

[155]Ibid., 297. See also Levillain, *La mécanique*, 320; and Laurentin, *L'enjeu du concile*, 2:187.

[156]Alberigo, "Una cum patribus," 294, n. 9.

[157]Carbone, "L'azione," 77, n. 58.

[158]See Alberigo, "Una cum patribus," 294. According to Carbone, the words in parentheses and brackets were C. Colombo's, not entirely examined by the other experts. Carbone, "L'azione," 77, n. 58.

[159]Ibid., 76, n. 56.

[160]Ibid. The expert, though not named by Carbone, seems to be Fagiolo, who expresses the same idea in his article cited in n. 151.

of the four moderators on the matter are recorded by Carbone[161] and according to Wenger, a gathering of the council's directorial bodies on November 15 also touched on the question.[162]

Alberigo's and Carbone's accounts differ on one important point. Whereas Alberigo's synopsis moves directly from the experts' proposal to the actual formula pronounced by Paul VI,[163] Carbone points to an intervening formula, which he claims was the pope's choice on December 3, a day before the public session:

> In nomine Sanctissimae et Individuae Trinitatis, Patris et Filii et Spiritus Sancti. Decreta, quae in hac Sacrosancta et Universali Synodo Vaticana Secunda legitime congregata modo lecta sunt, placuerunt Patribus. Et Nos, Apostolica a Christo Nobis tradita potestate, ea adprobantes, una cum ipsis in Spiritu Sancto illa decernimus ac statuimus, et quae ita synodaliter decreta sunt ad Dei gloriam promulgari iubemus.[164]

In Carbone's reconstruction of events, the crucial change that the pope eventually accepted, the *una cum venerabilibus Patribus*, came from Felici.[165]

2. *The Ecclesiological Significance of the Formula*

In a brief review of the history of formulae of promulgation, Ratzinger shows that in the high middle ages, the responsible subject of the conciliar conclusions was often the pope, thus qualifying the episcopal assemblies as papal councils.[166] With the formula used by Paul VI, a new conciliar consciousness based on the unity of pope and bishops is generated. The question, therefore, of whether a true council could still be held after 1870 is positively answered.[167] Congar agrees and says that the formula demonstrates that there is *truly* a council, that the documents and decrees are *of the council*.[168] *Sacro approbante concilio* made the pope the legislator supported by the assembly, while the *una cum patribus* employed by Paul VI unites the episcopal college and the pope and makes the council, of which the pope is a member, the subject of the decision. He continues:

[161]Ibid., 76-77.

[162]Wenger, *Vatican II*, 2:250.

[163]See synopsis in Alberigo, "Una cum patribus," 299; and in *Synopsis Historica*, 567-68.

[164]Carbone, "L'azione," 77-78.

[165]Ibid.

[166]Ratzinger, *Das Konzil*, 74-75.

[167]Ibid. He also says, "Daß auch die Art, in welcher der Papst die Bestätigung der Konzilsbeschlüsse am Ende der Sitzungsperiode vollzog, eine deutliche Vorentscheidung zugunsten des Kollegialitätsgedankens einschließt..." Ibid., 37.

[168]Y. Congar, *Le Concile de Vatican II* (Paris: Beauchesne, 1984), 53.

> The organic unity of the episcopate, where one power is exercised *in solidum* by many, responds to the organic unity of the Church, where many persons live the same life: that in which the Church is the image of the Holy Trinity.[169]

In a similar vein, La Valle hails the signal that the formula gives regarding the real responsibility of bishops in the governance of the Universal Church, not just as consultors but as true leaders united collegially with and under the pope.[170]

Regarding the relation between the pope and the conciliar assembly as reflected in the formula, Alberigo notes that the most significant change from the proposal of the experts is the removal of *apostolica auctoritate capitis huius sacri concilii* as qualification of the pope's role, and its replacement by *apostolica a Christi Nobis tradita potestate.*[171] The modification accentuates the autonomous position of the pope in relation to the assembly, legitimated by the personal conferral of apostolic power to the pope by Christ Himself. The insertion of the *una cum patribus*, however, makes it clear that the apostolic power received by the pope from Christ, far from isolating him from the episcopate, unites him to them in approving, decreeing and enacting the decisions in which union a genuine conciliar decision is reached.[172]

Carbone also offers his own interpretation. The *plene consentimus* in the experts' proposal was rejected, according to him, because it does not capture totally the breadth of papal authority.[173] *Firmamus* was also turned down because it supposes something already definitive coming to the pope while it is his personal and positive approval that really makes a document definitive. In that sense, *approbamus* and *sancimus* are preferable.[174] Differing from Alberigo, who does not regret the replacement of the *plene consentimus* by the more complex and richer *una cum patribus*,[175] Carbone de-emphasizes the latter in favor of seeing signs in the formula of the preservation of papal prerogatives. Of a similar tendency is Fagiolo who, besides punctuating the

[169]"L'unité organique de l'épiscopat, où un pouvoir unique est exercé '*in solidum*' par beaucoup, répond à l'unité organique de l'Église, où beaucoup de personnes vivent une même vie: ce en quoi l'Église est à l'image de la Sainte Trinité." Ibid., 41-42. The same ideas are expressed in Congar, *Le Concile au jour le jour*, 2:153-54.

[170]La Valle, *Coraggio*, 471-72.

[171]Alberigo, "Una cum patribus," 306.

[172]Ibid., 306, 313.

[173]Carbone attributes to Paul VI the following reaction to the use of *assentire* or *consentire.* "Paolo VI esclamò: 'Ma sono loro [i Padri] che devono consentire con me, non io con loro.'" Carbone, "L'azione," 77.

[174]Ibid.

[175]Alberigo, "Una cum patribus," 306.

substantial identity of *sacra approbante Concilio* and *una cum patribus* with little regard for the context of Vatican II, equally stresses the headship of the pope and his position *sui generis* within the college.[176]

Finally, Bertrams sees in the formula a justification for a certain opinion on the supreme power exercised by the episcopal college united to the pope:

> in the exercise of supreme power on the part of the episcopal body united to the pope, the element that constitutes efficaciously the supreme power is not exclusively the power of the pontiff but also the bishops' own power conferred immediately by Christ, even if this cannot become efficacious independently of or separately from the Roman Pontiff.[177]

The view that the supreme power of the college is not the pope's concession to the episcopal body is consistent, according to Bertrams, with Paul VI's formula of promulgation. Bertrams' position is significant because, as will be seen further on, he was consulted often and personally by Paul VI during the final debates on collegiality in 1964.

Probably the best commentary on the formula comes from Paul VI himself. In his first Christmas and end of the year message to the College of Cardinals and the Roman Curia on December 24, 1963, twenty days after first using the celebrated formula, he talks of some aspects of the council. He says:

> It is necessary that the council be helped by your expeditious work in order to reach quickly conclusions that would gain the supreme approval of the pope, united to that of the assembly of the conciliar Fathers. The celebration of the council is not [as an uninformed and puzzled writer has insinuated] a test of force between opposing powers but rather is the expression of the same supreme power, that speaks with only one voice, that proceeds from that of the conciliar members united to the sovereign power of the pope. It is thus a moment of supreme communion of minds and of judgments for which the Roman Church should be the first to prepare, doing all so that the moment of the manifestation of authority may coincide in appearance and in spirit with that of greatest love.[178]

[176]Fagiolo, "La formula," 383-84.

[177]"Perciò nell'esercizio del potere supremo da parte del corpo episcopale unito al papa, l'elemento che costituisce efficacemente il supremo potere non è esclusivamente la potestà del pontefice, ma è anche il potere proprio dei vescovi, conferito immediatamente da Cristo, anche se esso non può divenire efficace indipendentemente a separatamente dal Romano Pontefice." W. Bertrams, "La collegialità episcopale," *La Civiltà Cattolica* 115/1 (1964): 448-49, n. 7.

[178]"Bisogna che il Concilio sia aiutato dalla vostra alacre operosità a raggiungere speditamente conclusioni che godano del suffragio supremo del Papa, unitamente a quello

In this passage, a marked difference from the pronouncements of Montini is noticeable. While he used to distinguish pope from council and papal from collegial power, as though the pope did not form part of the council and his power were extrinsic to the college's, now he offers a more precise distinction between the power of the pope, that of the assembly members, and that of the council, of which the pope is part and head. With this, it comes out clearly that the assembly members have power that they can call their own and that does not derive from papal concession.

It is quite understandable that the formula of promulgation conveys a notion of collegiality that is very much concentrated on the question of power. A conciliar act is an exercise of collegial power that comes from the communion of the divinely given powers of the pope and the assembly. Paul VI, however, insinuates (as the formula's redactional history shows) that within this communion, the pope maintains his juridical independence from the assembly. His authority comes directly from Christ (presumably as Vicar of Christ) and does not derive from his role as head of the college.

It is also possible that the *una cum patribus* formula captured for Paul VI the unicity and indivisibility of ecclesiastical magisterium, which he had stressed in the Central Preparatory Commission.

G. THE CLOSING SPEECH (DECEMBER 4, 1963)

As expected, Paul VI's speech to close the second period contained his assessment of the period's spirit, accomplishments, and unfinished tasks. A careful reading also yields the direction that the pope wanted the council to take in the coming period. As far as the question of the episcopate and collegiality is concerned, the pope's treatment of the theme in this address followed the same general lines of his opening discourse and of his earlier works.

dell'assemblea dei Padri Conciliari. La celebrazione del Concilio non è (come qualche ignaro ad incanto pubblicista ha insinuato) una prova di forza fra potestà contrastanti, ma è piuttosto l'espressione d'una stessa supreme potestà, che si pronuncia con una sola voce, che risulta da quella dei Membri conciliari congiunta con quella sovrana del Papa; è cioè un momento di somma comunione di animi e di giudizi, che la Chiesa Romana per prima deve predisporre, tutto facendo perchè il momento della manifestazione di autorità coincida nell'aspetto e nello spirito con quello della massima carità." *Insegnamenti di Paolo VI* (1963), 1:429. As shown in the previous chapter, then Cardinal Montini had already expressed similar ideas but not exactly in this manner. See Montini, *Discorsi*, 50; and PC 13.

1. The Ecclesiological Context

The pope harped on the idea that, in the council, the Church wants to deepen its awareness of itself. The second period is "a great meditation," pursued by the Church's teachers and pastors, "on the mystery from which it derives its origin and form."[179] The council was described again as the "natural continuation and complement of the First Vatican Council,"[180] desirous of affording greater dignity to every person and office in the Church.[181]

2. Bishops and the Pope

The *quaestio magna et multiplex de Episcopatu* occupies first place in Vatican II. Paul VI, in a dense paragraph, took up the manner in which he wanted to handle the question of the episcopate in relation to the papacy and looked forward to the fruits of this doctrinal clarification:

> Such also is the great and complex question of the episcopate which stands first in logical order and importance among the themes of this Second Vatican Ecumenical Council. This council, as we shall never forget, is the natural continuation and complement of the First Vatican Council. Consequently, the council wants to clarify, according to the mind of our Lord and according to the authentic tradition of the Church, the divinely instituted nature and function of the episcopate, not in opposition to but in confirmation of the supreme prerogatives derived from Christ and recognized in the Roman Pontiff, prerogatives furnished with all authority necessary for the universal governance of the Church. The council will declare what the episcopate's powers are and how they should be exercised with respect both to individual bishops and to all of them together, so that the eminent position of the episcopate itself in the Church of God may be worthily manifested, not as an institution independent of or separate from or, still less, antagonistic to the supreme pontificate of Peter, but with him and under him working together for the common good and for the supreme end of the same Church. Thus the hierarchical constitution will come out strengthened by it, not weakened; inner collaboration will be increased, not lessened; apostolic effectiveness will be enhanced, not attenuated; mutual love will be roused, not stifled.[182]

[179]"una grande meditazione sopra il mistero, dove essa trae origine e forma." Closing speech, second period, paragraph number 207. Henceforth, CS II plus paragraph number.

[180]"naturale continuazione e complemento del primo Concilio ecumenico Vaticano." CS II 221.

[181]CS II 207.

[182]"Tale parimenti è la grande e complessa questione sull'Episcopato, la quale primeggia per ordine logico e per importanza di tema in questo secondo Concilio ecumenico Vaticano, che non mai dimenticheremo essere naturale continuazione e complemento del primo

The pope believed that episcopal powers and their individual and collegial exercise cannot possibly conflict with papal prerogatives since they are all traceable to Christ and are all at the service of the one Church. He was also convinced that the papacy would come out more strongly affirmed when the role of bishops was determined. Hence, the refinement of the doctrine on the episcopate and its relation to the papacy could only lead to beneficial results.

Paul VI counted among the fruits of the second period his letter "Pastorale munus," in which he laid down faculties belonging to the episcopal office, with particular consideration for ordinaries.[183] Laurentin observes that the closing speech avoids the language of *concession* that so abounds in the *motu proprio*.[184]

Finally, the pope looked ahead to the post-conciliar tasks, in which the collaboration of bishops in new ways, demanded by the needs and the nature of the Church, would be precious. He then added:

> It will be plain and valuable to us to choose from among the worldwide episcopate and the religious orders, as was done for the preparatory commissions of the council, distinguished and expert brothers who, together with qualified members of the Sacred College, will give us counsel and help in order to translate into suitable and specific norms the general deliberations of the council. Thus, with the prerogatives of the Roman Pontiff defined by the first Vatican Council firmly in place, experience, guided by Divine Providence, will suggest to us how to render the devoted and cordial collaboration of bishops more effective for the good of the Universal Church.[185]

Concilio ecumenico Vaticano; e che pertanto non già in contrasto, ma a conferma delle somma prerogative derivate da Cristo e riconosciute al Romano Pontefice, munite di tutta l'autorità necessaria al governo universale della Chiesa, vuole mettere nella debita luce, secondo il pensiero di nostro Signore e secondo l'autentica tradizione della Chiesa, la natura e la funzione, divinamente istituite, dell'Episcopato, dichiarando quali siano le sue potestà e quale debba essere il loro esercizio, sia rispetto ai singoli Presuli, sia nel loro insieme, in modo che venga degnamente illustrata l'altissima posizione dell'Episcopato stesso nella Chiesa di Dio, non come ente indipendente, né separato, né tanto meno antagonista riguardo al sommo Pontefice di Pietro, ma con lui e sotto di lui cospirante al bene comune e al fine supremo della Chiesa medesima, così che ne risulti rinvigorito, non indebolito, il tessuto gerarchico; accresciuta, non rallentata la interiore collaborazione; aumentata, non affievolita l'efficienza apostolica; infiammata, non intiepidita la vicendevole carità." CS II 221.

[183]CS II 217.

[184]Laurentin, *L'enjeu du concile*, 2:189.

[185]"Ci sarà ovvio e caro perciò scegliere nell'Episcopato mondiale e negli Ordini religiosi, come è stato fatto per le Commissioni preparatorie del Concilio, ottimi ed esperti Fratelli, che vengano, insieme a membri competenti del Sacro Collegio, a prestarci consiglio ad aiuto

In his consultation of the pope's preparatory draft of this speech, G. Colombo discloses that the pope had actually written "distinguished and expert brothers who [as representatives of the entire order of the prelates responsible for the governance of the Christian flock]..."[186] The words enclosed in brackets were eventually cancelled and deleted from the speech. In this passage, the pope was simply going back to a matter of concern that he had already raised to the Roman Curia on September 21, 1963, i.e., the question of associating representatives of the episcopate with the pope's governance of the Church. In G. Colombo's view, the cancellation of the same idea in the closing talk reflects the lack of resolution of the issue: whether a number of bishops can truly represent the whole college and whether the college can allow such representation. G. Colombo himself cannot ascertain how the pope's rethinking came about and if the pope availed himself of the advice of some experts.

A few points about this speech need to be raised.

1. As in his address to the Roman Curia, Paul VI broaches in the closing talk the possibility of having diocesan bishops associated with him and the curia in the study of some questions affecting the whole Church, in this case, the implementation of conciliar directives. However, the private notes of the pope for the closing speech revive an important problematic: In what capacity do these bishops perform these tasks? Will they be representatives of the whole college? Can the college be represented at all or should all bishops be involved personally for an act to be collegial? Will they be involved as mere papal assistants or representatives, exercising an authority conceded to them? Paul VI does not settle these questions. One can also inquire into the reasons for the deletion of the passage, an apparent retreat from Paul VI's former position. Was there opposition to the idea from significant quarters or was there a change of position on the part of the pope himself?

per tradurre in norme opportune e particolareggiate le deliberazioni generali del Concilio. Così, sempre ferme restando le prerogative del Romano Pontefice, definite dal Concilio Vaticano primo, l'esperienza, auspice la Divina Provvidenza, ci suggerirà come rendere poi più efficace la devota e cordiale collaborazione dei Vescovi al bene della Chiesa universale." CS II 223.

[186]"...ottimi ed esperti Fratelli che [quasi esponenti dell'intero ceto dei Presuli responsabili del governo del gregge cristiano]." This information and the accompanying reflection is contained in the *redazzione provvisoria* but deleted in the published article. G. Colombo, "I discorsi," 246-93.

2. There is an interesting vacillation in the pope's handling of the question of episcopal powers. Does the pope grant powers to the bishops or simply recognize the powers that they already possess? While the history of the *una cum patribus* seems to imply recognition of episcopal powers not traced to papal prerogatives, in "Pastorale munus," the pope talks of concession even for the least weighty of faculties.
3. It is striking how in both opening and closing speeches the papacy is depicted as crowned and affirmed by the episcopacy. But what can that mean? The pope often exudes confidence that no contrariness will transpire between the two sides. He, therefore, exalts both the papacy (references to its fullness and sufficiency of power) and the episcopacy. With regard to how the harmonization will occur doctrinally and pastorally, Paul VI's thought becomes filled with tensions, often pushing him to resort to language that seems to render bishops as mere assistants and supporters of the pope.
4. Experience will teach how collaboration will be perfected.

H. CONCLUSION

This chapter concentrated on the official conciliar acts of Paul VI during the second period as far as they related to the question of episcopal collegiality. At the same time, a sampling of the differing views held by the conciliar Fathers was also provided. It can be said that the pope was truly immersed in the conciliar discussion and atmosphere, sharing the assembly's concerns, questions, and hesitations. As head and member of the assembly, he shared some ideas that fed into the debates; he helped find ways of getting through theological and procedural impasses; he respected the assembly's freedom but never gave up his own; and he led the council to the collegial promulgation of two conciliar documents. Chronologically considered, *Pastorale munus*, the *una cum patribus* formula and his closing discourse could be taken as his partial responses to some of the debated issues on collegiality. But they could not have contained the totality of Paul VI's answers and views. Indeed, taking what he said and did officially during the council does not suffice to penetrate his thinking on collegiality. His reflections and teaching outside the conciliar hall provide a less formal but indispensable complement to the official acts. Only after having investigated this *corpus* of non-conciliar "instruction" can one determine the avenues the pope took in addressing the manifold problems connected to collegiality.

CHAPTER IV

Paul VI's Extra-Conciliar Teaching (1963-1964)

Though some of Paul VI's homilies and talks at general audiences and on other occasions do not enjoy the stature of the more solemn council speeches, they still constitute a body of teaching or catechesis, which in its spontaneity and simplicity often imparts the most personal of the pope's thoughts and, in some respects, his "extra-conciliar" contribution to the discussion in the aula. After tackling the questions that occupied Paul VI and the assembly during the second period, it is now time to consider how he reflected on the same issues in contexts outside direct conciliar proceedings and in a less formal style than that observed in conciliar sessions. The preceding chapter and the present form a unity.

A. EXTRA-CONCILIAR TEACHING (1963)

Paul VI's views on three important areas can be gathered from this considerable body of papal teaching and thoughts during the second period of the council: episcopal consecration, the papacy and episcopal conferences.

1. Episcopal Consecration

On October 20, 1963, Paul VI officiated in the ordination of fourteen new bishops. One can draw from the homily some of the pope's positions on debated questions on the episcopate.

Through consecration, bishops are counted among the successors of the apostles whom Christ called and fortified for the perpetuation of His salvific mission and for the extension, development, building up and continuation of the Church.[1] Episcopal ordination imparts the image and strength of Christ,[2] sanctifies the candidates, thereby rendering them suitable for the execution of supernatural acts by which the life of Christ is sustained in the Church, and brings a mandate that defines a form of pastoral and missionary activity toward God's people.[3] The note of apostolicity, which distinguishes bishops, tends toward the apostolate[4] and is most openly affirmed by communion with Peter.[5]

From the presbyteral order, the candidates are elevated "to the highest ranks of the sacred hierarchy where the fullness of powers resides, some of which efficaciously concern the sanctification of souls and others potentially the governance of the Christian people."[6] There can be no doubt that in consecration, the same supernatural life that Christ passed on from God to the apostles flows into the new bishops,[7] such that they can almost feel physically seized by Christ Himself.[8] Episcopal ordination, which grants spiritual powers that issue from Christ, is "strengthened and upheld by the solemn mandate of Jesus Christ which is defined by and becomes effective with the canonical mission" given by the pope.[9]

The "core grace" of episcopal consecration is succession to the apostles, to the apostolic mission and to apostolic powers. It also involves entry into the sacred order that possesses the fullness of power. It is Christ who chooses, commands and empowers. It should be noted though that the power of jurisdiction comes "potentially" (*virtualiter*) and not as power immediately put to act, as does the power of order. It is almost impossible

[1]*Insegnamenti di Paolo VI* (1963), 1:246-47.

[2]Ibid., 246.

[3]Ibid., 249.

[4]Ibid.

[5]Ibid., 248.

[6]"Modo rite consecravimus vos, venerabiles Fratres, Episcopos Sanctae Ecclesiae Dei, evexímus sane vos e presbyteriali ordine ad sacrae hierarchiae fastigia, ubi inest plenitudo potestatum; quarum alterae efficaciter spectant sanctificationem animarum, alterae virtualiter moderationem christiani populi." Ibid., 248.

[7]Ibid., 247.

[8]Ibid., 248.

[9]"...consecratio episcopalis, quam modo vobis contulimus, firmatur et fulcitur mandato sollemni Jesu Christi, quod definitur et ad effectum adducitur mandato canonico, a Nobis ipsis vobis dato et his verbis significantibus Divini Magistri aliquomodo expresso: 'Data est mihi omnis potestas in caelo et in terra. Euntes ergo docete omnes gentes...'" Ibid., 248-49.

to gather from the homily alone the full significance attached by Paul VI to such a distinction. It is equally difficult to determine his position on issues emanating from the said distinction, most notably the precise relation of canonical mission to the power of jurisdiction. But it is clear that he finds it necessary to complete ordination with a canonical mission.

2. The Papacy

A person's theology of the Petrine office is a good indicator of his orientations on the episcopate. The first year of Paul VI's pontificate abounds with private and public musings on the papal ministry. They came at a time when the council was trying to harmonize the role of bishops with the papacy.

Paul VI's understanding of the papal office rests on his interpretation of the person of Peter. But who was Peter?

> He was the fisherman of Galilee whom Jesus called and transformed into a fisher of humanity. He put him as head of the group of twelve disciples chosen by Him and whom the Lord later instructed, called apostles, and sent to convert and save the world. Peter was first called Simon but the Lord wanted to give him that symbolic name to indicate the mission that Jesus entrusted to him, that of being the first rock, that is, the solid and stable foundation of the whole human-divine edifice that Jesus wanted to construct and which He called the Church, which means the assembly, the multitude gathered and centered, according to the mind of Christ, on the apostle Peter.[10]

In the same audience, he talks of the keys, "the powers conferred by the Lord on Peter and with him, also on the apostles,"[11] hence making Peter, on the one hand, and the apostolic college, on the other hand, the depository of powers. In yet another general audience, he characterizes Peter as "the Prince of apostles, the foundation of the Church, its visible

[10]"Era il pescatore di Galilea, che Gesù chiamò e trasformò in pescatore dell'umanità; Egli lo mise alla testa del gruppo dei dodici discepoli da lui scelti, che poi il Signore istruì e chiamò apostoli, e mandò a convertire e a salvare il mondo. Pietro si chiamava prima Simone; ma il Signore volle dargli quel nome simbolico per indicare la missione che Gesù gli affidava, quella d'essere la prima pietra, cioè il fondamento solido e stabile di tutto l'edificio umano-divino, che Gesù voleva costruire e che Egli chiamò la Chiesa, che vuol dire l'assemblea, la moltitudine riunita e incentrata, secondo il pensiero di Cristo, nell'apostolo Pietro." Ibid., 488.

[11]"Voi sapete anche che il pensiero di Cristo si completa con un'altra immagine, quella delle chiavi, cioè dei poteri conferiti dal Signore a Pietro, e con lui anche agli apostoli, che si esercitano qui, in terra, ma hanno il loro effetto in cielo." Ibid.

head, the vicar of Christ."[12] Thus the Church is built on the foundation of the first rock, Peter. But aside from being the stable foundation, he is also the center of the gathered assembly (*ecclesia*).

The pope, in turn, assumes the "very high and formidable succession which derives from the apostle Peter."[13] In this sacred ministry as Peter's successor,[14] the pope is heir to Peter's office (*munus*) and to the keys of authority,[15] which makes the pope the teacher and pastor of the Roman Church and of the Universal Church.[16]

A good number of statements highlight the link between the papal office and the Church of Rome. The pontifical service is confided to the successor of Peter in his position as bishop of Rome.[17] The first title of his mission and authority, Paul VI tells the Roman clergy, is that of being bishop of Rome and the first of his duties, the pastoral care of Rome.[18] The Roman Church, *omnium Ecclesiarum caput et mater*, has the vocation to primacy of fidelity to Christ and the Gospel and perfection in the Christian life.[19] In the words of St. Ignatius of Antioch, it also presides in love over the whole Church.[20] Paul VI can only hope that in Rome, where authority is greater, love may all the more be greater.[21] But the Church in Rome, unique though it may be, is not the whole Church. He makes this point to a Wednesday audience:

> The Church has its center here [in Rome], but it is not only here. It exists wherever there are baptized Christians and believers, guided by legitimate pastors. The Church is also in your places of origin; it is also in your home. Here is celebrated, in a more manifest way, the unity of the Church. But in your faraway sees, in your homes, another note of the Church is maybe clearer, catholicity, its universality.[22]

[12]"S. Pietro, il Principe degli Apostoli, il fondamento della Chiesa, il suo capo visibile, il Vicario di Cristo..." Ibid., 508.

[13]"...questa altissima e formidabile successione, che dall'Apostolo Pietro deriva..." AAS 55 (1963): 671-72.

[14]*Insegnamenti di Paolo VI* (1963), 1:248.

[15]Ibid.; AAS 55 (1963): 619-20. He also mentions the supreme keys of Peter in his first radio message and in other talks. Ibid., 574; *Insegnamenti di Paolo VI* (1963), 1:248, 426.

[16]AAS 55 (1963): 620.

[17]Ibid., 575.

[18]Ibid., 671-72.

[19]Ibid., 672.

[20]Ibid., 620.

[21]*Insegnamenti di Paolo VI* (1963), 1:307.

[22]"La Chiesa ha qui il suo centro; ma essa non è soltanto qui. Essa è dovunque sono dei cristiani battezzati e credenti, guidati dai legittimi Pastori. La Chiesa è anche nei vostri luoghi d'origine; è anche a casa vostra. Qui è celebrata, in modo più evidente, la unità della

At other times, Paul VI stresses the universal scope of his ministry. When he does, he feels utterly small before the overwhelming task of pastoring the Universal Church.[23] In his coronation homily, he confesses:

> First of all, though trembling, We adore the mysterious designs of God who has willed to impose on Our weak capabilities an immense weight, but of incomparable value: the Catholic Church. Nothing at all in the whole world is greater and holier.[24]

The pastor of the whole Church should not be perceived primarily as one who wields power. He is, on the contrary, the first servant of the Lord,[25] the Universal Father,[26] acutely aware of his spiritual bonds with all as father, brother, teacher, priest, Vicar of Christ.[27] Borrowing from St. Augustine, Paul VI portrays the office of pastor of the Universal Church as, first and foremost, *amoris officium*.[28] From his election to the See of Peter, Paul VI has reflected much and deeply on this office of love. At an international colloquium on *Ecclesiam Suam* in 1980, Monsignor Macchi, Paul VI's personal secretary, read excerpts of a meditation written by the pope on August 5, 1963. They concern Peter's calling, encapsulated in the idea that he is the vessel of Christ's love for the Church.

> The Church: For the moment I will attend to only one relationship, that which Christ teaches me: He loved the Church. Meanwhile I have to note that it is He Himself who loves it in me: upon this rock I will build My Church. It is He who works, who unfolds his "economy," his plan, making Peter its center. The love of Christ passes through Peter to humanity, a love constructive of a plan, of a human order vivified by His Spirit, His Church. What does Peter have to do? To understand, to understand as well as he can the mystery of love that builds in him, on him, through him, even by

Chiesa, ma nelle vostre sedi lontane, alle vostre case, è forse più chiara un'altra nota della Chiesa, la cattolicità, la sua universalità." Ibid., 495.

[23]See AAS 55 (1963): 793, 799, 800, where he talks of governance of the Universal Church by the pope, the Supreme Head of the Church; also ibid., 570.

[24]"Atque primum omnium, licet tremefacti, arcana Dei consilia veneramur, qui exiguis viribus Nostris imponere voluit immensum, etsi summi pretii, onus: hoc est catholicam Ecclesiam, qua nihil profecto in terrarum orbe maius, nihil sanctius." Ibid., 618.

[25]*Insegnamenti di Paolo VI* (1963), 1:483.

[26]Ibid., 463, 479.

[27]Ibid., 482.

[28]AAS 55 (1963): 680. Augustine used the term *amoris officium* in a reflection on John 21:15-23. But in the said tractate, Augustine dwelt neither primarily nor exclusively on the Petrine ministry. He was interested in *all* pastors who should feed Jesus' flock for love of Him and not of themselves. See Augustine, Saint, *In Iohannis Evangelium tractatus CXXIV* (Turnholt: Brepols, 1954), 678-80.

> means of him (I will give you the keys) a human, living, splendid, holy architecture, the Church. To understand and to allow himself to be led, even to be carried away by the same movement of dedication and love. So that this coordination may come about and cling to Christ: do you love? Feed. The total, profound, incomparable love that must transpire between the apostle and Christ is transferred to the flock of Christ. If you love, feed. Which is the flock of Christ? *in fieri*, it is all of humanity. As accomplished, it is that humanity "gathered" to form the sheepfold, the Church. Such a meditation continues, must never end, must carry over into love.[29]

In this vision, Peter is caught up in and placed at the center of the dynamic of love by which Jesus gathers humanity into His Church. Through his personal love of Jesus, Peter serves as a conduit for the divine love that makes of humanity the Church. Peter also loves the Church, but with Jesus' love active in him. Peter loves Jesus and that which Jesus loves, the Church. It is within the whole movement of love involving Christ, Peter and humanity, that terms like "foundation of the Church" and "Vicar of Christ" apparently take their full import for Paul VI.

The meditation then spells out the implications of the ideas expressed above for the exercise of the papal ministry.

> The light on the candelabrum burns and is consumed all by itself. But it has a function, that of illuminating others, all, if possible. Unique and solitary position; public and communitarian function. No office is equal to mine, bound in communion with others. The others: this mystery, toward which I must continuously direct myself, transcending that of my individuality, of my apparent incommunicability. The others, who are mine: my sheep, and Christ's. The others who are Christ: you did it to me. The others who are the world: concern for all the Churches. The others, at whose service I am: and you must wash each other's feet, confirm your brothers. Lo: every-

[29]"La Chiesa; non osserverò ora che un solo rapporto, quello che Cristo mi insegna: dilexit Ecclesiam. Intanto devo notare che è Lui stesso ad amarla in me: super hanc petram aedificabo Ecclesiam meam; è Lui che opera, è Lui che svolge la sua 'economia,' il suo piano, facendone centro in Pietro. Passa attraverso Pietro la carità di Cristo verso l'umanità, una carità costruttiva d'un piano, edificatrice d'un ordinamento umano, vivificato dal suo Spirito, la sua Chiesa. Pietro che ha da fare? Capire, capire meglio che può il mistero di carità che edifica in lui, su di lui, attraverso lui, anche mediante lui (dabo tibi claves) un'architettura umana, vivente, spendida, santa, la Chiesa. Capire e lasciarsi condurre, trascinare anzi dal medesimo movimento di dedizione e di amore. Perchè questa coordinazione possa avvenire, afferrare Cristo: ames? pasce. L'amore totale, profondo, incomparabile, che deve intercedere fra l'apostolo e Cristo, si trasferisce sul gregge di Cristo. Si amas, pasce. Qual'è il gregge di Cristo? in fieri, l'umanità intera, qual'è. In facto, l'umanità 'congregata' a formare l'ovile, la Chiesa. Meditazione che continua, che non deve finire più, e deve svolgersi in amore." "Chronique du Colloque," *Ecclesiam Suam: Première Lettre Encyclique de Paul VI*, 272.

> one is my neighbor. How much goodness is necessary! Every encounter would have to evoke a manifestation of it. Sympathy for all; love of the world: he loved the world. Prayer and universal love. Ever vigilant initiative for the good of others: papal policy. What kind of heart is needed? A heart sensitive to every need; a heart ready for every possibility of good; a heart free for voluntary poverty; a heart magnanimous for every possible pardon, for every reasonable undertaking; a heart well-disposed for every refinement; a holy heart, for every nourishment from above.[30]

The Petrine or papal ministry ties the officeholder in communion to all that are Christ and of Christ, that is to say, to all. It, therefore, demands a heart prepared to be consumed by the purest and most encompassing love; in short, by Christ's very own love mediated by Peter. But this vital bond that the papal office establishes between the pope and the whole universe also sets him apart, puts him in a singular position. The most communitarian of ministries assigns, almost imposes, by its very universality, a solitary post on the minister. This solitude is felt by Paul VI much more intensely when he reflects on his accountability.

> I need to take account of the position and the function which are mine from now on, which characterize me and which, of necessity, render me responsible to God, to the Church, to humanity. The position is unique. Meaning to say that it constitutes me in extreme solitude. It was already great before, now it is total and tremendous. It makes one feel dizzy. Like a statue on top of a pinnacle, indeed even like a living person, such as I am, on top of a pinnacle. Jesus also was alone on the cross... Even so I must emphasize this solitude: I should not fear, I should not seek external support which would exonerate me from my duty which is that of willing, of deciding, of assuming every responsibility, of guiding others even if this would seem illogical or maybe absurd. And to suffer alone. The consoling

[30]"La lucerna sopra il candelabro arde e si consuma da sola. Ma ha una funzione, quella di illuminare gli altri; tutti, se può. Posizione unica e solitaria; funzione pubblica e comunitaria. Nessun ufficio è pari al mio impegnato nella comunione con gli altri. Gli altri: questo mistero, verso il quale io devo continuamente dirigermi, superando quello della mia individualità, della mia apparente incomunicabilità. Gli altri, che sono miei; oves meas; e di Cristo. Gli altri, che sono Cristo: mihi fecistis. Gli altri, che sono il mondo: sollicitudo omnium ecclesiarum. Gli altri, al cui servizio io sono: et vos debetis alter alterius lavare pedes; confirma fratres tuos. Ecco: ognuno è mio prossimo. Quanta bontà è necessaria! Ogni incontro dovrebbe provocarne una manifestazione. Simpatia per tutti; amore al mondo: dilexit mundum. Preghiera ed amore universali. Iniziativa sempre vigilante al bene altrui: politica papale. Quale cuore è necessario. Cuore sensibile, ad ogni bisogna; cuore pronto, ad ogni possibilità di bene; cuore libero, per voluta povertà; cuore magnanimo, per ogni perdono possibile, per ogni impresa ragionevole; cuore gentile, per ogni finezza; cuore pio, per ogni nutrimento dall'alto." Ibid., 273.

> intimacies cannot be but scarce and discreet: the depth of the spirit remains with me. I and God. The dialogue with God becomes full and without measure.[31]

The papal office itself imposes an aloneness that leaves the officeholder solely before God. For Paul VI, this solitariness takes the form of "assuming every responsibility." Does this mean that the pope cannot share the burden of this demanding love with anyone, even with his fellow bishops? Apparently for Paul VI, the pope cannot relinquish this heavy "duty of solitude" because the pope alone is Peter, the one called to love the Lord more than others do and he alone is the Vicar of Jesus who was also alone.

3. Episcopal Conferences

Paul VI's comments on episcopal conferences at this period were concentrated in his address to Cardinal Confalonieri, president of the Pontifical Council for Latin America, and to representatives of the Episcopal Council of Latin America on July 9, 1963.[32]

He praises the council's efforts in bringing together the episcopal conferences of Latin America in the study of common problems and in the search for solutions on the continental level. He also indicates the necessity of coming together

> in order to study, to examine, to select concrete possibilities for action, in order to clarify situations and then to be zealously committed to their implementation.[33]

The continental organization of the bishops of Latin America has rendered notable service precisely through the coordination and collaboration that it

[31]"Bisogna che mi renda conto della posizione e della funzione che ormai mi sono proprie, mi caratterizzano, mi rendono inesorabilmente responsabile davanti a Dio, alla Chiesa, all'umanità. La posizione è unica. Vale a dire che mi costituisce in un'estrema solitudine. Era già grande prima, ora è totale e tremenda. Dà le vertigini. Come una statua sopra una guglia, anzi una persona viva, quale io sono. Anche Gesù fu solo sulla Croce... Anzi io devo accentuare questa solitudine: non devo avere paura, non devo cercare appoggio esteriore, che me esoneri dal mio dovere, che è quello di volere, di decidere, di assumere ogni responsabilità, di guidare gli altri, anche se ciò sembra illogico e forse assurdo. E soffrire solo. Le confidenze consolatrici non possono essere che scarse e discrete: il profondo dello spirito resta con me. Io e Dio. Il colloquio con Dio diventa pieno e incommensurabile." *Notiziario* 1, 53.

[32]AAS 55 (1963): 680-85.

[33]"È indispensabile ritrovarsi insieme, come ad un punto di incontro comune, per studiare, esaminare, vagliare possibilità concrete di azione, per chiarire situazioni e mettersi poi con ogni impegno alla esecuzione." Ibid., 683, see also 681.

fosters. This collaboration, though manifestly inspired by the changing needs of the times, is also prompted by the Church itself.

> The collaboration to which the Church, the mother of all the redeemed, has called and is calling you, and through which the Church, so to speak, mobilizes you, is a holy and meritorious deed which presents itself to the horizons of souls in whom "the love of Christ urges on." May the true spirit of collaboration, "striving together for the faith of the gospel" (Phil 1:27), be profoundly felt and lived by each one toward an organic and well-ordered development of all activities.[34]

Though the "pragmatic/functional" aspect is pronounced in Paul VI's views on national and continental episcopal associations, one cannot miss other interesting details. First, the grouping of bishops is founded on collaboration, which the gospel and the Church demand. It is not only the "changing world" that calls for cooperation among bishops of local Churches. The very pastoral mission imposed by the gospel on the Church clamors for concerted action. It is in *mission*, where Church and world meet, that episcopal groupings find one theological justification. Second, from the above it comes as no surprise that these groupings could be given sweeping responsibilities that range from analysis of situations to execution of their own programs. Third, the language of collaboration that the pope employs when addressing the whole episcopate is similarly used here and given more concrete directives. So episcopal collaboration need not engage the whole episcopate all the time for it to be true; it is equally valid on other levels.

B. PAUL VI'S TEACHING DURING THE INTERSESSION

A brief survey of Paul VI's speeches, homilies and "catechesis" during the intersession of 1963-1964 (December 4, 1963-September 14, 1964) can yield valuable pointers to his orientations on the questions debated during the second period. It was most unlikely that, after the formal closure of the period, Paul VI would have attempted to settle all doctrinal and structural problems that the council had unleashed when it was still in session. He surely kept them in mind, as gleaned from the themes of his teaching dur-

[34]"La collaborazione alla quale vi ha chiamato e vi chiama la Chiesa, Madre di tutti i redenti, e per la quale essa per così dire vi mobilita, è impresa santa e meritoria, che si presenta agli orizzonti delle anima nelle quali 'urge la carità di Cristo.' Il vero spirito di collaborazione, 'unanimes collaborantes fidei evangelii' (Phil 1, 27) sia profondamente sentito e vissuto da ognuno per uno sviluppo organico e ben ordinato di tutte de attività." Ibid., 683.

ing the intersession. But his views, important for their possible impact in future conciliar sessions, were not at this time intended to cut short the conciliar assembly's analysis of matters.

1. The Church

It seems understandable that as he approached the first anniversary of his election to the See of Rome, Paul VI reflected often on the Church and the Petrine ministry. Moreover, most of the speeches were for general audiences organized purposely to allow the faithful to meet the pope.

With regard to the Church, Paul VI emphasizes its nature as communion. He refers to the Christian aspiration of fostering the greatest possible communion of souls,[35] a spiritual communication already present in the Church as a religious society founded on the same faith and on "the circulation of love."[36] An assembly of those called by God,[37] the Church is brought together not only by historical and juridical bonds but by mutual love.[38] The Church is a home to which the whole of humanity is invited to belong.[39]

This community is an organized society in which the diversity of functions finds unity in brotherhood under the one Father and the same grace of Christ.[40] Hence, the sense of communion, solidarity, and adhesion to the paternity of God allow each one to find one's proper place within the mystical body of Christ.[41] Even the apostolate is a community effort in which the sense of responsibility must be felt equally by all.[42]

2. The Papacy

Paul VI's reflections on the papacy at this time overwhelmingly describe the pope as the center of the communion that the Church is. Christ placed the person and mission of the pope at the heart of the whole Church in order to preside in love.[43] He is the center, the heart, the unity of the *catholica*,[44] and the whole Church, in turn, can be found in his heart.[45] Hence, the pope is fittingly called the common father.[46]

[35]*Insegnamenti di Paolo VI* (1964), 2:208-9.
[36]Ibid., 804.
[37]Ibid., 897.
[38]Ibid., 405, 916-17.
[39]Ibid., 842.
[40]Ibid., 916-17.
[41]Ibid., 936.
[42]Ibid., 825.
[43]Ibid., 207.

How did the pope come to assume such a central position in the Universal Church? One goes back to Peter, his call and mission. Paul VI does not tire of rehearsing the significance of Simon's change of name to Peter, a name that denotes the mission to be the rock of strength, stability, solidity, unchangeability, and indefectibility on which the Lord constructed his Church.[47] The mission is, of course, accompanied by a conferral of power, symbolized by the keys.[48] The designation of Simon as Peter also explains the full presence of Christ in his person, since

> in Sacred Scripture this figure of the rock is first of all referred to God, as is often encountered in the Old Testament. Then it is referred to the Messiah, to Jesus Himself, the cornerstone (Matt 21:42). St. Peter himself recalls this in his first letter, calling Christ the living cornerstone (1 Pet 2:4-6). But later the image of rock is attributed by Jesus to the first of the apostles. St. Leo the Great fittingly says: Jesus wanted Peter to carry the name that defined Himself: *id quod Ipse erat voluit* (*Petrum*) *nominari*.[49]

Thus, no other than the pope can represent Christ in a higher degree and can act more in Christ's name.[50] But the pope retains stability only when he is founded in Christ and in faith; he drifts into weakness when he relies on himself.[51] In addition, the pope's strength comes from the love of his children, from the union and love of the Church community of one heart and one soul.[52] Thus, Paul VI's reflections culminate in the confluence of Christ, Peter and the Church, a convergence of the three into one entity, which he does not hesitate to label the *Christus totus*, following St. Augustine.[53]

In a couple of discourses, Paul VI also lays bare the fear and trembling that the Petrine office elicits from him who occupies it. Providence destined him to this tremendous and sublime apostolic office and he must therefore

[44]Ibid., 804.

[45]Ibid.

[46]Ibid., 804, 856.

[47]Ibid., 809, 899, 904.

[48]Ibid., 899, 904.

[49]"...nella Sacra Scrittura questa figura della pietra è dapprima riferita a Dio, come spesso s'incontra nell'antico Testamento; poi è riferita al Messia, a Gesù medesimo, la pietra d'angolo (Matt. 21, 42). S. Pietro stesso lo ricorda nella sua prima lettera, chiamando Cristo pietra viva e angolare (2, 4-6), ma poi da Gesù la figura della pietra è attribuita al primo degli apostoli. S. Leone Magno dice bene: Gesù volle che Pietro portasse il nome che definiva Lui stesso, Gesù: *id quod Ipse erat voluit* (*Petrum*) *nominari*." Ibid., 809.

[50]Ibid., 886.

[51]Ibid., 800.

[52]Ibid., 872.

[53]Ibid., 799.

find consolation in the mysterious and merciful divine will in the midst of the confusion and weight of the crushing responsibility.[54] The most overwhelming aspect of his ministry is that of knowing that he, in his weakness, must represent Christ and His love to the flock. Once at an audience, he confided to the pilgrims whom he had just received the sentiments that he was feeling as he stood before them:

> These feelings arise from the consciousness of Our mission, of Our responsibility. Could we be indifferent to [your] coming, to [your] presence? Certainly not. We feel within Ourselves, like leaven, like a torment, the words of the apostle Paul echoing: *Debitor sum*: I am a debtor for all (Rom 1:14). The universality itself of Our apostolic mandate does not give Us peace. We seem to have some initial understanding and some small but inspiring experience of the magnificent words of Jesus, from which We comprehend the immeasurable fullness of his heart: "*misereor supra turbam!* I feel compassion for the crowd" (Mark 8:2). Christ had a heart for all! "*Venite ad me omnes!* All of you, come to Me..." (Matt 11:28). And We, who have the sublime and tremendous mission of representing Him, would We not willingly receive all those who come to Us?[55]

Weighed down by the immensity of Christ's love that he must represent and by the whole Church of Christ that is built up on his ministry, Paul VI almost begs for comfort from his audience:

> [Pray] that the Lord may have mercy on Us, that Christ may not disdain to be represented in Our poor work and that the Church may be built up in Our ministry. One thing matters to Us: to have you as collaborators in this work of building up the Church.[56]

[54]Ibid., 403.

[55]"Essi [sentimenti] nascono dalla coscienza della Nostra missione, della Nostra responsabilità. Potremo essere indifferenti per cotesta venuta, per cotesta presenza? No certo. Noi sentiamo dentro di Noi, come un lievito, come un tormento, echeggiare le parole dell'Apostolo Paolo: *Debitor sum*: Io sono debitore per tutti (*Rom.* 1, 14). L'universalità stessa del Nostro mandato apostolico non Ci dà pace. Ci pare di avere qualche iniziale comprensione e qualche minima, ma esaltante esperienza delle parole magnifiche di Gesù, dalle quali comprendiamo l'ampiezza oceanica del suo cuore: '*Misereor supra turbam!* Ho compassione della folla.' (*Marc.* 8, 2). Cristo ha avuto cuore per tutti! '*Venite ad me omnes!* Venite a me tutti...' (*Matth.* 11, 28). E Noi, che abbiamo la sublime e tremenda missione di rappresentarlo, non riceveremo volentieri tutti quanti vengono a Noi?" Ibid., 912.

[56]"Che il Signore abbia misericordia di Noi, che Cristo non disdegni di essere rappresentato nella Nostra povera opera e che la Chiesa possa essere edificata nel Nostro Ministero. Una cosa Ci preme: di avervi collaboratori in quest'opera di edificazione della Chiesa." Ibid., 1008.

Very much present here again, in an almost pathetic way, is the spiritual torment experienced by someone who estimates himself too small and insignificant for such an "oppressively exalted" calling. Crying out for solace, inviting to collaboration, wanting to receive from the community, Paul VI, however, seems to make himself inconsolable on account of his solitary view of the Petrine ministry.

3. Bishops

Regarding the episcopal office, Paul VI does not doubt that Vatican II will confirm the sacramentality of episcopal ordination.[57] Aside from incorporating the newly consecrated into the episcopal body in the line of apostolic succession,[58] the sacrament confers the three-fold power that makes a bishop priest, teacher and pastor of the Church.[59] The sacramental character with which a bishop is sealed assimilates him to the priesthood of Christ in the highest and fullest degree.[60] This does not make of the episcopate a mere honor for its own sake; it is rather a ministry, a service for the benefit of others.[61] On the other hand, the hierarchical aspect, which makes of the Church a *societas inaequalis*, is not absent in Paul VI's thought. The Church originates from the apostles, from the hierarchy. "There is in the Church those who are charged with calling and those who are called," forming one community of Christians.[62]

In the local Churches, bishops are the pastoral and sanctifying centers.[63] These local Churches need to grow in their unique personalities and traditions without menacing the unity of faith and communion in love.[64] Paul VI already rejoices over the fact that after the promulgation of the constitution on the liturgy, the individual episcopates of various nations have embarked on the work of determining how the general guidelines can be adapted to the demands of local circumstances.[65] For their part, the pope and the Roman Church have the mission of preserving the sense of spiritual order,

[57]Ibid., 433.

[58]Ibid., 432, 435, 799.

[59]Ibid., 432-33.

[60]Ibid., 433.

[61]Ibid., 432.

[62]"La Chiesa nasce dagli Apostoli, nasce dalla Gerarchia. Vi è nella Chiesa chi è incaricato di chiamare e chi è chiamato; vi è una Chiesa che chiama, che convoca, – la Chiesa docente –, e vi è una Chiesa che è riunita, la 'congregatio fidelium' (S. Th.); insieme formano la comunità dei cristiani (cfr. *Bellarm. De Eccl. mil.*, 1)." Ibid., 898.

[63]Ibid., 206.

[64]Ibid., 21.

[65]Ibid., 414.

which invites all to enter into the great concert of universal harmony with full freedom and with their unique personalities.[66]

On the relationship between bishops and the pope, and bishops among themselves, Paul VI maintains virtual silence. Once he referred to ecumenical councils, gatherings that make clear that bishops are pastors placed by the Lord to govern the Church under the supreme authority of Peter's successor, the Vicar of Christ.[67] However, for the daily habitual and regular governance of the Church, it is the college of cardinals that is associated with the pope.[68] Is the governing office of bishops exercised over the Universal Church only in the event of an ecumenical council? Or does the pastorship of local Churches, within the communion of Churches, already constitute such an exercise? No clear answer comes from the papal discourses. It should be said, however, that the "ecclesial collegiality" of local Churches is more pronounced than episcopal collegiality.

4. Episcopal Conferences

On April 14, 1964, Paul VI addressed the Italian Episcopal Conference (CEI)[69] in a tone and manner that some considered as his way of prodding the Italian hierarchy to support the council.[70] The first portion of the speech, though wholly devoted to a reflection on the CEI itself, contains elements equally applicable to any other national conference and lends extremely important data for the theological understanding of local groupings of bishops.

At the very outset, Paul VI says that the CEI is a body that has an "indispensable function" (*indispensabile funzionalità*). The Church everywhere confronts a multitude of problems of great proportions demanding an adequate and timely response. Trust in Providence does not excuse pastors from exerting every effort to offer occasions for Providence to work. Episcopal conferences can be one such effort since some pastoral demands are simply impossible to meet without mutual help among bishops.

> One also cannot believe that each bishop, not even each region, can give by themselves sufficient solutions to such problems. Even if it were hypothetically possible in some cases, there would still arise the duty of assisting

[66]Ibid., 855-56.

[67]Ibid., 414.

[68]Ibid., 413.

[69]AAS 56 (1964): 378-87. This study will use the text reproduced in Paul VI, *Discorsi*, 71-79.

[70]See R. Laurentin, *L'enjeu du concile* (Paris: Seuil, 1965), 3:14.

> and of solidarity toward the less fortunate, who are certainly the majority, who cannot by themselves overcome difficulties which are usually grave and in themselves of national proportions.[71]

Aside from being an agent for effective pastoral response, an episcopal conference serves the episcopate itself. It gives to the bishops of a given nation a unitary expression, an instrument of union, coordination, mutual collaboration and advancement.[72] Moreover, through its symbolic and functional potential for unifying bishops, it can imbue the ecclesial life of nations with a spirit of unity, which dynamically searches for ever new realizations.[73] Lest this impulse toward unity be interpreted in merely logistical terms, Paul VI adds,

> Besides practical pragmatic needs, religious reasons intrinsic to the supernatural life of the Church clamor for the effusion of this spirit of unity. We believe that this would present a vital question for the Church and would respond to the growth of our time.[74]

Regarding their relation to the Holy See, episcopal conferences are granted "relative autonomy." Even the CEI's "proximity" to the papacy does not diminish its freedom of action:

> If [CEI's] geographical, historical, and spiritual situation puts it in a special position—of submission, fidelity, cooperation, conversation—in relation to the Apostolic See, it cannot lack, on account of this, its own canonical and moral configuration, its own collective responsibility in caring for the religious life of this country, and its own plan of pastoral activity, certainly in conformity with the guidelines of the Holy See, but studied and evolved by its own bodies and its own means.[75]

[71]"Come non è da credere che a tali problemi ciascun vescovo, e nemmeno ciascuna regione possa da sé dare sufficiente soluzione; se, per ipotesi, ciò fosse in alcun caso possiblile, ivi nascerebbe il dovere di aiuto e di solidarietà per quanti meno fortunati – la maggioranza certamente – non possono da sé vincere difficoltà, di solito gravissime a aventi di per sé dimensioni nazionali." Paul VI, *Discorsi*, 72.

[72]"Non è da supporre che l'episcopato italiano possa ormai mancare di questa sua unitaria espressione, di questo strumento di unione, di coordinamento, di mutua collaborazione, di promozione al livello degli episcopati degli altri Paesi." Ibid.

[73]"...bisogna procedere uniti. E venuto il momento (e dovremmo noi dolerci di ciò?) di dare a noi stessi e di imprimere alla vita ecclesiastica italiana un forte e rinnovato spirito di unità." Ibid., 73.

[74]"Ma lo spirito d'unità attende ulteriore approfondimento e nuove manifestazioni; oltre che esigenze operative pratiche, ragioni religiose intrinseche alla vita soprannaturale della Chiesa reclamano l'effusione di questo spirito di unità; crediamo che ciò rappresenti questione vitale per la Chiesa e che risponda alla maturità del nostro tempo." Ibid.

[75]"Se la sua posizione geografica, storica, spirituale lo pone in speciale posizione – di ossequio, di fedeltà, di cooperazione, di conversazione – verso la Sede Apostolica, non per

Paul VI also foresees a continuing dialogue between episcopal conferences and the pope, which will not only benefit them mutually but also enrich the whole Church:

> As you can see, venerated brothers, this speaks of our esteem for and confidence in the episcopal conference which gathers you here. It implies the desire, on our part, to support it, to recognize it, to ask counsel and help from it, to engage it in work useful for itself and for the whole Church, and obviously, to assist it because we are attached to it, both as Bishop of Rome and Primate of Italy and as one burdened by our apostolic office, that of the concern for all the Churches.[76]

As in his speech to the Pontifical Council for Latin America (July 9, 1963), Paul VI, in this address to the CEI, stresses that the rationale for episcopal conferences lies in the spirit of unity inherent to the Church itself and not only from phenomena imposed by the world or only from a need for a workable strategy in dealing with pastoral concerns. A profoundly ecclesiological idea can be budding here where the inner life of the Church, its "intersection" with the world and its missionary essence converge. Maybe influenced by the preceding deliberations of the council on collegiality and structural reform, Paul VI talks here, in a way that he did not in the 1963 address to the Latin American council, of a dialogic relation between episcopal conferences and the Holy See. He also implies the presence in episcopal conferences of the double movement of collegiality expressed in the conciliar debates: their local and decentralized "autonomy" and their impact on the papacy itself and the whole Church.

C. SYNTHESIS

This chapter will highlight points pertinent to the theology of collegiality discernible in Paul VI during the second period of Vatican II and the intersession following it. The findings of the preceding chapter will be combined with those of the present. An effort will be made to relate Paul VI's

questo può mancare d'una sua propria configurazione canonica e morale, di una sua propria responsabilità collettiva nella cura della vita religiosa di questo Paese, e di un suo piano d'azione pastorale, conforme certamente alle istruzioni direttive della Santa Sede, ma studiato e svolto da organi propri e con mezzi propri." Ibid., 72.

[76]"Come vedete, venerati Confratelli, questo dice la nostra stima e la nostra fiducia nella Conferenza Episcopale, che qui vi raccoglie, ed implica il proposito, da parte nostra, di sostenerla, di riconoscerla, di richiederla consiglio ed aiuto, di impegnarla a lavoro utile per sé e per la Chiesa intera, e com'è ovvio, di assisterla, perchè siamo ad essa collegati, sia come Vescovo di Roma e Primate d'Italia, e sia, come onerati dal nostro ufficio apostolico, della *sollicitudo omnium ecclesiarum*." Ibid., 73.

thought with the views expressed by the Fathers in the debates on collegiality. As far as the extra-conciliar teaching during the second period and the intersession is concerned, the continuity is greater than any noticeable gap. For this reason, a detailed comparison and contrast between the two has not been deemed imperative.

1. The Ecclesiological Backdrop

The Montinian call for a fuller ecclesiology both in theological methodology (beyond the merely juridical) and in content and Church life (completion of Vatican I) rings steadily. For Paul VI, the ecclesiology of communion seems to increasingly meet this demand. Such a vision rests on the paternity of a common God, a call from the same Jesus, a gathering in love, a sharing in the one faith, the respect for individuals and their uniqueness, participation in the apostolate and others. It also involves the recognition of local Churches and the mutuality to which they are invited in the accomplishment of their mission. Bishops are unifying centers in local Churches just as the pope is the principle of communion in the Universal Church. As is evident, these aspects of an ecclesiology of communion are explored only by a methodology that transcends the merely juridical: it does not enter the Church through the door of ecclesiastical power. Simultaneously, the Church wakes up to the wealth of gifts, ministries and callings other than the papacy. It also discovers the world whose multifaceted and rapidly changing history crosses that of the Church. All this can be found in Paul VI, sometimes as an appeal, at other times as a project already being fulfilled. On many of these points, his ideas also converge with those of some Fathers supportive of collegiality.

The pope, however, does not, and perhaps personally cannot, escape from the clutches of the *societas inaequalis* with its thoroughgoing division of the Church between hierarchy and laity, between a generating teaching Church on the one hand, and a generated listening Church on the other. Since this particular view, with all that it entails, is not integrated and reinterpreted within the framework of communion, a tension exists in the teaching of Paul VI. This is partly the reason why one can say that the pope does not fully explore the implications of an ecclesiology of communion, which he advocates, for episcopal collegiality. What blocks him is the hierarchical differentiation impinging itself on the relation between bishops and pope, as well as on that between bishops and faithful. When that happens, the elements that ground communion seem to recede to the background.

2. The Episcopacy and Ordination

The council had to address the question of the *sacramentality of episcopal consecration*. Even before the council, there had been great interest in it because it could help determine what bishops are and can do, as well as the origin of their powers. For Paul VI, as for the vast majority of the Fathers, there was never any doubt about the sacramentality of episcopal consecration.

With regard to the "*effects*" *of the sacrament*, he has some definite things to say about what episcopal ordination does without necessarily labeling them "effects." First of all, he affirms that consecration aggregates bishops among the successors of the apostolic college. In this he agrees with the affirmation of Question 2 of the orientative vote. However, he connects entrance into the body of bishops more explicitly with apostolic succession, which is ultimately the core "grace" of consecration. By linking entrance into the college with entrance into the line of apostolic succession, Paul VI implies the collegial form of this succession (Question 3). Second, the successors to the apostles are inheritors of the apostolic mission, charisms and powers that come from Christ Himself. Bishops join the order where the fullness of powers transmitted from the apostles abides (see Question 4). Moreover, Paul VI almost always takes the three-fold power of sanctifying, teaching and governing together (Question 3).

With the data provided by the redaction of the four questions of orientation on the episcopate and homilies delivered at episcopal ordinations, one sees that Paul VI links apostolic succession, incorporation into the episcopal order and conferral of apostolic powers with the sacrament, while leaving open their mutual relations to further exploration.

First, it still has to be established whether, for Paul VI, the sacrament directly "effects" entrance into the episcopal college in the line of apostolic succession or whether the sacrament is merely a *condition*, though an indispensable one, for insertion into the college. What role does communion with the pope and other bishops or legitimacy of consecration play in the reception and fruition of the charisms received in the sacrament?

Second, *apostolic succession* remains a vague term. He does not provide sufficiently detailed exposition of his understanding of the concept to be able to draw from it implications for a theology of collegiality and for a clearer vision of the relation between papal and collegial power.

Third, though the three-fold episcopal power is attributed to the sacrament, why does Paul VI, fully knowing many Fathers' aversion to the language of *concession*, still use it when referring even to minute faculties that

bishops can exercise (*Pastorale munus*)? Besides, what significance is to be attached to the distinction between powers that "efficaciously" concern the sanctification of souls and those that "potentially" concern the governance of the Christian people? Does the power of jurisdiction come from the sacrament or from canonical mission that completes ordination?

In these sets of unsettled questions, it seems that the role of the papacy in the conferral and exercise of divinely willed episcopal powers is the focal issue. Anxiety over the proper place to be accorded the papacy in a system that acknowledges the *iure divino* rights of bishops is already present in the *nota bene* attached to Questions 3 and 4 of the orientative vote and among the interventions of the adversaries of collegiality. It can be concluded that if the four questions with the three interpretative notes are to be taken as the central points of the doctrine on collegiality confronting the council, Paul VI would have voted yes to all four. Apparently he can also identify with the unresolved tensions present in them, particularly those involving the relation between bishops and the pope.

3. Bishops and the Pope: Attempts at Harmonization

The relation between the pope and bishops is the thorniest issue faced by the council in its debates on collegiality (see Questions 3 and 4, the reform of the curia, the "senate" of bishops, episcopal conferences). Paul VI, even during the first period of the council, has always recognized this fact. But he firmly states, almost as a confession of faith, that if Christ willed both the papacy and the episcopacy, and if the Church served by both offices is one and the same People of God, then papal and episcopal prerogatives cannot be contrary or mutually antagonistic. This hopeful statement, however, does not eliminate diverse interpretations of Christ's will and neither does it deliver a blueprint for a perfectly harmonious interaction of the two institutions.

Paul VI can be credited at least for trying to indicate paths to partial resolutions. One such attempt comes in what Cardinal J. Lefèbvre called the use of *collegiality in an analogical sense.* The pope probes the aspects of collaboration, responsibility, shared concern, call to mission and communion when dealing with the relation of pope and bishops, and bishops among themselves. All this has already been proposed by other Fathers in arguing for the validity of collegiality set free from a limited juridical consideration. Paul VI's acceptance of this suggestion comes as no surprise since he himself is an ardent proponent of a fuller approach to ecclesiology. Cast within a wider ecclesiology, most notably an ecclesiology of communion, collegi-

ality poses no threat; rather, it becomes a source of grace and fruitfulness for the Church.

Tensions in the pope's thought appear when the discourse shifts to that of power in the Church. His words begin, as it were, to crack. This phenomenon is most prominent whenever he, in the middle of an outpouring of reverence for the episcopacy, drops reminders of *the pope's fullness and sufficiency of power*, which in their terseness all the more confound. So his invitations to bishops to be associated with him in the governance of the Universal Church presents a puzzle in the context of the pope's full and sufficient power. He takes up the "universalist/centralist" strand of collegiality but quickly faces the limitations of the discourse on power associated with it even by supporters of collegiality. Then the hopeful reconciliation that he proclaims between the pope's power and that of the bishops becomes problematic.

A major breakthrough comes with the *una cum patribus* formula, at least when it concerns the relations between the pope and the assembly of bishops at a council. Paul VI has begun to keep three entities distinct but related: pope, assembly, and council (pope and assembly). To these correspond three distinct powers: that of the pope, of the assembly and of the council. The assembly's powers are from Christ, not the pope. Collegial power exercised in a council is one supreme power born of the union of the pope's and the assembly's. Hence, a collegial act is not a papal act supported by the assembly or vice versa, but a real act of *communion of judgments and powers*. The essential identity of papal and episcopal mission and powers implied in this "capacity for communion" also reflects more faithfully the Trinitarian life in and through which the Church community lives, as Congar remarks.

Outside the council, maintaining the "universalist/centralist" collegial exercise of power in the governance of the Universal Church presents a different case. In his earlier speeches, Paul VI seems amenable to the idea of associating to the papal governance of the Universal Church a *representation of the college*. This can be a compromise solution that preserves, on the one hand, the pope's effective running of the Church's central government, while admitting, on the other hand, the exercise of coresponsibility on the part of the episcopate, in the person of its representatives. The later hesitation of Paul VI regarding this idea could have come either from objections and calls for caution or from doubts that he himself began to entertain. The issue cannot be resolved as yet. But even more fundamental than the question of representation is that of the theological foundation for an episcopal

association with the pope that can adequately translate collegiality into action and structures. Here some aspects of Paul VI's thought lend themselves to be interpreted as reducing bishops to the role of assisting, strengthening and confirming the papacy, something Maximos IV vehemently denounced. A distinction that he made when he was still archbishop of Milan between *responsibility* for the Universal Church and the *exercise of governance* over the Church seems to be at work. The episcopal college, even outside an ecumenical council, shares in the responsibility for the Church, but the actual exercise of the power of governance over dioceses and over the Universal Church rests on the pope. Two ecclesiological frameworks are at work here which, at the surface, appear to satisfy the demands of communion while preserving papal prerogatives. So the significant questions that remain are: To what extent does the association of some bishops to the pope in governing the Universal Church constitute a collegial act? When so associated, will these bishops become agents of the pope's universal mission or will they exercise their own episcopal right? Can the college be represented by some of its members? Can the decisions and actions of the "representatives" be considered collegial?

Paul VI's thoughts on *episcopal conferences* show his appropriation of the "localist/decentralist" line of collegiality. He relies heavily on the analogical interpretation of collegiality, with a minimum of talk about power.

First, these associations of bishops serve the Church's encounter with the world in mission. The unity asked of bishops has the pragmatic objective of responding adequately to immense needs with the maximum use of limited resources. However, the supernatural life of the Church itself impels toward unity, in this case, on the level of local bishops. The nature of the Church as communion seems to be, in the pope's thinking, the primary justification for episcopal conferences.

Second, without using the word *collegialità*, Paul VI nevertheless employs insights from the conciliar debates on collegiality in his treatment of conferences. From the "universalist/centralist" side, these episcopal groups can influence the central government and influence the whole Church. From the "localist/decentralist" perspective, they possess relative autonomy from Rome and are given enough freedom to determine their own structures and procedures. Apparently, Paul VI will not hesitate to attribute the presence of elements of collegiality to episcopal conferences.

Finally, from the history of the four questions, the *una cum patribus* and some of Paul VI's reflections on the papacy, one sees signs of efforts to preserve *the juridical independence of the pope within the college*, a concern also

paramount among the conciliar minority. The existence and the authority of the college is not denied but there is need for caution lest the pope's supreme power be attributed to the college, or to his role as head of the college. To ensure this freedom, the pope is directly linked to Christ, Whose vicar he is, and to the Church, whose visible universal pastor he is. Suggestions of "collegial mediation" in the understanding of the Petrine office are warded off. One begins to see here possible directions that Paul VI's *Christocentrism* can take when applied to ecclesiology and order. This trend comes out more prominently in the reflections on the papacy.

4. The Theology of the Papacy

The first year of Paul VI's pontificate, the first months of which coincided with the second period of Vatican II, was the beginning of a long meditation on the Petrine ministry.[77] Of major concern for the question of collegiality is how the theology of the papacy affects the presentation on bishops.

One notices initially how Paul VI refers to the papacy as a ministry, a mission, an office of servanthood, of fatherhood and of love. Although consideration of papal prerogatives and authority does not disappear, the heavy dose of relational and ministerial language hints at a budding conceptualization that goes beyond the purely juridical.

Especially in his personal meditations, Paul VI clings to the uniqueness, incommunicability and solitariness of the Petrine mission. But for all that, he does not really take the pope "outside the Church." To begin with, Paul VI seems to establish a correspondence between the papal mission and that of the local Church of Rome. He further locates the papacy at the heart of the Universal Church. His position cannot be fully described as isolationist since he is the first to underscore the deep bonds of communion existing between the pope and Christ, the Church, and the whole of humanity, although he also emphasizes the pope's juridical freedom from bishops and the Church at large. On the other hand, it would be inaccurate and unfair to characterize his view of the papacy as triumphalistic. Some of his meditations approximate a self-effacement that becomes martyrdom. What Paul VI projects is the experience of being grasped by a call that so overwhelms him but to which he cannot not respond. The call is to be Peter, to assume the mission of being the Church's foundation stone and center of gathering. He fulfills the mission only by being the faithful conduit

[77]See J.M. Miller, "Paul VI on the Papacy," *America* (August 13, 1983), 64-66.

of Christ's love for humanity, which ultimately gathers people to form the Church. The mission that is his to accomplish is unique and imposes a crushing solitude on him, a solitariness that bears every responsibility before God, the Church and humanity.

First of all, the scriptural soundness of this approach to the Petrine function needs to be examined. Second, the singular mission of Peter needs to be sufficiently related to the mission of the Twelve and of all disciples. The household of God, after all, is built on the foundation of the apostles and prophets (Eph 2:20), and the commandment to love is for all to observe. Third, since Christ is the true cornerstone, the excessive and unnuanced use of the image of foundation for Peter's mission can lead to distorted conclusions. Fourth, a Christocentric view of the papacy can lead to Christomonism, which can so canalize all spiritual goods through one representative of Christ that other presences and workings of the Spirit are neglected. Finally, one should be on the lookout for the influence that the solitary view of the papacy can exert on Paul VI's decisions regarding the episcopal college's exercise of responsibility for the Universal Church. On the one hand, a pope so weighed down by the burden of his office could be most welcoming of collaboration. On the other hand, if the pope prescribes a duty of solitude on himself, then he can neither receive any form of cooperation nor be consoled by it. Paul VI shows signs of both.

5. Concluding Remarks

Paul VI's reflections combine strands with which varying ecclesiological frames of reference can identify. There is, however, no synthesis equivalent to that done by theologians who deliberately choose and defend particular orientations and methods. This is not to say that there is no discrimination in Paul VI's thought; there is too much evidence of careful thinking to warrant such a conclusion. It is possible to say that he is trying to respond to the questions provided by the council debate and to answers coming from various sides of the conciliar assembly. He makes his own the problems raised in the council and shows acute appreciation of the often contrasting positions expressed therein. Paul VI and the council Fathers themselves draw from their own wells and, at this point in the council's deliberation, have not achieved an ecclesiological synthesis into which theological systems can flow freely and find themselves well integrated with others. The search continues. Paul VI can be considered the mirror, the "microcosm" of this quest that occupies the council hall and indeed the whole Church.

CHAPTER V

The Thirteen Pontifical Suggestions (May 1964)

The present chapter will dwell on an important antecedent of the controversy that surrounded episcopal collegiality during the third period, culminating with the *nota explicativa praevia* (NEP). In order to fully understand the theological nature of the "drama" of the third period and what was truly at stake, it is imperative that the ecclesiological orientations and attitudes that had started to clash with renewed vigor from the closing of the second period to the opening of the third be calmly investigated. Paul VI's interventions, teaching and attitudes at this juncture can help explain his stance before the difficult test of the third period.

In an audience on May 18, 1964, Paul VI entrusted a list of thirteen *suggerimenti per la revisione del capitolo III dello schema de Ecclesia* to Monsignor Felici. The list was transmitted, with an explanatory letter from Felici, to Cardinal Ottaviani on May 19, 1964.[1] The content of the suggestions and the fact itself that the pope had sent in some *modi* for one of the most contested sections of *De Ecclesia* raised a number of questions then, which even now should be addressed: What led to this papal intervention? What

[1]Felici's letter and the thirteen suggestions—with a comparison of the text of *De Ecclesia* approved by the doctrinal commission in March 1964, and the text as it would have appeared if revised according to the suggestions—are in J. Grootaers, "Pièces concernant les treize suggestions pontificales," *Primauté et collégialité*, 125-127. The papal document is also in Betti, *La Dottrina*, 493-95; and *Synopsis Historica*, 431-32. The version in *Primauté et collégialité* will be used throughout this study.

weight did the pope himself intend to give it? How would the amendments have altered the doctrine contained in the commission's text? What "brand of collegiality" do the thirteen items espouse? We will consider the context of the intervention, then the weight given the suggestions, and finally the content of each.

A. THE CONTEXT OF THE INTERVENTION

With regard to the circumstances that paved the way for this particular papal action or that convinced the pope of its necessity and timeliness, an effort at historical reconstruction cannot ascertain the specific causes. The most that can be gathered from people who profess to have information are pointers to possible explanations. From the chronology of events assembled by Betti, it is learned that during the doctrinal commission's session on March 6-11, 1964, the textual changes recommended by the two subcommissions charged with Chapter III were scrutinized and decided on.[2] On April 14, 1964, the text passed by the doctrinal commission was submitted to the Coordinating Commission, which gave its approbation two days later.[3] Copies of the proposed text (*textus propositus*, or TPR) spread and provoked reactions, among them Paul VI's.[4] Grootaers sees the papal move in relation to what he calls the "first phase" of the minority's counter-offensive in 1964, a fact, still according to Grootaers, largely unheeded by the majority of the conciliar Fathers.[5] During this phase, the minority intensified its counter-attack within the doctrinal commission and revived questions that had been treated already in previous sessions, in view of modifying or restricting the significance of collegiality.[6] The transmission of a set of *modi* in the name of the pope to the doctrinal commission, after it had approved a version of the text, and the predominant attention given to clarification of the role of the papacy that the *modi* contained, led some to regard the papal intervention as an extension of the minority's interests and tactics. Besides, Felici's accompanying letter stated that the pope, in his personal study of the revised schema, had sought "the opinion of qualified

[2]Betti, *La Dottrina*, 205-10.

[3]For a copy of Chapter III of this text, see ibid., 484-92, Appendix 7, under the title, "*De Ecclesia.* Textus Propositus post discussiones mart. 1964, Caput III (olim II) De Constitutione Hierarchica Ecclesiae et in specie De Episcopatu."

[4]Ibid., 211. See n. 38 for accusations of incompetence hurled by some Italian bishops at the experts of the subcommissions during the CEI meeting on April 14-16, 1964.

[5]J. Grootaers, "Le rôle de Mgr. G. Philips à Vatican II," *Ecclesia a Spiritu Sancto edocta*, 363.

[6]Grootaers, quoted in Laurentin, *L'enjeu du concile*, 3:370, n. 10.

persons, many of whom belong to that conciliar commission [doctrinal]."[7] This is understood by many to mean representatives of the minority. The same letter gives the impression that the proposals were actually formulated by those consulted, with the pope having taken note of them before sending them to the commission.[8]

Writing in 1964, Grootaers was prompt to admit, however, that the papal action could be variously interpreted. It was possible that Paul VI was giving the minority a chance to defend its theses within the commission, behind closed doors and in a restricted setting, in order to avoid more heated opposition in the aula.[9] Circumspection is indeed called for in judging the pope's motives since, in at least two incidents preceding the intervention, Paul VI had spoken favorably of collegiality and the council. In his homily for the Holy Thursday celebration *in coena domini*, he described the ecumenical council

> as a great event of love in the Church, giving to episcopal collegiality the significance and value that Christ has intended to confer on his apostles in communion with and in submission to the first among them, Peter, and promoting every resolve directed at increasing love, collaboration, trust in the Church of God.[10]

Wenger even considers this part of the homily, where the expression "episcopal collegiality" is used, an implicit approval of the doctrinal commission's conclusions.[11] The thirteen *modi*, therefore, are attributed by Wenger to the reservations directly expressed to the pope by some members of the commission itself and the pope's desire to reconcile positions and to clarify the text.

[7]Felici's letter begins: "Compio il venerato incarico di communicare all'Eminenza Vostra Reverendissima che il SANTO PADRE ha sottoposto a particolare esame il testo del Capitolo III dello Schema *De Ecclesia*, compiacendoSi altresi di chiedere il parere di persone qualificate, molte delle quail appartengono a cotesta Commissione Conciliare." Grootaers, "Pièces," 125.

[8]Immediately after mentioning the consultation of qualified persons, the letter continues: "La stessa SANTITA' Sua, presa visione dei suggerimenti in merito formulati, mi ha incaricato nell'Udienza del 18 Maggio c. di communicarli..." Ibid.

[9]Grootaers, quoted in Laurentin, *L'enjeu du concile*, 3:371.

[10]"...Noi confermiamo anche qui il proposito a Cristo Signore, di condurre a buon fine il Concilio Ecumenico, come un grande avvenimento di carità nella Chiesa, dando alla collegialità episcopale il significato e il valore che Cristo ha inteso conferire ai suoi apostoli nella communione e nell'ossequio al primo fra essi, Pietro, a promovendo ogni proposito rivolto a crescere nella Chiesa di Dio la carità, la collaborazione, la fiducia." *Insegnamenti di Paolo VI* (1964), 2:209.

[11]A. Wenger, *Vatican II* (Paris: Centurion, 1965), 3:68.

On April 14, 1964, the day that the doctrinal commission sent the schema it had passed to the coordinating commission, Paul VI delivered a speech before the CEI in what was considered an *apologia* for the council. It seemed that the fiercest resistance to the council and to collegiality came from the Italian and Spanish bishops and the curia.[12] After the second period, calls for a definitive closing of the council after the third period also began circulating.[13] In this context, Paul VI delivered one of his most lyrical reflections on the council, which he called a grace of the Lord, the hour of God, a *transitus Domini* in the life of the Church and of the world.[14] Then in a firm clear manner he described the attitude and quality of participation expected of the Italian bishops, at times hinting that they should not isolate themselves from the bishops of the rest of the world:

> It is necessary to view the council with a big and serene heart. Magnanimity is the virtue which this sacred event asks of us. Neither the troubles, nor the pains, nor the difficulties, nor the changes, nor the exigencies which the council can bring with it should hold us back from celebrating it with full adhesion of our spirit. We trust that the nearer to the See of Peter is the one called to the council, the more effective and cordial may be his contribution to its success and noble celebration. Thus, venerated brothers, we rely on your diligent, enthusiastic, active participation. Your participation certainly does not want to be fearful, nor uncertain, nor petty, nor polemical; but frank, noble, adept and beneficial. We ourselves are aware of it. If it will appear also more coordinated in itself and desirous of offering a suitable way toward agreement with the legitimate desires of other Fathers, the Italian episcopate will have rendered to the pope and to the Church better service and will have given to its brothers the example, which is always expected of it, of being the promoter of the supreme ecclesiastical magisterium, the protector of harmony in the episcopal body and the defender of adhesion to the visible head of the Mystical Body of Christ. To maintain some intelligent and fraternal dialogue with the episcopal groups of other countries will equally be of spiritual advantage, for mutual edification, for fraternal challenge.[15]

[12]See Philips, *L'Église*, 28; and Schillebeeckx, *L'Église*, 103. These two matched the number of Italian and Spanish bishops to the negative votes on the four questions of orientation to prove that many among the minority voted positively. For a study of a particular personality, see F.M. Stabile, "Il Cardinal Ruffini e il Vaticano II, Le lettere di un 'intransigente,'" *Cristianesimo nella Storia* 11 (1990): 83-176. See also Martina, "Paolo VI," 43.

[13]Caprile, *Il Concilio*, 3:327, especially n. 1; and Wenger, *Vatican II*, 2:320.

[14]Paul VI, *Discorsi*, 74-75.

[15]"Bisogna guardare al Concilio con animo grande e sereno. Magnanimità è la virtù, che questo sacro avvenimento vuole da noi. Né le molestie, né le fatiche, né le difficoltà, né i

In the same speech, Paul VI also indirectly addressed the problem that had surfaced during the vote of orientation, i.e., the relation between the conciliar assembly and the commissions:

> Our concern has only been to see to it that the preparatory work of the commissions and of the secretariat proceed with speed in meeting two goals: first, that of reviewing, in this period between the second and third sessions, the schemata in the light of the observations made by the Fathers in the preceding sessions in order to submit them immediately to the scrutiny of the Fathers themselves; second, that of having their observations and suggestions gathered by the commissions according to their respective competence. Consequently the schemata would be reworked in such a form that they could be presented to the council, in the hope that, after some final discussion, these could gain more rapidly the conclusive decision, in one way or the other, of the conciliar assembly, without by this prejudging the duration of the council, about which nothing has been set at this moment. What has been sought is to facilitate the efficiency and speed of the council, not to impose limits and decisions on it.[16]

So in the face of such strong affirmation of the council's value and rights, Laurentin wonders if the papal *modi* could have come not from the

cambiamenti, né le esigenze che il Concilio può recare con sé ci devono trattenere dal celebrarlo con piena adesione del nostro spirito. Noi confidiamo che quanto maggiore è la vicinanza alla Cattedra di Pietro di chi è chiamato al Concilio, tanto più cordiale sia il suo concorso alla buona riuscita e alla degna celebrazione del Concilio medesimo. Perciò, venerati fratelli, noi facciamo assegnamento sopra la vostra partecipazione attenta, entusiasta, fattiva. Né paurosa, né incerta, né cavillosa, né polemica vuol essere certamente tale vostra partecipazione; ma franca, nobile, esperta e vantaggiosa. Ve ne siamo noi stessi riconoscenti. Se essa apparirà anche in se stessa più coordinate e desiderosa di offrire giusta via all'intesa con le espressioni legittime degli altri Padri, l'episcopato italiano avrà reso al Papa e alla Chiesa migliore servizio e avrà dato ai confratelli l'esempio, che da lui è sempre atteso, di promotore del supremo magistero ecclesiastico, di fautore della concordia nel corpo episcopale e di assertore dell'adesione al Capo visibile de Corpo Mistico di Cristo. Alimentare qualche saggia e fraterna conversazione con i gruppi episcopali degli altri Paesi sarà parimente di spirituale utilità, per una reciproca edificazione, per una fraterna emulazione." Ibid.

[16]"Sola è stata nostra premura disporre che i lavori preparatori delle Commissioni e della Segreteria procedessero con alacrità, al duplice scopo di rivedere, in questo periodo intermedio fra la seconda e la terza sessione, gli schemi alla luce delle osservazioni fatte dai Padri nelle precedenti sessioni, per offrirli subito all'esame dei Padri stessi; e di far raccogliere le loro osservazioni e suggerimenti dalle Commissioni secondo la rispettiva competenza, facendo redigere di consequenza la stesura degli schemi in forma tale da poterli presentare al Concilio, nella fiducia che, dopo qualche definitiva discussione, essi possano meritare più rapidamente le deliberazioni conclusive, in un senso o nell'altro, dell'assemblea conciliare, senza con questo pregiudicare la durata del Concilio, circa la quale non è dato, in questo momento, fare previsioni. Si è voluto cioè agevolare al Concilio la sua efficienza e la sua speditezza; non imporgli limiti e decisioni." Ibid., 74.

pope but from objections and requests submitted by members of the curia or even of the CEI.[17] But it must be noted that Paul VI's support for the council and the assembly need not erase automatically all his doubts and misgivings on some doctrinal issues.

The only datum that can be established at this point from the documentation pertaining to this matter is that Paul VI consulted with persons whom he called qualified, some of whom belonged to the doctrinal commission. This detail, however, comes from Felici's hand, not from the pope's. Who these were and what their distinct influence on the pope was cannot be determined exactly, although the content of the proposals could easily be matched with the opinions expressed by the Fathers during the debates. To judge which of the points contained in the communication came from the pope directly and which were the concerns of others that the pope made his own by allowing them to be included in the list is not simple, if at all possible, to do. Of course, one can arrive at a hypothetical solution by tracing a convergence of the *modi* with the opinions regularly voiced out in the council. An inquiry into Paul VI's speeches and writings at the time of the intervention might also yield confirmation of, or divergences from, the contents of the proposals, which either way could lend to a decent assessment of what can be regarded as his true preoccupations. But such an analysis will still leave many questions unanswered. Ultimately, what truly matters is the theological orientation of the *modi*.

B. THE WEIGHT OF THE INTERVENTION

"Every time that some pontifical amendments were consigned to the commission, the question of knowing what importance the pope intended to give to the initiative taken in his name re-emerged."[18] The query arose most critically in the doctrinal commission in the days leading up to the NEP but it had surfaced earlier with regard to the thirteen proposals.[19] Were they mere suggestions to be treated on a par with the many others

[17]Laurentin, *L'enjeu du concile*, 3:15. Betti confirms the negative reactions from the Italian bishops. See n. 6 above. G. Colombo confirmed that many Italian bishops, in fact, were not ready to accept the doctrinal and practical consequences of collegiality. He specifically referred to the April 14, 1964, speech of Paul VI to the Italian episcopate. G. Colombo, interview by author, Milan, June 8, 1989.

[18]"Chaque fois que des amendements pontificaux ont été déposés en commission, on a vu ressurgir la question de savoir quelle importance le Pape entendait donner à l'initiative prise en son nom." Grootaers, "Le Pape," 30, n. 15.

[19]See S. Tromp, "Extraits de la 'Chronique' de S. Tromp," *Primauté et collégialité*, 163; Betti, *La Dottrina*, 213; Grootaers, "Le rôle," 364; Laurentin, *L'enjeu du concile*, 3:15.

submitted by the conciliar assembly that the doctrinal commission was at liberty to discuss, comment on, accept or reject? Or were they changes whose incorporation into the text became a *sine qua non* for gaining the *suffragio supremo del Papa* that must be united with that of the assembly?[20] In this sense, were they impositions that the commission simply had to accept but which it then had to justify before the assembly? Were the changes advanced in order to alter the substance of the text—in which case, the existence of fundamental disagreement could be assumed—or for other purposes? Efforts to provide answers to these questions need to consider the text of the communication directed to the doctrinal commission, the procedure followed by the commission, and the result of the deliberation and its reception by the pope.

Felici's letter states that the pope charged him with communicating the proposals to the commission "so that it might wish to welcome them in the revision of the text which it will be so good as to complete."[21] It is this precise section of the letter that Carbone, a man deeply entrenched in curial procedure and style, singles out as indicative of a papal command that the changes be brought into the text.[22] In other words, it was not for the doctrinal commission freely to deliberate on the *modi* and to pass judgment on their acceptability. The pope was not asking for the commission's opinions but, instead, was giving it an order to amend the text according to the list. Carbone's reading, however, receives no confirmation from the pope himself when asked directly by Ottaviani about the norms the commission should follow in approaching the emendations. Tromp, the commission's secretary, mentions in his minutes that in the session of June 5, 1964, partly devoted to the *modi* sent in the pope's name, König inquired about the guidelines to be observed. "The Cardinal President [Ottaviani] responds that he asked the pope and the pope said the suggestions could be freely discussed."[23] The commission president himself conveyed the pope's inten-

[20]See *Insegnamenti di Paolo VI* (1963), 1:429.

[21]"La stessa SANTITA' Sua, presa visione dei suggerimenti in merito formulati, mi ha incaricato nell'Udienza del 18 Maggio c. di comunicarli a cotesta Commissione, perchè voglia accoglierli nella revisione del testo, che si compiacerà eseguire." Grootaers, "Pièces," 125-26.

[22]V. Carbone, "Discussione," *Paolo VI e i Problemi Ecclesiologici al Concilio,* 197-98.

[23]"Rogat Em. Koenig, quomodo intellegendae sint normae acceptae et respondet Em. Praeses se interrogasse Papam et Papam dixisse de Suggestionibus libere disputari posse." Tromp, "Extraits," 163. Betti says, "Il card. Ottaviani, nell'adunanza pomeridiana del 5 giugno, comunicò alla Commissione dottrinale che – secondo quanto gli aveva detto il Papa da lui interrogato – era lasciata pienamente libera di decidere in merito a quei punti che era

tion of respecting the commission's freedom to discuss and to decide. Such assurance prompted Archbishop Parente, head of the subcommission on collegiality, to candidly remark in the same meeting that "the suggestions can be admitted, though they are not necessary; it could indeed happen that other suggestions, better than those sent by the pope, would be proposed."[24] The final outcome of the whole affair supports the idea that the emendations were suggestions. As it turned out, the commission freely accepted and turned down as it saw fit, and the pope did not contest the commission's decisions. For Troisfontaines, this intervention can be considered a dialogue between the pope and the doctrinal commission.[25] The latter showed extraordinary courage in its honest critical approach, while the former exhibited true humility in receiving instruction from his dialogic partner.[26] The pope must have been earnestly searching for ways to revise the schema.

It needs to be pointed out, however, that the issue of the importance attached by the pope to the intervention should not be confined to the question of whether he was suggesting or imposing. In such a view, the incident is reduced to a skirmish between papal authority and the commission's freedom. The more basic problem is what the proposals intended to do with the text and the doctrine expressed therein. From this perspective, the papal intervention carried either a confirmatory, a negatory or a clarificatory weight with respect to the teaching put forward by the commission as it understood the desires of the council Fathers.

The enumeration of the suggestions is preceded by a short paragraph that expresses the rationale for the submission of the *modi*:

> With the text having been approved almost unanimously by the doctrinal commission, it does not seem opportune to introduce corrections or revisions except where it is considered necessary in order to subsequently avoid, as far as possible, erroneous interpretations of the text.[27]

invitata a riconsiderare." Betti, *La Dottrina*, 213. It must have been Felici who interpreted the intervention as a command.

[24]"Deinde loquitur Exc. Parente, Praeses Subcommissionis de Collegialitate: dicit Suggestiones admitti posse, etsi non sint necessariae; immo fieri posse ut proponantur suggestiones aliae, meliores quam illae a Papa missae." Tromp, "Extraits," 163.

[25]Troisfontaines, "À propos," 105.

[26]See ibid., 112.

[27]"Essendo stato il testo approvato alla quasi unanimità dalla Commissione dottrinale, non sembra opportune apportare correzioni o ritocchi, se non dove si stima necessario, onde evitare in seguito, per quanto possibile, errate interpretazioni del testo." Grootaers, "Pièces," 126.

Full confidence in the commission and respect for its work are clearly imparted by the introductory paragraph. No objection to the doctrinal content of the text is explicitly voiced. The concern, rather, is to prevent false interpretations of the doctrine.[28] The *modi*, by identifying points that are liable to be falsely interpreted and by providing safeguards against such possibility, thereby confirm the ambivalence of some aspects of the doctrine or at least of some of its formulation. According to the explanation, they have not been designed to negate the doctrine; but rather to confirm it by unpacking its true meaning. In this line of thought, the *modi* are even made to appear as a true exposition of the text's authentic teaching or of the authentic teaching that the text must put forward. In this context also, the intervention can possibly be understood to have different levels of importance: confirmation of the doctrinal core, clarification of vague aspects or formulation, and interpretative key to the true doctrine.

If the explanation of the intervention's express intent given above is correct, this particular expression of Paul VI's and the concerns of his "consultors" can be revelatory of a reception and an interpretation of the doctrine and praxis of collegiality embodied in TPR of April 1964. To be able to grasp this interpretation, the *modi* must be brought into a dialectic with the history of the text, the commission's explanation and response to the suggestions, and the myriad of opinions from various sectors of the conciliar assembly and experts, which all combine to form one interpretative community.

C. THE THIRTEEN SUGGESTIONS

Each of the suggestions will now be investigated in terms of how they interpret the sections of TPR they intend to touch on, in relation to some opinions already expressed by conciliar Fathers and *periti* in the preceding conciliar period, and in connection with the doctrinal commission's decision on them. Among the experts, Bertrams and C. Colombo will receive close attention because of the tremendous trust that Paul VI placed in them in resolving impasses.[29]

[28]"...egli (il Papa) suggeriva una serie di emendamenti: dettati però non dalla necessità di toccare la sostanza del testo, ma piutosto dall'opportunità di apportare ad esso un perfezionamento tecnico su quei punti che potevano prestarsi ad essere malamente interpretati." Betti, *La Dottrina*, 212.

[29]C. Colombo recalled how, immediately after having been elected pope, Paul VI asked E. Dhanis, rector of the Gregorian University, if the latter could recommend someone whose expertise on matters of collegiality the former could utilize. The choice fell on Bertrams. C. Colombo, interview by author, Milan, June 8, 1989.

> 1. In the introductory part of Chapter III, where faith in the primacy defined by Vatican I is reaffirmed, the expression on page 18, no. 18, line 17: cunctis fidelibus credendam rursus proponit, should be completed in this way: cunctis fidelibus *firmiter* credendam rursus proponit.[30]

TPR 18 opens Chapter III on the hierarchical constitution of the Church. This *prooemium* begins with the institution by Christ of various ministries, endowed with powers, for the service of the People of God (Chapter II). Then the finality of Vatican II with regard to the teaching on the hierarchy is defined both as a reconfirmation of the Vatican I doctrine on papal primacy and its completion.[31] With respect to the first end, TPR 18 says:

> The holy council makes its own the doctrine on the institution, perpetuity, force and meaning of the sacred apostolic primacy and also on the infallible magisterium of the Roman Pontiff, and proposes it again to all the faithful to be believed in...[32]

The suggested change calls for *firm* belief among the faithful in the doctrine of Vatican I. Betti considers the addition of *firmiter* only a verbal reinforcement (*rafforzamento verbale*), but not for that insignificant.[33] This first suggestion indeed capsulizes the interpretative tone and content that the rest of the proposals take up, i.e., the anxiety that the completion of Vatican I by the doctrine on the episcopacy attempted in TPR might devalue or obscure papal primacy. Hence, the subsequent numerous reminders of the pope's sovereignty in everything asserted about the episcopal college. (This preoccupation with protecting papal prerogatives has already sounded like a refrain in the first two periods of the council.) Through the word *firmiter*, the papal intervention is saying that TPR does not and should not negate Vatican I, that the episcopacy cannot and should not be contrary to the papacy, and that the faith in papal primacy and infallible magisterium should be more firmly held if it is not to be put in question by the teaching on episcopal collegiality.

[30]"1. Nella parte introduttoria de Capitolo III, ove si riafferma la fede nel Primato, definito dal Vaticano I, l'espressione di pag. 18, n. 18, l.17: cunctis fidelibus credendam rursus proponit, sia completata così: cunctis fidelibus *firmiter* credendam rursus proponit." Grootaers, "Pièces," 126. See Appendix II for comparison between TPR, the text incorporating the suggestions and the revised text. See also Betti, *La Dottrina*, 223-41.

[31]See Betti's presentation of TPR 18. Ibid., 242-43.

[32]"Quam doctrinam de institutione, perpetuitate, vi ac ratione sacri apostolici Primatus, necnon de Romani Pontificis infallibili Magisterio, Sacra Synodus suam facit, eamque cunctis fidelibus credendam rursus proponit..." TPR 18.

[33]Betti, *La Dottrina*, 244.

On June 4, 1964, a small group, whose membership is unidentified, prepared for the discussion of the doctrinal commission on the thirteen amendments to be held the following day. A document entitled *Annotationes pro novis emendationibus Cap. III*, which originated from the session of the said group, is published with "Le Dossier de G. Philips." Its author is not named.[34] Regarding the first suggestion, this document observes that adding *firmiter* can be admitted without any difficulty.[35] The following day, the commission itself immediately accepted the emendation.[36] For Betti, the revision has more psychological than theological value since a definition of faith must be simply believed in, without possibility of diverse degrees that the word *firmiter* might imply.[37] The *relatio* that Philips drafted on behalf of the doctrinal commission and sent to Paul VI on June 7, 1964, states that although the addition of *firmiter* is not necessary, since this particular case does not concern a profession of faith, nevertheless it is accepted by the commission.[38]

At first glance, the revision appears minor but the interpretative importance of that one word added in a section that introduces the broadening of the Church's self-consciousness of its ministries should not be missed. It safeguards Vatican I teaching on the papacy against any debasement, especially from the exaltation of the episcopacy. As Vatican II is being called to declare the Church's teaching on bishops, it is equally being called to proclaim its understanding and reappropriation of Vatican I. Spelled out in this manner, the first suggestion simply reiterates what Paul VI, since his election and even earlier as Cardinal Montini, has constantly harped on, namely, the ecclesiological broadening that Vatican II must achieve, especially through the doctrine on the episcopacy, certainly not to the detriment of Vatican I but rather to its re-validation.

> 2. On page 20, no. 21, line 24: instead of: munera quoque confert docendi et regendi, quae tamen nonnisi in communione etc., say: munera quoque confert docendi et regendi, quae tamen *natura sua* nonnisi in communione etc.[39]

[34]Grootaers, "Pièces," 133-34.

[35]"1. 'firmiter': Placet et potest sine ullo incommode admitti." Ibid.

[36]Tromp, "Extraits," 163.

[37]Betti, *La Dottrina*, 213.

[38]"Licet additio vocis *firmiter* non appareat necessaria, quia in casu non agitur de 'Professione' fidei, libenter tamen a Commissione *acceptatur*." Grootaers, "Pièces," 135.

[39]"2. A pag. 20, n. 21, l.24: invece di: munera quoque confert docendi et regendi, quae tamen nonnisi in communione etc., dire: munera quoque confert docendi et regendi, quae tamen *natura sua* nonnisi in communione etc." Ibid., 126.

> 13. On page 26, no. 27, lines 4f: rather than: ultimatim regatur, say: *coordinandum sit.*[40]

These two suggestions will be taken as one since they seem to address the same aspect of the whole problematic on the role of the pope in the exercise of episcopal powers. The discussion will dwell mainly on Suggestion 2 and, in the process, Suggestion 13 is also fully explained.

The second suggestion concerns TPR 21, *De Episcopatu ut Sacramento*, which is preceded by an exposition on the institution of the Twelve *ad modum collegii* (TPR 19) and the succession of bishops to the apostles (TPR 20). The sacramentality of the episcopacy (TPR 21) is elucidated in four stages: the presence of Christ's priesthood in the ministry of bishops (and of presbyters), the fullness of the sacrament of orders received in episcopal consecration, the conferral of the three offices (*munera*) of sanctifying, teaching and governing in episcopal consecration, and finally, the sacramental grace and character of the episcopacy. The suggestion deals specifically with that part of TPR 21 that goes:

> Along with the office of sanctifying, episcopal consecration also confers the offices of teaching and governing which, however, cannot be exercised except in communion with the head and members of the college.[41]

The revision requested is supposed to say that the offices, "*of their very nature* (*natura sua*), cannot be exercised except in communion with the head and members of the college." Taking cognizance of the debates of the previous conciliar periods, it seems safe to assume that the offices being singled out by the proposed emendation are those of teaching and governing.[42] It needs to be mentioned that the *conferral* of the said *munera* in consecration is not being questioned in the amendment; the point rather is whether the *nature* of the offices of teaching and governing already received in the sacrament, and thus *iure divino*, demands the very *condition for their exercise*, namely, communion with the whole college.

The mindset within which such a formulation of the problem arises seems to bear the following strands:

[40]"13. A pag. 26, n. 27, l. 4sq: anzichè: ultmatim regatur, dire: *coordinandum sit.*" Ibid., 127.

[41]"Episcopalis autem consecratio, cum munere sanctificandi, munera quoque confert docendi et regendi quae tamen nonnisi in communione cum Collegii Capite et membris exerceri possunt." TPR 21.

[42]Although Betti at one moment takes the revision as affecting all three offices, he later limits it to teaching and governing. Compare Betti, *La Dottrina*, 214 and 250.

a. the acceptance of the unity of apostolic office granted in consecration;
b. the maintenance of the distinction between the offices sacramentally conferred "in substance," as it were, and their exercise;
c. a particular understanding of the intrinsic connection between the nature of the *sacramental* gifts and the *ecclesial* conditions for their exercise.

Seeing the affinity of these aspects to the thought of Bertrams and, to some extent, of C. Colombo, one must inquire into the possible link their ideas have with the second suggestion.

From Bertrams' analysis of the constant praxis and teaching of the Church, the episcopacy comes to light as an office divinely established for the governance of the Church. Episcopal consecration confers the powers inherent in this episcopal office as a unity.[43] "Although this office extended to worship, to preaching the word of God and to governing, it was considered completely [by the primitive Church] as a unity which was conferred through the laying on of hands."[44] The episcopal office can be considered a *totum potestativum*, a unity of power, comprising functions traditionally classified under power of order and power of jurisdiction.[45]

The *exercise* of the episcopal office becomes the next topic. For Bertrams, what the sacrament confers is the episcopal office in its *internal structure*, in its *substance* and *existence*, which needs an *external structure* by means of which

[43]See W. Bertrams, *De relatione inter episcopatu et primatum, principia philosophica et theologica quibus relatio iuridica fundatur inter officium episcopale et primatiale* (Rome: Università Gregoriana, 1963), 57. English translation, "On the Relationship between the Episcopacy and Primacy," in W. Bertrams, *The Papacy, the Episcopacy, and Collegiality*, trans. P.T. Brannan (Westminster, MD: Newman Press, 164). Brannan's translation will be altered whenever needed in order to bridge Bertrams' terminology with that of the council.

[44]"Haec potestas, etsi habebatur quoad cultum quoad praedictionem verbi Dei, quoad regimen, omnino tamquam unitas considerabatur, quae per impositionem manuum conferebatur." Ibid., 55-56.

[45]"In consecratione episcopali confertur potestas episcopalis tamquam aliquod totum potestativum, quod plures functiones habet, scilicet hoc totum potestativum comprehendit potestatem ordinis et potestatem regiminis." W. Bertrams, "De potestatis episcopalis exercitio personali et collegiali," *Periodica de re morali, canonica, liturgica* 53 (1964): 456. See also idem, "La collegialità," 443, and *De relatione*, 59, where he says, "In hac plenitudine sacerdotii igitur continentur non tantum potestas ordinis, sed etiam, immo praesertim, potestas regendi in Ecclesia." C. Colombo holds the same view but prefers to use the language of "charism" for the one apostolic power received in the sacrament. See C. Colombo, "Il collegio episcopale e il primato del Romano Pontefice," *La Scuola Cattolica* 93 (1965): 54. Though published only in 1965, this article was completed before the promulgation of LG.

the office is *incorporated* in the Church *as a human society.* He explains the need for such incorporation this way:

> ...the episcopal office, conferred in its internal structure in the act of consecration, needs an external structure by means of which *it is incorporated within the Church.* For this office is to be exercised within the Church in which there are other bishops who enjoy the same power. If they have no order in the exercise of this office, this exercise is not for the good of the social whole which the Church constitutes; it is of no use for the building up of the Body of Christ but for its destruction. Therefore, the coordination of the exercise of the office of all bishops in view of governing the Church, of possessing the common good of the Church is needed. The *communion of all bishops* who exercise episcopal office is required.[46]

This *coordination, harmonization* and *communion* with the Roman Pontiff and other bishops, required for the *juridically efficacious exercise* of the episcopal office is brought about by the giving of *canonical mission,* the form, which the Church's *recognition* of the bishop's sacramentally conferred episcopal office usually takes. He states:

> ...the constitution and conferral of the office of governing in the Church as such are not sufficient for the exercise of this office. Although the episcopal office is possessed substantially and existentially by means of episcopal consecration, communion with other bishops is not brought about by the divine constitution and sacramental conferral of episcopal office in its substance. The common good of the Church as a human society... demands that the conferral of the episcopal office through consecration be recognized by the Church for the exercise of the office in the Church. Such recognition brings about communion with other bishops and coordination of the exercise of the consecrated bishop's office with the exercise of the office on the part of all the other bishops. When this recognition is lacking, the conferral and reception of episcopal office lacks "the canonical form," which is demanded by the common good, for exercising this office in the Church.[47]

[46]"Hinc officium episcopale in consecratione collatum secundum structuram internam exigit structuram externam, qua *in Ecclesia incorporatur.* Hoc officium enim est exercendum in Ecclesia, in qua alii habentur Episcopi eadem potestate gaudentes. Deficiente ordine quoad officium exercendum ex parte eorum hoc exercitium non est in bonum totius socialis, quod Ecclesia constituit, non est in aedificationem Corporis Christi, sed in destructionem. Ergo requiritur coordinatio exercitii potestatis omnium Episcoporum in ordine ad regendum in Ecclesia, in ordine ad bonum commune Ecclesiae habendum. Requiritur *communio omnium Episcoporum,* qui in Ecclesia potestatem episcopalem exercent." Bertrams, *De relatione,* 62, see also "La collegialità," 444.

[47]"...constitutio et collation potestatis regendi in Ecclesia qua talis non sufficit ad exercendam hanc potestatem. Etsi officium episcopale quoad substantiam et exsistentiam

Recognition determines concretely the extent of the exercise of the office and the subjects to be governed. It is precisely through this approach that Bertrams can say that "the incorporation of the consecrated bishop into the episcopal college is formally accomplished through the canonical mission."[48] Canonical mission is ultimately governed by norms set by the supreme authority, which cannot disregard the Roman Pontiff. Indeed, recognition is not possible unless given by the authority of or in union with the authority of the college's head.[49] The exercise of the bishops' office of governing, therefore, must also be coordinated with the primatial power of the pope in two ways.[50] There is coordination by the Roman Pontiff who, by virtue of the primatial office, is the basis of unity and coordination of the Church's government.[51] But there is also coordination in the sense of *restriction* of the episcopal power in its very subordination to the primacy.[52] Episcopal consecration, however, remains the *efficient cause* of the office, but ecclesial and canonical recognition or communion is an *essential condition* for the *juridical efficacy* of the office itself.

> Yet this condition is essential because, when it is not fulfilled, an obstacle exists which prevents the formation of an essential element of the episcopal office, i.e., the external structure.[53]

The same basic idea is expressed in "De potestatis" in a manner so strikingly close to the papal suggestion:

habetur per consecrationem episcopalem, constitutione divina et collatione sacramentali qua tali officii episcopalis quoad substantiam non efficitur communio cum aliis Episcopis. Bonum commune Ecclesiae qua societatis humanae... exigit, ut collatio officii episcopalis per consecrationem habenda sit ab Ecclesia recognita in ordine ad exercendum officium in Ecclesia; tali recognitione communio cum aliis Episcopis et coordinatio exercitii potestatis consecrati cum exercitio potestatis ex parte omnium aliorum Episcoporum efficitur. Deficiente hac recognitione collationi respective receptioni officii episcopalis in ordine ad excercendum hoc officium in Ecclesia deficit 'forma canonica,' quae ratione boni communis exigitur." Bertrams, *De relatione,* 62-63. See also idem, "De potestatis," 457-58, and "La collegialità," 445.

[48]"Perciò l'incorporazione del vescovo consacrato al collegio episcopale si ottiene formalmente mediante la missione canonica." Ibid., 453.

[49]See Bertrams, *De relatione,* 69-70.

[50]Ibid., 71.

[51]See ibid., 58, 96, 63, and "De potestatis," 457-58.

[52]See Bertrams, "La collegialità," 444.

[53]"...recognitio collationis officii episcopalis est *condicio* implenda ad *efficacitatem* iuridicam collationis officii et consequenter ad efficacitatem ipsius officii habendam; et quidem haec condicio est essentialis, quia ipsa non impleta obstaculum habetur, ne elementum essentiale, scilicet structura externa, officii episcopalis se efformare valeat." Bertrams, *De relatione,* 65-66.

> Potestas regendi consecratione episcopali confertur quoad substantiam, quoad ipsum esse spirituale, intentionale, quod characteri episcopali inhaeret tamquam effectus sacramentalis. Haec facultas est ad regimen habendum; *intrinsece seu natura sua ordinatur ad hoc, ut exerceatur in Ecclesia societate hierarchica.* Attamen haec facultas – qua effectus sacramentalis, i.e., pure spiritualis – non est incorporata in Ecclesia societate externa; potius ipsa habetur in signo rationis antecedenter ad Ecclesiam societatem externam at iuridicam.[54]

How did the doctrinal commission respond to the second suggestion? The small preparatory group of June 4 was willing to accept the revision provided the words *natura sua* did not refer to the sanctifying office.[55] In Tromp's account of the commission meeting, it is learned that Philips, with Congar's concurrence, proposed *ultima natura sua* but the other members settled for the papal suggestion.[56] The official *relatio* offers a nuanced response: the revision is accepted for the said offices but *must be exercised* in communion with the head and members of the college. It is indicated, however, that these offices are being exercised *de facto* among the Orthodox not in full communion with Rome, but that the commission does not want to enter into the theological and canonical *explanation* of this fact.[57] But the commission rejected Suggestion 13 since *coordinandum sit* is much weaker than *ultimatim regatur.*[58]

Paul VI had always supported the sacramentality of the episcopacy and had accepted the unity of episcopal office conferred in the sacrament. But even before being elected to the See of Rome, he had been concerned with the question of how the episcopal office of governance is to be exercised in a way that would respect and require the intervention of the pope in its very exercise and would avoid the much feared entry of democratic co-governance in the Church. It is very probable that Bertrams' system provided a solution acceptable to the pope. It should be stressed, however, that Bertrams is addressing a specific topic, i.e., *the juridical efficacy of the exer-*

[54]Bertrams, "De potestatis," 458. Emphasis added.

[55]"2. '*natura sua*': Potest admitti dummodo haec verba non intelligantur de munere sanctificandi." Grootaers, "Pièces," 133.

[56]See Tromp, "Extraits," 163. No explanation of the Philips proposal is given. It is probable that Philips and Congar's position is the one reflected in the official *relatio.*

[57]"*Admittitur.* Ex se enim haec munera in communione cum Collegii Capite et Membris exerceri debent. Notatum insuper est in disceptatione quod munera illa *de facto* apud Orthodoxos exercentur, sed in *explicationem* theologicam et canonicam huius facti non videtur intradum." Grootaers, "Pièces," 135.

[58]Ibid., 139.

cise of the office of governance, in a well-defined direction, i.e., the office operative in *the Church as an external, hierarchical society*. And within this restricted context, the nature of the episcopal office of governance is depicted in its essential need for *juridical communion* with the episcopal college and its head, without which the office is juridically effete and is utilized *ad destructionem Ecclesiae*. The communion to which the office by its nature is directed bears a heavily external juridical mark as coordination and harmonization of the exercise of power among various officeholders and subordination to the primacy of the Pope. The sacramental origin of the offices does not ensure automatic and independent exercise by each bishop. Its divine source, far from being used as an excuse for eradicating human determinations in the Church, prescribes them. Juridical communion is protected from an "overexaltation" of the sacramentality of the episcopacy by declaring the dependence of the exercise of the episcopal office on the college and its head as essential to the office itself.[59] The final text of LG will later bear Bertrams' mark more clearly by qualifying the communion necessary for the exercise of episcopal power *hierarchica communione*. Hierarchical communion, as used by Paul VI and the doctrinal commission, will be treated in a later chapter.

> 3. On page 20, no. 22, line 33: Sicut, *statuente Domino*; a suitable documentation (from Holy Scripture and from Tradition) of what is asserted is desired. The affirmation is of fundamental importance.[60]

The third suggestion is one of two aimed at determining the doctrinal basis of an assertion. TPR 22, *De Collegio Episcoporum eiusque Capite*, probably the most disputed portion in the chapter and in the whole constitution, receives the most numerous *modi* from the papal list (eight out of thirteen). The opening lines of the paragraph states:

> Just as, by the Lord's institution (*statuente Domino*), St. Peter and the other apostles constitute a single apostolic college, in the same way the Roman Pontiff, the successor of Peter, and the bishops, the successors of the apostles, are mutually interrelated.[61]

This sentence, which introduces the theme of collegiality, lays down the foundation for the whole chapter since on it rests the historico-theological

[59]See Acerbi, *Due ecclesiologie*, 370-72.

[60]"3. A pag. 20, n. 22, l. 33: Sicut, *statuente Domino*; si desidera una conveniente documentazione (dalla S. Scrittura e dalla Tradizione) di quanto asserito. L'affermazione è di importanza fondamentale." Grootaers, "Pièces," 126.

[61]"Sicut, statuente Domino, sanctus Petrus et ceteri Apostoli unum Collegium apostolicum constituent, eadem ratione Romanus Pontifex, successor Petri, et Episcopi, successores Apostolorum, inter se coniunguntur." TPR 22.

dimension of the doctrine. TPR 22 grounds the formation of the Twelve into one apostolic college and the same interconnectedness among their successors in the very will and decree of the Lord. In Suggestion 3, sufficient documentation from Scripture and Tradition is requested to support such a fundamental claim. The request contains an implicit question: can it be established from Scripture and Tradition that the collegial character of the Twelve and their successors is of divine determination? The answers offered by different people to this central and valid question, however, were often embedded in a thicket of personal theological orientations and systems, fears and interests, as the history of the conciliar debates so vividly manifests. Needless to say, those conciliar Fathers who had serious difficulties with collegiality constantly exacted foundational "proofs" from those who supported it. This does not mean that a desire to search for the theological and historical roots of a doctrine necessarily conveyed initial doubts or reservations, or that proponents of collegiality cared less for proper doctrinal grounding. But as will be shown below, the request for Scriptural and Traditional documentation could have arisen from a need to respond to the difficulties of the so-called minority group.

A brief survey of opinions expressed by a few conciliar Fathers on the *statuente Domino*, some dating from the second period and before the drafting of TPR, will suffice to disclose the considerable issues involved.[62] As far back as the second period, Bishop Carli wanted the words *statuente Domino* removed, for no divine decree can be found in the gospels regarding the formation of the Twelve as a college but only the fact that Jesus called them the "Twelve."[63] In the same vein, Bishop Canzonieri observed that "the question whether Jesus instituted a college or any juridical person, should be answered in the negative."[64] For Archbishop Proença Sigaud, the claim of a *iure divino* constitution of the apostles into a college, strictly understood, is a

[62]Sharp differences on this matter also existed in the doctrinal commission and its fifth subcommission, which was entrusted with revising the section on collegiality and the ministries of bishops during the intersession of 1963-64. See Betti, *La Dottrina*, 496; and Acerbi, *Due Ecclesiologie*, 374-86.

[63]"N. 16, lin. 2; verba 'statuente Domino' videntur omittenda. Nam in Evangelium non invenitur *statuitio* dominica, sed solummodo *factum*: 'et fecit ut essent duodecim cum illo." ASSC II, 1:636. He repeats the same request on October 14, 1963: "1. *Quoad redactionem* n. 16 Pag. 27, lin. 2, auferantur verba 'statuente Domino,' quia neque ex Evangelio neque ex alia Scriptura clare patet de tali dominico statuto *seu praecepto* circa collegialitatem." ASSC II, 2:579.

[64]"...sed ad quaestionem utrum Dominus Jesus collegium instituerit, vel aliquam personam iuridicam, mihi videtur respondendum esse negative." Ibid., 695.

new doctrine[65] leading to grave consequences: "in other words, the Church's government, by divine law, is not monarchical and personal but collegial."[66] Thus, the Reverend Rubio, Prior General of the Augustinians, called for a moderation of the text's strictly juridical approach to the apostolic college and its successor, evidenced in the attribution to the latter of supreme authority that can be exercised outside a council.[67] For his part, the Reverend Fernández, Master General of the Dominicans, plainly declared that strict collegiality, extolled as an indivisible supreme power in which all members of the college participate, does not appear in the institution and mission of the apostles.[68] So it becomes apparent from this sampling of views that what somehow binds the oppositionists to the divine institution of the apostolic college and the succession to it by the episcopal college is their common understanding of *collegium* in a precise juridical sense. This has been summarized by Bishop Staffa in the following way:

> The word and the concept of "college," [and] "collegiality" have a very frequent and rather precise use in law (in all the systems) so that a different usage could easily cause dangerous misunderstandings. In the more proper and original concept of "college" is inherent that of the juridical equality of the "colleagues," or members. So it does not seem that this word could be used *sic et simpliciter* to designate a collectivity where one has absolutely pre-eminent rights: the successor of Peter. For this reason, even J. Kleutgen wanted to avoid the term "college" (Mansi, 53, 320). This should be avoided also because the essential notion of "college" entails that the subject of the rights and duties (which belong to it as a "college") be only one and *indivisible.* In our case the subject is not of this sort because the Supreme Pontiff can exercise, even by himself, the fullness of his power. And yet the schema speaks of *indivisum subiectum.*[69]

[65]"Ex his numeris (nn. 12 et 16) videtur elucere doctrina quaedam nova, scil.: duodecim apostolos constituisse, cum Petro duce, verum, permanens, stricte dictum collegium et quidem *iure divino.*" Ibid., 366.

[66]"Aliis verbis, gubernium Ecclesiae, iure divino, non esset monarchicum, personale, sed collegiale." Ibid., 367.

[67]Ibid., 870 and 872.

[68]Ibid., 425.

[69]"La parola e il concetto di 'collegio,' 'collegialità hanno un uso molto frequente e abbastanza preciso nel diritto (in tutti gli ordinamenti), di modo che un uso diverso determinerebbe facilmente equivoci pericolosi. Nel concetto più proprio e originario di 'collegio,' è insito quello dell'uguaglianza giuridica dei 'colleghi,' ossia dei membri. Non sembra quindi che possa usarsi 'sic et simpliciter' questa parola per designare un ente collettivo, dove uno ha diritti assolutamente preminenti: il Successore di Pietro. Perciò anche Kleutgen voleva evitato il termine 'collegio' (Mansi, 53, 320). Questo sembra doversi evitare anche perchè la nozione essenziale di 'collegio' esige che il soggetto dei diritti e dei

Dangers of imputing juridical equality to bishops and pope, of taking the subject of power as one and indivisible, and of introducing a regime of episcopal co-governance combined to form the opposition to the word "college" and the concept of collegiality.

Based on this objection, some Fathers preferred the prior text of *De Ecclesia* (TP), which said in TP 12 (later TPR 19) that Jesus called them (the Twelve) apostles and formed them "in the likeness of a college" (*ad instar cuiusdam collegii*). For example, Bishop de la Chanonie advised that the expression *unum collegium apostolicum*, employed to refer to Peter and the other apostles in TP 16 (later TPR 22), be changed since the Twelve do not form one college in the proper sense but only bear a resemblance to some kind of college.[70] These words were almost exactly reiterated by Proença Sigaud, speaking for a group among whom was Archbishop M. Lefèbvre, Superior General of the Order of the Holy Spirit. *Ad instar collegii*, the more apt expression, meant for them *collegium improprie dictum*.[71] On the other hand, a person like Bishop Seitz deplored the use of the vague *cuiusdam collegii*, which seems to minimize collegiality when it is within the council's program to accentuate it.[72] So the appropriate use of the term "college" is at the core of the issue.

Uneasiness with the vocabulary came with the fear of subverting the monarchical structure of the Church and papal primacy. Carli supported the view that such governance remains personal to the pope and not collegial by quoting Montini who, in a memorial for John XXIII on June 7, 1963, uttered the following: "...collaboration of the episcopal body certainly not in the exercise (which will remain personal and unitary) but in the responsibility for the governance of the Church."[73] Similarly, Fernández underscored the independence of the Roman Pontiff's authority from the common action of other bishops,[74] while Bishop de Castro Mayer, on

doveri (che gli competono come 'collegio') sia uno solo e *indivisibile*. Nel nostro caso il soggetto non è tale, perchè il Sommo Pontefice può esercitare anche da solo la pienezza della sua potestà. Eppure nello schema si parla di 'indivisum subiectum'" Ibid., 325.

[70]"S. Petrus et alii apostolic non unum collegium proprie dictum constituunt, sed solum ad instar cuiusdam collegii instituti sunt (cf. supra § 12, pag. 23, lin 31)." ASSC II, 1:650.

[71]ASSC II, 2:369.

[72]"Pag. 23, lig. 31 et pag. 24, lig. 1 'cuiusdam collegii': cette expression vague semble vouloir minimiser, alors qu'au contraire il est dans le ligne des travaux conciliaires d'accentuer avec vigueur la note de collégialité." ASSC II, 1:712.

[73]Ibid., 637. Montini's words were: "collaborazione del corpo episcopale non certo all'esercizio (che resterà personale e unitario) ma alla responsabilità del governo della Chiesa." Montini, *Discorsi*, 219.

[74]ASSC II, 2:422.

behalf of M. Lefèbvre and company, considered a new and unproven teaching the doctrine justifying a divinely endowed power that can be collegially exercised in a habitual manner.[75] And with this final comment, the circle of argumentation surrounding *statuente Domino* is completed. The bottom line is once again the sheltering of papal primacy of jurisdiction. With the Lord's will concerning the papal prerogatives determined and proclaimed by Vatican I, it cannot possibly be willed by the same Lord that a juridical group, though headed by the pope, would co-govern the Universal Church by collectively exercising in a stable manner the supreme power.

On May 27, 1964, Felici, directed by Paul VI, sent a letter to Reverend Wambacq, Secretary of the Pontifical Biblical Commission, requesting the said commission to give its opinion on two points contained in TPR 22, the first of which concerned the scriptural soundness of what is asserted of the Twelve and the bishops *statuente Domino*.[76] Due to lack of time, only the consultors residing in Rome were convened on May 31, 1964, for a discussion, the results of which were handed to Felici on June 2, 1964.[77] The biblical commission divided the opening assertion of TPR 22 into two parts and responded to them separately. First, it can be deduced from Scripture that it is Christ's will that Peter and the other apostles constitute a college and that this apostolic college continue in history. Second, the modality of the concrete execution of Christ's will (*eadem ratione...*) in the Roman Pontiff and the bishops cannot be established from Scripture alone. The consultors of the biblical commission, according to Kerrigan, "did not attach a technical legal meaning to the Latin term *collegium*; for them the expression 'apostolic college' simply meant that the Apostles formed a stable group on which Jesus conferred certain powers."[78] The response of the biblical commission sufficed for the doctrinal commission to maintain the text as it stood since its intention in the sentence concerned was merely to affirm the existence of a biblical foundation for the divine will and not to settle the concrete modalities for its execution.[79]

[75]Ibid., 723.

[76]For the text of the request, see *Synopsis Historica*, 432-33.

[77]For the biblical commission's reply, see ibid. The context and key points of the commission's discussion are clearly reported in A. Kerrigan, "The Biblical Commission on Episcopal Collegiality," *Euntes Docete* 20 (1967): 15-28.

[78]Ibid., 17.

[79]"Secundum eandem Commssionem sequens assertio quae rem Romano Pontifici et Episcopis applicat in Scriptura 'fundamentum' habet, in quantum voluntas Domini manifesta est ut 'collegium apostolicum a se fundatum maneat usque ad consummationem saeculi.' Sed ex sola Scriptura 'modus exsequendi' voluntatem Domini non absolute constare dicitur.

> 4. Ibid. [no. 22], line 39, after: itemque concilia celebrata, add: *praesertim oecumenica.*[80]

The fourth suggestion still concerns TPR 22. After declaring the divine determination of the collegial nature of the Twelve and of the episcopate, the text goes on to show how this collegial character of the episcopal order was manifested in very ancient Church praxis. It states:

> Already the very ancient discipline, by which bishops appointed throughout the entire world communicated with each other and with the bishop of Rome in a bond of unity, charity and peace, and also the celebration of councils at which more important matters were settled conjointly in a decision, based on the counsel of many, all this points to the collegial character and nature of the episcopal order...[81]

The proposal calls for an explicit reference to and highlighting of ecumenical councils among those conciliar gatherings mentioned in a generic fashion. The text will then have to read, "the celebration of councils, *chiefly the ecumenical councils* (*praesertim oecumenica*)... point to the collegial character and nature of the episcopal order."

There seemed to be no disagreement among the Fathers and experts on the historico-theological evidence that ecumenical councils provide for the collegial character and structure of the episcopate; but interpretations of their dogmatic value differed. It is important to determine whether the fourth suggestion is somehow linked to a particular view expressed during the council that tended to restrict the reality and exercise of episcopal collegiality to the actual event of an ecumenical council.

It is now time to look at a couple of opinions raised by some conciliar Fathers regarding collegiality and ecumenical councils. Bishop Viana counted the existence of ecumenical councils as the only proof for episcopal collegiality. In them the true college, i.e., all bishops under the Roman Pontiff, is born in specific historical moments from the nature of the Church as willed by Christ. If this is the case, the "episcopal college is not verifiable in an

Quod ceterum in textu Schematis non asseritur." Grootaers, "Pièces," 135. See also Betti, *La Dottrina*, 214. In October-November 1964, the doctrinal commission will change *eadem ratione* to *pari ratione* upon request of some Fathers. See *Modus* 57, *Synopsis Historica*, 523.

[80]"4. Ib., l. 39, dopo: itemque concilia celebrata, aggiungere: praesertim oecumenica." Grootaers, "Pièces," 126.

[81]"Iam perantiqua disciplina, qua Episcopi in universo orbe constituti ad invicem et cum Romano Episcopo communicabant in vinculo unitatis, caritatis et pacis, itemque concilia celebrata, per quae et altiora quaeque in commune statuerentur, sententia multorum consilio ponderata, ordinis episcopalis indolem et rationem collegialem significant..." TPR 22.

assembly of bishops of a certain region only."[82] Cardinal Siri expressed his opinion more directly and succinctly:

> The college exists because the council at least exists; wherever conditions are verified by which a legitimate council exists, the college exists.[83]

In the general orientation of these views, the episcopal college exists and acts as a college when *all* bishops are congregated *with* the pope and *under* his authority and their common action recognized by him. Either all bishops are involved for the college and a collegial act to exist, or there is no collegial reality at all.

The proposed change does not seem to carry as limiting an intent as the position just described. Even Bertrams is not led to such a restrictive stance by his theologico-canonical system. Of course, he puts special weight on ecumenical councils wherein bishops exercise jurisdiction over the whole Church in communion with each other and their head.[84] He also recognizes the relatedness to the Universal Church of the episcopal office of governing conferred sacramentally.[85] But he points to "other ways of exercising the power of governing in the Church collegially under existing legislation," like the plenary and provincial councils, and maybe in the future, episcopal conferences, if the Church should so legislate.[86]

The same openness to a variety of realizations of collegial exercise of the episcopal office can be detected in some Fathers. Archbishop Hermaniuk[87] and Bishop Holland[88] saw the actualization of collegiality in the formation

[82]Some of his significant comments: "Pro collegialitate episcoporum unum tantum argumentum probativum audivi, existentia nempe conciliorum oecumenicum... His praemissis, dico in collegio oecumenico dari verum collegium, in *sensu in quo nunc loquimur*, *verum collegium* omnium episcoporum Ecclesiae sub Romano Pontifice, et hoc collegium natum esse in determinato momento historico ex natura Ecclesia...Si enim collegium episcoporum consistit in adunatione *omnium* episcoporum Ecclesiae cum Romano Pontifice et sub eius auctoritate, videtur dicendum illud collegium episcoporum non verificari in coetu episcoporum cuiusdam regionis tantum." ASSC II, 2:589-90.

[83]"Conlegium exsistit, quia Concilium saltem exsistit. Ubicumque verificantur condiciones, quibus est verum et legitimum concilium, conlegium exsistit." Ibid., 572-73.

[84]"Iurisdictio efficax, quae Episcopis convenit, non tantum habetur in ecclesiam particularem singulis Episcopis concreditam, sed etiam in Ecclesiam universalem collegialiter cum aliis Episcopis exercendam, quatenus ad *Concilium Oecumenicum* vocandi sunt in eoque ius habent suffragii deliberativi (can. 223 § 1,2)." Bertrams, *De relatione*, 79.

[85]See ibid., 59, 68.

[86]"Quod attinet alios modos exercendi potestatem regendi in Ecclesia collegialiter iure vigente (Codicis Iuris Canonici) habentur *Concilia plenaria et provincilia* (can. 281-292)." Ibid., 81, see also 97, and "La collegialità," 445.

[87]ASSC II, 2:782.

[88]Ibid., 621.

of a *consilium apostolicum*, composed of the pope and representatives of the episcopate to be nominated by episcopal conferences, which can associate bishops to the Church's central government. Bishop Ghattas pointed to Paul VI's own words to support the institution of such a *senatus* through which the principle of episcopal collegiality will be inscribed in the Church's structures.[89]

The preparatory group that met before the deliberations of the doctrinal commission thought that the addition of *praesertim oecumenica* was apropos.[90] The commission accepted the change but, pursuing the idea of Bishop Henríquez Jiménez, decided to insert it in a different section than the one indicated by the suggestion, and left the reformulation to Philips.[91] The official *relatio* states that since the section chosen for the proposed revision deals only with ancient practice, mention of ecumenical councils is more suitable after it. The new line composed by Philips and approved by the commission says: "Ecumenical councils celebrated in the Church in the course of time clearly show [the collegial nature of the episcopal order]."[92] The commission also clarified that the argument from ecumenical councils is not necessarily the only one available in favor of collegiality. The assertion, therefore, is offered positively, not exclusively. From all indications, the papal suggestion differs from the view that ties collegiality to ecumenical councils in a manner so limited, yet exhaustive. According to this view, the *juridical* notion of *collegium* as a subject of the same power co-governing with the pope *habitually* (ordinary fashion) is precluded by the pope's primacy and juridical independence from the bishops. The *strictly collegial* existence and action of the episcopal body become real and operative only in sporadic and *extraordinary* moments to coincide with and restricted to the holding of ecumenical councils convened or at least received by the pope. These intermittent gatherings exhaust what could be seen and said of the episcopal college in the proper sense. The papal suggestion, however, appears to

[89]"Aliquod episcoporum 'Consilium,' aliquis 'Senatus' dicerem, instituere, maxima importat. Ita, principium collegialitatis episcopalis in Ecclesiae structuris inscribitur." Ibid., 417. Ghattas is referring to Paul VI's speech to the Roman Curia on September 21, 1963.

[90]"4. *'praesertim oecumenica'*: Additio placet test enim valde opportuna." Grootaers, "Pièces," 133.

[91]See Tromp, "Extraits," 163-64.

[92]"Haec insertio *admittitur*, sed in aptiore loco videtur ponenda. Lin. 39 enim agitur unice de *perantiqua* disciplina. Quapropter textus ita componitur: '...itemque concilia *coadunata*, per quae et altiora quaeque in commune statuerentur... ordinis episcoplis indolem et rationem collegialem significant. *Quam manifeste comprobant Concilia oecumenica decursu saeculorum in Ecclesia celebrata...*" Grootaers, "Pièces," 136.

be more open to the multifarious manifestations of the collegial reality in the Church.[93]

> 5. On page 21, no. 22, lines 8-9, after: ut capite eius intellegatur, add: *Eiusque integre servata potestate Primatus in omnes sive Pastores sive fideles.*[94]
>
> 6. Ibid. [no. 22], lines 9ff: in place of: Romanus enim Pontifex... et universalem potestatem, say: Romanus enim Pontifex habet in Ecclesiam, vi muneris sui, *Vicarii scilicet Christi et totius Ecclesiae Capitis*, plenam, supremam et universalem potestatem, *quam semper et libere exercere valet.*[95]
>
> 9. Ibid. [no. 22], lines 22ff: in place of: primatum et principatum Capitis sui, say: primatum et principatum *Capitis Ecclesiae.*[96]
>
> 12. On page 24, no. 25, line 16: in place of Romanus Pontifex, Collegii episcoporum caput, vi muneris sui gaudet etc., say: *Romanus Pontifex vi muneris sui gaudet, quando ut supremus omnium christianorum pastor et doctor, qui fratres suos in fide confirmat* etc.[97]

These four suggestions, the first three affecting TPR 22 and the last one TPR 25, will be taken as a unit since they all pertain in some way to the interpretation of papal primacy and the papal exercise of infallible magisterium defined by Vatican I within the context of the episcopal college.

Immediately following the enumeration of the concrete expressions of the collegial nature and structure of the episcopal body as seen in Church praxis, TPR 22 shifts to a consideration of the authority of the college and its head. It has this to say:

> The college or body of bishops, however, does not have authority unless it is understood in union with the Roman Pontiff, the successor of Peter, as

[93]Even Paul VI recognizes the realization of collegiality at different levels, e.g., episcopal conferences, bishops associated to the pope in central governance. It should be admitted, however, that the pope is not always clear on whether these collegial expressions are an exercise of true episcopal jurisdiction.

[94]"5. A pag. 21, n. 22, l. 8-9, dopo: ut capite eius intellegatur, aggiungere: *Eiusque integre servata potestate Primatus in omnes sive Pastores sive fideles.*" Grootaers, "Pièces," 126.

[95]"6. Ib., l.9 sgg.: in luogo di: Romanus enim Pontifex... et universalem potestatem, dire: Romanus enim Pontifex habet in Ecclesiam, vi muneris sui, *Vicarii scilicet Christi et totius Ecclesiae Capitis*, plenam, supremam et universalem potestatem *quam semper et libere exercere valet.*." Ibid.

[96]"9. Ib. l.22 sqq.: in luogo di: primatum et principatum Capitis sui, dire: primatum et principatum *Capitis Ecclesiae.*" Ibid., 127.

[97]"12. A pag. 24, n. 25, l. 16: in luogo di: Romanus Pontifex, Collegii Episcoporum Caput, vi muneris sui gaudet etc., dire: *Romanus Pontifex vi muneris sui gaudet, quando ut supremus omnium christianorum pastor et doctor, qui fratres suos in fide confirmat* etc." Ibid.

> its head. For the Roman Pontiff has, by virtue of his office, full, supreme and universal power in the Church.[98]

Suggestion 5 says of the head, without whom the college has no authority, that "his power of primacy over all, both pastors and the faithful, is preserved intact" within the college (*eiusque integra servata potestate Primatus in omnes sive Pastores sive fideles*). Suggestion 6 defines the papal office, by virtue of which he has the fullness of power, like that of "the Vicar of Christ and Head of the whole Church" (*Vicarii scilicet Christi et totius Ecclesiae Capitis*). It further clarifies that this power is exercised "over the Church" (*in Ecclesiam*) and not only in the Church (*in Ecclesia*) and that it is power "which he can always and freely exercise" (*quam semper et libere exercere valet*).

TPR 22 later treats the variety and universality of God's People made visible in the episcopal college. Then it goes to the bishops' role in their local Churches and in the universal Church:

> In [the college] the bishops, while faithfully maintaining the primacy and pre-eminence of its head, exercise their own power for the good of their faithful and indeed of the whole Church, while the Holy Spirit is constantly strengthening its organic structure and its harmony.[99]

Suggestion 9 will have replaced the expression "its head," with "the head of the Church" (*Capitis Ecclesiae*).

TPR 25, the locus of Suggestion 12, deals with the teaching office of bishops (*De Episcoporum munere docendi*). After affirming the collegial exercise of infallible magisterium by bishops in defining matters of faith and morals, the text focuses on the exercise of the infallible teaching office by the pope:

> The Roman Pontiff, head of the college of bishops, by virtue of his office, also enjoys this infallibility when, as supreme pastor and teacher who confirms his brethren in the faith (cf. Luke 22:32), he proclaims a doctrine of faith or morals in a definitive act.[100]

[98]"Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, succesore Petri, ut capite eius intelligatur. Romanus enim Pontifex habet in Ecclesia, vi muneris sui, plenam, supremam et universalem potestatem." TPR 22.

[99]"In ipso, Episcopi, primatum et principatum Capitis sui fideliter servantes, propria potestate in bonum fidelium suorum, immo totius Ecclesiae funguntur, Spiritu Sancto organicam structuram eiusque concordiam continenter roborante." TPR 22.

[100]"Qua quidem infallibilitate Romanus Pontifex, Collegii Episcoporum Caput vi muneris sui gaudet, quando, ut supremus pastor et doctor, qui fratres suos in fide confirmat (cf. Lc 22,32), doctrinam de fide vel moribus definitivo actu proclamat." TPR 25.

Suggestion 12 wants to delete the reference to the pope as head of the episcopal college and to further qualify the pope as "supreme pastor and teacher *of all Christians*" (ut supremus *omnium Christianorum* pastor et doctor).

So all of these suggestions deal with an explication of the *papal office* in terms of Vatican I's definition of papal primacy and infallible magisterium. Two of them touch on the papal *exercise of the supreme power*, while two call for the *elimination* of any reference to the pope as *head of the episcopal college* when talking of papal prerogatives. The key to understanding the thrust of these suggestions lies in the fact that they occur in those sections where the text talks of the episcopal college's possession and exercise of supreme power in the Church. Vatican I teaching, therefore, will be reaffirmed and received again in dialectic with the college's nature and role while prescribing the boundaries of what could be attributed to the college.

A quick glance at some parts of *Pastor aeternus* (1870) already yields striking similarities with the language of the suggestions. Suggestion 5 resembles the canon that condemns anyone who says that "*hanc eius* (*Romani Pontificis*) *potestatem non esse ordinariam et immediatam sive in omnes ac singulas ecclesias sive in omnes et singulos pastores et fideles*" (DS 3064). Suggestions 6, 9 and 12 almost repeat the definition of the Council of Florence quoted by Vatican I affirming that "*Romanum Pontificem... verum Christi vicarium totiusque Ecclesiae caput et omnium Christianorum patrem ac doctorem exsistere*" (DS 1307, 3059). Finally, Vatican I also declares that the pope's primacy of jurisdiction is exercised "*in universam Dei Ecclesiam*" (DS 3053) and anathematizes anyone who claims that it is not by divine will "*ut beatus Petrus in primatu super universam Ecclesiam habeat perpetuos successores*" (DS 3058). The linguistic affinity of the suggestions to Vatican I cannot be denied.

Of the many objections to collegiality expressed by the opposition among the conciliar Fathers, one of the most dominant was the fear of devaluing the pope's roles as Vicar of Christ and supreme pastor of the Universal Church, which were almost always taken together. It must be noted that the acceptance of the college as subject of supreme power was not considered the only threat to the pope's supreme office. Even the very designation of the pope as the head of the college could compromise the supreme pastorship. Cardinal Browne, for example, reacted against TP because it was said there that divine power abides in Peter as the first of the apostles and head of the college (*ut primo apostolorum et duci collegii*). The *ut* must be discarded, for "this power is granted to him not *as* the first of the apostles and head of the college but it is given to the first of the apostles

and head of the college *as* the Vicar of Christ on earth."[101] Carli proposed the deletion of the whole phrase since biblical passages cannot support its content.[102] Roman Vicar Cardinal Micara rejected as incompatible with Vatican I the theory associated with Rahner that attributes supreme power to the pope in his capacity as head of the college.[103] Ultimately, even if the pope's position as head of the college was not denied and even if the college's own existence was made dependent on its head, still the pope's office as the unique Supreme Pastor must be clearly stated.[104] The supreme pastorship and the power that comes with it were vigorously distinguished from headship of the college and collegial power.

The same phenomenon can be discerned in the more specific topic of papal exercise of infallible magisterium. Carli advised that the designation of the pope as *collegii episcoporum caput* be taken out in talking of infallibility, for the impression might be given that he enjoys that charism as (*ut*) head of the college. In fact, it is "*ut supremus ovium et Agnorum pastor, ut supremus totius Ecclesiae doctor*" that the pope is so gifted.[105] Bishop McEleney raised the same reservation and put forward a formula very similar to the papal suggestion: "*ut omnium Christianorum pastoris et doctoris munere fungens.*"[106] Archbishop Cooray followed suit but preferred "*ut Vicarius Christi supremus.*"[107] The underlying reason for this concern was clearly summarized by Carli during the 47th General Congregation (October 14, 1963):

> If this interpretation of the schema were true [infallibility possessed by the pope insofar as he is head of the college], *ipso facto* the thesis defended by some more recent theologians but attacked by others is validated. According to this [thesis] the pontiff's authority, even when he defines by himself, is always of a collegial nature. When this thesis is accepted, the path is easy toward identifying and exhausting the notion of primacy in the notion of headship of the episcopal college.[108]

[101]"In hac phrasi particular *ut* esset supprimenda. Haec enim potestas ei conceditur non *ut* primo apostolorum et duci collegii sed conceditur primo apostolorum et duci collegii *ut* Vicario Christi in terris." ASSC II, 1:606.

[102]Ibid., 634.

[103]ASSC II, 2:653.

[104]See ibid., 892.

[105]ASSC II, 1:638.

[106]Ibid., 691.

[107]ASSC II, 2:587-88.

[108]"Si vera esset haec interpretatio schematis, ipso facto convalidaretur thesis a quibusdam recentioribus theologis propugnata sed a ceteris impugnata, iuxta quam auctoritas Pontificis, etiam quando solus definit, semper esset naturae collegialis; qua thesis accepta, facilis esset

Speaking in the 48th General Congregation the following day, Siri ratified Carli's position,[109] while Cooray expressed another facet of the anxiety:

> It must be noted, therefore, that on the one hand infallibility does not flow into the Roman Pontiff *from* the episcopal college either directly or indirectly. There is direct flowing if infallibility *were* from collegial delegation; indirect if God conferred it through the college. On the other hand, to no other is the gift of infallibility given except to the Roman Pontiff alone, who is at the same time head of the episcopal college. Hence it can truly be said that the Roman Pontiff, who is head of the episcopal college, enjoys infallibility, if at the same time it is made clear without ambiguity that he receives it directly from God and not in any way from the episcopal college.[110]

The argumentation can be summarized in the following way: there is more to papal primacy as defined by Vatican I than is contained in headship of the episcopal college. The papal prerogatives are not in the slightest way possessed through any influence of the episcopal college or by virtue of headship of the same college. In other words, the *source* and *scope* of the primacy must be maintained in full independence from the college. To communicate this understanding in the clearest possible way, any reference to the pope's role as head of the college should be eliminated when his powers and the college's powers are the topics.

In Suggestion 6, the *nature* and *exercise* of papal power, in contradistinction to the college's power, receives attention. The first point to consider is that the supreme power of the pope is exercised *over the Church*, not just in the Church. Despite his position on Vatican I's influence, Bertrams cannot be counted out. In his *De relatione*, he meticulously reserves *in Ecclesiam* to the "intentionality" of the pope's power and *in Ecclesia* to the bishops'. He, however, does not hesitate to use the former expression when talking of the college's supreme power. In the conciliar proceedings, even before the papal suggestions, McEleney already noted with disgust how TP ascribed power *in universam Ecclesiam* to the episcopal college and *in Ecclesia* to the

gressus ad identificandam et exhauriendam notionem primatus in notione capitis collegii episcopalis." Ibid., 541.

[109]Ibid., 573.

[110]"Notandum ergo est quod ex una parte infallibilitas non influit in Romanum Pontificem *a* collegio episcopali nec directe nec indirecte. Influxus directus haberetur si infallibilitas *esset* v. g. ex delegatione collegii, indirectus vero si mediante collegio ipse Deus eam conferret. Ex altera parte, nullo alio donator donum infallibilitatis nisi solo Romano Pontifice, qui simul est caput collegii episcopalis. Unde vere dici potest Romanum Pontificem, qui est caput collegii episcopalis, infallibilitate pollere, si simul sine ambiguitate patet ipsum eam recipere directe a Deo et nullo modo a collegio episcopali." Ibid., 587.

pope.[111] So supreme power never only exists within the Church; it exists as power to be exercised over the Church. The aspect of supremacy and hierarchy should not be downplayed.

The second point is that the pope can *always and freely exercise* supreme power, whereas the college, as another suggestion will put forward, can use it only with the regulation of the head. On this matter, Bertrams' and C. Colombo's sway is too strong to miss. They consider the pope's supreme power *always in act*, as a consequence of its divine source, its full scope and its intentionality. For Bertrams, the power of the Vicar of Christ is always in act since he receives immediately from the Lord the power that He Himself has consigned to the Church.[112] In words resembling the papal suggestion, he says:

> Doubtless the Roman Pontiff as the Vicar of Christ and visible head of the whole Church personally possesses supreme power which is always in act, which he can always exercise; he is indeed bound by divine law and not formally by human law, nor is he subject to any human judge.[113]

C. Colombo certainly upholds Bertrams' position on this matter and draws clearer distinctions between the pope's exercise of the supreme power and the college's:

> The personal authority of the Roman Pontiff, not being dependent on any external condition for its exercise, is *always in act* and for that reason, always such that it can be used according to the demands of the good of the Church, as soon as they are manifested. The collegial authority of the episcopal body, however, requires for its exercise two conditions: the consensus of many wills, a consensus that becomes more difficult and complex with the increase in the membership of the episcopal body, and the determining adhesion of the Roman Pontiff. Collegial authority, though it is a permanent authority, *is not*, therefore, *always in act*, but must be put in act by the will of the Roman Pontiff.[114]

[111]ASSC II, 1:690.

[112]"Il Romano Pontefice, come *Vicario di Cristo*, riceve dal Signore immediatamente il potere che Lui stesso ha dato alla Chiesa; lo possiede, perciò, in atto." Bertrams, "La collegialità," 446.

[113]"Sine dubio Romanus Pontifex qua Vicarius Christi totiusque Ecclesiae visibile caput supremam potestatem personaliter actu possidet, quam semper exercere potest, ligatus quidem iuri divino, non autem formaliter iure humano nec subiectus ulli iudici humano." Bertrams, "De potestatis," 471, see also 472.

[114]"L'autorità personale del Romano Pontefice, non dipendendo da nessuna condizione esterna per il suo esercizio, *è sempre in atto* e per ciò stesso sempre in condizione di poter agire secondo le esigenze del bene della Chiesa, a mano a mano che queste si manifestano.

C. Colombo employs the same basic line of reasoning in discussing the teaching office of pope and the college. The *content* of the pope's personal teaching is always dependent on the communion of bishops through the ages, but his teaching *authority* finds no such dependence. On the contrary, within the college, the pope, by his divinely guaranteed authority, is the "cause" of the certainty of faith and fidelity to the Lord's teaching. "He is the *interpreter* of the will of Christ: he is the *Vicar of Christ, not the vicar of the episcopal college.*"[115] The cardinal rule is: "when he acts in communion with the brothers in the episcopate, he does not cease to be the Vicar of Christ with the fullness of his powers."[116]

If the *Sitz im Leben* painted above is correct, the general picture that emerges from this unit of suggestions consists of commentaries on the Vatican I doctrine of papal primacy with special reference to the episcopal college and in the specific terms of supreme power in the Church. The juridical independence of the pope from the college is preserved while the juridical dependence of the college on the pope is reasserted. Papal primacy, the possession of supreme power by the pope and his exercise of the same power are, as in Paul VI's extra-conciliar teaching, linked directly to Christ (Vicar of Christ) and to the whole Church (Supreme Pastor and Teacher, Head of the Church), and do not come from his position in the episcopal college. But the preoccupation with this issue was not discernible in Montini's participation in the Central Preparatory Commission, where he did not hesitate to couple the pope's headship of the college with his universal pastorship in talking about papal magisterial authority.

The doctrinal commission admitted the spelling out of the papal office as pastor of all pastors and the faithful, and vicar of Christ contained in Suggestions 5, 6 and 12.[117] The overwhelming approval of Question 3 of

L'autorità collegiale del corpo episcopale richiede invece per il suo esercizio due condizioni: il concorso di più volontà, concorso che diventa più difficoltoso e complesso con l'accrescersi dei membri del corpo episcopale; la adesione determinante del Romano Pontefice: l'autorità collegiale, sebbene sia un'autorità permanente, *non è* quindi *sempre in atto*, ma deve essere posta in atto dal volere del Romano Pontefice." C. Colombo, "Il collegio episcopale," 52-53.

[115]"Rispetto ai confratelli nell'episcopato ed all'intera comunione episcopale il Romano Pontefice, per l'assistenza a lui divinamente garantita e l'autorità a lui immediatamente comunicata, è *causa* della certezza della fede, è *causa* della fedeltà all'insegnamento del Signore, è *interprete* del volere di Cristo: è *Vicario di Cristo, non vicario del collegio episcopale.*" Ibid., 51.

[116]"quando agisce in comunione con i confratelli nell'episcopato non cessa di essere il Vicario di Cristo con la pienezza dei suoi poteri." Ibid., 52.

[117]See Grootaers, "Pièces," 136, 138-39.

the vote of orientation provided support for the commission's decision since the question contained the provision that, within the college, the primatial right remained intact.[118] The *in Ecclesiam* was easily admitted while the *semper et libere* was simplified to *semper libere* in order to avoid giving the false impression that the pope can arbitrarily and continuously intervene in the bishops' exercise of their own power.[119] But more interesting was the refusal of the commission to do away with the two references to the pope as head of the college since the contexts required them. In talking of the college in relation to the pope, mention of the pope's headship of the same body cannot be avoided. Besides, especially with Suggestion 12, the primacy is not restricted to the position of the pope in the college.[120] This response, however, does not fully solve the problem. If the thrust of the suggestions was to tie the primacy in a "triad" with Christ and the whole Church, to the apparent neglect of the episcopal college that poses a threat, then a path toward a solution is to confront the question of how the episcopal college, which is truly bound to the three since it is headed by the pope, willed by Christ and is the communion of the Church's pastors, enters the picture without destroying the primacy. From another angle, the pope's headship of the college needs to be explicitly and positively related to his primacy and not just distinguished from it. Vatican I would thereby be "interiorly expanded," as it were, and not merely externally juxtaposed with additional doctrines. The commission's response simply allowed both affirmations to stand side by side without reconciliation. The opponents of collegiality did not find peace in this reply, since there was neither full triumph on their part nor any persuasion to drop their limited reading of the text. The relation between headship of the college and the office of being Vicar of Christ and supreme pastor was left unsettled in TPR.

> 7. Ibid. [no. 22], line 14, in place of: subiectum quoque supremae et plenae, etc., read: subiectum quoque exsistit supremae et plenae potestatis in univeram Ecclesiam, *iuxta Capitis ordinationem exercendae.*[121]
>
> 10. Ibid. [no. 22], lines 32ff: in place of: dummodo Caput collegii eos ad actionem collegialem invitet, say: dummodo Ipse (Papa), *uni Domino devinctus*, eos ad actionem collegialem vocet.[122]

[118]See *Synopsis Historica*, 429.

[119]See Grootaers, "Pièces," 136.

[120]Ibid., 137-39.

[121]"7. Ib. l.14 in luogo di: subiectum quoque supremae et plenae etc., leggere: subiectum quoque exsistit supremae et plenae potestatis in universam Ecclesiam, *iuxta Capitis ordinationem exercendae.*" Ibid., 126-27.

Although the connection between these two suggestions does not seem apparent at first, they actually deal with the same theme, i.e., the pope's regulation of the collegial action of bishops. Both are concerned with portions of TPR 22. After the affirmation of the pope's full, supreme and universal power over the Church, TPR 22 declares that the episcopal order is also the subject of supreme and full power:

> However, the order of bishops, which succeeds to the college of apostles in teaching authority and pastoral government, and indeed in which the apostolic body continues uninterruptedly, is also the subject of supreme and full power over the whole Church, provided it is united with its head, the Roman Pontiff, and never without its head.[123]

Suggestion 7 clarifies that the college is the subject of supreme and full power "to be exercised according to the regulation of the head" (*iuxta Capitis ordinationem exercendae*). The emphasis lies on the exercise of the supreme power by the college and the pope's determining role in such an exercise.

Further on, TPR 22 goes through the various ways of exercising supreme power collegially. The most solemn instance is in an ecumenical council, which the pope has the prerogative to convoke, preside over and confirm. But even when dispersed, bishops can exercise the same power:

> The same collegial power can be exercised by bishops living in different parts of the world united with the pope, provided the head of the college invites them to collegial action, or at least approves or freely accepts the united action of the dispersed bishops, such that a true collegial act is accomplished.[124]

Suggestion 10 makes the precision that collegial power can be exercised by dispersed bishops, "provided that (the pope), who is responsible to the Lord alone [*uni Domino devinctus*], calls [*vocet*] them to collegial action." In proposing this change, the reference to the pope as *caput collegii* is dropped

[122]"10. Ib. l.32 sqq.: in luogo di: dummodo Caput collegii eos ad actionem collegialem invitet, dire: dummodo Ipse (Papa), *uni Domino devinctus*, eos ad actionem collegialem *vocet*." Ibid., 127.

[123]"Ordo autem Episcoporum, qui Collegio Apostolorum in magisterio et regimine pastorali succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, subiectum quoque supremae ac plenae potestatis in universam Ecclesiam exsistit." TPR 22.

[124]"Eadem potestas collegialis una cum Papa exerceri potest ab Episcopis in orbe terrarum degentibus, dummodo Caput collegii eos ad actionem collegialem invitet, vel saltem Episcoporum dispersorum unitam actionem approbet vel libere recipiat, ita ut verus actus collegialis efficiatur." Ibid.

in favor of the pronoun *ipse*. It should be pointed out also that this most famous of the thirteen suggestions, the *uni Domino devinctus*, occurs in a very exact location in the text, namely, where it notes the necessity of a papal summons for an action to be truly collegial. So the responsibility owed to God alone is applied not just to any aspect of Church life, but to the precise conditions for effecting a collegial act. And as will be made clear later, it is in this specific context that Suggestion 10 is a way of explaining the pope's regulation of the college's exercise of power mentioned in Suggestion 7.

In the conciliar proceedings, there was universal agreement that the pope plays an indispensable role in the episcopal college's exercise of collegial power. The more thorny issue was whether this power is of such a nature that it can be used by bishops to compel the head to convoke them for a collegial act. The juridical freedom of the pope is at stake once more. Strong reactions against an interpretation of collegiality that allows for the slightest threat of this sort to papal independence were common. A good summary was presented by Carli during the 47th General Congregation (October 14, 1963):

> a) It does not suffice to affirm... that the episcopal college has no authority if not at the same time united with the Roman Pontiff; it is necessary to explicitly add that the Roman Pontiff, on account of what he is, is in no way to be compelled to call that collegial authority into actual exercise.
>
> b) It does not suffice to affirm... that it is the prerogative of the Roman Pontiff alone to convoke and to approve ecumenical councils; it is necessary to affirm at the same time that no duty or no obligation of convoking councils appertains to the Roman Pontiff, and not even by virtue of collegiality.[125]

For his part, Rubio deduced from Paul VI's own words in the opening discourse of the second period that the collaboration extended by bishops to the pope can be demanded by the need for more effective deliberation on some matters but not, however, by the nature and constitution of the Church itself.[126] Bishop Muldoon recognized that there might be a moral, not a juridico-divine, obligation on the part of the pope to consult bishops,

[125]"a) Non sufficit affirmare cum schemate nostro, pag. 27, lin. 10, collegium episcopale nullam habere auctoritatem nisi simul cum Romano Pontifice; oportet explicite addere Romanum Pontificem, ex se, nullimode cogi ad illam auctoritatem collegialem ad exercitium actuale vocandam. b) Non sufficit affirmare cum schemate, pag. 27, linn. 30-34, esse praerogativam unius Romani Pontificis convocare et approbare Concilia oecumenica: oportet simul affirmare nullum in Romano Pontifice inesse officium, seu nullam obligationem convocandi Concilia, ne collegialitatis quidem vi." ASSC II, 2:540.

[126]Ibid., 870.

but this same obligation certainly does not arise from the divine constitution of the Church.[127] In other words, collegiality that permits the college to coerce the pope to collective action cannot be part of the divine will for the Church. What can be established unmistakably from divine determination is that the papacy, whose independence is intrinsic to its fullness and sufficiency, has been granted power. On account of this independence, the pope can freely regulate the college's exercise of power, whereas the college and its power cannot juridically subject the pope.

The discretionary freedom of the pope, as well as his accountability, in determining the exercise of collegial power is capsulized by Bertrams in the formula "the pope is responsible only to the Lord." He says:

> Truly the common good of the Church can require the collegial exercise of supreme power. But concerning the question of the fact of whether such exercise is opportune or not, the Roman Pontiff can proceed according to his own discretion, although he is certainly held answerable to the Lord—and to Him alone. On account of this, the college of bishops cannot demand the collegial exercise of the supreme power by a juridical claim and neither is the Roman Pontiff bound to render an account to the college about the manner of proceeding.[128]

Accountability to the Lord alone frees the pope from juridical dependence on anyone, in this case the body of bishops, in the exercise of his regulatory role. Such independence is ultimately called for by the office of the Vicar of Christ. According to Bertrams:

> As far as the question about how the episcopal body can collegially exercise supreme power together with the Roman Pontiff, it needs to be said that to the Roman Pontiff himself, as Vicar of Christ, belongs the discretionary power to determine which are the topics that should be treated collegially, when, in what place, with what procedure, etc. For that reason, from this point of view, the pope is not juridically tied nor can he be obligated, since, should this happen, he would no longer be the Vicar of Christ.[129]

[127]Ibid., 821.

[128]"Vere bonum commune Ecclesiae exigere potest exercitium collegiale supremae potestatis; sed quoad quaestionem facti, num opportunum sit necne tale exercitium, Romanus Pontifex procedere potest secundum propriam discretionem, etsi utique Domino – ipsique soli – respondere tenetur. Ea de causa collegium Episcoporum exercitium collegiale supremae potestatis tituto iuridico exigere non potest nec Romanus Pontifex collegio rationem reddere tenetur de modo procedendi." Bertrams, "De potestatis," 471-72.

[129]"Quanto alla questione riguardante il modo come il corpo episcopale può esercitare collegialmente col Romano Pontefice il potere supremo, bisogna dire che compete allo stesso Romano Pontefice, quale Vicario di Cristo, il potere discrezionale di determinare quali siano le materie che si debbano trattare collegialmente, quando, in che luogo, con che

The pope is constituted Vicar of Christ by the Lord Himself from whom he receives the governance of the whole Church, thereby eliminating any human causality in the constitution of the apex of the hierarchy.[130] This designation as Vicar of Christ is singular not only due to its direct divine institution, but also due to the general mandate (*mandatum generale*) and unrestricted stewardship (*procura cum libera*) that the office carries.[131] The mandate, however, does not empower him to accomplish things solely reserved to God like revealing new truths, instituting new sacraments and changing the divine constitution of the Church. Then Bertrams adds:

> But yet within the ambit of the "general mandate," of the divine constitutional law of the Church, his power is not restricted nor is it held to give an account of the exercise of this power to any human authority. The Roman Pontiff is indeed responsible to the Lord Himself. For this reason, it can be said that he can be morally bound to call for collegial action on account of the common good of the Church. Such binding, however, is *ad intra*, toward the Lord Himself only; hence its nature is moral, not juridical, insofar as the Lord is not counted among people living in this world. On which account this binding cannot be imposed juridically, not indeed by the college of bishops. Thus juridically or *ad extra* the Roman Pontiff is not bound nor is he held to give account of his way of proceeding. Moreover the personal activity of the Roman Pontiff within the realm of divine law (natural and constitutional law of the Church) is always juridically efficacious (valid).[132]

There can be little room for doubt that Suggestion 10 at least has been influenced by Bertrams. In fact, Philips attributes it directly to him.[133] And

procedura, ecc. Perciò, da questo punto di vista il papa non è giuridicamente legato né può essere obbligato, poiché, se ciò avvenisse, non sarebbe più il Vicario di Cristo." Bertrams, "La collegialità," 450.

[130]See Bertrams, *De relatione,* 92-93.

[131]See Bertrams, "De potestatis," 476-77.

[132]"Attamen infra ambitum 'madati generalis,' scilicet iuris divini constitutionalis Ecclesiae, eius potestas non est restricta nec de exercitio huius potestatis rationem reddere tenetur ulli auctoritati humanae. Ipsi Domino utique Romanus Pontifex est responsabilis; hac ratione dici posset ipsum posse esse moraliter ligatur ad sollicitandam activitatem collegialem Episcoporum propter bonum commune Ecclesiae. Talis ligatio autem est 'ad intra,' erga ipsum Dominum tantum; hinc natura sua est moralis, non iuridica, quatenus Dominus non iam versatur inter homines in hac terra viventes. Quapropter haec ligatio iuridice urgeri nequit, nequidem a collegio Episcoporum; 'ad extra' enim seu iuridice Romanus Pontifex non est ligatus nec rationem reddere tenetur de modo suo procedendi. Porro activitas Romani Pontificis personalis infra ambitum iuris divini (naturalis et constitutionalis Ecclesiae) semper est iuridice efficax (valida)." Ibid., 477-78.

[133]Philips, *L'Église,* 304.

taken in conjunction with the concerns expressed by some Fathers on the pope's role in the collegial exercise of supreme power, Bertrams' approach provides a synthesis of many issues already contained in the other suggestions. That the pope, responsible to the Lord alone, regulates the collegial exercise of power, means in the first place that the pope retains his primacy as the Vicar of Christ within the college. Since the source of this office lies in no human cause whatsoever nor in the episcopal college itself but in the direct action of the Lord, the pope is accountable only to the Lord whom he represents in a complete way, save in acts personally reserved to God. This binding to the Lord alone is *preserved* and also *manifested* in the pope's regulation of the college's exercise of power. As Vicar of Christ, who is head of the college, the pope can regulate the college's use of power without being regulated himself by the bishops; he can oblige the college but cannot be obligated himself. Even should he perceive the moral obligation to summon the bishops into collegial action, that obligation is toward the Lord alone and can never be elicited juridically by any ecclesiastical or human authority. Within the episcopal college, the source, the extent, the magnitude and the gravity of the papal office as Christ's Vicar are in no way to be obscured.

The doctrinal commission found Suggestion 7 inadequate since the *iuxta capitis ordinationem exercendae* could exclude norms of regulating collegial power instituted by an ecumenical council approved by the pope. The commission introduced the following change: "this power indeed cannot be exercised independently of the Roman Pontiff" (*quae quidem potestas independenter a Romano Pontifice exerceri nequit*).[134] Tromp's report states that this new formulation came from Parente. C. Colombo preferred the papal suggestion and found Parente's formula insufficient to express the doctrine of Vatican I.[135]

Both the preparatory group and the whole commission rejected the *uni Domino devinctus*. In the first place, the reference to the pope as *Caput collegii* should not be removed since it is not used in a restrictive sense.[136] Second, the intent of the suggestion, which is to exclude any higher human authority that the pope should observe, has been adequately expressed in other revisions of the text.[137] Finally, the pope is bound to many divinely instituted realities that he must respect; formulae with *solo* or *uno* should be used cautiously in order to avoid further difficulties; besides, the suggestion, while

[134]Grootaers, "Pièces," 136-37.
[135]Tromp, "Extraits," 164-65.
[136]Grootaers, "Pièces," 134.
[137]Ibid., 138.

pacifying some quarters psychologically, could cause worry among others.[138] So, ultimately, the proposed formula itself was set aside. But the commission also admitted that its basic meaning had been amply incorporated in the text through the other revisions.

As seen in the preceding chapter, Paul VI holds, at least "privately" in his meditations, a solitary view of the papal office, which he translates into the assumption by the pope of every responsibility. The papal office itself imposes an aloneness that leaves the officeholder solely before God and before Christ. This aspect of the pope's thinking cannot be alien to the proposed addition of *uni Domino devinctus*. Later, in 1965 and 1969, Paul VI will return to the *uni Domino devinctus* formula, but applied to the whole hierarchy and not only to the papacy.[139]

> 8. Ibid. [no. 22], line 17: *illud autem* etc.: it is asked whether the text cited is sufficient to prove that the power of binding and loosing granted to the college of apostles is parallel to that given to Peter personally. The opinion of a biblicist will probably be helpful.[140]
>
> 11. On page 21, no. 23, lines 37ff: Sicut Romanus Pontifex etc... ita episcopi singuli etc., remove the two comparative particles *sicut, ita*, and read the sentence as: Romanus Pontifex, ut successor Petri etc... visibile fundamentum; Episcopi singuli principium et centrum etc...[141]

These two suggestions will be taken together because they both deal with the parallelism between Peter and the other apostles, and between the pope and bishops.

TPR 22, immediately after declaring that the episcopal order is the subject of supreme and full power over the Universal Church, provides biblical citations in support of Peter's institution as foundation, keybearer and pastor of the whole Church. Then follows an assertion with which Suggestion 8 is concerned:

[138]Ibid. Tromp, however, saw the viability of the formula because of its christological content, which he found wanting in the text. Tromp, "Extraits," 165.

[139]See *Insegnamenti di Paolo VI* (1965), 3:985; and *Insegnamenti di Paolo VI* (1969), 7:1114-15. The formula as applied to bishops is studied by M. Bévenot, "A Bishop is Responsible to God Alone (St. Cyprian)," *Recherches de science religieuse* 39 (1951): 397-415.

[140]"Ib. l.17: *illud autem* etc.: si domanda se sia sufficiente il testo citato per provare che il potere di legare e di sciogliere concesso al collegio degli Apostoli sia parallelo a quello dato a Pietro personalmente. Sarà forse utile il voto di un Biblista." Grootaers, "Pièces," 127.

[141]"A pag. 21, n. 23, l. 37 sqq: Sicut Romanus Pontifex etc... ita episcopi singuli etc., togliere le due particelle comparative *sicut, ita*, e leggere il periodo così: Romanus Pontifex, ut successor Petri etc... visibile fundamentum: Episcopi singuli principium et centrum etc..." Ibid.

> but it is clear that the office of binding and loosing which was given to Peter personally (Matt 16:19), was also conferred on the college of apostles united to its head (Matt 18:18).[142]

The question being raised is whether Matt 18:18 is sufficient to prove that the office of binding and loosing granted to the apostolic college is parallel to that given to Peter. And in the context of TPR 22, the sufficiency of the said biblical text in demonstrating the supreme power of the apostolic college is the focal point. As in Suggestion 3, the basis of a doctrine is being ascertained in Suggestion 8.

Suggestion 11 is about TPR 23, *De relationibus Episcoporum in Collegio*, which at the outset situates collegial unity in the mutual relations of individual bishops with particular Churches and the Universal Church. Then it continues:

> Just as the Roman Pontiff, as Peter's successor, is the principle and visible foundation of unity of both bishops and of the multitude of the faithful, so individual bishops are the principle and center of unity in their particular Churches, formed in the likeness of the Universal Church; in and from these particular Churches the one and unique catholic Church exists.[143]

The specific modality in which the pope and bishops are principles of unity in the Universal Church and the local Churches, respectively, is expressed by the parallelism between the pope and bishops. The suggestion wants to eliminate any parallelism hinted at by the comparative "just as... so." The change will have resulted in two statements kept separate in order not to imply that the pope's role is the pattern for (or is patterned after) that of the bishops'.

The use of Matt 18:18 to substantiate a claim to collegial supreme power parallel to that of Peter's was criticized a number of times by some Fathers. De la Chanonie, for example, said that the biblical text "does not prove that the power of binding and loosing given to the Twelve is collegial."[144] Canzonieri interprets the power of binding and loosing as the power of remitting sins, "which certainly does not have to be exercised collegially;

[142]"illud autem ligandi ac solvendi munus, quod uni Petro datum est (Mt. 16, 19), collegio quoque Apostolorum, suo Capiti coniuncto, tributum esse constat (Mt. 18, 18)." TPR 22.

[143]"Sicut Romanus Pontifex, ut successor Petri, est unitatis tum Episcoporum tum fidelium multitudinis principium ac visibile fundamentum, ita Episcopi singuli principium et centrum sunt unitatis in suis Ecclesiis particularibus, ad imaginem Ecclesiae universalis formatis, in quibus et ex quibus una et unica Ecclesia catholica exsistit." TPR 23.

[144]"d.) Mt. 18. 18 non probat quod potestas ligandi et solvendi, duodecim collata, sit collegialis. Unusquisque apostolorum potest hanc potestatem exercere." ASSC II, 1:650.

thus these words (Matt 16:18 [*sic*]) cannot be assumed as if they were determinative of collegiality."[145] Proença Sigaud spelled out his reservation in a more detailed fashion:

> Matt 18:18 and other texts do not prove that the power of binding and loosing conferred on the Twelve was collegial. It is evident that it was individual [power]. The text confuses collegial with collective. The power was certainly given in a collective manner but to individuals, not to the college.[146]

In these three views, which can be taken as fairly representative of a certain orientation present at the council, there existed a great reservation about the use of Matt 18:18 to establish the conferral on the Twelve of supreme power that can be exercised collegially. If it is recalled that these three Fathers also objected to the notion of *collegium* as an indivisible subject of supreme power, then it becomes clearer why a parallelism between Peter's personally endowed power and the whole college's power becomes unacceptable or at least suspect of dangerous implications. Though the nature of the power of binding and loosing was seldom specified, the constant effort was to avoid giving any impression that Peter's power, which is certainly supreme, is possessed and exercised by a group whose members can claim to be themselves the ordinary subject of power and who can eventually demand its collegial exercise.

With regard to the specific form of parallelism objected to in Suggestion 11, which compares the pope's role in the Universal Church to that of the bishops in their local Churches, the conciliar Fathers seemed to have been rather quiet. There were, however, other attempts at getting rid of any parallelism, two of which deserve to be mentioned here even in passing. One was the question of whether the apostles are also to be considered foundations of the Church, "just as" Peter is professed as its visible foundation.[147] Another was the question of apostolic succession and what of the apostles' powers are transmitted to their successors.[148] Particularly in the latter issue, there existed a tendency to ascribe "more equality" to the pope's relation to Peter than to the other bishops' relation to the other apostles. But ultimately, all the fear about the parallelism between Peter and the apostles,

[145]"...quae (potestas) certe non erit collegialiter exercenda; ideoque haec verba non possunt assumi tanquam institutiva collegialitatis." ASSC II, 2:696.

[146]"d) textus Mt. 18, 18 et alii non probant quod potestas ligandi ac solvendi duodecim collata, fuit collegialis. Constat nempe eam fuisse individualem. Textus confundit collegiale cum collectivo. Potestas data est collectivo quidem modo, sed singulis, non collegio." Ibid., 369.

[147]For some of the conflicting views, see Betti, *La Dottrina*, 129, especially nn. 74 and 75.

[148]For the opinions of some Fathers, see ibid., 102, 132-33, 149.

between the pope and bishops, and between Peter-apostles and pope-bishops arose from a form of juridical understanding of *collegium* and the consequent threat that it posed to papal primacy.

The biblical commission's opinion on the suitability of Matt 18:18 in the context of TPR's assertion was requested. First, it said that the power of binding and loosing conferred on the Twelve in Matt 18:18 is the same as the power given to Peter in Matt 16:19. So the parallelism is scripturally founded. Second, it is not clear, however, that the power of binding and loosing granted to the Twelve constitutes supreme and full power as understood in TPR. Third, interpreters are not unanimous in their explanation of the words "binding" and "loosing."[149] The doctrinal commission, therefore, retained the use of Matt 18:18 and added Matt 28:16-20 to intensify the universal aspect of the mission and powers of the Twelve.[150] In the *relatio*, the same commission also cited portions of the second schema of *De Ecclesia* prepared for Vatican I and of Zinelli's *relatio* to emphasize the continuity of the doctrine contained in TPR with that already expressed but never promulgated in Vatican I.

The doctrinal commission followed Suggestion 11 and deleted the comparative *sicut... ita*. The commission clarified that it did not want to enter into the question of the forms in which the pope and the bishops are centers of unity in the Universal Church and the local Churches, respectively.[151]

The general thrust of these two suggestions is the protection of Peter's and the pope's uniqueness vis-à-vis the apostles and bishops, respectively, and thus of the intra-collegial inequality in both cases. As in some of the previous suggestions, they take off the notion of a college of juridical equals, which they refuse to apply to the episcopal body but nonetheless employ as the main interpretative norm against which other views are judged.

D. CONCLUSION

None of the thirteen suggestions explicitly annulled any part of the doctrine contained in TPR. After all, their self-proclaimed aim was to guarantee the right interpretation of the text. The analysis undertaken above

[149]"Potestas ligandi et solvendi de qua in Mt. 18, 18 videtur esse eadem ac in Mt. 16, 19. Quod autem sit 'suprema ac plena in universam Ecclesiam' ad mentem schematis, *non constat.* Interpretes unanimes non sunt in explanandis verbis *ligare* et *solvere.*" *Synopsis Historica*, 433. See also Betti, *La Dottrina*, 217.

[150]See Grootaers, "Pièces," 137; and Philips, *L'Église*, 298-99.

[151]See Grootaers, "Pièces," 138; Betti, *La Dottrina*, 218, 256-57.

shows that the suggestions tended to interpret episcopal collegiality within the framework of Vatican I doctrine on the papacy. If the reconstruction of the origins of the ideas contained in the suggestions attempted here is accurate, then it can be safely concluded that they were offered to raise and to respond to concerns about the doctrine arising mainly, though not necessarily exclusively, from its opponents. The interpretation of collegiality provided by Bertrams and C. Colombo seem to provide the type of interpretation of the doctrine that most of the suggestions want to offer.[152] Their systems seemed to have been utilized to meet the fears expressed by the opposition while maintaining the doctrine of the chapter, thereby clearing the way for unanimity in the acceptance of the text.

Of the eleven suggestions that involved actual textual changes, seven were incorporated by the doctrinal commission after modifying terminologies or locations in the text. Three of these concerned the preservation of papal primacy and juridical independence within the college. One suggestion was reformulated to say that the college cannot exercise its power independently of the pope. Another confirmed that the office of teaching and governing given at consecration require communion with the pope and the college for their use. These textual changes are a partial response to a number of problems raised by the minority.

Two proposals to eliminate references to the pope as head of the college were rejected since the text was not meant to imply that the pope's authority comes from the college. The *uni Domino devinctus* was turned down partly because of its own deficiencies and also because of the redundancy of its intent. It must be said, however, that though the doctrinal commission stood firm on these points, it did not deny the basic meanings of these suggestions and instead called attention to how the accepted revisions already incorporated them.

All in all, the textual changes occasioned by the papal *modi* are a step toward a restrictive interpretation of those parts of TPR's Chapter III concerned with episcopal power. Some of the themes of the suggestions will later re-emerge in the NEP, but with a significant difference: the "restraining" interpretation contained in the suggestions has been generally incorporated *into the text* while the NEP remains a document distinct from the text, no matter what authority is ascribed to it. In this sense, the thirteen suggestions are more important than the NEP. The revisions realized by the papal *modi* are securely and irrevocably part of the text that was voted on and

[152]Acerbi counts Bertrams' and C. Colombo's positions among variations of a collegialist tendency, and not among the outright anti-collegialist. See Acerbi, *Due ecclesiologie*, 253-61.

promulgated, lending the constitution to a limiting interpretation such as provided by the NEP. It is also in this perspective that one can claim, as many have done, that the NEP did not alter the doctrine of LG.

Finally, regarding the relation of Paul VI to the theological content of the suggestions, Troisfontaines offered a good systematization. He classified the thirteen suggestions according to the major objections of the minority and tried to match them with Paul VI's known positions on the issues.[153]

The first objection was that collegiality, as presented in TPR, lacked *foundation in Tradition* (Suggestions 3 and 8). According to Troisfontaines, Paul VI did not share this objection, for he was convinced of the traditional character of the thesis, but he paid attention to it.

The second concerned the minority's refusal to accept the *sacramental conferral of the power of jurisdiction* together with the power of order. Troisfontaines thought that Paul VI would not agree with the minority on this issue since, on some occasions, he had affirmed the unity of episcopal power received at consecration. During the first period, he even mentioned his difficulty with the position that made the pope the sole source of jurisdiction. He would, however, stress the need for communion with the pope for the *exercise of jurisdiction* (Suggestions 2, 4, 7 and 13).

The third was the minority's rejection of the *episcopal college as subject of supreme power.* Ultimately the question was about the relation between the college and its head (Suggestions 1, 5, 6, 9, 10 and 12). This must have hit Paul VI the most among the minority's difficulties. Troisfontaines seems to be right on this point since, as seen in many of the pope's speeches in and outside the council, the question that usually presented the most tension and lack of clarity was the reconciliation between the pope's power and that of bishops. This observation does not mean, however, that Paul VI's sharing the minority's concern on this matter necessarily involved his sharing the minority's manner of resolving the problem. In fact, based on his respectful acceptance of the commission's decisions on the thirteen *modi*, it seemed that he found the revised text confirmatory enough of Vatican I teaching on papal primacy, of the pope's juridical independence from the college and, to some extent, of the college's dependence on the pope. The minority, on the other hand, would continue to oppose the emended text. The third period would shed more light on this matter.

[153]See Troisfontaines, "À propos," 106-12.

CHAPTER VI

The Hidden Debate on Collegiality: The First Half of the Third Period

More conciliar texts were discussed and promulgated in the third period than in the two that had preceded it. On its closing day, November 21, 1964, the council was able to offer to the Church and to the world three historic documents refined through laborious years: the dogmatic constitution on the Church and the decrees on ecumenism and the Eastern Catholic Churches. But this productiveness, which should have caused spontaneous jubilation, was overshadowed by controversy, which eventually defined the mood and remembrance of the period, especially of its final days. To many council commentators and journalists, the third period would always have the words *magno cum dolore*[1] and *settimana nera*[2] etched in its annals.

Right in the center of the malaise was Paul VI, whose interventions were perceived by some bishops, experts and shapers of public opinion as disrespectful of the assembly's freedom, to say the least. Among others,

[1]These are the opening words of a letter addressed by seventeen cardinals to Paul VI sometime after October 10, 1964, where they expressed sorrow for the notification made by Secretary Felici to Cardinal Bea that the text on religious liberty would be withdrawn from the Secretariat of Christian Unity and entrusted to a new mixed commission, some of whose purported members were openly hostile to the text. See Laurentin, *L'enjeu du concile*, 3:133ff; X. Rynne, *The Third Session* (New York: Farrar, Straus and Giroux, 1965), 62ff; and Wenger, *Vatican II*, 3:332ff.

[2]This was how the final week of the period (November 16-21, 1964) has come to be labeled on account of the tensions and unexpected events that plagued those days.

what generated alarm were the introduction by the doctrinal commission, upon order of "higher authority," of a *nota explicativa praevia* (NEP) to the *expensio modorum* to Chapter III of *Lumen Gentium* (LG), in whose light the chapter would have to be understood and voted on; the last-minute amendments to the decree on ecumenism, which the assembly had no time to discuss before the final vote; the postponement of the vote on the schema on religious liberty for the fourth period; and the proclamation by Paul VI of Mary as *Mater Ecclesiae* in his closing discourse, after the doctrinal commission had refused to include the title in Chapter VIII of LG. To complicate matters, many saw these moves as a concession to the minority's positions, which had been turned down decisively by the majority in a series of votes. While it was readily admitted by almost everyone that the pope, mindful of his role as guardian of unity among bishops, intended to reconcile factions and to achieve the greatest possible unanimity befitting a collegial act, it was also asked in many sectors whether these mediatory efforts did not actually heighten divisions, further deepen mistrust and gravely compromise the pope's moral authority within the college. Some questions regarding the pope's personal stance on collegiality inevitably arose also. Ironically, these crises in the collegial exercise of teaching and governance came at a time when the council was set to promulgate the doctrine on the episcopacy as a completion of that on papal primacy. Up to the very last moment, episcopal collegiality was put to the test, both in teaching and in practice.

It is quite understandable that the initial evaluation of Paul VI and his actions, especially from some sectors of the press, should suffer from oversimplification and, at times, from an unfortunate lack of theological understanding of the issues involved.[3] The first raw reactions, though endowed with a real sense of proximity to the event, need to be reassessed now in the light of new data provided by the publication of some of Paul VI's personal papers and studies that have appeared since. A theological, rather than a merely impressionistic, appraisal based on available documentation is called for. Not all questions can find easy answers, since not everything has been revealed yet. But a more nuanced presentation is realistically achievable.

[3]See "Gli atteggiamenti dell'opinione pubblica sugli interventi di Paolo VI durante il secondo e il terzo periodo del concilio," in *Paolo VI e i Problemi Ecclesiologici al Concilio,* 429-559; with a synthesis in the same volume by P. Levillain, "L'opinion publique et Paul VI pendant la seconde et la troisième période de Vatican II," 274-85. The study covers the press coverage received by Paul VI in the following countries; Belgium, Holland, Chile, France, Germany, Britain, Ireland, Italy, Poland, Spain, Switzerland, the USSR, and the USA.

This chapter will survey the period from the publication of the encyclical *Ecclesiam Suam* (ES) to a papal intervention on October 18, 1964, which put an end to the minority's attempts to prevent the passage of Chapter III of *De Ecclesia*. The hidden debates during the first half of the third period are indispensable for understanding the preliminaries to the NEP and Paul VI's role in it. As in the previous chapters, the main interest here is Paul VI's contribution to the debate on the doctrine and praxis of episcopal collegiality.

A. ECCLESIAM SUAM

Paul VI's first and programmatic encyclical was published on August 6, 1964, the solemnity of the Transfiguration, the same date and solemnity on which he died fourteen years later.[4] Although the pope probably intended to complete it before the start of the second period, and although the opening discourse for the second period could be considered substantially a first draft of the encyclical, ES can still be tied to the third period. The debates on the Church and the relationship between the papacy and collegiality during the second period could not have left the final redactional stages of ES unaffected, as some of its passages disclose.[5] The encyclical will not be studied here in its full theological and ecclesiological sweep.[6] Only those parts and aspects that can contribute to an understanding of Paul VI's attitude toward collegiality at the time of its publication, a little over a month before the inauguration of the third period, will be singled out.

Since the whole letter is centered on the dialogic life of the Church, an attempt by Paul VI at a *fuller approach to ecclesiology* can somehow be expected. In at least one respect, he expands the ecclesiological horizon by

[4]The official Latin text of the encyclical is found in AAS 56 (1964): 609-59. G. Colombo, who used the pope's personal dossier of notes gathered for the drafting of the encyclical, concludes with other scholars that the Italian text is preferrable to the official Latin. See G. Colombo, "Genesi, storia e significato dell'enciclica 'Ecclesiam Suam,'" *Ecclesiam Suam: Première Lettre Encyclique de Paul VI*, 134. See the comments of other researchers on the "twists" introduced by the Latin translation. Ibid., 178-79 (B. Sesboüe), 183 (M. Fahey), and 186 (R. Aubert). See also R. Rouquette, "L'Encyclique 'Ecclesiam Suam,'" *Études* 321 (1964): 424, n. 1. The text and numbering of the Italian version will be used throughout this section. *Enchiridion Vaticanum*, vol. 2 (Bologna: Dehoniane, 1977), 198-299.

[5]G. Colombo, "Genesi," 138-39.

[6]For the ecclesiological context of the encyclical, see Y. Congar, "Situation ecclésiologique au moment de 'Ecclesiam Suam' et passage à une Église dans l'itinéraire des hommes," in *Ecclesiam Suam: Première Lettre Encyclique de Paul VI*, 79-102. For its redactional history and theological content, see G. Colombo, "Genesi," 131-77; and P. Granfield, "The Theological Content of *Ecclesiam Suam*," *American Ecclesiastical Review* 151 (1964): 256-66.

retrieving the *communal* sense of the Church while reaffirming its *hierarchical organization*, without seeing any contrariety between them.[7] He vigorously defends the hierarchy as constitutive of community and as a guarantee of participation in the Mystical Body:

> The mystery of the Church is not simply an object of theological knowledge. It should be a lived reality of which the faithful soul can have almost connatural experience even before having a clear notion of what it is. And the community of believers can find inward certainty of its participation in the mystical Body of Christ when it is realized that by divine institution, the ministry of ecclesiastical hierarchy sees to its initiation, generation, instruction, sanctification, direction, such that through this blessed channel, Christ pours out on His mystical members the marvellous communications of His truth and grace, and confers on His mystical Body, while on its pilgrim way on earth, its visible structure, its noble unity, its organic functionality, its harmonious variety, its spiritual beauty.[8]

Congar observes that Paul VI reaffirms hierarchical inequality in the Church, while stretching the horizon within which it is set.[9] The pope is intent on reminding his readers of the role of authority in the Church as the communitarian aspect receives increasing attention. The preservation of the *societas inaequalis* occurs even in the discussion on *dialogue*, which within the Catholic Church is punctuated by obedience. The spirit of dialogue,

> of which love is the constitutive principle, does not eliminate the practice of the virtue of obedience where the exercise of the function proper to authority on the one hand, and of submission on the other, is demanded both by the order suitable to every well-structured society and above all by the hierarchical constitution of the Church. Authority in the Church is instituted by Christ, and is indeed representative of Him. It is the authorized channel of

[7]ES 171, 179, 185.

[8]"Il mistero della Chiesa non è semplice oggetto di conoscenza teologica, dev'essere un fatto vissuto, in cui ancora prima d'una sua chiara nozione l'anima fedele può avere quasi connaturata esperienza; e la comunità dei credenti può trovare l'intima certezza della sua partecipazione al Corpo mistico di Cristo, quando si avveda che a iniziarla, a generarla, a istruirla, a santificarla, a dirigerla provvede, per divina istituzione, il ministero della Gerarchia ecclesiastica, così che mediante questo benedetto canale Cristo effonde nelle sue mistiche membra le mirabili comunicazioni della sua verità e della sua grazia, e conferisce al suo mistico Corpo, pellegrinante nel tempo, la sua visibile compagine, la sua nobile unità, la sua organica funzionalità, la sua armonica varietà, la sua spirituale bellezza." ES 178.

[9]Congar, "Situation," 94. In a personal recollection, Congar says that in his council journal, he notes how Paul VI did not want to put the chapter on the People of God before the one on the hierarchy because it was the hierarchy that generated the community. But the pope, great listener that he was, evolved in many aspects of his ecclesiology. See ibid., 104.

> his word, the transmitter of his pastoral love. Thus obedience arises from a motive of faith, becomes a school of evangelical humility, associates the obedient one to the wisdom, the unity, the edification, the charity that govern the ecclesiastical body. It confers on the one imposing it and on the one who complies the merit of imitating Christ who "made Himself obedient unto death."[10]

Authority, however, must be "permeated by a consciousness of being a service and ministry of truth and love."[11] Obedience, on the other hand, involves the observance of canonical norms and the submission to legitimate authority. The spirit of independence, critique and rebellion destroys the love that animates solidarity, harmony and peace (ES 209). So Paul VI underscores the convergence of community and hierarchy, service and authority, dialogue and obedience.

Utilizing a similar methodology, Paul VI dwells on the mystery of the Church made more admirable by Christ's decree that the Church be built up on the *Petrine office*, on the foundation of a weak man miraculously transformed into Rock (ES 178). In line with his private meditations on the Petrine office, he sees in the papacy and its prerogatives a proof of God's mercy and condescension. For only Providence could have bestowed on him the lofty office of governing the Church "as Bishop of Rome, and for that reason, as successor of the blessed Apostle Peter, keeper of the supreme keys of the Reign of God and Vicar of that Christ who made of him the first pastor of his universal flock."[12]

[10]"Questo desiderio d'improntare i rapporti interiori della Chiesa dello spirito proprio d'un dialogo fra membri d'una comunità, di cui la carità è principio costitutivo, non toglie l'esercizio della virtù dell'obbedienza là dove l'esercizio della funzione propria dell'autorità da un lato, della sottomissione dall'altro è reclamato sia dall'ordine conveniente ad ogni ben compaginata società, sia sopratutto dalla costituzione gerarchica della Chiesa. L'autorità della Chiesa è istituita da Cristo, è anzi rappresentativa di Lui, è veicolo autorizzato della sua parola, è trasposizione della sua pastorale carità; così che l'obbedienza muove da motivo di fede, diventa scuola di umiltà, all'edificazione, alla carità che reggono il corpo ecclesiastico, e conferisce a chi la impone e a chi si uniforma il merito dell'imitazione di Cristo 'fattosi obbediente sino alla morte.'" ES 209.

[11]"...l'esercizio dell'autorità tutto pervaso dalla coscienza di essere servizio e ministero di verità e di carità." Ibid.

[12]"Vi diremo subito, Venerabili Fratelli, che tre sono i pensieri, che vanno agitando l'animo Nostro quando consideriamo l'altissimo ufficio, che la Provvidenza, contro i Nostri desideri ed i Nostri meriti, Ci ha voluto affidare di reggere la Chiesa di Cristo, nella Nostra funzione di Vescovo di Roma, e perciò di Successore del beato Apostolo Pietro, gestore delle somme chiavi del regno di Dio e Vicario di quel Cristo che fece di lui il pastore primo del suo gregge universale." ES 166.

The heights of authority to which the role of Vicar of Christ and universal pastor brings him, however, do not prevent Paul VI from portraying his ministry as one of service in love, without compromising papal prerogatives. He can therefore promise Christians not in full communion with Rome full hearing of their legitimate longings, while firmly declaring that it is not within his power to jeopardize the integrity of the faith and the demands of charity (ES 206). Then follows an agonizing yet honest admission:

> A thought, in this regard, distresses Us. And it is that which makes Us see how We, promoter of such reconciliation, are actually considered by many separated brethren the obstacle to it because of the primacy of honor and jurisdiction that Christ has conferred on the apostle Peter and that We have inherited from him.[13]

Grootaers thinks that Paul VI might be the first pope to have had full awareness of the ironic quality of his function with regard to the unity of Christians.[14] Root, an Anglican, considers the portion just quoted the most moving passage in the whole document, but "the humility and poignancy" of the pope's observation would have had more impact for separated Christians if it had not been immediately followed by the firm reassertion of the necessity of the papacy in the Church.[15] For Paul VI, eliminating the papacy is an inconsistent hypothesis because

> without the supreme, efficacious and decisive pastoral office of Peter in the Church of Christ, unity would collapse and we would then search in vain to reconstitute it with criteria that substitute for the authentic one established by Christ Himself...[16]

This office, which forms the "central hinge" of the Church, however, "does not want to constitute supremacy of spiritual pride and of human domination, but primacy of service, of ministry, of love" (ES 206). The pope, the servant of the servants of God, possesses real authority as the Vicar of

[13]"Un pensiero, a questo riguardo, Ci affligge, ed è quello che fa vedere come proprio Noi, fautori di tale riconciliazione, siamo, da molti Fratelli separati, considerati l'ostacolo ad essa, a causa del primato d'onore e di giurisdizione, che Cristo ha conferito all'apostolo Pietro, e che Noi abbiamo da lui ereditato." ES 206.

[14]J. Grootaers, "Témoignages et interventions écrites," *Ecclesiam Suam: Première Lettre Encyclique de Paul VI*, 253.

[15]H. Root, "'Ecclesiam Suam': An Anglican Perspective," *Ecclesiam Suam: Première Lettre Encyclique de Paul VI*, 67.

[16]"...mancando nella Chiesa di Cristo l'ufficio pastorale sommo, efficace e decisivo di Pietro, la unità si sfascerebbe; e indarno poi si cercherebbe di ricomporla con criteri sostitutivi di quello autentico, stabilito da Cristo stesso..." ES 206.

Christ, a stumbling block to some, yet indispensable for the divine plan for the Church. These are asserted firmly, but not defensively.[17]

What does ES say about *bishops*? Paul VI recognizes that he and the other bishops have been chosen by the Spirit to govern the same Church (ES 165). He acknowledges them no less "experts" than himself in carrying the weight of the apostolate as the Church meets the modern world. The presence of this urgent problem, which the council itself is addressing, constitutes a burden, a stimulus, almost a vocation, which he invites the bishops to clarify with him in preparation for the council deliberations (ES 168). But when it comes to his personal views on specific themes, he prefers to remain silent in order to give the council full liberty in treating them (ES 192).[18] With regard to the council's ecclesiological discussion, he maintains the same silence, which should not be misconstrued as passivity on his part. He states clearly:

> In this encyclical, we purposely refrain from pronouncing any judgment on doctrinal points regarding the Church now under examination by the council itself, over which We are called to preside. We now want to leave such a lofty and authoritative assembly free to study and speak, reserving to Our apostolic office as teacher and pastor placed at the head of the Church of God, the moment and the manner of expressing Our judgment. We will be very pleased if it will be granted Us to offer a judgment in total conformity to that of the conciliar Fathers.[19]

This passage is reminiscent of Bertrams' position on the pope's discretionary freedom and responsibility before the Lord alone in his *modus procedendi* as he regulates the college's action. Aside from evoking the notion of papal juridical independence from the college, this passage also raises the possibility of divergence in the judgments of the pope and the assembly. As pointed out in an earlier chapter, for Paul VI, a true collegial act is one of communion of minds, judgments and powers. The need for papal approbation to

[17]See P. Granfield, "Discussion," *Ecclesiam Suam: Première Lettre Encyclique de Paul VI*, 181.

[18]See also the allocution, where he announced the publication of the encyclical. *Insegnamenti di Paolo VI* (1964), 2:473.

[19]"Noi Ci asteniamo di proposito dal pronunciare qualsiasi Nostra sentenza, in questa Nostra Enciclica, sopra i punti dottrinali relativi alla Chiesa, posti ora all'esame del Concilio stesso, cui siamo chiamati a presiedere: a così alto e autorevole consesso vogliamo ora lasciare libertà di studio e di parola, riservando al Nostro apostolico ufficio di maestro e di pastore, posto alla testa della Chiesa di Dio, il momento ed il modo di esprimere il Nostro giudizio, lietissimi se Ci sarà dato di offrirlo in tutto conforme a quello dei Padri conciliari." ES 177.

seal this communion is being alluded to in the passage and the possibility of diverging from the majority vote.

G. Colombo, who was given access to the personal notes that the pope compiled while preparing ES, concludes that in the encyclical Paul VI tries to understand the papal charism, not in a timeless way, but in relation to the contemporary demands of the Church and the world, and with his experience of the preceding pontificates as background.[20] Knowing the pulse of the council, he is also sensitive to the problem of the *collaboration between bishops and pope.*[21] For the success and implementation of the council, Paul VI recognizes his need of the bishops' counsel, adhesion and collaboration (ES 177). In the crucial area of reform, which the council will certainly call for, he expects the bishops to indicate to him measures that should be taken to purify and rejuvenate the face of the Church (ES 182). Their consensus, advice and example are asked by the pope in instilling the spirit of poverty in the Church (ES 186). This persistent call for collaboration of bishops is proof for Rouquette that, though the word "collegiality" is not used in the encyclical, the reality is very much present.[22] It should not be forgotten, however, that amid all the discourse on collaboration of bishops and on the papal office as mystery, service and humble love, Paul VI has yet to reconcile papal prerogatives with the authority and responsibility of the episcopate. He seems to be truly searching for a new *ecclesiological equlibrium* that would reconfirm the doctrine on the papacy, and at the same time reinterpret it in light of the legitimate demands of collegiality, collaboration and dialogue with the world. His silence on some themes can perhaps be seen as a respectful waiting for the maturation of the council with regard to the highly disputed issues. Herein lies the pope's blending of prudence and dynamism.

Grootaers suggests that ES should also be read as a prolongation of the address of Paul VI to the Italian episcopate on April 14, 1964, in which he offered an *apologia* for the council. The great respect expressed by the pope for the council in ES is an admonition to the hesitant among the Italian bishops and the Roman curia to be prudent, but to move forward nonetheless.[23] An article devoted to ES that appeared in *La Civiltà Cattolica* seems to support Grootaers' contention. By manifesting *cordialità* toward

[20]G. Colombo, "Genesi," 159; C. Colombo, "Discussion," *Ecclesiam Suam: Première Lettre Encyclique de Paul VI,* 240-41.

[21]G. Colombo, "Genesi," 138-39.

[22]Rouquette, "L'Encyclique," 428.

[23]Grootaers, "Témoignages," 254.

the council, Paul VI is addressing two kinds of fear. First is the fear of some that an important papal intervention might limit the liberty of the council; and second, the fear of others that the pope, by not intervening, might continue what they consider the wrong course taken by the council. In ES, the pope responds to the first by reiterating his respect for the council's liberty (ES 177, 192) and to the second by calling the council providential for the Church (ES 181).[24] It should be promptly added, however, that the strong assertions on the hierarchy, its authority and papal discretionary freedom caution those who minimize the Church's hierarchical constitution, while calming those who fear the "subversion" of the Church by the council.

Although ES does not deal directly with episcopal collegiality, it nevertheless indirectly confirms the context of tensions and divisions surrounding the debates. ES is just one link in a chain of attempts on Paul VI's part to mediate between varying and conflicting ecclesiological propensities and to show they can co-exist, indeed, that they can intersect. On the one hand, he proposes broader horizons and a new language; on the other hand, he tenaciously clings to what he counts non-negotiable elements, especially regarding the hierarchy and the papacy. He is struggling to find the course that can best bring about the doctrinal balance and fidelity that can lead to a communion of minds and judgments, his over-arching concern.

B. THE OPENING SPEECH (SEPTEMBER 14, 1964)[25]

The accent of Paul VI's speech to open the third period is on the episcopate and hierarchical communion.[26] Against the background of the anticipated promulgation of the dogmatic constitution on the Church at the end of this period, the speech acquires special significance in that it could be read as a set of directives on how the doctrine on the Church, the one on the episcopacy in particular, should be so formulated as to gain his final approval.

Furthermore, this speech can also be seen in continuity with portions of the address to the CEI on April 14, 1964, and of ES. Paul VI continues

[24]"Un dialogo 'cordiale' con gli uomini d'oggi," *La Civiltà Cattolica* 115/3 (1964): 523-24.

[25]The Italian text is used here. *Enchiridion Vaticanum*, vol. 1 (Bologna: Dehoniane, 1981). Opening speech, third period, September 14, 1964. Henceforth, OS III plus paragraph number. The official Latin text is in ASSC III, 1:140-51.

[26]See Y. Congar, *Le Concile au jour le jour* (Paris: Cerf, 1965), 3:29; Wenger, *Vatican II*, 3:72; Acerbi, *Due ecclesiologie*, 437.

to persuade those who remain hesitant and skeptical about the council. Besides referring to the benefits that will accrue to the Church and to its mission on account of the council, he affirms it as an event of the Spirit. "*Lo Spirito è qui*" (The Spirit is present here), he repeats like an antiphon. Turning lyrical, he says:

> the council is for us a moment of profound interior docility, a moment of supreme and filial adhesion to the word of the Lord, a moment of fervent tension of entreaty and of love, a moment of spiritual inebriation. The poetic words of St. Ambrose seem appropriate indeed for this unique event: "let us drink gladly of the sober inebriety of the Spirit." Just so should this blessed moment of the council be for us.[27]

After making this plea on behalf of the council, Paul VI traces the concrete paths it has to take so that accusations of betrayal of Tradition hurled at it can be disproven and a truly collegial act may be born from the communion of minds, sealed by the pope's own approval.

1. The Ecclesiological Project

Paul VI simply repeats what he has said many times before, namely that Vatican II is a council where the Church reflects on itself. This self-definition, however, is not self-preoccupation since it should be done in reference to Christ's will for the Church (OS III 246, 250) and to humanity that the Church must serve (OS III 251). "It is situated between Him and the world... it is not an end in itself."[28]

Of major interest in this project is the question about the "hierarchical constitution of the Church itself, and thus, about the origin, nature, function, and power of the episcopate which is a principal and noble part of the hierarchy."[29] The pope enumerates the various aspects of this important topic:

> [The council] must settle some laborious theological discussions. It must determine the identity and mission of the pastors of the Church. It must discuss, and with the grace of the Holy Spirit, determine the constitutional

[27]"momento di profonda docilità interiore, momento di somma e filiale adesione alla parola del Signore, momento di fervorosa tensione di invocazione e di amore, momento di ebbrezza spirituale, il Concilio è per noi; sembrano adatti quanto mai a questo singolare avvenimento gli accenti poetici di S. Ambrogio: 'lieti beviamo la sobria letizia dello Spirito.' Così per noi dev'essere questo tempo benedetto del Concilio." OS III 245.

[28]"...tra Lui e il mondo ella si pone... non fine a se stessa." OS III 251.

[29]"...(un punto) di estremo interesse, quello relativo alla costituzione gerarchica della Chiesa stessa, e all'origine perciò, alla natura, alla funzione, alla potestà dell'Episcopato, che della gerarchia è parte eccelsa e precipua..." OS III 252.

> prerogatives of the episcopate. It must delineate the relation between this Apostolic See and the episcopate itself. It must show how homogeneous is the constitutional conception of the Church in its diverse typical expressions in the East and in the West. It must manifest to the faithful of the Catholic Church, as to the separated brothers and sisters, the true concept of the hierarchical order that "the Holy Spirit placed as bishops to govern the Church of God" (Acts 20:28), with unquestionable and valid authority, at the humble and patient service of brothers and sisters, as becomes pastors, ministers, that is, of faith and love.[30]

This list corresponds to some of the highly contested issues in the council.

2. *Some Aspects of the Episcopacy*

That the relation between the pope and bishops is the central problem for Paul VI can be verified in the extended treatment devoted to it in the speech. Nevertheless, other questions related to the episcopacy are addressed.

a. Apostolic Succession and Sacramentality of Consecration

Paul VI calls bishops the successors of the apostles (OS III 248, 254), in whom perdure the apostolic mandate received from Jesus (OS III 238, 244) and on whom are bestowed the honor attributed by Him to the apostles (OS III 253). Through sacramental ordination, bishops receive powers and are made members of the hierarchical order entrusted with continuing Christ's mission on earth (OS III 235). The apostolicity of the Church, therefore, shines through the gathering of bishops, the successors of the apostles (OS III 238).

Just as in previous speeches, Paul VI does not explain the notion of apostolic succession beyond the general lines just pointed out. It is worth emphasizing, however, that the conferral of apostolic powers and membership in the episcopal order occur in sacramental consecration.

[30]"Esso deve dirimere alcune laboriose discussioni teologiche; esso deve fissare la figura e la missione dei Pastori nella Chiesa; essa deve discutere e, col favore dello Spirito Santo, determinare le prerogative costituzionali dell'Episcopato; esso deve delineare i rapporti fra questa Sede Apostolica e l'Episcopato medesimo; esso deve dimostrare quanto sia omogenea, nelle sue diverse tipiche espressioni dell'Oriente e dell'Occidente, la concezione costituzionale della Chiesa; esso deve manifestare per i Fedeli della Chiesa cattolica, come per i Fratelli separati, il vero concetto degli organi gerarchici che 'lo Spirito Santo pose quali Vescovi a reggere la Chiesa di Dio' (Atti 20, 28), con autorità indiscutibile e valida, al servizio umlle e paziente dei fratelli, come si conviene a Pastori, ministri cioè della fede e della carità." OS III 249.

b. Apostolate and the Holy Spirit

Paul VI links the "apostolic character" of the episcopacy to the Holy Spirit. The Spirit was promised by Christ to His apostles for the building up of the Church, thereby instituting the apostles and the Holy Spirit as two "agents" for the continuation of His mission (OS III 240). He says further:

> The apostolate is the external and objective agent which forms the so-called material body of the Church, conferring on it its visible and social structures; while the Holy Spirit is the internal agent who acts within individual persons as well as in the whole community, animating, vivifying, sanctifying.[31]

The apostolate, to which the hierarchy succeeds, and the Spirit always work together in witnessing to Christ, as at Pentecost, where they were marvelously associated. Bishops should therefore believe that salvific action continues and is actualized through them (OS III 242-43). The consequences of doubting this instrumentality are grave:

> To doubt would be to offend the fidelity of Christ to his promises, to betray our apostolic mandate, to deprive the Church of the certainty of its indefectibility guaranteed by the divine word and proved by historical experience.[32]

G. Colombo finds Paul VI's association of the Spirit with the apostolic mission a novelty since the prevalent ecclesiology at the time coupled the Spirit with the papacy as the internal and external principles, respectively, of the Church's unity. In fact, Cardinal Montini had viewed papal authority almost as the "soul" or interior principle of an ecumenical council. In the speech, however, Paul VI takes up a different ecclesiology and speaks as though the more recent findings of biblical studies regarding evangelization as a principle of the Church were already commonly held.[33] From these comments, it can be implied that the pope is ratifying a justification for the constitutional rights of bishops in the ecclesiological horizon widened in terms of mission and the Spirit. He does this, however, in a way that preserves a hierarchical interpretation of the apostolic mission.

[31]"E l'apostolato l'operatore esterno e oggettivo, che forma il corpo per così dire materiale della Chiesa, le conferisce le sue strutture visibili e sociali; mentre lo Spirito Santo è l'operatore interno, che agisce dentro le singole persone, come agisce su l'intera comunità, animando, vivificando, santificando." OS III 241.

[32]"Dubitare sarebbe offendere la fedeltà di Cristo alle sue promesse, sarebbe tradire il nostro mandato apostolico, sarebbe privare la Chiesa della certezza, garantita dalla parola divina e comprovata dall'esperienza storica, della sua indefettibilità." OS III 244.

[33]G. Colombo, "I discorsi," 19. Congar's influence on Paul VI on this point cannot be discounted. See Congar, "Le Saint-Esprit," 129-79.

c. Bishops and the Sacred Hierarchy

As partly seen above, the affirmations about the hierarchy and the bishops' role in it tend to focus on the visible component of the Church and the dependence of the Church's identity, mission and fidelity on the spiritual authority of hierarchs. Thus, he cannot avoid but talk of the hierarchy in an exalted fashion:

> Oh! how much We admire and uphold the functions proper to the sacred hierarchy. It is the institution born of the love of Christ in order to discharge, to spread and to guarantee the complete and fruitful transmission of the wealth of faith, examples, precepts, charisms left by Christ to His Church. It is the begetter of the community of the faithful, the organizer of its visible structure, the body that merits for the Church the title Mother and Teacher. It is the vehicle of sacramental riches, the leader of prayer, the promoter of charitable acts.[34]

The vast scope of the hierarchy's "generative" function is again confirmed by Paul VI. Receiving life and structure from bishops, the Churches can therefore be "expressed" or "personified" in them.

d. The Church in the Bishops

Paul VI recognizes that bishops "represent" ecclesial communities (OS III 264) by virtue of their office as teachers, pastors and priests (OS III 235). When congregated, as in a council, they together "represent" the Church:

> we are the Church, because as teachers of the faith, pastors of souls, dispensers of the mysteries of God (1 Cor 4:1), we represent here the whole Church, not certainly as delegates or deputies of the faithful to whom our ministry is directed, but as fathers and brothers who personify the respective communities entrusted to our care; and we are the Church as a plenary assembly convoked by Us...[35]

[34]"Oh! quanto Noi ammiriamo, quanto sosteniamo le funzioni proprie della sacra Gerarchia: essa è l'istituzione, nata dalla carità di Cristo, per compiere, diffondere e garantire la trasmissione intatta e feconda del tesoro di fede, di esempi, di precetti, di carismi, lasciato da Cristo alla sua Chiesa; essa è la generatrice della comunità dei fedeli, essa l'ordinatrice della sua compagine visibile; essa l'organo che merita alla Chiesa i titoli di Madre e Maestra; essa il veicolo delle ricchezze sacramentali; essa la corifea della preghiera; essa la promotrice delle attività caritative." OS III 260.

[35]"Siamo infine la Chiesa, perchè come Maestri della fede, Pastori delle anime, Dispensatori dei misteri di Dio (1 Cor. 4,1), noi qui tutta la rappresentiamo (Latin: illius universae partes hic agimus), non già come delegati o deputati dai fedeli, a cui si rivolge il nostro ministero, ma come Padri e Fratelli che personificano le comunità rispettivamente affidate alle cure, e come assemblea plenaria, a buon diritto da Noi convocata..." OS III 235.

The hierarchico-generative episcopal tasks are brought to light in their paternal and fraternal aspects. However, a reduction of the bishops' role to democratic representation is rejected.

In the gathering of bishops, the local Churches that form the *catholica* express their unity in the one Universal Church:

> Summing up in our persons and functions the Universal Church, we proclaim this council ecumenical. Here unity is celebrated, as well as catholicity by which the Church testifies to its miraculous stability, its admirable capacity to make of human beings brothers and sisters one to another, to gather in its bosom the most varied civilizations, the most different national, social and cultural expressions, bringing all to an auspicious unity, respecting all in its legitimate natural multiplicity.[36]

Aside from the hierarchical, paternal and fraternal association of bishops with their Churches, the cultural, national and social links of pastors with communities are given a definite theological weight to the extent that the "localness" of Churches is recognized as a principle of catholic unity and is represented by bishops in their conciliar assembly.

The episcopate is undoubtedly enshrined by Paul VI primarily as a hierarchical order and dignity generative of the Church. But he also explores other aspects like succession to apostolic mission, partnership with the Spirit in evangelization, and personification and communion of local Churches. Admittedly, these easily recede into the background in the apotheosis of the hierarchical aspect of the episcopate.

3. The Pope and Bishops: Hierarchical Communion

Paul VI's comments on the relation between the pope and bishops are important for determining how he envisions a resolution of this issue that has tormented the assembly and himself the most.

a. The Papacy

In the introductory part of the speech, Paul VI gives a summary statement of his "self-definition" as pope. He explains that he convoked the bishops

[36]"Riassumendo nelle nostre persone e nelle nostre funzioni la Chiesa universale, proclamiamo ecumenico questo Concilio: qui è la celebrazione dell'unità, qui della cattolicità, onde la Chiesa documenta la sua prodigiosa consistenza, la sua mirabile attitudine a rendere fratelli gli uomini fra loro, a raccogliere nel suo seno le più varie civiltà, le più differenti espressioni nazionali, sociali e culturali, tutto riducendo a beatissima unità, tutto rispettando nella sua legittima nativa molteplicità." OS III 236.

> in Our capacity, which associates Us with you, as your brother, the bishop of Rome, this city specially chosen by divine providence, and as the most humble but authoritative successor of the apostle Peter, before whose tomb we are devoutly gathered; and therefore in Our capacity as the unworthy but true Head of the Catholic Church and Vicar of Christ, servant of the servants of God.[37]

The common episcopate forms the basic link between the pope and bishops. The uniqueness of the bishop of Rome lies in the succession to Peter, which makes the pope the head of the Church and Vicar of Christ. Being Peter's successor is the pope's title of distinction since with it come the fullness of power over the whole Church and the function of being head of bishops (OS III 258). Paul VI cannot emphasize enough that the supreme prerogatives of primacy of jurisdiction and infallible magisterium are bestowed by Christ on Peter and his successors as His visible vicar (OS III 247, 254). Headship of the episcopal body is a necessary implication, rather than source, of the supreme power possessed by the Vicar of Christ. He is head of the college because he is Vicar of Christ, not vice versa.

b. Pope and Bishops

The doctrine of Vatican I on the papacy can appear to some as limiting the authority of bishops and rendering superfluous the celebration of ecumenical councils, to which canon law attributes supreme authority over the Church. It is thus only fitting that Vatican II, while confirming the teaching of Vatican I on the papacy, determine and honor the prerogatives of the episcopate (OS III 254-55). The integrity of catholic truth demands such clarification (OS III 257).

In this speech, Paul VI personally does his share in paying tribute to bishops (OS III 253, 261, 262), as though proclaiming that a pope can fully honor them without compromising his own authority or feeling threatened. Quoting Gregory the Great, he says that he is truly honored when the honor due to each one is not denied (OS III 256). Moreover, the pope's fullness of power is not meant to deprive bishops of their own (OS III 258); on the contrary, the history of the Church shows how that same papal power has been used to defend bishops' rights and dignity (OS III 260). In

[37]"...assemblea plenaria, a buon diritto da Noi convocata nella Nostra veste, che a voi tutti Ci accomuna, di vostro fratello, come Vescovo di questa Roma fatidica, di Successore umilissimo, ma autentico dell'Apostolo Pietro, presso la cui tomba siamo piamente convenuti, e perciò come indegno, ma vero Capo della Chiesa cattolica e Vicario di Cristo, Servo dei servi di Dio." OS III 235.

a humble yet noble manner, he explains his efforts to pay tribute to his fellow bishops:

> We have had the joy till now of recognizing in bishops, Our Brothers, calling them, with the apostle Peter "Elders" and claiming for ourselves as agreeable the equivalent title of "fellow Elder" (1 Pet 5:1). We have had the comfort of addressing to them the words of the apostle Paul: partners in tribulations and in consolations (2 Cor 1:4, 7). We have been concerned to assure them of Our veneration, Our esteem, Our affection, of Our solidarity. To Us falls the duty of recognizing in them the teachers, pastors, sanctifiers of the Christian people, the "stewards of the mysteries of God" (1 Cor 4:1), witnesses to the Gospel, ministers of the new covenant, reflection of the glory of the Lord (2 Cor 3:6-18).[38]

Paul VI's homage to the episcopate is followed by a lengthy *apologia* for what he calls the *hierarchical communion* that bishops must maintain with the pope. If the pope regulates and sets limits to the exercise of episcopal powers, it is only for the good and unity of the whole Church, which all the more requires a central guide as it spreads and its needs increase (OS III 258). He continues:

> This centralization, which will certainly be moderated always and balanced by an ever prompt granting of necessary faculties and of useful services to the local pastors, is not a device motivated by pride. Brothers, it is service, a manifestation of the unitary and hierarchical spirit of the Church. It is the glory, the strength, the beauty which Christ promised it and which He grants it gradually through time.[39]

The constitution of the Church itself, therefore, and not mere pragmaticism, demands this hierarchical communion between bishops and the pope. He quotes Pius XII to support this view (OS III 259). Divinely willed com-

[38]"A Noi fin d'ora la gioia di riconoscere nei Vescovi i Nostri Fratelli, chiamandoli, con l'Apostolo Pietro 'Seniores' e a Noi rivendicando come gradito il titolo eguale di 'Consenior'; a Noi il conforto di rivolgere loro le parole dell'Apostolo Paolo: soci nelle tribolazioni e nelle consolazioni; a Noi la premura di assicurarli della Nostra venerazione, della Nostra stima, della Nostra affezione, della Nostra solidarietà. A Noi il dovere di riconoscere in loro i Maestri, i Pastori, i Santificatori del popolo cristiano, i 'dispensatori dei misteri di Dio,' testimoni del Vangelo, i ministri del nuovo Testamento, quasi riflesso della gloria del Signore." OS III 257.

[39]"Questa centralizzazione (Latin: Haec potestatis ecclesiasticae in unum veluti centrum ordinatio), che sarà sempre moderata certamente e compensata da una sempre vigile distribuzione di opportune facoltà e di utili servizi ai Pastori locali, non è orgoglioso artificio; è servizio, Fratelli, è interpretazione dello spirito unitario e gerarchico della Chiesa, è l'ornamento, la forza, la bellezza che Cristo le promise, e man mano nei tempi, le concede." OS III 258.

munion, which entails subordination of the exercise of episcopal power to the pope's regulation, "does not enfeeble but rather strengthens episcopal authority, taken both individually and collegially."[40]

Lest hierarchical communion be interpreted as undue weighing down of the papacy on bishops, Paul VI further describes it in terms of mutuality:

> We will add another matter to Our exaltation of the episcopate in order to show how much its dignity and its charity could be enhanced by the *hierarchical communion* which must bind it closely to the Apostolic See: it is the need that it has of you, venerable brothers! As you, dispersed throughout the earth, in order to give consistency and form to the true catholicity of the Church, need a center, a principle of unity in the faith and in communion which you find precisely in this Chair of Peter, so We need to have you always near in order to always give more to the countenance of the Apostolic See its beauty, its human and historical reality, even harmony to its faith, the example in the fulfillment of its duties, comfort in times of distress.[41]

Falconi comments that in this part of the speech, Paul VI advances a decorative and apologetic reason for wanting bishops around the pope, thereby implying that only the papacy is truly essential for the Church while the episcopate is a mere element of representation.[42] While Falconi brings up an important point, he also fails to consider the pope's repeated exaltation

[40]"Ma questa norma non mortifica, si bene fortifica l'autorità episcopale, sia singolarmente considerata, sia collegialmente." OS III 260. Chroniclers were quick to point out the pope's use of "college of bishops" in the Latin version of the passage: "Attamen haec norma episcopalem auctoritatem nullo modo extenuat, immo robore auget, sive ea in singulis Antistibus, sive in toto Episcoporum collegio consideratur." See Congar, *Le Concile au jour le jour*, 3:29; G. Colombo, "I discorsi," 21, n. 49.

[41]"E aggiungeremo un altro argomento a questa Nostra esaltazione dell'Episcopato, per dimostrare quanto guadagni la sua dignità, quanto la sua carità dalla comunione gerarchica che deve tenerlo aderente alla Sede Apostolica; è il bisogno che essa ha di voi, venerati Fratelli! Come voi, sparsi sulla terra, per dare consistenza e figura alla vera cattolicità della Chiesa, avete bisogno di un centro, d'un principio di unità nella fede e nella comunione, quale appunto trovare in questa Cattedra di Pietro; così Noi abbiamo bisogno che voi Ci siate sempre vicini per dare sempre più al volto della Sede Apostolica la sua prestanza, la sua umana e storica realtà, anzi la consonanza alla sua fede, l'esempio al compimento dei suoi doveri, il conforto nelle sue tribolazioni." OS III 261. Ghirlanda says that as far as published sources are concerned, the term *hierarchica communio* appears officially in the acts of the council for the first time in this speech. See Ghirlanda, *Hierarchica*, 291. There are no indications in the speech as to what the repeated reference to Apostolic See meant, i.e., the Roman Church? the Roman curia?

[42]Falconi, *La svolta*, 38.

of the episcopate as hierarchical and fundamental to the Church and the expressions of common dignity among pope and bishops within the diversity of roles.

4. Conclusions

Paul VI has always been concerned about the constitutional law of the Church. In this speech, he secures for bishops a sure spot in the Church's divinely willed constitution. The *sacramentally* constituted successors to the *order* of apostles continue the *mission* for which Christ sent the apostles and the Spirit. They also assume in their persons the *local Churches* that form the one Church. But mission and the "representation" of local Churches are set within a description of bishops mainly as *hierarchy*, as those who generate and structure the Church, as vehicles of Tradition and sacraments, and as a source of the community's certainty in faith. All this tends to mark not only the inequality within the Christian community, but also the dependence of the community on the hierarchy's spiritual authority, without which the Church would cease being Church. Even though apostolic succession to mission is coupled with the Spirit, the speech lacks reference to the function of the People of God in Christ's salvific mission and to the gifts of the Spirit in the community.[43]

With regard to the relation between the pope and bishops, Paul VI implies that *it is not as head of the college that the pope acquires the prerogatives of the head of the Church and the Vicar of Christ*, in a way quite reminiscent of the thirteen suggestions (May 1964). Through the notion of *hierarchical communion*, he also attempts to infuse a sense of *mutuality* in the relation between pope and bishops, without abrogating the subordination of the exercise of the latter's powers to the former's regulation. Paul VI is mindful not to present them as contrary and competitive forces, or to portray himself as fearful of episcopal powers.[44] He exudes confidence that both papal and episcopal offices are strengthened rather than weakened when placed within each other's ambit. Mutual esteem, mutual defense and mutual need have to co-exist with the pope's regulatory action toward bishops' powers. The proviso exists that such ordering is exercised and cannot be given up for the good and unity of the Church. If one considers that bishops united with and under the pope form the hierarchy constitutive of the Church and so exalted by Paul VI, one also understands why he feels secure that hierarchi-

[43]See Acerbi, *Due ecclesiologie*, 438.

[44]See Wenger, *Vatican II*, 3:72.

cal communion will not diminish episcopal dignity. In his mind, the hierarchical approach he utilizes fixes bishops firmly within the Church as true authorities and sets the pope's prerogatives and freedom securely within the episcopal college, while satisfying the call for an ecclesiology more oriented toward the reality of communion. Taken as an appeal to skeptics and progressives alike, this speech demonstrates that collegiality will not undermine papal primacy and that a fuller ecclesiological approach does not do away with the hierarchical aspect of the Church.

C. THE DEBATE BROUGHT INTO THE PAPAL CHAMBERS

Chapter III of *De Ecclesia* dealing with the episcopacy (*Textus emendatus*, or TE)[45] was voted on from September 21-30, 1964, in thirty-nine parts, ending with two final comprehensive votes (on TE 18-23 and 24-29). Though public debates on this chapter had been terminated in the second period, reports recapitulating the minority's difficulties with the doctrine contained in the chapter (Bishop Franic) and the commission's response to them, as reflected in the revision of the schema (Cardinal König for TE 18-21, and Archbishop Parente for TE 22-27), were allowed to be read just before the first vote.[46] But the absence of overt hostilities in the aula did not mean that all problems had been resolved. Faced with the forthcoming vote, the opposition, fired up by a sense of mission to resolutely block the vote and promulgation of the text, re-organized its ranks and systematized its approach.[47]

[45]The *textus emendatus* (TE) was the product of the doctrinal commission's revisions on the *textus propositus* (TPR) after having considered the debate and vote of orientation during the second period (1963) and the papal suggestions of May 1964. The textual comparison of TPR with TE is found in ASSC III, 1:211-33.

[46]ASSC III, 2:193-201 (Franic); 201-5 (König); 205-11 (Parente).

[47]Regarding the minority's efforts to stage a more organized opposition, see R.M. Wiltgen, *The Rhine Flows into the Tiber, The Unknown Council* (New York: Hawthorn Books, 1966), 148-50; P. Delhaye, "Quelques souvenirs du Concile," *Au service de la parole de Dieu, Mélanges offerts à Monseigneur André-Marie Charue* (Gembloux: Duculot, 1969), 162; R. Rouquette, "Les derniers jours de la troisième session," *Études* 322 (1965): 103; Grootaers, "Le rôle," 363ff. Grootaers comments on how the majority's attitudes were conducive to the minority's counter-offensive: "...le courant majoritaire s'est révélé d'une grande naïveté croyant après chaque bataille avoir gagné définitivement la guerre; la tendance conservatrice fut d'une pugnacité et d'une ténacité dont aucune défaite passagère n'a pu venir à bout." Ibid., 363. Elsewhere, Grootaers also points to the division within the majority where the *aile gauche* found their collaborators in the doctrinal commission too easy on making concessions. See J. Grootaers, "La collégialité vue au jour le jour en la IIIe session conciliaire," *Irénikon* 38 (1965): 186-87, n. 1.

From recently published documents, one gathers that on the eve of the third period, the oppositionists re-opened the debate with tenacity but brought it to the highest court of appeal, Paul VI, who found himself in a trying position of being both interlocutor and arbiter. This section will deal with that part of the hidden debate initiated the day before the opening of the third period and culminating in an intervention of Paul VI on October 18, 1964. These events will help shed light on the pope's state of mind before the *nota praevia* affair.

Documentation gathered by Caprile,[48] Philips,[49] and Betti[50] allow a reconstruction of this intense "secret" debate that occasionally spilled into the public forum.

September 13, 1964: Paul VI received a *Nota personalmente riservata al Santo Padre sullo "schema Constitutionis De Ecclesia,"* written on September 11 or 12 by Cardinal Larraona, Prefect of the Congregation of Rites, and endorsed by forty-four cardinals, patriarchs and superiors general (C2). Attached to it were the letter of support from the Jesuit superior general (C3) and extended attacks from unnamed authors on the doctrine of Chapter III of TE (C6 and C7). On the same day, a complaint from Cardinal Cento directed at the doctrinal commission reached the pope (C4). Opposition to the doctrine was also manifested around this time by Cardinals Micara (P1 and B11) and Ruffini (P2).

Ca. September 15: a negative evaluation of Larraona's letter was handed by an unidentified "consultor" to Paul VI (C5, most probably C. Colombo).

September 16: Cardinal J. Lefèbvre sent opinions favorable to collegiality (P3).

[48]Fifty-two documents were published in G. Caprile, "Contributo alla storia della 'nota explicativa praevia,'" in *Paolo VI e i Problemi Ecclesiologici al Concilio,* 587-697. These documents were sent to Caprile by Paul VI himself to serve as sources for an article requested by the pope, and will be designated C1, C2, etc., corresponding to the numbers assigned by Caprile. Idem, "Aspetti positivi della terza sessione del Concilio," *La Civiltà Cattolica* 116/1 (1965): 317-41; reprinted in G. Caprile, *Il Concilio Vaticano II* (Rome: Edizioni "La Civiltà Cattolica," 1967), 4:466-90, and "Contributo," 681-97.

[49]"Objections à la doctrine de la collégialité et réfutation de ces objections (à la veille de la session de 1964)," in *Primauté et collégialité,* 147-59. The five documents from this source will be designated P1, P2, etc.

[50]Eighteen documents were published in U. Betti, "Documenti complementari," in *La Dottrina sull'episcopato del Concilio Vaticano II,* 442-539. These documents will be designated B1, B2, etc.

September 18: Paul VI composed a personal note *Circa il Capitolo III dello Schema De Ecclesia specialmente sui punti controversi* (C10), Cardinal Suenens wrote to the pope in support of collegiality (P4),[51] and pages containing *Proposte di placet iuxta modum* were distributed by the oppositionists at the Piazza San Pietro to encourage as many *modi* as possible (B12).

September 19: Philips composed an explanatory note on some texts of Chapter III (C11); Monsignor Felici expressed to the pope his opinion in favor of the coming vote on the chapter (C12) and Bishop Henríquez Jiménez, a member of the doctrinal commission, distributed to the Fathers a refutation of the proposed *modi* distributed the day before (B13).

September 20 and 21: Larraona reiterated his litany of objections to Paul VI (C13 and C14).

September 21: Ruffini had an audience with the pope (C16) and the final *relatio* on collegiality was delivered in the aula. On this day, Paul VI penned a personal note on how to respond to Larraona (C15).

September 21 or 22: Cardinal Florit submitted opinions on collegiality upon the pope's request (C17).

September 22: Paul VI registered his reaction to the results of the first votes on Chapter III in a private note, *Dopo la votazione del 22.IX.1964* (C18).

September 30: Larraona dispatched to the pope another set of grievances (C20).

October 16: Paul VI wrote a memorandum on the examination of the *iuxta modum* for Chapter III (C22).

October 18: Paul VI responded to Larraona (C23).

In this section, the objections re-proposed by the minority will first be summarized, followed by the response of the doctrinal commission and some of the majority. Paul VI's personal involvement in the matter will cap the section.

1. The Objections to the Doctrine

Larraona's first letter to Paul VI will be utilized as the basic framework within which the various objections to collegiality will be organized.

[51]In ASSC III, 1:631-37, the two letters from Cardinals Lefebvre and Suenens are presented as one, appearing under Lefebvre's name.

a. The Novelty and Presentation of the Doctrine

The doctrine proposed in Chapter III of TE is a new doctrine, not even probable, and vague in its terminology and what it signifies. Up until 1962, it was simply an opinion held by some theologians.[52] The argument is historically, doctrinally and scripturally fallacious, and devoid of any basis in preceding conciliar and other solemn definitions. Imposed on the Fathers by pressure groups that have politicized the council and have criticized Trent and Vatican I, the doctrine lacks precision, logic, coherence and scientific treatment.[53] The Fathers, therefore, have a propagandistic, rather than a theological grasp of the doctrine that is presented to them for a rapid and unexpected vote.[54]

b. The Principal Points of Dissent Regarding the Doctrine

i. *The sacramentality of the episcopate.* The sacramentality of the episcopate (TE 21 § 2) is denied by the majority of medieval and recent theologians.[55] It is still disputed whether episcopal consecration is a sacramental order conferring a character distinct from the presbyterate (TE 21 § 4).[56]

ii. *The sacramental origin of the powers of teaching and governing.* The assertion that all episcopal powers are given sacramentally (TE 21 § 3) has no foundation and goes against the teaching of Thomas Aquinas. The proposed doctrine threatens the papacy since it becomes extrinsic to the bestowal and exercise of episcopal power, particularly that of jurisdiction, which can now be always validly used due to its sacramental origin.[57] Indeed, some people insist on the sacramentality of the episcopacy to be able to affirm the transmission of power independently of the pope.[58]

iii. *Sacramentality and incorporation into the college.* The papacy is endangered by the coupling of the sacramentality of the episcopacy and

[52]C2, 596-97; ASSC III, 2:194.

[53]C2, 596-97; also C13, 619.

[54]C20, 630. Paul VI put a question mark after the expression "procedendo a sempre più rapide e inattese votazioni."

[55]C6, 607.

[56]ASSC III, 2:193. The relation of the episcopate to the presbyterate was left out in the vote of orientation.

[57]Ibid., 197; C2, 599. Betti notes that in a *relatio* delivered on December 1, 1962, Franic declared that the schema contained nothing that was theologically "immature" to be presented as conciliar teaching. This earlier position differs from that now being made by Franic himself in the name of the minority. Betti, *La Dottrina*, 278.

[58]C6, 607.

entrance into the episcopal college (TE 22 § 3). How does one explain the full jurisdiction enjoyed even before episcopal consecration by a layman elected to the papacy? The college will then have a head who is not a member.[59]

iv. *Succession to the apostolic college in jurisdiction over the Universal Church: the episcopal college as subject of supreme and full power.* To begin with, the parity of the succession of the pope to Peter and that of bishops to apostles cannot be admitted *simpliciter* since many apostolic powers, especially direct jurisdiction over the whole Church, are not transferable (TE 20 § 3).[60] TE's statement about the college as subject of supreme and full power, even outside an ecumenical council (TE 22 § 5, 8), must be revised. If universal jurisdiction is granted sacramentally, then the pope will be morally compelled to co-govern with the college and to always act collegially,[61] in which case, he ceases to be the subject of supreme and full power.[62] Jurisdiction comes not from the sacrament, but from canonical mission, which also incorporates into the college.[63] Besides, the college can claim supreme power only in ecumenical councils.[64]

v. *Threat to papal primacy and to individual bishops.* Almost all opposition to collegiality springs from the fear that papal primacy might be compromised.[65] To make clear that the pope maintains his juridical freedom within the college and that his primatial powers do not derive from the college, the *uni Domino devinctus* formula suggested by Paul VI should be incorporated (TE 22 § 8).[66] As in other papal proposals, references to the pope as *collegii episcoporum caput* should be dropped in favor of *totius Ecclesiae caput* (TE 25 § 6).[67] Franic also warned against possible diminution of the freedom of individual bishops on account of collegiality.[68]

vi. *Deficient harmonization of primacy with the collegial exercise of power: distinction between power and exercise.* The schema tries to harmonize the

[59]Ibid., 608; C7, 609-10.
[60]P2, 149-50.
[61]C7, 609; P1, 148.
[62]ASSC III, 2:195.
[63]C6, 608.
[64]C7, 609.
[65]C2, 598-99; ASSC III, 2:194; C4, 604.
[66]B11, 516.
[67]Ibid., 518.
[68]ASSC III, 2:199.

collegial exercise of supreme power with papal primacy by distinguishing the college's possession of jurisdiction from its actual exercise, the latter being made dependent on the pope (TE 21 § 3; 22 § 4, 7, 8). This solution is unsatisfactory because if bishops receive this power at ordination, the pope cannot disregard it without violating Christ's will. Moreover, if it is power that can be exercised only with papal intervention, then it is futile power, something God never gives. The choice is simple: either the pope cannot hinder the collegial exercise of jurisdictional power or the power is conceded to the college by the pope. It is obvious that the latter must be correct, for it safeguards papal primacy.[69]

vii. *Grave consequences.* The new doctrine will convert Church structure from monarchical to episcopal-collegial.[70] It thus implies an admission that for many centuries now the Church has been unfaithful to its divine constitution.[71] This offers separated Christians further reason to attack the primacy.[72] The sacramentality of consecration likewise entails a recognition of the power of jurisdiction among the Orthodox bishops, even without their adhesion to papal primacy.[73]

viii. *Proposed solutions.* The liturgical texts used to prove the conferral of episcopal power at consecration merely denote the *radical unity* of the offices of sanctifying, teaching and governing, and not the actual granting of the offices of teaching and governing, which come only with canonical mission.[74] It is more acceptable to say that consecration confers *radicaliter* the offices of teaching and governing.[75] This means that, aside from the fullness of priesthood, bishops receive directly from Christ at the same time an aptitude or passive potentiality for jurisdiction to be actualized by the pope.[76] Only in this way is the supreme power of the pope *semper actu* preserved.

[69]Ibid.

[70]C2, 598.

[71]Ibid., 600; C6, 608; C13, 620.

[72]C2, 600.

[73]Ibid., 599; C6, 609.

[74]"Argumentum liturgicum a Commissione theologica allatum nihil probat, cum textus pari modo possint intelligi de *radicali collatione* illorum munerum." Ibid., 608.

[75]C7, 610.

[76]"Ideo quidam Patres proposuerunt opinionem secundum quam in consecratione episcopali accipitur a Christo immediate simul cum plenitudine sacerdotii quaedam aptitudo seu potentia passiva, non activa, ad iurisdictionem sacram. Ista potentia actuatur a Papa per vocationem, approbationem vel liberam receptionem actionis collegialis episcoporum

c. Proposals for a Papal Intervention

In view of what has been stated above, the minority is appealing to Paul VI to intervene decisively, for it is unheard-of and anomalous for a new doctrine to be inserted in a conciliar dogmatic constitution.[77] Indirectly, Paul VI is being made to feel amiss in the grave responsibility that rests on him who must confirm his brothers and defend the Church from error.[78] So the minority proposes the following type of papal action:

i. The pope should put off the final discussion and approval of the schema for a fourth period to be convened at an unspecified date.[79]

ii. He must order a total revision of Chapter III, taking the task away from the doctrinal commission and personally constituting a *congregation of theologians* who will sift from the schema all that is certain and reduce it to a pastoral document.[80]

iii. To facilitate this papal action, a *relatio* of the minority should be presented in order to expose the inopportuneness of the doctrine.[81]

iv. The pope must do all this without any consultation of the council, as a *practical reaffirmation of papal primacy*:

> In order to avoid anything untoward that could make it more difficult for the Holy Father to use his supreme freedom in making a decision of such importance, it would seem to us timely, even necessary, that it be made authoritatively and directly by the Holy Father himself, without having to ask the opinion of the council and thus, without having recourse to a vote. Such authoritative intervention, *longed for by many*, would not only be a practical reaffirmation of the primacy, but would also prove to be helpful toward a more rapid restoration of the equilibrium necessary to advance. It would help all to understand adequately the complexity and gravity of the problems in question.[82]

sive in Concilio Oecumenico in uno loco coadunato sive extra Concilium." ASSC III, 2:198-99.

[77]Ibid., 199; C2, 598; C13, 620.

[78]C2, 601; C14, 623; P1, 148.

[79]The "indefinite break" will be "una pausa che permeterrebbe al Concilio di ritrovare se stesso e ricuperare la sua libertà psicologica, oggi non più esistente." C2, 600-1; C13, 620.

[80]C2, 600-1; C13, 621.

[81]C2, 600-1. This indeed happened before the vote, by decision of the doctrinal commission. But Larraona was unhappy that the majority had the final *relatio* to which the minority could no longer respond. He also criticized the contents of Parente's report. See C14, 622; C20, 630.

[82]"Per evitare ogni imprevisto che potrebbe rendere più difficile al S. Padre l'uso della sua libertà suprema nel prendere una decisione di tanta importanza ci sembrerebbe opportuno, anzi, necessario, che essa fosse presa autoritativamente e direttamente dal S.

Should Paul VI fail to heed the minority's proposal, the Church is headed for danger: "If this wise and prudent path were not followed, we could be overturned instead by damaging and very dangerous solutions."[83]

d. Conclusion

From the point of view of doctrine, it may be said that the central problem for the minority remains the assertion that the episcopal college, with and under its head, is also the subject of supreme and full power over the Universal Church. But in the documents surveyed, the minority attacks what it perceives as the root of this teaching, i.e., the sacramentality of episcopal consecration and the sacramental bestowal of all episcopal powers, for from these comes the justification for the possession by bishops of the power of jurisdiction *iure divino*. The *iure divino* clause constitutes for the minority the gravest threat to papal primacy.[84]

2. Response to the Objections

Replies to the difficulties raised by the minority were offered to Paul VI and to the conciliar assembly by some Fathers and experts in their capacity as members of the doctrinal commission, as concerned conciliar Fathers or as persons consulted by the pope. In general, their responses were supportive of the doctrine contained in TE.

Padre stesso, senza aver domandato il parere del Concilio e quindi senza aver fatto ricorso a votazioni. Tale intervento autoritativo – auspicato da molti – oltre a essere una pratica riaffermazione del Primato riuscirebbe anche benefico ad un più rapido ristabilimento dell'equilibrio necessario per procedere e aiuterebbe tutti a rendersi efficamente conto della complessità e della gravità dei problemi in questione.'" C2, 601. Hebblethwaite calls this "the most perfidious and mealy-mouthed part of Larraona's entire letter," for here he and his group "wanted Paul VI to disavow by a single mighty act of his authority the Theology Commission and the majority verdict of the council fathers. In short, they wanted him to overthrow what the council had already achieved. They claimed that this rejection of the council would somehow enhance papal authority. In fact, it would have been a suicidal move." P. Hebblethwaite, "A Private Note and What it Wrought," *America* 158 (1988): 600.

[83]"Se non sil seguilsse questa saggia e prudente strada, potremmo invece essere travolti da soluzioni dannose e pericolosissime." C2, 600.

[84]It must be recalled that sacramental conferral of episcopal powers as a unity was deliberately left out in the vote of orientation. When it became clear the vote on Chapter III would not be canceled by Paul VI, the minority distributed a list of *modi* to the Fathers. In that list, issues other than that of the sacramentality of consecration were added, e.g., the meaning of *collegium* as a stable body; the college enjoys supreme power only *when* it actually acts collegially and not in a stable manner; the college possesses this power potentially; Peter's role as Vicar of Christ and Foundation of the Church should be stressed rather than his being merely first or head of the apostles. See B12, 509-19.

a. On the Novelty and Presentation of the Doctrine

The teaching in Chapter III comes from the Fathers of the Church and the common Tradition before the division between the East and West and is consonant with the Pauline theology of the mystical body.[85] The word *collegium* had been used in antiquity, along with *corpus* and *ordo*,[86] certainly not with the juridical precision brought to it in contemporary times, but as pertaining to a lived reality.[87] An unidentified expert, who considers the doctrine sufficiently solid, however, says:

> The only new element is the formulation of a point of the doctrine expressed in the schema, that is, the affirmation that the episcopal body "is the permanent subject of full and supreme authority over the Universal Church." It is a question of determining if this affirmation is founded or not, and if it brings the consequences feared by the signatories of the note [Larraona's first letter].[88]

b. Response to Particular Points of Dissent

i. On the sacramentality of the episcopate. The problems raised by this doctrine cannot prevail over the unanimous patristic and liturgical tradition.[89] Whereas the vote of orientation referred to the episcopate as *summus gradus sacramenti Ordinis*, TE 21 § 2 now more clearly says it is the *plenitudo sacramenti Ordinis* or the totality that includes every part and in which the inferior orders participate.[90]

[85]ASSC III, 2:210; P3, 151; P4, 158.

[86]ASSC III, 2:208. These words were used interchangeably in the vote of orientation.

[87]P4, 156.

[88]"Nuova soltanto è la formulazione di un punto della dottrina esposta nello schema, cioè: l'affermazione che il corpo episcopale 'è soggetto permanente d'autorità piena e suprema sulla Chiesa Universale.' Si tratta di vedere se questa affermazione è fondata o meno, e se comporta le conseguenze temute dai firmatari della nota." C5, 604-5. TE's formulation is more nuanced than is made to appear by this expert: "Ordo autem Episcoporum, qui collegio Apostolorum in magistero et regimine pastorali succedit, immo in quo corpus apostolicum continuo perserverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, subiectum quoque supremae ac plenae potestatis in universam Ecclesiam exsistit, quae quidem potestas independenter a Romano Pontifice exerceri nequit." TE 22 § 5.

[89]C5, 606.

[90]"Potius tamen quam '*summus gradus*' sacramenti Ordinis – ut notaverunt multi Patres – episcopatus dicendus est '*plenitudo sacramenti Ordinis*,' seu totalitas, omnes partes ordinis includens, et in quo inferiores ordines participant." ASSC III, 2:203. The minority position on this matter is rejected. The reservation regarding the vote of orientation on the matter is also overcome by TE.

ii. *On the sacramental conferral of the offices of teaching and governing.* Many Fathers have requested that it be explicitly said that the three *munera* of sanctifying, teaching and governing are conferred by consecration.[91] Fear of the reduction of the papacy to an extrinsic factor in the power of bishops is unfounded since between consecration and the actual *actus* of teaching and governing, a form of determination or organization dependent on the pope has to intervene.[92] Regarding the power of jurisdiction, the minority's anxiety arises in part from a lack of distinction between the *munus regendi*, a *sacra potestas* immediately granted by God at consecration, and the *iurisdictio canonica*, a *potestas* that receives its canonical form from law.[93] The sacramental source of the episcopal *munus regendi* does not prejudge the origin and mode of communication of jurisdiction.[94] The excessive distinction between order and jurisdiction, unknown to antiquity, also contributes to the minority's fears.[95] Paul VI himself was following the line of reasoning presented here when he made the following remark on material attached to Larraona's first letter: "'The fact that jurisdiction could be given independently of consecration proves nothing against the thesis that consecration gives real capacity for jurisdiction (to be exercised by virtue of superior mandate)."[96]

iii. *On sacramentality and incorporation into the college.* Aside from consecration, communion with the college's head and members is a condition for membership in the episcopal body (TE 22 § 3), which cannot use its divine power without the pope's approval.[97] Entrance into the college through consecration conforms to patristic

[91]Ibid. It should be noted that while TPR used the term *potestas*, TE employs *munus* (TPR 14 § 1; TE 21 § 3). No explanation of the shift in terminology in the said section is provided in the *relatio* of July 1964 introducing TE.

[92]C11, 615-16.

[93]"'Munus' enim 'regendi' est ea sacra potestas quae immediate a Deo episcopo per episcopalem consecrationem confertur. Jurisdictio autem ea est potestas quae a jure canonicam suam temperationem accipit." P3, 150.

[94]P4, 154.

[95]ASSC III, 2:211.

[96]"Il fatto che la giurisdizione possa essere data independentemente dalla consacrazione non prova nulla contro la tesi che la consacrazione dia capacità reale di giurisdizione (da esercitarsi in virtù del mandato superiore)." C6, 608.

[97]ASSC III, 2:208. This part of TE has no parallel in TPR. The idea came from the second question of the vote of orientation.

and liturgical sources, provided that the distinction between the effect of the sacrament (transmission of apostolic powers) and canonical jurisdiction (determination of exercise) is maintained.[98]

iv. *On the college as subject of supreme and full power.* Opposition to this assertion is unfounded since the *iure divino* episcopal power of jurisdiction originating from the sacrament is dependent on the pope for its existence (on account of the Church's organic structure) and its exercise.[99] In fact, the head is always part of the college such that opposition and fragmentation are avoided.[100] There is in the Church only one supreme power,[101] which is possessed by two inadequately distinct subjects: the pope, and the college with the pope.[102] The attribution of supreme power both to the pope and to the college is implicitly contained in the Vatican I definition of papal infallibility.[103]

v. *On the threat to papal primacy.* The text says that the primacy of the pope remains whole and intact even within the college (TE 22 § 4).[104] Although collegial supreme power is possessed habitually, it cannot come into act independently of the pope (TE 22 § 5), whereas the pope's power is always in act.[105] The text states many times "*nullum sine Papa collegium possibile esse*, that the pope can do everything independently of the college, that bishops can do nothing collegially without the pope."[106] Maybe, in order to avoid giving the impression that the pope is a mere "delegate" of the college, a formula could be introduced to say that the pope does not only

[98]C5, 605-6.

[99]ASSC III, 2:209.

[100]Ibid., 208; P3, 152; P4, 155.

[101]Ibid.; ASSC III, 2:207, 211.

[102]P3, 151.

[103]C17, 627. Florit's *votum* is an interesting exposition of how the doctrine of Chapter III could be deduced logically from Vatican I precisely because the latter already contained implicitly the teaching being proposed by the former.

[104]ASSC III, 2:206, 209.

[105]"Ceteroquin Papa potestate pollet habitu et actu, episcopi tantummodo habitu, qui independenter a R. Pontifice, in actum prorumpere nequit." Ibid., 207. TE 22 says that the pope enjoys full, supreme and. universal power "quam semper libere exercere valet," while the college is the subject of power "quae quidem potestas independenter a Romano Pontifice exerceri nequit."

[106]"De quibus insuper rebus Schema clarius loqui non potuit, cum plus quam vicies successive repetit, *nullum sine Papa collegium possibile esse*, Papam independenter a Collegio omnia posse, episcopos nihil sine Papa collegialiter posse." P3, 151.

guide the college but "causes" the common faith and authority of the pastors and, in some way, the life of the Church.[107]

vi. *On the distinction between power and its exercise.* The distinction between *munus* and its *exercitium* was used by Thomas Aquinas.[108] According to traditional theology, ministerial powers are of an ontological, spiritual nature conferred sacramentally but their exercise is regulated and determined by canonical jurisdiction. Limitation of or imposition of conditions for the exercise of powers is consistent with their sacramental origin.[109] As far as the power of jurisdiction over the Universal Church is concerned, it is given to bishops as a faculty for action, as an active potency or virtual disposition, distinct from the act of exercising itself.[110]

vii. *On the grave consequences predicted by the minority.* Contrary to the disastrous effects augured by the opposition, the doctrine will not only confirm the divinely willed dignity and role of bishops, but also offer new splendor and solemnity to the papacy and its exercise of supreme power.[111] Collegiality, as presented in TE, will lead more to the organic unity of the Church and its hierarchy rather than to fragmentation.[112]

c. On the Proposed Papal Intervention

Felici thought a papal intervention suspending the vote would cause more problems than it had intended to solve. The plan for voting approved by the assembly should be respected and only after the *non placet* and *iuxta modum* would have been expressed should the doctrinal commission or another body examine the objections of the minority. Then the text could be so emended as to win the consensus of the Fathers.[113]

The *votum* sent by an unnamed expert (in all probability C. Colombo) noted that the proposal to postpone the vote and to transfer the study of

[107]C5, 605. This part of the document, whose author is not identified, reminds us of C. Colombo, who said, "Rispetto ai confratelli nell'episcopato ad all'intera comunione episcopale il Romano Pontefice, per l'assistenza a lui divinamente garantita e l'autorità a lui immediatamente comunicata, è *causa* della certezza della fede, è *causa* della fedeltà all'insegnamento del Signore, è *interprete* del volere di Cristo: è *Vicario di Cristo, non vicario del collegio episcopale.*" C. Colombo, "Il collegio episcopale," 51.

[108]ASSC III, 2:204.

[109]P4, 156-57.

[110]ASSC III, 2:210.

[111]Ibid., 207; P3, 152.

[112]ASSC III, 2:211.

[113]C12, 618.

the matter from the doctrinal commission to a commission of theologians was analogous to the situation in 1870 with regard to papal infallibility. To the author's mind, it would not be wise to deprive a conciliar commission of its authority and to set up a purely scientific body.

> Instead every effort must be made to clarify the doctrine both within the commission, eventually calling representatives of the "minority" to participate in it, and especially to the Fathers by giving an explanation of the *modi* before the definitive vote.[114]

Dismissing the accusation of novelty and fallaciousness directed at the doctrine, the author added the following proviso:

> ...the schema can be presented for definitive approval once *the sense of the general doctrine and of individual points is completely clarified.*[115]

d. Conclusion

The defense of TE presented above contains solutions to the problems raised by the minority, which at the same time interpret TE. First, the unicity of supreme and full power in the Church is affirmed, as well as the existence of two subjects of that power, though they are inadequately distinct since the pope is always included in the college. Second, to address the "root problem" of the sacramental origin of all episcopal power, the *munus* received in consecration is distinguished from *potestas* ready to be used. The distinction in turn involves the differentiation between the *munus* and its exercise.[116] *Munus* requires the intervention of the *missio canonica* dependent on the pope for it to pass into act. The sacramental origin of the episcopal *munera* is thus put on a different level from the origin and manner of communication of canonical jurisdiction. This question is left open. Also apparently left unresolved is the exact nature of the sacramental *munera.* Third, one finds in the opinions of an unidentified expert consulted by Paul VI (probably C. Colombo) suggestions leading up to the whole "affair" of the NEP, e.g., the examination of *modi* with representatives of the minority and the clarification of the sense of the doctrine and its specific points by the doctrinal commission before the definitive vote.

[114]"Invece ogni sforzo deve essere fatto per chiarire la dottrina sia all'interno della Commissione, eventualmente chiamando a parteciparvi rappresentanti della 'minoranza,' sia specialmente di fronte ai Padri nel dare relazione dei *modi*, prima di arrivare alla votazione definitiva." C5, 605.

[115]"...lo Schema può essere presentato per una definitiva approvazione una volta che venga *chiarito completamente il senso della dottrina generale e dei singoli punti.*" Ibid.

[116]It should be noted that König and Parente tended to use *munus* and *potestas* interchangeably in their *relatio.*

3. Paul VI's Involvement in the Debate[117]

Faced with insistent demands from the minority, Paul VI listened, studied,[118] annotated documents coming to his desk, consulted with experts, examined his handling of past debates, and allowed the vote to proceed as planned. This section will dwell on an important segment of the pope's personal "journey in collegiality" as evidenced from his private notes occasioned by the resurgence of opposition.

a. Notes of Paul VI on Chapter III, on Disputed Points (September 18, 1964)[119]

In this set of notes, Paul VI contemplated the possibility of having a discussion on the controverted issues within the doctrinal commission, "which did not directly discuss these points in plenary session but accepted the conclusion of the subcommission."[120] He listed and then cancelled names of persons who could be brought into the commission: Ruffini, Staffa, Bertrams, C. Colombo, the first two of whom were known objectors to TE. The pope also thought it would be calamitous for the council and for himself should the treatment of the chapter be deferred. Then he expressed his own thoughts on the debated issues:

> It seems that... 2) the existence of an Episcopal College cannot be disputed, not a rigorously juridical college but certainly moral; nor should it be denied

[117]Before the publication in 1989 of Caprile's "Contributo" and its fifty-two documents, some of Paul VI's private notes registering his reactions to the debates were used but not explicitly identified in Caprile, "Aspetti positivi," and in a more explicit way, in "Paolo VI e il Concilio," *L'Osservatore Romano* (September 19, 1982): 7, reprinted in Paul VI, *Discorsi*, 350-53. A French version of Paul VI's response to Larraona can be found in M. Lefebvre, *J'accuse le Concile* (Martigny: Editions Saint-Gabriel, 1976), 67-71. Later articles of P. Hebblethwaite draw on both Caprile and Lefebvre. See Hebblethwaite, "A Private Note"; "Changing Vatican Policies 1965-85: Peter's Primacy and the Reality of Local Churches," *World Catholicism in Transition* (New York: Macmillan, 1988), especially 39-43; "Paul VI," *Modern Catholicism, Vatican II and After* (New York: Oxford University Press, 1991), especially 53-64.

[118]On February 6, 1965, Monsignor Dell'Acqua, the Sostituto della Segreteria di Stato, presented to Caprile and Tucci, director of *La Civiltà Cattolica*, Paul VI's observations on Caprile's "Aspetti positivi." The pope requested the expansion of the list of authors he consulted; aside from Journet, Congar, De Lubac and Guardini, already indicated by Caprile, he added Dieckmann, Siri, Billot, Clérissac, Tanquerey, Cerfaux, Bertrams. See C51, 680. Caprile recalls Dell'Acqua's words, "So io quante notti ha passato (Paolo VI) sui libri, per ben approfondire la questione della collegialità, ecc." Caprile, "Contributo," 590; also in Paul VI, *Discorsi*, 351.

[119]C10, 614-15.

[120]"Si potrebbe disporre che tali punti fossero portati alla discussione approfondita della Commissione Teologica, la quale non discusse direttamente quei punti in riunione plenaria, ma accettò le conclusioni della Sotto-Commissionne." Ibid., 614.

> that incorporation into such a College (or body or order) comes through consecration; thus the sacramental nature of consecration must be deemed certain; and it must be held that consecration qualifies for the episcopal office, etc. 3) what must be discussed, and if possible be made precise, is whether the episcopal college is the subject of full and permanent authority; and also the intrinsic dependence of the college on the free and sovereign consent of pontifical authority. It will also be necessary to determine exactly what doctrinal qualification (whether ordinary magisterium or dogmatic definition) the schema assumes when eventually approved.[121]

Paul VI did not share the minority's misgivings about the existence of the college, the use of *collegium*, the sacramentality of consecration, the entrance into the college through consecration, and most likely, the unity of sacred power granted in consecration. However, his use of the verb *abilitare* (for what consecration does to a bishop) and the expression *capacità reale* (for what consecration gives him) raises the question of what sacramental power is, i.e., Is it nothing more than an aptitude for the possession and exercise of episcopal office? How different is his view from the minority position on the issue? He also tended toward collegiality in the moral sense and, maybe on account of it, worried about the college as subject of full and permanent authority and its dependence on the discretionary freedom of the pope.[122] He did not seem to consider the sacramentality of consecration and the constitution of the college and bestowal of the sacred *munera* that it brings about sufficient ground for the claim that the college is subject of full and permanent power. He did not, however, deny the claim, but wanted it thoroughly discussed. The theological qualification of the doctrine probably became more urgent because of proposals from the minority to transform the chapter into a pastoral schema. In a nutshell, this note contains the main topics of the NEP.

[121]"Sembra che... 2) non si possa impugnare l'esistenza d'un Collegio Episcopale, non rigorosamente giuridico, ma sicuramente morale; né si debba negare che a tale Collegio (o ceto, ovvero Ordine) l'aggregazione avviene mediante la consacrazione; così deve ritenersi certo il carattere sacramentale della consacrazione; e deve ritenersi che la consacrazione abilita all'ufficio episcopale; ecc. 3) deve discutersi, e se mai precisarsi, se il Collegio episcopale sia soggetto di autorità piena e permanente; e quale sia la intrinseca dipendenza del Collegio dal libero e sovrano consenso dell'autorità pontificia. Bisognerà anche precisare quale qualificazione dottrinale (se magistero ordinario, o invece se definizione dommatica) assuma lo Schema, eventualmente approvato." Ibid., 615.

[122]The influence of the unidentified expert, suspected to be C. Colombo, shines through this note.

b. Notes of Paul VI on Larraona's Nota Riservata *(September 21, 1964)*[123]

After having received three letters from Larraona and having consulted with experts and curial officials, Paul VI decided that some form of response was needed. On a sheet of paper, he scribbled some thoughts that conveyed his attitude toward the efforts of Larraona and his group:

> 21-IX-64. On the Secret Note [of Larraona]:
>
> 1. I am afflicted by some bitterness of soul: by the timing: on the eve of the council; by the number of the signatories it looks like a maneuver; by what it hints at: the ruination of the council, etc. – does it reveal a secret opposition?; by its arguments, intransigently in opposition, and not always well-founded;
>
> 2. Summary analysis of proposals (see notes);
>
> 3. What to do? practically (see proposals)
>
> 4. Reasons of convenience: the council should end well; profit from good dispositions; stress advantages: 2) collaboration is not a limit to authority but a help; 1) "communion" is charity and truth;
>
> 5. pray; think; try to persuade in serenity.
>
> These documents are not based on sound reasoning (and have caused me grievous suffering); but I will have to give them an answer that is calm, serene and very kind.[124]

This anguished note was written on the day when a series of votes on Chapter III began.

c. After the Vote on Chapter III (September 22, 1964)[125]

With the initial results of the vote showing overwhelming support for the schema, Paul VI composed another set of notes, exuding relief and conviction.

[123]C15, 623-24. English translation comes basically from Hebblethwaite, "A Private Note," 600-1. Changes in Hebblethwaite's translation are made wherever deemed necessary.

[124]"21.IX.1964 De 'Nota Riservata' 1. Quadam animi amaritudine affectus sum – tempo – alla vigilia; numero – pare una manovra; suggerimenti – rovina del Concilio ecc. - svela una segreta opposizione?; argomenti – radicalmente contrari; non sempre fondati: 2. Analisi sommaria (cfr. nota); 3. Quid faciendum – practice (cfr. proposta); 4. Ragioni di convenienza – il Concilio deve concludersi bene – profittare delle buone disposizioni – vantaggi: 2) la collab.[orazione] non è un limite all'aut.[orità] ma un aiuto, 1) la 'comunione' è carità e verità; 5. Prego: riflettere, fare opera di persuasione serena. Questi documenti non sono fondati su buone ragioni (e mi hanno fatto molto soffrire); ma bisogna ch'io vi dia risposta calma, serena e molto buona." C15, 623-24.

[125]C18, 627-28. See translation in Hebblethwaite, "A Private Note," 601.

After the vote of 22-IX-64. Deo Gratias. Our assent: both on grounds of personal conviction, and the judgment of the council. We have abstained, and also we have done what was possible and in the line of duty in the preparation of the draft (see our intervention toward the end of the first session and subsequently in various ways). Some expressions can be improved.

But we are satisfied because: this is not a new doctrine, except for the good that it allows us to foresee; it is not *immatura*: the yes vote can be credited to Vatican I, to the two previous sessions, to the really deep studies of the doctrinal commission, to the general development of theological studies in the Church, to the Church's self-awareness, to ecumenism; it is not contrary to the primacy (reaffirmed at least 20 times); it is obvious from the spirit of the episcopate, never before was it so united and deferential to us.

The Church is both monarchical and hierarchical; having collaborators is not a limitation; what would happen if this doctrine were not approved? (ecclesiastical feudalism, irresponsibility, etc.)

Instead: solidarity, charity, unity; intrinsic and constitutional bonds with the primacy; obedience derived from within; authority without jealousy or exclusiveness (he did not think it plunder); overcoming of Gallicanism and nationalism (cf. local episcopal conferences), and fears of papal aggression.

The living Church: one single heart, etc.; coordinated and articulated in a single college of charity (cf. Patriarchs, etc.); honors and dignifies all living elements in the Church; invitation to separated brethren.

Glory to God. Honor to the sacrament. Firmness in jurisdictional unity, respect toward what is of divine law; free and fruitful application of canon law.[126]

[126]"Dopo la votazione del 22.IX.1964. Deo gratias / Nostro assenso – sia per giudizio personale, sia per il giudizio del Concilio; noi ci siamo astenuti, anzi abbiamo fatto quanto era per noi doveroso e possibile affinché la preparazione dello schema... (cfr. intervento alla fine della I sessione – poi multifariam...) / Vi sono alcune espressioni da perfezionare / Ma: siamo soddisfatti perchè: non è dottrina nuova, se non per il bene che lascia presagire, non è immatura: la si aveva al Vat. I, alle due preced.[enti] sess.[ioni], agli studi non artefatti delle Comm.[issioni], allo sviluppo degli studi teol.[ogici], alla cosc.[ienza] della Ch.[iesa], all'ecum.[enismo]; non è contraria al primato affermato (20 volte?) / traspare dallo spirito dell'Episc.[opato] quando mai fu a noi così unito e deferente / La Chiesa è monarchica ed è gerarchica / non è un limite avere collaborat.[ori] / quali conseg.[uenze] se questa dottrina non fosse approvata: feud. [alesimo] eccl.[esiastico], irrespons.[abilità] ecc. / invece: solidarietà-carità-unità; vincoli intrinseci e costituz.[ionali] con il Primato, obbedienza nascente ab intrinseco, autorità senza gelosie ed esclus.[ioni] (non rapinam arbitratus est) / superamento: dei gallic.[anesimi], nazionalismi (cfr. Conferenze?), dei timori papisti / Chiesa viva: un cuore solo ecc., coordin.[amento] e articol.[azione] in un solo caritatis collegium (cfr. Patriarchi ecc.), onore e valorizz.[azione] di tutte le forze, invito ai Fr.[atelli] sep.[arati]

In the preceding two sets of private notes, Paul VI refuted, in broad strokes, almost all the problems of the minority regarding the passage of the doctrine: its novelty and lack of foundation in Tradition, its *immaturità*, the danger it poses to the primacy, and the destructive consequences it could bring (e.g., abolition of monarchical structure, fragmentation, attacks from separated Christians). The pope threw back at them the accusation of manipulation and unfounded reasoning. His conscience also found peace in the fact that he had done what his office required of him, contrary to the insinuations of the minority. Before this continued resistance, he opted for conciliation. But he also said that some expressions could be perfected. These scrappy notes, according to Hebblethwaite, "show that Paul VI was personally convinced before God of the doctrine of collegiality found in Chapter III."[127]

d. Notes on the Examination of the Modi *for Chapter III (October 16, 1964)*[128]

In this set of notes, written three weeks after the exuberant note just discussed, Paul VI considered it opportune to increase the number of bishops in the committee entrusted with the first examination of the *modi*:

> The addition of two other bishops (one of whom should come from the "minority") would hasten the work and give assurance to the "minority" itself that the *iuxta modum* have been duly taken into consideration.[129]

He added that rules about the unchangeability of texts after the discussions in the commission should not be too rigidly applied, especially when a *modus* is seriously motivated and the new discussion serves to justify in the *relatio* why the *modus* was not accepted. Paul VI wanted Cardinal Ottaviani to see if these suggestions could be accepted without causing problems. In his response forwarded to the pope four days later, Ottaviani clarified that the committee concerned was merely consultative; decisions rested on the doctrinal commission. He also thought that adding new members to the said committee might slow down the work.[130] The pope replied in this way:

/ Gloria a Dio, Onore al sacramento, fermezza nell'unità giurisd.[izionale], rispetto sommo al diritto div.[ino], applic.[azioni] libere e feconde nel diritto can.[onico]." Ibid.

[127]Hebblethwaite, "A Private Note," 601. The pope's sense of relief and joy over the results of the vote is confirmed by Lercaro, *Lettere*, 270; and Grootaers, "La collégialité," 186.

[128]C22, 632.

[129]"L'aggiunta di altri due Vescovi (tra cui uno della 'minoranza') darebbe modo di accelerare il lavoro, e offrirebbe certezza alla 'minoranza' stessa che gli 'iuxta modum' sono stati presi nella debita considerazione." Ibid.

[130]C24, 635-36.

> To remove any feeling of mistrust, it seems good to have a representative of those who do not calmly accept the text of the schema associated at every step of the examination of the *iuxta modum* of Chapter III. Therefore it is desirable to have this representative present also during the first scrutiny of the votes. This is not prompted by a lack of confidence in those who are doing the task now but by the desire to pacify and to assure the minds of all the conciliar Fathers.[131]

At first glance, this preoccupation with the minority seems incongruent with the stark distance shown by Paul VI from their position in the two preceding documents. But after the euphoria ushered in by the positive results of the initial votes on Chapter III, he had to turn to two related issues, i.e., how to explain the handling of the *modi* and how to win the minority. A week after the first vote on September 21, 1964, C. Colombo already alerted the pope about the urgency of determining the procedure for presenting the *modi*.[132] An approach to the final touches to the schema that would make plain the impeccability of both procedure and content could be the last means of persuading the minority. The pope's concern seemed justified in light of the potentially disruptive actions the minority might undertake if it became clear that the pope was not deferring the passage of *De Ecclesia* and that the assembly was fully behind the document. For example, there was a plan to block the particular votes on Chapter III, which did not allow the *iuxta modum*.[133] There was also an energetic campaign to increase the *modi* for the two comprehensive votes on September 30, 1964, since if the *modi* comprised more than a third of the votes cast, the chapter would have to be redone.[134] But having failed to muster

[131]"Per togliere i motivi di diffidenza sembra bene che un rappresentante di coloro che non accettano pacificamente il testo dello Schema sia associato ad ogni fase dell'esame degli 'iuxta modum' del cap. III; e che perciò anche al primo spoglio dei suffragi si voglia avere presente tale rappresentante. Ciò non è suggerito da mancanza di fiducia verso chi ora sta operando, ma dal desiderio di rendere più sereni e fiduciosi gli animi di tutti i Padri conciliari." Ibid., 636.

[132]C19, 629.

[133]Larraona wrote to Ruffini on September 23, 1964, "Poi se mi permette potrebbe essere una soluzione: far votare, sospendendo le votazioni particolari, *l'insieme*... le più ampie libertà di presentare i *modi* da esaminarsi imparzialmente e coi quali si possono poi eventualmente modificarsi... i testi delle singole votazioni." Stabile, "Il Cardinal Ruffini," 135.

[134]See Lercaro, *Lettere*, 272. On September 29, Felici made the following clarification about the manner of voting to be held the next day: "Aliud addam, Patres venerabiles. Quoad modos, qui forte exhibebuntur, possumus certiores reddere omnes Patres quod hi modi attente et perspicue examinabuntur a commissione competenti, etsi forte eorum examen necessarium non esset, quia habita est maioritas requisita. De hoc Patres certi esse

enough *modi*, the minority then questioned procedures.[135] Letters of complaint began to pile up on Paul VI's desk.[136]

There were also attempts to interpret the desire of Paul VI to achieve unanimity in a way that would favor the minority and to present initiatives as coming from him. This is exemplified in Felici's letter to Bea on October 9 about the future of the declaration on religious liberty, which prompted seventeen cardinals to directly appeal to the pope through a letter made famous by its opening words, *magno cum dolore*.[137] When the press reported the incident, Ruffini protested to the pope, especially against the seventeen cardinals' pretension of "saving the rights of the Council" when there is no council without the pope.[138] Paul VI responded in this way:

> [the letter of seventeen cardinals] seeks to protect the rights of the council, not with respect to the pope, but rather with regard to initiatives on the part of some persons which are considered excessive and abusive.[139]

possunt. Nam bonum ipsum Ecclesiae et Concilii postulat, ut textus quam meliores sint, quam perspicui, ita ut in bonum animarum cedant." ASSC III, 3:10. Regarding these words of Felici, Wenger comments, "J'avais le sentiment que Mgr. Felici voulait provoquer les *iuxta modum*. Les modérateurs s'en étonnèrent aussi. Mgr. Felici leur répondit alors que le Pape lui avait demandé de faire cette communication. C'etait une manière déjà d'apaiser la minorité." Wenger, *Vatican II*, 3:79.

[135]See Lercaro, *Lettere*, 215. Wenger reports, "Mgr. Carli, estimant qu'il y avait eu irrégularité et manoeuvre, s'adressa au Pape pour contester la légitimité de ce vote." Wenger, *Vatican II*, 3:80.

[136]See C20, 629-31. Fesquet, alongside his entry of October 8, 1964, refers to a letter sent to Paul VI in which the nullification of the decision (vote?) on collegiality was being proposed. It was signed by two Italian cardinals, one of whom was Ruffini. See H. Fesquet, *Le journal du concile* (Forcalquier: Le Jas du Revest-St.-Martin, 1966), 549. König noted that many Fathers signed documents without having read them. C21, 631. Earlier, Ruffini, in an audience with Paul VI, admitted "d'aver firmato (per primo) la 'Nota Riservata' ma di non averla letta! Sa di che cosa si tratta; secondo lui basteranno pochi emendamenti e tutto andrà bene." C16, 624. Much later, Tisserant told Paul VI, "Coloro che hanno firmato lo hanno fatto in considerazione della situazione in Curia di chi li sollecitava. Non c'è un abuso di fiducia da sua parte?" C44, 675.

[137]For detailed accounts of the incident, see Fesquet, *Le journal*, 576-79, 588-90; Laurentin, *L'enjeu du concile*, 3:133ff; R. Rouquette, "Le concile, le second mois de la troisième session," *Études* 321 (1964): 715-27; Wenger, *Vatican II*, 3:332ff. See also Lercaro, *Lettere*, 289-93. It seems that Paul VI had wanted the text revised after an examination conducted by a mixed commission. But the names of commission members listed by Felici did not come from the pope, i.e., Browne, M. Lefebvre, Fernandez, C. Colombo, the first three of whom were opposed to the text.

[138]Ruffini, in Stabile, "Il Cardinal Ruffini," 136.

[139]"...essa mira a tutelare i diritti del Concilio, non già nei riguardi del Papa, ma piuttosto nei confronti di iniziative, ritenute intemperanti o abusive, da parte di qualche persona." Ibid., 137.

Besides revealing displeasure with the tactics of the minority, the pope also fended off an attempt to sow seeds of animosity between himself and the majority.[140]

e. Letter of Paul VI to Larraona (October 18, 1964)[141]

This letter reproduced the central thoughts and sentiments contained in the pope's private notes of September 21 and 22. Paul VI rejected Larraona and his group's accusations of doctrinal novelty and the use of pressure and propaganda to win support for the schema. He in turn castigated Larraona for resorting to anonymity and for gathering signatures of people who had not read what they were supposed to be endorsing. The most significant parts of the letter were those that dealt with the pope's assessment of the opportuneness of the doctrine, his perception of his role and his concern with the minority group.

Paul VI expressed surprise at the imputation of novelty and inopportuneness to the doctrine

> when the theme treated is connected with those of Vatican I, and when the presentation itself has been preceded by long debates in the first and second periods of the current council. The general congregation of October 30, 1963, had already given *authoritative indications of orientations* on the matter, so as to inform at least the conciliar Fathers together and individually of the content and importance of the doctrines in question.
>
> ...We find unfounded the fear that the doctrine on the primacy of this Apostolic See is violated. Rather it seems that we must take delight in the

[140]In a letter addressed to Siri on August 12, 1965, Ruffini recalled this incident and Paul VI's attitude toward the schema on religious liberty and its inhibiting effect on him: "Ultimamente Paolo VI mi ha confidato che, a suo giudizio, lo schema sulla 'Libertà, religiosa' com'è attualmente, può essere approvato e che la prossima Sessione dovrebbe essere una grande manifestazione di perfetta concordia. Dubito quindi che Egli sia ora disposto ad accettare una allarme o un rovesciamento di qualche posizione; di conseguenza diventerebbe, per noi due, difficile prendere poi, al riguardo, la parola in Aula, mentre vorrei proprio piena libertà di esporre ai Padri, umilmente ma nello stesso tempo con la massima franchezza, ciò che ritengo in coscienza di dover dire." Ibid., 142. Philips himself commented on the way the schema on religious liberty was handled in the doctrinal commission on November 9, 1964. "J'ai l'impression qu'un mot d'ordre a été donné en haut lieu pour faire passer la Déclaration sur la Liberté Religieuse." G. Philips, "Notes pour servir à l'histoire de la Nota Praevia explicative (Lumen Gentium, III)," *Primauté et collégialité*, 70-71.

[141]C23, 633-35. Caprile says that the first draft was completed on October 6 and underwent corrections and revisions.

> explicit and repeated profession of full recognition and sincere devotion which are rendered to it in this solemn occasion.[142]

It is significant that Paul VI affirmed the non-contrariety of the doctrine of Chapter III to that of Vatican I and considered the vote of orientation of October 30 as indicative of the basic content of the *textus prior* and its results as authoritative.[143] On these two issues, extremely important for the strategy of the minority, the pope disagreed with them.

Paul VI also responded to the insinuation that he had not performed as a pope should have in the face of doctrinal uncertainty:

> It seems sufficient and suitable to inform you, for your tranquility and our justification, that on our part, we have not neglected to do whatever seemed to us proper and opportune, so that the preparation of the schema may take place in conformity with true doctrine and through free, serene and objective discussions. We had wanted to give ourselves an account of the controversy regarding some affirmations of the schema and of the foundation of formulae used, by consulting some Italian and foreign theologians of best repute, and reserving to ourselves the right to insert in the definitive text eventual changes where orthodoxy of doctrine and clarity of exposition would seem to demand it.[144]

After acknowledging Larraona's concern for doctrinal orthodoxy and anxiety for the pope's personal weakness, Paul VI added:

[142]"...quando il tema trattato si collega con quelli del Concilio ecumenico vaticano primo, e quando la presentazione stessa è stata preceduta da lungo dibattito nella prima e nella seconda sessione del presente Concilio. La congregazione generale del Concilio del 30 ottobre 1963 aveva già dato indicazioni orientatrici autorevoli in proposito, tali almeno da mettere sull'avviso tutti e singoli i Padri conciliari circa il contenuto e circa l'importanza delle dottrine in questione... Né, per la verità, noi pensiamo fondato il timore che si attenti alla dottrina circa il primato di questa Sede Apostolica; ché anzi ci sembra di doverci compiacere delle esplicite e ripetute professioni di pieno riconoscimento e di sincera devozione, che in questa solenne circostanza gli sono tributate." Ibid., 634.

[143]This part of the letter should be able to provide a tool for interpreting the content and weight of the vote of October 30, 1963, at least, as far as Paul VI was concerned. The pope's understanding of the *textus prior* and eventual redactions is somehow tied to his view of the vote of orientation.

[144]"Ci sembra ora sufficiente e conveniente informarla, a sua tranquillità e a nostra giustificazione, che non abbiamo da parte nostra trascurato quanto ci sembrava doveroso e opportuno fare, affinché la preparazione dello schema avvenisse in conformità alla sana dottrina, e mediante libere, serene e obbiettive discussioni. Noi stessi abbiamo voluto renderci conto della controversia relativa ad alcune affermazioni dello schema, e della fondatezza delle formule adottate, consultando alcuni Teologi italiani ed esteri di ottima riputazione, e riservandoci poi di inserire nel testo definitivo eventuali emendamenti, là dove sembrasse richiederlo l'ortodossia della dottrina, o la chiarezza della esposizione." C23, 633-34.

> We will always be sensitive to the appeal addressed, in such an extraordinary moment, to our supreme responsibility, already made watchful by ardent prayers to the Lord and by the offering made to Him of our humble life, so that our witness may be faithful to the purity of His teachings and to the true good of the holy Church. It will be our obligation, as you will please believe, to follow the definitive redaction of the schema to remove whatever is not in conformity with sound doctrine and to make every opportune revision. We do not hide from you that new problems will perhaps arise for the life of the Church. It will be the task of the one who exercises the function of leadership to keep watch at the summit so that solutions in harmony with the basic traditions and the higher interests of the Church itself may be found.[145]

Paul VI, therefore, held it his right to introduce revisions to the text under two conditions, i.e., when doctrinal purity is threatened and when lucidity of presentation requires it. Having already defended the schema's doctrinal rightness, the pope's main interest would most probably focus on intelligibility and correctness of interpretation. The realism of Paul VI also shone in his admission of problems that could come, presumably from the adjustment in ecclesiastical life, structures and functions that collegiality would entail.

Finally, Paul VI made a final appeal for cooperation, more direct than the ones he had been issuing since the speech to the Italian conference of April 14, 1964:

> Allow us, in this regard, to ask you, Lord Cardinal, and those who participated in your intervention, to assist us always in our difficult duties. Consider, in turn, what damaging consequences could come from an attitude (if devoid of true and proven motives) so contrary to the majority of the episcopate and so prejudicial to the good outcome of the ecumenical council and also to the prestige of the Roman Curia.[146]

[145]"Noi saremo sempre sensibili al richiamo rivolto, in così straordinario momento, alla nostra somma responsabilità, già resa vigilante da vive orazioni al Signore e dall'offerta a Lui fatta dell'umile nostra vita, affinché la nostra testimonianza sia fedele alla purezza dei suoi insegnamenti e al vero bene della santa Chiesa. Sarà nostro impegno, come Ella vorrà credere, di seguire la redazione definitiva dello schema nell'intento di togliervi quanto apparisse difforme dalla buona dottrina, e di apportarvi ogni plausibile ritocco. Non per questo ci nascondiamo che potranno forse sorgere problemi nuovi per la vita della Chiesa; sarà ufficio di chi vi esercita funzione di guida vigilare al sommo, affinché essi trovino soluzioni felici e coerenti con le tradizioni fondamentali e gli interessi superiori della Chiesa stessa." Ibid., 634-35.

[146]"Ci sia consentito, a questo proposito, pregare Lei, Signor Cardinale, e quanti hanno condiviso il suo intervento presso di noi, di volerci sempre assistere nei nostri difficili doveri, e di volere a loro volta pensare quale fonte di dannose conseguenze possa essere un

While this passage, which employed the term *maggioranza*, contained a resolute demand for the bishops of the minority (mostly Italian, Spanish and Spanish-speaking) and some segments of the Roman Curia to walk in step with the worldwide episcopate, it also resembled an entreaty from a pope who "realized that he would have to carry the Roman curia with him if the council were to be implemented."[147] Paul VI said:

> ...we trust in the help of God, and we are convinced that these (solutions to difficulties) will be much easier and more advantageous, the more the Roman Curia, always conscious of its noble tasks, welcomes the conclusions of the council with prompt and judicious approval.[148]

4. Conclusions

The private notes of Paul VI disclose his personal attitudes on the disputes surrounding the doctrine of Chapter III. But as arbiter and head of the assembly, he did not always express them publicly; rather, he maintained a respectful yet critical posture of listening.

He disagreed with the minority's allegation that a propagandistic strategy imposed the doctrine. Consequently, he dismissed the claim that the Fathers were made incapable by pressure to judge its validity and maturity. Instead of the ill consequences foretold, he could see benefits. Realistically acknowledging the possibility of encountering problems in the future, he nevertheless assumed responsibility for resolving them.

Regarding the doctrine, Paul VI must have considered himself united with the majority. Unlike the minority, he believed that it was founded in Tradition and did not contradict the teaching of Vatican I on the papacy. The issues revolving around the sacramentality of the episcopate and its effects, to which the minority gravitated as time progressed, were perceived by him in a way that did not necessitate a substantial change in TE. But on one important point, he seemed to share their concern, i.e., on the episcopal college as a permanent subject of supreme and full power over the Universal Church. There are indications, however, that his preoccupation was different from that of the minority. The latter saw in the affirmation a violation

atteggiamento (se privo di veri e provati motivi), così contrario alla maggioranza dell'Episcopato, e così pregiudizievole al buon esito del Concilio ecumenico, non che al prestigio della Curia Romana." Ibid., 635.

[147]Hebblethwaite, "A Private Note," 614.

[148]"...ma confidiamo nell'aiuto di Dio, e siamo convinti che tanto più facili e proficue esse (soluzioni) saranno, quanto più la Curia Romana, sempre conscia delle sue altissime funzioni, saprà accogliere con pronto e sagace favore le conclusioni del Concilio." C23, 635.

of Vatican I, unless it were explicitly stated that it was papal concession of authority that made the college a subject of power. Paul VI, on the other hand, was content, as in Suggestion 7 (May 1964), to say that the college is also subject of supreme power *iuxta Capitis ordinationem exercendae.*[149] The intrinsic role of the pope in the exercise of collegial power was his special interest, which also brought in the distinction between papal and collegial exercise of power. The general approach he used, which followed Parente, Suenens and J. Lefèbvre's distinction between power and its exercise, could have been dictated also by his adherence to the vote of orientation of October 30, 1963, in which one of the questions concerned the supreme power enjoyed by the college.[150] Without explicitly denying the basic assertion, Paul VI would probably call for an improvement in the formulation.

The pope's notes also show how preoccupied he was with achieving unanimity in the council. The minority's indifference to his efforts, e.g., thirteen papal *modi*, appeals, assurances, must have pained him. But he realized that winning over the protagonists of the minority who belonged to the Roman Curia was crucial for getting the desired unanimity for the schema and for concluding and implementing the council itself. On account of all this, Paul VI considered two moves indispensable:

a. to make the minority feel that their opinions were fully heard and considered by him and the commissions, and
b. to present the *modi* to Chapter III in the most convincing and clarifying way possible.

These actions are liable to be read as sheer concessions to the minority, if one does not know the pope's "privately articulated" differences with them.

Finally, by reserving to himself the right to introduce changes in the text to guarantee the soundness of doctrine and its interpretation, Paul VI was also affirming his freedom from the bishops assembled in council. In many ways, this prospective papal action, if it became real, would have assured the minority that the pope was not a mere executor of the bishops' powers and desires, that he was first and foremost Vicar of Christ and Pastor of the Universal Church.

[149]The doctrinal commission altered the expression to *quae quiden potestas independenter a Romano Pontifice exerceri nequit.* From the documents used, it appears that Paul VI was led into the question by an expert (Colombo?) who said that the "formulation" of the doctrine was new. See C5, 604-5.

[150]The question was not formulated to say that the college is the permanent subject of supreme power, only that it enjoys supreme power.

The events and issues surrounding the NEP will not be understood adequately without considering this hidden debate, which already pulled the final discussions on Chapter III to the limited area of episcopal power.

CHAPTER VII

The *Nota Explicativa Praevia* to Chapter III of *Lumen Gentium*

This chapter will dwell upon the finalization of the concept and text of the *nota explicativa praevia* (NEP). To clarify its intention, the NEP will be considered primarily in the context of the intricate exchanges between Paul VI, the minority and the doctrinal commission as the final vote on *De Ecclesia* approached. The redactional stages of the NEP and its relation to the text and history of Chapter III of *Lumen Gentium* (LG) itself will be used to further disclose what the NEP actually does to the doctrine in the constitution.[1]

A. LAST ATTEMPTS TO MODIFY CHAPTER III: THE NARROWING DOWN OF ISSUES

Paul VI's response to Cardinal Larraona (October 18, 1964) did not put an end to the minority's efforts to press its case. Many of these interventions, made at the last hour, did not veil threats to the passage of the constitution and also to the post-conciliar period. A chronology of events

[1]The documents used in this chapter, as in the preceding chapter, come mostly from Caprile, "Contributo," 587-897; and "Le Dossier de G. Philips," *Primauté et collégialité*, 85-124. The eleven documents from the latter will be labeled P3/1, P3/2, etc. Reviews of "Le Dossier de G. Philips" were also valuable: Alberigo, "L'Episcopato," 147-63 [with documents from Dossetti]; U. Betti, "Recensiones," *Antonianum* 62 (1987): 357-60; C. Colombo, "Appunti a un'opera di ecclesiologia conciliare," *Teologia* 12 (1987): 161-66; Y. Congar, "Notices bibliographiques," *Revue des Sciences philosophiques et théologiques* 71

leading up to the NEP can give a glimpse of the intense drama of those days.[2]

October 20, 1964: Paul VI instructed Cardinal Ottaviani to include a bishop from the minority in the technical committee, whose recommendations on the *modi* the doctrinal commission would start examining on October 22 (C24).[3]

October 21 or *22*: Monsignor Dante, Secretary of the Congregation of Rites, of which Larraona was prefect, wrote to Paul VI on the concerns of the minority (C25). This was followed by a lengthier letter from the same source the following day (C26).

October 25: Ciappi presented three *modi*, which he claimed would pacify the minority, to the pope (P3/3).

October 26: C. Colombo spoke for the first time in the commission of adding to the *relatio generalis* a systematically arranged reply to the rejected *modi*.[4]

October 28: Larraona responded to Paul VI's letter and justified the motives for his *nota riservata* (C28).

October 31: C. Colombo requested Philips to draft a text according to his proposal.

November 2: Philips prepared his *Addenda ad relationem generalem* (P3/4) and C. Colombo produced his version of a *nota introductoria* (P3/5).

November 3: C. Colombo submitted to Paul VI an evaluation of Ciappi's *modi*, a copy of Philips' *Addenda* and his own *nota* (P3/7). An unnamed person gave the pope some observations on Dante's second letter (C30).

November 5: Philips was given leave by C. Colombo to present his *Addenda* to the commission, which discussed and accepted it the following day.

(1987): 159; A. De Halleux, "Recensiones," *Ephemerides Theologicae Lovanienses* 63 (1987): 450-52; G. Ghirlanda, "Riflessioni sulla *Nota Explicativa Praevia* alla *Lumen Gentium*," *Gregorianum* 69 (1988): 324-31.

[2]The chronology is reconstructed from accounts in Philips, "Notes," 63-84; and Tromp, "Extraits," 166-78; and the documents provided by Caprile, and Philips himself.

[3]Franic, who was chosen to be part of this technical committee, declined since, as a member of the doctrinal commission, he already had a hand in the decisions. See Philips, "Notes," 66; and Tromp, "Extraits," 166.

[4]Nothing is said on the commission's response to C. Colombo's suggestion in Philips' reconstruction of events.

November 7: Paul VI received a letter, probably composed by Bishop Carli, bearing 107 signatures and reiterating the difficulties of the minority (C32).

November 8: Having been quickly consulted by Paul VI, Monsignor Felici and an unidentified person gave their unfavorable reactions to this letter (C33, 34). A day later, C. Colombo surprisingly launched his own *nota* in the commission.

November 10: The commission rejected C. Colombo's note and retouched Philips' *Addenda*, which was promptly sent to the pope. Gagnebet represented the minority before the pope to seek some emendations in the constitution (P3/11). Paul VI, through Cardinal Cicognani, instructed the doctrinal commission to compose a *nota explicativa* on the *modi* accepted into the schema. He submitted some emendations to the chapter and to Philips' *Addenda*, along with the opinions of Bertrams (P3/8).

November 11: The pope's directive was read by Ottaviani to the commission.

November 12: The commission met without the experts to discuss the papal *modi* and Philips' *Addenda*, which had now become the NEP. That same day Ottaviani dispatched to Paul VI the revised NEP with an accompanying report by Philips (P3/9, C38).

November 13: Papal approval was granted (C39).

November 14: The responses to the *modi* to Chapter III, with the NEP, were distributed to the assembly.

November 16: The Fathers first heard of the NEP's significance for the vote on Chapter III in an announcement made by Felici.

November 17 and 19: The voting showed diminishing opposition.

November 21: On the day of promulgation, LG got only five *non placet* votes.

1. The Minority's Case

Having failed to block the vote on Chapter III and to reach the number of *modi* that would have jeopardized it, the minority nuanced its "strategy." First, they exalted the personal integrity of the objectors whom they considered among the most sincere and faithful servants of the Holy See, motivated by filial trust toward the pope and by a grave duty of conscience.[5] Second, they raised alleged procedural irregularities that cast doubts

[5]C26, 639; C28, 648-49.

on the validity of the vote. They asked why debate on the chapter was not re-opened and whether the total number of votes of *non placet* and *iuxta modum* resulting from the two final votes added up to a virtual rejection of the chapter as a whole.[6] Many of the *iuxta modum* would have been *non placet* if not for Felici's assurance that the *modi* would be duly considered. The acceptance of those *modi* was thus a *sine qua non* for attaining unanimity in the final vote.[7] Third, the deep division occasioned by the issue was also caused by the non-intervention in the council of the pope, who exhorted everyone to listen to each other.[8] Finally, their explicitated concern was to make the formulation of the teaching more precise so as to set the bounds of sound interpretation.[9] They also started talking of "redimensioning" and reconciling positions.[10]

The over-all "scheme" was to lead the pope into making the doctrinal commission and the majority accept in those final days the terms of the minority for "reconciliation" or else risk the loss of the whole schema or even the council.

The *doctrinal problems and compromises* evoked by the minority at this time were not new but simply gravitated to three poles. First, opposition persisted against the sacramental conferral of the *munera docendi et regendi*.[11] Second, they objected to declaring consecration the only formal element for membership in the college, while communion with the head and other members was debased to a nebulous condition.[12] Third, the affirmation of the college as subject of supreme power over the Universal Church based on the direct and immediate conferral by God of the said *munera, vi consecrationis*, would threaten papal primacy.[13]

Some *modi conciliativi* were submitted to Paul VI to address the three issues. One set came from Ciappi,[14] who said that:

a. only *legitima consecratio* confers the offices of teaching and governing;

[6]C32, 654-55; C26, 640.

[7]C25, 637; C26, 639-40; C32, 657.

[8]P3/11, 119-20.

[9]C25, 637; C26, 638; C28, 649.

[10]C27, 641; C28, 649.

[11]See C26, 640; C27, 641; C32, 656; and P3/11, 123.

[12]C32, 656. In this letter, Carli and company made the acute and precise observation that the schema's formulation of the problem, which seemed to limit membership to those *legitimately consecrated*, was different from the vote of orientation.

[13]C26, 638; C32, 657.

[14]C27, 645-46.

b. the college united to its head is *iure divino* a subject *capable of discharging* (*capax fungendi*) the supreme and full power, which it *cannot possess and exercise* (*haberi atque exerceri nequit*) independently of the pope;
c. the college, which *can enjoy* (*fungi potest*) supreme power, exercises it solemnly in an ecumenical council.

Ciappi also explained how one could justify attributing to the college not only supreme but also full power:

> Theologically it seems that one could come toward affirming that the episcopal college is a *subject capable of exercising supreme and full power over the Universal Church* in so far as the Roman Pontiff, in whom alone resides *all fullness* (Conc. Vat. I, Denz. 1831) shares with the episcopate his supreme and full power, without however losing or communicating the *primacy and the total fullness* which is his personal incommunicable prerogative.[15]

Gagnebet, for his part, proposed that it be said that:

a. consecration confers at least the root or source of the offices of teaching and governing (*saltem radicitus*) or that consecration makes a bishop capable (*aptum reddit*) of exercising them; and
b. that the college is a subject that can exercise (*potest exercere*) supreme power.[16] He further clarified that "subject" in this case meant the element that acts and not necessarily the source of the authority that it wields.[17]

The general direction of these suggestions, which were not completely novel, was to make consecration a bestowal of at least the source of the *munera* or the capability of exercising them. Both the possession and exercise of these *munera* depend on the pope and communion with him (legitimacy). Supreme and full power is enjoyed by the college, not by direct bestowal in a sacrament but by sharing in the fullness of papal power.

[15]"Teologicamente sembra che si possa giungere fino ad affermare che il Collegio Episcopale è *soggetto capace di esercitare la suprema e piena potestà sulla Chiesa universale*, in Quanto il Romano Pontefice, in cui solo risiede *tutta la pienezza* (Conc. Vat. I, Denz. 1831), partecipa all'Episcopato la sua *suprema e piena* potestà, senza tuttavia perdere o comunicare il *primato e la totale pienezza*, ch'è sua prerogative personale, incomunicabile." Ibid.

[16]"a) ...On pourrait ayant trait le 'saltem radicitus' pour le pouvoir de gouverner ou d'enseigner: 'munere quoque saltem radicitus confert docendi et regendi' ou bien 'aptumque reddit ad exercenda munera regendi et sanctificandi quibus nonnisi in hierarchica communione... fungi possunt. b) Le seconde a trait a l'autorité du collège: on pourrait dire 'subjectum quoque est quod potest supremam auctoritatem in universam Ecclesiam exercere." P3/11, 123-24.

[17]"Le sujet est le principe qui exerce l'opération. Il n'est pas nécessaire qu'il soit le principe de l'autorité qu'il exerce." Ibid., 124.

2. Responses to the Minority

Paul VI speedily acted on the last minute *modi* and complaints by bringing them to the attention of the doctrinal commission and of some advisers.

a. The *doctrinal commission*, in reviewing the *modi* related to the three principal topics indicated above in sessions on October 22-30 and after Paul VI's intervention on November 10, did not directly follow the minority's stipulations.[18] On the first item, i.e., the sacramental bestowal of the *munera regendi et docendi*, the text of TE 21 was retained but for one addition, which did not even come from any of the *modi* submitted:

> Episcopalis autem consecratio, cum munere sanctificandi, munera quoque confert docendi et regendi, quae tamen natura sua nonnisi in *hierarchica* communione cum Collegii Capite et membris exerceri possunt.

This was carried over to the definitive text. The commission did not explain directly what the addition of *hierarchica* signified (see *Modus* 40), but it made clear that *Modi* 39 and 40, touching on the sacramental origin of the two *munera* and their exercise, respectively, were either superfluous or contrary to the text already approved by the assembly.[19] The term *hierarchica communio* was first used officially by Paul VI in his speech to open the third period. Cardinal Browne seemed to have pushed for its inclusion in the conciliar text.[20] Since the *relatio* did not really expound on the term, it is hard to determine what influence Paul VI's use of it played and what the commission's understanding of it meant for the minority's cause.[21]

[18]See *Relatio* in ASSC III, 8:52-111; Betti, *La Dottrina*, 286-302; Philips, "Notes," 65ff.

[19]See *Modi* 39 and 40 and the corresponding responses. ASSC III, 8:62.

[20]See accounts by Ciappi, C27, 642; and Tromp, "Extraits," 168. Browne's explanation of the term is not documented.

[21]Even some of the most authoritative commentaries on LG say little about hierachical communion in relation to the *munera docendi et regendi* and to Paul VI's use of the term. For Betti, the term makes sense only when referring to bishops' dependence on and subordination to the pope in the exercise of their power, but not among the members of the college. Hence, it merely signifies the communion among the members of the hierarchy. Betti, *La Dottrina*, 292, 295. Philips explains it from Christ's will that there be a gradation of powers in the Church and from the need for subordination to the head and consideration of other members in order for a plurality of ministers to build up the Church. Hierachical communion concerns the exercise, not the origin, of episcopal powers. Philips, *L'Église*, 255, 289. Rahner only says that it is a condition for the validity of acts of teaching and governing. K. Rahner, "Articles 18-27," in *Commentary on the Documents of Vatican II* (New York: Herder and Herder, 1967), 1:194. Jiménez Urresti states that the *munera* must be exercised in accordance with a bishop's proper condition as a member of a college and not simply as an isolated individual. T.I. Jiménez Urresti, "La doctrina del Vaticano II sobre el colegio

Pertaining to the second point, i.e., the conditions for membership in the college, the commission refused to suppress the relevant statement in the chapter or to postulate communion with and acceptance by the pope as the only condition for incorporation into the college. The formulation of TE 22 was kept in LG except for one change:

> Membrum Corporis episcopalis aliquis constituitur vi sacramentalis consecrationis et *hierarchica* communione cum Collegii Capite atque membris.

Once again the commission did not give any direct explanation for the addition of *hierarchica* (see *Modus* 62) except that already given for *Modus* 40.[22]

Finally, the commission rejected the idea that the college's supreme and full power originates from concession by the pope or that it means sharing in papal power. It also denied that the college possesses supreme power only when it is called to strictly collegial action. The commission, nevertheless, introduced a change in TE 22 that did not come from the minority but from Philips himself, later endorsed by Bertrams and Paul VI, who observed that the previous formulation did not exclude the necessity of continuous exercise of collegial power.[23]

episcopal," *Concilio Vaticano II, Comentarios a la constitución sobre la Iglesia* (Madrid: Biblioteca de Autores Cristianos, 1966), 454. For Ghirlanda, hierarchical communion concretely means papal bestowal of canonical mission necessary for the exercise of teaching and governing. He interprets Paul VI as saying that hierarchical communion, which is generated by the pope's supreme power and authoritative acts, is constitutive of the episcopal office itself and its exercise. Ghirlanda, *Hierarchica*, 398, 294-95. He fails to consider the provisos and mutuality involved in Paul VI's use of the term. For an opinion sympathetic to Ghirlanda's, see J. Beyer, "'Hierarchica communio' Una chiave dell'ecclesiologia della 'Lumen Gentium,'" *La Civiltà Cattolica* 132/2 (1981): 464-73.

[22]See ASSC III, 8:67-68. A reference to *Modus* 35 in the explanation does not clarify "hierarchical communion" either. Betti says that the term hierarchical communion accentuates dependence on the pope as a condition for entrance into the college. Betti, *La Dottrina*, 295. Philips distinguishes consecration as *cause* from hierarchical communion as *condition* for incorporation. He goes back to the vote of orientation without accounting for the different formulations used in the schema. Philips, *L'Église*, 289. On the other hand, Rahner, without referring to the vote of orientation, uses its formulation, i.e., that legitimacy of consecration brought about by hierarchical communion incorporates into the college. Communion means recognition as a bishop in the unity of the Church. Rahner, "Articles 18-27," 198, 204. Jiménez Urresti claims that the text deals with "full" incorporation. Hierarchical communion signifies the submission of a member of the college to the head and to the college itself. Jiménez Urresti, "La doctrina," 454. For Ghirlanda, hierarchical communion is constituted by *missio canonica*, which is necessary for inclusion into the college and for the constitution itself of the college. Ghirlanda, *Hierarchica*, 398-40, 408.

[23]The former formula said "quae quidem potestas independenter a Romano Pontifice exerceri nequit." Philips, "Notes," 70. Philips' suggestion, "nonnisi consentiente R.P.," was

> Ordo autem Episcoporum, qui collegio Apostolorum in magisterio et regimine pastorali succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, subiectum quoque supremae ac plenae potestatis in universam Ecclesiam existit *quae quidem potestas nonnisi consentiente Romano Pontifice exerceri potest.*[24]

The commission thus focused on the dependence of collegial exercise of power on papal consent, thereby leaving intact the sacramental origin of collegial power and its persistence even outside of strictly collegial acts. The difference between the exercise of collegial power and papal power is also implied.[25]

b. Among the *experts consulted by Paul VI*, C. Colombo and Philips discarded Ciappi's proposals, for they would have altered substantially the sense of the text already approved. They feared that if Ciappi were followed, the conferral of *sacramental* powers and every sacred power would be made to depend on legitimacy of consecration. Ciappi's suggestions also went against the schema's doctrine that the college is a *permanent subject* of authority without implying *a permanent collegial exercise of such power.*[26]

Bertrams, with whose views Paul VI resonated, declared that contrary to the minority's fears, the schema did not endanger papal prerogatives. He, however, recommended some textual revisions to ensure that imprecise interpretations were not imposed on the text. Of the five that he recommended, only two dealt directly with the minority's main concerns. First, it

incorporated only after Paul VI's and Bertrams' views were heard by the commission in November 1964. P3/8, 110, 113.

[24]Parente preferred the older version, while C. Colombo chose "de consensu Capitis."

[25]See responses to *Modi* 77 and 84 in ASSC III, 8:71, 73. According to Betti, the text means that collegial exercise is always conditioned by norms approved by the pope. Betti, *La Dottrina*, 296. For Philips, *nonnisi consentiente* is the best among all the proposals because it puts the pope within the communion of the college in the exercise of collegial power and also supposes a positive act of the will on his part. Philips, *L'Église*, 295, and "Notes," 70, 74-75. Rahner says that supreme power, here meant primarily as power of jurisdiction, is not bestowed by the pope; but for the exercise to be truly collegial, it must take place in a way determined by positive law. The cooperation of the pope, not superimposed, is necessary as an intrinsic moment of the collegial act itself. Rahner, "Articles 18-27," 200. Jiménez Urresti links the consent of the pope to hierarchical communion by virtue of which the pope can and should require bishops to act as members of the college, especially in practical acknowledgement of the head. Jiménez Urresti, "La doctrina," 469. Ghirlanda states that the intervention of the pope is not only necessary for the exercise of collegial power, but is constitutive and determinant of the existence and essence itself of the college and of the office of bishops who form the subject of supreme and full power. Ghirlanda, *Hierarchica*, 407, 409.

[26]P3/7, 106-7.

should be stated that without hierarchical communion, the offices of teaching and governing are not constituted officially.[27] Second, the college exercises supreme power only with the consent of the pope who, looking to the good of the Church, promotes, directs and approves such exercise according to his discretion.[28]

c. *Paul VI*, following Bertrams closely, contended that some points of the schema needed to be made more precise.[29] His remarks on these points, which constituted his *modi* for November 1964, show how his concerns differed from and were similar to those of the minority. First, regarding the college as subject of supreme power, the pope wanted it made clearer that strictly collegial exercise of supreme power varies in time according to exigencies in the Church and that it is the pope's prerogative to judge the opportuneness and manner of exercising such power.[30] Like Bertrams, C. Colombo and Philips, Paul VI did not comply with the minority's demand to directly declare collegial power a mere potentiality actuated by the pope at will and thus derived from his power. The pope's proposal, which reproduced the substance of the rejected formula *uni Domino devinctus*, was not introduced into the text but into the NEP. But whereas the minority wanted to influence the question of *origin and substance* of collegial power, the pope focused on its *exercise*.

Second, Paul VI proposed that an explication of the distinction and relation between the sacramental-ontological and the canonico-juridical aspects of episcopal powers and mission be inserted in order to calm fears about the sacramentality of episcopal consecration and the *munera sacra* it confers.[31] This proposal would be picked up in the NEP, not in Chapter III.

[27]"natura sua nonnisi in *hierarchica* communione cum Collegii Capite et membris exerceri possunt, *qua deficiente potestas authentice docendi et regendi in Ecclesia* constituta non est." P3/8, 112.

[28]"quae quidem potestas *nonnisi consentiente Romano Pontifice exerceri potest, qui quoad tale exercitium promovendum, dirigendum, approbandum bonum Ecclesiae respiciens secundum propriam discretionen procedit.*" Ibid., 113. Instead of *dirigendum*, he says, "aut: *ordinandam*; aut etiam omittatur et dicatur: *promovendum, approbandum.*" Ibid. Bertrams here presents an expanded version of the *nonnisi consentiente*.

[29]C36, 665; C37, 666.

[30]"L'esercizio collegiale può variare nel tempo secondo i bisogni della Chiesa; il giudizio circa l'opportunità di questo esercizio collegiale spetta al Romano Pontefice, a cui il Signore, affidando la cura di tutto il gregge ecclesiastico, ha perciò stesso affidato anche l'autorità di scegliere il modo di attuare tale cura, sia in modo personale o collegiale." C31, 668. This is Bertrams through and through.

[31]"Per dissipare obbiezioni ed apprensioni circa il carattere sacramentale della consacrazione episcopale ed i conseguenti poteri (munera sacra) sarebbe bene dare in qualche parte dello

It seems safe to say that the doctrinal commission, Paul VI and his close advisers tried to maintain the doctrinal core of the approved schema against the substantially different position of the minority. Whatever changes they welcomed and introduced *into the text* were, to their mind, a clarification of the schema's teaching on the sacramental origin of the offices of teaching and governing, and on the college as permanent subject of supreme and full power over the Church. The interpretative principles underlying their understanding of the schema were the distinction between power and its exercise, between sacramental-ontological and canonico-juridical aspects, between permanent collegial authority and strictly collegial actions, between papal supreme power and collegial power, and the severally understood "hierarchical communion." They thought that by maintaining these differentiations and nuances, the doctrine of the schema posed no dangers, especially to papal prerogatives. But in some respects, they also revived some of the papal suggestions of May 1964, which would later find expression in the NEP.

B. THE INTENTION OF THE NEP

If Paul VI's and the doctrinal commission's declared goal in introducing changes into the text itself was not to change the substance of the doctrine but to make formulations more precise, what was the intention in having the NEP? The NEP had passed through an interesting *iter* before it was communicated to the Fathers. Paul VI's role in determining the intention and text of the NEP is to be ascertained within that *iter*.

Available documentation reveals that it was C. Colombo, more than anybody else, who had expressed to Paul VI and the doctrinal commission concern for the presentation of *modi* even before they were gathered in the vote of September 30.[32] From Philips' recollection, C. Colombo raised the issue in the doctrinal commission on October 26, and to him personally on October 31. C. Colombo suggested that the responses to the principal *modi* be gathered systematically in the form of a statement of principles to be added to the *relatio generalis* in order to give a satisfactory explanation to the minority.[33] Philips composed the *Addenda ad relationem generalem* on Novem-

Schema (ovvero nella relazione o nelle note esplicative del testo) una chiara illustrazione della distinzione e dei rapporti tra l'aspetto sacramentale-ontologico e l'aspetto canonico-giuridico della missione e dei poteri episcopali." Ibid. Bertrams' hand is present here as well.

[32]See C19, 629; and possibly C5, 605.

[33]Philips, "Notes," 67.

ber 2 to meet this request.[34] On the same day, C. Colombo handed to Philips his version of the *nota introductoria ad relationem de "modis,"* where he stated that since many of the *modi* came from a lack of full understanding of the principles governing *episcopal power* used by the commission in judging the *modi*, it might be helpful to explain them.[35]

On November 3, C. Colombo repeated the same idea to Paul VI and, for the first time, brought up as a parallel the official explanation given by Zinelli and Gasser on *Pastor Aeternus* before the definitive vote at Vatican I. This note could also serve future theological analysis of the text.[36] It should be noted that Congar had suggested personally, presumably in the doctrinal commission, that Philips intervene in the aula to explain the exact sense of the terms and doctrine of Chapter III in the way that Zinelli and Gasser did at Vatican I.[37] Philips himself had requested many times to be given the chance to do so but the presidency of the commission had consistently refused.[38] Even during the second period, some Fathers had already asked for an explanation of terms to be incorporated in the text itself or in a note.[39] In the meantime, Philips' *Addenda* were discussed and admitted by the doctrinal commission (November 6). But to everyone's surprise, on November 9, C. Colombo, who seemed to be acting as the pope's emissary, presented to the commission his version of the *nota*, which Philips thought had been abandoned. The commission decided to study it.

[34]P3/4, 98-99.

[35]"Cum multi 'modi' a Patribus propositi procedere videantur ex non plene intellectis principiis doctrinae circa potestatem episcoporum, qualis in hoc capite exponitur, iuvat hic synthetice exponere haec principia ad cuius trutinam singuli 'modi' a Commissione de doctrina fidei et morum examinati sunt." P3/5, 100. Carbone and Tromp thought that Bertrams was the real author of this *nota.* Carbone, "Discussione," 198.

[36]"Una tale 'Nota' potrebbe equivalere, anche per l'analisi teologica futura del testo conciliare, alle notevoli spiegazioni ufficiali che del testo definitivo dei capp. III e IV della Costituzione 'Pastor Aeternus' hanno dato i Relatori ufficiali *Zinelli e Gasser* (cfr. Mansi, vol. 52 verso la fine). Per questo però dovrebbe essere letta in aula prima della votazione definitiva dei 'modi' del cap. III." P3/7, 107. Betti notes that the procedure proposed by C. Colombo does not totally correspond to Gasser's report in Vatican I. Betti, *La Dottrina*, 302, n. 142.

[37]Congar, "Notices," 159. Since the anti-collegialists were reading the doctrine from the optic of novelty and dangers, an explanation was really needed. Congar, *Le Concile au jour le jour*, 3:116.

[38]Philips, "Notes," 65.

[39]See examples in ASSC II, 2:737 (V. Enrique y Tarancón), 886 (J. Souto Vizoso).

Paul VI entered the scene "officially" only on November 10, 1964, when he sent directives to Ottaviani through Cicognani, which were read to the commission on November 11. The part related to the NEP stated:

> The Vicar of Christ, who has the duty to make the new text his own and to promulgate it, consequently has expressed the desire that the text be preceded by an explanatory note of the doctrinal commission on the meaning and weight of the changes brought into the text. For such an explanation it could be opportune to keep in mind the method followed in Vatican I... In such a manner let the commission formulate an adequate response to the difficulties raised so that it would calm the minds of many conciliar Fathers and render possible a wider and interiorly more convinced adhesion in the conciliar assembly. In fact, the commission, which has good reasons for maintaining its own thinking, must also have good reasons with which to clarify difficulties.[40]

What was not openly stated though was that Paul VI might have been disturbed by interpretations of the doctrine advanced by some pro-collegialists. C. Colombo pointed to heavily "anti-Roman" articles from sectors of the majority who conceived of the pope as a *primus inter pares*. So Paul VI wanted to address those who did not admit the authority of the episcopal college and those who were endangering papal primacy.[41]

[40]"Il Vicario di Cristo, dovendo poi far Suo e promulgare il nuovo testo, ha espresso, pertanto, la volontà che esso sia preceduto da una Nota esplicativa della Commissione dottrinale sul significato e sul valore delle emendazioni, apportate al testo; e per tale spiegazione potrebbe essere opportuno tener presente il modo seguito nel Concilio Vaticano I...' In tal modo voglia la Commissione usare la carità di formulare una risposta adeguata alle difficoltà sollevate in merito, perchè ciò rasserenerebbe l'animo di molti Padri Conciliari, e renderebbe possibile una adesione più vasta e interiormente più convinta in sede conciliare. Di fatto, la Commissione, che ha buone ragioni per mantenere il proprio pensiero, così deve avere buone ragioni con cui sciogliere le difficoltà." P3/8, 109.

[41]Wiltgen narrates, without citing his sources, how Paul VI attacked some members of the minority before November 10 because of his great faith in the doctrinal commission. "Then one of the extreme liberals made the mistake of referring, in writing, to some of these ambiguous passages, and indicating how they would be interpreted after the Council. This paper fell into the hands of the aforesaid group of cardinals and superiors general, whose representative took it to the Pope. Pope Paul, realizing finally that he had been deceived, broke down and wept... This was the origin of the Preliminary Explanatory Note appended to the schema." Wiltgen, *The Rhine*, 232. C. Colombo refers to an article in *Corriere della Sera* that alarmed the pope and influenced the decision to have the NEP. See C. Colombo, "Appunti," 163. Philips also indicates some indiscretions of the majority especially toward the media. Philips, "Notes," 71. Boyer says that the NEP was also meant to curtail excesses in interpretations coming from the majority. See C. Boyer, "I vescovi secondo la constituzione conciliare de ecclesia," *Divinitas* 9 (1965): 390.

The doctrinal commission chose Philips' *Addenda* over C. Colombo's *nota* and on November 12 decided to make it the basis for the note desired by Paul VI.[42] The text was introduced by Philips in the following words, "Commissio statuit, pro facilitate lectoris, expensioni *Modorum* sequentes observationes generales praemittere." The commission, upon request of de Sto. Rosario, deleted *pro facilitate lectoris*,[43] and changed the title from *Addenda ad relationem generalem* to *Nota explicativa praevia ad expensionem modorum*.[44] Philips deplored the NEP's acquisition of an absolute character that was not part of the original intention of providing the reader with a general idea of the responses to the principal *modi*.[45]

The NEP formed part of Felici's *communicationes* on November 16. According to him, an explanatory note prefatory to the *modi* to Chapter III was communicated from superior authority. "The doctrine in the third chapter should be explained and understood according to the mind and statement of this note."[46] On the same day, Cardinal Ruffini informed the pope that the NEP had dissipated all anxiety regarding Chapter III. He also reported a plot brewing among the moderators and other sectors to minimize the value of the declarations, a fact affirmed by Dossetti.[47] But unlike Dossetti,

[42]It is now quite clear that the main textual redactor of the NEP was Philips. The pope, the commission and Bertrams provided revisions to his fundamental text. König insists it was from Felici, "La 'nota praevia' è stata una iniziativa del segretario generale... Ribadisco però la mia convinzione che la 'Nota praevia' non uscì dalla sua (Paolo VI) 'penna,' ma da quella del segretario Felici." F. König, *Chiesa dove vai? Gianni Licheri interroga il Cardinale Franz König* (Rome: Borla, 1985), 33. Rynne claims the text itself was from Paul VI. Rynne, *The Third Session*, 241. Wenger says that the redaction was done by a committee (Charue, Parente, Franic, Philips and Tromp). Wenger, *Vatican II*, 3:82. Betti is more to the point: the redactor was Philips but the inspiration came from C. Colombo and Bertrams. Betti, "Recensiones," 359.

[43]Philips, "Notes," 76.

[44]Tromp, "Extraits," 173.

[45]Ibid., 76. C. Colombo raised the technical point that the *pro facilitate lectoris* had been removed before the commission's final vote on the NEP; so the definitive text was not a mere tool for "easy reading." C. Colombo, "Appunti," 164. Prignon recalls Philips' resistance to making the NEP a manual of interpretation. See Troisfontaines, "À propos," 141-42.

[46]"Superiore denique Auctoritate communicatur Patribus nota explicativa praevia ad Modos circa caput tertium schematis de Ecclesia, ad cuius notae mentem atque sententiam explicari et intelligi debet doctrina in eodem capite tertio exposita." ASSC III, 8:10. The other two announcements concerned the regularity of the procedure and the theological qualification of the doctrine of the schema.

[47]See Dossetti's letter to C. Colombo, November 15, 1964. "Questa mattina ho sentito più d'uno tentato di resistere e cercare modi di opposizione sopratutto se si pretenderà di

who proposed a withdrawal of the NEP, Ruffini suggested that those announcements be attached to the text so that it could be correctly interpreted by all.[48] [Events went the way of Ruffini since the official publication of LG had, and from then on has had, an appendix *ex actis concilii*, consisting of the theological qualification and the NEP.[49]] On November 19, Felici reminded the Fathers that the first global vote on LG that day and the final vote on the public session of November 21 were to be done in accordance with the announcements made on November 16.[50]

From all this evidence, the intention of the NEP is seen on different levels. First, after the repeated claims by the doctrinal commission, Philips, C. Colombo, Bertrams and Paul VI that the doctrine approved by the assembly could stand, it is highly improbable that they would explicitly attribute to the NEP the goal of changing that doctrine.

Second, it follows, therefore, that the NEP would have to be an explanation of the principles operative in the text and in the commission's handling of *modi*, not a "correction" of the chapter. In fact, the desire to explain these principles to the minority had obsessed C. Colombo, and maybe even Philips and Congar. By its very nature, an explanation to reassure the minority would have had to be in some way restrictive in order to show that the dangers foreseen by them were unfounded. This intrinsic restraint was highlighted when the NEP was also conceived to curb alleged excesses of the majority. All in all, a minimalist approach to the doctrine was to be expected.

Third, the NEP came from the doctrinal commission, which normally accounted for textual corrections. In this sense, the NEP carried no more weight than that possessed by the other commission reports in view of explaining texts. The picture changes, however, when one considers Paul VI's order to have the commission compose the NEP, with the insinuation that the note was a condition for his appropriation and promulgation of the text, and when one takes Felici's announcements into consideration. The NEP, though composed by the commission, became the embodiment of

dare un qualsiasi valore speciale alla *Nota praevia*." Alberigo, "L'Episcopato," 161. Paul VI immediately instructed Felici to quell any attempt to devalue the announcements. C43, 675.

[48]"E anzi desiderio, non soltanto mio, che le provvide dichiarazioni siano unite in qualche modo al testo, perchè questo sia da tutti rettamente interpretato." Ibid., 674.

[49]AAS 57 (1965): 72-75.

[50]"Bene attendatis: *haec suffragatio fit iuxta notificationes* a me factas, superiore auctoritate, in congregatione generali 123, die 15 novembris an. 1964. Et *ita fiet suffragatio etiam in*

the will of a higher authority. All this invested the explanation contained in the NEP with solemnity and officiality, which other commission reports did not have.

Fourth, the NEP thus became "larger than itself," probably not by intention of its authors but by the way it was used. It was supposed to explain only the principal *modi*, which happened to be centered on episcopal *power* and its parameters in relation to papal primacy. Now others use it as a commentary on the whole chapter, which as a whole became susceptible to a predominantly power-oriented view.

Fifth, the turn of events also show that the now "official" explanation that was first intended to convince the minority to accept the text approved by the majority (and succeeded in doing it) became for some of the latter an undue and violent limitation of the doctrine. It was now the majority's understanding of collegiality that was put to the test.[51]

These pose interesting problems. Since there is no compelling reason to attribute to the NEP, even with its stamp of papal authority, a *direct* intention of changing the chapter's doctrine on episcopal power, what is in the schema that lends itself to a limitation in interpretation? Did the NEP restrict the doctrine to the point of altering it and virtually accepting the minority's theses rejected by the commission because they would have changed the chapter? Or did the NEP merely disclose that the schema was not as "open" as they and the majority had thought? Was it the NEP itself or the sought-for papal intervention that won over the minority? In other words, both the NEP's interpretation of the chapter and the chapter itself are put at the center of inquiry. While all these questions are important, they will only be dealt with obliquely as the discussion on Paul VI's role in the formulation of the content of the NEP is pursued.

C. THE CONTENT OF THE NEP AND PAUL VI

Each of the four points and the *nota bene* of the NEP will be investigated, with emphasis on Paul VI's contribution to their redaction and definitive formulation.[52]

sessione publica. Ideo distributum est folium separatum, quod valet semper, et hae notificationes sunt in *Actis* Concilii Oecumenici Vaticani II." ASSC III, 8:396.

[51]C. Colombo comments that the negative reactions to the NEP coming from some theologians of the majority made one wonder if it was they who misunderstood the conciliar doctrine on collegiality. C. Colombo, "Appunti," 165, n. 12.

[52]A helpful synopsis of the versions of the NEP at various stages, complete with texts of the *modi* and responses relating to each point, may be found in J. Grootaers, "Tableau

1. NEP 1

The definitive text (B") of the first point concerns the notion of *collegium*, which should not be understood in a strictly juridical sense as a group of equals delegating its power to its head. Referring to a stable group, it is used interchangeably with *ordo* or *corpus*. The parallelism between Peter and the apostles, on the one hand, and the pope and bishops, on the other, implies proportionality between the two relationships and not the transmission of the apostles' extraordinary powers to their successors, or equality between head and members of the college.

Paul VI definitely read version A, and most probably A". His comment was:

> It should be noted that parallelism does not imply equality of relationship between Peter and the Apostles on the one hand, and the pope and bishops on the other. It is necessary to say this more clearly.[53]

Philips says that two revisions, occasioned by Paul VI's suggestion, were incorporated into A", i.e., the non-transmission of extraordinary apostolic powers to bishops and the non-equality of head and members of the college.[54] But even before Paul VI commented on the text, Philips had added to version A references to the non-transmission of extraordinary apostolic powers, along with the idea of proportionality.[55] So the inclusion of remarks on extraordinary powers and inter-collegial proportionality were not

synoptique de la genèse de la Nota Praevia," *Primauté et collégialité*, 179-88. With Grootaers' permission, the important portions of his synopsis are reproduced in Appendix III. The symbols used in his synopsis will be followed:

A Philips's original *Addenda*, November 2, 1964.
A' Version with revisions brought in at the commission meeting of November 6.
A" Retouching by Philips after the said meeting.
B The project becomes the NEP, November 11.
B' Version after the commission meeting of November 12.
B" The final form.

For a historico-theological analysis of the four points of the NEP, see the unpublished thesis of C. De Rossi, "La formazione del testo della 'Nota explicativa praevia' alla Costituzione dogmatica De Ecclesia del Vaticano II (1962-1964)" (Università degli Studi di Bologna, 1973-74).

[53]"Si faccia notare che il parallelismo non implica eguaglianza di rapporti fra Pietro e Apostoli, da una parte, e Papa e Vescovi, dall'altra. Occorre dire più chiaramente." P3/8, 110.

[54]See Philips, "Notes," 76, and "La 'Nota Praevia' sur la collégialité de la constitution conciliaire 'Lumen Gentium,'" *Primauté et collégialité*, 204.

[55]Philips, "Notes," 69. Comments from the commission might have occasioned Philips' addition.

wholly attributable to Paul VI. It is more precise to say that Paul VI was not satisfied with the sheer mention of the non-transmission of extraordinary powers, and wanted a more explicit declaration of the non-equality between the apostolic college and the episcopal college.[56]

What is also striking is that though A', A" and Paul VI dwelt on the non-equality of the relationships Peter-apostles and pope-bishops (college to college), the final form goes back to the idea of non-equality of head and members *within* the college (intra-collegial) already substantially present in version A.[57] This surely accentuates the notion of *collegium* and the non-possession of extraordinary powers by bishops.

NEP 1 basically repeats the responses to *Modi* 12 and 53 for the notion of *collegium*, but also goes beyond the rather descriptive response to *Modus* 53 by resorting to a vague juridical distinction.[58] Earlier, the vote of orientation used *collegium*, *corpus* and *ordo* interchangeably. The biblical commission similarly clarified its use of the term *collegium* in response to papal *Modus* 3 (May 1964). The inter-collegial parallelism understood as proportionality in NEP 1 is contained in the response to *Modus* 57, but not in terms of non-transmission of extraordinary powers.[59] So at least in these aspects, Chapter III has been explained by the commission in substantially the same way in its responses to the *modi* as in the NEP 1.

[56]Extraordinary apostolic powers were granted equally to the apostles for the foundation of the Church during apostolic times. These powers, including universal jurisdiction, knowledge of revelation and personal infallibility, were not transmitted to the episcopal college or to individual bishops. Ordinary powers, those necessary for the conservation of the Church beyond its foundation, were not granted equally since Peter, in the already established Church, was also pastor to the other apostles. These powers, and the inequality that went with them, were transmitted to the successors of the apostles. See C. Journet, *L'Église du Verbe Incarné* (Brouwer: Desclée, 1962), especially 153-88, 197ff, 731-50, and "Les pouvoirs hiérarchiques chez les apôtres, le souverain Pontife, les Évêques," *Seminarium* 17 (1965): 76-81; Fernández-Jiménez, "Fundamentos teológicos," 275-343.

[57]Version A said: "non implicat identitatem munerum inter caput et membra." NEP 1 states: "non implicat transmissionem potestatis extraordinariae Apostolorum ad successores eorum, neque, uti patet, aequalitatem inter Caput et membra Collegii." In the *relatio* of July 3, 1964 for TE, the issue of non-equality of powers of the head and members of the college was addressed, though in contexts different from the NEP. See ASSC III, 1:237, 245.

[58]ASSC III, 8:57. The response to *Modus* 53 says, "Quod *Collegium* non intelligitur ut coetus *aequalium*, qui potestatem suam Praesidi demandarent..." Ibid., 64-65. NEP 1, however, says, "*Collegium* non intelligitur sensu *stricte iuridico*, scilicet de coetu aequalium, qui potestatem suam praesidi suo demandarent..."

[59]Ibid., 66. The response was: "Scribatur: *'pari ratione,'* ut 376 Patres satisfactionem obtineant. Expressio 'pari ratione' enuntiat *proportionalitatem* in structura utriusque collegii, non vero perfectam identitatem."

By way of conclusion, it should be said, first of all that NEP 1 and Chapter III claim essentially the same thing when it comes to the non-equality of head and members of the college, and the juridical independence of papal powers from episcopal delegation or derivation.[60] But with the expression "strictly juridical sense," NEP 1 somehow equates the juridical sense of *collegium* with the unacceptable notion of a group of equals delegating power to its head.[61] But to say that the head of the college does not get its power from the members' delegation does not have to deprive the college of any juridical quality since it is recognized in LG as the subject of supreme and full powers, which surely include juridical relationships.[62] So the desire to isolate and deny an "improper" juridical meaning to *collegium* in terms of delegation of power to its head could deplete the college itself of any juridical standing.[63]

Second, LG 22 and NEP 1 speak of basically the same inter-collegial parallelism or proportionality between Peter and the apostles, on the one hand, and the pope and bishops, on the other hand.[64] NEP 1, however, explicitates it in terms of non-transmission of extraordinary apostolic powers to the episcopal college. In so doing, NEP 1 is able to link inter-collegial inequality to the inequality within the episcopal college, since unlike extraordinary powers, which render the apostles equal, ordinary powers make both the apostles and their successors unequal in their respective colleges. This intra-collegial inequality is sufficiently stressed in the notion of *collegium* proposed both in NEP 1 and in LG. Thus the relationship between the

[60]Ratzinger says that NEP 1 simply rectifies some misunderstanding on the concept of *collegium*. J. Ratzinger, "Announcements and Prefatory Notes of Explanation," in *Commentary on the Documents of Vatican II*, 1:297-305, 299-300. Philips stresses the need seen in both the text and NEP to go to Revelation rather than to Roman and Byzantine law for the understanding of "college." G. Philips, "La constitution 'Lumen Gentium' au Concile Vatican I," *Primauté et collégialité*, 193, and "La 'Nota Praevia,'" 203.

[61]See Dossetti's notes on A or A' in Alberigo, "L'Episcopato," 157; De Rossi, "La formazione," 66; Rahner, "Articles 18-27," 198.

[62]See De Rossi, "La formazione," 66.

[63]In this sense, the *relatio* of July 1964 for TE was less restrictive when it says, "Vocabulum *collegium* non sensu iuridico de coetu perfecte aequalium intelligitur; sed de coetu stabili, a Domino instituto..." ASSC III, 1:234. References, mostly to Patristic sources on the uses of *collegium*, *ordo*, and *corpus*, are also given in the same *relatio*, 243-44. So the basic point of NEP 1 is found already in TE and in the report on it.

[64]See Ratzinger, "Announcements," 300. For Philips, NEP 1 means that the relation between Peter and apostles is also found between the pope and bishops. Philips, "La constitution," 193, and "La 'Nota Praevia,'" 205. In the response to *Modus* 89, the biblical commission's opinion that a parallelism exists between the *munus* of binding and loosing given to Peter and to the other apostles is repeated. ASSC III, 8:74.

apostolic college and the episcopal college, which LG develops in the general line of *succession*, is not only sidetracked by the preoccupation with inequality of power, but is also rendered in the dry and vague language of *proportionality*,[65] which comes from the response to *Modus* 57. So in its handling of *collegium* and intra-collegial inequality, NEP 1 focuses on power at the expense of attention to other issues.

Finally, these points raised by Chapter III, as interpreted by NEP 1, coincide with Paul VI's refusal to use the "democratic" or parliamentarian model for Church authority, and his insistence on papal prerogatives within the college.

2. NEP 2

The final version of NEP 2 covers:

a. Membership in the episcopal college by means of consecration and in hierarchical communion with the head and members.
b. The ontological sharing in sacred offices (*munera*) in consecration.
c. The distinction between *munus* and *potestas ad actum expedita*, the latter arising from canonical or juridical determination from hierarchical authority added to the *munus*. This determination, given according to norms approved by supreme authority, can consist in the granting of an office or the assignment of subjects. The plurality of subjects hierarchically exercising the offices according to Christ's will demands such regulation.
d. Communion as a lived reality in the history of the Church before being codified into law. Communion, which is an honored notion in the early Church and in contemporary Eastern Churches, is not a vague feeling but an organic reality requiring a juridical form and animated by charity, hence, hierarchical communion.
e. The documents of recent popes on jurisdiction interpreted as dealing with the determination of power.

Of all the parts of the NEP, this second point got the most number of suggested revisions from Paul VI. First, he thought it would be better to say explicitly that "a canonical or juridical determination through hierarchical authority" must be added in order to have power ready to be used. Second, it should be clarified that this power is given "according to the norms

[65]See De Rossi, "La formazione," 86, 103. Journet's commentary on collegiality is mostly centered on apostolic extraordinary powers. C. Journet, "De la Vierge Marie et de la Collégialité," *Nova et vetera* 40 (1965): 120-31.

approved (or confirmed) by supreme authority." Third, a distinction should be made between powers that require hierarchical communion for their valid exercise and those that need it only for liceity. Fourth, an explanation on how to interpret the documents of recent popes on jurisdiction seems appropriate (proposal taken from Bertrams).[66] Fifth, the reference to the pope or patriarchal authority as source of canonical determination should either be deleted or be clarified by adding *ubi jus viget* since not all Oriental Churches have a patriarch.[67] All these suggestions, except the third, were incorporated into NEP 2. Regarding the final proposal, it was Philips who ultimately opted to cancel the line.[68]

The main points of versions A and A' of NEP 2 had some links, though not of strict correspondence, to the *relatio* of July 1964; and the responses to the *modi* were kept intact till B". The following ideas could somehow be referred back to the July *relatio* on TE: the two conditions for entrance into the college (taken from the vote on October 30, 1963), the choice of the term *munus* over *potestas* (though not discussed in the context of consecration as in NEP 2), the communion demanded by the very nature of the offices of teaching and governing for their exercise (going back to the papal suggestion of May 1964).[69] The responses to *Modi* 40 and especially 96, explain that communion is not a mere feeling but is of a

[66]"N. 2'-'Ut vera talis expedita potestas habeatur, accedere debet... etc.' sarebbe bene aggiungere esplicitamente: accedere debet CANONICA, SEU JURIDICA DETERMINATIO PER AUCTORITATEM HIERARCHICAM, quae consistere potest etc. et quae datur... sarebbe bene precisare 'et quae (potestas) IUXTA NORMAS A SUPREMA AUCTORITATE ADPROBATAS (seu SANCITAS) datur...' (cfr. Schema pagina 67, linea 17 ad n. 24 c. III). Così sarebbe bene aggiungere una parola per distinguere le potestà che richiedono la comunione gerarchica per il loro VALIDO esercizio da quella che la richiede per la sola LICEITA' (potestas ordinis)... Infra N. 2' Post verba: 'exerceri debent...' videtur addenda explicatio: 'Documenta recentiorum Summorum Pontificum circa jurisdictionem Episcoporum interpretenda sunt de hac necessaria canonica determinatione potestatum." P3/8, 110-11. Bertrams had a similar proposal: "Documenta Ecclesiae quae affirmant potestatem iurisdictionis conferri a Summa Pontifice, referuntur ad potestatem iuridice in Ecclesiae constitutam; mentionem non faciunt munerum docendi et regendi, quatenus haec secundum realitatem ontologicam, sacramentalem conferuntur per consecrationem episcopalem." Ibid., 112-13.

[67]"Al N. 2, dove è detto: per auctoritatem hierarchicam, nempe Summa Pontifice, vel, in Ecclesiis Orientalibus, ab auctoritate patriarchali... Si chiede se non convenga fermare la frase alle parole: 'per auctoritatem hierarchicam,' togliendo le seguenti; ovvero: lasciando la frase intera, inserendo tuttavia. dopo le parole 'in Ecclesiis Orientalibus,' questo inciso: 'ubi jus viget,' perchè non pare che in tutte le Chiese Orientali vi sia un Patriarcha (per es.: nelle Chiese Malabariche e Malancariche)." C39, 672.

[68]Philips, "Notes," 81.

hierarchical nature governed by juridical norms, and that communion is first a lived reality before being codified.[70] These ideas were retained in B" despite the introduction of the papal changes.

Paul VI's main concern with his suggestions seems to be the juridical determination by hierarchical authority, through norms approved by it, of the *munus* bestowed at consecration in order for the sacramental power to pass into *exercitium*. He is echoing the *nota bene* of the vote of orientation, which says, "actuale exercitium potestatis Corporis Episcoporum regitur ordinationibus a Romano Pontifice adprobatis."[71] The pope seems to maintain the sacramental *origin* of episcopal powers and the distinction between these powers and their *exercise*. From the papal comments on NEP 2, it is safe to conclude that canonical determination of the episcopal *munera* does not confer new inner powers, for that would undermine the sacrament itself, but regulates them in view of the whole college of officeholders.[72] Neither does he imply that this juridical "placing" should only come from the pope.[73] But Paul VI still makes clear that to the sacramental datum must be added a determination of a juridical and hierarchical nature.[74] This precision, how-

[69]For the two conditions, see ASSC III, 1:242-43. But no explanation is given as to why the question of orientation dealt with *legitimate* consecration, whereas TE talks of *sacramental* consecration. For the couplet *munus-potestas*, the report says, "Statuitur deinde parallelismus inter successionem Petri in Romano Pontifice et successionem Apostolorum in Episcopis, adhibito verbo 'munus,' quia revera agitur de officio seu ministerio regulariter exercendo; quod nonnisi incomplete per vocem 'potestas' exprimitur..." Ibid., 237. For communion in the exercise of teaching and governing, the report goes back to Paul VI's suggestion, which was eventually incorporated into the text, saying that the said offices "*natura sua* nonnisi in communione... exerceri possunt." Ibid., 240. Note, however, that it did not yet say *hierarchical communion*.

[70]ASSC III, 8:62, 76.

[71]Philips concludes from this affinity between the pope's suggestion and the vote of orientation that Paul VI did not propose anything against the spirit or letter of the council. Philips, "Notes," 77.

[72]Of this view are Philips, "La constitution," 194; O. Semmelroth, "Die Lehre von der kollegialen Hirtengewalt über die Gesamtkirche 'unter Berücksichtigung der angefügten Erklärungen," *Scholastik* 40 (1965): 169, 171; E. Olivares, "Análisis e interpretaciones de la 'Nota Praevia explicativa,'" *Estudios Eclesiasticos* 42 (1967): 192-94. Holding the opposite view is Dulac, who claims that the *munus* received at consecration is an aptitude requiring an intrinsic complement to become a formal *potestas*. R. Dulac, "La doctrine conciliaire de la collégialité épiscopale," *La Pensée Catholique* 93-94 (1964): 56, n. 83.

[73]It should be noted that Paul VI suggested the deletion not only of the reference to Patriarchs but also to the Supreme Pontiff as source of canonical determination, and left the more general term *hierarchical authority*. Besides, even as Cardinal Montini, he had already expressed in the first period his reservations with the idea that the pope is the only source of jurisdiction.

ever, when taken in the context of NEP 2, still leaves open the question of how essential the *potestas ad actum expedita* is for entry into the college.[75] How does one account for the participation of bishops in universal power if the canonically determined power comes with the assignment of a particular Church or office?[76] Is there a difference in substance between offices received at consecration and the capability to put them into use?

These questions need to be addressed together with a clarification of the notion of *hierarchica communio* and its relation to consecration as a condition for collegial membership, i.e., are they on the same level? Hierarchical communion as used in NEP 2 is manifoldly interpreted.[77] For Ratzinger, the term means that sacramental communion is the fundamental structure of the Church both juridically and ontologically.[78] While others deplore it as a diminution of the sacrament, others extol it as the juridical grounding of episcopal powers.[79] Dossetti finds it an absurd formula that renders impossible the recognition of the Oriental Churches not in full communion with Rome.[80] Philips focuses on the ordering of the mission of many persons, requiring a hierarchical organization.[81] Therefore, a definitive interpretation of the notion of *hierarchica communio* used in LG 21 and 22 (as a requisite for the exercise of teaching and governing and for membership in the college, respectively), and inadequately explained in the response to *Modi* 40 and 96, is not attained in NEP 2. But unlike Paul VI's nuanced use of the term in the

[74]Acerbi, *Due ecclesiologie*, 469.

[75]The question is raised by Semmelroth, "Die Lehre," 169. Journet holds that consecration gives initial membership, but full incorporation comes from canonical determination, which results in hierarchical communion. Journet, "De la Vierge Marie," 127.

[76]See Dossetti, in Alberigo, "L'Episcopato," 158.

[77]With the mention of communion as a notion revered especially in the East, it can be surmised that hierarchical communion might be a way of capturing for the West the Eastern idea of *sobornost*. In 1951, Congar himself presented *sobornost*, which he translated as *collegiality*, as the meeting of two ecclesiological components, i.e., structural/hierarchical and communion of life. These two literarily combine to form *hierarchica communio*. See Congar, "Le peuple."

[78]Ratzinger, "Announcements," 301-2, and "La collegialità episcopale dal punto di vista teologico," *La Chiesa del Vaticano II* (Florence: Vallecchi, 1965), 754.

[79]Even from the opening lines of NEP 2, Alberigo and De Rossi see an undermining of the sacramental aspect since it refers to *vi consecrationis episcopalis*, instead of *vi sacramentalis consecrationis*. Alberigo, "L'Episcopato," 159; and De Rossi, "La formazione," 134. Dulac exalts in the rehabilitation of "the juridical" contained in the notion. Dulac, "La doctrine," 57, n. 86. Ghirlanda uses the context to question again the sacramental origin of jurisdiction. Ghirlanda, "Riflessioni," 330.

[80]Dossetti, in Alberigo, "L'Episcopato," 157.

[81]Philips, "La 'Nota Praevia,'" 194.

opening speech of the third period, the accent of NEP 2 falls on the juridico-hierarchical intervention of supreme authority in the exercise of episcopal powers, as differentiated from their ontological reception in the sacrament. On the effect of this canonical action, which establishes hierarchical communion on the validity and liceity of the exercise of power, NEP 2 is silent, by deliberate choice of the doctrinal commission. Neither does NEP 2 explain LG 21, which says that the *munera docendi et regendi natura sua* can be exercised only in hierarchical communion. Does the lack of canonical determination touch the sacramental core or only the exercise?

Does hierarchical communion stand on the same level as consecration as a condition for incorporation into the college? Philips claims that the response to *Modus* 63 shows that the two conditions are not of the same order.[82] Ratzinger and Olivares seem to give primacy to the sacrament, which is the basis for both the formation of the college and the hierarchical expression of communion.[83] De Rossi thinks, however, that though the diverse valuation of consecration and hierarchical communion is maintained, NEP 2 is preoccupied with the obligatory and authoritative sense of communion with the pope, who is called *Ecclesiae Caput* rather than head of the college.[84] Journet attributes to hierarchical communion, resulting from juridical determination of the *munera*, full incorporation into the college.[85] Although the notion of hierarchical communion is variously interpreted, NEP 2 does not seem to negate the "ontological" primacy of the sacrament and its effects for incorporation into the college and for the exercise of the *munera docendi et regendi.* It actually retains the exact formulation of LG 22, i.e., *vi consecrationis et communione hierarchica.* The implications of that primacy, however, are left open for further discussion. For example, can levels of membership in the college be admitted to accommodate those who have ontological participation in the powers but not in hierarchical communion?

[82]Ibid., 205. Among the proposals in *Modus* 63, the second wanted to say that membership is *vi sacramentalis consecrationis et communionis* (genitive) instead of the ablative *communione.* It was rejected because: "secunda potius suggereret utrumque elementum eiusdem ordinis esse." ASSC III, 8:68-69.

[83]Ratzinger, "Announcements," 301; Olivares, "Análisis," 197-98. The latter implies that, upon consecration, a bishop is incorporated into the college in the reception of power over the whole Church, though not yet ready for use. Sacramental empowerment is anterior to the formation of the college and not vice versa.

[84]De Rossi, "La formazione," 134.

[85]Journet, "De la Vierge Marie," 121-22, 127.

NEP 2, even with Paul VI's revisions, does not create a new juridical or hierarchical requisite for the exercise of episcopal powers or for incorporation into the college that is not already contained in LG, thanks in part to the thirteen papal *modi* and the vote of orientation. Neither does it deny the sacramental foundation of episcopal powers and communion the way the minority would have wanted. It could be surmised that the stress on the canonico-hierarchical role of supreme authority serves a psychological purpose.

3. NEP 3

NEP 3 deals with the college's plenitude of power and its functioning.

a. It is necessary to admit the college as subject of supreme and full power lest the pope's power be endangered.
b. The college exists with its head, whose office as Vicar of Christ and pastor of the Universal Church remains intact in the college.
c. The distinction is not between the pope and the bishops taken collectively, but between the pope separately and the pope with the bishops.
d. As head, some acts pertain to the pope alone. He judges how the care for the whole Church is to be exercised, whether personally or collegially, according to the Church's needs in the course of time.
e. Regarding collegial action, the head proceeds according to his own discretion, keeping in view the good of the Church.

Commenting on the assertion of version A that fullness of power is attributed to the college in order not to jeopardize papal power, Paul VI wanted it explained that collegial power is full because it includes the head of the college *with all his authority*. He recommended adding a fifth point to the *Addenda* on this topic. The pope, like version A, referred to *Modus* 81.[86]

[86]"Nella Nota introduttiva generale si veda di spiegare perchè la 'suprema potestas collegialis' è anch' essa PLENA – Cfr. Modum 81: perchè anch' essa comprende il Capo del Collegio con tutta la sua autorità. Nelle 'Addenda': sarebbe bene aggiungere un 5° punto su questo argomento, che è importante." P3/8, 111. *Modus* 81 proposed to remove the word *plena* from the description of collegial power since it might compromise the pope's fullness of power. The response: "Textus agit de *suprema* potestate, quam tribuit collegio, *una cum et sub Capite suo*, Romano Pontifice; talis potestas necessario dicenda est *plena*. Per suppressionem vero propositam, ipsa plenitudo potestatis Romani Pontificis in discrimine poneretur. Collegium enim necessario et semper Caput cointelligit; a.v. distinctio non est inter Romanum Pontificem et ceteros Episcopos collective sumptos, sed inter Romanum Pontificem seorsim et Romanum Pontificem simul cum Episcopis..." ASSC III, 8:72-73.

Philips claims that, in the light of this remark from Paul VI, two major items were added to version A, i.e., that the papal office remains whole in the college and that the pope judges the manner of exercising supreme power in the Church.[87] The exact formulation of the additions, however, was not from Paul VI's list of emendations for the *Addenda*, but resembles passages from his November 1964 *modi* for the chapter, the vote of orientation (Note B), the *relatio* of July 1964 (especially responses to the thirteen papal *modi*), TE itself and Bertrams, all confirming papal power within the college.[88] By relying on these sources, the commission was retracing a path it had already walked, while reopening issues like the origin of collegial power, the unicity or duality of the subject of supreme power, and the *uni Domino devinctus*. Did the commission address these issues in NEP 3 in the same way it did earlier?

First, NEP 3 says that the denial of full power to the college imperils the pope's plenitude of authority. For Ratzinger, this explanation seems to portray collegiality as a mere *derivation* from papal power.[89] Acerbi sees NEP 3 ascribing to the college an authority with the same extension and value as papal power, but equally *dependent* for its existence on primatial power.[90] Journet, in terms similar to a *modus* submitted by Ciappi, concludes too that the college enjoys the same authority as the pope's, but as a *participation* in his supreme power, which he communicates to the college.[91] Philips[92] and Semmelroth[93] state that the college's power is clearly neither delegated

[87]Philips, "Notes," 77, 79, and "La 'Nota Praevia,'" 208.

[88]Compare NEP 3, "quod in Collegio integrum servat suum munus Vicarii Christi et Pastoris Ecclesiae universalis," with LG 22: "Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intellegatur, huiusque integre manente potestate Primatus in omnes sive Pastores sive fideles. Romanus enim Pontifex habet in Ecclesiam, vi muneris sui, Vicarii scilicet Christi et totius Ecclesiae Pastoris, plenam, supremam et universalem potestatem, quam semper libere exercere valet." Question 3 of the vote of orientation says of the head "cuius salvum et integrum remanet ius primatiale in omnes pastores et fideles." The July 1964 report has the following line: "Romanus Pontifex igitur suos collaboratores cum plena libertate eligit sive ex Episcopis sive ex aliis, secundum suam prudentiam, de qua ipse est iudex." ASSC III, 1:244. In one of Bertrams' proposed changes for the constitution itself, the following is found, "quae quidem potestas nonnisi consentiente Romano Pontifice exerceri potest, qui quoad tale exercitium promovendum, dirigendum, approbandum bonum Ecclesiae respiciens secundum propriam discretionem procedit." P3/8, 113.

[89]Ratzinger, "Announcements," 302-3.

[90]Acerbi, *Due ecclesiologie*, 469, n. 85.

[91]Journet, "De la Vierge Marie," 125-29. For Ciappi's opinion, see n. 15 above.

[92]Philips, "La constitution," 195.

[93]Semmelroth, "Die Lehre," 173.

nor participatory, at least in LG. Striking a more neutral note in another study, Ratzinger says that the basic affirmation is that collegial power is not a reality separate from the pope, but one that affirms unity with him, without destroying his independence.[94] It cannot be denied, therefore, that NEP's explanation of the college's fullness of power gives prominence to dependence on and unity with papal power for both existence and exercise so that it paves the way for limiting interpretations of such dependence in terms of derivation and participation. The unity between head and members on the level of plenitude of power is not directly expressed in such a restrictive manner even in LG, although the commission could have possibly understood it in a similar way, as evidenced from the response to *Modus* 81.

Second, the preceding point spills over into the question of how many subjects of supreme power there are and how to interpret NEP 3's distinction between the pope alone and the bishops with the pope. Although the commission refused to settle this problem,[95] the dependence of collegial power on primatial power in NEP 3 is taken by Acerbi as supportive of the thesis of one subject of power, namely the pope.[96] Hering, who tries to prove from NEP the falsity of collegiality taught in Chapter III, deduces from NEP 3 that the pope is the only subject of power, for he can stand separately while bishops must act with him to possess power.[97] For Journet, on the other hand, the college enjoys the one unique supreme authority that is exercised in two different ways by two inadequately distinct subjects (based on NEP's distinction between pope and bishops together with the pope). But it is through the pope's communication of full power that the college becomes such a subject.[98] So NEP 3 cannot be counted on to conclusively resolve this question. By combining a rather restrictive explanation of the college's full power with an "inadequate" distinction between pope and bishops together with the pope, the commission gives advocates of differing theories enough support for their respective ideas.

[94]Ratzinger, "La collegialità episcopale," 755.

[95]See response to *Modus* 80 in ASSC III, 8:72.

[96]Acerbi, *Due ecclesiologie*, 473.

[97]G. Hering, "È vero o falso il principio della 'Collegialità Episcopale'?" *Palestra del Clero* 44 (1965): 587-88. Hering's argumentation is refuted in C. Colombo, "Lettera al Direttore di *Palestra*," *Palestra del Clero* 44 (1965): 969-76.

[98]Journet, "De la Vierge Marie," 124-25. The unicity of power in duplicity of subjects is also held by Parente and Suenens, but they do not explain it in terms of participatory power.

Finally, NEP 3 has an extended treatment of the pope's discretionary freedom and judgment in determining the exercise of supreme power, whether personally or collegially. It calls to mind some of the thirteen papal *modi* (May 1964), particularly the formulae: *quam (potestam) semper et libere exercere valet* (R.P.), *(supremae et plenae potestatis) iuxta Capitis ordinationem exercendae*, and *dummodo Ipse (Papa), uni Domino devinctus, eos ad actionem collegialem vocet* and the papal *modi* of November 1964. All these suggestions pointed to the pope's independence from any human authority and his freedom to regulate collegial action. For De Rossi, NEP 3 so expands the pope's free choice and unconditional discretion that it severely restricts what LG has left open and reinstates what the commission had rejected, for example, the papal *modus* of May 1964 that described papal power *quam semper et libere exercere valet.*[99] Alberigo laments the fact that whereas the vote of orientation left to the Holy Spirit the harmonization of papal and collegial powers (Note C), NEP resorts to institutional guarantees centered on the pope.[100] On the other hand, Ratzinger, without denying the re-emergence of the substance of rejected formulae like the *uni Domino devinctus*, sees inherent limits on papal power set by NEP, e.g., the *intuitu boni Ecclesiae* precedes the *propria discretione.*[101] Philips also calls it progress when NEP 3, following Bertrams' proposal, says that the pope looks to the promotion of collegial action (*ad collegiale exercitium promovendum*) and not only to its regulation or approval.[102]

The "reminders" of the pope's inalienable independence and freedom of choice concomitant to his primacy are not exclusive to NEP 3. They are present in LG, particularly in parts that had accommodated some of the thirteen papal *modi* and in the official commission reports. Even the rejection of the *uni Domino devinctus* formula did not amount to a total denial by the commission of what it said in substance.[103] It is therefore not surprising that it was substantially inserted into the NEP through a reformulation of the same idea. More astonishing is the preponderance and redundancy of such references, especially in NEP 3, which is supposed to deal with the

[99]De Rossi, "La formazione," 269, 272.

[100]Alberigo, "L'Episcopato," 160.

[101]Ratzinger, "Announcements," 303.

[102]Philips commends Bertrams for this formulation. Philips, "La 'Nota Praevia,'" 209.

[103]The *relatio* of July 1964 said, "Incisum autem 'uni Domino devinctus' Commissioni *non placuit*: a) quia duae priores novae insertiones eam *inutilem* reddunt, scilicet: 'Papa semper libere agere potest,' et: 'potestas Episcoporum independenter a Romano Pontifice exerceri nequit.' Sensum enim insertionis 'uni Domino devinctus' videtur in intentione suggerentium praecise excludere altiorem auctoritatem humanam, quam Romanus Pontifex observare deberet." ASSC III, 1:247.

college's supreme and full power. Collegial power is not directly denied but the insistence on the papal role does not add new light to the reconciliation between Vatican I and collegiality. NEP 3 clearly shows how papal primacy is not menaced by collegiality, but it fails to elucidate adequately how collegiality is not diminished by papal power.

4. NEP 4

NEP 4 talks of the relation between the pope and bishops in collegial acts.

a. The pope, as supreme pastor of the Church, can exercise his power at all times according to his will, as required by his office.
b. Though the college always exists, it does not engage permanently in strictly collegial acts. This means that it is in full act only at intervals and only with the pope's consent.
c. To require the head's consent excludes the idea of dependence of collegial acts on someone extrinsic to the college. The word "consent" rather evokes communion with the head and the necessity of a positive act on his part. Norms approved by supreme authority must always be observed in such actions.
d. The union of bishops with the head signifies that bishops cannot act as a college without the head's action.

Paul VI did not have any specific comments on NEP 4, probably because most of its points simply elaborated on those of NEP 3 and some of the May and November *modi* he had submitted. NEP 3 and 4 actually use the same parts of the July 1964 *relatio* dealing with the pope's independence from the college and the college's dependence on the pope.[104] The link between the papal office and the free exercise of papal power is already found in LG 22.[105] The permanent existence of the college in spite of the intermittent nature of the full exercise of its power is asserted in the responses to *Modi* 67, 77 and 106, all rejecting appeals to confine the existence of the college to the occurrence of strictly collegial acts.[106] Does NEP 4 contribute anything new?

First, Ratzinger says that the description in NEP 4 of the papal use of power as something that *omni tempore ad placitum exercere potest* seems to as-

[104]See ibid., 240, 244-45, 247.

[105]"Romanus enim Pontifex habet in Ecclesiam, vi muneris sui, Vicarii scilicet Christi et totius Ecclesiae Pastoris, plenam, supremam et universalem potestatem, quam semper libere exercere valet." LG 22.

[106]See ASSC III, 8:69-71, 78.

cribe absolute power to the pope and goes beyond Paul VI's *uni Domino devinctus*, which at least recognized accountability to God. However, NEP 4 also adds *sicut ab ipso suo munere requiritur*. So the pope is simply being shielded from external tribunals, not from the answering to internal exigencies of his office and needs of the Church. Still, Ratzinger thinks that because of their heavy juridical character, formulae like *ad placitum* and *secundum propriam discretionem* could easily lead to the neglect of the moral need to listen to bishops and of bishops' moral obligation to take initiatives.[107]

Second, the reference to strictly collegial acts (juridically binding on the whole Church because it engages a juridical act of supreme and full power) does not eliminate degrees of collaboration.[108] A comparison of the various redactions of NEP 4 confirms the open character on this point of the final text, which basically conforms with LG.[109] Paul VI's analogical use of the concept of collegiality also blends with this interpretation.

Third, two different interpretations exist regarding the *nonnisi consentiente Capite*, whose history was discussed earlier in the commission. Philips finds it the best formulation for keeping the pope within communion, without depriving him of freedom. According to him, those who want to stress *sub Petro* prefer *nonnisi dependente*.[110] De Rossi, however, sees in *nonnisi consentiente Capite* and its history the emphasis on *sub Petro* rather than *cum Petro*.[111] This is another instance when NEP's formulae are themselves open to manifold interpretations.

Finally, *coniunctio Episcoporum cum Capite suo* replaced *cooperatio* in version A. Dossetti already indicated that this mention of cooperation was against Paul VI's *una cum patribus* formula of promulgation.[112] For De Rossi, *coniunctio* goes beyond cooperation and is more in keeping with conciliar terminology.[113]

In many ways, NEP 4 does not add anything new to NEP 3 and to LG, especially in the concern to highlight the juridical independence of the pope and the dependence of the college on him. As Ratzinger indicated,

[107]Ratzinger, "Announcements," 303-4, and "La collegialità episcopale," 755-56.

[108]Philips, "La constitution," 195; Ratzinger, "Announcements," 304, and "La collegialità episcopale," 756.

[109]De Rossi, "La formazione," 308. See LG 23.

[110]Philips, "La constitution," 195, and "La 'Nota Praevia,'" 210.

[111]De Rossi, "La formazione," 332. De Rossi's interpretation may not be too accurate. It should be recalled that in the history of the *una cum patribus* formula, Carbone said that *consentire* was inadequate to express the prerogative of the pope, and hence, the *sub Petro*.

[112]Dossetti, in Alberigo, "L'Episcopato," 158-59.

[113]De Rossi, "La formazione," 347.

NEP 4 also puts forth limits to the exercise of papal power intrinsic to the papal office itself. Like NEP 3, however, it says more about the pope than about bishops and can be construed, by that very fact, as limiting collegiality. But it is also more open in recognizing acts of the college that are not of the strictly collegial nature.

5. Nota Bene

The *Nota Bene* has two points:

a. Without hierarchical communion, the sacramental-ontological *munus*, which is distinguished from its canonico-juridical aspect, cannot be exercised.
b. The commission decided not to enter into the question of liceity and validity, especially of powers actually exercised in separated Eastern Churches.

The first point simply repeats the general idea of NEP 2. The second point amounts to a rejection of Paul VI's proposal to determine which powers require hierarchical communion for valid and for licit exercise. NEP is content with a general remark that the *munus* cannot be exercised without hierarchical communion. The *de facto* exercise of the episcopal office by the Orthodox is left to the discussion of theologians, as already stated in responses to *Modi* 43 and 153.[114] Ratzinger suggests that these general points of the *nota bene* be supplemented by the historical view of NEP 2, the Decree on Eastern Catholic Churches 27, and the Decree on Ecumenism 15 for a balanced view of the problem.[115]

6. Chapter III of LG and the NEP[116]

It is now time to consider how the NEP stands in relation to Chapter III of LG in terms of doctrinal content. Bearing in mind the points raised about the intention of the NEP and its redaction, we ask the following: Does its interpretation alter the doctrine in Chapter III of LG? What does

[114]See ASSC III, 8:63, 87. See comments of Philips, "La constitution," 196, and "La 'Nota Praevia,'" 212. In his response to the second of the thirteen papal *modi*, Philips also referred to the commission's decision not to enter into the theological and canonical explanation of the *de facto* exercise among the Orthodox of episcopal powers. Grootaers, "Pièces," 135.

[115]Ratzinger, "Announcements," 305.

[116]Helpful insights are found in H. Rikhof, "Vatican II and the Collegiality of Bishops," in *Collegiality Put to the Test* (London: SCM Press, 1990), 3-17.

it reveal about the chapter itself? What theologico-juridical weight should be vested in the NEP?

Does NEP's restrictive interpretation of the doctrine in Chapter III of LG amount to a substantial change?

As indicated earlier, it could be taken for granted that the doctrinal commission and Paul VI did not directly intend to change Chapter III according to the minority's stipulations and that a restrictive explanation could be expected from the very nature of the NEP. But does that interpretation alter the doctrine? Let us survey some opinions.

Many authoritative commentators on LG and the NEP conclude that no substantial change has been introduced by the note to Chapter III.[117] For example, by breaking down the whole NEP into its thirty-nine basic affirmations and comparing them with LG, Olivares shows how the NEP repeats expressions from LG, explains the sense of words in the constitution, explicates its doctrinal content, gives reasons for the use of some terms, indicates that the doctrine corresponds to Tradition, and explicitates ideas implicit in LG.[118] The NEP merely facilitates reading and understanding through its organic presentation of principles.[119] In fact, the NEP is so faithful to LG that the dialectic, ambiguities and currents of thought operative, but not always reconciled, in LG are all reflected in the NEP.[120] It is to be admitted, however, that the NEP interprets Chapter III in a conceptual, scholastic fashion that integrates the chapter into a more juridical theology.[121] Thus, the NEP tries to resolve clashing theological models and ten-

[117]See Philips, "La constitution," 192-93, and *L'Église*, 66; Laurentin, *L'enjeu du concile*, 3:260; Wenger, *Vatican II*, 3:86; W. Bertrams, "Il soggetto del potere supremo nella Chiesa," *Il Concilio Vaticano II*, 4:535; Domínguez del Val, "Colegialidad en el Vaticano II," *Salmanticensis* 12 (1965): 539; Grootaers, "Le rôle," 367 (connects the NEP with the vote of orientation); Betti, "Recensiones," 357, 359-60 (supports Philips'conclusion and dismisses the implication that the doctrinal commission, through the NEP, corrected its own mistakes in LG); Ratzinger, *Ergebnisse*, 60, and "La collegialità episcopale," 752; Schillebeeckx, *L'Église*, 160ff.

[118]Olivares, "Análisis," 186-90.

[119]Philips, "La 'Nota Praevia,'" 203, 213-14, 216; Parente, from an article in *L'Avvenire d'Italia* (January 21, 1965), quoted in Laurentin, *L'enjeu du concile*, 3:263; C. Colombo, "Lettera," 971, 973.

[120]See Congar, *Le Concile au jour le jour*, 3:62; C. Moeller, "Origine et développement de la thème de la collégialité à Vatican II," *Euntes Docete* 20 (1967): 454; Ratzinger, *Ergebnisse*, 60.

[121]Delhaye, "Quelques souvenirs," 164; Philips, *L'Église*, 66; Congar, *Le Concile au jour le jour*, 3:62; Ratzinger, "La collegialità episcopale," 752. Philips is quick to point out that subtle juridical precautions will always be less efficacious than the spirit of true fraternity

dencies by stressing the limitation of episcopal power and its dependence on the pope; the dialectic weighs in favor of the pole of papal primacy and full harmonization has been unsuccessful both in LG and in the NEP.[122] Besides, the NEP does not settle issues deliberately left open in the constitution.[123] In this manner, NEP offers a restrictive but open-ended interpretation of Chapter III.

Two groups of commentators find discrepancies between Chapter III and the NEP. On the one hand, there are those who find that the NEP uses concepts, terminology and theses of the minority already rejected by the doctrinal commission, a last attempt by the minority to weave themselves into the fabric of conciliar thought.[124] On the other hand, some adversaries of collegiality take the NEP as a proof that the doctrine found in Chapter III is false and is providentially being corrected by the NEP.[125] These two positions suffer, respectively, from over-exaltation and vehement repudiation of LG. They need to be critically evaluated.[126]

It can be said that the restrictive and maybe unbalanced interpretation by NEP of Chapter III, when taken in the context of the intention of NEP and its redactional history, does not add anything novel to LG. It already possesses those juridically limiting "potentials." These will be clarified in the next point.

What does the NEP reveal of LG itself?

As some scholars already hinted above, the NEP mirrors the limits and inner tensions in LG arising from the lack of full integration among theological tendencies.[127] Schillebeeckx points out the doctrinal minimalism of

in the college. Philips, "La 'Nota Praevia,'" 214. For Schillebeeckx, the NEP proves that the minority was not against collegiality itself but against the vague and diplomatic formulations of LG. Quoted in J. Grootaers, "L'opinion publique en Belgique et aux pays-bas face aux evenements conciliaires de 1963 et 1964," *Paolo VI e i Problemi Ecclesiologici al Concilio,* 442.

[122]Rouquette, "Les derniers jours," 106; Congar, *Le Concile au jour le jour,* 3:115; Ratzinger, *Ergebnisse,* 60.

[123]A number of them are listed in Philips, "La 'Nota Praevia,'" 212-13.

[124]Alberigo, "L'Episcopato," 154, 159, 162; Dossetti, in ibid., 157; De Rossi, "La formazione," 106 (pertaining to NEP 1). Rikhof also points to the secrecy surrounding the composition of the NEP as a sign that its content was against the intention of the conciliar Fathers. Rikhof, "Vatican II," 16.

[125]Hering, "È vero," 586-92.

[126]Grootaers devotes time to explain the infighting within the minority and majority camps. He observes that the "maximalists" or extremists in both groups were opposed to the NEP for opposite reasons: for not going far enough in changing the doctrine (extreme minority) and for altering it (extreme majority). Grootaers, "Le Pape," 54-57.

LG itself, especially in its handling of collegiality. For him, LG, even without the NEP, did not approve collegiality the way imagined and hoped for by some theologians, especially the ecclesial duty of the pope to act collegially in a way that his role as supreme pastor is seen in the light of headship of the college.[128] Alberigo goes back to Philips' original text of *De Ecclesia*, which became the basis for subsequent redactions, and sees its indebtedness to the preparatory commission's draft.[129] De Rossi also admits that corrections brought into the text in the course of the council stressed the primacy of the papacy and its independence from the college.[130] Thus, Chapter III itself is open to a limiting interpretation, with or without the NEP. The NEP brought that reality home forcefully. Those of the thirteen papal *modi* incorporated into the chapter contributed greatly to the limitation of the chapter itself. Schillebeeckx even considers the restriction provided by the NEP—for example, on the papal obligation to act collegially, which is more undetermined in LG—a *blessing*, for now that papal powers are unharmed by the episcopate, the papacy must prove that the episcopate is not injured by it.[131]

What doctrinal and juridical weight does the NEP have?

Many theologians are of the opinion that the NEP, though an authoritative interpretation of Chapter III of LG, is still neither part of the constitution nor was it voted and passed by the assembly. The object of the vote was LG itself, for which nothing can substitute.[132] However, C. Colombo attributes to it the same value as LG to which it constitutes a "morally necessary clarification," and this from pontifical authority and magisterium.[133]

[127]Ratzinger, *Ergebnisse*, 60; Laurentin, *L'enjeu du concile*, 3:262. Moeller pinpoints the presence of the following couplets in NEP: *communio-potestas, in vita-in iure, affectu-organica.* Moeller, "Origine," 454.

[128]Schillebeeckx, in Grootaers, "L'opinion," 439; and Schillebeeckx, *L'Église*, 160-62. He says that LG, without the NEP, did not determine whether there is a unique subject of supreme power; it says that without the pope, there are no collegial acts, and that if the pope distances himself, initiatives of bishops lose their collegial character. Neither does LG pronounce on the pope's duty to act collegially. See also Domínguez del Val, "Colegialidad," 529.

[129]Alberigo, "L'Episcopato," 154.

[130]De Rossi, "La formazione," 208-10.

[131]Schillebeeckx, *L'Église*, 162.

[132]See Ratzinger, *Ergebnisse*, 48, 62, and "La collegialità episcopale," 752; Parente, in Laurentin, *L'enjeu du concile*, 3:263; Betti, *La Dottrina*, 340-42. Semmelroth flatly says it is not a conciliar text. Semmelroth, "Die Lehre," 161.

[133]C. Colombo, "Appunti," 165.

Bertrams considers the NEP the council's interpretation of collegiality since LG was voted on and promulgated according to the sense provided by the note.[134] For Acerbi, the NEP remains a document of the doctrinal commission. It used formulae that set boundaries to the meaning of the text, which should be distinguished from the accessory reasoning brought to support a certain interpretation of the text. The latter should not be considered binding or approved in the vote.[135]

It can be argued that the authoritative and official nature of NEP coming from the pope's "authorship" and its role in the final approval and promulgation of LG does not have to be denied to "relativize" its theological import. In the first place, the NEP is not an interpretation of the whole constitution but only of a *chapter*.[136] This should even be made more precise by saying that the NEP deals with that aspect of Chapter III centered on *episcopal power*, mainly in its relation to papal prerogatives. The NEP's history cannot hide its incompleteness and one-sidedness as far as providing a total theology of collegiality is concerned. There is more to explore in Chapter III and LG than what the NEP can reach. Besides, an official restrictive interpretation does not constitute the *only* possible explanation of the doctrine. The restraint that the NEP intends to put on the text does not close all doors, as seen from the issues left unsettled by the NEP itself. So a minimalist interpretation *of the NEP* is itself necessary and compatible with the acceptance of its authoritative character. This enables one to avoid an over-reaction against the NEP, which ultimately is an over-valuation of it. Simultaneously, the NEP can open a more realistic and critical approach to LG.

7. Assessment of Paul VI's Involvement in the NEP

Many explanations have been offered for Paul VI's decision to attach a NEP to Chapter III of LG, and for the manner in which he handled the affair. First, some surmise that he wanted to assure the opposition in order to avoid a schism like that of the Old Catholics at Vatican I,[137] or to prevent entrenching in Rome (the Curia) a permanent abode of reaction against the worldwide episcopate.[138] He was not blind to his need of the curia if the conclusions of the council were to be implemented. Besides, he recognized

[134]Bertrams, "Il soggetto," 535.
[135]Acerbi, *Due ecclesiologie*, 471-73.
[136]Betti, *La Dottrina*, 340.
[137]Troisfontaines, "À propos," 120.
[138]Rouquette, "Les derniers jours," 103.

and respected the minority's obligation to their own consciences, their good intentions and theological background.[139] Aware of his role as reconciler and arbiter, Paul VI transcended his personal inclinations, listened to all, slowed down those moving rapidly, urged on the slower ones, tried all means to overcome contrasting positions to achieve unanimity, especially in a matter as important for the whole Church as collegiality.[140] This interpretation of Paul VI's intention and action is tenable, especially if one looks at his efforts to win the minority, e.g., the speech to the curia on September 21, 1963, the *non mai* allocution at the Lateran University on October 31, 1963, the discourse before the CEI on April 14, 1964, the thirteen papal *modi* of May 1964, *Ecclesiam Suam*, and the opening speech in the third period.

Second, other commentators focus on the pope's right as a bishop to participate, just like the other conciliar Fathers, in the development of the text; more so because he is the bishop of Rome and head of the conciliar assembly.[141] He intervened through the appropriate conciliar bodies, not utilizing the full weight of his authority and leaving the commissions free to evaluate his suggestions.[142] Paul VI's manner of proposing amendments, however, is perceived by some as juridically correct[143] and by others as disruptive of the normal procedures.[144] It seems clear enough from the history of the NEP that Paul VI indeed took seriously his right and duty to look after the doctrinal soundness of the conciliar documents and to address difficulties raised about it. He did not hide his readiness to intervene if necessary, e.g., *Ecclesiam Suam*, response to Larraona. But his capacity to be instructed by the assembly and the commissions was shown many times, e.g., his acceptance of the decision on the thirteen *modi*; the rejection of the

[139]In his correction of Caprile's "Aspetti Positivi," Paul VI stressed the integrity of the curial members and proponents of the minority position. See C50, 680; and the actual article, in Caprile, "Contributo," 687, 693.

[140]Ratzinger, *Ergebnisse*, 48; Ghirlanda, "Riflessioni," 325; Carbone, "L'azione," 84; Caprile, "Contributo," 695. Alberigo says, "È stato detto che Paolo VI ha fatto di tutto, fino a correre il rischio dell'impopolarità, per creare condizioni che superassero le inquietudini dei vescovi della minoranza e consentissero quindi l'accordo piu ampio possibile. In questo senso va certamente letta la famosa Nota esplicativa, che egli fece aggiungere alla Costituzione sulla Chiesa *Lumen gentium* proprio per rassicurare la minoranza contraria alla collegialità episcopale." G. Alberigo, "Dieci anni fa piangevamo Paolo VI," *Il Messaggero di S. Antonio* (July-August 1988), reprinted in *Notiziario* 17, 125.

[141]Ratzinger, *Ergebnisse*, 41.

[142]See Carbone, "L'azione," 84; Troisfontaines, "À propos," 122.

[143]Schillebeeckx, *L'Église*, 162.

[144]Grootaers, "L'opinion," 194.

schema on the Missions, which he had supported in the aula; his silence on proposals left out in the NEP. The confusion that his moves created, particularly in the commissions, was partly due to a legislative gap in the conciliar regulation, which did not provide for a system by which the pope could bring his view to the council.[145] It could not be denied, however, that the circumstances in which the NEP materialized were not the most ideal.[146]

Third, for others the NEP revealed Paul VI's affinity with the minority and their misgivings and an *esprit de corps* that bound him, a former curial member, to them.[147] It must have been Paul VI's conviction too that primacy would be endangered if the majority's interpretation of collegiality were to be followed; thus he tried to save papal monarchical power at all cost.[148] This particular explanation needs to be nuanced. That Paul VI wanted to safeguard papal primacy goes without saying. No one among the conciliar Fathers, either from the minority or majority, would admit to laboring for a repudiation of Vatican I. That Paul VI went to the measure the minority had gone in protecting the papacy is not true, as shown in the pope's personal notes and the contrast between the minority's final *modi* and the pope's.[149] With the publication of some of his private papers, it can be said that the NEP, no matter how one-sided its content may be, was not a product of machinations premeditated by a pope conniving with a belligerent minority.

Finally, some supporters of the minority position saw in the NEP affair a pope asserting his authority over the bishops in a fortunate intervention that saved the Church.[150] This papal act itself made the Fathers experience, in a living and effective way, the richness of the principle of unity, solidity and certainty willed by God in Peter.[151] This view raises some questions. There is nothing on record to indicate that Paul VI used the NEP to remind the assembly of what a pope could do. Indeed, his exalted yet solitary view of the papacy and his guarding of papal juridical independence within the college could have resonated with his decision to act personally but surely not for sheer display of might. However, for a minority that had been pining for a papal intervention to disrupt the discussion and vote on Chapter III, the NEP was indeed a modest gift, but maybe the best

[145]Ratzinger, *Ergebnisse*, 48.
[146]Ibid., 62.
[147]Rynne, *The Third Session*, 275.
[148]Grootaers, "L'opinion," 194, and "Le Pape," 32, 40.
[149]Ratzinger, *Ergebnisse*, 48.
[150]C48, 677; Hering, "È vero," 592.
[151]C48, 677.

they could get. With the collapse of the argument that the NEP substantially altered LG toward the minority position,[152] one still asks what persuaded the opposition to vote for the constitution? The enduring strength of the papacy even during a council, which they saw in Paul VI's firm handling of the NEP, could be a significant factor in their shift. They were assured that even with the passage of the doctrine of collegiality by a conciliar assembly, the papacy had not lost any of its robustness. If this hypothesis is defensible, then the minority struck a minor victory with the NEP, for the pope they were challenging had finally passed the test.[153]

D. THE CLOSING SPEECH (NOVEMBER 21, 1964)

Paul VI's discourse to close the third period is neatly divided into two major parts, i.e., the doctrine on the Church with a focus on the episcopacy and the teaching on Mary. If one bears in mind the notes and letters prepared by the pope in response to the minority's complaints, then one could be struck by the almost perfect correspondence between them and the closing speech. From this angle, the speech could be considered a public solemn rejection of all the minority's accusations ranging from novelty of doctrine to procedural maneuvers, and a final effort to rally them behind the council.[154] Paul VI's words will be quoted at length:

> We will say this much: we are satisfied that this doctrine has been treated with sufficient breadth of study and discussion and with so much clarity of conclusions. It was a duty to do it as a complement to the First Vatican Council. It was the right moment to do it, on account of the development undergone by contemporary theological studies, of the spread of the Church in the world, of the problems that ecclesiastical government encounters in its daily pastoral activity, of the expectation that many bishops were nurturing for the clarification of the doctrine concerning themselves. The method employed was also appropriate... It seems to us that a better commentary

[152]In the process of formulating the NEP, Browne remarked to Philips twice, "Avec toutes vos explications la thèse reste toujours la même." Philips, "Notes," 67. Rouquette also says, "En fait, la satisfaction donnée à la minorité par la note explicative est mince." Rouquette, "Les derniers jours," 106.

[153]Larraona's "letter of praise" to Paul VI for the NEP said very little on the doctrinal achievements of the NEP but more on the glory of the "vision" of a papal intervention. C48, 677-78.

[154]It should be noted that Paul VI's opening and closing speeches in the second period already manifested disagreement with some of the minority's positions. In the former, he stressed the opportuneness of clarifying the doctrine on the episcopate and the completion of Vatican I in Vatican II, and in the latter, the favorable consequences of the teaching on collegiality.

> cannot be given than saying that this promulgation really changes nothing of the traditional doctrine. What Christ willed, we also will. What was, remains. What the Church has taught for ages, we similarly teach. But what was simply lived is now articulated; what was uncertain is clarified; what was reflected on, discussed and in part disputed, now attains serene formulation. We truly can say that Divine Providence has prepared for us a bright moment; yesterday slowly maturing, now resplendent, tomorrow certainly enriching with teachings, initiatives and improvements for the life of the Church.[155]

The only reference to the NEP was an indirect one in which the pope states that he, "taking into account the explanations given on the interpretation of the terms used and the theological qualification which the council intends to give to the doctrine," does not hesitate to promulgate the constitution (CS III 282).

Regarding the highly controverted issue of the relation between the papacy and collegiality, Paul VI observes, contrary to the fears of the minority, that the papal office "is fully and repeatedly acknowledged and honored in the solemn document" (CS III 285). It was of great importance that as the authority of bishops was defined, the papal prerogatives were also recognized so that episcopal power "may not appear in contrast but in full and constitutional harmony with the Vicar of Christ and head of the episcopal college" (CS III 285). He continues:

> It is this intimate and essential relation that makes the episcopate one body, finding in the bishop successor of Peter not a diverse and extraneous power, but its center and head. This reality impels Us on our part to celebrate your prerogatives with Ours, to rejoice in their exaltation, to justify their excel-

[155]"Diremo soltanto: noi siamo soddisfatti che questa dottrina sia stata trattata, con sufficienti ampiezza di studi e di discussioni e con altrettanta chiarezza di conclusioni. Era dovere il farlo, a complemento del Concilio ecumenico Vaticano primo. Era il momento di farlo, per lo sviluppo assunto degli studi teologici odierni, per la diffusione della Chiesa nel mondo, per i problemi che il governo ecclesiastico incontra nella quotidiana esperienza della sua attività pastorale, per l'attesa che molti Vescovi nutrivano circa il chiarimento della dottrina loro relativa. Era anche il modo di farlo... E migliore commento sembra a noi non potersi fare che dicendo che questa promulgazione nulla veramente cambia della dottrina tradizionale. Ciò che Cristo volle, vogliamo noi pure. Ciò che era, resta. Ciò che la Chiesa per secoli insegnò, noi insegnamo parimenti. Soltanto ciò che era semplicemente vissuto ora è espresso; ciò ch'era incerto è chiarito; ciò ch'era meditato, discusso, e in parte controverso, ora giunge a serena formulazione. Veramente possiamo dire che la divina Provvidenza ha preparato per noi un'ora luminosa; ieri lentamente maturata, adesso splendente, domani provvida certamente di insegnamenti, d'impulsi, di miglioramenti per la vita della Chiesa." Closing speech, third period, paragraph numbers 282-283. Henceforth, CS III plus paragraph number.

> lence, to promote their integration with Ours. Recognizing thus the episcopal office in its fullness, we feel the communion of faith, love, coresponsibility and collaboration increase around Us. We do not fear the diminution or encumberment of Our authority as we confess and celebrate yours. Rather we feel stronger through the union that binds us as brothers, more capable of guiding the Universal Church, knowing that each one of you collaborates toward the same goal. We feel more trusting in the help of Christ since we are and want to be more closely united in His name.[156]

To make this collaboration operative, Paul VI suggests again the convocation of some bishops who will be consulted regarding questions of general interest at specific times in order to give the pope "the comfort of your presence, the help of your experience, the support of your counsel, the voice of your authority" (CS III 288). Such gatherings could also serve the renewal of the Roman Curia. In this carefully worded section, Paul VI pursues an idea that he has been expressing since his election to the papacy, while not giving any room to co-governance. The pope also candidly concedes, as he has done before to Larraona, that practical problems may arise since

> collective action is more complicated than individual action. But if it responds better to the character of the Church which is both monarchical and hierarchical and lightens our burden with your cooperation, we will know in prudence and charity how to transcend all obstacles inherent to a more complex ordering of ecclesiastical government.[157]

Everything here is Paul VI. He sincerely believes that the doctrine in Chapter III of LG, as defined and limited by the NEP, is traditional Catholic teaching. He must have been convinced of the mutual concurrence be-

[156]"Ed è questa intima e essenziale relazione che fa dell'Episcopato un ceto unitario che trova nel Vescovo successore di Pietro non già una potestà diversa ed estranea, ma il suo centro ed il suo capo, che ci fa solleciti a nostra volta a celebrare con le nostre le vostre prerogative, a godere della loro esaltazione, a rivendicare la loro eccellenza, a promuovere con la nostra la loro integrazione. Riconoscendo così nella sua pienezza l'ufficio episcopale, noi sentiamo crescere d'intorno a noi la comunione di fede, di carità, di corresponsabilità, di collaborazione. Non temiamo diminuita, né intralciata la nostra autorità, mentre confessiamo e celebriamo la vostra; ma piuttosto ci sentiamo più idonei alla guida della Chiesa universale per sapervi ciascuno cospirante al medesimo fine, più fiduciosi dell'aiuto di Cristo per essere e voler essere tutti insieme più strettamente adunati nel suo nome." CS III 286-287.

[157]"L'azione collettiva è più complicata di quella individuale, ma se essa meglio risponde all'indole insieme monarchica e gerarchica della Chiesa e meglio conforta con la vostra cooperazione la nostra fatica, sapremo in prudenza e in carità superare gli ostacoli propri d'un più complesso ordinamento del regime ecclesiastico." CS III 289.

tween himself and the conciliar majority. But his language in this speech also fluctuates. The communion and mutuality between bishops and pope and the exaltation of episcopal dignity shifts to support of and cooperation with the pope, especially where concrete practice is concerned. This could indicate that he appreciates collegiality in the moral sense more than in the aspect of juridically authoritative acts. In this speech, Paul VI also mirrors the currents harmonized unsuccessfully in LG, in the NEP and in his own thought. But the tension exists also because he takes both collegiality and primacy seriously.

E. CONCLUSION

Instead of summarizing the findings of the preceding sections, some observations on Paul VI are in order.[158]

First, the lack of data on the precise origins of the thirteen papal *modi* of May 1964, probably the most notable in a series of papal actions touching collegiality, prevents one from being able to account fully for the alternation of seeming concessions of Paul VI to the minority at one time and some rather severe positions taken by him toward them at other times. It is possible that with the acceptance into the constitution of most of those *modi*, Paul VI might have concluded that boundaries had been securely set against excesses feared by the minority. On the other hand, the amended text won massive support from the majority at all subsequent votes. So he might have believed that the restrictions introduced by the *modi* and the NEP concurred with the majority's understanding of the doctrine and were not a submission to the minority. The latter's persistent objections might at times have appeared redundant to him, as far as the doctrine was concerned.

Second, without subscribing to the idea of a monolithic conciliar "minority" or "majority," we could describe Paul VI's relation to them as far as collegiality was concerned in the following way: he did not go to the limiting extent of some minority positions on questions about *bishops* (e.g., sacramentality and powers, the existence of college, contrariety with Vatican I), but he did not necessarily go either to the far-reaching direction of some majority positions on the *papacy* (e.g., linking headship of college

[158]Since the purpose of the present work is to explain Paul VI's thought on collegiality mainly in the context of the conciliar debate, it will not go into the equally complex theological and procedural issues involved in the proclamation of Mary as *Mater Ecclesiae*, and in the deferment of the vote on the schema on religious liberty at the end of the third period.

with supreme pastorship). This stance allowed him (and the council) to affirm various strands of Tradition, the harmonizing of which was not always evident and left much to later theological determination. The effort, after all, was to produce conciliar documents, not treatises advancing particular theological systems.

Third, the polemical atmosphere and exchanges in the council unfortunately but inevitably singled out some aspects of collegiality to the neglect of others. Papal primacy of jurisdiction and its blending with episcopal jurisdiction later assumed a centrality that could lead some to conclude that collegiality was nothing more than a doctrine on power. Paul VI himself showed lack of ease in specifying the conditions for the juridical acts of the college, particularly when taken in tandem with papal primacy of jurisdiction. One needs to go beyond the polemics to discover the areas opened by the council and by Paul VI for further exploration. For example, the pope offered the following: ecclesial collegiality of local Churches, corporate mission as the intersection of the Church's intimate being with the needs of the world, the fraternal and paternal bonds among bishops and pope or collegiality in the moral sense, etc.

Finally, despite his disagreement with the minority's view that the schema's doctrine on collegiality compromised papal primacy, Paul VI nevertheless repeatedly referred to the pope's fullness and sufficiency of power, and juridical independence within the college. This occurred when he talked of the *Petrine office.* But he also appealed to bishops for support, comfort, assistance, and collaboration; the pope was suddenly not so sufficient and independent as previously affirmed. The discourse here concerned *his person.* The tension in Paul VI's thought probably lay in part in the agony of reconciling the lofty office he was occupying with his weak person.

CHAPTER VIII

Paul VI, Collegiality and Institutional Reforms in the Church (1965-1967)

The fourth and final period of the Second Vatican Council (September 14-December 8, 1965) took up the practical implications of the doctrine on episcopal collegiality contained in the constitution *Lumen Gentium* (LG), among many other important conciliar issues. The concern of making the principle of collegiality operative in the life of the Church through structures of collegial action, which in turn would harmonize with the doctrine, was embodied in two main efforts: the finalization of *Christus Dominus* (CD), the decree on the pastoral office of bishops in the Church, and the institutional reforms begun by Paul VI.

The present chapter will consider how Paul VI, in the context of CD, saw the collegial principle embodied in three institutions, i.e., the synod of bishops, episcopal conferences and the reform of the Roman Curia, and the institutions with which Paul VI occupied himself in his attempts to interpret and implement conciliar teaching on collegiality from the fourth period till the first general assembly of the synod of bishops (September 1967).[1] Of the three, the synod will receive more extended treatment be-

[1]In his inaugural address to the Extraordinary Synod of Bishops on October 11, 1969, Paul VI summed up his activities on behalf of collegiality after the council: "Nosmet iam demonstravisse putamus quantum cuperemus hanc Episcoporum Collegialitatem in re ipsa actioneque vitae provehere, sive ipsam Episcoporum Synodum instituendo, sive conferentias Episcopales approbando, sive in propria Curiae Nostrae Romanae ministeria adlegendo nonnullos in episcopatu Fratres atque animarum Pastores, in suarum dioecesium finibus degentes." *Insegnamenti di Paolo VI* (1969), 7:671.

cause it was around the synod that questions about collegiality surfaced the most in the early post-conciliar period. More ample documentation from Paul VI is also available on the synod.

As the debates on LG and CD lucidly show, episcopal collegiality cannot be understood apart from the Church's life and practice in history. Many fears about the doctrine actually centered on a projected praxis that was deemed dangerous. The notion itself can be promoted, deepened, legitimized or minimized by subsequent action and institutions. A full study of episcopal collegiality after the council demands a thorough analysis of the synods of bishops that have been convened since, of the acts and impact of episcopal conferences worldwide, and of the operations of the Roman Curia. Unfortunately, such a historical endeavor cannot be undertaken in this chapter, thereby setting a limitation to the study at hand.

A. THE SYNOD OF BISHOPS

To explore the synod of bishops as an expression of collegiality, three steps will be taken: first, a brief survey of the redactional stages undergone by that portion of CD devoted to the institution of a "senate of bishops" and its link to collegiality; second, an examination of Paul VI's creation of the synod of bishops and determination of its guidelines; and third, to address the important question, after considering the conciliar process and the pope's intervention, whether the synod of bishops can be counted as an exercise of episcopal collegiality.

1. The Redaction of CD, Chapter I,1

The first section of Chapter I of CD, *De episcopis quoad universam ecclesiam*, describes the doctrinal grounding for the role of bishops in the whole Church (mainly in CD 4 and 6), the synod of bishops being one of the concrete ways of realizing such a part (CD 5). The history of these articles is closely intertwined with that of Chapter III of LG and offers a valuable commentary on its doctrine.[2] A quick overview of the redactional history of CD 4-6 can help elucidate the relation of the synod of bishops with the collegial principle.

[2]For a history of CD, see K. Mörsdorf, "Decree on the Bishops' Pastoral Office in the Church, History of the Decree," in *Commentary on the Documents of Vatican II*, 2:165-97; W. Onclin, "La genèse du décret, le titre et la structure du décret," in *La charge pastorale des évêques* (Paris: Cerf, 1969), 73-83; G.P. Milano, *Il sinodo dei vescovi* (Milan: Dott. A. Giuffrè, 1985), especially 120ff, 161ff, 187ff, 208ff. For historical information, see V. Fagiolo, "Il Synodus episcoporum: origine, natura, struttura, compiti," in *La collegialità episcopale per il futuro della Chiesa* (Florence: Vallecchi, 1969), 3-43.

a. Fagiolo has shown that in the *ante-preparatory period* of the council, proposals to set up a representation of the worldwide episcopate to collaborate with the pope in the governance of the whole Church were expressed, though in varying perspectives and formulations.[3] However, the connection of these suggestions to the doctrine of collegiality was practically absent.

b. The schema drafted by the commission *de episcopis et de dioeceseon regimine* during the *preparatory period* (*Schema 1962*), which was not distributed to the Fathers during the first period, did not contain any reference to collegiality or to a central episcopal body working with the pope. In the chapter on the relation between bishops and the Roman Curia, bishops were acknowledged as successors of the apostles, but attention was centered on their leadership of local Churches and subordination to the pope, both restricted to the question of episcopal faculties at that. The same chapter called for the nomination of bishops designated by their respective episcopal conferences as consultors to the congregations of the Roman Curia. They would be convened at specific times in order to protect the greatest good of all and to avert dangers affecting all.[4]

On February 21, 1962, in the discussion on this chapter within the Central Preparatory Commission (CPC), Cardinal Marella, president of the commission *de episcopis*, stated in his *relatio* that the internationalization of the curia would provide the Holy See with more information on situations and problems of different nations, and would lead to solutions more adapted to cultural diversity.[5] Cardinal Alfrink praised the curial internationalization envisaged by the article, but called for the further institution of a body of consultor-bishops representing the whole Church, much like the CPC, which would be convoked by the pope once a year, if necessary, to deal with matters concerning the whole Church.[6] In the same meeting, Cardinal Montini commended what Alfrink had proposed.[7]

[3]Ibid., 5-8.

[4]"VI,4. Episcopi diversarum nationum, designati a Conferentia Episcopali Nationali, nominentur Consultores SS. Romanae Curiae Congregationum a quibus convocentur, statutis temporibus, ad maximum commune bonum tuendum, ad communia damna avertenda." ACOA II/II, 2:545.

[5]Ibid., 549.

[6]Ibid., 559-61. See J. Grootaers, "Une restauration de la théologie de l'épiscopat, contribution du Cardinal Alfrink à la préparation de Vatican II," in *Glaube in Prozess, Christsein nach dem II. Vatikanum* (Freiburg: Herder, 1984), 778-825.

[7]ACOA II/II, 2:569.

c. The *schema of 1963*, approved by John XXIII on April 22, 1963, and distributed during the second period on November 5, 1963, still focused on episcopal faculties and the preservation of papal prerogatives. Virtually silent on collegiality, it confined the relation between bishops and the pope's supreme and full jurisdiction over the Universal Church to the relation between bishops and the Roman Curia, which functions in the name and authority of the papal office. Bishops were also said to share in the pope's solicitude for the Universal Church. Like the 1962 schema, the 1963 schema suggested the internationalization of the Roman Curia by including bishops among its consultors or "members," to be called upon at specific times.[8]

As was pointed out in an earlier chapter, the discussion on this 1963 schema immediately followed the debate and vote of orientation on Chapter III of LG, which only made clear that *de episcopis* lagged behind the major thrusts of the council on collegiality. The commission president, however, promised to achieve full correspondence between *de episcopis* and *de Ecclesia* once the latter's theological concepts were finalized.[9] Henceforth, the incorporation of bishops into the Roman Curia was generally deemed an inadequate and insufficient implementation of the collegial principle.

d. The new schema approved by Paul VI on April 27, 1964, and distributed during the third period on September 18, 1964, was a product of the fusion of the decrees *de episcopis ac de dioecesium regimine* and *de cura animarum* and bore the new title *De Pastorali Episcoporum munere in Ecclesia.*[10] The first chapter of this version of the text, *textus prior* (TP), was divided into two parts: the first devoted to the role of bishops in the whole Church (TP 4-7); and the second to the relation between bishops and the Apostolic See (TP 8-

[8]"II.5 [Episcopi in Sacrarum Congregationum consilium cooptandi]. Nonnulli Episcopi diversarum Nationum, a Conferentia Episcopali Nationali designandi, ab Apostolica Sede nominentur Membra vel Consultores Sacrarum Romanae Curiae Congregationum a quibus, statis temporibus, convocentur ad commune bonum magis promovendum et ad communia pericula efficacius avertenda." ASSC II, 4:366-67.

[9]In his *relatio*, Marella expressed his commission's deliberate choice to refrain from strictly doctrinal considerations of collegiality and to wait for the conclusions of *de ecclesia*: "In schemate Decreti... deliberato consilio nulla expressa et directa consideratio facta est de his quae pertinent ad doctrinam theologicam de episcopatu, de qua – sane – iam accuratissime disceptatum est in examinando schema Constitutionis dogmaticae 'De Ecclesia,' et patet profecto quod, postquam eiusmodi doctrina rite determinata et approbata fuerit, eidem plene et perfecte aptabuntur notiones et conclusiones quae in schemata Decreti 'De Episcopis ac de Dioecesium regimine' continentur et ordinem seu relationem habent cum doctrina theologica de Episcopatu." Ibid., 435.

[10]See ASSC III, 2:22-44.

10). TP 4, mirroring influences from LG, now dealt with the exercise of the power of the episcopal college:

> Constituting an episcopal body or college in union with its head, the bishops united, with the Roman Pontiff, exercise collegially the supreme and full power which it possesses over the Church in an ecumenical council, in which they are gathered upon convocation or at least confirmation by the Supreme Pontiff. For this reason, bishops, by virtue of consecration and if they are in communion with the head and members of the college, participate in the council.
>
> Even when dispersed throughout the world, bishops exercise the same collegial power as often as the Supreme Pontiff, who, when dealing with matters of great importance, seeks their judgment or opinion, or at least approves or freely accepts their united action, so that the result is a truly collegial act.[11]

TP 6 opened its presentation of how bishops manifest their share in the solicitude for all the Churches (e.g., missions, evangelization, sharing of human and material resources, etc.) with the following doctrinal grounding:

> Bishops, as legitimate successors of the apostles and members of the episcopal college, should consider themselves always united with other bishops and show themselves to be concerned for all Churches, since from the institution and decree of God, they, united with other bishops, are bearers of the apostolic office of the Church.[12]

It is obvious that the redaction of TP profited from the doctrine on collegiality and sacramentality of the episcopal order contained in LG, particularly the divine institution of their succession to the apostolic office, the attribution to the college of supreme and full power exercised by bishops in council or even when dispersed, the conditions for participation in the exercise of collegial power, and the role of the pope for a truly collegial act

[11]"I,4. [Potestatis Collegii Episcoporum exercitium]. Supremam ac plenam potestatem, qua Episcopi coniuncti, corpus seu Collegium episcopale constituentes una cum Capite suo Romano Pontifice, in Ecclesiam pollent, collegialiter exercent in Concilio Oecumenico, in quo convocante aut saltem confirmante Summo Pontifice congregantur. Quare Episcopi, vi consecrationis et si in communione sunt cum Collegii Capite et Membris, partem habent in ipso Concilio. Eandem potestatem collegialem exercent Episcopi etiam per orbem dispersi, quotiescumque Summus Pontifex, causas magni momenti tractaturus, eorum iudicium vel suffragium exquirat, aut saltem eorumdem unitam actionem approbet vel libere recipiat, ita ut verus actus collegialis efficiatur." Ibid., 23.

[12]"I,6. [Episcopi sollicitudinis omnium Ecclesiarum participes]. Episcopi, qua legitimi Apostolorum successores et Collegii Episcopalis Membra, cum aliis Episcopis coniunctos semper se sciant atque omnium Ecclesiarum sollicitos esse exhibeant, cum ex Dei institutione et praecepto apostolici muneris Ecclesiae una cum ceteris Episcopis sponsores sint." Ibid., 24.

to be attained. All these gains from *de ecclesia* were confirmed in the *relatio* accompanying Chapter I of TP.[13] The inclusion of a section on the role of bishops in the Universal Church distinct from that on their relation to the Holy See also surpassed the former identification of bishops' solicitude for the Universal Church with their insertion in and action through the Roman Curia.

For the first time, the decree also proposed a central episcopal council. TP 5 stated:

> Since the universal office of the Supreme Pontiff requires constantly greater strength of help and assistance, the Fathers of the holy council exceedingly desire that some bishops of different regions of the world offer to the Supreme Pastor of the Church more effective collaboration, in methods and procedures yet to be established in an appropriate way. And if the same Supreme Pontiff will so desire, these bishops can be convened in a certain assembly or council, through which the participation of all bishops in the care of the whole Church can be shown at the same time.[14]

The official *relatio* said that the institution of an episcopal council (TP 5) was proposed after the invitation by the pope himself and the desires of many Fathers on this matter had been expressed.[15] In fact, in a footnote to TP 5, portions of Paul VI's September 1963 speeches to the Roman Curia and the Fathers at the opening of the second period pertaining to the association of bishops to the pope's universal governance were quoted. The same *relatio* also explained that TP 4-7 considered the roles bishops have with respect to the whole Church on three levels: insofar as *all* of them, united with the pope, exercise supreme and full power; insofar as *some* gather in a senate, if desired by the pope; and insofar as *individuals* they cooperate with other members of the college in caring for all the Churches.[16]

[13]"In capite primo de Episcoporum ministerio quoad universam Ecclesiam agitur, quia iidem sunt Membra Collegii Episcopalis, et quidem iuxta ea quae exponuntur in doctrina de collegialitate ac sacramentalitate Ordinis Episcopalis, a Conciliari Commissione 'De doctrina fidei et morum' elaborata." Ibid., 46.

[14]"I,5. [Coetus seu Consilium Centrale]. Cum universale Summi Pontificis munus maiores in dies auxilii et praesidii vires exposcat, Sacrosancti Concilii Patres magnopere exoptant ut aliqui Episcopi diversarum orbis regionum, Supremo Ecclesiae Pastori validiorem praestent adiutricem operam, modis tamen et rationibus opportune statuendis, etiam si eidem Summo Pontifici placuerit, in Coetum seu Consilium quoddam convenientes, quo simul significari possit omnium Episcoporum universae Ecclesiae sollicitudini participatio." Ibid., 23-24.

[15]"In n. 5 proponitur, invitante ipso Romano Pontifice, institutio Coetus seu Consilii Centralis, iuxta vota a pluribus Concilii Patribus exhibita." Ibid., 47.

[16]"Caput primum, quod inscribitur 'De Episcopis quoad universam Ecclesiam,' in duos articulos dividitur, in quorum priore considerantur partes quos habent Episcopi pro tota

It can be deduced from this official explanation that the whole section comprising TP 4-7, explained according to the commission's understanding of the doctrine of collegiality and sacramentality of the episcopate in *de ecclesia*, was offering different expressions and levels of involvement of bishops in the entire Church. It also seemed to suggest that supreme and full power is exercised only when all bishops are involved. By implication, the proposed episcopal senate and the mutual concern of individual bishops indeed affect the whole Church but do not engage the use of supreme and full power of the college. Whether this means that they do not constitute collegial acts—because not all bishops are involved in an exercise of supreme and full power—is not clear from the *relatio*.

e. TP was revised at the height of the final struggle over the doctrine of Chapter III of LG. The *textus emendatus* (TE) was distributed on October 30, 1964.[17] Of the articles that concern us, TE 4, on the exercise of the power of the college, was the only one completely rewritten. It now stated:

> "Supreme power over the whole Church, which the college of bishops enjoys, is solemnly exercised in an ecumenical council" ("*De Ecclesia*," ch. III, n. 22). Thus the holy synod decrees that it is the right of all bishops who are members of the episcopal college to take part in an ecumenical council, or at least be represented in it, according to the norms determined by the Supreme Pontiff.
>
> The same collegial power can be exercised by the bishops throughout the world, united with the pope, when the head of the college calls them to collegial action, or at least approves or freely accepts the united action of the dispersed bishops in such a way that the result is a truly collegial act."[18]

Ecclesia sive quatenus omnes una cum Romano Pontifice supremam ac plenam potestatem exercent, sive quatenus aliqui – si Summo Pontifici placuerit – in quoddam Consilium Centrale conveniunt, sive quatenus singuli cum aliis Collegii Membris cooperantur in sollicitudine omnium Ecclesiarum." Ibid., 46. "In n. 6 et in n. 7 fit sermo de relationibus singulorum Episcoporum cum aliis Collegii Membris." Ibid., 47.

[17]The text of TE compared with TP, as well as the *relatio* for each part, can be found in ASSC III, 6:112-207.

[18]"I, 4. [Potestatis Collegii Episcoporum exercitium]. 'Suprema in universam Ecclesiam potestas, qua Episcoporum Collegium pollet, sollemni modo in Concilio Oecumenico exercetur.' Ideo Sacrosancta Synodus decernit omnibus Episcopis, qui sint Membra Collegii Episcopalis, ius esse ut Concilio Oecumenico intersint, aut saltem in eo repraesententur, iuxta normas a Summo Pontifice determinatas. 'Eadem potestas collegialis una cum Papa exerceri potest ab Episcopis in orbe terrarum degentibus, dummodo Caput Collegii eos ad actionem collegialem vocet, vel saltem Episcoporum dispersorum unitam actionem approbet vel libere recipiat, ita ut verus actus collegialis efficiatur.'" Ibid., 121.

A revision was also introduced in TE 5. While the basic article on the central episcopal council found in TP 5 was retained, TE 5 added that the manner and procedures of collaboration of bishops from various regions with the pope would be established in an appropriate way "by the pope himself" (*ab Ipso*).[19] TP's *si eidem Summo Pontifici placuerit*, however, was dropped. Finally, TE 6 did not characterize bishops as legitimate successors of the apostles and members of the episcopal college as TP did, but merely as *Collegii Episcopalis Membra*, an omission explained as a typographical error.[20]

The official *relatio* justified the revisions in TE 4 as a response to the harmonizing of *de munere episcoporum* with the doctrine in *de ecclesia* desired by the Fathers, without entering into particular questions.[21] In fact, the commission tried to present the whole TE as the result of an effort to make the connection between the two documents clearer, with TE resting firmly on the theological doctrine of LG. Refusing to enter into doctrinal questions, the commission maintained the pastoral character of TE, while at the same time claiming fidelity to the doctrinal principles of LG, whose pastoral applications it tried to determine.[22]

It should be pointed out, however, that although TE 4 quoted heavily from LG, what was quoted and what was left out must be scrutinized. For example, TE 4 bypassed the reference to the college's possession of supreme and *full* power, making it a sort of regression from TP. TE 4 also was content with a generic remark about members of the college having the right to attend councils, whereas TP rooted this right in consecration and communion with the head and members of the college. TE's silence on the sacramental grounding of membership in the college could again be seen as a step backwards. A significant change occurs, however, in the mention by TE 4 of representation of bishops even in the solemn exercise of collegial power.

The *relatio* indicated that the *ab Ipso statuendis* added to TE 5, regarding the pope's determination of the ways by which bishops could collaborate with the pope, rendered superfluous the expression *si eidem placuerit* in TP with regard to the setting up of a central episcopal council. The *relatio* then

[19]"...Sacrosancti Concilii Patres magnopere exoptant ut aliqui Episcopi diversarum orbis regionum, Supremo Ecclesiae Pastori validiorem praestent adiutricem operam, modis tamen et rationibus *ab Ipso* opportune statuendis..." Ibid., 122.

[20]Ibid., 130, n. 3.

[21]Ibid., 130, 126.

[22]Ibid., 115-16, 125-26.

offered an interesting explanation of the nature of the proposed central council of bishops:

> Some Fathers desired that the question on the central council be omitted since such a council would in some way be a restriction or diminution of the supreme power of the Supreme Pontiff. The commission decided that the text be retained since it responds to the desires of the greater part of the conciliar Fathers and since it is not contrary to the supreme power of the Supreme Pontiff, just as the power of the college of bishops is not in opposition to this power. *Besides, the central council is not a true representation of the college of bishops but only in some way its sign and is only a help to the Supreme Pontiff in the governance of the Universal Church. Finally, the Supreme Pontiff himself, as is known to all, expressed his mind in this sense in the speech delivered by him to the Roman Curia on September 20 of last year...*[23]

This whole paragraph raises a number of questions. To further assure some Fathers that collegial power does not restrict or oppose primatial power, the proposed council was described as only "in some way" a sign of the college of bishops, not its representation, and a mere help to the pope. Three items were distinguished: representation of the college, a sort of sign of the college, and help to the pope. Although the content of each was not explained, the overall context suggests that a body that serves as a mere sign of the college and not its representation does not enjoy collegial power, neither is such power exercised in the assistance afforded by bishops to the pope. What is clear is that the proposed central council was not conceived by the commission as exercising the power possessed by the whole college or by its representative. The commission, which claimed that it interpreted Paul VI's mind and LG faithfully, showed a real tendency to limit collegiality to an act engaging the whole college or its representatives in

[23]"Quidam Patres optaverunt quaestionem de Consilio Centrali omittendam esse, quia tale Consilium esset aliquo modo restrictio vel diminutio supremae potestatis Summi Pontificis. Commissio censuit textum retinendum esse, quia respondet votis maioris partis Patrum Conciliarium et quia non est contra supremam potestatem Summi Pontificis, sicut nec potestas Collegii Episcoporum huic potestati contraria est. Consilium Centrale insuper non est vera repraesentatio Collegii Episcoporum sed tantum aliquomodo eius signum et est tantum in adiutorium Summi Pontificis in regimine universalis Ecclesiae. Denique Summus Pontifex ipse, ut omnibus notum est, mentem suam in hoc sensu aperuit in sermone ab Ipso ad Curiam Romanam die 20 mensis septembris anno elapso habito..." Ibid., 127. The particular *relatio* on TE 5 stated: "Plurium autem Patrum propositae emendationes a nostra Commissione admissae sunt solum eo sensu ut Consilium Centrale sit signum participationis Collegii Episcoporum in cura universalis Ecclesiae, non autem eo sensu, ut quidam optaverunt, quod Consilium sit exercitium muneris Collegii Episcoporum." Ibid., 131.

an exercise of supreme and full power, what the *nota explicativa praevia* (NEP) would later call a "strictly collegial act." This impression is corroborated by the *relatio* on TE 6 and 7:

> It must be noted that these numbers by no means concern any collegial action of the body of bishops, but only a mutual bond among bishops which brings with it an obligation that some be helped by the others in spiritual and material needs.[24]

The concern of bishops toward each other and the Churches, manifested in different ways and effecting beneficial results for the whole Church, is not to be considered a type of collegial action, according to the *relatio.*

When the *prooemium* and Chapter I of TE, to which articles 4-7 belonged, were put to a vote as a unit on November 4, 1964, they did not get the two-thirds majority needed to pass.[25] The seeming regression of TE 4 in particular, when compared with TP 4, caused the most discontent.

f. The revised text, called *textus recognitus* (TR) was distributed to the Fathers on September 16, 1965, shortly after the opening of the fourth period.[26] The first paragraph of TE 4, the most disputed, was totally rewritten. TR 4 read:

> Bishops, by virtue of sacramental consecration and in hierarchical communion with the head of the college and its members, are constituted members of the episcopal body. "The order of bishops, which succeeds to the apostolic college in teaching authority and pastoral government, indeed in which the apostolic body continuously endures, united with its head, the Roman Pontiff, and never without this head, exists also as the subject of supreme and full power over the whole Church. This power can be exercised only with the consent of the Roman Pontiff." This power "is exercised solemnly in an ecumenical council": therefore, this holy synod decrees that all bishops, who are members of the episcopal college, have the right to attend an ecumenical council.[27]

[24]"In numeris 6 et 7 sermo fit de relationibus singulorum Episcoporum cum aliis Collegii Membris. Notandum est quod in his numeris nullo modo agitur de aliqua actione collegiali Corporis Episcoporum, sed tantum de mutua necessitudine inter Episcopos, quae secumfert obligationem ut alter alteri auxilietur in spiritualibus et materialibus necessitatibus." Ibid., 127-28.

[25]See the results in ASSC IV, 2:508-9.

[26]TR is compared with TE in ibid., 510ff.

[27]"I,4. [Potestatis Collegii Episcoporum exercitium]. Episcopi, vi sacramentalis consecrationis et hierarchica communione cum Collegii Capite atque membris, constituuntur membra corporis episcopalis, 'Ordo autem Episcoporum, qui collegio Apostolorum in magisterio et regimine pastorali succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc Capite, subiectum

The second paragraph of TE 4, on the exercise of collegial power by dispersed bishops, was retained in TR.

The brief explanation on TR 4 contained in the *relatio* merely said in a general fashion that the new citations made the text correspond more fully to the doctrine in LG.[28] But it is significant that TR reinstated some key ideas found earlier in TP, i.e., sacramental consecration and hierarchical communion as conditions on different levels for membership in the college and the college as subject of supreme and full power. TR accentuated the dependence of the college on the pope for its exercise of supreme and full power. Just like previous redactions, it made the connection between membership in the college and the right to participate in an ecumenical council. Deleted, however, was the reference to the exercise of power through representation.

TR 5, on the central council, practically took over the whole of TE 5 except for the last part of the paragraph, which now read this way:

> And *if he* [Supreme Pastor] *will so desire*, they [some bishops of different regions] can be convened in a certain assembly or council, *by means of which it can be shown at the same time that all bishops are sharers in the care of the whole Church.*[29]

The *relatio* explained that the *si Eidem placuerit* was restored from TP at the request of some Fathers in order to explicitate what was implicitly meant in the text. The rephrasing of the last part of the paragraph was demanded *ratione latinitatis*. As a whole, the earlier official *relatio* for TE on the central council as a mere sign of the college and not its representation remained intact.[30]

Finally, TR 6 put back the reference to bishops as legitimate successors of the apostles, which was inadvertently left out in TE 6.

TR 5 had a short-lived history because on September 14, 1965, during the opening of the fourth period, Paul VI announced the creation of the Synod of Bishops, which he officially accomplished through the apostolic

quoque supremae ac plenae potestatis in universam Ecclesiam exsistit, quae quidem potestas nonnisi consentiente Romano Pontifice exerceri potest.' Haec vero potestas 'sollemni modo in Concilio Oecumenico exercetur': ideo Sacrosancta Synodus decernit omnibus Episcopis, qui sint membra Collegii episcopalis, ius esse ut Concilio Oecumenico intersint." Ibid., 512.

[28]Ibid., 518.

[29]"I,5. [Coetus seu Consilium Centrale]... etiam, *si Eidem placuerit*, in Coetum seu Consilium quoddam convenientes, *quo simul significari possit omnes Episcopos sollicitudinis universae Ecclesiae participes esse.*" Ibid., 513.

[30]Ibid., 519.

letter *Apostolica Sollicitudo* (AS) of September 15, 1965. In consideration of this new state of affairs, TR 5 was reformulated. *Textus novus* 5, which eventually became the definitive CD 5, read:

> Bishops selected from different parts of the world, in accordance with methods and procedures already established or to be established by the Roman Pontiff, will give more effective collaboration to the supreme pastor of the Church by gathering in a council which shall be called *Synod of Bishops*. Representing the whole catholic episcopate, it shows at the same time that all bishops in hierarchical communion are sharers in the care of the whole Church.[31]

This new redaction of CD 5 will be examined more closely in the context of Paul VI's creation of the Synod of Bishops. But before that, a few closing comments on the history of CD 5 are in order.

The emergence and development of the concept of a central council were very much tied to the conciliar debate on the doctrine of the episcopal college. The doctrinal foundation for the proposed council, as well as the specification of its nature, often rested on the breakthroughs gained in LG. The idea of the central council came in full force during the second period, when the council gained more insights into collegiality, as a reaction against the view that the incorporation of bishops from various regions into the Roman Curia, the pope's instrument for governance, sufficed as an expression of collegiality. The Fathers demanded rather that a distinct body constitute a more direct, unmediated union of bishops and the pope. Collegiality, therefore, meant that bishops share with the pope in the care of the Universal Church by their own right, and not as agents of the pope.

This original intuition behind the proposed central body, however, was not formulated in such a plain manner in the various redactions of CD and in the commission reports. Instead, these documents located a sign of the universal mission of bishops in the central council while simultaneously stripping it of any clear connection with the whole college and its power. This just shows that CD shared both the certainties and hesitations of LG. The

[31] "5. [Consilium seu Synodus Episcoporum]. Episcopi e diversis orbis regionibus selecti, modis et rationibus a Romano Pontifice statutis vel statuendis, Supremo Ecclesiae Pastori validiorem praestant adiutricem operam in Consilio, quod proprio nomine *Synodus Episcoporum* appellatur, quae quidem, utpote totius catholici Episcopatus partes agens, simul significat omnes Episcopos in hierarchica communione sollicitudinis universae Ecclesiae participes esse." Ibid., 618. This new text was distributed on September 28, 1965. *Partes agere* and *personam agere* are translated as *to represent* because, as will be shown later, the Italian text of Paul VI's documents consistently used *rappresentare* for the Latin *partes agere*.

crucial question—not totally resolved by LG, and consequently vague in CD—remained the very notion of collegiality: What constitutes an exercise of collegiality? What qualifies as a collegial act? Despite the denial by the commission of any attempt to settle doctrinal issues left open in LG, it nonetheless could not help but enter into them and propose its own interpretation. The history of CD 5 shows that the commission moved progressively toward qualifying as collegial only those actions that involve the whole college and engage its supreme and full power. This tendency mirrors the narrow preoccupation of NEP, which has led many to reduce collegiality and, indeed, the whole of Chapter III of LG to a matter of ecclesiastical power. But ultimately, NEP might end up being more open to degrees of collegial acts than CD.

It would indeed be unrealistic to expect the commission to have settled all doctrinal and institutional questions connected with LG and the proposed central council. After all, its relation to collegiality can be more fully discovered only in its historical praxis. Furthermore, the commission had to leave the pope free to determine how collegial power is to be exercised, as stipulated in LG and NEP. But the historical fact is that the proposed central council came up in the context of the conciliar debate on collegiality. Thus, its link to the collegial principle cannot be denied.

2. The Synod of Bishops According to Paul VI

Studies on the creation and nature of the synod of bishops always refer to Paul VI's remarks made in September 1963 to the Roman Curia and the conciliar Fathers on associating some bishops to the pope's study, and consideration of some questions affecting the whole Church. Supporters of the institution of an episcopal council often used the pope's speeches to justify their position, while those who objected also employed the same speeches interpreted according to their persuasion. Since Paul VI finally instituted the synod, his thinking on this episcopal body has become indispensable in understanding its nature, particularly its relation to the collegial principle. The pope's view becomes significant also because his act of erecting the synod eventually influenced the final version of CD itself.

In this section, three documents from Paul VI that laid the foundation of the synod and two speeches given at the first synod will be presented as a unit: the speech to open the fourth period;[32] AS, which established the

[32]The Latin and Italian texts are in *Enchiridion Vaticanum*, vol. 1 (Bologna: Dehoniane, 1981), 192-215. The Italian text of the speech is used here. Opening speech, fourth period, September 14, 1965. Henceforth, OS IV plus paragraph number.

synod,[33] the *ordo* or procedural guidelines to be followed in the celebration of synods (December 8, 1966),[34] the inaugural address at the first synod (September 29, 1967,)[35] and the address at its initial working session (September 30, 1967).[36] Speeches to various audiences that refer to the synod will be used whenever deemed helpful. A descriptive approach to these documents is preferred in this section, leaving for the next the more thorough investigation of the connection between the synod and collegiality.

a. Among the factors that led Paul VI to decide to set up the synod, he counted:

- the desire of the council itself;[37]
- the signs of the times, which demanded adaptation of apostolic methods to the needs and evolution of society;
- his respect for and recognition of bishops;
- the experience of the weight of his apostolic office, which showed how useful the union of bishops was;
- and the celebration of Vatican II itself, which brought a deeper awareness of the importance of and need for cooperation.[38]

Though willed by the council and inspired by pastoral exigencies and fruitful experience of collaboration in the council, the synod remains the "creation" of the pope.

b. Regarding the nature of the synod of bishops, a number of aspects need to be considered:

First, Paul VI envisaged the synod as a means by which bishops could offer more effective help or collaboration *to the pope*, in the fulfillment of *his* office.[39]

Second, the synod assumes a primarily *consultative role* in its assistance to the pope by informing and advising him when requested, or deliberating on matters submitted by him. Though consultative, the synod's voice re-

[33]Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" AAS 57 (1965): 775-80.

[34]"Ordo Synodi Episcoporum Celebrandae," AAS 59 (1967): 91-103.

[35]*Insegnamenti di Paolo VI* (1967), 5:453-60; Italian text, 460-65.

[36]Ibid., 467-74; Italian text, 474-79.

[37]OS IV 355; and Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" 776.

[38]Ibid., 775-76.

[39]"Synodus Episcoporum, qua Episcopi selecti e diversis orbis regionibus supremo Ecclesiae Pastori validiorem praestant adiutricem operam..." Ibid., 776; "Itaque, omnibus mature perpensis, pro Nostra existimatione atque observantia erga universos catholicos Episcopos, atque ut iisdem copia detur manifestiore efficacioreque ratione participandi sollicitudinem Nostram erga Ecclesiam universam..." Ibid. "...un Sinodo di Vescovi... sarà convocato... dal Romano Pontefice, per Sua consultazione e collaborazione..." OS IV 355. See also

mains authoritative[40] and reflects "the thought of the entire episcopal college."[41]

Third, aside from being a medium of direct exchange of information on various situations confronting the Church, the synod will also promote *union and collaboration* between the pope and bishops, as well as between bishops and religious, and facilitate the formation of unity in their views and action.[42] It is a sign of the cooperation between *local Churches and the Roman Church*[43] and *the communion of Churches* in the one Universal Church.[44]

Fourth, the synod actualizes in an institutional way the *Church's nature as communion.*[45] It also corresponds to the communion in essence and action of the episcopate, whose *collegiality* the Council has situated in *the constitutional structure* of the Church.[46] It is by this fact ecumenically significant, particu-

Insegnamenti di Paolo VI (1967), 5:458, 467-68. The same idea was repeated by Paul VI in his private addresses to continental groupings of members of the synod. Ibid., 482, 484, 488.

[40]"Quare, Venerabiles Fratres, si officium a vobis in hac Synodo Episcoporum explendum suapte natura est *consultivum*... illud tamen magnum pondus et momentum habet..." Ibid., 469. The Italian version used the expression, "è tuttavia assai autorevole." Ibid., 475. Although *autorevole* and the Latin *magnum pondus* can mean "influential" or "of importance," these are translated as "authoritative" because Paul VI used *autorevole* in this sense in other instances.

[41]"Ce lo avessero consentito, avremmo partecipato con maggiore frequenza alle riunioni di questo nuovo organo consultivo (il sinodo), nel quale si riflette il pensiero dell'intero Collegio episcopale." Ibid., 632.

[42]"Ad Synodum Episcoporum suapte natura munus pertinet edocendi et consilia dandi. Poterit etiam potestate deliberativa gaudare, ubi haec ei collata fuerit a Romano Pontifice, cuius erit in hoc casu decisiones Synodi ratas habere. 1. Fines generales Synodi Episcoporum sunt: a) fovere artam coniunctionem et adiutricem operam inter Summum Pontificem et Episcopos totius orbis terrarum; b) curare ut directa ac vera notitia habeatur de quaestionibus et de rerum condicionibus, quae spectant ad vitam internam Ecclesiae eiusque debitam in hodierno mundo actionem; c) faciliorem efficere concordiam sententiarum saltem quoad essentialia capita doctrinae et quoad modum procedendi in vita Ecclesiae. 2. Fines speciales atque proximi sunt: a) opportunos nuntios invicem communicare; b) consilia conferre circa negotia, quorum causa Synodus singulis vicibus convocabitur." Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" 776-77. In another instance, he said, "Nobis vero in praesenti satis est animadvertere novum hoc Institutum, quasi in Ecclesiae medio positum, sensui illi unitatis mutuaeque operae inter Sedem Apostolicam atque Episcopos et Moderatores maiores Familiarum Religiosarum convenire, quem Concilium expertum est et provexit..." *Insegnamenti di Paolo VI* (1967), 5:467-70.

[43]Ibid., 548-49.

[44]Ibid., 453-54.

[45]Ibid., 459-60.

[46]"...cuius quidem Episcopatus collegialis forma a Concilio merito est in lucem prolata in constitutione Ecclesiae describenda..." Ibid., 458. The Italian version says, "...la cui

larly with regard to the Oriental Churches, for it testifies to the vitality of the ancient synodal institution in the Roman Church.[47]

Fifth, the synod is a *representative body.* It is a representation of *the whole Catholic episcopate,*[48] indeed, of *the hierarchy of the Catholic Church.*[49] This aspect comes up also in the description of its general assembly, which is convoked when, by the nature and importance of the matter to be treated, it is necessary to appeal to the knowledge and wisdom of the episcopate of the whole world.[50] It is just fitting that the majority of its members be nominated by episcopal conferences, but subject to papal ratification.[51] Thus, in the synod are also represented *the episcopal conferences,* as well as *the local Churches* of which the bishops are principles of unity.[52]

Sixth, the synod is *totally dependent on the pope* whose *discretionary freedom* is fully operative. He convokes it when he finds it timely and appropriate; indicates where it will convene; ratifies the election of members; determines the matter to be treated; decides which materials can be sent to participants; fixes the procedures and timetable; presides himself or through a delegate; and deliberates on the opinions expressed by the synod.[53] The

collegialità il Concilio mise in giusta evidenza nel disegno costituzionale della Chiesa." Ibid., 463.

[47]Ibid., 471.

[48]"Synodus Episcoporum... ita constituitur, ut sit:... b) partes agens totius catholici Episcopatus..." Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" 776. He also said of the upcoming synod, "Noi Ci attendiamo un'attiva partecipazione dei rappresentanti di tutto l'Episcopato cattolico..." *Insegnamenti di Paolo VI* (1967), 5:305.

[49]Note the following expression: ".. .qui vos agnoscimus Fratres delectos ad partes sustinendas universae Catholicae Hierarchiae, qua Pastores totius Populi Dei..." (Italian: "riconosce in voi i Fratelli scelti per rappresentare tutta la Gerarchia della Chiesa Cattolica quali Pastori dell'intero Popolo di Dio.") Ibid., 453.

[50]"Synodus Episcoporum congregatur: 1. In coetum generalem, si res tractandae, suapte natura ac momento, doctrinam, prudentiam atque vota totius Catholici orbis Episcopatus exquirenda suadeant." "Ordo Synodi," 92.

[51]"...un Sinodo di Vescovi, che composto di Presuli, nominati per la maggior parte dalle Conferenze Episcopali, con la Nostra approvazione..." OS IV 355. Among the powers of the pope is "Ratam habere Membrorum seu Sodalium electionem." "Ordo Synodi," 91. For the membership of each type of assembly and their manner of election, see Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" 777-79; and "Ordo Synodi," 93-94.

[52]Note the following expressions: "In primis vices agitis vestrarum Ecclesiarum..." (Italian: "quella [rappresentanza] delle rispettive Chiese..."); "Deinde vos, magna ex parte, personam agitis Conferentiarum Episcopalium..." (Italian: "Siete poi, [nelle maggior parte] rappresentanti delle Conferenza Episcopali..."); "Denique vos partes agitis universi Catholicae Ecclesiae corporis hierarchicae..." (Italian: "E voi siete finalmente rappresentanti dell'intero corpo gerarchico della Chiesa..."). *Insegnamenti di Paolo VI* (1967), 5:468-69.

[53]See Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" 777; "Ordo Synodi," 91-92.

sweeping papal power, however, is exercised according to the *needs and general good of the Church.* In fact, the three types of assemblies, i.e., general, extraordinary and special, all concern questions that have some impact on the Universal Church.[54] The desired result is the rejuvenation of the whole Church and of the Holy See.[55]

Finally, the synod is a *central ecclesiastical body, perpetual by nature,* but *by structure, exercises its function in a temporary and occasional way.* A *human institution* that can be perfected in the future,[56] the synod is an *organ of visible governance* of the Church.[57]

When AS was presented on September 15, 1965, Marella delivered a *relatio* on it.[58] More a presentation of content than an analysis, the *relatio* nevertheless raised points that could aid in the interpretation of Paul VI's documents. First, Marella traced the synod back to Paul VI's own suggestions in the two famous speeches of September 1963, thereby accentuating the papal "authorship" and creation of the synod. Second, the synod was referred to as an instrument that "signifies, expresses and effects the closest union and help which should flourish between the Roman Pontiff, Peter's successor, and bishops, successors of the apostles and members of the episcopal college."[59] In another section, it was called an instrument of the pope (*instrumentum pontificium*) "so that the august pontiff may directly be made more certain of some conditions, of opinions of bishops and likewise may make use of their wise advice in fulfilling his apostolic office for the Universal Church."[60] Lastly, Marella indicated the ample role given to episcopal conferences in electing members of the synod.[61]

[54]See OS IV 355; "Ordo Synodi," 92-93.

[55]"Riteniamo superfluo aggiungere che questa collaborazione dell'Episcopato deve tornare di grandissimo giovamento alla Santa Sede e a tutta la Chiesa, e in particolare modo potrà essere utile al quotidiano lavoro della Curia Romana..." OS IV 355.

[56]"Synodus Episcoporum... ita constituitur, ut sit: a) institutum ecclesiasticum centrale;... c) natura sua perpetuum; d) quoad structuram, ad tempus atque ex occasione munere suo perfungens." Paul VI, "Motu Proprio 'Apostolica Sollicitudo,'" 776. "Haec Synodus, quae omnium humanorum institutorum more, successu temporis, perfectiorem usque formam assequi poterit..." Ibid.

[57]"...diximus novum eiusmodi institutum, visibili moderationi Ecclesiae inserviens..." *Insegnamenti di Paolo VI* (1967), 5:458.

[58]ASSC IV, 1:140-42.

[59]"Illud instrumentum perlegendo, vobis ipsis, venerabiles Patres, patebit agi de re magni momenti, quippe quod significat, exprimit ac perficit arctissimam unionem et adiumentum, quae vigere debent inter Romanum Pontificem, Petri Successorem, et episcopos, apostolorum successores et episcopalis collegii membra." Ibid., 140.

[60]"Hoc modo, Ecclesiae regimen augebitur novo instrumento, vere apto atque efficaci, hisce praesertim temporibus tam inquietis et difficilibus, ita ut Augustus Pontifex directe

Some observations close this section. On the one hand, the *papal character* of the synod cannot be missed from its "authorship" in the broad sense of the word, to its goal of helping the pope in the fulfillment of his office. The corresponding consultative role of the synod underlines its service to the papacy and, for that matter, has made scholars wonder whether the synod can truly be counted as an expression of episcopal collegiality. The detailed description of the pope's role in the synod also closely resembles Bertrams' depiction of the pope's discretionary freedom in a collegial action. The sweeping papal power, however, is tempered by the constant mention of the good of the Universal Church, a qualification that approximates that of NEP.

On the other hand, an *episcopal-collegial* strand is also evident. Departing from earlier redactions of CD 5 and commission reports, the papal documents freely speak of the synod acting on behalf of the whole Catholic episcopate. While the commission formerly denied that the proposed central council could be a representation of the college, the new and definitive CD 5, reformulated according to Paul VI's AS, describes it as *utpote totius catholici Episcopatus partes agens*. The pope also opens up varying levels of representation achieved in the synod, i.e., representation of local Churches, of episcopal conferences, of the whole Catholic hierarchy. It has to be said, however, that the pope's language on representation does not carry the juridical connotations earlier attached by Marella to it. Paul VI almost surely approaches representation in a moral sense. In fact there is no direct talk whatsoever of power in the pope's treatment of the synod.

An *ontological-ecclesial* underpinning is also provided by Paul VI. The synod is but one human realization of the Church's nature as communion and of collegiality as a constitutive element of the Church. The synod symbolizes not only the union of hierarchs but also of local Churches.

Finally, the papal documents follow the distinction between nature and function: the synod is perpetual by nature but intermittent in function. One cannot help but be reminded of NEP 4's explanation on the constant existence of the episcopal college even though it does not act permanently in a strictly collegial fashion. Whether a parallel is being drawn here between the whole college and the synod remains to be seen.

certior fieri queat de quibusdam rerum condicionibus, de episcoporum sententia, necnon uti possit eorum sapienti consilio in explendo suo apostolico munere pro universa Ecclesia." Ibid., 141.

[61]Ibid.

From the data provided by the history of CD and by the documents of Paul VI pertaining to the synod of bishops, the question to be addressed now is What relation does the synod have with episcopal collegiality?

3. The Synod of Bishops and Episcopal Collegiality

Various opinions on the relation between the synod of bishops and episcopal collegiality, based on the same materials treated above, will now be surveyed.

a. One strand of interpretation is represented by Bertrams[62] and Fagiolo.[63] For them, the synod is ultimately rooted in the doctrine on collegiality taught by LG, i.e., that bishops, together with their head, form a college that is also the subject of supreme power in the Church. The activity of the synod, however, is not a strict collegial act because it does not involve all bishops in an exercise of supreme power in the Church. As one of the ways of practicing collegiality in the wide sense, the synod nonetheless possesses many elements that resemble a strict collegial act, which for Fagiolo, is constituted mainly by the pope's presence. The synod's consultative role should not be minimized since the college always acts authoritatively, even when acting in a consultative way. According to Bertrams, through "authoritative counsels," the whole episcopate influences the personal exercise of supreme power by the pope, thereby strengthening papal primacy. Thus, the synod is a way of enhancing primatial power, which in turn constitutes the synod as an expression of collegiality. The *papal character* of the synod bolsters, rather than weakens, its collegial nature and activity.

b. Common concerns tie the views of Congar,[64] Antón,[65] Schillebeeckx,[66] Laurentin,[67] Corecco,[68] Ratzinger[69] and Milano.[70] Their reflections on the synod start from the *ontology* of collegiality/conciliarity/synodality, from

[62]W. Bertrams, "Struttura del 'Sinodo dei Vescovi,'" *La Civiltà Cattolica* 116/4 (1965): 417-23. The same ideas are also found in his "Commentarium in litteras apostolicas 'Apostolica Sollicitudo' Pauli Papae VI," *Periodica* 55 (1966): 115-32.

[63]Fagiolo, "Il Synodus episcoporum," 3-43.

[64]Y. Congar, "Synode épiscopal, primauté et collégialité épiscopale," in *Ministères et communion ecclésiale* (Paris: Cerf, 1971), 187-227.

[65]A. Antón, "Sinodo e collegialità extraconciliare dei vescovi," in *La collegialità episcopale per il futuro della Chiesa*, 62-78.

[66]E. Schillebeeckx, "The Synod of Bishops: One Form of Strict but Non-conciliar Collegiality," *Information Documentation on the Conciliar Church* 67-9 (March 12, 1967): 1-5.

[67]R. Laurentin, "Paul VI et l'après-concile: le synode des évêques," in *Paul VI et la modernité dans l'Église*, 569-601, and "Synod and Curia," in *The Roman Curia and the Communion of Churches* (New York: Seabury, 1979), 91-103.

communion as an immutable element of the theological nature of the Church. They stress the *multifarious historical forms* that essential coresponsibility has taken, as well as the *varying degrees* of actualizing collegiality, thereby pushing for the non-identification of collegiality with strict collegial acts and with conciliar activity.

Despite these commonalities, the authors concerned put their distinctive stamp on the whole question. For Congar and Laurentin, it is difficult canonically to justify the synod as an expression of episcopal collegiality. To begin with, it was a creation of Paul VI, not of the college. Besides, in the pope's texts, the synod is portrayed as a help to the exercise of papal office in the form of an enlarged papal council. But ontologically and materially (i.e., because the synod is made up of representatives elected by episcopal conferences), the synod can be attributed to collegiality.

Antón and Schillebeeckx also focus on the membership of the synod as a small but legitimate representation of the episcopate and the local Churches. But they also point to other elements to show that the synod can qualify as a strictly collegial extra/non-conciliar act, the possibility of which LG holds out (e.g., synodal activity as part of the college's responsibility shared with the pope, the pope's consent). When the pope accepts the counsels of the synod, a strictly collegial decision is reached. So they go farther than Congar in this regard.

Laurentin agrees with Schillebeeckx and Antón that, theologically, the synod is an organ in which aspects of a strict collegial non-conciliar act are demonstrable, though with Congar, he finds it difficult to maintain that the synod is juridically a collegial organ. With Ratzinger, he is quick to point out the ambiguities of the synod, e.g., its perpetual nature but intermittent function; its consultative role, which could be deliberative when so granted; membership largely elected by the college but complete dependence on and subordination to the pope, whose full freedom is inviolate and whose exclusive right it is to convoke a synod.[71]

[68]E. Corecco, "Ontologie de la synodalité," *Théologie et droit canon; écrits pour une nouvelle théorie générale du droit canon* (Fribourg: Éditions universitaires Fribourg Suisse, 1990), 195-219.

[69]J. Ratzinger, *Die letzte Sitzungsperiode des Konzils* (Cologne: Bachem, 1966), especially 9-17, and "Konkrete Formen bischöflicher Kollegialität," in *Ende der Gegenreformation?* (Berlin: Kreuz-Verlag, 1964), 155-63.

[70]G.P. Milano, *Il sinodo dei vescovi*, and "Paolo VI e il principio di collegialità nel sinodo dei vescovi," in *Paul VI et les réformes institutionnelles dans l'Église* (Brescia: Istituto Paolo VI, 1987), 30-48.

Milano takes the ambiguities of the synod as indicators of the doctrinal issues that have been left unresolved by LG and have been highlighted by the institution of the synod. Among them are the question of the subject of supreme power, the notion of collegiality itself and the forms of exercise of power (e.g., collegiality in the strict sense and in the wide sense, affective and effective collegiality, personal and collegial exercise) and the interpretation of deliberative and consultative roles. He illustrates how the evaluation of the synod can vary depending on one's positions on these unresolved questions.

For his part, Corecco makes the variety of juridical structures, through which ontological synodality is exercised, depend on the function of the pope. The synod is classified among those institutions in which the head of the college is not a voting member. The consultative vote of the members does not express the college formally as such except through the pope. The bishops represent themselves and not the whole Church. Corecco places Bertrams' and Fagiolo's idea at the center of the ontological dynamism of collegiality.

c. Another set of opinions emphasizes the *episcopal character* of collegiality and, on that basis, judges the synod of bishops. Alberigo[72] and Neumann[73] best represent this thinking. They conclude that the synod is not an organ of episcopal collegiality but of papal power[74] because it was created by the pope and exists in total subordination to him, even were it to be granted deliberative powers.[75] With no right to self-convocation, the synod does not have an exclusively episcopal membership and thus cannot be an organ of the college, Neumann points out. Besides AS does not mention the

[71]Ratzinger appreciates the name *synodus*, which is theologically rich. Acerbi sees in the election of members a break with absolute monarchy wherein the monarch appoints into his council only his "creatures" (cardinals). He nevertheless points out the limits of the synod: it gives opinions to the pope, not judgments to be presented to the Church; even where it enjoys deliberative power, it is still geared toward the formation of the papal will; the pope is not a member of the synod. A. Acerbi, "L'ecclésiologie à la base des institutions ecclésiales post-conciliaires," *Les Églises après Vatican II* (Paris: Beauchesne, 1981), 234-35.

[72]G. Alberigo, "Institutions exprimant la communion entre l'épiscopat universel et l'évêque de Rome," in *Les Églises après Vatican II*, 259-95.

[73]J. Neumann, "Die Bischofssynode," *Theologische Quartalschrift* 147 (1967): 1-27.

[74]This conclusion is shared by W. Onclin, "Les évêques et l'Église universelle," *La charge pastorale des évêques*, 94.

[75]Neumann holds that Paul VI took away from the council the privilege of instituting the synod in order to appease the minority by showing how much the pope still held the initiative. See Neumann, "Die Bischofssynode," 7-8.

episcopal college at all.[76] The synod merely fosters collegial sensibility among bishops.

It can be noted that many of these observations have also been made by proponents of the first two groups. But they are not prevented by these from attributing a realization of the collegial principle to the synod, either theologically or canonically.

This brief and obviously incomplete survey of opinions reveals that different ways of understanding the synod mirror the varied doctrinal interpretations of collegiality, as well as the open-ended character of the teaching of Vatican II. One can only agree with Milano that the ambiguities of the synod are rooted in the theological questions left unresolved by the council. For example, if the college is upheld as the unique subject of supreme power, the distinction between deliberative and consultative roles loses much of its theological import and remains merely on the juridical plane.[77]

The relation between the theological and juridical dimensions of ecclesiology also looms large. It is gleaned from the opinions examined that the state of canonical institutions is not exclusively attributable to theological principles. Neither can canonical structures be deduced *a priori* from the theological nature of the Church. At the same time, theological frameworks can be translated into different and sometimes contradictory juridical forms.[78] While the distinction between the theological and juridical can sometimes lead to mutual disregard, their complementarity is necessary.

These two preliminary remarks on the unsettled doctrinal questions and the relation between the theological and juridical aspects of ecclesiology provide the backdrop for evaluating the synod and Paul VI's view of it. From the historical context, it cannot be denied that the conception and creation of the synod occurred within the conciliar discussion on collegiality. Thus, the synod has to be somehow related to the collegial principle or a particular understanding of it. Concretely, the clamor during the council

[76]This observation is made also in K. Mörsdorf, "Synodus Episcoporum," *Archiv für katolisches Kirchenrecht* 135 (1966): 132.

[77]Milano, "Paolo VI," 42. The unresolved ecclesiological issues of Vatican II, mostly on the episcopacy, are also explored in K. Walf, "Lacunes et ambiguïtés dans l'ecclésiologie de Vatican II," in *Les Églises après Vatican II*, 207-21; and Alberigo, "Institutions exprimant," 271ff. To follow up on the example of the consultative and deliberative roles, see Mörsdorf, "Synodus," 132-33; Neumann, "Die Bischofssynode," 13, 20. An exhaustive study on consultation as demanded by the nature of the Church is presented by J. Arias, "La función consultiva," *Jus Canonicum* 11 (1971): 217-43; on the synod, 238ff.

[78]Acerbi, "L'ecclésiologie," 214, 225; Milano, "Paolo VI," 47; Schillebeeckx, "The Synod of Bishops," 1-2.

was for a more direct union of bishops with the pope in the governance of the Church, unmediated by the Roman Curia. Thus, bishops are not to be reduced to the status of members of the pope's jurisdictional arm. It has to be conceded, however, that even in the council, the proposal for an episcopal council was given various doctrinal justifications.

In the documents coming from Paul VI, the synod is portrayed as a means of deeper and direct union between bishops and the pope, and between local Churches and the Roman Church. By instituting the synod, Paul VI makes good on not limiting collegiality to participation in the pope's instrument of governance, the curia. Indeed by placing the synod and its activity directly under himself, he bypasses the curia and links the synod with the principle of collegial unity, the papacy.[79] He also freely talks of at least moral representation of the college and gradations of representation achieved in the synod.[80]

Even in his body of teaching at the time, Paul VI shows enough care not to reduce bishops to papal aides. Although he sometimes refers to bishops as helpers in his mission even outside his discussion of the issue of the synod, he attributes the dignity and mission of bishops to sacramental consecration and apostolic succession.[81] In contrast, he explicitly declares the non-sacramental origin of the college of cardinals and their mere association to the pope's jurisdictional power.[82] In these broad contours, therefore, Paul VI follows the basic desire and intuition of the council with regard to the synod. But with no singular view in the council on the exact nature and function of the proposed senate, Paul VI's synod would surely please some people while frustrating others.

In Paul VI, one finds traces of all three views of the synod as a collegial expression: those that stress its papal character, its ontological-ecclesial foundation, and its episcopal-collegial character. Paul VI does not attempt to settle the doctrinal questions involved in the synod. The mere fact that three main bodies of opinion can resonate with some facets of his thinking already indicates its open nature. If there is one concern of Paul VI, it is to

[79]Sánchez y Sánchez comments on this fact, "He sought in this way to preserve the priority of the Episcopal College when it functions in union with its head, a priority recognized in the Church today." J. Sánchez y Sánchez, "Episcopal Conferences and the Roman Curia," *The Roman Curia and the Communion of Churches*, 107.

[80]Thus Sánchez y Sánchez's comment that Paul VI's *Apostolica Sollicitudo* recognizes the synod neither as the college's representative nor its official organ of expression needs to be nuanced. Ibid., 113, n. 6.

[81]*Insegnamenti di Paolo VI* (1966), 4:111, 113; *Insegnamenti di Paolo VI* (1967), 5:374-75.

[82]*Insegnamenti di Paolo VI* (1965), 3:107-8.

affirm both the pope's freedom and the episcopate's collegial nature, while avoiding their mutual exclusion and antagonism. He will find absurd the denial of a collegial character to the synod just because it was created by the pope and is dependent on him. For him, this approach does not protect collegiality, for it sets the episcopacy at odds with the papacy.[83] But ultimately, he goes farther than the commission *de episcopis* in explicitly linking the synod to the collegiality proper to the Church's constitution and to representation of the college.

He seems to have also deliberately left out the juridical issues, e.g., Does the synod constitute the use of supreme and full collegial power? Is the synod a juridical representation of the college? He remains on the moral and spiritual level of discussion. By connecting the synod to collegiality without any reference to ecclesiastical power, he differentiates his view from that of the commission *de episcopis* and Marella. He shows himself open to degrees of representation and involvement in the Universal Church, without labeling only one form as truly collegial.

Paul VI shows wisdom in recognizing that the synod is an institution that can be perfected. He implies that historical experience and praxis can show how collegiality can be understood and must work itself out in canonical structures. He thereby admits that his guidelines do not constitute the final word on the synod and are subject to historical revision.

By leaving open many of the doctrinal and juridical questions, Paul VI also holds out real possibilities for developing the synod and collegiality itself, both in reflection and in praxis. At the same time, by not addressing the issue of the exercise of power by the synod and by simply affirming the spiritual and moral aspects of collegiality embodied in it, he opens himself to what Milano calls the "papalist" position toward collegiality. This considers collegiality as a purely moral principle or a spiritual bond untranslatable into juridical formulae and institutional forms, except in extraordinary circumstances and in complete dependence on the pope.[84] While Paul VI

[83]Ratzinger is not disturbed about the synod's dependence on the pope, as long as it liberates the synod from the curia and allows the Churches to be heard. "Wenn es der Bischofssynode, die durch ihre unmittelbare Unterstellung unter den Papst der kurialen Kompetenz entzogen ist, gelingen wird, neben der Routine der täglichen Verwaltung und den sich darin ausprägenden Tendenzen die lebendige Stimme der Weltkirche zur Geltung zu bringen und ihre Impulse im Zentrum der Kirche wirksam werden zu lassen, dann wird es wenig verschlagen, ob sie unter dem Begriff der Kollegialität oder zunächst nur als Hilfe für das Amt des Primats in Erscheinung getreten ist." Ratzinger, *Die letzte*, 14-15.

[84]Two other positions that he describes are anti-collegialist (i.e., total denial of a collegial character to the episcopate or to its participation in the governance of the Universal

may not go so far as to deny any juridical realization to collegiality, his approach can so spiritualize collegiality that one ends up with a multiplicity of collegial expressions, all juridically effete. One can point to collegiality in everything but lose its possible impact. If they are true actualizations of collegiality, then why can canonical force that can affect the Church not be ascribed to them? It is correct to avoid the rigid equation between collegiality and the use of power by the whole college or the indivisibility of collegiality that is either given in fullness or not at all. But in so doing, one should set free the dynamism of collegiality to influence canonical thinking and institutions. Failure in this area leads to the flaw of the rigid view, i.e., saying too much but proving nothing.[85] Ultimately, it is in the concrete praxis of the synod that the blending of the theological and juridical aspects of collegiality is tested.

B. EPISCOPAL CONFERENCES AND THE REFORM OF THE ROMAN CURIA

Paul VI's official pronouncements on episcopal conferences and the Roman Curia during the time period under consideration are not so numerous as those on the synod. Besides, not all these materials consider the issue of collegiality. Recourse to his "ordinary" speeches and homilies will have to be made.

1. Episcopal Conferences

On August 6, 1966, Paul VI issued the *motu proprio Ecclesiae Sanctae*, where norms for the application of CD and three other conciliar documents were promulgated. One section of the *motu proprio* concerned the stipulations on episcopal conferences in CD 38.[86] A schematic presentation of the conferences' relation to the Holy See and to each other, it does not reveal much of Paul VI's thinking, which is more evident in his body of informal teaching. A good summary of the pope's vision of episcopal conferences is found in a speech delivered before the publication of the *motu proprio*:

Church because of exaltation of papal prerogatives) and collegialist (i.e., the affirmation of the rights of the episcopal college to participate as successor to the apostolic college in the governance of the Church). Milano, "Paolo VI," 33-34. For a fuller treatment of the three positions, see Milano, *Il Sinodo*, 91-112.

[85]See Sánchez y Sánchez, "Episcopal Conferences," 105.

[86]Paul VI, "Motu Proprio 'Ecclesiae Sanctae,'" AAS 58 (1966): 773-75.

> We have under study the statutes of episcopal conferences, from the right functioning of which we hope to derive one of the forms of greater collaboration of Our brothers in the episcopate. This collaboration should always strengthen the inner unity of the Church, honor the collegiality of bishops in communion with this Apostolic See, and render more uniform and efficient, in everyday circumstances, the pastoral action of the Church, which is fortified by the consciousness of the one faith, by the emulation of multiple forms in which it is expressed historically and locally, and by the more operative solidarity of Christian charity. A delicate and complex question which... is connected also with the improvement and changes to be brought to the dedicated and traditional organism, expert in the central governance of the Church, which is called the Roman Curia.[87]

He also had important words on episcopal conferences during the first session of the synod of bishops. He told the synod delegates:

> Your representation manifests the dignity and authority of these ecclesiastical bodies, namely the episcopal conferences, which the ecumenical council promoted and the functions of which it described, in a manner as much suitable for a harmonious and opportune [Italian: relative and practical] juridical decentralization as for a certain pluralism of ecclesiastical expressions proper to the tradition and character of the local Church, as for the organic strengthening of the unitary structure proper to the Catholic Church.[88]

[87]"Abbiamo allo studio gli Statuti delle Conferenze Episcopali, dal cui retto funzionamento speriamo derivare una delle forme di quella migliore collaborazione dei Nostri Fratelli nell'Episcopato, che deve sempre più rinsaldare l'interiore unità della Chiesa, onorare la collegialità dei Vescovi in comunione con questa Sede Apostolica, e rendere più uniforme e più efficiente, nelle comuni contingenze, l'azione pastorale della Chiesa, confortata dalla coscienza dell'unica fede, dalla emulazione delle forme molteplici in cui essa storicamente e localmente si esprime, e dalla solidarietà più operante della cristiana carità. Questione delicata e complessa, che... si connette altresì con quei perfezionamenti e con quelle modifiche da apportare al dedicato e tradizionale organismo, esperto nel governo centrale della Chiesa, che si chiama la Curia Romana." *Insegnamenti di Paolo VI* (1965), 3:366-67.

[88]"Partes vobis concreditae veluti dignitatem induunt et auctoritatem horum Institutorum ecclesiasticorum, hoc est Conferentiarum Episcopalium, quas Concilium Oecumenicum promovit earumque munera descripsit, adeo quidem ut, quemadmodum eae aptae videntur ad congruam et opportunam potestatis partitionem in regimen ecclesiasticum inducendam, et ad fovendam quandam formarum multiplicitatem in vita Ecclesiae exprimenda, quae Ecclesiae loci traditionem et indolem plane addecet, ita pariter conferant ad firmandam illam recte ordinatae compaginis unitatem, quae Christi Ecclesiae propria est nota." (Italian: "ad un relativo e pratico decentramento giuridico e ad un certo pluralismo di espressioni ecclesiali confacenti alla tradizione e all'indole della Chiesa locale, quanto al rafforzamento organico della compagine unitaria propria della Chiesa Cattolica.") *Insegnamenti di Paolo VI* (1967), 5:468.

Contained in these paragraphs are the strands of the pope's understanding of episcopal conferences, which are verified in his other discourses. First, the conferences express the fraternal and organic unity of bishops, which in his mind is founded on apostolic succession, into which bishops are received sacramentally.[89] Second, they witness to and promote the unity of the Church, especially in a defined territory.[90] Third, they invest pastoral action with a unitary character, making it more responsive to problems that require concerted action.[91] In other words, they concretely express episcopal collegiality, the unity of the episcopate both in its nature and in action.[92] Fourth, though they advance unified action, the freedom and personal responsibility of individual bishops are not at all diminished.[93] Fifth, they bring forth a balanced, relative and practical juridical decentralization in the Church and an accompanying pluralism of ecclesial expressions proper to the traditions and character of local Churches, which in turn can influence the central ecclesiastical government.[94]

The main point here is the theological connection that Paul VI makes between episcopal groupings and collegiality. He draws, first of all, from the *sacramental and ecclesial nature of the episcopate.* On account of its sacramental origin, the episcopacy constitutes one unified reality. Furthermore the ecclesial role of bishops as principles of unity of local Churches renders their groupings a veritable expression of the unity of the Church. Second, an appreciation of *local Churches* in their cultural and historical uniqueness also provides the conferences with a solid ecclesiological foundation. Third, *mission*, where the Church and the world meet, is not an extraneous element in the theological justification for episcopal groupings. Fourth, the *functional* aspect does not disappear, i.e., unified action maximizes the use of limited resources in responding to problems that are faced in common. In all this, Paul VI recognizes that collegiality has a *decentralist-localist* dimension that penetrates into its *centralist-universalist* component.

There is no need to rehearse again the conciliar debate on episcopal conferences reported in an earlier chapter. Centered on whether the doc-

[89]See also ibid., 145-46.

[90]See also *Insegnamenti di Paolo VI* (1966), 4:301.

[91]See also *Insegnamenti di Paolo VI* (1965), 3:660.

[92]"Nous aimons a souligner aussi la satisfaction que Nous eprouvons a recueillir les echos de vos efforts pour donner à la collégialité épiscopale, si clairement définie par le Concile, une expression concrète dans la constitution et la réalité vivante de vos conférences nationales et interterritoriales." *Insegnamenti di Paolo VI* (1967), 5:484, 145.

[93]*Insegnamenti di Paolo VI* (1965), 3:660.

[94]*Insegnamenti di Paolo VI* (1966), 4:302.

trine of collegiality can be considered the theological basis of episcopal conferences, the debate did not end with the council. Questions about strictly collegial acts, effective and affective collegiality, the origin of the episcopal *sacra potestas* and others persist because of divergent theological evaluation of conferences.[95] As in the synod, these disputes, which are as much about the notion of collegiality as about institutions, disclose the many questions left open by Vatican II. Paul VI's multi-faceted approach to the problem offers rich possibilities, not definitive solutions. It also bears the basic weaknesses and tentativeness already witnessed in his handling of the synod. Much like the synod, the actual life, activity and relations of episcopal conferences will enrich the theological understanding of collegiality contained in them.

2. *The Reform of the Roman Curia*

This section will not dwell on the details of the curial reform instituted by Paul VI. The main question is whether the reform serves collegiality. Expectations focus on two areas: the insertion of residential bishops into the curia, and that curial transformation will place it in the service of the communion of Churches. In the documents relative to the reform, neither of these concerns is explicitly linked by Paul VI to the collegial principle.[96]

Many studies on the "Pauline reform" conclude that, through it all, the curia is maintained as a papal instrument of universal governance, whose reform is demanded by changing times and by the desires of the conciliar Fathers. Its core papal character as an instrument of the pope's supreme, full and immediate authority over the Universal Church, vigorously affirmed in CD 9, remains and is strengthened because now it operates in full subordination to the pope who coordinates the whole network through the Secretariat of State. A new centralization is achieved, which safeguards the

[95]The remaining historical, theological and canonical issues regarding episcopal conferences are explored in *The Nature and Future of Episcopal Conferences*, ed. H. Legrand, J. Manzanares, and A. García y García (Washington, DC: Catholic University of America Press, 1988); *Episcopal Conferences: Historical, Canonical and Theological Studies*, ed. T.J. Reese (Washington, DC: Georgetown University Press, 1989); and A. Antón, *Primado y colegialidad, sus relaciones a la luz del primer Sínodo extraordinario* (Madrid: Biblioteca de Autores Cristianos, 1970). Some interesting comments are found in Ratzinger, "Konkrete Formen," 161-63.

[96]The inclusion of diocesan bishops into the curia was stipulated in CD 10 and promulgated through the "Motu proprio 'Pro comperto sane,'" AAS 59 (1967): 881-84. The reform of the Holy Office was effected through the "Motu proprio 'Integrae servandae,'" AAS 57 (1965): 952-55. The reform of the curia was contained in the apostolic constitution "Regimini Ecclesiae universae," AAS 59 (1967): 885-928.

liberty of the pope.[97] Thus, many fear that the reform produced a curia that has become even more an instrument of the primacy than of the communion of Churches.[98] On the other hand, it could also be said, with Laurentin, that papal monarchy, bred by the conciliarist victory at Constance, "reached its most accomplished form under Paul VI, the pope who broke the power of the curia."[99] Whether the papal control of the curia really allowed the *ecclesiae* to take their full place in the *ecclesia* during Paul VI's pontificate is a matter to be settled by historical research.[100]

The internationalization of the curia in itself does not guarantee that the collegial principle will be operative in the central ecclesiastical government. It is only through a re-thinking of the curia's role along the lines of the communion of Churches and the unity of bishops that an apparatus—supportive of the active "presence" of episcopal conferences and the whole college within it, receptive of their influence and devoted to their service—can be set up .[101]

3. Conclusion

So as not to be redundant, the observations made earlier on Paul VI's handling of collegiality in relation to the synod, episcopal conferences and the curial reform will not be repeated here. Rather, some of his teaching on *the Church as communion*, on *the papacy* and on *post-conciliar reform* will be indicated in order to shed light on the strengths and ambiguities of his positions.

In many of his speeches, Paul VI talked about the Church as a communion of faith, hope, love, and mission, a participation of the faithful in

[97]See P. Huizing and K. Walf, "Editorial," ix; R. Laurentin, "Synod and Curia," 98-100; F.C. Uginet, "La constitution 'Regimini Ecclesiae Universae,'" *Paul VI et la modernité dans l'Église*, 607, 610; Acerbi, "L'ecclésiologie," 238-43.

[98]See G. Alberigo, "Serving the Communion of Churches," 24, and J. Lécuyer, "The Place of the Roman Curia in Theology," 3, both in *The Roman Curia and the Communion of Churches*.

[99]Laurentin, "Synod and Curia," 101-2.

[100]The influence of the local Churches in the Universal Church is, for Ratzinger, the ultimate test of collegiality. Ratzinger, *Die letzte*, 14-15. He also contends that the college is above the curia and can assist in its structuring. Besides, the curia serves the pope's patriarchal rather than primatial role. Idem, "Konkrete Formen," 158.

[101]See Sánchez y Sánchez, "Episcopal Conferences," 108; Alberigo, "Serving the Communion," 24. Statistical data on the internationalization of the curia have been compiled by J.B. D'Onorio, "Paul VI et le gouvernement central de l'Église (1968-1978)," in *Paul VI et la modernité dans l'Église*, 615-45.

Christ and in each other.[102] However, when he is not talking to or about bishops, he tends to present the Church as a communion of individual Christians rather than a communion of local Churches. This tendency reinforces a universalistic approach to the Church and its structures, making creative diversity and coresponsibility a notional and structural difficulty. But it must be pointed out that in Paul VI's body of teaching, the potentials for the development of an "ecclesial collegiality"—based on the communion of local Churches and their "representation" in bishops—exist. They only have to be more consistently pursued.

Paul VI's characteristic association of Peter to Christ and to the Church, bypassing the apostolic college, also contributes to the tension in his thinking.[103] Coupled with a preoccupation with the preservation of papal freedom, this concern can unwittingly push the pope farther from the college and can claim his direct responsibility to the Lord in an uncritical fashion.[104] All the talk of humble service, the primacy of love, the weight and "ecumenical scandal," which the Petrine office brings, do not guard against the isolation of the pope.[105] They cannot substitute for a view that deliberately locates Peter within the apostolic college as his mission is linked to Christ and the Church. Peter's presence within the college as its head does not get the full attention that it deserves in Paul VI's thought.[106]

Finally, it should not be forgotten that the closing of Vatican II and its implementation did not bring with it an automatic and pacific acceptance by all of the council. On at least two occasions, made significant because of the audiences addressed, Paul VI delivered an *apologia* for the council. One was in the presence of the Roman Curia when he said:

[102]*Insegnamenti di Paolo VI* (1966), 4:794, 847-48; *Insegnamenti di Paolo VI* (1967), 5:852.

[103]See *Insegnamenti di Paolo VI* (1965), 3:1105; *Insegnamenti di Paolo VI* (1966), 4:763, 778-79.

[104]This was expressed in the formula *uni Domino devinctus.* During this time, Paul VI did not use the formula or the idea of the *uni Domino devinctus* so much to assert papal discretionary power as to reject a democratic interpretation of Church power. "Un servizio che deve sottostare a coloro che sono serviti e deve essere responsabile di fronte ad essi? No, un servizio a vantaggio dei fratelli, ma non a loro soggetto; un servizio a cui Cristo affidò non uno strumento servile, ma un segno di padronanza, le Chiavi, cioè la potestà del regno dei cieli; e servizio responsabile solo davanti a Dio: 'Qui autem iudicat me Dominus est,' dice di sè San Paolo." *Insegnamenti di Paolo VI* 3 (1965): 985.

[105]Ibid., 1110-11; *Insegnamenti di Paolo VI* (1966), 4:192-93, 759, 914; *Insegnamenti di Paolo VI* (1967), 5:716, 192-93, 679.

[106]For Peter's connection with the apostolic college, see *Insegnamenti di Paolo VI* (1965), 3:908; *Insegnamenti di Paolo VI* (1966), 4:415-16.

> Whatever might have been our opinion on the various doctrines of the council before its conclusions were promulgated, now our adhesion to the conciliar deliberations should be sincere and without reservation, even eager and ready to give them support in mind, action and behavior. The council has been a great innovation. Not all were predisposed to understand and to welcome it. But by now one must attribute the conciliar doctrines to the magisterium of the Church, and much more to the breath of the Holy Spirit. With firm and unanimous faith we must accept the great "tome," that is, the volume, the text of teachings and precepts which the council hands over to the Church. We, the Roman Church, before all others; we must be a congenial stimulus and fraternal example even in this, while through this effective acceptance, being authoritative promoters and interpreters.[107]

The same ideas were later conveyed to the Italian Episcopal Conference:

> It is neither sluggishness, nor critique, nor revision, nor rejection in the face of the work accomplished by the council that can benefit the Church. It is the knowledge, study and application of the legacy of the council which should engage theological study on the one hand, and pastoral government on the other, so that this new patrimony may be inserted in the "deposit," in the ample framework of truths already attained by the Church. We must look at the council with gratitude to God and with trust in the future of the Church.[108]

In this state of continued opposition to the council, presumably from among his close collaborators, Paul VI denounces the "non-ecclesial" attitude of fixation or the desire to return to the pre-conciliar religious and moral customs, not so much due to fidelity but to the tranquility guaranteed

[107]"Qualunque sia state la nostra opinione circa le varie dottrine del Concilio, prima che ne fossero promulgate le conclusioni, oggi la nostra adesione alle deliberazioni conciliari dev'essere schietta e senza riserve, volenterosa anzi e pronta a darvi suffragio di pensiero, di azione e di condotta. Il Concilio è stato una grande novità; non tutti gli animi erano predisposti a comprenderla e a gradirla. Ma bisogna ormai ascrivere al magistero della Chiesa le dottrine conciliari, anzi al soffio dello Spirito Santo; e dobbiamo con fede sicura ed unanime accettare il grande 'tomo,' cioè il volume, il testo degli insegnamenti e dei precetti, che il Concilio trasmette alla Chiesa. Noi, Chiesa romana, per primi; anche in questo a tutti amichevole stimolo e fraterno esempio, mentre di questa effettiva accettazione dobbiamo essere autorevoli promotori ed interpreti." *Insegnamenti di Paolo VI* (1966), 4:194.

[108]"Non è l'inerzia, nè la critica, nè la revisione, nè il rifiuto nei confronti dell'opera conciliare, che possano giovare alla Chiesa. E la conoscenza, lo studio, l'applicazione dell'eredità del Concilio, che devono impegnare da un lato lo studio teologico, dall'altro il governo pastorale, affinché questo nuovo patrimonio s'inserisca nel 'deposito,' nell'ampio quadro delle verità già acquisite dalla Chiesa. Dobbiamo guardare al Concilio con riconoscenza a Dio e con fiducia per l'avvenire della Chiesa." Ibid., 304.

by taking repose in the *status quo*. But he equally condemns the extremist attitude of "conciliarism" or the desire to put everything into discussion as a continuation of the conciliar dialectic, arbitrarily ascribing to oneself the authority to introduce innovative criteria.[109] Wanting to save the council, defending its dynamic innovation before the skeptic, and maintaining its fidelity to tradition before the restless, Paul VI leaned toward seeking tentative and compromise solutions. While the post-conciliar battle over the council does not totally account for the pope's strategy in implementing the council, it remains a datum that can partially explain the ambiguities in the institutionalization of the collegial principle through the synod, the episcopal conferences and the reform of the curia. As the fight continues to rage right in our own time, the questions faced by Paul VI are raised anew and prospective answers cannot dispense with the theological and juridical possibilities his prior solutions have to offer.

[109]*Insegnamenti di Paolo VI* (1965), 3:1116-17; *Insegnamenti di Paolo VI* (1966), 4:900-1.

CHAPTER IX

Summary and Conclusion

The contribution of Paul VI to the question of episcopal collegiality cannot be divorced from the history and fate of that issue during and after Vatican II. Most of the preceding chapters made plain that the conciliar preparation, sessions and implementation provided the stimulus that prodded his exploration, and created the atmosphere in which he defined his methodology. To the council's questions, he sought responses. But as an influential member of some conciliar commissions, and most especially as head of the council after his election to the Roman See, he also helped direct the council's movement and eventual position regarding collegiality. To his probing questions, the conciliar assembly searched for answers. Thus, Paul VI's thought on episcopal collegiality, and on any conciliar theme for that matter, cannot be adequately understood and evaluated without considering the relationship between the council and Paul VI, a mutuality that engraved on the council a peculiar Montinian stamp, as it marked his pontificate as a unique instance of official interpretation and reception of the council.

On account of the intricate connection between Vatican II and Paul VI, this concluding chapter will first consider some tools used for the interpretation of the council and of Paul VI. Then his thought and teaching on episcopal collegiality sketched in earlier chapters will be summarized and evaluated according to the interpretative tools identified.

Tagle, Luis Antonio G., *Episcopal Collegiality and Vatican II* (Manila: LST, 2004), 301-20.

A. SOME NOTES ON THE INTERPRETATION OF VATICAN II AND PAUL VI

A full approach to conciliar interpretation requires a scientific study of a council's pre-history, the actual event and the evolution of its texts, and its reception in the post-conciliar period. Though not shaped exclusively by Vatican II, many aspects of ecclesial life after the council are still attributable to movements it generated and received in different and changing historical contexts. The period after the conciliar sessions is veritably part of the council itself. But due to the limits of the present work, the reception of the council in the post-conciliar period cannot be given the attention it truly deserves. The years comprising the preparation and sessions of the council will be the main referent when talking of the council in this chapter.[1] In this section, it will be argued, first, that the recognition of Vatican II as a *transitional council* is crucial to the interpretation of its texts and spirit, and even the leadership of Paul VI; and second, that Paul VI's understanding of the *aggiornamento* willed by the council is a key to explaining his approach to the doctrinal and institutional transitions effected by the council.

1. Vatican II, a Transitional Council

Pottmeyer provides important insights into how the transitional character of Vatican II should influence its reception and interpretation.[2] To say that Vatican II is a transitional council is to affirm many things about its history, its methodology, its trajectory.

First, it means that Vatican II was a movement in and through which the Church elaborated a renewed self-understanding. It provided a passage from one phase of ecclesial self-definition, dominated by what Komonchak calls "modern Roman Catholicism" or the social form assumed by the

[1]Excellent and fuller studies on the reception of the council include *The Reception of Vatican II*, ed. G. Alberigo, J.P. Jossua and J.A. Komonchak (Washington, DC: Catholic University of America Press, 1987); Y. Congar, "La 'réception' comme réalité ecclésiologique," *Revue des sciences philosophiques et théologiques* 56 (1972): 269-403; A. Antón, "La 'recepción' del Concilio Vaticano II y de su eclesiología," *Revista Española de Teología* 48 (1988): 291-319; A. Acerbi, "Receiving Vatican II in a Changed Historical Context," in *Where does the Church Stand?* (New York: Seabury, 1981), 77-84.

[2]The following analysis depends heavily on H. Pottmeyer, "A New Phase in the Reception of Vatican II: Twenty Years of Interpretation of the Council," in *The Reception of Vatican II*, 27-43. See also idem, "Continuité et innovation dans l'ecclésiologie de Vatican II," in *Les Églises après Vatican II*, 91-116. Other insights on the council in a transitional age are provided by G. Alberigo, "Giovanni XXIII e il Vaticano II," in *Papa Giovanni* (Rome: Laterza, 1987), 211-43.

Catholic Church in the century and a half before Vatican II, to a new phase of testimony and proclamation that more positively evaluated the processes of modernization.[3] Rigid fronts were relaxed and openings achieved.

Second, this transition was characterized by both fidelity to the Church's Tradition and critical distancing from the relative values of preceding ecclesial forms in view of the needs of the times. The demands of continuity and renewal imposed the task of clarifying the council's relation both with the whole past of the Church and with the realities of the contemporary world.

Third, the concern of Vatican II for continuity and renewal showed itself during the conciliar discussions not only in the clashes of orientations that vied for dominance,[4] but also in the "method" of juxtaposition evident in the promulgated texts. Language and statements supportive of a pre-conciliar tendency were made to stand alongside those open to new orientations. Often taken pejoratively as a sign of the two-sided character of the council, the compromise reached by juxtaposition in fact also speaks of the relativization of the old aspects of a teaching achieved by new insights. This juxtaposition spells less a failure than a limitation of a transitional council, which could not have succeeded in presenting a new synthesis. By this very method, Vatican II is shown to be a transitional council.

Finally, the assimilation of what the council offered requires time, for it involves re-thinking, conversion, and acceptance of the breakdown of the logic that gave coherent form to "Roman Catholicism," thought by many for so long to be sacrosanct. The transition endorsed by Vatican II, the movement that is its "spirit," needs to be penetrated and be made anew constantly, as its texts and norms are studied and applied.

The elements that indicate the transitional nature of Vatican II can also be verified in Paul VI's teaching and praxis during and after the council. His being a "transitional pope," in the sense that he was the guide and implementer of a transitional council, could be best perceived from his understanding of conciliar *aggiornamento*.

[3]See J.A. Komonchak, "The Enlightenment and the Construction of Roman Catholicism," *Annual of the Catholic Commission on Intellectual and Cultural Affairs 1985*, 31-59, and "Interpreting the Second Vatican Council," *Landas: Journal of Loyola School of Theology* 1 (1987): 81-90. For more examples of the manifestations of "Roman Catholicism," in addition to those given by Komonchak, see A. Riccardi, "Dalla Chiesa di Pio XII alla Chiesa Giovannea," *Papa Giovanni*, especially 137, 149-51.

[4]Philips explained the theological tendencies that eventually confronted each other during the council in terms of focus on either the conservation of the deposit of revelation or the contemporary diffusion of the message. See G. Philips, "Deux tendances dans la théologie contemporaine," *Nouvelle Revue Théologique* 85 (1963): 228-38.

2. Aggiornamento According to Paul VI

Ugenti has studied the meaning of Church renewal in the magisterium of Paul VI during his whole pontificate.[5] He concluded that in Montinian terminology, *rinnovamento* (renewal) referred to the interior and spiritual realm, while *aggiornamento* (updating), to the exterior and institutional.[6] The texts of Paul VI till 1967, however, reveal that he often used *rinnovamento, aggiornamento, riforma* (reform), *restauro* (restoration) and *innovazione* (innovation) interchangeably and nuanced one term with the others.

For a start, we quote at length from Paul VI's address at the eighth public session of the fourth period. After pointing to the phases of enthusiasm with which the announcement of the council had been met and the disillusionment that had accompanied its difficult sessions, the pope turned to the third moment, that of *aggiornamento*:

> Then comes the third moment to which each one must dispose one's spirit. Discussion finishes; comprehension begins. To the disruptive ploughing of the field succeeds ordered and positive cultivation.
>
> The Church re-constitutes itself according to the new norms that the council has given to it. Fidelity characterizes them. A newness qualifies them, that of the heightened awareness of ecclesial communion, of its admirable structure, of the greater love that must unite, activate, and sanctify the hierarchical communion of the Church.
>
> This is the period of the true "updating" hoped for by Our predecessor of venerated memory, John XXIII, who certainly did not want to attribute to this programmatic word the signification which some want to give it, as though it yields to "realizing" everything in the Church according to the spirit of the world: dogmas, laws, structures, traditions; while in fact, the sense of the doctrinal and structural stability of the Church was so alive and firm in him as to serve as the hinge of his thought and work. From now on, "updating" will mean for us wise penetration of the spirit of the celebrated council and faithful application of the norms set forth in a happy and holy manner.[7]

[5]A. Ugenti, *La Chiesa dei tempi nuovi, il rinnovamento della Chiesa nel magistero di Paolo VI* (Vatican City: Libreria Editrice Vaticana, 1983). Ugenti so "systematizes" Paul VI's thought that its nuances, complexities and tensions do not shine forth. allow Here, the wealth and ambiguity of the pope's words will be allowed to reveal themselves.

[6]Ibid., 15.

[7]"Viene perciò il terzo momento a cui deve disporre il proprio spirito. La discussione finisce; comincia la comprensione. All'aratura sovvertitrice del campo succede la coltivazione ordinata è positiva. La Chiesa si ricompone nelle nuove norme che il Concilio le ha date: la fedeltà le caratterizza; una novità le qualifica, quella della accresciuta coscienza della

These dense paragraphs convey the basic ideas of Paul VI on *aggiornamento*, which are verifiable and expanded in other speeches. From all of them, some themes consistently arise.

First, *aggiornamento* is perceived as an ordered, positive, spiritual and ecclesial penetration of the *spirit* of the council and application of its *norms*.[8] This process is to be experienced as the discovery of the perennial vitality and youthfulness of the Church as it relates to the changed conditions of history.[9] The council desired to be a "restorer of the Christian consciousness" and vocation.[10] It initiated a period of *rinnovamento*, that is, "of greater fervor, of greater communitarian cohesion, of greater cultural deepening, of greater adherence to the Gospel, of greater pastoral love, of greater ecclesial spirituality."[11] A new positive testimony to Christ, animated by virile apostolic zeal, must color the post-conciliar period.[12]

Second, the council could offer a taste of the Church's enduring vitality because it returned to the sources of authentic Catholic Tradition. Para-

comunione ecclesiale, della sua meravigliosa compagine, della maggiore carità che deve unire, attivare, santificare la comunione gerarchica della Chiesa. E questo il periodo del vero 'aggiornamento' (Latin: illa ad novas necessitates accommodatio) preconizzato dal Nostro predecessore di venerata memoria Giovanni XXIII, il Quale a questa programmatica parola non voleva certamente attribuire il significato che qualcuno tenta di darle, quasi essa consenta di 'realizzare' secondo lo spirito del mondo, ogni cosa nella Chiesa, dogmi, leggi, strutture, tradizioni (Latin: quasi accommodatione illa liceret secundum 'relativismi' placita et saecularem habitum mentis in Ecclesia omnia considerare), mentre fu così vivo e fermo in lui il senso della stabilità dottrinale e strutturale della Chiesa da farne cardine del suo pensiero e della sua opera. Aggiornamento vorrà dire d'ora innanzi per noi penetrazione sapiente dello spirito del celebrato Concilio e applicazione fedele delle sue norme, felicemente e santamente emanate." Paul VI, "Discorso di Paolo VI nella 8a Sessione del Concilio," *Enchiridion* #440-41. Latin text in AAS 57 (1965): 978-84.

[8]Melloni remarks in passing, without any elaboration, that Paul VI's idea of *aggiornamento* as a product of the council differs from John XXIII's notion of it as a goal of the conciliar activity. A more thorough study of this comparison may prove worthwhile. See A. Melloni, "Paolo VI e l'immagine dei suoi predecessori," *Paul VI et la modernité dans l'Église*, 180.

[9]Paul VI, "Omelia di Paolo VI nella 7a Sessione del Concilio," *Enchiridion* #416. Latin text in AAS 57 (1965): 899-903.

[10]"Il Concilio vuol essere un restauratore della coscienza cristiana; anzi, nel suo sforzo di meglio comprendere il significato della vocazione di Cristo alla sua sequela, il Concilio approfondisce e sviluppa tale coscienza..." *Insegnamenti di Paolo VI* (1965), 3:1011.

[11]"...al contrario esso (il Concilio) ha voluto iniziare un periodo di maggiore fervore, di maggiore coesione comunitaria, di maggiore approfondimento culturale, di maggiore aderenza al Vangelo, di maggiore carità pastorale, di maggiore spiritualità ecclesiale." Ibid., 798.

[12]"...questa nuova vivacità apostolica, che deve oggi invadere gli animi di coloro che si dicono cattolici, e che deve tutti abilitare a dare nuova e positiva testimonianza a Cristo. Questo dovrebbe essere il 'post-Concilio'; questo il rinnovamento, l'aggiornamento auspicato dal Concilio Ecumenico." *Insegnamenti di Paolo VI* (1966), 4:823.

mount among these origins is the deposit of Revelation, which does not change.[13] Paul VI also mentions the nature of the Church as willed by Christ and as perfected by Tradition, which is "always the same and faithful to itself" (*quae semper eadem est sibique constat*) and cannot be relativized by history.[14] Vatican II also "restored" original forms of worship, thought and action.[15] The particular charisms of religious communities also occupy a special place in the Tradition. Other elements, like some institutions, devotions, practices, etc., though not immutable, still form part of the Catholic identity. Among religious communities, for example, the foundational charisms form the lasting and unfathomable values that have become ideals, the "adequation" to which efforts at renewal are directed.[16] So the origins that the council reassumed consist in the immutable deposit of Revelation, the religious charisms sanctioned by the Church and other elements of ecclesial life, worship and discipline, which had constituted the Catholic heritage. Improvements and changes are demanded, certainly not in the deposit of Revelation, but in the aspects of the Church that are human and historically conditioned.[17]

Third, the return to the sources, be they unchangeable realities, creative beginnings, perduring ideals or bearers of Catholic identity, fosters growth instead of aborting it. Once retrieved, these sources are translatable in modern contexts and terms, thus rendering the Church more fit in ever-changing historical situations.[18] The permanent realities and boundless ideals must be concretely lived in the Church of *today*, not in the Church of a past moment. Besides, "the Church is not a cemetery; it is not a museum. It is a garden where every plant always has a new springtime."[19]

Fourth, conciliar renewal and reform cover both visible changes in the external life of the Church and interior transformation of attitudes that resist the truly Christian spirit.[20]

Aggiornamento, therefore, involves factors standing alongside each other: the deposit of Revelation, which is above the flux of history, and the unending comprehension of it within the selfsame history; the historically ac-

[13]Ibid.; *Insegnamenti di Paolo VI* (1965), 3:1116.

[14]Paul VI, "Omelia," #416.

[15]*Insegnamenti di Paolo VI* (1966), 4:194.

[16]See AAS 59 (1967): 776-77; and *Insegnamenti di Paolo VI* (1966), 4:510.

[17]Paul VI, "Discorso," #433-34.

[18]*Insegnamenti di Paolo VI* (1965), 3:798.

[19]"La Chiesa non è un cimitero, non è un museo; è un giardino dove ogni pianta ha sempre nuova primavera." AAS 59 (1967): 777.

[20]*Insegnamenti di Paolo VI* (1965), 3:1117; and *Insegnamenti di Paolo VI* (1966), 4:90.

cumulated ideals and forms reverenced as Catholic identity, and the purification of the Church in this human, historical dimension; return to the origins, and living in the Church and world of today. Self-conserving growth happens in increasing comprehension and appropriation of the origins. The issue of continuity and renewal, which occupies a distinctive place in the transitional nature of Vatican II, is very much evident in Paul VI. Though beyond the scope of this chapter, it must be pointed out that the pope's understanding of history, of the world, of the Church's relation with them, and of the development of Church doctrine and Tradition in history deserves close investigation.

What conciliar *aggiornamento* is can be further clarified by determining what it is not in the thought of Paul VI. To begin with, Vatican II was not *una specie di uragano travolgente, quasi una rivoluzione* (a type of destructive hurricane, almost a revolution) that subverted ideas and customs.[21] Neither was it *un Concilio trasformatore* (a council to alter the Church) nor *radicalmente riformatore* (introducing radical reform).[22] Yet he admitted that the council had been *una grande novità* (a great innovation) calling forth a reform that was not easy to accept psychologically or to put into action.[23]

Distortions of the council manifest themselves in many ways. First, with regard to *divine and objective truth*, some have entertained doubts and doctrinal uncertainties and relativism.[24] Second, there has been an undermining of *ecclesiastical authority and magisterium*, manifested in impatience, in critique, in the arbitrary introduction of unauthorized reforms divorced from the experience and development of tradition, and in institutional disorder.[25] Third, there has been in some sectors an *easy accommodation to the contemporary world*, to its new ideas, doubts, negations, utopias, which were being used as determining factors in interpreting doctrine and discipline.[26] Finally, there is also a *false conservatism* that wants to return to the pre-conciliar religious and moral customs, not because of their divine, irreformable character, but because of the tranquility and laziness they seem to guarantee. This anti-conciliar attitude is not good, not logical, not ecclesial.[27]

[21]Ibid., 510.

[22]*Insegnamenti di Paolo VI* (1965), 3:798.

[23]*Insegnamenti di Paolo VI* (1966), 4:194.

[24]See Paul VI, "Discorso," #439; *Insegnamenti di Paolo VI* (1966), 4:510, 661-62; *Insegnamenti di Paolo VI* (1965), 3:798, 1011, 1116.

[25]See entries in the preceding note, and also *Insegnamenti di Paolo VI* (1966), 4:388-89, 823.

[26]*Insegnamenti di Paolo VI* (1965), 3:1011.

[27]Ibid., 1116.

From all this, the main argument is that the development of doctrine and ecclesiastical discipline was consigned by the council neither to the dictates of the contemporary world nor to a fossilized past. It remains the responsibility of divinely instituted teaching and governing authority. What transgresses these parameters can only be a deviation. The ordered positive penetration of the council's spirit and norms, and the concomitant rejuvenation of the Church are guaranteed by communion with the hierarchy, not by an uncritical accommodation to the world or by a static idealization of the past. Once again, the problem of the theological understanding of history presents itself. What history and the world contribute to the Church's growth is a part of the question.

From the points presented above, it becomes understandable why Paul VI espoused the *law of studied and graduated change* in the process of *aggiornamento*. He appealed for patience and trust in those responsible for implementing changes. "A reasonable and gradated progress" (*ragionevole gradualità*) is necessary as steps are being studied to prevent excessive bureaucracy and useless financial burdens.[28] To avoid the formation of a new hierarchical concentration, the involvement and coordination of the world-wide episcopate, especially of episcopal conferences, in conciliar renewal must be fostered through processes that require time. In the specific case of the Roman Curia, reform will be slow and partial if persons and traditions are to be respected as they ought to be. So gradualness means a gradated and systematically studied approach to change demanded by consideration of persons, customs and organizations. Besides, the minds of people must be prepared for the changes they will meet. The following quotation, from a discourse on the tenth anniversary of the Consejo Episcopal Latinoamericano , blends all these elements:

> In the program of renewal well formulated in its principal lines, gradual and systematic in execution, the pastor will maintain a fundamental fidelity to the proven apostolic traditions of the Church. He will reflect and proceed with circumspection before introducing changes. He will then suitably prepare the mind of the faithful to accept them. He will allow himself to be charmed neither by negative critique nor by new things for their own sake. He will keep innovations within the limits prescribed by legitimate authority. He will remember besides that it is necessary to know how to balance "the new and the old" with perceptiveness, drawing from the genuine fonts of the time-honored history of the Church, always guided by the Holy Spirit.[29]

[28]Paul VI, "Discorso," #431.

This quotation is a good demonstration of Paul VI's ideas on the process of *aggiornamento* initiated by Vatican II.

B. PAUL VI ON EPISCOPAL COLLEGIALITY

In the first chapter of the present work it was shown that while systematic studies on episcopal collegiality *per se* were scarce during the decade before Vatican II, the theme nevertheless came up in inquiries into other aspects of the theology of the episcopate. The subsequent chapters on the council indicated that in the conciliar commissions and in the aula, there was no discussion of the episcopal college that did not bring in other issues pertaining to the episcopate. Although the final stages of the debate focused on the problem of collegial power, the *iter* of the doctrine on the college of bishops was almost synonymous with the history of the theology of the episcopate in Vatican II in its various dimensions.

1. Completing Vatican I

The drama surrounding the conciliar discussion on the episcopate, with its passion and enthusiasm, fears and hesitation, crises and disenchantment, displays a particular transition that Vatican II had wanted to make. Cardinal Montini-Paul VI had always been a conscious catalyst of such a movement in the specific area of the episcopate. In him, it came under the rubric of *the search for a fuller ecclesiology through the completion of Vatican I.* The ecclesiological *methodology and doctrine* of Vatican I cry out for expansion. The Church needs to understand itself beyond the heavily juridical mode evident in Vatican I. The homogeneous Church that Vatican I fostered needs to make room for the Church of various peoples and cultures. The Church's self-definition, concentrated on the pope and his primacy of jurisdiction, needs to embrace the other subjects who make up the Church, i.e., bishops, presbyters, the laity, not to mention the relation of the Church with the world. Completing Vatican I in these dimensions means neither negating nor opposing

[29]"Nel programma di rinnovamento ben concepito nelle linee principali, graduale e sistematico nell'esecuzione, il Pastore manterrà viva una fedeltà fondamentale alle comprovate tradizioni apostoliche della Chiesa; rifletterà e procederà con ponderatezza prima di introdurre mutamenti; preparerà poi convenientemente l'animo dei fedeli ad accoglierli; non si lascerà invaghire dalla critica negativa, nè dalle novità in quanto tali; manterrà le innovazioni entro i limiti segnati dalla autorità legittima; ricorderà inoltre che occorre saper contemperare con perspicacia 'nova et vetera,' attingendo alle fonti genuine della storia secolare della Chiesa, sempre guidata dallo Spirito Santo." *Insegnamenti di Paolo VI* (1965), 3:668.

it. What Paul VI envisaged was the completion of Vatican I by both re-affirming and widening its ecclesiological approach. The papacy, which Vatican I had defined unilaterally, was to be re-affirmed but complemented by the inclusion of other persons and realities in the Church's self-realization as subject. This program is served by the return to the roots of Revelation and of the Catholic heritage that he holds essential to any *aggiornamento.*

2. Papal Primacy

Though the Catholic Tradition that must be retrieved is broader than what is found in Vatican I, the recognition of the rightful place of bishops within a renewed ecclesial self-understanding necessarily steered the conciliar Fathers and Paul VI to Vatican I, where a similar quest for ecclesial identity had been attained and embodied in the defined doctrine on the papacy. Collegiality as a mark of the renewal of Vatican II must be related to the papacy as defined by Vatican I. This issue proved to be one of the most contested in the council.

Paul VI's abundant reflection on the *Petrine office* can be counted a re-appropriation of Vatican I as his share in the completion that he had encouraged. It may be useful to recall that Vatican I defined the uniqueness and independence of the Church vis-à-vis the modern sovereign state (after the model of the state!). The independence of the Church was underlined in the form of the primacy of jurisdiction possessed by the pope over the whole Church, with his freedom and sovereign power to decide and to teach.[30] Paul VI was extremely protective of this aspect of the papal office. He manifested it in many ways. The ease with which, in the Central Preparatory Commission, he had allowed the idea of papal universal pastorship to stand alongside that of headship of the college later gave way to apprehensions that the title "head of the college" might lead to the notion of papal power as delegated, leaving the pope beholden to the college. The oft-repeated description of the papacy as an office gifted with sufficiency of power, as well as the frequent harping on the autonomy of the pope in the face of the episcopal college and the assembled council, served the purpose of safeguarding papal prerogatives. The differentiation between papal power, which can be exercised always and freely (*semper et libere*), and collegial power in the strict sense was highlighted. The thirteen papal *modi* of May 1964 and those of November 1964 portrayed this anxiety vividly.

[30]See Pottmeyer, "Continuité," 105-10.

Furthermore, in Paul VI, fidelity to the teaching of Vatican I on papal juridical freedom and primacy was somehow spiritualized or clothed in "mystical" garb.[31] He did this primarily through his innumerable musings on Peter's mission and empowerment, received directly from Christ, to be the Rock of the Church, hence, the Vicar of Christ who is the true cornerstone. The triad Peter-Christ-Church then supported the mystique of the pope as a solitary figure: responsible only to the Lord (*uni Domino devinctus*) from whom his power comes directly, and forced to act in solitude within the Church on account of his singular position (*ipse solus*). The over-all result was the "spiritual legitimation," as it were, of papal jurisdictional authority.

There were, however, attempts by Paul VI to explore other aspects of the papacy. He utilized relational and ministerial language profusely to depict the pope's role. The Roman episcopate was more than once described as the reason for the universal pastorate and the mark that distinguished the pope from other successors of the apostles. As the notion of ecclesial communion became more prominent, the pope increasingly came to be defined as its servant and center. But Paul VI also poignantly laid bare the irony at the heart of the papacy: the divinely instituted center of communion constitutes in the present time the greatest block to Christian unity. The lofty view of the papal office supported by a sure faith is cast in an almost tragic shade. Besides, the exaltation of the papal office never led Paul VI to glory in his position; on the contrary, it impelled him to approach it with unadorned dignity, fear and reverential awe. In all, keeping continuity with the defined doctrine of Vatican I on the papacy brought Paul VI the most torment.

3. Papal Freedom

The meticulous preservation of papal freedom had as a consequence the difficulty with the teaching that the *episcopal college, united to its head, is the permanent subject of supreme and full power over the Church*, even outside an ecumenical council. Regarding this point, Paul VI harbored doubts similar to those of the minority. He came to its slow acceptance only after having set parameters to its interpretation that would ensure papal freedom and primacy, and ward off suggestion of juridical equality within the college or of a parliamentary delegation of power (see the *nota explicativa praevia*, or NEP). These safeguards also punctuated what was said of the juridical dependence of bishops on the pope for the collegial use of supreme power.

[31]See Acerbi, "L'ecclésiologie," 227-33.

4. Other Questions

The two issues just identified as critical for Paul VI in completing Vatican I, while remaining in continuity with it, did not impede him from searching in earnest for ways of clarifying the role and mission of the episcopal college. But his main preoccupation influenced his way of handling the other questions surrounding the episcopal college.

a. The question of the *sacramentality* of the episcopate is important because it touches the origin of the episcopal body and of its powers. Paul VI had always affirmed the sacramentality of episcopal consecration, which bestows the apostolic mission, charisms and powers in the line of apostolic succession, and effects entrance into the episcopal college. The episcopal college, a sacramental reality, succeeds to the apostolic college in function. But Paul VI made clear that the succession of one college to another does not entail the transmission of the individual apostles' extraordinary powers in which they were equal. Thus, "proportionality" rather than equality defines the relationship between the two colleges. Moreover, neither the equality that existed among the apostles on account of their common extraordinary powers nor the said powers themselves are transmitted to the episcopal college. This approach is one way of setting limitations on the powers of the members of the college, but not on those of the head. A true hierarchy within the episcopal college has to be preserved and clearly acknowledged. It seems that in Paul VI's understanding of apostolic succession, there was more parity between Peter and the pope than between the apostles and bishops.

b. Paul VI also accepted the *unity of the episcopal office* conferred in sacramental consecration. The offices of sanctifying, teaching and governing form one sacramental-ontological reality. But in the juridical realm, Paul VI insisted that the offices of teaching and governing, by their very nature, are not powers ready to be put into immediate use. They require the intervention of hierarchical authority through the bestowal of canonical mission. This condition, generally called hierarchical communion, is essential for the official use of the said offices. Paul VI held both the distinction and the relation between the sacramental and juridical aspects of the Church, and between the possession of an office and its exercise. He could thus acknowledge the renewed understanding of the sacrament while preserving the indispensable role of the pope in the social structure of the Church.

Questions linger therefore on the exact ontological nature of the offices received. Paul VI disagreed with the minority position that the powers given are mere capabilities that leave the recipient open to the bestowal of

power by the pope through the assignation of an office. At the same time, his own terminology (*capacità reale, abilitare*) seemed to lend itself open to this interpretation. It seems that his main dissent from the minority lay in his disagreement with the position that the pope is the source of the offices themselves. From the beginning of the council, Montini already showed uneasiness with such a claim.

Finally, *hierarchica communio*, as a condition for the exercise of teaching and governing, was not as purely canonical a notion in Paul VI as it is interpreted by some commentators who associate it with the conferral of power by the pope to supplement the effects of consecration. In his use of the concept, he surely pointed to the subordination of bishops to the pope and the latter's coordination of the former's exercise of power; but he also stressed the mutuality that governed their communion. It is quite clear in Paul VI that although hierarchical communion is an essential *condition* for membership in the college and for the exercise of teaching and governing, it is not on a par with the sacrament that remains the *source* of sacred power.

c. Paul VI eventually came to terms with the teaching on the *episcopal college as subject of supreme and full power* outside the event of a council. He had firmly held the unicity of the magisterium and the sure exercise of collegial power in a council, but he somehow went beyoned the theories that attributed conciliar power to papal concession. In a council, one supreme and full power, uttering one teaching with one voice, is brought about by the communion of minds, judgments and powers of the assembly and the pope (*una cum patribus*). But it was in the extra-conciliar existence of the college as subject of power that Paul VI had to protect the papacy more resolutely.

First, he deliberately left unsettled the question of whether there is one subject or two inadequately distinct subjects of supreme and full power. Second, he demanded that full, not only supreme, power be ascribed to the college in order not to jeopardize the fullness of papal power since the college always includes the pope. These moves could point to the theory of a single subject of power, the pope, in whose plenitude of power the rest of the college participates when conceded by him. Third, the permanent possession *but* discontinuous exercise of supreme power by the *college* was emphatically differentiated from the possession *and* exercise of supreme power by the *pope* personally (*semper in actu*). So papal jurisdictional primacy is in no way diminished by the acknowledgment of the college as subject of supreme and full power.

d. Paul VI was also cognizant of the need for *institutional reforms* to make the collegial spirit operative in Church structures. In the three Montinian reforms related to collegiality, i.e., the institution of the synod of bishops, the establishment of episcopal conferences, and the reform of the Roman Curia, he was responding to the desires of the conciliar Fathers and the directives of the council documents. Among the Fathers, as well as in Paul VI, these issues were not initially related to collegiality. Their gradual association with the doctrine shows how conciliar awareness evolved.

Interestingly enough, where one expected a heavy dose of juridical discourse because of the structural nature of the matter, one found in Paul VI's documents on the reforms a prevailing concept of collegiality in the moral sense. References to the common goal, collaboration, coresponsibility, and mutuality abounded. Levels of "representation" were acknowledged in various episcopal groupings. The collegial principle was not confined to collegial action in the strict sense involving all bishops in an exercise of supreme power, but was recognized in gradations of acts. The demands of mission in the world played a notable role in collegial expressions. The nature of the Church as communion provided the "ontological" basis for episcopal groupings, in addition to the papal and episcopal character that must be considered. Although the tensions arising from the protection of papal prerogatives persisted in Paul VI's ideas on collegial structures, his tendency was to downplay or to even avoid the juridical issues. This approach can certainly open up promising possibilities but it neither solves problems nor prevents them from arising.

e. Finally, the conciliar discussions on the episcopal college gravitated toward the question of power, as clearly shown in the history of the NEP. Because of the specific concern of reconciling collegial power with the power of the pope over the Universal Church, the college was treated by the council and by Paul VI in heavily *universalist* terms, which concretely meant the college's role in central government. The synod of bishops and the Roman Curia were the foci of this trend. However, the *localist* strand of collegiality, largely anchored in the principles of subsidiarity and decentralization, also appeared in the council and in Paul VI. The attention paid to episcopal conferences typified this aspect. But underlying all this is the question of the relation of *the Universal Church with the local Church.*

Paul VI dealt with the localist-decentralist dimension of collegiality beyond the issue of institutionalization. He had a clear vision of the bishop as the visible center of diocesan unity and apostolate. As the primary witness of the local Church's faith, a bishop personifies or represents the local

Church. The gathering of bishops, therefore, portrays the communion of Churches comprising the *catholica.* Ecclesial collegiality and episcopal collegiality are two faces of one reality. It must be admitted though that the nature of the Universal Church as a communion of local Churches was not fully explored by Paul VI. This deficiency showed when he spoke of the Roman Church's and the pope's calling to be the center of universal communion. In these instances, the faithful gathered in unity were seen more as individuals than as local Churches. Another manifestation of the lack of an ecclesiology of the Universal Church as communion of local Churches was the virtual silence on the relation between a bishop's local jurisdiction and the episcopal college's universal jurisdiction.[32]

5. Conclusion

It cannot be denied that Paul VI exhibited deep concern for papal primacy of jurisdiction and for everything that preserves and promotes it, thus giving the sense that he was consumed by the single issue of papal power. It can also be argued that partly on account of his tenacious guarding of the doctrine of Vatican I, the council's and his own teaching on collegiality allowed differing ecclesiological orientations to stand side by side in obvious compromise. But possible explanations, supported by the nature of Vatican II as a transitional council and by Paul VI's ideas on renewal, can be offered for these phenomena.

In the first place, the emphasis on papal power that accompanies the attention given to Vatican I simply confirms that council's method, content and legacy. If only for the desire to be in continuity with it, Vatican II and Paul VI could not have ignored that issue. Addressing the problem is not a fault in itself; whether it was approached *unilaterally* becomes the more pertinent question. Clearly, Paul VI cannot be accused of one-sidedness or reductionism in the content of his teaching on papal power and in his general handling of it.

Second, episcopal collegiality is one part of the bigger renewal and transition that Vatican II aimed to accomplish in continuity with Tradition, which includes Vatican I. Paul VI had always expressed optimism that the council would be able to reconcile papal prerogatives as defined by Vatican I with the rights of the episcopate. Negatively, he meant that the retrieval of traditional teaching on the episcopate by Vatican II could neither repudiate

[32]This connection is explored in the momentous work of G. Alberigo, *Lo sviluppo della dottrina sui poteri nella Chiesa Universale* (Rome: Herder, 1964).

nor oppose Vatican I. This is basically a sane attitude, if not the only viable one, should Vatican II succeed in its program of renewal. As Pottmeyer rightly observes, by setting the two Vatican councils in mutual opposition, a false choice is presented, resulting in a theological impossibility for the reception of either council by persons of contrary orientations.[33] Ultimately, the preservation of Vatican I, provided it is not blindly one-sided, is an impetus for the reception of Vatican II because it will reveal to the skeptics that the new context of Vatican II can allow for new, yet faithful, readings of Vatican I. Paul VI expended much effort during the council to achieve this.

Third, the unreconciled ecclesiological frameworks in Paul VI's thought on collegiality, evident in tensions between ideas and linguistic inconsistencies, reflect the same lack of synthesis as in the conciliar documents. Taking the transitional character of the council and the Montinian papacy, the inability to reach doctrinal synthesis is surely a limitation but not a total fiasco. The placement itself of newly retrieved aspects of the Tradition earlier than Vatican I, like the sacramentality of the episcopate, the unity of episcopal office, communion and collegiality, alongside assertions inspired by Vatican I already discloses the provisional and relative quality of ecclesial customs and forms that the council had inculcated. In this sense, even the lack of synthesis somehow spells out progress in the acceptance of the incompleteness of Vatican I.

Fourth, Paul VI's major contribution to the theology of episcopal collegiality lies in the call for an expansion of Vatican I. Through it, he helped open the exploration of ecclesiological approaches befitting the Church as mystery. It also led to a broadening of the subject of ecclesial self-realization and mission. Ecclesial and episcopal collegiality was thus an aspect of the Church's self-definition in Vatican II as it completed Vatican I. Collegiality was not merely a segment in the question of power-sharing, but was the dynamic search of the Church at Vatican II for its identity within its Tradition, its concrete praxis and its mission in a new context. And since the Church's self-determination at Vatican I, though binding, was nevertheless incomplete, the quest at Vatican II was legitimate and maybe even a duty.

Fifth, for Paul VI, episcopal collegiality requires interior renewal (e.g., fidelity to Christ's will for the Church, the spirit of collaboration, concern for all the Churches, faithfulness to the Vicar of Christ, awe at the mystery of the hierarchy, etc.) and structural reform. Any effective holistic renewal

[33]Pottmeyer, "Continuité," 96.

involves conversion of minds and hearts and of structures. The complexity of the process demands gradualness, respect for people and traditions. He seemed to have had a keen sense of how a drastic break-up of customs without preparation or acceptable replacements could ruin Catholic identity. Paul VI was also humbly aware that his reforms did not and would not settle all issues definitively. His remarkable prudence and realism shone in the recognition of the transitional nature of his reforms, e.g., that the synod of bishops could be perfected in the future. For him praxis would open up insights into the reality of collegiality and its proper working.

Paul VI's weaknesses detected in specific issues need not be reiterated. But in the context of Vatican II renewal, they acquire new significance. A few examples will suffice.

First, it is noticeable that the juridical method and content of Vatican I were often used to restrict collegiality, while the former was invariably maintained in the context of the latter. New insights on the episcopacy were constantly tempered by assertions of papal prerogatives, but the papacy was jealously maintained in spite of a renewed understanding of the episcopacy. While the basic intention of not setting the papacy and the episcopacy in competition was correct and necessary, the lack of true reciprocity impeded the attainment of a synthesis. This imbalance partly stemmed from the lack of an explicit acceptance of the innovative character of Vatican I vis-à-vis an earlier Tradition. Without such "de-mythologizing" of Vatican I, it would be used consistently to restrict any new retrieval of what is truly traditional. Recognition of the innovations introduced by Vatican I would make it a little easier to receive those brought about by Vatican II.

Second, there was a tendency to maintain continuity with Vatican I through the insertion of its honored formulae into the texts of Vatican II. This move in itself does not necessarily and automatically promote continuity between the two councils. Paul VI could have followed his own lead more diligently, that is, to locate continuity in the integration of papal primacy of jurisdiction with the enlarged subject of ecclesial identity. The liberty of the pope will not be restrained but rather will be more engaged as the Church expands its self-consciousness through collegiality, the local Churches, and structures of communion.[34] Papal self-understanding will be situated within the local Church of Rome, within the episcopal college, and within universal communion.[35] This will in turn further the understanding

[34]See ibid., 114-16; Acerbi, "L'ecclésiologie," 243.

[35]See the efforts of J.M.R. Tillard, *The Bishop of Rome* (Wilmington, DE: Michael Glazier, 1983), and *Église d'Églises* (Paris: Cerf, 1987); T.I. Jiménez Urresti, "L'autorité du

of the role and mission of specific sectors, like the episcopal college, within a fuller self-awareness of the Church.[36] What hindered Paul VI from pursuing this vision with regard to the episcopal college was the lack of an adequately elaborated conception of the episcopacy within the wider relation between local Churches and the Universal Church.

Third, the principle of gradated progress, *per se* reasonable, needs to be complemented by other criteria. How is the pace of change to be determined? Who decides whether "prudence" has turned to immobility? In the context of episcopal collegiality and reforms related to it, bishops themselves deserve a substantial role in the discernment, in an atmosphere of free communication. Also, legislation and structures should purposefully "hasten" the acceptance of ideas. Congar faults the inadequate institutionalization by Vatican II and Paul VI of widely accepted ideas for the malaise and crisis after the council.[37] With regard to the implementation of the collegial principle, this observation can be tied to Paul VI's hesitation to settle the juridical weight of the various levels of the exercise of collegiality made possible by the notion of collegiality in the moral sense. Thus, one could easily end up with a multiplicity of acknowledged collegial actions—and the influence of these actions in Church legislation and practice could be as easily dismissed.

Fourth, Paul VI's attitude toward the modern world can also pose some problems. On the one hand, the Church is for the world. Mission and the recognition of contemporary sensibilities and needs enter into his thinking on collegiality. On the other hand, societal models prevalent in the world are not allowed to influence collegial Church structures. Furthermore, many deviations of the council are attributed to an easy accommodation to the world. Truly the aspects of life and history that make up "the world" cannot be uncritically embraced by the Church. But if the Church is a human and divine society, it can learn from the world also, especially in ways of institutionalizing ideals like collegiality. Besides, the painful crises that marred the council and the post-conciliar period cannot be blamed exclusively on the world and interpretations of the council influenced by it. The council

Pontife romain sur le collège épiscopal, et, par son intermédiaire, sur l'Église universelle," in *La Collégialité Épiscopale, Histoire et théologie* (Paris: Cerf, 1965), 223-87. See also Congar's challenge to study the meaning of *caput* when applied to the pope. Y. Congar, *Ministères et communion ecclésiale* (Paris: Cerf, 1971), 181.

[36]A good paradigm for the study of the episcopate with a broader scope is provided by *L'Épiscopat et l'Église universelle*, ed. Y. Congar and B.D. Dupuy (Paris: Cerf, 1962).

[37]Y. Congar, "Remarques Générales," *Paul VI et la modernité dans l'Église*, 851-52.

itself unleashed forces strong enough to shake what were previously thought to be steady pillars of Catholic identity.[38]

As a whole, the lack of synthesis in Paul VI's thought is most evident in two areas. First, the optimism with which he envisioned the non-contrariety between the papacy and the episcopacy was often acted out, when choices presented themselves, in the form of decisions favoring the preservation of the papacy. Second, the hesitation to ascribe juridical standing to collegial structures tended to push a wedge between collegiality in the moral sense and juridically effective collegiality. Thus, collegiality in the moral sense, which allows for a variety of realizations, could be so used as to hinder the renewal of laws, procedures, and structures according to the collegial principle.

Paul VI is not the ultimate point of arrival for the doctrine and practice of episcopal collegiality. But neither is Vatican II. Having embraced the character, vision, hesitation and limitations of the council, Paul VI can be called truly the pope of Vatican II. His veritable contribution to collegiality lies in what he taught, and in what he left open. In the vast genre of his teaching, seeds of potentially productive theologies of collegiality are waiting to be discovered and nurtured. In the problems he intentionally left unsettled, he hands over to the living Church fields to explore. In refraining from uttering the final word, he has preserved collegiality as a reality that must be ever discovered by the Church in its life. In calmly making known his doubts, he has deepened fidelity to the Catholic Tradition.

Paul VI's basic intuition provides the horizon within which collegiality must be viewed, that is, the Church's process of self-definition, undertaken by Vatican I and continued by Vatican II, must be pursued. Episcopal collegiality is but a part of the dynamic by which the Church broadens its self-understanding as a historical subject, a fruit of a living Tradition to be appropriated at every new moment and in every singular situation. It is for this living Church, in its totality, that Paul VI lovingly expended his life. It is surely not the impression of arrogance that is imparted, but only of truthfulness speaking with dignified humility, when, in the hiddenness of prayer, he made a moving confession:

> I could say that I always loved the Church; it was love of the Church that took me out of my narrow and fierce egoism and set me to its service; and for the Church, not for any other, I seem to have lived. But I would like the Church to know it; and I would like to have the strength to tell it to the

[38]See Komonchak, "Interpreting," 83-84.

Church, like a secret of the heart, which only at the final moment of life one has the courage to do.[39]

[39]The whole paragraph reads: "Prego pertanto il Signore che mi dia grazia di fare della mia prossima morte dono d'amore alla Chiesa. Potrei dire che sempre l'ho amata; fu il suo amore che mi trase fuori dal mio gretto e selvatico egoismo e mi avvió al suo servizio; e che per essa, non per altro, mi pare d'aver vissuto. Ma vorrei che la Chiesa lo sapesse; e che io avessi la forza di dirglielo, come una confidenza del cuore, che solo all'estremo momento della vita si ha il coraggio di fare. Vorrei finalmente comprenderla tutta nella sua complessa, totale e unitaria composizione, nella sua umana e imperfetta consistenza, nelle sue sciagure e nelle sue sofferenze, nelle debollezze e nelle miserie di tanti suoi figli, nei suoi aspetti meno simpatici, e nel suo sforzo perenne di fedeltà, di amore, di perfezione e di carità. Corpo mistico di Cristo. Vorrei abbracciarla, salutarla, amarla, in ogni essere che la compone, in ogni Vescovo e sacerdote che la assiste e la guida, in ogni anima che la vive e la illustra; benedirla. Anche perchè non la lascio, non esco da lei, ma più e meglio con essa mi unisco e mi confondo: la morte è un progresso nella comunione dei Santi." Paul VI, *Pensiero alla morte* (Brescia: Istituto Paolo VI, 1988), 28-29.

APPENDIX I

Versions of the Four Questions on the Episcopate*

Alberigo 1	*Alberigo 2*	*Acerbi*	*Definitive*
Utrum Patres velint an non in capite secundo Constitutionis *De Ecclesia* decernere:	Utrum Patres velint an non in capite secundo Constitutionis *De Ecclesia* decernere:		Utrum placeat Patribus ita apparari schema ut dicatur
I. Episcopalis consecratio ad sacramentum ordinis pertinet atque praecellentem gradum confert sacerdotii, qui nimirum, et voce sanctorum Patrum et liturgica	I. 1) Episcopalis consecratio summum gradum Sacramenti ordinis constituit. 2) Episcopi etiam sola vi Sacramenti suscepti presbyteris	I. Docet sancta synodus episcopatum esse supremum sacramenti ordinis gradum cum suo proprio charactere.	I. Episcopalem consecrationem summum gradum Sacramenti Ordinis constituere.

*Presented in this appendix is a tool for reading Chapter Three, Section C, on the vote of orientation (October 30, 1963), pages 77-93 above. It consists of a comparison of different versions of the questions on the episcopate with the definitive form used in the actual vote. Such comparison can help determine the exact points of doctrine that the questions presented to the Fathers for a vote. The versions come from *Synopsis Historica*, 429-30, and Acerbi, *Due ecclesiologie*, 295-97.

consuetudine Ecclesiae, summum sacerdotium, sacri ministerii summa nuncupatur.	superiores sunt (quatenus vi episcopalis consecrationis in Ecclesia transmittitur valida successio apostolica quoad universam potestatem per sacramenta sanctificandi.)		
III. Omnis Episcopus consecratus in communione Episcoporum et Romani Pontificis, qui est eorum caput et principium unitatis, membrum est unius Collegii Episcoporum.	III. Omnis Episcopus legitime consecratus in communione Episcoporum et Romani Pontificis eorum capitis membrum est unius corporis Episcoporum. V. 1) Romanus Pontifex ut Christi Vicarius ab ipso Domino constitutus est ut sit caput et principium unitatis corporis Episcoporum.	III. Item s. synodus tenet ac docet singulos episcopos, vi suae legitimatae consecrationis, in collegium episcopale inseri ideoque idonea constitui subiecta potestatis ecclesiae, quae, ut supra dictum est, nonnisi in communione et ad nutum romani pontificis exerceri potest.	II. Omnem Episcopum legitime consecratum in communione Episcoporum et Romani Pontificis, qui est eorum Caput et principium unitatis, membrum esse Corporis Episcoporum.
IV. 1) Collegium Episcoporum, quod collegio Apostolorum in magisterio et regimine pastorali	IV. 1) Corpus Episcoporum, quod in munere evangelizandi, sanctificandi et pascendi	IV. Utrum placeat patribus declarare collegium episcoporum sub romano pontifice et ipsi	III. Corpus seu Collegium Episcoporum in munere evangelizandi, sanctificandi et

succedit, una cum capite suo Romano Pontifice, et numquam sine hoc capite, indivisum subiectum plenae et supremae potestatis in universam Ecclesiam creditur...	Apostolorum Collegio succedit, una cum capite suo Romano Pontifice, et numquam sine hoc capite, indivisum subiectum plenae et supremae potestatis in universam Ecclesiam creditur...	coniunctum, gaudere in ecclesia suprema potestate, quando ab eo invitatur ad actum collegialem ponendum, ab ipso libere approbandum.	pascendi succedere Collegio Apostolorum; et ipsum, una cum capite suo Romano Pontifice et numquan sine hoc capite (cuiu salvum et integrum remanet ius primatiale in omnes pastores et fideles), plena et suprema potestate in universam Ecclesiam pollere.
IV. ...et quidem ipso iure divino.	IV. ...et quidem ipso iure divino.		IV. praedictam potestatem ipsi Collegio Episcoporum Capiti unito competere iure divino.
IV. 2) Exercitium huius potestatis perficitur per diversos iuris humani modus a Romano Pontifice ordinatos vel saltem ab ipso numquam reprobatos.	IV. Exercitium actuale potestatis huius perficitur per diversos iuris humani modos a Romano Pontifice ordinatos vel saltem ab ipso numquam reprobatos.		N.B. Sensus propositionum tertiae et quartae est: a) actuale exercitium potestatis Corporis Episcoporum regitur ordinationibus a Romano Pontifice adprobatis;
	V. 2) Ipsius Romani Pontificis		b) actus vere collegialis

	est ultimum fere iudicium de opportunitate actionis collegialis corporis Episcoporum.		Corporis Episcoporum non datur nisi invitante aut 'saltem libere recipiente' (cf. Schema 'De Ecclesia,' p. 27, l. 38) Romano Pontifice; c) modus practicus et concretus, quo duplex forma supremae potestatis in Ecclesia exercetur, ad ulteriorem determinationem theologicam et iuridicam pertinet, Spiritu Sancto harmoniam inter utramque formam indefectibiliter roborante.
II. 1) Potestas qua pollent Episcopi per se ultimatim una – id est simul munus sanctificandi, docendi et regendi – ipsa consecratione tribuitur.	II. 1) Potestas qua pollet Episcopus origine una – id est simul munus docendi, sanctificandi et regendi complectens, - ipsa consecratione tribuitur.		
2) Exsecutio tamen actualis iurisdictionis in Ecclesia particulari,	2) Iurisdictio actualis in Ecclesia particulari non acquiritur nisi per	[another version of III] Sarcta tectaque doctrina de romani	

sive collatione expressa a Romano Pontifice, sive saltem ab eo numquam reprobata, semper confertur Episcopo in communione Collegii Episcoporum et Romani Pontificis eius capitis.	collationem expressa a Romano Pontifice vel per leges seu consuetudines canonice probatas a communione corporis Episcoporum et semper cum dependentia a Romano Pontifice.	pontificis primatu et infallibilitate a concilio Vaticano I sollemniter definita, docemus corpus seu collegium episcoporum, qui apostoles in munere docendi, regendi et sanctificandi succedunt, simul cum romano pontifice capite ac eius nutui subiectum pollere potestate in ecclesiam universam, eius tamen exercitium ab ipso romano pontifice sive directe sive indirecte dependet.

APPENDIX II

Comparison of Passages of *De Ecclesia* Affected by the Thirteen Papal *Modi**

TPR April 1964	**Papal Suggestions** May 1964	**Revised Text (TE)** June 1964
18...Quam doctrinam de institutione, perpetuitate, vi ac ratione sacri apostolici Primatus, necnon de Romani Pontificis infallibili Magisterio, Sacra Synodus suam facit, eamque cunctis fidelibus credendam rursus proponit, et in eodem incepto pergens, doctrinam de Episcopis, successoribus Apostolorum, qui cum successore Petri, Christi Vicario ac totius Ecclesiae visibili Capite, domum	18...Quam doctrinam de institutione, perpetuitate, vi ac ratione sacri apostolici Primatus, necnon de Romani Pontificis infallibili Magisterio, Sacra Synodus suam facit, eamque cunctis fidelibus *firmiter 1* credendam rursus proponit, et in eodem incepto pergens, doctrinam de Episcopis, successoribus Apostolorum, qui cum successore Petri, Christi Vicario ac totius Ecclesiae visibili Capite, domum	18...Quam doctrinam de institutione, perpetuitate, vi ac ratione sacri apostolici Primatus, necnon de Romani Pontificis infallibili Magisterio, Sacra Synodus suam facit, eamque cunctis fidelibus *firmiter* credendam rursus proponit, et in eodem incepto pergens, doctrinam de Episcopis, successoribus Apostolorum, qui cum successore Petri, Christi Vicario ac totius Ecclesiae visibili Capite, domum

*This appendix is an aid to reading Chapter Five, on the thirteen papal suggestions (May 1964), pages 139-81 above. Compared in this appendix are passages of the *textus propositus* of *de ecclesia* approved by the Central Preparatory Commission in April 1964, with which the papal *modi* are concerned; the same passages as they would have appeared if amended according to the papal *modi*; and the text as actually revised to accommodate some of the papal suggestions.

Dei viventis regunt, coram omnibus profiteri et declarare constituit.

21...Episcopalis autem consecratio, cum munere sanctificandi, munera quoque confert docendi et regendi quae tamen nonnisi in communione cum Collegii Capite et membris exerceri possunt.

22. Sicut, statuente Domino, sanctus Petrus et ceteri Apostoli unum Collegium apostolicum constituunt, eadem ratione Romanus Pontifex, successor Petri, et Episcopi, successores Apostolorum, inter se coniunguntur. Iam perantiqua disciplina, qua Episcopi in universo orbe constituti ad invicem et cum Romano Episcopo communicabant in vinculo unitatis, caritatis et pacis, itemque concilia celebrata,
per quae et altiora quaeque in commune statuerentur, sententia multorum consilio ponderata, ordinis episcopalis indolem et rationem collegialem significant;

Dei viventis regunt, coram omnibus profiteri et declarare constituit.

21...Episcopalis autem consecratio, cum munere sanctificandi, munera quoque confert docendi et regendi, quae tamen *natura sua 2* nonnisi in communione cum Collegii Capite et membris exerceri possunt.

22. Sicut, *statuente Domino 3*, sanctus Petrus et ceteri Apostoli unum Collegium apostolicum constituunt, eadem ratione Romanus Pontifex, successor Petri, et Episcopi, successores Apostolorum, inter se coniunguntur. Iam perantiqua disciplina, qua Episcopi in universo orbe constituti ad invicem et cum Romano Episcopo communicabant in vinculo unitatis, caritatis et pacis, itemque concilia celebrata, *praesertim oecumenica 4*, per quae et altiora quaeque in commune statuerentur, sententia multorum consilio ponderata, ordinis episcopalis indolem et rationem collegialem significant;

Dei viventis regunt, coram omnibus profiteri et declarare constituit.

21...Episcopalis autem consecratio, cum munere sanctificandi, munera quoque confert docendi et regendi, quae tamen *natura sua* nonnisi in communione cum Collegii Capite et membris exerceri possunt.

22. Sicut, *statuente Domino*, sanctus Petrus et ceteri Apostoli unum Collegium apostolicum constituunt, eadem ratione Romanus Pontifex, successor Petri, et Episcopi, successores Apostolorum, inter se coniunguntur. Iam perantiqua disciplina, qua Episcopi in universo orbe constituti ad invicem et cum Romano Episcopo communicabant in vinculo *unitatis et pacis*, itemque concilia coadunata,
per quae et altiora quaeque in commune statuerentur, sententia multorum consilio ponderata, ordinis episcopalis indolem et rationem collegialem significant; *quam manifeste comprobant Concilia*

		oecumenica decursu saeculorum celebrata, Eandem
quam etiam innuit ipse usus, antiquitus inductus, plures advocandi Episcopos qui in novo electo ad summi sacerdotii ministerium elevando partem haberent. Membrum Corporis episcopalis aliquis constituitur vi sacramentalis consecrationis et communione cum Collegii Capite atque membris.	quam etiam innuit ipse usus, antiquitus inductus, plures advocandi Episcopos qui in novo electo ad summi sacerdotii ministerium elevando partem haberent. Membrum Corporis episcopalis aliquis constituitur vi sacramentalis consecrationis et communione cum Collegii Capite atque membris.	*vero iam* innuit ipse usus, antiquitus inductus, plures advocandi Episcopos qui in novo electo ad summi sacerdotii ministerium elevando partem haberent. Membrum Corporis episcopalis aliquis constituitur vi sacramentalis consecrationis et communione cum Collegii Capite atque membris.
Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intelligatur.	Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intelligantur *eiusque integra servata potestate Primatus in omnes sive Pastores sive fideles 5.*	Collegium autem seu corpus Episcoporum auctoritatem non habet, nisi simul cum Pontifice Romano, successore Petri, ut capite eius intelligatur, *huiusque integre manente potestate Primatus in omnes sive Pastores sive fideles.*
Romanus enim Pontifex habet in Ecclesia, vi muneris sui,	Romanus enim Pontifex habet in Ecclesi*am*, vi muneris sui, *Vicarii scilicet, Christi et totius Ecclesiae Capitis,*	Romanus enim Pontifex habet in *Ecclesiam*, vi muneris sui, *Vicarii scilicet Christi et totius Ecclesiae Pastoris,*
plenam, supremam et universalem potestatem	plenam, supremam et universalem potestatem, *quam semper et libere exercere valet 6.*	plenam, supremam et universam potestatem, *quam semper libere exercere valet.*
Ordo autem Episcoporum, qui	Ordo autem Episcoporum, qui	Ordo autem Episcoporum, qui

Collegio Apostolorum in magisterio et regimine pastorali succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, subiectum quoque supremae ac plenae potestatis in universam Ecclesiam exsistit.

Collegio Apostolorum in magisterio et regimine pastorali succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, subiectum quoque *exsistit* supremae ac plenae potestatis in universam Ecclesiam, *iuxta Capitis ordinationem exercendae. 7*

Collegio Apostolorum in magisterio et regimine pastorali succedit, immo in quo corpus apostolicum continuo perseverat, una cum Capite suo Romano Pontifice, et numquam sine hoc capite, subiectum quoque supremae ac plenae potestatis in universam Ecclesiam exsistit, *quae quidem potestas independenter a Romano Pontifice exerceri nequit.*

Dominus enim Simonem ut petram et clavigerum Ecclesiae posuit (cf. Mt. 16,18-19), eumque Pastorem totius sui gregis constituit (cf. Io. 21,15ss); illud autem ligandi ac solvendi munus, quod uni Petro datum est (Mt. 16,19), collegio quoque Apostolorum, suo Capiti coniuncto, tributum esse constat (Mt. 18,18). Collegium hoc quatenus ex multis compositum varietatem et universalitatem Populi Dei, quatenus vero sub uno capite collectum unitatem gregis Christi exprimit. In ipso, Episcopi, primatum et principatum Capitis sui fideliter servantes, propria potestate in

Dominus enim Simonem ut petram et clavigerum Ecclesiae posuit (cf. Mt. 16,18-19), eumque Pastorem totius sui gregis constituit (cf. Io. 21,15ss); *illud autem ligandi ac solvendi munus, quod uni Petro datum est (Mt. 16,19), collegio quoque Apostolorum, suo Capiti coniuncto, tributum esse constat (Mt. 18,18). 8.* Collegium hoc quatenus ex multis compositum varietatem et universalitatem Populi Dei, quatenus vero sub uno capite collectum unitatem gregis Christi exprimit. In ipso, Episcopi, primatum et principatum Capitis *Ecclesiae 9* fideliter servantes, propria potestate in

Dominus enim Simonem ut petram et clavigerum Ecclesiae posuit (cf. Mt. 16,18-19), eumque Pastorem totius sui gregis constituit (cf. Io. 21,15ss); illud autem ligandi ac solvendi munus, quod uni Petro datum est (Mt. 16,19), collegio quoque Apostolorum, suo Capiti coniuncto, tributum esse constat (Mt. 18,18; *28,16-20*). Collegium hoc quatenus ex multis compositum varietatem et universalitatem Populi Dei, quatenus vero sub uno capite collectum unitatem gregis Christi exprimit. In ipso, Episcopi, primatum et principatum Capitis sui fideliter servantes, propria potesta in

bonum fidelium suorum, immo totius Ecclesiae funguntur, Spiritu Sancto organicam structuram eiusque concordiam continenter roborante. Suprema in universam Ecclesiam potestas, qua istud Collegium pollet, sollemni modo in Concilio Oecumenico exercetur. Romani Pontificis praerogativa est Concilia Oecumenica convocare, iisdem praesidere et eadem confirmare; nec Concilium Oecumenicum umquam datur, quod a successore Petri non sit ut tale confirmatum vel saltem receptum. Eadem potestas collegialis una cum Papa exerceri potest ab Episcopis in orbe terrarum degentibus, dummodo Caput collegii eos ad actionem collegialem invitet, vel saltem Episcoporum dispersorum unitam actionem approbet vel libere recipiat, ita ut verus actus collegialis efficiatur.

23. Collegialis unio etiam in mutuis relationibus singulorum Episcoporum cum particularibus Ecclesiis Ecclesiaque universali

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23. Collegialis unio etiam in mutuis relationibus singulorum Episcoporum cum particularibus Ecclesiis Ecclesiaque universali

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

25. Haec autem infallibilitas, qua Divinus Redemptor Ecclesiam suam in definienda doctrina de fide vel moribus instructam esse voluit, tantum patet quantum divinae Revelationis patet depositum, sancte custodiendum et fideliter exponendum. Qua quidem infallibilitate Romanus Pontifex, Collegii Episcoporum Caput, vi muneris sui gaudet, quando, ut supremus

apparet. *Romanus Pontifex, ut successor Petri, est unitatis tum Episcoporum tum fidelium multitudinis principium ac visibile fundamentum: Episcopi singuli principium et centrum sunt unitatis in suis Ecclesiis particularibus 11,* ad imaginem Ecclesiae universalis formatis, in quibus et ex quibus una et unica Ecclesia catholica exsistit. Qua de causa singuli Episcopi suam Ecclesiam, omnes autem simul cum Papa totam Ecclesiam repraesentant in vinculo pacis, amoris et unitatis.

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vi muneris sui gaudet, quando ut supremus *omnium Christianorum 12*

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

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pastor et doctor, qui fratres suos in fide confirmat (cf. Lc 22,32), doctrinam de fide vel moribus definitivo actu proclamat.

27. Episcopi Ecclesias sibi commissas ut vicarii et legati Christi regunt, consiliis, suasionibus, exemplis, verum etiam auctoritate et sacra potestate, qua quidem nonnisi ad gregem suum in veritate et sanctitate aedificandum utuntur, memores quod qui maior est fiat sicut minor et qui praecessor est sicut ministrator (cf. Lc 22,26-27). Haec potestas qua, nomine Christi personaliter funguntur, est propria, ordinaria et immediata, licet a suprema Ecclesiae auctoritate exercitium eiusdem ultimatim regatur et certis limitibus, intuitu utilitatis Ecclesiae vel fidelium, circumscribi posit.

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27. Episcopi Ecclesias sibi commissas ut vicarii et legati Christi regunt, consiliis, suasionibus, exemplis, verum etiam auctoritate et sacra potestate, qua quidem nonnisi ad gregem suum in veritate et sanctitate aedificandum utuntur, memores quod qui maior est fiat sicut minor et qui praecessor est sicut ministrator (cf. Lc 22,26-27). Haec potestas qua, nomine Christi personaliter funguntur, est propria, ordinaria et immediata, licet a suprema Ecclesiae auctoritate exercitium eiusdem *ultimatim regatur* et certis limitibus, intuitu utilitatis Ecclesiae vel fidelium, circumscribi posit.

Appendix III

Synopsis of the *Nota Explicativa Praevia*[*]

A	B	B'
Ad quas observationes		
Commissio statuit	Commissio statuit, pro facilitate lectoris,	Commissio statuit
sequentia esse respondenda:	expensioni *Modorum* sequentes observationes generales praemittere.	expensioni Modorum sequentes observationes generales praemittere.

A	B
1* *Collegium* non intelligitur sensu *stricte iuridico*, scilicet de coetu aequalium, qui potestatem suam praesidi suo demandarent, sed de coetu stabili, cuius structura et auctoritas ex Revelatione deduci debent. Quapropter in Responsione ad Modum 12 explicite de Duodecim dicitur quod Dominus eos constituit 'ad modum collegii seu *coetus stabilis*'. Cf. etiam Mod. 53c. Ob eandem rationem, de Collegio Episcoporum passim etiam adhibentur vocabula *Ordo* vel *Corpus*.	1* *Collegium* non intelligitur sensu *stricte iuridico*, scilicet de coetu aequalium, qui potestatem suam praesidi suo demandarent, sed de coetu stabili, cuius structura et auctoritas ex Revelatione deduci debent. Quapropter in Responsione ad Modum 12 explicite de Duodecim dicitur quod Dominus eos constituit 'ad modum collegii seu *coetus stabilis*'. Cf. etiam Mod. 53c. Ob eandem rationem, de Collegio Episcoporum passim etiam adhibentur vocabula *Ordo* vel *Corpus*.

*This appendix, a tool for reading Chapter Seven (pages 227-67 above), is taken from Grootaers, "Tableau," 181-88, with permission. The *modi* and responses to them incorporated by Grootaers into the synopsis have been left out. Italics occur in the original texts.

A	A'	A"	B
Quia autem parallelismus	Quia autem parallelismus	Parallelismus	Parallelismus

A	B
inter Petrum ceterosque Apostolos ex una parte et Summum Pontificem et Episcopos ex altera parte, non implicat	inter Petrum ceterosque Apostolos ex una parte et Summum Pontificem et Episcopos ex altera parte, non implicat

A	A'	A"	B
	transmissionem potestatis extraordinariae Apostolorum	quod etiam munus extraordinarium Apostolorum ad successores eorum transmittitur,	transmissionem potestatis extraordinariae Apostolorum ad successores eorum,
identitatem munerum inter caput et membra,			*neque, uti patet, aequalitatem inter Caput et membra Collegii*,
	sed solam indicat proportionalitatem inter primam relationem	sed solam indicat *proportionalitatem* inter primam relationem (Petrus et Apostoli)	sed solam *proportionalitatem* inter primam relationem (Petrus-Apostoli)
	et alteram	et alteram (Papa-Episcopi). Ideo	et alteram (Papa-Episcopi). Unde

A	B
statuit commissio scribere p. 63, lin. 16-19, non 'eadem' sed 'pari ratione'. Cf. Mod. 57.	Commissio statuit scribere pag. 63, lin. 16-19, non *eadem* sed *pari* ratione. Cf. Modus 57.
2* Aliquis fit *membrum Collegii* vi consecrationis episcopalis et communione hierarchica cum Collegii Capite atque membris. Cf. p. 63, lin. 33-36.	2* Aliquis fit *membrum Collegii* vi consecrationis episcopalis et communione hierarchica cum Collegii Capite atque membris. Cf. p. 63, lin. 33-36.
In *consecratione* datur *ontologica* participatio *sacrorum munerum*, ut	In *consecratione* datur *ontologica* participatio *sacrorum* munerum, ut

indubie constat ex Traditione, etiam liturgica. Consulto adhibetur vocabulum *munerum*, non vero 'potestatum' quia haec ultima vox de potestate *ad actum expedita* intelligi posset. Ut vero talis expedita potestas habeatur, accedere debet hierarchica determinatio, quae consistere potest in concessione particularis officii vel in assignatione subditorum, et

indubie constat ex Traditione, etiam liturgica. Consulto adhibetur vocabulum *munerum*, non vero 'potestatum' quia haec ultima vox de potestate *ad actum expedita* intelligi posset. Ut vero talis expedita potestas habeatur, accedere debet *canonica seu iuridica determinatio*

A	**A'**	**B**	**B"**
quae datur a superiore auctoritate, nempe a Summo Pontifice, vel, in Ecclesiis Orientis, a Patriarcha.	quae datur a superiore auctoritate, nempe a Summo Pontifice, vel, in Ecclesiis Orientis, ab auctoritate Patriarchali.	per auctoritatem hierarchicam, nempe a Summo Pontifice, vel, in Ecclesiis Orientis, ab auctoritate Patriarchali.	per auctoritatem hierarchicam.

A

B

Quae determinatio potestatis consistere potest in concessione particularis officii vel in assignatione subditorum *et datur iuxta normas a suprema auctoritate adprobatas.*

Huiusmodi ulterior norma *ex natura rei* requiritur, quia agitur de muneribus quae a *pluribus subiectis*, hierarchice ex voluntate Christi cooperantibus, exerceri

Huiusmodi ulterior norma *ex natura rei* requiritur, quia agitur de muneribus quae a *pluribus subiectis*, hierarchice ex voluntate Christi cooperantibus, exerceri

A	**B**	**B'**
debent.	debent.	debent. Evidens est quod haec 'communio' *in vita* Ecclesiae applicata est, secundum adiuncta temporum, priusquam *in iure* velut codificata fuerit.

A	B
Quapropter signanter dicitur, requiri *hierarchicam* communionem cum Ecclesiae Capite atque membris. *Communio* est notio quae in antiqua Ecclesiae (sicut etiam hodie praesertim in Oriente) in magno honore habetur. Non intelligitur autem de vago quodam *affectu*, sed de realitate *organica* quae iuridicam formam exigit et simul caritate animatur. Unde Commissio, fere unanimi consensu, scribendum esse statuit: 'in *hierarchica* communione'. Cf. Modum 40, et etiam illa quae dicuntur de *missione canonica*, sub. n. 24, p. 67, lin. 17-24.	Quapropter signanter dicitur, requiri *hierarchiam* communionem cum Ecclesiae Capite atque membris. *Communio* est notio quae in antiqua Ecclesiae (sicut etiam hodie praesertim in Oriente) in magno honore habetur. Non intelligitur autem de vago quodam *affectu*, sed de realitate *organica* quae iuridicam formam exigit et simul caritate animatur. Unde Commissio, fere unanimi consensu, scribendum esse statuit: 'in *hierarchia* communione'. Cf. Modum 40, et etiam illa quae dicuntur de *missione canonica*, sub. n. 24, p. 67, lin. 17-24. *Documenta recentiorum Summorum Pontificum circa iurisdictionem Episcoporum interpretenda sunt de hac necessaria determinatione potestatum.*
3* Collegium, quod sine Capite non datur, dicitur '*subiectum quoque supremae ac plenae potestatis* in universam Ecclesiam existere'. Quod necessario admittendum est, ne plenitudo potestatis Romani Pontificis in discrimen poneretur. Collegium enim necessario et semper Caput suum cointelligit.	3* Collegium, quod sine Capite non datur, dicitur: '*subiectum quoque supremae ac plenae potestatis* in universam Ecclesiam existere'. Quod necessario admittendum est, ne plenitudo potestatis Romani Pontificis in discrimen poneretur. Collegium enim necessario et semper Caput suum cointelligit, quod in *Collegio integrum servat suum munus Vicarii Christi et Pastoris Ecclesiae universalis.*
A.v. distinctio non est inter Romanum Pontificem et Episcopos collective sumptos, sed inter Romanum Pontificem seorsim et Romanum Pontificem simul cum Episcopis. Quia vero Summus Pontifex est *Caput* Collegii, ipse solus quosdam actus facere potest, qui Episcopis nullo modo competunt, v.g. Collegium convocare et	A.v. distinctio non est inter Romanum Pontificem et Episcopos collective sumptos, sed inter Romanum Pontificem seorsim et Romanum Pontificem simul cum Episcopis. Quia vero Summus Pontifex est *Caput* Collegii, ipse solus quosdam actus facere potest, qui Episcopis nullo modo competunt, v.g. Collegium convocare et

dirigere, normas actionis approbare, etc. Cf. Modum 81.	dirigere, normas actionis approbare, etc. Cf. Modum 81. *Ad judicium Summi Pontificis, cui cura totius gregis Christi commissa est, spectat, secundum necessitates Ecclesiae decursu temporum variantes, determinare modum quo haec cura actuari conveniat, sive modo personali,*

A	B	B'
	sive modo collegiali.	*sive modo collegiali.* Romanus Pontifex ad collegiale exercitium ordinandum, promovendum, approvandum, intuitu boni Ecclesiae, secundum propriam discretionem procedit.

A	A'	B
4* Summus Pontifex, utpote Pastor supremus totius Ecclesiae, suam potestatem *indesinenter exercet.*	4* Summus Pontifex, utpote Pastor supremus totius Ecclesiae, suam potestatem *indesinenter exercet,*	4* Summus Pontifex, utpote Pastor supremus Ecclesiae, suam potestatem omni tempore ad placitum exercere potest,
	ut ab ipso suo munere requiritur.	sicut ab ipso suo munere requiritur.
Collegium vero, licet semper existat, non indesinenter agere debet;	Collegium vero, licet semper existat, non indesinenter agere debet;	Collegium vero, licet semper existat, non propterea permanenter actione *stricte* collegiali agit, sicut ex Traditione Ecclesiae constat.
a.v. non semper est in actu pleno, immo raris intervalis actu stricte collegiali agit et *nonnisi consentiente Capite,*	a.v. non semper est 'in actu pleno', immo raris intervalis actu stricte collegiali agit et *nonnisi consentiente Capite.* Dicitur autem '*consentiente*	A.v. non semper est 'in actu pleno', immo nonnisi per intervalla actu stricte collegiali agit et nonnisi *consentiente Capite.* Dicitur autem

	Capite' ne cogitaretur de *dependentia* velut ab aliquo		'*consentiente Capite* ne cogitetur de *dependentia* velut ab aliquo
A	**A'**	**A"**	**B**
	extraneo. Terminus	extraneo; terminus	extraneo; terminus

A	**A'**	**B**
ut	'consentiens' evocat e contra *communionem* inter Caput et Membra, et implicat necessitatem actus qui Capiti proprie competit. Res	'consentiens' evocat e contra *communionem* inter Caput et Membra, et implicat necessitatem *actus* qui Capiti proprie competit. Res

A	**B**
affirmatur explicite p. 64, lin. 11-13, et explicatur ib., lin. 29-43. Formula negativa *nonnisi* omnes casus comprehendit: unde evidens est quod *normae* a suprema Auctoritate approbatae semper observari debent. Cf. Mod. 84.	affirmatur explicite p. 64, lin. 11-13, et explicatur ibid., lin. 29-43. Formula negativa *nonnisi* omnes casus comprehendit: unde evidens est quod *normae* a suprema Auctoritate approbatae semper observari debent. Cf. Modum 84.
In omnibus autem apparet quod agitur de *cooperatione* Episcoporum cum Papa, numquam vero de actione Episcoporum *independenter* a Papa. In quo casu, deficiente actione Capitis, Episcopi agere ut Collegium nequeunt, sicut ex notione Collegii patet. Idea autem *cooperationis* omnium Episcoporum cum Summo Pontifice in Traditione certe solemnis est.	In omnibus autem apparet quod agitur de *coniunctione* Episcoporum *cum Capite suo*, numquam vero de actione Episcoporum *independenter* a Papa. In quo casu, deficiente actione Capitis, Episcopi agere ut Collegium nequeunt, sicut ex notione Collegii patet. Haec hierarchica communio omnium Episcoporum cum Summo Pontifice in Traditione certe solemnis est.
	N. B. Sine communione hierarchica munus sacramentale-ontologicum, quod distinguendum est ab aspectu canonico-iuridico, exerceri *non potest.* Commissio autem censuit non intrandum esse in quaestiones de

liceitate et *validitate*, quae relinquuntur disceptationi theologorum, in specie quod attinet ad potestatem quae de facto apud Orientales seiunctos exercetur, et de cuius explicatione variae exstant sententiae.

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Glossary

Note: Translations of terms provided in this glossary—mostly Latin, unless indicated otherwise—are according to the context in which they appear in the text.

a priori – refers to that which precedes or is independent of sense experience, whereas *a posteriori* refers to that which is dependent upon or follows from sense experience.

ab Ipso – by Him (here, the Pope).

ab Ipso statuendis – what is to be determined by Him (here, the Pope).

abilitare (Italian) – to qualify, to enable.

Acta – Acts (usually understood as the formal records or proceedings of a convention, meeting, or council).

activité en coulisse (French) – activity in the side-scene; activity behind the scenes.

actus – action, deed, activity, as in *Acts of the Apostles.*

ad collegiale exercitium promovendum – for promoting collegial practice.

ad destructionem Ecclesiae – for the destruction of the Church.

ad extra – outward.

ad instar collegii – according to the likeness of a college.

ad instar cuiusdam collegii – according to the likeness of a certain college.

ad intra – inward.

ad modum collegii – in the manner of a college.

ad placitum – at the good pleasure (of someone).

aggiornamento (Italian) – adjournment, bringing up to date, updating.

amoris officium – office of love.

apologia (Greek) – defense.

approbamus – we approve.

capacità reale – real capacity.

caput collegii – head of the college.

caput collegii episcoporum – head of the college of bishops.
catholica – comprehensive, universal; specifically, Roman Catholic.
Christus totus – the whole Christ.
collegialità (Italian) – rights of a college.
collegialitas – collegiality.
Collegii Episcopalis Membra – Members of the Episcopal Assembly or College.
collegii episcoporum caput – head of the college of bishops.
collegium – 1) college, society, assembly; 2) a chapter or body of clergy connected with some collegiate church or cathedral; here, the body of bishops.
collegium improprie dictum – college improperly so-called.
communicationes (Italian) – communications.
concilium – an assembly for consultation, assembly, meeting, union, council.
coniunctio – 1) a union, relation, connection by relationship, affinity, friendship, intimacy; 2) a union, the act or state of being united with something, the union of minds.
coniunctio Episcoporum cum Capite suo – union of Bishops with their Head.
consensus fidelium (sensus fidelium) – sense of the faithful.
consilium apostolicum – here, a proposed council composed of the pope and representatives of the episcopate.
cooperatio – cooperation.
coordinandum sit – let it be coordinated.
cordialità (Italian) – cordiality, heartiness.
corpus – body.
cuiusdam collegii – of a certain kind of college.
cum Petro – with Peter.
De Ecclesia – concerning the Church.
De Episcopis – concerning the Bishops.
de episcopis et de dioceseon regimine – concerning bishops and the government of dioceses.
de facto – for a fact; a matter of fact; concerning the fact; in fact; actually.
de munere episcoporum – concerning the office of bishops.
eadem ratione – by the same reason.
ecclesia – the universal Church, the community of believers in Christ, an individual church, parish church, church.
Ecclesia ad intra-Ecclesia ad extra – Church in its internal structure-Church in its relation to the world.
Ecclesiae Caput – Head of the Church.
ekklesia (Greek) – church.
esprit de corps (French) – corporate feeling.
ex actis concilii – from the records of the council.
ex cathedra – from the chair (of office); usually referred to in relation to the highest exercise of authority of the papal magisterium.
ex mandato moderatorum – from the mandate of the moderators.

ex sese – of itself.
exercitium – an exercised, disciplined body of men.
expensio modorum – expansion of measures or suggestions.
firmamus – we affirm, confirm or ratify.
firmiter – firmly, steadily, lastingly, powerfully.
hierarchica communione – by hierarchical communion.
immatura – unripe, immature.
immaturità – immaturity.
in coena domini – in the Lord's supper.
in Ecclesia(m) – in the Church.
in fieri – in becoming.
in solidum – as a body.
indivisum subiectum – undivided subject.
insegnamenti (Italian) – teachings, instructions.
intuitu boni Ecclesiae – in view of the good of the Church.
ipse – self in person, he (emphatic), himself, herself, itself, used to denote that person or thing of which something is eminently or exclusively predicated.
ipse solus – himself/herself alone.
ipso facto – by the very fact; automatically or absolutely.
ipso iure – by the law itself.
ita – so, thus, in this fashion.
iter – a going, walk, way.
iure divino – by divine law.
iuridicam munerum distributionem – juridical distribution of offices.
iuris divini – of divine law.
iurisdictio canonica – canonical jurisdiction.
iuxta Capitis ordinationem exercendae – to be exercised according to the regulation of the Head (here, the Pope).
iuxta modum – the right, lawful way.
koinonia (Greek)– communion, fellowship.
legitima consecratio – legitimized consecration (an act by which a thing is separated from a common and profane use to a sacred one, or by which a person or thing is dedicated to the service and worship of God).
Lo Spirito è qui (Italian) – The Spirit is here.
maggioranza (Italian) – majority.
magno cum dolore – with great sorrow.
missio canonica – canonical mission; refers to an office or position (such as bishop, professor in a pontifical faculty of theology, etc.) whose exercise of that office depends on either ecclesiastical nomination (e.g., for a bishop) or confirmation in office.
modi – plural of *modus*: measures, ways, methods, suggestions.
modi conciliativi – conciliating measures, ways, methods, suggestions.
modus procedendi – way of proceeding.

modus – measure, way, method, suggestion.

motu proprio – of one's own accord; in ecclesiastical usage, this refers to a personal letter written by a pope either to the whole church, a local church, or some particular group or body. Technically, a *motu proprio* indicates an act or instruction, establishment of disciplinary regulations, etc., given on the initiative of the legislator rather than in response to a request.

motu proprio Ecclessiae Sanctae – an act or instruction of the Holy Church.

munera – plural of *munus*: offices.

munera docendi et regendi – offices of teaching and governing.

munera docendi et regendi natura sua – offices of teaching and governing by their nature.

munera sacra – a sacred office.

munus – office

munus apostolicum – apostolic office

munus regendi – office of governing.

natura sua – by its nature.

non mai (Italian) – never.

non placet – it is not pleasing; negative vote.

nonnisi consentiente Capite – only with the consent of the Head.

nonnisi dependente – only dependently.

nota bene – note well.

nota explicativa praevia – a preceding explicative note.

nota introductoria – introductory note.

nota riservata – reserved note.

omni tempore ad placitum exercere potest – at any time he can act as he pleases.

omnium Ecclesiarum caput et mater – head and mother of all Churches.

ordo – order.

ordo episcoporum – order of bishops.

par excellence (French) – eminently, the very ideal.

pareri (Italian) – opinions.

pastorale munus – pastoral office.

per modum collegii – by way or by means of a college

per se – by itself.

periti – experts.

placet – it pleases; affirmative vote.

plene consentimus – we fully agree.

post factum – late advice.

potestas – power, ability, authority or opportunity.

potestas ad actum expedita – power ready for action.

potestas docendi – power of teaching.

potestas suprema – supreme power.

praesertim oecumenica – especially ecumenical.

primus inter pares – first among equals.

prooemium – an introduction, preface.
propria discretione – one's own discretion.
quaestio magna et libere exercere valet – an important question and able to freely engage someone.
quaestio magna et multiplex de Episcopatu – an important and manifold question about the Episcopate.
quam semper et libere exercere valet – (a power) which a person can always and freely exercise.
radicaliter – radically, in a radical way.
raison d'etre (French) – reason for existence.
ratione latinitatis – by reason of Latin style.
relatio – relation, proportion.
relatio generalis – general relation.
relator – reporter.
résumé (French) – an abstract or epitome.
sacra potestas – sacred power.
sacro approbante concilio – with the sacred council's approval.
sancimus – we ordain (or ratify).
secundum propriam discretionem – according to suitable discretion.
semper actu – always acting.
semper et libere – always free.
semper in actu – always in act.
semper libere – always free.
senatus – senate.
settimana nera – black week or week of darkness.
si eidem placuerit – if it shall have pleased him (the same).
si eidem Summo Pontifici placuerit – if it shall have pleased the Highest Pontiff (Pope).
sicut – as, just as, as it were, (+verb in subj.) just as if.
sicut ab ipso suo munere requiritur – as is required by his very office.
simpliciter – simply.
sine qua non – without which nothing can be done.
Sitz im Leben (German) – setting in life.
sobornost (Russian) – collegiality.
societas inaequalis – unequal society.
solo – alone.
statuente Domino – as the Lord determines.
status quo – as things were before; existing state of things.
sub Petro – under Peter.
suffragio supremo del Papa – the supreme vote of the Pope.
sui generis – constituting a class alone; unique, peculiar.
textus emendatus – improved text.
textus novus – new text.

textus prior – former text.
textus recognitus – recognized text.
totius Ecclesiae caput – head of the whole Church.
totum potestativum – a unity of power.
transitus Domini – a changing (move) of the Lord.
ubi jus viget – where law is in force.
ultimatim regatur – to the last degree of.
una cum patribus – here, a formula that describes a council where there is one supreme and full power, uttering one teaching with one voice, brought about by the communion of minds, judgments and powers of the assembly and the pope.
una cum venerabilibus Patribus – together with the venerable Fathers.
uni Domino devinctus – here, bound and responsible alone to the Lord.
uno – one.
unum collegium apostolicum – one apostolic college.
ut – *adv.*: how, in what way; *conj.*: as, although, when, while, in order that, granted that, inasmuch as.
vi consecrationis – by the power of consecration.
vi consecrationis et communione hierarchica – by the power of consecration and hierarchical communion.
vocet – let it be called.
votum – vote, vow, prayer, desire.