

A magisterium of authority and service

Theodore Davey

ON 6 JANUARY 2001, POPE JOHN PAUL II issued an Apostolic Letter, *Nova millennio ineunte*, in part four of which he reflects on the 'spirituality of communion'. There he states his conviction that the great challenge facing believers in the new millennium is how to make the Church the home and school of *communion*.

This key scriptural concept occurs several times in Acts and in the Pauline epistles, denoting a sharing in God's gifts by individuals and communities, as witnessed in the lives of the earliest disciples. It is also used of spiritual blessings, which the gentiles are invited to share, as well as the corporate solidarity which we have with Christ and with one another through the indwelling of the Holy Spirit. In the reflections which follow, however, *communion* particularly signifies the bonds that unite all eucharistic communities under their bishops, to form the one, holy Catholic Church. The Anglican-Roman Catholic International Commission considered *communion* the most appropriate way of expressing the mystery underlying the various New Testament images of the Church, and it is particularly suited to the People of God image:

Koinonia [communion] is the term that most aptly expresses the mystery underlying the various New Testament images of the Church. When, for example, the Church is called the people of the new covenant or the bride of Christ, the context is primarily that of communion.¹

The object of this article is to argue that the episcopal magisterium exists to serve the welfare of that communion. Thus, in *Novo millennio ineunte*, the pope goes on to remark that this new century should see us trying to devise forums and structures that will serve to enhance 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, but which need to

be examined constantly in order to ensure that they follow their genuinely evangelical inspiration.²

Magisterium and the strengthening of communion

The word *magisterium* is generally understood to refer exclusively to the teaching authority and function of the body of bishops, in communion with and under the Bishop of Rome; a blending and a delicate balance between primacy and collegiality. 'In official Catholic documents the pope is recognized as having a pre-eminent magisterium in view of his role as successor of Peter, though in respect to sacramental orders he is on a level with all other bishops.'³ During the Middle Ages it was not uncommon to refer to a dual *magisterium* of bishops and theologians, those latter considered to be teachers because of their theological understanding and training. And in the years following Vatican II, the idea of a dual *magisterium* of bishops and theologians surfaced again, defended by Cardinal Avery Dulles among others.⁴ But this has found little support recently, primarily because of its potential for division and disagreement with the hierarchical teaching authority. This is not to deny that theologians have a teaching role in the Church or 'that they perform essential tasks within the entire teaching process . . . [I]t is the theologian's task to reflect upon revelation systematically in order to deepen our understanding of it, and prepare the beginnings of a clear, precise, consistent, topical, persuasive formulation.'⁵

However, we must remember Vatican II defined:

The body of the faithful as a whole, anointed as they are by the Holy One, cannot err in matters of belief. Thanks to the supernatural sense of faith which characterises the People as a whole, it manifests its unerring quality when, from the bishops down to the last member of the laity, it shows universal agreement in matters of faith. (*Lumen gentium* 12)

A popular distinction used to be drawn between the Church teaching (*ecclesia docens*) and the Church taught (*ecclesia discens*). Now, however, this is seen as too imprecise because of the passivity apparently predicated of the body of the faithful. The canonist Ladislav Orsy remarks that all believers have access to God's revelation in Christ, and therefore 'they can perceive, witness its truth, have insights into its depths'.⁶ But only the Apostolic See of Rome and the college of

bishops as *magisterium*, ‘acting collegially are authentic teachers, that is “teachers endowed with the authority of Christ”. Only they possess the promise of the guidance of the Spirit in this essential task.’⁷ This is the foremost ministry of the *magisterium*: the enhancement and strengthening of *communio* in faith among all believers.

The pope’s words marking the beginning of the new millennium also remind us that the Church of Christ is constantly in need of reform, in head and members, and that it is the function of the whole Church to take part in such examination and discernment. As well, it is a matter of not over-emphasizing papal primacy to the detriment of collegiality or vice versa, but rather of seeing true communion flowing from a delicate balance between them. Put very simply, the constitutional history of the Church and of the canon law is mainly the story of the tension, mostly creative, between papal primacy and episcopal collegiality. And that tension remains today.⁸

Vatican II and after

When comparing the ecclesiology of Vatican I with Vatican II, it has been asserted that there were several factors which, coming together, helped form our present theological understanding, none of which was available to the Church of 1870. The first one of these was the renewal of biblical studies, from which Vatican II benefitted enormously. The second was the immense progress in our knowledge of the history of the Church and of the way it and its structures have developed, by Christ’s will, over the centuries. Cardinal Newman was perceptive and inspired in this regard. A third element was the decision of the Council of the twentieth century to abandon a negative and suspicious stance vis-à-vis the world, and to take seriously the world as the arena of God’s saving activity, a world full of joys and hopes, griefs and anxieties in *The Church in the world of today*:

All these factors, flowing together into a new and creative vision of Christ in the world, Christ in humanity, Christ in his Church, make themselves felt in the ecclesiology of Vatican II in a way that would not have been possible of accomplishment at the time of Vatican I, even if it had had the opportunity of finishing its projected work . . .⁹

As regards the Church’s relationship to the world, mentioned above, one sees from Vatican II in its second inspiring ecclesiological constitution, *Gaudium et spes*, how positive an engagement it was and should be. ‘God is to be found continually at work in human history,

whether collective or individual; and the Spirit of Jesus Christ is to be detected and acknowledged not as some remote oracle but in events as, "God in his nearness to us".¹⁰ When considering our topic, it is helpful to go back thirty years, to the document of the International Synod of 1971, *Justice in the world*. Here, the synod of bishops collegially endorsed and affirmed the openness of Vatican II to God's creation, and there we find the assertion:

Action on behalf of justice and participation in the transformation of the world fully appear to us as a constitutive dimension of the preaching of the Gospel, or, in other words, of the Church's mission for the redemption of the human race and its liberation from every oppressive situation [6].¹¹

There can be and has been considerable debate about the exact meaning of 'pursuit of justice and transformation of the world'; whether it is a 'dimension' of the preaching of the Gospel, or a 'pre-condition' of evangelization. But the fact remains that the pope and the college of bishops have fully committed themselves and the Church to service of the world as the locus of God's activity. However, we cannot leave it at that, as though the Gospel of Luke, when it describes believers as having the mission of alleviating human distress, implies there is nothing further to the Christian vocation (Lk 4:18-19). It is also a matter of 'refining our understanding of the Christian vocation and entails total commitment both to freeing our fellow humans and Earth from bondage and confessing that the fullness of that liberation comes in a kingdom not yet fully present . . . it is how to understand the Church's relation to the "both/and" of a this-worldly and eschatological liberation'.¹² Chapter 8 of Romans must be read in conjunction with Luke 4. Strengthening the bonds of communion between the local churches, and striving to serve the world as it is gradually turned into the Kingdom God intended it to be, is a significant objective of the ministry of the magisterium.

As an instance of how seriously the magisterium has taken the theme of the 1971 Synod, George Weigel recounts a conversation in the mid-1980s when Sir Michael Howard, then Regius Professor of Modern History at Oxford,

. . . suggested that there had been two great revolutions in the twentieth century. The first had taken place when Lenin's Bolsheviks expropriated the Russian people's revolution in November 1917. The

other was going on even as we spoke: the transformation of the Roman Catholic Church from a bastion of the *ancien régime* into perhaps the world's foremost institutional defender of human rights. It was a fascinating reading of the history of our century.¹³

Historical developments

When we turn to look at the early development of episcopal and papal authority, we find that the change in understanding that was articulated at Vatican II can be seen as a return to a much older view of the authority of these offices.

In terms of service, well into the Middle Ages, the concept of the bishop's authority was tied to his being a man of God, a man through whom the Spirit shone, rather than someone with a place in an ordered hierarchy. As Congar remarks, the oldest sections of the Latin ritual of ordination insist upon his commitment to his people rather than any ecclesiastical power he might have. Devoting himself to an assiduous study of Holy Scripture, to prayer, fasting and hospitality, 'he must welcome, listen to and help everybody, he must practise almsgiving. He is to edify his people by word of mouth and by the celebration of the liturgy, and in so doing, he is to be aware not of his dominium or *potestas*, but of his *ministerium*'.¹⁴ This emphasis on the *ministerium* or service which the local bishop gives to his people has a two-fold aspect, since as a member of the apostolic college the bishop is the figure who 'expresses the universality of the People of God, but insofar as it is assembled under one head, it expresses the unity of the flock of Christ'.¹⁵ Throughout the Conciliar Constitution on the Church of Vatican II, the authority of the hierarchy is always explained in terms of service and not domination, thus activating an earlier memory.

The papal office

Historically it seems that Pope Leo the Great was the person who made explicit the technology of papal primacy or Petrine authority, although this had been gradually forming, especially in the West, for over two hundred years. Leo approached this Roman tradition by clearly explaining the relationship between Christ and Peter and between Peter and the Bishop of Rome, and his approach played a major part in clarifying the Latin West's understanding of the theological foundation of the papal office.

Although not particularly original, since other popes had already invoked the Matthew text to clarify and justify papal authority, Leo

took the Petrine text of Matthew 16:18–19 ('You are Peter and upon this rock I will build my Church . . .') in justifying his office. Leo, however, emphasized that Christ himself gave to Peter personally, and to him alone, a primatial role in the apostolic college. Peter's authority over the apostles was a sharing in the sacred authority or *potestas* of Christ. Such a relationship existed between Jesus and Peter that the apostle's judgements were considered to be identical with those of Christ, and it seems Leo took it for granted that Peter had received a primacy in the apostolic college by dominical institution, that is, from Christ himself.

In addition to his teaching that Jesus gave to Peter a primacy over the other apostles, Leo held that the pope continued to fulfil Peter's role in the Church. Although the idea of the Bishop of Rome as successor to Peter was already known in ecclesiastical tradition at Rome, there was little systematic treatment of the subject. But Leo, who had been a Roman lawyer, took the legal concept of heredity and applied it to papal succession. The Roman Law regarded the heir as having the same rights, authority and obligation as his predecessor.¹⁶ In the same way, then, the pope could exercise the same office and fullness of authority that Christ had entrusted to Peter. After the death of Peter, the pope was both his successor in the historical sense and his substitute or vicar in the legal sense.

Further, according to Leo, Peter continued to exercise authority in the Church in a mystical way. This mystical identification of the heir with the deceased was not found in Roman Law. To the idea of juridical continuity through succession in office, Leo added that of mystical or sacramental continuity: from heaven Peter continues to pray for the Church and to govern it through his heir and vicar, the Bishop of Rome. In this sense the pope is Peter himself.

Leo founded the permanence of the papacy on Peter's unflinching guidance of the Church. Therefore, Christ not only instituted Petrine primacy, but also continues to guide the Church through a living Petrine authority. Consequently, papal primacy itself is also willed by Christ. Tradition holds that to Leo we owe two maxims that have come down to us with implications for collegiality: 'He who governs all should be elected by all', and 'No one shall be designated a bishop who has not been chosen by the clergy, accepted by the people and consecrated by the bishops of the province with the approval of the metropolitan.'¹⁷

Refining collegiality

At the same time the concept of *collegiality* was already becoming explicit. Texts of the letters of the popes of that early period reveal a real progress in theological thinking on the subject: for instance the letters of many of the popes of the fifth century. From these texts we can define the episcopal college as the gathering of all the bishops under and with the Bishop of Rome; its basis is episcopal consecration and common apostolic succession, and its solemn manifestation as successor to the apostolic college is the Council. There is clear understanding of collegiate responsibility for the Church's mission, and all the time there is insistence that the bishop is not an isolated individual, and must not be treated as such. From Leo's time, as indicated earlier, we find clear witness to the function of the pope as head of the episcopal college, and the collegiate responsibility of the bishops is but a sharing in the universal care and solicitude that belongs to Peter.

The very terms that Leo uses, such as *communio episcoporum*, *societas*, *collegium*, reveal the presence of permanent collegiality in the Church of that day. Thus for the Church the authority of a bishop lay in the fact that he was a father in the life of the Church, the liturgical figure who unites the whole of the local community, now become diocesan, with God the Father, and with the other churches also. The collegial aspect of the bishop's offices was so important that higher bishops such as metropolitans and patriarchs had their powers only in so far as these were acknowledged by the whole communion of bishops. It is worth noting that at the recent papal consistory in Rome, one of the Eastern rite cardinals present there, Lubomyr Husar of the Ukraine, had previously been elected head of his church by twenty-six fellow bishops,¹⁸ a contemporary act of collegiality.

However, the teaching on episcopal collegiality did not develop uninterruptedly, nor was it so unambiguously accepted and clear that it could not be challenged, and a main challenge occurred in the thirteenth century. There were those, proponents of extreme Roman centralization, who held that Christ had conferred authority only on Peter, and that the bishops were simply servants or delegates of the pope. Opposing them were those who argued that, on the contrary, Christ conferred authority on all the apostles, and therefore on the bishops, who were more than simple delegates or vicars. Tierney, the distinguished historian of canon law, cautions, however, that these latter proponents of episcopal jurisdiction were using the traditional texts 'to defend the autonomy of each individual bishop in his own diocese. Ideas akin to the modern doctrine of episcopal collegiality found

virtually no support at this time'.¹⁹ And collegiality as the Church came to define it, is a richer concept than autonomy.

Many of the influential canonists of the time, particularly Hostiensis, in attempting to hold the middle ground, developed a different theory of collegiality. They took it away from the bishops, and instead gave it to the college of cardinals. In this way, they hoped to preserve centralized papal authority, while retaining aspects of collegiality.²⁰ And, as is well-known, during the early part of the fifteenth century, *conciliarism*, or the theory that a General Council is superior in authority to the pope, although issuing primarily as a response to the felt need for reform and to end the Great Schism, left a legacy of mistrust in the matter of General Councils that has had a deleterious effect on a balanced view of collegiality until today. The model that *conciliarism* promoted, of the pope as servant of the General Council, similar to that of Secretary-General of the United Nations, would find no resonance in orthodox Catholic belief.

As we have seen, the doctrine of a juridical primacy of the pope was gradually becoming explicit towards the end of the Western Roman Empire. R. W. Southern gives a fascinating example of how the doctrine of papal primacy was not simply a conclusion of theologians and canonists, but lay deep in the consciousness of the early period:

The rulers and pilgrims from the newly converted peoples of Europe who came to Rome to be baptised and, if possible, to die in the presence of the Apostle, were not drawn by sophisticated theories of papal authority but by the conviction that they could find nowhere such safety as in the physical presence of the Keeper of the keys of heaven. St Peter still worked in the tomb, but his person was entrusted to the pope. The hands might be those of Gregory or Leo, but the voice was that of St Peter.²¹

The older doctrine of episcopal collegiality survived, however, and both doctrines are in place today. Vatican II, therefore, was re-emphasizing a patristic doctrine when it declared that collegiality came about by sacramental consecration and communion with the Head and with other members of the college of bishops. It also concluded that episcopal consecration, along with the office of sanctifying, also confers the offices of teaching and governing.

A contemporary challenge

The Marxist historian Eric Hobsbawm, in a recent conversation about Pope John Paul II, when asked how he judged him as a historical figure, said it was necessary to distinguish between the pope's politics and his theology. As regards his politics, Hobsbawm went on to remark that this pope reminded him of the great papacies of the late nineteenth century, particularly Leo XIII's, and that John Paul II was 'the last great ideologue to criticise capitalism for what it is'. Later in the interview he remarked that, not being religious, theology did not concern him, but he made the pertinent comment that just as the state is no longer in total control of its citizens, so the Catholic Church can no longer depend on the automatic loyalty of its believers: 'the problem with an authoritarian religion like Catholicism is that it is based on a voluntary acceptance of its theology'.²²

Now whatever meaning Hobsbawm puts on the word 'authoritarian' in his comment above, it is undoubtedly true, a cliché almost, to remark that people from our contemporary secular society, freely enter the Church, and just as freely leave. In confirmation of this one canonist puts it:

There is the underlying social reality that in nearly all countries today churches are voluntary associations. People are relatively free to join them or to walk away from them, to be actively engaged in them or nominally identified with them. This freedom of association is an undeniable fact of life, and it qualifies and conditions all disciplinary activity, including the canonical, within the churches. Voluntary choice governs church involvement both 1) at the level of the ecclesial membership, ongoing affiliation, and personal identification, and 2) at the level of local church loyalty, Mass attendance, active participation and financial support.²³

Another writer has described the Church today as having 'walls' that are completely permeable: 'people can leave, at least from a formal point of view, just as easily as they can enter'.²⁴ This emphasis on the voluntary seems to me to be of quite fundamental importance when considering the ministry and function of the *magisterium*. Certainly across the Western world, *extrinsic* authority of pope or bishop, namely that possessed solely by virtue of one's position or function, is little regarded nowadays. In fact all the established sources of authority in the West have to prove themselves regularly, many by the democratic process. This is not to argue that the Church is a democracy, although

obviously there are democratic elements in the Church. But it is to underline the fact that the *magisterium*, too, is at a crucial moment when institutional religion seems in danger of being replaced by vague religious impulses without institution. That the Church is an institution no one can deny; and that the Church has survived the ebbing tides of history, often hostile, precisely because of its institutional elements, can be forcefully argued. But it is the *intrinsic* authority of the *magisterium* when it proclaims and safeguards the *deposit of Faith* that is so compelling. And authority differs sharply from power.

Theodore Davey is a Passionist priest and canonist, who teaches pastoral theology and canon law at Heythrop College, University of London.

NOTES

- 1 'Anglican-Roman Catholic Conversations: Final Report, 4' in H. Meyer & L. Vischer, *Growth in agreement* (Paulist Press, 1984).
- 2 *Nova millennio ineunte*, 44.
- 3 A. Dulles, 'The two magisteria: an interim reflection', *Proceedings of the 35th Annual Convention of the Catholic Theological Society of America* (1980), p 157.
- 4 *Ibid.*, pp 155–169.
- 5 R. A. McCormick, 'The teaching role of the magisterium and of theologians', *Proceedings of the 24th Annual Convention of the Catholic Theological Society of America* (1969), pp 239–254.
- 6 L. Orsy, *The Church: learning and teaching* (Fowler Wright Books, 1987), p 65.
- 7 McCormick, *op. cit.*, p 247.
- 8 For two illustrative accounts of contemporary tension between primacy and collegiality see J. R. Quinn, *The reform of the papacy* (Crossroad, 2000), pp 76–116; and D. Efrogmson & J. Raines (eds), *Open Catholicism: the tradition at its best* (Michael Glazier Books, 1997), pp 87–110.
- 9 R. Gallagher & S. Cannon, *Sean O'Riordan: a theologian of development* (Columba Press, 1998), pp 241–242.
- 10 J. Mahoney, 'Theological and pastoral reflections' in M. Abrams & D. Gerard (eds), *Values and social change in Britain* (M Publications, 1985).
- 11 M. Walsh & B. Davies, *Proclaiming justice and peace: documents from John XXIII–John Paul II* (Twenty-Third Publications, 1984), p 190.
- 12 W. Burrows, 'Mission and evangelization today', *44th General Chapter of the Passionist Congregation* (Brazil: Itaici, 2000).
- 13 G. Weigel, *Soul of the world: notes on the future of public Catholicism* (Gracewing, 1996), p 99.
- 14 Y. Congar, *Power and poverty in the Church* (Geoffrey Chapman, 1964), pp 50–51.
- 15 *Lumen gentium*, 22.
- 16 For a full historical treatment see W. Ullmann, 'Leo I and the Theme of Papal Primacy', *Journal of Theological Studies* (1960), pp 33–35.
- 17 PL54:628; PL54:1203.
- 18 'The Church in the World', *The Tablet* (2 June 2001), p 813.
- 19 B. Tierney, *Rights, laws and infallibility in medieval thought* (Variorum, 1997), p 401. This is a very concise summary of a fascinating article that well deserves fuller treatment.

20 *Ibid.*

21 R. W. Southern, *Western society and the Church in the Middle Ages* (Penguin Books, 1985), pp 94–95.

22 E. Hobsbawm & A. Polito, *The new century* (Abacus, 2000), p 57.

23 J. A. Coriden, *Freedom and good order for the Church* (Paulist Press, 2000), p 102.

24 M. Visser, *The geometry of love* (Viking, 2000), p 129.