

SEMINAR PAPER

THE THEOLOGY OF THE LOCAL CHURCH IN HISTORICAL DEVELOPMENT

Christian Scriptures

No less than four traditions present Jesus and his disciples socializing and even eating and drinking with sinners.¹ Such behavior distinguishes Jesus from the Pharisees and from the Baptist both according to Mark (2:15-18) and a Q passage considered an authentic saying:

For John came neither eating nor drinking, and they say 'He has a demon': the Son of Man ("I?") came eating and drinking, and they say, 'Behold, a glutton and a drunkard, a friend of tax collectors and sinners' (Mt 11:18-19; cf. Lk 7:33-34).²

Both E. Schillebeeckx and N. Perrin agree that Jesus' frequent "eating and drinking" with his disciples and with sinners obviously grounded the fellowship-meals of the early Church as much as his "Last Supper."³ Devoted to the apostles' teaching and *koinōnia*, to the breaking of bread and prayers (Acts 2:42), the sect of the Nazarenes (24:5, 14; 28:22) met in homes and shared their food with joy (2:46; 12:12; 20:7-11). The assemblies which prayed *Maranatha*, "Our Lord, come!" (1 Cor 16:22; Rev 22:20; Didache 10:6; cf. 16), could not be sad. For, as often as they ate the bread and drank the cup, they proclaimed the Lord's death until he comes (1 Cor 11:26). They remembered that table fellowship once shared with Jesus had to be joyful and celebrated that fact within the meals which were their anticipated experience of his Parousia as both Lord and Christ (Acts 2:36; 3:20).

According to Acts (20:7-11) the Christians of Troas assembled "to break bread" on the first day of the week. Paul is said to have spoken to

¹See Edward Schillebeeckx, *Jesus: An Experiment in Christology* (New York: Seabury Press, 1979), pp. 206 and 688, n. 127. Marcan Tradition: Mk 2:15-17; Q tradition: Lk 15:4-10; Lukan tradition: Lk 7:36-47; 15:11-32; 19:1-10; Matthean tradition: Mt 20:1-15. See also Lk 11:19 and the Johannine tradition: Jn 4:7-42.

²Unless otherwise noted, all scriptural citations in this article are taken from the *Oxford Annotated Bible with the Apocrypha*, Revised Standard Version, ed. by Herbert G. May and Bruce M. Metzger (New York: Oxford University Press, 1965).

³See Schillebeeckx, *Jesus: An Experiment in Christology*, pp. 214 and 307. His position is based upon a discerning study of H. Lietzmann, *Messe und Herrenmahl. Eine Studie zur Geschichte der Liturgie* (Bonn: A. Marcus and E. Weber, 1926); E. Lohmeyer, "Vom urchristlichen Abendmahl," *Theologische Rundschau* (Tübingen) 9 (1937), 168-227, 273-311; 10 (1938), 81-99, and a favorable reading of Jurgen Roloff, *Das Kerygma und der irdische Jesus* (Göttingen: Vandenhoeck & Ruprecht, 1970), pp. 237-69. Perrin in *Rediscovering the Teaching of Jesus* (New York: Harper & Row, 1967), p. 104, shares the same perspective; he likewise cites E. Lohmeyer, *Lord of the Temple (Kultus und Evangelium)*, trans. by Steward Todd (Edinburgh: Oliver and Boyd, 1961 [German ed. 1942]), pp. 79ff.

those gathered all through the night and then "broke bread and ate." After conversing until dawn he departed. In Schnackenburg's view this common meal and Eucharist is essentially in agreement with the Pauline "Lord's supper" (1 Cor 11:20). Allowing for caution regarding historical details in Acts, one need not disagree that it was precisely through such assembly (*ekklēsia*) in homes (Rom 16:5 and 23; 1 Cor 16:19; Col 4:15; Phlm 2) that the early believers became conscious of their distinct identity.⁴

Just as table fellowship originally brought some into relationship with Jesus and his Father, so the early Christians gathered into an assembly (*ekklēsia*) for the Lord's supper, celebrating Jesus' resurrection and anticipating his Parousia (1 Cor 11:18-26). Their very mode of relationship with the risen Lord made them a distinct "community of God," the *ekklēsia tou Theou* actualized in their locale.

Acts (8:1-14; 9:31 cf. Gal 1:13; 1 Cor 15:9) locates the earliest *ekklēsia* in Jerusalem which is said to maintain a relationship with other groups that soon emerged in Samaria and Judea. Paul rejoices that the church of the Thessalonians imitates "the churches of God" in Judea (1 Thess 1:1 and 2:14 cf. 1 Cor 11:16). He admonishes some members of "the church of God" in Corinth not to show contempt for the Church of God by their behavior when meeting for the Lord's supper (1 Cor 1:2, 11:20-22). Those assembled not only celebrated the victory over death in which they previously shared by baptism (Rom 6:1-11) but they also became the body of Christ by their communing in the loaf which was his body (1 Cor 11:23-26). As John Chrysostom points out,⁵ Paul used *koinōnia* in 1 Corinthians 10:16-17 precisely to indicate that we all share one and the same body which makes us into one and the same body:

The cup of blessing which we bless, is it not a participation (*koinōnia*) in the blood of Christ? The bread which we break, is it not a participation (*koinōnia*) in the body of Christ? Because there is one bread (loaf), we who are many are one body, for we all partake of the one bread (1 Cor 10:16-17).

The table of the Lord was thus *the* place for both experiencing and expressing *koinōnia*. Unity through participation with Christ, and with one another, through the Eucharist which actualized the body of Christ, was both symbolized and effected in the assembly (*ekklēsia*) for the Lord's supper. The *koinōnia* or communion effected at the Eucharist made the *ekklēsia* the Body of Christ. Because the members were bound

⁴Rudolf Schnackenburg, *The Church in the New Testament* (New York: Herder & Herder, 1965), pp. 18 and 42-43. Ernst Haenchen is cautious about the Pauline connection: "Once one sees how tradition and composition are here connected, one becomes careful in the historical evaluation of the story's details. It does not testify with certainty to a Christian celebration of Sunday by Paul, but in the first place to that usual in the time of Luke. This seems (v. 11) to have been only a Eucharist without the proper character of a meal (the congregation certainly did not wait until after midnight for their supper!), preceded by a sermon. *The Acts of the Apostles: A Commentary* (Philadelphia: Westminster Press, 1971, trans. from 14th German edition of 1965), p. 586. The nature or date of the assembly does not affect my general conclusions about *ekklēsia* as actualized in a eucharistic gathering.

⁵Hom. on 1 Cor 24,2. MG 61:200-01.

up with one another and with Christ they had to show the same love or, as Chrysostom explains, "be of one heart and soul" (Acts 4:32).

The various churches which gathered in New Testament times developed a pluriformity of structures to meet their various situations.⁶ Alongside the Twelve and the Seven, Jerusalem had elders (*presbyteroi*) presided by a resident rector, James. Antioch had its prophets and teachers. In Corinth there were the charismatics and in Philippi a college of overseers and deacons. The many structures coexisting in the New Testament communities were united by their mutual service for unity. The first unity they effected was that of common faith in Jesus the Christ. This basic unity of the baptized was externalized at the eucharistic assemblies where the Christians experienced themselves as a concrete community, *Ekklēsia*.

Because the unity of the Church was more important than its organs, the canonical Christian Scriptures did not explicitly name those who presided the Eucharist, except for Jesus at the Last Supper. The unity of the total community was pre-eminent.

The *ekklēsia* or local "assembly" of those called together by God was not to be divided. Such was the case when the Judaizers (Acts 11 and 15; Gal 2:11-13) drove a wedge between the Jewish Christians and the Gentile converts at Antioch over circumcision and dietary laws; consequently two separate tables and eucharists resulted. Creative and innovative measures had to be taken to restore one assembly and communion in the Body and Blood (Gal 2:9-14; Acts 15:1-31). But there were also instructions for excluding sinners from the communion which paralleled *herem* in Judaism.⁷

No *ekklēsia* could be isolated from the needs of another assembly. The *koinōnia* grounded in the table fellowship and Eucharist of a local *ekklēsia* opened it out beyond itself. For example, the concern for the needs of others "ideally" summarized in Acts (2:44-45; 4:32-35 "all things in common") as an expression of *koinōnia* thus received a more universal form in the collections for the Jerusalem community suffering the distress of famine.⁸

Patristic Perspectives

Whether or not one agrees with Hans von Campenhausen's interpretation, that the First Epistle of Clement's stress on docility and order assigns structure a sort of sacral and immutable character, does

⁶See B. P. Prusak, "A Polystructured Church: Primitive Reality and Present Option," in *That They May Live: Theological Reflections on the Quality of Life*, ed by George Devine (Staten Island, N.Y.: Alba House, 1972), pp. 245-64; Raymond Brown, "Episkopē and Episkopos: The New Testament Evidence," *Theological Studies* 41 (1980), 322-38.

⁷See 1 Cor 5:11; 16:22; Mt 18:15-17; John E. Lynch, "The Limits of *Communio* in the Pre-Constantinian Church," *The Jurist* 36 (1976), 159-90; Kenneth Hein, *Eucharist and Excommunication: A Study in Early Christian Doctrine and Discipline* (Bern: Herbert Lang; Frankfurt am Main: Peter Lang, 1973).

⁸Acts 11:29; Gal 2:10; Rom 15:21, 31; 1 Cor 16:1-5; 2 Cor 8-9.

not diminish another fact.⁹ The Roman exhortation that Corinthian Christians obediently restore the collegial *presbyteroi/episkopoi* whom they ousted reveals an inter-ecclesial concern. So do the rules of hospitality for Christian travelers in *Didache* (ch. 12). The references to bread made one from grain previously scattered over the mountainsides and to a Church gathered from the ends of the earth in *Didache's* "thanksgiving" prayer (9:3-4) continues the theme of unity grounded in table fellowship, despite any dispute whether that table was truly eucharistic in the full sense.

Ignatius is the first to speak of a mono-*episkopos* (or bishop) presiding the individual churches or eucharistic assemblies as if this were normative. He presumes that the entire assembly (*ekklēsia*) "makes" the Eucharist but also emphasizes that the unity of the assembly finds concrete expression in the one and only valid eucharistic assembly (one flesh, one cup, one altar) presided over by an *episkopos* or one whom he appoints. Apart from the *episkopos* there is no lawful assembly, baptism or love-feast.¹⁰ There is no *ekklēsia* without a bishop together with his elders and deacons (Tral 3). The local people should be present wherever the bishop presides (the Eucharist), just as wherever Jesus is, the universal assembly (*katholikē ekklēsia*) is present (Smyr 8:1-2). The emphasis is not simply upon the individual bishop alone but first upon the local Church and then upon the entire Body of Christ. The universal Church is focused in miniature in each local church. After Ignatius the local church is ever more structured around the mono-*episkopos*.

To counter any possible divisions from the incursions of Judaizers and Docetists, Ignatius stresses the need for harmony akin to that in music. The Church is a chorus under the bishop. In harmonious concord and love, Jesus Christ is sung on God's note. When the members of the *ekklēsia* sing with one voice through Jesus to the Father he acknowledges them as members of his Son.¹¹ Only such unity with the *episkopos*, even if he be very young,¹² mediates the unity with God which grounds the unity of the assembly. As Ignatius observes: "It is profitable for you to be in blameless unity, that you may also partake of God" (Eph 4:2).

In his concern to discredit the Gnostic "absurdities" during the latter part of the second century Irenaeus declares that there are no different beliefs or traditions in the churches of Germany or Spain, or among the Celts, or in the East, or in Egypt or Libya, or those established in the center of the earth. Despite its various languages the whole Church scattered throughout the world believes and teaches as if with one soul, heart and mouth (Adv. Haer. 1, 10, 1-2). Irenaeus, and Hegesippus, further adopted the tactic of composing lists showing the apostolic succession of *episkopoi* presiding the principal churches.¹³ In

⁹ *Ecclesiastical Authority and Spiritual Power in the Church of the First Three Centuries* (Stanford, Calif.: Stanford University Press, 1969), pp. 87-88 and 91-92.

¹⁰ Phil 4; Smyr 8:1-2; Magn 4.

¹¹ See Eph 4; 5; 14; Magn 1; 8; 10; Tral 9; 10; Rom 8; Phil 6; Smyr 2; 5.

¹² Eph 4; Magn 3; 6; 7; Phil introd.; Smyr 9.

¹³ *Adversus Haereses* 3, 3, 1-3, and Eusebius, *Eccles. Hist.* 4, 22.

that context of apostolic succession, Irenaeus identified Rome as the church with which all the churches should be in accord because in it the apostolic tradition has always been preserved by its contact with the faithful from all parts of the world (Adv. Haer. 3, 3, 2).

In light of what has been said, it is important to remember that Irenaeus the Peacemaker later sent a letter to Victor of Rome criticizing him for breaking *communion* with the churches of Asia Minor because of their insistence on retaining the custom of celebrating Easter on the fourteenth day of Nisan. Irenaeus was among those bishops who asked Victor not to break the communion with churches over a disciplinary matter but to work for "peace, unity, and love," the synonyms for *koinōnia* or communion among churches.¹⁴

In the Catholic Tertullian's vision the apostles after they left Judea founded urban churches from whose faith other churches were born. Thus by their origin all these churches are apostolic and one with the primitive Church of the apostles from which they are derived. "The communion of peace, the title of brotherhood, and the mutual bond of hospitality prove their unity."¹⁵ In his opposition to the heretics Tertullian likewise regarded the succession of bishops as a guarantee of communion with the apostolic churches *of one doctrine*.¹⁶

In Cyprian's vision the local church is the body of Christ united through the Eucharist presided by a legitimate bishop.¹⁷ The Church is a sacrament of unity.¹⁸ Whoever offends its communion must be readmitted by the imposition of the bishop's hand.¹⁹ Church and bishop became almost synonymous terms. The local church is personified by its bishop because, as high priest of the eucharistic assembly, he unites himself with clergy and people to form the Church in a particular place: "the church is built on the bishop and the clergy and all those who remain faithful."²⁰

Christ's Church is a single body divided among many members throughout the world; one episcopacy is shared among a harmonious multitude of bishops.²¹ The communion of the universal (catholic) Church is founded on Christ and guaranteed by the unity of bishops, each of whom is inseparably united to his people:

The Church is the people united to their bishop (priest) and the flock gathered around their shepherd. Wherefore you ought to know that the bishop is in the Church and the Church is in the bishop, and if anyone is not with the bishop that person is not in the Church. Those who sneak in and stealthily believe themselves to be in communion with some, while they do not have peace with God's bishops, vainly deceive themselves. The Church

¹⁴Eusebius, *Eccles. Hist.* 5, 24, 9-18.

¹⁵*De Praescriptione Haereticorum* 20, 8; see 20, 4-9 in *Tertulliani Opera, Corpus Christianorum, Series Latina* (Tournai: Brepols, 1954), 1:202.

¹⁶*De Praescr. Haer.* 21:7; 32, 1-8; 36, 1-8.

¹⁷Ep 63:13; 69:5.

¹⁸Ep 59:2; 69:6; 73:11; 75:14.

¹⁹Ep 16:2.

²⁰Ep 33:1; 66:8; 55:21; 43:5.

²¹Ep 55:24.

which is Catholic is one, neither split nor divided, but joined and united by the glue of bishops bonded to one another.²²

In Cyprian's epistles, Rome is "the source and root of the universal (Catholic) Church" or "the principal church from which the episcopal unity arose."²³ It serves as a center for the episcopal unity guaranteeing ecclesial unity. Communion with the Bishop of Rome is identified with the unity and charity of the *catholic* Church. In chapters four and five of the first edition of his *De Ecclesiae Unitate* Cyprian likewise acknowledges Rome's special Petrine service to unity. In a later version, edited after Stephen of Rome disagreed with his position on rebaptism, the episcopacy is the primary instrument of unity.²⁴

The patristic period is a time in which the *koinōnia* or communion of churches and *koinōnial* hospitality, which I have specifically discussed elsewhere, became ever more structured and institutionalized.²⁵ If one looks closely, one finds more a communion of bishops than a real communion of communities. Ever since the latter part of the second century, bishops administered both the local *koinōnia* or communion and its interecclesial dimensions. They determined who was to be excluded from the local community and the communion of communities. By Augustine's time a well established pattern of synods or councils,²⁶ exchanges of letters among bishops unable to meet personally because of distances in the Great Church, and eucharistic consecration by visiting bishops constitute, in Hertling's analysis, a communion of local churches flowing not from friendship but from a unity of interests against the growing problem of sectarians.²⁷ As Augustine says: "I am in the church whose members are all those churches which as we know from the canonical scriptures were born and strengthened by the labors of the Apostles; with the Lord's help, I will not desert their communion either in Africa or everywhere."²⁸ The Spirit enlivens and works in that communion and no other, although it must be admitted that not all members of the communion share that spirit.²⁹

For Augustine the Eucharist is still the core of ecclesial unity: "Let no one think that they know Christ if they are not partakers of his body, that is of the Church."³⁰ The many become that one body through the

²²Ep 66:8. *Corpus Scriptorum Ecclesiasticorum Latinorum* (Vienna: C. Geroldi, 1871), 3:733.

²³Ep 48:3; 59:14; 55:1.

²⁴See Maurice Bévenot, *St. Cyprian, The Lapsed: The Unity of the Catholic Church*, Vol. 25, *Ancient Christian Writers*, ed. by J. Quasten and J. Plumpe (Westminster, Md.: Newman, 1957), pp. 6-8, 46-47, 102-07. G. S. M. Walker, *The Churchmanship of St. Cyprian* (Richmond, Va.: John Knox Press, 1969), pp. 19-32.

²⁵See B. P. Prusak, "Hospital Extended or Denied: *Koinōnia* Incarnate from Jesus to Augustine," *The Jurist* 36 (1976), 89-126.

²⁶See Eusebius, *Eccles. Hist.* 5, 23-25; Cyprian, Ep. 75:7.

²⁷Ludwig Hertling, *Communio: Church and Papacy in Early Christianity*, trans. by Jared Wicks (Chicago: Loyola University Press, 1972), pp. 28-29, 43. See Werner Elert, *Eucharist and Church Fellowship in the First Four Centuries* (St. Louis: Concordia, 1966), pp. 125-38.

²⁸*Contra Cresconium Donatistam* II, 35, 39. ML 43:517.

²⁹*De Baptismo* 3, 21; 4, 5; 7, 100; Sermo 71:18; 268:2.

³⁰*De consensu evangelistarum* 3, 72. ML 34: 1206.

one loaf (1 Cor 10:17). "If you have received worthily, you are what you have received."³¹

Elements of Transition

It is important to remember that the situation in which each city had only one congregation, presided by the bishop with his presbytery had been slowly disappearing after the third century. In some places an increase in the number of Christians made it simply impossible for all to meet in one place. The bishop presided the principal convocation while the presbyters, as his direct representatives, presided the other assemblies in his name. The ideal of one Eucharist under one bishop received symbolic expression at Rome. The pope's stational Mass, at which he was assisted by the representatives of the whole clergy and laity of the city, continued as the central eucharistic observance down to the fourteenth century and did not wholly die out until 1870. It was the custom to send part of the host consecrated by the pope to the other assemblies where it was put into the chalice as a symbol that the priest celebrated as representative of the Bishop of Rome. The fraction of the host in the Roman Mass of today remains as a reminder of the ceremony of the *fermentum*.³²

Irenaeus reminded Victor that previous Roman bishops of that church had "sent the Eucharist" to Quartodecimans.³³ Augustine sent a "loaf of bread" with his Epistle (31:9) to Bishop Paulinus and his wife Therasia of Nola in Campania. They had previously sent Augustine loaves as "a token of unity, in which the substance of the Trinity is contained."³⁴ Such signs and gestures expressed the eucharistic root of the "communion of churches," a sacramental institution with a juridical character.

The multiplication of eucharistic assemblies within the episcopal church not only made the concept of one *ekklēsia* more abstract but also changed its organization. The *presbyterium*, originally gathered around the bishop as an advisory body which concelebrated the one liturgy under his presidency was gradually disintegrated when its members assumed liturgical functions in the soon numerous communities. About the third century, the term "elder" or "presbyter" was replaced by "priest" (*hierus, sacerdos secundi ordinis*) expressive of a liturgical capacity.³⁵ As the presbyters lost the character of an administrative

³¹ Sermo 227. ML 38:1099-1100. Cf. Sermo 11 and 272.

³² See Gregory Dix, *The Shape of the Liturgy*, 2nd ed. (London: Dacre Press, 1964 reprint, orig. 1945), p. 21.

³³ Eusebius, *Eccles. Hist.* 5, 24, 15.

³⁴ Ep 24:6; cf. 25:5. ML 33:99, 103.

³⁵ See J. Gaudemet, *L'Église dans l'Empire Romain (IV^e-V^e siècles)*, Tome 3 in *Histoire de Droit et des Institutions de l'Église en occident*, directed by G. Le Bras (Paris: Sirey, 1958), pp. 101 and 230-40; P. M. Gy, "Notes on the Early Terminology of Christian Priesthood," and B. Botte, "Collegiate Character of the Presbyterate and Episcopate," in *The Sacrament of Holy Orders* (Collegeville: Liturgical Press, 1962), pp. 98-115 and 75-97; John E. Lynch, "The Changing Role of the Bishop: A Historical Survey," *The Jurist* 39 (1979), 289-312.

college so the bishop lost his liturgical monopoly. He was no longer the unique high-priest of his church.

With imperial recognition and new material wealth, after the Peace of Constantine, bishops became administrators, and even civil court judges. The bishops' assumption of an administrative and predominantly governing function was theologically expressed in the teaching of St. Jerome who maintained that bishops were superior to priests only in their power to rule and not in their priesthood, except for their power to ordain.³⁶ His conception of a bishop gradually prevailed and set the stage for particular churches to be considered divisions of administration and government more than sacramental communities.

Despite initial experiments with "rural bishops" in parts of Asia and in southern Italy, the prevailing pattern became that of urban bishops administering a territory often aligned with civil boundaries. Often an ideal line drawn through a wilderness separated one *civitas* from another.

At the beginning of the fourth century some documents begin to use a new term, *paroikia* (eparchy), for the episcopal *ekklesia*.³⁷ In the West from the sixth to the thirteenth century *paroecia* was indiscriminately used for episcopal communities and the new rural communities.³⁸

In the East, "diocese" never referred to the individual episcopal communities, the eparchies, but only to the aggregate of such churches aligned with the civil diocese. In the West, it first designated a country church. Then it came to be applied to the episcopal territory but interchangeably with *paroecia*. In Gratian's Decree, *ecclesia*, *parochia* and *civitas* are all interchangeably used for the *territory* of a bishop.³⁹ Finally, in the thirteenth century, under Pope Gregory IX (1227-1239), "diocese" officially became the standard term for the territory where a bishop exercised his authority.

Diocese was originally a Roman administrative term used for the divisions of the empire under Diocletian in the year 294. Those imperial dioceses served as a basis for ecclesiastical organization at the Council of Nicaea.⁴⁰ Groupings of episcopal churches around Rome, Alexandria and Antioch, and later around Constantinople and Jerusalem, eventually developed into the structures or institutions which are today known as the patriarchal churches or the churches of the East and the West. "National churches" began to emerge in the fifth and sixth centuries. I will focus my further considerations on the churches of the West.

Medieval Ecclesiology

The biblical and patristic concept of the Church as the *corpus Christi* centered on the individual eucharistic communities presided

³⁶ See Epistle 146; cf. 41; *Comm. in Epistolam ad Titum* 1, 5.

³⁷ Council of Nicaea, Canon 16, Council of Antioch (341), Canon 9; *Canones Apostolorum* 13 & 14.

³⁸ See P. de Labriolle et al., *De la mort de Théodose à l'élection de Grégoire le Grand*, Vol. 4 in *Histoire de l'Église*, directed by A. Fliche and V. Martin (Paris: Bloud & Gay, 1948), pp. 578-79.

³⁹ For example c. 3, C, IX, q. 2.

⁴⁰ See Canon 6; also Canon 2 of Constantinople (381).

over by a bishop who was the symbol and source of unity. The studies of Henri de Lubac and Yves Congar provide ample evidence that the Western theological writers of the seventh, eighth and ninth centuries still followed Augustine in linking Eucharist and Church as cause and effect.⁴¹ After the death of Charlemagne, emphasis on the Church as one body of Christ was even a tactic for countering the menace of disunity in the *ecclesia* which was also the empire.

Before the dispute about the doctrine of Real Presence, centered around Berengar of Tours in the second half of the eleventh century, the Eucharist had been called the "mystical" or sacramental body and the Church the "real" Body of Christ. After Berengar, and in reaction to his teachings, the Eucharist is called the real Body of Christ and the Church his Mystical Body.

This new distinction and terminology had other repercussions. The Eucharist became an end in itself divorced from any ecclesial effect, whereas previously Church and Eucharist were inseparable.

The younger Thomas Aquinas, commenting on the *Sentences* of Peter Lombard, places the Eucharist at the apex of the sacraments because it perfects the personal union with Christ already established through baptism.⁴² But in his later commentaries on the Scriptures Thomas rediscovered the ecclesial dimension of the Eucharist.⁴³ In the *Summa Theologiae* the Eucharist is the center of sacramental life because its effect is the unity of the Mystical Body which is the Church.⁴⁴ But other factors caused Thomas' rediscovery to be forgotten by those who followed. In the ecclesiology of the fourteenth and fifteenth centuries the Eucharistic dimension of the Church has definitely fallen into the background, if not into oblivion. Isolating one from the other produced a chain-reaction of which the results are still felt.

Once the real Body of Christ in the Eucharist was distinguished from the Mystical Body of the Church it was only logical that the power over these two bodies could also be distinguished and separated.⁴⁵ Here we have the basis for the scholastic distinction between *potestas ordinis* and *potestas jurisdictionis*.

The power of Orders was directed toward the real Body of Christ and the power of jurisdiction toward ruling the Mystical Body, the Church. The power of orders for transubstantiation was considered distinct from any role of building up the Church. Bishop and priest were equal in their power to change bread and wine into the Body of Christ but not in their power to rule the Mystical Body. No longer was the bishop seen as one who gathered an assembly which through the Eucharist became the Body of Christ, the *Ekklesiā*. The eucharistic power was

⁴¹ Henri de Lubac, *Corpus Mysticum: L'Eucharistie et l'église au moyen âge* (Paris: Aubier, 1949), p. 23; Yves M.-J. Congar, *L'Écclésiologie du haut moyen âge: De Saint Grégoire le Grand à la désunion entre Byzance et Rome* (Paris: Les Editions du Cerf, 1968), p. 81.

⁴² *In IV sent.* d. 8, q. 1, a. 1, qc. 1, ad 1 um.

⁴³ *In Ioann.* c. 6, lect. 7:2-4; *In I ad Cor.*, c. 10, lect. 1; c. 11, lect. 7.

⁴⁴ III, q. 65, a. 3, resp.: q. 73, a. 3, resp.; q. 80, a. 3, resp.

⁴⁵ St. Thomas, *Summa Theologiae* III, q. 82, a. 1, resp. and ad 4 um; II, II, q. 39, a. 3, resp.

isolated from the role of building a community. The real Body of Christ became an end in itself rather than a means toward the Body of Christ, the Church.⁴⁶

In its application of the distinction between orders and jurisdiction to the episcopal church, theological thought reflected the *de facto* constitutional situation of the medieval churches. The episcopacy had historically degenerated until it often seemed more an external administrative role rather than a pastoral responsibility. Episcopal preoccupation with temporal affairs, either of the Empire or of their own feudal benefices, produced a vision of bishops as princes who could and often did govern from afar. That understandably led medieval theologians to favor Jerome's view that bishops were superior in *regimen*, not in *sacerdotium*. The Mystical Body of the Church was built up and maintained by their power to rule, jurisdiction. Because bishops were considered superiors for government, their churches were seen as territorial divisions of administration.

Having lost the vision of bishop as high-priest of his church, the episcopate was viewed as a dignity like archbishops, primates and patriarchs.⁴⁷ The role of the bishop was to rule and that under the control of the pope. Once the bishop was distinguished from his priests only by his power to rule, his diocese appeared to be founded on his power of jurisdiction. No longer was the episcopal Church so clearly seen as a sacramental community. It was more an administrative unit of a juridical society. In that regard one cannot overlook the impact of the mendicant orders, exempt from episcopal supervision and controlled only by the pope.

The adage, *In episcopo ecclesia est*, lost its significance in more ways than one. During the ninth century the bishops of Rome began to extend their administrative power throughout the entire West. Their purpose was not the exaltation of the primacy but the very restoration of episcopal authority weakened by the incursions of secular power (i.e., by reason of lay investiture) and by negligence on the part of the bishops themselves. Nevertheless the legate system initiated by Gregory VII (1073-1085) and Roman centralization *de facto* made the bishop an administrative delegate of the pope, although canonical theory always denied this.

The notion of Church shifted away from the original liturgical and sacramental concept of the Body of Christ to what Stickler calls the *Corpus Christi juridicum* which is in De Lubac's view a degenerated *corpus mysticum*.⁴⁸ It was a far cry from the original Pauline idea of the

⁴⁶ See Thomas Aquinas, *In IV Sent.*, d. 7, a. 1, sol. 3; c. *Gentes*, IV, cap. 76; *Opusc. de Perfectione Vitae Spiritualis*, c. 24; *Summa*, III, q. 65, a. 3 resp. and ad 2 um; also see Seamus Ryan, "Episcopal Consecration: The Legacy of the Schoolmen," *The Irish Theological Quarterly* 33 (1966), 27-28, 37.

⁴⁷ Hugh of St. Victor, *Summa de Sacramentis Christianae Fidei* II, 3, c. 5; Peter Lombard, *Libri Sententiarum* IV, d. 24; Thomas Aquinas, *In IV Sent.* d. 24, q. 2, a. 2, *Summa.*, Suppl., q. 40, a. 5; cf. *In IV Sent.*, d. 25, q. 1, a. 2; *Summa* III, q. 82, a. 1, ad 4 um.

⁴⁸ See A. Stickler, "Der schwerterbegriff bei Hugguccio," *Ephemerides Iuris Canonici* (Rome: Catholic Book Agency) 3 (1947), 216; De Lubac, *Corpus Mysticum*, p. 130.

Body of Christ as the community of those incorporated into Christ through the Eucharist. No longer was the Church's unity seen as rooted in the Eucharist but in juridical power. The Church is a *regnum ecclesiasticum* in James of Viterbo's *De Regimine Ecclesiae* (1301 or 1302) which still acknowledges Christ as the spiritual and mystical head of the *corpus mysticum*. Under the influence of the political battles of Boniface VIII, the writings of Giles of Rome, Matthew of Aquasparta and Alvaro Pelayo mark the beginning of an eventual shift in emphasis from Christ as head of his own Mystical Body to the pope as the unique head of the Church's Mystical Body (*corpus Ecclesiae mysticum*) now patterned not just after the analogy of a human body but also of a human society.⁴⁹

The *corpus Christi* was supplanted by a sociological concept of the Church as the *corpus christianum*, the society or corporate body of Christians. The Church was seen more as a visible juridical organization, a *regnum apostolicum* or *papale*, than a community.⁵⁰ While the sacramental basis and structure of the Church faded into the background the juridical and institutional categories of corporation came to the forefront. The concern for a community of persons now had a different tone from that of the Christian Scriptures since it was expressed in laws about domicile and residence.⁵¹ There is truth in Marsilius of Padua's polemical comment about Roman claims to power. The mystical dimension of Christ's Body was killed.⁵²

The Council of Trent

By imposing the obligations of residence and of preaching, the Council of Trent definitely rejected the notion of a diocese as a benefice for the personal advantage of a bishop.⁵³ Although the Council made strides toward practical reform, it nevertheless remained in the medieval categories which viewed a diocese as a pastoral *administrative unit*. Debates on the Eucharist focused on transubstantiation and sacrifice with no development of ecclesial effects.

⁴⁹ Compare Thomas Aquinas, *Summa* III, q. 8, a. 1 with III, q. 67, a. 2. See De Lubac, *Corpus Mysticum*, pp. 129-30; Yves Congar, *L'Écclésiologie du haut moyen âge*, pp. 81, 342-43.

⁵⁰ A. Weiler, "Church Authority and Government in the Middle Ages" (Vol. 7 of *Concilium*), *Historical Problems of Church Renewal* (Glen Rock, N.J.: Paulist, 1965), p. 131: "... the community of the faithful was made to coincide with the 'head.' The traditional, patristic and Carolingian view which linked the Eucharist to the Church as cause and effect, as means and end, and as sign and signified reality was pushed into the background to make room for a view which concentrated on the relationship between Pope and the Church in this respect"; See Seamus Ryan, "Episcopal Consecration," p. 29.

⁵¹ Even if all the members disappear the diocese as a juridical (moral) person is suspended but not dead. See G. Le Bras, *Institutions ecclésiastiques de la Chrétienté Médiévale*, Vol. 12 in *Histoire de l'Église*, directed by A. Fliche and V. Martin (Paris: Bloud & Gay, 1959-64), pp. 212-19.

⁵² *Defensor Pacis* 2, c. 24, 2.

⁵³ Session 5, *Decree on Preaching* c. 2 & 9; Session 23 *Decree of Reformation* c. 1; Session 24, *Decree of Reformation* c. 4. See Hubert Jedin, *A History of the Council of Trent*, Vol. 2 (London: Thomas Nelson, 1961), pp. 317-36. Chapter Two of the *Decree on the Eucharist* (Session 13) speaks of the Eucharist as "a symbol of that one body, whose head is (Christ)." The Church is nowhere considered as an effect of the Eucharist.

The Church which defined itself at the Council of Trent was the Roman Church. As the bulwark of a decimated Catholicism, Rome was the center which became identified with the universal Church. The correspondence of the conciliar period reveals a tendency to equate the terms "Apostolic Church" or "Holy See" with "Holy Church" or even "Universal Church."⁵⁴

The phenomenon which greatly influenced the theology of the post-Reformation period was a fear of national churches. It was resurrected by the claims of Gallicanism and Febronianism and was still present at the First Vatican Council which was convened on December 8, 1869. To counteract any such tendencies the role of the papacy was constantly stressed and vindicated along with centralization and uniformity.

Vatican I

On January 21, 1870, the first version of the schema *De Ecclesia Christi* was distributed to the Fathers.⁵⁵ Its fifteen chapters showed the mark of their principal redactor, the Austrian Jesuit Schrader. Professor at the Gregorian University, Schrader showed the influence of the biblical and patristic emphasis in the new ecclesiological methodology introduced at the Gregorian by C. Passaglia whose two volumes, *De Ecclesia Christi* were published in 1853 and 1854.

Chapter One in its definition of the Church as the "Mystical Body of Christ" reflected the nineteenth-century theological revival whose principal exponent, Johann A. Möhler, was cited three times in the notes to the schema. After that initial affirmation the composers of the schema thought it necessary to provide a long exposition of the external qualities of the Church considered as a visible, unique and hierarchical, perfect society which is necessary for salvation. At heart the schema was still developed in a polemical perspective against any and all innovators; it especially had in mind those who considered religion as a personal relationship of man and God devoid of any social or communitary aspects. To overcome any tendencies which militated against the visible organization of the Church the schema adhered to the concept so well developed by Robert Bellarmine:

The one true Church is the community of men brought together by profession of the true faith and communion in the same sacraments, under the administration of recognized pastors and especially of the sole vicar of Christ on earth, the Roman Pontiff. . . . The Church is indeed a community (coetus) of men, as visible and palpable as the community of the Roman people, or the kingdom of France, or the republic of Venice.⁵⁶

⁵⁴See Alphonse Dupront, "Le Concile de Trente," in *Le Concile et les Conciles* (Chevetogne: Editions de Chevetogne, 1960), pp. 229-30.

⁵⁵Text in J. D. Mansi, *Sacrorum Conciliorum nova et amplissima collectio*, Vol. 51, 539-53.

⁵⁶*De controversiis Christianae fidei adversus nostri temporis haereticos*, Vol. 2; *Prima Controversia generalis*, bk. 3, *De Ecclesia militante*, ch. 2; "de definitione Ecclesiae" (Ingolstadt, 1601 edition), col. 137-38. See Mansi 51, 562 D.

The Fathers of the Council were not satisfied.⁵⁷ They considered the definition of the Church as the Mystical Body too vague and abstract, if not totally useless. Chapter Ten, a study of the hierarchical constitution of the Church upset them because it never used the word "bishop," although it was to appear in the text of the proposed canon. "Pastors and doctors established by Christ" were said to be the subject of the triple hierarchical power of teaching, sanctification and jurisdiction, with the last being best developed in the schema.

In response to the vehemence of the Fathers' reaction, the schema was sent back to committee for a rewriting by Kleutgen, with the exception of Chapter Eleven on the Papacy which was retained under discussion.

Much controversy was generated as Chapter Eleven developed through three preliminary drafts into the final text of *Pastor aeternus* promulgated on July 18, 1870.⁵⁸ An already revised text approved by the Commission on Faith and presented to the Council Fathers on May 9, 1870 can illustrate one point of contention. Retaining the teaching on primacy contained in the previous versions, it declared the episcopal, ordinary and immediate character of papal jurisdiction, toward which the hierarchically subordinate pastors of particular churches throughout the world, of whatever rite and dignity, were bound by true obedience not only in matters concerning faith and *mores* but also in what pertains to discipline and the government of the Church.⁵⁹ But a statement had been inserted to clarify that papal power was not opposed to the power of episcopal jurisdiction, by which pastors of particular churches individually feed and rule the specific flocks assigned them.⁶⁰

In Bishop Zinelli's *relatio*, bishops are deemed necessary because the pope cannot do everything everywhere. Yet wherever he travels he does not require jurisdiction:

At papa potestne omnia episcopalia quae enuntiamus supra, exercere per se in omnibus diocesisibus, quin obligetur uti medio episcopi particularis ecclesiae? aut ipse necessario debet licentiam petere ab episcopo, ut ex. gr. sacramentum confirmationis impertiatur, aut confessionem excipiat a fidelibus?⁶¹

Despite the references to the power of orders, and the administration of the sacraments and preaching as duties of a bishop who "feeds" his flock, it is obvious that the primary context is one of jurisdiction and government.⁶² The Council was in the tradition of Jerome and the medieval scholastics whereby a bishop was distinguished by his power

⁵⁷Roger Aubert, *Vatican I*, Vol. 12 in *Histoire des conciles Oecumeniques*, directed by G. Dumeige (Paris: Ed. de l'Orante, 1964), pp. 155-57.

⁵⁸Schema I *De Ecclesia*, chap. 11: Mansi 51, 543-45; Constitutio dogmatica prima *De Ecclesia Christi* presented to the Commission or Deputation of Faith on May 2, 1870; Mansi 53: 240-43; version presented to all Fathers of the Council on May 9, 1870: Mansi 52, 4-7; promulgated version: Mansi 52, 1330-34.

⁵⁹See Mansi 52, 5D-6A; cf. Mansi 51, 545A and 53, col 242 A-B.

⁶⁰Mansi 52, 6A.

⁶¹Mansi 52, 1105 B-C.

⁶²Mansi 52, 1103D-04A.

to confirm and ordain and by his power to rule.⁶³ The bishop who presided an *ekklēsia* which became the Body of Christ at the Eucharist was not in its vision.

The final draft of chapter three of *Pastor aeternus* contained three important changes.⁶⁴ First, the term "particular church" which had been used in all three previous versions was now missing. Its absence can be explained from the amendment presented by Bishop Thaddeus Amat of Monterey-Los Angeles offering four reasons for dropping the term:⁶⁵ (1) the passage would retain the same sense even if the word were omitted; (2) the rights of bishops remain the same if the term "particular church" is omitted, since, as is evident from the liturgy, they are pastors of the *Church* even if their jurisdiction doesn't extend beyond the limits of the diocese and if they are subject to the Roman Pontiff. The final two reasons take a different approach: (3) the term should be omitted because the faithful, who are in this case included and designated together with their pastors, are not so much the faithful of particular churches as of the one Catholic Church under one supreme pastor; (4) finally the term should be dropped lest the faithful and non-Catholics alike think of the Church, the one spouse of Christ, as they do of the sects separated from the Church, with their many diverse groups.

Bishop Zinelli of the Deputation of Faith pointed out that not all the reasons given by Amat were of the same value.⁶⁶ But since the sense remains the same without the words the Deputation accepted the emendation. However, it did not accept the further proposal that *universae ecclesiae* be added after *fideles*. That decision at least left room for the local church.

The second major change was the insertion which declared that "the Roman church, by disposition of the Lord, obtained the primacy of ordinary power over all others."⁶⁷ One particular church was singled out as being over all other particular churches.

The final modification said that "bishops succeed in the place of Apostles, placed by the Holy Spirit."⁶⁸ The ordinary and immediate power of episcopal jurisdiction by which bishops are real pastors who feed and rule the flocks assigned them was thus strengthened and officially vindicated.

Although the term "particular church" was omitted from the chapter, Canon Three dealt with the pope's ordinary and immediate jurisdiction over all the churches and over every individual church.

⁶³ Mansi 53, 721-22; cf. Mansi 52, 1109C-10D and 1341.

⁶⁴ Mansi 52, 1332-33; H. Denzinger and A. Schönmetzer, *Enchiridion Symbolorum*, 33rd ed. (Freiburg im Breisgau: Herder 1965), 3059-64 (hereafter cited as *DS*).

⁶⁵ Mansi 52, 1089 CD; cf. 568A.

⁶⁶ Mansi 52, 1107B.

⁶⁷ Mansi 52, 1332B or *DS* 3060. The amendment was introduced by Bishop Rauscher of Vienna. See Mansi 52, 1089B and 1107A.

⁶⁸ Mansi 52, 1332C or *DS* 3061. For an analysis see Jean-Pierre Torrell, *La théologie de l'épiscopat au première Concile du Vatican*, Unam Sanctum 37 (Paris: Ed. du cerf, 1961), pp. 159-60.

When Bismarck exaggerated the claim of papal jurisdiction in a ploy to weaken the German church the bishops of Germany provided an important clarification: The Pope is the Bishop of Rome and not of any other city or diocese: "... *non est episcopus Coloniensis aut Vratislaviensis* . . ." While he is the Bishop of Rome he is also the pope; in this latter capacity he is vigilant that bishops fulfill the obligations of their function. When a bishop is impeded, the pope assumes administration of a diocese not as its bishop but as pope.⁶⁹

Pius IX confirmed the statement of the German bishops and lavished his praise upon its accuracy both in a special audience and in his Apostolic Letter, *Mirabilis illa constantia*, dated March 4, 1875.⁷⁰

The pontificate of Pius IX was characterized by attempts at latinization⁷¹ and consequent resistance on the part of the Orientals. His Bull, *Reversus*, published on July 12, 1867, modified the rules regarding the election of bishops and even caused a schism among the Armenians. The fact that the laity and lower ranks of the clergy were now totally excluded from taking part in episcopal elections was everywhere resented.

On January 25, 1870, the last speech on Vatican I's disciplinary schema *de episcopis* was that of Audu of Babylon, Patriarch of the Chaldaeans. He had just averted a schism in his church occasioned by the Bull *Reversus*. Quite understandably he expressed his displeasure at any further attempts to impose Western discipline on the Orient.

In his speech, read in Latin by the Archbishop of Sens, the Patriarch asked whether the consultors thought there was little or no difference between the laws, customs and rites of the Eastern and Western Churches.⁷² He asked how it was possible to legislate for his church so beset by problems not experienced in the West. Any reformation to be attempted must be made in view of the actual conditions, to be considered by national synods.

Shortly after his speech Audu was summoned before the pope, severely rebuked, and forced under pain of deposition to subscribe to the provisions of *Reversus*. The result was a schism which lasted for some years. It also forced the Holy See to reconsider the manner of appointing patriarchs and bishops.

In the ultimate analysis the First Vatican Council said very little about local or particular churches. The rejection of the Church as a Mystical Body and the constant emphasis on the universal Church and on jurisdiction, without stress on orders, were not positive signs. But thankfully, the Council did not say too much. By leaving the particular

⁶⁹Text in *DS* 3112-16.

⁷⁰*DS* 3117.

⁷¹See R. Aubert, *Le pontificat de Pie X* (1846-1878), Vol. 21 in *Histoire de l'Église*, founded by Fliche and Martin (Paris: Bloud & Gay, 1952), pp. 415-18.

⁷²See Butler, *The Vatican Council*, Vol. 1 (London: Longmans, Green, 1930), pp. 223-26. Latinization, as advocated by the Latin Patriarch of Jerusalem, Joseph Valerga, permeated the perspectives of Vatican I's subcommission for Oriental Churches. See Mansi 50, 41* (=49, 1097); cf. 105* (=49, 1161). The married priests of the East were to be tolerated until they achieved a consciousness of the superiority of the Western tradition: Mansi 53, 629-31. *De ritibus* worried lest a variety of liturgical rites be detrimental to Catholic faith and concord of souls: Mansi 53, 898.

church intact as a unit of spiritual administration determined by the flock and territory assigned to the jurisdiction of a bishop who ruled, the Council preserved more than what was expressed by those whose idea of universal left no room for the local church.

Leo XIII shortly adopted different perspectives in confronting many of the problems faced during the time of his predecessor. In two important encyclicals, *Satis cognitum* of June 29, 1896, and *Divinum illud munus* of May 9, 1897, he was able to speak of the Church as the Mystical Body of Christ of which the Holy Spirit is the soul. His encyclical letter, *Orientalium dignitas ecclesiarum*, dated November 30, 1894, recognized the autonomous traditions of the Eastern churches and their contribution to the universal Church.

The Code of Canon Law

The *Tractatus de Episcopo* written by D. Bouix over forty years before the Code, but cited long after its promulgation, describes the Church as a monarchy tempered by an aristocracy who are bishops with subordinate but ordinary jurisdiction over determined parts of the Church.⁷³

Writing just before the promulgation of the Code, Wernz speaks of the pope as the principal center of unity within the Church. He describes the Roman Pontiff as the individual to whom the whole world has been given as a diocese.⁷⁴ Such positions are especially significant in light of Wernz's membership on the Codification Commission.

The 1917 Code of Canon Law's perspectives on particular churches must be culled from the section *De Clericis* which is concerned with jurisdiction. Canon 329, §1 represents the most pertinent statement: "The bishops are the successors of the Apostles, and are placed by divine institution over the *individual* (peculiar-particular) churches which they govern with ordinary power under the authority of the Roman Pontiff."⁷⁵

The finally promulgated canon does not approximate Bouix's and Wernz's vision as much as the same canon in the preliminary schema of 1916: "Bishops are the successors of the Apostles, and are placed by divine institution over *part of the Church* which they govern dependent on the Roman Pontiff."⁷⁶ Neither version appeared in the first draft of the Code presented to the bishops for their judgment in 1912.

In retrospect it is clear that canon 329, §1 was inserted to balance canon 218 which declares the pope's full power of jurisdiction, over each

⁷³2nd ed., 2 vol. (Paris and Tournai: Regis Ruffet, 1873), pp. 108 and 77-83, cf. 14-41.

⁷⁴Franciscus W. Wernz, *Ius Decretalium*, Tome II, part 2, *Ius Constitutionis Ecclesiae Catholicae*, 3rd ed. (Prato: Libreria Giachetti, 1915), p. 501.

⁷⁵"Episcopi sunt Apostolorum successores atque ex divina institutione peculiaribus ecclesiis praeficiuntur quas cum potestate ordinaria regunt sub auctoritate Romani Pontificis." This Canon is also found in the Code for the Oriental Churches: Canon 392 §1 of the *Motu Proprio "Cleri Sanctitati."*

⁷⁶"Episcopi sunt Apostolorum successores atque ex divina institutione parti Ecclesiae praeficiuntur quam regunt sub dependentia Romani Pontificis," *Schema Codicis Iuris Canonici cum notis Petri Card. Gasparri* (Rome: Typis Polyglottis Vaticanis, 1916), p. 126.

and every church, pastor and faithful, reproducing canon three of the First Vatican Council's Constitution *Pastor aeternus*. Since the canon on papal primacy was already in the 1912 schema, under almost exactly the same form it presently enjoys, the promulgated version of 329, §1 was intended to restore a balance similar to that sought by the bishops at Vatican I.

Although the Code reminded bishops of their obligation to preach the gospel, nowhere did it instruct them regularly to celebrate the Eucharist with their people. The only remnants of the early concept of church as a eucharistic assembly are the obligation incumbent upon the bishop to celebrate and apply a Mass for the people committed to his care on Sundays and other holy days, coupled with the fact that the people are also obliged to "hear" Mass on most of the same days.⁷⁷ The Code is not preoccupied that the two obligations actually coincide, although canon 338, §3 admonishes the bishop not to be absent from his cathedral church during the times of Advent, Lent, Christmas, Easter, Pentecost and Corpus Christi, except for a grave and urgent reason.

After the promulgation of the Code, most commentators still viewed dioceses as "convenient" territorial divisions wherein individual bishops, always under the authority of the pope, should rule particular portions of the Christian flock.⁷⁸ It was felt that, besides the supreme pastor, the faithful ought to have immediate pastors to rule them. That seemed better than the other option of having bishops rule the Church as a whole under the pope. Vermeersch-Creusen were exceptions in their view that divine law requires that the pope should rule particular churches with the help of bishops.⁷⁹ Others, like Maroto, said that divine law only determined that the successors of Peter and the apostles should rule.⁸⁰ The division of the Christian people into particular churches is not of divine law since Scripture and Tradition do not contain any such command to divide the universal Church. It would seem, rather, to be of

⁷⁷ *Codex Iuris Canonici*, Canons, 336, 338, 339, 1248, 1261 and 1327. One of the fonts for *CIC*, c. 339, is the apostolic letter of Pope Leo XIII, *In suprema*, published on June 10, 1882. It imposed the obligation of the *Missa pro populo* on all residential bishops and provided some historical reflections. In section five Leo recalls the ancient practice, recorded by Justin and Gregory the Great, wherein bishops celebrated in the midst of their people. When this was impossible because of increased numbers the practice of the *fermentum* arose to indicate the presence of the bishop in those assemblies where he could not personally celebrate.

Leo accepts the custom whereby bishops no longer celebrate Mass in the presence of their people, but he adds that it is still necessary that they celebrate Mass *for* their people. He expressly notes that pastors, unlike bishops, are obliged to say Mass for the people in their own church; cf. *Fontes CIC*, Vol. 3, n. 585, pp. 193-98: for the matter treated cf. sections 5, 6, 7, and 9.

⁷⁸ For example, F. Wernz and P. Vidal, *Ius Canonikum ad Codicis Norman Exactum*, Tome II, *De Personis*, 3rd ed. revised by P. Aguirre (Rome: Gregorian University Press, 1943), pp. 457-58. Beste, Chelodi, Coronata, Claeys-Bouuaert, Maroto, Regatillo and Sipos all shared the same view.

⁷⁹ A. Vermeersch, I. Creusen, *Epitome Iuris Canonici*, Tome I, 8th ed. revised by Aem. Bergh and I. Greco (Mechlin and Rome: H. Dessain, 1963), pp. 383-84.

⁸⁰ Philippus Maroto, *Institutiones Iuris Canonici ad Normam Novi Codicis*, Tome II (Madrid: Ed. del Corazon de Maria, 1919), pp. 7-17, 26.

apostolic law since the particular churches were founded by the apostles first at Jerusalem and then in many other cities.

Kurtscheid's analysis of the sources acknowledges that the faith spread from Jerusalem as from a Mother-Church.⁸¹ Peter's visits to many of the new communities are noted. The final conclusion drawn is that "all those churches were considered as parts of the universal Church." Nowhere is the sacramental life of the particular churches considered as a possible factor of external unity. The visibility and unity of the Church are presumed to proceed solely from the ruling power of the hierarchy.

The Ferment Before Vatican II

Despite Vatican I's resistance toward the concept of Mystical Body and the emphasis on hierarchical visibility enshrined in the Code, the renaissance in biblical and patristic studies and the emergence of liturgical and lay movements ultimately laid new foundations for ecclesiological renewal. That is evidenced in the major encyclicals of Pius XII.⁸²

In *Mystici Corporis* Pius provided a positive exposition of an aspect of the Church which the bishops at Vatican I had not been ready to accept. In his attention to the concern so familiar since the Reformation, the visibility and externality of the Church, Pius invoked the equally well-known argumentation of a society with a visible hierarchy instituted by Christ. But his reference to the sacraments as visible means of sanctification was in many ways an important breakthrough.⁸³

Pius's conception of the particular church remains very juridical. The individual Christian communities, whether Latin or Oriental, from which the one Catholic Church is composed are *ruled* by Christ through the voice and power of their bishops.⁸⁴ Each bishop as a true shepherd feeds the flock entrusted to him and rules it in the name of Christ, always subordinate to the lawful authority of the Roman Pontiff. As a successor of the apostles the bishop rules with the power of ordinary jurisdiction immediately given him by the Supreme Pontiff. The Eucharist is said to unify the faithful with each other and the head of the Body, and to be a manifestation of that union. But it is tied to the priesthood and not to the episcopacy as such.⁸⁵

The rise of the ecumenical movement defused some of Pius's concerns. Serious dialogue with Protestant and Orthodox theologians revealed a new climate of thought about the visibility and externality of the Church. Congar noted that Schweitzer in Germany and Goguel in

⁸¹B. Kurtscheid, *Historia Iuris Canonici: Historia Institutorum ab Ecclesiae Fundatione usque ad Gratianum* (Rome: Catholic Book Agency, 1951 reprint), pp. 12-14.

⁸²*Mystici Corporis* of June 29, 1943; *AAS* 35 (1943), pp. 193-248. *Divino Afflante Spiritu* of September 30, 1943; *ibid.*, pp. 297-325; *Mediator Dei* of November 20, 1947; *ibid.*, 39 (1947), 521-95.

⁸³Sections 15-23, 41-44, 70-71, 76 in *The Mystical Body of Christ* (New York: Paulist Press, 1944); *AAS* 35 (1943), pp. 199-203, 210-212, 224, 227.

⁸⁴Section 44; *AAS* 35 (1943), pp. 211-12.

⁸⁵Sections 20 and 88-90; *AAS* 35 (1943), 202, 232-33.

France had begun to stress that "the establishing and unifying of the Mystical Body are, in St. Paul, dependent on sacramental activity."⁸⁶ Faith is necessary but it is baptism that incorporates us in Christ, and the Eucharist that makes us all into one Body of Christ. This new awareness of the sacramental cause of the Church led to a realization that Christ also uses living means, or "sacramental persons," to form his Mystical Body. With this, the importance of the apostolic and hierarchical power as a force for building up the Church was reevaluated.

The tendency of certain Protestant liberals to interpret the ancient documents from the standpoint of a separation between the visible and invisible Church had been tempered. If one admitted the sacraments as a force for building up the Mystical Body, the externality of the Church was guaranteed by the undeniable visibility of both the sacramental signs and the ministers who, as successors of the apostles, administer them. Thus there emerged a new appreciation that the New Testament texts reflect an unawareness of any distinction between the Body of Christ formed through the sacraments and the Church as an assembly, community or society.

It was also recognized that Orthodox theologians were prominent in defining the Church's structure in relation to her sacramental nature. Recently such men as Nicolas Afanassieff and John Meyendorff have been in the forefront, articulating a eucharistic ecclesiology of the local church.⁸⁷

As Baumstark observed, the West has approached the ecclesial reality in an analytic manner, spontaneously.⁸⁸ It thought of the whole and conceived the particular churches as parts of the whole. The East thought first of the local, concrete community and then of the unity of all communities. Unity exists mystically in the Body of Christ. It is realized ecclesiastically in the communion of Churches and in their unanimity in the faith. The local church ceases to be catholic and therefore a church if it is not part of the communion of churches which the universal Church expresses.

Another milestone along the way to rediscovering the value of the local Church was the great strides made in the development of an ecclesiology of the "People of God." Much is owed to the German school of Canon Law in the period after the Second World War.⁸⁹

⁸⁶ Yves Congar, *The Mystery of the Church* (London: Geoffrey Chapman, 1965 [French ed. 1953]), p. 30. See also pp. 35-46.

⁸⁷ N. Afanassieff, "L'Église qui préside dans l'amour," *Le primauté de Pierre dans l'Église Orthodoxe* (Neuchâtel: Delachaux et Niestlé, 1961), pp. 9-64; J. Meyendorff, *The Orthodox Church* (New York: Pantheon Books, 1962), pp. 14-16 and 212-13.

⁸⁸ Anton Baumstark, *Grundgesetze morgenländischen u. aberländischen Christentums* (Rheine, 1932) in *L'essor de la littérature latine chrétienne au XII^e siècle*, compiled by J. de Ghellinck (Bruxelles: L'Édition universelle, 1946), p. 18.

⁸⁹ See A. Vonier's work, *The People of God*, originally published in 1937, in *The Collected Works of Abbot Vonier*, Vol. 2, *The Church and the Sacraments*, (London: Burns & Oates, 1952), pp. 137-225. In Klaus Mörsdorf's revision of Eichmann's manual on Canon Law he introduced a definition of the Church as "the new People of God existing according to certain hierarchical order and assembled to realize the kingdom of God": E. Eichmann and K. Mörsdorf, *Lehrbuch des Kirchenrechts*, Vol. 1, 7th ed.

Cerfaux's consideration of the meaning of the Church in the New Testament and Semmelroth's definition of the Church as a sacrament were likewise important factors.⁹⁰

Finally, three years before Vatican II, Karl Rahner wrote that the historical and theological answer to the question of the relationship between the primacy of the pope and the divine institution of the episcopacy "seems to lie in the fact that an individual church is not just 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."⁹¹ Even the New Testament calls both the Universal Church and the individual community the "Church." "The Church as a whole, where she really becomes an 'event' in the full sense of the term, is necessarily a local church. In the local church the whole Church becomes tangible."⁹²

After a discussion of the Eucharist and its role in making the Church "exist" Rahner counters a long current position: "... a local church is not brought about by an atomizing division of the world-territory of the universal Church but by the concentration of the Church into her own nature as *event*."⁹³ He notes that the earliest church was a bishop's church and that the *presbyteroi* were originally his senate and not presiders of the Eucharist. "As a result the original (episcopal) local communities contained only elements of divine foundation: the holy cultic community of Christ with an apostle or his successor at its head."

Rahner carefully observes that the pope alone by divine right represents the unity of the whole Church as the totality of the local Churches. At the same time the bishops are not merely his instruments since in the place of an apostle the local bishop represents the teaching and the unity of the universal Church within the area which he serves.⁹⁴ Rahner thus rearticulated the catholic local church of Ignatius.

The Convergence of Vatican II

The best way to conclude is simply to note that the bishops at Vatican II very quickly confronted all the currents noted in this paper during their debate over one passage in the preface to the Constitution on Sacred Liturgy: "The liturgy is thus the outstanding means by which the faithful can express in their lives, and manifest to others, the mystery of Christ and the real nature of the true Church."⁹⁵

(Paderborn: Ferdinand Schöningh, 1953), p. 25. See also Mörsdorf, "Die Stellung der Laien in der Kirche," in *Revue de Droit canonique* 10-11 (Melanges en l'honneur de S. E. le Cardinal Julien, 1960-61), 214-34.

⁹⁰ L. Cerfaux, *The Church in the Theology of St. Paul* (New York: Herder & Herder, 1959 [French ed. 1942]); O. Semmelroth, *Church and Sacrament* (Dublin: Gill, 1965 [German ed. 1960]).

⁹¹ K. Rahner and J. Ratzinger, *The Episcopate and the Primacy, Quaestiones Disputatae* 4 (New York: Herder & Herder, 1962), pp. 20-21.

⁹² *Ibid.*, p. 23.

⁹³ *Ibid.*, pp. 27-28.

⁹⁴ *Ibid.*, pp. 29-30.

⁹⁵ *Sacrosanctum concilium*, section 2. All citations are from *The Documents of Vatican II*, ed. by Walter M. Abbott (New York: Guild Press, 1966).

Some bishops complained that the liturgists who prepared the preface overstepped their bounds by speaking of the nature of the Church. Such critics, like the opponents of the concept of "Mystical Body" at Vatican I, considered the conception of the Church presented to be poetic but not expressive of the real nature of the Church.

With hindsight and knowledge of the discussions on the other documents one can see that the cause of such criticism was the traditional preoccupation with the visible and juridical organization of the Church. Many considered this to be *the* essential aspect of the Church. As Vagaggini observes:

No catholic would dream of denying these qualities—but, on the other hand, such a concept excessively stresses the analogy of the Church with the state (*polis*), a political earthly society. At least practically, it places this aspect at the center of its preoccupations in an apologetic anti-Protestant ecclesiology reflecting the post-Tridentine tradition of Bellarmine.⁹⁶

But the majority were to move in a different direction at Vatican II. In section 10 the eucharistic liturgy was declared to be the summit toward which the activity of the Church is directed and at the same time the fountain from which she derives her power. According to section 26, "liturgical services pertain to the whole body of the Church; they manifest it and have effects upon it." The Council rehabilitated the patristic concept of the "episcopal church" as is clear in the notes to section 26 and in sections 41 and 42, which acknowledges that parishes likewise represent the visible Church established throughout the world.

Lumen gentium likewise restores the bond between Eucharist and Church (sections 3, 7, 10, and 26). Particular churches are not simply parts of the universal Church. Retaining their identity they make it present in a specific place (*LG* 23; and *Christus Dominus* 11). The bishop, working with his presbytery (*Christus Dominus* 8; *Presbyterorum Ordinis* 7), is the visible principle of unity.

Local, or particular,⁹⁷ churches actualize the Church of Christ, especially in the Eucharist (*LG* 26). The universal Church is a commu-

⁹⁶C. Vagaggini, "Idee fondamentali della Costituzione," in *La Sacra Liturgia rinnovata dal Concilio*, ed. by G. Barauna (Turin-Leumann: Elle Di Ci, 1965), pp. 62-63.

⁹⁷At Vatican II a *modus* presented by one Father proposed that the term "particular church" in section 23 of *Lumen gentium* be changed to "local or *peculiaris* church." His desire to reserve "particular church" to the churches distinguished by rites and ecclesiastical discipline was rejected. In doing so the Doctrinal Commission noted that the Commission *De Regimine Episcoporum* was in accord with their terminology. See *Schema Constitutionis Dogmaticae de Ecclesia: Modi a patribus conciliaribus propositi a commissione doctrinali examinati*, caput III, *De Constitutione Hierarchica Ecclesiae et in specie de Episcopatu* (Vatican City: Typis Polyglottis Vaticanis, 1964), p. 36.

I believe this should be kept in mind when considering Henri de Lubac's distinction whereby he uses "local church" for diverse groupings whose criterion is socio-cultural in character (e.g., patriarchal churches) and retains particular church for the episcopal church, existing in a place but considered according to an essentially theological criterion: *Les églises particulières dans l'Église universelle* (Paris: Aubier Montaigne, 1971), pp. 44-45, 55. The position that only the particular church, so defined, forms part of the fundamental structure of the universal Church, while the local church is useful, or indispensable, seems open to discussion.

nion of particular churches, sharing their goods in mutual concern, having their diversity protected by the primacy of Rome (*LG* 13 and 23; *Orientalium Ecclesiarum* 3-6). Catholicity is unity in diversity with the different customs of various portions of the People of God enhancing the whole (*LG* 13 and 23). Thus churches should be rooted in the social life and local culture of a given human community (*Ad gentes divinitus* 19). Patriarchal synods and communions of churches are effective means for manifesting that dimension (*LG* 23; *Orientalium Ecclesiarum* 7-9; *Unitatis redintegratio* 14).

The words of Vatican II reveal a restored appreciation of the local church. Whether such is the case in *practice* may be open to question.

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