

**8–A: The Church’s supreme authority should be concerned with the ministry of unity, evangelizing nonbelievers, serving particular churches, and some other matters.**

John Paul II, *Vita consecrata*, 47, OR (Eng. ed.), 3 April 1996, VIII–IX, speaks of “the particular bond of communion which the different Institutes of Consecrated Life and the Societies of Apostolic Life have with the Successor of Peter in his ministry of unity and missionary universality.” Thus, he suggests that those are the central responsibilities of the pope.

During the first millennium, the Church did with very little action by its supreme authority. The popes did little, and there were only eight general councils, all held in the east. Some idealize that situation, and think that bishops today should be as unsupervised as they were then. But the first millennium should not be idealized.

1) During those centuries, transportation was very difficult and time-consuming, and communication at a distance was poor. No doubt, some bishops made serious doctrinal mistakes, failed to do their jobs, and abused their power, and these things injured their people and led to conflicts. But the pope and other bishops could do little, often because they did not know what was going on. At the same time, aberrations in one local church did not quickly spread around, and so did not lead quickly to worldwide injuries.

2) Intermediate levels of collegial authority and action—constituted by the collaboration of groups less than the whole collegium—are appropriate for certain purposes. Patriarchate is a historical model (see LG 23), which Vatican II directed should be maintained, restored, and even extended somewhat (OE 7–11). But it certainly should not be idealized, since the grounds for the groupings involved might not be as relevant—now and in the less national and more culturally homogenous future—in the rest of the Church as other possible grounds for groupings. Large provinces led by an archbishop or regions including several smaller provinces led by the most centrally located of the archbishops are another model, and for many purposes the province or region might well be developed and strengthened. (For example, such entities could provide courts which apply canon law, discipline bishops, handle many permissions, laicization, and some other matters now reserved to Rome; people affected who thought they were wronged could appeal to Rome.) National conferences and international language groupings also should have some functions—though limited, since not much of the church’s real agenda divides along national or language group lines. All this needs to be worked out on the basis of subsidiarity.

3) Not all local differences are worth preserving. Some are evils that cannot be integrated. Some are good in themselves but are accommodations to evils that should be overcome. Some are fated to die out soon no matter what the Church does, and working to preserve them would be constructing a museum for specimens of dead cultures. Some have little inherent value, as is evident from the ease with which they are modified or abandoned when people see any advantage in doing so, and working to preserve them would bear false witness to the comparative value of worldwide Catholic culture. What should be respected and promoted are the realizations of human goods that will contribute significantly to the lives of saints and holy communities.

4) Though much preaching and teaching can and must be addressed to individuals and small groups, acts of teaching and preaching addressed at once to the whole world also are necessary, and these can only be done by or under the control of the Church's supreme authority. Also, many problems that need to be addressed are widespread if not universal, and a better response will be developed by a collegial process. Moreover, when bishops address their own churches by publications, they are likely to speak to the whole world, so their publications also need oversight.

5) With respect to sacraments, an analogous situation. People increasingly travel, and every Catholic must find his/her home in every local church. Local cultures are more or less divided; institutionalizing certain local forms often makes others outsiders. An international version certainly is needed and should be available in all major centers; localized versions need to be authorized.

6) The Church's supreme authority needs to hear appeals and safeguard rights. For some bishops will be bad, go crazy, and so forth. Some bishops and trans-diocesan Catholic organizations will have conflicting interests, and their disputes need to be resolved by an authority both/all parties recognize.

7) The Church's supreme authority needs to encourage, facilitate, and coordinate cooperation with respect to the common responsibility of the collegium for missionary activity and the sharing of resources among particular churches, especially personnel and wealth. Many bishops think or, at least, act as if they have no responsibility except for their own dioceses. Some refuse to allow personnel with a missionary vocation to respond to it. Some are very miserly with surplus material resources greatly needed by poor churches.

Schatz, "Historical Considerations Concerning the Problem of the Primacy," in Puglisi, ed, *Petrine Ministry and the Unity of the Church*, 10, points out that the effective exercise of the primacy is closely dependent on the historical possibilities of communication.

*Pastor bonus* lays out what the supreme authority is concerned with but deals with the curia, both in general and in respect to its various elements.

Subsidiarity applies to the Church. She is one body with many members, each with proper gifts and functions. And various groups in the Church—dioceses, religious orders, parishes, particular communities, families—also have their proper gifts and functions. In each case, the larger community should help those within it fulfill their proper functions, not take them over.

The huge difference between the Church and political society is not in the meaning, relevance, and or application of subsidiarity. Rather, it is in the common good of the whole, the proper functions of each group and individual, and the ways in which help can be supplied.

In the Church, the realization of the common good primarily depends on God's activity—grace. The whole point of life in the Church is to receive, enjoy, cherish, and pass along to others the gift of divine-human communio and other divine gifts that contribute to the development of that communio and eventual fulfillment in it: the kingdom of God. Jesus as man has already done what is essential to secure and make available these gifts. His disciples' activities must be in cooperation with his.

In political society, the realization of the common good depends on the leaders' and citizens' actions. The society's common good itself is not ultimately fulfilling for its members, but instrumental to their fulfillment, which they must pursue in and by other associations, beginning with the Church. So, leaders' and members' functions are different.

People who talk about subsidiarity in the Church often confuse matters by assuming mistakenly that the leaderships' roles are the same in both cases. But they really are very different. Church leaders do not decide anything of great importance. Among Church members, there really is nothing to conflict about. All the leaders can do is identify what has been given, safeguard it, and preside over cooperation in receiving, enjoying, cherishing, and making it available to others. Political societies' leaders should mediate conflicts of interests so that people can live together in peace and justice. They must decide who gets how much of what they want. So, it is extremely important that leaders not be meddle in many matters that are precisely the proper concern of Church leaders.

A book that I probably ought to look into, because this author is influencing the Catholic-Orthodox discussion: Agostino Marchetto, *Chiesa e papato nella storia e nel diritto : 25 anni di studi critici* (Vatican City: Libreria editrice vaticana, 2002).

### **8–B: Responsibilities of the Church’s supreme authority with respect to the ministry of unity**

PO 15–17 apply the evangelical counsels to presbyters. PO 15 deals specifically with presbyters’ obedience. It starts by restating what had been said in PO 14 about conformity to God’s will: “Among the virtues presbyteral ministry especially requires is the disposition of mind by which he always is ready to seek, not his own will, but the will of him who sent him.” Humility is stressed, but pastoral charity is the middle term to concretize obedience: it requires solidarity in ecclesial ministry. God’s will is to be discerned from moment to moment every day. Again the Council goes on to concretize this in obedience to ecclesiastical authority and doing his best to serve well in every assignment. Presbyters should be creative in implementing pastoral love, but submit to authority. In this way they conform to the obedient Jesus.

This argument for obedience is sound, and it cuts hardest against prelates. If they really want to help carry out God’s salvific plans, they must submit to God’s will, listen to him, and work together. Conflict among prelates is a sure sign of self-will on the part of at least some of them, because there are no legitimate issues for them to disagree about. Their authority is grounded in divine gifts and does not extend beyond them.

*Evangelii Nuntiandi*, 64, contains an argument for individual churches to maintain their unity with the Church universal. It describes the bad consequences of breaking unity and the benefits of maintaining it:

The first danger is that of a withering isolationism, and then, before long, of a crumbling away, with each of its cells breaking away from it just as it itself has broken away from the central nucleus. The second danger is that of losing its freedom when, being cut off from the center and from the other Churches which gave it strength and energy, it finds itself all alone and a prey to the most varied forces of slavery and exploitation.

The more an individual Church is attached to the universal Church by solid bonds of communion, in charity and loyalty, in receptiveness to the Magisterium of Peter, in the unity of the *lex orandi* which is also the *lex credendi*, in the desire for unity with all the other Churches which make up the whole—the more such a Church will be capable of translating the treasure of faith into the legitimate variety of expressions of the profession of faith, of prayer and worship, of Christian life and conduct and of the spiritual influence on the people among which it dwells. The more will it also be truly evangelizing, that is to say, capable of drawing upon the universal patrimony in order to enable its own people to profit from it, and capable too of communicating to the universal Church the experience and the life of this people, for the benefit of all.

The points Paul VI is making apply not only to evangelizing in the narrow sense but to all the essential activity of the Church (which he pulls into his very broad concept of evangelization). Moreover, it applies not only to the relationship of particular churches to the universal Church, but to the relationship of all the smaller communities in the Church to larger ones of

which they are parts—e.g., parishes to dioceses, religious communities to provinces, religious institutes to the diocese or universal church, etc.

In the quote, there is the suggestion of an analogy to the organic body—parts break away and then the cells break away from the parts. One could well extend that analogy: the parts of the one body of Christ must stick together, for only in the whole can they flourish and fulfill themselves, while beginning to separate they decline and apart from the whole they will die, and fail to make the contribution they could and should make to the good of the whole.

Tillard, *The Bishop of Rome*, 157–67, suggests that the pope serves unity simply by being the head and holding the true faith; the Church recognizes itself in its head, and members identify with him. This suggests that it would be appropriate here to analyze what JP II has done in the Church in these terms: by being the head and vigorously proclaiming the true faith (and also by catechizing bishops about their responsibilities) he has been fulfilling the *munus* of promoting unity, praying and trusting that this approach will overcome dissent and even division in the collegium. In other words, he has been emphasizing the responsibility to “confirm your brothers,” understanding this primarily in a charismatic and spiritual sense—to represent in person the Church’s credibility, openness, concern for humane values, and up-to-dateness—and then also as a responsibility to catechize.

But if that is what he has had in mind, the means seem to inadequate to deal with division in the collegium in respect to essentials. Bishops may recognize the pope as head, but they do not identify with him to the extent that they consciously disagree with him about matters that he, at least, considers to be essential. And catechesis cannot deal effectively with such matters, because catechesis must presuppose faith’s acceptance of the essentials and simply clarifies what these are and what the Christian needs to do about them.

There is a good, brief passage, based on Scripture, in AG 28 that explains why unity in the Church is important for her apostolate. It cites LG 18, which explains the need for hierarchy on the basis of coordination for the common good. The underlying point is that the Church, like any other human community, really has a common good, which calls for cooperation, which calls for coordination, which requires unity.

*Pastores dabo vobis*, 74, includes a quotation from proposition 34 of the synod fathers: “Unity among the priests with the bishop and among themselves is not something added from the outside to the nature of their service, but expresses its essence inasmuch as it is the care of Christ the priest for the people gathered in the unity of the Blessed Trinity.”

That also is true of bishops. The principle of their unity is that they ought to be doing nothing else than what Jesus wants done. If they have no agenda of their own, their problem is one of discerning together, not of mediating the conflicting interests of their diverse constituencies and making decisions, as political leaders and managers rightly do.

*Evangelii Nuntiandi* provides an important reason why members of the collegium must do their best to maintain unity with respect to all essentials, to protect that unity when it is threatened, and to restore it when it is damaged:

77. The power of evangelization will find itself considerably diminished if those who proclaim the Gospel are divided among themselves in all sorts of ways. Is this not perhaps one of the great sicknesses of evangelization today? Indeed, if the Gospel that we proclaim is seen to be rent by doctrinal disputes, ideological polarizations or mutual condemnations among Christians, at the mercy of the latter's differing views on Christ and the Church and even because of their different concepts of society and human institutions, how can those to whom we address our preaching fail to be disturbed, disoriented, even scandalized?

The Lord's spiritual testament tells us that unity among His followers is not only the proof that we are His but also the proof that He is sent by the Father. It is the test of the credibility of Christians and of Christ Himself. As evangelizers, we must offer Christ's faithful not the image of people divided and separated by unedifying quarrels, but the image of people who are mature in faith and capable of finding a meeting-point beyond the real tensions, thanks to a shared, sincere and disinterested search for truth. Yes, the destiny of evangelization is certainly bound up with the witness of unity given by the Church. This is a source of responsibility and also of comfort.

There can be a great deal of diversity, provided it is not with respect to anything essential; that diversity can and should be accepted by all. Rightly understood and accepted, it is a set of charisms that enrich.

But differences that the faithful at large and even nonbelievers recognize as sources of conflict are not acceptable. Trying to cover them up, or ignoring them and trying to work around them does not really help. For courtesy does not remove the reality of division. A real resolution is necessary.

Pope John XXIII, *Ad Petri cathedram*

71. The Catholic Church, of course, leaves many questions open to the discussion of theologians. She does this to the extent that matters are not absolutely certain. Far from jeopardizing the Church's unity, controversies, as a noted English author, John Henry Cardinal Newman, has remarked, can actually pave the way for its attainment. For discussion can lead to fuller and deeper understanding of religious truths; when one idea strikes against another, there may be a spark. (25)

72. But the common saying, expressed in various ways and attributed to various authors, must be recalled with approval: in essentials, unity; in doubtful matters, liberty; in all things, charity.

25) Cf. J.H. Newman, *Difficulties of Anglicans*, v. 1, 261 ff.

The saying the pope quotes often is thought, legalistically, to mean that in doubtful matters one may exercise the liberty to do as one pleases. Really, though, doubt only replaces one set of responsibilities with another. In dealing with what is not absolutely certain, one is not obligated by the norms with respect to questions that the Church has not left open but settled. But one is obligated to study carefully, not make firm judgments of the sort that only the

Church herself can make, make tentative judgments on the basis of evidence and reasons rather than any sort of agenda, and communicate one's judgments with care to avoid bad side effects. (There is a story about how to make moral judgments under doubt in volume 2; that will not be repeated here.)

Analogous false interpretations of the saying often are made by those who formulate it more broadly: In essentials, unity; in nonessentials (rather than in doubtful matters), liberty; in all things charity. The legalistic interpretation of liberty always is to be excluded. The truth is: in essentials, unity; in nonessentials, personal vocation or appropriate inculturation or the like; in all things, charity—i.e., putting the full realization of the kingdom, the common good of all Christians, first.

The less broad and the more broad versions of the saying differ in this: the first takes into account that some matters are absolutely clear while others are unsettled; the second ignores that epistemic situation and focuses on the status of matters as essential or not. At the same time, though, many who use broader versions wrongly (and sometimes sophistically) assume that whatever has not been solemnly defined or, in the case of nonpropositional matters, settled in an analogous definitive way is nonessential.

In reality, the essentials are what God has given through Christ (including authentic developments thereof); the nonessentials are all else. Nonessentials deserve respect on the basis of their inherent human value and, especially, their conduciveness to making the essentials fruitful—in other words, to fulfilling the mission of the Church.

The supreme authority's ministry of unity certainly concerns essentials. So, the supreme authority has to be able to identify what are essentials, and must do so when there are disagreements. Therefore, when there are disputes about essentials, or even about what some members of the collegium think are essentials that might turn out to be only about nonessentials, those disputes must be resolved. Only resolution will make it clear what is at stake, and so what all must hold, protect, and hand on.

Unity in nonessentials is not per se necessary. Pressing for such unity would bring about more uniformity, rather than more richness. Thus, the supreme authority not only need not but ought not press for unity about nonessentials. Does that mean the Church's supreme authority never should insist upon anything nonessential? Probably. It could rightly do so only if it were judged by a judgment not itself divisive of the collegium—in other words, one arrived at by or, at least, having the approval of virtually the whole collegium—that the nonessential in question was the best available means everywhere in the world for holding, protecting, and handing on the essentials. I doubt that there are many if any things like that.

In 8-B-3-d we have (1) arguments for tolerating disunity in regard to essentials and (2) responses to those arguments. The exchanges in (e) and (h) come close to but do not directly treat the following issue: tolerated and institutionalized disagreement with respect to essentials tends to destroy *communio* and block cooperation, with the bad result that, insofar as *communio* remains, it is damaged and weakened, and insofar as cooperation continues, it is impeded and rendered difficult. Of course, some will argue—and this will fit into (1)—that charity and brotherly affection are adequate to deal with the problem; the real trouble is

that people are judgmental, divisive, unwilling to try to get along. But the answer (2) is: even if clerics and other faithful seek to be as conciliatory and restrained as possible, those on opposing sides inevitably experience tensions and encounter many grave and persistent problems that neither they nor their bishops, acting separately, can solve.

The faithful tend to sort themselves out, parish hopping until they find one that fits their views.

Clergy find it hard to work together on pastoral problems; those with opposed views do not wish to be posted in such a way that they must work together—and with good reason, because neither side is free to submit their conscientious judgments about pastoral action to the demands of the other.

In many dioceses, one group or the other becomes dominant, and the other group is alienated; those individuals are likely to leave, retire early, seek excommunication, etc.

In general, many of those most interested in the Church, including clerics and religious, finding themselves in a polarized situation and subject to superiors managing that situation, will be dissatisfied and angry. There is an evil—the unresolved opposition about matters judged or felt to be essential. But the object of the anger is other people: opponents, and superiors who seem to side too much with them or too little with one's own views, and anyone who, one supposes, could do something toward resolving the situation but is not doing so.

2 Cor 13.11: “Finally, brethren, farewell. Mend your ways, heed my appeal, agree with one another, live in peace, and the God of love and peace will be with you.”

Paul is exhorting the Corinthians to agree with one another—implicitly, by getting straightened out by mending their ways and heeding his appeal. They are to live in peace, which is possible only if they really do agree with one another. He is not trying to smooth over the conflicts that have arisen in the community; nor is he pretending they are not there; nor is he simply waiting for things to get better. Rather, he takes an energetic approach in trying to straighten out the mess and restore real unity on the basis of the truth.

Thus, the Corinthians must really deal with the disagreements that exist and resolve them. So, too, the Church today.

In Mt 10.34–36 and Lk 12.49–53 Jesus speaks about his own mission. In Lk, he has come to cast fire on earth and wishes it were already burning; he has a baptism to be baptized with, and is anxious for it to be done. In both passages, he makes it clear that he has come to bring a sword or division, not peace; and points out that families will be divided.

This teaching makes it clear that Jesus is not interested in peace at any price. He has a definite mission: his gospel to teach, the new covenant *communio* to form. Not all will accept it, and his message and plan cannot be compromised to accommodate those who will not accept them. Jesus makes people take a stand on one side or the other (those not with me are against me, and vice versa); he sadly, but calmly, accepts the departure of those who will not accept what he offers. So, where there are divisions about essential matters, the fact that some will be irreconcilable already has been taken into account by Jesus himself, and his refusal to bend to avoid such division implies that the Church today must discern faithfully and definitively teach what is essential, set aside what is not, and accept whatever

losses doing that will make clear. (The divisions will not be caused by discerning and defining the truth of revelation; those who will not accept already are divided from that truth, but the division is covert and insidious.)

In 6.53–58, Jesus is asserting the need to eat his flesh and drink his blood, and that doing so is necessary for sharing in the eternal life he has from the Father. 60: “Many of his disciples, when they heard it, said, ‘This is a hard saying; who can listen to it’” Jesus answers but, 66: “After this many of his disciples drew back and no longer went about with him.”

Here, Jesus does not hesitate to insist on something essential despite the bad effect of driving away many of his disciples. Similarly, the Catholic Church must discern and define essentials even if that will result in many drawing back and no longer showing up.

Jn 14.26 says that the Spirit will teach “all things,” and refers to Jesus’ teaching: the Spirit will remind Christians of it. Jn 16.13–14 clarifies the meaning of “all things”; the Spirit does not teach on his own, but takes from what is Jesus’ and declares it. Thus all things refers to all that is revealed by God in Jesus—everything necessary for salvation. That being so, the Church always grasps by her faith and has access to all that God has revealed, to everything necessary for salvation, to all the essentials. It follows that disputes over essentials always can be resolved, and are ripe for resolution by the collegium; they need to do the job, and in doing it should make use of theological helpers, but need not wait for theologians to finish their work—which never will happen.

Eph 4.1–16 deals with the importance of unity in essentials. The author recognizes diversity of gifts but emphasizes that diversity must be used to contribute to unity of faith and the perfection of the *communio*. He warns the faithful against being (14) “tossed to and fro and carried about with every wind of doctrine, by the cunning of men, by their craftiness in deceitful wiles.”

The members of the collegium can hardly expect the faithful to be able to fulfill that norm if the bishops themselves are divided on matters that any of them believe to be essentials.

Jude v. 3: “Beloved, being very eager to write to you of our common salvation, I found it necessary to write appealing to you to contend for the faith which was once for all delivered to the saints.” Faith was given once for all, and must be fought for. So, the task is simply to discern what was given and handed on.

John Paul II, *Novo millennio ineunte*, 44, OR (Eng. ed.), 10 Jan. 2001, VII–IX:

44. Consequently, the new century will have to see us more than ever intent on valuing and developing the forums and structures which, in accordance with the Second Vatican Council’s major directives, serve to ensure and safeguard communion. How can we forget in the first place those specific services to communion which are the Petrine ministry and, closely related to it, episcopal collegiality? These are realities which have their foundation and substance in Christ’s own plan for the Church,[note: LG chap. 3] but which need to be examined constantly in order to ensure that they follow their genuinely evangelical inspiration.

Much has also been done since the Second Vatican Council for the reform of the Roman Curia, the organization of Synods and the functioning of Episcopal Conferences. But there is certainly much more to be done, in order to realize all the [IX] potential of these instruments of communion, which are especially appropriate today in view of the need to respond promptly and effectively to the issues which the Church must face in these rapidly changing times.

This manifests awareness of the need for further development and reform of the structures for exercising the collegial, supreme authority of the Church.

With respect to the obligation to deal with division within the collegium over essentials, the synod of October 1967 needs to be considered. The Dutch catechism had appeared sometime sooner (the imprimatur was withdrawn from the US edition by Bishop Joyce on 30 September 1967). The bishops of the synod recognized that there were errors spreading in the Church with respect to many central doctrinal matters. That was a fact that had not been the case in 1963, when John XXIII gave his opening address to the Council. But they were unduly influenced by the attitudes expressed in that address toward what needed to be done. So, they reacted only by laying out pastoral norms and proposing the establishment of the ITC and the declaration that became the Credo of the People of God. Yet when Paul VI tried to deal with the Dutch Catechism problem, his effort was not successful in changing the position of the Dutch bishops, yet he nevertheless tolerated their teachings. At this point, he ought to have got the synod together and set about preparing definitions of the disputed items, which then could have been circulated to the bishops of the world—as it were using the synod as a theological commission and pulling off the equivalent of a council by mail. Instead, he gave up after pursuing a weak approach of dialogue where he was confronted with what he himself regarded as division in the collegium with respect to essentials.

In criticizing JP II, it might be good to begin from George Weigel's defense against his critics, and to make the point that both the liberals and conservatives (also some more extreme reactionaries like sede vacantists) are indeed mistaken. And to make the point that the Pope is a good guy who has done a lot of good things. But he has not done the job with respect to the ministry of unity, which is his main responsibility.

When one reads Acts, it is impressive how the Holy Spirit ran the Church. But the Spirit does not impose himself on those who are not willing to cooperate with him. The pope needs to get the bishops together and pray with them for the Spirit to deal with the problem—to set it up for them to cooperate. If he does this, the undertaking cannot fail. To suppose it can is to deny the faith. The whole Pentecostal thing among Protestants and the Catholic charismatic movement is not all sheer delusion. (The latter ran into trouble insofar as it was allowed within the Church but not of and by the Church.)

**8–C: Responsibilities of the Church’s supreme authority with respect to the evangelization of nonbelievers, service to existing particular churches, and matters it can alone or better deal with**

Here the efforts of recent popes to catechize nonbelievers must be taken up. Jesus’ commission was to preach the Gospel, then baptize, then catechize. There are moral arguments to be made in respect to political-social-economic matters. But these should be made by those competent to make them and appropriately for diverse audiences. Competent lay people should make these arguments most fully in every sort of public square to which they have access. In catechizing the faithful (understood to include all who accept relevant divine revelation), the pastors of the Church should make the arguments that involve no categorical statements except of moral truths that can be taught as *definitive tenendam* and factual truths that nobody can reasonably question. In addressing “all people of good will” or specific groups including people who do not accept the Gospel, the pastors of the Church should make no arguments except those appropriate to call people to repent and believe the Gospel or, if they have already done so, to reaffirm and deepen their faith commitment.

Much of the social teaching of the Church has violated these norms: it has aimed at catechizing nonbelievers. A look at Pius XI’s *Ubi arcano Dei consilio*, Paul VI’s speech to the UN, and some of JP II’s documents illustrate the point. Such documents fail to confront nonbelievers with the Gospel, fail to catechize believers as effectively as possible, and usurp the role of competent laity by making arguments that may be sound but are not within the competence of the magisterium. Those failings and usurpation have further bad consequences: they promote a groundless optimism about the prospects for this fallen world, detract from effective witness to the Gospel’s truth by giving this-worldly matters a false and excessive importance, and thereby diminish people’s motivation for committing themselves to the faith, firmly maintaining that commitment, hoping first and most for the kingdom, and so making necessary sacrifices to avoid making consequentialist compromises.

AG 29 calls for the synod of bishops to have a special concern for missions. It also specifies that Propaganda should be the sole curial office dealing with everything pertaining to all the missions. The Council wanted to exclude having two or more congregations dealing with them, and especially wanted (note 10) constant and uniform standards and norms.

CIC, c. 782, §1: “The Roman Pontiff and the college of bishops have the supreme direction and coordination of endeavors and actions which belong to missionary work and missionary cooperation.” The mission to the nations was addressed by Jesus not only to Peter but to all the apostles, and this canon recognizes the collegial responsibility (as many canons do not).

**8–D: A proposed collegial procedure for the Church’s supreme authority in dealing with injury to communion arising from conflict in which some bishops oppose what others consider essential**

Theologians and the magisterium will work together one way or another. During Vatican II, the provision for consultors and periti was inadequate, with the result that the bishops took instruction from theologians who gave lectures. But this informal arrangement did not lead to thorough debate of disputed issues. Similarly in the development of a document like *Veritatis splendor*. Had the opposing theologians been asked to argue their cases, the pope would have had authentic statements of the positions he rejected; would have had proponents’ own arguments for their views, would have known how they tried to answer objections and criticisms. Without really knowing the positions under debate and the cases for and against them, judgment of a dispute simply is impossible. Bishops don’t need to judge between theological positions unless the faith of the Church is at stake. If it is at stake, they don’t need to be more expert than the theologians to judge what position is consonant with the faith of the Church and what is at odds with it.

In connection with the role of theologians in a conciliar process: people other than bishops actively and directly participated in some of the councils. So, having suitable groups of theologians participate directly by presenting their opposing views would not be entirely unprecedented. But it did not and does not make sense for people other than the bishops to participate in making any definitive judgment on a matter of substance, because bishops are empowered to be judges of the faith *in persona Christi*.

Many will object that the issues that divide the Church are not “ripe” for definitive settlement. True, many theological issues are not ripe for settlement, because significant groups of competent people differ and neither the pope nor any significant number of bishops think there is anything essential at stake, though perhaps they wish the issue were settled and may think it would be quite helpful if it were—for instance, various questions in Mariology (see LG 54). But when any substantial group of bishops believes that an issue on which they and other bishops disagree concerns something essential, that issue is ripe for settlement. Action to eliminate such division is urgently needed and must be possible, for it concerns not merely theology but the very faith of the Church, which certainly is accessible to the bishops. If theologians say, “Even so, the issue is not ripe for settlement,” what conditions would they accept as adequate for regarding it as ripe? Certainly, not theological agreement, which very likely will never come about.

What about the idea that settling the issues that divide is not opportune? The Church’s mission is to preach the whole truth of the Gospel and to catechize with respect to everything Jesus has commanded. Nothing he has given may knowingly be omitted. So, if those who think some teaching is true and essential are right, that should be discerned, defined, and taught. If they are mistaken, however, that also should be discerned and definitively clarified, so that the faithful will not be expected to hold fast to what is false. Tolerating division over what are or are thought to be essentials cannot really be opportune. Arguments for doing so either beg the question by assuming that the matters at issue are not essentials or offer arguments based on projected bad side effects that can be more or less forestalled and are

not commensurable with the evils involved in and brought about by ongoing division. Nor can the adequacy of what was received for Christians of earlier times be an argument for its adequacy now and in the future. That argument would exclude all real development of dogma: consider the case of the clarifications of about the makeup of Christ.

LG 25, toward the end, says that when defining the pope and bishops should proceed in accord with revelation, and should use apt means to inquire into it and express it; it also makes it clear that revelation, as Scripture or tradition, is transmitted by the legitimate succession of bishops—thus, the bishops have access to it. This means that, on the one hand, the pope and bishops need to get theological help, but on the other should not trust theologians but hear all sides and judge. And doing that systematically means doing it in the open and by a fair procedure.

Will need to tell brief story about infallibility. It is not a bolt of lightning on occasions but basically the guarantee of the Church's faith.

This guarantee is by the gift of the Holy Spirit and the fact that Jesus acts in the Church through those ordained to act in his person. The guarantee covers everything essential God offers humankind in and through Christ: revealed true propositions, the sacraments, and the Church's basic constitution. The point of the guarantee is that these gifts are meant for all humankind—the nations until the end—and can be available to them only if the offered gifts are kept intact and neither diminished nor adulterated. The guarantee is of the faith of the Church as a whole, and so of those acts of bishops that per se articulate and shape that faith—solemn definitions by a council, by a pope acting as the Church's head, and the bishops' ordinary teaching proposing something to be held definitively.

The guarantee ensures that bishops' efforts—which include study, reflection, and discussion—to discern the essentials and articulate them will not fail to get it right. So, the charism does not make those efforts unnecessary, and these efforts will include a collegial process and listening to opposed scholarly arguments unless the situation makes doing that impossible or unreasonable. Though the truth does not depend on the arguments offered for it, the pope and bishops teaching *in persona Christi* ought to do everything they reasonably can to help people accept what they teach, and so should manifest their reasons for teaching what they do as well as they can. This consideration also requires a collegial process and listening to opposed arguments.

In earlier times, a collegial process meant a general council. But that was due to lack of effective communication at a distance, and must not be treated as if it were divinely given. If a truly representative group of bishops comes together to work face-to-face and all the other bishops have a real opportunity to participate, the process can be truly collegial, perhaps more so than in a council.

Some will argue that conflicts over essentials within the Catholic Church should not be settled until conflicts over essentials with non-Catholic Christians also are settled—in other words, that ecumenism should absorb the conflicts within the Catholic Church too. They will suggest that settling things too soon will make reunion harder, and that bringing in other voices will help. In general, this is a bad argument. Since the resolution of conflicts

is a matter of discerning truth and coming together in it, resolving conflicts within the collegium will not create new obstacles; on the contrary, it will provide a more effective witness. Moreover, bishops ought to protect their flocks now; if they allow even one soul to be lost due to errors over essentials by delay for the sake of some ulterior end, they are bad shepherds. Besides, the voices of non-Catholic Christians can be listened to, especially in formulating Catholic consensus on essentials; all that is excluded is tolerating division in the collegium until all Christians are reunited—something which might well be far off and perhaps never will be achieved completely.

Some will argue that the Catholic Church cannot settle these matters unilaterally, that she must first reestablish unity with non-Catholic Christians or, at least, make them full partners in the process, so that nothing will be settled without everyone participating. However, the disunity among Christians cannot be said without qualification to entail disunity in the Church of Christ. For the Council teaches (UR 4) that Christ bestowed unity on his Church in the beginning, and that this unity subsists in the Catholic Church as something she cannot lose. This point is important, for it means that actions that the Catholic Church takes without the consent of the separated brethren—for example, Trent's definitions without the Protestants and Orthodox—nevertheless are valid as actions of Christ's Church.

DV 10 relates both Scripture and tradition to the magisterium. Tradition and Scripture are a deposit, to which the bishops and faithful together hold fast, going on accepting the apostles' teaching and way of life, celebrating the Eucharist and praying. They hold, practice, and bear witness together to what they received. The task of authoritative interpretation is entrusted to the bishops—the magisterium—“whose authority is exercised in the name of Jesus Christ.” It is not above the word of God but serves it, teaching nothing but what is handed down. This is the key idea for solving all divisions about essentials—recall that tradition includes all that the Church is as well as all that she believes. If the issue is about essentials, it can be resolved, because the Church always is in possession of all the essentials.

GS 28: the Council deals with love of enemies, adversaries, those who think differently, also in matters religious. Jesus came to divide those close, also members of the Church. Dialogue is needed. Those who take the attitude that dialogue is hopeless and the only thing to do is political maneuver have judged others in the way one should not and so fell short in love of enemies.

LG 28 repeated in GS 43 calls on priests to share their care and to work under the guidance of bishops and the pope, eliminate every sort of division, so that the whole human race will be led into the unity of the family of God. The Holy See since the Council has failed to do an adequate job of eliminating disunity among the bishops themselves.

GS 92 calls for dialogue within the Church herself. It recalls the slogan: there should be unity in essentials, liberty in doubtful matters, and charity in all things. That is true, and it absolutely requires cooperation to eliminate discord in respect to anything that any party considers essential. In this context, dialogue is needed to help people deal with the world's problems, and the solidarity of the Church herself is essential if she is to be effective in making her proper contribution to that.

CIC, c. 338, §2: the pope alone determines the agenda and order. So, it would be up to him to design the process for resolving disputed issues.

C. 339, §2: “Moreover, some others who are not bishops can be called to an ecumenical council by the supreme authority of the Church, to whom it belongs to determine their roles in the council.” So, he can invite theologians to debate issues, and call on bishops to join with him in judging.

Ashley, in *Justice in the Church*, 32–34, broaches the idea that the opposite of abuses of theologians cutting loose from episcopal authority and the refusal to face real moral and intellectual problems is “for the bishops actively to promote theological discussion under conditions really favorable to a fair hearing of all informed and reasoned opinions, while keeping clearly before all the responsibility of theologians not to usurp the role of bishops, but to abide by their pastoral judgment in matters of faith and morals promulgated either in extraordinary or ordinary modes.” That is a generalization of exactly what I have in mind.

Mike McAndrew, C.Ss.R., “Co-dependency in Religious Community,” in *The Best of the Blue Book*, vol. 2, 1960–1997 (Brooklyn, N.Y.: NCCA, 1999), 251, argues that any member’s alcoholism affects his/her whole religious community, just as a family member’s affects his/her family as a whole. He quotes “rules” of co-dependency and adds: “As I look at the rules from Robert Subby, there can be many parallels in religious community.” (The same is true of groupings of clergy.)

Robert Subby, *Lost in the Shuffle: The Co-dependent Reality* (Deerfield Beach, Florida: Health Communications, 1987), 27–55, articulates (29) and discusses nine dysfunctional co-dependent rules:

1. It’s not okay to talk about problems. [One feels that straightforward talk about a problem would not help but worsen it or provoke an unwanted reaction. This leads to avoidance and even denial that the problem exists.]
2. It’s not okay to talk about or express our feelings openly. [Strong feelings threaten the fragile and unstable peace, and so are unacceptable and to be suppressed.]
3. Communication is best if indirect, with something or someone acting as messenger between two other people. This is called triangulation. It’s you and me and the kids; you and me and the job; you and me and the checkbook; never just you and me. [Conflicting parents try to avoid direct conflict by using a child as messenger. The child suffers from the unbearable burden, and feels guilty and ashamed of the conflict.]
4. Unrealistic expectations—Always be strong, always be good, always be perfect, always be happy. [Control is sought to alleviate anxiety about uncontrollable external situation; perfection by others’ standards necessary to win their love.]
5. Don’t be selfish. [Self-worth is sought by taking care of others to such an extent that one neglects one’s own legitimate interests and needs; one allows oneself to be used.]

6. Do as I say, not as I do. [Trust in others and a sense of one's own self-worth are undercut by inconsistency between the norms and behavior of those in authority.]
7. It's not okay to play or be playful. [Fragility of the social situation generates a sense of seriousness; spontaneity involved in play is dangerous, whereas serious and diligent application is safe and okay.]
8. Don't rock the boat. [This is a sort of meta-rule which enjoins that all the other tension-reducing and status-of-quo maintaining rules be obeyed.]
9. Don't talk about sex. [Failure to instruct children about sex together with severe warnings leads to anxiety and shame without promoting authentic self-control.]

Subby says (15) the rules are “rules that interfere with the normal process of emotional, psychological, behavior and spiritual development. Rules that close off and discourage healthy communication, rules that eventually destroy a person's ability to form a trusting relationship within themselves or between others.” He goes on (16): “These rules interfere with healthy growth and make constructive change very difficult, if not impossible.”

What makes for similarity with situations in religious communities and dioceses and in the Church at large? The house divided against itself is very shaky. The Church suffers from conflict over essentials, which neither side wishes to resolve. On the one side, fear of schism or loss of multitudes (and perhaps fear of some sort of defeat); on the other side, fear of definitive reaffirmation of traditional positions (and of the price to be paid for an honest divorce).

Acts 15.1–29 describes the dispute that arose when some members of the Jerusalem church come to Antioch and say that the gentile converts of Paul and Barnabas must be circumcised. Paul and Barnabas reject their position and are sent with some others to Jerusalem to resolve the issue. Peter identifies himself as sent to the gentiles and tells what he has experienced: they too received the Spirit; their hearts were cleansed by faith; (10) “Now therefore why do you make trial of God” [a question that makes it clear Peter is not proposing an option for choice but claiming to discern God's plan and will]; why impose the yoke of the law that neither our fathers nor we have been able to keep; they like we will be saved by the grave of Jesus. Paul and Barnabas describe the wonders God did through them among the gentiles. James, leader of the Jerusalem church, recaps what Peter had said and quotes OT to show that God is to gather a people from the gentiles.

At this point, then, the truth of the matter is clear to Peter, Paul and Barnabas, and James: gentiles as such can be Christians. They need not be converted to Judaism, to be circumcised and subjected to the law. But one problem remains: the members of the Jerusalem church who raised the issue need to be told where this leaves them, what the practical result is for their concerns. James, as leader of that community does that (19): “Therefore my judgment is that we should not trouble those of the Gentiles who turn to God,” in other words: “You lose; they need not be circumcised and held to the Mosaic law.” Still, James asks that gentile converts be held to the rules that gentiles living among Jews generally were required to follow (Fitzmyer, *Acts*, AB31:556–58). Nobody objects; the letter is sent.

The process in general is not one of making a decision in the sense of choosing what to do. The meeting does not compare the interests of the conflicting groups and seek a mutually satisfactory compromise. There is no voting. Instead, the discussion brings out the truth of the matter: God wants the gentiles to be Christians, and he does not require them to be Jews and to be bound by their law. Once that is clear, there is a choice to be made: how to reconcile the opposition to the truth, to promote harmonious living between the two groups. James proposes the decision about that, and his proposal is accepted.

In general, then, whenever there are conflicts, two sorts of things must be “decided.” One sort concern truths that must be discerned and accepted by the group; judgment is a matter of finding the facts or finding out what God’s plan and will are. The other sort concern options open for choice, such as different ways of pursuing an end together, where the decision can be a choice that is expressed by a disciplinary rule, one that shapes common action though it could have been different. The two must not be confused.

The conflicts within the collegium that arise over what at least some believe to be essentials—matters being affirmed as pertaining to revelation that do not, or matters being denied that do—the resolution is discernment of truth. For the collegium plainly has no choice about what does and does not pertain to revelation. Therefore, in such matters, no choice needs to be made except about measures for dealing with various disagreeing groups back home. To do that, more or less context may be supplied for the definitive teaching; different sorts of disciplinary measures may be envisaged.

In any case, though, while papal primacy always obtains, collegial participation is very important for several reasons. One of them is illustrated by the case in Acts: James, not Peter, proposes the formulation that settles the issue and an appropriate discipline. It is appropriate for him to do that, because members of the Jerusalem church, which James leads, raised the problem and lost, so that it is James’s task to get them to accept and help them live with the outcome. Similarly, the result of a collegial discernment today will be most effectively communicated to various groups by their own bishops, speaking, of course, for the collegium as a whole and expressing its collective discernment as a truth they share in seeing and bearing witness to.

(28) “For it has seemed good to the Holy Spirit and to us” expresses the confidence that the leaders of the Church have been acting in accord with the Spirit both in discerning the truth about God’s plan for the gentiles and in making the proper disciplinary provisions. This is in accord with the general idea that the ordained act *in persona Christi* not only when they preach the word itself and do the sacraments but when they rightly shape and lead the *communio* in its common work of evangelization, catechesis, and so on.

1 Tm 6.20–21: “O Timothy, guard what has been entrusted to you. Avoid the godless chatter and contradictions of what is falsely called knowledge, for by professing it some have missed the mark as regards the faith.” Paul is exhorting Timothy to do a bishop’s job: guard the faith, which you have received, and separate it clearly from so-called knowledge, which includes theological opinions that, intentionally or not, lead some to put their faith in erroneous views.

2 Tm 1.13–14: “Follow the pattern of the sound words which you have heard from me, in the faith and love which are in Christ Jesus; guard the truth that has been entrusted to you [guard the good deposit] by the Holy Spirit who dwells within us.” Again, the stress is on protecting and handing on precisely the faith that was received and handed on with the help of the Holy Spirit. So, discerning what pertains to the deposit and what does not is essential.

**8–E: A permanent, representative synod could be established to collaborate with the pope in exercising the Church’s supreme authority in matters other than the ministry of unity.**

I don’t want to say that the synod could not also help the pope maintain unity; rather, he has a proper responsibility for maintaining unity, precisely as primate, that they simply cannot help him with. And to begin with, the synod cannot be established until existing divisions have been overcome. Once they have been, the bishops will enjoy the necessary unity of mind and will to fulfill their other collegial responsibilities; including doing everything they can to maintain the collegial unity they will then have.

J. M. R. Tillard, *The Bishop of Rome*, 50–57, contrasts statements of Gregory the Great and Gregory VII that manifest collegial versus noncollegial conceptions of the exercise of the primacy. The statements of Gregory VII that he quotes can all be understood as harmonious with Vatican I and so as true, but the assertion of prerogatives is objectionable insofar as it suggests that the pope can rightly make the rule all that he must do in exceptional circumstances.

John R. Quinn, *The Reform of the Papacy*, 154–77, deals with the reform of the Roman curia, arguing that real reform is yet to come and badly needed.

Avery Dulles, “The Petrine Office in the Service of Unity,” *Origins*, 31 (4 Apr. 2002): 704–8. conceives of ecumenism as a sharing of strengths rather than compromising away differences, and so the primacy as the Catholic gift rather than burden. That surely is right. He also shows no enthusiasm for Quinn’s view of the thing.

Klaus Schatz, *Papal Primacy*, 100–117, makes the case for recognizing some limits to papal primacy in the most extreme situations by reflecting historically on the western schism. He suggests (180–82) three things that point to the need for some collegial balancing of primacy: (1) reception of papal teachings by the collegium and the Church at large is needed (he says this does not mean considering whether to accept or not, and the idea can be understood in terms of my thought that others must perceive the magisterial act as a discernment of truth rather than an arbitrary dictate); (2) unity and collegiality is not all at the highest level, but also in intermediate structures; (3) there must be some corrective in case of papal schism or a pope going bonkers.

Puglisi, *Petrine Ministry and the Unity of the Church*, includes several contributions by Orthodox and Protestant theologians, which make it clear that an acceptable primacy must be within the collegium, as a principle of unity in faith and love, and without infringing on its other members’ jurisdiction over their own churches. Vatican I’s definitions block out what the pope can do—the ultimate reach of primatial power. The potential meeting point is in an exercise of primacy as near as possible to what others find acceptable. Presented with that reality—which will include a significant transformation in the whole appearance of the Catholic Church—the separated brethren may be better able to appreciate the case for having in reserve for extraordinary situations the fullness of primatial powers attributed to the papacy by Vatican I.

Brian E. Daley, “Position and Patronage in the Early Church: The Original Meaning of ‘Primacy of Honour’,” *Journal of Theological Studies* 44 (1993): 529–53, explains that primacy of honor historically meant more than it might seem to today, and that it involved the ability to make a practical difference in maintaining communion.

UR 18 lays down the principle that for the maintenance and restoration of unity with churches in the east it is necessary “to impose no burden beyond what is essential.” If true of those churches, by parity also of all other particular churches. But in that case, there must be a devolution of governance in many matters to local churches—which, however, need the mutual support and discipline of collegial action among those nearby. While this is going on, increased centralization also is needed to function in unison with respect to what is essential. Putting these two together is something of which no pope, no matter how well assisted by how good a curia, can do. So, there needs to be a representative synod always working together and maintaining close touch with all the bishops.

There were many calls for a council of bishops and reform of the curia at Vatican II’s discussion of the schema on the pastoral office of bishops: see Vorgirmler: 2:171–75.

CD 3: The bishops, as successors of the apostles, are true and authoritative teachers of the faith, pontiffs, and pastors; they share in care of all the churches, and exercise authority over the universal church when, in communion with and under the authority of the pope, they are united in one college or body. But as individuals they exercise authority only over the parts of the Lord’s flock entrusted to them. Thus, the pope and the bishops do not differ by the former being responsible for the whole Church and the latter only for parts, but by the difference in the conditions for their exercise of their common responsibility over the whole church and the limited authority of the other bishops for the good of the particular churches.

It follows from this that, while it is appropriate that the collegium by a representative body govern the whole church with a view to its common good, intervening in a particular church for its own good in matters usually dealt with by the local ordinary—for example, ruling against him in a dispute with one of his priests or people, removing him for misconduct—should be regarded as an emergency measure, to be recommended, perhaps, by the permanent synod, but to be carried out by the pope acting alone. This indicates a salutary limit on the power of the synod, which otherwise might be tempted to involve itself directly in the affairs of every diocese and reduce diocesan bishops to its own local agents. Moreover, the papal intervention should be necessary for the good of the particular Church; otherwise, it would violate subsidiarity.

LG 22 and repeated in CD 4: “This same collegial power can be exercised together with the pope by the bishops spread around the world, provided the head of the college calls them into action or, at least, approves or freely accepts the united action of the dispersed bishops, so that a true collegial act results.” So, a true system of collegial governance can be achieved by having a representative body, in constant close touch with their constituent bishops, exercising the supreme authority together with the pope, while regularly obtaining by e-mail for all significantly ground-breaking or other especially important acts the advice and consent of the bishops as a whole. For example, a new catechism could be worked on until it was in substance satisfactory to the vast majority of the permanent synod including the pope,

then sent to all the bishops for criticism and suggestions for improvement, amended accordingly (perhaps more than once), voted on, and finally promulgated as the teaching of the whole magisterium. This cooperative process would result in fewer documents, but better ones, and ones the bishops would understand far better and communicate more effectively. Theologians and others would seldom choose to challenge such a united front.

CD 5, calls for a synod, acting on behalf of the whole Catholic episcopate, to give more effective and helpful service to the supreme pastor. That falls short, in that it assumes the exercise of the supreme authority normally pertains to the pope alone, and the collegium will simply help him with it. At the same time, the present synod hardly does what the Council envisaged. It serves rather as a means of forming the bishops.

CD 39–41 calls for redoing boundaries of provinces and having every diocese belong to one. It also suggests organizing provinces into regions where that seems fitting. My idea of making archdioceses be the main, effective intermediary entity might be supplemented by saying that the big provinces could do it, and smaller ones group into regions that carried out the same functions.

CCEO, cc. 55–150, deal with patriarchies. These can include many archdioceses and have considerably more power; the patriarch and a patriarchal synod perform many intermediate governmental functions. This institution could be extended worldwide, and the patriarchates could be the units that were represented in the central permanent synod.

CIC, c. 337, §3: “It is for the Roman Pontiff, according to the needs of the Church, to select and promote the ways by which the college of bishops is to exercise its function collegially regarding the universal Church.” This actually expresses a moral norm. This norm, together with an account of the needs of the Church, leads to the more specific norm: “A good pope ordinarily will provide that the college is to exercise its collegial function with respect to the universal Church by a permanent, representative synod.”

CIC, cc. 342–48, is chapter two of section one (the supreme authority of the Church) of part II (the Hierarchical Constitution of the Church) of the code. This and subsequent chapters, on the cardinals (cc 349–59), the Roman curia (cc. 360–61), and legates (362–67) are really concerned, not with collegial acts but with bodies that assist the pope in personally exercising his primatial power.

C. 342 says that the synod’s purpose is “to foster closer unity between the Roman Pontiff and the bishops, to assist the Roman Pontiff with their counsel in the preservation and growth of faith and morals and in the observance and strengthening of ecclesiastical discipline, and to consider questions pertaining to the activity of the Church in the world.” C. 343 limits the synod to discussing and expressing its wishes, not to resolve questions or issue decrees, unless the pope endows it with a deliberative function, in which case he ratifies the decisions of the synod. That makes it clear that, in case the synod were authorized to deliberate and decide, its action would be a share in the pope’s work, not an exercise of collegial action.

C. 349 makes it clear that apart from electing a pope, cardinals are to assist and advise; c. 353, §1, says the cardinals assist by collegial action in consistories; c. 356 says the cardinals “are obliged to cooperate assiduously with the Roman Pontiff.”

By what authority do the cardinals act when there is no pope and in electing a pope? By the delegated authority of the previous pope, not by collegial authority.

Given that cardinals are meant to assist the pope, giving people that status for life is questionable. Some may not work out well; others may resist papal decisions in various ways, and are not vulnerable to effective discipline; and one pope's cardinals may be burdensome to his successors. For those reasons, it would make more sense if the electors were appointed for that task alone and to serve at pleasure, and automatically lost their status shortly after a pope's election, by which time he would have appointed electors (which could but need not include the previous ones).

The college of cardinals is a human institution. It developed to its present form during the second millennium—see new US commentary on the CIC, pp. 464–65; see also *Pastor bonus*, 4–5. Due to difficulties in transportation and communication, collegial action necessarily was difficult and only possible at long intervals. Due to increasing, necessary centralization, popes needed more and more help. This institution met the need. But it was a stopgap, and should not stand in the way of collegial authority now that its continuous exercise is not only possible but entirely feasible.

CIC, cc. 360–61, on the curia, indicate that its purpose is to serve as the means by which the pope conducts the affairs of the Church (PB, 7, makes the point that the curia is purely instrumental; PB, 8, that it is vicarious); so all its power is delegated, and it is for the good and service of the churches (PB calls it “ministerial”)—but, obviously, not always for that as understood by their bishops! The statement of purpose, however, does not subordinate the churches to the common good of the Church at large, as would be the case with a federal governmental administration. The good of the churches never really needs to be sacrificed for the good of the universal Church.

PB 8 lays out in idealistic terms the way the curia functions as an instrument completely subordinate to the pope that makes him immediately available to the bishops of particular churches; 9–10 go on to develop this; 9 begins: “By reason of its diaconia connected with the Petrine ministry, one concludes, on the one hand, that the Roman Curia is closely bound to the bishops of the whole world, and, on the other, that those pastors and their Churches are the first and principal beneficiaries of the work of the dicasteries.” It also is asserted in *Pastor bonus*, 10, that “each and every bishop still has the inviolable right and duty to approach the successor of Saint Peter, especially by means of the visits *ad limina Apostolorum*.” PB 11 goes on to deal with unity and diversity, saying that the curia serves the ministry of unity, while allowing for legitimate diversity and autonomy. The unity in question is focused on doctrine first, and then discipline. Unity in charity is mentioned, but, oddly, eucharistic unity is not. PB 12 emphasizes the need for two-way communication between the Holy See and the particular churches, and rightly focuses firmly on the salvation of souls as the sole end of the whole operation.

Alas, the ideal picture encounters a social-psychological brick wall. To manage the universal church, the curia has to be a huge bureaucracy; and with the key curial figures tenured careerists, it is bound to develop a culture and life of its own that persists from one pontificate pope has to be zero for most of them.

CIC, cc. 362–67, deal with papal legates—permanent representatives of the pope and curia to nations and/or (groupings of) particular churches. C. 364 sets out the functions of the legate vis-à-vis bishops and begins: “The principal function of a pontifical legate is daily to make stronger and more effective the bonds of unity which exist between the Apostolic See and particular churches.” C. 365 deals with the legate’s functions in fostering relations between the Holy See and public authorities, and deal with Church-state issues. Among the legates are those sent to international organizations. Obviously, this job would remain to be done, but, apart from legations to international organizations, the person who did it could simultaneously represent the bishops of a country and the universal Church, and usually could be appointed by the nation’s bishops with a veto power for Rome. On papal legates, see Paul VI, *Sollicitudo omnium ecclesiarum* (1969), *Canon Law Digest*, 7:277–84.

Some matters I supposed in the outline would be taken care of by the permanent synod with papal approval could be done instead closer to the particular churches. For example, the naming of bishops probably ideally should be done, neither by Rome (which is too far from the local scene) nor by the diocese (which is likely to be divided by such a matter and, if not good, will not be improved) but by the super-archdiocese (see CIC, cc. 433–34 on “regions”) or patriarchate or other grouping that is represented in the permanent synod. At that level, enough bishops would be involved to balance out local biases and yet the group would be close enough to the local situation to make informed choices. Of course, the pope still would need to accept or approve appointments.

Note that this shift would not be so radical as might be thought. CIC, c. 377, §1, leaves it to the pope to appoint bishops or confirm those legitimately elected, and the new CLSA commentary, pp. 514–14, note 61, indicates places in Germany, Austria, and Switzerland where the chapters of canons elect, and that the French president has the right to designate bishops for Strasbourg and Metz!

CIC, cc. 447–59 deal with conferences of bishops. In the west, the intermediate unit could be revamped episcopal conferences, enjoying more powers similar to patriarchates. These might well coincide with nations, portions of larger nations, and groupings of smaller nations, so as to divide the world into regions with approximately equal numbers of bishops. (National conferences might still exist to deal with matters that precisely are national in scope.)

Cardinal Angelo Sodano, Secretary of State, in an address to participants in a Symposium on the Code of Canons of the Eastern Churches (22 November 2001), OR (Eng.), 5 December 2001, 5-6 at 6, provides a significant theological treatment of the status of patriarchates. He points out (2) that according to LG 27 and CCEO, c. 178, a bishop governs his diocese or eparchy as vicar of Christ with proper, ordinary, and immediate authority; and at the same time promises obedience (CCEO, c. 187, §2) both to the Roman pontiff and, if he has one, to his patriarch. He goes on (3) to explain that patriarchs get their authority from the Church’s supreme authority, which alone is over bishops, by way of canon law, and that the Council envisaged (OE 11) establishing new patriarchates in the East, but said they can be created only by the Roman pontiff or an ecumenical council.

This explanation is important. It suggests that new regional groupings could be created all over the world to handle many of the sorts of things that have been dealt with by patriarchs

and patriarchal synods; that would be a way of partly de-centralizing the Church's exercise of the supreme authority. At the same time, regularly exercising that authority's centralized functions collegially (by the pope in a representative synod) rather than by the pope through a nonrepresentative curia would considerably broaden effective participation in Church leadership by bishops.

John Paul II, *Novo millennio ineunte*, 45,OR (Eng. ed.), 10 Jan. 2001, IX:

. . . the structures of participation envisaged by Canon Law, such as the Council of Priests and the Pastoral Council, must be ever more highly valued. These of course are not governed by the rules of parliamentary democracy, because they are consultative rather than deliberative;[note omitted] yet this does not mean that they are less meaningful and relevant. The theology and spirituality of communion encourage a fruitful dialogue between Pastors and faithful: on the one hand uniting them a priori in all that is essential, and on the other leading them to pondered agreement in matters open to discussion.

To this end, we need to make our own the ancient pastoral wisdom which, without prejudice to their authority, encouraged Pastors to listen more widely to the entire People of God.

Indeed. A genuinely representative body of the worldwide laity, somewhat like the current synod of bishops, ought to serve as a consultative organ, a dialogue partner, with the Church's supreme authority.

Patriarchates are important. George Nedungatt, S.J., "Patriarchal Ministry in the Church of the Third Millennium," *The Jurist*, 61 (2001): 1–89, obviously is thinking of them as a model for decentralization, and well they might be. At the same time, they could then become the basis for the new centralization.

### **8-F: Responsibilities of ordinaries in cooperating with the Holy See (and/or the permanent synod)**

One important part of cooperating is candid communication in case one cannot cooperate. If a bishop thinks he cannot in good conscience do what the Holy See prescribes and/or expects him to do, or if he thinks he is bound in conscience to do something which he anticipates will seriously displease the Holy See, he should neither compromise his conscience nor proceed without communicating with the Holy See. Rather, he should communicate and do so candidly. And, in doing so, he should be prepared to resign, unless a resolution can be reached that he truly can cooperate with in good conscience. It is asserted in *Pastor bonus*, 10, that “each and every bishop still has the inviolable right and duty to approach the successor of Saint Peter, especially by means of the visits *ad limina Apostolorum*.” Well, the bishop should ask to see the pope before he resigns. And he should be candid with him, if he gets to see him. Nothing would so help the pope understand the problems of the Church and move him to do his job better than being presented with resignations by conscientious bishops.

*Pastor bonus*, I (general norms), arts. 28–32, and Appendix I, deal with ad limina visits. Bishops ought to be honest and candid in presenting the state of their diocese; disagreements with curial officials should not be smoothed over but faced up to; the visit with the pope should be used to confront what most concerns the bishop, not for an exchange of pleasantries.

CIC, c. 399, requires a quinquennial report on the state of the diocese, which newly installed bishops need not make if the year for making falls at least partly within their first two years in office. The new CLSA commentary, p. 534, indicates some of the information on which the bishop is supposed to come clean. CIC, c. 400 deals with the requirement of the ad limina visit, to which bishops “legitimately impeded” can send a substitute.

*Directory on the Pastoral Ministry of Bishops*, 44 (e), says that a bishop “reverently receives documents sent by the offices of the Roman Curia . . . puts these documents into practice, expounding them to the clergy and the laity of his diocese in the best and most skillful way he can.”

When documents do not have the force of law, the norm goes too far. Sometimes a bishop judges it best to ignore documents from the curia, and sometimes he thinks he ought to act inconsistently with them. In general, I think bishops should then respond to the curial office by making their position clear.

*Directory on the Pastoral Ministry of Bishops*, 45, lists some responsibilities of diocesan bishops toward the Holy See: a) give advice; b) reply to requests for opinions; c) recommend individuals for papal appointments; d) do any task asked to; e) participate appropriately in Synod of Bishops; f) do ad limina properly; g) diligently prepare and submit on time the quinquennial report on the state of his diocese.

On (a), bishops should indeed offer unsolicited advice to the Pope and curial offices, whenever their mistakes and abuses harmful to the Church are clear to bishops. Don't gripe privately. Do as Paul did with Peter. Lay the thing out frankly to those concerned.

Also, bishops should offer observations about important matters and constructive suggestions if they think there is any significant chance that doing so will do some good.

On (d), bishops who think a project useless should not do what is asked in a going-through-the-motions way but respond by frankly refusing to do the thing and explaining why.

On (f) and (g), bishops ought to be both truthful and candid in describing the state of their diocese and discussing it during the ad limina. That would mean facing up to differences of opinion and judgment with the curia, admitting problems and failures, and perhaps being ready to resign.

*Directory on the Pastoral Ministry of Bishops, 52*: the bishop should collaborate in the Synod of Bishops as called upon (at least by giving advice or offering his opinions) “with competence and zeal, having the glory of God as his objective and the good of holy Church.” Those certainly ought to be his purposes; but those purposes might lead him not to waste much time on the Synod, inasmuch as there are more urgent responsibilities to fulfill, and the Synods seem mainly an exercise in providing a window dressing of collegial support for papal policies and teaching.

In *Pastor Bonus* (see the Navarra CIC which has it in an appendix), Appendix 1 deals with ad limina visits. (This is referred to in *Pastores gregis*, note 29.) The treatment in the Appendix also includes a reference to a 1988 directory by the Congregation for Bishops with three notes (Theological, by Ratzinger; Spiritual-pastoral by Moriera Neves; and Historico-juridical by Vicente Carcel Orti), that was published in OR (Eng.) 11 July 1988, pp. 5–10.

### **8–G: Various suggestions for the Church’s supreme authority, however exercised**

We will have to develop a standard way of dealing with what we believe to be serious unfulfilled responsibilities of popes, bishops, and superiors. For instance, there is a problem of large dioceses, in which bishops don’t know and seldom see their priests, and few people ever meet the bishop. Pastoring is impossible unless the pastor knows his and they know him (see CD 16, which calls on bishops to know their flocks and vice versa). So, it seems smaller dioceses, of not more than 200,000 faithful and even fewer where the population is spread out or there are many non-Catholics, are needed; perhaps with increase of role of archbishops and provinces. Pope should realize that a big problem exists, and address it if he can. But pope’s responsibility is not clear, and so the possible responsibility has to be delineated in a way that is accurate.

*Directory of the Pastoral Ministry of Bishops:*

#### **On Knowing the Flock**

100. Acquaintance with each of the faithful (cf. Jn 10.4, 27) and his situation, even though very difficult to attain, is a desirable goal which the bishop should do his best to attain. He strives to know at least those who are more personally involved in diocesan and parochial works of piety, charity and apostolate. He makes it his concern that his priests, especially the pastors and all who have the care of souls, know as many of the faithful as possible.

It goes on in (a) to say that bishops also should know the various groups of his diocese and their problems and to look for the reasons why some Catholics are not practicing their faith.

The need to know the faithful in order to serve them well strongly argues for smaller dioceses and against very large parishes.

The few levels of “management” in the Church seem to generate a need. One attempt to meet that need has been to introduce layers of bureaucrats, but doing this increases clericalism while pretending to mitigate it. These bureaucrats also are wrongly delegated or allowed to appropriate functions clerics should not delegate—sometimes functions that nobody should perform. In some ways the analogy of levels of management is misleading; if the Church is considered to be what she really is, popes and bishops and priests should not be managing those under them in the usual sense at all. A pastor should be a father toward a part of God’s family, and his being a father leaves those he pastors a lot freer to determine how to go about the business at hand—living as children of God.

The tradition of patriarchates provides a level of government over a group of dioceses and archdioceses but short of the universal church. OE 11 envisages new patriarchates for the oriental churches; though the pope also is patriarch of the Latin church, perhaps it could be divided into several patriarchates, each having linguistic homogeneity, and the national conferences powers eliminated in their favor.

Michael Buckley, *Papal Primacy and Episcopate*, has some good stuff on translation of bishops, 90 ff. John R. Quinn, *The Reform of the Papacy*, also mentions this problem, 135–37.

Buckley also deals with the question of the selection of bishops. It seems clear that popes must hold fast to naming bishops if they want to use only that power and other unilateral ones to maintain unity, but that is really is inappropriate. Rather, they ought to maintain unity by engaging the cooperation of the collegium in doing so. And that done, popes will need only a veto power in respect to the naming of bishops. Nominations should be by local clergy (who should be involved in governing their diocese, and so should know who will make a good bishop) with input from the laity (who are likely to be able to make clear reasons for excluding from consideration some priests who would be popular with the clergy); identification of the best nominee by regional bishops as a group (who could ask for additional nominees); and only appointment by supreme authority (which could ask for another candidate).

CD 20: Council wishes to exclude civil authorities from taking part in the naming of bishops. This is to be reserved “exclusively to competent ecclesiastical authority.” Note that this need not exclude the faithful of a diocese from somehow participating in the process.

Tillard, *Bishop of Rome*, 67–101, deals with the primacy of the church of Rome, on which, in some respects, the primacy of the pope depends. The church is the bearer of the tradition, which her bishop assumes and serves. Rome’s primacy is based on the fact that Peter and Paul made it the preeminent place of apostolic witness (75), so that this Church was a center of faith with which all had to agree (76). For this reason, the pope, being primarily the bishop of Rome, should be elected by the clergy of the church of Rome—and thus the cardinals as electors (87–90). The pope is more appropriately the vicar of Peter than his successor (92–101), since in some ways Peter is unique and defines the role of bishop of Rome.

(On this basis, if the cardinals as we know them are to be done away with, still those who elect should be clerics and should in some way be clerics of the church of Rome and its suffragan sees—perhaps more really so than on the merely titular basis of the past. One possible way of keeping these electors from becoming super-bishops, if they are bishops, would be to exclude them by law from becoming pope, and to avoid making any other office carry with it becoming a cardinal. Moreover, in any case, those who elect the pope should know and take full account of the needs of the diocese of Rome and should elect someone who can and will serve that church well.)

Quinn, *The Reform of the Papacy*, 140–53, discusses cardinals; the college of cardinals downgrades bishops, assumes superiority over bishops (143–45). He goes on to discuss the anomaly of the pope not serving in reality as bishop of Rome (147–50).

The pope needs to serve as a real bishop of Rome and even as a real pastor of his own parish. Only as real pastor and real bishop is he able to lead by example. Moreover, only by serving alongside other bishops and pastors can he enlist them as fellows: We work shoulder to shoulder taking care of our own dioceses; now we need to cooperate in dealing with the problems of the universal Church.

Quinn also deals with the curia (154–77). The curia has assumed the role and prerogatives of the episcopacy.

*Directory of the Pastoral Ministry of Bishops:*

173. The size and population of a diocese should be such that the bishop—centrally located as it were in the particular church entrusted to him—is able with the cooperation of his presbytery to fulfill his pastoral function effectively and work for the salvation of the faithful as perfectly as possible.

That seems to imply that many dioceses are too large and need to be divided and/or reorganized.

Because one cannot lead and direct people whom one does not know, and one cannot know adequately more than a few hundred people, the largest diocese should not include more than 200,000 Catholic faithful, who should be served by one bishop, and at least 200 priests and 200 deacons. In thinly populated or isolated areas, or where non-Christians outnumber Catholic faithful, a diocese should have fewer Catholic faithful, though they may need the same numbers of clerics. These smaller dioceses need not have all the facilities and staff of present dioceses; they should be joined in very substantial archdioceses, each having 25–50 suffragans. The bishops of each archdiocese should act collegially in carrying out many governmental and disciplinary functions, in operating a seminary and other ecclesiastical institutions they consider appropriate, and in other matters agreed to by a very substantial—say, 2/3 or even 3/4—majority of them.

If there is not a priest for every thousand or fewer of the faithful—as required—bishops should be authorized to and should as needed train and ordain married men of good character and mature years, who are willing to remain where they are living and serve without compensation, to serve their own communities. Their training should be adequate so that they can catechize, hear confessions, and carry out other elements of the liturgy, but they need not be run through an entire seminary program, and their training should be more tutorial than by classes.

If young married men are ordained, it is difficult to maintain the restriction of “married only once,” because the wives of some will die, and those priests, like some of our deacons, will wish to marry again.

I do not argue that the faithful have a right to the Eucharist and other sacraments—that is, a right vis-à-vis God or Christ. See the volume: *The Right of a Community to a Priest*, eds. E. Schillebeeckx and J. B. Metz (New York: Crossroad, 1980). The sacraments are divine gifts to which, surely, no one can have an absolute right—as JP II has pointed out—for no one has any rights against God.

John Paul II, *Prayer of John Paul II on the Occasion of Holy Thursday*, 8, OR (Eng.), 5–12 April 1982, 3:

8. The Eucharist is first and foremost a gift made to the Church.  
An inexpressible gift. The priesthood too is a gift to the Church, for the sake of the Eucharist.

Today, when it is said that the community has a right to the Eucharist, it must be remembered in particular that you urged your disciples to “pray . . . the Lord of the harvest to send out laborers into his harvest”. (34 [Mt 9.38])

If people do not “pray” with fervor, if they do not strive with all their strength to ensure that the Lord sends to communities good ministers of the Eucharist, can they say with inner conviction that “the community has a right . . .”?

If it has a right, then it has a right to the gift! And a gift cannot be treated as if it were not a gift. Unceasing prayers must be offered to obtain that gift. We must ask for it on our knees.

The argument is cogent against that wrongheaded view.

Nevertheless, the argument overlooks an essential consideration: the faithful have a duty to worship God, and the central act of worship is the Holy Sacrifice of the Mass, not only the liturgy of the word and worship of the Eucharist, including reception of Communion, outside Mass. The stopgap measure of a celebration without a priest does not allow the faithful to do what Jesus told his disciples to do, namely, “this [the complete Eucharist] in memory of me.” So, the faithful need ordained ministers in order to fulfill their duty.

Jesus appoints the pastors of the Church to assist him in his salvific service, and the pastors have a grave obligation to do everything morally acceptable to help people carry out Jesus’ commands, to help them adhere to and follow him. Therefore, ordination ought not to be withheld by the pastors of the Church from suitable married men if otherwise a Christian community will be unable to do what it should. If pastors do insist on celibacy or nothing in these circumstances, they gravely fail to do their duty and gravely wrong the faithful—though, obviously, generally without mortal sin due to ignorance on their part.

The faithful do have a right vis-à-vis the clergy to the sacraments (LG 37), for the clergy have undertaken by accepting ordination to provide them. And the pastors of the Church have undertaken to serve God’s people; so, they have a duty to do what they can to enable that people to receive God’s gifts. If ordaining viri probati were immoral, they of course could not do it. But since it is possible and morally acceptable, JP II’s refusal was wrong. Moreover, the proliferation of such part-time clerics will clarify, as nothing else could, the subordination of ordained ministry to the life of the Church as a whole.

Meantime, the practice of the Eastern Church is unsatisfactory in making celibacy so much the exception that it applies virtually only to monks, from whom all bishops then are drawn. The practice I propose would maintain celibacy as the norm. The supreme authority of the Church ought to urge that on the East as a reform, while at the same time admitting it in the West.

*Pastores dabo vobis*, 1, quotes the synod as saying it “firmly believes that there will never be a complete lack of sacred ministers in the Church” (the Latin does not say “complete lack” but that *sacerdotes* will never be lacking, and bases this on faith in the implications of the promise of indefectibility to the Church) but admits a “grave shortage of priests” is being felt in some parts of the world and that there is “a crisis of priestly vocations.” This

raises the question about the advisability of ordaining some older married men to serve their own parishes.

The effect on functioning priests of refusing to ordain married men also must be taken into account. They ought to be willing to do everything they can to meet the needs for their services. But in doing that, they may well exhaust themselves and fail to provide good pastoral care. In many situations, they will be living and working in isolation, without common life, with dangers to their psychological stability and chastity.

International Theological Commission, *Texts and Documents: 1969–1985*, ed. Michael Sharkey (San Francisco: Ignatius, 1989), 74–75:

b. The hierarchy, which is responsible for the permanent, efficacious, and universal proclamation of the Gospel as the word of life and sacramental fount of grace, can choose for the exercise of the apostolic ministry either those who have been called and already live by the charism of virginity or those who, in marriage, by an experience of many years, have acquired human and professional maturity, happy family relationships, and above all an apostolic worth in the sense indicated in the pastoral Epistles.

c. If this double kind of ministry is allowed, he who is celibate will be the public, permanent, and ecclesial sign of the Gospel as a value that is eschatological, total, and irreplaceable. He bears this testimony not only in his personal name but also in the name of the believing community. The authenticity of this testimony demands a definitive commitment. Consequently, if, for a personal reason, celibacy becomes impossible for him, he ought to discontinue the exercise of his ministry; he does not have the possibility of exercising it in marriage, as the universal Tradition of the Church bears out.

d. The supreme law is “that the Gospel be announced”. The concrete criteria for determining the forms of the ministry at a particular moment in the life of the Church or in a given country are dictated by that law. The criteria for a decision will be the following: the missionary proclamation of the Gospel must be assured in the most qualified and efficacious manner, provision must be made for the further maturing of the Christian life in those who are already baptized, and the concrete embodiment of the demands of the Gospel must be made a living witness for all men.

This passage is quite helpful. If appropriate older men are ordained, that takes care of caring for many already baptized. If those young men are ordained as celibate clerics, they should be committed to serving where needed—and they should be sent there by their bishops! At the same time, the case is strong for a core celibate clergy, from which all bishops would be drawn. Yet their tendencies to ambition would be restrained if they were not transferred to “better” dioceses.

See Greshake, pp. 68–69, who makes the argument that it is not right to put nonordained people in charge of parishes, commission them to preach the Word, and treat them *de facto* as independent pastors. If people need to be put in charge and are given authority by the

Church, they must be ordained—because they cannot exercise authority except by making Jesus present.

JP II, Address at close of 1990 synod, OR Eng. 5 Nov. 1990, pp. 7–8, rejects the idea of ordaining *viri probati*.

CD 21 calls on bishops and those function as ordinaries to resign when appropriate due of the increasing burden of age or other serious reason, but does not specify when; they are to resign either spontaneously or when invited by the competent authority.

Resignation certainly makes sense, because a diocese needs a functioning person; though in many cases an individual can still do some of the job, and a coadjutor would be more appropriate. These things cannot be decided by law, and I think the judgment ought to be made by bishops themselves or, when necessary, by a nearby group of bishops. CIC, c. 401 deals with retirement and c. 411 applies that to coadjutor and auxiliary bishops.

CIC, cc. 412–15 deal with situations in which, for one reason or another, a bishop cannot for the time being fulfill his responsibilities. The canons do not say who determines that he cannot when the problem is personal incapacity. This also, in most cases, would be best left in the first instance to a nearby group of bishops.

CIC, cc. 433–34 deal with ecclesiastical regions. Where provinces are too small to serve as intermediate level of Church governance, such regions, similar to patriarchates, might be developed for that purpose.

CD 22–24 deals with diocesan boundaries. The principle should be the good of souls (CD 22). CD 23 gives several indications that dioceses should not be too big, among them that the size should be such that the bishop “should get to know his priests and also the religious and lay people who are involved in some way in diocesan activities.”

In 8–G–1–c–(2), I take up objections to my point and answer them. Here is another objection: In an age of disunity and conflicting views, we need a single strong and clear voice.

In 8–G–2–j, I suggest that effective recourse be provided in tribunals against bishops’ administrative abuses and unreasonable decisions. This is needed. If the synod assumed governance, this recourse could be to tribunals at the level of the units represented in the synod, with possibility in important cases of a final hearing in Rome.

St. Paul argues vehemently against Christians taking one another into civil court to settle disputes. This has sometimes been used to urge the wrongness of suing “the Church” in civil courts. Obviously, doing so is not good. But in some cases, no real recourse is permitted within the Church—a self-defensive measure by the clerical club. That is an abuse that really needs a remedy.

Church courts need not have all the procedures of civil courts. The procedures could be such that intelligent lay people without training in canon law could bring cases unassisted—like small claims courts.

Attempts to settle cases to mutual satisfaction would be an important feature of procedure. Such mediation should be carried on without prejudice to a plaintiff’s right to a decision.

It also is worth considering taking on as a service at cost settling disputes among Church members that have nothing to do with the Church. Providing that would be in line with the argument Paul makes. It also would help build up the Church as a community—a responsibility of clerics far more important than they generally realize.

Popes would do well to provide for their own removal from office and replacement if they should become disabled to serve either permanently or for a long time. They might well do this while they are functioning well in various ways—for example, by naming a small group of individuals (say three) whom they trust implicitly and delivering their resignation to them to go into effect when but only when it is accepted simultaneously and unanimously by the members of the group (including perhaps designated substitutes in case some members have died or are unable or unwilling to serve). The fact that the arrangement had been made certainly should be a matter of public record; the names of those designated need be confided only to those responsible for calling a papal election.

With respect to 8–G–2–d, the seminary academic program, see CIC, cc. 248–56.

*Pastores dabo vobis*, 61, recognizes the need for seminaries to meet particular needs without compromising requirements, and 62 recognizes the need for some sort of preliminary program before entering major seminary. These points might be used as a basis for promoting a tutorial approach to seminary studies, with courses less significant than they are and passing dependent upon tests not administered by the professors. Also, the need for a series of tests to be passed before admission. Individual students could then enter and proceed at their own pace, which would encourage all to work harder. There would be a standard length, but some might accelerate, and many would take longer to complete the program—the standards could be considerably higher.

The institution of auxiliary bishops is questionable, not least because it reduces the dignity of presbyters, each of whom is in principle an auxiliary bishop. If large dioceses were reduced to manageable size and priests supplied with needed faculties, auxiliary bishops usually could be avoided. Thomas C. Anslow, "Titular Bishops as an Institution According to the *Annuario Pontificio*," *The Jurist*, 58 (1998): 124–51, is a rather fussy article that suggests the institution of auxiliaries has little historical justification. He does not get into the question of when the modern practice of routinely appointing auxiliaries began.

It would be a good idea to have a serious training program for a pool of people who will then be available to be appointed as bishops. Those selected would be sent to one school for a substantial stretch—say two years. The program would help individuals and Church authority discern whether the individual is called to this service. It would allow for reform and renewal in the way the office is conceived and carried out. Practical training in matters the bishop will have to deal with would be included, but also improvement in his communication skills, for better preaching and teaching. Such a program would go a long way to freeing new bishops from having to pick up the job requirements by asking and looking at other bishops, who might not have very clear ideas about what they should be doing. Also, from their chancery staff, who often are all too ready to tell the new bishop how to do the job.

*Directory of the Pastoral Ministry of Bishops*, 101: “Since the bishop presides over the apostolate exercised in the whole diocese it is most necessary that he be acquainted with all its aspects, but especially the moral and spiritual factors that affect people’s lives. Otherwise his zeal would be fruitless and ineffective, for it would not be directed to men as they really are; nor can he supply fitting remedies if he does not know the evils and obstacles as they really are.” They go on to point out that the bishop should know about changes taking place that will affect pastoral work, and also about changes that are going to take place, so as to be ready to meet needs in a timely way.

Obviously, if a bishop is to have all that information, he needs to be around for a while. Thus, this requirement for good knowledge of the diocese argues strongly against the practice of moving bishops around. That practice is especially hard on some dioceses that seem to be treated as training places or springboards to bigger and better appointments.

*Directory of the Pastoral Ministry of Bishops*, 107, tells bishops to love their priests and work to develop a good interpersonal relationship with them. If a bishop does that, moving him is painful both to him and his clergy. And the fruit of the good relationships is lost to the diocese. So, here is another reason for not moving bishops unless their relationships are not going well. But in that case, there may be problems elsewhere. So, we need to have some reasonable way of putting in other pastoral work men consecrated as bishops who don’t work out well.

I think that the popes should do more about better distribution of clergy. They should instruct bishops and religious superiors about the right, noncompetitive attitude about vocations, and about the very meaning of vocation, which requires discernment by everyone concerned of what God wants, not of what they would like. They should therefore enjoin providing much information about places where needs are great to anyone who shows interest in priesthood and/or religious life. Popes should back that up with a canon. They should strongly encourage—and where they reasonably can, command—superiors of religious institutes to redistribute their members where they are more needed and give up apostolates where more services are available.

Clerical religious institutes often admit men to permanent vows long before they are ready to be ordained. That can lead to problems.

In institutes of men, at least some of whom are ordained for the institute, very often vows/promises are made well before those to be ordained are ordained. If the commitment of the vows is unconditional and the possibility of ordination really treated as an open option to be resolved by the mutual discernment and commitment of individuals and the institute, the time sequence is not a problem. But if the presumption is that certain individuals taking vows will be ordained, both they and their superiors may take a wrong attitude toward either the vows or ordination or both.

They take a wrong attitude toward the perpetual vows if they think of them as means to an ulterior end—for the individual, as insurance that he will be ordained; for the institute, a way of locking the individual in so that he will not leave but stay and be ordained. Vows should not be chosen as means to anything. The purpose ought to be to do God’s will, and that

ought to be discerned: God's plan is that this individual be a member of this institute, and both sides are morally certain of that.

They also take a wrong attitude toward the vows if they think of them as conditional: if I don't get ordained, I will get dispensed; if a man turns out not to be an acceptable candidate for orders, we can always get him dispensed from his vows. These latter attitudes, since they subject the vows to a condition, actually nullify them (I think). It is like a couple getting married: we want to marry and have a family; if it turns out that we are a sterile couple, we can always get an annulment. With that attitude, they can indeed get an annulment, because they've conditioned their consent with a condition incompatible with it.

Alternatively, either the individual or those representing the institute or both may regard ordination as a decidedly subordinate element of being a member of the religious institute, so that the vows are taken seriously but the preparation for, qualification for, and commitment to orders is slighted. That can take different forms. I will go through this and get by, since I need to get ordained to be a member of this outfit and do what I want to do in it (which does not per se require orders). Or: since we are a clerical institute, we need to get these men ordained, but they don't really need to be able to be good pastors—mostly they won't be doing that anyway.

I think the solution would be to require temporary vows corresponding to the period of clerical training, with profession only with ordination to the diaconate. In institutes that also have brothers, those who did not make the grade to be ordained as priests might by mutual agreement be professed as brothers, and otherwise would leave—their period of temporary profession ended—when it was decided that they would not be ordained.

SC Rel 2 Feb. 1961, *Canon Law Digest*, 5:478:

Before temporary profession, which absolutely must precede promotion to tonsure and Minor Orders, novices are to present to their superiors a written declaration in which they attest explicitly to their vocation to the state of perfection and the clerical state, and at the same time declare their firm intention to bind themselves forever to the ranks of the clergy in the state of perfection.<sup>38</sup> This declaration can again be demanded of temporarily professed candidates before perpetual profession. These petitions and attestations are to be preserved in the archives. Lest the students sign approved printed formulas mechanically, they should write out these declarations in their own hand and, before they sign their name, should carefully consider, in consultation with their spiritual director, each and every one of the points contained therein.

Here we have men in clerical religious institutes required to attest to what they cannot know: that they are called to the clerical state. Nobody can know that until he has been able to meet the requirements of clerical formation up to the diaconate.