

# Magisterium Vel Ministerium ?

Edmund Hill O P

There is a number of substantive issues that divide Catholic opinion today, and which have been brought to the fore by the forthright statements of Pope John Paul II – clerical celibacy, for example, and the ordination of women. But the all-important, primary, basic issue that has to be discussed and fought about in the Church today is not a substantive one but, in a sense, a procedural one: how, where and by whom should such substantive issues be decided? The all-important question, in other words, is the question of authority: what is the nature of authority in the Church of God, and where does it reside? At a profounder level you could say it is a question of ecclesiology: what is the nature of the Church? Here I shall only touch on that question by implication.

On the subject of authority there are, as there have been for centuries, two rival points of view, two conflicting parties in the Catholic Church. In the middle ages there were the papalists against the conciliarists; in the 19th century the names, and to a slight extent the precise issues at stake had changed, and there were the Roman ultramontanes (direct heirs of the medieval papalists) against the cisalpines and the gallicans. Today these names are altogether too vague. I prefer to return to the medieval names, slightly modified, and talk about the magisterial papalists against the ministerial conciliarists. The one party stands for authority as *magisterium*, a word much in vogue (alas!) nowadays, but a real *parvenu* in the society of theological terms and not only for magisterium, but also for a concentration of magisterial authority in the Holy See. The other stands for authority as *ministerium* or service, and for a diffusion of such authority widely through the Church.

Just a word about the word ‘magisterium’, and why it causes me to reach for my smelling salts whenever I come across it. Its most common English translation is ‘teaching authority’. But its use is almost invariably authoritarian in tone; it is a warning finger word, a closure of discussion word, a because-I-say-so-word. It is a word used almost exclusively to keep theologians in their place, and prevent them raising awkward questions. It is a word designed to further the cause of ‘creeping infallibility’, above all in the phrase ‘ordinary magisterium’. This is said to be manifested in the common teaching of the Church, as authorised by bishops in, for

example, official catechisms. And when one thinks of some of the oversimplifications, the canonisation of dubious philosophies, and straightforward mistakes to be found in nearly all old catechisms – one has certain doubts about the value of the ‘ordinary magisterium’. The authority of God, the authority of scripture, the authority of the Church and of tradition, the authority of the pope and the bishops – these are all good and open concepts. I see no need whatever to replace them with this closed and closing concept of ‘the magisterium’.

Now it seems incontrovertible that John Paul II, with his vigorous and original projection of the papal *persona*, has put the party of magisterial papalists very much in the lead. Whether he has deliberately thrown his personal authority behind this party is perhaps a more open question. But it is not to be doubted that the party thinks so. This party controls, as it always has done, the Roman curia, which is hardly surprising, since it may be said to be the party of the Roman curia. And since the election of the present pope the congregations of the Vatican have been much more assertive than they were under Paul VI. I think one can almost talk of a return to the authoritarian and paternalistic style that was the norm in the Holy See before the second Vatican Council.

The most obvious case of this is the actions of the Congregation for the Doctrine of the Faith (CDF) against Hans Küng and other theologians in 1979. A straw in the same wind is that petitions for dispensation from celibacy and religious vows are (so I believe) to be referred to this congregation, though this is purely a matter of ecclesiastical discipline, and has nothing to do with faith.

But the CDF is by no means the only Roman congregation to feel and exert a new surge of power through its muscles with the new pontificate. There is also the Sacred Congregation for Catholic Education (CCE), which while less in the limelight has recently been asserting its authority, and at the same time expressing and inculcating an ecclesiology that is not *obviously* that of Vatican II. Thus it is that last year the Apostolic Constitution *Sapientia Christiana* on ecclesiastical universities and faculties was issued through this congregation. It had been drawn up, indeed, under Paul VI (the congregations themselves have not changed in their attitudes or views with the new pope, as we shall see), but it is not insignificant that it is John Paul II who promulgated it.

In the Introduction, after stating the Church’s necessary concern with education, especially theological education, it states at the end of para. 3: “Thus the Apostolic See, in carrying out its mission, is clearly aware of its right and duty to erect and promote Ecclesiastical Faculties dependent on itself ...”. There is here an implicit identification of the Church with the Apostolic See, entirely characteristic of the ultramontane, magisterial papalist

party's point of view. It is taken for granted that no other ecclesiastical authority could have ecclesiastical faculties dependent on it. And this assumption is made explicit in Section I of Part I on "general norms", Article 5: "The canonical erection or approval of Ecclesiastical Universities and Faculties is reserved to the Sacred Congregation for Catholic Education, which governs them according to law". Comment from Heythrop College, the University of Louvain and the Catholic University of America would be appreciated. The control of the CCE over such universities and faculties is extremely tight. Their statutes require its approval (Art. 7). Their chancellors, usually the local bishop "represent the Holy See to the University, and equally the university to the Holy See" (Art. 12); the rectors/presidents are named, or at least confirmed by the CCE; all teachers, before being given a permanent post, must receive a declaration of *nihil obstat* from the Holy See (Art. 27, 2); no more rogue theologians, you see. Art. 39 makes a bow to *Gaudium et Spes*, 59, and declares that "following the norm of the second Vatican Council, just freedom should be acknowledged in research and teaching"; but it qualifies it by adding that "true freedom in research is necessarily based upon firm adherence to God's Word and deference to the Church's Magisterium, whose duty it is to interpret authentically the Word of God". When I first read these words, some time in April 1980, I could not help recalling other words I had just read in the Johannesburg *Rand Daily Mail*, the words of a Professor van der Merwe in his inaugural address as the new rector of the University of the Transkei, explaining what it meant to call that institution "an open university"; it meant being open to all views and persons except those that were in the least critical of the authority of the state, or in any way challenged the *status quo*.

This document surely represents a far more serious threat to, and defeat of, the ministerial conciliarist school than any of the recent actions of the CDF. Before leaving it I would just draw attention to a characteristically dismissive nod in the direction of this "opposition party". Towards the end of the Introduction (para. 6) it is stated: "Nobody is unaware of the difficulties that appear to impede the promulgation of a new Apostolic Constitution ... There is the 'diversity of places' which seems to call for a *pluralism* which would make it almost impossible to issue common norms, valid for all parts of the world". There is indeed, and it would indeed. But the urge for central control is too strong, and is justified by a totally spurious reference (in my view) to the unity of the Catholic Church, a value that is invariably confused by ultramontanes with uniformity.

I said earlier that the CCE has not changed its spots with the advent of John Paul II, but merely received a shot in the arm. The

ecclesiology implicit in this constitution *Sapientia Christiana* finds expression in a letter sent by the CCE to “local ordinaries (including hierarchs of the eastern rites), to major religious superiors and to the rectors of major seminaries and scholasticates” back in April 1975, on the teaching of canon law to those preparing to be priests. It criticises “an imperfect and sometimes false interpretation of the ecclesiology of the second Vatican Council”, an interpretation which plays down or even dismisses the institutional nature of the Church. In so doing the CCE is quite right, as I shall urge in due course. But where it is simply ultramontane and wrong, and in its turn distorts the ecclesiology of the Council is the phrase by which it states the institutional nature of the Church. It calls it “the Society which is constituted by an organic hierarchy”. What the Vatican Council calls it in *Lumen Gentium*, 8, is “*societas organis hierarchicis instructa*”, “a society furnished with hierarchical agencies”, to quote the earliest English translation of the documents. Now perhaps the translator of the CCE’s letter into English has misrepresented the letter’s author. But if he has not, we simply have the pre-Vatican ecclesiology of the Church to all intents and purposes identified with its hierarchy.

Does all this, with much else in similar vein from other congregations (see, for example, an instruction from the Sacred Congregation for the Sacraments and Divine Worship, CSDW, reported in *The Tablet* for 31 May 1980, which contains this delicious post-Vatican justification for its very meticulous, not to say pettifogging norms: “the faithful have a right to a true liturgy, which means the liturgy desired and laid down by the Church” – read “by the Holy See”, read “by the CSDW”), does it all mean a repudiation by the Holy See and its organs of the spirit of the second Vatican Council? The pope would surely reply with the sincerest indignation that it does not. But I suspect that many, many officials at the Vatican would answer in their heart of hearts, if they were prepared to be candid at least with themselves, “Yes, and about time too”. And I suggest, with the greatest respect, that the onus of proof in this dispute would rest with the pope.

For what *is* the spirit of Vatican II? “A spirit of turbulence, of moral and theological licentiousness”, say the extreme curialists (openly represented, perhaps, only by Archbishop Lefèbvre and his followers). “A spirit of ecclesial freedom and renewal that too many in the Church have turned into licence”, would perhaps be the pope’s reply, “and it is the licence that I am concerned to bring to heel with the full force of my papal authority”. But I suggest that we need to be, and can be, more precise than this in sketching the spirit of Vatican II.

It is a spirit of renewal and ecclesial freedom which explicitly postulates a notion of authority as *service*, a concept of ministerial

much more than magisterial authority, and which implicitly postulates a wide diffusion of that authority, in such a way that it is shared in one degree or another by all the faithful. That at least is how I read in particular chap 2 of *Lumen Gentium*, especially paras 10 and 12. The spirit of freedom and renewal also postulates what the CCE in *Sapientia Christiana* calls 'pluralism' in the Church. This is quite explicit in a number of the Council's documents (*Gaudium et Spes*, chap 2, para 53 on the plurality of cultures; *Sacrosanctum Concilium* para 37, ff on norms for adapting the liturgy to the genius and traditions of peoples; *Unitatis Redintegratio*, passim). But this in turn implies a stress on the autonomy of the *local Church*, an ecclesiology of the local Church as the complete local embodiment of the one, holy, catholic and apostolic Church, and not simply as a piece, bit or province of the Universal Church. It is this view of the Catholic Church as a Church of Churches, presided over in charity by the local Church of Rome, that is totally lacking from the theology and practice of the magisterial papalists who staff the Roman curia, and that has been implicitly repudiated, it seems to me, by the manner in which John Paul II has been exercising his papal authority, both personally and through the organs of the Holy See. As I see it, what he and the Curia are doing is to interpret Vatican II in the light and spirit of Vatican I. And that, I maintain, is to repudiate the spirit of Vatican II.

In his first address to the cardinals after his election, the new pope stated that two priorities of his policy would be collegiality and ecumenism. But if the recent synod of Dutch bishops in *Rome*, the synod of the Ukrainian bishops in the same place, and a letter of the pope's to the German bishops on the Küng affair (*The Tablet*, 31 May 1980) are anything to go by (and so far they are all there is to go by) the pope's concept of collegiality owes more to the spirit of Vatican I than to that of Vatican II. Initiatives and the determination of policies, for local Churches as well as for the Church of Rome, remain very much with him.

As regards ecumenism, a colleague of mine has suggested that what the present pope has most at heart, and what he is specifically aiming at, is union with the Orthodox Churches. This may well be so, and let us thank God for it, and pray that this aim will soon be achieved. But I cannot help feeling that it reveals a serious inability to understand the points of view of other Christian communions, including the Orthodox Churches, to imagine that they will ever agree to union with a Roman Church and a Latin Catholic Church in which papal authority is exercised and structured and organised as it is now, and as it has been since 1054, and above all since 1870. A papal authority, a fulness of papal authority, as the ministerial conciliarists in the spirit of Vatican II

would have it organised, expressed and exercised, this I suggest at least the Orthodox and the Anglican Churches would eventually come to accept. But a papal authority as interpreted and expressed by the ultramontane magisterial papalists, by the organs of the Curia as they now are – never. You cannot be a genuine ecumenist and an ultramontane. The two attitudes are mutually contradictory. I suspect that Paul VI realised this in a way that John Paul II has yet to do.

Well now, who is to blame for this set-back to the spirit and ideals of the second Vatican Council, for this revival of the fortunes of the Ottaviani minority at that great assembly? You can hardly blame the curial cardinals and officials who continue to stand for what Cardinal Ottaviani stood for. They are simply being true to their convictions, since they never approved of the spirit of Vatican II in the first place, a spirit that is totally incompatible with an ultramontane view of the Church and of authority.

Nor would I blame the pope, at least not for his style of exercising his authority since he was elevated to the papacy. He is acting in character and according to his convictions.

If I blame him, it is in the same way that I blame the ‘ministerial conciliarist’ majority at the Council, for their ecclesio-political naivety since the Council. I blame him, like them, for not having realised what was at issue, and what was required in the Church, before he became pope. To return to the CCE, and its letter on the teaching of canon law (above, p 5): Cardinal Garrone, the Prefect of the Congregation, is quite right to criticise an ecclesiology that regards institutions and structures as unimportant. *This* has been the mistake of the leaders of the majority at the Council, men for example, like Cardinal Suenens, and their theological advisers – men like Professor Küng.

An example of what I mean is to be found in an otherwise excellent and informative article in *New Blackfriars* February 1980, “The Ideology of National Security”, by Theo Westow. Mr Westow, is talking about how the Roman Curia gave powerful support to the more reactionary South American bishops at both Medellin and Puebla. He then accounts for this attitude by some very dubious potted ecclesiastical history, summed up in this phrase: “The *movement* which Jesus founded became an *institution*” (his italics). ‘Movement’, as the Spaniards would say, ‘*Si!*’, ‘Institution, *No!*’ Well, it’s nonsense of course. The movement Jesus founded became an institution, or rather a whole network of institutions, the moment it was founded, otherwise it would never have survived, any more than Mr Westow or I would survive if we never developed skeletons.

The trouble with the Catholic Church is not that it has developed institutions and structures, but that it has not got enough of



them. It has allowed one set of foundational institutions, the papacy and its organs, to develop out of all proportion to the rest of the body ecclesiastical, and suffered practically all other institutions to atrophy. Even the episcopate and the threefold ministry, while they have not withered away as institutions, have too easily been reduced in practice, and in the mind of many bishops, to little more than agencies and instruments of the papacy.

What the spirit of the second Vatican Council needed, in order to find a robustly permanent embodiment in the Church, was the vigorous development of other institutions besides the papacy and the Roman Curia. It was to the development of such institutions, to reflection on what they required and how they could be set up, to such structures that Küng, the leading ecclesialogist of the day, should have devoted his energies, instead of wasting them in a sterile questioning of the dogma of infallibility.

At the second Vatican Council the ultramontane party, the authoritarian, magisterial papalist party, suffered a very severe defeat. The Church, represented by its bishops, with the concurrence of John XXIII and Paul VI, declared that it is not what the papalists say it is; and that the authority which powers the Church is not what the papalists think it is. Now authority, even when conceived of as service rather than as dominative power, requires structured institutions for its exercise and expression. If you believe, as any sound ecclesiology requires (but ultramontanism in practice denies) that authority is diffused and not concentrated in the Church, then you must look to the establishment of diffuse structures and institutions, through which the overcentralised and hypertrophied papal authority can, when necessary, (and the necessity is bound to be fairly frequent), be checked, resisted, contained.

The men of the Curia knew all this. That is why they disliked the Council. And then the victorious majority party at the Council disbands, happily entrusting to the pope (which in this context means the Curia) the execution of the conciliar principles and reforms. That is the ecclesio-political naivety that is to blame for our present impasse. Vatican II is being interpreted away in the light of Vatican I (which was a resounding ultramontane or papalist victory), because its implementation was left in the hands of men of Vatican I.

One mustn't be too severe, though, with the bishops of the majority. I have been talking of a 'ministerial conciliarist' party, but I have to admit that it is in fact not much more than an utopian fiction at the moment. All those bishops had been appointed by popes, and all had been conditioned by education to a papalist view of the Church and of authority. The miracle is that in spite of this the spirit of Vatican II blew through. But they didn't and they couldn't form a party. They couldn't begin to conceive of the pos-

sibility or the necessity of such a thing as a 'loyal opposition' to the Holy Father. And yet that is precisely what the Church needs today; not because the Holy Father, whoever he may be, is an unprincipled autocrat, but because he presides over a grossly top-heavy institution, because the fulness of his Petrine authority has been misinterpreted by centuries of papalism into an over developed concentration of authority, and other forms of authority in the Church have to be asserted in the face of this, and at times in opposition to this. But *loyal* opposition, because no other authority in the Catholic Church can ever repudiate or deny, or wish to do so, the fulness of authority in the universal Catholic Church entrusted by Christ to the bishop of Rome.

Let me conclude by outlining the other structures and other institutions which are needed in the Church besides the papacy to act as the proper and healthy delimiting context for the exercise of papal authority. They should be, in my opinion, institutions and structures that strengthen the autonomy of local Churches, that enable us to envisage the One, Holy, Catholic and Apostolic Church, institutionally speaking, as a federation or a *congeries* of Churches (the Church of Corinth, of Ephesus, of Rome, or the Church of France, of Spain, of Zaire, etc.) presided over in charity by the Church of Rome, rather than as an imperial unity ruled by a papal autocrat, with the bishops as his satraps and provincial governors.

If the local Churches are to have a proper autonomy, they must have their proper and sufficient organs of self-government, executive, legislative and judicial – and above all *elective*. Let us begin with this last point. The key institution of the local Church has never been lacking: the local bishop with his clergy. In a proper ecclesiology the bishop is meant (among other things) to *represent* his Church, to be its voice and conscience. If he is to represent his local community, he ought somehow or other to be chosen by the community, and in the early centuries of the Church he normally was. At the present moment, however, the canonical method of creating bishops in the Latin Church is by papal appointment, with a handful of insignificant exceptions. But this is *not* traditional. It dates, as the canonical *norm*, from the codification of Canon Law in 1917, and represents something like the high-water mark of ultramontane domination of the Church, ushered in by Vatican I in 1870. An imperative reform for the effective liberalisation of the Church, and embodiment of the spirit of Vatican II, for giving true substance to the principle of *collegiality*, must be to re-introduce the ancient and traditional practice of bishops being *elected* by the clergy and people of the local Church. It could not, perhaps, be introduced universally all at once, but it could be introduced piecemeal, and fairly rapidly at that. It would,



of course, be election subject to papal approval, according to canonical norms to be established, and would not eliminate the papal right of appointment (*provision*, in the technical language) in exceptional circumstances and cases. But as long as papal provision remains the universal and normal procedure, one cannot talk about a *genuine* autonomy of local Churches. If people make a fuss about the difficulty of finding good elective procedures, and determining the proper elective bodies, let them examine, with a swallowing of Roman pride, the procedures of other Churches, like all Anglican Churches outside England itself. They manage.

Coming now to other necessary organs of autonomous government, practically no diocese has the resources to set them up on its own. Hence the ancient organisation of Churches into metropolitan provinces. The viable heir to this system (which had in all but outer shell almost entirely atrophied under sustained papalist government of the Church) is the system of bishops' conferences for national or regional Churches. On the one hand these conferences need to be given far wider powers of law- and decision-making, powers beyond the mere application or adaptation of policies, principles and rules decided in Rome. On the other they need to be assisted – and checked – given a context, by organs such as priests' councils, pastoral councils representing the faithful, and enjoying deliberative as well as merely consultative rights. The American constitutional principle of the separation of powers could be applied in the Church. The concentration of such powers in one organ or person, which the ultramontane papalists consider normal, and even of divine institution (quite inaccurately) is simply modelled on the system of absolute monarchy which Renaissance Europe inherited from imperial Rome – a military dictatorship, hardly the most suitable model for the Church of God.

Among such organs required by autonomous local Churches are judicial ones, to decide among other things upon matters of *faith*. The CDF should never have had to decide, or even investigate, in 1979, the cases of Küng, Pohier, Schillebeeckx and others, or not at least in the way it did. There should have been local tribunals to consider the cases; the local bishops, or religious superiors should have instituted proceedings in the first instance; the local theologians should have been involved formally in debating the points at issue with those colleagues of theirs whose writings were suspect, or giving offence. Only on appeal should the matter have gone to Rome. But neither the German nor the French bishops appear to have had the necessary judicial organ at their disposal, or thought of setting one up. So the ministerial conciliarist cause has laid itself open to the ultramontane charge of being indifferent to the purity and orthodoxy of faith, or at least of being unable to defend it.

The building up of a genuine autonomy of local Churches, will necessarily imply a radical restructuring of the central institutions of the Church at Rome. I think we should stop thinking of the pope as the man who is responsible for *governing* the universal Catholic Church – for the very good reason that the universal Church hardly needs governing if the local Churches are functioning properly, and in any case is far too diverse to be capable of being effectively governed from the centre. The pope's function is essentially to represent the *unity* of the diverse catholicity of the Church, which he does precisely as bishop of the *Church of Rome*, the presiding local Church of them all.

As representative of unity, the Church of Rome has to play a co-ordinating and communicative role, not a legislative or executive one. If there is any central legislation to be done, it is not the task of the central Church, but of representatives of all the Catholic Churches, hence of a central synod. So in this respect the first and easiest reform that is required is to give the triennial synod of bishops deliberative instead of merely advisory or consultative powers. As for the organs of the Curia: some, like the CDF and the Rota must serve as final courts of appeal. Others, like the CCE and the CSCW, should cease to exercise, or enjoy, either legislative or executive authority, and should rather be reorganised as what one might call *resource institutes*, assisting analogous organs of the local Churches with the work of co-ordination and mutual communication, and expert advice.

I have only given a rudimentary sketch of the kind of institutions or structures required if the spirit of Vatican II is to find proper embodiment. To their establishment all in the Church who value that spirit must devote their energies. They must be prepared to face fierce opposition from the Curia. They must be ready to stand up to the Curia. They must be ready to stand up to and oppose the pope himself when necessary – and it will be necessary. They have a model and patron in St Paul, Gal: 2: 11.

To some readers what I have said and proposed in this article may seem unacceptably radical and revolutionary. In fact it is extremely conservative and indeed 'reactionary'. In some following articles I hope to offer a justification of what I have said from scripture and tradition.