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Governance in the Legacy of Vatican Council II

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The eyes of the world are focused on Rome. The big question is who will be the next Pope. As they approach the election, reports indicate that the Cardinals are deeply concerned about scandals in the Church. But they are also concerned about two other things: about papal government and about reform.

Media reports, dealing with reform, tend to focus on clerical celibacy and on the ordination of women and on the reform of the Curia understood as putting it back in order. These are important topics but it would be a mistake to stop there. We know that there were reform movements during the period before the Reformation. Most of them failed, not so much for lack of holiness or the lack of worthy objectives, but because they failed to ask the deeper questions. They did not go far enough.

Today, if we want to deal seriously with the legacy of Vatican II and issues of reform we must have the courage to consider the deeper questions. This is not possible unless the paramount issue of the exercise of the papal office is addressed.

The papacy and the reform of the Roman Curia were taken off the agenda of the sixteenth century Council of Trent. Rome feared that discussion of the papacy or of reforming the Curia could reignite the controversy about whether a council was superior to the Pope. Vatican Council II balanced and corrected the teaching of the 19th century Vatican Council I and clearly located the papal office within the College of Bishops.

But Pope John Paul II had the courage and the vision to put it on the agenda of the Catholic, Orthodox and other Christian churches. In 1995 he called for a wide discussion of the exercise of the primacy in the encyclical letter *Ut unum sint* in 1995. There he forthrightly wrote, ?I am convinced that I have a particular responsibility?to find a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation.?

And he asks, ?Could not the real but imperfect communion existing between us persuade Church leaders and their theologians to engage with me in a patient and fraternal dialog on this subject??? Then he adds this reassuring and refreshing admission, ?This is an immense task which we cannot refuse and which I cannot carry out by myself.?

The Pope himself frankly admits that the exercise of the papal office needs to be reformed, he invites wide dialog on the subject and avers that he cannot do this by himself. This encyclical is the Magna Carta of papal reform. The issue is now on the table.

Here I will just focus on collegiality, one major legacy of Vatican II, and I will give two ways in which collegiality could be improved linked to a new way of exercising the primacy.

First let me just summarize some of the highlights of the Council teaching. The Council confirmed that the Church is not a single diocese with one bishop, the Pope. It did uphold the primacy of the Pope but at the same time it affirmed, as Vatican I had done, that bishops are not mere legates of the Pope.

And just as the Pope is the successor of Peter, the College of Bishops, of which the Successor of Peter is a member, is the successor of the College of the Apostles. The Pope is a member of this College of Bishops and together they have supreme power in the Church. But a very important point in the teaching of the Council is that the collegiality of the bishops with the Pope is not the result of a juridical decree, not the result of the action of a council , and not the result of the decision of any Pope.

The collegiality of the bishops with the Pope is rooted in two things: the sacramental ordination of the bishop in which he receives the threefold office of teaching, san citifying and governing, and in the doctrinal truth that the College of Bishops is the successor to the College of the Apostles. Collegiality is therefore not a passing arrangement or the invention of Vatican II. This in summary form is the legacy of the Council.

I would say that a very large number of bishops are of the opinion that there is not any real or meaningful collegiality in the Church today.

I will illustrate this in two areas of Church life. The first is the appointment of bishops. It is very common and has been for some years that bishops of the local region have no perceptible influence on the appointment of bishops. The bishops of the region may never have heard the name of a bishop sent to their area. Often bishops submit multiple names and none of them is accepted.

A second example: the recent English version of the Sacramentary. The observations of the bishops? conferences had little influence and at the end of the consultation with conferences a very large number of changes were made in the final text which the bishops had never seen. These policies indeed bespeak primacy, but they do not bespeak collegiality.

If, then, we ask the question, ?How could we have a meaningful collegiality in the Church today?? I would mention two possibilities both of which would respond to Pope John Paul?s invitation to dialog with the Pope about the exercise of the primacy. But notice that both the possibilities I am going to mention come from the ancient practice and tradition of the Church.

I will begin by quoting a major work of Joseph Ratzinger entitled *Das neue Volk Gottes* (*The New People of God)* . In this work Ratzinger mentions a major problem in the Church about which bishops have been complaining for at least two centuries. Ratzinger calls it ?excessive Roman centralization.? He ties this burdensome centralization to a phenomenon, which developed in the second millennium, the confusion of the petrine function of the Pope with the patriarchal function of the Pope.

He puts it this way, ?The extreme centralization of the Catholic Church is due not simply to the Petrine office, but to its being confused with the patriarchal function?Uniformity of church law and liturgy and the appointment of bishops by Rome arose from the close union of these two offices. In the future they should be more clearly distinguished?And someday perhaps Asia and Africa should be made patriarchates distinct from the Latin church.? (This excerpt from *Das neue Volk Gottes* can be found in Theology Digest, 1971, 200-207

Both Ratzinger and the French theologian Yves Congar raise the problem created by confusing the petrine and patriarchal functions. The problem is that the Pope in actual fact is exercising a patriarchal role in the whole Church. The path to a solution, then, is in separating these functions and restoring the patriarchal, synodal structure in the Church

We could say, then, that one promising way of realizing the legacy of the Council in the matter of collegiality would be the creation of new patriarchates based among other things on the fact that there are two aspects to the papal office: one is the petrine function which has to do with the unity of faith and communion in the Church, the other is the patriarchal function which, though a ministry of regional communion, also involves administrative functions such as the appointment of bishops and the creation of dioceses.

The Council in fact compared modern episcopal conferences with the ancient patriarchates. Ratzinger says, ?Unity of faith is the pope?s function; this does not prohibit independent administrative agencies like the ancient patriarchates.? There is no doctrine of faith nor any provision of canon law, which would prevent the creation of new patriarchal structures in the Church.

Modern episcopal conferences in the Latin Church of the west could be given the same powers and functions of patriarchates. This means that the conferences would be empowered to deal with such things as the appointment and transfer of bishops, the establishment of dioceses, questions of liturgy and other matters of Catholic practice and observance.

It goes without saying that any such provision is always within the framework of Catholic communion and unity. The Eastern Catholic patriarchates which have all these prerogatives are in l communion with the Bishop of Rome and with all the other Catholic churches. Patriarchal structures are structures in communion.

Patriarchal structures in the case of Asia and Africa would enable these churches to develop their liturgy, spirituality and practice in accord with their own cultures. There is long standing complaint from both Africa and Asia of how they feel impoverished and constrained in not being able to integrate elements of their culture into church life. For example, it is well known that although the Church has been in Japan for over 400 years, there are relatively few Catholics. Some bishops have said that this is due to the fact that they have been made to present Christ with a western face.

In addition to the idea of conferences as heirs to the ancient patriarchates, there was another imaginative idea for collegial sharing of Pope and bishops. The best remembered speech on the subject was given by the distinguished and highly respected Melkite Patriarch, Maximos IV. The Patriarch began by proposing creation of a synod made up of bishops of dioceses around the world who would take part with the Pope in the universal government of the Church. He gave doctrinal reasons underlying this along the lines of those mentioned when I spoke of collegiality.

But a very practical reason which recent problems in the Curia have brought into glaring focus emerged when the Patriarch made the point that ?The Holy Father no more than any other person in the world whatever his talents, cannot govern an institution as large as the universal church just with the assistance of his own bureaucracy.?

Actually, the idea of a synod of bishops making real decisions with the Pope ? a deliberative synod ? is not a novel idea. For many centuries in the first millennium, the bishops of central and southern Italy met with the Pope and made important decisions of both a doctrinal and disciplinary nature.

From the middle of the eleventh century during the period of the Gregorian Reform momentous decisions were made in these synods such as the enforcement of clerical celibacy, the prohibition of lay investiture and the excommunication and deposition of Henry IV. Pope Gregory VII, among the very strong Popes of history, held synods almost every Lent. And there is no evidence of any kind that the bishops played a merely secondary or passive role in these synods. The historical Roman Synod therefore could be a model for a modern deliberative synod.

There was significant support in the Council for this kind of synod to collaborate with the Pope in the universal government of the Church. It came from the bishops of Germany and Scandinavia, more than a hundred bishops of Brazil, a number of bishops from the Philippines, several prominent French Cardinals and bishops from Indonesia and South Africa. Among American bishops who spoke on this topic was Archbishop Joseph T. McGucken of San Francisco as reported in *The New York Times.*

As a matter of fact, Pope Paul VI on September 15, 1965, formally established a synod of bishops and made provision for the possibility of decision-making or deliberative synod. To date, fifty years after the Council, no deliberative synod has ever been held. The synods ,which have been held since the Council , have all been advisory and not decision making.

But I repeat: in existing church law there is provision for the Pope to have a truly decision making deliberative synod. Such a synod would be made up of the presidents of episcopal conferences and of the patriarchs and major archbishops of the Eastern Catholic Churches, in other words of bishops who have the actual day to day care of a diocese and who come from all cultures and all parts of the world.

In conclusion, then, patriarchal structures and deliberative synods are two structures, which go back to antiquity. Both these structures would be a remedy for excessive centralization. Both would be manifestations of collegiality and a witness of the Church as communion. Both would make clear the distinction between the petrine office of the Pope and the patriarchal function. Both would go a long way to addressing the long standing concerns of Asia and Africa about inculturation. Neither of these structures can be seen as an effort to diminish papal authority since the Eastern Catholic Churches have these structures, have had them from ancient times and all are in communion with the Bishop and the Church of Rome.

As I come to the end of these observations, I would like to touch on the current conclave for the election of the Pope. Various Cardinals and other commentators have made remarks about the qualities desirable in the next Pope. Some have said that he must have spiritual vision, others that he should be from this or from that continent or that he should have the capacity to deal strongly with the sex abuse issue. No one could quarrel with these requirements. But it seems to me that there are several things that need to be said.

First, how do we conceive the exercise of the papal office? If you postulate the recovery of the synodal structure in the Church and of deliberative synods, then the Catholic Church is not conceived as a world-wide diocese with a single bishop, and the distinction between the petrine office and the patriarchal function would mean that the Pope?s ministry of unity and communion would not mean the day to day government of church life in all parts of the world. Important aspects of Church life would lie within the competence of the patriarchal structures and some of them would fall to the decision of deliberative synods. The Pope would have the burden of fostering unity, collaboration and charity among all the Churches in communion and, of course, of intervening with true authority when the situation called for it.

Nevertheless a measure of management or governing responsibilities would necessarily fall on the Pope as on any bishop. In this case, it is helpful to recall a legend of St. Thomas Aquinas. A monastery could not reach a decisive vote in their effort to elect an abbot. After trying repeatedly, the monks finally decided to send a delegation to consult St. Thomas. They told him that they had three very good monks ? Father Anselm was an excellent teacher and scholar, Father Bruno was a very holy man and Father Maurus was a very good administrator. St. Thomas told them, ?Let the learned man teach the monks, let the holy man pray for the monks and let the administrator be the abbot.? In broad terms this conveys the truth that one virtue is not a substitute for another.

The Pope has to have some administrative ability and holiness of life does not guarantee that quality. Certainly one of the most important qualities of any leader is the knowledge of one?s own limitations. Pope Benedict

XVI has given a humble and dramatic example to the Church and to future Popes of the importance of knowing the limits. Limits not just in the sense of resigning but also in the sense of asking advice and getting counsel and assistance.

There is no doubt that very large numbers of Catholics are looking at this conclave with great expectations. This conclave has potential to be one of the most critical moments in the history of the Church since the Reformation. It is my personal conviction that the Cardinals need to see themselves and the whole Catholic Church poised at moment of far-reaching consequences. They could profitably call to mind the words of Shakespeare:

There is a tide in the affairs of men

Which taken at the flood, leads on to fortune;

Omitted, all the voyage of their life

Is bound in shallows and in miseries.

On such a full sea are we now afloat,

And we must take the current when it serves,

Or lose our ventures.

(Julius Caesar, Act 4)

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