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# Primacy and Episcopacy: A Doctrinal Reflection

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*The relation of each individual Bishop to the Papacy, and to his brother Bishops is one of the topics of discussion in the Second Vatican Council. Taking its lead from Canon Law on the Conciliar power of Bishops, this article investigates the meaning of the dogma of "the collegiality of the Bishops," the power enjoyed by each Bishop, as well as that of the collectivity of Bishops, and their relation to the Supreme Pontiff and the Church.*

The first Vatican Council defined the primacy of the Roman pontiff. We profess, therefore, that the bishop of Rome is an infallible teacher of the gospel and that he holds universal jurisdiction over the whole Church. The first Vatican Council specified that this jurisdiction is immediate and ordinary, in other words truly episcopal, and hence we are justified in calling the pope the universal bishop of the Church.

At the same time the pope is not the only bishop. In fact, bishops are as essential to the Catholic Church as he is. Despite his primacy, he could never dispense with the episcopal structure of the Church universal and administrate the Catholic people through a system of government more directly under his control. The First Vatican itself made this clear.<sup>1</sup>

This, however, was all that the First Vatican said about bishops in the Church. The original document prepared for the conciliar deliberations included fifteen chapters on the Church and her constitution, but the brevity of the session did not permit the bishops to discuss more than the

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<sup>1</sup> "Tantum abest, ut haec Summi Pontificis potestas officiat ordinariae ac immediatae illi episcopis iurisdictionis potestati, qua episcopi, qui *positi a Spiritu Sancto* in Apostolorum locum successerunt, tamquam veri pastores assignatos sibi greges, singuli singulos, pascunt et regunt" (Denz. 1828).

chapter dealing with papal primacy. Since the council did not deal with the role of bishops in the Church nor define their relationship to the Roman pontiff, the impression was created in many quarters outside the Church that the council had suppressed the episcopal structure of the Catholic Church and introduced a papal government in its stead. The accusations became vocal in terms such as "episcopal jurisdiction has been absorbed into papal," "the pope no longer exercises certain reserved rights, as he has in the past, but now holds the whole of the bishops' rights in his hands," "the pope has, in principle, taken the place of each bishop."

To reply to these accusations, the German bishops made a collective declaration in 1875 in which they asserted that the episcopal structure of the Catholic Church has remained intact and declared that, despite papal primacy, defined at the council, Catholic bishops continue to teach and rule in their diocese as they always have in the Church.<sup>2</sup> Pope Pius IX expressed his whole-hearted approval of the declaration.

Twenty years later, in his encyclical *Satis Cognitum* (1896) Pope Leo XIII re-asserted the episcopal structure of the Church universal. I shall quote the rather lengthy passage in English:

But if the authority of Peter and his successor is plenary and supreme, it is not to be regarded as the sole authority. For He who made Peter the foundation of the Church also chose twelve whom he called apostles; and just as it is necessary that the authority of Peter be perpetuated in the Roman pontiff, so the bishops who succeed the apostles must inherit their ordinary power. Thus the episcopal order necessarily belongs to the essential constitution of the Church. Although bishops do not receive plenary, universal or supreme authority, they are not to be looked upon as mere representatives of the Roman pontiffs. They exercise a power truly their own and are ordinary pastors of the people whom they govern.<sup>3</sup>

In these citations dealing with episcopal authority, the principal concern is the role of the bishop in his own diocese, and hence, whatever is said about the relationship of pope and episcopacy really refers to the pope's relationship to the individual bishops. It is now common doctrine that the pope has immediate and ordinary jurisdiction in every diocese of

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<sup>2</sup> (The collective declaration is most easily available in English in the appendix of H. Küng's *The Council, Reform and Reunion* (New York: Sheed & Ward, 1961).

<sup>3</sup> (*Satis Cognitum*, § 52.)

the world, and that, at the same time, the local bishop also has immediate and ordinary jurisdiction in the diocese of which he is the pastor. These two jurisdictions in the same territory do not conflict with one another; they do not cancel or inhibit one another, but, on the contrary, they are meant to help and re-enforce one another, making hierarchical authority a more efficient service or ministry to the common good of the faithful. The ultimate force which guarantees the harmonious co-ordination of the two immediate and ordinary powers in the same diocese is charity. While papal power is supreme and extends over the bishop as well as his flock, the pope must use this power to build up God's kingdom, to foster the life of the diocese and therefore to safeguard the scope of the bishop in the exercise of his pastoral authority.

Looking upon the relationship between papacy and episcopacy in this individual fashion, very little theological advance was made. No theological formula would represent the relationship adequately. By considering only the relation of pope and individual bishop some problems even seem to become more difficult, especially the question concerning the origin of episcopal jurisdiction. Does a bishop receive his ministerial power to teach and rule directly from Christ, or does he receive it directly from the pope? There can be no doubt that in the Church of our day the individual bishop receives his jurisdiction from the Roman pontiff, receives it, in fact, through papal appointment prior to the sacramental consecration. Limiting the whole question to individual bishops and considering the present practice of the Church, it is certainly true to say that the bishop receives his jurisdiction directly from the pope. This was, in fact, the doctrine taught by Pius XII in *Mystici Corporis*.<sup>4</sup>

This approach, however, does not give deep insight into the relation of the pope and the world episcopate. Since, in former ages, jurisdiction was not always passed on to bishops through the successor St. Peter, but also in many other ways specified by law, we must analyse more profoundly the structure of the Church to determine the relation between primacy and episcopacy. It is, in fact, only when we consider the bishops in their totality that we discover their real place in the Church of the Lord.

We shall take our lead from canon 228, § 1, of the Code.<sup>5</sup> Here we learn that the Roman pontiff is not the only one who exercises supreme au-

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<sup>4</sup> (§ 41): "(Episcopi) ordinaria jurisdictionis potestate fruuntur, (quae est) immediate sibi ab Pontifice Summo impertita."

<sup>5</sup> "Concilium Oecumenicum suprema pollet in universam Ecclesiam potestate."

thority in the Church as teacher and ruler, but that the bishops of the Church united to him in a council also exercise this supreme power. Conciliar power, moreover, is not derived from that of the pope. According to the present legislation, it is true, a council must be convoked and presided over by the pope, and its decrees must have papal approval, but once they are promulgated, their authority is not papal but properly conciliar. If one were to deny this, the ecumenical councils of the Church would not hold supreme authority but simply be consulting boards for the issuing of papal decrees. It is indeed possible to say that in a material way the power of the council is derived from the pope, since, according to present legislation he alone may call it, dissolve it, and approve its decisions, but formally and theologically, the power of the council is not derived from that of the pope.

The recognition that the bishops as a whole, in union with their head the pope, can act with supreme authority and bear the charge of the universal Church leads us to the key doctrine determining the relationship between episcopacy and primacy. This doctrine is referred to as "the collegiality of the bishops" or "the unity of the episcopal college." According to this doctrine, the bishops of the Church form a body or college which, as a group, is responsible for teaching and governing the whole people. To understand the meaning of this teaching, we must first consider its biblical foundation.

According to the account of the New Testament, Jesus founded his Church as the new Israel on the twelve apostles chosen by him. The Twelve were created by Christ as a body. Together they received their instructions,<sup>6</sup> together they received the call to undertake the mission of the world,<sup>7</sup> together they were called to be witnesses to the ends of the earth<sup>8</sup> and together they received the Holy Ghost on the day of Pentecost.<sup>9</sup> We are told that the apostles received the power of the keys as a group<sup>10</sup> and that they are the foundation of the Church.<sup>11</sup> So great was their sense of unity and their realization that as the Twelve they were the Church's rock, that immediately after the defection of the one, they elected another faithful witness to complete their number.<sup>12</sup> They were conscious that as a body they had received the promise of remaining indefectible: "I shall be with you always."<sup>13</sup>

At the same time we also read that Peter, one of the Twelve, was as-

<sup>6</sup> (Matt. 10)

<sup>7</sup> Matt. 28: 19)

<sup>8</sup> Acts 1:8)

<sup>9</sup> (Acts 2:4)

<sup>10</sup> (John 20:23)

<sup>11</sup> (Sph 2:20)

<sup>12</sup> (Acts 1:26)

<sup>13</sup> (Matt. 28:20)

signed a special place among the apostles. The promises made to the apostles as a group were also made to Peter alone. He is the rock; he holds the power of the keys; his mission is indefectible.<sup>14</sup> He is the head of the apostolic college. But it is within this apostolic body to which he inseparably belongs that his office and prerogative must be understood. In other words, the primacy of Peter does not break the unity of the apostolic college as the foundation of the Church of Christ.

According to Catholic faith, the apostles had successors. These successors were no longer the special instruments of God's self-revelation in Jesus Christ, as were the apostles, but, inasmuch as they preserve, explain and defend the teaching and discipline of the Twelve and, inasmuch as they continue to rule the Church universal, the men who followed the apostles are called their successors.

These successors of the apostles are the bishops. This must not be understood as if each bishop can trace his line of consecration back to a single apostle. What happens, rather, is that the episcopal body as a whole is heir or successor of the apostolic body. The promises which the Lord made to the Twelve and meant to be passed on in his Church are found in the episcopal college as a unit, which is the basic seat of apostolic authority in the Church. The episcopal college, we note, is not the gathering of all Catholic bishops into a single body which sums up the authority which each bishop contributes to it; the episcopal college is, rather, the primary organ of authority in the Church and to be made a bishop means precisely to be integrated into this episcopal college. There, as a member of this college (which as such is the heir of the Twelve), the individual bishop receives his share of apostolic authority to teach and to be a pastor to his flock.

The unity of the episcopal college as heir of the Twelve is the basic theological insight which will solve the questions we have raised in this article. The doctrine is ancient but for a number of reasons it has not been taught for several centuries and hence appears rather new to many of our contemporaries. Though not mentioned in the decrees of the First Vatican Council, it is in perfect harmony with them since the primacy of Peter announces his headship within the unity of the episcopal college. The pope has jurisdiction over his brothers, the other bishops, but this supreme jurisdiction does not break the unity of the episcopal body.

This doctrine throws light on the origin of episcopal jurisdiction. We still say that the pope assigns jurisdiction to the individual bishop, but in

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<sup>14</sup> (Matt. 16: 18, 19)

the total context of apostolic succession the meaning of this sentence can now be defined with some precision. It is clear, first of all, that the jurisdiction of the episcopal body is not mediated through the pope. It comes directly from Christ. As the pope himself is the successor of St. Peter and receives his ministerial power from the Lord, so is the episcopal college as a whole the successor of the Twelve and receives its ministerial power in the same way. According to Catholic faith, this is unalterable. Neither pope nor council could change this structure. To make the assertion that the jurisdiction of the episcopal college was derived from the plenary power of the pope would be tantamount to saying that Christ has put the total ecclesiastical authority into the hands of Peter and that the other eleven apostles receive their share from him. Such a theory would go against the teaching of the Scriptures.

How does the individual bishop receive his jurisdiction? He receives his *sacred authority* by being made a member of the episcopal college. He does not receive authority and is then able to join this college but, on the contrary, by being made a member of this college he then shares in the authority which this college as a unity receives from Christ. According to the present legislation, a new member is joined to the episcopal college through the appointment of the pope. In the past this has not always been so. Often a specified number of bishops was able to receive a member into the episcopal college. This is a question of legislation which has usually been solved in a way most advantageous for the total life of the Church.

But the sacred authority which a bishop receives as a member of the episcopal body is not yet *jurisdiction* in the proper sense, since he must be assigned an area, a territory, or a people in which he can exercise his ministerial authority. The assignment of such an area, a diocese or Church, communicates jurisdiction. Again, according to the legislation of our day, the pope assigns a bishop to a diocese and hence, in this clearly circumscribed sense, we may say that the pope directly imparts jurisdiction to the individual bishop. But he is able to impart this jurisdiction only because the bishop, as a member of the episcopal college, has received a share of the sacred authority which the Twelve have handed on to that body.

The doctrine of episcopal collegiality also throws light on the function of the individual bishop and his relationship to the pope. It is now no longer simply a question of harmonizing in the same diocese two similar jurisdictions, one of which is supreme. A bishop has a role in the Church which includes more than being the head of his diocese; as a member of the episcopal college he is, at the same time, co-responsible for the teach-

ing and shepherding of the universal Church. According to the present legislation, this co-responsibility of the bishops does not find much practical application, but as soon as the council was convoked the ancient doctrine of episcopal collegiality became again a living reality. At the council the bishops exercise their office of teachers and legislators for the Church universal in a unique and special manner. Yet we cannot confine this co-responsibility of the bishops for the whole Church to the relatively short periods of ecumenical councils; collegiality is not a privilege bestowed upon the bishops through the pope when calling the council; it is rather a call and duty essentially related to their office.

This understanding of the local bishop may appear new to many. It is, of course, true that the bishop's jurisdiction is confined to his own diocese. But, as a member of the episcopal college, he is concerned with a much vaster part of the Catholic people than his own Church; he is, in fact, concerned with the life of the total Church. His relationship to the pope is not only that of an episcopal subject ruling his diocese in conformity with papal legislation, but as a member of the body of bishops he is an episcopal brother of the pope engaged in dialogue with him.

If the Second Vatican Council wishes to intensify the collegiality of the bishops, a new legislation could create organs through which the co-responsibility we have described could be exercised more freely and more frequently. This could be done, in the first place, through the elevation of episcopal conferences to episcopal assemblies possessing the authority to teach and legislate, subject to the approval of the Holy See. Assigning such power to large groups of bishops would not be an act of legislation inspired simply by pragmatic considerations, but it would correspond profoundly to the very nature of the episcopal office and its collegial coherence. From the most ancient times of the Church it was always believed that the greater the area from which the bishops gathered in councils, the more certain the faithful could be of the Spirit's assistance in their resolutions. To the increasing universality of episcopal councils corresponded an increasing authority attached to them in the teaching of the faith and the imposing of discipline. The general or ecumenical council was the culmination of such episcopal gatherings, and since here the whole episcopate was represented, it was always believed that the Spirit protected his chosen teachers from all error and guaranteed an infallible doctrine.

A second way of intensifying the collegiality of bishops would be the creation of a small council meeting with the pope once a year, a small council composed of bishop-delegates elected by the various regional episcopal

conferences, which would deliberate with the supreme head of the Church on matters of teaching and policy. In this way, through their delegates, the bishops of the world would be able to exercise their co-responsibility for the whole Church. Again it should be mentioned that such a small central council would not be a pragmatic institution introduced under the pressure of modern democratic tendencies, but rather an organ of ecclesiastical government corresponding deeply to the divine structure of the Church and revealing the collegial character of episcopacy.

This leads us to the last question we shall consider in this brief article. Can we define more precisely the relationship of pope and episcopacy? We have said so far that the pope holds supreme authority in the Church both as teacher and law-giver; we have also said that the bishops in union with their head the pope, especially as gathered in an ecumenical council, hold the same supreme authority in the Church. Are there then two relatively distinct subjects of supreme authority in the Church, of which the pope acting alone would be one and the pope acting in union with his bishops would be the other? This doctrine of the "subjectum duplex supremae auctoritatis" was indeed taught by many theologians. It was taught by several great 19th century theologians, such as Kleutgen, Schrader and Scheeben, and from the minutes of the working commission at the First Vatican we know that the definition of papal primacy was not meant to prejudge the doctrine of the "subjectum duplex."<sup>15</sup> In our own day the doctrine of the "subjectum duplex supremae auctoritatis" has found many supporters.

This doctrine has the advantage that it brings to light the dialogue structure within the exercise of supreme authority in the Church. According to this doctrine there is one single and undivided supreme authority granted by Christ to the Church, which is exercised either by the pope alone or, at other times, by the totality of the bishops including their head, the pope. The weakness of the doctrine is, however, that the "either/or" in the exercise of this authority does not bring out the organic character of the Church's unity nor does it show that the supreme authority of the pope leaves intact and serves the unity of the episcopal college. It creates the impression that the pope acting as the supreme head of the Church places himself outside of the episcopal college to which, in fact, he inseparably belongs as the principal member.

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<sup>15</sup> (See J. P. Torrell, *La Théologie de l'Épiscopat au premier concile du Vatican*, Paris 1961, pp. 149-58.)

Against the accusation, often raised against the teaching of the First Vatican, that the pope's primacy severs him from the rest of the Church and especially from the bishops, and thus makes him an independent and therefore arbitrary ruler, we must assert quite vigorously that the pope acts within the Church and more especially within the body of bishops. Even when defining doctrine "ex sese, non ex consensu Ecclesiae" the pope remains the principal member of this body and exercises his power in the name of, and in favour of, the whole body of bishops to whom Christ has assigned the universal government of the Church.

We prefer not to speak, therefore, of a twofold subject of supreme authority in the Church. Another doctrinal position is at present taught by many theologians and has been adopted by a great number of bishops, according to which there is *one single* seat of supreme authority in the Church, and this is the episcopal college. As heir of the Twelve (including Peter) it is supreme in teaching and ruling. The exercise of this supreme power may take place in various ways, but each time the whole episcopal college is in some sense involved. Sometimes the bishops exercise their supreme power in union with their head, the pope, at an ecumenical council. At other times the bishops teach or act in union with the pope while remaining dispersed over the world. At other times again, the pope himself teaches or legislates with supreme authority for the universal Church, but when he does so he exercises the supreme authority given to the episcopal body which he, as its head, is able to use *ex sese*, of his own accord. This means that the pope exercising supreme power, while not dependent on the consent of the Church or of the bishops, always acts in the name of the body of bishops and, as it were, for them, in their favour. Without the slightest detriment to the pope's supreme position as defined by the First Vatican, this understanding of the unity and primacy of the episcopal college places papal primacy into an ecclesiological context in which the pope appears more clearly as a member of the Church, a bishop of a diocese, and as head of the whole Church exercising his supreme office as a ministry in the apostolic body of bishops for the good of all the Christian faithful.

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