

EPISCOPACY AND PRIMACY

The one-sided emphasis on monarchical centralism was not the original intention but rather the factual consequence of the unfinished I Council of the Vatican. The problem of an episcopacy of divine right, succeeding the apostolic college, which was hardly touched at that time has been discussed since 1954 (two allocutions of Pius XII) by O. Karrer, Dom O. Rousseau, Msgr. Charrue of Namar (given warm acknowledgment by Pius XII in 1957) and has become a central issue of theological investigations, especially since II Vatican was announced (Jan. 25, 1959). K. Rahner's two essays on Episcopacy and Primacy¹ contain the sharpest possible theological formulation of the problem and also offer some original dogmatic and practical suggestions. In the following, I shall try first to present Rahner's contribution to the problem (Part I), then, together with some critical observations, I shall add some insights on my own which—it seems to me—might be helpful for a further theological exploration of the issue (Part II), and, finally, I shall reflect on Rahner's proposal regarding the proper size of a diocese (Part III).

The problem of the proper relationship between episcopacy and primacy is concerned with the fundamental constitution of the Church as an incarnational, sacramental society *sui generis*. Consequently, no legal, juridical constitution could adequately comprehend and express its radical essence and structure. Rahner is perfectly aware that here we have to sail over the deepest waters of theology. He himself calls his proposals modest and fragmentary (pp. 65, 74). This dispenses us here from a comprehensive reviewing

¹ The first essay "The Episcopate and Primacy" which has been published before in *Stimmen der Zeit* 161 (1958) pp. 321-366, with a new study by Rahner, "On the Divine Right of the Episcopate" and another by J. Ratzinger: "Primacy, Episcopate and Apostolic Succession" were edited together in the *Quaestiones Disputatae* series No. 11 by Herder: Freiburg (English translation, Herder & Herder: New York, 1962, which we used in this discussion, referring to the relative pages in the text).

of the pertinent modern literature otherwise mandatory,² would one try to deal with the whole problem for which—let us be frank about it—the time is not yet mature. There are too many unsolved and unsighted problems in our ecclesiology which are still in process of becoming. I think that we needed very badly the one-sided definition in regard to primacy at I Vatican in order to see the real problem of the episcopacy of divine right, and we needed the clarification on the collegiate structure of the Church at the II Vatican in order to see better the real meaning of the primacy itself.

I

Rahner's first essay carries the title "The Episcopate and the Primacy." The fact of the possible growth of faith-consciousness in the Church³ permits us to consider the real constitution of the Church as a still open problem. It is legitimate to try to describe the Church in comparing it with other human societies like the sovereign state and to borrow terms from there, bearing in mind, however, that the Church in her ontological reality is different and distinct from any other human, political or even religious formation. The constitution of the Church, in spite of prior theological state-

² F. Amiot—J. Colson, etc., "Évêque" in *Catholicisme IV*. (1956) cols. 781-824 (lit); A. Adam—H. Barion etc., "Bischof," in *RGGI*. (1957³) cols. 1300-1311; "Was ist ein Bischof?" a survey in *Herders Korrespondenz* 12 (1956-57) pp. 188-194; J. Geweiss—M. Schmaus, etc. "Bischof," in *LThK* II. (1958²) cols. 491-506 (lit); G. Thils, *Primauté et prérogatives épiscopales*. "Potestas ordinaria" au concile du Vatican. Louvain, 1961; E. M. Kredel—A. Kolping, "Bischof," in H. Fries, *Handbuch der theologischen Grundbegriffe*. I. Koesel: Muenchen (1962) pp. 169-184; P. Anciaux, *L'Épiscopat dans l'Église*. Desclée de Brouwer: Bruges, 1963; W. Bertrams, S.J., *De relatione inter episcopatum et primatum*. Università Gregoriana; Roma, 1963; W. Bertrams, S.J., "La collegialità episcopale," in *Civiltà Cattolica* 115 (1964) pp. 436-455; J. Lecuyer, "Le collège des évêques selon le pape. Célestin Ier," in *NRTh* 96 (1964) pp. 250-259; J. P. Torrell O.P., *Les grandes lignes de la théologie de l'Épiscopat au Concile du Vatican*. Le point de vue officiel in *Bibl. Sal.* 63 (1962) pp. 49-65, also in *Sales* 24 (1962) pp. 283-297.

³ In other words, if there is a dogmatic development in theology in general, ecclesiology, inasmuch as we do not handle it as a part of fundamental theology, could not be regarded as an exception in which no dogmatic development is expected.

ments is not simply monarchical,⁴ just blended by some hierarchical aristocracy. The pope's absolute authority finds a real limitation in the episcopacy of divine right. The pope does not delegate his power to the bishops, and the bishops are not functionaries of the pope.⁵

In order to explain "this remarkable duality, this interlocking of papal and episcopal authority" (p. 20), Rahner proposes the following interesting consideration: the episcopal and papal authorities are related to each other as the local Church and the universal Church. The local Church is not simply "an administrative district of the whole Church but bears a unique relationship to the universal Church, one based on the nature of the Church and on her differentiation from natural, territorial societies" (pp. 21, 22).

"If the whole is so present in the part that it can fully consummate itself there according to its nature, and if the whole cannot by any means disappear while the part still lives, then the part is indeed more than a mere part and rightly bears the name of the whole" (p. 23).

The Church is an institution but, in this dimension of history, she has to become also a tangible visible event. She becomes an event "in the highest degree when she becomes 'event' as the communion of saints, as a society" (p. 25). And this again finds place "in the fullest sense . . . in the local celebration of the Eucharist" (p. 26). So that one could almost say not only that the Eucharist exists because the Church exists but also that "the Church exists because the Eucharist exists" (p. 26).⁶

⁴ Cf., e.g., J. Salaverri, in *Sacrae Theologiae Summa* I. B. A. C.: Madrid (1955) p. 552; or such a title as "Monarchia Sancti Petri" (a German selection from the works of Solowjow). Because Christ is the King, it does not follow at all that also his Vicar should be one. I heard Spanish seminarians acclaiming Pius XI in Rome: *Viva il papa rey*.

⁵ For magisterial statements on the right of the bishops cf. Rahner-Ratzinger p. 17 n. 5 and especially Ratzinger's detailed information on the famous declaration of the German bishops against the accusation of Bismarck that they were agents of a foreign power pp. 40-41.

⁶ An important point remains clouded in Rahner's exposition. The really visible and the most acute actualization of the Church is the local congregation at Mass. Why is such celebration always *praesidente episcopo* (or at least under the bishop's authority)? The theological relationship between bishop and local

“. . . the earliest local Church was a bishop's Church." So we can conclude: the Church is "represented in its catholicity by the pope" and inasmuch as "the whole Church is completely present in the local Church, the Church's powers of jurisdiction and order are completely present in the local bishop" (p. 29). "The pope alone, by divine right of course, represents the unity of the whole Church as the totality of the local Churches" (p. 29). Still, ". . . the pope has no power of order beyond that of the ordinary bishop, although from an absolute and comprehensive point of view, the *potestas ordinis* is a higher one than the power of jurisdiction" (p. 20).⁷

The local bishops "must preserve 'peace and communion' with the Apostolic See. But it does not follow that they are executors of the papal will alone" (p. 31). Rahner insists that, in regard to the government of the Church, the bishops are also "hierarchical channels for the impulses of the Holy Spirit" (p. 31).⁸ This immediacy with the Holy Spirit makes them more than just officials of the pope (p. 32). However, "because the universal Church is manifest in his diocese . . . the bishop, too, has a responsibility for the whole

pastor (respectively parish) is still a disputed problem. Cf. H. Rahner, *Die Pfarre*, Herder: Freiburg (1956) (lit) and also E. Walter, "Die Theologie der Pfarrei," in *LThK VIII* (1963²) cols. 403-406.

⁷ The expression is somehow unclear. Under "*potestas ordinis*," I believe Rahner understands here the priestly power, which is distinct from that of the bishop. He mentions later on that the view according to which episcopacy does not mean a new sacramental power over that of the priesthood could not be called heretical (p. 69). To be clear, both the priestly power and the episcopal power are "*potestas ordinis*," sacramental powers. The episcopal jurisdiction, in its distinction from the priestly power, is not only received in virtue of sacramental ordination, but also it functions in the dimension of the sacramental existence of the Mystical Body.

⁸ The chapter is entitled "The Episcopate and Charismata" (p. 30). The special influence of the Holy Spirit upon the Church through the mediation of the bishops is called "charismatic." For Rahner, the expression means lifeful creative initiatives beyond the legal fulfilments of the office. In regard to the bishops' teaching office, the term "prophetic" would be appropriate in this context. For the impact of such creative, supernatural originality, cf. K. Rahner, *Das Dynamische in der Kirche*, which received enthusiastic comments by Protestant reviewers because it emphasized the element which, according to their opinion, has no place in the legalistic, institutional rigidity of Catholic life. Whether the "charismatic" is the right term here or is used only in lack of something more proper we prefer to leave undecided.

Church" (p. 33). Rahner refers to the influence on the whole Church of such charismatic personalities as Augustine, Ambrosius, Ketteler, Card. Suhard, etc. (p. 34).

Such a situation could not be circumscribed exactly by legislation determining how much does belong to the bishop and how much to the pope. Absolutely speaking, the pope could restrict the episcopal powers to a purely nominal existence, since he has no superior to judge him (p. 35). That this does not happen is due to the vigilance of the Holy Spirit. This presence of the supernatural (the Holy Spirit as the soul of the Mystical Body)

shows why the Church cannot have an adequate constitution. Part of herself is the Spirit who alone can guarantee the unity of the Church by the existence of the two powers, one of which cannot be adequately reduced to the other in such a way that the Church could really be called a kind of an absolute monarchy (p. 36).

Consequently, in his second essay completing his first approach, which he calls a "fundamental answer" (p. 68), Rahner investigates "the divine right of the episcopate." Again, we do not get a full and exhaustive treatment but rather some inspiring thoughts.

"The practical life of the Church cannot be unequivocally deduced from the Church's dogmatic nature *iuris divini* alone. It is also a matter of historical development, of practical experience, of human law in the Church, and must be continually thought through and regulated anew in her changing historical circumstances" (p. 64). ". . . the Church preserves and remains faithful to her Christ-given permanent nature precisely by continually expressing it in a temporally conditioned form, in her *ius humanum* and in its practical application according to the needs of time" (p. 65).⁹

⁹ I am not much in favor of this distinction in the Church between things which are *iuris divini* and things which are *iuris humani*. This terminology, first of all, breathes a one-sided legalistic approach and, secondly, is also somehow confusing.

The dogmatic nature of the Church is exactly that she is the Mystical Body of Christ, an extension of the Incarnation, of the humanity of Christ. Consequently, the human reality in the Church is not a counterpart, antagonistic to, but rather the incarnational self-expression of, the divine. Whatever is human

Just as the natural law is spelled out in the positive laws of human social life, (but no code of law will ever express the whole content of the natural law in its legislation), so in our case of the episcopate and primacy, we could not expect a full articulation of this relationship in the canonical legislation of the Church (p. 68). Actually, in regard to the episcopate "we hardly learn anything beyond the fact that the episcopate is *iuris divini* and that the pope therefore cannot abolish it altogether . . . as if everything but the nominal existence of the bishops were mere *ius humanum*" (p. 69). However, the existence of an episcopate of divine right without a definable essence of divine right would be absurd. And this essence of divine right "cannot reasonably be based on those powers alone which we refer to as the episcopal power of order."

Therefore, the *ius divinum* which must be attributed to the essence of the episcopate and the existence of which is certain . . . must be sought also and above all in the power of jurisdiction even if, according to the common doctrine today,¹⁰ the bishop receives his power of jurisdiction from the

in the Church is not less divine, but rather, as Rahner says, it is somehow "the more human, the more divine." Only the deficient, vitiated aspects of human existence (we are used to calling human what is actually a weakness and defect of human existence) could be called *iuris humani*, making a right out of the misery of our mortality in contradistinction to that which is *iuris divini*, which is man restored in the Church in the image of God.

I would prefer to distinguish in the Church two layers: the Christological human reality on the one hand and, on the other, the pneumatological divine reality. The first is created because incarnate; the second is uncreated, the presence of the Holy Spirit. We must realize, further on, that the Christological, human reality of the Church, here and now in the dimension of mortality appears mostly in the kenotic state of infirmity. Therefore, the ecclesiastical triumphalism chastised by Cardinal Suenens is not only uncharitable but also dogmatically wrong.

Just as there is a dogmatic development, a real historical growth and unfolding in the faith-consciousness of the Church, which is a true development of the dogma and not merely a human increase of our understanding or contemporary interpretation, there must also be in the life in the incarnational, Christological human reality of the Church a truly historical progress of growth toward the eschatological consummation. This is simply implied by the fact of her truly historical existence.

¹⁰ His careful wording shows that Rahner does not wish to enter this problem here. However, it must be pointed out that this "common doctrine

pope . . . yet the power thus received is not a portion of the pope's own power delegated to the bishop (p. 70).

Still, it would be impossible to list the inalienable particular rights of the episcopacy which could not be restricted and taken over from an individual bishop by the pope (p. 71).

This can be so, explains Rahner, because the *ius divinum* of the episcopacy belongs firstly to the college and not to the individual bishop. Then, not each individual bishop is the successor of an individual apostle but the episcopacy as a college succeeds the college of the apostles. This collegiate structure belongs to the fundamental dogmatic constitution of the Church. So the *ius divinum* of the individual bishop is founded in the *ius divinum* of the universal episcopate (p. 72). ". . . therefore the papal rights over the individual bishop must be exercised in such a way that the divine right of the universal episcopate as a college is not in effect abolished or its nature threatened" (p. 73). The problem ". . . how the content of the episcopate's rights *iuris divini* can be more precisely defined . . . is a difficult one, one that theology to date can hardly claim to have properly proposed, much less adequately answered" (p. 74). Rahner himself considers his own contribution in this matter as "modest and fragmentary" (p. 74).

The most important point is to see "that the apostolic college as a genuine corporate body holds the authority in the Church" (p. 75). The college as such is a prior entity "not subsequently composed of individuals already possessed of their own authority before entering the college; and that the primacy of the pope is a primacy within and not *vis-à-vis* this college" (p. 77).

If the apostles had their authority first of all as individuals, they could hold this authority only by a mandate which Christ has given to them as individuals, or by a mandate from Peter. In the first case, they would no longer be subject to Peter; in the second, they would be apostles of Peter and not of Christ (p. 77).

today" is actually not a doctrine, but a fairly recent regulation that all bishops should be appointed immediately by the Holy See. At one time, bishops were elected by the people, later on by the chapter of canons. Therefore, it could not be said dogmatically that the bishop receives his power from the pope.

The basic logical and juridical problem in the Church's constitution "consists in this, that she is ruled by a college without its head thereby becoming a mere elected representative of the college; the head rules the college without the college thereby becoming his mere executive organ" (pp. 79, 80). "Such a state of affairs, which would, in the long run, prove the undoing of any secular body, flows from that unique relationship between the whole and part peculiar to the Church" (p. 80). "The structure of the Church rests essentially on something supra-institutional, on the *Nomos* of the Spirit, which cannot and will not adequately be translated into institutional terms" (pp. 80, 81).¹¹

Still unsatisfied, Rahner goes into a closer investigation of the thesis: the college of bishops is the successor of the apostolic college. There is a priority of the college over the individual bishops who are incorporated into it and therefore the Church is primarily one and this unity is not created by a later union of the individual bishops. According to the *C.I.C.*, the supreme authority in the Church is the council. This is *ius divini*, and also this shows that the supreme authority resides with the college "even though this *potestas in Ecclesia* has remained, as it were, on a paracanonical level so far as our present canon law is concerned" (p. 86). The supreme authority of the college is not contradicted at all by the Vatican definition

¹¹ The basically collegiate nature of the Church, and the very special relationship between the whole and the part in the Church, it seems to me, should not be explained by reference to the Holy Spirit—as Rahner suggests it—but rather by the eucharistic nature of the Church as the extension of the Incarnation. They are consequences of the Christological layer (cf. n. 9). The fact that II Vatican preferred the "People of God" term to the dogmatically not yet sufficiently elaborated Mystical Body does not mean that this latter should now be forgotten by the dogmatist as a theological attempt which arrived at a dead end. The fact is that, at the beginning of the Church, at the Last Supper, the Apostles were eucharistically incorporated, inserted into Christ, before his passion and glorification, but this area has not yet been explored in regard to its ecclesiological meaning. H. de Lubac's excellent *Corpus Mysticum*, Aubier: Paris 1959², contains many fine insights and an immense theological documentation in regard to the eucharistic reality of the Church. His well known controversy with Fr. S. Tromp and his rather controversial *Surnaturel* (Paris 1946) were not helpful recommendations for the ideas of this brilliant theologian.

of the rights of the primacy. Then, when the pope acts *ex sese*, he never acts as a person outside of the college, but as the pope, always "as the head of the college of bishops *iuris divini*" (p. 86).¹²

The possible objection that the bishops were from the beginning territorial governors of limited communities, which seems to be against the primarily collegiate character of the episcopacy, can be easily answered by reference to the auxiliary bishops who are members of the college but, nevertheless, do not have a territorial part of the Church assigned to them (pp. 90, 91).¹³

A further aspect: are there one or two subjects of the supreme, infallible teaching authority in the Church? ". . . a double supreme authority seems a metaphysical absurdity from the outset. . . . Two supreme powers, if they are really two, can only rule two distinct bodies" (p. 93). Therefore, Rahner votes for "a mutual rather than unilateral inclusion of papacy and fully constituted episcopal college," but he admits that this thesis needs a more detailed elaboration (p. 96). Just incidentally, he mentions that the approval of conciliar decrees by the pope is not a fortunate expression "as the approbation is an intrinsic element of the conciliar decree itself" (p. 95). "When, therefore, the pope defines sometimes 'alone' and sometimes together with the council, it is not a question of two acts of different subjects, but of two different procedures of one and the same subject . . ." (p. 97).

¹² The identification between the council and the college of the bishops is assumed by Rahner as matter of fact. H. Küng, however, distinguishes between a council of divine convocation, which is the Church itself (college of bishops?) and the actual ecumenical councils of human convocation (*Structures of the Church*, Thomas Nelson and Sons: New York, 1964 pp. 9ff. and 16ff.). In the latter, laymen also took part as full-fledged voting members (pp. 74ff.).

¹³ Rahner seems to forget here that the auxiliary bishops, as well as others receiving episcopate merely as a rank and dignity (Rahner does not think very highly of this practice of making papal officials bishops, p. 122), still receive territorial titles of long-since defunct sees. The radical question is rather this. Does the bishop establish the diocese or is the diocese the pre-existent foundation for the bishop? Inasmuch as the episcopal college is the successor of the apostolic college, I would prefer to vote for the first alternative. The apostolic college has not been superimposed on a Church already existent and established but rather it has been the radical foundation for the Church in its existence and collegiate structure.

The influence of the episcopate in the government of the universal Church is paracanonical. The papal decisions factually are always made on basis of a consultation with the episcopate, which consultation, however, could not be regarded as a legal requirement for the validity of papal definitions. There is no set of laws which could adequately govern the relationship between the individual bishops or between the pope and the episcopate (p. 103).

But why does a college rule the Church? The problem could be approached from the idea of communion (Rahner does it in his first essay), or from the idea of the apostolic succession (Ratzinger), or from the theology of the word (Schauf) (p. 104). Here, Rahner, without going any deeper into the dogmatic nature of the collegiality, turns his attention to an original consequence of it: the plurality as a necessary element in the Church (p. 105). Both unity and plurality are *iuris divini*. And the plurality of divine right is ensured by the collegiate structure of the church government (p. 107).¹⁴ Hence, Rahner draws the conclusion that the "Churches," the local dioceses under their individual bishops, should be creative and individual realizations of "the Church" in its variety. There should be a real creative individuality, original initiatives of Christian self-realization in each diocese. There should be a self-reliant episcopate. This pluralism today, when Christianity ceases to be one-sidedly European and American is something badly needed (pp. 113, 114). Now we see it "clearer in principle that it is hardly the business of the supreme pastor to regulate the smallest diocesan affairs himself" (p. 115). Also, this pluralism, which appears to be a true demand of the genuine life of the Church, is rather meaningful in regard to the ecumenical discussions and possibilities of our days.¹⁵

¹⁴ One is almost tempted to speak of simultaneously monogenistic and polygenistic beginnings of the Church. Monogenistic because it is the extension of Christ's humanity, polygenistic because this extension begins with the insertion of the twelve apostles.

¹⁵ "Such a consideration is important, for example, in the question of the conditions under which Protestant communities could and must be granted communion with the Roman Church. We cannot make it our aim to eradicate from such communities the whole history of Protestant Christianity, which after all was not illegitimate in every respect. To aspire to this, as a single,

The hitherto paracanonical regional conferences of bishops¹⁶—just because pluralism is a demand in the life of the Church—could and should be canonically regulated (pp. 118, 119). Also, the practices of the Roman congregations in their dealings with the episcopate should be regulated, since in fact there was too much of “bureaucratic routine among the Roman authorities, who in practice, if not in theory, can be tempted to regard the bishops as their subordinate officials out in the provinces” (p. 118). Rahner also thinks that, at the Council, more initiative should be left to the bishops in determining the agenda. It would also be desirable if a regular frequency of the councils could be canonically established (pp. 120, 121).

Rahner’s most intriguing suggestion, proposed as a sequel to the collegiate nature of the episcopate, is about the proper size of the diocese. His thesis is this: “a diocese must be of such size that it can fulfill within its own life all functions of the Church (except that of representing the unity of the whole Church through the petrine office)” (p. 123).

“An ancient *Polis* provided an adequate foundation for, and representation of, the whole of the Church’s life, since within the city the whole of human life at that time could come into play, each ‘city’ could also be a diocese” (p. 124). However, today

this ancient conception, which has been primarily preserved in Italy is obsolete. A diocese which cannot support its own seminary, in which the whole life of the Church cannot to some extent shine forth (in theology, liturgy, religious orders, art, etc.) is really not a diocese . . . such diocese cannot really be a member of the Church with a character of its own and its own special vocation in the Church. It can only represent what exists elsewhere (pp. 124, 125). . . . because of the divinely intended pluralism, each true diocese must or may live and represent the whole life of the Church in a

fundamental principle, would contradict the doctrine of the necessary pluralism in the Church” (p. 106 n. 31). “Here would be the historical and theological context for the contribution of Protestant Christianity to the plenitude of the Church, were it to return, wholly or in part, to the household of the common Father” (p. 107).

¹⁶ Cf. K. Rahner, “Ueber Bischofskonferenzen,” in *Stimmen der Zeit* 88 (1963) pp. 277-283.

different way, in a different style than another diocese, without thereby ceasing to be true to its nature or to live and mirror the whole life of the Church (p. 123 n. 46).¹⁷

This pluralism in the life of the Church realized in the individual dioceses is not against the unity of the Church, but rather is an animating element for this unity.

If the individual bishop is primarily a member of a college which is entrusted with the care of the whole Church, if he rules his diocese precisely insofar it is a part of the whole Church . . . then he must fulfill (his local duties) . . . in the consciousness of his responsibility for the whole Church, instead of regarding his responsibility for the whole Church as an additional and less important part of his duty (pp. 126, 127).

As a last consequence from the collegiate character of the episcopate, Rahner suggests the feasibility of the election of the pope through the episcopate and not just by the cardinals (the majority of whom are local bishops and thus somehow do represent the college) (p. 128).

Rahner concludes his fragmentary remarks by calling our attention to a distinction (more and more coming to the fore in modern moral theology) between legal and moral norms. The pope could do many things validly and legally, which actually would be wrong and even sinful. The only guarantee that the pope will not yield to the human weaknesses and temptations in such a measure as to frustrate the divine mission and reality of the Church is the Holy Spirit (p. 132). This is not a unique case concerning solely the papal powers. Also, the bishops can abuse their jurisdiction in a legally valid and morally wrong manner. The subjects then can and have to protest. Still there is no legal remedy against the pope as there is against the bishop by recourse, e.g., to the Holy See.¹⁸

¹⁷ For our counterproposal, cf. Part III of this discussion.

¹⁸ Rejecting a monarchical concept of papacy, Rahner made it very clear that the absolute rights of the pope are existentially limited by the fact of an episcopal college of divine right. Therefore his solution here—seeming to imply that only the direct personal influence of the Holy Spirit upon the pope can

II

Rahner obviously focuses his attention on the problem of episcopacy and primacy as it presents itself in our contemporary theology. Perhaps this is the reason why he who otherwise is the most insistent on the christological reality of the Church, here attempts explanations more on the juridical level. Christology and ecclesiology go together. When our Christology, somehow monophysitically, was almost exclusively interested in the divinity of Christ (an observation of Rahner in his "Current Problems of Christology"), our ecclesiology was and had to be treated as a part of the apologetics of fundamental theology, as something purely human, a shell harboring in itself the eucharistic mystery of the Incarnation, but otherwise established just by a positive divine decree and only because of that *iuris divini*. In such a conception, it is no wonder that the canonical, jurisdictional considerations prevailed almost one-sidedly in our ecclesiology.

All through his writing, it is one of Rahner's primary concerns to eliminate the incongruities flowing from the assimilation of the Church to a sovereign state of human establishment and constitution, which can be conceived in legal determinations. The Church is something ontologically different. Still, it seems to me, in both of his

and will keep him back from a disastrous use of his powers (which would be legal and valid but still morally wrong)—should be regarded as somehow unsatisfactory. H. Küng in his *Structures of the Church* quotes O. Karrer's pertinent remarks "on the spiritual forces in the bosom of the Church as corrective against a threatening absolutism (*Structures* p. 244 n. 52). Küng also dedicates a whole chapter (*ibid.* pp. 249-268) to conflicting situations between the pope and the Church, where, also following the classic manual of F. X. Wrenz, he discusses the possible legal procedures which could lead to the deposition of an insane, heretical or schismatic pope. Küng's penetrating analysis of the famous case of the Council of Constance (*ibid.* pp. 268 ff.) also confirms the position that the absolutism of the primacy is limited not only by a charismatic vigilance of the Holy Spirit over the pope but also by the radical collegiate constitution of the Church, even if the Church does not possess legally definable and constitutionally established rights against the pope. Further we wish to insist that although it is perfectly correct that papacy and episcopacy are mutually inclusive (p. 96), still there is a personal *vis-à-vis* between the pope and the college of which he is the head. A *vis-à-vis* not of opposition, but of communion, naturally within that unity which is prior to the individual members and to the head.

present essays he is very deeply influenced by the average opinion according to which the Church is established by, and according to the free decree of, its founder. If the Church is the Mystical Body of Christ, an extension of the Incarnation, then we must say that its existence is not just a consequence of a casual, incidental, gracious decision of the Lord, but rather we have to insist that the Church is his self-realization, the self-consummation of his personal-social human nature. Therefore the establishment of the Church is not just an execution of a divine decree, promulgated by the Word Incarnate in his earthly life, but is the full realization of the Incarnation: *pleroma Christi*.¹⁹ Therefore Rahner, speaking of the necessary pluralism of divine right in the Church, is not satisfied with the simple answer—the Lord willed it that way, but sees the collegiate nature already indicated in the OT concept of the people of God consisting of twelve tribes (p. 107). The insight is fine but should be elaborated. It has to be shown especially that such collegiate constitution in both OT and NT is not just a result of a positive divine decree, but rather stems ultimately from the personal-social nature of man, whose nature has been assumed by the Word.

Another point where some few things might be said, beyond Rahner, is the bishops' relationship to the Holy See. Rahner postulates a relative, still creative autonomy for the bishops but he does not investigate any deeper the modern opinion according to which the bishop receives his powers from the pope.²⁰ One could and should ask whether the bishop receives his episcopal powers when he is consecrated, or when he is appointed by the Holy See, and also whether the three bishops performing the consecration act *potestate propria* or as functionaries, delegates of the Holy See. Obviously, in both cases, the first alternative is to be taken as true. This situation creates a unique relationship between the individual bishop and the pope, which is expressed in the faith-consciousness of the

¹⁹ Eph 1, 23. Cf. Benoit, "Corps, tête, plèrome dans les épîtres de captivité," in *RB* (1956) pp. 5-44; A. Feuillet, "L'Eglise plèrome du Christ d'après Eph 1, 23," in *NRTh* (1956) pp. 446-472, 593-610; P. Lamarche, "Plénitude," in *Vocabulaire de Théologie Biblique*, Ed. du Cerf: Paris, 1962 pp. 836.

²⁰ Cf. our n. 10.

Church, by the fact that the pope never calls the bishops his sons, but his brethren. And brethren are not made by the brother. We can say that the episcopal power is not only not absorbed by the papal power but not even contained in it; it faces the papal power (naturally within the college) still in a personal confrontation as *potestas propria*.²¹

Tentatively we wish to propose the following opinion: even if a bishop nowadays is always appointed by the Holy See, nevertheless, he does not receive his powers from the pope, but rather from the Church—represented by the college (therefore, three consecrants). Were the pope alone, in his quality as pope in a strictly monarchical sense to ordain a bishop, this bishop would not be a bishop at all, but a priest without proper jurisdiction of divine right, a functionary, a delegate of the pope. His relationship to the pope would be that of a priest to his bishop, that of a son and not that of a brother.

Consequently, the episcopal dignity is not caused and donated by the pope; still inasmuch as it incorporates the man thus ordained into the college as a full member, the acknowledgment, the acceptance into the communion by the head of the college is absolutely mandatory. This acceptance into the communion or the breaking-off of the communion with an individual bishop (a break with the college would excommunicate the pope) could not be ruled by legislation. The pope doing it does it validly but this does not mean that he is always right (pp. 129, 130). And there are many things which the bishop could do validly even against the canon law and against the will of the pope in virtue of his *potestas propria*. He would be wrong, but his actions would still be valid and he would not excommunicate himself by those actions. The schism would happen only in consequence of a personal confrontation in which the pope or the bishop, because of this or that disputed issue, would break the communion with each other. Even in such a case, the pope could not simply annihilate the proper rights of the bishop. What happens, it seems to me, could be described best by using a medieval pattern: if a king had been excommunicated by the pope, his subjects were

²¹ Cf. the end of our n. 18.

absolved from their allegiance. The same thing happens actually when a bishop breaks away from Rome; personally, he maintains his powers, but his faithful are absolved from that obedience by which they were subject to him.

It does not follow at all that such a conception would make meaningless any legislation for the universal Church, e.g., the *C.I.C.* Then let us not forget that such legislation is done by the college and head together, and also that the universal legislation must be duly promulgated by the bishops in their own dioceses, in order to be binding. The college with its head govern the Church together, always according to its basic collegiate structure even if at times because of historical circumstances the centralism is overemphasized.

A third point. Although it is generally accepted that the proper power of jurisdiction makes up the essence of the episcopacy, still

. . . if one be of the perfectly legitimate, though not certain opinion, that even a simple priest can at times with the permission of the pope ordain priests, and if one share the view, by no means censurable even today, that the episcopate represents no new sacramental order superior to the priesthood, but is a hierarchical degree distinguished *iure divino* from the priesthood because of its powers of jurisdiction, then one can no longer specify what absolute difference there is, as to the power of order, between priest and bishop (pp. 67, 70).

Rahner himself does not share this view. His explanation however (pp. 69, 70, n. 4) is not too convincing. "Doses," more or less of *potestas ordinis*, given by the will of the Church are acceptable explanations inasmuch as they are given as superficial answers—which is the case here. Rahner does not wish to go any deeper into this problem: how deacon, priest, bishop receiving holy orders are not receiving just something "more or less," but a sacred power on ontologically different and distinct dimensions.²² To be brief, I just wish to point out an equivocation: that the bishop is sacramentally more than the priest and that the priest is sacramentally more than the deacon does not imply a new sacrament in each case but rather

²² Cf. my essay on "The Priesthood of Christ" in *Loyola Quodlibets*, Palm Publishers: Montreal, 1964.

qualitative degrees of the same sacrament. These distinct degrees have not been determined by the Church on the basis of pragmatic considerations, but rather the Church always taught that such distinctions *iure divino* existed from the beginning, even if in regard to the episcopacy and the priesthood we do not have any clear testimony in the bible. However, e.g., we could think of such a situation in which the Church would simply cut out the priesthood as a distinct order by making all priests bishops. Practically, we have been cutting out the function of the diaconate in the life of the Church, and for more than a thousand years we kept the sacrament in a merely nominal existence, in spite of the explicit testimony of the bible for its divine institution. But just as the proper power and function of the diaconate did not cease to be present and to function, so also in the bishop alone both priesthood and diaconship would survive. Still, just because of this inclusion of the lower in the higher, it does not follow that the higher is only more, a bigger dose of the same power.

All theologians today agree that the only clearly manifest difference between priesthood and episcopacy consists in the jurisdictional power of the bishop. However, it is usually forgotten that this is a special kind of a jurisdiction, i.e., sacramental. According to St. Thomas, the priest has power over the eucharistic body of Christ, and the bishop has his power over the Mystical Body. This power over the Mystical Body which, borrowing the terminology from the profane, political world, we call jurisdiction—in the dimension of the Incarnation, obviously has a different meaning and content. *Proh dolor*, as yet we do not have a theology of the Church's jurisdiction, and consequently not much can be said on the proper essence of the episcopacy either.

It seems to me that Rahner's interesting observation on the relationship between the universal Church and the local Church—if properly developed—would lead us toward a better insight in regard to the basically eucharistic constitution of the Church.²³ This line, however, touching the *Christus* mystery of the Church, is a rather

²³ Cf. our n. 11.

difficult one. No wonder that II Vatican, for the sake of easier understandability and also because of pragmatic reasons (dialogue with non-Catholics), preferred the People of God concept.

Up to now, we have investigated the episcopacy following Rahner, who seems to think that, because I Vatican did not elaborate any closer the divine right of the episcopacy, that is the point where the theologian has to make his contribution. He is certainly right. However, I think that the papacy, even after the definitions of I Vatican, still remains the most mysterious office in the Church.

We call the papal primacy jurisdictional. We saw already that jurisdiction is an analogous concept. Its content in the Mystical Body, in its sacramental, incarnational, eucharistic reality, is much deeper than and different from the jurisdiction of secular ruling and government. Also, the expression "episcopal" is used. Here, it seems an equivocation is lurking in the backyard. Is the pope in fact the bishop of the bishops, or do we say only that he is the bishop of the universal Church? But could it be that he would not be a real bishop of the bishops, if he is the bishop of the universal Church, i.e., of all the faithful directly and not only through the mediation of the bishops? These questions show that the expression "episcopal" as a qualification of the primacy does need some further clarification.

An episcopal power over the bishops *qua* bishops immediately raises the problem of the incompatibility between two supreme powers of the same kind. Therefore, we suggest that perhaps the very nature of the papal and of the "episcopal" powers are different, just as the offices and the functions of the pope and of the bishops are different. In other words, as Rahner has postulated a proper essence and content for the episcopal power beyond that of the priest, so I think we must look for the proper essence and content of the primacy beyond the episcopal power.

I submit that it might be just because the pope is, and has always been, the bishop of Rome (and actually as the bishop of Rome he has been recognized as the pope of the universal Church),²⁴ that

²⁴ Ratzinger shows how the Roman See became *de facto* the center of apostolicity (p. 55). However, it is not of dogmatic necessity that the pope should be an actual, territorial bishop of Rome. Rome does not make the

somehow his dignity has been understood as that of a *summus episcopus*. Insisting on the proper distinction between the episcopal power as such and that of the Vicar of Christ, perhaps we could find some expression for the pope's power over the bishops, which would be more specific than "episcopal" (or even "jurisdictional"), which would more adequately express the mysterious function of that person in whom the unity of the universal Church becomes historically visible and tangible. Such a suggestion does not mean to reduce the meaning of the papacy in the Church, to "depapalize" the Church—to use the rather unfortunate expression of a modern author—but rather to get closer to that theological, incarnational mystery of which the pope is the embodiment. The man whom we call Holy Father, who is the Vicar of Christ, who had never been called Father, and who addresses the bishops as Venerable Brethren, like any bishop, speaks to his faithful, all Catholics, as his children.

Lacking anything better I would prefer to speak of a power which is super-jurisdictional and super-episcopal. Theologically, we call the pope the Vicar of Christ. Could we look for the essence of the papacy not just in a legislative decree of the Lord but also in the incarnational nature of the Church? Actually, for the unique theological case of the primacy, which consists in some unique personal relationship to and participation in Christ's life and work, a proper theological terminology should be created even beyond the episcopal categories.

It is an interesting observation that in holy orders the priesthood represents the peak of our assimilation into Christ. In virtue of the priesthood a man is permitted to use "I" in his name. In regard to sacerdotal power (carelessly called simply *potestas ordinis*), the power of the bishop does not seem to be "from an absolute and comprehensive point of view" a higher one (p. 29). To put it more clearly, the sacerdotal power is something higher in regard to ontological sanctity than the episcopal power; still, the one of higher ontological sanctity is subject to that of lower ontological sanctity.

pope, as Mussolini once said, but it is the presence of *Petrus—successor—* which makes Rome a theological concept which is not to be confused with the city's profane past and greatness.

And we hear the popes calling themselves *servus servorum Dei*. I feel that this expression is not just an emphatic manifestation of Christian humility but rather of truly theological relevance.

It is an unusual attempt when I suggest that the proper biblical type for the dignity which Peter received is St. Joseph. That he is the Patron of the Universal Church, I think, is much more than just some devotional nicety or even exaggeration. He who has been certainly the lowest in ontological sanctity in the Holy Family, in comparison to Jesus and Mary, was the real head of this family whom Jesus and Mary had to obey according to the will of God. In the OT, the youngest son, Joseph, became the ruler of his brethren, even of that one to whom the promises were given, who was the first-born. Nowadays we try to understand better the unique dignity of Mary in the context of ecclesiology. If she, then Joseph also must be present and functional in Christ's total and full human existence which includes also his Mystical Body. If she, then it seems that St. Joseph also has an ecclesiological relevance. And in fact there is no other office in the Church more like that of St. Joseph in the holy family, than is the role of the man whom we call, strangely, "the Holy Father."²⁵

III

In this third part, I wanted to reflect on the interesting ideas of Rahner in regard to the size of the dioceses. Using the same material in my considerations, I arrive at the opposite conclusion and vote for small, man-size dioceses in which the personal contact and communion of the bishop with his priests is not only a *desideratum* but is also really possible.

Rahner thinks of a diocese as an autonomous unit in which the total life of the Church appears in an original and individual fashion.

²⁵ Those are just the most elementary indications toward a dogmatic elaboration of St. Joseph's ecclesiological meaning. If the Son of God really wanted to become the Son of Man, studying the basic structure of human personal-social structure, we see his importance for Christ's truly human existence. And if the Church is really the extension of Christ's humanity it is to be expected that all the essential personal ingredients of his individual life should have some continuation also in his Mystical Body.

Such greater units are necessary in order that the diocese may have its own seminary, its own theology, liturgy, perhaps even language (we must think also about that because of the increasing introduction of the vernacular). One wonders if such qualifications are not more valid for a patriarchate, or at least for an ecclesiastical province rather than for a diocese. In our modern way of life, with the growth of worldwide intercommunication, disappearance of local patriotism, levelling of cultural standards and ways of life between regions and even between nations and continents, it seems to me it would be precarious to build up the basic structure of the "local Church" on such fluctuating and changeable motives. We do not like the Roman central bureaucratism on the one hand nor on the other do we wish to introduce it into the diocese where it would be even more harmful. It seems to me that Rahner here works with ideas, which, although basically correct (I mean the individuality of the diocese and the necessity of a pluralism in the Church) in their present application are somehow amorphous.

The individuality of the dioceses, of the local churches—this point is not brought out by Rahner—is chiefly eucharistic and is not based on regional totality and almost national individuality of human social existence. A diocese should not be a nation with its own language, culture, folklore and history. It should not be a regional dialect with local customs and colorings either. As we already mentioned, the structural principle of the diocese is not the human social-regional differentiation of human culture. It is rather measured by the social, quantitative determination inherent in the dignity of the episcopal order. In virtue of that point, I would propose the principle that a diocese should not be larger than what could be pastorally taken care of by such number of priests as to make a real personal contact and communion possible with the bishop. In my estimation, if the number of priests is more than 100-200, their personal contact with the bishop is impossible and the bureaucratic style must be introduced.

In recent pastoral theology, we are very much against mammoth parishes developing, especially in large towns. Where the human social life grows, the church life seems to remain stationary—not

following the basic laws of proper proportions. Actually, it could be said that the proper size of a parish is determined by the principal function of the priest—the eucharistic sacrifice. There should not be more parishioners than could, without strain and the use of artificial means, really be present at and participate in the sacrifice. Obviously life is elastic and modern life, because of the recent development of the media for communication, greatly increases the social radius of human function and contact. Nevertheless, experience teaches us that going beyond the proper proportion in numbers is a serious danger for human life on the Christian and on the profane level as well. The organization man is bound to appear and take over. It is interesting that Rahner, in some other writing, speaks of the diaspora as the future form of Christian existence²⁶ and here, it seems to me, his imagination works in medieval terms where the bishops, as regional princes, build the Catholic life in a local, homogeneous individuality.

I think that his conclusion from the almost dogmatically proposed pluralism does not consider the variance between the human social structure and the sacramental structure of the Mystical Body. The pluralism of rites, languages, costumes and even of theologies is present in the Church because the Church does live a historical existence in this dimension of mortality as *ecclesia militans*, whereas the plurality of dioceses creating the harmony and tension between episcopacy and primacy implies rather the eschatological presence of that perfect communion which is to be achieved and consummated in the kingdom of God.

To conclude, Christ said to Philip: "Have I been with you so long and yet you do not know me" (Jn 14, 9)? Once upon a time we thought we had explored all problems of theology and for inspiration we had to turn to the past. We did it actually around the turn of the century. And the real insight that we got from the great

²⁶ Cf., e.g., his "Prospect for Christianity," in K. Rahner, *Free Speech in the Church*, Sheed & Ward, New York, 1959 and also "The Present Situation of Christians: A Theological Interpretation of the Position of Christians in the Modern World," in K. Rahner, *Christian Commitment*, Sheed & Ward, New York, 1964.

theologians of the past was to face the problems of our own present. The greatest source of real theological insight is the present unfolding reality of Christian existence. Chalcedon, Trent, Vatican I and II are not ends, final statements beyond which we could not go any further, but rather steps in the development of the faith-consciousness of the Church. Some pessimists today seem to think that we have almost arrived at the end of our Christian possibilities in this world. However, Suhard, Rahner, and many other truly foresighted Christian thinkers prefer to see the modern age not as a dead end, but rather as an opening-up of vast new horizons for progress in faith and Christian self-realization. Therefore, we must not be impatient or of little faith because in fact there are so many things still unpenetrated theologically, especially in the most modern theological discipline which is ecclesiology.

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