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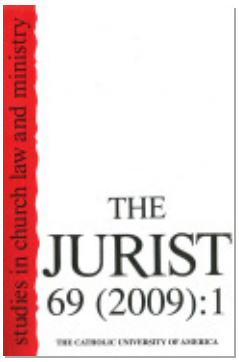

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PRESBYTERAL COLLEGIALITY: PRECEDENTS AND HORIZONS

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Introduction

The fall-out from the child sexual abuse scandals involving clergy has opened up a wide range of significant theological questions for the Roman Catholic Church. Among the many issues that have been raised are: the Church's theology of sexuality, the mandatory celibacy of its clergy, the nature of the indelible character associated with ordination, the structures of governance and accountability, the relationship between Church and State, a culture of patriarchy and secrecy, operative images of God, as well as issues of justice and forgiveness.[1] For almost two decades now bishops and church authorities have struggled to respond appropriately to this enormous crisis. Protocols and procedures have been put in place by various conferences of bishops, but these have not been always fully welcomed by either the clergy or a wider public concerned with the issue. Cardinal Walter Kasper has wisely observed that as the Church formulates various pragmatic solutions to pastoral exigencies these "are often like comets, trailing theological implications and consequences in their wake."[2]

The handling of the child sexual abuse crisis by bishops worldwide is one of those "pragmatic solutions" that is already trailing several theological and canonical implications in its wake. Many feel that the traditional relationship of trust and confidence that existed between them has been broken down. Some priests feel the need to distance themselves from the bishop or bishops in general because of the incompetent way that the scandal has been handled; and many remain sceptical about the

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[1] See Marie Keenan, "The Institution and the Individual—*Child Sexual Abuse by the Clergy," The Furrow* 57 (2006) 5–6; Bill Cosgrove, "Clerical Sex Abuse", ibid., 195–206; "The Diocesan Clerical System," *Doctrine and Life* 8 (2005) 5–19 and 9 (2005) 13–26: Patrick Connolly et al. "Accused but Innocent," *The Furrow* 57 (2006) 207–220; Patrick Connolly, "Priest and Bishop—Implications of the Abuse Crisis", ibid., 131–141; Eugene Duffy, "Of Bishops and Priests", ibid., 339–347; *The Ferns Report* (Dublin: Government Publications Office, 2005).

[2] *Leadership in the Church* (New York: Crossroad Publishing Company, 2005) 46–47.

ability of the bishops to lead the Church out of the crisis. Trust was undermined when diocesan files were opened to civil authorities and priests began to fear for the confidentiality of their relationship with their bishops. Many felt vulnerable to false allegations, that they would be removed from ministry on the basis of a hint of suspicion and in the process suffer an irreparable loss of reputation. Occasionally bishops have been noted as saying that a priest has become "unemployable," thus pointing to a new perception of the relationship between bishop and priest as one of employer and employee. When an offending priest is removed from the presbyterium of his diocese, he is almost inevitably cut off from any support system that might offer him, and more importantly potential victims, protection and safety. It must be said that priests were not, nor could they be, setting their needs in competition with those of children, who will always remain among the most vulnerable in any society.

Bishops, too, have felt very vulnerable in the midst of this crisis.[3] They have had to meet and hear the victims telling their harrowing stories of abuse and suffering; they have had to respond to the demands for immediate action in the light of shocking revelations without always having the level of expertise that the situation demanded; they have had to be mindful of the other pastoral needs of their dioceses and try to ensure that the resources were maintained for those as well as meeting the just demands for compensation to victims of clerical abuse; they have had to balance the demands for transparency in administration with those of confidentiality for all parties involved; they have had to remain within the constraints of civil and ecclesiastical law, especially if these were not always in accord. A common criticism, however, has been that bishops have probably spent far more time talking to one another about this crisis than they have with their priests; and this in turn has helped to strengthen the perception that their relationships with their priests are undergoing a significant transformation.

This paper will suggest that the question of the relationship between the bishop and his presbyterium needs to be revisited in the light of the child sexual abuse scandals involving priests. This is but one small part of a much bigger and more complex set of theological questions that have to be addressed as a result of this crisis. Nevertheless, since the structures of governance and the nature of the relationship between priest

[3] See comments by Bishop Willie Walsh, "Priest and Bishop," *The Furrow* 53 (2002) 523–529.

and bishop have been called into question in the light of the scandals, it may be helpful to review how that relationship has been understood in the past and how it was envisaged at Vatican II. It is hoped that this survey will provide a context for further reflection on how the practicalities of the relationship between a bishop and his presbyterium can be better structured and realized.

The Church as Communio: The Context for Collegiality

The teaching of the Second Vatican Council effected an understanding of the Church that shifted it away from many of its post-Tridentine rigidities and allowed it to rediscover the dynamism of its scriptural and patristic roots. The language used in the documents of the council is more organic than institutional, more pastoral than juridical, and more reliant on images than strict definitions. The Church is presented more as a communion of communions gathered around the Eucharist than as a universal, monolithic, static institution. It is the outcome of the activity of the Triune God: the creation of the Father, the embodiment of the Son's own mission, animated and empowered by the life-giving Spirit. The images used to describe the inner life of the Church also reinforce this understanding. They are taken from "the life of the shepherd or the cultivation of the land, from the art of building or from family life and marriage,"[4] suggesting growth, development, imagination, creativity and a network of close interpersonal relationships. Vatican II, then, speaks of a communion of life which is grounded in the heart of the Trinity and which finds genuine expression in the concrete life of the Christian community. This communion of life, rooted in the heart of the Triune God, means that the Church is called to mediate between the divine and the human, it is to be the sign and instrument through which the Spirit effects the union of all people with God and of all people with one another.

This communion of life at the heart of the Church is manifest in the Eucharistic celebration. The Eucharist effects the communion of life between God and God's people. In an explicit way, too, this sacrament witnesses to the bonds of communion that exist among the ministers of the Church. The Eucharistic prayers of the Roman Rite name this explicitly

[4] *Lumen gentium* 6. Eng. Trans: *Vatican Council II: The Conciliar and Post Conciliar Documents,* ed. Austin Flannery (Dublin: Dominican Publications, 1975) 353–354). Unless otherwise stated, Flannery's edition of the conciliar documents will be used throughout the article.

in the intercessions: "strengthen in faith and love your pilgrim Church on earth, your servant pope N., our bishop N., and all the bishops, with the clergy and entire people your Son has gained for you."[5] The ordained ministry in the Church is a visible agent of communion, ensuring that each local celebration of the Eucharist is a bonding of those present with one another under the presidency of their presbyter who is in communion with his bishop, who in turn guarantees unity with the pope and the other members of the episcopal college, in other words with the universal Church. This is the theological foundation for collegial relationships in the Church.

Collegiality was a notable feature of the early Church and it became once again a distinctive feature of the ecclesiology of Vatican II. While it was expounded primarily in respect of the episcopate, it also has implications for the way in which all authority and leadership are exercised in the Church.[6] It is a term, then, which can be applied analogously to the presbyterate and its bishop in a diocese. The very first document issued by the Second Vatican Council makes this quite clear. It states:

> [All] must be convinced that the principal manifestation of the Church consists in the full, active participation of all God's holy people in the same liturgical celebrations, especially in the same Eucharist, in one prayer, at one altar, at which the bishop presides, surrounded by his college of priests and other ministers.[7]

Lumen gentium also points in the same direction when it says that: "individual bishops are the visible source and foundation of unity in their own particular churches, which are constituted after the model of the universal Church; it is in these and formed out of them that the one and unique Catholic Church exists."[8] The implication is that the local church is not a sub-division or branch of the universal Church but is that Church

[5] *Eucharistic Prayer* III.

[6] Although the noun "collegiality" is not used in the documents of Vatican II, episcopal governance is described as 'collegial' (fifteen times); and the hierarchy is described as a '*collegium*' (thirty-seven times). See Michael Fahey, in *The Harpercollins Encyclopedia of Catholicism*, ed. Richard McBrien (New York: HarperCollins, 1995) s.v. 'collegiality'. See also, Ladislas Örsy, "A 'Notion' of Collegiality," *The Jurist* 64 (2004) 35–38, and George Tavard, "Collegiality according to Vatican II" ibid., 64–81.

[7] *Sacrosanctum Concilium* 41. Flannery, 14–15.

[8] *Lumen gentium* 23. Flannery, 376.

in its local manifestation, where one might expect to find the basic characteristics of the universal Church mirrored with a local expression.[9] Since Vatican II one of the characteristics of the Church which we have come to expect is that of collegiality. At an early stage in his pontificate, Pope John Paul II spoke of collegiality as "the adequate development of organisms, some of which will be entirely new, others updated, to ensure a better union of minds, intentions and initiatives in the work of building up the Body of Christ, which is the Church."[10] Recent literature speaks of "effective" and "affective" collegiality. The former refers to the supreme power in strictly collegiate acts by the whole college of bishops in union with the pope. This is the dimension of collegiality with which the council primarily concerned itself. Affective collegiality refers to the spirit of mutual concern, charity and cooperation that exists among the bishops as a body. It describes the kind of relationships that are to exist among those who share responsibility for the mission and ministry of the Church. This affective collegiality is rooted in the gifts of the Spirit and necessarily precedes any codification in law or structures.

Collegiality is a reality of every local church, as each local church is fully united with the universal Church, because of its bishop who is member of the college of bishops which, together with its head, exercises full power of teaching, sanctifying, and governing in the Church. So, while the bishop is the head of a local church, he is also a member of a college which has responsibility for the universal Church whose unity and well-being he must promote and sustain. This is the primary understanding of the term. Collegiality is therefore an expression of the nature of the Church as a communion of local churches and as a sacramental reality.

Here, however, the focus will be on how the collegial nature of leadership in the Church can be expressed in the relationship between the bishop and the presbyterate in the local church. This will be grounded in the biblical foundations for presbyteral collegiality, in the early Christian writings (on which Vatican II relies heavily) and on developments which indicate a collegial dimension to diocesan governance throughout the history of the Church. This will provide a backdrop for a consideration of Vatican II and the post conciliar approach to presbyteral collegiality.

[9] See Joseph A. Komonchak, "The Local Church and the Church Catholic: The Contemporary Theological Problematic," *The Jurist* 52 (1992) 416–447.

[10] *Insegnamenti di Giovanni Paolo II,* I (Vatican City: Libreria Editrice Vaticana, 1978) 15: quoted in Charles M. Murphy, "Collegiality: An Essay in Better Understanding," *Theological Studies* 46 (1983) 41.

Scriptural Basis for the Presbyterium

Although the term *presbyteros* occurs sixty-five times in the New Testament, one has to situate it in its First Testament background. The word *presbyteros* means an elder, the comparative form of *presbys*, thus an older person suggesting venerability. Elders were already an established and accepted fact in First Testament Judaism. They were among those who wielded authority in the life of the clan, tribe or community. Age most likely first gave them their authority and made them eligible for appointment to official positions (Ex. 12: 21–22). Moses was assisted by a council of elders with whom he shared the burdens of governing the people (Ex 18:13ff; 24:1–2, 9–11; Deut. 1:13; Num 11). They were leaders in war, judges in disputes, and givers of wise advice and witness in administration. They represented and maintained the community, and were its focal point (Lev. 4:13–21; Deut. 21:1–9). Their juridical functions were especially prominent (cf. Deut. 19:2; 21:2–20; 22:15–18; 25:7–9). Passages such as Ex. 24:1–2; 9–11; Lev. 4:13–21 show them in cultic roles, and they are parties to the royal covenant with David (II Sam. 5:3).[11]

The Acts of the Apostles

By the time of Jesus each Jewish community had its council of elders, the most prominent of which was the Sanhedrin in Jerusalem, a kind of supreme court for the Jews. These councils had an administrative role, overseeing their communities and acting as dispensers of law and justice. There is a certain inevitability that the earliest Christian communities, themselves predominantly Jewish, would model themselves on the familiar structures of Judaism. There are several references in Acts (11:30; 15:2,4,6,22–23; 16:4; 21:18) pointing to the elders in the Jerusalem community, functioning in a way similar to the Sanhedrin "as a board of directors."[12] In Acts 15, at the Council of Jerusalem, the elders are mentioned next to the apostles, suggesting that they were an integral part of the Church's governance at that point. They are presented by Luke as having helped to arrive at the decisions adopted by the council (15: 6, 22, 23). Thus, they appear as a group distinct from the Apostles but closely associated with them. Still, we do not know how they were appointed or insti-

[11] *The Interpreter's Dictionary of the Bible* (Nashville: Abingdon, 1962) *sv.* Elder in the OT.

[12] See Daniel J. Harrington, *The Church According to the New Testament* (Franklin, Wisconsin: Sheed and Ward, 2001) 160.

tuted in office. Francis Sullivan speculates that "in the light of the [Luke's] account of the choice and appointment of the Seven, it seems a reasonable conjecture that both the community and the apostles were similarly involved in choosing Jerusalem presbyters."[13] It is not clear whether those who exercised charismatic ministries, such as prophets and teachers, were elders in the Church. For instance at Antioch one gets the impression that a group of elders, under the guidance of the Spirit, set Barnabas and Paul apart as emissaries of the Antiochene Church. Whether elders possessed charismatic gifts or charismatic persons were deemed eligible for the role of elder in the community is not a question that can be answered on the basis of the New Testament sources. Later in Acts we find that Paul and Barnabas themselves "appointed elders for them in each congregation" (14:23). The historicity of this account is problematic since Paul in his own accounts does not use the term *presbyteroi*. Therefore, there seems to be general agreement that this is more a reflection of the ecclesial structures current at the time Luke was writing than an actual representation of the ministry of Paul and Barnabas.[14] One thing, however, appears clear, namely, that the *presbyteroi* did not exercise supreme power in the community but are subject to the Apostles.

In several situations the role of the *presbyteroi* and that of the *episkopoi* seem to be synonymous or to overlap. When Paul is returning from his third mission, he summons the elders of Ephesus and tells them to be responsible 'overseers' (*episkopoi*) of the Church of God (Acts 20: 17–28). Similarly, Paul greets the community at Philippi with its *episkopoi* and deacons (Phil.1:1).[15] Even if the roles of *episkopoi* and *presbyteroi* are not clearly differentiated, the indications are of a collegial style of governance in these communities.

On Paul's last visit to Jerusalem the presbyters are closely associated with James. Luke says that "Paul accompanied us on a visit to James, and all the presbyters were present" (Acts 21:17–18). James appears as the leader of the Jerusalem community and the presbyters as his council. Sullivan notes that "Luke intends to show that the presbyters did not

[13] Francis A. Sullivan, *From Apostles to Bishops: The Development of the Episcopacy in the Early Church* (Mahwah, New Jersey: Paulist Press, 2001) 60.

[14] Richard R. Dillon, "Acts of the Apostles," in *The New Jerome Biblical Commentary*, ed. Raymond E. Brown, Joseph A. Fitzmyer, and Roland E. Murphy (JBC) (Englewood Cliffs, New Jersey: Prentice Hall, 1990) 750.

[15] Brendan Byrne notes that "The *episkopoi* here correspond to the *presbyteroi,* 'elders', of the post-Pauline churches (Acts 20:17, 28; I Pet 5:1, 2: Tit. 1:5–9)." See "The Letter to the Philippians," in *JBC*, 793.

merely play a silent role . . . but the combined leadership of the Jerusalem community"[16] speaks with one voice. The prominence given to the presbyters in the Jerusalem community is particularly noteworthy given the fact that James is the only example of a single residential Church leader in the whole of the New Testament.

The Post-Pauline Pastoral Letters

The post-Pauline Pastorals provide clearer evidence for a collegial style of leadership operative in the Church after 65.[17] As the original Apostles depart the scene, there are fresh problems with the appearance of false prophets and teachers (I Tim. 4:1ff; Tit. 1: 10–13; II Tim. 3:1–9; 4:3–4). The solution is the regularization of church order; and for this *presbyteroi* are to be appointed in every town; and they are to have the function of *episkopos*, namely, overseer or supervisor. Their tasks will include "checking the religious and ethical behavior of community members, caring for the needy out of common goods, and above all ensuring sound doctrine. They are to hold on to what they have received (Tit. 1:5–9) and correct false teachers. Thus they constitute a chain preserving apostolic teaching and authority. The virtues demanded of the presbyter/bishops are 'institutional' . . . "[18] While Titus does not allow us to discern clearly what the difference was between the presbyter and the *episkopos*, it does speak of the presbyters in the plural and the episkopos in the singular. This may well "point in the direction of the episkopos as a one-man function and the other offices as being a collegial function"[19] although this is not unanimously accepted.[20]

The New Testament speaks only once of a college of presbyters (I Tim 4:14), where Timothy is warned not to neglect the grace of God which is in him and which was given him through prophecy "together with the laying-on of the hands of the presbytery" (μετάεπιθέσεως των νειρων του πρεσβυτερίου. John P. Meier translates πρεσβυτερίον as a college

[16] Sullivan, 61.

[17] See Raymond E. Brown, *An Introduction to the New Testament* (New York: Doubleday, 1996) 645–648; Joseph A. Fitzmyer, "The Structured Ministry of the Church in the Pastoral Epistles," *Catholic Biblical Quarterly* 66 (2004) 582–596; John P. Meier, "*Presbyteros* in the Pastoral Epistles," ibid. 35 (1973) 323–345.

[18] Raymond E. Brown, "The Early Church," in *JBC,* 1345.

[19] Peter Schmidt, "Ministries in the New Testament and the Early Church," in *Europe Without Priests?* ed. Jan Kerkhofs (London: SCM Press, 1995) 71.

[20] See Sullivan, 73; also Joseph Fitzmyer, in "Structured Ministry of the Church in the Pastoral Epistles," 590–591.

or board of elders. He is satisfied that the use of the term πρεσβυτερίον as a "*terminus technicus* to denote a body of Jewish elders certainly provided sufficient foundation for the transferral of the term to a body of Christian elders, once the basic term presbyteros had been transferred."[21] However, Timothy himself is never referred to as a presbyter in the Pastoral Epistles; this may be because he is not "a stable member of a stable group of rulers within a local community. It is a sedentary, not a peripatetic, office."[22] He is a delegate of Paul; he has a missionary mandate; and for this reason he can hardly be called a presbyter.[23]

The First Letter of Peter

The First Letter of Peter also points to a presbyteral style of leadership in the Church at Rome and in the communities of northern Asia Minor. The author describes himself as a "fellow presbyter" and appeals "to the elders of your community" to tend the flock whose shepherds they are (I Peter 5:1–5). Possibly these communities were originally evangelized from Jerusalem and the presbyteral structure operative there was adopted by these new foundations. In any case, it points to an extensive presbyteral style of leadership in the early Church.

The presbyters in the New Testament are never referred to in the role of liturgical presidency. The primary emphasis is on teaching and proclamation of the word of God and secondarily on the right ordering or leadership of the communities over which they preside.[24] The only indicator of a specifically liturgical role for the presbyters is in James 5:14–15, where they are to be called upon to pray for and anoint the sick. It can only be presumed that they may have also presided at the Eucharist, but the New Testament never explicitly states who fulfilled this role.

At the end of the first century or early in the second century there seems to have been a fusion of varying approaches to Church leadership. Daniel J. Harrington summarizes the situation thus:

> The presbyteral model found in Acts and I Timothy 5:17–20 (see also James 5:14; I Peter 5:5; 2 John1; 3 John1) was based on the

[21] Meier, "*Presbyteros* in the Pastoral Epistles," 341.

[22] Ibid., 342.

[23] If one takes this approach then Meier says that the laying on of hands on Timothy need not be an ordination to the presbyterate, but simply the imposition of hands.

[24] See Raymond E. Brown, *The Churches the Apostles Left Behind* (London: Chapman, 1984) 34.

> organizational model of the Jewish synagogue. The 'bishop and deacon' pattern as it is mentioned in Philippians 1:1 and 1 Timothy 3:1–3 was founded on the structure of voluntary associations in the Greco-Roman world. It appears that in the Pastorals, as in Titus 1:5–9, these two models were in the process of being put together . . . At the same time, the process of their fusion illustrates the effort at strengthening local Church life and creating a structure that embraced both Jewish and Gentile patterns while creating a new and unique pattern of church order."[25]

A central concern by the end of the first century was having in place a reliable church leadership to secure the stability and continuity of the Christian community in society. While this was moving in the direction of a monarchical episcopate, it did not remove a collegial dimension from ecclesial governance. Indeed Sullivan concludes that the New Testament does not provide any evidence that "Peter, Paul or any other apostle became the bishop of any one local Church or ordained one man as bishop of any local Church. One looks in vain to the New Testament for a basis for idea of 'an unbroken line of episcopal ordination from Christ through the apostles down through the centuries to the bishops of today.' "[26] It is also worth noting here that the Church at this point did claim a right to adapt its ministerial structures to meet its changing needs.[27]

The Didache

The *Didache* does not speak of presbyters but says "you must choose for yourselves overseers and assistants who are worthy of the Lord" (15).[28] Then it goes on to caution that these are to be treated as honorably as are the prophets and teachers. This implies that this community may

[25] Harrington, 162.

[26] Sullivan, 80.

[27] See Raymond E. Brown, *Priest and Bishop: Biblical Reflections* (Paramus / New York / Toronto: Paulist Press, 1970) 35–36; also the comments of Roger Haight, on the Church as at once a historical and theological reality: "In principle, the inner workings of the church, although they may be distinctive because of the community's perception of its relationship to God, are not discontinuous with the mechanisms of other social entities . . . The church is continually changed and even reconstituted by the ongoing interactions with the world and the other institutions of history." (*Christian Community in History: Historical Ecclesiology*, Vol. I [New York, London: Continuum, 2004] 39).

[28] This is Maxwell Staniforth's translation in *Early Christian Writings* (New York: Dorset Press, 1968) 234.

have been tempted to despise its more permanent, home-grown leadership in favor of the itinerant charismatics. However, since both *episkopoi* and *diakonoi* are in the plural, one must again assume that there was a collegial style of leadership implied by this injunction. Furthermore, these are likely to have been the people who also presided at the weekly gathering.[29]

Clement of Rome Writing to the Corinthians

The *First Letter of Clement to the Corinthians* is a more helpful document in tracing the structure of ministry at the end of the first century.[30] His letter is occasioned by the dismissal of some presbyters by the Corinthian community. Clement makes the point that the *episkopoi* and *diakonoi* are divinely appointed leaders in the community and therefore must be revered. Both ministries are referred to in the plural and there is no single bishop mentioned or implied. Thus, the leadership at Corinth appears to be collegial. They can trace their appointments back to the apostles: "And as they went through the territories and townships preaching, they appointed their first converts—after testing them by the Spirit—to be bishops and deacons for the believers of the future" (42:4).[31] Initially, the leaders of the communities were appointed by the apostles and subsequently "by reputable men with the consent of the whole Church" (44:3). There appears to be a fair level of agreement that this account represents a generalization about "apostolic practice that was occasional but not universal."[32] It is also significant that it is only in the first reference to the leadership that he speaks of *episkopoi* and *diakonoi*, perhaps because this was the original Pauline designation (See Phil 1:1). In the subsequent references to the leadership at Corinth he speaks of presbyters—"blessed are the presbyters who have gone on ahead" (44:5; cf 47:6; 54:2; 57:1). The letter indicates that the college of presbyters played a key role in the governance of the community, in working for the proper reconciliation of those who had been responsible for the disruption of its good order, and in celebrating the Eucharist.

[29] See Hervé-Marie Legrand, "The Presidency of the Eucharist according to the Ancient Tradition," in R. Kevin Seasoltz, *Living Bread and Saving Cup: Readings on the Eucharist*, (Collegeville, Minnesota: The Liturgical Press, 1982) 196–221.

[30] It was probably written around 96 C.E.

[31] *Early Christian Writings,* 45.

[32] Sullivan, 94.

The Letters of Ignatius of Antioch

The letters of Ignatius of Antioch, generally dated to the early part of the second century, possibly as late as 140,[33] are taken as the earliest evidence for the emergence of a mono-episcopal structure in the local Church and the threefold division of ministry, namely, bishop, presbyter and deacon. However, while Ignatius emphasizes the role of the bishop in safeguarding and embodying the unity of the local Church, he also speaks of the college of presbyters. He advises the Ephesians to be obedient to "the bishop and the presbytery" (Eph. 2:2). Later he speaks of the unity that exists between the bishop and his presbyters. He says that "they are attuned to their bishop like the strings of a harp, and the result is minds that are in unison, and affections that are in harmony" (Eph. 4:1). Ignatius sees this harmony of the bishop with his presbyters as a key for the communion of life to which all members of the Church are called.

In the *Letter to the Magnesians* he complements the presbyters who have obviously shown due honor to their bishop (Mag. 3:1). The presbyters are a significant group in the community; but they must yield to the bishop, even if he is their junior in age. They are a collegiate group but still subordinate to the episkopos, who presides in the place of God, while they take the place of the council of the apostles. Ignatius is not here claiming that the presbyters succeed the apostles, but he is using an image where the apostles occupy the twelve thrones around the throne of God. In other words, the presbyters gathered around their bishop are an earthly image of the heavenly assembly already reflected in the eucharistic gathering.[34] The Orthodox theologian, John Zizioulas, brings out the significance of this text:

> We may infer from Ignatius, the Syriac *Didascalia Apostolorum*, Tertullian and other sources, that the entire eucharistic assembly would be transformed into a court and the bishop surrounded by the council of presbyters, (the Ignatian *synedrion episcopu*) would pass the final judgment so that the matters dividing the

[33] John Burkhard favours this later dating in the light of his review of the evidence. See his *Apostolicity Then and Now: An Ecumenical Church in a Postmodern World* (Collegeville, Min.: The Liturgical Press, 2004) 213–214.

[34] Maxwell Staniforth, *The Early Christian Writings*, 93. Later in the Letter to the Philadelphians he refers to the apostles as "the presbytery of the church" (Phil. 5:1). They are a council or college caring for the Church even now.

> faithful would be settled in view of the eschatological act of communion in the life of the Kingdom through the Eucharist.[35]

The community is to do nothing without reference to the bishop and his presbyters just as Christ did nothing without reference to the Father (Mag. 7:1). Commenting on this letter Sullivan says: "Here we have another indication of the collegial element in the ministry as Ignatius described it and presumably practised it. It can hardly have been many decades since the churches of Syria and Asia Minor had been led by presbyters without any bishop presiding over them. It would seem that the transition to episcopal leadership had not deprived the presbyters of a considerable share of authority."[36] Ignatius expresses a similar position in his *Letter to the Trallians*. ". . . you should never act independently of your bishop—as evidently you do not—you must also be no less submissive to your presbyters, and regard them as apostles of Jesus Christ our hope . . ." (Tral. 2:2).

In the *Letter to the Philadelphians* he exhorted the community to maintain unity with the bishop, presbyters and deacons, all of whom are worthy of their respect. All of these have been appointed according to the mind of Christ and are confirmed and ratified by the Holy Spirit (Phil. Salutation). Thus their office and authority have a divine source, even if he does not inform us as to how human agency was also operative in their appointment. Their unity in office finds expression around the table of the Eucharist:

> Make certain, therefore, that you all observe one common Eucharist; for there is but one Body of Our Lord Jesus Christ, and but one cup of union with his Blood, and one single altar of sacrifice—even as also there is but one bishop, with his presbyters and my own fellow-servitors the deacons. This will ensure that all your doings are in full accord with the will of God (Phil. 4).

Although he is anxious to point out that the bishop is an agent of unity in the Church, he links the presbyters and the deacons to him. As an agent of healing in this local church, Ignatius counsels the schismatics to come

[35] John Zizioulas, "The Church as Eucharistic Community and the Basis of Law," unpublished paper, quoted in Paul McPartlan, *The Eucharist Makes the Church: Henri de Lubac and John Zizioulas in Dialogue* (Edinburgh: T&T Clark, 1993) 200. Cf. Albano Vilela, *Théologie Historique* 14, *La Condition Collégiale des Prêtres au IIIe Siècle* (Paris: Beauschesne, 1971) 193–196.

[36] Sullivan, 110.

"back into unity with God and with the bishop's council of presbyters (Phil. 8.1). This once again indicates a collegial structure at work in the leadership of this community, which Ignatius obviously sees as important for facilitating the unity of this local Church.

His *Letter to the Smyrnaeans* similarly links Eucharist, bishop and presbyters in manifesting the unity of the church. He says: "The sole Eucharist you should consider valid is one that is celebrated by the bishop himself, or by some person authorised by him". While we cannot be sure that only presbyters were eligible for this role, it is fair to assume that at least they were included, especially in the light of his earlier position that they were to preside over the Church in the place of the apostles (Mag 6:2). Raymond Brown notes that "about the turn of the century (or a little earlier) two roles that once may have been separate had been joined: the role of the presbyter-bishop and the role of the celebrant of the Eucharist. Now, besides caring for the doctrinal, moral, and even temporal needs of the flock, the bishop (together with the presbyters) is to care for the community sacramentally as well."[37] More pointedly, Burkhard notes that "the image of apostolic ministry that we detect in Ignatius is one that is shared by several different persons who act in clear concert with one another for the sake of the unity of the whole community. By the time we meet the 'monarchical bishop' in the fourth century, we discern a clear division of responsibility and the dependence of the presbyters and the deacons on the *episkopos*."[38]

Development from Clement to Ignatius

There is a certain development from Clement to Ignatius. When Clement was writing, it appears that the leadership of the local church was in the hands of a college of presbyters. There is no mention of a monarchical bishop. Clement presents the earliest local leadership as having been put in place by the apostles; and these leaders in turn appointed the presbyters as their successors. The presbyters' authority was based on a mission from Christ, transmitted in orderly succession from the apostles and through "reputable men with the consent of the whole Church." By the time Ignatius is writing, the monarchical bishop is obviously an established figure in many parts of the Church. This bishop is surrounded by a college of presbyters with whom he works in the closest

[37] Brown, *Priest and Bishop*, 42.
[38] Burkhard, 215–216.

collaboration. In contrast to Clement, Ignatius does not invoke the idea of apostolic succession with respect to the presbyters (or the bishops), even though he does compare them to the college of apostles. The presbyters appear as a representation of the college of apostles in the heart of the Church, even if they are under the guidance of the bishop. It is their collegial presence that appears to be most significant in the thinking of Ignatius. The manifestation of the heavenly Church on earth and its eucharistic unity seem to require this collegial dimension to its earthly existence. Finally, however, Ignatius does not accurately indicate how the presbyterium actually functioned even in those situations to which he referred.[39]

Polycarp's Letter to the Philippians

Further evidence for the existence of a collegial structure in the Apostolic Fathers is provided by Polycarp's letter to the Philippians, whom Ignatius had earlier addressed as "episkopos over the Smyrnaeans." When Polycarp greets the Church at Philippi, he speaks in collegial language: "From Polycarp and his presbyters". He doesn't speak as a fellow presbyter but associates himself with the presbyters of his Church and speaks in unison with them. This indicates a collegial type of leadership in his own church. In addressing the Philippians he advises them to be "as obedient to your presbyters and deacons as we should be to God and Christ" (5:3). The admonition implies that there was also a collegial structure of leadership operative in Philippi and that there was no single bishop in charge, otherwise it is highly unlikely that he would have neglected to mention him. His advice to the presbyters implies that their role was pastoral and included acting as judges in the community (6).

The Apostolic Tradition

The *Apostolic Constitutions*[40] provides further evidence for the collegiate nature of the presbyterate around its bishop. The presbyters appear at the election of the bishop: they take part with the people in his election and reception. They are present at his ordination but do not impose hands, as do the other bishops who are present. Immediately after the

[39] Frans Haarsma, "The Presbyterium: Theory of Program for Action?" in *The Identity of the Priest,* ed. Karl Rahner *Concilium* 43 (New York: Paulist Press, 1969) 61.

[40] Text in *Ante-Nicene Fathers*, Vol. 7 (Peabody, Mass.: Hendrickson, 1886, reprinted 1995) 385–508, especially 491–492 for the text of the ordination rite. For a concise comment on the origins and authorship of the text see Christopher O'Donnell, *Ecclesia* (Collegeville, Minn: The Liturgical Press, 1996) 26–28.

ordination the presbyters take their place around the bishop and extend their hands over the gifts as the new bishop proclaims the anaphora. Two observations on this rite are in order. First, the presbyters do not confer power on the bishop; he receives this through the mediation of the other bishops present. Secondly, in this liturgy they are performing a sacerdotal act. Thus, two important features emerge: their share in a priestly ministry and their collegial existence gathered around their bishop.[41]

At the ordination rite for a presbyter there is further evidence for the endurance of a collegial presbyteral structure in the second century Church. When the bishop ordains a presbyter, he is to do so "in the presence of the presbyters and deacons." The ordinand is "put into the presbytery by the vote and determination of the whole clergy." The bishop prays to God that he might receive "the Spirit of grace and counsel, to assist and govern Thy people with a pure heart". He also prays that he will be filled "with the gifts of healing and the word of teaching." In commenting on this text, Dom Gregory Dix observed that: "There is no express recognition of the bishop as 'ruler' of his Church at all; it is the corporate presbyterate which is viewed as the governing body of the Church." It is Dix's contention that this prayer reflects a clear line of tradition with the installation of the Jewish elders. First, it intercedes for the same Spirit that animated Moses rather than Christ, as was the case in the ordination rite for the bishop. Second, the prayer mentions the functions of the presbyters as those of governance and teaching and remains silent about liturgical functions in contrast to the rite of episcopal ordination, which was mainly concerned with liturgical duties. This focus points to a continuity with the Jewish tradition because there the elders were not liturgical functionaries but were concerned with the areas of teaching and administration.[42] The presbyters appear not as isolated individuals but as members of a college who share the bishop's burdens. However, elsewhere in the *Apostolic Constitutions* the presbyter does perform liturgical functions proper to him: he imposes hands at the ordination of a fellow presbyter (but not a bishop or deacon) and over the elements at the celebration of the Eucharist. In both cases the presbyter "seems to act in some sense as 'co-consecrator' or 'concelebrant' with the bishop; cer-

[41] Dom Bernard Botte, "Collegiate Character of the Presbyterate and Episcopate," in *The Sacrament of Holy Orders: Some Papers and Discussions concerning Holy Orders at a Session of the Centre de Pastorale Liturgique*, ed. R. Rouquette, S.J. (London: Aquin, 1955) 76–77.

[42] "The Ministry in the New Testament Church," in ibid., 219.

tainly he does not act as a 'layman holding office;' and he does not fulfill the layman's 'liturgy,' but the 'liturgy' of an 'order' distinct in itself."[43] Dix concludes that the deacons acted as the liturgical assistants of the bishop but that the presbyters had no liturgical function of their own in his presence. But in the absence of the bishop the presbyter can act as his liturgical deputy and perform his sacramental functions, assisted by the deacons.[44]

In summary it can be said that while the question of apostolic succession has been the focus of most attention in the Church's foundational documents, the existence of the college of elders still merits further attention from scholars. It is reasonably easy to see how the ministry of the apostles could be seen as arising from the express command of the Lord. It fits into the Jewish tradition whereby someone commissioned a *shaliach* to act or speak on his behalf. This could only be a personal commission. However, side by side with that in Judaism one has to reckon with the existence of presbyteries of elders who exercised a leadership role in their synagogue communities. This institution was also taken over by the early Christians and adapted by them. The communities established by the travelling apostles most likely created this collegial presbyteral leadership structure within which the role of oversight or *episcope* was exercised.[45] Only gradually did a mono-episcopate emerge within this structure, and even then it retained a close relationship with the college of presbyters.

A Weakening of Presbyteral Collegiality

It was only when Christianity moved beyond the confines of the city and became a widespread phenomenon throughout the Mediterranean region that the original presbyters began to replace the *episkopos* as his delegate in the far flung regions of his territory and assumed some of the functions previously reserved to the bishop.[46] Although the more obvi-

[43] Ibid., 219–220.

[44] Ibid., 220.

[45] It may be noted in passing that Jean Galot implies a more direct dominical origin or commission for the presbyterate: "Most likely, the first presbyters were men who had followed Jesus, and especially disciples who, like the apostles, had been sent on a mission during Jesus' public ministry." See his *Theology of the Priesthood,* (San Francisco: Ignatius Press, 1985) 164–168.

[46] Gerard Luttenberger, "The Decline of Presbyteral Collegiality and the Growth of the Individualization of the Priesthood (4th–5th centuries)," *Recherches de théologie ancienne et médiévale* 48 (1981) 14–58, presents a very comprehensive outline of the factors

ous close bonds that had previously existed became less obvious and less effective, reminders of their importance remained in place. No Christian initiation was complete without the intervention of the bishop, either performing the final anointing with chrism or supplying the chrism to be used. The sending of the *fermentum* from the bishop's altar to those of other communities being led by a presbyter kept a link with the episcopal Eucharist.[47]

According to Bernard Botte there was a presbyteral tendency in the Church towards the end of the fourth century. Its main representative in the West was St. Jerome. The common agreement was that the presbyter could do almost everything that the bishop did, apart from ordination and certain consecrations. An apocryphal document of the fifth century, the *Statuta Ecclesiae Antiqua,* attempted to limit the prerogatives of the bishops; but as a movement it did not endure. It had directed that a bishop do nothing without the advice of his clergy and consider them his colleagues when he was at home. These ideas remained at the level of a private opinion but were to surface again in the Middle Ages, especially in the work of Rabanus Maurus and Amalarius. The effect of their reflections was to re-orientate theological thinking on the ordained ministry by beginning with the priesthood and not the episcopate; this eventually led to the disappearance of the episcopate from the list of orders; it led to an individualistic and personalistic conception and practice of the ministry.[48] All of this was further compounded by the benefice system in the tenth century which reduced the emphasis on common life and collaboration among presbyters; it may also have created a greater attachment to the benefactor of the benefice than to the bond with the bishop.

Botte concludes that despite these re-orientations the constitution of the Church did not change. "The liturgical texts are always there to af-

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contributing to the weakening of presbyteral collegiality in the 4th and 5th centuries, factors that became formative in subsequent theologies of the priesthood.

47 Botte, 81.

48 Ibid., 82–83. Burkhard, following Zizioulas, also points to the fact that the developments in the East and West were quite distinctive. The West followed a Cyprianic model with its emphasis on the monarchical-hierarchical *episkopos*, while the East retained a more Christological-eschatological image of the *episkopos* following the Ignatian model. Thus there are two legitimate approaches to an understanding of the episcopacy in the Church (*Apostolicity Then and Now*, 217). See also, Augustine McDevitt, "The Episcopate as an Order and Sacrament on the Eve of the High Scholastic Period," *Franciscan Studies* 20 (1960) 96–148.

firm that priests are co-operators with the order of bishops. . . . The presbyterate remains a priestly body, assisting and supplying for the bishop in his charge of governing the people of God."[49] The presbyterate is not an autonomous organism in the life of the Church placed side by side with the bishop. It has its existence only in relation to him and is there to advise, assist and to deputize in his absence. The bishop is the pastor par excellence and the principle of unity in the local Church; but he also depends on his presbyters for the effective care of his diocese, especially as it expands in population and territory.

By the twelfth century priesthood had come to be defined in terms of the autonomous powers given at ordination, above all the power to confect the Body and Blood of Christ in the Eucharist. Theological speculation centered on the priestly "character" without significant reference to the ecclesial context of the ministry. Most significant of all was the acceptance of the fact that the highest power and privilege of the priesthood was the ability to confect the Eucharist, with the accompanying corollary that the "fullness of the priesthood" belonged to the presbyter.[50] In this context "the episcopacy can only be understood as a *dignitas in ordine*, involving jurisdiction, not as a distinct *ordo* with its own distinct charism, arising from sacramental ordination."[51] The reality was that the truly collegial nature of the presbyterate in the local Church was seriously weakened, if not completely lost in practice.

Cathedral Chapters

Cathedral chapters and the developments that gave rise to them provide another angle on a collegial relationship between a bishop and his presbyters that reached a peak in the late twelfth and early thirteenth centuries. The first mention of a cathedral chapter is by the Archbishop of Sens in the tenth century, referring to a group who would celebrate the divine office in the church. Only in the twelfth century do they surface in papal correspondence and then with great frequency. If the term "chapter" is relatively recent, the reality to which it refers is ancient, especially regarding bishops availing themselves of the advice of the clergy most adjacent to them. There is a long, well documented tradition whereby the

[49] Botte, 83.

[50] See Kenan B. Osborne, *Priesthood: A History of the Ordained Ministry in the Roman Catholic Church,* (Mahwah, New Jersey: Paulist Press, 1988) 200–218.

[51] John H. Erickson, "Bishops, Presbyters, Deacons: An Orthodox Perspective," *Kanon* 13 (1996) 156.

clergy of a diocese take responsibility for its governance in the absence of the bishop. When Pope Fabian died in 259, the presbyters and deacons of Rome took over the direction of the Church of Rome and acted provisionally as the head of this local church.[52] From the beginning of his ministry Cyprian had decided not to do anything in his diocese without the advice of his presbyters and deacons and the consent of his people.

At the Council of Antioch in 341 it was decreed that presbyters and deacons ought to attend the biannual provincial meetings with the bishops. This was not new because when Arius was condemned, the sentence was signed by the bishops, seventeen presbyters, and twenty deacons of Alexandria, nineteen presbyters and twenty deacons of Mascotte, a district of the city; the Council of Arles in 314 was attended by thirty-three bishops, fifteen presbyters and eighteen deacons.[53] The Council of Neo-Caesarea (314–325) affirmed the superiority of the clergy of the epsicopal city to those from the country and prohibited the latter from celebrating Mass or distributing communion while the bishop or his city clergy were present.

From the earliest times then, there is an indication that the bishops had spontaneously developed the habit of consulting their clergy in important matters and associating them with the spiritual governance of the diocese. This developed then into something more. It became a strict obligation that bishops obtain the consent of their clergy in given acts of administration. In 447 Leo the Great decreed that the bishop ought not to dispose of, exchange, or sell the goods of the Church even to the advantage of the Church without negotiating this with his clergy, whose consent is indispensable for the validity of the act. This same discipline is repeated in the *Statuta Ecclesiae antiqua*, from the end of the fifth or beginning of the sixth century.[54] According to the Council of Toledo in 589 a bishop may not even establish a monastery in his diocese without the consent of his clergy.

According to the *Statuta Ecclesiae antiqua*, a bishop required the advice and consent of his clergy before ordaining clerics. A Council of Tours in 567 decreed that a bishop ought not to dismiss a priest or an archpriest or give him a successor without having previously sought the advice of his clergy. At the beginning of the seventh century, Gregory the

[52] *Dictionnaire de droit canonique*, (Paris: Letouzey et Ané, Éditeurs,) Tome III, Col. 531.

[53] Ibid.

[54] *DDC,* tome III, col. 534.

Great, in 603, advised the bishop of Corinth not to be too hasty in acting harshly against the members of his clergy. If a priest is accused or suspected of a crime, the bishop is to call together his senior clergy; and in their presence he is to begin an inquiry; and following this he may issue a canonical sentence.[55]

A clear example of how the clergy of the cathedral were regarded as the principal aides of the bishop occurs at a Council of Merida in Spain in 666. It decreed that the bishop had the right to attach to his cathedral church clergy from any church in his diocese; those so incorporated were to enjoy the same privileges as those already ordained for that church. This decree takes on importance if one places it beside all the other ordinances from the early centuries that were put in place to protect the stability of the clergy as a group of advisors around the bishop.[56]

The institution that we know as the chapter only begins to emerge clearly in the ninth century. From then on the cathedral clergy play an active role in the administration of a diocese and acquire a monopoly in the appointment of a bishop.[57] Although this development was occurring across Europe, Rome still maintained the ancient discipline of both clergy and people electing their bishop.[58] In fact at the Lateran Council of 1139 it was mandated that the religious or monks in a diocese were not to be excluded from the election process.

Popes and councils often demanded that the bishops seek and obtain the consent of their chapters for certain administrative acts. The Lateran Council of 1123 (canon 22) pronounced null the alienation of the goods of the Church by bishops who had not obtained the permission of their clergy. In 1166 Alexander III declared invalid the transmission of a church to a group of religious by a bishop against the will of his cathedral chapter.[59] There are other examples of popes calling bishops to account

[55] *DDC,* tome III, col. 535.

[56] *DDC,* tome III, col. 536. In fact there was a long tradition of the bishop assembling some of his clergy around him and sharing a common life with him, of which this is a further development (See Henri Leclercq, s.v. Chapitre des Cathédrales, in *Dictionnaire d'archéologie chrétienne et de liturgie,*[Paris: Letouzey et Ané, Éditeurs, 1913], Tome III, Col. 495–507).

[57] *DDC,* tome III, col.536.

[58] *DDC,* tome III, col. 537. During the tenth and eleventh centuries bishops were developing centers of power within their dioceses, now more on the basis of geography than the personal or tribal ties of the past; and this, too, contributed to the development of a surrounding administrative body to assist them in their task of governance. Cf. Kenneth Pennington, "Representation in Medieval Canon Law," *The Jurist* 64 (2006) 361–383.

[59] *DDC,* tome III, col. 541.

because they transferred ecclesiastical property without the consent of the chapter.

During a vacancy in the see the chapter had the power to judge heretics and pronounce sentence. There was a body of opinion in the twelfth century that during a *sede vacante* the chapter assumed the bishop's jurisdictional power. A decree of Boniface VIII indicates that during a *sede vacante* it is the chapter and not the metropolitan who assumes the spiritual jurisdiction of the see. In fact, the chapter alone assumed the administration of the diocese during the *sede vacante* until the sixteenth century. Only at Trent was it decreed that eight days after the death of the bishop a vicar must be appointed to administer the diocese.[60]

Priests and deacons were to attend provincial councils according to a ruling of the Council of Antioch (canon 20), a practice maintained in Rome up to the beginning of the tenth century. Similar practices are found in Spain. In Gaul when priests are mentioned at these councils, it is as the representatives of their bishops; and from the beginning of the ninth century they are mentioned as attending in their own right.[61] From the thirteenth century the cathedral chapters send their representatives to these provincial councils. When the bishops at the Council of Sens refused to admit the capitular representatives to its sessions, the clergy appealed to Honorius III (1216–1227); and he determined, in his decree *Etsi membra,* that they should be invited and allowed to participate in those debates that concerned the chapters.[62] Throughout the thirteenth century there is extensive evidence for the attendance of chapter delegates at provincial councils. The Council of Trent did not mention the chapters among those who were to be represented at provincial councils. It was content to say that all the bishops of the province and *alii qui de jure vel consuetudine interesse debent* (sess.xxiv, cap. 2) were to attend such councils. In 1581 the Council of Rouen asked Gregory XIII if the delegates at a provincial council had a deliberative or consultative vote. The answer was a consultative vote only. Canon 286§3 stated that the cathedral chapters or the diocesan consultors (where there was no chap-

[60] *DDC,* tome III, col. 542.

[61] *DDC,* tome III, col. 543.

[62] This decree of Honorius III was a basic point of reference for the subsequent four centuries in the legal justification that persons and ecclesiastical institutions had the right to send representatives to assemblies that dealt with issues pertaining to their interests and that they, through their representatives, had the right to consent to new legislation (Kenneth Pennington, "Representation in Medieval Canon Law," 369–370).

ter) ought to be invited to provincial councils and that they were to send two representatives.[63]

The thirteenth century canonists devoted much energy to discussing corporations and how their structures and procedures applied to the Church. Much of their work pertained to the relationship between bishops and their chapters. Some important conclusions arise from their deliberations. Brian Tierney has summarized it thus:

> In the first half of the thirteenth century they built up a doctrine . . . that authority in a corporation was not concentrated in the head alone but resided in all the members; and as a practical consequence it followed that the prelate could not act without the consent of the members in the more important matters affecting the well-being of the whole corporation.[64]

Although the chapters enjoyed a prominent role in the governance of the diocese with the bishop during the twelfth and thirteenth centuries, there was, as Tierney has shown, an awareness that the 'lesser clergy' were not totally excluded from the counsel of the bishop. He says. "[T]he view that, being excluded from the governing corporation of bishop and chapter, they were mere 'objects of rights' seems inconsistent with both the actual facts of diocesan life and with the prevailing trends of canonistic thought."[65]

The importance of the chapters was compounded by their wealth, their numbers, the social standing of many of their members, their expanding powers, and their monopoly in the election of the bishop.[66] So, while they represented an important dimension of collegial governance in the Church, they were not without complications. In the light of this the Council of Trent considerably curtailed their privileges and the exemptions that they had accumulated over the centuries.[67]

[63] *DDC,* tome III, col. 544.

[64] *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*, (Enlarged New Edition; Studies in the History of Christian Thought, 81) (Leiden, New York, Köln: Brill, 1998) 108.

[65] Ibid., 126.

[66] For an extensive commentary on the personnel of medieval chapters, see David Lepine, *A Brotherhood of Canons Serving God: English Secular Cathedrals in the Later Middle Ages,* Studies in the History of Medieval Religion 8 (Woodbridge: The Boydell Press, 1995).

[67] *DDC,* tome II, col. 546.

Diocesan Synods

The roots of diocesan synods are shared to some extent with those of cathedral chapters in that both originate in the bishop's meeting with his presbyterium for the purpose of diocesan governance. James Coriden in surveying the development of diocesan synods has shown that the first evidence for their occurrence is in the sixth century.[68] He notes that one of the most significant diocesan synods was held at Auxerre, sometime between 561 and 605, the canons of which were signed by the bishop, thirty-four priests, three deacons and seven abbots.[69] These synods were common from the sixth through to the tenth century, but the decrees from most of them are no longer available. Towards the end of this period they had become occasions for the handing down of legislation from superior councils or gatherings. They also provided opportunities for judging, correcting, and punishing those who had violated ecclesial laws or norms. During the subsequent Gregorian Reform, while synods were important instruments of renewal, diocesan synods do not feature prominently; and in so far as they did occur, they were apparently for the purpose of promulgating wider ecclesiastical legislation and correcting abuses.

The first formal legislation mandating yearly diocesan synods dates from Lateran IV (1215). Again their purpose was "for the local implementation of the universal reform council."[70] There is ample evidence that diocesan synods were held extensively throughout the thirteenth and fourteenth centuries. Nevertheless, they seem to have become formulaic and repetitious in their decrees, so that in 1374 Gregory XI asked that instead of handing down decrees from other councils they address local issues and take the necessary corrective action to effect reform. These matters could then be taken to a provincial council for further remedial action.

From the fifteenth century onwards synods were not held regularly, possibly due to a fear of conciliarism taking root in the Church. Again in 1515 Lateran V attempted to revive the practice of diocesan synods, but to no avail. Trent in turn took up the issue, this time with more vigor and success, mandating their annual convocation. At first this was success-

[68] "The Diocesan Synod: An Instrument of Renewal for the Local Church," *The Jurist* 34 (1974) 68–93.

[69] Ibid., 71.

[70] Ibid., 75.

ful; and the reforming bishops were particularly active in holding them and using them as opportunities for reform.[71]

After Trent there was considerable discussion about the legislative nature of the synods and the role of the presbyterium in their legislative decrees. Replies from the Sacred Congregation for the Council indicated that "the bishop could promulgate the synodal statutes without the consent of the clergy or of the chapter, but that he was required to consult the chapter in advance."[72] The bishop could convoke a diocesan synod even if the chapter did not agree with his doing so. However, during the latter part of the seventeenth century diocesan synodal activity declined. Coriden suggests that this may have been because of the assertion of presbyteral rights or more likely the ineffectiveness of the synodal system, the laxity or aloofness of the bishops, and the interference of the secular powers. A serious blow was probably dealt to such synods by the Synod of Pistoia in 1786 when it declared that pastors and other clergy present shared equally with the bishop in the synod's legislative powers. This was roundly condemned by Pius VI.

The first form of ecclesial governance in the United States was the General Chapter, composed of the clergy of Maryland and Pennsylvania, which began meeting in 1783. By 1786 this group gained the permission of the Holy See to appoint its first bishop and in 1789 they elected John Carroll. He summoned the first Synod of Baltimore in 1791, which in turn successfully petitioned that a group of fifteen priests be allowed to elect a coadjutor bishop for this new diocese. Subsequently Carroll asked that this body be a permanent senate to assist him in the administration of the diocese, so in this way he initiated a system of government by a bishop acting with his priests.[73]

Elsewhere synods were not regular events until the latter part of the nineteenth century, when once again they became somewhat more common as instruments of pastoral renewal under the influence of Pius IX. Vatican I did not have the opportunity to deal with synods, so there was no further legislation until the 1917 code (canons 356–362), which mandated the bishops to summon them every ten years (c. 356). The bishop

[71] In Ireland during the seventeenth century 60 synods were held: 11 national; 30 provincial; and 23 diocesan. These for the most part were events that ensured the implementation of the Tridentine reforms. (cf Alison Forrestal, *Catholic Synods in Ireland, 1600–1690* [Dublin: Four Courts Press, 1998]).

[72] "The Diocesan Synod", 80.

[73] See Gerald Fogarty, "American Conciliar Legislation, Hierarchical Structure, and the Bishop-Priest Tension," *The Jurist* 32 (1972) 400–409.

was to preside (c. 357,§1) and he alone signed the decrees of the synod (c. 362). Membership was confined to clergy, although it did not strictly forbid the attendance of lay persons (c. 358). In 1959 a response from the Congregation for the Council discouraged lay attendance at such gatherings. However, despite the canonical legislation the diocesan synods were not a particularly important feature of ecclesial life when John XXIII summoned the Second Vatican Council.

Vatican II on Presbyteral Collegiality

The issue of presbyteral collegiality re-emerges significantly in the documents of the Second Vatican Council. It is found as a prominent theme in four of its key documents, now to be explored.

1. *Sacrosanctum Concilium*

The very first conciliar document, *Sacrosanctum Concilium*, speaks of the close bond between the bishop and his presbyterate as they gather around the altar for the celebration of the Eucharist. Here the local church finds its most explicit and concrete expression and at the very heart of it is the bishop together with his priests:

> The bishop is to be considered as the High Priest of his flock from whom the life in Christ of his faithful is in some way derived and upon whom it in some way depends. Therefore all should hold in the greatest esteem the liturgical life of the diocese centred around the bishop, especially in his cathedral Church. They must be convinced that the principal manifestation of the Church consists in the full, active participation of all God's holy people in the same liturgical celebrations, especially in the same Eucharist, in one prayer, at one altar, at which the bishop presides, surrounded by his priests and ministers (*a suo presbyterio et ministris circumdatus*).[74]

This text is significant since it relies heavily on the writings of Ignatius of Antioch, thus indicating the council's desire to retrieve an early understanding of the bishop-presbyterium relationship and to reorder ministerial relationships accordingly. It also indicates a desire to relocate ecclesiology in the context of the eucharistic celebration. Several commentators have noted that *presbyterium* as used in this document would be better left untranslated.[75] The term is itself important because it im-

[74] *Sacrosanctum Concilium*, 41. Flannery, 14–15.

[75] Paul McPartlan, "Presbyteral Ministry in the Roman Catholic Church," *Ecclesiology* 1 (2005) 13. He prefers to use "presbyterium" in translating SC 41 because, to translate

plies the specific group of presbyters who belong to a diocese, ordinariate, or personal prelature. Other translations may suggest that it is the same as the universal order of the priesthood.[76] Therefore, this terminology used very frequently by the council is in itself important in stressing the importance of a group of presbyters gathered around its bishop at the heart of a local church and celebrating the liturgy.

The following paragraph of *Sacrosanctum Concilium* states that since a diocese is too large for a bishop to preside at every Eucharist "he must of necessity establish groupings of the faithful; and, among these, parishes, set up locally under a pastor who takes the place of the bishop, are the most important, for in some way they represent the visible Church constituted throughout the world."[77] These local or parish communities are essentially eucharistic communities which are linked to the bishop through the presiding presence of one of his presbyters, who acts as his deputy or representative at the altar. The bonds of bishop-presbyter communion thus find their highest expression in the celebration of the Eucharist. McPartlan notes that after the council declared that the fullness of orders is conferred in episcopal consecration it then went on to speak of episcopal collegiality, implying that episcopal collegiality, in the thought of the council, is intimately linked to the Eucharist. He says: "It is because they are all high priests, icons of the one Christ, presiding in different places over the one eucharistic mystery that unites the Church, that the bishops themselves are one, in a college which oversees the Church as a whole."[78] *Mutatis mutandis,* one can see that the collegiality that exists between the bishop and his presbyters and among the members of the presbyterium is also supported by eucharistic bonds.

2. *Lumen gentium*

The dogmatic constitution, *Lumen gentium,* re-echoes the teaching of *Sacrosanctum Concilium*, when it says:

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it as "college of priests," as Flannery renders it, lapses into a pre-conciliar mindset and vocabulary. Gary L. Coulter also suggests leaving the word "presbyterium" untranslated because it is sometimes translated as "presbyterate," which can have a generic reference and therefore does not indicate clearly enough when it is the priests of a particular diocese with their bishop that are meant (see his *Juridical Manifestations of the Presbyterium,* research paper submitted for the licence in canon law at the Pontifical University of the Holy Cross, Rome, 2004, 2).

[76] See Congregation for the Clergy, *Directory on the Ministry and Life of Priests* (1994), 25.

[77] *Sacrosanctum Concilium* 42. Flannery, 15.

[78] McPartlan, "Presbyteral Ministry in the Roman Catholic Church," 16.

> The priests, prudent co-operators of the episcopal college and its support and mouthpiece, called to the service of the People of God, constitute together with their bishop, a unique sacerdotal college (*presbyterium*) dedicated it is true to a variety of distinct duties. In each local assembly of the faithful they represent in a certain sense the bishop, with whom they are associated in all trust and generosity; in part they take upon themselves his duties and solicitude and in their daily toils discharge them. Those who, under the authority of the bishop, sanctify and govern that portion of the Lord's flock assigned to them render the universal Church visible in their locality and contribute efficaciously towards building up the whole body of Christ (cf. Eph. 4:12).[79]

The whole thrust of this article of *Lumen gentium* is such as to affirm the bonds of communion and affection that are to exist between the presbyterium and the bishop. The presbyters "share in the priesthood and mission of the bishop." They are "to see in him a true father;" and the bishop is to treat his presbyters as "his helpers, as his sons and friends." Among themselves "priests are united together by bonds of intimate brotherhood . . . through the medium of reunions and community life, work and fraternal charity." Priests are also called "to unite their efforts and combine their resources under the leadership of their bishops."[80] It is significant that five of the footnotes at the end of this article refer to either St. Cyprian or St. Ignatius of Antioch, thus indicating how significantly the council was influenced by their works on the presbyterate. Later the same constitution, again referring to Ignatius, speaks of priests as "forming the spiritual crown of the bishops".[81]

The fullness of the priesthood is found only in the entire college of bishops and the individual bishop shares in this. To this priesthood belong all of the priestly powers of teaching, sanctifying, and governing. The individual presbyter shares in this priesthood through the mediation of his local bishop. Therefore, in exercising his priesthood he is not just a cultic figure; he shares in a teaching and governing role.[82]

[79] *Lumen gentium* 28. Flannery, 385–386.

[80] This sentiment is reaffirmed again in *Gaudium et spes* 43. Flannery, 945.

[81] *Lumen gentium* 41. Flannery, 398.

[82] See Kevin McNamara, *Vatican II: The Constitution on the Church—A Theological and Pastoral Commentary* (Chicago: Franciscan Herald Press, 1968) specifically his commentary on *Lumen gentium* 28 on pp. 217–230.

3. *Christus Dominus*

The decree *Christus Dominus* describes a diocese as "a section of the People of God entrusted to a bishop to be guided by him with the assistance of his clergy."[83] The presbyterium is placed alongside the bishop in the task of preaching, building up the unity of the community, preaching the Gospel and celebrating the Eucharist. Later priests are called "prudent co-operators with the episcopal order;"[84] and again they are said to "assume a part of his duties and concerns." Therefore the bishop should treat them "with particular affection" and "regard them as sons and friends."[85] In discussing the spirit of collegiality that is to exist between the presbyterium and the bishop, the decree states: "to ensure an increasingly effective apostolate, the bishop should be willing to engage in dialogue with his priests, individually and collectively, not merely occasionally, but if possible, regularly. Furthermore, the diocesan priests should be united among themselves and should be genuinely zealous for the spiritual welfare of the whole diocese."[86]

4. *Presbyterorum ordinis*

A fourth conciliar document, *Presbyterorum ordinis*, which was one of the final conciliar documents and therefore grounded in those already considered, deals most explicitly with the bishop-presbyterium relationship. Priests are consistently described as co-workers of the bishop,[87] their brothers and friends.[88] They form one body in the diocese to which they are attached under their own bishop.[89] Article 7 of the decree is especially forceful in stressing the unity of the bishop and his presbyterium; and it bases its teaching in the earliest liturgical documents of the Church. It states that:

> All priests share with the bishops the one identical priesthood and ministry of Christ. Consequently the very unity of their consecration and mission requires their hierarchical union with the

[83] *Christus Dominus* 11. Flannery, 569.

[84] *Christus Dominus* 15. Flannery, 571.

[85] *Christus Dominus* 15. Flannery, 572–573. Similar sentiments are expressed again in art. 28. Flannery, 580.

[86] *Christus Dominus* 28. Flannery, 580.

[87] *Presbyterorum ordinis* 4–5. Flannery, 868–872. Similarly, *Ad gentes* describes priests as "loyal fellow workers" of the bishops (AG 16; Flannery, 832) and later as their "collaborators" (AG 39; Flannery, 853).

[88] *Presbyterorum ordinis* 7. Flannery, 876.

[89] *Presbyterorum ordinis* 8. Flannery, 878.

> order of bishops. This unity is best shown on some occasions by liturgical concelebration, and priests also affirm their union with the bishops in the eucharistic celebration. Bishops, therefore, because of the gift of the Holy Spirit that has been given to priests at their ordination, will regard them as their indispensable helpers and advisors in the ministry and in the task of teaching, sanctifying and shepherding the People of God. This has been forcefully emphasised from the earliest ages of the Church by the liturgical documents. These solemnly pray God for the pouring out upon the priest to be ordained of 'the spirit of grace and counsel, that he may help and govern the people in a pure heart', just as in the desert the spirit of Moses was made grow into the minds of the seventy wise men 'whom he employed as helpers and easily governed countless multitudes among the people.'[90]

In the light of the earlier review of the literature from the earliest centuries of the Church's existence, the council clearly wished to associate itself very explicitly with the understanding of the presbyterate at that time. That was certainly one where sharing in the role of governing and shepherding the community with the bishop was especially prominent. Thus it is significant that presbyters are referred to as "the indispensable helpers and advisors" of the bishop. The implication is that consultation with the presbyterium is required for the good of the Church. While the present decree does not spell out in great detail how this might now be achieved, it does, nevertheless, state that bishops "should be glad to listen to their priests' views and even consult them and hold conference with them about matters that concern the needs of pastoral work and the good of the diocese."[91] To make this more concrete the council recommends that "a group or senate of priests should be set up in a way suited to present-day needs, and in a form and with rules to be determined by law. This group would represent the body of priests and by their advice could effectively help the bishop in the management of the diocese."[92] A footnote to this statement notes that the cathedral chapter or the diocesan consultors have fulfilled this role in the past, but now these need to be reformed to respond more fittingly to contemporary circumstances. Again, grounding this in the tradition, the council has recourse to Ignatius of Antioch and the *Apostolic Constitutions*.

[90] *Presbyterorum ordinis* 7. Flannery, 878.
[91] Ibid., 876.
[92] Ibid., 877.

In all the conciliar discussions about priesthood the priest is never considered in isolation. He is always located in the context of the presbyterium to which he belongs and this in union with its bishop. Thus the collegial nature of this ministry in the local church is underlined and its unity guaranteed. Presbyters do little on their own behalf but act in the name of the bishop in whose priesthood they share. As McPartlan observes, the ancient concept of the presbyterium has been renewed and proposed afresh for today.[93]

Ultimis temporibus (1967)

In 1967 the synod of bishops addressed the ministerial priesthood in the context of the growing confusion about the role and identity of the ordained priest. It dealt with bishop-priest relationships and relationships among priests themselves. The joint ministry of all those who have been ordained is taken to be a sign of ecclesial communion.[94] The document insists on the closest and most respectful collaboration between the bishop and his presbyters and singles out the presbyteral council as a most effective means of ensuring that there is a genuine listening to opinions by both parities so that a real consensus may be reached by them, while recognizing the ultimate responsibilities that lie with the bishop. The document states that it is the function of the presbyteral council: "to seek out clear and distinctly defined aims, to suggest priorities, to indicate methods of acting, to assist whatever the Spirit frequently stirs up through individuals or groups, and to foster the spiritual life, whence the more necessary unity may more easily be attained."[95] The document also encourages greater fraternity among priests themselves in every area of their lives.[96]

John Paul II on the Presbyterium

At the beginning of his Petrine ministry, John Paul II said that "a spirit of collaboration and shared responsibility" characterizes presbyteral councils, a feature of ecclesial life that mirrored the collegiality that existed among the bishops.[97] Towards the end of his ministry, in the post-

93 McPartlan, "Presbyteral Ministry in the Roman Catholic Church," 23.

94 *Vatican Council II: More Postconciliar Documents,* ed. Austin Flannery (Dublin: Dominican Publications, 1982) 690.

95 Ibid., 691. *Redemptor hominis* 5 (London: CTS, 1979).

96 A similar exhortation is found in Paul VI's 1967 encyclical *Sacerdotalis caelibatus* in *Vatican Council II: More Postconciliar Documents*, 307.

97 *Redemptor hominis* 5.

synodal exhortation, *Pastores gregis*, he reaffirmed the same thinking about the closeness of the bond that exists between the bishop and his presbyterium. He stated this clearly when he said:

> Indeed, between the Bishop and his presbyters there exists a *communio sacramentalis* by virtue of the ministerial or hierarchical priesthood, which is a participation in the one priesthood of Christ, and consequently, albeit in a different degree, in virtue of the one ordained ministry and the one apostolic mission.
>
> The presbyters, and among them parish priests in particular, are therefore the closest cooperators in the Bishop's ministry . . . The Bishop will always strive to relate to his priests as a father and brother who loves them, listens to them, welcomes them, corrects them, supports them, seeks their cooperation and, as much as possible, is concerned for their human, spiritual, ministerial and financial well-being.[98]

Thus one can see that the teaching on the relationship between the bishop and his presbyterium is consistent in stressing the closeness of the bond that exists between them, from the conciliar teaching right up to the most recent papal teaching. This, then, provides a theological framework against which legislative and structural concerns can be considered.

This communion between priests and their bishop is expressed in the liturgy of the Church, especially when they concelebrate the Eucharist with the bishop as chief celebrant. In the rite of ordination to the priesthood the presbyters present lay hands on the ordinand after the bishop has done so. At each Eucharist they celebrate, the priests of a diocese remember by name their bishop and the bishop of Rome, pointing to the profound bonds that bind them in full communion of life and ministry.

Canonical Expressions of Presbyteral Collegiality

Christus Dominus 27 called for a reorganization of the cathedral chapter and the various councils that assist the bishop in the governance of his diocese in a way that suits contemporary needs. *Presbyterorum ordinis* 7 called for the establishment of a senate or group of priests who would assist the bishop in his governing role. Paul VI in his *motu proprio* letter, *Ecclesiae sanctae*, reaffirmed both of these calls and ordered their implementation. The 1983 code has now incorporated these into church law

[98] *Pastores gregis*, 47 (London: Catholic Truth Society, 2003).

so that they find expression in the following juridical structures: the presbyteral council (cc. 495–501); the college of consultors (c. 502); chapters of canons (cc. 503–510); the diocesan synod (cc. 460–468); and the diocesan curia (cc. 469–494).

The Presbyteral Council

The presbyteral council is the most important institutional expression of the cooperation that is to exist between the bishop and his presbyterium.[99] It is mandatory in a diocese unlike a chapter, the function of which belongs more to liturgy than governance;[100] from the council members the bishop appoints the college of consultors; the council is obviously a more normal forum for deliberation than a synod; and it does not exercise the daily duties of the curia. Therefore it is a privileged place of communication and collaboration between the presbyterium and the diocesan bishop. A 1970 circular letter from the Congregation for the Clergy stated that the presbyteral council is "a special consultative organ because by its nature and its procedural process it is pre-eminent among other organs of the same kind."[101]

There are a number of important features of the presbyteral council: it represents the entire presbyterium of the diocese, both geographically and in terms of ministerial interests; it functions as a senate to the bishop; and it helps him in the pastoral governance of the diocese; it is to be renewed in whole or in part every five years and ceases to function when the see is vacant. Although the bishop may nominate members, these cannot apparently constitute more than half of the council.[102] This ensures that the presbyterium is adequately represented and that the bishop cannot use the council simply to impose his own ideas. It also underlines the fact that the council is not the sole possession of either the bishop or the presbyterium.

According to canon 500: "[I]t is the prerogative of the diocesan bishop to convene the council of priests, to preside over it, and to determine the matters to be discussed in it or to accept items proposed by the members." The fact that the bishop has such unilateral discretion over the

[99] The document of the National Conference of Catholic Bishops, *United in Service: Reflections on the Presbyteral Council*, (Washington, D.C.: USCC, 1992) provides a very useful commentary on various dimensions of presbyteral councils.

[100] Cf. c. 503.

[101] Congregation for the Clergy, "Circular letter to Priests' Councils," April 11, 1970, in *Canon Law Digest* 7: 388.

[102] Cf. c. 497, §§1 and 3.

agenda of the council seems to limit the seriousness of the trust that the legislator was prepared to place in the councils. It does not seem to reflect well the closeness of the bonds between the bishop and his presbyterium that the theology of the Church has long articulated.[103] Since a presbyterium may have serious grounds for concern regarding particular pastoral responses being made by its bishop, the law, as stated, does not facilitate an easy redress of the situation. Although the code elsewhere emphasizes the necessity and value of a consultative process, it is required only when the law prescribes it.[104]

The fact that the council lapses during a *sede vacante* and its functions are taken over by the college of consultors appears as an overly cautious prescription. The council is made to depend entirely on the bishop, whereas the presbyterium continues to exist even during the vacancy.[105] The question can be raised as to why the council should not continue in existence and be in place when the new bishop is appointed. In such a situation the council could provide helpful advice and support to the bishop as he begins his episcopal ministry in the diocese. It would honor the role of pastoral responsibility that the presbyterium of the diocese shares with the bishop. At a later stage the bishop could then be free to constitute a new council once he had a sense of the diocese, its needs, its personnel, and their expertise.

The College of Consultors

It is necessary to mention the college of consultors because of their relationship to the presbyteral council. The college of consultors consists of six to twelve priests who are appointed by the bishop for five years and who are members of the presbyteral council at the time of their appointment (c. 502). The fact that it is constituted from the council does estab-

[103] The bishop-presbyter relationship often retains elements from feudal practice which cast the relationship in the mould of a lord-vassal arrangement. The promise of obedience which is part of the rite of ordination of a presbyter was first officially adopted in the Roman rite in 1596, a gesture that has more social than theological grounding. See Alois Müller, "Obedience to the Bishop," in Edward Schillebeeckx, *The Unifying Role of the Bishop* (New York: Herder and Herder, 1972) 80. Cf. Leon Strieder, *The Promise of Obedience: A Ritual History*, (Collegeville, Minnesota: The Liturgical Press, 2001).

[104] Canons 500, §2; 127. *United in Service* gives a full list of the situations where this consultative process is required (p, 10).

[105] See Klaus Mörsdorf, "Decree on the Bishops' Pastoral Office in the Church," in Herbert Vorgrimler, *Commentary on the Documents of Vatican II*, Vol. II, (New York: Herder and Herder; London: Burns & Oates, 1968) 253.

lish some link between the two bodies. The college assists the bishop in major decisions especially patrimonial matters, for example the appointment or removal of the diocesan finance officer (c. 494), other significant financial matters (c. 1277) and the alienation of goods (c.1292). Like the chapter in former times the college plays a key role in diocesan governance during an episcopal vacancy (c. 419), in the election of a diocesan administrator (c. 421), acting for the presbyteral council, which ceases once the see is vacant and limiting the diocesan administrator occasionally with its binding consent (c. 272). It is to the college of consultors that a newly appointed bishop presents his letter of appointment, rather than to the cathedral chapter as in the 1917 code. The presentation of the letter normally takes place at the cathedral during some liturgical celebration (c. 382). While this body is mainly consultative, it plays a key role when the see is vacant or impeded; and it has a binding role when carrying out acts of extraordinary administration (c. 1277) or alienating diocesan property (c.1292).This group can be an inner council advising the bishop; but, as just indicated, it is often more significant during a *sede vacante* than in normal circumstances. During the normal ministry of a bishop its functions seem to be more in the area of finance than pastoral governance. Therefore as an expression of presbyteral collegiality it is a rather limited instrument and in some respects is close to the medieval cathedral chapters.

The Cathedral Chapter

Cathedral chapters are not a universal feature of the Church, since many regions, including the United States, never have established them. As a result they are of diminishing significance in the structures of diocesan governance. According to canon 503 the chapter of canons, whether cathedral or collegiate, "is a college of priests, whose role is to celebrate the more solemn liturgical functions in a cathedral of collegiate church." They are mentioned, too, as a group that should be consulted by the pontifical legate in making nominations to a vacant see (c. 377, §3). However, the bishop may entrust it certain other functions, although these are not spelled out in canon 503. So, for example, canon 502, §3 states that "the episcopal conference can determine that functions of the college of consultors be entrusted to the chapter." This can obviously give the chapter a much more extensive role than the liturgical one more generally ascribed to it although it can in the process create unnecessary ambiguities when the role of the college of consultors is diminished by allocating some of its functions to the chapter. It is the kind of situation that could be exploited by an unscrupulous bishop.

The Diocesan Curia

We briefly mention the diocesan curia here because this is a bigger reality than the presbyterium of a diocese. It consists of all "those institutions and persons which furnish assistance to the bishop in the governance of the entire diocese" (c. 469). The curia is essential to the proper coordination of the diocesan administration although the ultimate responsibility still resides with the local bishop.

The Diocesan Synod

Like the diocesan curia, the diocesan synod is no longer, as was historically the case, an exclusive body of ordained ministers.[106] It now includes a much wider representation of the local church. It is a group of people, priests and other Christian faithful, who jointly exercise a community reflection and discussion about the welfare of the local church and assist the bishop in this regard. Although the bishop remains the chief legislator for the diocese, this group is important in guiding and facilitating his legislative activity. The code does not determine the frequency with which the synods are to be convoked but does note that the bishop should hold one as the circumstances warrant and "after he has consulted the presbyteral council" (c. 461, §1). So, the presbyteral council plays at least an advisory role in determining when such a synod should meet. This council as well as the cathedral chapter and other diocesan office holders, are obliged to attend and participate in the synod. This representation ensures that the synod cannot be comprised of those who are simply nominees of the bishop. Its composition also means that the discussions and deliberations of the meeting represent a wider spectrum of Church life than what can be offered by the ordained ministers alone (c. 463). Nevertheless, the bishop remains the sole legislator for the diocese and the synodal decrees can be published only through his authority (c. 466).

Conclusion

Once it is accepted that the Church is a *communio* and that all ministry is exercised in a collegial fashion, then these realities point to "interrelatedness, interdependence, entwined destinies, shared experience, and

[106] Francis Bernard Donnelly, *The Diocesan Synod: An Historical Conspectus and Commentary,* Canon Law Studies 74 (Washington, D.C.: Catholic University of America Press, 1932)

ultimately the community of the Trinity as the paradigm for all human community."[107] Furthermore, contemporary society realizes that any decision making process is a complex undertaking. It requires sensitivity to a range of human concerns, the cultural, the social, the psychological and the spiritual. "In any particular community or group, recourse [is] needed to every experience, idea, perception, insight, inspiration, even dream, that the members of that community or group could provide."[108] The complexity of this process is such that no one person cannot be expected to execute it alone. Management studies, too, have indicated that only to the extent that people are involved in the formation of decisions that affect them will they be willing to implement them. This practical wisdom gleaned from the world of human relations and management is, in fact, supported by the Christian belief that the Holy Spirit works in each person for the good of the whole community. So, to neglect such a resource would be to leave untapped a ready gift of the Spirit. As John Zizioulas has remarked, "all pyramidal notions of church structure vanish in the ecclesiology of communion. There is *perichoresis* of ministries, and this applies also to the ministry of unity."[109] This synthesis of human wisdom and theological understanding calls for a serious reappraisal of any structure which vests too many demands in one office holder. Both sources suggest a more collegial approach to leadership and good decision making. This is as true at the diocesan level as it is at the universal level of Church leadership.

There can be no doubt about the value of the consultative process, nor of the fact that the responsibility for the governance of the diocese belongs to the bishop. However, the current situation puts a serious burden of moral responsibility on the bishop to listen attentively to his presbyterium, to study and discuss with them the serious pastoral problems confronting their local Church. Furthermore, the effectiveness of a presbyteral council will depend on how this listening is carried on, how open and honest presbyters are with their bishop, and how trusting the bishop

[107] Brian O'Leary, S.J., "Communal Discernment: An Ignatian Perspective," *Religious Life Review* 43 (2004) 22.

[108] Ibid.

[109] "The Church as Communion: A Presentation of the World Conference Theme," in *On the Way to Fuller Koinonia,* ed. Thomas F. Best and Gunther Gassmann, Faith and Order Paper 166, (Geneva: WCC Publications 1994) 107. See also the comments of Karl Lehmann, in "On the Dogmatic Justification for a Process of Democratization in the Church," in Alois Müller, *Democratization in the Church,* (New York: Herder and Herder, 1971) 60–86.

is of the presbyterium. In fact, the law cannot easily legislate for this; but it should strengthen the emphasis which it gives to this consultative process. Such a development would not compromise the bishop's authority, but it would enhance the value of the counsel given by the presbyterium and strengthen the commitment of presbyters to assisting the bishop in his role of governance. It is interesting to note in the current code that it is only with regard to financial matters that the bishop is seriously obliged to follow the counsel of his financial council. It seems obvious that this obligation could be extended to other practical pastoral issues.

Rahner noted that it was possible to envisage the presbyterium in two distinct roles:

> "on the one hand as a consultative senate of a monarchic bishop and as an instrument to assist him, on the other as a collegiate *presbyterium* as the bearer of the office in the diocese in union with an episcopal 'head' having the special rights proper to himself. These are not conceptual models which in practice need necessarily exclude one another. The very fact that the relationship within the communities had already assumed varied forms even in the apostolic age should serve to warn us against any rigidity in raising either one of these conceptual models to the status of an absolute norm."[110]

There is, then, much greater scope for envisaging the bishop-presbyter relationship than has yet been attempted. In its thinking Vatican II has highlighted some ancient values and practices and has opened up possibilities that are more in harmony with contemporary approaches to leadership and governance; but these need to be expressed in structures that better reflect the newly configured relationships. It is not enough simply to speak of the affective dimensions of collegiality without also addressing ways in which this can be more effective. Without effective expressions of collegiality in the local church good counsel will not bear real fruit.

The question of presbyteral collegiality is obviously only one aspect of the wider collegiality that characterizes the Church. However, in the contemporary Church it is an issue that cannot be overlooked. On the one hand, among many priests there is the perception that their bishops

[110] "How the Priest Should View his Official Ministry," in *Theological Investigations*, Vol. 14 (London: Longman, Darton & Todd, 1976) 218–219.

expend serious energies on the work of the episcopal conferences, and often at the expense of time spent with them deliberating on the pastoral needs of their dioceses. On the other hand, priests feel the demand of working with a wide variety of groups in their parishes, especially pastoral councils, with whom they are also expected to work collegially. The result is that on issues that concern them specifically they often feel overlooked, neglected, or simply sandwiched between bishops and the rest of the faithful. Decisions may be made about them and their ministry into which they have had little opportunity to make an input. It is in the light of these concerns that the issue of presbyteral collegiality needs to be on the agenda of ecclesial leadership, but not in such a way as to exclude the other dimensions of ecclesial collegiality. Indeed, if presbyters were better socialized into a genuinely collegial approach to leadership with their bishops and one another, they in turn would be better disposed to offer more collegial forms of leadership with their parishioners and pastoral councils at the parish level. This final level of collegiality is also important and as worthy of serious consideration as episcopal and presbyteral collegiality, but for another day.