

## **Chapter 5 – The Constitution of the Church**

### ***Episcopal Collegiality and Papal Primacy***

*The problem of the episcopate was of deep concern to the Melkite Greek Catholic hierarchy. As early as their arrival in Rome for the first session of the council, the patriarch and his prelates signed, on October, 1962, the following “proposition” tending to give to the schema “On Bishops” priority over all the others in the discussion.*

The undersigned, Melkite Patriarch of Antioch and the Bishops of his Patriarchate, Fathers of the Second Vatican Council:

Inasmuch as the First Vatican Council, after having defined the primacy and the infallibility of the Roman pontiff, was interrupted without being able to study the origin and the powers of the bishops, who, by divine right, succeed the Apostles; and inasmuch as the determination of the origin and of the powers of bishops is of the greatest importance for clarifying the other questions which are proposed for conciliar debate, such as ecumenism, decentralization, pastoral activity, missions, and the apostolate of the laity; we do propose that priority be given to the study of the schema “On Bishops.”

### ***Episcopal Collegiality***

*An overall study of this question had been prepared by Patriarch Maximos in May, 1962, some months before the holding of the first session of the council. It was to inspire all his conciliar interventions. We publish it in full.*

Theologians sometimes wonder if the government of the Church, as it has been willed by its divine Founder, is monarchical, oligarchic, or democratic. In reality, this problem has been poorly stated, for the Church, as a divine and human society of a type that is completely unique, escapes all the classifications of human constitutions. The Church is in a sense monarchical, through its one head, who is Christ, and through the leader of its human pastors, who is the Bishop of Rome. It is in a sense oligarchic, if one considers the small number of those who exercise power in it. It is also in a sense democratic, through the royal priesthood of its faithful and the apostolic mission entrusted to all its members. But, strictly speaking, it is none of the above in particular, and all the above at the same time.

Christ wished a minimum of external constitution, around which the Church has developed its organization according to forms that are very variable, according to persons, times, and places. This diversity, because of its contingent nature, can still evolve indefinitely, except for the untouchable constitutional core willed by its divine Founder. So it is that the Christian East has in general adopted forms of organization that are more democratic and more decentralized, while the West has set forth gradually on the road toward forms that rather recall absolute monarchy and nearly total centralization of all powers of jurisdiction in the hands of the Bishop of Rome alone.

## **Importance of the Problem**

All these forms of organization are legitimate, on the condition, however, that they respect the divine constitution of the Church. For example, to push democratic and decentralizing forms to the extreme could end in the denial of all central power and to the establishment of absolutely autonomous particular Churches, to the detriment of the unity desired by Christ. On the other hand, to push the monarchial and centralizing element to its extreme limits ends fatally in transforming the Church into a society that is purely human and external, submissive to a single head, whose other subordinate leaders receive their powers and their mandate by way of a permanent or occasional delegation. It is precisely this trend in the Catholic Church toward autocratic forms of government centered around individuals that the Council must, it seems to us, rectify.

This rectification is necessary if we desire that our Catholic East, with its particular forms of organization and of internal government, should not be in Catholicism as a strange body, a poorly tolerated exception, a paternalistic concession, although its organization and its ecclesiological concepts are perfectly apostolic.

This rectification is also necessary if we wish to continue the dialogue with Orthodoxy and Protestantism. In particular, Orthodoxy refuses to see in the excessive enhancement of the Roman primacy a normal evolution of the primitive core laid down by the Lord in the divine constitution of the Church, and accuses the papacy of engrossing power for reasons of ambition or human self-interest.

Finally, this rectification is necessary if we wish to remain faithful to the thought of Christ and the tradition of the Apostles and of the Fathers of the Church. The apostolate, and in particular the missionary apostolate, presupposes a collective responsibility of the whole episcopate in the preaching of the Word. Bishops are not governors of provinces, charged with executing the directives of a central authority that is solely responsible for the definitions of the ecclesiastical *magisterium*, of the liturgical worship, and of the power of jurisdiction. Bishops are successors of the Apostles, or, more precisely, the episcopal college is the successor of the apostolic college. Power in the Church belongs fundamentally to the college of the Apostles and their successors under the direction of the leader of the Apostles, Peter, and his successors, the bishops of Rome. Bishops, after all, are not responsible for their dioceses alone, and their power is not limited to their dioceses; in union with their head, the Bishop of Rome, and under his direction, they have the collective responsibility for the whole Church, and they exercise with him, in some manner, a collective power over the universal Church. This is what we mean when speaking of episcopal collegiality. This is a rich idea, as ancient as the Gospel, but very much blurred in the concepts and the practices of these recent centuries, and one that on the occasion of the Council should be restored to the light.

## **In Scripture**

The collegiality of the Church is an idea as old as the Gospel. The apostolic college, in fact, is designated in the Gospels by the most concrete expression “the Twelve.” The Twelve constitute the foundation of the New Israel, of which they are at the same time

the Fathers and the Judges (Matthew. 29:27). This is what the number twelve symbolizes. With the defection of Judas, it appeared indispensable to find a replacement for him, so that the college would remain complete. The Twelve are forever the foundations of the Church. In the Apocalypse (21:14) Saint John says, "The wall of the city [the heavenly Jerusalem] had twelve foundations, and on them the twelve names of the twelve Apostles of the Lamb." Thus the Church rests on the foundations of the twelve Apostles and their successors, a collegial government.

The Twelve are not, however, an occasional and inorganic group. They form a college, having a president: "Peter and those who were with him," the Evangelists say (Mark 1:36, Luke 9:32, 8:45).

Peter certainly appears in the life of the primitive Church as the one who has primary responsibility, but always as head of the apostolic college, which shares with him his responsibilities. When Philip evangelized Samaria, "the Apostles...sent Peter and John, who came down and prayed for them that they might receive the Holy Spirit" (Acts 8:5, 14-16). Did not Jesus send the Twelve on mission, two by two (Mark 6:7)?

Everywhere we see the Apostles exercising their mission collegially. The Acts say that Paul, converted to the Christian faith, "attempted to join the Apostles... Barnabas took him and brought him to the Apostles... So he went in and out among them at Jerusalem, preaching boldly in the name of the Lord" (Acts 9:26-29). He writes, "After three years I went up to Jerusalem to see Cephas" (Gal. 1:18). "Finally, after fourteen years, I went up again to Jerusalem with Barnabas, taking Titus along with me... I laid before them [that is to say the apostolic college] the Gospel which I preach among the Gentiles, but privately among those who were of repute, lest somehow I should be running or had run in vain... And James and Cephas and John, who were pillars, gave me the right hand of fellowship" (Gal. 2:1-9).

Everywhere the evangelization appears to be collective. Although the mission among the Jews was more especially the role of Peter, and that of the Gentiles the role of Paul, we nevertheless know that Paul always spoke first to the Jews before going to the Gentiles (Acts 16:13; 17:1,10; 18:4; 19:8-10; 28:17), and that Peter equally evangelized the Gentiles (Acts 10 and 11). Peter came to Antioch, where Paul and Barnabas were evangelizing (Galatians 2:11), and finally Peter and Paul both evangelized at Rome, a Church founded by Paul as much as by Peter. The memory of Paul is, in liturgical worship, inseparably tied to that of Peter, and Byzantine icons represent both of them supporting the Church of Christ.

The Apostles' helpers also evangelized collegially, without being tied definitively to one territory. When, after the deaths of the Apostles, they succeeded them, they kept the consciousness of collegiality in evangelization and remained itinerants, not permanently attached to one or another Church. How far we are from a Saint Peter exercising control and authority over the whole Church by himself alone!

### **In the Tradition of the Fathers**

Later, when the successors of the Apostles settled down in one Church, they nevertheless continued to be aware that their care went beyond that Church and extended in a certain manner to all the Churches. St. Clement of Rome was concerned with the Church of Corinth. It could be said that he did it as successor of Peter. But Ignatius of Antioch wrote to the Churches of Asia to strengthen them in the unity of faith around their respective bishops. Polycarp of Smyrna wrote to the Church of the Philippians in Macedonia. Dionysius of Corinth, said Eusebius, “not content to exercise a zeal in God over those who were subject to his authority, extended it further and freely to other countries;” he wrote letters to the Lacedemonians, the Athenians, the Nicomedians, the Cretans, the Churches of Amastris, of Pontus, and of Gnosus (Eusebius, *Hist. Eccl.*, IV, 23, 1-8).

If we limit ourselves to the modern theories of the pope as the sole responsible person in the Church, all these Fathers, who are the foundations of the Christian tradition, should be considered intruders.

St. Cyprian of Carthage gives us the reason for the behavior of these Fathers when he says: “There is, in fact, among the bishops only one Church, only one soul, only one heart... There is, through the institution of Christ, one and only one Church, spread out over the whole world, one and only one episcopacy represented by a multiplicity of bishops united among themselves... The Church forms a single whole, whose bond is the union of bishops” (Epistle 66, 8,3). For, he adds, “the episcopacy is one and indivisible episcopal dignity is one and every bishop possesses jointly and severally a portion of it without any division of the whole” (*De Unitate*, V). Can anything be clearer and more explicit?

Finally, episcopal collegiality manifests itself through the meetings of the bishops in synods, either regional or ecumenical, to compare local traditions and to make decisions having obligatory force for the whole region or the whole Church. If each bishop had authority only over his diocese, the synods would not have been able to decide in common for a whole region or for the whole Church. If they do so, it is because they are expressing and putting into action the collegiality of the episcopal body.

In brief, when we listen to the Fathers, it is evident that the Church of Rome, and its bishop, are situated within the union of the Churches and of the apostolic collegiality of their bishops, according to the expression of St. Ignatius of Antioch, who calls the Church of Rome “president in love” (Epistle to the Romans, Par. 1). Such is the underlying sense of its primacy and of its privileges, which are manifested above all in the cases where the faith is in peril, according to the words of Jesus to Peter: “I have prayed for you that your faith may not fail; and when you have turned again, strengthen your brethren” (Luke 22:32).

### **Theological Deductions**

From this brief survey of the contributions of Holy Scripture and of the teachings of the Fathers of the first centuries, one can legitimately deduce the dimensions of episcopal collegiality:

- 1) In the first place, it is clearly apparent that the theology of collegiality is linked with the theology of ministry and of the service of the word. If the hierarchy in the Church is conceived solely in the sense of a power, in place of being thought of and expressed in the sense of a service, episcopal collegiality becomes impossible, for in the face of a universal and direct power—if such is the way that the Roman primacy is understood—all other power can only be delegated and particular. It is quite the opposite if the primacy is considered as a ministerial charism at the service of the Church, which is granted to the one who likes to call himself “servant of the servants of God.”  
Ministry in the Church is a power, but a power to serve. The human notion of jurisdiction, applied indiscriminately to the hierarchs of the Church, has falsified the nature of the apostolic ministry. It is well known that in the East not only is the term “jurisdiction” unknown, but also that the institutions of the Church escape the legalism that characterizes the mentality and the institutions of the Western Church.
- 2) In the second place, this apostolic ministry, which constitutes the totality of ecclesiastical power, is not entrusted solely and individually to Peter, with the responsibility of distributing it by delegating it to the other Apostles. Nor is it entrusted to the Apostles individually. It is given to the Twelve, that is to say, to the apostolic college as such, taken collectively, collegially, with solidarity, having Peter as the head.
- 3) In the third place, the charism of primacy conferred upon Peter has meaning only when it is considered in its total context, as being the power to lead the apostolic college. It is not a personal power independent of any reference to the Twelve, to whom collectively has been granted all power in the Church. Neither chronologically nor as an idea does the primacy of Peter come before the ministry of the Twelve. Even while possessing this primacy of leadership, Peter remains one of the Twelve, an Apostle like them, sharing the power which was given to them jointly and severally, not only as a member of the college, but also as president and chief of the college, an eminent member who sees to it that the Twelve are an organic college, and not an aggregation of independent individuals. Likewise, after as well as before the granting of primacy to Peter, the other Apostles did not cease to be the brothers and the companions of Peter in the apostolate. The primacy of Peter does not take away from the Apostles any of the powers which were given to them by Christ, but sustains, coordinates, and guides them. Without Peter the power of the Apostles would degenerate into confusion, and without the Apostles, Peter's power would degenerate into absolutism. These two powers complement each other, and are mutually indispensable.
- 4) In the fourth place, the Bishop of Rome, successor of Peter, has no more power than Peter, and the episcopal college has no less power than the apostolic college. The exercise of the power of each bishop in particular may vary and has in fact varied. Yet the totality of the powers of the episcopal body must not yield anything to the whole of the apostolic powers. If the episcopal college should encroach upon the powers of the Bishop of Rome, or if the Bishop of Rome should encroach upon the powers of the episcopal college, there is in both cases, violation of the Lord's will, and therefore danger of controversies and even of schisms in the Church.

- 5) The government of the Church thus does not rest on one man alone, but on a college of men, the bishops, who must work together and in union with their chief, the Bishop of Rome. The Bishop of Rome operates as the center of unity of the body, from which he receives at all times suggestions, advice, reminders, which may go so far, as in the case of Paul with Peter at Antioch, and so many Fathers of the Church with the popes of Rome, as respectful but vigorous objections. "When Cephas came to Antioch," says Paul, "I opposed him to his face, for he was clearly wrong" (Galatians 2:11). Without doubt the pope reserves for himself the right to judge as a last resort, discerning what in the wishes of his brothers comes or does not come from the Holy Spirit. It is his responsibility to affix his definitive seal on what has been decided by the unanimity, at least moral, among his brothers of the episcopal college.
- 6) The successors of the Apostles have long since ceased to be itinerant and are generally given charge of a specific diocese that they must administer and where they are expected to reside. But this direct and immediate responsibility of the bishop over his diocese does not dispense him from continuing to assume a more general responsibility over the Church as a whole. Now, this more general responsibility of each bishop with respect to the universal Church is manifested first of all in the ecumenical councils where the episcopal college, having the pope as its head, exercises in the Church a sovereign power of judgment and of government. This responsibility is also exercised in synods, conferences, and other episcopal meetings, in which each one of the attending bishops participates in the pastorate of a whole region, without having the decisions of the synods necessarily submitted, of divine right, to the approbation of the Bishop of Rome.

Finally, this responsibility is exercised each day in the suggestions, the adaptations, the observations, that bishops make to each other, and also make, with all due respect, to their hierarchical superiors: archbishops, metropolitans, patriarchs, and pope. It is exercised through the participation of the entire Church in the Roman central administration, which must also be representative of collegiality. It is exercised through concern for the preaching of the word throughout the world: a care which does not weigh solely on the shoulders of the Bishop of Rome, but which is a burden on the consciences of all bishops. It is exercised, finally, through the constant preoccupation which each bishop should have for the good of the universal Church, according to the words of Saint Paul, who said, "There is the daily pressure upon me of my anxiety for all the Churches. Who is weak, and I am not weak? Who is scandalized, and I am not aflame with indignation?" (2 Corinthians 11:28-29)

In the last analysis, that is what episcopal collegiality is: the taking charge, by all bishops jointly, in communion with their head, the Pope of Rome, of the interests of the Kingdom of God that is the Church. Such is the Church willed by Christ.

## ***The Pope and the Origin of the Bishops' Powers***

*The preparatory Theological Commission of the Council had prepared a schema "On Residential Bishops." This schema proposed a theory, that the patriarch deemed "inadmissible," of the "pope, ultimate and only source of all power in the Church." The patriarch refuted this theory in a long memorandum that he addressed to the Central Commission, in its meeting of May, 1962.*

This Chapter IV of the Constitution "On the Church" is, by all means, the most serious and burdensome in consequences among all the schemas that have been presented until now for the examination of the Central Commission.

Not only is this chapter dogmatic in nature, but it advances a theory that, unless there is a mistake, we consider as to be a truly new dogma: the dogma of the Roman pontiff as the ultimate source of all power in the Church.

In its exposition of the divine constitution of the Church, the First Vatican Council emphasized only the constitution and functioning of its visible head, who is the Roman pontiff. Almost unanimously the bishops of the Catholic world have wished that the Second Vatican Council would present a less unilateral vision of things, by stressing this time the constitution and divine origin of the power of the bishops, the successors of the Apostles. The schema which should have been presented to us was intended to satisfy this legitimate desire. Now, the one that has been presented to us emphasizes even more the powers of the Roman pontiff, and does not supply anything very notable in the determination of those of the bishops.

In the light of the gravity of the question, we reserve for ourselves the presentation to the Central Commission of a more detailed study on this point. In the meantime, we take the liberty of making the following comments. If we are mistaken, we declare that we are submitting in advance and without reservation to the infallible *magisterium* of the Church and of the Roman pontiff. If, on the contrary, it is the theological commission that wishes to introduce surreptitiously a new dogma, we ask it either to withdraw its schema or to present it openly as the introduction of a new dogma, a corollary of the dogma of Roman primacy, and to ask the Fathers of the Council explicitly to discuss it and define it. But it is not permissible to present as doctrine tacitly accepted by all something that is, in reality, only a simple opinion at best. Having said this, we here briefly present our comments:

1. Holy Scripture affirms a power of primacy, on the part of Peter, over the rest of the Apostles and over the whole Church. But Scripture does not affirm in any way that no bishop can be constituted in the Church except through the intervention, "direct or indirect," of Peter and his successors, the bishops of Rome. We even explicitly see the other Apostles constituting bishops without referring in any way to Peter. The same is true of their disciples, such as Titus or Timothy. If it is necessary to understand the text as applying to bishops in the strict sense, doesn't the Scripture say that it is the Holy Spirit who instituted the bishops to rule the Church (cf. Acts 20:28)? It is difficult, without doing violence to the text, to find in the Scripture a basis which permits affirming that no

bishop obtains jurisdiction over his Church except through the “direct or indirect” intervention of the Bishop of Rome, successor of Peter.

2. As for Tradition, one finds, it is true, certain texts in favor of that opinion, especially in the writings of Popes of Rome, like Saint Leo. But we cannot say that this is the teaching of the majority of the Fathers. On the contrary, there are numerous ancient and impartial texts which affirm the opposite. There are Fathers of the Church who are even opposed to this trend of exaggeration of the papal power. We can even say that the majority of the Fathers, above all in the East, are of a contrary opinion. While conceding a power of primacy of the Roman pontiff, they do not agree that he is the source of all power of jurisdiction in the Church, to such a point that no bishop can be appointed except by him.

Thus Tradition is not on the whole favorable to the extremist opinion which this schema demonstrates. May I be permitted here to make a remark which holds true for many other excessive tendencies in modern theology: the West does not produce untrue texts, but it produces only texts that please it, and passes over in silence, consciously or unconsciously, the texts that do not agree with its theories, even if they are more numerous. An objective study of Tradition must take into account all the currents of thought and all the texts. In the face of a few texts favorable to “the Roman pontiff, sole and ultimate source of all power,” there are many other texts which ignore this theory or affirm the contrary. Where then is the true Tradition to be found?

3. In this matter, the practice of the Church remains the best criterion. Indeed, even in the West, bishops were not always appointed and invested directly or indirectly by the Roman pontiffs. As for the East, during the first nine centuries of the Church, when the East and the West were usually united, the popes have certainly claimed the right to intervene, especially when serious danger threatened the Church, to name or occasionally depose a bishop. But the East has never surmised that only the popes of Rome could, directly or indirectly, name the bishops.

When Pope Nicholas I chided Patriarch Photius for having been elected without the intervention of Rome, Photius could answer that it had never been the custom of the Church. Now, Pope Nicholas seems to have based his claim, in good faith, above all on the False Decretals that had just been circulated in the West. We don't wish to say that the extremist position of the schema is based on the False Decretals. We only wish to affirm that for centuries the Church did not claim that the appointment of bishops or their “mandate” in their respective dioceses was the exclusive province of the Roman pontiff. In our Melkite Church, until some twelve years ago, the bishops were chosen in a synod, and we sought no confirmation for them from the Roman pontiff. It was Pope Pius XII who demanded for the first time that no bishop of our Church henceforth be proclaimed without papal confirmation. Pope Pius XII was no doubt applying the opinion which the schema of the theological commission is now appropriating.

4. The supporters of this extremist opinion, aware that Tradition is not on their side, have recourse to an expedient and believe that they have solved everything by inserting this clause: “directly or indirectly.” Thus, if history proves that out of one hundred thousand episcopal elections in the East, from the time of the Apostles until the middle of the twentieth century, the popes have intervened in only a hundred cases, certain theologians

will nonetheless say that it is through the authority of the pope that these appointments were made, their view being that this authority was exercised “indirectly” either by synods, or patriarchs, or in some other way...

Actually, the popes themselves did not think along those lines, any more than they thought of granting Eastern priests the power to confirm. Such deductions do not result from the facts, but bend the facts to preconceived theories. With this method it can also be claimed that ordinary priests obtain their canonical mission from the pope, but indirectly, through the intermediary of their bishops. Following this train of thought, we can ask ourselves what, in the Church, does not issue from the pope! The very excesses of these deductions show that the method is scientifically condemnable and that the deductions are unjustified.

5. The supporters of the opinion that we are opposing have recourse to another deduction. They claim that their opinion is a logical conclusion of the dogma of Roman primacy. Therefore, they say, according to the definition of Vatican Council I, the pope possesses an ordinary, episcopal, and immediate power over the pastors and the faithful, and the bishops obtain their power over their respective dioceses only through the pope's mandate. To this we reply: the definition of Vatican Council I does not in any way include a statement that the pope is the ultimate and sole source of all power in the Church. Someone can have authority over another without being the source of all authority for this other person. The two things are distinct. To pass from one to the other is to surreptitiously desire the Church to accept a new dogma that Vatican Council I in no way defined, even though it could have done so.

6. Be this as it may, the new dogma that is being proposed to us accentuates even more the differences between the Eastern Church and the Western Church. While our Orthodox brethren still recognize in the pope a certain power of primacy, their entire ecclesial tradition forbids them from acknowledging in him the ultimate and sole source of all power in the Church. Their entire legitimate ecclesial tradition forbids them from reserving to the pope the nomination or confirmation of all the bishops in the Church. The Second Vatican Council, which the pope desired to prepare the paths for union, would result on the contrary in hardening the positions of the Catholic Church and creating a new dogma that the Orthodox Church cannot accept. With such a theory, the Catholic Church must decide to interrupt all dialogue with Orthodoxy, and it will not be the fault of Orthodoxy, which, on this point, wishes to remain faithful to Tradition.

7. Finally, we can ask ourselves why the theological commission and, with it, certain theologians, persist in wishing to make the council pronounce excessive principles in praise of the papacy. There are certainly certain groups in the Catholic Church today who wish to see in Catholicism only its head: the pope. From exaggeration to exaggeration, they finally lead the Church towards a certain “papatry,” which does not appear to be a chimerical danger. They have made of the pope, not the father, the humble and devoted shepherd, the big brother concerned about the honor and the apostolate of his brothers, but an ecclesiastical replica of the Roman Caesar. An old subconscious imperialism consumes them, and they seem to wish to find in the papacy a compensatory solution for their dreams of universal domination. Now, that attitude has no place in Christ's Church, where authority is a service, and the greatest among us must be the servant of all.

Certainly, the popes realize this evangelical ideal magnificently in their private lives. Yet we wish, for the greater good of the Church, that the flattering or self-interested theologians may be kept away from their entourage. This can only enhance the greatness of the papacy and increase esteem for it.

8. In the light of the preceding considerations, we propose the amending of certain passages of the schema in question:

a. A note that seems harmless proposes theories of the greatest gravity. It even stirs up the question of whether the bishops receive their power immediately from God or from the pope. How can anyone say such a thing? If the bishops receive their power immediately from the pope, then they are delegates of the pope. The note claims that it wishes to exclude this theory, but it affirms it nonetheless by insinuation. Now it is this method of tendentious insinuations that places the doctrines of the Church in danger. This entire text should be eliminated.

b. The schema affirms that the bishops receive their mandate “*a regimine Ecclesiae, et quidem ab ipso successore Petri... a quo ergo in officium assumuntur, et etiam deponi, transferri, restitui possunt*” (“from the government of the Church, and indeed from the very successor of Peter... by whom therefore they are received into their office, and by whom they can also be deposed, transferred, and reinstated”). The text says rightly, “by the government of the Church.” But why does it identify the “government of the Church” with “the successor of Peter”? Apart from Peter and his successors, is there nothingness in the Church, and is the “government of the Church” reduced solely to the government of Peter and his successors?

Peter is at the head of the Church, but he is not the whole Church. There is no body without a head, but neither is there a head without a body. This theoretical and practical identification of the pope with the Church and of the Church with the pope is one of the exaggerations that have done most harm to the Church. In order to honor the pope there is no need to see him as being the whole Church and to reduce the Church to him.

c. The text affirms that the pope possesses such power in the Church “*ut ipse actualem eorum [episcoporum] iurisdictionem ordinariam ampliari vel restringere possit, etiam subditorum exemptione*” (“so that he can increase or restrict their [the bishops’] ordinary jurisdiction, even by exempting those subject to them”). This needs to be toned down. The pope’s power is not arbitrary. It is restricted by the divine constitution of the Church that intends that the bishops should not be proxies of the pope, but his brothers and the successors of the Apostles. The pope cannot arbitrarily do whatever he wishes with the Church and in the Church; he must always respect the plan of its Divine Founder. The Church is a monarchy, tempered by an oligarchy, and even by a certain democracy. It is not a dictatorship.

d. After reducing almost to nothing the original and legitimate rights of the bishops, the text continues: “*Absit tamen ut per hoc iura episcoporum minuantur*” (“The rights of the bishops must not be diminished by this”). That is almost ironical. By these exaggerations the rights of the bishops are most certainly diminished. More than one Catholic bishop has thought in his innermost heart that he was practically reduced to the role of a “prefect” executing the orders of the Roman bureaucracy.

e. Speaking of the unity of the Catholic Church, the text affirms: “*cuius centrum et fundamentum et principium unitatis est successor Petri*” (“whose center and foundation and principle of unity is the successor of Peter”). What is left to Christ in this concept of ecclesial unity? What needs to be said is that the center and foundation of the unity of the Church is Christ and subordinately and vicarially the bishops, and at their head the Bishop of Rome. In the concept of the Church, it is hardly forgivable to forget the bishops. But it is absolutely unforgivable to forget Christ. The exaggerations of certain theologians have made the pope not the representative of Christ, but his substitute, his successor. And that is very serious.

f. Speaking of the collegiality of the episcopal body—a very rich idea that is still unexplored—the schema conceives it in a rather diminished and simplistic way. It says, “*Episcopi, quamvis singillatim sumpti vel etiam quam plurimi congregati potestatem in universam vel in aliam ac sibi commissam Ecclesiam non habent, nisi ex collatione Romani Pontificis...*” (“The bishops, whether taken individually or even when many are gathered together, do not have power over the universal Church or over another Church assigned to them, except as it is conferred by the Roman pontiff”). In the minds of the authors of this schema, the bishops, as a body, have no power of their own of universal solicitude. If they do in fact exercise such power, in councils or otherwise, it is solely by virtue of a delegation of power coming from the Bishop of Rome. Is that the genuine Catholic tradition? Does not this tradition affirm that the bishops in some sense share with their head, the Bishop of Rome, the care of the entire Church? Does it not affirm that they possess, with him and under his authority, a certain power over the whole Church, for example in ecumenical councils? It is true that, under present law, an ecumenical council can be held only under the authority and with the approbation of the Bishop of Rome. Yet that does not mean that all the authority that the bishops exercise in such a council comes to them from the Bishop of Rome. Again, these are very harmful exaggerations.

g. The schema concludes: “*Nemo episcoporum ad hoc Corpus pertinere potest, nisi directe vel indirecte a successore Petri, Capite Corporis, in Collegium assumptus sit*” (“No bishop can belong to this Body, unless he has been directly or indirectly incorporated into the College by the successor of Peter, the Head of the Body”). It is correct to say that no bishop belongs to the Catholic episcopal college unless he is *united* with and subject to the head of this college, who is the Bishop of Rome. However, to say that no bishop belongs to this college unless he has been *chosen* by the Bishop of Rome is something else. It is a theory that must be proved, and that we for our part believe is devoid of any foundation in the sources of our faith.

Conclusion: The schema that is presented to us is clearly tendentious. In addition to the exaggerations in form that we have pointed out, it proposes a theory of the constitution of the Church that is not at all certain. We, for our part, believe that it is erroneous. This schema must be restudied by theologians who are more objective and who have been more soundly nurtured in the Patristic tradition. It is our opinion that this schema, as it is now presented, cannot be proposed to the council.

## The Divine Constitution of the Church

*The Holy Synod, in its "Comments on the schemas of the Council (1963)" made a detailed critique of the first part of the schema "On the Church." It touched on many varied points, but the central theme remained "the Divine Constitution of the Church," or the relations between the Apostles and their successors, the bishops, on the one hand, and on the other, Peter and his successors. Although it sometimes touched on details of wording, this synodal document deserves to be cited in its principal passages.*

1) Peter/rock and Apostles/pillars: The simile of the "pillars" applied to the Apostles originates in the New Testament quite as much as the simile of the "rock" applied to Peter. Better still, we propose to replace "founded on Peter the rock and upon the Apostles" with another scriptural formula such as "established on the foundation of the Apostles (and prophets)."

Indeed the draft awkwardly anticipates the following paragraph which deals with the primacy. The present draft is less felicitous than the text from Vatican I which is cited here. That council distinguished three periods in the divine plan: the first period, Christ wishes to found a Church as a temple of eternal duration; the second period, to lead and rule this Church, He gives it as shepherds the twelve Apostles who are perpetuated in the bishops, their successors; the third period "so that the episcopate may be one, he set Peter above the other Apostles." The present schema, by speaking too soon about the primacy of Peter, symbolized by the rock, reverses the perspective.

2) Apostolicity: "*Apostolicus primatus*" does not adequately designate the primacy of St. Peter. Actually, there are other Apostles besides Peter. It is also a current habit in the West to use "*Apostolica Sedes*" to designate only the Roman See of Peter. Indeed, in the West, there is no other "apostolic see" than that of Rome founded by Peter. But we must react against this procedure, for not only are there other Apostles besides Peter, but there are also other "apostolic sees" besides the See of Rome. This statement is important in order to make oneself understood by the East, which is so deeply attached to the apostolicity of its patriarchal sees. We know that Orthodox Christians protest against the monopolizing of the epithet "apostolic" by the Roman See in expressions like "apostolic see" or "apostolic blessing," etc.

3) Vicar of Christ: Following Saint Bernard especially, Western piety has liked to give the Roman pontiff the title of "Vicar of Christ." However, even in the West, at least until the eleventh century, the Pope of Rome tended to be called the "Vicar of Peter," and not the "Vicar of Christ." This latter title came into general use only with St. Bernard, without being exclusively reserved to the Roman pontiff, since Western tradition continued here and there to call all bishops indistinguishably vicars of Christ.

The Roman pontiff is naturally the vicar of Christ in a more eminent, but not exclusive, way. The exclusive application of this title to the Bishop of Rome is unknown in Eastern patristic tradition. Moreover, this title leads to lack of restraint, and we know how lack of restraint in this domain, in unwary, flattering, or self-interested minds, is dangerous for the Church. It has led some to blasphemy in the strict sense of the word, when they wanted to make a pope a God: "The pope is God on earth..., Jesus has placed the pope

above the prophets..., above the precursor..., above the angels...Jesus has placed the pope on the same level as God...”

For the same reason, we believe that the expression “head of the Church” (especially in Latin: “*caput Ecclesiae*”) must be explained in an ecumenical context. For it is not the pope who is head of the Church in the strict sense, but Christ alone, whom no one succeeds in this capacity. The pope succeeds Peter, but he does not succeed Christ. We should explain it rather in the sense that the pope is the “visible head of the Church” or “the head of the visible Church.”

4) Foundation of the Church: The Church was certainly built on Peter, but also on the other Apostles, as many texts of the New Testament prove. It is by combining all these texts that it is appropriate to speak of the foundation of the Church. Orthodox Christians reproach Catholic theologians not for citing false texts, but for not citing all the texts.

The text of the schema would give us to understand that the Church, as such, is founded on Peter alone. On the contrary, the faithful are built on the foundation of the Apostles and the prophets, etc. This seems to be an attempt to avoid the difficulty of the texts of Saint Paul (Ephesians 2:20) and of Revelation (21:14), applying them only to the faithful. Actually, these texts of Matthew, the Letter to the Ephesians, and Revelation complement one another. The Church and the faithful that constitute it are founded on Peter and the Apostles. That is the reason for the proposed addition.

5) The canonical mission of priests. The canonical mission of priests does not come “from the Roman pontiff or from their bishop,” but *only* from their bishop. This does not mean that the Roman pontiff has no power over priests. But it is one thing to have universal power over all the faithful or clerics of the Church and quite another to be the sole source of all power in the Church. Specifically, the bishops do not need any delegation of power to give a canonical mission to one of their priests for the purpose of governing a portion of their flock. In territories directly subject to the Bishop of Rome, as such, priests naturally receive their mission from him.

6) The Latin Church and the universal Church. When the Catholics of the West speak of the Church or of the general discipline of the Church, they are limiting their vision to the Latin Church, as if the Eastern Church and Eastern discipline were exceptions to the rule. On the contrary, they should remember that the Latin Church is one Church within the Catholic Church, just like the lowliest of the Eastern Churches, and that Latin law is a particular law of the Latin Church. “*Ecclesia universa*” does not signify “*Ecclesia Latina*,” and “*jus commune*” does not signify “*jus latinum*.” Since in fact the Catholic Church has unfortunately been reduced for centuries to the West, or almost so, the West has acquired the habit of considering its Latin Church as synonymous with the universal Catholic Church. This is a point of view that must be corrected today, not only in terminology but also in the entire conduct of the Church.

7) Head and body of the episcopal college. Instead of saying that the episcopal college has authority (we are speaking here of universal authority) only when united with the Roman pontiff, we prefer to say that the episcopal college, of which the Pope of Rome is a part as its president, constitutes a college only if it is united with the Roman pontiff,

who is its president. It is a difference in perspective, but an important one. There is a tendency in the West to place the pope not only at the head of the episcopal college, which is very true, but also outside the episcopal college, which is false. Likewise, there is a tendency to think of the pope as being outside the council, the latter studying, discussing and proposing, whereas the pope confirms and sanctions. More than one proof could be given to demonstrate the existence of this mentality, which does not seem to us to be correct.

8) Nature of the Roman Primacy: The schema begins by affirming that the Roman pontiff has by himself alone full and universal power over the whole Church. We should like to specify that this universal power of the pope is given to him only inasmuch as he is the head of the whole hierarchy and for the purpose of fulfilling his primatial ministry. Indeed, it is important to show that this universal power of the pope is the consequence of a ministry as head of the Church, and that it is not a privilege without foundation or public usefulness.

In the second place, we should like to specify that this universal power of the pope is essentially a pastoral and personal power. It is pastoral in this sense that it is not a prerogative that allows him simply to command for the pleasure of commanding, or in order to dominate the rest of the Church. Power in the Church is a *diakonia*, a ministry, a pastorate. That is why the East does not like the term “jurisdiction,” so dear to the canonists of the West, because it senses a concept of power that is entirely human, composed of superiority and domination over others. Moreover, this universal power of the pope is strictly personal. The pope can certainly be assisted by all sorts of collaborators, but no one shares his primacy in the Church with him. This statement has countless practical consequences. In today’s Catholicism all who, whether near or far, are in the service of the pontifical administration claim a primacy over the other bishops of the world, and even over the incumbents of the other apostolic sees of Christendom. It is fitting to specify very clearly that the pope’s primacy and infallibility are strictly personal.

To designate the universal authority of the episcopal college, united, of course, with its head, the Roman pontiff, the schema uses a tortuous circumlocution, as if to drown this idea. It says that the episcopal college “*indivisum subjectum plenae et supremae potestatis in universam Ecclesiam creditur*” (“is understood to be the undivided subject of full and supreme power over the universal Church”). Why this “is understood,” and why this “subject of the power”? This might be interpreted strictly as delegated subject of the power, according to the doctrine dear to certain canonists who claim that no power exists in the Church unless it comes from the pope. The truth is that the apostolic college really has universal power over the Church, and this power comes to it directly from Christ. It is an innate, original, divine, ordinary, and inalienable power.

9) What episcopal collegiality includes: Speaking of the collegial power of the bishops, that is to say, of their power as members of the episcopal college, the schema reduces it to an ordinary universal solicitude very useful to the Church. That is too little. It is true that the collegial power of each bishop over the Church as a whole is not the same as his direct power over his diocese, but it is not an ordinary solicitude for the general good of

the Church. In fact, the responsibilities that the schema attributes in the following lines to the episcopal college exceed mere solicitude and constitute a real power.

10) Collegiality and Mission: The work of evangelizing the world is not, in itself, one of the exclusive provinces of the Bishop of Rome. Rather it is a mission given by Christ to all the Apostles, and after them to all the bishops of the Church. Indeed, ecclesiastical history shows us that many other bishops of Christendom have concerned themselves with evangelizing the world by sending out missionaries and by supporting them, even founding new missionary Churches and organizing the hierarchy in mission lands. Yet today, in fact, in order to avoid useless dispersion of energies and to better organize the work of evangelization, the central authority over the missions has been reserved to the pope.

11) What is the source of the bishops' canonical mission? A certain school of canonists in the West holds, as we have said, that no bishop receives his mission over his diocese except through the direct or indirect intervention of the pope. This opinion had found a place in the old schema. The new schema has corrected this absolutely unacceptable assertion. Nothing in Scripture or Tradition, in fact, proves that the canonical mission of the bishops over their respective dioceses comes to them exclusively from the successor of Peter. The canonists in question have simply transplanted on the universal level of the whole Church and on the level of doctrine what was a contingent fact in the patriarchate of the West. In the West, for quite a while, the canonical mission, and even the appointment of the bishops, has in fact been reserved to the Roman pontiff. But it was not always so in the Church from its origins and in every place.

In the face of this consideration, which we have energetically stressed in the Central Commission, the new schema has toned down its assertions and recognized that the canonical mission could be given in virtue of laws or legitimate customs not revoked by the supreme authority (which is not only that of the pope, let us recall in passing, but also that of ecumenical councils). This canonical mission can also be given directly by the Roman pontiff, either as Patriarch of the West or as the successor of Peter. But it is not by the same right that the pope names the bishops of the West and can be called, in certain cases, to name the bishops of the East. In the former case, he acts as Patriarch of the West, whether or not he is helped by his synod (specifically the Consistorial Congregation or the Congregation of the Faith). In the latter case, he acts as head of the Church when the good of the universal Church exceptionally demands his direct intervention over and above the institutions peculiar to the East.

In the second place, it is certain that the pope can depose a bishop for very serious reasons. But the wording of the schema risks being misinterpreted, as if no bishop could have a mission in his own diocese unless he were positively accepted by the pope. Such a claim, based on the False Decretals, was, as we know, the origin of the conflict between Pope Nicholas I and Patriarch Photius. In consequence, the text of Canon 392, #2, of the *Motu Proprio Cleri Sanctitati* must be amended.

12) The foundation of papal infallibility: The pope is infallible only because he is the head of the apostolic college and the spokesman of the infallibility of this college and of the whole Church. When thus clarified, infallibility becomes comprehensible. It is no

longer an honorary privilege. The pope does not proclaim infallible dogmas without reason, without foundation, without reference to Scripture, to Tradition, and to the Church, needlessly, just to show that he is pope. Infallibility is a charism granted to him for the general welfare and stemming from his ministry. These clarifications are absolutely essential and indispensable for anyone who wants to work for the union of the Churches, for they have not been sufficiently taken into account until now.

The text of the schema literally reproduces the definition of infallibility given by Vatican I. But this definition has in fact given rise to misinterpretations and regrettable exaggerations. It is therefore fitting that Vatican II should clarify this notion and make it more easily understandable. Thus the “*ex sese*” (by himself) is clarified by saying: “*ex officio suo*” (by his office); the “*non ex consensu Ecclesiae*” (not by the consensus of the Church) is clarified by saying: “*non ex delegatione, nec ex canonica, etsi implicita, confirmatione*” (not by delegation, nor by canonical collegial confirmation, even if it is implicit).

In the second place, it is true that the definitions of the pope are irreformable and without appeal, but we think that a clarification should be added, namely, that the definitions of the pope cannot contradict the faith of the Church and of the episcopal college.

These clarifications are generally accepted today. It is appropriate to insert them, so that Vatican II may bring new light to this doctrine of papal infallibility.

13) The ordinary *magisterium* of the Church: By definition this ordinary *magisterium* is not infallible. However, it deserves respect. The text of the schema even demands respect for the will and for the intellect, sincere adherence to it, etc. But in this case, what is it that actually distinguishes this non-infallible (that is to say, fallible) *magisterium* from the infallible *magisterium*? It seems to us that the paragraph must nonetheless make it clear that this ordinary teaching of the popes is subject to error. Actually, more than once popes who did not intend to define a truth of faith have taught things which after careful examination have been seen to be erroneous. What has happened in the past can happen again in the future. It is wise not to expand the field of papal infallibility indefinitely and with specious reasons. The respect due the teaching of the highest authority is one thing, and the infallibility of this teaching is something else. Too rigid censure risks not only halting scientific and theological progress but also transforming a fallible formula into an infallible formula, by artificially creating a false unanimity in the Church.

14) Primacy and sovereignty: We prefer not to introduce into the Church the notion of sovereignty used in international secular law. If the pope’s power were a sovereign power in the secular sense, it would logically follow that all the other powers in the Church are delegated powers. Now, as we have seen, that is not the case. The pope’s power is traditionally described in the Church by the word “primacy.” It is best to hold to it and avoid terms borrowed from secular law. Nor must we forget that the pope is not the only sovereign power in the Church. The same sovereign and universal power belongs to the ecumenical council, that is to say, to the episcopal college with the pope as its head. Besides, even the Latin Code of Canon Law includes in the expression “*De suprema potestate in Ecclesia*” (On the supreme power in the Church) both the pope and the ecumenical council.

15) The pope, guardian of episcopal collegiality: The episcopate, which succeeds the apostolic college, is not first of all the sum of the dioceses, each forming a relatively closed entity around its bishop. On the contrary, it is first of all the apostolic college, having a common responsibility for the whole human race to be incorporated into Christ.

This responsibility is not one of domination, but strictly of service. Obviously, in order to express this responsibility it is necessary to make use of the concept of authority. However, the most felicitous expression for this authority is not in terms that overemphasize jurisdiction. That is why, it seems to us, that in place of juridical expressions such as “by divine right,” “by ecclesiastical right,” it would often be preferable to use terms like “evangelical reality,” “apostolic reality,” and “directed in the Holy Spirit.”

It is in order to better serve the flock that it is divided into groupings, whether “patriarchal,” “metropolitan,” or “diocesan,” without detriment to the primary responsibilities retained by each and all of the bishops with respect to the Church as a whole.

In all of this, and up to this point, the pope is the equal of all the other bishops. However, he emerges into a second reality, precisely to second this one episcopate in its mission. For this episcopate needs to preserve its unity. The pope is the recognized responsible conservator of this collective unity. This unity cannot be reduced to himself alone or to some charisma that he may possess. On the contrary, he must adapt to “catholicity” in order to serve it with his variety of dynamism, knowing that he is as such not personally coextensive with the Church and that the Church is not coextensive with him... for this would again reduce the Church to the pope, to “Romanism,” to his person... in fact, as a result of history so far, making it coextensive with Latinism.

Just as the bishops have powers over the flock in order to serve the Church—powers imbued with humility—so too the pope, in order to serve the episcopate in its mission, has powers imbued with humility and specified by the finality of his function, which does not create the episcopate but is the servant of the episcopate of which he remains a member. His brother bishops, in the situations in which life has placed them, have the same authority as he in the immediate portion of their current responsibilities: diocese, primacy, patriarchate.

### ***Five Declarations of Principle***

*On October 7, 1963, during the 42nd General Congregation, the patriarch set forth in five principles the essentials of the remarks made by his Synod on the Divine Constitution of the Church. His intervention caused a shock. At the preceding General Congregation the patriarch was also supposed to speak. But the senior cardinal of the Council of the Presidency, troubled by protests made by certain partisans of Latin against the patriarch's use of French, had asked that the patriarch's talks be at least followed by a Latin translation. The rumor spread in Rome and was printed in the newspapers that the patriarch had been forbidden to speak in French. The patriarch stood fast and continued to speak in French. His Bishop-Counselor read the translation of his discourse in Latin.*

The First Vatican Council defined the dogma of the primacy of the Roman pontiff. This definition gave rise here and there to abusive interpretations that disfigured it, making the primacy, which is a charism granted by Christ to his Church, an obstacle to Christian unity. Now, we are convinced that the obstacle to union is not the doctrine of the primacy itself, clearly inscribed in Holy Scripture and in the Tradition of the Church. Rather, the obstacle lies in its excessive interpretations and, even more, in its concrete exercise, in which, to authentically divine elements and legitimate ecclesial evolution, there have been added, more or less consciously, regrettable borrowings from modalities in the exercise of a purely human authority.

The Second Vatican Council, according to His Holiness Paul VI's beautiful words in his opening locution to the second period of the Council, proposes to prepare the paths of union. That is why, it seems to us, the Council must not be content to repeat on this point the words of Vatican Council I, which have already been stated, but must seek to clarify and complement them, in the light of the divine institution and the indefeasible rights of the episcopate.

In this sense the new wording of the schema "*De Ecclesia*" shows notable progress with respect to both the former wording and also the routine formulas of the theological manuals.

The fact remains, however, that from the ecumenical viewpoint several texts should still be improved so as to bring out more clearly the principles that assure the evenhanded exercise of Roman primacy willed by the divine Founder of the Church.

Leaving details of lesser importance to the written notes that we have already transmitted to the secretariat, it seems to us that the text of the schema of the council should emphasize the following principles:

1) It must be clear to all of us that the only ruler of the Church, the only head of the Body of Christ that is the Church, is our Lord Jesus Christ, and He alone. The Roman pontiff is the head of the episcopal college, just as Peter was the head of the apostolic college. The successor has no more power than the one whom he succeeds. That is why it is not fitting to say of the Roman pontiff, by the same right and without distinction, as we say of Christ, that he is the head of the Church: "*caput Ecclesiae.*"

2) We agree completely with the explanation given by several venerable Fathers with respect to the foundation of the Church, constituted not only by Peter but by all the other Apostles, as is proven by several texts of the New Testament. This does not in any way contradict the primacy of Peter and of his successors, but rather sheds a new light on it. Peter is one of the Apostles, and at the same time the head of the apostolic college. Likewise, the Roman pontiff is a member of the episcopal college and at the same time the head of this college. The head commands the body, but it is not outside the body.

3) It must be clear that the power of the Roman pontiff over the entire Church does not destroy the power of the whole of the episcopal college over the whole of the Church—a college which always includes the pope as its primate—nor is it a substitute for the power of each bishop over his diocese. Every canonical mission, within the limits of a diocese, stems from the bishop of the diocese, and from him alone.

Moreover, it would seriously harm the doctrine of the Roman primacy and jeopardize every possibility of dialogue with the Orthodox Church if this primacy were presented in such a manner as to make the very existence of the Eastern Church inexplicable. Indeed, the latter owes its sacramental, liturgical, theological, and disciplinary life to a living apostolic Tradition in which an intervention by the Roman See appears only rarely.

4) It must be stressed that the universal power of the Roman pontiff, total as it is, and remaining within its own mandate, is given to him essentially inasmuch as he is the head of the entire hierarchy and precisely for the purpose of fulfilling this primatial service. Saint Matthew's "You are Peter" (16:18) must not be separated from Saint Luke's "Strengthen your brothers" (22:32). Moreover, this power is of its nature pastoral and strictly personal. It is of its nature pastoral in the sense that it is not a prerogative directed toward commanding for the sake of commanding. It is a ministry, a service, a *diakonia*, a pastorate, as His Holiness Pope Paul VI has clearly emphasized. This power is of its nature personal and cannot, inasmuch as it remains so, be delegated in any way.

5) Finally, it must be clear that neither the naming of the bishops nor their canonical mission is reserved, by divine right, to the Roman pontiff alone. What has been a contingent circumstance of the Christian West must not be transferred to the universal level of the entire Church and to the level of doctrine.

When the primacy of the Roman pontiff is thus free from exaggeration of doctrine and of exercise, it not only ceases to be the principal stumbling block for the union of Christians, but it becomes the principal dynamism that requires and maintains this union. It is absolutely indispensable as the bond of unity for the Church. Christians can never thank the Lord Jesus enough for this ministry that He has established in his Church.

### ***What Eastern Theology Says***

*On October 16, 1983, Archbishop Elias Zoghby, the Patriarchal Vicar in Egypt and the Sudan, in an important intervention, called attention to the viewpoint of Eastern theology on the exercise of the Roman primacy and its relations with the episcopacy.*

I am surprised that this question has not been asked before now: why, after a quite brief schema “*De Ecclesia*,” another special schema has been proposed, devoted to the “Eastern Catholic Churches,” as if these latter formed a kind of appendage to the universal Church. I am not criticizing. I am simply noting a fact, which, indeed, has been quite eloquently illustrated: the fact that the Eastern bishops present at this assembly comprise only 5% of the conciliar Fathers, and that, in turn, they represent only 5% of the Christians of the East.

The general schema “*De Ecclesia*” would be more useful to everyone if it applied equally to the traditions of both Churches, Eastern and Western, whose ecclesiologies are complementary. In fact, the patrimony of the Eastern Church is very rich and even constitutes the largest part of the patrimony of the entire Church. These two parts of the Church, the East and the West, lived in comparative peace during the first thousand years, each with its own constitution, its own discipline, its own theology, its own customs, languages, character, and spirituality. The state of separation is abnormal in the Church. It would be good to provide a paragraph on the particular Churches, the Latin as well as the Eastern.

For example, with respect to the primacy of the Roman pontiff, the Eastern Churches have never denied its existence, or that it was the principle of Catholicity. Yet in fact, after so many centuries of separation, this doctrine has evolved so unilaterally that it is very difficult for our Orthodox brothers to recognize it today. Formerly the Roman Church rarely exercised its primacy over the Eastern Churches as a whole and over those which, from time immemorial, as major, apostolic, patriarchal Churches, exercised a primacy over the neighboring Churches, and which, even today, are the foundation of the ecclesial structure. This last consideration is of the greatest importance and it is indispensable to any dialogue with the Eastern Churches separated from us.

In its modern form, insinuated into our schema, the doctrine of primacy, which we find too prevalent in several paragraphs, is proposed in an unduly unilateral manner, becoming almost unacceptable to the Orthodox. In fact, it offers a theological aspect elaborated by the West alone, without the concurrence of Eastern tradition.

Eastern tradition, joined to Western tradition, would have prevented the doctrine of primacy from taking on such unacceptable proportions *vis-a-vis* the episcopate. This must be affirmed especially today with the development of ecumenism, at a time when the efforts of Catholics for unity are being taken seriously into consideration by everyone.

Three remarks will illustrate my affirmations:

- 1) Every time that the schema deals with the authority of the bishops, it is said to be subordinated to the authority of the Roman pontiff. The excessive repetition of this affirmation finally becomes tiresome and leads to the belief that the authority of the Roman pontiff is simply a limitation of the power of the bishops.

Now, the primacy of Peter in his successors is an invaluable gift to the Church, and it must not be reduced to a yoke imposed by force. The authority of the Roman pontiff was

not given in order to restrict the authority of the bishops, but to defend and support it, just as in a family the authority of the father strengthens and sustains the authority of the mother, but does not diminish it in any way, even though it extends to the mother and to the children.

We must be content to affirm once and for all the dependence of the episcopal body with respect to the pope, without repeating this affirmation indefinitely. On this point, let us follow Peter's own warning: "Be sober and watchful." Otherwise, why not, with equal logic, refer each time to Christ as the Supreme Shepherd, from whom both the Roman pontiff and the other bishops draw all their power and their very priesthood?

Moreover, the authors of the schema, somehow obsessed with the primacy, seem to have neglected an essential point, namely, the doctrine of Christ the Priest and the doctrine of the sacraments instituted by Him, especially the Eucharist, which is the bond of unity within each Church and in the universal Church.

2) We speak frequently of the exercise of the episcopal and collegial power, but dependent upon the Roman pontiff. Is there not another truth to be affirmed and emphasized even more in the schema so as to attain balance, namely, that the authority of the Roman pontiff is not absolute, isolated, independent of the existence of the college of bishops? The authority of the Roman pontiff, like that of Peter, can be understood and explained only in relation to the college over which he presides and which truly and efficaciously assumes, under his primacy, responsibility for the entire Church. Not only does this mutual interdependence between the head of the college and the college itself conform to reality, but it appears necessary for any dialogue with Orthodox Christians.

3) May I be permitted to draw attention to Paragraph 16, page 27, line 4, in which "the Successor of Peter, the Roman pontiff" is set in opposition to the bishops, the "successors of the Apostles." The Roman pontiff, the successor of Peter, is also a successor of the Apostles, inasmuch as he is a bishop, just as the other bishops, successors of the Apostles, are in a certain sense also successors of Peter, inasmuch as Peter is an Apostle. I therefore propose the following amendment: "The Roman pontiff, successor of Peter, as head, and the other bishops, successors of the Apostles." This tendency, already pointed out several times at the council, of separating the Roman pontiff from the college of bishops, is more detrimental than helpful. When we do this, we somehow allow the greatest gift, the greatest grace, in the Roman pontiff to be downplayed, namely the grace of the episcopacy. Indeed the greatest grace that Peter received from Christ was being chosen as an Apostle and as a member of the apostolic college, in which the charge to "strengthen the others" is not something special super-added to his eminent apostolic vocation in the strict sense.

That is why the successor of Peter who is the Roman pontiff is first of all a bishop. This grace of the episcopacy remains for him, even after his election to the supreme pontificate, the most important grace of his whole life. The Roman pontiff does not cease being a member of the apostolic college by reason of the fact that he has the responsibility of strengthening his brothers. He does not become a universal bishop in the sense that he would take the place of the others, as the German bishops clearly declared

to Bismarck in 1875, in a letter that Pius IX solemnly approved and that would deserve being mentioned in our schema.

According to tradition, the pope is not elected directly by the conclave to the Roman Pontificate, but to the See of Rome, which was once Peter's. Having been elected to the See of Peter, by that very fact he succeeds Peter in his primacy. That is why the electors of the Roman pontiff, regardless of the nation to which they belong, are titulars of the churches of the city of Rome or of the suburban sees. We are very grateful to our Pope Paul VI, who, after the example of his predecessor of holy memory, John XXIII, solemnly declared at the beginning of this session that the See of Rome was indeed his own. He declared: "The college of cardinals has chosen to elect me to the episcopal See of Rome and consequently to the supreme pontificate of the universal Church." In former times this truth had been rather nebulous in the minds of the faithful.

Finally, before concluding, with regard to episcopal collegiality, on which the Fathers have expatiated at length here, I am surprised that so many of you still hesitate, even though it is evident from the life of the Church in the first centuries that collegiality was operative then and that it continues to be in force today in the Eastern Churches. In the patriarchal system, the synod holds a very important place. No important decision is taken without the synod or apart from the synod. The metropolitans, then the patriarchs, conscious of their obligation to safeguard unity among the Churches, were accustomed to exchange synodal letters among themselves, in order to arrive together at common solutions. In doing this, they were convinced that they were continuing the apostolic tradition.

### ***Primacy and Infallibility: Final Synodal Remarks***

*The schema “On the Church” was profoundly revised. The Melkite Greek Synod, assembled in the summer of 1964, made its final remarks on the new text. A step forward had been made, but, the synod pointed out, there still remained much to do to coincide with the Eastern and primitive tradition of the Church. We reproduce a few remarks.*

The present schema on the constitution of the Church is, on the whole, a good work. This is true even with respect to the chapters or paragraphs dealing with the hierarchy of the Church, in particular the college of bishops and their head, the pope... Catholics will accept with serenity and trust everything that is said there...

However, as we see it, from an ecumenical viewpoint with reference to Orthodoxy, all that is said concerning the hierarchy, in particular with regard to papal primacy and infallibility, will give a negative impression. In fact, it might seem to insist more on the pope, his primacy, his supreme jurisdiction, his infallibility “*ex sese*” especially, than on “episcopal collegiality” itself, and indeed when it is treated *ex professo*.

We think that, if these texts—written in a context that is admirable but composed in a very Latin style—are adopted by the Council just as they are, there is danger that we would have to say “adieu” to any dogmatically effective conversation with the Orthodox: Vatican II would thus replicate Vatican I as an obstacle.

We have said: “Catholics will accept with serenity and trust” what is said in the chapters or paragraphs dealing with the hierarchical aspect of the Church. In fact, they know through living experience, and they will know even better from all that is said in the schema about “collegiality” and the “communion” aspect of the Church that the papacy is not a dictatorship either with respect to matters of government or those of faith. This is where we should make use of everything that determines and in fact limits all jurisdiction, even that of the pope: natural law, Christian law, the finality of the office, the concomitant co-responsibility of the episcopate in relation to the pope, while maintaining all due respect for his primacy, etc.

Yet, because of the formulas used, the Orthodox world will inevitably see the opposite: that is to say, a dictatorship pure and simple... no matter how charitably the popes in general intended these formulas.

There is therefore need of another formulation of the immutable dogma of the primacy and infallibility of the successor of Peter, and this formulation must also conform to Eastern patristic tradition. But this council is, in fact, in spite of all its sincere good will, physically and psychologically a Latin council for all intents and purposes. It will be difficult for it to imagine such a tearing apart of strictly Western formulas to achieve a synthesis with an Eastern formulation. We must, however, note:

1. that this principle of different formulations of the same dogma is not only obvious but also affirmed by popes John XXIII and Paul VI.
2. that there have been precedents. We shall mention only one:

The Council of Justinian, the Second Council of Constantinople (the Fifth Ecumenical Council), gives such a different formulation of the dogma of Chalcedon (two natures), while being dogmatically identical with it, that Pope Virgilius agreed, then refused, then agreed again (under duress, but agreed nonetheless) to sign it. But others refused: e.g., northern Italy, which was in schism against Rome for 150 years, Latin Africa, which excommunicated the pope, and Ireland, which was content to make remonstrances. The West no longer identified itself with the formulations of this council.

Why, then, would a new Eastern formulation of the dogma of primacy-infallibility be impossible, even if it should surprise some Western theologians?... The overriding duty of encouraging the unity of the Church must, on the contrary, impel us to want an Eastern formulation of this dogma... This is something that can usually be done only during and after one or more Catholic-Orthodox encounters, such as Rhodes proposes.

May we suggest:

1. either affirm Vatican I soberly, and add to it, omitting certain attenuations, the notable votes of October 30;
2. or simply let all this ride until the Roman-Orthodox theological meeting requested by Rhodes, which will more easily find formulas acceptable to both parties.

Meanwhile, we are content to make a few remarks on specific points:

1) The Church of Christ, constituted in this world as a society, is said to “subsist in the Catholic Church, governed by the successor of Peter and the bishops who are in communion with him, even though there exist outside its structures many elements of sanctification and truth, which, being the very gifts of the Church of Christ, impel toward catholic unity.”

To say that Christ’s Church on earth is identified purely and simply with the Roman Catholic Church is to affirm indirectly that the other Christian groups, whatever they may be, are not part of Christ’s Church, are not Churches, and that the Roman Catholic Church is the whole Church of Christ.

The new text of the schema, in spite of some improvements in details, has not succeeded in avoiding this wholly external concept of the Church, a very humiliating concept for the other Christian Churches which are truly Churches.

To say that these Christian groups preserve only “elements of sanctification and truth” does not suffice to characterize them as Churches. Islam and Judaism also possess “elements of sanctification and truth.” Now, there is an essential difference between Islam and Judaism on the one hand and the non-Catholic Christian Churches on the other, and especially the Orthodox Churches. These Churches, in a certain measure, in spite of their dogmatic or disciplinary divergences with the Catholic Church, constitute the Church of Christ. In other terms, as soon as we admit that the non-Catholic Churches are nevertheless Churches, we can no longer say that the Roman Church is the whole Church, but only that, in our opinion, within it the notion of Church, as Christ has willed it, is more faithfully realized.

We leave to the specialists of the theological commission and of the secretariat for the union of Christians the task of finding the precise formula that expresses, with reference to the one and only Church of Christ, the real relationship between the Roman Catholic Church and the other Christian Churches which, at some moment of history for one reason or another, broke off communion with it. In this connection, we call to mind the words of Pope Pius XI: “The fragments of an auriferous rock are also auriferous.” Without falling into a fragmentary conception of the Church, we can envisage, better than the text of the schema does, the relationship between the Roman Church and the non-Roman Churches.

Moreover, between “*in eius communione*” and “*gubernata*” we would insert a word or two like “*de jure*” or “*de jure divino*” (by divine right), because either in the past or at the present time some episcopal Churches—not governed by the pope—form part of the Church in an exceptional manner and do not merely possess “more or less numerous elements given to the Church.”

We are thinking, for example, of the following:

- a. The Schism of Antioch: Can anyone say that Saints Mellitus, Flavian, and John Chrysostom were “outside the Church,” and that those who supported them, Basil, Gregory, etc. were schismatics? Can anyone say that John Chrysostom, who was outside the Church throughout his life in Antioch, “returned to the Church” when he became Bishop of Constantinople?
- b. The “Great Western Schism” in which considerable portions of Latin Christianity were ruled by one or even two anti-popes, were all those persons in actual fact outside the Church? No one in the West thinks so.
- c. We are thinking especially of the Orthodox Churches to which the Roman primatial institution by divine right was not clearly transmitted by the Fathers, and for whom the subsequent Roman definitions (notably, Vatican I) arrived after long separations “during which responsibilities were shared,” as is now admitted, and under concrete conditions making the acceptance of the definition of Vatican I morally, strictly, invincibly inadmissible.

Therefore, the words that we propose—“by divine right” maintain the right and do not falsify the fact: the Church is the papal Church and it is incontestably the only one. However, in exceptional cases some Churches, not ruled in fact by the pope, are part of this Church, which is necessarily papal, by right.

Do catechumens belong to the Church more than do non-Catholic baptized Christians?

If an insertion of the type indicated is accepted in the spirit manifested by what is said in this note, it will greatly alleviate the painful impression of the Orthodox with respect to the texts dealing with papal primacy and infallibility in the same schema “*De Ecclesia*.”

2) Number 15 should be done over, it seems to us, in a more ecumenical spirit. It seeks to clarify the relations between “the Church” and non-Catholic Christians. The title itself,

“Links between the Church and non-Catholic Christians,” presupposes that these non-Catholic Christians not only are not the Church, but they are not even part of the Church, since the Church has only some links with them. It is true that the text lists all these links, and they are numerous. But all this is external. There should be a vision of the Church in which non-Catholics would be seen from within, as members of one and the same Church which is in fact “disunited.”

The way to achieve this would consist in seeing things from a historical point of view. Christ founded one and only one Church, which includes all those who, believing in him, are baptized in his name. Within the bosom of this Church, which remains always the same and always one, currents of division are always active, as so many currents of sin. Conflicts arise, some of which are quickly calmed; others, on the contrary, have ended up in the founding of true communities claiming autonomy. In these conflicts, responsibilities are shared. We consider those faithful fortunate to whom grace has been given to maintain their adherence to the integral teaching of Christ and of his Church, manifested by submission to their legitimate pastors in communion with the successors of Peter.

Those who, through no fault of their own, are more or less far from sound doctrine or from the necessary communion with their legitimate pastors, and who have constituted themselves into autonomous groups, have nonetheless not broken the unity of Christ’s Church, which cannot, through anyone’s fault, cease being one, holy, catholic and apostolic. There are schisms in the Church, but the Church remains one. The relations between the Church and these brethren separated from us are not, as No. 15 would indicate, the relations of a human society with deserters who nevertheless maintain a few links with the motherland. They are the relations of a mother with children in trouble, or, better, with brothers who have quarreled among themselves.

We Catholics firmly believe that we have remained faithful to the total thought of Christ and to the constitution that he has given to his Church. But our non-Catholic brethren, although they are separated from us by some articles of faith, or at odds with us for different reasons, in which we often bear some blame, nonetheless belong to the Church of Christ. And their relations with Christ’s Church cannot be those of strangers who have “something in common” with us.

3) The expression “under one pastor,” if it refers to the pope, is excessive. There are other pastors. There is “collegiality.” The “One Pastor,” purely and simply, is Christ.

4) The text seeks to reaffirm the declarations of Vatican I concerning the primacy and infallibility of Peter and his successors before going on to study the episcopate. But let us first of all say that in a chapter devoted to “The Hierarchical Constitution of the Church,” we must not begin by speaking of the Roman prerogatives. Logically and chronologically, this must come at the end of the treatment. First of all there are the faithful, then the priests and bishops, and finally the “First Pastor” who is the link among the members of the hierarchy and who assures unity. Peter is perpetuated in his successors.

In the second place, the text should be written in such a way as to show how Vatican II, in dealing with the remainder of the ecclesiastical hierarchy, complements, clarifies, and gives equilibrium to the definitions of Vatican I on the prerogatives of the Roman primacy. Vatican II should not simply “go one step further” (*in eodem incepto pergens*). It should adapt, clarify the first step taken by Vatican I with respect to what could have seemed to be too unilateral, too rigid in its declarations. We must not be afraid to say so. More than one ecumenical council in the past has thus thrown a clearer light on the definitions that preceded it. We need only think of the role of Chalcedon with respect to Ephesus, and of the “Council of the Three Chapters” in relation to Chalcedon. Let us add a few words about terminology:

- a. “Apostolic Primacy,” at least to Eastern ears, is not the correct term to designate the “primacy of St. Peter.” In fact, “apostolic,” strictly speaking, is not an epithet reserved to matters relating to St. Peter. There were other Apostles like him. Likewise, “apostolic see” in universal ecumenical language must not be exclusively reserved for the Roman See, any more than the “apostolic benediction” is the exclusive privilege of the bishops of Rome.
- b. Once again we ask the Fathers of the Council to use terms that Eastern tradition approves when speaking of the pope so as to facilitate dialogue with our Orthodox brethren. This is not the case, for example, with the expression “Vicar of Christ,” even though Vatican I did use it. It is totally unknown in the Eastern tradition, where all the bishops are vicars of Christ. Moreover, the schema “*De Ecclesia*,” No. 27, p.71, line 3, calls all the bishops “vicars and delegates of Christ.” Within the Western tradition this designation came very late, in any case after the rupture between the East and the West. The popes are “successors of Peter,” and that suffices as a basis for all their prerogatives. Christ continues to live in His Church: no one is his successor, as if he had disappeared and could no longer act effectively.
- c. We wish to assert the same thing about the other expression by which the pope is designated: “visible head of the Church.” The Church has only one head: Christ. All others who are called “head” are only his humble ministers and the servants of the Church. The annexation of the epithet “visible” does not solve this difficulty. The pope does not rank above Peter. Peter is an Apostle, leader of the apostolic college. Like Peter, the pope is a bishop, the head of the episcopal college. These titles suffice as a basis for all his prerogatives without any need to resort to metaphorical titles which are true only if they are accompanied by detailed explanations, and which in fact have resulted in unseemly exaggerations.
- d. Saint Peter is called “the perpetual and visible principle and foundation of unity of faith and communion.” This is excessive. Strictly speaking, these words apply only to Christ. Peter and his successors are the sign of unity of faith and communion.

5) After weighing the meaning of the different formulas used in Scripture referring to Christ, Peter, and the Apostles, on whom the edifice of the Church rests, the text of the schema seems to have felt the need to make a distinction between the Apostles, on whom the Church is “founded” (*condidit*), Peter, on whom the Church is built (*aedificavit*), and Christ, who is the keystone (*angulari lapide*) of the whole structure. Actually, these are only metaphors, from which we draw the following conclusion, namely that the Church is

founded on Christ, the Apostles, and Peter, but with different titles that the only texts cited do not sufficiently distinguish. There is no doubt that the Apostles are the foundations of the Church and that Peter plays an eminent role in this in relation to his brothers. There is no need to push the deductions any further.

6) “*Non nisi in communionem cum collegii capite et membris exerceri possunt.*” (“They cannot exercise this power except in communion with the head and members of the college.”) This affirmation needs to be modified.

If a local Church can exercise its power only when united to the head and members of the universal Church, must the union be conscious for this exercise to be efficacious and legitimate? In case of “schism,” is the power suspended? To speak of an “implied delegation” in such a case would be a juridical fiction. What became of the power of the Church during the great Western Schism? What is the present power of the non-Catholic Churches? This is certainly a notion that needs to be clarified.

The same is true, on pages 63 and 64, with respect to Orthodox synods. Thus the local Church has an innate vitality... to be determined and defined.

7) “*Nisi simul cum Pontifice Romano*”; “*et numquam sine hoc capite*”; “*quae quidem potestas independenter a Romano Pontifice exerceri nequit.*” (“Except together with the Roman pontiff; and never without that head; which power cannot indeed be exercised independently of the Roman pontiff”).

Certain schemas of Vatican II, notably its masterpiece “*De Ecclesia in Mundo Huius Temporis*” (On the Church in the World of Our Time) are concretely pastoral in tone, style, and temper; we cannot affirm the same—in spite of some efforts in that direction—about what is said concerning papal authority in “*De Ecclesia.*” And this is a great shame. More than that: it is extremely serious from the viewpoint of Catholic-Orthodox ecumenism. Here we fall back into abstraction, acrimony... Now, there is a way of saying things differently...

Indeed, can we act as though we were forgetting what theology, history, and experience teach? They tell us:

- a. That the pope remains a mortal, responsible man, with all the consequences of that basic situation. Notably, the fact that a mortal man does not and cannot have really absolute power.
- b. That the pope can resign, whereas no one resigns from his baptism, or from his priesthood, or from his episcopacy. The pope, therefore, is not a “sacramentalized” personage . . . and even less is he “transfigured,” “superior to the prophets.”... And yet he has a function—the highest of episcopal functions but a function extrinsic to his personality in its limited substance, just like anyone else’s.
- c. They also say that a pope—because he is mortal and a sinner like every other man—can find himself in a definitive physical and moral incapability of exercising his function. Who is to determine this if not the college of bishops “without its head.” And that is why,

instead of saying: “*numquam sine suo capite*” (never without its head), we would prefer: “*et non sine suo capite*” (and not without its head). The word “*non*” defines the rule, but leaves room for the inevitable exception. “Inevitable” because it has not been avoided: consider the Council of Constance.

The episcopate therefore has a permanent, fundamental right and obligation with respect to the exercise of the papal function. And it is here—without scanning the whole course of history—that Saint Paul’s resistance to Saint Peter at Antioch assumes its constitutional value in the matter of collegiality, and even of the personal responsibility of each bishop.

d. In addition, traditional theology declares that a pope can become a heretic. Here again, who will pass judgement if not the college of bishops, with the rights and obligations that this responsibility—latent as it may be—necessarily gives it on a permanent basis?

e. Finally, this same traditional theology (cf. Suarez and Wernz, who echoed so many doctors before them) declares that a pope can become schismatic. In other words, he can exercise such abuse of power, as Suarez indicates, giving one or two possible cases, that he, the pope, through his own fault, jeopardizes the unity of the Church to such a degree that he can be considered as having resigned. Here again, who will pass judgement?

It is therefore evident that, supreme as the papal function is dogmatically and juridically (infallibility-primacy), as indeed it is in its order, it is nonetheless not what it would be if there were no episcopal collegiality by divine right succeeding apostolic collegiality, of which and for which Peter was constituted “primate.” The apostolic college is primatized in Peter, and not imperialized.

“Strengthen your brothers” means: strengthen them in a faith that is already theirs and not a faith that descends from the pope toward them, toward the Church which would not already possess this faith! This is a faith that the Church possesses in a habitual state, whereas the infallible papal or conciliar confirmation is accidental, called for by specific circumstances. “Strengthen your brothers” means: confirm them in their activities that depend on him only for his “confirmation” or “nonconfirmation” and not for their free inception and development.

Their “activities” are not all limited to strictly diocesan jurisdiction. They can envisage vaster, even universal actions. They can pursue this goal without being acts of local jurisdiction in the strict sense. The achievement of the “Fathers,” of the “Church of the Fathers,” is there for us to see: their great activity of direction, movement, and thought in the entire Church. In particular, this is the monumental achievement of the so-called “Eastern” Church. What does it owe historically to the Holy See in its activities, apart from an essentially dogmatic collective collaboration between East and West, in the ecumenical councils or around them, “primatized” as this collaboration may have been?

Let us add—and ecumenically this is of capital importance that this dogmatic and jurisdictional papal authority, sovereign as it may be on its own level and in its own order, is of its very nature fraternal and not paternal in relation to the bishops: “strengthen

your brothers.” The pope remains one of the bishops, regardless of the fact that he is truly their primate.

And this is where we must hope for a profound transformation of the papal ceremonial relating to the bishops. As it now appears, it comes not from Peter but from Constantine. It comes from the emperor of Constantinople, with everything that the feudalism of the Western Middle Ages has added. This is difficult to tolerate, and it will be tolerated less and less, because it is neither evangelical... nor constitutional.

This renewed evangelical spirit should also inspire—as a consequence—the transformation of the ceremonial of bishops.

Humility, poverty, brotherhood must pass from words to action... A rigid hierarchism (in the imperial style) kills them..., causes flights toward old sects..., creates new sects..., in which unbelief grows, and especially the newly created unbelief of Marxism.

8) Why is there hesitation to say “college of bishops”? The term “order of bishops” has been chosen in preference. In itself, we see no problem in this. But one line further, we read: “college of Apostles,” and it is affirmed that the “order” of bishops has succeeded the “college” of Apostles. We must be logical. If the Apostles constituted a “college,” the bishops who succeed them also constitute a “college.”

9) The power to convoke an ecumenical council is reserved at the present time to the Roman pontiff, but it has not always been so in history. Nor does it follow, according to history, that the confirmation of the first seven ecumenical councils was reserved exclusively to the pope of Rome.

10) The relations of the bishops within the college. This is the most delicate of all the paragraphs of this schema, and at the same time one in which we sense the least fidelity to the notable vote of October 30, 1963. There are so many objections that one can make about it that, practically speaking, the entire paragraph needs to be rewritten.

a. The pope is said to be “the principle and visible foundation” of unity in the universal Church, just as the bishops are each “the principle and the center of unity” in their respective Churches. This is excessive. The foundation of unity is adherence to Christ, baptism which incorporates us into him. The pope is, more precisely, the link and the sign of unity, and the same holds true for each bishop in his diocese.

b. The distinction between the bishops taken individually (*qua singuli*) and the bishops “as members of the episcopal college and lawful successors of the Apostles” does not seem to be correct. The bishops are always successors of the Apostles, and exercise, even individually, their share of authority over the universal Church.

c. Certain lines are a pure and simple negation of the notable vote of October 30, 1963. First, when referring to the pope, the words “power” and even “jurisdiction” are used. When referring to the episcopal college, the word “solicitude” is considered adequate, even though the bishops are “bound” to have this “solicitude”... This is a far cry from the “supreme power” of the episcopal college, as it was voted on October 30, 1963. And then

it is said that this “solicitude” which is required of the bishops is not an “exercise of jurisdiction,” whereas for the pope the “supreme power” is a “jurisdiction.” What is the origin of this distinction, unknown in the Gospel and in patristic tradition?

d. The text indicates wherein this universal “solicitude” of the episcopal college consists: promoting unity of faith and discipline, inspiring love for the Mystical Body of Christ, and especially for his suffering members, working for the propagation of the faith, and, above all, the text says, taking good care of one's own diocese... In other words, the bishops are told: “Take care of your own affairs. You have no power over the universal Church, but it is incumbent upon you to perform a few duties of moral solicitude for this Church.” With this text, we can no longer see what happened to the vote of October 30. It has been cleverly emptied of its meaning. It would be better to say that during this famous session of October 30, 1963, the Council purely and simply went astray... as has been said over and over by several Fathers, who ultimately succeeded in imposing their viewpoint on the theological commission.

e. The work of preaching the Gospel to the unbelieving world is said to have been entrusted “in a special manner” to the successor of Peter. On what biblical text does this assertion rest? This great work has been entrusted to the entire apostolic college. Naturally, this will be done in conformity with the pope’s directives, but it cannot be said that this task has been entrusted to him either exclusively or personally. Review the history of Christian expansion over the world.

f. With respect to the very beautiful text (which was added) on the patriarchates, there are two desiderata: Instead of “divine Providence,” which is more specifically deistic than Christian, we would put something like “*A Christo Jesu 'pastore et episcopo' permanenti Ecclesiae suae factum est per Spiritum Sanctum eius ut...*” (It was done by Christ Jesus, the enduring ‘pastor and bishop’ of His Church, through the Holy Spirit, that...).

Why, since we are dealing with patriarchates, should we avoid the name, when the “*coetus episcopales*” (episcopal conferences) are named? We would, therefore, put in something like: “*Quaedam inter has Ecclesias, veluti matrices fidei alias peperunt Ecclesias quasi filias, quarum celebriores Romana — aliunde 'primatialis' — Constantinopolitana, Alexandrina, Antiochena, et Hierosolymitana, patriarchales dicuntur*” (Among these Churches, certain ones, like mothers of the faith, have brought forth other Churches, like daughters. Among them the more illustrious ones, those of Rome — otherwise primatial — Constantinople, Alexandria, Antioch, and Jerusalem, are called patriarchal).

11) The text reads: “If the pope refuses his communion, the bishops cannot occupy their posts.” The sentence needs to be toned down to admit episcopacy and episcopal powers outside the Catholic Church among bishops who are not in communion with the Roman See.

12) After “Roman pontiff” add “and other bishops.” It does not suffice to be in communion with the pope; it is also necessary to be in communion with the other bishops.

13) On the subject of pontifical infallibility it seems to us that the few explanations given do not sufficiently balance, by shedding new light on them, the definitions of Vatican I. This is how, in our view, the doctrine could be presented under a general title: “Infallibility of the Church, of the Episcopate, and of the pope”:

Even though the Church is structured, it is nonetheless a “whole.” More precisely, it is first of all a “whole” for which a structure, which is internal, is prescribed.

Thus, it is the whole Church that is infallible, both pastors and faithful. It is indeed in its entirety the “Body of Christ,” who is the Word, the thought of the Father, and it is quickened by the Spirit of Truth. The faith of the Church—the faith of the total Church—is necessarily infallible.

However, the authorized formulation of this faith is the responsibility of the pastors, the bishops. It belongs to their collegial function to declare the faith with definitive authority. But it is the faith of the Church that they proclaim, and not their own exclusive faith, separated from the clerics and the faithful who are the Church together with them. This collegial declaration of the episcopate has value “of itself” and not by a subsequent canonically colored approbation of the priests, clerics, and the faithful. A useless approbation: all of them are ontologically one with their pastors within the Body of Christ. And these latter proclaim the faith of the baptized *pleroma*, giving it an appropriate formulation. It goes without saying that the episcopal body must, for the validity of its dogmatic decision, have spoken with true, primatially “recapitulated” collegiality and not under outside pressure, as was the case, for example, during the Arian crisis.

And yet the apostolic college has a “primate,” Peter, who continues to live in his successor. He too, if he speaks under the requisite conditions of manifest information, freedom, and presidency, in his capacity as primate of the apostolic episcopate, and, committing his full authority to it, formulates an indisputable affirmation “*ex sese*.” Just as the college of bishops did not need the canonical consent of the clerics and faithful to formulate their real faith in all clarity, drawing them out of the labyrinth of actual or possible controversies, neither does the pope need the canonical consent of the bishops and the faithful to be infallible. He is united as one with them. He proclaims—in the exercise of his office—their faith and his own. His formulation cannot contradict what the Church—the bishops and the faithful—has believed and believes as a whole, even if only very implicitly until then. If there is an apparent opposition, a more thorough study will show either that there has not been a dogmatic definition (Liberius, Honorius, Boniface VIII), or that the truth thus defined—while remaining true needs to be complemented.

What is the difference then between an infallible papal formulation and an infallible conciliar formulation? The difference is that of a solo without any false note—the voice of itself being more or less beautiful—and a chorale without any dissonance, and yet more or less powerful. Other soloists, succeeding the present one in his function, other choirs will be able to take up the same themes and reveal still greater artistry, richness, and truth. And that is how the councils and the popes irrevocable as their definitions may be—complement one another. The new definitions do not change the old ones, but rather

shed a light on them that can be very new. This has been seen in the past—in Christology, for example—and it can very well be seen in the future.

The fact remains that the bishops are the successors of the Apostles and possess in common, collegially—of necessity under a president—the duty of preserving and proclaiming the faith. Consequently, deep-seated customs emanating from the structure of the Church, which has not become “imperialized” but rather “primatized,” and likewise rational thinking, the spirit of the Gospel, and even plain common sense, as well as the most elementary prudence demand that papal definitions not be proclaimed without the knowledge and concurrence of those in charge of pastoral teaching, in other words, the episcopate. Far more, definitions should not be declared without preparing the faithful through some preliminary inquiry or dialogue with them.

Because of all these things, the ideal, normal definition remains the conciliar definition: “Strengthen your brothers.” This has been proven true in the life of the Church, in the Church’s history. The rare papal definitions have all been preceded by an ecumenical episcopal consultation or by a previous majority approbation of the truth to be defined, even if not always of its advisability. It remains the right of the historians and pastors—and indeed of the theologians—to pass judgement on the advisability of papal—or even conciliar definitions.

The definition of papal infallibility by Vatican I confirms what has just been said. In this definition, the infallibility of the Church is declared to be the “principal analogue” to which the infallibility of the pope is referred.