

The Jurist

Studies in Church Law and Ministry

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THE LOCAL CHURCH AND ITS BISHOP: RECEIVING THE VISION OF VATICAN II: PART ONE

EDITOR'S INTRODUCTION

From time to time *The Jurist* has focused its attention on various implications of the role of the bishop in the local church. Most recently we published numerous papers on the theological, canonical, historical, and ecumenical aspects of the topic presented at a December 2005 interdisciplinary symposium in Rome.¹ The symposium, sponsored by the Ecumenical Institute San Bernardino in Venice and the Centro pro Unione in Rome, was entitled “The Relation between the Bishop and the Local Church: Old and New Questions in Ecumenical Perspective.”

At the end of his introduction to that volume, the editor wrote:

After reading the various presentations in this special issue of *The Jurist*, it is clear . . . that one cannot proceed ecumenically in discussions on collegiality and primacy, including the Roman primacy, without first understanding the relationship between the bishop and the local church, as well as, of course the whole Church. Hopefully the papers in this special issue will help to identify and initially address the key questions on *episcopè* in the local church at a theological, canonical, ecumenical, and pastoral level.

Despite the breadth of academic expertise and pastoral experience represented in that volume of *The Jurist*, the various issues pertinent to the bishop-local church relationship were not exhaustively addressed. Since issues pertaining to the health of the local church are of continuing critical importance for all our readers, especially those in canonical ministry, it seemed appropriate to continue the academic-pastoral conversation on leadership in the local church begun in that earlier volume. To assist us in that regard we elicit the expertise of the members of the Peter and Paul Seminar, whose thoughtful reflections on various dimensions of

¹ *The Jurist* 66 (2006) 1–338.

collegiality and other relevant theological-canonical concerns have been shared with us in relatively recent volumes of *The Jurist*.²

The opening essay in this interdisciplinary volume of *The Jurist* is written by two members of the Peter and Paul Seminar: Gilles Routhier from the University of Laval in Québec City and Myriam Wijlens from the University of Erfurt in Germany. It offers a helpful overview of the thirteen Seminar articles on the theme of leadership in the local church in light of Vatican II. While there is understandably a significant emphasis on the central role of the bishop, there is also a notable stress on the integral and indispensable leadership role of the clergy, religious, and laity of the diocese.

Approximately half of the Seminar essays will appear in this issue, and the rest will be published in the first issue of volume 69 of *The Jurist* for 2009. It is hoped that these essays will be duly challenging and personally enriching in a time of continuing academic reflection and pastoral initiatives on ecclesial life and ministry in our various local churches.

² For detailed reflections of the members of the Peter and Paul Seminar on various aspects of collegiality, see *The Jurist* 64 (2004) 1–383. For various observations on other concerns such as the exercise of governance by lay persons, the selection of bishops, Roman primacy, episcopal conferences, eucharistic sharing in interchurch marriages, and the exercise of infallibility, see *The Jurist* 59 (1999) 329–468.

INTRODUCTION

GILLES ROUTHIER¹ AND MYRIAM WIJLENS²

At the initiative of Ladislav Örsy, the Peter and Paul Seminar saw the light of day in Ottawa in 1998. At the beginning, the Seminar intended to contribute in a positive way to the reform of the Church or, in other words, to fill a gap between the ideas developed at the Second Vatican Council and their implementation in the life of the Church and its law as it is expressed in the Code of Canon Law. In short its purpose was to improve the functioning of the Church by connecting more closely the conciliar vision of the Church and the provisions of the law.

For this purpose the Seminar gathered theologians, canonists, and historians from different universities in North America and Europe to examine in depth questions of serious importance for the life of the Church as well as to foster the unity of the Christian churches. In short, just as was the case at Vatican II, what was pursued was the renewal of the Catholic Church and the unity of Christians. The participants tried first to identify what, in the doctrine of Vatican II, still needed to be appropriated by today's community; and, second, find a modality for the appropriation of that doctrine which was identified as being in need of implementation. Thus until now the Seminar has undertaken three cycles of research, each relating to a specific question.³ Each cycle of research lasted between two and three years. During this period the members of the traveling Seminar met once or twice a year for an in-depth discussion of preliminary texts drafted by the members and circulated among them. Every two years they presented the results of their research at a colloquium, and subsequently that research was published in *The Jurist*.

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³ The first cycle of research, initiated in 1998 and closed in 2001, addressed questions relative to primacy and infallibility, episcopal conferences, the selection of bishops, and Eucharistic hospitality in the case of mixed marriages. The texts of this first cycle of research have been published in *The Jurist* 59/2 (1999). A second cycle of dialogue was initiated in 2002 focusing on the theme "Collegiality in the Church" and was pursued up to 2004. It culminated in two days of discussion by the Seminar participants at Georgetown University on April 15–16, 2004. The Seminar itself was followed by a public session at the Woodstock Theological Center on April 17, 2004. The texts of the communications presented at this meeting have been published in *The Jurist* 64 (2004) 1–383.

After a meeting held at Georgetown University in April 2004, the group decided to launch a new cycle of research centered this time on the question of the local church and synodality. This was because the discussions held during the meeting in Washington clearly indicated the need to transcend an approach to collégiality which was not integrated within a study of the ministry of the bishop in the local church which was entrusted to him. The discussions had concluded that an approach to collégiality which was limited to a consideration of relations among bishops and between bishops and the pope was theologically deficient. This was because it did not take into account certain significant theological values which were necessary to view the bishop's ministry of presidency in a balanced way by situating him at the intersection of relationships within the communion of churches and the internal communion of the church over which he presided. Indeed any discussion of collégiality which does not take into account the bishop's relationship to the local diocesan church which he pastors and the internal synodality of that local church will lead to an impasse. It is necessary then to assume the reality of the local church and, in a balanced discussion of collegiality, envision the communion among the churches and not simply the relationships among the bishops. Besides this approach is suggested by the different parts of *Christus Dominus*.

It was then on this basis that a new cycle of discussion was launched on the topic of "The local church and synodality," a cycle which was to pursue, deepen, and expand the discussions on collegiality. A first discussion of preliminary texts drafted by the participants took place in Louvain in May 2005, then later that year in June in St. Louis, and the following year in June in San Antonio, Texas on the occasion of the convention of the Catholic Theological Society of America. This first exploration of the topic, highlighted by three private meetings of the Seminar members, was to lead to a new public colloquium at the University of Saint-Paul in Ottawa on March 15–17, 2007 on the topic "The Local Church and Its Leadership: Receiving the Vision of Vatican II."

The communications presented at the colloquium in Ottawa can be grouped under four headings. A first group is interested in the local church viewed in a somewhat global fashion. This is true for the communication of Myriam Wijlens, who considers "The local church as the people of God" and that of Verena Feldhans, who examines "Different designations of the local church" in the conciliar texts and in the law of the Latin Church and the Eastern Churches.

Another series of texts is devoted to the ministry of the bishop. This is the case for the contribution of George Tavad (RIP) "The ministry of the bishop and its diverse expressions according to *Christus Dominus*: the bishop and the universal Church; the bishop in his local church; the cooperation of bishops for the good of various churches." The exploration of the ministry of the bishop is further deepened by three texts published in the wake of Vatican II and which study «The exercise of the threefold *munera* of bishops: «The *munus docendi*» (James Coriden), which explores the interrelationship between the conciliar texts and the legislation of the Church (*CIC* et *CCEO*), «The *munus sanctificandi*» (Laurent Villemin) which is based especially on the *Ceremonial of Bishops*, and «The *munus regendi*» (Thomas Green), which examines in depth the 2004 *Directory on the Ministry of Bishops*. The use of sources that are complementary and varied as regards their type and authority and the use of texts published during a forty year period suggest the evolution that has taken place during that period of reception of Vatican II.

A third series of texts pursues this exploration of the ministry of the bishop in the local church and somewhat shifts the focus of the question by providing two complementary approaches. On the one hand two contributions highlight the contribution of the Eastern churches to the continuing reflection on episcopal ministry. The first by Adam DeVille, "The diverse forms of patriarchal ministry," shows the great diversity and variety of such possibilities at the level of their concrete réalisation. The second by John Faris, "Contemporary challenges to the territorial principle," obliges us to consider anew the territorial principle. On the other hand, the contributions of Peter DeMey and Catherine Clifford enable us to understand the issue from an ecumenical standpoint and appreciate the contribution of the ecumenical dialogues to the theology of the episcopate. This is an important question if we wish to make progress in the direction of the unity of the Church. Two questions treated earlier in this Seminar from a Catholic perspective are now addressed from an ecumenical viewpoint, i.e., the exercise of the *tria munera* by the bishop: "The understanding of episcopal ministry in light of the threefold *munera*" (Peter DeMey) and, more globally, "The understanding of the local church and the episcopate in the light of the ecumenical dialogues" (Catherine Clifford).

Subsequently two studies are devoted to "new realities regarding ministries in the local church": "The emergence of ministries entrusted to the laity" (Henk Witte) and "Priest-bishop relationships" (Eugene Duffy).

These studies do not simply consider textual sources but also examine local contexts and situations.

Finally given the perspective of the Peter and Paul Seminar which tries to reflect on relations between the conciliar vision, the life of the Church, and ecclesial law, the series of studies concludes with "A methodological approach to understanding the interactions between ecclesial experience, conciliar teaching, canonical norms, and ecclesial practices" (Gilles Routhier).

This cycle of research has permitted us to make progress in examining the exercise of episcopal ministry, and it is useful to offer some conclusions. The diversity of sources taken into account (canonical, liturgical, curial, pontifical, sources of the Eastern tradition or ecumenical sources) has shown not only the complementarity of viewpoints but also the distance that has been taken progressively in relationship to the teaching of Vatican II and the gap which sometimes separates the most recent texts from, the conciliar teaching even if they constantly and frequently refer to it. One may ask if this distancing arises from the fact that the most recent texts must take into consideration new situations which the council could not take into account—it would then be a case of creative reception in a new context—or if it is rather a case of a distancing from the conciliar teaching and a voluntary drawing away from that teaching which is materially still affirmed but from which there is a desire to distance oneself—it would then be a case of a difficulty in receiving that teaching.

Whatever be the case, the studies have also indicated new questions which call for a more in-depth approach to the conciliar teaching, which has certainly not pronounced the last word on these different questions. For example, recent situations have clearly shown the necessary "accountability" of a bishop, which is certainly not sufficiently addressed either in the law or in the teaching of Vatican II. Hence, from a methodological standpoint, studies focusing on the life of the Church and its historic experience in context, *de facto* going beyond recourse to textual sources, have been shown to be particularly fruitful and probably ought to be given more attention in the future efforts of the group. The studies following this line of inquiry have clearly shown that ecclesiologists and canonists should take recourse to ecclesial experience if they want to achieve a systematic understanding of the Church.

Furthermore, even if the aforementioned essays explore in depth a certain number of important questions, they do not exhaustively explore the proposed topic. Indeed this collection of essays is insufficient to clarify

the state of the question on the local church and synodality forty years after Vatican II. For example, even if the relationship between the local church and culture surfaces frequently (Witte, Duffy, Green, DeVille, etc.), it is not yet sufficiently explored. Likewise, even if the topic of synodality recurs frequently (Wijlens, Green, Duffy, etc.), it is never addressed *ex professo*. Finally, the life and experience of the people of God are not sufficiently highlighted since the reflections are centered especially on the bishop (or other persons exercising a ministry) and not sufficiently on the local church in all its components. The reader needs to take these limitations into account in reading these studies, which have engaged the group in this new cycle of research while in no way pretending to close off further research and discussion.

At the end of this third cycle of research of the Peter and Paul Seminar, the group has come to the realization that it is important to undertake some reflections on the reform of the Church, a question neglected in recent years but a crucial question if one wishes to examine the way that leads from a conciliar text to the life of the Church through the mediation of law.

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THE LOCAL CHURCH AND ITS BISHOP: RECEIVING THE VISION OF VATICAN II: PART TWO

EDITOR'S INTRODUCTION

The last issue of *The Jurist* focused its attention notably on various implications of the bishop's ministry in the local church: theological, canonical, historical, and ecumenical.¹ While that issue addressed various issues pertinent to the bishop-local church relationship, other concerns regarding local church leadership remain to be explored. As in that issue, once again we tap the expertise of the members of the Peter and Paul Seminar, whose theological-canonical insights have been shared with us periodically in *The Jurist*.²

The essays in the prior volume initially examined the local church viewed somewhat comprehensively, i.e., the exercise of authority as service to the people of God and the different ways of designating that local church. Subsequent essays considered the teaching, sanctifying, and governing aspects of the episcopal office while the last article examined the diverse ways of structuring authority in patriarchal churches.

The papers in the first part of the present volume will deal with the same sorts of ecclesiological concerns: the territorial principle in structuring Eastern Church governance (Faris), the exercise of the bishop's *tria munera* viewed ecumenically (DeMey), and the understanding of the episcopate and the local church in selected ecumenical dialogues (Clifford). Subsequently two essays will explore certain dynamics of diocesan life: the relationship between the bishop and lay pastoral workers in Holland (Witte) and renewed patterns of bishop-presbyter relations especially in light of the sexual abuse crisis (Duffy). Our last article in this part of the volume stresses the critical importance of analyzing concrete ecclesial experience in properly assessing bishop-local church relationships (Routhier).

¹ *The Jurist* 68 (2008) 321-496.

² For detailed reflections on various aspects of collegiality, see *The Jurist* 64 (2004) 1-383. For various observations on other concerns such as the exercise of governance by lay persons, the selection of bishops, Roman primacy, episcopal conferences, eucharistic sharing in interchurch marriages, and the exercise of infallibility, see *The Jurist* 59 (1999) 329-468.

Hopefully these essays will foster continuing academic reflection and renewed pastoral initiatives in our various local churches. Only then will we duly serve the people of God and nurture it in its life and ministry as it confronts continuing pastoral challenges.