A Universal Ministry of Unity: Prospects and Problems in Roman Catholic-Orthodox Dialogue.

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Dedication

I dedicate this doctoral thesis with love to my wife, Shylaja, and my two children, Meera and Liam, who form for me the *koinonia* of the domestic church in which my life is enriched daily.

Acknowledgement

Synopsis

This study commences with the invitation made by Pope John Paul II for Churches and theologians to engage with him in a patient and fraternal dialogue on the ministry of unity which he exercises within the new situation in which the Church lives. In particular the study considers the prospects and problems for the reception of a universal ministry of unity in the Roman Catholic-Orthodox theological dialogue. The study contends that uncovering the prospects and problems for the reception of a universal ministry of unity is essentially a hermeneutical task.

The study develops a hermeneutical framework through which to evaluate the prospects and problems for reception. The framework developed for the study both extends and offers a critique of the framework proposed by the Faith and Order Commission (Faith and Order paper 182) for reception of statements from ecumenical dialogues, by adding elements which are suited to the Roman Catholic-Orthodox dialogue. Elements are added to the Faith and Order framework from the work of Ormond Rush and another element contributed by the author of the resent study. The concept 'universal ministry of unity' is regarded as a symbol or text whose meaning is not yet fully disclosed to either dialogue partner. This text or symbol carries with it meanings from the context in which it emerged and has been interpreted through the lens of the worlds of meaning separately inhabited by Roman Catholic and Orthodox Churches and now together through the dialogues.

Previous studies have proceeded from a number of different starting points. Some studies focus on Scripture and attempt to identify any sense of a unique Petrine ministry that may justify a universal primacy and specifically that of the Bishops of Rome. Other studies have examined the historical emergence of a variety of forms of primacy and conciliarity to attempt to uncover a primacy of the Bishops of Rome and its scope. A third set of studies attempt to uncover a universal primacy by considering the present role and powers

of the Bishop of Rome in the Latin Church and other Churches in full communion with this bishop. In some sense all of these studies attempt to uncover a primacy for the See of Rome that operated in the first millennium and therefore would be acceptable to Catholics and Orthodox sensibilities.

Departing from such studies the present study argues that it must be possible to articulate in theological categories from the common paradosis what is meant by the term 'universal ministry of unity'. Scriptural and historical studies are not likely to expose this concept and may in fact be interpreted as a restorationist project, hoping to recover the ministry which putatively existed in the first millennium. Historical, cultural and theological factors may have distorted the ecclesiology of communion and the exercise of the universal ministry of unity in Roman Catholic and Orthodox Churches as well as made positive contributions to the development of a universal ministry suitable for the present situation.

This study contends that the meaning of the universal ministry of unity will not be uncovered if the focus of the dialogue is solely on the pope and universal primacy. The central question is; what is the nature of the 'universal ministry of unity' found in the common *paradosis*? The study approaches the universal ministry of unity in three concentric circles. The outer circle is the ministry of unity *per se*, which is an episcopal ministry found at all levels of the Church, and grounded its Eucharistic constitution. The next concentric circle is the universal ministry of unity exercised by all bishops in union with each other and the head of the episcopal college. The inner circle is the universal ministry of unity which is exercised in a personal manner by the head of the episcopal college always in relation to the college. The universal ministry of unity is both personal and collegial, since the supreme authority in the Church is the college of bishops with its head. The universal ministry of unity is therefore is an ellipse, with two foci, the college of bishops and the head mutually interrelated.

The ministry of unity is part of the *esse* of the Church and not a contingent reality. There are five elements which are derived from the Church's essential constitution which provide the foundation for the ministry at all levels; episcopacy, conciliarity, the charism of authority, the communion of the local and universal Church and primacy. These elements find different expression at the local, regional and universal levels.

A local ministry of unity and a universal ministry of unity are essential for the Church and are grounded in the ecclesial ontology of communion. Throughout history various forms of regional conciliarity have existed, which derive their efficacy from the ministry of unity, but the actual form which these may take is determined by contingent historical and cultural factors. The Church could exist without regional structures of communion but it could not exist without local or universal structures of communion. This study argues that the personal universal ministry exercised by the Bishop of Rome is part of the *esse* of the Church without which the Church could not be herself and this must always be exercised in relation to the College of Bishops.

Application of the hermeneutical framework to the Roman Catholic-Orthodox dialogue reveals positive prospects for the reception of a universal ministry of unity where each focal point is given full expression. There are strong theological foundations emerging for a mutual reception of a universal ministry of unity which includes all of the bishops with the head of the episcopal college. The study reveals that the source of many of the problems, though not all, for mutual reception are to be identified with mostly non-theological factors. The study also reveals that mutual acceptance of the symbol 'universal ministry of unity' exposes the Church to what amounts to a reformation in present ecclesial structures and praxis. Further dialogue coupled with some courageous decisions by bishops and a dialogue of trust and hope may open new possibilities.

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Chapter Three   **The Theological Foundation of the Universal Ministry of Unity in the Dialogue**

INTRODUCTION

Invitation: To Seek Together a Ministry of Unity

The Bishop of Rome, John-Paul II, in his encyclical letter *Ut Unum Sint* (That They May All Be One) of 1995 issued an invitation to other Church leaders and their theologians to enter into a patient and fraternal dialogue on the subject of a universal ministry of unity. He believed that Christ had entrusted this ministry to the Bishops of Rome through Peter as a ministry of primacy.[1] He prayed for 'the Holy Spirit to shine his light upon us, enlightening all the pastors and theologians of our Churches that we may seek, together of course, the forms in which this ministry may accomplish a service of love recognised by all concerned.'[2] He hoped that this ministry, which is exercised by him, would not only find new forms without losing anything of its essential nature, but would also serve the Church today in its new situation. In making his invitation he was also accepting an invitation made by the Faith and Order Commission of the World Council of Churches at their 1993 meeting in Santiago de Compostella 'to begin a new study of the universal ministry of unity.'[3]

John-Paul's invitation resulted in a series of conferences and responses that took the form of theological seminars. Some of these were built on the earlier dialogue among scripture scholars and theologians from the 1970's onwards, as well as, on new studies. A number of official responses were made by Churches including the Church of England and the Church of

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[1] UUS 96

[2] UUS, 95

[3] Faith and Order Paper 166 Fifth World Conference on Faith and Order, *Report of Section II: Confessing the One Faith to God's Glory*, n 28, 31.2

Sweden.[4] Walter Kasper has described this response to the invitation as 'the discussion on the topic growing from a brook into a great river.'[5]

The Roman Catholic-Orthodox dialogue recommenced in October 2006 after a suspension which was in part caused by internal tensions between the autocephalous Orthodox Churches and Patriarchates. The suspension was also caused in part by tensions between the Russian Orthodox Church and the restored Catholic Churches, both Byzantine and Latin, in the territories of the former Soviet Union.[6] The dialogue has considered a number of questions but also has on its agenda consideration of primacy in the Church.

There is no doubt that the openness displayed by John-Paul II in his encyclical provided significant energy for the better development of ecumenical relations, and perhaps revived what some had previously perceived to be a flagging hope for the ecumenical venture in which they have embarked.

The intention of this present study is to take up this invitation from John Paul II and to make a further contribution to the 'great river' of literature on this topic. The study will focus on the universal ministry of unity and on the concept of primacy in Roman Catholic-Orthodox theological dialogue. This will be achieved through an analysis of a variety of primary source documents produced by the Roman Catholic and Orthodox dialogue and other secondary sources. These will include: sources from the Scriptures and common *paradosis*; Roman Catholic source documents; the results of Roman Catholic-

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[4] Walter Kasper, *The Petrine Ministry: Orthodox and Catholics in Dialogue*. The Newman Press, New York, 2006, p11

[5] Kasper, *The Petrine Ministry: Orthodox and Catholics in Dialogue*, 2006, p11.

[6] Daniel Hamilton, A Catholic Factor in an Inter-Orthodox Controversy, *FCS Quarterly*, Fall 2009, pp31-33 provides some short background to the controversy.

Orthodox dialogues; and, the contributions of some theologians.[7] The dialogue between the Roman Catholic and Orthodox Churches on the universal ministry of unity will be reviewed through a hermeneutic framework which has been developed for this study. This will enable the prospects for, and the problems associated with, the reception of a universal ministry of unity in the Church to be more easily identified.

A central aspect of the present study is that it seeks to go beyond a consideration of universal primacy as essentially a study of the Petrine ministry which Roman Catholics claim is handed on through the Bishop's of Rome. The study considers the universal ministry of unity as a ministry of all bishops and the role of the Bishop of Rome as *protos* among the Bishops, as accounting for his primacy among the bishops and over the Church. Primacy is considered in this study as a constitutive element of the Church understood as a communion and founded on the Eucharistic nature of the Church. Primacy is exercised by bishops at all levels of the Church as a consequence of their presiding over the Eucharist and the local church.[8] The constitutive nature of primacy is a key parameter for the consideration of universal primacy. This study contends that primacy at all levels includes power over others for the good of the unity of the Church and not merely a primacy only of honour without some authority, whether it be moral authority, the authority of witness or juridic authority. How

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[7] Throughout this study I choose to use *paradosis*, the Greek terms for handing on the tradition rather than use the terms, Tradition for the apostolic tradition and traditions for the local traditions of Churches. Tradition can be problematic when it is at the start of a sentence to know which one is intended. *Paradosis* will mean the apostolic tradition in this paper.

[8] The existence of titular bishops among the Orthodox and Roman Catholic presents theological problems for a neat foundation for an ecclesiology of communion and represents an anomaly that distorts this ecclesiology. Ideally the practice of creating titular bishops should be abandoned. For the purpose of this study the existence of titular bishops is acknowledged as a problem but the working assumption for this study is that when we speak of bishops we mean a residential bishop and head of the local Church.

that authority is exercised and what limits apply to this authority will be considered in subsequent sections.

What kind of Unity?

Roman Catholics have stated about the nature of the ministry of the Bishop of Rome and the kind of primacy that he might exercise, that the Orthodox should not have to accept a primacy which did not prevail in the undivided Church in the first millennium.[9] The question that develops from this is what was the nature of the primacy of the Bishop of Rome in the first millennium?

The Roman Catholic and Orthodox Churches did remain in some form of communion and did recognise a primacy of the Bishop of Rome in some form before the events of 1054 AD. Those events are commonly cited as marking the beginning of the Roman Catholic-Orthodox schism. It might be possible to resolve the outstanding issues and again enjoy the communion of the undivided Church if the nature of the primacy in the first millennium could be discovered from historical sources. If this were the case then the problem of unity between Roman Catholic and Orthodox Christians would become, primarily a task for the historian. History may tell us what forms of universal primacy may have been exercised by the Bishop of Rome but it would not be able to uncover the theological foundations of such primacy. History is unable to account for the theological basis for unity and communion, which for both the Orthodox and Roman Catholic Church, are matters of faith and not only of history.

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[9] Benedict XVI, *Homily At The Celebration of the Translation of the Relics of St Nicholas of Myra*, Bari, 2005

A historical approach to the primacy of the first millennium encounters a further difficulty in that historical developments may have produced a variety of modes of the exercise of such a primacy. It is not certain that the types of communion that historically existed or the theology of the primacy of the Bishop of Rome and the means by which it functioned among the undivided churches prior to the schism are fully understood. For the historical record does in fact reveal a plurality of expressions of communion and conceptualisations of the place of the Bishop of Rome in this communion. Aristeides Papadakis has suggested 'that it is reasonably certain that it's [the schism] deeper roots also stretch back to the fourth and fifth centuries.'[10] He outlines a process of estrangement and the evolution of political, military and geographical reasons which led to the development of the very different worlds of meaning and mentalities characterising both eastern and western Christians.

The Ecumenical Patriarch of Constantinople, Athenagoras I, and the Bishop of Rome, Paul VI, have acknowledged in their statements which lifted the mutual excommunications of 1054, that the events of 1054 were aimed at individuals and not at churches. These ex-communications came, over time, to have much wider consequences than were originally intended and led to the division of Eastern and Western Christians.[11] What is now referred to as the East-West Schism may be seen as a continuation of the process of estrangement that had commenced in earlier times. No Council in the East or West has ever

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[10] Aristeides Papadakis; *The Christian East and the Rise of the Papacy: The Church AD 1071-1453*. New York: St Vladimir's Seminary Press. 1994. p3.

[11] Athenagoras and Paul VI Common Declaration, 7 December, 1965, commenting on the censures of 1054 and the extent of the consequences of thee acts note '…as far as we can judge, went much further than their authors had intended or expected. Their censures were aimed at the persons concerned and not Churches; they were not meant to break ecclesiastical communion between the Sees of Rome and Constantinople.' Cited in Austin Flannery, *Vatican Council II: The Conciliar and Post Conciliar Documents*. Dublin: Dominican Publications. 1975. p472.

formally anathematised the other communion, or has officially issued a formal declaration of heresy or schism against the other.

Various ways of expressing unity, communion and primacy developed in these churches during the first millennium as well as after the schism. The fact of this variety illustrates the difficulty of saying that the Orthodox Churches need not accept any primacy that was not found in the first millennium. The acceptance of one particular historical model from the first millennium would invoke the problem of theological justification even after allowing for the fact that theological ideas do not develop in a historical vacuum. There would be a need to justify, on theological grounds, a preferred choice of one of these historical models of church evolution and the exercise of universal primacy as the accepted norm for the first millennium which presumably Roman Catholics and Orthodox can both recognise and accept. In addition we would need to ask if this particular mode of expression of primacy and universal unity is suitable and realistic for the new situation in which the Churches now live.

The histories of the divided churches did not stop at 1054 AD and there is a need to acknowledge this truth in order to frame the broader theological questions about unity, communion and primacy. This history forms the matrix of the 'new situation' in which the primacy is to be exercised. It is not possible to simply transplant one mode of universal unity and primacy from the first millennium into the present as if there has not been ecclesiological development both in the Roman Catholic and Orthodox Church up until now. Is the 'new situation' of the present time sufficiently understood in relation to primacy and universal unity? Imposition of a past model without consideration

for the 'new situation' is an a-historical approach to the dialogue on unity and giving in to a temptation toward acceptance of a pure or idealised form of primacy and universal unity.

In the millennium following the schism each communion was subject to further developments in the way in which the concepts of unity, communion and primacy were expressed. Among the Orthodox the development of autocephaly as a model of ecclesial life in the last few centuries, the role of permanent synods, the development of parallel ecclesial jurisdictions and the influence of the heresy of *phyletism* constitute significant developments that will have an impact on reflection on the mode of operation of a universal ministry of unity. In the Roman Catholic Church increasing centralisation of authority in the figure of the Bishop of Rome, the development of a unified code of canon law (in 1917 and revised in 1983), the creation of the Cardinalate, emergence of episcopal conferences, and the Synod of Bishops provide illustrative examples of this point. Considerable development occurred with regard to the primacy of the Bishop of Rome, including the significant Councils of Vatican I and II, all of which occurred more or less separately from developments in the Orthodox Church. Such developments require consideration when seeking a current understanding of primacy, unity and communion which is to function within a 'new situation' 'without losing anything of its essence'. In developing our current understanding of primacy, unity and communion, we cannot simply overlook these and other developments and consider only the developments of the first millennium.

The real task is to uncover from the first millennium the essential features of a universal ministry of unity and primacy so that these essential

features can find expression in the 'new situation' in which the Church now lives. An investigation into the way in which papal primacy could serve the unity and communion of the Church within a new situation will require the assistance of historical studies, and an acknowledgement that theology develops in a historical context. History cannot be, however, the primary focus of dialogue. The present Roman Catholic-Orthodox dialogue on primacy and unity must be primarily theological in nature since history cannot tell us why communion is a dimension of the Church, why the episcopate developed as a sign of unity and communion, and why a personal ministry of universal communion, exercised by the Bishop of Rome, may be considered necessary for the life of the Church by Roman Catholics. Nor can a past form of primacy be grafted on to the new situation without critical evaluation in the light of a theology of unity and primacy.

Dialogue about what?

The first task of the current round in the Roman Catholic-Orthodox dialogue which was held in Cyprus 2009 was to focus on the universal ministry of unity exercised by the Bishop of Rome in the first millennium.[12] In this research paper it will be suggested that there are three related and foundational questions which need to be asked before the dialogue leaps to the Bishop of Rome as the possible focus of universal unity.

The first question is 'What is the universal ministry of unity?' One should not automatically assume a shared understanding of this central term among Orthodox and Roman Catholic dialogue partners. It is not assumed in this paper that in the first millennium this ministry had a single or normative

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[12] An unofficial transcript of the results of the dialogue on the ministry of the Bishop of Rome in the First Millennium has been released onto the internet but as it has no official status as a product of the dialogue at the time of writing and it will not be considered here.

expression which may be retrieved and considered binding for the Church today. Nor should developments post schism be discounted because they developed after the schism. Post schism developments in the universal ministry of unity need to be examined in relation to the fundamental theological origin and purpose of such a ministry.

The second question asks 'What is the theological foundation for a universal ministry of unity?' No matter what forms it may have had, or will have, a universal ministry of unity needs a theological foundation rather than one drawn from history or from social theory. In this research paper it will be argued the unity of the Church is primarily a theological reality and not unity brought about by human effort and therefore any ministry which serves that unity must have a theological foundation. The primary theological foundation is that of the Church understood as a communion, which is formed out of 'the unity of the Father, the Son and Holy Spirit'.[13] An ecclesiology of communion is the theological criterion by which the structures of communion that have existed and developed in the Church are to be evaluated as to how they serve the universal ministry of unity.

The third question asks 'How is this ministry exercised in the Church?' This paper does not assume, from the pope's invitation for dialogue, that the answer concerns only the ministry of the pope. This research paper will argue that a broader understanding of the universal ministry of unity is required in order to see how this ministry might be exercised in a new situation without loss of its essential nature. The ministry of the Bishop of Rome will not be considered as the sole bearer of this universal ministry in the Church. Other

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[13] LG 4

bearers of the universal ministry of unity are the bishops throughout the world who are in communion with each other as expressed by the profession of the same apostolic faith and celebration of the same sacraments.

The dialogue on 'a universal ministry of unity' calls for a portrait of such a ministry in order to capture its essence. This study contends that a focus on the papacy and on the primacy of the Bishop of Rome is too narrow in scope and a too small canvas for this subject. Much of the conversation that has taken place between the Roman Catholic and Orthodox Churches has been about papacy and primacy, and not really about the central idea of 'a universal ministry of unity'. It will be suggested this central idea and its relation to the Church understood as a communion of communions must be the first subject of the dialogue if progress is to be made. Developments in ecclesiology and ecclesiological praxis before and after the schism must be open for consideration, as constituting a significant aspect of the 'new situation', if we are to fully expose the essential nature of this ministry and then suggest new forms it might acquire.

It will be argued in this study that form; the ways in which primacy and the universal ministry are actualised in terms of ecclesial practices, canons and structures, follows the nature of primacy and the universal ministry of unity. That nature is a theological reality, which is a constitutive element of an ecclesiology of communion. As a constitutive element it remains constant in its nature but open to different functional expressions or forms, as has been shown throughout history. A variety of expressions of primacy and universal unity have developed in response to contingent factors. Some of these contingencies include the political, cultural and historical milieu of the Church. Forms which

represented adaption to a given milieu are frequently carried into new contexts where these forms may indeed take on the character of mal-adaption as they no longer serve the needs of the present times. Some of these historical accretions may be minor, such as modes of ecclesiastical dress denoting different hierarchs or be more significant such as the power given to the Bishop of Rome to appoint most bishops in the Roman Catholic Church.

Broad limitations

Previous studies on papal primacy have, in very broad terms, commenced from one of three starting points. The first of these are the scriptural studies which have examined the role of Peter in New Testament literature.[14] Studies such as those done by Raymond Brown, Oscar Cullman, Charles Journet, Oliver Clement and many others are representative of this approach. These studies seek to identify whether or not Peter had a significant role in the New Testament and in the early Church which could amount to some commission by Christ to Peter to lead the early community as its focus of unity in faith.[15] This is important work that needs to be considered in order to be able to trace a trajectory from Peter to a ministry of unity in the present Church which is the basis for the Roman Catholic claim in Vatican I and II that the Bishop of Rome has inherited and has preserved this office from Peter.[16] This idea of establishing a trajectory from Scripture to a later Church doctrine is

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[14] For example: John de Satage, *Peter and the Single Church*, London: SPCK, 1981, Raymond Brown, Karl Donfried, John Reumann (eds) *Peter in the New Testament*, New York: Paulist Press,. 1973. Arlo Nau, *Peter in the Matthew: Discipleship, Diplomacy and Dispraise…With an Assessment of Power and Privilege in the Petrine Office*. Collegeville: Liturgical Press, 1992. Oscar Cullmann, *Peter: Apostle, Disciple, Martyr: A Historical and Theological Study*. Philadelphia: The Westminster Press, 1953. Charles Journet, *The Primacy of Peter from the Protestant and From the Catholic Point of View*. Trans. John Chapin. Westminster: Newman 1954

[15] John Zizioulas notes that Biblical and Patristic studies cannot alone decide the issue of a Petrine primacy of the See of Rome. In James Puglisi (ed) *Petrine Ministry and the Unity of the Church*. Collegeville: Liturgical Press, 1999,pp16-17

[16] LG 8, 19, 22

important in grounding this doctrine in revelation, but this is not the same as claiming an explicit foundation of the ministry in its present form.[17]

Significant elements of the essential constitution of the Church took some time to emerge, so the possibility that the Petrine ministry also took some time to emerge and had its origins in revelation cannot be excluded. The following examples illustrate the point that a number of essential elements of the constitution of the Church did not have an explicit commission in Christ. The existence of the mono-episcopate would be one significant example of such essential elements not found explicitly in Scripture. Mono-episcopate took some time to develop as the norm for ecclesial life, even in Rome, and yet it has a firm foundation in an ecclesiology of communion as being of divine origin and essential for the life of the Church.[18] Another is the problem the primitive Church had to resolve about the extent to which the old law applied to early Christians. Did part of the essence of being a disciple of Christ entail adherence to the Law? Were the followers of Christ bound by the law of circumcision for males? The Church was able to resolve such questions even though there is no explicit commission from Jesus in regard to the admission of gentiles or to the broader question of the observance of Jewish laws and customs within the nascent Christian community. Conscious of the presence of the Risen Lord, by the power of the Holy Spirit, the Church was able to come to a determination as

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[17] The idea of 'trajectory' from the Bible to later Church practice or doctrine is developed by Raymond Brown in his work *Biblical Exegesis and Church Doctrine*, Paulist Press, New York, 1985, p50. It is a useful construct and one which is justified from a number of cases which should provide a way though for evaluation of the role of Peter in the New Testament and later development.

[18] Francis Sullivan, *From Apostles to Bishops: The Development of the Episcopacy in the Early Church*. New York: The Newman Press, 2001. Sullivan traces the development of episcopacy through the Scriptural sources to the third century and illustrates the gradual emergence of the mono-episcopate. Klaus Schatz, *Papal Primacy: From its Origins to the Present,* Collegeville: The Liturgical Press, 1996. Schatz notes that in spite of Eusebius' list of the Bishops of Rome a presbyteral and diaconal council remained in place in Rome before the idea of a single bishop in each diocese had taken hold.

to what was required (Acts 15). A final example is that of the canon of Scripture. No one would argue that the New Testament does not form part of the normative and essential constitution of the Church and, yet, the canon itself took some three hundred years to be defined and to be received by the Church. Therefore, elements of the essential nature of the Church do not require an explicit commission or a foundation in the life of Christ and in Scripture in order for them to be received by the Church.

A second approach to the universal ministry of unity has a starting point in the consideration of the meaning of primacy within the notion of the ancient Pentarchy or the major patriarchal sees.[19] The chief limitation of this starting point is that it commences from what was imposed on the Church by the imperial system of Rome and by history. The emphasis on the model of Pentarchy in the imperial system was on administration, on jurisdiction and, to some extent, on prestige.[20]

Questions naturally arise in an administrative structure about the rights and extent of the juridical authority of the patriarch and metropolitans in relation to the territory to which they have been assigned by the Imperial State. The Pentarchy, should not be considered essential to the mission of the Church although it might prove to be useful for that mission and, thus, worthy of preservation. It may be considered to be a human construct since it was created to serve the administrative needs of the imperial state and, because the second

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[19] There are a number of studies from this perspective contained in the volume, Michael Buckley, *Papal Primacy and Episcopate: towards a relational understanding*. Crossroads, New York, 1981. Francis Dvornik, *Byzantium and Roman Primacy*. Trans. Edward Quinn. New York: Fordham University Press. 1966

[20] Prestige is certainly a factor in the elevation of Byzantium to a Patriarchal See, since bishops objected to such an elevation of the 'New Rome' because it lacked apostolic foundation which had been considered by some as the essential criteria.

patriarchal See (Byzantium) achieved its place among the five because of its imperial dignity.

Allowing the theory of Pentarchy to be the foundation of the meaning of primacy introduces the further limitation of being unable to adequately deal with other historical questions. Appeals to the Church of Rome and its recognition as a guide to the rule of faith existed prior to the establishment of the pentarchal system.[21] How then can the theory of Pentarchy adequately address such instances? John Zizioulas asks do these theories account for the real authority and jurisdictional power of the metropolitans and the patriarchs in the Holy Synods which govern each autonomous Church?[22]

Patriarchs, as will be argued in this paper, have a primacy not only of honour but also of jurisdiction and authority. A simple appeal to the status of the pope as *primus inter pares* does not, therefore, automatically resolve questions relating to jurisdiction and to the limits of papal authority since primacy necessarily involves these other dimensions.[23] This is not to say that the theory of Pentarchy should be overlooked in this dialogue about a ministry

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[21] The Council of Sardica 342 presumes a right of appeal to Rome based on a pre-existing tradition. Irenaeus seems also to believe that the 'first Church' provided not only a rule of faith but a place from which to appeal decisions. Clearly the process was not a formal ruling but more one of preserving the communion of Churches. Significant though that the tradition supports the idea of appeal to Rome before the Pentarchy is an established fact of ecclesial life, a principle established at the council of Sardica, 343 AD Canon 3b. DS, p28.

[22] John Zizioulas, *Being as Communion: Studies in Personhood and the Church*. Darton Longman and Todd. London. 1985

[23] Apostolic Canon 34 makes provision for the bishops in each region to recognise one among them as the head, who can convoke councils and approve the acts of the councils for his region. The Council may not be convoked or act without him. Although the Orthodox Churches do not possess a single collection of canons equivalent to the Roman Catholic Code of Canon Law, the Eastern Catholic Churches drawing on the common canonical patrimony of the East has a code. Title III of these canons provides for a system of patriarch and metropolitans in the East who have the authority to convoke and enact the decrees of the Holy Synod of each respective Church. Therefore *primus inter pares* actually provides for real differences in authority between the diocesan eparchs and the metropolitan or patriarchal sees. Canons 78 in the Eastern Catholic Code and following outline the powers of the patriarch and metropolitans and canons 103 and following the relationship to the Holy Synod.

of unity. Questions nevertheless remain about the theological foundation of the theory and application to the 'new situation'.

A third approach to the universal ministry of unity commences from the historical reality of the role of the Bishop of Rome within the Roman Catholic Church, and specifically, within the papacy as defined in Vatican Councils I and II.[24] Jean Marie Tillard and Patrick Granfield are representatives of this approach.[25] This approach purports to deal with some of the facts of the universal ministry of unity. These facts include: the definition of infallibility; the descriptions of the task of the Bishop of Rome in canon law; the descriptions of episcopal collegiality; and, other so-called givens of the present shape of the papacy in the life of the Roman Catholic Church.

Some of these studies may address the fact that, throughout history, the papacy has accumulated a number of titles. Each of these has its own limitations and degrees of juridical authority and theological significance.[26] One such title is 'Patriarch of the West', a title which had a very short life among the many papal titles. It first appeared in 1848 and was dropped in 2005. Although the deletion of this title caused some small amount of controversy, which will be addressed in subsequent sections, a study of titles will not be a feature of the consideration of the universal ministry of unity in this paper.

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[24] John de Satage, *Peter and the Single Church*, SPCK, London, 1981. Empire, Murphy and Burgess (eds) *Teaching Authority and the Infallibility of the Church*. Augsburg Pres, Minneapolis, 1978.

[25] Patrick Granfield, *The Limits of the Papacy: Authority and Autonomy in the Church*. New York: Crossroads, 1987. Patrick Granfield, *The Papacy in Transition*, New York: Doubleday 1980. J.M.R. Tillard, *The Bishop of Rome*, London: SPCK, 1982. John De Satage (trans) Karl-Heinz Ohlig, Why we Need the Pope: *The Necessity and Limits of Papal Primacy*. Trans. Robert Ware. St Meinrad: Abbey Press, 1975

[26] The list of titles from the current *Pontifical Annuario*; Bishop of Rome, Primate of Italy, Metropolitan of the Province of Rome, Supreme Pontiff, Head of the Holy See, Head of the Vatican City State, Servant of the Servants of God. We witness some consternation among Orthodox bishops and theologians as to the significance of the Bishop of Rome dropping the title Patriarch of the West.

Some of the studies, in this third category of approaches, attempt to correct an exaggerated view of papal authority, and may also address the many limitations which are placed on papal primacy.[27] Questions about the concrete exercise of the authority of the Bishop of Rome are essential but these also need to be considered within the context of what is meant by a universal ministry of unity. The chief limitation of these studies is that they do not give sufficient attention to the other bearers of the universal ministry of unity and the multiple ways in which the universal ministry has found expression in ecclesial ministries and structures throughout the history of the Church. That is, they focus too much on papal primacy and not on primacy within a broad understanding of the Church and the ministry of unity. A second and significant limitation is that consideration of current powers (and the limits of these) is that they can lead to the false conclusion that these are the 'givens' or the essence of the universal ministry of unity, whereas in fact these too need to be evaluated against what can be agreed is the essential nature of the universal ministry of unity and primacy which is acceptable to Roman Catholics and Orthodox. That is the current titles and powers reflect the current understanding, along with all of the contingent factors which gave rise to them and they may not reflect the essential elements of be suited to the 'new situation' in which primacy should operate.

Methodology

The methodology of this study is distinguished from previous types of studies. There are three aspects unique to the methodology of this study.

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[27] Grandfield, *The Limits of the Papacy*, 1987. Jean-Maries Tillard; *The Bishop of Rome*, 1983.

These aspects are; first the primary questions which focus the study, secondly the hermeneutical approach and finally the structure of the study.

The first element of the methodology is justified by *Ut Unum Sint*, which invites consideration of a universal ministry of unity. Departing from previous studies the primary focus here is the 'universal ministry of unity' and not the ministry of the Bishop of Rome. The study wants to uncover any essential features of a universal ministry since John Paul II invites consideration of how his ministry might be exercised in a new situation without losing any of its essential elements. If the elements are essential for the Church this study suggests that they must also exist independently of the ministry of the Bishop of Rome.

The second element of the methodology is to evaluate the reception of the fruits of the Roman Catholic-Orthodox dialogue by applying a hermeneutical approach developed by the Faith and Order and by also taking up the invitation of Faith and Order to extend and develop their framework. The framework in *Treasure in Earthen Vessels* was developed for the purpose of reception of documents produced in ecumenical dialogues. The present study is the first to specifically apply this hermeneutical approach to the Roman Catholic Orthodox dialogue on a universal ministry of unity.

The final element of the methodology is the structure of the study. Structurally the study presents the data of the study in the first three chapters and then having done so provides analysis by applying the hermeneutical framework developed for this task.

The three aspects of the methodology are outlined in the following sections.

Three primary questions

Returning to the three questions posed above some elaboration is required in order to establish the parameters of this study. This study contends that the dialogue between Roman Catholic and Orthodox Christians on the universal ministry should proceed via three primary questions. The approaches mentioned above are useful but these will not address the most important question.

The primary question addressed in this study is: What is the universal ministry of unity? The primary question is not: What is the universal ministry of unity exercised by the Bishop of Rome? The universal ministry of unity should be considered independently from the question about what role, if any, the Bishop of Rome might have in exercising this ministry. What is the theological character of a universal ministry of unity which is considered to be part of the essential nature of the Church? How does the universal ministry of unity find expression in the Church? If we were to imagine that every Church but one, were to disappear from the earth would this one surviving Church contain a universal ministry of unity within it? Is there a theological reality which we can name that can define a universal ministry of unity that is independent of historical developments and which may be found present in the first millennium?

This study will argue that the universal ministry of unity is exercised by the episcopal college with the *protos*/primate, and that the ministry of unity is simultaneously local and universal, conciliar and personal, and is constitutive for the ecclesiology of communion. This paper will argue that there are sufficient arguments to suggest that the Bishop of Rome is the *protos*/primate of

the college of bishops. The term college of bishops is more frequently found in Roman Catholic ecclesiology but the language has been adopted in the dialogue statements.[28]

A second element of this research paper will be consideration of the theological foundations for the ministry of unity articulated in the dialogue between the Roman Catholic and Orthodox Churches? This will be achieved primarily through examination of the agreed statements.[29] It will be argued that sacramentality and apostolicity are 'of the *esse*' of the Church and that these provide the foundation of the universal ministry of unity. Apostolicity refers to the succession of the *paradosis* of the faith of the apostles which was handed on and preserved in the fullness of the catholic Church[30].

A universal ministry of unity must also be founded on an ecclesiology of communion. John Meyendorff argues that apostolicity understood as an uninterrupted succession going back to the time of the apostles and to the emergence of the episcopate as guarantor of that *paradosis*, cannot justify the existence of one bishop in one local church. He argues that it is the ecclesiological dimension of the Eucharist, the communion of the Church,

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[28] *The sacrament of order in the sacramental structure of the church with particular reference to the importance of apostolic succession for the sanctification and unity of the people of God*, JCOC, 1988, n. 26, 'This unity of the local Church is inseparable from the universal communion of the Churches. It is essential for a Church to be in communion with the others. This communion is expressed and realized in and through the episcopal college. By his ordination, the bishop is made minister of a Church which he represents in the universal communion.'

[29] Joint Catholic Orthodox Theological Commission Statements: *The Mystery of the Church and the Mystery of the Eucharist in the Light of the Mystery of the Holy Trinity*, Munich, 1982; *Faith Sacraments and the Unity of the Church*, Bari,1987; *Uniatism, Method of Union in the Past and the Present Search for Full Communion,* Balamand 1993, *The Sacrament of Order in the Sacramental Structure of the Church With Particular Reference to the Importance of Apostolic Succession for the Sanctification and Unity of the People of God,* Valamo, 1988; *Ecclesial Communion, Conciliarity and Authority,* Ravenna, 2007

[30] Catholic as in the *kath holon* of the creed and not the denomination, Roman Catholic Church, although it would claim to also preserve the fullness of the apostolic tradition.

which makes it unavoidable.[31] This paper will follow Meyendorff in this argument by also grounding the exercise of a universal ministry of unity within the ecclesiological dimension of Eucharist.

This study will argue that the sacrament of episcopacy provides the sacramental basis for the ministry of unity. All bishops express the unity of their local church and the communion of their church with all other churches[32]. The College of Bishops, together with its head, represents the supreme authority in the Roman Catholic Church.[33] If this teaching of Vatican II is accepted, then the supreme authority of the Church cannot be conceived as a circle with a single focus of unity (the pope) but can be represented as an ellipse with two foci - the head of the College and the rest of the bishops.[34] When a synod of bishops gathers, it is churches which gather through the person of the bishop, and this is the case for both the Roman Catholic and Orthodox Churches. This study will suggest that both of these ecclesiological facts, the elliptical nature of the supreme authority and the synod as a meeting of churches, provide a basis for a fresh consideration of a universal ministry of unity. We must, therefore, look for a ministry of unity which is mediated by the sacraments, especially Eucharist and Orders.

A ministry of unity must be situated within an understanding of the Church as *koinonia.* The ecclesiology of communion has gained wide

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[31] John Meyendorff, *Catholicity and the Church*, New York: St Vladimir's Seminary Press, 1983, p28.

[32] CD 11 the diocese 'constitutes one particular Church in which the one, holy, catholic and apostolic Church of Christ is truly present and active', and LG 23 the dioceses 'are constituted in the manner of the universal Church, it is from these and in these that the one unique Catholic Church exists.'

[33] LG 22, 'Together with their head, and never apart from him, they have supreme and full authority over the universal Church.'

[34] Karl Rahner and Joseph Ratzinger, *The Episcopate and Primacy*, Herder and Herder, New York, 1962.

acceptance in ecumenical dialogue generally and is the ecclesiological premise of the Roman Catholic-Orthodox dialogue.[35] Communion ecclesiology is the fundamental idea underpinning each of the sixteen documents of the Second Vatican Council.[36] This fundamental idea of the Church is deeply rooted in the Scriptures and Tradition/*paradosis*. Miroslav Volf notes with regard to the ecclesiology of communion that, 'One is delving into the mystery of God in whose image the Church is created, if the Church and episcopal collegiality are situated within this framework.[37] This mystery provided the foundation for the sacred origins, the *ius divinum*, of the ministry of unity in the Church.

It will be argued that a wider sense of *ius divinum* based on the idea of the unfolding of the Church by the power of the Holy Spirit is required in order to overcome a static and juridical view of the Church and of the associated institutional forms which have developed. Avery Dulles suggests that the scope of *ius divinum* has been restricted to a juridic concept when it is in fact related to the order of revelation and revelation within communion.[38] *Lumen gentium* urges a consideration of the Church as an organic reality in which, all her dimensions coalesce to form one human and divine reality.[39] This

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[35] Munich, 1982, *The mystery of the church and of the eucharist in the light of the mystery of the holy trinity*. The JCOC statement lays the foundation for the ecclesiology of communion and the ecclesiology which will underpin the dialogue.

[36] Extraordinary Synod of Bishops, *Final Report*, Homebush: St Paul's Publication, 1985, § 50.

[37] Miroslav Volf, *After Our Likeness: The Church as the Image of the Trinity*, Grand Rapids: William Eerdmans Publishing, 1998 p195.

[38] Avery Dulles, *Ius divinum* as an Ecumenical Problem. *Theological Studies*. December 1977, 38/4 p690.

[39] *LG* 8 'The society structured with hierarchical organs and the mystical body of Christ, the visible society and the spiritual community, the earthly Church and the Church endowed with heavenly riches are not to be thought of as two realities. On the contrary they form one complex reality which comes together from a human and a divine element.'

Christological allusion to the incarnation is necessarily Trinitarian. The Holy Spirit is the cause of both the Incarnation and the Church in time, from the originating principle and design of the Father. From this understanding of the role of the Spirit in time, can be derived a more sacramental understanding of *ius divinum*. The adoption of a wider scope for *ius divinum* allows one to note the historical reality that Jesus, in his own lifetime, directly instituted the apostolic ministry but did not establish the episcopate directly as successors in apostolic succession. Christ institutes the Church, his Body, for mission but it is the Spirit who constitutes the Church a living and dynamic reality.[40] The reality of the Spirit constituting and forming the Church enables the Church to determine episcopal ministry as *ius divinum*. This wider scope thus allows the Church to argue that other developments, such as the fixing of the Canon of Scripture at a given point in time or the aggregation of the episcopal and apostolic ministries into one, are also of the *ius divinum*. If we allow that *ius divinum* is of the order of revelation then such a scope also allows the acknowledgement that a universal primacy may also be subject to the same Spirit-driven process and be part of the *ius divinum*.

We are able to approach the question of the universal ministry of unity and primacy through symbolic mediation once we begin on the path of sacramental foundations. The shift that occurred through Vatican II in the Roman Catholic understanding of revelation, as being primarily relational rather than propositional, allows the understanding of sacramental theology to move from an overly mechanistic to a somewhat more positivist understanding of how the sacraments function. While Orthodox ecclesiology always had a stronger

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[40] Zizioulas, *Being As Communion,* 1985, p132 and LG 4, 5, 7.

sacramental theological foundation, the recovery of this perspective in Roman Catholic ecclesiology at Vatican II has meant greater convergence between dialogue partners.[41]

Sacraments function within the realm of symbolic mediation. Louis-Marie Chauvet argues that the role of the symbolic is to represent the real and to carry the whole of the world to which it belongs.[42] He identifies four elements of the symbol. These are: that the symbol brings together all the parts to make a whole; that there is a crystallisation of the essence of the represented thing which contains the real within itself which is then to be discovered and to be encountered; that there is a recognition or identification of the symbol and the world that it represents by the community; and finally, the symbol calls for the submission of the community to the order revealed by the symbol. These elements are required for symbols and sacraments as symbols, to create and bear meaning for communities.[43]

It will be argued that dialogue between the Roman Catholic and Orthodox Churches may be conceived of as a hermeneutic task if we regard the structures of the universal ministry of unity as symbols of a reality, and as the means for carrying the world which they represent into our present. The symbol is only able to communicate all the four elements as outlined by Chauvet after an understanding is achieved of what the symbols of universal ministry of unity are, and of the basis of their theological foundation. The universal ministry of

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[41] Denis Doyle examines the work of two of the key pre-conciliar ecclesiologists, Journet and Congar he notes that Congar's emphasis on historical development is complemented by Journet's emphasis on the mystical and essential thus paving the way for the emergence of an ecclesiology of communion at Vatican II. Denis Doyle; Journet, Congar, and the Roots of Communion Ecclesiology. *Theological Studies*. 58 (1997), pp461-478.

[42] Louis-Marie Chauvet, *The Sacraments: the Word of God at the Mercy of the Body*, Collegeville: Liturgical Press, 2001, p72.

[43] Chauvet, *The Sacraments*, p70

unity, mediated through the central symbols of episcopacy and Eucharist, are then able to be received by Roman Catholics and Orthodox. The process of dialogue becomes a hermeneutic task of symbolic mediation in which all elements of the symbol 'a ministry of universal unity' are experienced and new forms of giving expression to the symbol are possible.

A task of hermeneutics and a double reception

There is a challenge in interpreting different worlds - the world of the Roman Catholic Church and the world of the Orthodox Church, to one another in the dialogue between them. A universal ministry of unity constitutes a hermeneutic problem when we consider the term, a universal ministry of unity, as a 'text' or 'symbol' within the Christian *paradosis* whose meaning has yet to be fully disclosed. This study suggests that the term 'a universal ministry of unity' has an identity as a text or symbol whose content has not been fully disclosed to either the Roman Catholic or the Orthodox Churches[44]. This symbol has an existence in the two very different worlds behind the text. John Zizioulas notes that the Orthodox Churches hear, for the most part, this text in the context of their Constantinian and imperial Church model.[45] He argues that the Orthodox Churches remain largely untouched by the advent of the influences of the Enlightenment, Modernity and Post-Modernity and has to some extent developed an a-historical approach to theological discourse.[46] This

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[44] I am using the term 'text' for the phrase 'a ministry of unity' because the phrase stands outside each of the traditions as a word or symbol which is to be received by both. Text is a unit of language in which the truth is contained, if not yet received. Text always implies a process of reception has to take place. Text also implies a certain independence from those who formulate the word and those who receive its disclosed meaning.

[45] Zizioulas, *Being as Communion*, 1985, p140

[46] Zizioulas, *Being as Communion*, 1985, p140

constitutes the world in which the symbol a 'universal ministry of unity' is mediated in these Churches.

The Roman Catholic Church has experienced a slow decline of the Constantinian Church and its related worldview, and now lives in a different world in which the idea of a universal ministry exists. Vatican II marked the termination of the Constantinian worldview and the emergence of a post-Constantinian Church. This emergence has constituted a Roman Catholic world view that is characterised by an independence from the old imperial structures. Vatican II represented the completion of a paradigm shift in relations between both the Church and world, and within the Church itself.

These worlds of meaning, with their theological, spiritual and ecclesial characteristics, are as much part of the dialogue as are the theological concepts which are related to the universal ministry of unity. Neither dialogue partner, nor the present author, may escape the influence of these world views. World views which may provide clarity and insight at times and which may obscure perceptions at other times. As a Roman Catholic theologian, the author is conscious that he cannot pretend to a complete bracketing of the world view in which he inhabits from the research he undertakes. As a hermeneutic principle the receiver of data is a meaning maker not only a receiver of intended meanings from the communicator. The data in this case is principally the results of bilateral dialogue.

This study contends that the term 'a universal ministry of unity' is as clouded in Roman Catholic theology as it is in Orthodox theology. Therefore The task of dialogue is not to assist Orthodox Churches to accept the Roman Catholic understanding and experience of primacy but for Orthodox and

Catholics to arrive at a mutual understanding of what is meant by a universal ministry of unity and primacy. Significant problems remain to be resolved in Roman Catholic ecclesiology that makes it difficult to receive the full meaning of the symbol. For example, the universal ministry of unity exercised by the episcopate is not yet fully articulated, and neither are the relationships between the forms of conciliarity and primacy at different levels of the Church fully understood or given satisfactory expression in the ecclesial practice of the Church. Another problem is that the universal ministry of unity, as presently exercised by the Bishop of Rome, has a shape that has been mediated through the experiences of the Church and society over the past two thousand years some of which are not events generally experienced by Orthodox Churches. We shall see in this paper that this historical context is essential in interpreting the meaning intended in several key documents, including *Pastor Aeternus*. Similarly terms such as primacy, episcopacy, Petrine ministry, infallibility, *magisterium*, collegiality, conciliarity and apostolicity have attached themselves to the universal ministry in different ways and with very different meanings throughout the history of the Church. Thinking about a universal ministry beyond the category of the papal primacy necessitates an acknowledgement that there is a bigger world lying behind this term that is waiting to be disclosed.

Orthodox communities and the ecclesial structures which have developed within and among them are no less requiring of an understanding of historical context in which to interpret ways in which the ministry of unity has been and is expressed. The development of the patriarchates, autocephaly, and the claims of authority of the Ecumenical Patriarchate of Constantinople over the so called 'Orthodox diaspora' as well as the phenomenon of multiple

Orthodox episcopal jurisdictions within the same territory are likewise matters that impinge on the universal ministry of unity. Though many of these developments occurred after the schism they present issues needing investigation no less than developments which occurred in the Roman Catholic Church with regard to primacy and episcopacy as noted above. It is not possible to consider the universal ministry of unity, even as this primacy may have functioned in the first millennium, and to bypass these significant developments in ecclesiology in the Orthodox Churches.

Part of the hermeneutical problem consists of the process of mutual discovery, or recovery, of the world of meaning behind the text- 'a universal ministry of unity' and the development of a mutual understanding of this 'new situation'. Mutual discovery requires one to enter into the language of metaphor and symbolic discourse within a sacramental framework, to leave behind the language that is more suited to juridical and historical discourse, and to enter into the language of sacrament and mystery. There is a need to delve into the constitution of the Church. The Church cannot be seen as a static institution, but rather, it should be viewed as a dynamic and divinely inspired community vivified by the presence of the Spirit.

The language which will enable dialogue and hermeneutic encounter will also be able to account for the experience of the Church as an ongoing event of *epiclesis*. This language will reflect the nature of the Church as a communion of communions and will explore the mystery of life in the Trinity. The recovery of the ancient notion of *koinonia*/communion will provide the ecclesiological basis for the current discourse between the symbolic worlds of the Roman Catholic and Orthodox Churches. The ministry of unity, if it is

indeed part of the constitution of the Church, must find its roots in the Divine life which is reflected in the life of the People of God made-one in the Spirit. An ecclesiology of communion integrates the language of the Mystery of the Incarnation, sacramental realisation, Christology and pneumatology within a unified world of meaning.

Reception of a doctrine of 'a universal ministry of unity' is one aspect of a hermeneutical disclosure of truth in this dialogue. There is a double distanciation evident here whereby this text, the idea of a universal ministry of unity, maintains an alterity in relation to both the author and to the interpreter. While the 'text' is not context-free, it transcends the specificity of particular socio-historical contexts because it is related differently to varying interpretative standpoints. Hermeneutical appropriation is not, therefore, founded on the principle of subjectivity but is founded on the disclosure of the 'world of the text', on the possible worlds contained in the text, and on the many possible ways of orienting ourselves within this world.[47]

The task of reception is not a one-way process. It is a process whereby both communions will elucidate the meaning of the term - 'a universal ministry of unity'. There is a middle path between an iconoclastic and a restorative hermeneutic process. There needs to be a hermeneutic process that allows for the destruction of idols and for the reduction of illusions while also achieving a balance through the restoration of meaning. Some of these idols and illusions include fixations on elements of the past, holding up as unchangeable forms that are changeable and engaging in polemics rather than dialogue. This relativises the hegemony of the 'present' and 'familiar' and

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[47] While my focus remains systematic theology the problem requires the application of the tools of hermeneutics.

affects a critique of closed worlds. It also prepares the Churches to appreciate the enlarged world of meaning that transcends the fixed boundaries of meaning in the present world. A universal ministry of unity must be able to transcend the present and familiar if it is to find new forms while maintaining what is essential to it as well as be open to a future which contains even more possibilities for receiving this ministry.

This study proposes that both the Roman Catholic and Orthodox Churches are engaged in the one dialogue with the same 'text', a universal ministry of unity. This will necessitate a reception of the idea of 'a universal ministry of unity' in both Church communions. Reception in dialogue is mutual and multivalent. Dialogue partners need to exchange views and to enter into the world of meaning which is disclosed to both by the 'text'. The Churches, in their interior life have only partially received the world that is disclosed by the text of a 'universal ministry of unity'. Much of the attempt at understanding has occurred in a context that has not been shared. Other possible meanings may remain open and unexplored.

Reflections on the universal ministry of unity in the Roman Catholic Church has produced various theological opinions, doctrinal statements and canonical norms which have primarily concerned the Petrine succession, the universal primacy and the elements of universal jurisdiction. There has not been a discourse that has been framed within the context of 'a universal ministry of unity' *per se*, and which has been grounded in an ecclesiology of communion. Vatican I represented a partial attempt to clarify the idea of a universal ministry of unity. Reception of this Council, within the Roman Catholic Church, remained distorted by the inability to complete the reflection

on the episcopacy and the more complete development of the relation between primacy and episcopacy at local, regional and universal levels in a unified theory of the universal ministry of unity. The distortion created some exaggeration of the claims of papal primacy and authority. Vatican II offered some corrective to this problem by disclosing new meanings about the primacy and episcopacy within the context of a recovery of the Church understood as communion.

This study will argue that neither the Orthodox nor Roman Catholics, prior to Vatican II, had ventured sufficiently out from their restrictive paradigms to enable them to enter fully into a patient and fraternal dialogue.

The Structure of the study

This study examines in four chapters the prospects and problems for the reception of a universal ministry of unity by the Roman Catholic and Orthodox Churches.

Chapter one develops a hermeneutical framework which is used to interpret the analysis of the universal ministry of unity as described in the primary sources, in the dialogues, and in the theological commentary. This framework is developed from three sources. Part of the framework is drawn from the Faith and Order Commission document - *Treasure in Earthen Vessels*.[48] This document was developed in response to the need for a hermeneutical framework which could be used by churches in the evaluation and reception of documents which are the product of ecumenical dialogue. The document produced by Faith and Order contains a specific invitation to adapt and to extend the developed framework.

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[48] World Council of Churches, Faith and Order Paper 182, *A Treasure in Earthen Vessels: An Instrument for an Ecumenical Reflection on Hermeneutics*. Geneva: WCC Publication. 1998.

One of the best ways to receive this text is to use it to develop hermeneutical guidelines and other study materials appropriate to particular confessional, ecumenical and contextual settings.[49]

The present research paper takes up that invitation by adding elements from two other sources.

Two elements from the work of Ormond Rush on the reception and interpretation of the Second Vatican Council are included in the hermeneutic framework. Rush' concepts of micro-rupture and pneumatological hermeneutic are use to extend the framework. The contribution his work makes to this study is outlined in chapter one. The final element of the framework is developed by the author of this study.[50] This element is referred to as sacramental priority and its definition and contribution to the framework are outlined in chapter one.

Chapter one lists and defines six elements of the hermeneutic framework of this study. These are: a hermeneutic of coherence; a hermeneutic of suspicion; a hermeneutic of confidence; a hermeneutic of rupture; a hermeneutic of sacramental priority and a pneumatological hermeneutic.

Chapter two considers the question: What is the ministry of unity and its structures? This chapter outlines and analyses the structures of communion which have developed in the Church, and which support the ministry of unity at the local, the regional and the universal levels. It examines the structures which support the ministry of unity as expressed in the local Church, and which are foundational and constitutive for the universal Church. Consideration is given to distinguishing between structures which are of the *esse* of the Church, and those are useful for good order and therefore of the *bene*

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[49] Faith and Order, *Treasure in Earthen Vessels*, p4.

[50] Ormond Rush, *Still Interpreting Vatican II: Some Hermeneutical Principles*. New York: Paulist Press. 2004.

esse of the Church.   Relationships between these various structures are considered in terms of their contribution to the development of an understanding of the universal ministry of unity.

Chapter three, the universal ministry of unity in Roman Catholic-Orthodox dialogue, examines what the dialogues are saying about the nature of this universal ministry of unity, and what Roman Catholic sources have said about the universal ministry of unity as it is exercised by the Bishop of Rome. The chapter develops an understanding of the universal ministry of unity which is grounded in an ecclesiology of communion, and which is exercised by the episcopal college with its head, in three modes of operation which are interdependent.   In the first mode the entire college unified in a Council acts with the primate/*protos* in a visible collegial act.   In the second mode the college scattered throughout the world with the primate/*protos* acts in a collegial manner, even if the *protos* and other bishops only act by reception of the act of other bishops.   In the third mode the *protos* may act alone, provided that he is in communion with the bishops and knows the mind of the episcopate on the matter, so that even when he appears to act alone it remains a collegial act.

Chapter four offers conclusions about the prospects and problems for the reception of a universal ministry of unity between Roman Catholic and Orthodox Churches.   The analyses, which are provided in chapters two and three are evaluated through the medium of the hermeneutic framework developed for this study. Chapter four raises the question of whether or not the symbolic text – 'a universal ministry of unity' can be received. Theological and non-theological factors which are likely to provide positive prospects or problems for the mutual reception of a universal ministry of unity are identified

through the application of the hermeneutical framework to the previously presented material.

This study may be conceived as having attempted to receive the universal ministry of unity by applying a particular hermeneutic framework to that dialogue which has been undertaken by the Churches thus far. The particular contributions of this present study are firstly to test the efficacy of ecumenical hermeneutics as currently applied to Roman Catholic-Orthodox dialogue. This study hopes, by doing so, to contribute to the ongoing debate about an appropriate hermeneutic for ecumenical dialogue by extending the framework as previously developed by Faith and Order. Such an extension offers a critique of the Faith and Order model by demonstrating the effectiveness of some of its elements. It also suggests the necessity for a broader framework that is based on a similar sacramental, ecclesiological and pneumatological perspective which is more suited to Roman Catholic-Orthodox dialogue.

Secondly, this study endeavours to contribute to the dialogue on the universal ministry of unity between Roman Catholic and Orthodox Christians by situating the question within the common *paradosis* of the ministry of unity at the local, regional and universal levels and demonstrating that universal primacy is of the *esse* of the Church understood as a communion of communions.

A third contribution which this study makes to the 'river' of studies is that it is not primarily grounded in a Scriptural search or a historical search of the first millennium and it does not proceed from an assumption that universal ministry of unity includes only the pope or his presently configured powers of

authority. This study wants to expose a shared understanding of 'a universal ministry of unity' around which particular forms have and can take shape and which can preserve the church in unity of faith and love.

Author perspective in a hermeneutic task

As a hermeneutic task a final acknowledgement must be made about the world view which is inhabited by the author of this research paper. In research as in all meaning making there are no passive recipients and no pure experiences of unmediated reception. As a male Roman Catholic formed in theology after Vatican II, born just prior to it and living in a wealthy industrialised nation which has a large Roman Catholic and Protestant community and a small Orthodox and Eastern Catholic community, I have a world viewed informed and formed to some extent by these experiences. I have no personal knowledge of the Roman Catholic Church prior to Vatican II and no desire to recreate that world. I bring with me none of the argument and questions or struggles that is said to sometimes characterise Roman Catholics of the immediate Pre-Vatican II generation along so called progressive or conservative lines. I belong to an extended family which includes Roman Catholics, Eastern Catholics and Orthodox Christians and sometimes participate in liturgy, special days and cultural events in all three traditions. My country is a migrant country where people from all over the world have come to settle along side of a small and mostly marginalised indigenous population. Roman Catholic, Orthodox and Eastern Catholic communities have taken root here, in a land which cannot be said to be part of the historic 'Western Christianity' or 'Eastern Christianity'. East and West as designations for Churches has less resonance here than in Europe, North Africa of the Middle East.

In the course of this research I draw on aspects of the common *paradosis*, I draw on Orthodox theologians and on Roman Catholic theologians and Roman Catholic source documents. Although I attempt to create distanciation between the data and the conclusion, by using a hermeneutic framework to create an objective space, which attempt must always remain only partially fulfilled. It is not possible to bracket entirely the world view from which we come. Such an acknowledgement is not to be regarded as a weakness of the study but pointer to the fact that research participates in the same meaning making process involved in the dialogue.

In the following chapter the hermeneutical framework used for this study is outlined. It is a framework which will enable evaluation of a wide spectrum of data and permit examination of a universal ministry of unity beyond a limited consideration of the universal primacy of the pope. It is a framework which facilitates consideration of the 'text' a universal ministry of unity within the common apostolic *paradosis*.

Chapter 1

Reception and an ecumenical hermeneutic

1.1 Introduction

The patient and fraternal dialogue which is required for the evaluation of the universal ministry of unity is a task of hermeneutics. The Orthodox and Roman Catholic Churches have inhabited different worlds of meaning that have been shaped by sometimes very different political, cultural, historical and theological factors since the East-West Schism. Each needs to find a common language and frame of reference in which the ecumenical dialogue can take place. There is no real dialogue about a universal ministry of unity if there is not recognition that these worlds of meaning are as much a part of the dialogue as are questions of jurisdiction, pastoral oversight and authority.

A suitable hermeneutic framework needs to be developed in order that these different worlds of meaning might enter into dialogue. This dialogue enables the active process of mutual reception of doctrine and theological insights to take place. The hermeneutic framework needs to support the process of dialogue and mutual reception and allow for each partner to arrive at a better understanding of the truth of the possibility of a universal ministry of unity.[51]

Tillard addresses the definition of reception thus:

> Simply the approach by which an ecclesial body, judging that it recognises there its own faith, makes its own a rule of faith, a specific doctrinal point, a norm which an authority of the Church has determined. It is not a matter of acquiescence pure and simple, but the welcoming that justifies the harmony between this which is proposed and that which one knows of faith.[52]

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[51] In developing the discussion of the hermeneutical task, it will be necessary to make ecclesiological statements which cannot be fully explored in this section. It is not the intention of this section to defend or provide detailed arguments to support these ecclesiological statements, which is a task for later sections but to develop a hermeneutic framework to support the ecclesiology of this patient and fraternal dialogue.

[52] J. M Tillard in B Laurent and F Refoule (eds) *Initiation a la practique de le theologie*. Vol 1, Paris, Cerf, 1982, pp 165-166.

Without such recognition of the faith of the Church reception is not possible. Roman Catholics define the universal ministry of unity, including the primacy of the Bishop of Rome, as a matter of the content of the faith. This ministry will only be received if Orthodox Churches recognise the faith of the apostolic Church in Roman Catholic doctrinal developments and practice regarding primacy and the universal ministry of unity.

William Rusch underscores this point when he writes, 'Reception does not create the truth nor legitimize a decision: it is the final indication that such a decision has fulfilled the necessary conditions for it to be a true expression of the faith.'[53] It need not be a truth formulated in the traditional manner currently used by one dialogue partner, they key is that the truth of the common *paradosis* is recognised. Rusch argues 'genuine ecumenical reception will not occur if each Church judges ecumenical results on the basis of how closely they conform to their own beliefs.'[54] Establishing conformity with the particularity of one's own expression of faith is not to seek dialogue at all, rather the acquiescence of the other to the rightness of one's position. The hermeneutical task is to uncover the common faith in different expressions of that same faith.

Ecumenical reception has already begun to take place 'when a particular Church begins to perceive and acknowledge that it is neither the sole bearer of Christian truth nor the only witness to Christian faith.'[55] Rusch identifies a central insight into ecumenical reception when he notes that 'in

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[53] William G Rusch, *Ecumenical Reception: Its Challenge and Opportunity*. Cambridge: William B Eerdmans Publishing, 2007, p60.

[54] Rusch, *Ecumenical Reception*, 2007, p71

[55] Rusch, *Ecumenical Reception*, 2007, p73

ecumenical reception Churches are not accepting documents; rather they are accepting one another.'[56] Above all they are accepting that the Holy Spirit continues to animate and guide each Church.

Reception, before the schism between particular churches of the great communion of the Church and reception within one communion is a different task to that required in ecumenical dialogue. Gillian Evans argues;

> …the reception processes needed to bring together and maintain in unity a future united Church are different in some respects from the reception processes of the past, because of the duality of receiving from one another and receiving together.[57]

The duality of receiving 'from' and 'together' may also be termed double reception to underline that the process is not one of expecting conformity in to one's own position. Roman Catholic and Orthodox Churches receive from each other insights which developed outside of their own ecclesial experience in the dialogue. In developing a common understanding of the universal ministry of unity from these insights they receive together the universal ministry of unity.

Receiving together constitutes a double reception or reception of the reception. If there is indeed a universal ministry of unity upon which the dialogue partners can agree is part of the divine constitution of the Church then they are receiving together the faith of the Church. Evans describes such reception as;

> a means of giving a defined doctrine a new context and a better equilibrium through situating it more squarely with the overall witness of revelation-in the hope that even greater

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[56] Rusch, *Ecumenical Reception*, 2007, p75

[57] Gillian R Evans, *Method in Ecumenical Theology: The Lessons So Far*. Cambridge: Cambridge University Press, 1996, p183

> benefits and fruitfulness might come, not least for those who have had difficulty with an earlier formulation.[58]

Formulation of the universal ministry of unity in Roman Catholic theology post schism has been a major sticking point in Orthodox-Catholic relations. Context and equilibrium are significant factors in interpreting Roman Catholic doctrinal and canonical developments in relation to the universal ministry of unity. Evans suggests reception involves a 'perception of what is common property', and this 'involves a rediscovery of something already known but, because of old divisions, not hitherto fully owned.'[59] These elements will be addressed in subsequent chapters of this paper.

The principal theological task in any dialogue about a universal ministry of unity is the task of reception. Reception is a work of the Holy Spirit involving the whole Church and guiding the Church toward the truth of the apostolic faith. If there is a truth about the Bishop of Rome and a universal ministry of unity, as claimed by Roman Catholics, this truth must be consistent with the apostolic faith through the Great Tradition or *paradosis*. Such a claim cannot validly or logically stand outside the common *paradosis* if it is to be mutually received.

Roman Catholic and Orthodox Christians have each preserved a ministry of unity as a constituent element of their ecclesial life, albeit with different emphases. This ministry is exercised through the bishops and also through structures such as synods and patriarchates which have maintained the organic unity of their Churches. A ministry of unity, which is grounded in the

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[58] Evans, *Method in Ecumenical Theology*, 1996, p187.

[59] Evans, *Method in Ecumenical Theology*, 1996, p187

unity of the Father, Son and Holy Spirit, is regarded as part of the divine structure of the Church in both Roman Catholic and Orthodox ecclesiology.

Ecumenical dialogue, when conceived as a task of mutual reception, enables each partner in the dialogue to accept the gifts that the other brings to any reflection on a ministry of unity. Different emphases and practices may be received into each of the Churches for their mutual enrichment and deeper understanding of the *paradosis*.

Double reception, that is, the reception of the reception, involves a process whereby each dialogue partner acknowledges the common *paradosis* regarding a ministry of unity as expressed in the canonical and theological tradition that existed prior to the schism. This double reception invites the dialogue partners to examine the pre-schism *paradosis* in the light of present insights. This will enable the *paradosis*, which has already been received into the life of the Church, to be re-received, not as a simple preservation of texts but rather, as a living *paradosis* that is confident of the assistance of the Holy Spirit in preserving the Church in truth.

1.2   Developing a framework

In developing an appropriate hermeneutic for this research paper elements of the work of Faith and Order paper 182 and Ormond Rush's work on hermeneutics have been combined along with additions from the author to complete a model for an ecumenical hermeneutics.[60] This particular framework

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[60] Ormond Rush; *Reception of Doctrine: An Appropriation of Hans Robert Jauss' Reception Aesthetics and Literary Hermeneutics*. Rome : Gregorian University Press, 1997. Ormond Rush; *Still Interpreting Vatican II: Some Hermeneutic Principles*. New York: Paulist Press, 2004. Peter Bouteneff and Dagmar Heller (eds) *Interpreting Together: Essays in Hermeneutics*. Faith and Order Paper 189, Geneva: World Council of Churches Publications, 2001.

has been developed for this study because of the relevance of each of the elements to the dialogue.

The elements, which are derived from the Faith and Order paper 182, *A Treasure in Earthen Vessels*, are germane to this study because the principal sources for this study are the agreed statements of the dialogue between the Roman Catholic and Orthodox Churches. The Faith and Order Commission paper invited reflection on the possibility of developing a hermeneutic framework which would facilitate the interpretation of the *paradosis* in an ecumenical context.

Scholars from a variety of Churches have reflected on *A Treasure In Earthen Vessels: An Instrument For Ecumenical Reflection on Hermeneutics* and their responses have been published as Faith and Order Paper 189. This document is a response to the hermeneutical difficulties that arose from the reception of the documents; Baptism Eucharist and Ministry (BEM), Confessing the One Faith, and Church and World. It is also recognition that reception in dialogue will require a different set of assumptions to those that normally apply to the reception of doctrine within a single Church or community of believers which profess the one confession of faith.[61]

A Treasure in Earthen Vessels states that:

> The process of officially responding to BEM has revealed many unexamined hermeneutical assumptions underlying not only the Churches' responses but also the very question concerning the extent to which they can recognise in the BEM text the faith of the Church though the ages.
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> ...a common understanding of the interpretative process is crucial for enabling the Churches to affirm together their

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[61] Faith and Order Paper 182, *A Treasure In Earthen Vessels: An Instrument For Ecumenical Reflection on Hermeneutics* Geneva: World Council of Churches Publications, p12

common Christian identity and to be open to what the Spirit is saying through the faith, life and witness of one another.[62]

The elements of a hermeneutic of coherence, of suspicion and of confidence from *A Treasure in Earthen Vessels* relate directly to the hermeneutical task facing the Roman Catholic-Orthodox dialogue. These provide a means for evaluating the reception of the agreed statements because they were developed for just such a purpose.

A Treasure in Earthen Vessels suggests about the hermeneutic framework that it develops that;

> One of the best ways to receive this text is to use it to develop hermeneutical guidelines and other study material appropriate to the particular confessional, ecumenical and contextual settings.[63]

The present study has a dual focus on the dialogues between the Roman Catholic and Orthodox Churches and developments on the universal ministry of unity in Roman Catholic sources. Consequently other elements are required for the hermeneutical framework to suit this dual focus. This requirement necessitates the kind development of the original hermeneutical framework as envisaged by Faith and Order paper 182. The similar ecclesiological and sacramental context of the dialogue partners also suggests some necessary adaptation to the framework developed.

A Treasure in Earthen Vessels does not furnish all of the hermeneutic tools which are necessary for an evaluation of the dialogue on the ministry of unity. The proposed plan of the International Roman Catholic-Orthodox Theological dialogue includes a study of the documents of the Second

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[62] Bouteneff and Heller (eds) *Interpreting Together*, 2001, p137-138

[63] Faith and Order Paper 182, p4

Vatican Council.[64] The plan for the Roman Catholic-Orthodox dialogue chose to focus part of the study on Vatican II in order to determine what elements of Roman Catholic ecclesiology had changed, and thus might provide a guide to the current understanding of the ministry of unity amongst other ecclesiological problems.[65] The framework supplied by *A Treasure in Earthen Vessels* is to be applied to documents which result from dialogue, and not to those which have been developed within one Church. It is necessary therefore to select those elements which are best suited to the interpretation of the conciliar documents.

Ormond Rush has developed a framework for reception of conciliar documents and the reception of Vatican II in the Roman Catholic Church.[66] Two elements for the hermeneutic framework for this research paper are taken from Rush. These are: the hermeneutic of rupture and a pneumatological hermeneutic. The present study applies Rush's concept of micro-rupture as a means of identifying the turning points in the reception by Vatican II, of Vatican I, and of the previous teaching of the *magisterium* about the ministry of unity.[67] The identification of such turning points will prove to be useful in the dialogue on the ministry of unity.

A pneumatological hermeneutic, also developed by Rush, has been chosen because of its significance for the dynamics of reception, and for the

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[64] The Plan to get underway the theological dialogue between the Roman Catholic and Orthodox Church. Section III, 2. Cited in John Borelli and John H Erikson (ed), *The Quest For Unity: Orthodox and Catholics in Dialogue*. Crestwood: St Vladimir's Seminary Press. 1996.

[65] The Plan to get underway the theological dialogue between the Roman Catholic and Orthodox Church. Section III, 2. Cited in John Borelli and John H Erikson (ed), *The Quest For Unity: Orthodox and Catholics in Dialogue*. Crestwood: St Vladimir's Seminary Press. 1996. p53

[66] Ormond Rush; *Still Interpreting Vatican II: Some Hermeneutic Principles*. New York: Paulist Press, 2004.

[67] Rush, *Still Interpreting Vatican II*, 2004, p7. The distinction between micro and macro-rupture will be taken up in subsequent sections.

common emphasis on the *epicletic* nature of the Church in Roman Catholic and Orthodox ecclesiology.[68] The role of the Spirit in shaping and guiding the development of ecclesial life is acknowledged in both Churches. Pneumatology provides an integrative dimension that unites ecclesiology, Christology, and soteriological within a sacramental realisation of the ministry of unity.

A hermeneutic of sacramental priority has been added to the framework for this study, by the author, precisely because both the present impasse about the universal ministry of unity and a potential solution to it exist in the understanding of the sacramental dimension of the episcopate and of ecclesiology. The Church, as the primary sacrament of Christ, is the subject of the dialogue on the ministry of unity.[69] The sacramental dimension of ecclesial being informs the ecclesiology of communion in Roman Catholic and Orthodox theology. The life of the Church is expressed through the sacraments. Roman Catholic and Orthodox Christians know, therefore, that the ministry of unity must have a sacramental foundation. A hermeneutic of sacramental priority considers elements of the Church which are founded on sacraments to have a priority over elements of the Church which are not sacramentally grounded. There is no 'sacrament of papacy' but there is a sacrament of episcopal orders and this sacrament is the basis for a claim of primacy by any bishop.[70] The implications of this sacramental priority will be explored in this paper.

A hermeneutic sacramental priority allows us to explore differentiated participation in the one sacrament of episcopal orders. If episcopacy is the foundation of the ministry of unity and all bishops participate

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[68] Rush, Still Interpreting, 2004, pp 69-85

[69] The plan to get underway Section III, 4,5 in Borelli and Erickson (Ed) *The Quest for Unity*, p49, 51

[70] Congar and Tillard outlines this dimension in

equally in the sacramental nature of Orders, how then might we account for distinctions amongst them regarding the actual exercise of authority, such as that of a patriarch over a diocesan bishop/eparch, while remaining true to the principle of sacramental equality? Sacramental priority rather than jurisdictional and canonical authority may provide the correct interpretative key to address some of these questions.

The hermeneutical framework that has been developed for this study represents a unique contribution to the Roman Catholic-Orthodox dialogue on the ministry of unity. This has been achieved, firstly, by situating the dialogue as a hermeneutic task, and secondly, by its unique configuration of elements that have been specifically designed for this study. This study tests the efficacy of the elements which were developed in *A Treasure in Earthen Vessels*, and offers a critique of the Faith and Order developed framework with the further elaboration of additional elements.

1.3 Six elements of a hermeneutical framework

The following section provides an outline of a hermeneutical framework which may be able to guide an evaluation of the Roman Catholic-Orthodox dialogue about the ministry of unity.

The hermeneutic framework proposed for this research has six elements. These are:

1. The hermeneutic of coherence;

2. The hermeneutic of suspicion;

3. The hermeneutic of confidence;

4. The hermeneutic of rupture;

5. The hermeneutic of sacramental priority; and

6.   The pneumatological hermeneutic.

1.4   The Hermeneutic of coherence

The process of hermeneutical reflection presumes a dynamic and faithful re-reading of any text, symbol or practice.

A hermeneutics of coherence should:

- Aim for greater coherence in the interpretation of faith, and in the community of believers as their voices unite in the common praise of God;

- Make possible a mutually recognisable (re)appropriation of the sources of the Christian faith; and

- Prepare ways for common confession and prayers in spirit and truth.

This interpretation, which seeks to manifest the integral unity of the Christian faith and community, has been called a hermeneutic of coherence.[71]

Unitatis redintegratio, the subsequent declarations of popes, of ecumenical patriarchs, and the fruit of various Orthodox-Roman Catholic dialogues, has reaffirmed the close communion that already exists between the dialogue partners.   This close communion has been expressed in the formulations of a common Creed, in adherence to episcopal succession, in the celebration of sacraments especially the Eucharist and in other elements of ecclesial life.[72]   The current dialogue acknowledges the coherence in faith and life as expressed in the common *paradosis* which already exist between these dialogue partners while also acknowledging it is not a perfect expression.

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[71] Bouteneff and Heller, *Interpreting Together*, p135-136

[72] UR 3, 4, 13-18. Section 18 of UR stresses the particular closeness of the Eastern Churches to the Roman Catholic Church such as true sacraments, apostolic succession, episcopal succession, priesthood and Eucharist. The Roman Catholic Church has no hesitation in calling Eastern communities Churches where as the term ecclesial communities is used to refer to Churches of the West separated from full visible communion with Rome. The use of the *filioque* in the liturgical recitation of the Creed in the Latin Church remains as an obstacle for many Orthodox but for our present purposes it is sufficient to note that they both accept the Nicene Creed as a symbol of faith.

The Orthodox and Roman Catholic Churches shared a substantially common canonical tradition and ecclesiology of communion prior to the East-West schism. This substantial commonality, although not expressed in identical doctrinal categories, characterised the ecclesial practices which gave witness to the ecclesiology of communion. Some of these practices are also listed below, these are:

- the exchange of letters indicating the outcome of Episcopal elections;

- the inclusion of regional and other bishops' names in the *anaphora*;

- the circulation of letters of excommunication;

- the exchange of outcomes and canons issued by local and regional synods; and,

- the participation of bishops in regional and ecumenical councils.

All of these were practices that aimed at maintaining the communion of the Churches.

A coherent ecclesiology of communion may be inferred from these and other practices, as well as, from the evidence of Scripture. Yves Congar notes that an explicit and systematic reflection on ecclesiology as a distinct subject was not a feature of the early Church and Patristic era.[73] We need to look therefore at the totality of the lived experience of the Christian community in order to create an understanding of *koinonia*, especially as it is expressed through the sacramental life of the Church. The Church herself was not a primary subject for theological speculation and definition until the time of the Reformation. The reformers raised questions about the elements of Church order, of authority, and of the nature of the Christian community and this gave

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[73] Yves Congar, *True and False Reform in the Church*. Trans Paul Philibert, Collegeville: Liturgical Press, 2011. p60.

rise to the need to articulate responses about the nature and purpose of the Church in more explicit terms rather than as part of sacramental theology, eschatology, pnuematology and to some extent Christology.[74]   The integral approach to the Church and its ministry in the first millennium is a point to which we must return later in this study. Ecclesiology, as a distinct systematic enterprise, emerged primarily during the nineteenth and twentieth century's in Western Europe in response to the ongoing challenges which had been presented by the Reformation.[75]

The fact that much of this systematic ecclesiology developed in the West and not in the East, has implications for the present discussion. Ecclesiological discourse among the Orthodox is conducted in the language of mystery/sacrament and in thought categories which may remain untouched by developments in Western Europe from the time of the schism. The language of this Roman systematic theology may need to be understood by the Orthodox in order to facilitate dialogue. Some of this 'language' is shared, especially since the Second Vatican Council recovered the language of *koinonia*. As much of this language has developed in distinct worlds of meaning attempts have to be made to enter the world of the other in order to retrieve the meaning of the text.

The recovery of communion ecclesiology in Roman Catholic and Orthodox ecclesiologies, primarily as a result the *ressourcement* movement, has led to a significant convergence in ecclesiology and in the understanding of the

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[74] John Markey, *Creating Communion: The Theology of the Constitutions of the Church*. New City Press, 2003, p 27-28.

[75] John Markey, *Creating Communion:*, pp27-50 Markey outlines the development of ecclesiology as a separate theological discipline as partly being in response to the Reformation and the questions raised at that time about the nature of the Church, its ministerial ordering and authority and how subsequent historical developments in the West such as the Gallican movement continued to raise fresh questions. Prior to this, ecclesiology was implied in sacramental theology and the ecclesial structures which gave witness to the communion of the Church.

relationship between the local and universal Church.[76] The development of a common understanding of the relationship between the local and universal Church will be seen to be significant for this study.

John Zizioulas recognises that a thread of connection between the Orthodox and Roman Catholics developed in the exiled Russian émigré communities in Paris, and that their encounter with the *ressourcement* movement later found its way back into the Orthodox traditions as a recovery of Patristic studies. Zizioulas further claims that this 'rescued Orthodox theology from its Babylonian Captivity.'[77] This captivity he compares to the manualist tradition of theology that was dominant in the Roman Catholic Church in the period prior to Vatican II. Orthodox theology of the 'Babylonian Captivity' was marked by a proof texting approach to the patristic sources and Scripture and an a-historical theology, liturgical practice and polemics against the Roman Catholic tradition. This recovery of a fresh understanding of the ecclesiology of communion paves the way for a hermeneutic of coherence.

A hermeneutic of coherence does not require the identical formulation of doctrine between Roman Catholic and Orthodox Christians, but only the coherence of the doctrine itself in each tradition. Coherence does not imply uniformity and, in fact, the diversity of expression and practices within both Churches may enrich the catholicity of the Church. We have evidence of

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[76] Markey, *Creating Communion*, p 30-51 traces the development of the ecclesiology of communion and describes its recovery in Roman Catholic ecclesiology as similar to a Copernican revolution. Zizioulas have traced a similar development in Orthodox ecclesiology in his work *Being as Communion*. He alludes to the period prior to this recovery as the 'Babylonian Captivity' of Orthodox theology.

Congar notes that the word ressourcement to refer to this movement of return to the sources indicated a return to the sources of life, a new release of energies and a return to the sources of Divine revelation and the Patristic sources in the own language and context. In Congar, *True and False Reform*, 2011 pp39-40

[77] Zizioulas, *Being as Communion: 1985*, p 20

coherence in faith, with diversity in expression and practice, within the present Roman Catholic churches.[78]

The Eastern Churches in full communion with the Roman See preserve their own liturgical customs and have their own code of canon law and retain many other differences.[79] Most of these Eastern Churches would recite the liturgical Creed without the *filioque* clause, and remain in full communion with the Roman Catholic Church which retains the *filioque* in the liturgical recitation of the Nicene Creed.[80] There would be no reason to suppose that the Roman Catholic and Orthodox Churches could not accommodate a similar coherence in faith and diversity of expression and practice. Vatican II indicated the necessity of diversity for catholicity in UR and LG,[81] and established the hermeneutic principle that the content of a doctrine is one thing while the manner of expression is another.[82] This principle is related to and opens a way for a hermeneutic of coherence which is not predicated on uniformity.

A hermeneutic of coherence calls for the identification and recognition of the truth as a legitimate expression of the *paradosis* by each

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[78] Strictly speaking these Eastern Churches in full communion with the Bishop of Rome are Orthodox Churches in full communion with Rome, as their theological outlook, liturgy, law and mode of governance is identical to that of their Byzantine, Armenian, Coptic, Syrian, Melkite counterparts. The exception being the Maronite Catholics who have no Orthodox equivalent as the whole of that Church is in full communion with the Bishop of Rome.

[80] There is not space here to deal with the entire filioque debate however it is worth noting that from a Roman Catholic perspective they do not understand the filioque as changing the orthodox teaching on the procession of the Spirit. This view is elaborated in PCPCU, *The Greek and Latin Traditions Regrading the Procession of the Holy Spirit*. Vatican City: Tipografia Vaticana, 1996.

[81] Insert ref to UR 17 'What has already been said about legitimate variety we are pleased to apply to differences in theological expression.' Such variations are to be seen as complimentary rather than conflicting. LG 23, refers to the multiplicity of organically united Churches each with their own discipline, liturgical usage, theological and spiritual patrimony and goes on to say that 'This multiplicity of local Churches, unified in a common effort, shows all the more resplendently the catholicity of the undivided Church.'

[82] John XXIII in his allocution for the opening of the Second Vatican Council In Giuseppe Alberigo, *A Brief History of Vatican II*, New York: Orbis Books, 2006, p23

partner. This truth does not come from outside as something that is imposed on the other, nor is it derived from a process which accepts the lowest common expression of faith. The truth is received and is recognised as a truth which might have always been present in the community but which was not expressed in this particular manner.

A hermeneutics of coherence allows the dialogue partners to close the hermeneutic circle that is required for the reception of legitimate but diverse expressions of the common *paradosis*. Both Roman Catholic and Orthodox Churches express their belief in the ministry of unity through various formulas and structures. A hermeneutics of coherence seeks to manifest the integral unity of these diverse expressions as a first step along the way in the dialogue process between them.

1.5   Hermeneutic of suspicion

A *Treasure in Earthen Vessels* calls for a hermeneutic of suspicion to be applied in ecumenical dialogue:

> …the process of hermeneutical reflection reveals the time-bound character of the traditional forms and formulations as well as many ambiguous or vested interests on the part of interpreters both past and present. This means the interpreters should also be interpreted[83]

Hermeneutics is a search for the truth and the Churches in dialogue are always under the authority of Christ and his Gospel where this truth is found in its fullness. The Churches must be prepared to be communities that are open to the truth, and this includes the truth about the obstacles that they might place in the way of full visible communion. The interpreters may be holding onto historical forms of ecclesial life and to certain formulations of doctrine, not

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[83] Bouteneff and Heller; *A Treasure in Earthen Vessels*, p.136

because they know that they serve the truth, but because they serve other interests or beliefs that they do not wish to see challenged. Holding onto various ecclesial forms and formulations and not being open to having these placed under the scrutiny of further theological and hermeneutical reflection may create blind spots for the Churches.

This situation is similar to the beam and speck parable about fraternal correction (Matt 7:3). The parable serves to indicate the nature of the hermeneutic of suspicion in ecumenical dialogue. The dialogue partners need each other, so that one partner can render the service to the other of being able to look in the eye of the other to help to determine if there is some obstruction to a clearer vision of the truth. The International Theological Commission (ITC), although not using the term hermeneutics of suspicion, noted the reality that dialogue partners need to be willing to be interpreted.[84]

> Particularly problematic for the path toward unity of Christians is the temptation to be guided -or even determined- by cultural factors, historical conditioning and those prejudices which feed the separation and mutual distrust among Christians, even though they do not have anything to do with matters of faith.[85]

A hermeneutic of suspicion will be applied to a number of elements of the current discussion. For example, we need to consider the influence of *phyletism*, which was condemned as a heresy by the Pan-Orthodox Conference of Constantinople in 1872, and its possible continuing influence over Orthodox Churches. Has *phyletism* contributed to the rise of multiple episcopal

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[84] International Theological Commission, Memory and Reconciliation: the Church and the Faults of the Past. Homebush: St Paul's Publications, 2000. The chief aim of the document was provide a theological context for the framework for the Litany of Forgiveness prayed by Pope John Paul II and Cardinal members of the curia of the Holy See during the Jubilee Year, 2000. The document highlights both the positive and negative aspects of memory and raised questions about the function of memory in closing off options for unity.

[85] International Theological Commission, *Memory and Reconciliation*, 2000, p60-61

jurisdictions in the same territory, in contravention of proper canonical order?[86]

Are Orthodox (and Eastern Catholics in full communion with Rome) truly free

of this obstacle which effects a limitation on the fullness of expression of

Orthodox unity, as well as, on the unity of the whole Church? This issue of

canonical order in relation to ethnic Churches in nations, such as Australia, the

USA and UK, with large migrant populations from Eastern Europe has posed a

challenge within the Orthodox world.[87] The emergence of the autocephalous

Orthodox Church of America (OCA) in 1976 is, according to its own founding

documents, a direct response to the need to restore correct canonical order in

America.[88]

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[86] John Meyendorff, *The Vision of Unity,* Crestwood: SVS Press, 1987, p.67. Meyendorff notes that the heresy of phyletism or 'racism' was condemned as a result of the situation of exclusion that existed between the Greek and Bulgarian Orthodox Churches where Churches and ministers of the different ethnic Orthodox Churches were not open to minister to the needs of those outside the ethnic group. Also Alexander Schmemann in Meyendorff (ed) , *The Primacy of Peter: Essays in Ecclesiology and the Early Church*. SVS Press, Crestwood, 1992 pp166-171, Schmemann notes that the principle of autocephaly is regarded by many Orthodox theologians as not only one expression of the ecclesial life of the Church but *the* foundation of ecclesial life and yet this development is relatively modern and linked closely to the development of nationalism. The insistence on autocephaly can be seen sometimes as an extension of the principle of phyletism according to Schmemann.

[87]   The introduction to the decisions of the Fourth Pre-Conciliar Pan-Orthodox Conference was convened by His All Holiness Ecumenical Patriarch Bartholomew, with the consensus of Their Beatitudes the Primates of the Most Holy Orthodox Churches expressed during their Sacred Synaxis at the Phanar in October 2008. This Conference, to which all of the most holy Orthodox Autocephalous Churches were invited and were represented, studied the issue of the canonical organization of the Orthodox Diaspora. Orthodox Centre of the Ecumenical Patriarchate, Chambésy-Geneva, June 6-12, 2009

[88] Tomos of Autocephaly of Alexis, by the Mercy of God, Patriarch of Moscow and All Russia, 1970. For a number of years, the Russian Orthodox Church has observed with maternal love and concern the development of the Orthodox Church which she planted on the American continent. In the last few decades she has sorrowfully witnessed the unfortunate appearance there of a pluralism of ecclesiastical jurisdictions, a temporary phenomenon, and by no means a permanent norm of the canonical organization of the Orthodox Church in America, since it is contrary to the nature of Orthodox canonical ecclesiastical unity. The Holy Russian Orthodox Church, striving for the good of the Church, has directed her efforts toward the normalization of relations among the various ecclesiastical jurisdictions in America, particularly by negotiating with the Russian Orthodox Greek Catholic Church in America, concerning the possibility of granting autocephaly to this Church in the hope that this might serve the good of the Orthodox Church in America and the glory of God.

In a similar way the question arises as to why the ancient Pentarchy should be the privileged model for ecclesial life when it embodies the particular historical and political context of the now defunct, fifth century Roman Empire. This should be subject to a hermeneutic of suspicion. Why should this particular historical period be privileged? What theological values can be found embedded in this model of Church relationship that might find better expression when based on the experience of more recent history?

These are issues of truth, and of how that truth is received and lived. That truth is primarily a theological rather than a historical one. A hermeneutic of suspicion can pose the question: To what extent has Orthodox ecclesiology and theology, in general, emerged from what Zizioulas refers to as the 'Babylonian Captivity?'[89] It needs to be asked: What place do the memories of the Crusades, the inter-ethnic rivalries, the so-called uniatism, and the differences in doctrinal expressions such as the *filioque*, have in the memories and in the interpretative frameworks which operate in the Orthodox evaluations of the exercise of papal primacy? There may also be a concern among Orthodox Churches that the Roman Catholic Church might wish to impose a model of primacy and universal ministry which is concerned primarily with the prestige and position of the papacy.

A hermeneutic of suspicion should also be applied to the Roman Catholic Church as a dialogue partner. The Church is an interpreter of the *paradosis* enlivened by a recovery of an ecclesiology of communion. Has the Church been able to develop structures which reflect the reality of communion

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[89] Zizioulas; *Being as Communion*, p20

or which are structures only the 'mask of communion?'[90]   A hermeneutic of suspicion may consider the presence of centralist and monarchical tendencies which have a centripetal effect on authority and decision-making in the Roman Catholic Church and other aspects of Roman Catholic ecclesial life which distort the ecclesiology of communion.

A hermeneutic of suspicion is not about finding fault or assigning blame. It is simply about being able 'to speak the truth in love' (Eph 4:15) and about being free to wonder if any of these factors are operating in the background of our dialogue and, if so, whether they might act as obstacles to reception and to fruitful discussions.

Unitatis redintegratio acknowledges the significant distinction that exists between the content of a doctrine and the manner in which it is expressed.[91]   Discernment must be exercised in order to determine what constitutes the content, and what constitutes the manner of expression of a teaching. There must be certainty in deriving a new formulation or in interpreting an existing formulation that the manner of expression does represent the common understanding of the doctrine. It is possible for one dialogue partner to insist on a particular manner in which a doctrine is to be expressed either in words, practices or symbols. This may occur because a suitable alternative language at the present time cannot be found or because there are non-theological factors which are determining the retention of a

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[90] NM, n 43

[91] UR n3 the necessity of preserving unity in what is considered essential and allowing legitimate diversity is stated by the Council. UR 11 introduces two important principles for dialogue that the manner of expression of a doctrine should not be an obstacle to dialogue if other ways of expressing the same truth can be found and also the very significant point about the necessity of keeping in mind that there is a hierarchy of truths. Some doctrines express truths which are from the core of the *paradosis* as understood by the Church and others are truths which are related to them or support them in some way, but all doctrinal statements and practices do not have the same level of authority.

particular manner of expression. It may also be that a particular formulation is actually the best manner of expression and that one dialogue partner cannot recognise that it is so. A hermeneutic of suspicion might apply in this situation to assist the dialogue partners to determine which of these alternatives is true.

The interpretation of the interpreters via a hermeneutic of suspicion is a vital element of the Roman Catholic-Orthodox dialogue. Each of the communions has emerged from very different worlds of meaning which have been shaped by divergent political, cultural and historical conditions. Now they find themselves in a new situation and as dialogue partners. Dialogue requires an openness of heart and conversion toward unity. The following admonition to Roman Catholics contained in *Memory and Reconciliation* could well be taken up for reflection by Orthodox Christians too:

> The Church's sons and daughters should sincerely examine
> their consciences to see whether they are actively committed
> to obeying the imperative of unity and are living an interior
> conversion, because it is from newness of attitudes of mind
> (Eph 4:23), from self denial and generous love, that desires for
> unity take their rise and grow towards maturity.[92]

1.6   Hermeneutic of confidence

A hermeneutics of confidence is specifically expressed as a willingness to listen to the other and, while not necessarily accepting all that the other says to at least acknowledge the possibility that the Spirit may be speaking through the other.[93] Confidence has grown out of the dialogue of love whereby the Roman Catholic and Orthodox Churches have begun, once more, to

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[92] ITC, *Memory and Reconciliation*, p 61

[93] Bouteneff and Heller, *Treasure in Earthen Vessels*, p136

recognise each other as sister Churches and have overcome one of the obstacles to theological dialogue.[94]

Roman Catholic and Orthodox Christians acknowledged that the Spirit has spoken through the other in the period prior to the schism. This means that there is also a possibility that the Spirit has continued to speak to each of the Churches after the schism. Roman Catholics for their part recognise the operation of the Holy Spirit in other Churches and clearly see Churches separated from full communion with it as being means of grace.[95] The Roman Catholic and Orthodox Christians have maintained the apostolic succession, the threefold ministry, the sacraments, and profess the Nicene Creed (albeit with differences in the liturgical recitation in the Latin Catholic Church). It thus seems to be a reasonable hypothesis that the Spirit continues to speak through each Church. It also seems reasonable to presume that the dialogue partners should be mindful of this possibility as they continue to receive and to interpret the *paradosis*.[96] The acceptance of this hypothesis is critical to the hermeneutic of confidence.

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[94] Adriano Garuti, *Primacy of the Bishop of Rome and the Ecumenical Dialogue*. Trans Michael Miller, Ignatius Press, San Francisco, 2004, pp261-234. In an extensive appendix to his work Garuti looks at the origin, use and implications of the term sister Churches in Roman Catholic-Orthodox dialogue. He identifies its first use by Patriarch Athenagoras in a letter to Cardinal Bea in 1962 and notes how this term is adopted in Roman Catholic-Orthodox Churches to refer to each other. The term at its most fundamental level acknowledges that the ecumenical patriarchate regards the Roman Church as fully Church and at another level notes the family resemblance and relationship that exists between the Orthodox and Roman Catholic communions. Sister Church is not a term either Church uses in its correspondence or dialogues with other Churches and ecclesial communities.

[95] LG 15 'The Church knows that she is joined in many ways to those who are honoured by the name of Christian but who do not profess the Catholic faith in its entirety or who have not maintained unity or communion under the successor of Peter.' and UR 3; 'Moreover, some, even very many of the most significant endowments which together go to build up and give life to the Church itself, can exist outside the visible boundaries of the Catholic Church: the written word of God, the life of grace: faith, hope and charity …with other gifts of the Holy Spirit…'

[96] The filioque is found in the creedal formula of Latin Rite Catholics used in liturgical celebrations and it is not found in the creedal formula used in the liturgical life of Eastern Churches in full

A second hypothesis that could be accepted within the framework of a hermeneutic of confidence is that Vatican I and II are councils which are valid within the conciliar history of the Church. A hermeneutic of confidence could be applied if the Orthodox Churches were to acknowledge that these councils stand within the tradition of the conciliar life of the Church. This does not necessarily mean Orthodox Churches would accept the Councils' teachings. The question is of acknowledgement of the Church's instinct to seek the wisdom of the Spirit in the Church through such councils. The acceptance of this hypothesis could then become a working hypothesis allowing the documents and results of these councils to be tested against some of the commonly accepted criteria for interpretation. Indeed the planned program for the Roman Catholic-Orthodox dialogue, in suggesting joint examination of the conciliar decrees, may represent a tacit acceptance of this hypothesis.

The dialogue can be seen more clearly as a process of reception, if the Churches agree that the Spirit continues to speak through the other, despite the existing schism. Dialogue within a hermeneutic of confidence allows each partner to receive gifts of theological insight, from the doctrine and forms of ecclesial life that have developed separately since the time of formal schism. A process of double reception takes place within such a dialogue framework. Each partner, not only receives some means of interpreting that *paradosis* which

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communion with Rome. There is not space here to evaluate the relative merits theologically of retaining or removing the filioque from the Latin Rite creedal formula but it is worth noting that full communion with Rome does not require adopting this formula. The fact that not all Roman Catholics recite the creed using the filioque must suggest that it is not an obstacle for reunion between the Orthodox and Roman Catholics, at least from the Roman Catholic perspective. Paul Babie, The Ukrainian Greek-Catholic Church in Australia and the Filioque: A Return to Eastern Christian Tradition. *Compass Theological Review*, Autumn 2005 vol 39 no 1, provides an excellent summary of the freedom of non-Latin Churches to delete the filioque in accordance with the union agreements first established between them and the See of Rome.

does not have its origin specifically within its own world of meaning, but also, each is able to re-receive the *paradosis* handed on within its own world of meaning in the light of the newly acquired insights. Each Church is able to receive from the other the gift of insights developed outside of its own world of meaning and, through this process, re-receive the insights which it shares with the other.

Dialogue becomes not so much an exchange of gifts, for this is only the beginning of the ecumenical hermeneutic process, but also becomes the creation of new meanings and of new appropriations of the common *paradosis*. The language of exchange is a useful language with which to describe the initial sharing of interpretations of the *paradosis*. It lacks, however, something of the dynamics of transformation and of the creation of shared meanings which seems necessary for genuine reception.

Exchange language can, in its crudest sense, refer to a very passive gift-giving in the form of an interpretation of the *paradosis* which the other receives and then takes away more or less completely as it is received. This, in the secular world, is similar to the exchange of assets between one company and another in a business deal. The transfer of an asset from one place to another, or from one owner to another does not imply that the asset will be any different except for its location and ownership. Exchange does not require synthesis.

Dialogue, in contrast to the act of simple exchange, may be conceptualised as a meaning-making process rather than a meaning-sharing process or a meaning exchange. Dialogue, in this sense, is a task of synthesis and a joint opening-up to the truth. The Churches do not only exchange what the *paradosis* means to them (analogous of an asset or gift) so that now the

other has this gift. Churches, as hermeneutic communities, create meanings together from the exchange and, under the guidance of the Holy Spirit, come to recognise a new apprehension of the common *paradosis*. The possibility is there, in this dynamic model of double reception, that the Roman Catholic and Orthodox Churches are both receivers of the conciliar and synodal system which has flourished in the East, and that both are receivers of developments in the West including Vatican Councils I and II. There is openness within a hermeneutic of confidence to the possibility that ecclesial life might change as a result of these new meanings. There is also the possibility that each dialogue partner might reflect on some of these changes within its own life in different, yet complimentary ways in obedience to the common *paradosis*.

A hermeneutic of confidence has been reinforced in the twentieth century in Roman Catholic-Orthodox dialogue, by common developments in ecclesiology, by patristic studies and by scriptural scholarship. An important development is the greater awareness of the ecclesiology of communion and, specifically, of the ability to conceptualise the Church as a 'communion of communions'.

Papal statements, post-synodal reports and other magisterial statements from the Roman Catholic Church about ecclesiology and primacy have made several significant affirmations since Vatican II. These are briefly considered below and will be explored later in greater depth. The affirmations need to be built into the framework of a hermeneutic of confidence.[97]

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[97] A sample of references indicates this point but the point is taken up in depth elsewhere in the paper. LG 26 teaches that the one holy, catholic and apostolic Church exists in each local Church and LG 25 presents these Churches as being in communion with one another in the universal Church., CD 4 and 11 teaches that the bishop is the sign of communion of his local Church with all the universal Church and that he is head of the one, holy, catholic and apostolic Church in a particular place., , 1985 Synod and UUS 95 refers to the role of the bishop of Rome as moderator of disputes in the first millennium by

The first affirmation is that the Church is a communion of communions (of Churches).[98] The second affirmation is that the primacy, which the Church of Rome seeks to affirm, is not greater than that which prevailed in the first millennium.[99] The third affirmation is that only this primacy needs to be accepted by the Orthodox Churches as a condition of full visible communion with the Church of Rome, and that there is no need to change the traditions of the Orthodox Church in any other way.[100] Is it possible for the Orthodox to adopt similar affirmation with regard to Roman Catholics?

Dialogue can proceed in confidence on the basis of these three statements. Their constant reaffirmation by Roman Catholic sources contributes to a hermeneutic of confidence. Each dialogue partner shares a common commitment to the Church understood as a communion of Churches and to full visible communion as was possible in the first millennium. These statements serve to provide a counterpoint to the necessary hermeneutic of suspicion, since each of the tradition's interpreters is able to recognise something of their own interpretation of the *paradosis*.

These affirmations by the Roman Catholic Church do not solve all the associated problems of the dialogue. The dialogue itself needs to interpret what is understood when it is said that the Church is a communion of

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common agreement. UR16 affirms that the Eastern Churches have full power to govern themselves and preserve their disciplines and traditions and UR 18 solemnly declares that restoration and maintenance of unity requires no burden beyond accepting what is essential. Benedict XVI said in a statement at Bari; 'There is no requirement for the Churches of the East to accept any primacy of the See of Rome which did not prevail in the first millennium.'

[98] LG 23 and CD 4 both mention the existence of the *sui generis* Churches which comprise the Roman Catholic Church and their autonomy as well as the teaching that the universal Churches exists in and from the local Churches. The Church is a communion of communions of local Churches.

[99] See UR 16 above.

[100] See reference 33 above.

communions, or what kind of primacy prevailed in the first millennium, and how such a primacy, if accepted, would function in practice? These affirmations only create a confidence that the Roman Catholic Church is not going to impose its authority on the Orthodox Churches, or that the dialogue will radically alter their ecclesial life.

A new spirit of trust has emerged in the Roman Catholic-Orthodox dialogue following the Balamand resolution.[101] It is clear from this resolution that the Roman Catholic Church's desire for full visible communion between themselves and the Orthodox Churches is not to be viewed as a return to Rome. Nor is it to be a process whereby, some sections of the Orthodox Churches are to enter into full corporate communion, as happened in the past with the Eastern Churches who are now in full communion with the Diocese of Rome.

Although the existence of the so-called Uniate Churches causes canonical and theological difficulties for the Orthodox Churches, the encouragement at Vatican II, and previously, for these Churches to divest themselves of their Latin influences can form part of a hermeneutic of confidence.[102] The existence of such diverse rites, liturgical customs, canonical

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[101] The Balamand statement of the Joint International Commission in 1993 addressed the question of corporate reunion of some sections of Orthodox Churches into full communion with the See of Rome which had occurred in the past. Over a period of many centuries there have been corporate unions with some Byzantine, Syrian, Armenian and Coptic communities and each of these, with the exception of the Maronite Church in the Syrian tradition, have an Orthodox sister Church. These reunion communities are the source of some concern to Orthodox for a variety of reason which we shall not enter into here. Balamand recognised that there where specific historical forces at work which lead to such corporate reunions and that this no longer provides the pattern for the future of reunion. The Churches seek full visible union with each other as complete Churches not sections which would only increase fragmentation. The Roman Catholic Church regards the Eastern Churches in full communion with the See of Rome as *sui generis* Churches.

Respecting individual freedom the statement allows for individual Christians to change rites after a careful period of discernment.

[102] Pope Paul VI, *Orientalium ecclesiarum.* November 21, 1964. 5. History, tradition and abundant ecclesiastical institutions bear outstanding witness to the great merit owing to the Eastern Churches by the universal Church. The Sacred Council, therefore, not only accords to this ecclesiastical and spiritual

traditions and other aspects of ecclesial life within the one communion of the Roman Catholic Church, points to the reality that full communion with the Diocese of Rome does not require the Orthodox Churches to cease being Eastern, nor the Western Churches to cease being Western.[103] The task of these Eastern Catholic Churches to fully recovering all elements of their tradition free of Latin influences is ongoing and is a task of immense significance for the Roman Catholic Church if it is to witness to unity in diversity.

What is interpreted in a hermeneutics of confidence is the positive signals, the causes for hope, and the signs of openness that each can detect in the other and in the context within which the dialogue is occurring. Part of the

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heritage the high regard which is its due and rightful praise, but also unhesitatingly looks on it as the heritage of the universal Church. For this reason it solemnly declares that the Churches of the East, as much as those of the West, have a full right and are in duty bound to rule themselves, each in accordance with its own established disciplines, since all these are praiseworthy by reason of their venerable antiquity, more harmonious with the character of their faithful and more suited to the promotion of the good of souls.

6. All members of the Eastern Rite should know and be convinced that they can and should always preserve their legitimate liturgical rite and their established way of life, and that these may not be altered except to obtain for themselves an organic improvement. All these, then, must be observed by the members of the Eastern rites themselves. Besides, they should attain to on ever greater knowledge and a more exact use of them, and, if in their regard they have fallen short owing to contingencies of times and persons, they should take steps to return to their ancestral traditions.

Leo XIII, *Orientalium Dignitas*, November 30, 1894. For that very reason, even as her Apostolic origin is all the more proven especially by these Churches of the East, at the selfsame moment there shines out and is made manifest these Churches' original, complete unity with the Roman Church. Nothing else, perhaps, is so breathtakingly effective for illustrating the mark of Catholicity in God's Church than that striking sight of differing forms of ceremonies and noble examples of the tongues of the ancient past - made all the more noble by their use by the Apostles and Fathers - rendering their submission to the Church. This is almost an image of that most excellent submission that was rendered to the newly-born Christ, the divine Founder of the Church, when the Magi were drawn from the different regions of the East and came to adore Him.

[103] There are twenty one rites within the Roman Catholic Church. This Church embraces the Latin Rite, Byzantine Rite, Syriac Rite in Eastern and Western forms, Coptic and other rites. The model of communion that exists in the Roman Catholic Church, which has both a Western and an Eastern expression is not ideal in that the process of reconciling only part of an Orthodox Rite into the Roman Catholic communion creates a problem with multiple jurisdictions of the same rite in the same territory as well as other problems. It is not the intention of the present paper to defend or critique this model of communion. We should simply note that unity and diversity as a necessity for life in communion is witnessed to in this form of communion. This fact alone should signal to the dialogue partners what full communion between the Roman Catholic Churches and Orthodox Churches could look like.

context in which the dialogue takes place is the ecumenical imperative. Orthodox and Roman Catholic Churches are committed to unity. Recognition that the ecumenical imperative is grounded in the prayer of Christ for unity among his followers (John 17) and in the nature of the Church means that, to oppose the search for unity or to impede that unity in any way, constitutes a grave sin.[104]

The ecumenical imperative, according to John Paul II, is indelibly written in the hearts of all but a few of the faithful. These latter have closed their hearts to the fullness of communion and have hardened their hearts so that they are not able to hear the voice of the Lord calling the Churches to unity.[105] The presumption must be that the dialogue partners are each responding in obedience to the voice of the Lord to heal the scandal of division, and to commit themselves to a work, which is not the result of their own initiative but the work of Christ. He invites the Church to be the people made one, from the unity of the Father, the Son, and the Holy Spirit.

1.7 Hermeneutic of rupture

The plan for the Roman Catholic-Orthodox Dialogue includes interpreting the teachings of Vatican Councils I and II. In particular the dialogue may consider how Vatican II has received Vatican I. In order to engage in this part of the study it is necessary to draw on a hermeneutic which is suitable for evaluation of the development of teachings within one Church. Such a hermeneutic is distinguished from that required for dialogue between Churches because the development happens within one world view. Therefore

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[104] CCC 817 and 820 note the grave scandal of division and that the call to unity is a work of the Spirit. and UR 1

[105] UUS, 6

we shall consider some elements of a hermeneutics of reception of councils developed within the Roman Catholic Church.

Otto Pesch has proposed a general rule for interpreting ecumenical councils: 'No council is to be interpreted fundamentally against the tradition.'[106] It has been previously discussed how the hermeneutic of confidence could allow the dialogue partners to interpret Vatican I and II in this light. Dialogue partners may be able to recognise the apostolic *paradosis* within the present documents, even if this interpretation is expressed in new language and new concepts, and is interpreted within the context of a new situation.

The apostolic *paradosis* is not static but is a dynamic reality. The Church, as a hermeneutic community, grows in the truth and re-appropriates the apostolic *paradosis* by using new language and by reflecting deeper insights into what has been received. Turning points which mark moments of significant re-appropriation of the *paradosis* can be detected across the course of history. In these turning points key insights, definitions and events have energised the *paradosis* and the life of the Church. Councils often produce one of these moments where the turning point can be detected as a distinguishable rupture from the previously dominant formulations of the immediate pre-conciliar period. These ruptures need not be repudiations of what went before, but can be fresh appropriations within the *paradosis*.[107]

Reception is a dynamic process which allows for newness, innovation, and for the possibility that a living Church will, perhaps for the first time, find the right words to express a truth which has not been seen before.

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[106] Orm Rush, *Still Interpreting Vatican II: Some Hermeneutical Principles*, Paulist Press: New York, 2004, p7.

[107] Rush, *Still Interpreting*, 2004, p 4-6

Churches are engaged in this dynamic process of reception when they consciously undertake a process of interpretation, such as, when an ecumenical council, regional or local synod is held or when they enter into ecumenical dialogue.

Differences in the modes of expression or in the emphases used for a new doctrinal formulation allow interpreters to detect ruptures, which are signals about how the data may be interpreted. The concept of rupture is applied in the physical and biological sciences to a number of phenomena, such as stratigraphy in sedimentary rocks and recognisable bifurcations in evolutionary biology. Scientists notice that not all the growth and development of rock formations or the evolution of species occurs in a linear or constant fashion with roughly equal increments of growth and development. There is, sometimes, a burst of activity and a sudden change of direction which, although still consistent with the general theory underlying the concept of development, indicates that growth and development can be characterised by these rapid changes or ruptures. Ruptures indicate developmental changes or new directions and turning points without suggesting a complete break with what has gone before.

The stratigraphic layers of sedimentary rock formations indicate a continuity of the geological processes of erosion and deposition. Each layer can signify a turning point and a change in conditions, or a discrete geological event, and together, these layers form a continuous rock formation. While one long geological sequence is responsible for the overall sedimentary rock formation, each layer represents a rupture in the form of a wetter or a drier period over the geological time frame. It is these ruptures which can provide a

key for the interpretation of a rock formation, and which are a phenomenon for study in order to derive a comprehensive interpretation of the same formation.

Ruptures may also be observed in the development of doctrine over the course of Christian history. It is, for example, no longer necessary or valid for the Church to propose that Adam and Eve were the first humans from whom all people on Earth descended. Advances in Biblical scholarship, including a better understanding of literary forms, ancient languages and historical studies, have shed greater light on those forms of thought and language which were part of the taken-for-granted world view of the ancients who composed the texts of Genesis. These advances no longer indicate that such a literal understanding of these texts is required in order to receive their theological truths.

Scientific discovery has, for example, shed light on the processes of creation and on the evolution of the universe and of the human species. This has revealed that there were multiple points of human genesis that had emerged from Africa, a land very distant from the land of the Tigris and Euphrates as described in Genesis (Chapter 2:4-25.). Such innovations and new insights can be regarded as ruptures or discontinuities within the *paradosis*. They are ruptures only in the sense that they represent a break with the formulations of the past in the light of new information. They are, however, not discontinuous in relation to whole of the *paradosis* but are, rather, a development of understanding.

Ruptures are not unlike, but are not identical to, the paradigm shift theory in the philosophy of science. Stephen Kuhn proposes that science does not progress steadily and incrementally based on new observations and new knowledge so that successive generations are able to build on the work of the

previous one.[108]   Nor is science a dispassionate process always dedicated to objectivity and reason.   Kuhn proposes that scientists work within an accepted paradigm, and that this paradigm has a set of beliefs, dogmas and, sometimes, rituals in the form of experimental methods which derive from the given orthodoxy of the day.   The scientific paradigm is so powerful that evidence which contradicts or challenges it is often not observed.   Theoretically contradictory evidence may be dismissed, or considered not statistically significant, or to be unreliable data.   When the new paradigm first begins to develop, usually around a creative person or team, there is often some resistance to accepting the new material, and some who are embedded in the existing paradigm may brand the others as heretics.   The new paradigm, when accepted, absorbs elements of the old, and then negates or modifies others during the process of becoming the new orthodoxy.

Paradigm shifts or ruptures are not only concerned with ideas but also shape our practice.   We are witnessing a paradigm shift in Biblical scholarship today, in the meaning of the Greek *diakon* groups of words.   This has largely come about as a result of the work of the Australian scholar - John N Collins and, more recently, by the work of the German scholar - Anni Hentschel, and of others who have utilised similar materials in their research.[109] Their work has conclusively shown that the *diakon* group of words were not

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[108] Stephen Kuhn, *The Structure of Scientific Revolutions*. Third Edition. London: University of Chicago, 1996.

[109] John N Collins, *Diakonia: Reinterpreting the Ancient Sources*, Oxford University Press, Oxford, 1990 and Anni Hentschel, *Diakonia im Neuen Testament: Studien zur Semantik unte rbesonderer* Beruckischtigung der Rolle von Frauen. Tubingen: Mohr Siebeck, 2007, along with that of Sven Brodd, Caritas and *Diakonia* as Perspectives on Diaconate in Borgegard, G, Fanuelsen, O and Hall, C, *The Ministry of the Deacon: Ecclesiological Reflections 2* Nordic Ecumenical Council 2000 and others has indicated that the *diakon* group of words do not connote lowly service to another or ministry to the marginalised or poor nor are the *diakon* words related to kenosis and agape or caritas. His research has profound impact on the theology of ministry, the ministry of deacons and a theology of diaconate.

used in the New Testament for direct service, especially, of charity to another. They have also shown that the *diakon* group of words are not the same semantically as *agape/caritas* as is so commonly argued in Church documents, and by writers on the ministry and theology of deacons. There is current resistance to these insights, and there have been attempts to preserve the existing servant/caritative model of the deacon, rather than an engagement with the implications of the increasing new literature on the *diakon* words.

The example of the *diakon* group word study highlights one of the difficulties that ruptures can present for theology. This difficulty is: How is the new insight to be received so that a new synthesis can emerge? It has been previously discussed, in the section on a hermeneutics of suspicion, that there may be factors that operate as blocks to the acceptance of ruptures. These factors have to be named before progress can begin on developing a synthesis.

John O'Malley provides the following hermeneutical rule for the interpretation of a council:

> While always keeping in mind the fundamental continuity with the great tradition of the Church, interpreters must also take due account of how the council is discontinuous with previous practice, teaching and tradition.[110]

Just as the Council of Chalcedon received the Council of Nicaea and so should be read in continuity with the earlier council, it also brought new language to the Christological definition and responded to questions about the nature of Christ which had been formulated in a new way. Chalcedon should be read both in terms of the continuity and affirmation of Nicaea and as a development which added a new Christological awareness that was expressed in

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[110] John O'Malley, *Tradition and Transitions: Historical Perspectives on Vatican II*, London: Michael Glazier 1989, p19

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a new philosophical language. Each Council repeats this process of reception and continuity, and of reception and discontinuity.

The newness of the language is brought into sharp relief when one considers the response of the Armenian Church which rejected the language of Chalcedon as constituting a break with the Nicene formulation, regarding it as a major rupture within the *paradosis*. The Armenian Church could not, therefore, receive the council's formulation and a state of schism with other Churches ensued. The Armenian response was not characterised by reception and discontinuity but as non-reception.

An important distinction must be introduced into the language of continuity and discontinuity. Rush distinguishes between micro-ruptures and macro-ruptures.[111] A macro-rupture is a break from the totality of what went before. A micro-rupture is characterised by innovations and discontinuities, but these are introduced into the interpretation of the *paradosis* 'to be ways of rejuvenating that tradition.'[112] What seems to be an innovation or discontinuity must be read within the context of a process of reception. A macro-rupture is a rejection of the received *paradosis*.

The Reformation provides an example of a macro-rupture with regard to the Roman Catholic understanding of the *paradosis*. This sixteenth century reform questioned elements of the *paradosis* considered by the Roman Catholic Church to be fundamental. These elements included the seven sacraments; the necessity of Scripture and Tradition as bearers of the truth; the nature of the Mass, the apostolic ministry, as well as other key doctrinal

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[111] Rush; *Still Interpreting Vatican II*, 2004, p 7

[112] Rush; *Still Interpreting Vatican II*, 2004, p7

elements. The fact that some rejected entirely or modified so significantly elements Roman Catholics regarded as central to the *paradosis* resulted in schism as had Chalcedon's formulation in previous centuries.

Vatican II can be read as a process of micro-rupture since the purpose of this Council is to allow modern men and women to receive the *paradosis* in a manner that is intelligible to them and, which attempts to receive the teaching of Vatican I, as well as, the *paradosis* by which it is preceded.[113] Vatican I must also be read in conjunction with Vatican II, since the later Council received the earlier Council along with the developing elements of the vision that it had put forward. Vatican I was not able to complete its project because of the disruption to that Council by the Franco-Prussian War and this had implications for the theological emphases between these two great councils. Vatican I must, in turn be read in the context of what had preceded it and by the council which followed it, in a continuing cycle.

No legitimate council can do other than to assist the Church, under the guidance of the Holy Spirit, to achieve a more complete understanding of the *paradosis* and to reach a deeper and more faithful response to the demands of the Gospel. The problem that Orthodox Christians may not recognise the councils of Vatican I and II as legitimately convoked councils must be addressed. Orthodox Churches need to suspend judgement on the legitimacy of the councils at least in order to enter into dialogue with the Roman Catholic Church about them. Joint study of the conciliar documents and significant micro-ruptures indicated in them, may help both Churches to develop a more

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[113] Handing on the *paradosis* and making it intelligible to women and men of today is repeatedly given as the purpose of Vatican II. This emphasis may be found in the introductions to DV, LG, SC and in the footnotes of the council documents are to be found references to the Scriptures, patristic authors, saints and mystics throughout the ages, the teaching of previous local, regional and universal councils as well as other sources handed down through the ages in the Church.

complete understanding of Roman Catholic teaching. This includes the latter's teaching on communion, collegiality and primacy.

A hermeneutic of rupture allows us to consider what Vatican II and subsequent official documents have taught by the identification of language shifts that may occur between the pre and post conciliar teaching on the same topics. Shifts have occurred in terms of the words chosen to express teachings and in the manner of teaching. Micro-ruptures can be detected in documents of Vatican II which signify shifts in interpretation and emphasis in regards to authority, episcopacy, and primacy, and the ministry of unity.

The ecumenical openness which has developed between Orthodox and Roman Catholic Christians itself constitutes a micro-rupture in the ecclesial life of both communions. Vatican II represented a decisive opening to ecumenical relations and an end to a return to a strictly Roman understanding of the ecumenical project on the part of the Roman Catholics. One of the chief aims of the Council was to reform the Roman Catholic Church in order to pave the way for Christian unity.[114] The mutual lifting of the anathemas pronounced on the predecessors of Paul VI, Bishop of Rome, and of Athenagoras, Ecumenical Patriarch of Constantinople in 1054 AD, symbolically and powerfully launched the two communions on a journey toward full visible unity. These events did not remove all the causes of mistrust or solve all of the issues, but they do mark a significant rupture with the tense and polemical atmosphere that prevailed in the period immediately preceding Vatican II.

Five significant micro-ruptures, which are relevant to the current discussion, can be detected in Vatican II and in post-conciliar documents. There

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[114] John XXIII announcing the Council and the opening address to the Council in Giuseppe Alberigo, A *Brief History of Vatican II*. New York: Orbis Books. 2006, p6

may have been other micro-ruptures but only these five are considered here because of their relevance to the Roman Catholic-Orthodox dialogue on a universal ministry of unity.

The first is the pastoral tone which characterises the language of official pronouncements. This can be compared to the magisterial court-style language of Vatican I and of previous official statements. It is difficult to imagine, in the present situation, of a shift back to the kind of language that was used in the Council of Trent, or in Vatican I. That language was similar to the language of the courts of the absolute monarchies of the time, by contrast to the pastoral-homiletic style of Vatican II and the related post-conciliar documents.

Roman Catholic documents following Vatican II have aimed to exhort and to teach. They rely on their internal arguments more than on assertions of authority in order to gain acceptance. The authority of these documents has become more significant than the authority of the authors of Vatican II.[115] There is a sense that doctrinal arguments need to be persuasive rather than just simply imposing a conclusion on the Church.[116]

A second micro-rupture is the solemn definition by the Council that episcopal ordination is the fullness of the Sacrament of Order.[117] The significance of this rupture will be considered further in a later chapter. This definition conflicts with the pre-conciliar Roman Catholic teaching on the hierarchy, which established the priesthood as the apex of the *cursus honorum*

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[115] Rush, *Still Interpreting Vatican II*, 2004, ix

[116] Francis Sullivan, *Creative Fidelity: Weighing and Interpreting the Documents of the Magisterium*. Sydney: E J Dwyer, 1996, pp12-27. Sullivan outlines a range of criteria which may be used to evaluate the authoritative status of a document issued from the Holy See and suggests these five elements which I refer to as micro-ruptures.

[117] LG 21b

and regarded episcopal ordination as adding nothing sacramentaly to Holy Orders.[118] A shift toward a fully sacramental understanding of the episcopate in the Roman Catholic Church was a micro-rupture with the theology that had immediately preceded it. This micro-rupture marked a recovery of an ancient ecclesiology which had recognised the bishop as the foundation of his local Church and the sign of communion of his Church with all others. Consequently the micro-rupture produced a greater alignment of the ecclesiologies of the Roman Catholic and Orthodox Churches in their understanding of episcopacy.

A third micro-rupture is the teaching that the Church is to be considered as a communion of communions.[119] This builds upon the last micro-rupture since the Council taught that the bishop is the foundation of the local Church and that the universal Church exists in and from the communion of the local Churches.[120] The definition of the sacramental character of the episcopate is, therefore, a correlate of the Church understood as a communion. There is, as Cyprian teaches, no Church without a bishop and no bishop without a Church.[121] The teaching about the Church as a communion of communions

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[118] John Gibaut, *The Cursus Honorum: A Study of the Origins and Evolution of Sequential Ordination*. New York: Peter Lang, 2000, pp326-334. Gibaut notes the dominance of the sequential ordination model in the Catholic, and other Churches and comments on how the practice both diminishes the theology of episcopate and diaconate.

[119] LG 4, 9, 13 and CD 11

[120] LG 21, 23 ,26 and CD 11

[121] Cyprian Epistle 63, 14: PL 4. Although this marks a recovery of an ancient tradition it effectively marks a rupture because the theology prior to the Council had placed the priest at the apex of the *Cursus honorum* and so the break becomes evident and needs to be assimilated into the Church even still. Many bishops mark only their *presbyteral* ordination anniversaries and episcopal anniversaries, rarely if ever their diaconal ordination or baptism. One suspects that many bishops identify themselves as priests with additional task, or at least that is the impression, not empirically validated, in the West. One way of framing the issue is to consider the question: does a bishop preside at the Eucharist because he is first a priest? The answer should be because he is a bishop. The priest presides because there is a bishop and a bishop presides because he is bishop. In the ancient Church this connection was made clearer when there was direct ordination of men as either as a deacon, *presbyters* and sometimes bishops without intermediate step. The *Cursus honorum* lives on in the practice of the Church and distorts the ecclesiology of communion and the bishop's place in the local Church.

provides a counter to the prevailing popular view in Roman Catholic thinking and sometimes, in ecclesiastical practice, that the local Church is subordinate to or a subsidiary of Rome.

It seemed to some external observers, such as the German Chancellor Bismarck, that after the definitions of Vatican I the local bishop had become redundant. The Pope was seen to have full universal, ordinary and supreme authority over all of the Churches and the faithful. The local Church had, in Bismarck's view, ceased to exist as anything more than a subsidiary entity of the universal Church which was centred on Rome.[122]

Vatican II affirms that the Church may only be understood as a communion of communions. This point is reinforced in the final report of the Extraordinary Synod of Bishops in 1985.[123] This micro-rupture provides a significant hermeneutic for the interpretation of the ministry of unity.

A fifth micro-rupture is the introduction of the neologism 'hierarchical communion' into the Roman Catholic discourse on ecclesiology.[124]

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[122] The observation by Bismarck will be considered in detail at a later section and also the response of the German bishops, supported by the pope to dispel this idea. Once the connection between episcopate as the fullness of sacrament, bishop as foundation of unity in the local Church and communion ecclesiology is made, then an understanding of the Church as a communion of communions is the necessary conclusion for an understanding of relations between Churches of the Roman Catholic Church. In practice, as we shall see, maximalising tendencies in reading Vatican I into the ecclesiastical life and experience along with improved communications post Vatican I, tended to reinforce a very pyramidal view of the Roman Catholic Church, with the Bishop of Rome at the apex of the pyramid. It is only a short step from here to regard the Bishop of Rome, falsely, as the Universal Bishop. An ecclesiology of communion does not permit the existence of a Universal Bishop but centralism can distort that perception and create an impression that such a universal bishop is possible. The impossibility of such an understanding will be considered elsewhere in the paper.

[123] *Final Report Extraordinary Synod* 1989, Part C: The Church as communion- The meaning of Communion.

[124] LG 21, 22. Seamus Ryan develops the significance of the term hierarchical communion noting the way in which the term integrates the sacramental and juridical aspects of authority as was found in patristic sources and reversing the medieval separation of these two aspects. He argues that bringing these two elements together 'was the most significant contribution of the Council toward an integral theology of the episcopate.' Seamus Ryan, Vatican II: The Rediscovery of the Episcopate, *The Irish Theological Quarterly*, Vol 33, July, 1996, pp209ff.

This term has application within the local Church which is a hierarchical communion of the bishops, deacons, priests, and laity who all constitute the local Church.[125]   The hierarchical communion of the local Church is most clearly expressed when the Church is assembled to celebrate the Eucharist.[126] The term may also be applied to the universal Church in which the bishops, metropolitans, patriarchs and others are in hierarchical communion with each other. It might also be applied to other ecclesiastical intermediary institutions such as permanent synods, episcopal conferences and the like. These are bodies that have differing canonical authority and status but which also serve to give witness to hierarchical communion. This neologism rehabilitates the term hierarchy from both the distorted sense of sub-ordinance and dominance which suggests a top-down view of authority and from a purely secular understanding of subsidiary and parent organisation relationship.

Coupling hierarchy and communion so that communion becomes the qualifier of hierarchy is an addition to the ecclesiological lexicon introduced at the Second Vatican Council. The term expresses the simultaneous nature of the Church's existence as both hierarchy and communion. Hierarchy can, by itself, connote juridical, institutional and organisational priority in the life of the Church. The theological and sacramental/mystery dimension of that life is emphasised when communion is added as a qualifier. A balance is also called for between the purely institutional dimensions of the Church's life and the sacramental. By this means the overly juridical presentation of the Church, found in much of the theology in Roman Catholic sources prior to Vatican II, is

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[125] LG 26, 28, 29 SC 41

[126] SC 10

modified. The concept of hierarchical communion will be examined in greater detail in the following chapters.

There is a final micro-rupture that is allied to the concept of hierarchical communion which needs to be considered; the teaching that the supreme authority of the Church has two foci, the College of Bishops with its head.[127] This micro-rupture represents, in part, the completion of that project which Vatican I set out to achieve but could not because of the intervention of war. Vatican I did not complete the work on the College of Bishops which would have been a counterpart to the definition on the papacy and thus provided a more complete picture of the supreme authority in the Church.

The initial schema for what would become *Lumen gentium* was rejected when it was first presented, because it attempted to complete the project of Vatican I using the same style of language and theological constructs of the neo-scholastic school.[128] That school had become the dominant vehicle for theological discourse in both the Roman Catholic, and to an extent, Orthodox theology up until the shift which was introduced by the *ressourcement* movement in theological enquiry. The recovery of patristic theology and biblical studies opened up the Church to a reassessment of the ecclesiology of communion, and this provided the necessary pre-condition for this micro-

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[127] LG 18-20 and CD 2 and 4

[128] Giuseppe Ruggieri, Beyond an Ecclesiology of Polemics: The Debate on the Church. in Giuseppe Alberigo and Joseph Komonchak, *The History of Vatican II: Volume II*, p281-357. In this essay Ruggieri outlines how unprepared some in the preparatory committee were for the reaction of the Council Fathers. It was clear that the text prepared reflected a neo-scholastic approach which made little account of developments in the twentieth century in ecclesiology, even the encyclical *Mystici Corporis*. An entirely new schema would eventually be developed through several evolutions to become *Lumen gentium*.

rupture.[129]   With an ecclesiology of communion the Second Vatican Council could confidently proclaim that the authority which Christ wished the Church to have in terms of episcope had two centres and not one centre which is the pope. This aspect of Vatican II will be taken up in detail in the following chapters.

The juridic model of universal ministry, which was dominant prior to Vatican II, enabled the development of an understanding of episcopal authority as having one centre or focal point; the pope. In the juridic model authority is shared out from the centre in degrees through the Roman Curia and to local bishops, but none the less all were dependent on the centre.   Using the method of juxtaposition the Council attempted to express the episcopal authority in the form of an ellipse which has two focal points, one being the head of the college (the pope) and the other the college of bishops.[130]   It would be difficult, without this understanding of Episcopal authority, to make ecumenical progress regarding the ministry of unity as is claimed by Roman Catholics for the Bishop of Rome.   It would be difficult, without this development, to even envisage that genuine dialogue could occur. This is because the alternative model, with the Pope as the sole authority in the Church and the bishops as dependents, is clearly unacceptable to the Orthodox Churches as it also should be among Roman Catholic bishops.[131]

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[129] Doyle and Zizioulas both argue that this was a necessary precondition for the development of a more complete understanding of the episcopate in relation to the primate. Without such a recovery the relationship could have only been expressed in the neo-scholastic categories which existed immediately prior to the Council. The draft of *De ecclesia* was rejected specifically because it seemed untouched by the developments in the ecclesiology of communion.

[130] Joseph Ratzinger, *Primacy and Episkopat*. in Rahner K and Ratzinger J, *The Episcopate and Primacy*. London: Herder and Herder, 1962. The image of an ellipse and the significance of the elliptical model is crucial to understanding the ministry of unity and will be explored in depth later in the paper.

[131] The proposition that the pope is the sole authority in the Church and the bishops are his dependents is not acceptable in Roman Catholic ecclesiology either. It is clearly contrary to Vatican I and II and

The significance of this micro-rupture becomes apparent when it is seen that it provided the theological foundation and language necessary for Vatican II to develop the relationship between the head of the College of Bishops and the totality of the bishops who constitute the College.

1.8   Principle of sacramental priority

The Church is in Christ like a sacrament, a sign and instrument of intimate union with God and the unity of all humanity.[132] The life of grace, by which the Church lives in the Holy Spirit by virtue of its being the Body of Christ, is enacted and experienced in the sacraments. The Church in the Holy Spirit is built up by word and sacrament.

The present age of the Church, which is the time between the resurrection and the *Parousia*, can be characterised as the sacramental age or the age of the sacramental economy. Christ makes himself visibly present in the Church through sacramental signs. These sacraments have priority in the Church over what is just purely ritual or ceremony. This precedence holds even over secondary rituals which point to aspects related to the sacramental reality.

Sacramental priority is meant to indicate that the sacraments are the pre-eminent signs by which the Church is known, and by which its ecclesiology is expressed.[133] These signs allow the development of an understanding of the

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was specifically dealt with in the letter of the German episcopate to Bismarck and subsequently endorsed by the papacy in *Tuas Libenter* as we shall see later in the study.

[132] LG1. The concept of the sacramentality of the Church occurs frequently in the writings of Karl Rahner and Edward Schillebeeckx, for example Karl Rahner, *The Church and the Sacraments*. New York: Herder and Herder. 1963. Edward Schillebeeckx, *Christ, the Sacrament of Encounter with God*. Kansas: Sheed Andrews and McMeel. 1963.

[133] In identifying sacramental priority as a key element of the present study I follow the work of J.-M.R. Tillard developed in his studies; *The Church of Churches: The Ecclesiology of Communion*. Trans. R C De Peaux. Collegeville: Liturgical Press, 1992, p257 'The papacy is not a sacrament or even a degree of the fullness of the sacrament of orders. It is a way of putting into operation the episcopal, sacramental, common grace. For a tradition which maintains the absolute priority of the sacramental over all the rest and even affirms that the Church has only a sacramental source, this remark is of

nature of the Church. Ordination is one of these sacramental signs and is the means by which a man becomes a bishop through ordination and communion.[134] A recovered sense of sacramentality, which is founded on the recovery of an ecclesiology of communion, is allied to the recovery of the sacramental dimension of episcopacy and primacy.

This principle of sacramental priority in the life of the church can be justified by the fundamental characteristic of her nature as a sacrament of Christ in the world. This ensures that the sacramental nature of the Church is not restricted to the liturgical celebrations of the sacraments. There are two implications of this principle of sacramental priority for this present study.

The first implication is that a papal election and subsequent installation is non-sacramental in the liturgical sense. The only sacrament that is involved in the papacy is the sacrament of episcopal order.[135] The significance of the ministry of unity as exercised by the Pope must, therefore, be explained in the light of this principle as it relates to the sacrament of episcopal order.

The claims of the Bishop of the Diocese of Rome to universal primacy must be considered with the sacramental meaning of episcopal ministry. For want of a better expression, there is nothing higher in the

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capital importance.' He likewise develops the concept in The Bishop of Rome. Trans. John De Satage. London: SPCK,1982, pp143-156

[134] CD 4

[135] The principle of sacramental priority in relation to the pope will be explored in detail in subsequent sections. It is worth noting here that if a man is elected who is not a bishop he must immediately be ordained to the order of episcopate (CIC can 332 §1) but otherwise he is simply installed into the office of Bishop of Rome. In theory any Roman Catholic man could be elected Bishop of Rome and in the past lay men and especially deacons were elected, so the need for episcopal ordination was more closely tied to the election of a pope. Pope Adrian V was a deacon elected pope and because he was not ordained to the episcopate he remain pope and de facto bishop of Rome but as a deacon until his death.

Sacrament of Order than that of episcopal ordination. The fullness of the Sacrament of Order is expressed in episcopal ordination.[136] Sacramental priority is, thus, a key to an interpretation of the ministry of the Bishop of Rome. This ministry of unity, which the Bishop of Rome claims to exercise for the universal Church, must be an expression of what is essential to the episcopal ministry of all bishops if the ministry is grounded in this sacrament. Otherwise the popes would remain outside the sacramental economy from which the Church draws its life in Christ. This principle of sacramental priority in relation to universal primacy and unity requires further analysis in subsequent chapters of this study.

The second implication of sacramental priority is that the expression of the sacramental nature of the Church is a concomitant of ecclesial being. The ministry of unity, which is exercised by each bishop in the local Church, is considered by Orthodox and Roman Catholic Churches to be of the *esse* of the Church and therefore a fundamental theological reality. *Episcope* is not fundamentally an instrumental reality. Unity in the Church is derived from the unity of the Father and the Son and the Holy Spirit. The Church does not create its own unity by consensus. The Church is the means and an instrument, whereby, men and women are brought into the unity of the Body of Christ by the Spirit and are united with the Father.

1.9   Pneumatological hermeneutic

It is proposed here that the Spirit makes the Church and that, in the Eucharist, the Church fully experiences its true nature as an icon of the communion of the Trinity.[137] This is, in contradistinction to the axiom of De

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[136] LG 21
[137] This concept was first advanced by Bruno Forte, *The Church, Icon of the Trinity: A Brief Study*. Trans. Robert Paolucci. Boston: St Pauls Book and Media. 1991. From an Orthodox perspective the

Lubac that the Eucharist makes the Church.[138] The Spirit is the Lord and Giver of Life, the Advocate who leads us in all truth (John 15:26, 16:13) and the one who speaks to the Churches if any have ears to listen (Rev 2:7). The Spirit is the one who draws us into communion with the life in the Trinity at the very centre of an ecclesiology of communion. Congar regards the life of the Church as one prolonged *epiclesis*.[139] He argues that the existence of the Church is the result of two processions, that of the Son from the Father who in the procession of the Spirit, is able to form the Church as his Body so that the Church is, truly, the Body of Christ.[140]

Zizioulas similarly argues that Christ institutes the Church, but that it is the Holy Spirit who constitutes the Church in its concrete manifestation and gives life to it.[141] The Spirit unites the mission and life of Christ with the mission and life of the Church. The Spirit was there at the conception of Jesus (Matt 1:18-20), and at his Baptism (Matt 3:16) revealing the Trinity and sending him into the desert (Matt 4:1) in preparation for his ministry. Jesus sends the gift of the Spirit to the Church after the resurrection to communicate his life and that of the Father to the disciples (John 20:22).

Pentecost is the birth of the Church because the Spirit is received as the Spirit of unity and communion who reverses the division of Babel and

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idea is also developed by Vladimir Lossky, *In the Image and Likeness of God*. Crestwood: St Vladimir Seminary Press, 1974, pp183-194

[138] Henri De Lubac *The Splendour of the Church*. Sheed and Ward, London, 1956 and Paul McPartlan, *The Eucharist Makes the Church*. T&T Clark, Edinburgh, 1993

[139] Yves Congar, *I Believe in the Holy Spirit: Complete Three Volumes*, Crossroads, Herder, New York, 1983, p46

[140] Congar *I believe*, Vol II, p30

[141] Zizioulas, *Being as Communion*, p132

makes a new people (Acts 2:1-3). It is the Holy Spirit who facilitates communion (2 Cor 13:13). *Dei Verbum* recalls that the Spirit is our assurance of guidance for the faithful transmission of revelation down through the ages, and for assisting the Church to grow in understanding.[142] *Dei Verbum* names three instruments of the Holy Spirit which assist the Church in this growth in understanding. These are: the *sensus fidelium*; the work of the theologians and the exercise of the oversight of the *magisterium*.[143]

There can be no ecclesiology which is not also a pneumatology. The Spirit in the Church has been compared to the soul in the body, as the animating and unifying principle.[144] The Spirit is an active principle in the Church which enables the community to receive the *paradosis*, to develop greater insights into the meaning of the Gospel, and to enable it to read the signs of the times in the light of the Gospel.[145] Rush has developed what he calls a reception pneumatology to account for the action of the Holy Spirit in the life of the immanent and economic Trinity.[146]

> The Holy Spirit is the *dynamis* of giving (*traditio*) and receiving (*receptio*) between the Father and the Son and between the Triune God and humanity. …Communion in the Trinity is therefore and active *receptio* within the Trinity. Humanity's invitation to *communio* with God is an invitation to participate in the dynamic of *receptio* within God. It is the Holy Spirit who facilitates this active participation (*koinonia*, *communio*), what St Paul calls 'the koinonia' of the Holy Spirit (2 Cor 13:13).

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[142] DV 8

[143] DV 20-23

[144] LG 8

[145] LG 7, 9, 10 and 12and DV 8

[146] Rush, *Still Interpreting Vatican II*, p69

Rush proposes a reception pneumatology as a hermeneutic principle. This hermeneutic could be applied to the present discussion. A reception pneumatology posits the receivers of the *paradosis* as active, creative and imaginative participants in the process of revelation.[147] This pneumatology balances continuity and discontinuity in the *paradosis.* The Spirit, as the Spirit of Truth, is the one who maintains the Church in the continuity of truth so that the apostolic faith is transmitted down the ages. A pneumatological hermeneutic considers discontinuities to have their source in the Spirit for the sake of the *paradosis*. It is the Spirit, guiding the Church in truth, who inspires the capacity of the Church to be receptive to the development of new insights within the *paradosis* and to find a new language to express the truths of the apostolic faith. These discontinuities will then become a service to the truth, and a proclamation of the Gospel brought about by the Spirit. Reception is a divine-human action in which the Spirit inspires imaginative and creative receptions in the light of the signs of the times.[148]

The Spirit is the living memory of the Church.[149] This memory enables the Church to remain faithful to the mission of Christ in the Spirit, so that there is a correspondence between the mission instituted by Christ in the Gospel and the Church which will exist at the *Parousia*. A reception pneumatology attempts to take account of how the Spirit is speaking to the Churches through the *paradosis* in the light of the present signs. It helps the Church to be able to create novel solutions to problems which have not been

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[147] Rush, *Still Interpreting Vatican II*, p70

[148] Rush, *Still Interpreting Vatican II*, p80

[149] CCC 1099

previously encountered and, at the same time, to always maintain the freshness of the youth of the Church and its guiding inspiration.[150] Reception, when understood this way, involves the burden of an incredible freedom to respond to the promptings of the Spirit. The Church, without abandoning the past or being a slave to the present, is free to receive the *paradosis* as something oriented to a future that is not yet fully known or imagined, while remaining confident of the guidance of the Spirit. This reception is oriented toward the *eschaton*.

The fact that the Spirit speaks to the whole Church and not only to the bishops' implies the existence of participatory and reciprocal processes and structures in the Church. John Paul II, in *Novo Millennio,* called for the development of those structures of communion 'without which, the life of the Church would only be a mask of communion and not the reality.'[151] Ecumenical councils would have first place amongst such structures as the principal moments of reception/communion. Other structures of communion have developed throughout the history of the Church. These other structures have included; the Synod of Bishops, the permanent synods, the provincial councils, and the bishops' conferences. The Pentarchy of patriarchates may also have been one of these structures in the past. It remains a question for investigation as to how well any of these structures might serve the current needs of the Church, or might reflect the Church's listening to the signs of the times under the guidance of the Holy Spirit.

As far as the structures of communion are concerned, there is no requirement to privilege one particular type of structure over another simply because of its utility in a previous age. Real freedom exists to imagine a Church

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[150] LG, 7d.

[151] NM, 43

that is structured in ways which will still serve the communion of the Church. Such structures are not tied to any particular historical period or to national and ethnic identities. The structures which give life to the Church as a communion are those which reveal the Church as the sacrament of unity.

The Spirit interprets the interpreters when the freedom of the Spirit is accepted and when the risk is taken to envisage new ways of sharing the ecclesial life as a witness to communion. We are receivers of the Word and interpreters of the Word and we in turn are interpreted by the Word and called to faithfulness. The seven fold warning to the Churches from the Spirit 'listen, those who have ears' (Rev 2:7) remains a summons to the Churches today, to listen and to go where the Spirit would lead. This is not a spirit of timidity but of boldness (2 Tim 1:17).

In obedience to the Spirit, the Churches may be called to let go of their entrenched positions or to allow changes to historically conditioned elements of ecclesial life. The Spirit enables the Word of God to 'pierce the soul and cut through the place between the marrow and bone' (Heb 4:12) so that our real desires are made known. The desire for full visible communion does not come from human desire. It is a summons from the Spirit. That desire may be stifled because we are not yet ready to accept the awesome freedom which the Spirit gives us in the process of deepening communion amongst the separated Churches.

1.10 Conclusion

This proposal for an ecumenical hermeneutic, as outlined in this chapter, should allow the exploration of the elements of a universal ministry of unity by using a dialogical method. Consideration of 'universal ministry' as a

text or symbols whose meaning waits to be fully uncovered by the dialogue partners demands a hermeneutical method suited to the task. Some elements of the hermeneutical framework developed by Faith and Order for the reception of documents which are the result of dialogues are required for this study as some of these documents will be considered. Tools developed for the reception of conciliar documents need also to be applied to this study as the Roman Catholic-Orthodox dialogue intended to study the documents of Vatican II and the reception of Vatican I in the light of these. A hermeneutic of sacramental priority has been included because the universal ministry of unity is founded on a sacrament and its place in the sacramental economy may provide a key to understanding the meaning of 'a universal ministry of unity'.

The task of the dialogue of the Roman Catholic-Orthodox dialogue is that is presented here is not restricted to a study of claims to universal primacy by the Bishop of Rome. The central task is shared reflection on the meaning of the text 'universal ministry of unity' and this is essentially as task of reception by both communions. A hermeneutical approach enables the search for the meaning of the universal ministry of unity as the ministry of unity is expressed in the life of each communion. Roman Catholics and Orthodox have developed ways of giving expression to the ministry of unity in local, regional and universal levels and each of these ways has developed within the context of different worlds of meaning. These worlds of meaning also need to be brought into dialogue if meaning dialogue and synthesis is to occur.

A hermeneutical approach to the dialogue goes beyond the exchange of gifts of theological insight and ecclesial experience and seeks synthesis. This approach is not afraid to look for new solutions and to combine diverse aspects

of the *paradosis* in juxtaposition, in the hope of creating a new synthesis which is faithful to the voice of the Spirit in the Churches. The form the ministry of unity can take is only limited by our faithfulness to the common *paradosis* about the ministry. Studies which start with the primacy of the pope, Peter in the New Testament, or the Pentarchy, cannot hope to uncover the meaning of a universal ministry of unity and a primacy which can be said to be the one accepted by the undivided Church of the first millennium. A study which can point the way to prospects for such an acceptance and identify problems for reception of a universal ministry of unity, must be one which can expose the theological foundations of universal unity which are part of the common *paradosis*.

A consideration of the process of dialogue as a process of reception under the guidance of the Holy Spirit necessitates the acceptance of the dialogue partners as equals, and as Churches which are subject to the authority of Christ and his Gospel. Dialogue becomes then, not a process of one side or the other convincing the dialogue partner of the truth of its position, but a process of mutual discernment and of a reception of the truth to which each is equally bound in obedience to the Gospel. It can become a process by which dialogue partners submit current ecclesial practice with regard to unity and communion in faith to a common test, in order to receive what is truly essential to the ministry.

The process of ecumenical reception requires agreed hermeneutics which can serve as boundary markers for the discussion, and which can help to purify memories of historical and cultural elements that serve as obstacles to genuine listening and openness to the truth. The hermeneutical framework

sketched here attempts to provide the tools for genuine dialogue and for the evaluation of the possibility of a universal ministry of unity within a new situation.

Chapter 2

The Ministry of Unity and its Structures

2.1   Introduction

The ministry of unity is exercised, according to the Roman Catholic-Orthodox dialogue, at local, regional and universal levels of the Church through the ministry of bishops.[152] This ministry of unity exists through a series of mutual relationships in the communion of the bishops at different levels. Primacy is a constitutive principle of unity at all three levels. The diocesan bishop is primate of his local church, the metropolitan or patriarch is primate of his region and it will be argued that the universal episcopate also has a primate. The assumption that the universal ministry of unity is exercised by the Episcopal College with its head forms the basis for the discussion which follows. A second assumption is that any primacy that may be exercised over the Church as a ministry of universal unity by the Bishop of Rome is exercised as the head of this College and not as an independent locus of universal unity.

A third assumption of this study is that any consideration of the universal ministry of unity as it is exercised by the Bishop of Rome needs to be situated within the context of the structures of communion. The universal ministry of unity is supported by a number of structures of communion which reflect the conciliar nature of the Church.[153] Structures of communion were suggested as an area of study for the Ravenna consultation. The structures of communion include the local, regional and universal expressions of conciliarity, and the relations among and between these of the charism of authority in the Church.[154] It will be argued that the universal ministry that is exercised by the

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[152] Ravenna, n10

[153] Ravenna, n10. One of the approaches to the dialogue adopted by the Ravenna dialogue was to name and examine some of these structures.

[154] Ravenna 10. '…the conciliar dimension of the Church is to be found at the three levels of ecclesial communion, the local, the regional and the universal: at the local level of the diocese entrusted to the

bishops and the pope are related to each other in the ecclesiology of communion as elements of the one apostolic ministry.

Some of the structures relate to the nature of the Church and are, therefore, to be understood primarily as theological realities. Other structures of communion derive their efficacy from the nature of the Church and, although they are not of the *esse* of the Church, they nonetheless, contribute to the good order of the Church. Cultural and historical factors may give concrete realisation to these structures but the concern here is to elucidate the theological foundation of the ministry of unity at each level.[155]

This chapter examines the common *paradosis*, on the universal ministry of unity as the data or 'text' of the hermeneutic task. This study will attempt to bring this 'text' into dialogue with Roman Catholic and Orthodox theological commentary. This study does not subscribe to the view that a pure and objective view can be made free of the influence of the theological perspective of the one engaged in the hermeneutic task. The study acknowledges this limitation not as a value judgement but as neutral statement or application of a hermeneutic of suspicion to the study.

This chapter is divided into two parts. Part I will focus on the structures of communion which are considered to be part of the *esse* of the Church. These are the structures without which the Church could not be herself, and if they were no longer operative, the fundamental constitution of the Church

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bishop; at the regional level of a group of local Churches with their bishops who 'recognize who is the first amongst themselves' (Apostolic Canon 34); and at the universal level, where those who are first (*protoi*) in the various regions, together with all the bishops, cooperate in that which concerns the totality of the Church. At this level also, the *protoi* must recognize who is the first amongst themselves.'

[155] Ravenna 10. 'This conciliar dimension of the Church's life belongs to its deep-seated nature. That is to say, it is founded in the will of Christ for his people (cfr. Mt 18, 15-20), even if its canonical realisations are of necessity also determined by history and by the social, political and cultural context.'

would be altered. The reasons for this will be examined in the discussion in subsequent chapters.

There are five structures which will be considered in Part I. These are: the episcopal ministry; conciliarity; the charism of authority; the local and universal church and primacy. These five were chosen because they are the elements which have been identified in the Roman Catholic-Orthodox dialogue and, in particular, in the Ravenna consultation. Part II will focus on the structures which are related to the good order or *bene esse* of the Church. Structures which are of the *bene esse* are those which derive their efficacy from the constitution of the Church but which are not *sine qua non* for its nature. Three structures will be considered in Part II. These are: the regional conciliar structures; autocephaly; and episcopal conferences.

The approach that has been taken here is to situate the ministry of the Bishop of Rome within a complex of structures which are constitutive for the universal ministry of unity. The universal ministry of unity exercised by the pope may be regarded as a particular instance of the episcopal and apostolic ministry of all the bishops when it is situated within this complex of structures. All of the structures together form a unity of purpose for maintaining the communion of faith and love which is the Church.

It is necessary to examine the structures of communion at each level so that the co-inherence of the papal ministry of unity with that of the other structures can be more amply demonstrated. It will be argued that an ecclesiology of communion does not permit the isolation of the universal ministry of unity as a ministry that is exercised only by the Bishop of Rome, as if it had no relationship to the apostolic ministry of all the bishops.

The prospects for the acceptance of the universal ministry of the pope are positive if Roman Catholic and Orthodox Christians are able to recognise the universal primacy of the Bishop of Rome as one of the structures of communion among an interdependent complex of structures. It will be seen that this acceptance is concomitant with an agreed understanding of the relationship between the local and universal church, and with the nature of each.

Part I

The Structures of communion

Recent clarifications on the meaning of 'church' which have been offered by the Congregation for the Doctrine of the Faith have once again focussed on a key aspect of the dialogue between the Roman Catholic and Orthodox Churches.[156] The CDF has affirmed the Roman Catholic doctrinal position that the Roman Catholic and Orthodox Churches are true Churches. A true church, according to the CDF is recognised as one founded by Christ, and which has maintained a continuity with the apostolic tradition. A true Church has maintained, along with other sacraments and the bonds of communion with the universal church, a valid priesthood and Eucharist because of this apostolic succession.[157]

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[156] CDF, Responses to Some Questions on the Doctrine of the Church. 2007

[157] CDF *Responses to Some Questions on the Doctrine of the Church*. (2007) Fourth Question Why does the Second Vatican Council use the term 'Church' in reference to the oriental Churches separated from full communion with the Catholic Church? Response: The Council wanted to adopt the traditional use of the term. 'Because these Churches, although separated, have true sacraments and above all – because of the apostolic succession – the priesthood and the Eucharist, by means of which they remain linked to us by very close bonds', they merit the title of 'particular or local Churches', and are called sister Churches of the particular Catholic Churches.

The CDF also affirms the Roman Catholic position that communion with the Bishop of Rome is an internal constitutive principle of the life of the Church as founded by Christ and is not an external compliment to a particular church.[158] The Orthodox churches, which are not in full visible communion with the Bishop of Rome, are therefore, according to Roman Catholic ecclesiology, lacking something of the essential constitutive elements of the Church. This lack of full communion can only be remedied through the re-establishment of the bonds of visible communion with the Bishop of Rome. The Roman Catholic Church regards the primacy of the Bishop of Rome to be essential, and believes that full visible unity with the Orthodox cannot be achieved without accepting this ministry in some form. Roman Catholic-Orthodox dialogue needs to consider this Roman Catholic claim that the papacy is an internal constitutive element and see whether it is possible to accept this claim as part of the apostolic *paradosis*.

The Ravenna statement outlines a number of structures which serve to maintain the church in communion. These structures include the local and regional synods and councils, as well as, the ecumenical councils.[159] The Joint International Commission for Theological Dialogue between the Roman Catholic Church and Orthodox Church had, in its previous work, identified the close link between the Sacraments of Initiation and Communion, (Bari 1987) and the Sacrament of Order within the apostolic succession (Valamo 1988), in

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[158] CDF Response to question four (continued): However, since communion with the Catholic Church, the visible head of which is the Bishop of Rome and the Successor of Peter, is not some external complement to a particular Church but rather one of its internal constitutive principles, these venerable Christian communities lack something in their condition as particular churches.

[159] Joint International Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church, *Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church: Ecclesial Communion, Conciliarity and Authority*. Ravenna, Zenit, 2007. n10.

relation to remaining in communion in the one apostolic faith. Both churches were able to affirm that ecclesial communion is maintained through the conciliarity and authority which operates at the local, regional and universal levels within each Church.[160] The meetings at Ravenna sought to explore 'the ecclesiological and canonical consequences which flow from the sacramental nature of the Church.'[161]

Consensus is emerging between the Roman Catholic and Orthodox Churches about the elements which contribute to the creation and maintenance of ecclesial communion. A consensus on the key elements of ecclesial communion should be expected through the application of a hermeneutic of coherence, since the emergence of these elements had become apparent prior to the divisions of the second millennium. An examination of sources, such as the Scriptures, the patristic writings, the canonical tradition and the structures and procedures which emerged from the ecumenical and regional councils, is understood in the dialogue to be an examination of shared sources.

Broad elements are acknowledged as being common to the Roman Catholic and Orthodox Churches. These broad elements, which have been identified in the Ravenna documents, are: conciliarity; episcopal oversight; and, the charism of authority in the Church. The conciliar dimension of the Church is expressed at the local, regional and universal levels. Examination of the structures of communion which have been identified in the Ravenna Statement may aid in identifying the contribution of each to the ministry of unity in the Church and, specifically, to the universal ministry of unity.

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[160] Ravenna, n10

[161] Ravenna, n3

The universal ministry of unity, according to Roman Catholic source documents, is not exercised by the Bishop of Rome alone but only in communion with all bishops who are exercising their ministry of unity in the service of the communion of love and faith.[162] The universal ministry of unity may be considered as an exercise of episcopal ministry. Attention must then be given to the episcopal ministry in order to locate the points of convergence and divergence about the universal ministry of unity.

The structures of communion have been divided into two broad groups to facilitate an evaluation of their relationship to the ministry of unity. These groups comprise those which are of the *esse* of the church, and those which are for the *bene esse* of the Church. Five criteria are suggested for deciding which structures are of the *esse* of the Church. These structures are those which are: divinely willed; participate in the ministry of the unique apostolic witness; are grounded in the sacramentality of ecclesial life; are related to the out-pouring of the Spirit or to the epicletic nature of the Church's life; and, those that give witness to the Trinitarian mystery of unity.[163] These criteria may be derived from the common *paradosis*. The following structures of communion are regarded as of the *esse* of the Church: the episcopal ministry; conciliarity; the charism of authority; the church as simultaneously local and universal; and primacy.

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[162] LG 18, 19 and CD 2, 3 on the supreme authority in the Church being the college of bishops with its head.

[163] Ravenna 4. 'On the basis of these common affirmations of our faith, we must now draw the ecclesiological and canonical consequences which flow from the sacramental nature of the Church. Since the Eucharist, in the light of the Trinitarian mystery, constitutes the criterion of ecclesial life as a whole, how do institutional structures visibly reflect the mystery of this *koinonia*? Since the one and holy Church is realised both in each local Church celebrating the Eucharist and at the same time in the *koinonia* of all the Churches, how does the life of the Churches manifest this sacramental structure?'

Structures which are proposed as being of the *bene esse*, or for the good ordering of the Church, are those which derive their efficacy from the structures which are *esse*. These structures would not have an internal legitimacy without a relationship to the elements which are of the *esse*. Legitimacy is derived through participation in the *esse*. A second factor in the determination of structures which are *bene esse* is that the particular organising principles which govern their operation are contingent upon historical, social or cultural factors rather than on inherent theological factors.

A final determining factor regarding what structures are *esse* or *bene esse*, is the absolute necessity of their existence for the constitution of the Church. The Church must have local and universal communion because the universal Church exists in and from the local Churches.[164] If the regional groupings did not exist, the ecclesial life would be without an important and instrumental reality but not an ontological ecclesial reality. The regional groups of churches can, thus, be placed into structures which are of the *bene esse*. The Conference of Bishops, as it is developed in the West, the autocephalous church structure and, possibly, the institution of the permanent Synod in the East can be placed in these regional groupings. A past structure which would be included in the structures of the *bene esse* would be the Pentarchy.

2.2   Episcopal ministry

There are five propositions, regarding the nature and purpose of the episcopal ministry about which there is agreement between the Roman Catholic and Orthodox Churches. It is worthwhile, for the purposes of this study, to briefly note these here.

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[164] LG 13, 22, 23.

The first proposition is that the episcopal office has: 'a specific task by divine institution' and this is constitutive for the Church. [165] The second proposition is that: 'As successors of the Apostles, the bishops are responsible for communion in the apostolic faith and for fidelity to the demands of life in keeping with the Gospel.'[166] The third is that the episcopal ministry is the basic and foundational structure of communion since the bishop is the sign of unity and communion within his local church, and is the sign of the communion of his church with all other local churches.[167] A fourth proposition is that the episcopal ministry is the foundation of the ministry of universal unity.[168] It is the exercise of this ministry at the local, regional and universal level which keeps the church in communion with the apostolic *paradosis*. Finally, episcopal ministry is the foundation of primacy since the bishop is both the head (*kephale*) of and the first (*protos*) in his local church. In the words of St Augustine: 'with you I am a Christian, for you I am a bishop.'[169] At the local, regional and universal level the focus of the ministry of unity and primacy is a bishop. Even if the Orthodox may not concede a unique primacy to the pope they still acknowledge that universal ministry of unity is exercised by bishops.

2.3   By divine institution

The Second Vatican Council affirmed the common faith of the Church that the ministry of the bishop is an expression of divine will and that, in this ministry, the unique apostolic witness continues in the Church:

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[165] Ravenna, n10, CD 2b, LG 20

[166] Ravenna, n8, CD 3a, LG 18b

[167] CD 4,6

[168] LG 23 and Valamo 14, 26

[169] Augustine, Sermon 46

> This sacred synod, following in the steps of the First Vatican Council, teaches and declares with it that Jesus Christ, the eternal pastor, set up the holy Church by entrusting the apostles with their mission as he himself had been sent by the Father (John 20:21). He willed that their successors, the bishops namely, should be the shepherds in his Church until the end of the world.[170]

It is further found in *Lumen gentium* that: 'This sacred synod consequently teaches that the bishops have by divine institution taken the place of the apostles as pastors of the Church.'[171] In the agreed statement from Valamo, Roman Catholics and Orthodox affirm that, 'As successors of the Apostles, the bishops are responsible for communion in the apostolic faith and for fidelity to the demands of life in keeping with the Gospel.'[172] There is agreement on both the divine origins of the episcopate and on the apostolic succession which is witnessed in the episcopate.

The episcopate is the foundation, by divine will, of the ministry of unity in the apostolic *paradosis*. The unique apostolic ministry of witness is preserved in the Church through the bishops. This teaching may be a starting point for the dialogue on the ministry of unity. Two elements of the church's life coalesce into one person in the ministry of the bishop. Initially the ministry of apostle and ministry of episcope were two separate ministries. According to Francis Sullivan the apostolic ministry was characterised by universal witness to the faith revealed in Jesus and an itinerant ministry, on the other hand episcopal ministry was a witness to the faith and sign of unity at the local level and was a

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[170] LG 18 b, Valamo 14, 26

[171] LG 20

[172] Valamo, n40

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ministry over a fixed community.[173] The bishop today exercises *episcope* or

oversight of the local church and succeeds to the ministry of the apostles as a

universal ministry of unity. The transmission of both an *episcope* and apostolic

ministry has a sacramental dimension.

2.4   Rite of episcopal ordination

Vatican II was the first Council to solemnly declare that episcopal

ordination was a sacrament:

> The Holy Synod teaches, moreover, that the fullness of the
> sacrament of Order is conferred by episcopal consecration,
> that fullness, namely which both in the liturgical tradition of
> the Church and in the language of the Fathers of the Church is
> called the high priesthood and the acme of the sacred
> ministry.[174]

The Council, in making this solemn declaration, effectively brought

to an end a theological tradition from the mediaeval period.[175] This had

regarded the priesthood as the pinnacle of the Sacrament of Orders.[176] This

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[173] Francis Sullivan, *From Apostles to Bishops*, 2001, p78ff. He notes in particular the evidence from The Didache and Letter of Clement as signs of the early conflation of apostolic with episcopal functions., that is of universal and local.

[174] LG 21b. The council may have solemnly taught this but it is worth investigating to what extent this has actually be received in the Roman Catholic Church. Most bishops refer to themselves as priests and celebrate their *presbyteral* ordination anniversary as well as their episcopal anniversary but not their diaconal, when they became a cleric and were first ordained, so they are not celebrating ordination so much as their priesthood. It would be worth investigating to what extent the *Cursus honorum* , which was shortened, but not really abolished still persists in the mentality of Roman Catholics. Deacons are frequently asked by laity and priests, when are you going to be ordained, when they already have been. Obviously this is anecdotal and not the subject of eh present study.

[175] Karl Rahner, The Hierarchical Structure of the Church, With Special Reference to the Episcopate. H Vorgrimler (ed) *Commentary on the Documents of Vatican II*. *Vol I*. New York: Herder and Herder. 1967

[176] Paul Bernier in his book *Ministry in the Church: A Historical and Pastoral Approach*, Mystic: Twenty-third Publications. 2003, p130-145, provides a summary of the line of argument in Latin theology from the time of Peter Lombard, through Aquinas and the neo-scholastic theology which was dominant up until Vatican II. The *Cursus honorum* defined the ranks of each order in terms of a power and the relationship of that power to Eucharist and therefore the priesthood, not the episcopate was the pinnacle of this system because of the power to consecrate the elements. Bernier notes three characteristics of neo-scholastic theology of order: priesthood to geared toward eucharist, priesthood as a power and orders culminated in the priest and not the bishop. Aquinas in the Summa, III, q38, a4 states 'Since the consecration conferred in the sacrament of orders is directed to the sacrament of Eucharist, the principal act of each order is that whereby it is most closely directed to the sacrament of

solemn declaration represents, in a sense, a renewal of Episcopacy and a renewal of all three orders: the diaconate; the presbyterate; and the episcopate, which could now be seen in their proper relation to each other within the communion of the church. Susan Wood has made a significant study of the episcopate and the Rite of Episcopal Ordination, in which she concludes that the fullness of orders stems from the bishop's incorporation into the episcopal college through ordination and communion with all other bishops, and only in this way can he succeed to the grace and authority of the apostles.[177]

Episcopal ordination, in Roman Catholic theology prior to Vatican II and in the theological manuals, had been considered sufficient, but not necessary for the conferral of various powers of governance.[178] A conferral of the powers of governance was the primary concern of episcopal consecration. The fullness of the Sacrament of Orders had been expressed, in the period immediately preceding the Council, in the power to consecrate the elements of bread and wine.[179] The priesthood was the logical end-point in the chain in the *cursus honorum.* This had dominated the theological manuals and ecclesiology from the medieval period up until Vatican II. Episcopal ordination, when

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the Eucharist. In this respect too, one order ranks above another in so far as one is more nearly directed to that same sacrament.' In placing the Bishops at the apex, as the fullness of the sacrament of orders reversed the direction from one of ascension of ranks to one of relation to the bishop and the flow of ministry through and from him.

[177] Susan Wood, The Sacramentality of the Episcopal Consecration. *Theological Studies*, 51, 1990, p485. And Susan Wood, Lex Orandi Series: Sacramental Orders. College: Liturgical Press, 2000, pp76-77

[178] Bernier, *Ministry in the Church*, p137, discusses the language of consecration versus ordination and shows that 'episcopacy was a dignity and an office not the fullness of priesthood.' Seamus Ryan, Episcopal Consecration: The Legacy of the Schoolmen. *Irish Theological Quarterly*, 22 1966, pp3-38, provides historical background and shows the significance of the shift in theology.

[192] Peter Abelard, The Sentences: Book Four

considered from this viewpoint, did not confer any ontological change beyond what had been conferred by the priestly ordination.[180]

Renewal of the episcopate, through the recovery of an ancient understanding of a bishop, grounded in the ecclesiology of communion, represents one of the most profound teachings of Vatican II. The Council would have lacked a coherent framework for developing a theology of the Church as a communion of communions without this renewal of the theology of episcopate. The Church was able, from this understanding of the episcopate as the fullness of the Sacrament of Orders, to see that the celebration of the Eucharist was not an end in itself. It was, rather, that celebration which gives witness to the Church as a communion and as the body of Christ into which it was being more deeply conformed through the reception of the Eucharist.[181]

The bishop is at the centre of the Eucharistic *synaxis* of the local church which is the foundation of the ministry of unity of the universal Church.[182] Each Eucharist is celebrated in communion with him and through him in communion with all the local Churches, since the bishop is a sign of visible communion with all other bishops through his being part of the communion of the College of Bishops.[183] The requirement to include the name of the bishop in the *anaphora* is an ancient one which stems at least from the

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[180] Peter Damian in his *Liber Gratissimus*, argued that the episcopate was not a new order in itself but a more excellent rank within the order of priesthood. The logical extension of this became the practice of sequential ordination. Bernier notes that Gregory VII was elected to the papacy in 1073 as a deacon, and instead of being consecrated bishop immediately as had been the practice, he was first ordained priest-*presbyter* then consecrated bishop. This was an innovation in church practice but it followed the logic that priesthood was the fullness of the orders so he would require this order to be bishop.

[181] SC, 14-16

[182] SC 41, LG 11a, 26

[183] LG 26, CD 11

time of Origen, and it expresses the idea that the bishop is the sign of communion of his church with other churches. Acknowledging the bishop as the focus of unity for both, his church and the unity of the whole church, places each bishop within the universal communion; a communion of equals.[184]

Attention should be paid to this shift in defining the episcopate because it represents a rupture in the tradition of teaching from the period immediately prior to the Council and settles definitively, the question of the sacramental nature of the episcopate in Roman Catholic theology. We may, in applying a hermeneutic of rupture, have another interpretative key for what Vatican I had to teach about the Bishop of Rome.

This turning point balances the temptation toward a consideration of primacy, and of the universal primacy in particular, from only the papal perspective. What Vatican II says about bishops in general includes the Bishop of Rome. This new teaching also resolves the question about the sacramental status of the episcopate in such a way that it is not then possible to define a higher apostolic authority in the Church. A hermeneutic of sacramental priority suggests that it is only in the exercise of the Episcopal ministry that the ministry of unity is actualised in the life of the Church. The starting point for reflection on a universal ministry of unity must, therefore, be the Sacrament of Episcopal Ordination, and the universal ministry of unity as a participate in the episcopate.

Lumen gentium and *Christus Dominus* together develop themes from the unfinished business of Vatican I, and recover a sense of the bishop from an earlier time in the history of the Church. Vatican I defined papal primacy, and provided a definition of the infallibility of the Church and of the

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[184] CD 4, 5, LG 18

exercise of that infallibility through the ministry of the papal office. This left untouched the work on the episcopate except for the official commentary on the texts which were provided by the Theological Commission.[185] It is significant that, at Vatican I, the Papacy was the starting point for the reflection on authority, and that the plan was to work from there to examine the Episcopacy.[186] Vatican I taught that episcopal authority is not derived from the pope, even if those of maximalising papal tendencies may have wanted to place such an interpretation on the Council instead it taught that episcopal authority is, clearly, of the same divine origin as is the papal office.[187]

Evidence that Vatican I did not teach that a bishop's authority was derived from the Pope may be found in the letter of the German episcopate sent to Chancellor Bismarck shortly after the First Vatican Council, a letter, which subsequently received endorsement by Pius IX. [188] This clearly asserted that the Pope had not absorbed the bishops' powers, and that the latter should not be

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[185] Hermann J Pottmeyer, Recent Discussion on Primacy in Relation to Vatican I, p220-224 in *The Petrine Ministry: Catholics and Orthodox in Dialogue*, New York: Newman Press. 2003. He provides a very useful summary of the position of the theological commission about the definition of infallibility in Vatican I which allows one to infer some general points about what could have been taught about the episcopate. This material will be taken up later in tis paper. PA, Chapter 4 On the Infallible teaching office of the Roman Pontiff, in Tanner ,Decrees of the Ecumenical Councils Vol II, p815

[186] Richard Gaillardetz, *The Church in the Making: Lumen gentium, Christus Dominus, Orientale Ecclesiarum*. New York: Paulist Press. 2006. p18-25. The author outlines the development of the schemas on the church from the initial document to what becomes *Lumen gentium*. He argues that in each revision the driving principle is a deeper reception of the ecclesiology of communion.

[187] Pottmeyer, Recent Discussion on Primacy in Relation to Vatican I, p220

[188] The document 'Collective Statement of the German Episcopate concerning the Circular of the German Imperial Chancellor in respect of the coming Papal election' of the year 1875 provides almost the only official commentary on Pastor Aeternus and in particular on the relationship between primacy and episcopate. See Jacques Dupuis and Joseph Neuner, *The Christian Faith in the Doctrinal Documents of the Catholic Church*. Seventh Edition. New York: Alba House. 2001.p 322. The points made within the letter and endorsed by Pius IX indicate that a much more subtle approach to the documents of Vatican I is required and that a full understanding of their significance requires attention to nuances contained within them.

considered to be instruments or vicars of the pope.[189] The inability of Vatican I

to articulate a theology of episcopacy, allowed a distorted view of the Church to

flourish and so mould the succeeding generations of Catholics both lay and

clerical.   The *Ultramontanes* viewpoint, which stressed the primacy and

prerogatives of the pope, as that of a monarch reigning over a perfect society,

tended to diminish the legitimate role of the bishops and presented them as his

subordinates.[190] The letter of the German episcopate, precisely because it had

gained the endorsement of the Pope, is a key text in interpreting the position of

bishops in local churches in relation to the universal ministry of unity and as

exercised by the Pope.

Pius IX, in his apostolic brief of March 6, 1875, endorsed the

content of the German Episcopal letter to Bismarck on the proper authority of

the diocesan bishops thus:

> Your declaration gives the genuine Catholic doctrine, which is
> also that of the Holy Council and of this Holy See; it defends
> it with illuminating and irrefutable reasoning, and it sets out so
> clearly that it is plain to any honest person that there is no
> innovation in the definitions attacked...[191]

Pius IX taught that Vatican I affirmed the teaching of the Church

that the episcopate has its source of authority in the divine institution:

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[189] J-M.R. Tillard; *Church of Churches: The ecclesiology of communion*. Collegeville: Liturgical Press 1987 p 40, Pius IX, *Tuas Libenter* , December 21, 1863 DS 2879

[190] Hermann Pottmeyer, *Towards A Papacy in Communion: Perspectives From Vatican Councils I and II*, New York: Herder and herder, 1998, p76-87. Pottmeyer argues that those who argue for the maximalist interpretation misrepresent Vatican I and that not only the extreme ultramontanes but also opponents of the definition exaggerate the claims sometimes for rhetorical effect and both views harm the ecumenical cause. He cites for example the work of Hans Kung, *Infallible?,* as an example of exaggeration for rhetorical effect, establishing a 'straw man' argument to knock down any real infallibility. Pottmeyer notes that the ultramontane movement was initially a positive movement to save the church from the influence of national churches and the definitions of Vatican I were aimed at supporting local churches against encroachment from the State. We will return to this in chapter four.

[191] *Tuas Libenter* , December 21, 1863 DS 2879

It is in virtue of the same divine institution upon which the papacy rests and the episcopate also exists. It too has its rights and duties, because of the ordinance of God himself, and the pope has neither the right nor the power to change them. Thus it is a complete misunderstanding of the Vatican decrees to believe that because of them 'episcopal jurisdiction has been absorbed into the papal, that 'the pope has in principle taken the place of the bishop, that the bishops are now 'no more than tools of the pope, his officials without responsibility of their own...under the appointment of the Holy Spirit, they succeed in the place of the apostles, and feed and rule individually, as true shepherds, the particular flock assigned to them.[192]

This authoritative interpretation of the council must serve as a key for understanding the relationship between the primacy claimed by the Bishop of Rome and the rest of the episcopate today. The text of the German Bishops' letter to Bismarck, and the authoritative endorsement of the content of their letter by Pius IX, combined to definitely rule out any other interpretation of the relationship between the Bishop of Rome and the rest of the College as being in a subordinate fashion.

2.5   Apostolic succession

The Church, as a living communion of faith which has been animated and constituted by the Holy Spirit, can truthfully teach that the ministry of the Apostles continues in the ministry of the bishop since each of the sacraments has taken shape under the guidance of that same Spirit. Raymond Brown has noted that the Bible may not explicitly contain the formulations of faith or ministries that have emerged in the Church over the course of time, but that all legitimate developments have a trajectory that begins in the Biblical tradition.[193] It is evident from ancient sources, such as the Didache and the Scriptures, that the ministries of episcope and apostolic witness were originally

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[192] Jacques Dupuis and Joseph Neuner, *The Christian Faith*. 2001. p 322.

[193] Raymond Brown, *Biblical Exegesis and Church Doctrine*. Dublin : Veritas 1986 p 45

two distinct ministries.[194] *Episcope* was a ministry of the local church which provided order and a focus for unity. Apostolic ministry was an itinerant one and had a focus on the universal Church and was not a permanent ministry within a local community. The universal ministry of Apostle, as witness to the *paradosis*, merged with the episcopal function of local oversight sometime during the early development of the Church's life and ministries, and under the guidance of the Holy Spirit.[195] How and why this occurred is lost in the mists of time, but the fact remains that the episcopal ministry today is still comprised of those two ministries.[196] These are related to each other since they are both ordered toward communion in faith and love, and universal unity.

Irenaeus of Lyon linked episcopacy to apostolic succession with an emphasis on the succession of apostolic faith of the community rather than on the person of the minister as the apostolic successor. For Irenaeus the dictum was that the ministry of the bishop within the apostolic succession assures the doctrinal apostolicity of the local Church and what is believed in the Churches

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[194] The Didache lays down norms for how communities are to receive apostles and discern if their ministry is genuine which include his staying three or more days in one Christian community. The Didache contrast this with the stable ministries of overseer (*episcopos*) and deacon, elected from within the community, who are meant to provide for leadership of the community. See Eberhard Arnold, *The Early Christians in Their Own Words*, New York: The Ploughshare Publishing Company. 1970. p202-203 Francis Sullivan, *From Apostles to Bishops: The Development of the Episcopacy in the Early Church*. New York: Newman Press. 2001. p 78-88. Sullivan traces the development of the episcopacy showing how it had initially been a ministry of local Church oversight distinct from the apostolic ministry which had a focus on the universal and common witness to the handing on the Gospel. Gradually these two ministries merge in to one episcopate with a local and universal (apostolic) dimension.

[195] Sullivan, *From Apostles to Bishops, 2001,* pp78-80

[196] Dvornik, Francis. *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew*. Cambridge: Harvard University Press. 1958. In this important work Dvornik provides from an Orthodox perspective arguments that demonstrate that the apostles were not the first 'bishops' of the apostolic and patriarchal sees and evidence that idea of Andrew as the founder of the See of Byzantium is a much later development, possibly ninth century.

with a legitimate bishop is the apostolic faith.[197] This is as true for the See of Rome as for any diocese, and is a key element for interpreting the role of the Bishop of Rome in relation to the universal ministry of unity.

Episcopacy, according to *Lumen gentium*, is a necessary element of the life of the Church which is entrusted as a gift so that it might continue fruitfully in the mission of Jesus. Jesus Christ is present in the bishops and in the midst of those who believe, and he preaches the Word and constantly administers the sacraments/mysteries through them.[198] They are 'rightly described as vicars and legates of Christ.'[199] All bishops, and not just the Bishop of Rome, are Vicars of Christ.

We see in Irenaeus confirmation of the transition of the episcopal ministry to incorporate the apostolic witness. The following points summarise key elements of his argument about episcopate and apostolicity found in *Adversus Haereses*[200]. In his time the episcopal ministry had become more formalised and lists were already circulating of catholic bishops.[201]

The stability of the episcopal ministry and of its relation within an ecclesiology of communion to a local ecclesial community, assured the Church that each bishop was immersed in the *sensus fidelium*. Episcopal office was public and ecclesial from the point of election and ordination. The faith of the

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[197] Irenaeus of Lyons; Against the Heresies III, 2. in LG 20.

[198] LG 21

[199] LG 27

[200] Sullivan, *From Apostles to Bishops*, 2001, Chapter Eight, provides a simple commentary on Irenaeus and the episcopate from which I draw my brief summary.

[201] Irenaeus III, 3.2 Although he does not supply a full list he alludes to the fact that lists of succession are kept and states that the purpose of the lists is to identify where the apostolic tradition has been handed on in the Churches.

man who had been chosen by the local church would have been well known and tested long before ordination took place. He would have already provided his witness by his lived experience within the *ecclesia*. This meant that there was a Church behind every bishop which could testify to his Catholic faith, which could scrutinise his teaching in the light of the *paradosis*.[202]

Cyprian of Carthage succinctly described the relationship between the bishop and the church thus: 'The bishop is in the Church and the Church in the bishop.'[203] An observation by Zizioulas about Orthodox Churches also holds true for Roman Catholic Churches as well: 'There is no church without the bishop and no bishop without the Church.'[204] All sacraments are linked though the bishop. Baptism requires the holy chrism that is given by the bishop as does Chrismation (Orthodox Churches) and Confirmation (Latin Rite Catholic Church). The *presbyter*s and deacons who are ordained by the bishop may only preside over each of the other sacraments through the authority of the bishop, and by being in communion with him.[205]

The bishop presides at every Eucharist in his diocese even if this is not in person, then it is through the presidency of a priest who must always include the name of the diocesan bishop in the *anaphora* and who presides in the bishop's name. The bishop is the head of the visible assembly of the body of Christ which is the local Church. The head of the church in this particular

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[202] Reference to the Catholic faith of the bishops deliberately leaves of the qualifier 'Roman' since what is intended here is the apostolic faith held by the Church in its original catholicity before the schism.

[203] LG 18 and Cyprian letter 66.8.3

[204] John Zizioulas; *Being As Communion*, p137

[205] Paul VI, *The Rites of the Roman Catholic Church: Vol II*. Only a bishop may ordain (Rites of Ordination #9) , and is necessary for anointing all of the Holy Oils (Decree #1), and most essentially the consecration of a Church and altars.

place cannot exist without the body of the church. The bishop alone cannot constitute the church. The Church is built up via word and sacrament and by the regulation of the gifts of the Spirit by the bishop. It is not only through the Eucharist by which Christ nourishes his body but through the active presence and power of the Holy Spirit that the Church is built up in the context of episcopal ministry.

The link between bishop, sacrament and people is celebrated and ritualised in the very act of Episcopal ordination.[206] The following elements of the Rite of Episcopal Ordination, which is taken from the revised Rite of Paul VI, illustrate these linkages.[207] This Rite of Ordination should take place on a Sunday to enable many of the faithful to attend for it calls for the active participation of the faithful in the ritual. A particular church or diocese must be named as the community that is requesting the ordination of the priest as their bishop. The consent of the people to the Episcopal ordination is asked for, and then given in a ritual dialogue to which the people give their amen. A ritual examination of the candidate for Episcopal ordination must take place in the presence of the people. The presiding bishop at the Episcopal ordination extends an invitation for the people to pray the *epiclesis* over the candidate by using the formula 'Let us pray' and by using the collective pronoun 'we' throughout the entire consecratory prayer. The presider makes it clear in this way that ordination is an act of the whole local church. All of the people then respond 'Amen' to the consecratory prayer.

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[206] Susan Wood, The Sacramentality of the Episcopal Consecration. *Theological Studies*, 51, 1990, p485. And Susan Wood, Lex Orandi Series: Sacramental Orders. College: Liturgical Press, 2000, pp76-77

[207] Paul VI; *The Rites: Volume II*. New York: Pueblo Publishing. 1980. n2,4,16,17,19,20 and 22. Hereafter The Rites.

A further aspect of the saying: 'the bishop is in the Church and the Church in the bishop' concerns conciliarity. This topic will be address further in this thesis, but its meaning should be noted here. Bishops gathered in councils or synods do not merely gather as individual Christians or as individual heads of churches.[208] A council or synod, even if only the bishops are present, is always a gathering of Churches.[209] The Church is in the bishop, and he embodies and symbolises his church to the other Churches.[210]

2.6   Episcopate and unity among churches

The bishop of Vatican II is the sign, *par excellence*, of the Church as a communion. The bishop represents to his diocese Christ in their midst as Christ's vicar and he is not considered as a vicar of the Bishop of Rome.[211] Episcopal ordination is the fullness of the Sacrament of Orders and it is the sign and means by which the communion of communions that is the Church is established.[212] The bishop signifies the communion of the Church in four ways. At the local level the church gathered in the Eucharist creates a communion of believers with its bishop. In any regional gatherings, such as a synod, he represents the local to the regional assembly of Churches. At the universal level the bishop represents the local church to the universal church as a sign of the communion of the local with the universal. Also at the universal level through the College of Bishops, he represents the universal Church to the local

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[208] CIC can 393 The bishop acts in the person of his diocese in all juridic matters. Can 454 gives to diocesan bishops an automatic right of a deliberative vote in episcopal conferences because they represent a Church. LG 23

[209] LG 23

[210] LG 23, CD 11

[211] LG, 21, 27

[212] Lawler and Shanahan, *Church a Spirited Communion*, p98. LG 23

Church.[213] His Church will remain in communion with it as long as the bishop remains in communion with the College of Bishops.[214]

Bishops have a concern for the entire church, and not just for the portion that is assigned to them, even though they only govern one portion. This teaching is elaborated in Vatican II as well as the Roman Catholic-Orthodox dialogues. Christus Dominus teaches about bishops that, 'By divine institution and by virtue of their apostolic office, all of them jointly are responsible for the Church.'[215] Bishops are 'united in one college or body for the instruction and direction of the universal Church' and they share 'in the solicitude of all of the Churches.'[216] They have an obligation to share the concern for the building up of the universal Church but they do not exercise this concern by acts of jurisdiction.[217] It is the duty of all bishops to promote and to safeguard the unity of the faith and the discipline that is common to all in the Church.[218] The bishops, through their mutual concern for all in the Church, 'contribute effectively to the welfare of the whole mystical body.'[219] All of them receive Christ's commands and all have a common duty toward the universal Church.[220]

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[213] Lawler and Shanahan; *Church a Spirited Communion* p99, LG 23

[214] LG 24

[215] CD 6

[216] CD; 3

[217] LG; 23

[218] LG; 23

[219] LG 23

[220] LG; 23

Vatican II teaches that the bishops are 'obliged to enter into a community of work among themselves and with the successor of Peter'.[221] Orthodox Churches may agree with the first part and be reluctant to agree to the second. From a Roman Catholic perspective Peter's successor is a bishop in the College and, therefore, shares the same concern as other bishops for the universal church. Orthodox objections may centre on the identification of the Bishop of Rome as successor to a Petrine ministry but there should be no objection that in the Church all bishops should work in communion with each other and this include the Bishop of Rome.

The renewal of the episcopate in the Roman Catholic Church indicates a convergence of ecclesiologies and opens new ways of connecting with Orthodox theology. This theology has preserved, to a greater degree, the sense of the bishop as the head of an organic unit which is the body of Christ in a particular place. Orthodox theology, especially after Afanassieff, situates the bishop within the local communion as the one from whom the life of Church flows.[222] The axiom that, 'there is no church without a bishop' with its corollary that, 'there is no bishop without a church' had been clearer in the Orthodox theology if not always in its practice.[223] The practical issue is the same for Roman Catholics, namely the existence of titular bishops. This point will be addressed later.

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[221] LG; 23

[222] Zizioulas, *Being as Communion*., p237-242 and 250 -253. Zizioulas draws out the implications of an ecclesiology of *koinonia* for understanding the nature of the episcopate. Vatican II affirms such an approach as, we have seen, and provides evidence of convergence on this matter between the Churches. Also Afanassieff in J Meyendorff, A Schmemann, N Afanassieff, N Koulomzine, *The Primacy of Peter in the Orthodox Church*. Bedfordshire: The Faith Press. 1973, pp91-143.

[223] Ignatius , Letter to Smyrneans, 8.2, in Kenneth Howell, *Ignatius of Antioch: A New Translation and Theological Commentary*. Zanesville: CHResources. 2008, p114

Ecclesiological convergence can provide a fresh starting point for the consideration of primacy and episcopacy for: whatever is to be said about a diocesan bishop is also to be said of the Bishop of Rome. Theological reflection on episcopate assists the Churches to come to a clearer understanding of primacy, since the episcopate is the *sine qua non* of the ecclesiology of both. If regional or universal primacy is considered a particular instance of episcopal ministry then role of metropolitan and patriarchal bishops and the pope may be examined in regards to what is unique and distinctive about the way the primate exercises his episcopal ministry in relation to the ministry of the episcopate in general.

An opportunity exists within a hermeneutic of coherence for the dialogue partners to affirm the teaching of the Second Vatican Council on the episcopate as being coherent with the received *paradosis*. When the teaching of Vatican II on the episcopate is read in the context of Vatican I's teaching on papal primacy room is created for Orthodox theologians to recognise a corrective to imbalanced perceptions of the papacy in the life of the Church. Orthodox Churches may assist the Roman Catholic Church, in its reception of Vatican II and in its teaching on the episcopacy, by highlighting the rupture that it represents with perceptions of pre-conciliar teaching.

Full Roman Catholic reception of the teaching of the Second Vatican Council on episcopacy is essential for the development of a complete understanding of a universal ministry of unity. Two distorting ideas will persist without this reception; an overly juridical concept of the bishop and a perception of episcopal ministry as essentially a priestly ministry with an extension of authority. Ecclesial praxis will, consequently, be hampered by an impoverished

ecclesiology and theology of the episcopate. Appreciation of the bishop as a bishop is related to an appreciation of the local church as a church. The acceptance of a truncated version of the episcopal ministry may diminish our understanding of the local church as fully a church, and to risk perceiving it as merely a part of a global institution. Failure to receive this teaching into Roman Catholic praxis would constitute a problem for the reception of a universal ministry of unity which would be acceptable to the dialogue partners because the fullness of the episcopal ministry in the local church affirms its catholicity and identity as fully Church.

2.7 Conciliarity/synodality

> The term conciliarity or synodality comes from the word 'council' (*synodos* in Greek and *concilium* in Latin), which primarily denotes a gathering of bishops exercising a particular responsibility. It is also possible, however, to take the term in a more comprehensive sense referring to all the members of the Church (cfr. the Russian term *sobornost*). Accordingly we shall speak first of all of conciliarity as signifying that each member of the Body of Christ, by virtue of baptism, has his or her place and proper responsibility in Eucharistic *koinonia* (*communio* in Latin).[224]

The *koinonia* of the church derives its foundation from the life of the Trinity and reflects that mystery.[225] The local church is an expression of conciliarity of the Eucharistic *koinonia*, and the life of the universal church is expressed as a communion of communions. The ministry of unity which is exercised by the bishops serves to maintain the Church as a communion of communions. Conciliarity/synodality expresses the nature of the Church as communion. The council or synod, when viewed as a council or synod of

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[224] Ravenna, 5

[225] Ravenna,5

churches and not simply a meeting of the bishops who head those churches, becomes the sign of the unity which exists in diversity.

Conciliarity/synodality gives witness to the solicitude which each of the churches has for one another because of the unity that is founded in love and in faith.

> From the earliest ages of the Church, bishops in charge of particular churches, inspired by a spirit of fraternal charity and by zeal for the universal mission entrusted to the Apostles, have pooled their resources and their aspirations in order to promote both the common good and the good of the individual churches. With this end in view synods, provincial councils and finally, plenary councils were established in which the bishops determined on a common program to be followed in various churches both for the teaching of the truths of the faith and for regulating ecclesiastical discipline.[226]

The sign of unity, diversity and communion in the one Body of Christ is received by the visible gathering of the bishops in regional, national or universal gatherings. Synodality entails the acceptance of the bishops' responsibility for the pastoral life of the local church which is to assist the local church to engage in its mission in the local context more effectively for the good of the local Church and for the entire People of God.[227]

Primarily conciliarity/synodality is the fullness of the expression of the life of the universal Church. The church is most visibly itself, that of a people made one through the unity which comes from the Father, the Son and the Holy Spirit, when it is gathered in the Eucharist with the bishop and with the *presbyter*s, deacons and the laity in the local *synaxis*.[228] When churches meet,

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[226] CD, 36

[227] CIC can 460 and following. A diocesan synod in the Roman Catholic tradition brings together representatives of the local church to assist the bishop in developing pastoral strategies and guiding the life of the local Church. Its task is a consultative and not a governing one.

[228] GIRM 22

through their bishops, they give witness to the mystery of Christ present in his Body the Church that is one, holy, catholic and apostolic both in and through the local and universal communion of churches.

Conciliar/synodal gatherings give witness to the communion of the church both synchronically and diachronically. Synchronically they witness to the communion of local churches now and through their apostolic witness and celebration of Eucharist. They give witness diachronically to the church of all times, with those who have gone before marked with the sign of faith and with the Church which is to be revealed in its fullness at the *parousia* through handing on the apostolic faith.[229]

2.8   Manifestation of communion

The final report of the Extraordinary Synod of Bishops (Roman Catholic) as it celebrated the twentieth anniversary of the closing of the Second Vatican Council has stated with directness that:

> The ecclesiology of communion is the central and fundamental idea of the Council's documents. *Koinonia*/communion, founded on the Sacred Scripture, has been held in great honour in the early Church and the Oriental Churches to this day. And so much was done by the Second Vatican Council so that the Church as communion might be more clearly understood and concretely incorporated into its life.[230]

Any consideration of the meaning of the documents of the Council and of the nature of primacy in the Church must proceed from the theology of *koinonia*. We cannot consider the primacy of the Bishop of Rome apart from the ecclesiology of *koinonia*. To do so would be to present a distorted view of primacy and authority that risks being unrelated to the *koinonia* of the Church

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[229] Eucharistic prayer III of the Rite of Paul VI

[230] Documents of the Extraordinary Synod Of Bishops 1985, *Final Report*. St Paul's Publications, 1986, p35

that is served by that authority. The Final Report of the Extraordinary Synod teaches that: 'The ecclesiology of communion is also the foundation of order, and especially the correct relationship between unity and pluriformity in the Church.'[231]

Vatican II's bishop cannot be viewed as separate from the College of Bishops. Peter and the Apostles formed one apostolic college and the Roman Pontiff and bishops are joined together in a similar way.[232] One is constituted a member of the College 'by virtue of sacramental consecration' and 'by hierarchical communion with the head *and* the members of the episcopal body.'[233]

The collegial dimension of the episcopate is acknowledged in the Roman Catholic-Orthodox dialogue:

> Councils are the principal way in which communion among bishops is exercised (cfr. Valamo, n52). For attachment to the apostolic communion binds all the bishops together linking the *episkope* of the local churches to the College of Apostles. They too form a college rooted in the Spirit in the 'once for all' of the apostolic group, the unique witness to the faith.[234]

Hierarchical communion is not, according to Roman Catholic theology, subordination to the head but is a participation in the College with the head. There is one order of episcopate, with a ministry of oversight for the local and universal church, in which all participate and through which, the episcopal college gives expression to the once and for all apostolic college.

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[231] *Final Report*, p36

[232] LG 22

[233] LG 22 the emphasis is mine.

[234] Ravenna, 9

There is a reading of an apostolic letter from the Bishop of Rome in the ritual of episcopal ordination in the Roman Catholic Church but this cannot be interpreted as the granting of authority to the local bishop by the Pope.[235] Episcopal authority is not his to grant, for it exists by virtue of episcopal ordination as a divine institution.[236] The apostolic letter relates to hierarchical communion and to apostolicity.[237] The apostolic letter, in cases of Catholic bishops from the Eastern Rites, simply testifies to the validity of the episcopal election by the Holy Synod of the respective Church and confirms the apostolic communion between the See of Rome and the local church.[238]

Hierarchical communion is not a cause but a condition of episcopal ordination. Susan Wood expresses it thus, 'in other words, a local church cannot survive in and of itself and is incapable of perpetuating itself apart from other churches.'[239] It is ritualised in the requirement to have in the ordination of the new bishop, at least three participating bishops who are in communion with

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[235] The Rites, Ordination of a Bishop, n16. The principal consecrator asks 'Have you a mandate from the Holy See' and this must pertain to communion not authority because LG 21, 22 teach that episcopal ordination confers munera (authority) and together with hierarchical communion constitutes a man as a member of the College of Bishops. The subject of the 'you' is the local Church not the man being consecrated, as the priest presenting the bishop elect answers 'We have' and after the reading the whole congregation proclaims 'Thanks be to God' by way of assent. Again Wood concludes in a similar manner, *Sacramental Orders*, 2000, 45, 53

[236] LG 22

[237] Wood, *Sacramental Orders*, 2000, p36, 72-75

[238] Code of Eastern Churches Can 55-62, provides an outline of the autonomous nature of the *sui generis* Catholic Churches and their structure of governance under the leadership of a patriarch and synod.

[239] Woods, *Sacramental Orders*, 2000, p37. The presence of at least three consecrating bishops authenticates the apostolic faith of the bishop and of the local church with the communion of Churches.

each other and in the case of the Roman Catholic Church, also with the Bishop of Rome.[240]

2.9   Hierarchical communion

Vatican II created the neologism - 'hierarchical communion' to describe the relationship among the members of the College of Bishops including the Bishop of Rome as the head of the College.[241]   The Council, in pairing hierarchy and communion, has extended the meaning of the term 'ecclesiology of communion' by incorporating the hierarchy within the primary understanding of the Church as a communion.   The significance of the new term for a proper understanding of primacy and episcopacy should not be underestimated.   Communion is the fundamental reality of the Church and all of the internal relationships and the order or *taxis* in the Church must be related to this fundamental reality.   Each bishop, including the Bishop of Rome, is situated within and is not above the communion of the Church.

The term 'hierarchical communion' can be extended through the whole order of the Church, and describes the relationships that exist between the orders of bishop, priest, deacon and laity in a local church.   This principle is imbedded in the participation of all orders in the Eucharistic celebration and sacramental ordination.[242]   The term can be applied to the regional conciliar structures and describes the relationship between metropolitans, patriarchs and

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[240] The Rites; Ordination of a Bishop, n1. In her study of the rite of episcopal ordination Susan Wood underscores the collegial dimension of the episcopate in the universal communion as a unique element of the ministry of bishop indicated in the rite itself, *Sacramental Orders*, 2000, pp 69-70, 79

[241] The term first appears in LG 21. The significance of the term is analysed in, Seamus Ryan, Vatican II: The Rediscovery of the Episcopate, *The Irish Theological Quarterly*, Vol 33, July, 1996

[242] Karl Rahner, The Dogmatic Constitution on the Church*, Commentary on the Documents of Vatican II. Vol I*, H. Vorgrimler (ed). New York: Herder and Herder. 1967. pp 188-195. Rahner notes that with the threefold office (tria munera) all episcopal powers are seen as sacramental. This applies to each of the orders in communion.

other bishops. There is order, differentiated responsibilities and authorities, but all are related to the one communion in the body of Christ which is the Church. Hierarchy serves the communion of the Church, and communion gives hierarchy its proper meaning as a *diakonia* or ministry.[243]

2.10   The renewal of conciliarity in the Roman Catholic Church

Conciliarity finds expression in a number of Church structures, each of which serves the unity and mission of the church at different levels. Different canonical traditions have emerged in the Latin Roman Catholic Church and Orthodox Churches in regard to the form, frequency and scope of the authority of conciliar structures.[244] There is no imperative to observe the same types of structures of communion in all of the Churches, but there is much to be gained from the sharing of the experience of conciliar structures and processes by the dialogue partners. Vatican II has provided encouragement for a greater use of conciliar structures and processes in the life of the church:

> This sacred Ecumenical Synod expresses its earnest hope that these admirable institutions-synods and councils- may flourish with renewed vigour so that the growth of religion and the maintenance of discipline in the various churches may increasingly be more effectively provided for in accordance with the needs of the times.[245]

Chapter three of *Christus Dominus* commences with a consideration of synods, councils and Episcopal Conferences. The Council recommended the extension of these means of conciliarity in the life of the Church. The endorsement of these means for giving visible expression to collegiality and

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[243] LG 24 is one of the few places where *diakonia* is correctly translated as ministry and not as service. In this section of LG the ministry of the bishop is described as a *diakonia* or ministry.

[244] Ravenna n10, 17, 29

[245] CD, 36b

conciliarity has provided positive signs for the development of a universal ministry of unity acceptable to Roman Catholic and Orthodox Christians.

This endorsement is grounded in the common *paradosis* and ecclesial life of the Churches of the first millennium which focussed on the bishop as the sign of communion and of unity in faith. A hermeneutic of confidence suggests that the endorsement of a greater conciliarity creates a positive climate for the reception of a universal ministry which must work towards preserving and encouraging the growth and effectiveness of conciliar structures. An opportunity has once again opened to read together and receive the apostolic *paradosis* with openness to the Spirit.

2.11   The Episcopal conference

The Second Vatican Council gave encouragement to the expansion of the Episcopal Conference, as a form of regional conciliarity:

> In these days especially bishops frequently are unable to fulfil their office effectively and fruitfully unless they develop a common effort involving constant growth in harmony and closeness of ties with other bishops. Episcopal conferences already established in many nations-have furnished outstanding proofs of a more fruitful apostolate. Therefore, this sacred synod considers it to be supremely fitting that everywhere bishops belonging to the same nation or region form an association which would meet at fixed times. Thus, when the insights of prudence and experience have been shared and views exchanged, there will emerge a holy union of energies in the service of the common good of the churches.[246]

This promotion of the episcopal conference was an act of the reception by the Council and of the universal Church of the new form of conciliar process which had developed in a number of countries among local churches. The bishops, who had experienced the positive benefits of episcopal

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[246] CD, 37

conferences, were able to share that experience with others. The bishops, given their experience of the Council, were open to finding ways of extending the collegial and conciliar experience in the Church. The significance of the direction of this reception should not be overlooked. The conciliar instinct was alive at the grass roots level and had been received by the universal church. The Council was, therefore, not imposing but was, instead, receiving.

Christus Dominus, chapter three, established the norms by which they will operate.[247] These norms represent the process of reception of a form of conciliar life that has emerged from within the episcopal college and, not as a structure that has been imposed from without. Episcopal conferences are stable conciliar bodies, have fixed times for meeting, and are organised on geographic and not on a cultural or ritual basis. All the bishops of a region of whatever Church (Latin or Eastern) may participate in the conference, although only the bishops of the same Church would, normally, have a deliberative vote on matters concerning that Church unless the statutes of the conference determines otherwise.[248]

The adoption and promotion of episcopal conferences is significant for the present discussion because they not only affirm the conciliar nature of the church and the episcopate, but they developed as a natural complement to the universal primacy. The Council had already affirmed papal primacy in *Lumen gentium* and in section one of *Christus Dominus* before the section on episcopal conferences.[249] Papal primacy needs to be read in the light of the

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[247] CD, 37,38

[248] CIC can 450§1.

[249] LG, 18 and CD, 1

adoption of the episcopal conferences as legitimate expressions of the ministry of unity which is exercised by all bishops.

A second significant aspect of the adoption of episcopal conferences, as expressed in the norms for their operation, is the preference that only diocesan bishops and those who have a right to succeed them must, by law, have a deliberative vote. Auxiliary and titular bishops are to have a consultative vote unless the local conference determines otherwise.[250] This preference, that only diocesan bishops should have a deliberative vote, is grounded in the ecclesiology of communion and in the principle that when the bishops gather, then they gather as churches and not as individuals. This preference reinforces the ecclesial instinct, that communion in the Body of Christ and apostolic witness, to which all the baptised attest, must be embodied in the visible expression of the local church which represents a portion of the People of God in a particular place.

The diocesan bishop, in his person, represents his church to the neighbouring churches. The titular bishop, by contrast, is without a people and, as such, is an ecclesiological anomaly within the ecclesiology of communion. The titular bishops are anomalous because they are the bishops of Sees that once existed as real ecclesial communities but which now only exist on paper as notional dioceses without people. An auxiliary bishop is given a title in order to comply with canon six of the Council of Nicaea, which stipulates that there must be only one bishop in each territory. Creating titular bishops is prevalent in the Roman Catholic and Orthodox Churches. This practice distorts the true ecclesiology of communion by breaking the nexus between the bishop and the

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[250] CD,38.2

Eucharistic *synaxis*. The significant point, in terms of the current discussion, is the rupture the concept of titular bishop creates in the principle that a bishop must be in a church and the church must be in a bishop in order to participate fully in the ministry of unity.

A third significant element of the norms for episcopal conferences is that these conferences are to include the bishops of any *sui generis* Church who are present in the territory of the conference. A number of the Eastern Catholic Churches in countries such as Australia have sufficient numbers to have their own bishops and structures. There exist in Australia, alongside the Latin Churches and their bishops, eparchies for the Ukrainian Greek Catholic Church, the Maronite Church, the Chaldean Catholic Church and the Melkite Greek Catholic Church. The bishops of these churches and the bishop of the military ordinariate participate in the Australian Catholic Bishops' Conference.

The ecclesiological principle embedded in the requirement for including all the bishops from these churches, relates to the spatial and temporal dimensions of catholicity. Those who belong to the Catholic Church in Australia are all Latin Roman Catholics, as well as, the Eastern Catholics who live in Australia. This form of regional conciliarity is geographical in structure but it is theologically grounded in the ecclesiology of communion.

Episcopal conferences have not yet become the powerful sign of conciliarity that they could have been.[251]   Two significant factors have

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[251] John Quinn, The Exercise of the Primacy and the Costly Call to Unity. p13,17 Archbishop Quinn argues that the neither the episcopal conference nor the synod of bishops ahs yet realised the hoped for collegiality that Vatican II hoped would emerge. In Phyllis Zagano, Terrence Tilley, (eds). *The Exercise of the Primacy: Continuing the Dialogue*. New York: Crossroad Herder. 1998. Several studies have lamented the lack of theological authority and clarity of the scope of the teaching role of episcopal conferences among these are the papers from a symposium on the subject, Thomas Reese (ed). *Episcopal Conferences: Historical, Canonical, and Theological Studies*. Washington: Georgetown University Press. 1989. A large number of scholars from diverse theological, historical and canonical perspectives tended to agree that episcopal conference have not yet found their full place

contributed to the limited success of episcopal conferences as a full expression of collegiality in the post Vatican II reception of them.[252] The first is the means by which the norms for the episcopal conferences were developed and promulgated without a great deal of consultation with the episcopate.[253] The second is the failure to develop an adequate theology and resolution of canonical issues concern the status of the conferences and their authority.[254]

The Apostolic Letter *Apostolos suos,* issued *motu proprio* by John Paul II was an attempt to clarify the theological and juridical nature of episcopal conferences.[255] Although the letter clarified some of the requirements of the Code of Canons in relation to the operation of the episcopal conference it still left questions unanswered. The letter is correct in asserting that the doctrinal teaching of a conference does not have the strict quality necessary to regard it as

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in the life of the Roman Catholic Church, Hervé Legrand, Julio Manzanares and Antonio García y García, *The Nature and Future of Episcopal Conferences.* Washington: Catholic University Press. 1988.

[252] Since the Second Vatican Council a number of critiques have been offered with one of the main concerns expressed that the episcopal conference represents an intermediate body between the individual bishop and the college of bishops, along with concerns that overly bureaucratic forms of church administration develop around the conferences in some countries. Joseph Ratzinger (Benedict XVI) is one among those of this opinion. Vittorio Messori, *The Ratzinger Report: An Exclusive Interview on the State of the Church*. San Francisco: Ignatius Press. 1985, pp61-62, 67

[253] Komonchak notes the great deal of support episcopal conference gained from the papacy during the twentieth century, and the fact that the idea of conferences was received by the centre from the periphery but in the end Paul VI promulgated the norms during the Council and did not use the Council as a place to debate those norms. Several questions remained unanswered and divisions were found among the Council Fathers on issues such as; the fear of nationalism, teaching authority of conferences and the relationship of diocesan bishops to conferences. Joseph Komonchak, Episcopal Conferences Under Criticism. In Thomas Reese (ed) *Episcopal Conferences*, 1989, pp1-23

[254] Clarification of the status of the teaching authority of episcopal conference remains to be resolved. Avery Dulles argues for some limited authority, subject to a range of limitations usually applied to all authoritative statements of the magisterium and he also notes that such teaching is always constrained by the apostolic faith and by the territory represented by the conference. Bishops and individual Catholics may dissent from such teachings with due consideration to legitimate authority. Avery Dulles, Doctrinal Authority of Episcopal Conferences, in Thomas Reese, *Episcopal Conferences*, 1989, pp 230-231. Attempts have been made by the Apostolic See to delimit the authority of episcopal conferences, most notably the statement from the Congregation for Bishops, Theological and Juridical Status of Episcopal Conferences. 1988

[255] John Paul II, *Apostolic Letter: Apostolos Suos*, Vatican: Vaticana Libreria Editrice. 1998.

an act of the episcopal college and therefore immediately considered part of the universal magisterium binding on the universal Church.[256] It is not apparent from the letter why an episcopal conference should only be an expression of a collegial spirit (*affectus collegialis*) and not a concrete application of collegiality.[257] It is a curious distinction given the examples of ecumenical councils and particular councils, both plenary and provincial, to which the letter and *Christus dominus* appeal as witness to collegiality in the early Church.[258] Some of these councils considered issues of doctrine and discipline far beyond the scope given to the present day episcopal conference and resolved matters which had far reaching implications for the *oikoumene* of the Church.[259] The witnesses cited can be seen as true collegial acts in which the bishops exercised their concern for their local church and the good of the universal.

Regional councils such as the African and Frankish one mentioned in Apostolos suos had to deal with the 'new questions' and 'resolution of new problems' of their day, such as Arianism.[260] Today the Church may be faced

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[256] John Paul II, *Apostolos suos* 12.

[257] John Paul II, *Apostolos suos* 12.

[258] The following councils are listed in footnote 24 of Apostolos suos, *(24) For some second-century Councils, cf. Eusebius of Caesarea, Historia Ecclesiastica, V, 16, 10; 23, 2-4; 24, 8: SC 41, pp. 49, 66-67, 69. Tertullian, at the beginning of the third century, praises the Greek usage of celebrating Councils (cf. De Ieiunio, 13, 6: CCL 2,1272). From the letters of Saint Cyprian of Carthage we learn of different African and Roman Councils beginning with the second or third decade of the third century (cf. Epist. 55, 6; 57; 59, 13, 1; 61; 64; 67; 68, 2, 1; 70; 71, 4, 1; 72; 73, 1-3: Bayard (ed.), Les Belles Lettres, Paris 1961, II, pp. 134-135; 154-159; 180; 194-196; 213-216; 227-234; 235; 252-256; 259; 259-262; 262-264). For Councils of Bishops in the second and third centuries, cf. K. J. Hefele, Histoire des Conciles, I, Adrien le Clere, Paris 1869, pp. 77-125.*

[259] John Paul II, *Apostolos suos*, 21, 'some areas of doctrinal competence of the Conferences of Bishops, such as providing "that catechisms are issued for its own territory if such seems useful, with the prior approval of the Apostolic See", and the approval of editions of the books of Sacred Scripture and their translations.'

[260] John Paul II, *Apostolos suos*, 22, In dealing with new questions and in acting so that the message of Christ enlightens and guides people's consciences in resolving new problems arising from changes in

with new questions and problems emanating from advanced in biotechnology, introduction of laws to make available euthanasia, selective abortion of foetus with detected abnormalities, changes to marriage laws, restrictions on the freedom of the Church to deliver services such as adoption, education or welfare in accordance with Gospel and free from imposition of social attitudes or government policy inimical to the Gospel. It is true one conference could not bind the universal Church to a doctrinal position but it can propose this position for adoption by the universal Church.

Apostolos suos is correct in asserting that 'the universal Church cannot be conceived as the sum of the particular Churches, or as a federation of particular Churches'.[261] It is likewise correct in asserting that the episcopal college does not exist as a sum of the individual bishops.[262] However the *Apostolos suos*, along with the CDF clarification on the Church Understood as a Communion, incorrectly offer as a justification for these assertions that the universal Church 'is a reality ontologically and temporally prior to every individual particular Church'.[263] A universal church which exists outside of a local church or not from and in a local church is a theological abstraction. Both the existence of the universal Church as a communion of communions and the episcopal college as a witness to this communion of communions is the result of the simultaneity, a *perichoresis*, of the existence of the local and universal. No one bishop is head of such a universal abstraction. The pope is head of the

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society, the Bishops assembled in the Episcopal Conference and jointly exercising their teaching office are well aware of the limits of their pronouncements.

[261] John Paul II, *Apostolos suos*, 12

[262] John Paul II, *Apostolos suos*, 12

[263] John Paul II, *Apostolos suos*, 12

universal Church, in Roman Catholic terms, because he is head of a local church which is in communion with all other Churches. He is not the head of a universal church and a local church but head of a local church in and from which the universal Church exists.

Episcopal conference will not achieve their intended purpose and give witness to the Church as a communion of communions until there is a clearer articulation of the relationship between the local and universal church. Once some clarity has been achieved we will be in a better position to evaluate their juridical and theological status and how forms of regional conciliarity can serve the universal ministry of unity, which must be the reference point for all structures of communion.

2.12   Proposed Bishops Assemblies in the Orthodox Church

The Orthodox Churches of the Byzantine Rite gathered in 2009 in Switzerland in a pre-pan-Orthodox Church gathering to consider the question of the multiple jurisdictions amongst the Orthodox Churches in regions like Australia, the Americas, and in Western Europe.[264] They issued a communiqué in which they announced that they will form Bishops Assemblies. These Bishops Assemblies will include all the Orthodox bishops of the same region, and will be chaired by a bishop who has been appointed by the ecumenical Patriarch of Constantinople or if there is not a representative of the Ecumenical Patriarchate the next bishop listed in the diptyches.[265]

> The Conference expressed the common desire of all Orthodox
> Churches for a solution to the problem of the canonical
> organization of the Orthodox *Diaspora*, in accordance with

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[264] Communiqué, Of the 4th Pre-Conciliar Panorthodox Conference, Orthodox Centre of the Ecumenical Patriarchate, Chambésy-Geneva, June 6-12, 2009

[265] *The Decisions*, Of the 4th Pre-Conciliar Panorthodox Conference, Orthodox Centre of the Ecumenical Patriarchate, Chambésy-Geneva, June 6-12, 2009

the ecclesiology, canonical tradition and practice of the Orthodox Church. The Conference decided to establish new Bishops Assemblies in certain regions throughout the world in order to resolve the problem of the *Diaspora*, namely for the Orthodox faithful that have settled outside the traditional boundaries of the local Orthodox Churches. The Presidents of these Assemblies are the primate hierarchs of the Ecumenical Patriarchate in that region or, in their absence, the next in order of the Church Diptychs.

The members of these Assemblies include all those recognized by all Orthodox Churches as canonical bishops, who shepherd the existing communities in each region. The mission of the Bishops Assemblies is the proclamation and promotion of the unity of the Orthodox Church, the common pastoral ministry to the Orthodox faithful of the region, as well as their common witness to the world. The decisions of the Bishops Assemblies are made on the basis of the principle of unanimity of the Churches, which are represented therein by bishops.[266]

A significant aspect of this proposal is that the form of regional primacy is to be territorial and this will include all Orthodox Churches in the one territory. If the Orthodox are able to successfully implement this proposal it will serve as an interim measure on the way toward the restoration of proper canonical order in each territory. What remains for the future is to arrive at a complete solution which eradicates multiple jurisdictions and also the universal jurisdictions exercised by patriarchs of national churches over Orthodox Christians living in this situation. Some of these questions will be taken up later.

The Bishops' Assemblies will go some way to addressing the problem of multiple jurisdictions in these regions by encouraging cooperation in their pastoral ministries. They are not, however, intended to remove the multiple jurisdictions which will continue to exist along with this structure.

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[266] *Communiqué,* Of the 4th Pre-Conciliar Panorthodox Conference, Orthodox Centre of the Ecumenical Patriarchate, Chambésy-Geneva, June 6-12, 2009

The language of 'Orthodox *diaspora*' and 'outside the traditional boundaries' and 'of local Orthodox Churches' needs to be challenged on ecclesiological grounds.[267] The first two terms suggests that the Orthodox Church has a homeland that is analogous to Israel for the Jews. Such a suggestion cannot be supported from either Scripture or Tradition. The local church in this context can only mean the *autocephalous* churches which were represented at Chambésy. This meaning of the local church completely bypasses the definition of the local church as the assembly, which is gathered around its bishop, and upon which, an ecclesiology of communion is founded.

Diaspora is not a term which can easily be taken over into ecclesial life. The Orthodox Christians of the USA, Australia, or any of these other 'non-traditional' Orthodox 'homelands' are not like the Jews during the Babylonia captivity or of the dispersed Jewish communities of the ancient Roman Empire, scattered about the known world in expectation of a return to the promised land. Like their Roman Catholic counterparts they constitute the local church in the places where they are, not as an exiled community, but as a sign of the one, holy, catholic and apostolic Church.

The agreement of the Orthodox Churches at Chambésy represents, despite the previous limitations, a very positive breakthrough. It signifies the recognition that an improper canonical order harms the mission of the Church, and that it creates a distortion of the ecclesiology of communion. It must be viewed positively as an important, if intermediate, step towards solving the

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[267] John Meyendorff refers to such language, along with the term 'autocephalous' as ecclesiastical regionalism influenced 'by age old habits and mentalities' not open to 'the changing requirements and realities of the contemporary world'. John Meyendorff, *The Byzantine Legacy in the Orthodox Church*. Crestwood: St Vladimir's Seminary Press. 2001, pp219-231.

larger problems of ecclesiastical order which must, once again, be established within an ecclesiology of communion.

2.13   The Synod of Bishops

Paul VI established the Synod of Bishops through his *motu proprio Apostolica sollicitudo* which was issued in response to the request of the bishops in session at the Second Vatican Council. *Apostolica sollicitudo* was issued during the Council before *Christus Dominus* had been promulgated. Paul VI responded to the Council and to the signs of the times in establishing the Synod of Bishops through a *motu proprio*:

> The Apostolic concern leading Us to carefully survey the signs of the times and to make every effort to adapt the means and methods of the holy apostolate to the changing circumstances and need of our day, impels Us to establish even closer ties with the bishops in order to strengthen Our union with them whom the Holy Spirit has placed to rule the Church of God (Acts 20:28).[268]

This initiative can be considered a conciliar one in that it arose from the council itself but the *motu proprio* was developed without debate by the Council and promulgated before the document on the episcopate had been developed thus weakening the perception and reality of conciliarity. It may have been better for a post-conciliar commission consisting of bishops, theologians and canonists to have overseen the implementation of this decree as was the case with the implementation of the Constitution on the Sacred Liturgy, whose implementation committee was already at work during the Council and provided a model for implementation.

Paul VI explicitly drew on the experience of the conciliar process as part of his motivation and justification for the Synod. The 'daily experience' to

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[268] Paul VI, *Apostolica Sollicitudo: Establishing the Synod of Bishops for the Universal Church*. September 15, 1965. Liberia Editrice Vaticana.

which he alluded in the *motu proprio* is the experience of conciliar life, which

he had experienced firsthand as a bishop sitting in the *aula* at the beginning of

the Council. His second motivation concerned the recognition of the new

situation in which the ministry is to be exercised in this 'age that is so upset and

full of turmoil'. The lengthy and often heated debate on *Gaudium et Spes* was

coming to its final stages at the Second Vatican Council when Paul VI issued

his *motu proprio*. *Gaudium et Spes* represented an acknowledgement of the

great complexities of the modern world and of the need for the Church to enter

into dialogue with it. These complexities necessitated an even greater use of the

means of collaboration in the universal ministry of unity. Paul VI wrote:

> We are led to this not merely by the reverence, esteem and
> sense of gratitude that We rightly feel towards all Our
> Venerable Brothers in the episcopate, but also by the very
> heavy responsibility that has been laid upon Us as universal
> Shepherd, a responsibility that obliges Us to lead the People of
> God to eternal pastures. For daily experience has taught Us
> how helpful this kind of union will be in carrying out Our
> apostolic Office in this age that is so upset and full of division
> and yet so open to the salutary inspiration of God's grace; We
> intend to use every means available to Us to promote and
> foster it. 'Thus,' as We have said elsewhere, 'We will not lack
> the consolation of their presence, the help of their wisdom and
> experience, the support of their counsel, and the voice of their
> authority' Discourse to the Council Fathers, III session; AAS
> 56 (1965) 1011.[269]

Paul VI elaborated on his justification for the institution of the

Synod by reflecting on the experience conciliarity in the Second Vatican

Council:

> It was also the Ecumenical Council that gave Us the idea of
> permanently establishing a special Council of bishops, with
> the aim of providing for a continuance after the Council of the
> great abundance of benefits that We have been so happy to see
> flow to the Christian people during the time of the Council as
> a result of Our close collaboration with the bishops.

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[269] ApS, Introduction

We hereby erect and establish here in Rome a permanent Council of bishops for the universal Church, to be directly and immediately subject to Our power. Its proper name will be the Synod of Bishops.[270]

The bishops had been able to give witness to their part in the care of the universal church through the experience of the Second Vatican Council. The bishops, in a spirit of collaboration, had taken control of the Council and of the documents that it produced. The Council became a place of debate and teaching instead of merely being a rubber stamp for documents of the Preparatory Commission and of the neo-scholastic theology which they reflected. The bishops experienced conciliarity as a vital and Spirit-affirming experience in the Council. The Episcopal College with its head was then able to chart a future course for the Roman Catholic Church, whilst drawing on the ancient sources for guidance for this renewal.

In subsequent sections we will consider the reality of the synod of bishops as it developed after the Council and whether it in fact reflects the hopes for conciliarity expressed in its founding.[271] Paul VI provides two of the most significant criteria for evaluation of the effectiveness of the Synod of Bishops in his address to the Council. The first criterion is the extent to which the Synod of Bishops facilitates continuation of the conciliar experience that was Vatican II. Is the synod characterised by the same participatory dynamic and theological reflection as was experienced at the Council?[272] A second criterion is that it

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[270] ApS, Introduction

[271] Terence Nichols, among others, suggests that Synod of Bishops is ineffective and that what should be a body witnessing to episcopal collegiality in the universal ministry of unity is often a rubber stamp for papers presented to it prepared by the Roman Curia. Terence L. Nichols, *That All May Be One: Hierarchy and Participation in the Church*. Collegeville: Liturgical Press. 1997.pp 248-250.

[272] It is interesting to note that a positive shift in the direction of participation at the Synod of Bishops has been fostered by Benedict XVI. He has changed the procedural rules allowing bishops great

remains a permanent Council of Bishops. Although the synod has a regular cycle of meeting times it does not have the characteristic of a permanent consultative body.

A third criterion concerns the relationship between the Council and the Bishop of Rome. The role of the Bishop of Rome in the Second Vatican Council was primarily that of an enabler of the conciliar process. John XXIII convoked the Council, established the Preparatory Commissions, and set the basic tone in very general ways in the lead-up to the Council and in his opening address.[273] He did not personally attend the Council but, instead, provided some guidance through some procedural interventions at the request of the bishops themselves.[274] Paul VI also played a similar role after he became the Bishop of Rome although he was inclined to intervene more directly in proceedings than his predecessor but was not always able to impose his will on the Council.[275]

Perhaps the most significant intervention of Pope Paul VI was his attempt the change the wording on papal primacy in *Lumen gentium*. Paul VI wanted to amend the definition to say that the pope was accountable only to

freedom in raising topics of their own. He encourages and expects them to take seriously their role as teachers of the faith. In the post-synodal documents far more of the propositio emerging from among the bishops are cited in the references than under John Paul II and Paul VI.

[273] Giuseppe Alberigo, The Announcement of the Council: From the Security of the Fortress to the Lure of the Quest. In Giuseppe Alberigo, Joseph Komonchak (ed) *History of Vatican II: Vol I Announcing and Preparing Vatican II: Toward a New Era in Catholicism*. Maryknoll: Orbis. 1995, pp41-52

[274] Andrea Riccardi, The Tumultuous Opening Days of the Council. pp 56-63, and Giuseppe Alberigo, The Conciliar Experience: Learning on Their Own. pp 566-582. In Giuseppe Alberigo, Joseph Komonchak (ed) *History of Vatican II: Vol II Formation of the Council's Identity: First Period and Intercession October 1962-September 1963*. Maryknoll: Orbis. 1995.

[275] Evangelista Vilanova, The Intercession (1963-1964) pp438-454. In Giuseppe Alberigo, Joseph Komonchak (ed) *History of Vatican II: Vol III The Mature Council: Second Period and Intersession September 1963-September 1964*. Maryknoll: Orbis. 1995. Although Paul VI did not get his way on the intervention on the limits of papal authority he did manage to insert the *notae praevia* into Lumen gentium without the assent of the Council.

God, and was not limited by episcopal collegiality or by other limits.[276] His intervention was rejected by the majority of the bishops. The Council referred this question for review to the Theological Commission. The Theological Commission sided with the majority of the bishops, and in its response, indicated there were so many limits on papal authority that they could not be fully listed.[277] This rejection of Paul's intervention was not able to be repeated with regard to the *nota explicativa praevia* which was added to *Lumen gentium* after the vote on it had taken place. The addition of the explanatory note may be considered a serious blow to the integrity of the conciliar process which produced the Dogmatic Constitution on the Church.[278]

A forth criteria concerns the permanence of the Synod of Bishops. Although a regular cycle of meetings is established and from time to time there are special synods concerning either specific issues or regions of the world there is no permanent consultative body of bishops with regular consultative processes based in Rome that would be the equivalent of the Roman Curia in permanency. It does not seem to have the character of a permanent 'council in miniature' as suggested by Silvio Cardinal Oddi and as a result its force seems somewhat weakened as a sign of true conciliarity.[279]

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[276] Tillard; *Church of Churches*, p41

[277] Tillard; *Church of Churches*, p42

[278] Clément, *You Are Peter*, p76 takes a more positive view of the nota since Vatican II had already established the full sacramentality of the episcopate and the common collegiality for the solicitude of the Church and he does not regard the nota as amending this fundamental setting and recovery of a richer theology of episcopate.

[279] 'His Eminence, Silvio Cardinal Oddi, then an Archbishop and Apostolic Pro-Nuncio in the United Arab Republic (Egypt), on 5 November 1959, made a proposal to establish a central governing body of the Church or, to use his words, 'a consultative body'. He stated: 'From many parts of the world there come complaints that the Church does not have a permanent consultative body, apart from the Roman congregations. Therefore, a kind of 'Council in miniature' should be established and include persons from the Church worldwide who would meet periodically, even once a year, to discuss major concerns

Considering these criteria, as well as others, it would be reasonable to conclude that the Synod of Bishops has not achieved its purpose but this judgement will be considered in subsequent sections.

2.14   Differentiated participation of bishops

The present legislation, on ecumenical councils and on the synod of bishops in the Roman Catholic Church, makes a distinction in regard to the participation of bishops in the different conciliar experiences. An ecumenical council requires the participation of all of the bishops, and these will have a deliberative vote in the assembly.[280] The Synod of Bishops is selected from amongst the bishops of the world, either, because of their particular expertise on the matter to be considered, or, because they come from a particular region or from a particular Church.[281]   The patriarchs, major archbishops and metropolitans of the Eastern Churches participate by right in all the general assemblies of the synod.[282] The catholicity of the assembly includes the Church in its Eastern and Western forms.

The bishops who participate in the Synod of Bishops do not assume a function of representation for those who appointed them. As noted above only a portion of the episcopate participates in the synod. The partial nature of the assembly accounts for the consultative, rather than, the deliberative role of the Synod of Bishops. The Synod of Bishops is not modelled on a parliamentary democracy where representatives have a vote on behalf of their constituents.

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and to suggest possible new paths in the workings of the Church.' General Secretariat of the Synod of Bishops, Vatican City, 15 September 2007.

[280] CIC 339 §1

[281] CIC 342§1, 346 §1-3

[282] ApS art 5 §1 and CCEO 46

The total episcopate could only participate in a deliberative vote if it was given adequate opportunity to be present for the debates and had the opportunity to contribute to it. The episcopal conference of each region may reflect on the *lineamenta* and other pre-synodal documents and the local bishops attending the synod may reflect views of the conference but they do not go as representatives of the conference. Each bishop attends in his own right as a teacher and shepherd of the Church. It is, therefore, appropriate that the synod of bishops should primarily remain a consultative body in order to safeguard the legitimate authority of the entire episcopate.

The results of the consultation are given to the Bishop of Rome in the form of recommendations (*propositio*). It is the task of this bishop to prepare a document reflective of the deliberations of the bishops to share with the global communion of churches. Each of the synods has resulted in the publication of a report or an apostolic exhortation which has elaborated on the theme which has considered by the synod. These reports or apostolic exhortations do not issue binding decrees and do not provide new doctrinal statements.[283] The Synod of Bishops does not possess the authority to issue binding decrees and new doctrines because it does not include full consultation with all of the episcopate. Should the Synod conclude that a more authoritative statement of clarification of a doctrine was required ideally the views of the

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[283] Ordinary general assemblies,:1967 considered mix marriage and liturgy. 1971 considered priesthood and social justice and issues a statement *Justice in the World*, 1974, on evangelisation issued *Ap.Exhort. Evangelii nuntiandi*, 1977 on catechesis issued, *Ap. Exhort. Catechesi tradendae*, 1980 on the family issued *Ap. Exhort, Familiaris consortio*, 1980, on reconciliation issued *Ap. Exhort. Reconciliatio et penitentia*, 1987 on laity issues *Ap. Exhort. Christifidelis laici*, 1990 on priest's formation issues *Ap. Exhort. Pastores dabo vobis*, 1994 on consecrated life issued *Ap. Exhort. Vita consecrata*, 2001 on bishops issued *Ap. Exhort. Pastores gregis*. 2005 On Eucharist issued Ap. Exhort. *Sacramentum Caritatis*. Extraordinary assemblies: 1969 on episcopate and collegiality issued *The Pope, Rome and the Local Churches*, 1985 Twenty Years after Vatican II issued a report. Special assemblies have been held to focus on the life of the church in specific regions such as the 1998 Synod of Oceania which issued *Ap. Exhort. Ecclesia in Oceania*.

entire episcopate should be obtained before the Bishop of Rome issues the post-synodal document. As a matter of principle, founded on the Church understood as a communion of communions in which all bishops exercise apostolic authority by divine commission, such consultation is essential. The rules for the operation of the Synod of Bishops does not explicitly state that this principle is a mandatory practice nor do the rules prevent

The Bishop of Rome provides a service to the Church through his gathering of the results of consultation into a single document for the instruction and building up of all the local churches and to strengthen them in faith. These documents need to be received in each of the local churches and may influence local programs of faith formation and pastoral priorities determined at the local level. While the Bishop of Rome promulgates the documents on behalf of the Synod as a service to communion and unity the fact that he is the author may cause those who receive it to misrepresent the authoritative status of the document especially if they are of maximalising tendencies in regard to papal pronouncements. The questions raised by this potential tendency will be taken up later in this study.

Each member of the world wide episcopate cannot participate in the in the Synod of Bishops in the same manner. Some will only have been involved in the consultation phase in their Episcopal Conference; others will be present at the synod itself to discuss the issues with a wider forum of bishops and experts from around the world or around their region. Although not every bishop of the world is present at a synod it may be acknowledged that meeting

together has benefits for all the bishops and their Churches.[284] Although only

some gathered all will benefit from future cooperation and reflection on the

topics considered.

2.15 Charism of Authority

The Ravenna statement of the Roman Catholic-Orthodox dialogue

indicates a shared understanding of the charism of authority in the Church.

> Authority in the Church belongs to Jesus Christ himself, the
> one Head of the Church (cfr. Eph 1, 22; 5, 23). By his Holy
> Spirit, the Church as his Body shares in his authority (cfr. Jn
> 20, 22-23). Authority in the Church has as its goal the
> gathering of the whole of humankind into Jesus Christ (cfr.
> Eph 1,10; Jn 11, 52). The authority linked with the grace
> received in ordination is not the private possession of those
> who receive it nor something delegated from the community;
> rather, it is a gift of the Holy Spirit destined for the service
> (*diakon*ia) of the community and never exercised outside of it.
> Its exercise includes the participation of the whole
> community, the bishop being in the Church and the Church in
> the bishop (cfr. St Cyprian, Ep. 66, 8).'[285]

'Christ is the head of the Church, which is his body' (Eph 1:22).

This is the primary theological fact of authority in the Church. All authority in

the Church is, because of this fact, a vicarious authority.[286] It is an authority

which simultaneously attempts to give voice to the Word of God, who is present

among the people of God as head and to give voice to the word that has been

received among the faithful disciples who listen to and receive this Living

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[284] John Allen, National Catholic Reporter, October16, 2010. http://ncronline.org/mideast_synod.
Accesses October 19, 2010

[285] Ravenna, n13. Note that *diakonia* is mistranslated here and misapplied to the context intended.
Diakonia as John Collins has indicated in his philological study of the *diakon-* group of words does not
ordinarily mean service in the way common understood in English but delegation or action performed
on behalf of another (who has authority), that is the bishop's authority is a service to Christ and through
this service he builds up the church. See John N Collins, *Diakonia: reinterpreting the ancient sources*.
Oxford: Oxford University Press. 1990. Also, Anni Hentschel*, Diakonia im Neuen Testament*.
Tubingen: Mohr Seibeck, 2006. The importance of this work is that it illustrates that all authority of
the bishops is vicarious and is a ministry of Christ for his church. And authority is always relational.

[286] LG 21 Christ is present in the midst of believers in the person of the Bishop, therefore the authority
of the bishop is as vicar of Christ and not his own authority.

Word. That, which is authentically and authoritatively proclaimed, represents what has been received by the community of disciples and is a tentative expression of that reception.[287] The hermeneutic circle is complete when the faithful disciples return to Christ the Head of the Church, recognising that they must always be willing to be open to receiving his word, knowing that what has been proclaimed is tentative and may be corrected through a process of ongoing reflection and through the lived experience of the faith community.[288]

Authority in the Church is, thus, always seen as being in the service of the Word, and in relation to a community of faith. The open Book of Gospels is held over the head of the one to be ordained bishop, while the Prayer of Consecration is prayed during the Roman Catholic Rite of Episcopal Ordination and in the Orthodox Churches the open Book of Gospels is placed on the neck of the ordinand and the ordaining bishops place their hands on the book.[289] This liturgical rite is intended to convey the meaning of the Church as being under, or subject to, the authority of the Living Word.

Dei Verbum teaches that what is contained in Scriptures and in tradition is not a static Word, but is the dynamic voice of Christ who is directing and giving life to the community of believers. 'The tradition that comes from the apostles makes progress in the Church, with the help of the Holy Spirit' and 'as centuries go by the Church is always advancing toward the plenitude of

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[287] Since Ignatius of Antioch, Letter to Ephesians until the present bishops are regarded as having the authority to teach in the name of Christ and the Church, LG 27 takes up this point and also their teaching is an authentic handing on the apostolic *paradosis* LG 25 when they teach in communion with the head of the College and all bishops what is the divine and Catholic faith. And DV10

[288] DV 5 and 8

[289] Paul VI; *The Rites*; n25

divine truth.'[290] This progress comes about from the contemplation and study of the mysteries, from the spiritual and liturgical life of the community, and from the preaching of the bishops.[291] There is a correspondence between what *Dei Verbum* teaches and the notion of *phronema* that is found in the patristic writings and in the tradition of Eastern Christians.[292] The Church of today not only receives from the past, but also stands in continuity with the past:

> God who spoke in the past, continues to converse with the spouse of his beloved Son …and the Holy Spirit, through whom the living voice of the Gospel rings out…leads believers to the full truth, and makes the word of Christ dwell in them in all its richness (Col 3:6)[293]

The correspondence between this teaching and the notion of *phronema* needs to be explored in the dialogues. This teaching indicates that, through a variety of means, the whole Church is the bearer of the apostolic *paradosis*, and that whole Church grows in the truth and in the understanding of this *paradosis*. Papal primacy needs also to be seen within this context of the whole Church if it is to be an authentic bearer of authority.

2.16   Diverse bearers of authority

There is, in the words of Joseph Komonchak, a 'complex of bearers of authority'.[294] He lists some of these as; Scripture, Tradition, the

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[290] DV 8

[291] DV 8

[292] This correspondence is one that needs to be explored in dialogue between the Roman Catholic and Orthodox Churches. It would assist in reducing fears of perceptions of 'papocentrism' held by some Orthodox and situate papal authority within a framework which is already acceptable to them. Similarly in the Roman Catholic Church benefits may accrue from a study of papal primacy in relation to *phronema*.

[293] DV 8

[294] Joseph Komonchak; Humanae Vitae and its reception: ecclesiological reflections. *Theological Studies* Vol 39, (1978); 221-257. ; p230 Marc DelMonico,. There is Something in the Breathing Together of the Pastors and the Faithful Which is Not in the Pastors Alone: The Normative

magisterium, the *sensus fidelium* (*ekklesiastikè syndesis*), holy living, the liturgy and theological scholarship, as well as, several other bearers of authority.[295] All of these are community realities and it is only within the *koinonia* of faith, which they all mediate and realise, that any of them work effectively and are accepted as an authority.[296] They are community realities because they come from within the *koinonia* of the Church and are at the service of that *koinonia*. The complex of bearers is a manifestation of the one authority of Christ which is given to the one *koinonia* that is the Church.

One can, concur with Komonchak's argument that none of these bearers of authority can make an exclusive claim for being *the* authority. None of the *sola scriptura*, the *lex orandi,* the *lex credendi*, the *sola magisterio* or the *sensus fidelium* can, by itself, claim to be the sole source of authority.[297] These diverse bearers of the Christian message have distinct roles and manners of fulfilling them. Difficulties arise when any one of the bearers is isolated from the others and is given a unique and regulative role over them. The papal role operates within the context of all of these. The ecclesiology of communion governs both the exercise of the doctrinal teaching authority and the authoritative structures of the Church. The Church has a relational character and no autonomous loci of authority may be found within it. The contributions

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Significance of the Sensus Fidei. *Chicago Studies*, Spring 2003, Vol 42.1 pp85-109 takes up this theme also.

[295] *Magisterium* used in this sense to refer to the teaching office of the Church, specifically of the bishops in union with the bishop of Rome, is of relatively modern origin. Its first use in the modern sense stems from *Tuas libenter* from Pius IX, 1863. DS 2879. It is a term which is frequently anachronistically used to refer to the exercise of the teaching office prior to this period and is sometimes used in this sense throughout this thesis for the sake of ease of reference since it has found common acceptance in theological discourse in modern times.

[296] Komonchak; *Humanae vitae*, p 230

[297] Komonchak; *Humanae vitae*, p 233

of each can only be properly understood when considered in relation to each other, and none of them can be properly understood without the consideration of an ecclesiology of *koinonia*.

The exercise of authority also needs to be considered in terms of the relationships that exist within the Church, and between those exercising power and those being served by it. The whole Church, which is in Christ by the power of the Holy Spirit, is subject to the same authority within an ecclesiology of communion. Bishops may exercise a particular role when articulating the truths of the faith and when guiding their churches, but they are also receivers of this same teaching and are subjects of guidance. Those in authority do not sit above or outside of the community, but are within in it and under the one gospel. Bishops exercise an office in the Church but it is an office because authority is one of the charisms provided by the Holy Spirit to the *ekklesia,* and because this community has affirmed and accepted this leadership through the sacrament of ordination.

'The *sensus fidei* of the whole Church is much richer, more differentiated and more active than the statements of the *magisterium* by themselves' because the Holy Spirit sustains the life of the whole Church.[298] There is a subtlety and power that is present in the *sensus fidei/ekklesiastikè syndesis* which is capable of assisting the Church to come to concrete determinations on issues of doctrine and life. It is richer because it takes on so many forms. Examples are provided by the liturgy, by devotions, by spirituality, by action for justice, and by a host of other means which convey and which reflect the sense of the faith in its lived expression.

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[298] Richard Pensakovic; Theology and authority: the theological issues in R. Pensakovic (ed) *Theology and Authority*. Peabody: Hendrickson Publishing. 1987. p121.

The presence of the Spirit as the conditioning matrix of the life of the Church and the exercise of authority has to be continually reasserted in an ecclesiology of *koinonia*. The Spirit is the limit of charismatic authority, and also authority which is determined by office. This is because the discernment of the proper use of authority is, in itself, a gift of the Holy Spirit. Stagaman notes that the 'will of God is not communicated simply and directly by Church officials, but through the Spirit whose activity in the Church is both complex and diverse…'[299] When authority is spoken of in the Christian context, it means something which is essentially sacramental in nature, something which participates in the life of God, and something which emphasises the Church's unique mission. This is, in the Spirit, to give witness that sin and death is overcome by Jesus. LaCugna expressed this simply and powerfully by saying 'the Church makes a claim that civil governments do not: that it is the People of God, the Body of Christ and Temple of the Holy Spirit.'[300]

2.17   Authority and sacrament

Authority in the Church is, essentially, a sacramental reality not only through the episcopate as one form of authority, but also, through the other complex bearers whereby the authority of Christ is made visible through the presence of the Holy Spirit. The exercise of authority is an expression of the constitutive force of the Holy Spirit which is making the continued presence and authority of Christ, alive within the Christian community, possible. Authority is a participation in the *epicletic* nature of the Church. The whole life of the Church is *epicletic*, and authority cannot be separated from this reality. The

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[299] David Stagaman, *Authority in the Church*. Collegeville: Liturgical Press, 1999. p4

[300] Catherine LaCugna, *God For Us: The Trinity and Christian Life*. San Francisco: Harper-Collins.. 1991, p401.

Eucharist builds the Church and at its most fundamental level, 'from the beginning authority in the Church was linked with teaching and preaching.'[301]

A relationship is established in preaching between those who proclaim the Word and those who hear it. 'This dialectic of an empowerment, principally to proclaim the Good News boldly and an obligation laid on the hearers of that word constitutes the New Testament practice of Christian authority.'[302] This is not a distinction between an actively teaching Church and a passively learning Church. The dialectic recognises that the ministry is a *charismata* for the building up of the Church, hence the empowerment to proclaim the Word and, that the hearing of the Word is an active process of reception of the Holy Spirit who has been given to the whole Church as a sign of truth.

Authentic teaching is affirmed in the communal change that is brought about and by the enhancement of the life of the Church in its participation in the saving mission of Christ. Enhancement of the life of the Church and deeper more conscious participation in the mission of Christ constitutes signs of the reception of the exercise of authority since these affirm the identity and purpose of the Church.

Stagaman notes:

> In the life of a community, authority plays the role that is analogous to the role freedom plays in the life of an individual. Authority makes it possible for a community to determine what it is and to have a sense of purpose.[303]

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[301] Stagaman, *Authority*, p120

[302] Stagaman, *Authority*, p71

[303] Stagaman, *Authority*, p35

2.18   Authority and Communion

It is not possible within an ecclesiology of *koinonia* to consider an exercise of authority without a reference to community, and nor is it possible to consider community and authority as being opposed to one another. Authority is a characteristic of the Church, and is a constitutive element which is a collective endowment. Authority is an endowment of the whole church, but there is a need for structures and for regulation to order the life of the Church and the different expressions of authority.

Hierarchy is not opposed to community and nor is it imposed authority from beyond the community. Authority, through the Sacrament of Holy Orders, is regulated in the church and this hierarchical ordering is supported by other structures of communion. Canonical traditions vary between the Roman Catholic and Orthodox Churches but this diversity is legitimate provided that the essential nature of the Church, as a communion and authority which comes from the Spirit, is always respected. The Ravenna Statement links the purpose of ecclesiastical structuring with the divine economy:

> In his divine Economy, God wills that his Church should have a structure oriented towards salvation. To this essential structure belong the faith professed and the sacraments celebrated in the apostolic succession. Authority in the ecclesial communion is linked to this essential structure: its exercise is regulated by the canons and statutes of the Church. Some of these regulations may be differently applied according to the needs of ecclesial communion in different times and places, provided that the essential structure of the Church is always respected.[304]

2.19   Local church/universal church

Roman Catholic and Orthodox Christians agree that the Church exists in a local and universal manifestation, and that both expressions are

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[304] Ravenna, 16

essential for the life of the Church.[305] Differences remain between them on the definition of both of these expressions. They affirm together that the foundation of the unity of the local Church is the episcopate, and that this is made manifest in the Eucharistic *synaxis* which is presided over by the bishop. They affirm together that the communion of the universal church is made visible through the visible bonds of communion between the bishops who constitute an Episcopal College.[306] Various structures of communion, which have been influenced by historical developments and culture, principally facilitate the processes of communion and conciliar action amongst the bishops but, ultimately, also facilitate the processes of communion and conciliar action between the Churches which they represent. The local and universal church, thus, gives witness to the One Church of Christ by these means of communion.

The substantial agreement and coherence between the Orthodox and Roman Catholic Churches about the nature of the local and universal church is a cause for confidence that there can be recognition of the operation of the Spirit in shaping ecclesial life in these churches in a variety of ways. Divergence occurs on the understanding of the relationship of the See of Rome to all of the other churches. Roman Catholics assert that communion with the See of Rome is an internal constitutive element of each Church and is not an external

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[305] The agreed statements of the Roman Catholic-Orthodox Dialogue provide support for this view, however some disputes have emerged with regard to the relationship of these and the priority of one over the other. Among scholars Joseph Ratzinger gives emphasis to the ontological priority of the universal Church and Walter Kasper in a series of celebrated exchanges gives emphasis to the local but with a suggestion of the simultaneity and co-inherence of the local and universal. A satisfactory resolution of the question is essential for the dialogue between the Orthodox and Roman Catholic Church. Walter Kasper, On the Church. *America*. 23-30 April, 2001. and Joseph Ratzinger, A Response to Walter Kasper. *America*. 19 November, 2001. Kasper challenges the priority of the universal and suggests perichoresis provides the correct understanding between local and universal, with greater resonance with Orthodox ecclesiology. Walter Kasper, *That All May Be One: The Call to Unity Today*. London: Burns and Oates, 2004, pp66-69.

[306] Ravenna, 8,9

compliment to the Church of Rome.[307]   This assertion of the internal

constitutive nature of the communion with Rome is, not only, a question of how

primacy is considered but, also, of how it is related to the definition of the local

and universal church.   The implications for the dialogue on the nature of the

church will be considered first, and its primatial aspects will be considered later

in this thesis.

2.20   Necessity of the local and universal

Both a local and universal expression is essential to the life and

mission of the Church.   The Church would risk losing the diversity that is

central to its life if it had only a universal expression, for it would then be

difficult to avoid the impression that the local church is only a part of the whole.

The local church, on the other hand, can embody the Gospel in the language and

in the culture of a particular people, and can give a powerful witness to the

Church that is gathered from every race, tribe and nation (1 Peter 2:9 and Rev

7:9).   A local church can only be a church in communion with other churches

and, thus, the universal is always implied and present in the local Church.

The local and the universal Church simultaneously co-exist. This

appears to be the most correct reading of their relationship.   The universal

church may have an ontological priority in regard to the local Church, in the

sense that Christ is one and the Church is his body.   The Church does not,

however, exist in the abstract but only in the concrete realisation which is the

communion of the local churches.   The concrete and visible nature of the church

is essential from its nature as a Sacrament in Christ.   The local church and the

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[307] CDF, *Commentary on: Some Aspects of the Church Understood as Communion Responses to Some Questions Regarding Certain Aspects of the Doctrine on the Church*. Citta del Vaticano. Libreria Editrice Vaticana. 2007. Response to question four.

bonds of communion, primarily the bishop and Eucharist that exist in it are necessary for the communication of the fullness of the universal church as a communion of communions. There is one bread and cup in which all Churches participate or have *koinonia* (1 Cor 10:16) and since the Eucharist is the principal manifestation of the Church, it is said to be manifest, simultaneously, by its local and universal nature. Each Church participates in the one bread and one cup that each of the others share in the celebration of the Eucharist.

Christ is not divided in his Eucharist or in his Church at the level of identity in the one Gospel and communion. Unlike the Holy Trinity which shares one divine life through being a communion of persons, the Church shares its divine life with the Trinity and with each other through identification and participation in the divine life principally through baptism and Eucharist. There would be many Eucharists and many Churches if this were not the case, and Christ would be divided. One should not speak of two churches in relation to the Roman Catholic and Orthodox Christians, since there is only one participation in the ecclesial unity which comes from the unity of the Trinity.[308] In the Roman Catholic conceptualisation of ecumenism there are degrees of communion among all Christian communities not a total absence of communion because Christ founded one Church only.[309]

When the ecclesiology that is found in *Lumen gentium*, in *Ad Gentes*, and in *Unitatis redintegratio* is taken together, the Church as a whole 'is presented as a communion of churches, with the Holy Spirit as the principle of

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[308] CDF Note 'sister churches', n11

[309] LG 14 and UR 3

that communion.'[310] Each diocese or local church that is legitimately established is an authentic and complete expression of the universal church.[311] The local Church, united with its bishop 'constitutes one particular church in which the one, holy, catholic and apostolic church of Christ is truly present and active.'[312] The universal church subsists whole and entire in the local church.

The one and universal church, from the Roman Catholic perspective, is truly present in all the particular churches, and these are formed in the image of the universal church in such a way that the one unique Catholic Church exists in and from the particular churches.[313] Particular churches, which are referred to here, comprise the dioceses of the Latin Roman Catholic Church, the Eastern Churches of the Roman Catholic Church, and the Orthodox Churches.[314] It is the unity of communion, in faith and charity, of these particular churches that the Roman primacy is intended to serve and, also to promote the full visible union amongst all Christian communities.

2.21   Agreement and disagreement on local and universal

Agreement on what constitutes a local church is closely aligned in Roman Catholic-Orthodox dialogue.[315]

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[310] Yves Congar, *I Believe in the Holy Spirit*, Volume I, Trans. David Smith. New York: Crossroad Herder. p171.

[311] LG, 26

[312] CD 8

[313] CD 11 and LG23 Here Catholic means the whole of the Christian community not the denomination called the Roman Catholic Church.

[314] LG 15 and UR 14 both of these affirm that the Orthodox churches as true churches making a distinction between these and the communities that separated in the sixteenth century which are called ecclesial communities. A true Church has apostolic succession, apostolic succession in the episcopate and Orders as well as valid Eucharist.

[315] Ravenna 11, 22

> The Church exists in many and different places, which manifests its catholicity. Being 'catholic', it is a living organism, the Body of Christ. Each local Church, when in communion with the other local Churches, is a manifestation of the one and indivisible Church of God. To be 'catholic' therefore means to be in communion with the one Church of all times and of all places. That is why the breaking of eucharistic communion means the wounding of one of the essential characteristics of the Church, its catholicity.

There is also a substantial agreement on what constitutes the universal church.[316]

> Defined thus, the conciliar dimension of the Church is to be found at the three levels of ecclesial communion, the local, the regional and the universal: at the local level of the diocese entrusted to the bishop; at the regional level of a group of local Churches with their bishops who 'recognize who is the first amongst themselves' (Apostolic Canon 34); and at the universal level, where those who are first (*protoi*) in the various regions, together with all the bishops, cooperate in that which concerns the totality of the Church. At this level also, the *protoi* must recognize who is the first amongst themselves.

Ecclesial communion among the Churches and the bishops who are the first among the regional *protoi* and recognition among them of one who is the *protos*, constitutes the universal Church. In this study it is suggested that communion among the local and universal Churches is essential but not the regional communions. This will be explored in more detail in later sections.

Roman Catholics regard visible communion with the Bishop of Rome as constitutive for a fullness of communion in the church. The Orthodox Churches are, according to Roman Catholic doctrine, true particular Churches which lack the fullness of universality. This fullness of universality is, according to a CDF statement, proper to the Church which governed by the Successor of Peter and the bishops in communion with him.[317] Since that

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[316] Ravenna 10, 22

[317] CDF *Responses to Some Questions Regarding Certain Aspects of the Doctrine on the Church*, 2007

communion is lacking in the Orthodox Churches the CDF concludes the fullness of universality is not present there. This Roman Catholic teaching is not only about primacy, for it concerns the divine constitution of the Church and its ecclesial ontology.

If communion with the Bishop of Rome and all other bishops is a requirement for the fullness of universality, then the Roman Catholic Church must also lack the fullness of universality because it is not in full visible communion with the Orthodox Churches. Perhaps this sheds light on the use of the term subsist in *Lumen gentium*[318]. The Roman Catholic Church may have preserved all that it believes is necessary for the fullness of universality of the Church of Christ but it is not identical with it. Although it possesses the means to manifest the fullness it is not able to do so while communion with other Churches remains impaired. No communion of Churches can claim to have the fullness of universality when it acknowledges that, although there are other churches in the apostolic tradition, it is not yet in full communion with them. It is simply not possible to be the only universal Church, when there are other recognised Churches which are always considered to be an essential component of it.

A case could be made for introducing the distinction between having or possessing all of the means of full communion, that is those things

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[318] LG 8b 'This is the one Church of Christ which in the Creed is professed as one, holy, catholic and apostolic, which our Saviour, after His Resurrection, commissioned Peter to shepherd, and him and the other apostles to extend and direct with authority, which He erected for all ages as 'the pillar and mainstay of the truth'. This Church constituted and organized in the world as a society, subsists in the Catholic Church, which is governed by the successor of Peter and by the Bishops in communion with him, although many elements of sanctification and of truth are found outside of its visible structure. These elements, as gifts belonging to the Church of Christ, are forces impelling toward catholic unity.'

that every church needs for the fullness of its life as a Church and the concrete experience of the fullness of communion. Communion with the universal primacy is necessary, according to Roman Catholic doctrine, for the Church to have all of the elements of ecclesial life which are intended by Christ. The Ravenna statement also accepts a *protos* at the universal, even though not in the terms Roman Catholics would use to express this. Roman Catholics would argue that they have preserved the universal ministry of unity in the ministry of the Bishop of Rome, and that they, therefore, possess the means of full communion. Because the church is in fact divided, and they acknowledge that the Orthodox constitute true Churches then they do not experience the full of life in communion but long for it in ecumenical reunion which establishes the bonds of full visible communion in faith, sacraments and ministry with the Orthodox.

2.22   Local church and communion with the Bishop of Rome

Adopting a broad reading of the CDF statement on the local and universal Church is to affirm that primacy, and the ministry of unity which primacy serves, is constitutive for the church. Roman Catholics and Orthodox agree that this is so in relation to the local and regional primacies. A broad reading of the statement also allows us to assert that if primacy is constitutive for the local church, then it is also constitutive for the universal church since the principal of primacy is embodied in Episcopal ministry. The universal church should, therefore, have one who is acknowledged as having primacy among the primates. This is a statement which Roman Catholics and Orthodox Christians can affirm, and have done so, in the Ravenna Statement. It does, however, fall short of the statement that 'communion with a universal *protos* is internally

constitutive'. The Ravenna agreement is, in fact, predicated on a council of regional primacies such as the Pentarchy.

The Ravenna Statement goes some way toward addressing the issue of the necessity of communion with the bishop of Rome without endorsing the language of the 'internal constitutive principle':

> During the first millennium, the universal communion of the Churches in the ordinary course of events was maintained through fraternal relations between the bishops. These relations, among the bishops themselves, between the bishops and their respective *protoi*, and also among the *protoi* themselves in the canonical order (*taxis*) witnessed by the ancient Church, nourished and consolidated ecclesial communion.[319]

> Both sides agree that this canonical *taxis* was recognised by all in the era of the undivided Church. Further, they agree that Rome, as the Church that 'presides in love' according to the phrase of St Ignatius of Antioch (To the Romans, Prologue), occupied the first place in the *taxis*, and that the bishop of Rome was therefore the *protos* among the patriarchs.[320]

It can be seen, given the broadest reading of this statement, that the Roman Catholic and Orthodox Christians are able to affirm the unique place of the Church of Rome and its Bishop as the *protos* among the patriarchs, but they disagree as to how the Bishop of Rome exercises such primacy in the service of the universal communion and the relationship of this primacy to Petrine succession.[321]

They each affirm the necessity of the local and universal manifestations of the Church as being essential to its constitution, and that the episcopate is the guarantee of unity at the local and universal level. They also affirm that the universal church and the local church is the same, one, holy,

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[319] Ravenna 40

[320] Ravenna 41

[321] Ravenna 43

catholic and apostolic church. The local church can, therefore, never be considered as a subset of the universal church, or merely as a part of a bigger whole. The local church is the one, holy, catholic and apostolic church in a particular place.

A hermeneutic of coherence suggests that the basis for understanding the universal primacy is contained within the common *paradosis* in regard to the constitutive nature of the bishop for the unity of the local church. This shared understanding of primacy provides the other hermeneutic, which is acceptable to Roman Catholics and Orthodox Christians, for the development of a universal primacy.

2.23   Primacy

'Primacy and conciliarity are mutually interdependent.'[322] This is so at all levels of the local, regional and universal Church.[323] Primacy and conciliarity may be considered as constitutive internal elements of the Church at every level, since the church cannot fully be itself in any place without these mutually interdependent aspects of ecclesial life. The implication of this interdependent relationship is that it lend support to the CDF statement that the primacy of the See of Rome is not an external compliment to a Church but an internal constitutive element of the essential structure of the universal Church. These implications will be developed in subsequent sections.

The primate or *protos*, at the local level, is the bishop who is the head of the local *ecclesia* and who presides over the Eucharistic *synaxis*. He is the visible, sacramental sign of Christ the head of the Church, who is present

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[322] Ravenna 43

[323] Ravenna 43

among his people and who guides them. The bishop is the head of the assembly which constitutes the Body of Christ in a particular time and place. There can only be one bishop in each territory. This is not because of the canonical legislation to that effect but it is, more significantly, because that legislation embodies the theological principle in which the Body of Christ has a visible single head in the person of its bishop.[324] A ministry of Episcopal oversight of the local church, or primacy, is part of the apostolic *paradosis* which is accepted in the Roman Catholic and Orthodox Churches.

Regional primacy is essential for regional conciliarity, not because of the ancient canonical tradition embodied in Apostolic Canon 34, but as an expression that the ministry of *episcope* also operates at the regional level. One among the bishops of a region must be recognised as *protos* amongst them in order to coordinate their efforts. This principle is affirmed in Roman Catholic-Orthodox dialogue:

> Defined thus, the conciliar dimension of the Church is to be found at the three levels of ecclesial communion, the local, the regional and the universal: at the local level of the diocese entrusted to the bishop; at the regional level of a group of local Churches with their bishops who 'recognize who is the first amongst themselves' (Apostolic Canon 34); and at the universal level, where those who are first (*protoi*) in the various regions, together with all the bishops, cooperate in that which concerns the totality of the Church. At this level also, the *protoi* must recognize who is the first amongst themselves.[325]

The Ravenna Statement comes closest to the Roman Catholic position that the Bishop of Rome has a universal primacy when it states at the universal level that: The *protoi* must recognise who is *protos* among them. It is not only the bishops of the Patriarchal Sees, but all of the bishops, who will

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[324] Nicaea can 4 in DS

[325] Ravenna 10

cooperate in what concerns the totality of the Church at this level (the universal). All bishops must recognise one of their number as the *protos* over all. If this were not so, then the patriarchal sees would represent an intermediary body between this *protos* and the conciliarity which is represented at the universal level of all the bishops. If the regional *protoi* were recognised as an intermediate body between all the bishops and the *protos* then it becomes difficult to avoid the impression that the patriarchs are responsible for communion and unity at the universal level and not the entire Episcopal college. If we were to regard these patriarchal sees as intermediaries and as a body which with its *protos* represents the universal unity of the Church it may also foster the idea that the local church is no more than a part of a larger ecclesial body and not fully a church in its own right. If this understanding were to prevail it might serve to distort the meaning of primacy and undermine the understanding of the universal Church existing in and from the local Churches within an ecclesiology of communion?

Primacy does not exist for its own sake, or in the form of a personal honour that is bestowed on a bishop. The primatial ministry is grounded in the ministry of unity that is exercised by bishops, and which is for the building up of the local Church as the one, holy, catholic and apostolic Church. Primacy serves to support the episcopate in general and, ultimately, the life of the church in the local, regional or universal sphere. The primate gives witness to the communion of the Church and, not only, to the communion of the episcopate.

The universal unity of the Church, according to Roman Catholic theology, is given concrete expression through 'ecclesial communion with Peter and his successors' which 'is not an obstacle to unity but the anticipation and

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prophetic sign of a fuller unity.'[326] The Bishop of Rome, along with the entire Episcopal College, according to Roman Catholic theology, is the guarantor of pluriformity, through the preservation of those local customs and traditions which are in conformity with the one faith shared by the whole Church. The model for the universal primacy is the entire Episcopal College with the one who is head or *protos* amongst them, and not just the regional patriarchs in relation to the *protos* amongst them.

2.24   Primacy in hierarchical communion

According to *Lumen gentium* the three *munera* of the bishop, which is to sanctify, to teach and to govern, are conferred through episcopal consecration and these offices, by their very nature, can only be exercised in hierarchical communion with the head and members of the College.[327] Hierarchical communion is a neologism of the Council to give expression to the understanding of ministry within the broader communion that is the Church. *Lumen gentium* teaches that the bishops are 'successors to the Apostles' and that 'together they govern the house of the Living God'.[328]   Jesus' mission was entrusted to the Apostles whom Jesus 'formed after the manner of a College' as a stable group.[329]   The bishops, having received the apostolic ministry, share a common concern for the unity of the church. They exercise their concern for the whole Church, either when assembled together, or when dispersed, in and

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[326] Synod of Bishops 1985, *Final Report*, p36

[327] LG 21

[328]   LG 18. The Agreed statements of the Joint Roman Catholic-Orthodox International dialogue uphold a similar view of apostolic succession through the bishops, Valamo 26.

[329] LG 19. The use of the term college is more common in Roman Catholic ecclesiology but it has found acceptance in the statement of the Joint Roman Catholic-Orthodox International Dialogue. Valamo 26

through collegial acts.   It is always the bishops, when they gather together in synods or in other councils with or without the participation of other clergy and the laity, who have a deliberative vote because they alone exercise a primatial office. 'The authority of a synod is based on the nature of the episcopal ministry itself, and manifests the collegial nature of the episcopate at the service of the communion of the churches.'[330]

Hierarchical communion implies that the *protoi* at each level, not only work in communion with each other, but they respect the different responsibilities that exist among them at each level. The primate over the local church - the diocesan bishop, has a responsibility to cooperate with the bishops of his region but he is also under the authority of the *protos* of his region. The bishops of the region must, respect the authority of the *protos* among them. The *protos* must also respect the authority and the legitimate freedom of his fellow bishops and their churches.   Hierarchical communion is not a command structure, since it is always subject to the rubric which governs all Christian authority, that is, it must be a service of the Gospel, under the authority of Christ, for the building up of the church.

Command structures have frequent recourse to coercive powers and have frequent recourse to directives from superiors to subordinates. Authority, in a command structure, is exercised as a power over others, whereas in hierarchical communion, authority is a service aimed at articulating the faith and life of the church and allowing communion to flourish at all levels. Ecclesiastical reality is that authority in the Church is sometimes exercised in

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[330] Ravenna 25

ways that reflect command structures. Authority, like other aspects of Christian life, is subject to the imperfect nature of the Church.

2.25   Primacy of authority not honour

Primacy at every level cannot be a primacy that is only an honour if honour is understood to exclude actual or potential exercise of authority over others.[331]

Honour must be accompanied by the primacy of authority. The primacy of authority is the capacity of the primate to authoritatively judge matters, and to confirm decisions which are either his, or those of a synod, as having a binding force on those who are subject to his authority. The episcopal ministry, of which regional and universal primacy is a special case, is always accompanied by this authority in Roman Catholic and Orthodox theology. Following Daly's work the term '*primus inter pares*' does not imply that the primate has a primacy only of honour, or a primacy which lacks real authority or that he does not have authority over others in the service of communion.[332] Neither should it be inferred, because the primate has a primacy of authority over and not only a primacy of honour among the bishops that all bishops do not share equally in the apostolic mandate.

Authority must always be exercised within the communion of the Church at all levels, and never apart from it. The authority of the primate may be juridical authority or moral authority, but there must be some mechanism for

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[331] Brian Daley has made an extensive on primacy of honour as it is used in early Church and society. He concludes that in the ancient world separation of 'honour' from 'authority' was not so easily achieved as it is in the modern mind. Brian E. Daley, Position and Patronage in the Early Church: The Original meaning of the Primacy of Honour. Theological Studies (44) 1983, pp529-553

[332] Daley, Position and Patronage, 'I believe, in fact, that in the mind of the ancient Hellenistic and Roman World, 'honour' and actual influence on the course of events within society were not so easily separated from each other, and that the 'primacy' these canons ascribed to the bishops of both Rome and Constantinople among their episcopal colleagues must be understood, in their original context, as having clearly practical, even juridical implications' p531

making authoritative and binding judgements on matters of faith, morals, liturgical life and on many other aspects of ecclesial life. The authority of a judgement must, ultimately, come from the fact that it reflects the mind of the Church as it interprets and receives the Word of God spoken in Christ Jesus. Some judgments by an individual bishop in a diocese will, in reality, lack that ultimate authority through not being received by the Church. Individual bishops do not have a personal gift of infallibility which is why the guarantee of greater certainty is given to conciliar decisions.

2.26   Conclusion to Part I

The previous discussion has shown that the Roman Catholic-Orthodox dialogue allows us to uncover five constitutive structures of communion, which together, form a complex of mutually interdependent elements of a ministry of unity. There is not one element of these structures which is independent or represents a separate locus of universal unity. There is agreement that the episcopate exists by divine institution as the successor to the apostolic ministry of unity, and that the episcopate constitutes the sign of unity in the local Church and among the Churches. Conciliarity is expressed in the Eucharistic *synaxis* of the local Church and at the regional and the universal level through synods and councils which remain part of the life of the Roman Catholic and Orthodox Churches. Bishops, though equal in dignity, do not participate in synods and councils in the same way. The one who is *protos* assumes the role of leader among the assembled bishops and thus, has some authority over the assembly. The ministry of unity has been shown to be supported by the charism of authority given by Christ to the Church through the bishops. The primate at each level may exercise authority over the Churches

and does so within the complex bearers of authority which exist in the Church. The episcopal authority, which serves the ministry of unity, flows from sacramental ordination and from communion in faith among the bishops who are witnesses to the apostolic *paradosis* of all the Churches.

Roman Catholics and Orthodox Christians agree that the one, holy, catholic and apostolic church is to be found in the local Church. They agree that the universal Church is a communion of communions of local Churches. There remains some disagreement as to the nature of the universal church and therefore, of the primacy that is exercised at that level. There is also disagreement about the necessity of the communion of the local Church with the Bishop of Rome.

There is agreement that primacy exists at each level of communion, but there is disagreement as to how such a primacy may be received at the universal level. There remains, in particular, disagreement as to the meaning of the universal primacy, and disagreement over whether that entails jurisdiction or whether it is only a simple primacy of honour. A primacy of jurisdiction is agreed for the local bishop in his local church and for the regional patriarch over his regional church, but this still remains a sticking point for the universal ministry of unity.

The degree of agreement on many significant points provides positive indications for the development of a mutual appreciation of the universal ministry of unity which is exercised at all levels, and for the part which the Bishop of Rome has in that ministry. Openness to a new ecumenical situation, coupled with the urgency of providing a common witness in the divided world in which Christianity plays an increasingly small but creative

part, provide positive grounds for the prospects for an eventual, and agreed understanding of the universal ministry of unity which Roman Catholics claim is exercised by the Bishop of Rome.[333]

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[333] Archbishop Hilarion Alfayev addressed this question directly in meetings held with both Pope Benedict XVI and Walter Card. Kasper of the Pontifical Council for Christian Unity. He urged greater efforts to resolves outstanding issues since the necessary witness of the Bishop of Rome provided the Church with a voice on the universal stage and forged deeper unity on issues of life and social justice among Christians. *Zenit News Service*. accessed 27.09.09

Part II

Structures which are for the bene esse of the Church

2.27   Introduction

Five structures of communion, which are related to the nature of the Church or its *esse*, were considered in Part I. These are divinely instituted elements of ecclesial life without which the Church would cease to be itself. Each of these is necessary for the ministry of unity in the Church. The five structures considered were: episcopal ministry; conciliarity; the charism of authority; the local and universal church; and primacy.

Part two considers structures of communion which are of the *bene esse* of the Church, that is structures which useful for the good order of the Church but not essential. These structures are derived from, and extend, the five essential elements which have been previously discussed.   The essential constitution of the Church would not change if any of these structures ceased to be. Any of these structures could be organised in different ways from how they are currently arranged, and would still serve the Church as well. All of them relate to some form of regional conciliarity. The nature of regional conciliarity must be considered first before looking at each of these in turn. The structures which will be consider here are regional conciliarity, autocephaly and episcopal conferences.

2.28   Regional structures of communion

Bishops and churches within a common region have met in conciliar gatherings from the very earliest period of Church history.[334] The churches met to address common theological or pastoral questions, and to find common solutions to problems that might have emerged within the life of the community. The regional grouping of churches in and of, itself is not part of the *esse* or the internal constitutive elements of the Church as are the local and the universal church. The church could be itself without these regional manifestations of conciliarity provided that all of the other essential structures of communion are in place. The universal Church exists in and from the communion of local churches. It does not exist as an aggregate of the local churches expressed in regional structures which are added together to form the whole.[335] Regional conciliarity has proved to be useful in the past and in various forms, and it remains so in the present. The presence of some bishops from the same region at episcopal ordinations remains a significant sign of the universal ministry of communion, and of the means of receiving the apostolic witness of each Church. In this sense, the presence of other bishops is essential.[336]

Today regional conciliar/synodal collaboration is defined largely by contingent geographical, historical, cultural and ritual commonalities.[337]   The

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[334] LG 20, 22 and 23

[335] LG 23

[336] LG 22

[337] Episcopal conferences in the Roman Catholic Church are structures based on the nature state, provincial synods on the definition of a number of diocese combined through possession on contiguous boundaries in a small region within a national boundary, such as the six states in Australia. There exist Churches clustered together in regions base on ritual and cultural traditions such as the Ukrainian Greek Catholic Church or the Greek Orthodox Church of North America which is affiliated with the Greek patriarchate of Athens. The Panorthodox gathering at Chambésy recently proposed episcopal assemblies based on national and geographic regions.

earliest forms of regional conciliarity were demarcated in spatial terms, either by natural geographic boundaries, or by administrative boundaries, and sometimes, by a combination of these in. All the Christians living in a region, which was defined by that spatial boundary, were included in the one regional conciliar structure. The evolution of the forms of regional conciliarity reveals the benefits of regionalism, as well as, some of its limitations. Regionalism can produce ecclesiological distortions by giving preference to the natural or contingent over what is the *esse* of the Church as a communion.

Regional groupings are derived from, and are dependent on, the local and universal Church. Regional conciliarity is a functional reality that is concerned chiefly with the practical sharing of resources, with addressing common problems, and with seeking solutions to issues that have arisen within a region. Regional conciliarity can strengthen bonds of communion between churches and give witness to the essential structures of communion. Some of these regional structures of communion will be examined and considered in terms of their relation to the universal ministry of unity.

2.29   Regional conciliarity and ordination of bishops

Regional conciliarity is necessary for the ordination of bishops in Roman Catholic and Orthodox ecclesial practice and canonical tradition.[338] Such necessity is predicated upon the requirement for a visible sacramental sign of continuity in the apostolic *paradosis*, and for the communion of the local church with the universal church. Canon four of the Council of Nicaea states, the ordination of a bishop requires the participation of the provincial bishops. This requirement affirms the necessity of communion in faith and love as a

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[338] CIC can 1014 which embodies the requirement of canon 4 of Nicaea for a minimum of three bishops as co-ordaining prelates of a new bishop.

condition of valid ordination. How churches constitute a province could be described in a variety of ways and it is, therefore, not the provincial structure *per se* that is conditioning but the communion among the churches. The presence of other bishops, who are in communion with each other and with the entire apostolic episcopal college, signifies that the local church is in communion with the universal church and with the apostolic *paradosis*. It is a means by which churches affirm their apostolic identity with each other.

2.30   Contingent nature of regional structures

The particular form in which regional conciliarity is expressed is a functional and contingent reality and is not theologically determined. Some present regional structures, such as the metropolitan and patriarchal sees, reflect conditions which prevailed in the ancient Roman Empire.[339] Other regional structures, like the episcopal conferences in the Latin Roman Catholic Church, reflect the globalisation of the church and its new regional boundaries. Regional groupings could be organised, or reorganised, in any way which is found to be beneficial for the good order of the church, to facilitate regional collegiality and to meet present-day needs. There is no inherent theological logic which must be maintained or which gives shape to any particular regional structure. The regional structures exist for the good of the Church and its communion, but they are not essential for its existence.

Part of the Holy See's motivation for removing the term 'Patriarch of the West' from the titles of the pope was related to the lack of meaning in the

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[339] The most obvious is the division between the East and West of the Roman Empire. 'East' and 'West' still dominate our language about the Church even though the empire ceased to exist some time ago and Christians are dispersed throughout the world.

term 'West'.[340] This is precisely one of the problems where the new situation confronts the Roman Catholic-Orthodox dialogue. What does 'East' or 'West' mean in a globalised world? It can also be asked: East or West of what? Latin Catholics and Byzantine Orthodox and Byzantine Catholics are now found in all parts of the world today. The same may be said of many of the non-Byzantine Orthodox and Catholic Churches. These have sufficient numbers in many places outside of their traditional cultural home that they have organised ecclesiastical structures in other countries. The ancient roots of their Churches may be in the old Roman Empire but now that origin does not have relevance in the modern world.

Some of the present regional structures have abandoned the spatial principle altogether and are now organised on ritual or on ethnic lines. We may ask, can all of the Greek Orthodox Christians of Australia, of the United States, of Africa and of Asia be regarded as a part of the region of the Patriarch of Athens or Greece, or of the Ecumenical Patriarchate, simply because of their national origins? The contingent nature of regional conciliarity is illustrated by such examples.

2.32   Autocephaly

Autocephaly is perhaps the principal means by which the ecclesial life of the Orthodox Churches is organised today. This structure is relatively new in the history of the Eastern Churches. Zizioulas has identified it as a

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[340] 'The title 'patriarch of the West' was dropped without explanation from the 2006 edition of the *Annuario Pontificio*, the Vatican yearbook, published in late February. In the new edition, the pope is described as 'bishop of Rome, vicar of Jesus Christ, successor of the prince of the apostles, supreme pontiff of the universal church, primate of Italy, archbishop and metropolitan of the province of Rome, sovereign of Vatican City State and servant of the servants of God.' The renunciation of this title is meant to express a historical and theological reality and, at the same time, to be the renunciation of a claim, which should benefit ecumenical dialogue,' Statement from the Pontifical Council for Promoting Christian Unity. March 22, 2006.

nineteenth century development which is linked to the rise of nationalism.[341] Its existence, as a form of regional conciliarity, is also partly dependent on the contingent circumstances of history, culture and geography. Zizioulas notes the designation of the autocephalous church as a:

> 'local church' allows for the 'diocesan church to be so absorbed by the entity called 'autocephalous church' as to bypass it entirely either through the permanent synod or head of the autocephalous church, neither of which is always truly representative of all the dioceses-local Churches of that particular area.'[342]

There is a risk of the absorption of the local church by the regional church. There is also a risk that the primacy of the synod or Patriarch, which is expressed as power over the local church, may lead to centralising tendencies which will then deny the legitimate autonomy of the diocese as a local church and rivalry concerned with the protection of rights almost in the manner of sovereign states.[343] Schmemann and Lossky argue that the same centralising tendency, which Orthodox Churches are rightly critical of in their perception of Roman Catholic ecclesial life, is reflected in such developments in the East.[344] Roman Catholicism, too, has experienced centralising dynamic forces which have contributed to the development of Roman centralism it its ecclesial life. The dynamic forces have been a combination of historical, political and

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[341] Zizioulas, *Being as Communion*, p253

[342] Zizioulas, *Being as Communion*, p253

[343] Nicholas Lossky calls this development 'autocephalist ecclesiology' which has among its principles the idea that the autocephalous church is a 'local church', which lives an 'individual life' from its sister churches and in which each seeks to preserve its 'rights' founded on 'historical justice'. He notes it can be seen as an extension of *phyletism*. In Puglisi, *The Petrine Ministry*, p129.

[344] Meyendorff acknowledges the nationalist basis for much of this regional conciliarity and is critical of where it leads the Church, Meyendorff, The Byzantine Legacy, p228-231, Alexander Schmemann, the Idea of Primacy in Orthodox Ecclesiology. In Meyendorff, *The Primacy of Peter*, pp160-163. Lossky uses strong language to address the issue in calling the patriarchs of the autocephalous Churches 'super-bishops' and forms of 'multiplied papism'', both of which Orthodox criticise in their understanding of the role of the pope in Roman Catholicism. In Puglisi, *The Petrine Ministry*, pp129-130. Also Oliver Clément, *You Are Peter*, p73, makes the same point.

theological events and ideas which have enhanced the development of the authority of the Roman Church over local churches. In fact, as we shall see, much of the centralising tendency in recent Roman Catholic history which reached a high point at Vatican I and reinforced by the 1917 Code of Canon law, was a response to similar nationalistic forces then present in Europe.[345]

The Eastern Churches in full communion with the See of Rome are referred to as particular or local Churches in Roman Catholic theology. This practice mirrors the Orthodox usage in which autocephalous Churches are designated a local Church.[346] The diocese is designated as a local church in both the Roman Catholic and Orthodox Churches. This double usage of the term local Church creates a certain amount of confusion and ambiguity in our understanding of conciliarity and primacy in the church. Such ambiguity is not helpful when considering the case for an acceptable form of the ministry of universal unity. There is a danger that the designation local church for what is in reality a regional grouping will obscure the true nature of the Church as a communion of local churches which have a visible existence through the Eucharistic *synaxis* over which the diocesan bishop presides. The definition of the universal Church, as a communion of local churches, also becomes confused due to the double meaning of 'local Church'. To make any form of regional conciliarity absolute seems to suggest that the universal Church exists in and from the communion of local churches but only through the mediation of the

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[345] As we see from Gasser's commentary on *Pastor Aeternus*, the condemnations and bolstering of papal authority were aimed at defeating nationalist tendencies from the twin concerns of interference in the affairs of the Church by secular national governments and the development of national Churches which would weaken the universality of the Church. These twin issues are considered in depth in further sections of the paper.

[346] LG 23, and OE 2,3

regional structure. This suggestion is not defensible within an ecclesiology of communion.

Autocephaly and the designation of autocephalous or ritual churches as 'local churches' requires further joint study in the Roman Catholic-Orthodox dialogue. This is required because clarity in this regard will have implications for the understanding of universal primacy and conciliarity. Alexander Schmemann had noted this problem in 1963, before the ecumenical openness and dialogue between Roman Catholics and Orthodox Christians had emerged. He pointed to autocephaly as an independent ecclesiological question for the Orthodox, but had also identified this as one which would impinge on any consideration of universal primacy. Schmemann says of autocephaly that 'the ecclesiological dimension is obviously lacking and the great variety of existing patterns reveals the absence of a common understanding of primacy, or of a consistent canonical theory of it.'[347]

2.34   Conclusion

The universal ministry of unity is supported and exercised through a number of structures of communion. These structures are related to the nature of the Church as a communion of communions.

Five elements of the structures of communion are of the *esse* of the Church. These are: episcopal ministry; conciliarity; the charism of authority; and the church as a communion of the local and universal; and primacy. The Church would cease to be itself without any of these five elements.

Conciliarity is expressed at local, regional and universal levels. Regional conciliarity has been a powerful witness to the ministry of unity in the

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[347] Alexander Schmemann, *The Idea of Primacy in Orthodox Ecclesiology*. in Meyendorff, *The Primacy of Peter*, St Vladimir's Seminary Press. New York: 1992, p145-146.

Church throughout history but it is not essential to the life of the Church. The Church could be itself without regional forms of conciliarity. The particular shape which regional conciliarity has adopted throughout history has been determined more by the contingencies of history, culture and geography that by theological factors. Some of the configurations and methods of operation of the regional forms of conciliarity have distorted the fundamental ecclesiological principle on which the church is founded. Some of these may need to be reviewed in the light of the new situation in which the Church now lives. There is one who is the *protos* and exercises authority over the other Churches at all levels of conciliarity. We have seen that there primacy implies authority and not only a position of honour at each level of conciliarity.

The universal ministry of unity Roman Catholics claim is exercised by the Bishop of Rome must be situated within these structures of communion. To consider the ministry exercised by the Bishop of Rome in isolation from these structures is to deal with a theological abstraction and not the reality of a universal ministry of unity.

While not denying the influence of history and culture on the development of universal primacy exercised by the Church of Rome, it is the theological foundations of the ministry of unity at all levels that may be able to guide Roman Catholic-Orthodox dialogue. The dialogue needs to acknowledge the reality that any ecclesiastical structure is likely only to be an approximation of the ideal of the ecclesiology of communion. The Church is a mixture of the human and the divine, simultaneously an earthly reality and a heavenly one even if we identify what is the essence of the ministry of unity this must be embodied in earthly structures which are necessarily an approximation of the

ideal.[348] In developing a lived expression of the universal ministry of unity the Church is on pilgrimage toward its fullness which will only be revealed at the *parousia*.

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[348] LG, 8

Chapter 3

The Universal Ministry of Unity in the Dialogue

3.1   Introduction

The structures of communion which Roman Catholic and Orthodox Christians believe contribute to the ministry of unity in the Church have been examined in the previous chapter. The present chapter explores the common *paradosis* that is shared by Roman Catholic and Orthodox Christians regarding the universal ministry of unity in the Church, as expressed in those structures. It will be argued in this chapter that there is a primacy of authority that operates at each of the local, regional and universal level and which is grounded in a shared theology of the universal ministry of unity. The theological foundations of the universal ministry of unity will be developed to demonstrate that the ecclesiology, which underpins the universal ministry of unity, is the same for each level of primacy. The relationships between each structure of unity, is determined by and is an expression of, an ecclesiology of communion which is grounded in the Holy Trinity.

Part one of this chapter examines the manner in which the universal ministry of unity is articulated especially in the documents of the Roman Catholic-Orthodox Dialogue and of Vatican II and theological commentary on these. It is argued that the universal ministry of unity is an episcopal ministry and as such is shared by the entire episcopal college. The elements which define the *esse* of a universal ministry are considered. It is proposed in part one to discuss those elements which foster communion and unity in faith and love between the local Churches.

The five identified elements of the *esse* of a universal ministry of unity are that this ministry:

<ol type="i">
Serves and maintains the Church as a communion of Churches;
Aims to preserve unity and diversity in communion;
Aims to preserve the Church as a communion of faith and love;
Is an exercise of the episcopal ministry; and
Is an exercise of the charism of authority.

The second part of this chapter will look more specifically at those elements which form the *esse* of the Petrine universal ministry. The Petrine ministry is considered as a personal ministry of unity, also known as a universal primacy, which is exercised by the Bishop of Rome within the college of Bishops. This analysis of the *esse* of the Petrine ministry will rely more heavily, but not exclusively, on Roman Catholic sources, since many of the claims for this ministry have been developed during the period of estrangement from full communion after the first millennium. The Petrine ministry merits separate attention in a consideration of a universal ministry of unity, because disagreements and differences in interpretation remain the greatest in this area.

Six elements are identified from the literature as being of the *esse* of a Petrine primacy in the universal ministry of unity. These elements are:

<ol type="i">
To strengthen the brethren;
To be a sign of the universal communion;
To exercise the ministry within the apostolic college;
That it has supreme, full, immediate and universal authority;
That it is bound by limits and is open to correction; and
That it is a ministry exercised in the diocese of Rome.

The fundamental element for this discussion is that the ministry of unity in the Church is one, and is characterised by a mutual interpenetration of the episcopal ministry at the local, regional and universal level. The recovery of the *perichoretic* nature of the exercise of the ministry of unity in the Church is one of the essential elements required for solving many of the problems, which hinder progress toward an acceptable personal universal ministry of unity in the Church.

Both Churches, in the recent Ravenna Statement of the Joint Roman Catholic-Orthodox Theological Commission, affirm that the ministry of unity in the Church at the local, regional and universal level is an episcopal ministry. The construction of an essential ministry of unity is not the construction of an abstract ideal ministry of unity but is rather, an uncovering of a theological reality which has practical impacts for ecclesiastical life both within and between local Churches.

The development of a general sense of what is essential to the ministry of unity is necessary for an understanding of what is essential to the universal ministry of unity that is exercised by the Bishop of Rome. It is also necessary to situate the Roman Catholic claim of a universal ministry, which is personally exercised by the Bishop of Rome, within the context of the universal ministry of unity that is exercised by all of the bishops in communion.

Part I

A Personal Universal Ministry of Unity

3.2   The essence of a personal universal ministry of unity

Universal primacy is accepted as a fact by the Orthodox and Roman Catholic Churches.[349] There is acknowledgement of the unique witness to that ministry exercised by the Bishop and Church of Rome but differences exist as to the nature of that unique ministry. The Joint Theological Commission lists three areas of difference in understanding this universal primacy: the manner in which it is exercised, its scriptural and theological foundations.[350]

The foundation for a universal ministry of unity which is, scripturally, the most solid is that of the Church as the Body of Christ, in which the head and members each have a different, but equally important, part to contribute to the life of the Church. It is the Church understood as a communion, as visible manifestation of the Body of Christ which is the foundation for a ministry of unity at all levels. It is this foundation which unites the ecclesiological, pneumatological, Christological, soteriological and eschatological dimensions of the ministry of unity.

Specifically 'Petrine' texts are more likely to be the subject of argument when establishing a basis for the universal ministry of unity, which is exercised by the Bishop of Rome as successor to Peter. Texts concerning Peter and the other Apostles need to be viewed within the ecclesiology of *koinonia*, since this is the ecclesiological framework in which the dialogue is situated.

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[349] Ravenna, 43

[350] Ravenna, 43

Peter must be seen within the College of the Twelve and, not, apart from them. Later Petrine claims about succession, in the ministry of 'the Rock', by the Church of Rome must be viewed through the prism of the *koinonia* of all the bishops and their Churches. Some consideration will be given to some of these texts below but they are not the focus of this study.

Theological convergence exists among Roman Catholic and Orthodox Christians, that the Church understood as a communion of communions is the foundation for primacy at each level of the Church. The Ravenna Statement recognises this principle in its consideration of the *protos* at each level of conciliarity:

> In the history of the East and of the West, at least until the ninth century, a series of prerogatives was recognised, always in the context of conciliarity, according to the conditions of the times, for the *protos* or *kephale* at each of the established ecclesiastical levels: locally, for the bishop as *protos* of his diocese with regard to his presbyters, deacons and people; regionally, for the *protos* of each metropolis with regard to the bishops of his province, and for the *protos* of each of the five patriarchates, with regard to the metropolitans of each circumscription; and universally, for the bishop of Rome as *protos* among the patriarchs. This distinction of levels does not diminish the sacramental equality of every bishop or the catholicity of each local Church.[351]

A ministry of universal unity is a constitutive element of the ecclesial being of the Church.[352] This ministry is exercised by the bishops in their own dioceses as the primate of the local Church, and among the bishops in their joint solicitude for the well-being of the Church as part of the task of the College of Bishops. An ecclesiology of communion can allow that the universal Church has a centre and a focus of unity, as does each local Church. Just as there is the one bishop who represents the unity of the many, which is the

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[351] Ravenna, 44

[352] Ravenna, 43

synaxis of the local Church, there is one Church at the universal level, and there can be one bishop who represents the unity of the many Churches that comprise the communion of communions of the universal Church. The constitution of the Church is not that of a federation of regional Churches which share inter-communion with each other, it is a communion of communions of the local Churches. A truly universal and visible unity entails communion in faith and sacraments and in mutually recognised episcopal ministry.

As we have argued previously the universal Church exists in and from the local Churches in a relationship of communion which can be described as *perichoretic*.[353] Each exists, in and for each other, simultaneously sharing the life in the Spirit, so that the one mystery of Christ, present in his body the Church, is revealed. The fundamental pattern, to which a ministry of unity for the whole Church must conform, is determined by the communion that is brought about by the participation of the baptised in the communion of the Trinity. These participate, not as individuals, but as a new corporate person - the Church.

Roman Catholic and Orthodox Churches agree, in the Ravenna Statement, that the there has been a ministry of universal ministry that has been exercised by the Bishop of Rome. He acted as a moderator among the ancient Churches or, more specifically, among the ancient patriarchal Sees.[354] The meaning of the term 'moderator' as articulated in the dialogue in relation to the established understanding of the term *protos,* is unclear. Why a moderator

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[353] Kasper, *That All May Be One*. p68. Tillard uses the word 'osmosis' to describe the local and universal in relation to each other so that when the local bishop and the pope each act in communion, there is not two authorities by one apostolic authority. Tillard, *Church of Churches*, p269

[354] Ravenna 45

would only relate only to the major Sees is not explained or justified. This aspect of the Ravenna Statement requires further investigation.

That there is a ministry of unity that is exercised by a primate and that such a *primus*/*protos* exercises authority over his level of jurisdiction, is accepted by Roman Catholics and Orthodox Christians alike. This agreement is expressed in Ravenna:

> Concerning primacy at the different levels, we wish to affirm the following points:
>
> 1. Primacy at all levels is a practice firmly grounded in the canonical tradition of the Church.
>
> 2. While the fact of primacy at the universal level is accepted by both East and West, there are differences of understanding with regard to the manner in which it is to be exercised, and also with regard to its scriptural and theological foundations.'[355]

It is the theological foundations of universal primacy which is most likely to guide the Roman Catholic-Orthodox dialogue into the correct understanding of the universal ministry which is exercised by the Bishop of Rome.

If the universal ministry of unity is conceptualised as two concentric circles; the outer as the essence of a universal ministry which is exercised by all bishops, and the inner as the essence of a Petrine ministry exercised by the Bishop of Rome, it is then possible to approach the dialogue on a universal ministry of unity in two stages. The first stage could be to recognise the gift and necessity of a ministry of universal unity, and the second stage could define the gift of the Petrine ministry. Agreement on what constitutes the outer circle could assist the task of receiving the Petrine ministry which is the inner circle. Furthermore if the essence of the universal ministry of unity, expressed in the

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[355] Ravenna; 43

visible relationships between the episcopal college and its head were expressed in terms of an ellipse as suggested by Ratzinger, with pope and bishops representing two focal points of the one universal ministry of unity, then the way is open for developing an acceptable form of the universal ministry of unity. The next task would be to determine the nature and authenticity of aspects of the relationships between these foci.

3.3 The Church is understood as a communion of communions

It is the essence of a universal ministry of unity that it should be: first and always, exercised within the hierarchical communion with all other Churches. The Church's self-definition as a universal Church has been previously shown to mean that it is a communion of local Churches. It is not a collection of federations of diocesan/*eparchial* Churches or autocephalous Churches which have inter-communion, but a communion of local Churches in and from which, the universal Church exists. Any intermediate regional bodies, such as autocephalous Churches and *metropolia*, should, therefore, not function as a representative or 'peak' body for the local Churches with which they are related. These regional bodies, while being useful, cannot substitute for the fullness of the communion of all Churches or substitute for the entire episcopal college.

The status of the regional primacies, at a more fundamental ecclesiological level in relation both to the local Church and to the universal Church, needs to be articulated in such a way that the regional primacies do not replace the concept of the Church as a communion of local Churches. A universal ministry of unity should not be reduced to including the primates of the patriarchal Sees with the universal *protos* as only a moderator of this group,

or as the presider over a permanent council of these patriarchs. This would distort the ecclesiology of the Church away from a communion of communions, in which the fullness of the universal Church exists in each local Church. This is accompanied by the very real risk that the diocesan Church will come to be viewed, in practice, as a sub-unit of the patriarchal Church or of the regional primacy.

Meyendorff and others have alerted the Church to the inherent danger contained in autocephaly, when conceived of as the essential and normative ecclesiology of the Church and as the definition of local Church.[356] Apart from the recent origin of the term 'autocephaly' in Orthodox ecclesiology, they also point to the problems which can arise through the almost complete dominance by the patriarch and by the permanent synod over the local Churches within each autocephaly. This seems to replicate the very dominance which Orthodox claim that the Pope exercises over the Latin Church and over the *sui generis* Churches in full communion with Rome. If the life of the local Church is perceived to be that of a sub-unit of a larger entity, whether regional or universal, then the ministry of unity at each of these levels fails to adequately express the nature of the Church as a communion of communion. Adjustments are, therefore, required to restore the true image of the Church.

The universal ministry of unity should attempt to find the balance between the practical necessities of facilitating listening to the voices of all the local Churches, and the reality of a globalised Church which cannot, regularly, assemble all of the bishops together. The sacramental equality and participation

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[356] John Meyendorff (ed) *The Primacy of Peter: Essays in Ecclesiology and the Early Church*. Crestwood: St Vladimir Seminary Press. 1992. Especially essays by Meyendorff, Kesich and Schmemann. Zizioulas raises the same questions in his *Being as Communion* and his contributions to *The Petrine Ministry: Roman Catholics and Orthodox in Dialogue* edited by Walter Kasper. They are not opposed to regional conciliarity *per se* but this particular and recent form of it.

in the universal ministry of unity of all the bishops is visibly acknowledged when all can participate in meetings, synods and councils concerning matters of significance for the faith and life of the universal church.

The Roman Catholic institution of the Synod of Bishops functions as a partial representation of the episcopate and this, at least, allows for the consultation of the whole episcopate through preparatory processes. As has been previously discussed this institution of the Synod of Bishops has not fully achieved its promise of drawing on the ancient and venerable tradition of provincial and other councils which flourished in the first millennium in the Western and Eastern Roman Empire. There have been some signs under the pontificate of Benedict XVI to provide the Synod of Bishops with more scope to act as a collegial body.[357] He has for example allowed bishops greater freedom to raise their own issues, to discuss these in the language groups and to exchange these ideas with the Synod. He has also encouraged the bishops to take seriously their role as teachers of the faith and as testament to that far more of the content of post-synodal documents is drawn from the *propositio* which come from the bishops at the Synod rather than a prepared text which the bishops merely amend and give their assent.

The language of 'local Church' needs to be clarified in the dialogue since, while 'local' means 'diocesan Church' in Roman Catholic usage, it may also refer to the 'autocephalous Churches' in Orthodox usage.[358] As well as

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[357] As noted above Benedict XVI has made changes to synod rules and has raised the expectation that bishops will not be mere rubber stamps for pre-prepared documents of the Roman Curia. .John Allen, *Synod: Ten 'firsts' at the Synod of Bishops*. National Catholic Reporter Conversation Café Blog. Accessed October 5, 2008.

[358] Zizioulas, Recent Discussions on Primacy in Orthodox Theology, cited in Kasper (ed) *The Petrine Ministry: Catholics and Orthodox in Dialogue*. p242

clarification about language there should also be some clarification regarding the relationship in individual bishops, and their Churches, to collegial bodies such as an Episcopal Conference or Episcopal Assembly, and permanent synods. A recovery of the local Church and its identity in relation to other Churches and the universal communion of Churches is fundamental to resolving some of the difficulties which surround relationships between the bishops and the Bishop of Rome and also between diocesan bishops and the metropolitan and patriarch.

3.4   A unity and diversity in communion

A central task of a universal ministry of unity would be to preserve the Church's unity in diversity as an essential element of its function. The Gospel has, throughout history, been acculturated and has found its diverse expression in terms of liturgy, discipline, theological emphasis and spirituality. Diversity is an element of the catholicity of the Church. Diversity is a sign that the proclamation of the Gospel is for all times and for all cultures and that, through this proclamation, the diversity and the distinctiveness of the way in which the Gospel has been received is not obliterated but is brought together in unity. The Church is constituted by the Spirit as an unending Pentecost, as an ongoing *epiclesis*, that speaks the Word of the Gospel to people so that it may be heard in their own language. The Pentecost proclamation is facilitated by the capacity of the Spirit to make the Gospel heard in diverse languages, and is not the transformation of all languages into one (Acts 2:1-13).

The unity of the Church is not a unity of its own making but is that which flows from the unity of the Father, Son and Holy Spirit. Through the Church, what was once the source of division or of diversity of language,

culture, or nationalism, is now a reconciled diversity in the communion of the Body of Christ (Gal 3:28). This is the eschatological sign, by which the Church lives in its unity and diversity that men and women are called together into the unity of the Body of Christ from 'every tribe and tongue and nation.' (Rev 5:9; 1 Peter 5:9).

The Joint Theological Commissions have studied the entry into full communion with the See of Rome, of the Eastern Churches whereby in the past, whole communities have entered into full communion. This is the so-called uniatism.[359] This method of restoring full visible communion is not considered to be the way for the future[360]. There are, however, some positive lessons to be drawn from this past experience regarding unity in diversity.

The Roman Catholic Church, as it is presently constituted, is a communion of twenty-one *sui generis* Churches. It exhibits the reality of unity in diversity within its own internal life. The impetus, for the further recovery of the Eastern patrimony and for the removal of Latinising influences from the Churches of Eastern origin, has been a theme of papal letters from before and after the time of the Second Vatican Council.[361] The existence of the Eastern Churches, which have maintained a distinctive ecclesial life, now in full communion with the Western Church is a sign that although work still remains to be done toward removing Latin influences which may have been forced upon

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[359] Balamand, 12

[360] Balamand, 12

[361] Leo XIII, Praeclara gratulationis (1894), and Orientalium Dignitatis (1894) and *Christi Nomen* (1894), John Paul II, *Orientale Lumen* (1995) and Paul VI Decree *Orientalium Ecclesiarum* of Vatican II (1964) Each of the letters has encouraged the preservation of distinctive features of Eastern traditions and the removal of Latin influences. The task remains an ongoing one and includes the use of ecclesiastical titles and dress, orders of precedence and far more significant issues concerning the updating and promulgation of canon law for the Eastern Churches. The current code for Eastern Churches was promulgated by the pope (John Paul II) and did not include distinction between the different Church traditions such as Coptic, Armenian and Byzantine but was given as one code for all.

them, unity and diversity can extend to preserving the different expressions of the one *paradosis*.

The Ravenna Statement acknowledges that the Roman Catholic and Orthodox Churches do not anticipate a form of full visible communion which precludes diversity.[362] The extent that diversity is allowed to express itself within the bounds of communion, especially in regards to doctrinal formulations, remains to be determined. The principle of unity and diversity is, however, now agreed by the Roman Catholic and Orthodox Churches.[363]

A universal ministry of unity would need to preserve diversity which already exists among the communion of Churches, and allowing further legitimate developments of it. Both unity and diversity are constitutive for ecclesiology.

3.5   Communion in faith and love

The universal ministry of unity is characterised, first and foremost, as a ministry of communion in faith and love, and not as a communion which has been brought about principally through juridic acts or by the issuing of teaching documents, but rather, through a process of mutual recognition. It is a recognition and reception that the Body of Christ is present in the other Church. Universal communion and the personal ministry of universal unity serve the

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[362] Ravenna,43

[363] This paper is not the place to explore the limits of this diversity but simply to note that the principle of diversity is mutually accepted even though the limits may not be fully articulated. For some Orthodox the *filioque* remains an unacceptable doctrinal formulation even though it did not feature as a Church dividing issue until relatively recent times. In the various declaration of union between Eastern Churches and the Holy See, which brought communities into full communion, there is no requirement for the Eastern Churches to include the *filioque* in the recitation of the creed and most Eastern Catholic Churches do not include the *filioque* and yet remain in full communion with the See of Rome. Even the principle that a Church should not change the Creed without an ecumenical Council to approve the change, which is mentioned in the Ravenna statement may not necessarily apply, since Roman Catholics would assert that it is only the manner of the liturgical expression that is different and not the substance of what the Creed teaches. Both Roman Catholic and Orthodox Churches broadly adhere to the principle that the substance of a doctrine and its formulation are related yet separate elements of the common *paradosis*.

same function as the ministry of the bishop in the local Church. It is, firstly, a sacramental sign of the communion of all the faithful in the one Body of Christ that is the Church, and in communion in the Body of Christ that is the one Eucharist.

Unity in diversity is an essential element of a universal ministry of unity. This is a reminder that the purpose of the ministry of unity at all levels is to preserve the Church in a communion of faith and love. It is a communion in the common apostolic *paradosis,* which may be expressed in diverse ways, in the liturgical, doctrinal, canonical and spiritual aspects of the life of each Church.

Each local or regional Church cannot declare itself to be in communion with the universal Church. Its life must be received by the other Churches as being a sign of a communion in faith and love with all of the other Churches. Communion is not self-conferred, but is affirmed and received by other Churches. These recognise, in spite of diverse expressions, that this particular local Church is truly in communion with them and with all the Churches through the College of Bishops. At the universal level too, each Church, through communion in the unity with the one who presides over the universal communion, can be assured that its traditions are a participation in the same faith. This is especially so in times of crisis regarding central aspects of belief and practice which threaten the unity of the Church.

Communion in faith and love implies a process of reception of the ecclesial life of the other, as being a participation in the ecclesial life experienced in and consistent with the universal Church. Reception may take on a number of forms and may proceed very slowly in some instances. The

liturgical adoption of the Kyrie into the Latin Rite from the East represents, for example, a form of the reception of the liturgical life of another Church and is an affirmation of the common *paradosis*. Common Christological agreements that have been reached between the Roman Catholic Church and the Coptic Orthodox Church provide evidence that the same dogmatic truth can be expressed in very different formulations.[364] Communion in faith and love allows for diversity of expressions of ecclesial life.

3.6   An exercise in episcopal ministry

A personal ministry of unity that is to serve the universal communion of the Church must be grounded in the episcopal ministry:

> …unity of the local Church is inseparable from the universal communion of the Churches. It is essential for a Church to be in communion with the others. This communion is expressed and realized in and through the episcopal college. By his ordination, the bishop is made minister of a Church which he represents in the universal communion.[365]

The ministry of the bishop is to be the focus of unity in faith and love for his Church, and is to be the sign of the communion of his Church with all others. Even though the episcopal ministry in the local Church is exercised as a personal office, it never lacks this dimension of communion with all of the Churches, and with all of the bishops of the local Churches. The exercise of the episcopal office by a local bishop is a participation in the once and for all ministry of the Apostles.

As we have seen previously there is no sacrament of papacy and the universal ministry of unity is situated within the episcopal ministry in general and shared by all bishops who are in communion in faith and love with their

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[364] Roman Catholic-Coptic Orthodox Dialogue, *The Unity of the Church Up To the Fifth Century*. August 26-29, 1976. Vienna.

[365] Valamo 26

local church and with the other local churches. A personal ministry of unity, exercised by the one who represents the many of the episcopate, must be situated within the episcopal body. He must be within the body of the episcopate and in communion with the faith of the Church to which the College is witness.

Episcopal ministry can and does require a variety of modes of authority to be effective leadership. Among these modes is included the authority of witness, authority of teaching, authority of exhortation, authority of discernment and also juridical authority. The universal ministry of unity exercised collegially by all bishops or personally through a *protos* of all the bishops also requires these modes of authority in order to safeguard the unity of the Church. Witness, teaching, exhortation and discernment should characterise the normal mode of the universal ministry of unity in order to preserve the *paradosis* that Churches do not generally interfere with the life of the other, as has been canonically established.[366]

Recourse to juridical acts of authority by the bishops collectively or by the *protos* personally, after having consulted with the episcopate, must be possible acts of authority when the universal unity of the Church is at risk or the good of the Church truly justifies it use. Juridical acts of authority used by the *protos* of all the bishops must not have the appearance or the reality of an act of super-episcopal action. If there is a universal ministry of unity exercised by the *protos* of the bishops, the *protos* is not a super-bishop or universal bishop, but only the embodiment of the universal unity that has been expressed by all the

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[366] Council of Nicaea can 6 and Apostolic Canon 34.

bishops. In this way a universal ministry of unity exercised by any bishop is truly episcopal.

3.7   The Episcopal ministry is always collegial and conciliar

The one who is universal primate exercises a personal ministry as one within the College of Bishops and is not apart from it or above it. The exercise of the ministry of unity is not achieved alone, but always in communion with the College of Bishops. Each member of this college shares in the concern for the communion of the whole Church as an expression of the apostolic ministry. The universal ministry is a shared ministry and is the proper responsibility of the whole episcopal college. The solicitude, which each bishop has for the whole Church, is an essential aspect of the episcopal ministry.[367]

That solicitude may be expressed, in an *ad hoc* manner, as mutual assistance in terms of the sharing of financial and other resources between the Churches.[368] It may find expression in such as an episcopal conference or a regional synod, through these structures of communion.[369] It remains, however, the proper role of all the bishops to have a concern for communion in faith and love amongst all the Churches. The episcopate may challenge a local Church if there are some concerns about doctrinal matters, or the sacraments, or the life of the local community. An example was provided by the communications between the African Synod and Rome regarding the Novatians. One can also

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[367] CD 3a, 6, 36 and LG 20,23b, Ravenna 4,

[368] CD3b, 36 and LG 22

[369] CD 4, 36, 38 and LG 22, 23d

read of Irenaeus' request to the Bishop of Rome that he should intervene in the Church in Gaul in order to lend support to the local Church.[370]

Neither of the acts referred to above is one of jurisdiction or of the imposition of authority. Each is a witness to the solicitude that each Church should have for the other. The Bishop of Rome, in the case of the African Synod, was called upon to respect a decision of their synod by not extending communion to those who had been excommunicated.[371] Irenaeus hoped, in the second case, that the prestige attached to the See of Rome might exercise some moral suasion over the local Church, and might affirm them in their decision to depose the errant bishops. Irenaeus did not call for the Bishop of Rome to exercise a jurisdictional authority over the local Church but for him to strengthen and affirm the local Church.[372]

It is also possible that the bishops of one region can support the bishops of another region or diocese through exercising their episcopal ministry. The bishops of one region may, for example, assist those of another region to deal with a controversial question or an investigation into a theologian. The bishops from outside the region may then make an adverse finding against the theologian and recommend corrections to her/his work. Only the bishops of the region where the theologian is located will then have the juridical authority to accept and to act on these recommendations. Bishops can exercise their universal ministry of unity by supporting other bishops, who seek assistance in

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[370] Sullivan, *From Apostles to Bishops*, pp144-146, 151-153 notes the basis for the appeal of Irenaeus to Rome, not as an exercise of power over the local Church but as support for the local church.

[371] Letter to Pope Stephen from African synod about the controversy over baptism reveals two things. First that the pope believed he had some right to communicate his decision to the catholic church and secondly that he was not above the criticism of the Bishops of North Africa. Sullivan, From Apostles to Bishops, p212-214

[372] Sullivan, *From Apostles to Bishops*, pp144-146

situations such as these, in order to preserve the unity of faith and love which should characterise the Church. To act in this way does not require acts of jurisdiction that are proper to the bishop of the local Church.

A question arises as to whether it is permissible for a synod/council to attempt to make judgements which are binding on other Churches outside of the boundaries of the Churches that participate in the synod. A number of the Christological controversies began as local and regional issues in the unified Church prior to the schism. The Arian controversy began as a North African problem, and initial attempts to condemn the heresy and to affirm orthodoxy were addressed through regional synods of bishops. The necessity for the exchanges, regarding the synodal decisions between the synods of other regions, developed once the teaching of Arius began to take hold in other centres. Synods exchange decisions, not to bind the other through a canonical act, but to affirm the other Churches in the apostolic *paradosis* through the mutual reception of the decision and as an expression of the universal ministry of unity.

It was necessary, once Arianism had become established throughout the different regions of the *oikoumene*, for a Council of the *oikoumene* to be gathered to deal with the question. It can be seen from the Church's response to this heresy, that conciliarity must be allied to that authority which comes from the truth of the proposed teaching. Ultimately when central issues of faith are concerned authority must be at the service of truth and to enforce the orthodox faith.

Authority serves the communion of the Church by being able to positively propose what is to be believed. It also provides a negative force which is able to establish the limits of the apostolic *paradosis*, and which can

suggest that certain questions remain open while others should be definitely closed. Authority is a *charism* in the Church which is given by the Spirit in order to preserve the Church in truth. There is no reason to suppose that such a personal authority may not be exercised at the universal level in the same way that such an authority may be exercised at the local and regional levels.[373]

3.8   An exercise of the charism of authority

Every bishop shares in the charism of authority. Christ wished his Church to have the authority necessary for it to be preserved in truth, and this charism of authority has been handed down through the apostolic ministry, especially through that of the bishops and, also, through that of the priest and the deacon.[374] Christ is the head of the Church and, therefore, all authority in the Church is vicarious.

Both Roman Catholic and Orthodox Christians acknowledge that bishops have a juridic authority over the local Church. A bishop has the authority to make judgements for his Church and to issue disciplinary decrees. He can also impose canonical penalties for the good order of his Church, and for the preservation of the sacramental and doctrinal life of his Church in communion with all other Churches. The one who is known as *protos* in the local assembly - the bishop, is the one whom all must acknowledge as the head of the Body the Church in the local situation. The bishop is the vicar and icon

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[373] In this I follow N. Lossky who offers a critique of the Afanassieff's contrasting set of 'priority' and 'primacy' with 'priority' having the attributes of 'love' and 'grace' and 'primacy' as a legalistic power. There seem to be no convincing reason to suggest that only at the local level that there is primacy and at the universal only priority or that juridical authority should be separated from love and grace at the local, regional or universal level. In Puglisi, *The Petrine Ministry*, 128-129.

[374] LG 26

of Christ in his local Church.[375] He must, as vicar and icon of Christ, have the juridic authority to make binding judgements.

Orthodox Christians and Roman Catholics accept that Apostolic Canon Thirty-four provides that the *protos* among the bishops must be acknowledged as head (*kephale*) over all, and that nothing should be done without his consent. It is accepted among both communions that the acts of a synod have no validity without the agreement of the *protos*. This holds whether it is a metropolitan/provincial synod or a patriarchal synod. The primacy, which the *protos* exercises at the regional level, is not simply a primacy of honour if this honour is meant to exclude the possibility of the *protos* having juridic authority over the bishops and Churches, including the individual Christians, of his region.

Orthodoxy may not acknowledge the universal primacy in terms of authority of the Bishop of Rome over Churches and individual believers, but it has developed its own form of quasi-universal primacy which is based on the principle of autocephaly. Quasi-universal jurisdiction may be defined as a claim of jurisdiction over the faithful and over the Churches of one Rite or over a national Church throughout the whole world.[376] Meyendorff, Zizioulas, Schmemann, Lossksy and others have commented on the presence of this form of jurisdiction in the Orthodox Church and each have commented on the inconsistency of this fact against Orthodox objections to papal primacy.[377]

In an interesting development after the establishment of the Moscow Patriarchate the Patriarchate of Constantinople declared itself to be 'head and

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[375] CD 2 and LG 27

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[377] Meyendorff, Byzantine Theology, p93

primate of other Patriarchates.'[378] Later the Patriarchal Tome of Constantinople (1663) expressed universal jurisdiction as an appellate tribunal over Orthodox Churches and affirmed that such jurisdiction properly belonged to the See of Rome, which because of schism is no longer able to function as such. Clement notes that the Tome contains the following question and answer;

> Can the appeal of any other Church be brought before the throne of Constantinople and can the latter resolve every ecclesiastical matter? Response: This privilege was the privilege of the pope before the Church was torn asunder by presumptions and ill will. But since the Church is split apart, all the affairs of the Churches are brought before the throne of Constantinople, which gives judgement, for, according to the canons, it enjoys the same primacy as the Rome of former times.[379]

The Patriarch of the Serbian Orthodox Church, for example, resides in Belgrade and exercises episcopal authority for all Serbian Orthodox Churches and for the faithful of those Churches throughout the world. He has, not only, a place of honour among the bishops of the Serbian Orthodox Church, but he presides over the Churches in communion with him with an authority that he can exercise over these Churches. He presides over the holy synod of his Church and the acts of the synod become binding decrees only with his authority. Individual Serbian Orthodox faithful, and parishes and dioceses are able to appeal to him as a forum of last resort in the case of canonical penalties and judgements. What began as a regional primacy over Serbs living in Serbia has become a quasi-universal primacy over Serbs living anywhere in the world.

This evolution of regional primacy raises questions today about what is meant by a local Church, and what is meant by a region. Each of the autocephalous Churches has a similar quasi-universal jurisdiction operating for

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[378] Clement, *You are Peter*, p72.

[379] Clement, *You are Peter*, p72

their own Churches and all the faithful in communion with the patriarch. This universal jurisdiction is frequently parallel to the episcopal jurisdiction of other patriarchs of other Orthodox communities in the same territory.

Roman Catholics have also established parallel quasi-universal episcopal jurisdictions. There are established communities of Maronite, Chaldean, Armenian, Ukrainian or other Eastern Roman Catholic Churches in countries such as Australia and in the United States. This has followed immigration from Eastern Europe and the Middle East and, sometimes, an *eparchy* has been established for these communities. These *eparchs* are under the authority of the patriarch or of the major archbishop of their Church. He may reside in L'viv, Beirut or Damascus and will exercise jurisdiction over these communities which are scattered throughout the world. These jurisdictions are often parallel to Latin Rite jurisdictions and to other Eastern Roman Catholic jurisdictions.

3.9   Conclusion to Part I

The universal ministry of unity and primacy is a constitutive element of the episcopal ministry at all levels. A diocesan bishop exercises the primacy and ministry of unity in his local Church and participates in the universal ministry of unity as part of the College of Bishops. Orthodox Christians and Roman Catholics acknowledge the exercise of primacy and the ministry of unity at the local, regional and universal levels. How the universal primacy is exercised in the service of the ministry of unity is the subject of disagreement between the Churches. They each acknowledge that the ministry of unity at the local and regional level is always exercised in a personal manner by a bishop, who may be a metropolitan or patriarch by title. Roman Catholics

and Orthodox Christians agree that there is also a personal ministry of unity that is exercised at the universal level. The Orthodox Church proposes that the Bishop of Rome should act as a moderator among the principle patriarchal sees. Roman Catholics argue that the Bishop of Rome is head of the College of Bishops which is the subject of the supreme authority in the Church.

There are, thus, two models which represent the relationship between the Bishop of Rome and the College of Bishops and their Churches. He is, in one model, the moderator of a group which is almost to be considered as a 'peak body' of bishops. He is, in the second model, head of the college and therefore of all the bishops and their Churches in communion with him. It has been argued here that the second model corresponds more closely to the ecclesiology of communion which underpins the dialogue. The Bishop of Rome, in this model, is the One (the *protos*) who is head (*kephale*) and who represents the many in the college of the bishops. This pattern of communion is repeated in the regional and the local Church as the model that corresponds to the ecclesial ontology which is defined as communion/*koinonia*.

Part of the difficulty, which is encountered in articulating a common understanding of the personal universal ministry that Roman Catholics claim is exercised by the Bishop of Rome, stems from the development of certain forms of ecclesial life which distort the ecclesiology of communion. These developments include the development of autocephaly as centred in the national Churches, and the development of quasi-universal jurisdictions and primacies in the Roman Catholic and Orthodox Churches and the process of centralising authority in the See of Rome over all of the Latin Churches in response to a variety of historical factors. A second difficulty is found in the need to balance

unity and diversity. Both unity and diversity are essential to the catholicity of the Church, and both need to be guarded by the universal ministry of unity at all levels.

Primacy, at the local and regional level, is always an exercise of the charism of authority. The right and necessity of the local and regional *protos,* to exercise authority over his jurisdiction, is acknowledged. The nature of this authority and how it is to be exercised by a universal primate is articulated in different ways depending on which of the two models of universal primacy is accepted. If the primacy of the universal primate is restricted to that of an honour among the preeminent Sees, which means no authority, then this is not a form of primacy that is found at the local or regional level. If the authority is restricted to that of a moderator of the meetings of these preeminent sees, then: what of the College of Bishops and of the universal ministry of unity that is exercised by all of them? It has been argued that a universal primate must exercise a personal ministry of unity as head of the College of Bishops and their Churches and that such a ministry must also be an exercise of the charism of authority within the limits imposed by an ecclesiology of communion.

The convocation of an ecumenical council and the promulgation of the decrees relied on imperial support in the first millennium. The issue is faced today of who could convoke a council and could promulgate the decrees of the Council Fathers? The Church has never known of the tradition of a collective or rotating presidency of councils even a local or regional presidency has always been a permanent and personal ministry. There must, therefore, be one who is acknowledged as the *protos* who can fulfil this function of head. The fact that there must be one who is *protos*, who can summon the council and can preside

over it or can delegate others to preside over the celebration of the council and promulgate the decrees of the Council, must be confronted at the universal level. There must be one among the bishops who is recognised as the first and the head of the assembly.

Part II

The Petrine Ministry

3.10   Introduction: The Essence of the 'Petrine Ministry'

Attention will be paid in this section to the Petrine ministry as a dimension of the universal ministry of unity that has been entrusted to the Apostles, and through them, to the College of Bishops.[380] According to Roman Catholic doctrine the Petrine ministry is that ministry of universal unity which the Bishop of Rome exercises personally, as *protos*/primate of the episcopal college, and in a manner that is unique in relation to the rest of the college, but never apart from it.[381] Roman Catholics assert that the ministry of the Bishop of Rome, as successor to Peter, exists to preserve both the unity of the episcopate and the unity of the Church.[382] Catholic doctrine regards the primacy of the Bishop of Rome is necessary for the universal conciliarity that is expressed in an ecumenical council and although some Orthodox theologians accept this position others do not.[383] Lossky maintains that the common *paradosis* asserts

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[380] Regardless of what Churches make of the Petrine ministry it must be taken into account. Krikorian expresses just such a conclusion following his study of the primacy of the successor of Peter from an Oriental Orthodox view point in Puglisi, *Petrine Ministry*, p97

[381] PA, 1, 2,3 LG, 18, 20, 22, 23, 25 CD 2, 4

[382] LG 18, 19, 22 and PA 1,2

[383] V. Nicolae Durã, 'The Petrine Primacy': The Role of the Bishop of Rome According to the Canonical Legislation of the Ecumenical Councils of the First Millennium, an Ecclesiological-Canonical Evaluation, pp159-187. In Kasper (ed). *The Petrine Ministry*. He takes does not support a special primatial authority, whereas John Zizioulas, Recent Discussions on Primacy in Orthodox Theology, in Kasper, *The Petrine Ministry*, pp231-248 is more open to its existence in some of the same historical sources considered by Durã. Krikorian, from the Oriental Orthodox perspective marks

that, for validity, an ecumenical council requires the participation of or at least recognition of the acts of a Council by the Bishop of Rome.[384] This requirement for such recognition suggests that, very early in the development of the conciliar practice of the Church, a special function was believed to reside in the Church and Bishop of Rome.

Current Orthodox theology tends to downplay or to deny a uniquely 'Petrine' dimension to the ministry of the Bishop of Rome.[385] It places, instead, the emphasis on the ministry of unity, which was entrusted to the Apostle Peter, as being entrusted to the entire episcopate. Oliver Clement has demonstrated that evidence from the correspondence and speeches of metropolitans and patriarchs in past did in fact acknowledge a specifically Petrine dimension to the ministry of the Bishop of Rome and his Church.[386]

Roman Catholics believe that there is a personal form of the universal ministry of unity and that the essential elements of the Petrine ministry can be described. The CDF, in agreement with the theological commentary that was provided at Vatican I, states that the Roman Catholic doctrine of the Petrine ministry in *Pastor Aeternus* and later *Lumen gentium and*

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out a space half way between total rejection and total embrace of this position in conceding a pope could convoke and preside over a council but the majority of bishops would need to agree for an act to be supported, In Puglisi, The Petrine Ministry, p97. The rules that apply to a Council and Synod of Bishops already have this requirement in the Roman Catholic tradition so one wonders what possibilities for agreement might exist.

[384] Francis Sullivan, *Magisterium: Teaching Authority in the Church*. New York: Paulist Press. 1983 p57-58. In his survey of the seven ecumenical councils he determines that one criterion which is necessary for a council to be considered ecumenical is that it must be received by the Church of Rome. This is affirmed in the Roman Catholic-Orthodox dialogues.

[385] Orthodox theology has not always been so definitive on this issue viz. 'One should not contradict the Latins when they say that the bishop of Rome is the first. This primacy is not harmful to the Church. Let them only prove his faithfulness to the faith of Peter and to that of the successors of Peter. If it is so let him enjoy all the privileges of Peter…' Symeon of Thessalonica, *Dialogus contr haereses*; 23; PG 155:120a in Meyendorff, *Byzantine Theology*, p100

[386] Clement, *You Are Peter*, p55. With Daley he also affirms that this primacy was not merely and honorary one.

Christus Dominus is consistent with the common apostolic *paradosis,* and does not alter the fundamental nature of the doctrine of the Church.[387] This assertion, by the Roman Catholic Church, requires an elaboration within an ecclesiology of communion if it is to gain acceptance by Orthodox Christians.

3.11   A minimalist approach

The Roman Catholic-Orthodox dialogues have, to date, taken a minimalist view of the role of the Bishop of Rome by situating him within the patriarchal system as first among the patriarchs, in the words of the Ravenna Statement:

> Both sides agree that this canonical *taxis* was recognised by all in the era of the undivided Church. Further, they agree that Rome, as the Church that 'presides in love' according to the phrase of St Ignatius of Antioch (To the Romans, Prologue), occupied the first place in the *taxis*, and that the bishop of Rome was therefore the *protos* among the patriarchs. They disagree, however, on the interpretation of the historical evidence from this era regarding the prerogatives of the bishop of Rome as *protos*, a matter that was already understood in different ways in the first millennium.[388]

If this minimalist position is aimed at situating the papacy *a priori* within the 'Pentarchy', such a method encounters some difficulties. Previous discussion has challenged the reality of the Pentarchy as an essential ecclesiological structure. The relationship of the universal primate - the Bishop of Rome, to the episcopate and to the local Churches seems to have been interpolated into the structure of the Pentarchy. The construct of the Pentarchy has become reified through processes which owe their origins more to polemics than to references to the historical consciousness of the Church as it existed prior to the schism.

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[387] Herman Pottmeyer provides a simple point form summary of the relator from the theological commission responsible for the preparation of PA where this point is affirmed. The CDF, Some Questions on the Doctrine of the Church, also affirms that the teaching of Vatican I and II does not change the position of the bishops as participating in the supreme authority of the Church and also maintaining their episcopal oversight of the local Church by right and not delegation from the pope.

[388] Ravenna, 41

The historical question of when the 'Pentarchy' came into existence, and what was understood about how authority was exercised within such a body, is of no assistance in developing a solid ecclesiological foundation for a personal universal ministry of unity that is exercised by the pope.

A second difficulty that is encountered by this minimalist approach is the removal of the title of Patriarch of the West from the titles of the Bishop of Rome.[389] The title patriarch was, historically, a very recent addition to the titles used by the Pope, and the truth of this title had never been contested until after it had been removed.[390] A small amount of controversy erupted following the removal of the title. This included the claim that the title was being rejected in order to expand the scope of the ministry of the Bishop of Rome beyond that of *protos* among the patriarchs.[391]

The rejection of the title 'Patriarch of the West' by Benedict XVI was, in fact, aimed at reducing the scope of the pope's patriarchal authority.[392] Benedict has, in rejecting the title, helped to point to the necessity of separating

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[389] *Annuario Pontificio*, 2006. In this edition, the pope is described as 'bishop of Rome, vicar of Jesus Christ, successor of the prince of the apostles, supreme pontiff of the universal Church, primate of Italy, archbishop and metropolitan of the province of Rome, sovereign of Vatican City State and servant of the servants of God.'

[390] The title Patriarch of the West was not adopted into the *Annuario Pontificio* until 1843 and removed 2005. The content of the title was never the subject of reflection in the Latin Church and perhaps the Eastern Churches assumed that the pope was Patriarch in the sense of an Eastern autocephalous Church. 'West', like 'East' is a meaningless term in the modern globalised era.

[391] The reactions of the Eastern Orthodox were quite strong to this unexpected move by the reigning Pontiff. Bishop Hilarion Alfeyev (Bishop of Vienna and Austria the representative of the Russian Orthodox Church to the European Institutions) stated: 'It seems that the omission of the title 'Patriarch of the West' is meant to confirm the claim to universal Church jurisdiction that is reflected in the pope's other titles, and if the Orthodox reaction to the gesture will not be positive, it should not be a surprise'

[392] Tillard alludes to this problem when he notes that one of the unintended effects of the East-West Schism was that it restricted the scope of operation of the pope to the West and easily lead to a quasi-identification of ministry of unity, which is authority for the Church, with patriarchal type authority, which is power over the Church usually expressed in juridical terms. Tillard, *Church of Churches*, p269-270.

out the patriarchal functions in relation to the Latin Church, in his role as a diocesan bishop and the Metropolitan of the province of Italy, from that of the universal Petrine ministry. This task, of identifying and clearly separating out those functions which are proper to each of these spheres of influence and jurisdictions, remains a valuable avenue for dialogue between the Roman Catholic and Orthodox theologians.

A willingness to acknowledge a 'presiding' function for the Bishop of Rome, and to acknowledge him as the *protos* among those who are *protoi,* is a key aspect of the Ravenna Statement. This acknowledgement is based, solely, on his position as the Bishop of the Church of Rome, as an honour which was accorded to that Church because of Peter's place there. There is scope to develop both of these aspects, which are accepted as part of the common *paradosis*, to arrive at a mutual understanding of the 'prerogatives' of the Bishop of Rome. Each of the dual functions of 'presiding' and of being '*protos'* have their roots in an ecclesiology of communion and in the *esse* of the Church, since both of these functions are episcopal. An acknowledgement, that the See of Rome may have a unique place in relation to these dual functions in the universal Church, opens up further possibilities for a consideration of this unique place within the mutually accepted ministry of universal unity that is exercised by all bishops. This must be, at this stage, only a provisional acknowledgement.

The Roman Catholic-Orthodox dialogue acknowledges the necessity of reading together the key sources on universal primacy, as understood in the Roman Catholic tradition. It also points to the relevant tasks of this dialogue: How should the teaching on the universal primacy by the first and second

Vatican Councils be understood and lived in the light of the ecclesial practice of the first millennium?[393] Secondly how should we read together the history of the first millennium to determine what were the ecclesiastical practices which characterised the relationship between Rome and the other Churches? It is by no means certain that there is a single ecclesiastical practice which describes completely and adequately the complexities of multivariate relationships that existed in different times within the first millennium.

Pentarchy should not be the overarching prism through which the ecclesial practice of the first millennium is viewed, for it is not certain that such a construct was in the consciousness of the Church in the same way as modern Orthodox Christians view it, or that it should be the dominant model for the future. Nor is any solution to difficulties with papal primacy in the modern era to be found in the revival of the 'Pentarchy'. As we have seen previously in the modern era whose jurisdiction would the USA or Australia belong to and what means would be used to allocated patriarchal spheres of influence. This is not to say that some form of regional primacy based on modern regions could not be envisaged with new patriarchates in Oceania, South East Asia, North Asia, and within other regions of the globe, if such a structure were considered useful and responded to the situation of the present time.

There was, however, a common ecclesial practice in the first millennium that was known and that can be articulated, and which is not predicated on 'Pentarchy' but, rather, on apostolicity, episcopacy and an ecclesiology of communion. A foundation for a relationship between the primacy of the Bishop of Rome and his relationship to other Churches may be

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[393] Ravenna, 45

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founded on these but not as a revival of a past ecclesiastical structure. Just as the 'Pentarchy' arose in response to the new situation in which the Church lived new structures can emerge to reflect the new situation today.

3.12   Seeking a theological foundation

The essence of the Petrine ministry will be described in relation to six key elements discussed below. The first element is the Biblical commission to Simon who is to be 'the Rock' (*Cephas*) and to strengthen the brethren. The second element is that communion at each level; local, regional and universal is represented in a personal witness to unity in the person of a bishop. The third essential element is that the Petrine ministry always functions within the college of bishops. A forth essential element is that the Petrine ministry is a personal participation in the supreme, full, immediate and universal power which belongs to the College. A fifth element is the limited nature of the scope of its authority; the Petrine ministry has boundaries and limits, as does all episcopal authority. The sixth element of its essence is that it must be grounded in an ecclesial and Eucharistic community; it must have a place which is its home and centre where the Chair of Peter is situated.

3.13   Strengthen the brethren

Roman Catholics and Orthodox Christians agree that the ministry of the Twelve is dominical in origin. The Twelve were chosen by Jesus as the foundation of his continuing ministry (Eph 2:20). The terms 'apostolic witness', 'apostolic faith' and 'apostolic Church' assumed a currency very early in the Christian lexicon. These terms were used to describe those Churches where the revelation, which had been received by the Apostles from Jesus, had been faithfully handed on in the community. The Twelve were so significant to

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the early Church that those who composed the Scriptures did not shrink from numbering, amongst those chosen by Jesus, the one who was to betray him.

Paul counted himself among the Apostles but not among the Twelve, and he recognised that the basis for his ministry was different to theirs. The apostolic ministry was primarily oriented toward the communion of the universal Church as a travelling or itinerant ministry of witness.[394]

The ministry of *episcope* was a local ministry of oversight of the community and was a stable ministry in a given place. Paul made it a practice of establishing *episcopoi* and deacons in each of the Churches that he established. Their purpose was to watch over the *ecclesia*. It is also known from history, although the actual evolutionary step is not clear, that the episcopal ministry gradually succeeded to the ministry of the apostles after the time of the apostolic ministry of itinerant witnesses had ceased[395]. The instinct of the early Church was that this apostolic ministry, which Christ himself had instituted, must continue in the Church and must not be lost. Jesus did not directly establish the episcopate in the apostolic succession, the Church, which was guided by the Holy Spirit, preserved the apostolic ministry through them. A trajectory from the life and ministry of Jesus can be traced down to the eventual practice of the Church, whereby, there was one bishop in each Church who witnessed to the unique apostolic ministry of universal unity. The

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[394] Sullivan, *From Apostles to Bishops*, in his commentary on the use of the term apostle in the New Testament and Didache draws attention to the limited scope of episcope originally as a permanent and stable ministry in a local Church and the itinerant ministry of apostles who taught and gave witness to the resurrection but did not exercise oversight in a local Church. Gradually the apostolic office was subsumed into the episcopal. See especially pages 17-24, 49-53 and 81-102.

[395] Sullivan, *From Apostles to Bishops*, p78-80.

development of the mono-episcopate developed unevenly throughout the early history of the Church and took some time to become the normative pattern.[396]

It is established as an essential ecclesiological element in both the Roman Catholic and Orthodox Churches that in each Church there is one who, through episcopal ordination, represents the unity of the many who witnesses to and receives the apostolic faith. It is also established that this same one represents the many of the local Church to the universal communion of Churches. The Church is constituted this way because of the divine will that was expressed in Christ's initial choice of the Twelve as the foundation for the Church and as the New People of God.

Scripture gives witness to the fact that Peter had a unique place among the Twelve. There is a trajectory from Peter in the New Testament to later claims about a special and continuing role for Peter in the Church though not necessarily in the way later claims were made for the Bishop of Rome. Peter was presented as a spokesman for the Twelve. His name was always listed as first among them. The Risen Christ gave only Peter the commission, to feed the sheep and to guard the flock (John 21). Peter had a prominent role in the so-called Council of Jerusalem and in the resolution of questions about the admission of gentiles into the community (Acts 10, Acts 15:7-12). He also proposed a solution for the neglect of the Greek-speaking widows in the daily ministry of the Word (Acts 6:1-8). He was not presented as the sole leader of the community (Acts 15:13-22). His role in the Jerusalem Church seems to have been eclipsed by James (Acts 15:13-21, Gal 2:9). Paul felt confident that he could challenge Peter and the other notables of the community (Gal 1:18, 2:

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[396] Sullivan *From Apostles to Bishops*. pp219-222. Nichols, *That All May be One,* pp95-105

6-9, 11) about the freedom from circumcision for male gentile converts, and about their general freedom from *Torah* observance. It seems unlikely that James would eclipse Peter if Jesus had intended that Peter was to be only the rock of a local Church - Jerusalem, and this intention was known by the community.

Evidence that a special ministry was accorded to Peter, among the Twelve, can be found in the Synoptics, in John, in the authentic Paul, in the deutero-Pauline corpus, and in the Pastoral letters. Even the title - 'Rock', which was given him by Christ, became the name by which he was to be known in all of the Scriptural traditions, where he is designated as Simon-Peter or simply as Peter. It is worth noting that his special status is even acknowledged in letters, such as Galatians, which concerned disputes with him. The Church has always sought to preserve the tradition that Simon was designated as 'the Rock' by Christ.

If we are to claim significance for the Twelve, who are rarely called the Twelve Apostles, as the foundation for the apostolic ministry that the Church had to preserve: can a similar trajectory be found in the 'Petrine' tradition? Veselin Kesich, in his study of Peter in the New Testament and in the early Church, has argued that 'we may conclude that the early Fathers and Christian writers recognised Peter's position of honour and pre-eminence in the New Testament period.'[397] There is no space here to examine all of these references and neither is it a central task of this study to do so. All these references cannot be, however, passed over since some relate specifically to the identity of the Petrine ministry within the universal communion.

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[397] Veselin Kesich, Peter's Primacy in the New Testament and Early Tradition. p56. Meyendorff, *The Primacy of Peter.*

The task assigned to Peter in Luke 22:31-33 was to strengthen the brothers during the times of persecution. The text is clear that this task was given to Peter alone. The subject of the 'Sifting by Satan' was the community. This was indicated by the plural 'you' (*humas*) and by the use of the singular 'you' in the remaining references to Peter. Peter professed his willingness to go to prison and to die for Christ (Lk 22:33). It is known, however, as the story of Jesus' arrest and trial unfolded, that this claim of Peter was an empty declaration. Later in his career, Peter experienced both prison and death for Christ. Within the context of the whole of the narrative of Luke Chapter 22, in which Jesus addressed himself to the Apostles at the last supper he could have, if he had wished, called on them all to strengthen the brethren. Peter was the only one of the College of Apostles to whom the Lord addressed this request to strengthen the brethren and, regardless of what was the content and meaning of this task, it may be regarded as constituting part of the essence of the ministry of Peter.

Biblical scholars detect a strong Aramaic flavour in Matthew 16:17-19. This is evidenced by the Aramaic expression 'blessed are you', the title '*Barjona*' and especially in the play on the word 'rock' or *kepha.* This works more effectively in the Aramaic than it does in the Greek text.[398] The Aramaic provenance of this *logion* points to a saying that is preserved by the Church from the Lord himself rather than the elaboration of a more structured nascent Church.

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[398] Both Von Harnack and Bultmann have made such an attribution. Cited in Ratzinger, *Called to Communion: Understanding the Church Today*. Trans. Adrian Walker. San Francisco: Ignatius Press. 1996. p 96.

Three elements of this *logion* illustrate aspects of an essential Petrine ministry. The *logion* is set in the context of the Church, a word which only appears twice in Matthew.[399] The term *ekklesia* had been used to express both the universal and local Church by this stage of Christian development and it may be argued that it is possible that Peter was to be 'rock' of both the local and the universal Church. Kesich has attempted some Aramaic reconstruction of the *logion* and has suggested that the most probable Aramaic term for *ecclesia* is *gehala* (a word related to the Hebrew *q'hal*), which indicative of a whole people, set apart for mission. *Ecclesia* did not reflect the Aramaic for the local assembly (*kenishta)* which corresponds to a house of prayer.[400] Peter was singled out for the role of 'rock' in terms of his relationship within the Twelve, who represented the foundation of the new Israel. Ratzinger has argued, convincingly in this author's view, that the word 'rock' is a reference to Abraham (Isaiah 51:12) that was found in the rabbinic commentaries of that period, and that Simon then became 'Peter' the rock from whom the New People of God are hewn.[401] Peter has, thus, become an eschatological foundation of the *ecclesia/gehala*, the mystery of the new people created in Christ, from the one who was the first to profess that Jesus was the Christ and the first witness to the resurrection.

The 'two keys' were given to Peter alone, and again Ratzinger argues, correctly in this author's view, that these keys represented the power of

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[399] *Ekklesia* had by the time of the composition Gospel of Matthew acquired a meaning that was both universal and local. Paul uses both meanings in his writings. It is therefore possible to make the argument that Peter is made the 'rock' or foundation of both the local and universal Church. being the 'rock' is not the same as being the *episcopoi*/overseer nor the later monarchic bishop found in alter Christian tradition.

[400] Veselin Kesich, *Peter's Primacy in the New Testament*, p 50

[401] Ratzinger, *Called to Communion*, p56

admission and rejection from communion with the Church as they symbol has parallels in rabbinic literature and aspect of Second Temple life.[402] These powers are closely tied to the powers of binding and loosing but their meaning can be extended a little further. These powers are ultimately related to forgiveness and it is Peter, who was forgiven by Christ, who is then entrusted with that same power to receive those who are forgiven, and who can to refuse admission to some into the community.[403] Peter is, thus, established as a sign of ecclesial communion.

This is not the place to provide an exegesis of each passage, or to argue about the particular meaning of these 'Petrine' passages for later doctrinal developments.[404] The true value of the Scriptural studies of Peter in the New Testament is, in terms of the present question, to simply affirm the prominence of Peter in the New Testament, and the likelihood that his ministry, like that of the apostolic college in general, would continue to exist in the Church for all time as part of its *esse* which is grounded in its divine constitution. Even if the Petrine ministry took some time to emerge with clearly defined elements this does not provide an argument against the enduring validity or divine origins of a Petrine ministry any less than that of the emergence of the single bishop in one territory, which took some time to emerge as the form of the apostolic ministry, casts doubt on the place of the episcopal college in relation to the apostolic ministry. The same theological process can be at work in both expressions of

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[402] Ratzinger, Called to Communion, p67

[403] Ratzinger, Called to Communion, p64

[404] There have been a number of studies on Peter in the New Testament, some of these with the specific aim and methodology of ecumenical encounter some of which have sought to shed light on the role of the papacy.

the apostolic ministry of universal unity - the college and its head. Kesich acknowledges that it is only necessary to see the inner correspondence between the origin and the development, and between the seed and the tree, in the evolutionary growth of Peter from the New Testament to the later Church tradition.[405]

Without wishing to examine all of the texts in what is a very uneven history with regard to appeals to Rome and the place of Rome in relation to Councils and the heads of other Churches in the early centuries, some comment can be made about a Petrine trajectory, similar to that of Scripture, which may be evident in the evolution of the *taxis* among the Churches. That *taxis* prior to the Council of Chalcedon, consisted of a triumvirate of Churches - Rome, Antioch and Alexandria each of which had a Petrine connection in the thinking of the early Church. The instinct of the Church was to look to the Church of Rome for assurance in the apostolic *paradosis* even before the Canon of Scriptures had been agreed. The Canon found acceptance because the Churches agreed with the list, which was held in Rome, and held it to be authentic. The Church of Rome was, for Irenaeus, the norm for the apostolic faith that was proclaimed in all the Churches, and for the communion of the Church in such a way that was manifest in a unique manner there. The Latin text of his rule being:

> Ad hanc enim ecclesiam propter potentiorem principalitatem
> necesse est omnem convenire ecclesiam, hoc est eos qui sunt
> undique fidelis, in qua semper ab his qui sunt undique
> conservata est ea quae est ab apostolic traditi.[406]

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[405] Kesich, Peter's Primacy in the New Testament, p60

[406] An English construction is offered by Sullivan in *From Apostles to Bishops*, p147 'For every Church should agree with this Church because of its superior foundation. In this Church the tradition of the apostles has been preserved by those who are from all parts of the world.'

Afanassieff has provided a helpful translation of the text of Irenaeus' statement …*necesse est omnem convenire ecclesiam*…by noting that the verb *convenire* is frequently translated to mean to 'be in accord with' but from the context of his letter, could more likely be translated as 'to address oneself to', 'turn to' or 'have recourse to'.[407] Irenaeus' text about the Church of Rome would then mean that 'if there is a dispute in the local Church that Church should have recourse to the Church of Rome, for there is contained the tradition which is preserved by all the Churches.'[408] Rome is thus an exemplar for what is preserved in all Churches with an apostolic succession. The Church of Rome is not the unique teacher or arbiter of the faith for all the Churches but the sign of the faith held to be apostolic by all of the Churches. In the same way that Peter can be the rock and foundation of the apostles who are collectively the structure on which the Church is built after Christ.

Vatican II has affirmed the same trajectory from the New Testament and from the early Church to the universal ministry of unity. This latter is found in the episcopal college and is also found in the head of the college as primate/*protos*. Both the succession of the Petrine ministry, through the Bishop of Rome, and the rest of the apostolic college, through the College of Bishops, are aspects of the same process of transmission. *Lumen gentium* draws a parallel between the unique apostolic ministry and its continuity in both the episcopate and in the Petrine succession:

> Just as in the Gospel, the Lord so disposing, St. Peter and the
> other apostles constitute one apostolic college, so in a similar

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[407] Nicholas Afanassieff, The Church Which Presides in Love. p132. in Meyendorff, *The primacy of Peter.*

[408] Afanassieff, The Church which presides in Love, 132

way the Roman Pontiff, the successor of Peter, and the bishops, the successors of the apostles, are joined together.[409]

Even though the Roman Pontiff and the bishops constitute two centres of the universal ministry of unity, the key point is that together they constitute one apostolic college. The Roman Pontiff is not above or outside of the apostolic college, but is one with the College as a bishop among bishops. The universal ministry of unity is not configured as a circle with the pope as the focus of the circle of bishops. The universal ministry of unity, which is exercised by the episcopal college, is like an ellipse with two foci made up of the episcopate in general and the head of the college.[410] This elliptical shape of the universal ministry of unity is grounded in the same theological process of evolution within an ecclesiology of communion and in faithfulness to the dominical institution of the apostolic college.

The ultimate goal of the universal primate must be to seek the good of the Churches in his care. His task is to keep them faithful to the apostolic *paradosis* as expressed in doctrine, worship, liturgy and Christian life. The honour of the universal *protos* is always the honour of his brothers.[411] The universal *protos,* or primate, must serve the good of the Churches of the *oikoumene* and of their bishops whose 'power, therefore, is not destroyed by this supreme and universal power but, on the contrary, is affirmed, strengthened and vindicated by it.'[412]

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[409] LG 22

[410] Ratzinger, *Primacy and Episkopat*, p56

[411] For my honour is the honour of the universal Church: my honour is the solid vigour of my brethren. Then am I truly honoured when the honour due to all and each is not denied them. For if your Holiness calls me Universal Pope, you deny that you are yourself what you call me universally. But far be this from us. Away with words that inflate vanity and wound charity. Book VIII, Epistle 30: (To Eulogius).

[412] LG 27

Neither Scripture nor history is ultimately able to point to anything more than a trajectory from apostles to bishops and Peter to Rome. Why there should be such a trajectory at all is a question of ecclesiology. The Church which has its origins in the One and the Many of the Holy Trinity as a divine communion continues to draw life and be shaped by this same dynamic of communion. In spite of twists and turns the evolution of these structures may have taken, it is the call of the future and the God who is always up ahead in that future that allows the future to be realised as the only time and trajectory that is real. When chaos in the Church is much more a likely possibility than order, if let to our own devices, God brings forth order and that order comes from the essence of the Church as a communion of communions and of the one and the many. Communion/*koinonia* is the equation that provides the elegant solution which accounts for the emergence of order.

3.14   A sign of universal communion

> The Roman Pontiff, as the successor of Peter, is the perpetual and visible principle and foundation of unity of both the bishops and of the faithful. The individual bishops, however, are the visible principle and foundation of unity in their particular Churches, fashioned after the model of the universal Church, in and from which Churches comes into being the one and only Catholic Church. For this reason the individual bishops represent each his own Church, but all of them together and with the Pope represent the entire Church in the bond of peace, love and unity. [413]

The pope is, according to Roman Catholic tradition, 'the perpetual and visible principle and foundation of unity of both the bishops and of the faithful.'[414] It may appear that there is a suggestion that the pope, as the visible principle of unity of all the faithful, is some kind of super-bishop of a world-

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[413] LG 23

[414] LG 23

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wide diocese. The statement however, should be read merely as a corollary of the pope being head of the college of bishops, since in the person of the individual bishops is represented the local Church over which he is head, therefore the college represents all the Churches or all the faithful.

Lumen gentium balances the role of the pope with that of the individual bishops, such that, together they represent the fullness of the unity of the Church. The relationship of the bishops and the pope may be viewed within a sacramental ontology and articulated within an ecclesiology of communion. The nature of the episcopate, of which the pope is a part, is to be a foundation and a principle of unity and to function as a sign of universal communion.

Lumen gentium both receives and interprets Vatican I. *Pastor Aeternus* taught

> In order, then, that the episcopal office should be one and undivided and that, by the union of the clergy, the whole multitude of believers should be held together in the unity of faith and communion, he set blessed Peter over the rest of the apostles and instituted in him the permanent principle of both unities and their visible foundation.[415]

This statement is affirmed in *Lumen gentium* and is also given a more complete context by including a reference to the role of all bishops as the foundation and principle of unity. The statement, as formulated by Councils Vatican I and II, is consistent with an ecclesiology of communion and should not be taken to give the pope an authority which is not consistent with such an ecclesiology. Both statements may be read as being consistent with the ecclesiological principle that, at the local, regional and universal level of Church, there is a *protos* who is head and a sign of unity for the Church at that level.

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[415] PA 4

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Roman Catholics assert that a personal universal ministry of unity does not mean that uniformity must be imposed on the Churches which exist under the authority of the head. This same section of *Lumen gentium,* which asserts the role of the bishops and the pope as the foundation and principle of unity does affirm the existence of diversity within the communion of the Churches. Mention is made of the historical development of families of Churches which:

> …have in the course of time coalesced into several groups, organically united, which, preserving the unity of faith and the unique divine constitution of the universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and spiritual heritage.[416]

That diversity exists within the universal communion of Churches 'with one common aspiration is splendid evidence of the catholicity of the undivided Church'.[417] This diversity includes the patrimony of the so called Eastern and Oriental Churches.

3.15 Within the apostolic college

The ministry of universal unity at all levels is exercised within the apostolic college, which is the universal episcopate. The Bishop of Rome, in order to remain head and primate of the College, must also remain in hierarchical communion with the whole of the episcopate. Hierarchical communion in the episcopate is an expression of conciliarity and collegiality even when the bishops are dispersed throughout the world. The realities of primacy and conciliarity, in a communion of communions, interpenetrate at each level because there is no other means of expression of authority and

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[416] LG 23d

[417] LG 23d

apostolic witness but through the sacrament of the Church as a communion. The co-inherence of primacy and conciliarity is found in the common *paradosis* as expressed in the Ravenna Statement:

> Primacy and conciliarity are mutually interdependent. That is why primacy at the different levels of the life of the Church, local, regional and universal, must always be considered in the context of conciliarity, and conciliarity likewise in the context of primacy.[418]

An insistence on this mutual interdependence is one of the safeguards against the development of monarchical tendencies within the functioning of primacy at any level.

A primate, whether a pope or a patriarch of an Orthodox Church, cannot be conceived of as having authority in the model of the monarchy, and especially, in the model of the absolute monarchies as had developed in Europe over the course of history. Recent popes, since John Paul I, have rejected the triple tiara of office which had been conferred on popes at their installations for several centuries. This has been a sign that they wished to move away from the symbolism that is reminiscent of coronations. Further work on reducing such symbolism, which is indicative of a special status, could be done by popes and, perhaps, by patriarchs who could reflect on the symbolic accretions that have become attached to their offices.[419]

Ecumenical councils are the highest expression of conciliarity at the universal level. The whole episcopal college may be assembled with its head in

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[418] Ravenna 43

[419] It is really necessary in this age for the pope or patriarchs to so distinguish themselves from other bishops by their manner of dress? Would it not be a more emphatic endorsement of sacramental equality in the episcopate for all bishops to adopt the same manner of dress appropriate to a bishop within their respective Churches? Instead of wearing white, (a practice which stems from a thirteenth century Dominican pope's white habit) the pope could revert to black with a purple sash and zuccehtto worn by all other diocesan bishops in the Latin Rite.

an ecumenical college. Such Councils in the time of the Roman Empire were, for the most part, summoned by the secular authority in the person of the Emperor. The participation of the Bishop of Rome, either through his legates, or through written interventions, and through the reception and approval of the conciliar decisions has always played a part in the conciliar process.[420] This point is acknowledged in the Ravenna Agreement;

> Conciliarity at the universal level, exercised in the ecumenical councils, implies an active role of the bishop of Rome, as *protos* of the bishops of the major sees, in the consensus of the assembled bishops. Although the bishop of Rome did not convene the ecumenical councils of the early centuries and never personally presided over them, he nevertheless was closely involved in the process of decision-making by the councils.'[421]

Ravenna thus affirmed the active role of the Bishop of Rome in relation to an ecumenical council. To insist that this is so because he is the *protos* of the bishops of the major Sees implies, however, something like the 'Pentarchy' or, at least, some form of federation of the major bishops which is then seen as constituting a distinct body within the episcopal college.

By definition to be ecumenical, all the Churches through the person of their bishop must be invited to and be able to participate fully in an ecumenical council without special privileges attaching to the bishops of the major sees. The Bishop of Rome has an active role in an ecumenical council because he is the universal primate, rather than because he is the president of the body of major bishops as is suggested by the language of the Ravenna Statement. Ravenna, in the above definition, distorts the ecclesiology of the Church as a communion by implying that the universal Church is expressed in

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[420] Sullivan, *Magisterium*, p57

[421] Ravenna; 42

the form of a federation of major sees with the result that the local Churches are eclipsed. Most of the global Churches, which are not located or represented in Europe and Asia Minor, would be excluded if the definition of primacy only includes primacy of the 'Pentarchy'.

The convocation of ecumenical councils had, as previously noted, been the initiative of the secular authority in the person of the Emperor of Rome. The universal primate, in any future convocation, would have to take the initiative. This is due, partly, from the obvious historical fact that the Roman Empire has ceased to exist, and, more importantly, because the canonical tradition is that a *protos* should convoke the council for his jurisdiction. Roman Catholics would insist that the Bishop of Rome, as *protos* of the universal Church, and because he is the head of the episcopal college, would be the only one with the authority to convoke such an ecumenical council. Ravenna seems to indicate a similar conclusion regarding the convocation of a future council by the pope as he is acknowledges as *protos* at least among the patriarchs. This conclusion is consistent with the canonical and theological understanding of a local or regional synod that is always convoked by the authority of the *protos*.

Lumen gentium has affirmed, immediately following the Council's affirmation of the ministry of Peter, the relationship of the co-inherence of Peter and the apostolic college, and that of the successor of Peter and the episcopal college:

> And just as the office granted individually to Peter, the first among the apostles, is permanent and is to be transmitted to his successors, so also the apostles' office of nurturing the Church is permanent, and is to be exercised without interruption by the sacred order of bishops. Therefore, the Sacred Council teaches that bishops by divine institution have succeeded to the place of the apostles, as shepherds of the

Church, and he who hears them, hears Christ, and he who rejects them, rejects Christ and Him who sent Christ.[422]

There can be no doubt that the ecclesiology of Vatican II affirms the co-inherence of the one universal ministry of unity in the personal mission of the primate and of the episcopate. This mission is entrusted to all of the bishops and, not only, to the bishops of the major sees. All bishops are vicars or icons of Christ, and not just the universal primate. The episcopate constitutes the supreme authority in the Church.[423]

3.16   A supreme, full, immediate, ordinary and universal power

The episcopal college holds supreme, full and universal power over the Church. This college, according to Roman Catholic ecclesiology, is presided over by the one who has succeeded to the office of Peter.

> In virtue of his office, that is as Vicar of Christ and pastor of the whole Church, the Roman Pontiff has full, supreme and universal power over the Church. And he is always free to exercise this power. The order of bishops, which succeeds to the college of apostles and gives this apostolic body continued existence, is also the subject of supreme and full power over the universal Church, provided we understand this body together with its head the Roman Pontiff and never without this head.[424]

The corollary also applies that the head is never considered without relation to the body of bishops. The theological commission of Vatican I, when commenting this text stated, firmly and resolutely, that this text was aimed at Gallicanism and the national governments, who are also the subject of the

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[422] LG 20

[423] Dumitru Popescu, Papal Primacy in Eastern and Western Patristic Theology: It's Interpretation in the Light of Contemporary Culture. in Puglisi, *Petrine Ministry*, p113 argues that Chrysostom's theology of episcopate emphasises the local and universal, since the bishop has to watch over the local and universal.

[424] LG 27

anathema which is included in the Canon of *Pastor Aeternus*.[425] The text affirms the freedom of the pope to communicate with, and to be able to provide a ministry of unity directly to local Churches. The text denied the Gallican position that national Churches are subservient to the will of the State. *Pastor Aeternus* also affirmed the freedom of the local bishops to exercise their authority over their local Church without interference from those same State authorities. The teaching was aimed at the affirmation that is there is no human authority that can interfere in what are internal ecclesial matters of doctrine and morals.[426]

That the supreme authority has two loci rules out any suggestion that the ministry of a universal primate may be conceived of as an absolute monarchy. The Theological Commission commentary on *Pastor Aeternus* is useful for interpreting this text. The theological commentary has stated that Christ's supreme power is given in a twofold commission consisting of the College of Bishops together and the visible head of the college alone. This twofold structure only becomes problematic when the two forms, which are bound together by the same apostolic commission and by the same sacrament, are considered as separate powers in competition, as they are so regarded in conciliarism and Gallicanism.[427] This view of separate powers in competition is explicitly rejected in *Pastor Aeternus*.

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[425] Pottmeyer, *Recent Discussions on Primacy*. pp218-220, 'Gallicanism was the real opponent which Vatican I was intended to combat and eliminate.' And he goes on to note that the desire to strengthen the authority of the pope came from the grass roots not from the Roman centre. Of course this begs the question who today, perhaps apart from some communist regimes, wants to control the Church in the way it was controlled by national interests c.1870.

[426] Pottmeyer, *Recent Discussions on Primacy*. p221

[427] Pottmeyer, *Recent Discussions on Primacy*. p221 Conciliarism, to be distinguished from conciliarity, was the theory that together the council was more powerful than its head and the head subject to the council. Ecclesiologically it makes no sense at all for the head and any level to be

Roman Catholic ecclesiology, in agreement with Orthodox theology, understands the power given by Christ to Peter as having been given to all of the bishops; 'it is evident, however, that the power of binding and loosing, which was given to Peter, was granted also to the college of apostles, joined with their head.'[428] The power of office is exercised in different ways by the pope and by the episcopal college at large as it is by patriarch (*protos*) and local eparch in the Orthodox Churches. The pope is able to directly exercise the universal primacy in a personal manner because he is *protos,* but the rest of the episcopate is less able to directly exercise the universal primacy over the universal Church because they are scattered throughout the globe and concerted action by the episcopate at large remains harder to bring about in concrete realisation.

The Bishop of Rome, as *protos* of the College of Bishops, has a unique ministry within the one universal ministry of unity. Two aspects of this ministry, which belong to the pope as *protos* of the college and which distinguish his ministry from theirs, are referred to in CD:

> In this Church of Christ the Roman pontiff, as the successor of Peter, to whom Christ entrusted the feeding of His sheep and lambs, enjoys supreme, full, immediate, and universal authority over the care of souls by divine institution. Therefore, as pastor of all the faithful, he is sent to provide for the common good of the universal Church and for the good of the individual Churches. Hence, he holds a primacy of ordinary power over all the Churches.[429]

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subject to the body since all are subject to the one Gospel and the authority of Christ. The only power and source of authority in the *ecclesia* is Christ, it is not a natural body brought together by the will or desire of the people.

[428] LG 27

[429] CD; 2

The pope, according to CD, has an immediate and an ordinary power over all the Churches. The fact that this is both immediate and ordinary is uncontroversial if we accept that he has his authority over the Church because he is *protos*. Every *protos* exercises an immediate and ordinary authority over his jurisdiction. The Theological Commission commentary indicates that this 'ordinary authority' means that it is an authority that is not delegated from the community instead it results from a commission of Christ and, that such authority does not mean that the pope should constantly intervene in the dioceses.[430] The term 'immediate' means that the pope can intervene anywhere in the Church if the necessity of the Church requires it, and that the authority of the State should not prevent him from doing so.[431]

There is a danger, of misinterpreting the scope of the universal primatial authority, in such a way, that it subverts the authority of the local Church, if the original intention Vatican I is not taken into consideration. Immediate and ordinary authority is not justification for frequent interventions in the life of the local Church or for regarding the local church as a branch of the universal. *Tuas Libenter* affirms the principle that *Pastor Aeternus* cannot be interpreted as giving a licence to such a view.[432] History has shown, however, that popes and patriarchs are not immune to such a misinterpretation of the scope of their authority and unjustified interference in the life of the local church. This is why it is so necessary in our day to recover a theology of the universal ministry of unity that is grounded in the episcopate and in the ecclesial praxis which reflects this reality.

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[430] Pottmeyer, *Recent discussion on primacy*, p221

[431] Pottmeyer, *Recent discussion on primacy*, p221

[432] Pius IX, *Tuas libenter*, December 21, 1863 DS 2879

It is also necessary to affirm that that the ordinary and immediate power of the *protos* at the regional or universal level, is not meant to suppress the work of the Holy Spirit in the episcopal college;

> The bishops themselves, however, having been appointed by the Holy Spirit, are successors of the Apostles as pastors of souls. Together with the supreme pontiff and under his authority they are sent to continue throughout the ages the work of Christ, the eternal pastor. Christ gave the Apostles and their successors the command and the power to teach all nations, to hallow men in the truth, and to feed them. Bishops, therefore, have been made true and authentic teachers of the faith, pontiffs, and pastors through the Holy Spirit, who has been given to them.[433]

Bishops may exercise their universal authority over the Church in a number of ways in union with the Bishop of Rome. The boundaries between their supreme and universal power and that of the pope are not drawn so sharply that they may only act collectively in an ecumenical council. This is because primacy and episcopacy are grounded in the same sacramental foundation. The Bishop of Rome, as *protos*, can assist the episcopate in its role by joining himself to the work of the episcopate or to elevate work done at a regional level in a service for the universal common good. It would seem that, without a personal universal ministry local or regional actions on behalf of the unity of the Church can only find a universal expression through a gradual reception of the decisions and acts of different bodies of bishops. An active and universal ministry exercised in a personal way, by the *protos*, can enable the Church to act more decisively especially in a globalised and complex world.

Christus Dominus recognised the service of unity that the pope can provide to the episcopal college in the exercise of its universal ministry:

> The exercise of this collegiate power in union with the pope is possible although the bishops are stationed all over the world,

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[433] CD; 2

provided that the head of the college gives them a call to collegiate action, or, at least, gives the unified action of the dispersed bishops such approval, or such unconstrained acceptance, that it becomes truly collegiate action.[434]

Initiatives for the good of the universal Church can emerge from the episcopate at large and can gain universal reception through the acceptance by the *protos*, of an initiative which emerged from below. The definitions of Vatican I, which defended the freedom of the pope and the bishops to exercise their ministry without interference from the State and defended the infallibility of the Church, did not emanate from Rome. They were, instead, a response of the Bishop of Rome to the Churches, and especially, to those Churches in Europe who wanted to be able to resist being absorbed by the growing nationalist movements.[435] It may be possible that an episcopal conference or synod might address a question of significance for the universal Church, and that, the pope could then propose that the action or solution is of value to the whole Church. The universal *protos*, in such a scenario, serves the unity of the Church by adopting a coordinating function, and by elevating the level of authority for the proposal and the solutions. No one, apart from the head of the college, would have an equivalent authority to provide this coordinating function since only this one is acknowledged as the *protos* of all the bishops and the Churches.

Pastor Aeternus defined the scope of the ordinary and immediate power of the pope and taught that:

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[434] CD; 4

[435] Pottmeyer, *Recent Discussions on primacy*, p218. Pottmeyer demonstrates how the movement for strengthening the papacy, episcopate and the teaching authority of the Church sprang from a movement among laity and clergy to protect them from the encroachment of the state which Gallicanism had surrendered to. The Ultramontane movement was not essentially about boosting the position of the pope but saving the autonomy of the local Church.

> Both clergy and faithful, of whatever rite and dignity, both singly and collectively, are bound to submit to this power by the duty of hierarchical subordination and true obedience, and this not only in matters concerning faith and morals, but also in those which regard the discipline and government of the Church throughout the world.[436]

The scope of this power may create concerns as to the limits of and the potential interference of the universal *protos* in the affairs of the local and regional Churches and indeed in the lives of individual Christians. Such a statement, when taken out of the context of the communion of Churches each with their own customs, traditions, spirituality, liturgy and law, could lend itself to the kind of maximalising tendencies which were evoked in some Roman Catholic theology and popular belief in the period between the Vatican I and II Councils. Exaggerated claims can be avoided in a theological evaluation of papal primacy when this is viewed through the reception of Vatican I by Vatican II, and by a consideration of the support which was given by the Papacy to the German episcopate in relation to the letter to Bismarck.

Nationalism and, especially, the rise of the Gallican movement in the French Church created the context for the bishops of the first Vatican Council to affirm the scope of the Papal authority. The Council, in doing so, can be interpreted as making a negative judgement regarding the idea of a national Church (Gallicanism), and can be understood to have asserted that there is, no longer, Greek nor Jew, French nor Italian, or any other division based on ethnicity or on nationalism, in the Body of Christ. It was a counterpart to the condemnation of *phyletism* by the 1872 Pan-Orthodox Synod of Constantinople which also had to wrestle with nationalism. The *anathemas* of Vatican I were aimed at the proponents of Gallicanism and at the secular authorities who would

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[436] PA; 3.2

attempt to usurp ecclesiastical authority. It did not diminish the episcopate or provide the basis for the maximalist claims which emerged after that Council.

Vatican I taught, in order that the assertion of the universal jurisdiction of the papacy against the competing claims of the secular authority should not be seen to undermine the episcopate, that:

> This power of the Supreme Pontiff by no means detracts from that ordinary and immediate power of episcopal jurisdiction, by which bishops, who have succeeded to the place of the apostles by appointment of the Holy Spirit, tend and govern individually the particular flocks which have been assigned to them. On the contrary, this power of theirs is asserted, supported and defended by the Supreme and Universal Pastor; for St. Gregory the Great says: 'My honour is the honour of the whole Church. My honour is the steadfast strength of my brethren. Then do I receive true honour, when it is denied to none of those to whom honour is due.[437]

Vatican I and later Vatican II 'asserted, supported and defended' episcopal authority against the incursion from the secular authority. It has been seen, in modern history that the Papacy has acted in this way to defend the rights of the Church in communist Europe, and to attempt to assert the legitimate rights of the Roman Catholic Church in the face of the establishment of the Patriotic Catholic Church in the People's Republic of China.

A central, if not defining, task of the universal ministry, which is exercised by the pope, must be the defending and promoting of the legitimate freedom of the Churches within their existing cultural context. That freedom must, as has been previously asserted in this thesis, also include a support for the legitimate diversity between the different *sui generis* Churches and families of ecclesial communities of the Church. The Church does not always operate in an area of freedom. Governments sometimes prevent Bishops from attending synods, from having legal rights over Church property, from being able to print

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[437] PA; 3.5

or to distribute religious literature, from conducting religious education, and from conducting hospitals, schools and welfare agencies in accordance with Church teaching. Asserting, supporting and defending the ministry that is exercised by the bishops can require more support than can be achieved by one local Church or even by a region. Such support must be regarded as a key interpretative principle of the ministry of the universal primate.

3.17 The Petrine ministry is bound by limits

The Petrine ministry that is exercised in the Church is not the exercise of a limitless and absolute power over the universal Church. It has been previously seen how Vatican I ruled out this interpretation. The Bishop of Rome is first a Christian before he is a bishop, and he is subject to the demands of the Gospel, and to the authority of Christ as much as any other believer. His episcopal authority, like that of the other bishops, is subject to limitations and is open to correction. New Testament portrayals of Peter, notably by Paul in his exchanges over the admission of gentiles to the nascent Christian community, indicate his limitations and of his lack of understanding. It also provided instances of where he was corrected by the other Apostles (cf Matt 16:23, 26:31, Mk 8:33, Gal 2:11). If the ministry of the Bishop of Rome is that of a successor of Peter, then he is no less immune from these limits and may be challenged when a challenge is required for the good of the universal Church. It should be recalled that, all who are the successors of the Apostles the 'bishops, teaching in communion with the Roman Pontiff, are to be respected by all as witnesses to the divine and Catholic truth.'[438] They, too, 'speak in the name of Christ and

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[438] LG; 25

the faithful are to accept their teaching and adhere to it with a religious assent.'[439]

Tillard recalls that Paul VI sought to introduce a note into *Lumen gentium* 27 saying that 'the Roman Pontiff ought to take account of the collegial power of Bishops but that he owed account to God alone.'[440] This note was rejected by the Council because it seemed to place the Bishop of Rome above the College, and also seemed to imply that his mandate alone was from Christ and was divinely ordered. The note was reviewed by the Theological Commission of the Second Vatican Council which also rejected it. The Commission confirmed that the authority of the pope is limited by many factors. The Commission advised that the pope was bound by revelation, by the basic structures of the Church, by the sacraments, and by the definitions of councils. The Theological Commission concluded that it was impossible to list all of the elements which limited papal authority. This means, for example, that the Bishop of Rome, when acting as primate, could restrict the authority of a particular bishop for the purpose of maintaining the Church in a unity of faith and love. Because of the divine origin of the episcopate the pope could not permanently restrict the authority of all the bishops or abolish the episcopate.

A number of attempts have been made to categorise the limits of papal primacy. A variety of factors have been listed by different scholars and this is indicative of the difficulty of listing all of them, as acknowledged by the Theological Commission. In order to illustrate some of these limits three such attempts at listing them by Richard McBrien, Karl Rahner and Patrick Granfield will be considered here.

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[439] LG; 25

[440] Tillard; *Church of Churches,* p41

McBrien has organised the limits on papal primacy into four categories. These categories are: collegiality; the existence of local Churches; the *sensus fidelium*; and, the existence of other Christian Churches.[441] Primacy, as it has already been shown, must be situated within the College. There must be dialogue between the Primate and the episcopate for there to be an effective primacy. Some structures are in place for this, and they include the Synod of Bishops, the *Ad limina* visits, and the papal visits to episcopal conferences when he is travelling abroad. There are informal contacts through letters, and through the exchange of documents. There are also requests sought by Vatican congregations for responses to questions about liturgical documents and theological issues, and about matters of Church discipline that have been circulated.

Local Churches exist in two ways in the Roman Catholic Church. There are local Churches gathered around a bishop of the Latin Rite. The Bishop of Rome has a direct authority over these Churches because he is *protos* of the Latin bishops and Churches. There are also local *sui generis* Churches, which are gathered around bishops of the Eastern Churches in full communion with Rome. They have their own patriarchs who are responsible for matters of theology, sacraments, liturgy and discipline and preside over the Holy Synod of the Church. The Bishop of Rome is, to them, a visible sign of the unity of the episcopate. The Pope, however, has no patriarchal authority over these Churches, since each of these Churches exist *sui generis* as autonomous Churches within one communion. This distinction is a significant one because it helps to illustrate the existence of different primacies within the papacy. The

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[441] Richard McBrien; *The papacy*, in Peter Phan; *The Gift of the Church: A Textbook on Ecclesiology.* Collegeville: Liturgical Press. 2000, p315

pope does not have the same kind of primatial authority over the Latin Church as he does in the other *sui generis* Churches. The Second Vatican Council and the subsequent Code of Canon Law for the Eastern (Roman) Catholic Churches grants them the right to regulate the life of their Churches in a manner that is consistent with their ancient patrimony. The pope does not exercise a direct control over the life of these Churches in terms of liturgy or discipline, or in other aspects of Church life. Leaving aside for a moment the problem of so called 'uniatism', the existence of varieties of Churches with a variety of structures and ways of living the one Gospel provides an illustration of the multiple levels of relationship which may exist between a primate and a local Church. Primacy, even papal primacy, is not monolithic.

The *sensus fidelium* acts as a limit on the papacy because it acknowledges that the Spirit is a gift to the whole Church. In matters of faith and morals which are non-infallible, according to *Pastor Aeternus* and Vatican II, reception can be seen as a limit to papal primacy. The failure of reception by many Catholics of key aspects of the encyclical *Humanae Vitae* may illustrate such a limit. Whatever the explanation that is given for its non-reception, there are, indeed, limits to papal authority.

John XXIII knew that the presence of the representatives of a variety of ecclesial communities and Churches would have some effect on the Council. The existence of the other Christian communities continues to act as a limit on what may be defined as essential to the Christian faith. Papal primacy may be limited by the goal of full and visible unity between all the Churches. This limit does not mean that teaching by consensus is required, but it does suggest that caution should be displayed when defining matters of faith which

remain controversial. These have the concomitant potential for increasing division rather than for promoting unity. Awareness may impinge on the consciousness of those who formulate teaching or who respond to issues, thus, creating a sense that 'we are not in this alone'. There is always the presence of the 'other' who shares our Christian faith.

Rahner approached the limits of papal primacy in a slightly different manner to the approach of McBrien. Rahner considered five main categories of limits which also applied to infallible teaching.[442] He proposed that papal teaching must accord with moral law and therefore a teaching that was opposed to the moral law would be not a genuine exercise of the primacy *ipso facto* and therefore, not binding on any person. Secondly he proposed that the pope, in formulating teaching, must rely on the guidance of the Holy Spirit and must discern what the Spirit is saying to the Churches. This is because the Holy Spirit is given to the whole Church to preserve it in truth, and is not given only to the bishops or to the pope. A third limit he proposed is the right to protest and to appeal against a papal teaching. This is a limit that has been part of the tradition of the Church from the beginning. An example of this was previously seen in Paul's opposition to Peter over the question of gentile circumcision.

Rahner proposed a forth limit was that of the language of the formulation of a teaching. Theologians and bishops can question the language that is used to express the teaching without rejecting its substance and, in this limited way, can appeal against it. A pope is bound to consider the views of the episcopate, especially in matters of grave importance, but is also naturally bound, through communion with the episcopate, to engage in dialogue on

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[442] Rahner and Ratzinger; *Primacy and episcopate* p130

matters concerning the unity of the Church in faith. Dialogue and conversation are a natural consequence of communion.

Rahner considers his fifth and final category of limit to follow directly from the necessity of consultation. Papal authority, in a communion of Churches, is limited by courtesy, by charity, and by the necessity for objectivity in formulating a teaching. All of these are aspects of the genuine respect and affection that the Bishop of Rome should have for his brother bishops.

Granfield approached the consideration of limits by asking the question: 'What happens if a pope unambiguously and publicly denies the truth of the faith?'[443] Can such a pope be judged? Does he cease to be pope? The answer to both questions must be yes.

There is no formal mechanism for the judgement of a pope provided in canon law but he can be judged by the episcopate and by the Church at large. There have been instances of popes being judged by the episcopate. The Synod of the North African Church judged the Holy See over the reinstatement of Novatian and over the support, which was initially given to his heretical position, by the Bishop of Rome. The Bishop of Rome was rebuked by the North African Synod and was made to recant. Any Bishop of Rome who obstinately held onto a position that was a public denial of a truth of the faith would cease to be the visible sign of unity.

Canon 1404 of the 1983 Code repeats the maxim; 'The first See is judged by no one.'[444] This maxim made its first appearance in the so-called false decretals, that is, in the Decretum of Gratian. Canon 1404 omitted the

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[443] Granfield ; Limits of the papacy p71

[444] Canon Law Society Trust, *Code of Canon Law*. London: Collins Liturgical, 1983.

section which completes that maxim in the false decretals; 'unless he is found straying from the faith.' This does not mean, even if a formal mechanism for judgement does not exist, that a Bishop of Rome is free from any form of judgement. The ordination ritual makes clear that every bishop is under the authority of the Gospel. The Bishop of Rome, through sacramental ordination, is under that same Gospel and is subject to the judgment of Christ who is the Head of the Church which is his Body.

Granfield considered a number of what he referred to as practical limits to papal primacy.[445] The first of these is the social context in which the papal primacy is exercised. Two examples can be considered to illustrate the application of this limit. Papal primacy ceased to function as an authority for many Christians during the period of the Reformation. Communities which embraced the reforms, even if they were not explicitly opposed to the ministry of unity that was exercised by the successor of Peter, did not feel compelled to adhere to the authority of the pope. The papacy was, thus, unable to assert its authority over dissenting communities within the social context of the Reformation.

The political context in which the Church finds itself may provide another example of a limit due to the social context. Papal primacy cannot be fully exercised today in the Catholic Church in China. The government of China regards the allegiance of Catholics to a foreign leader to be counter to its communist and national interests. The government of China has, instead, established the Chinese Catholic Patriotic Association, which is under the control of the Ministry for Religion, as a kind of parallel Church to the Roman

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[445] Granfield; *Limits of the papacy* p71

Catholic Church which continues as an underground and illegal Church. The primacy of the Bishop of Rome is impotent under these circumstances.

The resignation of a pope, as provided for in Canon 332 of the 1983 Code, is a kind of limit.[446] The reason for a papal resignation is not given, and nor does the resignation need to be accepted by anyone, if it is given freely. A bishop of Rome could resign through ill-health or for the good of the Church, if he felt he could no longer serve the communion of the Church. The exercise of papal primacy, as it is embodied in one individual, can come to an end through the free choice of the bishop himself, and this will then open the way for a new election and for a new embodiment of the ministry.

Each bishop brings his own particular style and gift for leadership to his ministry. This is sometimes called a leadership style where, in this sense, the leadership is embodied and is limited. The capacity of a bishop to be an effective leader varies between individual bishops. Some leaders can inspire others, and some can fail to communicate their vision and can fail to engage those whom they lead. This, too, is one of the practical limits on papal primacy.

Papal primacy is limited by negotiation, conventions and protocols. The Bishop of Rome may, generally speaking, appoint Latin Rite Bishops and has done so since the 1917 Code of Canon Law. This right of appointment is not absolute. A variety of conventions and protocols exist which have been negotiated between the Holy See and various governments for the appointment of bishops, and for the control and use of Church property. Some governments still reserve for themselves, the right to appoint or, at least, to nominate bishops. This happens in Paraguay and in Monaco. Some countries, such as France, also

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[446] Canon Law Society Trust; *Code of Canon Law*

reserve the right to comment on the nominations and to express their consent or, otherwise, to an appointment. Some regions retain the right to elect Bishops, such as in the diocese of Salzburg and parts of Bavaria. These relationships between the Pope and government are one that has been subject to a great deal of change over time, and it has not yet attained any fixed resolution. Relationships, protocols and other matters are still negotiated between the Holy See and many sovereign nations. The *sui generis* Eastern Roman Catholic Churches elect or appoint their own bishops, as well as, their metropolitans and patriarchs. They then relate such appointments in a letter to the Bishop of Rome.

3.18 The infallibility of the Church

Infallibility is a dimension of the authority of the church that bears further investigation in the Roman Catholic-Orthodox dialogue. Roman Catholics regard the infallibility of the church to be part of the charism of authority which Christ wished the Church to possess. There is broad agreement among Roman Catholics and Orthodox Christians that ecumenical councils represent the highest teaching authority and that definitions of these councils are normative and binding and therefore that dogmatic truths exist.

Roman Catholics believe that the infallibility of the church may be expressed in a variety of ways. They hold that collectively the bishops can teach that a doctrine is to be regarded as infallible and, also, that the Bishop of Rome, within very strict limits and by virtue of his office as head of the College, may declare a teaching of the Church to be infallible.[447] Infallibility is not a

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[447] LG 25

personal charism of any single bishop and this would include the Bishop of Rome. *Lumen gentium* states:

> Although the individual bishops do not enjoy the prerogative of infallibility, they nevertheless proclaim Christ's doctrine infallibly whenever, even though dispersed through the world, but still maintaining the bond of communion among themselves and with the successor of Peter, and authentically teaching matters of faith and morals, they are in agreement on one position as definitively to be held. This is even more clearly verified when, gathered together in an ecumenical council, they are teachers and judges of faith and morals for the universal Church, whose definitions must be adhered to with the submission of faith.[448]

An exercise of the infallible teaching office by the bishops is, first and foremost, an exercise of the authority and work of Christ who teaches the Church in the Holy Spirit. *Lumen gentium* establishes that three conditions are required for an exercise of the infallible teaching office by the bishops, these conditions are: the bishops must maintain the bonds of communion; the teaching must concern either faith or morals; and, the bishops must be in agreement that the teaching is definitive. The teaching is more clearly verified when they are assembled in an ecumenical council although they may exercise this infallibility when dispersed. All instances of the infallible teaching office of the bishops are therefore expressions of the conciliar nature of the Church.

When the Bishop of Rome makes use of the infallible teaching office he does so, according to Roman Catholic theology, as head of the college of bishops and his proclamations are subject to the same limits which apply to all bishops. There are several elements to the definition of the exercise of infallible proclamations by the Bishop of Rome:

> And this is the infallibility which the Roman Pontiff, the head of the college of bishops, enjoys in virtue of his office, when,

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[448] LG 25

as the supreme shepherd and teacher of all the faithful, who confirms his brethren in their faith, by a definitive act he proclaims a doctrine of faith or morals.[449]

The infallibility, which Christ willed for the church and no other, is the infallibility which belongs to the Roman Pontiff.[450] The exercise of the infallible teaching office by the pope is circumscribed by at least six limiting factors which are indicated in the definitions of Vatican I and II:

> And this infallibility, with which the Divine Redeemer willed His Church to be endowed in defining doctrine of faith and morals, extends as far as the deposit of Revelation extends, which must be religiously guarded and faithfully expounded. And this is the infallibility which the Roman Pontiff, the head of the college of bishops, enjoys in virtue of his office, when, as the supreme shepherd and teacher of all the faithful, who confirms his brethren in their faith, by a definitive act he proclaims a doctrine of faith or morals.'[451]

The first limit is that it must be an exercise of the infallibility of the Church, which Christ willed the Church to possess. That is, the pope may not teach infallibly on the basis of what his private faith or views are as a theologian, Christian or bishop. The second limit is that he is the head of the college and therefore has the requirement to remain in communion with the college. He could not teach, as a definitive teaching, that which is not held to be so by the episcopal college. The third limit is that he must always intend to act as the 'supreme shepherd' and as the 'teacher of all the faithful', and not in any ordinary pronouncement or exercise of his teaching office. This intention must be manifestly clear to all who are to receive the teaching.

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[449] LG 25 and PA, Introduction, §1

[450] LG 25. The text of LG twice underscores that infallibility is a charism of the Church and not of the bishops *per se*. Only they may pronounce the infallible teaching of the Church, either collectively or through their head. The definitions of Vatican I and II on infallibility are definitions of ecclesial infallibility and not papal infallibility.

[451] LG 25

The fourth limit is that he must be confirming the church in its faith, which is something which can be recognised and can be received by the *sensus fidelium* as the authentic faith of the Church. This limit relates well to the understanding that Afanassieff expressed with regard to the interpretation of Irenaeus' belief that in the Church of Rome the faith which was proclaimed there was the same faith found in all the apostolic Churches, as was discussed above.[452] The Church must be able to recognise its own faith in the teaching proclaimed.

The fifth limit is that it must be a demonstrable and definitive act of proclamation that is intended to define the faith of the Church. It cannot be any and every pronouncement of the pope or the exercise of the ordinary teaching authority expressed in catechesis, encyclicals and apostolic letters that are infallible but only those specific public and solemn pronouncements which are clearly intended to define a matter of doctrine.

The sixth limit is that what he is able to teach definitely: 'extends as far as the deposit of Revelation extends'.[453] It cannot go beyond what has been revealed by Christ to the Church. A dogmatic definition cannot be a new revelation even if that teaching had been obscure or in some way hidden. An infallible teaching must only bring forth into the light a publically known and verifiable truth of the faith contained in Scripture and Tradition.

The charism of infallible teaching is a very circumscribed charism and is also one that needs to be exercised very rarely. Roman Catholics and Orthodox Christians might find themselves in agreement on each of the limits,

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[452] Nicholas Afanassieff, The Church Which Presides in Love. In Meyendorff, *The Primacy of Peter*, pp129-143

[453] LG 25

with the exception being the third one. The dialogue may need to explore the meaning of the terms 'supreme shepherd' and 'teacher of all the faithful'. Roman Catholics and Orthodox Christians can, however, agree that what this definition means is to rule out any possibility that every papal encyclical, speech or pastoral letter must be regarded as an exercise of the extraordinary charism of infallibility. The most restrictive reading of these terms, 'supreme shepherd' and 'teacher of all the faithful' should, therefore, apply, within an ecclesiology of *koinonia,* so that the meanings of these terms do not conflict with conciliarity and with the nature of authority in the church. All bishops are shepherds and teachers of the faithful, and any sense that the Bishop of Rome is a super-bishop over all of the Church should be avoided

The pope can be considered the 'supreme shepherd' and the 'teacher of all the faithful' when he speaks as head of the college. This terminology works, provided that the college is understood as a representation of all the churches through the bishops. He can only assume this role of teacher of all the faithful when the agreement of all of the bishops is clearly manifest on matters which concern revelation.

There is, perhaps, too much consideration given to infallibility and to the exercise of the Church's infallibility by the pope. It is not often necessary to have recourse to infallible statements in order for the *magisterium* to teach at the highest level. Exercise of the infallible teaching office represents a miniscule though important element of the teaching office. The highest level of authority is an ecumenical council. Its teaching remains normative for the Church.[454] The definitions of papal authority contained in *Pastor Aeternus*

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[454] Ravenna, 35,

appear as an unacceptable novelty or even a heresy to some Orthodox and it remains a significant stumbling block on the way toward full communion.[455] It may also be the case that what the Orthodox find unacceptable about the definition are the same things Roman Catholic theology would find unacceptable.

It is necessary to make some further comment here, in order to situate infallibility within the 'complex of bearers of authority'. Komonchak argues, correctly in this author's view, that an exaggerated focus on infallibility has two effects. These are: firstly, to abstract the *magisterium* out of the complex of bearers of authority; and secondly, to encourage the misleading view that authoritative teaching need not rely on a reasoned argument.[456] Infallibility is a characteristic of the Church and is not the gift given to one man in the Church.[457]

Any infallible definition is a definition of the divine and catholic faith which can be recognised and received in the *sensus fidelium,* and which is believed by all the bishops who represent all of the Churches:

> …therefore his definitions, of themselves, and not from the consent of the Church, are justly styled irreformable, since they are pronounced with the assistance of the Holy Spirit, promised to him in blessed Peter, and therefore they need no approval of others, nor do they allow an appeal to any other judgment. For then the Roman Pontiff is not pronouncing judgment as a private person, but as the supreme teacher of the universal Church, in whom the charism of infallibility of the

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[455] Synod of Constantinople (1895) affirmed that 'popery' as a claim to domination was a heresy and only the Church as a whole is indefectible "The protector of religion consists in the entire body of the Church, that is the people themselves who want to preserve the faith intact." In Clement, *You Are Peter*, p71.

[456] Komonchak; *Humane Vitae*, p245

[457] LG 25c

Church itself is individually present, he is expounding or defending a doctrine of Catholic faith.[458]

The charism of infallibility can be individually exercised by the pope only because he is in communion with the College and can act as their spokesman. The consent of the Church to such pronouncements can never be lacking, because they come from the Church as part of her understanding of the faith. He is not personally infallible in his judgements as a private person.

Lumen gentium indicates that it is the universal church which cannot err in matters of faith.[459] Consensus and unanimity in the Church is an effect of the Holy Spirit, and is a sign of his presence that brings about the unity of the Church in belief and in space and in time. The faith of the Church can be passed on from one generation to the next throughout the ages, whole and entire, because of this unity which has been brought about by the Holy Spirit. Infallibility is a gift to the church so that it can identify and teach what is at the core of the faith:

> To these definitions the assent of the Church can never be
> wanting, on account of the activity of that same Holy Spirit,
> by which the whole flock of Christ is preserved and progresses
> in unity of faith.[460]

Assent can never be lacking because the hermeneutic circle is complete. The infallible proclamation by Pope or Council can only be the faith revealed to and recognised by the Church because the making of the definition is assisted by the Holy Spirit who is with the whole Church.

The principle that the content of the teaching is one thing and the manner of its expression is another, applies to infallible teaching as much as to

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[458] LG 25

[459] LG 12

[460] LG 25

fallible teaching.[461] The truth of an infallible teaching can be expressed in language which may be limited in its capacity to adequately define the teaching. The language may need to be revised to make it more effective or more intelligible to future generations. The truth that the dogmatic statement wishes to affirm remains true even when one's attempts to explain it and to describe it are limited by one's power of expression. The truth of an infallible teaching, since it is the faith of the Church is not therefore reformable. The language in which it is expressed may, however, be subject to change to assist the Church to understand and to teach the faith that is expressed in the statement.

Irreformability does not mean that infallible teachings are perfect as they stand and are immune from change. The apparent contradiction here is resolved if it is considered that the teaching is expressed in human language and is, therefore, historically and culturally conditioned. *Mysterium ecclesiae* has acknowledged that even infallibly-defined dogmas are affected by the limits of human knowledge and by the situation in which they are framed, by specific concerns that motivate the definitions, by changeable conceptions or thought categories, and by the expressive power of language.[462]

The number of dogmatic and infallible statements may not be fully known because many elements which are dogmatically true, such as the full humanity and full divinity of Christ, were defined by Councils before the doctrine of infallibility was defined. It is not as if the church did not have the capacity for infallible teaching before Vatican I, or that this capacity has only

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[461] UR 11

[462] Congregation for Doctrine of the Faith, *Mysterium ecclesiae*, 1973 n17

been used twice in the history of the Church.[463] The definition of the infallibility of the church and of the criteria surrounding it, as well as, of the means of its exercise, may allow the church to identify and to list infallible dogmatic statements which have been made by the Church in the past. The definition of infallibility is not the creation of a new level of authority in the church which had no existence prior to 1870. It is an affirmation of the presence of the Spirit, who enables the church to be certain about what Christ has revealed throughout the ages and for all the ages to come. It must be remembered that the demand for the definition of infallibility arose from a particular necessity of the times and was a movement of the local Churches which was received by the Council.[464]

In terms of the dialogue the key questions on infallibility are, do we agree that the church has infallible authority with regard to dogmatic statements and secondly, if we agree, how do we see that infallibility operating in the life of the Church? The two uses of papal teaching in confirming an infallible doctrine of the Church after Vatican I were the Assumption (the Dormition) and the Immaculate Conception of Mary, the Mother of God. Neither was proclaimed without a prior consultation with all of the Roman Catholic hierarchs and it was, therefore, a collegial act from a Roman Catholic point of view. It was, in the case of the first doctrine, a belief that is shared by Roman Catholics and Orthodox Christians. The second doctrine is more problematic, in

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[463] That is in the proclamation of the dogmas of Mary's Assumption (Dormition) and the Immaculate Conception of Mary the Mother of God. Orthodox may dispute the legitimacy of these Catholic dogmas both in terms of content and mode of proclamation. The point I wish to emphasise is that other truths which we would accept as dogmatic, such as the divinity and humanity of Christ, were simply proclaimed before the dogma of infallibility of the Church was proclaimed. The Church already sensed that infallible teachings were possible.

[464] Pottmeyer, Recent Discussions on Primacy, in Kasper (ed) *The Petrine Ministry*, pp218-219

terms of the eventual reception of such a teaching by Orthodox Christians. The question, in the doctrinal dialogue between Roman Catholics and Orthodox Christians, regarding the dogmatic status of both doctrines remains a subject for discussion.

Authority is acknowledged in the Roman Catholic and Orthodox Churches as a charism that the entire church receives from the Spirit. This charism is given for the building-up of the Church, to preserve the Church in the truths which have been revealed in Christ, and to make these better known. The dialogue partners have acknowledged that this charism expresses itself in a complex of bearers which include the bishops as successors to the unique apostolic witness. Roman Catholics and Orthodox Christians have affirmed that communion/*koinonia* is the framework in which all ecclesial authority is exercised, and that communion is also a criterion for its exercise.[465] Agreement on this principle of authority in the service of communion is a positive sign for the development of a ministry of universal ministry, which may be acceptable to both Roman Catholics and Orthodox Christians.

The questions, which surround the Roman Catholic and Orthodox understanding of the infallibility of the Church, and of the exercise of this infallibility in relation to the complex of bearers of authority, remain significant questions for investigation and an obstacle for full visible communion.

3.19   The Petrine ministry and the diocese of Rome

The Petrine ministry has become attached to the Diocese of Rome. The Roman Catholic-Orthodox dialogue identifies the ministry with the Diocese of Rome and with the primacy of that diocese and its bishop, even though

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[465] Ravenna, n18

disagreement remains about the nature of the ministry of the Bishop of Rome as *protos* and of a specific Petrine succession.[466]

If the personal Petrine ministry is of the *esse* of the Church as I have argued and if we were to imagine Roman Catholic-Orthodox agreement on that fact, and the exact content and meaning of that ministry, we would not need to factor Rome into the deliberations. If the Petrine ministry is a theological reality and a constitutive ecclesiological element, which expresses the will of Christ for his Church, then the geographic or the spatial location of the ministry is secondary. To illustrate this we could conduct a thought experiment. If we were to imagine that by some ill fate every local Church in the world save one was destroyed. If we imagine that this one that survives is the diocese of Wilcannia-Forbes in rural Australia then here would exist the one, holy catholic and apostolic Church and the Petrine ministry would be there too. If the Petrine ministry is a theological reality and is of the *esse* of the Church then it has an existence which is not dependent on history or geography. This does not imply that such a ministry has not been shaped by history and geography or other factors.

The essence of the universal ministry of unity, in its personal Petrine form, must be grounded in the sacramental reality of the episcopate and in a local Church. The Church of the City of Rome believes it has received and preserved this personal Petrine ministry as a gift for the universal Church. This is what John Paul II wanted to find a way of exercising within the new situation.

3.20   Conclusion of Part II

Part II has considered the primacy, which is exercised by the Bishop of Rome within the universal ministry of unity, as a particular exercise of the

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[466] Ravenna, 40, 44.

universal ministry of unity that is exercised by all bishops. The Roman Catholic-Orthodox dialogue acknowledges that the Bishop of Rome exercises a primacy within the canonical *taxis* of the principal dioceses. The Bishop of Rome acts, in this model, as president and moderator of the assembly of these principal sees. The functions of the moderator, as the one who presides in love, are not clearly defined.

This study presents a second model that is grounded in the pattern of conciliarity and which flows from the constitutive ecclesial ontology of the Church as a communion of communions. In this model, the primate at each level is a bishop and each bishop participates in the universal ministry of unity through his being in the apostolic succession. Primacy and authority are viewed, in this model, as charisms which belong to the constitution of the Church at each level. Supreme authority and the universal ministry of unity reside in the College of Bishops with its head. The ministry of unity and authority, at the local and regional level, is exercised in a personal manner by the one who is head of the many, and so too at the universal level. The Bishop of Rome is not president of a body of principal bishops in this model, but is president of the College in which all the local Churches are represented.

It has been argued in Part III that the universal ministry of unity is an apostolic function which Christ intended the Church to have and to maintain. There is a trajectory which can be discerned, from the apostolic ministry that was established by Christ, through to the episcopal ministry which has gradually assumed the apostolic ministry. It has been argued that evidence of a double commission can be discerned with the giving of commission to all the apostolic college and a particular commission to Peter as 'rock' within that college. A

trajectory may also be discerned in the evolution of the universal primacy that exercised by the Bishop of Rome. It is argued, on this basis, that the 'Petrine' ministry of universal unity is an ecclesiological reality that is expressed in the ministry and in the witness of the See of Rome. It is not an external compliment to that Church.

3.21   Conclusion

The theological foundation for the universal ministry of unity is founded on three elements which are constitutive of ecclesial ontology. These are: the apostolic ministry; the charism of authority; and, the Church as a communion of communions. The ministry of unity is exercised at the local, regional and universal level as an expression of these theological factors. All bishops participate in this ministry of unity. The conciliar nature of the Church came to express itself, over time, in a variety of forms such as in local or regional councils, and in ecumenical councils. The conciliar nature of the church has always presumed that primacy is not an external compliment to a church and its bishop, but an expression of the Church's being a sacrament/mystery and most vividly in the Eucharistic *synaxis* that is the pattern and model of the Church.

Some of the forms which have emerged have reflected the historical and cultural conditions in which they were developed. Regional conciliarity has, in particular, assumed forms that have absorbed the pattern of a particular era such as, of the ancient Roman Empire or of the modern nation state. These forms may need to be adapted to the new situation in which the Church finds herself today. The ministry exercised by the Bishop of Rome has also been

subject to various historical and cultural contingencies and these two may need to be adapted and renewed in the light of an ecclesiology of communion.

It has been seen that the ministry of unity is always exercised as a personal ministry and that the primacy, which is accorded to the one who is head and *protos* of the local or regional assembly, is a primacy of authority and not that only of honour. The bishop is *primus* in his local Church and the metropolitan or patriarch is *primus* of the regional conciliar grouping and as such has real authority over the Churches in his jurisdiction. The so-called apostolic Canon 34 provides the basis for this canonical ordering.

The way begins to open for agreement on a personal universal primacy that has similar characteristics to that of the primate at the local and regional level, if Roman Catholics and Orthodox Christians can agree on the nature of the personal primacy exercised at a local and regional level. Progress also requires acknowledgment that a differentiated participation in the same universal ministry of unity exists at each of these levels.

If the Bishop of Rome is the head of the College of Bishops, as Roman Catholics argue and that college is a sign of the communion of the Churches, then it follows that he has primatial authority over the bishops and their Churches (including all the faithful) in a manner that is consistent with the primatial authority that is accepted at other levels of the Church. The definitions of papal primacy from Vatican I, which were received by Vatican II, are specifically aimed at defending the rights of the bishops and of the local Churches. This seems to be a legitimate and necessary function of a primate. If the Church had not strengthened its position as independent of the State there was a real danger that the Catholic Church would have split into ethnic churches

and perhaps even become departments of State bureaucracy. Whether all those powers which flowed to Rome, such as the appointment of bishops in the 1917 Code of Canon Law, remain a necessary power is open to discussion and possible modification. The law regarding episcopal appointments by the pope, for example, reflected a historical necessity which no longer influences the Church in many countries.

There is a good foundation on which to proceed for the mutual acceptance of the universal ministry of unity that is exercised by the pope, if it can be accepted that the universal ministry of unity may be described as an ellipse with two foci - the episcopate and the head of the college. There are still further positive signs for agreement if the ministry of the Bishop of Rome can be situated within the common *paradosis* on the nature of the episcopal ministry, on the charism of authority, and, on apostolic witness. The prospects for mutual agreement on this ministry will be continually frustrated if, however, the ministry of the Bishop of Rome as universal primate is abstracted from these three elements of the common *paradosis*.[467]

The prospects and problems for the mutual acceptance of a universal ministry of unity that includes a personal universal primacy will be evaluated in the final chapter through the lens of the hermeneutic framework which has been developed for this study.

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[467] Zizioulas notes in the conclusion of his paper, Primacy in the Church: An Orthodox Approach; that a universal primacy which respects the local church, is grounded in an ecclesiology and ontology of communion is not only essential but 'an ecclesiological necessity in a unified Church. In Puglisi, *The Petrine Ministry*, p125.

Chapter 4

Prospects and Problems for the Reception of a
Universal Ministry of Unity

4.1   Introduction

We have seen how a number of significant studies have been undertaken on ministry of the Bishop of Rome in relation to the universal church. A number of studies focus on Scripture and the so called 'Petrine texts'. Among these studies may be found the works of Oscar Cullmann, well Otto Karrer, Arlo Nau and the ecumenical study edited by Raymond Brown, Karl Donfried and John Reumann.[468] The aim of such studies is to elucidate the foundations for Roman Catholic claims of a unique Petrine ministry which is exercised by the Bishop of Rome. A second category of studies are those which take a historical approach to the emergence of a specific Petrine ministry or papacy. Among these studies may be found works by Francis Sullivan and Klaus Schatz and to some extent the works of Jean-Marie Tillard, who relies heavily on historical development to account for the emerging papacy.[469] A third category of studies examine papal primacy from the perspective of what is broadly an ecclesiology of communion. Among these excellent studies may be found works by Hermann Pottmeyer, Terrence Nichols, Michael Buckley, John Quinn and again Tillard.[470] The fourth category is a number of Orthodox studies

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[468] Brown, Raymond, Donfried, Karl, Reumann, John (eds), *Peter in the New Testament*, New York: Paulist Press. 1973. Brown, Raymond, and Meier, John; *Antioch and Rome: New Testament Cradles of Catholic Christianity*. New York: Paulist Press. 1983. Brown, Raymond, *The Churches the Apostles Left Behind*. New York: Paulist Press. 1984 Karrer, Otto. *Peter and the Church: An Examination of Cullmann's Thesis*. Freiburg: Herder. 1963 Cullmann, Oscar. *Peter: Apostle, Disciple, Martyr: A Historical and Theological Study*. Philadelphia: The Westminster Press, 1953. Nau, Arlo, *Peter in Matthew: Discipleship, Diplomacy and Dispraise*. Collegeville: Liturgical Press. 1992

[469] Schatz, Klaus. *Papal Primacy: From Its Origin to the Present*. Collegeville: Liturgical Press. 1996. Sullivan, Francis. *The Church we Believe In: One, Holy, Catholic and Apostolic*. Dublin: Gill and Macmillan. 1988. Tillard, Jean-Marie. *The Bishop Of Rome*. Trans. John De Satge. London: SPCK. 1983

[470] Buckley, Michael, *Papal Primacy and the Episcopate: Towards a Relational Understanding*. New York: Crossroad Herder. 1998 Nichols, Terrence. *That All May Be One: Hierarchy and Participation on the Church*. Collegeville: Liturgical Press.1997 Pottmeyer in Kasper, Walter (ed). *The Petrine Ministry: Catholics and Orthodox in Dialogue*. New York: Newman Press. 2006.

on papal primacy. Among these studies can be found the works by John Meyendorff, Alexander Schmemann, and Olivier Clement.[471] The final category is those studies which look at papal primacy through the results of ecumenical conferences and official Roman-Catholic Orthodox dialogue. Several studies may be mentioned including the volumes edited by Walter Kasper, James Puglisi, John Borelli and John H. Erickson and the work by Adriano Garuti.[472]

Each category of study has made a very useful contribution to the body of literature on papal primacy, Petrine ministry and papal primacy in the communion of the Church and in relation to the episcopate. Where the present study departs from these is in the identification of the central question for investigation. The primary question addressed in this study is: What is the universal ministry of unity? The primary question is not: What is the universal ministry of unity exercised by the Bishop of Rome? The universal ministry of unity should be considered independently from the question about what role, if any, the Bishop of Rome might have in exercising this ministry. In this way the theological foundations for such a ministry, at all levels of the Church, may be exposed. Once the dialogue partners have received this 'text', 'a universal ministry of unity', then they may be able to envision ways that such a ministry

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[471] Meyendorff, John. (ed). *The Primacy of Peter: Essays in Ecclesiology and the Early Church*. Crestwood: St Vladimir's Seminary Press. 1992. Meyendorff, John. Schmemann, Alexander. Afanassieff, Nicholas. Koulomzine, Nicholas. *The Primacy of Peter in the Orthodox Church*. Bedfordshire: The Faith Press. 1973 Dvornik, Francis. *Byzantium and Roman Primacy*. Trans. Edward Quinn. New York: Fordham University Press. 1966 Clement, Oliver. *You Are Peter: An Orthodox Theologians Reflections on the Exercise of Papal Primacy*. Trans. M.S. Laird. New York: New City Press, 1997.

[472] Borelli, John and Erikson, John. (eds) *The Quest For Unity: Orthodox and Catholics in Dialogue*. Crestwood: St Vladimir's Seminary Press. 1996, Garuti, Adriano. *Primacy of the Bishop of Rome and the Ecumenical Dialogue*. Trans Michael Miller. San Francisco: Ignatius Press. 2004. Kasper, Walter (ed). *The Petrine Ministry: Catholics and Orthodox in Dialogue*. New York: Newman Press. 2006. Puglisi, James. (ed). *Petrine Ministry and the Unity of the Church: Toward a Patient and Fraternal Dialogue*. Collegeville: Liturgical Press. 1999.

can serve the Church, responding to the present situation, and knowing that any configuration of the ministry of unity is only an approximation of the reality. We may not be capable of realising the pure or essential form of this ministry in the lived experience of the Church because the church is a complex reality of the human and divine, always in need of reform and always on pilgrimage toward the Kingdom.[473] One of the dangers of *communio* ecclesiology is that it can focus too much on the ideal theological reality without being tempered by human historical and social realities in which the ideal takes on its shape.

Another way in which this study departs from the categories listed above is in conceptualising the dialogue on 'a universal ministry of unity' as a hermeneutical task. I have argued that neither the Roman Catholics nor Orthodox have fully received this 'text" and that they are embarking on this task together in dialogue. Having surveyed the data in relation to the universal ministry of unity principally through the documents of the Roman Catholic-Orthodox dialogue and Roman Catholic source documents we come now to evaluate that data through the hermeneutic framework developed for this study. This method aims to uncover the prospects and problems for the reception of a universal ministry of unity between the Roman Catholic and Orthodox Churches.

This study has followed a dialogic process. Four voices have been presented in this dialogue. The first voice is the agreed statements of the Roman Catholic-Orthodox dialogue, the second is the voice of the Roman Catholic source documents on the universal ministry of unity, the third voice is provided by a variety of Roman Catholic and Orthodox theologians and the fourth voice

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[473] LG 6, 10

belongs to the author. Dialogue is not a simple exchange of gifts where one idea is presented to the other for acceptance or rejection. Dialogue is an exchange of gifts whereby in receiving the gift of the other new meaning is created and even the gifts which are exchanged are transformed by the exchange process. When gifts from one tradition are exchanged with the other and the gifts accepted mutual enrichment occurs.

Applying the hermeneutic framework to the study, insights which emerge from the dialogue may be more readily identified and the significance of these for the investigation evaluated. This framework is analogous to a contrast medium that is used in diagnostic imaging in medicine or the use of a reagent in a chemical process. The use of a contrast medium or reagent serves to highlight and to make the underlying processes apparent and is, in itself, not the object of investigation but is merely a tool for the investigation. A contrast medium or reagent identifies the presence or absence of a reaction or process. It does not cause the reaction or process. The hermeneutic framework has been applied in this study, not as a study of the hermeneutics of the dialogue, but as a contrast medium or reagent, in an attempt to identify the underlying reactions and processes that may exist in the data that has been presented.

The application of this hermeneutic framework has facilitated an evaluation of the problems and prospects for the articulation of a form of the ministry of universal unity that may be acceptable to Roman Catholic and Orthodox Christians. This is a form that would be able to include a personal universal primacy, which exists in relation to the universal ministry of unity that is exercised by the episcopal college, and which would reflect the new situation for the mission of the Church.

4.2   The hermeneutic of coherence

Dialogue on the universal ministry of unity finds coherence on several significant points, each of which contributes to an integral theology of this ministry. These points of coherence about the universal ministry of unity are foundational for a fruitful reception of the personal universal ministry of unity that is exercised by the Pope. There are several emergent points that indicate coherence in Roman Catholic-Orthodox theology and that enable the development of an integrated theology. Some of these are considered below.

4.2.1   Conciliarity

The Roman Catholic and Orthodox Churches accept that conciliarity is of the *esse* of the Church, and that each level of conciliarity has a *protos* who exercises a leadership of authority in accordance with Apostolic Canon 34. The practice of conciliarity has never disappeared from the Roman Catholic tradition but it is true that conciliarity has been a more dominant feature of the life of the Orthodox Churches throughout the ages.

During the twentieth century conciliarity has found new expressions in the Roman Catholic Latin Church through the development of the episcopal conference as a means for expressing collegiality and the universal ministry of unity. The establishment of the Synod of Bishops in the Roman Catholic Church has strengthened the witness to conciliarity in that Church. A Council remains, in the tradition of both Orthodox and Roman Catholics, not only a gathering of bishops but through them, a gathering of the Churches of which they are head. An Ecumenical Council remains, for both traditions, the highest teaching authority under the presidency of Christ and guided by the Holy Spirit.

The *protos*, at each level, has not only a primacy of honour but also a primacy of authority over his jurisdiction, according to the apostolic canons and to the common *paradosis* of the Church. This teaching is accepted at the level of the local church (diocese) and at the level of regional primacy by Roman Catholic and Orthodox Christians. The common *paradosis* affirms the sacramental equality of all of the bishops and of the differences in jurisdiction of the *protos* at each level.[474] It can be said that, at the most fundamental level, there is no conciliar body without its head and there is no head without the conciliar body. The one who is *kephale* and *protos* always exercises this ministry in a personal manner at all levels. There has never been a tradition of rotating or of time-limited presidencies. The relationship between the *protos* and the body is ontological and is not merely an administrative necessity. Conciliarity/synodality is a reflection of the very being of the Church, which draws its unity from the unity of the Father, Son and Holy Spirit.

Questions remain in regard to the effectiveness of conciliar structures such as the Episcopal Conference and the Synod of Bishops in the Roman Catholic Church. Such questions focus on to the extent to which the hopes of the Second Vatican Council that such structures become truly collegial have been realised and the theological and teaching authority which attaches to these bodies[475]. Similar questions are found in the Orthodox Churches in regard to conciliar structures especially in regard to permanent synods. Some of these issues are taken up below.

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[474] Mesrob Kerkorian, The Primacy of the Successor of the Apostle St. Peter from the Point of View of the Oriental Orthodox Churches. In Puglisi, *The Petrine Ministry*. pp88-89. Although the Oriental Orthodox Churches are not part of the JCOC dialogue many of the points would be affirmed by both families of Orthodox Churches.

[475] We have seen above references to several studies which conclude that neither the episcopal conferences nor the synod of bishops reflect the hoped for sign of collegiality and conciliarity.

4.2.2 The episcopate as the locus of universal unity

The episcopal ministry is the principle and foundation of the unity of the Church at the local, regional and universal level. The universal ministry of unity, which is expressed through the college with its head, is found in the episcopate. The dialogue between the Roman Catholic and Orthodox Churches has begun to establish this principle as part of the common *paradosis*. It is true, however, that the existence of a universal *protos* remains less clear in Orthodox theology, where questions about the nature of universal primacy cloud this issue.

There is a great deal of coherence between the Roman Catholic theology of the episcopal ministry developed at the Second Vatican Council through a return to the sources, and a parallel development of renewal and concern about the episcopal office in the Orthodox Churches. The development of a fully articulated understanding of the episcopate, and of its relation to the universal ministry of unity, is a task that needs to be undertaken in the Roman Catholic-Orthodox dialogue. The role of the episcopal college in relation to the apostolic college has, in the Ravenna dialogue, opened up a very positive avenue for further shared agreement on the episcopate and therefore on the papacy. The ministry that is exercised by the pope has to be situated within the episcopal college and within the theology of the episcopal ministry. This process has already commenced, and provides a key positive sign for the common articulation of the universal ministry of unity that exercised at the universal level by all the bishops with the *protos* among the bishops.

The grounding of the papacy in the framework of the episcopal ministry also helps to challenge the foundations of some of the maximalist

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claims that have been associated with papal authority in the past. Situating the papacy within the episcopate creates positive prospects for the acceptance of a form of this ministry for universal unity. Every claim about the pope now needs to be evaluated against the claims about the episcopate. All authority of the Pope needs to be identified as an aspect of the episcopal authority that has been received by the whole church, as a sign of the continuation and the presence of the apostolic ministry which Christ willed for his Church.

A further exploration of the theology of the episcopate and of the practice of the episcopal ministry at all levels of the Church, in both in the Roman Catholic and Orthodox Church, will enhance the prospects for a positive reception of the Petrine ministry. It will also renew the effective sign of the universal ministry of unity that is witnessed by all of the episcopate. It may be that both communions have not yet fully grasped the significance of the episcopate as the sign of the universal ministry of unity, and have relegated the diocesan bishops as functionaries of a larger entity. The establishment of the correct perspective is vital for the reception of the local Church as a communion in the one, holy, catholic and apostolic Church. There can be no acceptance of the papal ministry without an acceptance that it is a participation in the episcopal ministry. This assertion provides grounds for positively assessing the prospects for the development of a universal ministry of unity that is acceptable to the Roman Catholic and Orthodox Churches.

4.2.3 An ecclesiology of Communion

The recovery of the ecclesiology of communion and its subsequent integration into Roman Catholic theology during the twentieth century has brought the two communions closer in their conceptual frameworks. Contacts

between Orthodox and Roman Catholic scholars through the *ressourcement* movement have enabled fresh developments in the manner in which the ecclesiology of communion has been expressed in the Orthodox and Roman Catholic Church. This has resulted in an even greater affinity between the ecclesiologies of both traditions.

The grounding of the dialogue between the Roman Catholic and Orthodox Churches within an ecclesiology of communion has fostered positive prospects for the emergence of a mutually acceptable articulation of the universal ministry of unity. It is this ecclesiology that enables the greatest coherence between these dialogue partners. Both agree that a universal ministry of unity can only be articulated within this ecclesiological framework, and that the universal ministry of unity must also serve to build up the communion of the Church and to give more effective witness to it as a communion of communions.

An ecclesiology of communion, which can truly foster a sense of the mutual co-inherence of the local and the universal church, acknowledges that the Eucharist not only reveals the local Church, but that it also reveals the universal Church. There is one Eucharist by which Christ gives himself to the Church in order that the Church may be transformed into what it receives. That one Eucharist, which is celebrated in each local Church gathered around its bishop, is the same Eucharist in all of the Churches. It has, thus, both a local and a universal dimension. The universal Church is not the sum of the parts of all of the Eucharistic ecclesial communities but is a participation in the same Eucharist by all communities. This participation in the one bread and in the one cup in the local and universal Church occurs simultaneously, and not

sequentially. It produces a visible manifestation of the Church in its local and universal forms in every Eucharist that is celebrated in every church even in the smallest community within a diocese.

An ecclesiology of communion which focuses too narrowly on the local or diocesan manifestation of the Eucharistic ecclesial community risks the fragmentation of both the Eucharist and of the Church. It does this by emphasising the local autonomy and self-sufficiency over the universal and cosmic dimensions of the Eucharist. Recognition of the simultaneous nature of the universal and local church also opens the possibility for acknowledging the necessity of a *protos* at each level, since the conciliar nature of the Church implies the existence of a *protos*/primate at each level.

4.2.4   An integral theology

This study has suggested that historical or Biblical studies alone are unlikely to yield a satisfactory resolution of the issues which concern the mutual reception of a universal ministry of unity. What is required is an integral theology which unites ecclesiological, Christological, pneumatological, soteriological and eschatological dimensions with a sacramental understanding of the Church and unity. There are already positives signs of the development of such an integral theology of unity. The ecclesiology of communion has re-awakened a sense of the Church in which the Trinity is seen as both the cause and the goal of ecclesial being. An ecclesiology of communion reveals 'ecclesial being' as being in communion. The life of the Church (ecclesiology) consists of receiving life from the communion of the Trinity, and of witnessing to that life in communion with God. The Church is the unity of humanity in that communion which is formed in the image of Christ (Christology), by the power

and presence of the Holy Spirit sacramentally realised (Pneumatology), so as to be a sign of the destiny of all creation in the communion of the Trinity (soteriology) and as the Church emerges into the future which comes always in time as a creative encounter in which all things are made new (eschatology) the trajectories which seemed present in the beginning have their unfolding in the present as that future arrives.

A theology of a universal ministry of unity which can be founded on these five integral elements; ecclesiology, Christology, pneumatology, soteriology and eschatology, can witness to communion in faith and love. Such a ministry can embody the nature and mission of the Church in the world through a holistic integration of elements in communion. A theological foundation such as this shifts from a concern about powers and juridical authority and is mission focussed. It looks beyond the status of the *protos* at each level toward being a sign of the Kingdom. It is also possible on this foundation to construct a praxis of the universal ministry of unity that is open to the future and to the world of meaning which may be disclosed along the pilgrim way to the future to which the Holy Trinity calls. The praxis of the ministry of unity at each level is open to a new situation and transformation of particular elements, expressed in canonical terms or received practices to meet the demands that new situation. Foundation on these five elements removes the fear of change and opens the horizon of possibilities beyond human concerns of power, privilege and prestige.

4.3 The hermeneutic of suspicion

A hermeneutic of suspicion asks: What factors, often non-theological, distort the truth of what is being said and received in the dialogues?

There are sometimes conscious and unconscious elements at work. These elements, which serve to distort the genuinely sought-after truth, include: prejudices; blindness as to the truth; the desire for power; or, the desire to preserve the *status quo*. Some of these elements may close down the avenues for reflection before the theological factors relevant to the discussion have even had a chance to be considered. Naming them and exploring them could be the very thing that is needed to achieve progress in the dialogue.

4.3.1   A mask of communion

John Paul II developed a very useful phrase; 'a mask of communion', which can be used to critique the ecclesiology and praxis of communion.[476] By mask, he meant the use of the language and symbolism of communion but in reality acting out of a very different ecclesiology. He provided the example of a parish pastoral council which might be used to display a commitment to a collaborative and a consultative leadership, when it actually masks the reality of a parish where the council does the bidding of the priest and acts as a rubber stamp for decisions which have already been made by him. There is always a danger, within the Church as a communion, that synods and councils can become the 'mask of communion' by assembling all of the bishops to simply agree on predetermined outcomes, or as an exercise in public relations that merely create an appearance of collaboration. The mere existence of structures of communion does not guarantee the experience of, or the witness to, this communion.[477]

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[476] NMI, 43. John Paul II used this term in relation to the facilitation of forms of communion and consultation at the level of parish and urged pastors to make genuine efforts at real consultation and collaboration in the life of the parish. The mask can be the presentation of the public persona of communion but the lived reality signals a more centralised and autocratic style.

[477] Some of these concerns were addressed above in the consideration of structures of communion such as episcopal conferences and the synod of bishops in the Roman Catholic Church.

One of the potential weaknesses of an ecclesiology of communion is that it is a 'high ecclesiology' and may be used to create an idealised picture of what the church *could* be, of how a bishop's ministry *could* function, and of how a pope's ministry *could* lead the Church. A statement of the ideal is important for articulating a vision of what should be the *esse* of the Church, but ideals are not enough. The language of an ecclesiology of communion serves the articulation of this ideal. The 'should' and the 'could' of an ecclesiology of communion needs to be balance by what is the reality. Every structure, which claims to serve the universal communion of the Church, should be open to critique regarding the actual reality of its service to communion. This critique would also have to encompass the universal ministry of unity that is exercised by the pope as well as conciliar structures.

The application of a hermeneutic of suspicion to the existing structures of communion could be a useful activity for consideration by the Roman Catholic-Orthodox Joint Theological Commission. A wide consultation with the episcopate, in both the Roman Catholic and Orthodox Churches, on the reality of the communion that is experienced through the existing structures of communion may yield a fruitful avenue for reflection. This may lead to a better appreciation of reforms which will be needed to bring about the reality of communion.

4.3.2   The Pentarchy

The 'Pentarchy', features prominently in the dialogue between the Roman Catholic and Orthodox Churches. It has been previously seen that there seems to be no evidence to support this structure as part of the *esse* of the Church. Its prominence in the dialogues may be attributable to a fixed historical view of the development of the ecclesial structure. The lack of a theological

foundation for the Pentarchy suggests that there have been predominantly non-theological factors at work in supporting the promotion of this structure within the dialogues.

The Pentarchy tends to lock the Church into the East-West divide of the old Roman Empire. This happens when choosing to look for a foundation for the primacy of the Roman See within the framework of the 'Pentarchy' or by casting the role of the Bishop of Rome as the *protos* among the *protoi* of the major sees. Christianity has not lived in the world of the Roman Empire for some time, and the new situation demands a new expression of unity and new structures.

To what extent are the factors of prestige, nationalism and the desire to hold onto an old order, driving the focus of the dialogue in the direction of the 'Pentarchy'? Would a fresh appraisal of the development of the triumvirate and then, of its evolution into the Pentarchy and later developments into the patriarchates of the so called autocephalous Orthodox Churches, shed any light on the nature of primacy? This may help to establish a clearer picture of the emergence of a Petrine ministry and its development but, ultimately, the restoration of a 'Pentarchy' does not solve the major issues that are involved in the acceptance of the Petrine ministry within the whole of the universal ministry of unity. A case would have to be made for the 'Pentarchy' as the model of unity. It cannot be an *a priori* assumption of the dialogue that a return to this form represents the fullness of the Church as a communion or is the best expression of the universal ministry of unity. A model of unity that is based on this division seems unlikely to address the present reality of a globalised world

where the terms East and West have little relevance to the actual situation of both Churches.

4.3.3   A primacy of authority, not honour

A bishop in his diocese and the regional metropolitans or patriarchs, who are the *protoi* among the bishops do not, as has been previously established, exercise a primacy that is merely honorary. These *protoi* exercise a real authority over their jurisdictions in accordance with the established canonical principles, which are consistent with an ecclesiology of communion. There seems to be no theological or logical basis for insisting that the primacy of the Pope is a primacy of honour if it is accepted that the primacy of authority applies at the local and regional levels.

A number of factors may be exerting an influence on the insistence on the existence of a primacy of honour at the universal level. Some of these may derive from the theory of 'Pentarchy' but it is possible that the confusion between the Petrine ministry, as claimed by Rome and the separate function of a kind of 'Patriarch of the Latin's or of the West' is at the root of problem.[478] There may be a fear that the authority that the pope may exercise over the Latin Church will be exercised in the same manner over the other Churches under the guise of a Petrine ministry. This fear does not seem to be allayed by the repetition that the Orthodox would not have to accept a Roman primacy over the universal Church that was not found in the first millennium.

This fear needs to be balanced against the reality that has been experienced by the Eastern Catholic Churches, which are in full communion

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[478] The term 'Patriarch of the Latin's' is not an official designation for the pope, however it is clear that the pope does exercise the functions which are patriarchal only for Latin Churches, no matter where these may be in the world.

with Rome. It is undeniable that Latin influences have sometimes been imposed on Eastern Churches in full communion with Rome and other Latin elements have been freely adopted by these Churches. Yet it is also undeniable that the Latin Church has been giving every encouragement to these Churches to purify themselves of the accretion of Latinising influences, however faulty this process may be, and no matter how much further this process has to go. The Pope does not act as patriarch of these *sui generis* churches. Each of these, while still remaining in full communion with the Roman Catholic Church, has its own patriarch and its own synod to support him in that ministry.[479] The Roman Catholic Church is committed to unity within a diversity of Churches. A hermeneutic of suspicion, when applied to this focus on a primacy of honour, may uncover other factors, which are driving this conceptualisation of the Petrine primacy as one of honour.

If we consider some of the 'primatial' functions the Bishop of Rome exercises in relation to the Roman Catholic Church we can see that some of these developed in response to contingent factors. The appointment of bishops prior to the 1917 Code of Canons was not largely the responsibility of the pope but the power was sought in order to free the Church from interference and control by the State. No states today (perhaps with the exception of China) want an active part for their government in the appointment of bishops. The reason for creating this power as a papal one is no longer present and so the Church could well look toward other mechanisms for the appointment of bishops. Even if we are to maintain that a universal ministry of unity exercised by the Bishop

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[479] It may be worth recalling that the autonomy of the *sui generis* churches of Eastern origin extends to such things as the liturgical recitation of the Creed which does not include the *filioque* in the Eastern Churches but only the liturgical recitation in languages other than Greek in the Latin Church. *Filioque* does not form part of the Latin Rite translation of the Nicene-Constantinopolitan Creed in its use outside of liturgical settings.

of Rome is of the essence of the Church and is in itself not a contingent reality, this should not imply that all the powers and means of operation of the universal ministry are identical with the present powers of the Bishop of Rome. These powers have changed over time and can continue to change over time. The sole criterion determining and justifying the continuing use of a power is that such powers are at the service of the unity of the Church and the mission of Christ.

4.3.4   The language of East-West and the diaspora in the Church

The language of East-West is used throughout this study because it is so commonly used in the sources. A hermeneutic of suspicion may be applied to the assumptions that support the usage of such language. This is not to deny the historical origins of the Roman Catholic and Orthodox Churches or the cultural milieu which gave rise to their liturgical, theological, and other elements of their unique patrimony. These give a distinctive character to each of the families of Churches and these very differences have enriched the Church.

There is, however, a need to question the language which designates Churches as Eastern or Western because this language does not correspond to the modern reality of the global Church. It has not been the lived reality of the Church for most of the last fifteen hundred years. East-West language serves to reinforce the legitimacy of structures where multiple jurisdictions can emerge and can be tolerated, because each national or ethnically- based Church is tied to the direct oversight of a patriarch in the 'east'. This patriarch is far removed from the new situation that is experienced by Churches in places such as in Australia or in the United States. The question can be asked: To which half of the East-West divide do the Churches in Latin America, Asia, and Sub-Saharan African belong?

The language of the *diaspora* is allied to the East-West language and is used to describe such communities as Serbian Orthodox or Greek Orthodox Christians which are now located in many countries like France, the United Kingdom, Australia and the United States. These are lands which, historically, were not part of the Eastern Roman Empire and the mother country of the national/ethnic church. Even the national prefix Serbian or Greek Orthodox suggests a failure to take cognisance of the new situation in which globalised Christianity now lives. There does not exist an equivalent in the Roman Catholic Church, in spite of some cultural differences and even banding together of migrants in communities where their language is spoken, there does not exist a French Catholic Church or an Australian Catholic Church only the Catholic Church in these countries.

Can the term *diaspora* be legitimately applied to Orthodox Churches? Meyendorff, among others, has made a cogent argument against the application of this description.[480] Such language reinforces an understanding of the Christian world as being divided into two halves of the old Roman Empire. This approach has been previously seen to be questionable but, more importantly, it raises the theological question about the relationship of Church to the world.

Christians are a people in the world, but are not of it and have no true home in any land. God has planted them among the nations, like the Jews during the time of the Babylonian captivity, where they must make a contribution to the common good and must serve God. The Greek Orthodox

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[480] John Meyendorff, *Catholicity and the Church*. Crestwood: St Vladimir Seminary Press. 1983. In an essay in the volume entitled Mission, Unity, *Diaspora*, he takes up the issue of the misuse of this term *diaspora* as he has done elsewhere.

Christians in the United States are no more likely to be described as a *diaspora* of Greece than would the Latin Roman Catholic Christians be described as a *diaspora* of Italy or, even, of Rome. France may have been once part of the Roman Empire but the United States has never been part of such an empire. Can it be said that French Catholics are in the *diaspora* but that American Catholics are not? The language of the East-West divide and of the *diaspora* may mask the reality of the ecclesiology of communion, and may promote ecclesiastical and national priorities above the ecclesiological realities. If Christians are in exile in a *diaspora* it is from their eschatological home, the fullness of the Kingdom, not a country.

The prospects for the acceptance of a Petrine universal ministry of unity and of a renewed sense of the universal ministry of unity, as it is exercised by the episcopal college, are not positive unless there is a move away from this East-West concept of Christianity and from the idea that some Christians represent a *diaspora* from their 'homeland'. A new language is required.

4.3.5   The reception of Vatican II by Roman Catholics

Orthodox Christians and Roman Catholics should apply a hermeneutic of suspicion to the reception of the teaching of the Second Vatican Council in regard to the relationship between papal primacy and the episcopate. There are legitimate questions that need to be asked about post-conciliar structures such as the Synod of Bishops and the more widespread adoption of episcopal conferences. The development of these latter structures was meant to be a sign of the universal ministry of unity that is exercised by the episcopate. The question can be asked: To what extent do these reflect the reality or do they reflect the mask of this communion? The relationship of the cardinalate in relation to these other bodies has not yet been fully articulated, and this lacuna

may create fresh opportunities for misunderstanding between Roman Catholics and Orthodox Christians.

An examination of the reception of collegiality may reveal structures and processes which require further development in order to align the reality of ecclesiastical life with the teaching. Orthodox Christians may have much to contribute to this reflection based on their own processes of consultation and conciliarity, which have been developed over the past millennia. Councils always take a long time to be fully received, and there is no reason to suggest that the Second Vatican Council will be any different.

It is known that Vatican I had intended to develop the doctrine on the relation of the Pope to the bishops. It is also certain, based on the commentary provided by the theological commission assisting the Council and by the papal endorsement of the letter of the German bishops to Bismarck, that such a teaching would never have reduced the bishops to being mere instruments of the Pope. The reality is that this teaching was not fully articulated until the Second Vatican Council, and only then, was it articulated within the newly recovered ecclesiology of communion. There had been a very lopsided teaching on the universal ministry of unity in Roman Catholic theology between 1870 and 1965. Lack of a clearly articulated theology of episcopacy would have exerted its influence over the prevailing perceptions of papal primacy in Roman Catholic and Orthodox reflection on this ministry. The theological articulation of papal primacy and the episcopate achieved at Vatican II would not, alone, change all of this. The theology needed to be received into ecclesial life.

A key element of the ecclesiology of the Second Vatican Council was the definition of episcopal ordination as the fullness of the sacrament of orders. It is vital that the implications of this teaching are fully received since the episcopate has inherited the mantle of the apostolic ministry along with the ministry of oversight for the local church. The theology of the sacrament of orders needs to be received as a descending ecclesiology and not as an ascending ecclesiology. The bishop must not be viewed as one who has ascended to the episcopate through the ranks of the *cursus honorum* in order to achieve the fullness of orders.[481] The bishop must be seen as the originating principal and foundation of the Sacrament of Orders, which is responsible for the communion of the local church, and which descends from him to the deacons and priests who share in his ministry of Word and Sacrament in the local church. Such an ecclesiology is more consistent with the understanding of authority in the Church, and of the sacrament of orders, as being the sign of Christ present as Head and Shepherd of his Church.

Ecclesial authority is always a vicarious authority, which descends from the Father, and through the Son, by the power and presence of the Holy Spirit. A descending ecclesiological understanding of the episcopate brings the Church closer to the patristic notion of 'the bishop in the Church and the Church in the bishop'. The teaching of the Second Vatican Council, on the fullness of the Sacrament of Orders being expressed in the episcopate, is an immense contribution to the understanding of the ministry of the bishop and primacy at

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[481] Orthodox and Roman Catholic practice reinforce the ascending view, as both preserve an ascending series of ministries and ordinations through which a man must pass in order to become bishop. Progressive ordination has not always been the norm of the Church and the case for direct ordination of lay men as deacons or *presbyters* or bishops should be considered as well as the subsequent ordination of either a presbyter or deacon to the episcopate. In this way the fullness of the sacrament of orders found in the episcopate shines more vigorously and perhaps as a consequence may serve the highlight the significance of the local Church in and from which the universal Church exists.

all levels. This teaching can assist both the Roman Catholic and Orthodox Churches to revitalise the ministry of the bishop in the Church. It may prove to be immensely helpful in challenging ecclesial practice, which can appear to relegate the local bishop to the position of a functionary or administrative extension of the metropolitans, patriarchs and pope.

Perhaps the most significant contribution the Bishop of Rome could make toward exercising the primacy which is open to a new situation is to strengthen the Roman Catholic Communion in all its parts.[482] Ladislas Orsy proposes eight areas within the life of the Roman Catholic Church which were identified as aspects of renewal by the Second Vatican Council and which are still in need of renewal, these are; the relationship between universal and particular Church, subsidiarity, collegiality, appointment of bishops, episcopal conferences, the Roman Synod of Bishops, papal teaching and the Roman Curia.[483] His list parallels to some extent the concerns listed in the ecumenical dialogues, in general if not in particulars, for it reflects a need to balance the centre and the local churches. The list also corresponds with the theological understanding of *koinonia*, primacy and episcopacy outlined in previous chapters of this paper and presents a guide to a praxis that might serve to give life to the Roman Catholic perspective outlined in those pages. Orsy's list, while not being exhaustive, suggests in outline, a program for implementing an elliptical conception of the supreme authority of the Roman Catholic Church. It has the potential to realise all primatial acts as truly collegial acts and to affirm that the College is the supreme authority.

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[482] Ladislas Orsy; The Papacy for An Ecumenical Age: A response To Avery Dulles. *America*. 21 October, 2000 p23

[483] Orsy; *Papacy for en ecumenical age*, p24

The universal Church exists in and from the particular Churches, which have the characteristic of the one, holy, catholic and apostolic Church.[484] Rome cannot assert its primacy over the local churches as a representative of some antecedent universal Church because it is neither logically nor theologically possible. Rome is a local Church with the charism of primacy in the service of the universal Church it is not the universal Church. Subsidiarity flows from an understanding of the universal Church as a Church of churches. The same Spirit is operating for the sake of the Gospel in all of them. Subsidiarity acknowledges that the Spirit should not be hindered by a type of primacy that would deny the action of the Holy Spirit within legitimately constituted members of the Body of Christ. Local communities may be able to find local solutions to local problems without the need to refer the matter to a higher authority or to seek approval of a higher authority. In fact, in matters that concern the local church the highest authority is the bishop. As a sign of his communion with the other churches he may communicate his decisions to adjacent churches in order to inform them and to seek the wisdom of sister churches. Authorities outside the local Church, an episcopal conference, Roman Curia or the Pope should only intervene when it is truly necessary for the preservation of communion in the apostolic faith.

Collegiality has not been realised to the fullest extent in the post Vatican II era. Collegiality must mean more than consultation. Consultation implies that the bishops are advisors to the Pope and not true collaborators who have an equal concern for the whole Church as well as the portion assigned to them by Christ. The College, as we have seen in preceding chapters is the entire

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[484] LG; 23

episcopate, including the Bishop of Rome, who is head of the College. If collegiality is made equivalent to consultation then it would appear that only one member can exercise the supreme authority which is the subject of the entire college. Current practice and canon law would seem to create the impression that the supreme authority can only be exercised by the Head of the College and this impression needs to be corrected. A case in point is the appointment of bishops. Appointment of bishops since 1917 has been largely the responsibility of the Bishop of Rome. Might it be possible for Episcopal Conferences to be given the responsibility of appointing bishops and the election of the Bishop could be communicated to Rome, as is the practice of the Eastern and Oriental Roman Catholic Churches? Conferences might even find a mechanism to consult more broadly with the local church and find a means to assist the laity and clergy to participate in elections. Episcopal conferences, as a practical expression of collegiality, have not realised their potential and are bound by canons and conventions which deprive them of significant theological authority on almost every issue. They are hardly a pale reflection of the regional and provincial synods of the ancient Church which are cited by the Second Vatican Council as witnesses and antecedents to the modern form of episcopal conferences. Their failure as a collegial experience acts as a powerful countersign of a living ecclesiology of *koinonia* in the Roman Catholic Church, especially for the Orthodox Churches which have preserved a synodal form of governance.

The Synod of Bishops has met a similar fate to episcopal conferences as an unrealised expression of genuine collegiality. The Synod has been restricted to discussion of the agenda that has been set and only

recommends matters to the Pope who prepares the post-synodal statement. It has been noted above that Benedict XVI has opened up the scope of matters to be considered to individual language groups of the Synod but much of the restrictive structure remains in place. The Synod of Bishops holds out promises of genuine exercise of collegial authority that have yet to be fulfilled.

Papal teaching through encyclical letters, apostolic visitation and the statements of Roman Curia are frequently accorded a much higher status than is actually attached to the documents themselves. There is in a sense a creeping infallibilism that has the effect of blurring distinctions about the hierarchy of truths and risks claiming that assertions in documents are true by virtue of the authority proclaiming them, rather than by virtue of the clarity of the argument and their support in Scripture and Tradition. Finally the reform of the Roman Curia that was sought at the Council has not been completed. Too many matters are still referred to the Roman Curia, which could have been dealt with at a local level and the impression is created that Rome is headquarters from which bishops must report and take orders.

Lingering questions about the role of the episcopal college and of the operation of the Synod of Bishops may have to be jointly explored by Roman Catholic and Orthodox theologians. This dialogue would need to find a common language for talking about these questions and would need to develop some common criteria for evaluating the effective level of the reception of this teaching. A hermeneutic of suspicion applied to the reality of collegiality and primacy within an ecclesiology of communion may enable the dialogue partners to develop new understandings of the universal ministry of unity.

4.4   The hermeneutic of confidence

A hermeneutics of confidence is expressed as a willingness to listen to the other and, while not necessarily accepting all that the other says, to at least acknowledge the possibility that the Spirit may be speaking through the other. Evidence of such willingness to listen has evolved in a relatively short time since the Second Vatican Council. It provides one of the most positive prospects for arriving at a mutually acceptable understanding of the universal ministry of unity that includes all bishops and the unique ministry that is exercised by the Bishop of Rome. The following section discusses some areas where a hermeneutic of confidence may be applied.

4.4.1   An ecumenical spirit

Roman Catholics and Orthodox Churches have, since Vatican II, affirmed that the desire for full visible unity springs from the Spirit and cannot be halted.[485] This is despite some anti-ecumenical comments and events which surface from time to time. The dialogue of love, which commenced between Pope John XXIII and Athenagoras I and then continued with Paul VI, has emerged into a dialogue of truth and the mutual recognition of a sister Church relationship between the Roman Catholic and Orthodox Churches. Statements, which have been produced by the Joint Roman Catholic-Orthodox Theological Commission, display openness for discussing difficult questions and for establishing commonly-held beliefs. They also have suggested areas where

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[485] A group of Orthodox clergy in Greece, led by three senior archbishops, have published a manifesto pledging to resist all ecumenical ties with Roman Catholics and Protestants. Reported in *Ecumenical News International*, 14 July 2009. Many bishops, archimandrites, *presbyters*, deacons and laity have signed the initial statement condemning ecumenism as a heresy and have circulated this statement worldwide via the internet calling for people to add their names to it as a petition to the heads of the autocephalous Churches. In the Roman Catholic Church the schismatic group established by Archbishop Lefebvre rejects certain aspects of the ecumenical encounter as well as other significant elements of the teaching of Vatican II.

further exploration and clarification needs to be sought between different positions.

It has been previously suggested that some of the agreed statements produced in the dialogues cannot be accepted at face value because they have built in assumptions which have not yet been fully tested. The statements are, nonetheless, hugely significant for the road towards unity. They are, by their very existence, signs of hope. The latest documents give witness to a degree of confidence for their potential to identify and to address substantial issues about the universal ministry of unity of the bishops along with that claimed by the Bishop of Rome.

4.4.2 A renewal of conciliar and synodal processes

John XXIII could, perhaps, have implemented a reform of the Roman Catholic Church by himself directing it from the Holy See. Roman Catholics would, perhaps, have accepted that he had the right to do so in the prevailing climate of the Roman Catholicism of 1959. They may have accepted reforms even if they did not agree with them. He chose, instead, to call a Council and, in doing so, affirmed the deepest instinct of the Church that, when major reform is called for or major decisions are to be made, it is best to rely on a Council and on the wisdom of the episcopate aided by the Holy Spirit. John XXIII convoked the Council, and apart from a few brief interventions, neither attended the Council nor directed its proceedings. He left it to the bishops themselves. Paul VI made some interventions to assist the smooth running of the proceedings by removing contentious areas of debate that had the potential to occupy great portions of the sessions. Some of his interventions were,

however, not received very well by the bishops.[486] Alberigo and others have affirmed that the experience of the Council was a transformative event for the bishops, as they learned the meaning of the universal ministry of unity through the life of the Council.[487]

It became obvious to the bishops, during the Vatican II, that the Church needed a renewal of its conciliar structures in order to witness to the universal ministry of unity. The Synod of Bishops emerged from the Council as well as an expansion of the use of episcopal conferences in most parts of the world. A renewed appreciation for conciliarity had taken place within the Roman Catholic Church. This renewal is a source of confidence that the Spirit does continue to speak in the Churches. It can also be a sign to Orthodox Christians that Roman Catholics can renew the papacy and conciliarity, not in opposition to each other, but as complimentary developments. It has been previously noted, however, that there may still need to be some refinement in the Roman Catholic conciliar process as the high hopes for collegiality may not yet be realised in present structures and modes of operation.[488] The value of this sign is that conciliarity does happen, even if it is not always as the Orthodox and Roman Catholic Churches might wish.

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[486] Here we may think of the decision to cut the divisive debate on ordaining both married and single men to the *presbyter*ate and the question of artificial methods of birth control. The decision to refer the question of birth control to a separate commission allowed the work of the Council to proceed and for ore specific attention being given to the question involved in the matter. The insertion of the *nota explicativa praevia* on primacy and episcopacy into *Lumen gentium* without the consideration of the matter by the Council was less well received and marked a significant shift in the relationship between Council and Pope at this Council.

[487] Alberigo in his five volume study Komonchak in various articles and O'Malley in his study *What Happened at Vatican II?*, as well as others have commented on the experience of the council as a learning and transformative moment.

[488] Gooley A, Has the Church Lost Its Way with the Renewal of Genuine Episcopal Collegiality? AEJT Vol 1, August 2003

4.4.3 A Code of Eastern Canon Law

The fact that the Roman Catholic Church has developed a Code of Eastern Canon Law that guarantees the autonomous status of those Churches (Byzantine, Armenian, Syrian, Chaldean and Coptic), in full communion with the See of Rome should be seen as a positive valuation of the concept of diversity in unity. The code seeks to preserve their tradition and system of law and discipline. This effort coupled with the encouragement of the Second Vatican Council for these Churches to divest themselves of Latin influences and to return to their ancient patrimony, provide signs for confidence. The Orthodox Christians should be able to recognise through this sign that the Roman Catholic Church values and respects diversity in unity and the ancient traditions by which the Orthodox Churches express fidelity to the common *paradosis*.

Leaving aside the problem of canonical questions and the whole process of corporate reunions that are addressed in the Balamand Statement, the desire for preserving and celebrating diversity among the Churches in full communion with Rome, is part of the common *paradosis* and is not opposed to the concept of universal ministry that is exercised by either the College of Bishops or by the Bishop of Rome. Encouragement for the renewal of these traditions within the Roman Catholic Church can be positively re-framed as a valuing of the unity and diversity that is part of the common *paradosis*, which a universal ministry of unity can encourage.

4.5 The hermeneutic of rupture

The principle that no Council is to be interpreted against the common *paradosis* has been previously established. Diachronic continuity with the apostolic *paradosis* is maintained in the apostolic succession of the

Churches. Councils do not merely repeat the teaching of the past, they interpret and receive what has gone before into the new situation in which the Church now speaks and lives. This is true, not only for Councils but, for the life of the Church in all its varied aspects such as liturgy, sacramental life and canonical traditions.

The hermeneutic of rupture does not detect elements which contradict the *paradosis* but, rather, those which represent the turning points within the elaboration of the *paradosis* like the turning point of a parabola or the boundary between the layers of stratification in sedimentary rocks. These points of rupture are worth examining together as the Churches engaged in and are receiving the dialogue. Five such ruptures within the *paradosis* have been described in this thesis. They provide positive prospects for the emergence of a common understanding of the universal ministry of unity.

4.5.1   A hierarchical communion

The term 'hierarchical communion' is a significant neologism that has been used in the documents of Vatican II. Authority in the Church derives its ultimate source from the communion of the Father, Son and Spirit. Christ gives a sign of his continuing presence as head of the Church through the Sacrament of Orders. Ecclesial authority is, thus, a hierarchical and sacramental authority. This juxtaposition of hierarchy and communion is creative, and opens possibilities at all levels of the church for applying a corrective to an understanding of hierarchy, which is conceived as top-down control.[489] There

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[489] The concept hierarchical communion applies at all levels of the Church, local, regional and universal. The hierarchy in the church, deacons, *presbyters* and bishops each are embedded in the communion of the local church and server the communion. As we noted earlier in the study the *hierarche* at its most fundamental definition means sacred origins. That is, authority in the church has its origins in the will of Christ who wished to establish a sacramental sign of his continuing presence as head and shepherd of his Church.

is, instead, the one who is *protos*, who is always within the communion and not above it at each level of ecclesiastical structure. Hierarchical communion, as a way of relating popes, patriarchs, metropolitans and bishops to one another, seems to remove authority in the church away from both democratic and monarchical organisational schemes. Hierarchy is always related to the mystery/sacrament of communion and has its source and central principle in communion.

This neologism marks a rupture in the language of Roman Catholic theology from the language of the period that immediately preceded the Council. Prior to the Council Roman Catholic theology had to draw on language of hierarchy and secular society to attempt an explanation of the relationship of authority within the Church. The new language offers greater prospects for the development of a mutually acceptable articulation and praxis of the universal ministry of unity by embedding the *protos* within communion. Greater attention to this rupture, in the language of the theology of authority, may prove to be a useful and integrative path to explore in Roman Catholic-Orthodox dialogue.

4.5.2   A theology of the episcopate

It has been previously seen how the theology of Orders in the Roman Catholic Church, in the period immediately prior to the Second Vatican Council, emphasised the *cursus honorum* and regarded the consecration of a priest as a bishop as being necessary for the transfer of juridic authority, but not for the *esse* of the Church. Vatican II, as previously discussed, taught that episcopal ordination was the fullness of the Sacrament of Orders, and that the ministries of the deacon and *presbyter* flowed from it as a participation in the ministry of the bishop. This teaching gave an emphasis to the sacramental

ontology of the episcopacy. It also situated the juridic and pastoral aspects of the office of the bishop as a prolongation of Eucharistic presidency over the local church. This shift in the theology of the episcopate, although it is a recovery of a more ancient theological tradition, should be considered by the Orthodox and Roman Catholic Church as marking a significant rupture.

This study has argued that the renewed theology of episcopacy provides a key to the development of a theology of the universal ministry of unity that is exercised by the episcopal college. This rupture points, above all, to a recovery of the apostolic dimension of the episcopate. The renewed theology assists in separating out the elements that are related to the apostolic ministry, which are universal and episcopal ministry of governance and oversight of the local Church. An acknowledgement of the significance of this rupture in Roman Catholic theology of the episcopate, for the Roman Catholic-Orthodox dialogue provides another positive prospect for the development of a mutually acceptable understanding of the universal ministry of unity.

4.5.3   The local Church

The recovery of the idea of the local Church in Roman Catholic ecclesiology is allied to the recovery of a theology of the episcopate within an ecclesiology of *koinonia*. This rupture within the language of the conciliar documents represents another positive prospect, in the theology of Vatican II, for the development of a mutually acceptable ministry of universal unity. The concept of the local church in and from which the universal church has its being opens the way for a positive reception of a universal ministry of unity exercised by all bishops and the head of the college. This opens up the possibility for recognising that a personal ministry of universal unity could be exercised by the

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Pope in such a way that the local Church is not subsumed into the universal Church.

This shift in Roman Catholic ecclesiology brings it closer to the Orthodox ecclesiology of the local Church. This ecclesiology establishes one of the limiting factors that must apply to the ministry of a pope and a patriarch, which is to respect the legitimate rights of the local *ecclesia*. The development of a theology and praxis of universal primacy needs to take account of the mutuality of the local and universal Churches.

4.5.4 The episcopal college and supreme authority

The language of Vatican II that identifies the episcopal college as being the subject of supreme authority in the Church is qualified by a reiteration of the supreme authority of the Roman Pontiff. This language, nonetheless, marks a rupture in the theological language of the Roman Catholic Church. Vatican I, as has been previously seen, did not deny the reality of supreme authority within the College of Bishops; it simply did not state it, as such, in positive language in the canons of the Council. The concept that the supreme authority is found in the episcopal college and in the head of the college allowed the development of a conceptualisation of authority, in which the Church can now be viewed as an ellipse with two points of focus - the episcopate and the universal primate. The episcopal college, which is grounded in the universal apostolic ministry, is the subject of the universal ministry of unity. This universal ministry of unity can be conceived of as having two modes of expression: the episcopal ministry which is dispersed throughout the world; and, the ministry of the primate/*protos* of the College of Bishops.

It has been previously discussed how the Roman Catholic-Orthodox dialogues have been able to develop a shared expression of the ministry of the

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College of Bishops, despite not having developed a shared articulation of the ministry of the *protos* of the college. The language of the episcopal college is a recent development in Orthodox ecclesiology. The sharing of this language in the dialogues provides positive prospects that may enable the dialogue to focus more specifically on the head of the college. This study has argued that every collegiate and conciliar group is always known to have a head, who coordinates the action of the whole group and who has authority over the members of the college. This principle, which is enshrined in Apostolic Canon 34, provides a starting point for a reflection on the role of the head of the college.

4.5.5   The Orthodox Church in America (OCA)

This study has alluded to the emergence of the Orthodox Church in America (OCA) as an autonomous Orthodox jurisdiction and its significance for the present discussion has been noted. The grant of autocephaly to this Church, and its subsequent attempt to bring proper canonical order into the Orthodox Church of one geographical region, marks a significant rupture in Orthodox ecclesial practice. This Church, with its continuing outreach to other Orthodox communities in America, ignores the ethnic and national lines into which communities have been divided. It is an expression of the reception of the condemnation of *phyletism* at the Pan-Orthodox Synod of Constantinople in 1872. It also points to the proper canonical order and ecclesial practice, which best corresponds to the ecclesiology of communion that both Roman Catholics and Orthodox claim to be the essence of the Church. The basis for the existence of this Church is the belief that the Church which Christ founded should be beyond ethnic and national limitations.

Christians do not exist, as in a *diaspora* from a supposed motherland or homeland. If they are in exile at all it is exile from their true home the

Kingdom of God. This is not to deny the cultural, linguistic and other ties of the migrant Christians to the country of origin, or the significant role of the patriarchal churches in preserving the ancient patrimony of these communities. Each Church is called to be the sign of the Kingdom which is present in mystery. It is always an eschatological community, within the time and culture in which it exists and, yet, always pointing towards the fulfilment of the Kingdom.

The OCA, by maintaining some linguistic and cultural diversity among the various communities which constitute the OCA, is a sign to Roman Catholics and Orthodox Christians that visible unity does not require the rejection of diversity as a principle of communion. It is also a powerful reminder that full visible union requires particular structures of communion and, if the principle of regional forms of conciliarity is to be maintained, then a regional *protos* can be *protos* for all Christians in the region, and not only the *protos* of the Christians of one rite or culture.

The restoration of proper canonical order has not yet been fully achieved in America, and this also serves as a sign for the Roman Catholic-Orthodox dialogue. A return to proper order is desirable and is acknowledged in the dialogues. The reality is that it is more difficult to achieve than is the agreement that it is the correct course of action. As noted in previous sections, the Roman Catholic Church also operates with multiple jurisdictions in many countries and regions, and these are also based on ethnic and on national lines. There has to be a new way of being Churches together in the one geographical territory that can create a space for a regional conciliarity, which is not based on ethnic and cultural lines and is not tied to a 'mother country'. This form of

conciliarity should also be able to respect the cultural and ritual differences of the Churches. It must also be possible for the Churches in regions such as Africa, Asia, America and Oceania to, perhaps, develop local rites and customs, which express the culture in which the Church lives, but which are also faithful to the common *paradosis*. Early Christianity absorbed influences from the Byzantine (Greek) and Roman (Latin) cultures and it could, in the present, absorb new influences, whilst remaining true to its essential mission.[490]

The emergence of the OCA is not so much a positive sign of prospects for the development of a universal primacy that is acceptable to all but, rather, is a salutary warning about the difficulty of the task that lies ahead. Courageous and difficult decisions need to be made in order to dismantle those systems, which have been built up and that are now taken as normative, but which do not truly reflect an ecclesiology of communion.

There are signs of a growing awareness, among the Orthodox Churches, of the problem of multiple jurisdictions and of the connection of these with national and ethnic communities. Representatives of autocephalous and autonomous Byzantine Churches recently met in Switzerland ahead of a planned Pan-Orthodox Congress that was initiated by the Ecumenical Patriarch of Constantinople. The representatives were able to reach an agreement about the need for greater collaboration and for witness to communion among the Orthodox Christian communities of Western Europe, the Americas and the Asia-Pacific region. It has been agreed, as an interim solution to the canonical

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[490] Once again we encounter difficulties in language, since the Byzantines considered themselves Romans (Romaios) as did the Latin speaking Romans. Although the Franks revived the Holy Roman Empire in the West it was to some extent an attempt to claim the ancient Roman heritage whereas the Byzantine consciousness was of preserving the heritage of the Roman Empire until the fall to the Ottomans.

irregularity of multiple jurisdictions that the bishops of each of the national or ethnic Churches in these regions of significant Orthodox Christian populations, would come together in a common national or regional episcopal assembly. This would be similar to the episcopal conferences that are found in the Roman Catholic Church.[491] They also agreed that the chair of such episcopal conferences would be appointed by, and would represent, the Ecumenical Patriarch. This latter provision was founded on an ancient canon which assigned the authority over the new Christian communities, which were established outside the borders of the Eastern Roman Empire, to the Patriarch of Constantinople.[492] This agreement has represented a partial solution, since each of the national churches in the 'new lands' or the so-called '*diaspora*' communities are under the direct episcopal oversight of the patriarch of the mother Church. An objection may be raised on historical and theological grounds about the legitimacy of this assertion of the authority of the Patriarch of Constantinople over communities today, which are in no way connected to the borders of the ancient Roman Empire. The agreement, as an interim solution, has had the positive effect of raising awareness of the ecclesiological problems, created by the existence of multiple jurisdictions.

4.6   The hermeneutic of sacramental priority

The life of the Church, between the Resurrection and the *Parousia*, is the age of the sacramental realisation of the Church. This means that we need

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[491] Communiqué on Bishops Assemblies, Chambésy, June 2009

[492] The Ecumenical patriarch claims the right of ordination of bishops outside of traditional canonical boundaries of the Churches on the basis of Canon 28 Fourth Ecumenical Council. The territory referred to in this canon is that which lay outside the boarders of the Eastern Roman Empire. Using this provision has been useful in establishing these assemblies (which have yet to be formed) but given the current historical circumstances the claim remains dubious. Is the USA or Australia really to be considered outside of the boundaries of the Eastern Roman Empire as a meaningful way of describing its location?

to pay close attention to the sacramental dimension of the universal ministry of unity. Orthodox Christians and Roman Catholics understand sacramentality as, not only the sacraments celebrated in liturgical rites but, also, as being of the life of the Church. Vatican II describes the Church as 'being in Christ a kind of sacrament of intimate union with God and the unity of all humanity.'[493] The ministry of unity, which is 'an expression of the mystery of unity that God had willed from all time and realised in Christ' (Col 1:15-20) has, as a visible sign, the ministry of the bishop in his Church and the communion of the bishops among themselves. Episcopal ordination and the hierarchical communion of all bishops constitute the foundation of the Sacrament of Orders. The episcopate is a sign of unity within the local Church and of the local Church with all other Churches. The unity of the episcopal college is realised through the Eucharist and through communion in faith and love with and in Roman Catholic understanding through the *protos*/primate of the episcopal college.

Any understanding of the Petrine ministry must be an expression of the sacramental dimension of the Church, and of the sacrament of episcopal ordination. It seems that the common *paradosis* only admits of two visible sacramental manifestations of unity, and these are the episcopate and the Eucharist. Primacy is sacramental because it is a particular expression of the episcopal ministry. There is no sacrament of the Patriarch or of the Pope but only of their episcopal ordination.

A hermeneutic of sacramental priority suggests that a solution to a form of universal primacy acceptable to Roman Catholics and Orthodox will not be easily found, via Biblical exegesis and historical studies. Both types of

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[493] LG 1

studies may shed some light on the meaning of universal primacy but, ultimately, the sacramental dimension provides the key. Primacy is, essentially, an ecclesiological question and ecclesiology is, essentially, sacramental.

The recovery of an elaborated understanding of the episcopate as the fullness of the sacrament of orders, coupled with an ecclesiology of communion with its sacramental dimension grounded in the Eucharist, provides positive signs for the reception of a mutually acceptable understanding of the universal ministry of unity. A focus on sacramentality/mystery of authority shifts the focus from the overly juridical and administrative dimensions of episcopal ministry. Giving a priority to the sacramentality/mystery of the Church calls for ways of understanding authority that are not drawn from political discourse. All of the authority of the Church can be viewed within the framework of a mystery/sacrament and it is grounded in an ecclesiological discourse that challenges the notion of power over others. It also replaces it with a notion of the power and authority of Christ in and for his Church. An ecclesiological understanding of authority, when conceived in this way, offers a powerful critique for the temptation to use power over others for coercion and domination.

4.7   The pneumatological hermeneutic

The role of the Spirit in the life of the Church can be described as a hermeneutic lens through which the Roman Catholic-Orthodox dialogue can be viewed. More significant attention should be given to the pneumatological dimension. As has been seen above with the hermeneutic of confidence, there needs to be some acknowledgement by the Churches that the Spirit continues to speak in each communion. Both Roman Catholics and Orthodox acknowledge

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the essential *epicletic* nature of the Church. All of the sacraments have a dimension of *epiclesis*[494]. It is the Spirit that is the constituting principle of the life of the Church in every facet of its existence. Theologians and the Churches need to embark on a process of discernment in order to see how the Spirit may have shaped practices and understandings of the universal ministry of unity over time.

Lumen gentium has also suggested the need for discernment about what is of human versus of divine origin in the life of the Church, and has also noted the difficulty in separating these, since the Church is a complex reality of the human and the divine, which together form one reality.[495] Christ directly established the institution of the apostolic ministry; he did not directly institute the episcopate but we acknowledge the role of the Spirit in the development.[496]

It is known that the ministry of episcope was, originally, not the same as that of apostle. It is also known that, early in history, the apostolic ministry came to be added to that of the bishop as the best means of preserving unity in faith and communion. It is also known that the apostolic ministry was a universal ministry, while the episcopal ministry was, initially, a local ministry. The bishop became both a sign of local unity and of the unity of the whole church, once these two ministries were combined. The Roman Catholic and

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[494] In some sacraments, such as marriage in the Latin Rite, the *epiclesis* is not strong for example in the sacrament of marriage, although the nuptial blessing itself is a form of *epiclesis*. The rites of the Latin Church may require some refinement in this matter to make the *epicletic* nature more visible.

[495] LG 8

[496] Trent taught that the ministry of Order existed in the threefold manner, bishop, deacon and *presbyter* from the beginning (*ab initio*) but Vatican II, reflecting a developmental understanding of ministry under the inspiration of the Holy Spirit, taught the threefold ministry had existed from ancient times (*ab antiquo*).

Orthodox Churches acknowledge these historical evolutions in the ministry of the bishop, and recognise the signs of the Spirit at work in them.

Both Roman Catholic and Orthodox theology acknowledges the development of conciliarity in the Church as being part of its *esse* that can be attributed to the workings of the Spirit, and both theologies acknowledge that the Spirit may speak through a Council. Christ did not directly establish conciliarity but the Church soon recognised it as a divine gift for the preservation of the Church in unity with the common *paradosis.* This included the traditional belief that Christ presides at an ecumenical Council. The necessity for each Council to have a head or *protos* is also acknowledged in both traditions. The role of the Spirit in the development of conciliarity, and the role of the Spirit within the Council, is incontestable in both Roman Catholic and Orthodox ecclesiology.

Can both communions discern a working of the Spirit in the development of the Petrine ministry of universal unity? Did the early development of the triumvirate of the Petrine Sees reflect the work of the Spirit to preserve this ministry as something instituted by Christ, just as the gradual transfer of the apostolic ministry to the episcopate is recognised as a work of the Spirit? Can the later history of the Papacy and of its role in events such as the iconoclast controversy, in the rise of nationalism in Europe, and in earlier Christological heresies also be seen within the same trajectory?[497] The answers

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[497] Not with standing glaring errors in judgement and unworthy successors to the See of Rome as well as many overreaching claims for political and ecclesial power, the question is can the Churches discern a trajectory for Simon who was called Peter to an emerging Petrine ministry as a work of the Spirit in the way we can trace a trajectory from the apostolic ministry to the episcopal college as a work of the Spirit? Individual bishops and councils are no less likely to give into temptations of power but on this basis we do not rule out their Spirit guided existence and sources which preserve the Church in unity of faith and love. I am not suggesting a trajectory from Peter directly to the manner in which the present

to these questions may provide further possibilities for the development of a mutually acceptable universal ministry of unity.

A way, in which to ponder the relationship of the local and universal church, the primacy and the episcopacy, is opened up if it can be accepted, as suggested by Vatican II, that the human and divine elements of the Church are related to each other in a manner, which is analogous to the unity of humanity and divinity in the Incarnate Son.[498] If we accept that the Spirit as *receptio* which is within the Trinity both the principle by which the Father speaks his Word to the Son and the Son receives that word and returns it to the Father in his self offering, we may ask how is this reflected in the Church which is the image of Christ? An understanding of the Spirit as the principle of *receptio* in the life of the Church provides a means of conceptualising this relationship between the local and universal Church. It also situates the relationship between the primate and the episcopate as one of reception.

Reception occurs in the Spirit when the local Church, in her being, gives life to the universal Church, and when the universal Church then enriches and gives life to the local church thus making it fruitful through a relationship of mutual reception. Reception can be seen in the local Church, which involves a specific manifestation of the Church as the body of Christ in one particular place.

A manifestation of the Church as Christ who is all and in all can be seen in the universal Church. An understanding of the episcopate and the primate lies within the dynamic of *receptio* in the Spirit, where the body and

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Bishop of Rome exercises his ministry or any other successor, but rather to the idea of a Petrine ministry which is found in the will of the Lord and which has been handed on throughout history.

[498] LG 8

head receive, from each other, a reflection of the love and authority which flows from the Father to the Son through the Spirit. The bishops and the primate have their authority from Christ through the reception of the apostolic ministry and by mutual reception of the *paradosis*. This is displayed most prominently in Ecumenical Councils, as witness to the mutual *receptio* in the Spirit of authority and of the apostolic ministry. It is a mutual and dynamic interplay of the authority of Christ, in both the bishops as a college and in their head, so that the common *paradosis* is both preserved and is extended.

4.8   Prospects and Problems

This final chapter has considered the prospects and problems for the reception of a mutually acceptable universal ministry of unity by the Roman Catholic and Orthodox Church. There are certainly a number of very positive signs for the development of a mutually acceptable articulation of the universal ministry of unity, which includes the episcopal college along with a Primate/*Protos* of the college. The development of a strong theological foundation for such a universal ministry of unity seems to be a likely prospect within an ecclesiology of *koinonia*. Some of the likely avenues, by which such a theology might be articulated, have been examined in this paper. Among these likely avenues are: a further reflection on the nature of the episcopacy and its relationship to apostolicity; a reflection on apostolicity as a universal ministry of unity; a reflection on the Petrine ministry as a particular expression of the apostolic ministry that Christ chose for his Church; and finally, the relationship between the episcopal College and the head/*protos* of the college. A number of these issues have been raised in this study. They are relatively uncontentious, because there are resources within the *paradosis* on which to

draw, which can guide and can shape the joint seeking of meaning and its reception. Several of these avenues for reflection have the potential to deliver a major breakthrough in our understanding of a universal ministry of unity in the Church. It can be said that the theological prospects, for the development of a mutual reception of a universal ministry of unity, seem positive and certainly seem better now, than at any time in our recent past before Vatican II.

Several other issues have a greater capacity to inhibit the development of the mutual reception of a universal ministry of unity and these are mostly non-theological issues. These concern questions about the way in which history has been received, or about the way in which national or ethnic identities and prestige are mixed with the theological practices. Some of the problems are related to deeply ingrained attitudes and dispositions, or to habits of language such as references to the *diaspora*, which maintain a particular world view that is dominated by concepts of East and West, the Roman Empire, the Pentarchy, and the relationships between mother and daughter Churches. These issues have been mixed with historical memories of the abuse and over-reach of papal authority to create barriers, which will not be removed without a healing and purification of such memories.

One of the greatest obstacles to the development of a mutual reception of the universal ministry of unity concerns language. Terms like 'East' 'West' and '*diaspora'* simply do not reflect the new situation in which the Church finds herself today. The Roman Catholic and Orthodox Churches use this language, and use it to justify particular ecclesiastical practises such as the presence of multiple jurisdictions in the same territory. Finding a new language is fraught with difficulty. Churches need to avoid any suggestion that

a uniform language means a uniform Church, without any respect for the integrity of these Churches including their customs, discipline and liturgy.

The quest to find a new language and a new way to conceive of regional conciliarity presents an enormous challenge. It calls for a great generosity of spirit and trust between the dialogue partners, as well as, a trust in the Holy Spirit. It hardly seems possible that significant progress can be made unless the dialogue of love, which commenced this ecumenical journey and which has been followed by a dialogue of truth, is to be followed by a dialogue of trust and hope.

A second major obstacle is regional conciliarity. Regional conciliarity in the Orthodox Church is, at present, shaped by national and ethnic priorities. The concept of the autocephalous church has evolved into an ethnic or nationally-based church with a universal jurisdiction. The result is a number of hierarchs exercising jurisdiction over the same territory and the division of Orthodox communities into ethnic enclaves within the countries outside of 'traditional Orthodox lands'. The system whereby a patriarch in Belgrade, for example, can exercise universal jurisdiction over Serbian Orthodox communities throughout the world repeats aspects of the universal jurisdiction claimed by Roman Catholics for papal primacy. Although attempts are being made by Byzantine Orthodox communities to restore some canonical order to this situation such attempts will falter unless agreement can be reached among them on the nature of universal unity and primacy at all levels. The problem mirrors that of the Roman Catholic-Orthodox dialogue in this regard.

Regional conciliarity, among Roman Catholics is limited almost exclusively, to the existence of episcopal conferences and these have a limited

scope for activity. These conferences do not reflect the freedom in theological, liturgical and disciplinary matters as had been experienced by regional councils in North Africa, Spain and the Frankish Kingdoms in the past. Nor do they reflect the experience of universal collegiality at Vatican II, which provided part of the impetus for their wider adoption throughout the Church. Their theological status and the scope of their authority require urgent review in the Roman Catholic Church. Here a slightly different question emerges regarding the universal ministry of unity from that experienced in Orthodox regional conciliarity. The central axes of the question are the relationship between the centre and periphery and reception within an ecclesiology of communion. As long as the theological competence and authority of conferences remains in doubt or overshadowed by the central authority the contribution of conferences to a universal ministry of unity will be diminished. If only the universal primate can approve doctrinal positions adopted by conferences, as is presently the case, then it appears that competence to teach authoritatively within the universal Church is reserved to the pope alone. We know from our history that regional synods and councils in the Western Roman Empire did issue doctrinal and disciplinary decrees and many of these were received by other Churches and others rejected. Processes of reception reflect the nature of episcopal ministry as a ministry of universal unity and the capacity of the Spirit to lead the Church to recognise the genuine catholic faith of the Churches.

Eastern Churches in full communion with Rome have their own synodal and patriarchal structures and these extend globally as do the Orthodox systems. Roman Catholic Churches in their various forms, such as those of the Byzantine, Syrian or Coptic rites in countries such as Australia and the United

States, often develop as a parallel regional structure alongside of the numerically dominate Latin Church structures. The regional structures of these Churches are based on similar national lines as those of the Orthodox Churches.

It has been argued in this study that regional conciliarity contributes to the well-being of the Church and as a witness to communion, but the form that it has is not essential to the life of the Church. Regional conciliarity could be, and should be, organised on a true geographic basis while also respecting the diversities which have already been mentioned.

It seems that the Roman Catholic and Orthodox Churches are now closer to agreeing that the episcopal college has succeeded, via a historical process, to the apostolic ministry and that it is the apostolic ministry which is a ministry of universal unity. They are also likely to agree that elements of *episcope*, which is primarily local oversight, pertain more to the administrative and juridic aspects of the leadership. The way is open, if they can agree to these two propositions, for agreement that the Petrine ministry is a special case of apostolic ministry, which is also a universal ministry of unity. It may be possible to separate out, more clearly, those aspects of the ministry of the Bishop of Rome that belong to the apostolic ministry of unity, from those of *episcope* that are necessarily more administrative and juridic in nature. An agreement on all of these things will come to naught, unless it is acknowledgement that the apostolic ministry of universal unity, which is exercised by the episcopal college and by the Primate, is being exercised in a new situation.

In commencing this study we saw that according to Chauvet the realm of the symbolic is to represent the real and to carry the whole of the world

to which it belongs.[499] He identifies four elements of the symbol. The first is that a symbol brings together the parts to make a whole. The second is crystallisation of the essence of the thing represented and the capacity to contain within itself the real which is to be discovered and encountered. In considering the symbol 'a universal ministry of unity' we can see how these first two elements of symbol may be achieved. This study brings together the many parts which make up the whole of a universal ministry of unity. It is reflected in the multivalent nature of the Church as a communion. Analysis has exposed something of the essence of what a universal ministry of unity is, the real which can be encountered in the common *paradosis* about a ministry of unity.

The third element Chauvet identifies is recognition or identification of the community with the symbol and the world it reveals and the final element is the call of a symbol for submission of the community to the order the symbol reveals. These last two elements are beyond the scope of this study. One aspect of the symbol, the Petrine ministry, has not found identification in the Orthodox communion in the way it has in the Roman Catholic. Even where universal primacy is recognised by the Orthodox, as part of the universal ministry of unity, it is not on the same terms as Roman Catholics understand it. This study has also suggested that Roman Catholics may have identified with the symbol but not with the world it reveals. Too much of their concept of the symbol 'universal ministry of unity' is identified with the Bishop of Rome without a complete articulation of the episcopal college as the other part of that symbol. For the symbol reveals the Church as a communion of communions and primacy as not primarily a juridic authority or a teaching office but as witness to

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[499] Louis-Marie Chauvet, *The Sacraments: the Word of God at the Mercy of the Body*, Liturgical Press, Collegeville, 2001, p72

the apostolic faith and visible sign of unity. Conciliarity and collegiality may yet have to be fully received in the Roman Catholic Church.

Harder still is the capacity of the Roman Catholic and Orthodox Churches to accept and submit to the order which the symbol reveals. For the order which the symbol reveals is one of full visible unity in diversity at the local, regional and universal level in a communion of faith and love. Difficult questions about ethnicity, culture, history, juridic and doctrinal authority, the local and universal Church relationship and canonical order cannot be avoided if the ecclesiology which the symbol reveals is allowed to shape the ecclesial relationships at all levels.

Acceptance of 'a universal ministry' as a symbol can only be achieved by reception of the world disclosed by the symbol, into the lived experience of the Roman Catholic and Orthodox Church. If it is true, as I have argued, that the central issue in evaluating John Paul's invitation to consider how the universal ministry of unity which he exercises may be expressed in a new situation, without losing any of what is essential to it is; what do is a universal ministry of unity? If our understanding of the universal ministry of unity is grounded in the episcopal college along with its head and primacy and authority are constitutive elements of the Church at each level, exercised in a personal manner, then the task ahead is much more daunting.

Such an understanding requires that the universal ministry of unity needs to be discovered at each level of the Church. If this universal ministry is to give life to the Church, the Church needs to be willing to submit to the meaning it has received. The world the symbol discloses may challenge existing patterns of regional primacy and the personal universal primacy

exercised by the pope within the new situation in which the Churches live. Among the elements which may need to be challenged are the Orthodox understanding of autocephalous Churches and their national identity, resistance to the concept of primacy and authority at all levels, some restrictions on regional forms of conciliarity in the Roman Catholic Church, some of the centralising aspects of papal government which appear to undermine the sacramental authority of all bishops and perhaps even some privileges and prestige attached to some hierarchical positions.

Universal ministry of unity, as the central issue, requires the Churches to almost reinvent the Church as a communion of communions, and to reorganise and even embrace new structures which will reflect this ecclesiology. The result of the dialogues is not a restoration of some idealised Church before the East-West Schism but a reformation of the Church lead by the Spirit into the future. The Churches in dialogue should be willing to open to that Spirit and to allow it to fashion structures of communion anew. Not that we are likely to achieve an idealised Church as a communion of communions, as our attempts can only approximate the reality of the communion which is the unity of the Father, Son and Holy Spirit.

Prospects for the dialogue, at least as a theological dialogue, to lead the Churches into this world and to acceptance of a universal ministry of unity which is grounded in the episcopate and the Petrine dimensions of the universal primacy are perhaps at the best than at any time since the schism became the accepted fact life for each communion. This dialogue may need to be accompanied by a dialogue of trust and hope, which may in turn necessitate daring choices and leadership by bishops, if it is to reach its conclusion. If

'universal ministry of unity' is the central issue in the dialogue on primacy, and the Churches engage in this dialogue and discover that each has obscured in some way this ministry in its own ecclesial existence, then the path of reform and renewal is a much more precipitous task than simply addressing papal primacy or structures like the 'pentarchy' or the origins of a Petrine ministry in Scripture. It cannot be achieved by theological dialogue alone.

An ecumenical council may be necessary, for the process of receiving a universal ministry of unity, to be successful since the Church witnessing together in an authoritative manner may be the only sign most Catholics and Orthodox would recognise. Acceptance of a universal ministry of unity, with primacy and authority at all levels would still need to be received at the level of the congregation and believer, because it would necessitate looking upon our fellow Christians in the same place as parts of one another and accepting new structures of communion in which Roman Catholic and Orthodox of all nationalities are regarded as one in Christ. It would require each one letting go of historical grievances and distortion of perception of the other. Acceptance of a universal ministry of unity which has primacy and authority at all levels would appear to many Christians as a revolution, an upheaval as great as the Reformation and a rupture. Relying solely on theological nous and charity of believers would not be enough but only trust in the Lord who says to the Churches, 'behold I make all things new' (Rev 21:5) can open the Church to the future to which the Spirit calls it to be.

TABLE OF ABBREVIATIONS

AAS	Acta Apostolicae Sedis
ApS	Apostolica Sollicitudo
AEJT	Australian Ejournal of Theology
Balamand	Uniatism, Method of Union in the Past and the Present Search for Full Communion, JCOC
Bari	Faith Sacraments and the Unity of the Church, JCOC, 1987
CCC	Catechism of the Catholic Church
CCEO	Codex Canonici Ecclesiarum Orientalem
CD	Christus Dominus
CDF	Congregation for the Doctrine of the Faith
CIC	Codex Iuris Canonici
DS	Henry Denzinger's The Sources of Catholic Dogma
DV	Dei Verbum
GIRM	General Instruction on the Roman Missal 2003
GS	Gaudium et Spes
ITC	International Theological Commission
JCOC	Joint Catholic Orthodox Theological Commission
LG	Lumen gentium
Munich	The Mystery of the Church and the Mystery of the Eucharist in the Light of the Mystery of the Holy Trinity, JCOC, 1982
NM	Novo Millennio Ineunte
OCA	Orthodox Church of America
OE	Orientale Ecclesiarum
OL	Orientale Lumen
PA	Pastor Aeternus
PCPCU	Pontifical Council for the Promotion of Christian Unity
Ravenna	Ecclesial Communion, Conciliarity and Authority, JCOC, 2007
SC	Sacrosanctum Concilium
UR	Unitatis redintegratio
UUS	Ut Unum Sint
Valamo	The Sacrament of Order in the Sacramental Structure of the Church With Particular Reference to the Importance of Apostolic Succession for the Sanctification and Unity of the People of God, JCOC, 1988

Table of Abbreviations for Scripture

Acts   Acts of the Apostles
Col   Colossians
Cor   Corinthians
Eph   Ephesians
Gal   Galatians
Gen   Genesis
Heb   Hebrews
John   Gospel of John
Luke   Gospel of Luke
Matt   Gospel of Matthew
Mk   Gospel of Mark
Pet   I and II Peter
Rev   Revelations
Tim   Timothy

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