

ON COLLEGIALITY

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This chapter presents the changes made by Vatican II in both the doctrine and the discipline imposed on the faithful on the subject of the collegiality of bishops, and shows that the Vatican II doctrine of collegiality is a substantial departure from Catholic doctrine on the divine constitution of the Church.

1. The notion of “collegiality.”

The word “collegiality” does not actually appear in the text of the documents of Vatican II itself, although it has later been embraced and accepted by the post-Vatican II magisterium.

It is a term used to designate the nature of the episcopal order as it is described by Vatican II, principally in its dogmatic constitution on the Church, called *Lumen gentium*.

“Collegiality” principally refers to the doctrine of Vatican II according to which the college of bishops is said to be endowed with the supreme and universal power over the whole Church, while the term “primacy” designates the fullness of supreme and universal jurisdiction in the Roman Pontiff.

The Vatican II doctrine of collegiality is based on major changes about the very nature of the episcopacy, and the notion of apostolic succession. These are key components of a proper understanding of collegiality. Indeed the fact that the body of bishops, united to the Roman Pontiff, enjoys the supreme authority of the Church is explicitly recognized by the traditional law of the Church, at least in the case of an ecumenical council. If this were the only

import of the doctrine of collegiality, it would not have caused such controversy, both at the council itself, and long afterwards, to this day. It would not have justified the need for an entire and substantial revision of the Code of Canon Law either. It would not explain why the description of the hierarchy of the Church, as it belongs to the divine constitution of the Church, and as it was laid out in the 1917 Code, had to be completely abandoned.

2. Method followed.

Since the Vatican II doctrine of collegiality entails a number of changes which are quite subtle to the neophyte, we have tried to proceed in a pedagogical way. We thus start with the presentation of something very evident: the Code of Canon Law was updated to conform to the new doctrine of Vatican II. This immediately raises the question: why was such a change necessary? After reproducing the doctrine of Vatican II which is at the root of these changes in the law of the Church, we shall proceed to analyze them one after the other. We shall afterwards answer a few objections. Finally we will show how the doctrine of collegiality opens the door wide open to modernism.

FIRST ARTICLE

CANON LAW IS UPDATED TO FIT THE VATICAN II TEACHING ON COLLEGIALITY

3. The 1983 Code of Canon Law.

For many centuries, the Church's law consisted of a compilation of all the ecclesiastical laws issued by the ecumenical councils and the Roman pontiffs over time. Many decisions given in particular cases also served as reference of jurisprudence. The study of the Church's law, or *Canon Law*, was difficult, and required great learning.

Under Pope St. Pius X, a commission was established to systematize the Church's Canon Law in a *Code*, which would render the universal law of the Church clearly written in a harmonious, clear, and unified system. This work was published in 1917 as the Code of Canon Law. Although it did introduce some changes, in certain areas of law, made for the sake of simplicity and unity, it was clearly faithful to the previous laws, and aimed to be a harmonious synthesis thereof.

As we have explained in a previous chapter, disciplinary laws can change, and indeed the laws established by some canons had already undergone some change, even before Vatican II. One could cite, for example, the modification of the eucharistic fast, introduced by Pope Pius XII.

Nonetheless, these changes were altogether minor, and an update of the Code could have been very easily published by the mere correction of a few canons.

Surprisingly, John XXIII announced in 1959 his desire to convoke the celebration of an ecumenical council, as well as to launch a revision of the Code of Canon Law.

This revision, as we shall see in the next paragraph, was not motivated by a few updates to be made to a few canons. Rather it was motivated by a change of ecclesiology. The Church would develop a different perception of herself, which would have to be followed in the way she describes her very constitution in the Code of Canon Law. This, truly, is the origin of the 1983 Code of Canon Law.

4. The Apostolic Constitution *Sacrae Disciplinae Leges*, of January 25th, 1983.

The new Code of Canon Law was promulgated by John Paul II on January 25th, 1983, by the apostolic constitution *Sacrae Disciplinae Leges*. This document is very valuable, as it presents the principles and motives which brought about this reform of the Code of Canon Law.

At the very beginning, John Paul II explains that the law of the Church will always faithfully conform to her divine mission:

Over the course of time, the Catholic Church has been wont to revise and renew the laws of its sacred discipline so that, maintaining always fidelity to the Divine Founder, these laws may be truly in accord with the salvific mission entrusted to the Church.

This is true. The Church adapts her discipline to times and places, but in doing so she is always faithful to the mission entrusted to her to save souls, as we have

explained above.

John Paul II then correctly points to John XXIII as the origin of this reform of the Code. It was he, indeed, who announced the desire for a reform of the Code of Canon Law. This he announced at the same time as he announced his will to convoke the Second Vatican Council, on January 25th, 1959. This is very telling. Indeed, John Paul II himself binds these two events together, and correctly justifies the need of this reform as an adaptation to the teaching of the Council:

There is however another reason, the principal one, namely that the reform of the Code of Canon Law was seen as directly sought and requested by the Council itself, which had particularly concentrated its attention upon the Church.

It is worth noting here that John Paul II himself is attributing these motives to John XXIII. It was indeed his wish that the Council “reform” the ecclesiology, and that, consequently, the Code of Canon Law reflect this *aggiornamento*, this updating of the Church to the modern world. Let no one therefore try to defend John XXIII as if he did not know which way the Council would go. The new ecclesiology was clearly the direction he desired to give to both the council and the code of canon law. John Paul II, in this same document, says it openly:

One cannot fail to see that John XXIII’s insight was most accurate, and his proposal must rightly be acknowledged as one which looked well ahead to the good of the Church...

Turning our thoughts today to the beginning of that long journey, that is to January 25th, 1959, and to **John XXIII**

himself, the originator of the review of the Code, we must acknowledge that this Code drew its origin from one and the same intention, namely the renewal of Christian life. **All the work of the Council drew its norms and its shape principally from that same intention.**
[emphasis added]

John Paul II then insists on the collegial nature of this reform. The new Code was composed collegially, and teaches collegiality in its very laws:

It is vital to make quite clear that these labors were brought to their conclusion in an eminently collegial spirit. This not only refers to the external composition of the work, but **it also affects the very substance of the laws** which have been drawn up.

This **mark of collegiality** by which the process of this Code’s origin was prominently characterized, is entirely in harmony with the teaching authority and the nature of the Second Vatican Council. **The Code therefore, not only because of its content but also because of its origin, demonstrates the spirit of this Council...**
[emphasis added].

After further emphasizing that the Code “stems from [his] pontifical authority itself” although it also “reflects the collegial solicitude for the Church of all [his] brothers in the episcopate,” John Paul II repeats again that the law of the Church is thereby updated to perfectly reflect and implement the doctrine of Vatican II:

The instrument, such as the Code is, fully accords with the nature of the Church, particularly as presented in the authentic teaching of the Second Vatican Council seen as a whole, and especially in its

ecclesiological doctrine. **In fact, in a certain sense, this new Code can be viewed as a great effort to translate the conciliar ecclesiological teaching into canonical terms...**

Indeed it is possible to assert that from this derives that characteristic whereby the Code is regarded as a complement to the authentic teaching proposed by the Second Vatican Council and particularly to its Dogmatic and Pastoral Constitutions.

John Paul II then recognizes explicitly that there is indeed an ecclesiological “newness”¹ in the Code, just as there was in the Vatican II doctrine:

From this it follows that the fundamental basis of the *newness* which, while never straying from the Church’s legislative tradition, is found in the Second Vatican Council and especially in its ecclesiological teaching, generates also the mark of *newness* in the new Code.

John Paul II himself proceeds to explain in what exactly consists this novelty:

Among the elements which characterize

¹ The Latin original reads: “ratio *novitatis*.” It is worth noting that *novitas* means novelty. And indeed, we must agree with John Paul II that the ecclesiology of Vatican II and of the 1983 Code is a novelty. He argues that this “ratio *novitatis*” does not represent a substantial break with the tradition of the Church, of course. We shall see if that is true. It is interesting to note that the official Vatican website nonetheless translates “ratio *novitatis*” by “substantial novelty”, as in the following: “Hence it follows that what constitutes the substantial ‘novelty’ of the Second Vatican Council, in line with the legislative tradition of the Church, especially in regard to ecclesiology, constitutes likewise the ‘novelty’ of the new Code.” (Cf. *vatican.va*).

the true and genuine image of the Church, we should emphasize especially the following: the doctrine in which **the Church is presented as the People of God** (cf. *Lumen gentium*, no. 2), and **authority as a service** (cf. *ibid.*, no. 3); the doctrine in which **the Church is seen as a “communion,”** and which, therefore, determines **the relations which should exist between the particular Churches and the universal Church, and between collegiality and the primacy;** the doctrine, moreover, according to which **all the members of the People of God, in the way suited to each of them, participate in the threefold office of Christ:** priestly, prophetic and kingly. With this teaching there is also linked that which concerns **the duties and rights of the faithful,** and particularly of the laity; and finally, **the Church’s commitment to ecumenism.**

John Paul II insists that the Code of Canon Law is rooted in Sacred Scripture and Tradition, and that it is to structure and organize the very life of the Church. Lastly he reminds Catholics of their duty to obey these laws, and conform their life to it, since “canonical laws by their very nature demand observance.”

5. “Ex ore tuo te iudico, serve nequam.”

In the parable presented by Our Lord in the gospel of St. Luke, chapter XIX, the nobleman rebukes his unfaithful servant, saying: “Out of thy own mouth I judge thee, thou wicked servant.” The servant himself had indeed proven his misconduct in the very things he said to justify it.

When reading this apostolic constitution, we cannot but be reminded of these strong words of Our Lord: *Ex ore tuo te iudico*, i.e.,

Out of thy own mouth I judge thee.

For in this constitution John Paul II openly explains that the Code of Canon Law had to be updated principally in order to fit the ‘novel’ ecclesiological doctrine of Vatican II, particularly in regard to collegiality, ecumenism, and the ecclesiology of the Church as a “communion” of churches.

John Paul II openly ascribes this will to renew ecclesiology, both in doctrine and in discipline, to none other than John XXIII, whose foresight is emphatically acknowledged and praised: “we must acknowledge that this Code drew its origin from one and the same intention... All the work of the Council drew its norms and its shape principally from that same intention.”

This novelty, common to both Vatican II and the new Code, John Paul II assures us, “affects the very substance of the laws.”

We shall see that this is indeed the case, by studying the main ‘novelties’ one after the other.

But the very fact that the universal law of the Church needed to be updated, in its substance, to reflect a novel doctrine gives the lie to any claim of continuity with the past. For the very motives indicated as justifying

an update are not of circumstances, such as place and time, customs, and new laws introduced. Rather, it stems from a novelty of doctrine itself, which is unheard of, and absolutely impossible. And yet it is openly admitted by John Paul II.

If the doctrine of Vatican II were indeed in continuity with the past teaching of the Church, why would we need a change of Code such as would “affect the very substance of the laws”? Why could we not change merely a few laws, which would perhaps need an updating, if not precisely because the way the Church describes itself has entirely changed?

The very fact of the promulgation of the new 1983 Code of Canon Law, done for motives of novelty of ecclesiological doctrine, affecting the very substance of the laws, and indeed, the very structure of the Code, that fact alone, is proof positive of a rupture, a substantial change of discipline reflecting a substantial change of doctrine.

And the fact that John Paul II himself openly and authoritatively admits that supports our judgment: *Ex ore tuo te judico, serve nequam.*

SECOND ARTICLE

COLLEGIALITY AS TAUGHT BY VATICAN II

6. Collegiality is one of the main principles of the reform of the Code.

In this effort to reform the universal law of the Church in conformity with the doctrinal changes of Vatican II, the teaching of *Lumen gentium* on the very constitution of the Church has certainly had a substantial impact on the result. As we have shown, this was acknowledged by John Paul II himself.

This Vatican II dogmatic constitution contains a number of teachings which, taken together, portray an organization of the Church quite different from the way it was traditionally described in the 1917 Code. Among the points of *Lumen gentium* which have been and are still today the object of much polemic are “*the collegiality of the bishops as a re-evaluation of the ministry of bishops together with the primacy of the Pope, a renewed understanding of the individual Churches within the universal Church,*”² to which one may add the sacramentality of the episcopacy, although that is linked with the doctrine of collegiality.

The doctrine is said to have been “renewed” and “re-evaluated”, and it is openly the object of confusion and false interpretations. The famous ongoing theological dispute between Ratzinger and Kasper on this subject is but one proof of the lack of clarity of the conciliar document.

Let us therefore present the teaching of Vatican II, and see how it was applied in the Code of Canon Law.

² These are the very words of a response issued by the Congregation for the Doctrine of the Faith, in April of 2006.

7. The teaching of Vatican II on collegiality.

Lumen gentium, the Vatican II dogmatic constitution meant to present the very constitution of the Church, contained the following teachings:

The Sacred Council teaches that by episcopal consecration the fullness of the sacrament of Orders is conferred, that fullness of power, namely, which both in the Church's liturgical practice and in the language of the Fathers of the Church is called the high priesthood, the supreme power of the sacred ministry. But episcopal consecration, together with the office of sanctifying, also confers the office of teaching and of governing, which, however, of its very nature, can be exercised only in hierarchical communion with the head and the members of the college.³

Hence, one is constituted a member of the episcopal body in virtue of sacramental consecration and hierarchical communion with the head and members of the body. But the college or body of bishops has no authority unless it is understood together with the Roman Pontiff, the successor of Peter as its head. The pope's power of primacy over all, both pastors and faithful, remains whole and intact. In virtue of his office, that is as Vicar of Christ and pastor of the whole Church, the Roman Pontiff has full, supreme and universal power over the Church. And he is always free to exercise this power. The order of bishops, which succeeds to the college of apostles

³ *Lumen gentium*, n. 21.

and gives this apostolic body continued existence, is also the subject of supreme and full power over the universal Church, provided we understand this body together with its head the Roman Pontiff and never without this head. This power can be exercised only with the consent of the Roman Pontiff.⁴

The supreme power in the universal Church, which this college enjoys, is exercised in a solemn way in an ecumenical council.

This same collegiate power can be exercised together with the pope by the bishops living in all parts of the world, provided that the head of the college calls them to collegiate action, or at least approves of or freely accepts the united action of the scattered bishops, so that it is thereby made a collegiate act.⁵

The *nota praevia*, which accompanies the document, and was given to help the reader grasp the sense in which the conciliar document must be understood, adds the following precisions:

The College, which does not exist without the head, is said “to exist also as the subject of supreme and full power in the universal Church.” **This must be admitted of necessity so that the fullness of power belonging to the Roman Pontiff is not called into question.**⁶

It is up to the judgment of the Supreme Pontiff, to whose care Christ's whole flock has been entrusted, to determine, according to the needs of the Church as they change over the course of centuries, the way in which this care may best be

exercised—whether in a personal or a collegial way.⁷

Though it is always in existence, the College is not as a result permanently engaged in strictly collegial activity; the Church's Tradition makes this clear. In other words, the College is not always “fully active [*in actu pleno*]”; rather, it acts as a college in the strict sense only from time to time and only with the consent of its head.⁸

It is evident, however, that this *nota praevia* is usually not referenced by later developments and explanations given by the “Vatican II popes”, and the 1983 Code seems to ignore it altogether, while *Lumen gentium* is commonly referenced and quoted *ad nauseam*, since it is the only “magisterial source” that can be given in support of the doctrine of collegiality.

8. What has changed?

The Vatican II teaching on collegiality is supposed to be in continuity with the past doctrine, hence it is clearly meant to continue and develop the theology of the authority of the whole Catholic episcopate, whether gathered in council or outside of a council.

Although some of the text is somewhat obscure, principally due to the fact that it contains internal contradictions, and although it is still being discussed,⁹

⁷ *Ibid.*, n. 3.

⁸ *Ibid.*, n. 4.

⁹ It would be interesting, and very revealing, for example, to present the sense given to this doctrine of collegiality by Ratzinger and Congar, two prominent theologians at the very origin of this novelty. They clearly mean it in a way incompatible with the traditional understanding of the universal and immediate power of the Roman Pontiff.

⁴ *Lumen gentium*, n. 22.

⁵ *Ibid.*

⁶ *Nota praevia explicativa*, n. 3.

nonetheless, a number of substantial differences can be noticed between the traditional doctrine and the teaching of Vatican II, and these observations are indeed confirmed by the official interpretation embodied in the 1983 Code.

Since these changes might be somewhat difficult to grasp for the average reader, we shall study these differences starting with an observation which is easily accessible, and which will lead us to the core principle behind these changes, in order to then better understand the other differences, and how they logically flow one from the other..

Hence we will first notice **(1) a change in the principle according to which membership in the ecumenical council is determined**, which is an obvious point of difference between the 1917 Code of Canon

Law and the 1983 Code. From there, it will become evident that, in a broader consideration, **(2) Vatican II changed the very principle according to which a bishop is considered to be a “successor of the apostles”** and has membership in the “college of bishops.” This is indeed the point of departure from the traditional to the new doctrine. From this change a number of consequences logically follow. We will thus be able to understand how **(3) the Vatican II doctrine of collegiality “re-evaluates” the episcopacy from both the aspect of orders and the aspect of jurisdiction**. Accordingly, the rite of episcopal consecration was itself revisited. Similarly, **(4) the Vatican II doctrine of collegiality “re-evaluates” the role of the primacy** of the Roman pontiff.

THIRD ARTICLE

HOW COLLEGIALITY AFFECTS MEMBERSHIP IN THE ECUMENICAL COUNCIL

9. Change #1: The basis of sharing in the supreme authority of the Catholic episcopate in an ecumenical council has changed from jurisdiction to episcopal consecration.

According to Catholic doctrine, the Catholic episcopate, gathered in an ecumenical council presided by the Roman Pontiff, is indeed the subject of supreme authority. All the bishops, together with the pope, are judges of the faith, and are entitled together to issue judgments of faith and discipline for the universal Church. The foundation of this right was somewhat disputed by certain canonists and theologians of the past, as we shall explain soon, but the 1917 Code of Canon Law clearly listed the members of the ecumenical council according to the basis of jurisdiction: cardinals and ordinaries of dioceses are recognized to be members. Titular bishops, that is bishops who do not have authority of a particular diocese, could be denied any deliberative voice if the pope decided it. We shall see how this was entirely changed in the 1983 Code: episcopal consecration being now recognized as the basis of convocation, all consecrated bishops whether they actually rule a diocese or not, can claim a right to be present at the ecumenical council with a deliberative voice. Ordinaries who are not consecrated cannot claim a right to be present, although they could be called to participate, if the pope decided so.

Let us compare the list of members of the ecumenical council, according to each code.

The 1917 Code of Canon Law establishes the following (in canon 223):

§ 1. The following are called to a Council and have the right of a deliberative vote:

1.° Cardinals of the Holy Roman Church, even if they are not Bishops;

2.° Patriarchs, Primate, Archbishops, [and] residential Bishops, even if they are not yet consecrated;

3.° Abbots and Prelates *nullius*;¹⁰

4.° Abbots Primate, Abbots Superior of monastic Congregations, and supreme Moderators of clerical exempt religious [institutes], but not other religious [institutes], unless it is decreed otherwise in the convocation.

The second paragraph also grants a deliberative vote, *if they are called*, to titular bishops:

§ 2. Also, titular Bishops called to the Council obtain a deliberative vote, unless it is expressly determined otherwise in the convocation.

It is clear that in the 1917 Code, members of the ecumenical council are considered so on account of their jurisdiction. Hence whether they are actually consecrated bishops or not makes little difference, in the practical order, although a number of authors

¹⁰ An abbot *nullius* is an abbot which is independent from the local ordinary and directly answers to the pope. He enjoys jurisdiction over his inferiors.

acknowledge the right to be called to an ecumenical council to be *ordinary* and *proper* for residential bishops, while it is given by ecclesiastical law and custom to the others.¹¹

Titular bishops (who are consecrated but are without any jurisdiction) would *fittingly* be convoked as well, and in this case they would *fittingly* enjoy a deliberative vote as well.

The revision made by the 1983 Code is, in this regard, the complete opposite: members are considered so on account of episcopal consecration, whether or not they actually have jurisdiction over a particular territory or group of the faithful.

Thus canon 339 of the 1983 Code reads as follows:

§1 All Bishops, but only Bishops who are members of the College of Bishops, have the right and the obligation to be present at an Ecumenical Council with a deliberative vote.

§2 Some others besides, who do not have the episcopal dignity, can be summoned to an Ecumenical Council by the supreme authority in the Church, to whom it belongs to determine what part they take in the Council.

In this new legislation, only bishops, members of the College of bishops (by consecration) are recognized as members of the ecumenical council. Ordinaries of dioceses who would not yet have been consecrated, abbots of monasteries, etc, anyone who has not gone through an actual episcopal consecration is not entitled to take part in the

¹¹ Such is the teaching of Wernz-Vidal (*Jus Canonicum*, T. II, n. 459, Ed. 3^a, Rome, 1943) and of Coronata (*Institutiones Juris Canonici*, Vol. I, n. 320, Ed. altera, Turin, 1939).

ecumenical council. On the contrary, titular bishops, who do not preside over any diocese, and who were classified as something close to an “optional convenience” in the 1917 Code, are now made members on the same level and by the same right as jurisdictional bishops, namely by the very fact of being a member of the “college of bishops”, which according to Vatican II includes titular bishops just as much as it includes residential bishops.

Membership in this college of bishops is indeed recognized as *antecedent* and *prior* to the assignment of a particular flock.¹²

10. Objection: There has been a dispute among theologians and canonists on this issue.

Some have referred to an opinion advanced by Bolgeni, to the decision to call titular bishops to the 1870 Vatican Council,¹³ or even to the schema presented by Kleutgen S.J.¹⁴ at the same Council, to support the idea that collegiality is not entirely a novelty, and has been defended in the past by a minority of theologians.

Some theologians of the past (such as

¹² Cf. canon 330 of the 1983 Code. This teaching is also found explicitly in documents promulgated by John Paul II, such as in the Motu proprio *Apostolos suos* (1998) and the Apostolic exhortation *Pastores gregis* (2003). It is worth noticing that the false doctrine of “conclavism”, which is supported by some sedevacantists, is based on the same erroneous principle. These conclavists have effectively embraced the doctrine of collegiality, by ascribing either some kind of jurisdiction or at least a true title to membership in an ecumenical council based solely on the episcopal consecration. We wholeheartedly reject any form of “conclavism” as dangerous, and founded on principles alien to Catholic doctrine.

¹³ Mansi 49, cc. 494-496, and again cc. 524-526.

¹⁴ Mansi 53, col. 321.

Bolgeni) have indeed argued that the participation in the ecumenical council can be attached to the episcopacy (in regard to orders). But this opinion has been contradicted by the 1917 Code of Canon Law, as we have shown above.

The French canonist Naz¹⁵ argues that the question is now settled by this 1917 Code, and that titular bishops do not have any intrinsic right to be convoked to the council, although it is fitting for the Roman Pontiff to invite them to take part in this work of the entire teaching Church.

The famous Wernz-Vidal textbook explains who has a right to be called to the ecumenical council:

*By an ordinary and proper right and with a decisive vote [must be convoked to the ecumenical council] all residential bishops of the Catholic world, who have an actual jurisdiction in a determined diocese. Indeed, these bishops, before anyone else, are the successors of the Apostles, who, together with the Roman pontiff, constitute the college of bishops, which is endowed with the prerogative of infallibility in virtue of the promises of Christ, and which represents the universal teaching and governing Church. [...] Hence no other college can be substituted for the college of bishops in ecumenical councils. And the bishops receive this right before the reception of the consecration.*¹⁶

The same author then establishes a clear contrast with titular bishops, who were not included in the preceding category:

¹⁵ Naz, *Dictionnaire de Droit Canonique*, article *Concile oecuménique*, Paris, 1953.

¹⁶ Wernz-Vidal, *Jus Canonicum*, T. II, n. 459, Ed. 3^a, Rome, 1943. Emphasis in the original.

On the other hand, *titular* bishops, since they lack jurisdiction, whether that universal jurisdiction invented by Bolgeni, or any particular jurisdiction, [...] and since the business of the ecumenical councils is decided by the power of *jurisdiction*, and not by the power of *orders*, do *not have to be* called to the universal councils; but they *may* suitably be called.¹⁷

We will further analyze the different objections raised in defense of collegiality which we have mentioned, such as the discussions of the 1870 Vatican Council, and the doctrine of Bolgeni

The teaching here presented makes it clear that residential bishops, and not titular bishops, are the successors of the apostles, in regard to the power of government. They, together with the pope, form the college of bishops, which succeeds to the college of the apostle. They are therefore members of the ecumenical council, by proper and ordinary right.

This right, as we have seen, has been granted by the new 1983 Code of Canon Law to both residential and titular bishops indiscriminately. This raises another question: was the very notion of the college of bishops, as succeeding to the college of the apostles, also the object of change?

¹⁷ *Ibid.* Emphasis in the original.

FOURTH ARTICLE

HOW THE NEW COLLEGIALITY AFFECTS MEMBERSHIP IN THE COLLEGE OF BISHOPS

11. Change #2: The way in which the body of bishops are said to succeed the college of apostles has changed.

12. Catholic doctrine teaches that the bishops are successors of the apostles.

The Church's magisterium has repeatedly taught that while the Pope is the successor of St. Peter, the bishops of the Catholic Church are the successors of the Apostles.

This doctrine was embodied in the 1917 Code of Canon Law:

Bishops are successors of the Apostles and by divine institution are placed over specific churches that they govern with ordinary power under the authority of the Roman Pontiff.¹⁸

The apostolic succession, however, is not found in the same way in the Roman pontiff and in the other bishops of the Church. St. Robert Bellarmine warns us about this:

There is a great difference between the succession of Peter, and of the other Apostles. For the Roman pontiff properly succeeds to Peter, not as an apostle, but as the ordinary pastor of the entire Church; and thus the Roman pontiff has jurisdiction from the same origin from which Peter had it. But the bishops do not properly succeed the apostles, since the apostles were not ordinary pastors, but extraordinary ones, and quasi delegated ones, to whom there is no succession.

¹⁸ Canon 329, § 1.

The bishops are said to succeed to the apostles, however, not properly in the way that one bishop succeeds another, and that a king succeeds another, but on account of another reason which is twofold. Firstly, by reason of order of episcopal consecration. Secondly, by reason of a certain similitude and proportion: namely because as, when Christ was living on earth, first under Christ were the twelve apostles, and then the seventy-two disciples, so now first under the Roman pontiff are the bishops, after them are the priests, then the deacons, etc.¹⁹

This teaching of St. Robert Bellarmine can be commonly found in any manual of theology. Let us consider both aspects of this “improper” succession one after the other.

13. There is a certain apostolic succession *ratione ordinis*, “according to order of episcopal consecration.”

Bishops of the Catholic Church can be said to be successors of the apostles, in an improper way, by reason of episcopal consecration, and in this way *apostolic succession of orders* is the transmission from generation to generation of the fullness of the power of orders, namely the episcopal character, which gives the exclusive power to ordain priests. Under this aspect, however, the Roman Pontiff is not “more of a bishop”

¹⁹ St. Robert Bellarmine, *De Romano Pontifice*, L. IV, c. XXV. The last chapters of this book are in clear contradiction with the Vatican II doctrine of collegiality.

than any other bishop, since his powers are the same: they can validly administer the sacrament of confirmation and of holy orders, whether they are allowed to do so or not. Indeed, it is certainly possible that the episcopal consecration of a given Roman Pontiff be traced back to another apostle than St. Peter. It is therefore not under this aspect that the Roman pontiff is properly considered to be the successor of St. Peter. Neither should it be the aspect under which the college of bishops, as a body, is considered to succeed to the college of the apostles in a way somewhat resembling the way in which the Roman pontiff succeeds to St. Peter, namely, in regard to the government of the Church.

These two aspects of apostolic succession is sometimes referred to as *material succession* (power of orders) and *formal succession* (power of jurisdiction), since the fact of being consecrated a bishop is a predisposition to be appointed pastor of a particular diocese.²⁰

14. There is a certain apostolic succession, *ratione jurisdictionis*, “by reason of a certain similitude and proportion: ... first under the Roman pontiff are the

²⁰ This distinction between *material* and *formal* apostolic succession in terms of holy orders and jurisdiction should not be confused with the *material* and *formal* succession spoken of by the Thesis. This last distinction is a further distinction established entirely in regards to jurisdiction, between the canonical status of a jurisdictional bishop (*material side*) and the actual possession of authority (*formal side*). Many authors also refer to a merely *material* succession, when speaking about the succession of schismatic bishops in an episcopal see, since they are deprived of any *formal* authority, and are schismatics. For more information on this question, cf. Bishop Sanborn’s *De Papatu materiali*, Pars I, available at mostholytrinityseminary.org.

bishops.”

Bishops of the Catholic Church can indeed be said to be successors of the apostles, with regard to the authority which they exercise over the Church.

Under this aspect however, a great difference is to be admitted. For the apostles had an extraordinary and personal universal jurisdiction over the whole Church. This extraordinary and personal jurisdiction, to which was annexed a personal infallibility in doctrine, was given by Christ Himself to the apostles, and died with them. These extraordinary powers were given for the first edification of the Church, and are not transmitted to the bishops of the Catholic Church.

15. Could the bishops, not individually, but taken as a college, succeed to this extraordinary universal jurisdiction given to the apostles?

One way to understand the collegiality taught by Vatican II could have been that although the bishops do not succeed to the apostles in this extraordinary universal jurisdiction as individuals, they might succeed in it as a group, as a college of bishops, together with the Roman pontiff. But there is no trace for any such claim in Scripture or Tradition. The contrary is true, as we shall see: any idea of universal jurisdiction of bishops has been repeatedly condemned.

On the question at hand, let it suffice to here reproduce the solemn words of Pope Pius VI:

It is a Catholic dogma that the Apostles, although they were endowed with an extraordinary power (which power, since it was given to individuals, died

with the individuals themselves), were subjected to Peter, whom Christ had commanded to preside alone over the Apostles; and that all the bishops (who are deprived of the extraordinary power of the Apostles) are subject to the fullness of power of the Roman Pontiff (which power, since it was ordinary in Peter, is also ordinary in successors).²¹

Pope Pius VI thus teaches that it is a Catholic dogma that the extraordinary power of the apostles (that is, universal jurisdiction) died with the apostles and is not given to the bishops, successors of the apostles. It would be difficult to be any stronger or clearer.

Vatican II itself recognized that the bishops are not successors of the apostles in the extraordinary power.²²

16. How, then, do the bishops succeed to the apostles?

Under the aspect of jurisdiction (and not of episcopal consecration), therefore, how do the bishops of the Catholic Church succeed to the apostles?

The answer is clearly given by the

²¹ “Dogma catholicum est Apostolos, tametsi extraordinaria praeditos potestate, quae data personis cum ipsis personis interit, fuisse Petro subjectos, quem solum Apostolis praeesse Christus jussit; et subesse plenitudini potestatis Romani Pontificis (quae velut ordinaria fuit in Petro, ita in ejus successoribus ordinaria est) omnes Episcopos, qui extraordinaria potestate Apostolorum destituuntur.” Pius VI, in the brief *Super Nuntiaturis* (quoted in Bouix, *Tractatus De Papa*, Paris, 1869, p. 164).

²² “The parallel between Peter and the rest of the Apostles on the one hand, and between the Supreme Pontiff and the bishops on the other hand, does not imply the transmission of the Apostles’ extraordinary power to their successors” (*Preliminary Note of Explanation*, given on November 16th, 1964).

dogmatic constitution *Pastor Aeternus*, of the 1870 Vatican Council:

This power of the supreme pontiff by no means detracts from that ordinary and immediate power of episcopal jurisdiction, by which bishops, who have succeeded to the place of the apostles *by appointment of the Holy Spirit*, tend and govern individually the particular flocks which have been assigned to them.²³

The bishops are successors of the apostles, therefore, inasmuch as they have ordinary and immediate power of episcopal jurisdiction over the flock assigned to them. The Latin expression used here is “*singuli singulos*,” which can be translated as “they *individually* govern the *particular* flock assigned to them,” or “they *each* govern their *respective* flock.”

This teaching of the magisterium is also the teaching of approved canonists and theologians, such as Coronata, who explains:

The bishops are successors of the apostles, not in the rights of the apostolate, but in the ordinary rights of the pastoral office.²⁴

And what are these ordinary rights?

The ordinary or pastoral power [of the apostles] was the power to feed the Churches of which they were the head, under the dependence of Blessed Peter.²⁵

²³ Dogmatic constitution *Pastor Aeternus*, n. 3, D. 1828.

²⁴ Coronata, *Institutiones Juris Canonici*, Vol. I, n. 392, Ed. altera, Turin, 1939. Emphasis added.

²⁵ “Ordinaria seu pastoralis erat potestas pascendi ecclesias quibus praeessent, sub dependentia beati Petri.” (Cavagnis, *Institutiones juris publici ecclesiastici*, v. II, l. II, n. 22; quoted and endorsed by Coronata, *ibid.*)

What exactly, then, is the episcopacy, as it is established by divine institution, under the aspect of jurisdiction?

The episcopacy is thus of divine right [*ex jure divino*] in general and **with regard to its substance in such a way that this office could not be entirely abrogated**, even by the Roman pontiff, nor could it be limited in such a way as to become illusory. Now, **the substance of this office which appertains to divine law and which is always to be kept unassailed consists in the fact that the bishops are true princes, endowed with a jurisdiction which is ordinary**, and not merely delegated, both in the external forum and the internal forum, **pastors of a particular flock**, superior and distinct from the priests. This substance being saved, everything else, in regards to the number, the extension and restriction of power, whether in relation to subjects or territories, depends on canon law or on the Roman Pontiff.²⁶

This teaching, which can readily be found in any traditional handbook of canon law or theology, clearly establishes that what the episcopacy is, by divine law, is the ordinary jurisdiction over a particular flock, each bishop governing his own diocese, *singuli singulos*. And it is in this that the bishops are the successors of the apostles. Everything else, says this author, belongs to *human law*.

This was also the teaching of Pope Pius IX, who said:

²⁶ Coronata, *ibid.* Emphasis added. The same author, in a footnote, refers to the idea that the early Church would have been governed by a collegial government instead of singular bishops, monarchs in their respective churches, as a “theory of protestants of our time,” which he obviously dismisses.

And in truth “the successor of Peter, by the very fact that he holds the place of Peter, has, by right divine, the whole flock of Christ confided to his care, so that he receives, at the same time with the episcopacy, the power of universal government, **while to the other bishops it is necessary to assign a special part of the flock, so that they may exercise over that portion ordinary power of government; and they do so, not by divine right, but by ecclesiastical right, not by virtue of an order from Jesus Christ, but by a disposition of the hierarchy.** If the supreme power of St. Peter and his successors to assign in this manner the various parts of the flock were to be disputed, the very foundations of the Churches (above all, of the principal ones) as well as their prerogatives would be shaken;” “for if Christ willed that the other princes of the Church were to have something in common with St. Peter, it is only through the intermediary of Peter that He has given them what he did not refuse to them.” (St. Leo, sermon 3 on the anniversary of his assumption; cited by Pius VI in *Super soliditate*).²⁷

This is in perfect agreement with the 1917 Code, which establishes in canon 329:

Bishops are successors of the Apostles and by divine institution are placed over specific churches that they govern with ordinary power under the authority of the Roman Pontiff.

The government of particular dioceses is clearly presented as that by which bishops are successors of the apostles, and are a divine institution.

²⁷ Pius IX, Encyclical *Quartus supra* (January 6th, 1873). Emphasis added.

17. Magisterial teaching supporting canon 329.

Canon 329 reads as follows:

Bishops are successors of the Apostles and by divine institution are placed over specific churches that they govern with ordinary power under the authority of the Roman Pontiff.

Cardinal Gasparri, in his annotated edition of the Code, provides an extensive list of former ecclesiastical laws and of magisterial pronouncements to support the content of this canon:

C. 16, C. XII, q. 1; Conc. Trident., sess. XXIII, *de ordine*, c. 4, can. 8; Conc. Vatican., sess. IV, c. III, *de vi et ratione primatus Romani Pontificis*; Pius VI, const. “*Auctorem fidei*”, 28 aug. 1794, prop. 6, 8, Synodi Pistorien., damn.; Gregorius XVI, litt. ap. “*Cum in Ecclesia*”, 17 sept. 1833; ep. encycl. “*Commissum divinitus*”, 17 maii 1835; Leo XIII, ep. “*Jampridem*”, 6 jan. 1886; ep. “*Officio sanctissimo*”, 22 dec. 1887; ep., “*Est sane molestum*”, 17 dec. 1888; lit. encycl. “*Sapientiae*”, 10 jan. 1890; ep. encycl. “*Satis cognitum*”, 29 jun. 1896; S. C. S. Off., decr. “*Lamentabili*”, 4 jul. 1907, prop. 50, damn.

Let us therefore adduce here a number of the sources of canon 329, to ensure that we have a correct and precise understanding of it.

Pope Leo XIII, in his encyclical *Satis cognitum*, explains that the supreme authority of the Church was entrusted to Peter, and his successors. This encyclical would certainly be worth reading in its entirety, to compare it with the Vatican II doctrine of collegiality. After having

explained at great length how the supreme authority of the Roman pontiff is the rock of unity on which is built the Catholic Church, Leo XIII also presents the part assigned to the bishops in the constitution of the Church. This passage is what served as a basis for canon 329. It reads as follows:

But if the authority of Peter and his successors is plenary and supreme, it is not to be regarded as the sole authority. For He who made Peter the foundation of the Church also “chose, twelve, whom He called apostles” (Luke VI: 13); and just as it is necessary that the authority of Peter should be perpetuated in the Roman Pontiff, so, **by the fact that the bishops succeed the Apostles, they inherit their ordinary power, and thus the episcopal order necessarily belongs to the essential constitution of the Church.** Although they do not receive plenary, or universal, or supreme authority, they are not to be looked upon as vicars of the Roman Pontiffs; because **they exercise a power really their own, and are most truly called the ordinary pastors of the peoples over whom they rule.**²⁸

One could not repudiate the new teaching of Vatican II with greater clarity. Leo XIII teaches, as pertaining to the very constitution of the Church, that the bishops are the successors of the apostles in their ordinary power, which is not universal, but restricted to the people over whom they rule.

Leo XIII further doubles down:

What had the Son of God in view when he promised the keys of the Kingdom of Heaven to Peter alone? **Biblical usage**

²⁸ Leo XIII, Encyclical *Satis cognitum*, n. 14 (1896). Emphasis added.

and the unanimous teaching of the Fathers clearly show that supreme authority is designated in the passage by the word keys. Nor is it lawful to interpret in a different sense what was given to Peter alone, and what was given to the other Apostles conjointly with him. If the power of binding, loosening, and feeding confers upon each and every one of the Bishops, successors of the Apostles, a real authority to rule the people committed to him, certainly the same power must have the same effect in the case of whom to whom the duty of feeding the lambs and sheep has been assigned by God.²⁹

From this passage, it is evident that Leo XIII absolutely condemns any possibility of rethinking or re-evaluating, as John Paul II said Vatican II did, “what was given to Peter alone, and what was given to the other apostles conjointly with him.” Based on both Sacred Scripture and the unanimous consent of the Fathers (which is an infallible rule of faith), Leo XIII explains that the bishops are successors of the apostles inasmuch as they rule the people committed to them, while the Roman pontiff has been assigned, by God, the entirety of the flock.

Pope Leo XIII repeats and endorses the traditional doctrine of the Church, famously echoed by St. Bernard:

In this sense St. Bernard writes as follows to Pope Eugenius: “Who art thou? The great priest - the high priest. Thou art the Prince of Bishops and the heir of the Apostles... Thou art he to whom the keys were given. There are, it is true, other gatekeepers of heaven and pastors of flocks, but thou are so much

²⁹ Leo XIII, Encyclical *Satis cognitum*, n. 15 (1896). Emphasis added.

the more glorious as thou hast inherited a different and more glorious name than all the rest. **They have flocks consigned to them, one to each; to thee all the flocks are confided as one flock to one shepherd**, and not alone the sheep, but the shepherds. You ask how I prove this? From the words of the Lord. To which - I do not say - of the Bishops, but even of the Apostles have all the sheep been so absolutely and unreservedly committed? If thou lovest me, Peter, feed my sheep. Which sheep? Of this or that country, or kingdom? My sheep, He says: to whom therefore is it not evident that he does not designate some, but all? We can make no exception where no distinction is made” (*De Consideratione*, lib. II, cap. 8).³⁰

In another encyclical, also referenced by Cardinal Gasparri, the same Leo XIII repeats once more the same doctrine:

As for you, venerable brothers, you are aware of **the true nature of the Church, of the constitution which its divine founder gave it**, and of the rights and duties associated with it. **Nobody can subtract from or destroy these rights and duties.** [...] It is solely the Church’s duty to make rules concerning its inner life, whose nature was determined by our Lord Jesus Christ, the restorer of our salvation. **Christ ordered that this free and independent power belong to Peter and to his successors, and, under the authority of Peter, to the bishops in their respective churches.**³¹

Many other documents of Pope Leo XIII

³⁰ Leo XIII, Encyclical *Satis cognitum*, n. 15 (1896). Emphasis added.

³¹ Leo XIII, Encyclical *Jampridem*, n. 6 (1886). Emphasis added.

describe the unchangeable and divinely instituted constitution of the Church in the exact same way, such as this one, also referenced by Cardinal Gasparri:

Now, the administration of Christian affairs immediately after, and under, the Roman Pontiff appertains to the bishops, who, **although they attain not to the pinnacle of the pontifical power**, are nevertheless truly princes in the ecclesiastical hierarchy; and since **each one of them administers a particular church** [*“singulas Ecclesias singuli administrent”*], they are, says St. Thomas, “as the principal workers... in the spiritual edifice,” and they have members of the clergy to share their duties and carry out their decisions. Everyone must regulate his mode of conduct according to **this constitution of the Church, which it is not in the power of any man to change.**³²

One of the other sources of canon 329, we are told by Cardinal Gaspari, is an Apostolic Letter of Pope Gregory XVI, entitled *Cum in Ecclesia*, and dated September 17th, 1833. This authentic teaching of Gregory XVI contains the following passage, very relevant for our discussion:

It is neither in secrecy or behind closed doors nor by insinuations, but in the most open fashion, orally, by writings, and even in the pulpit, that they have again and again stated and put forward **the bold pretension that all the bishops, inasmuch as they are successors of the Apostles, have received from Christ in equal measure that sovereign power to govern the Church, and that it does not**

³² Leo XIII, Encyclical *Sapientiae Christianae*, n. 48 (1890). Emphasis added.

reside solely in the Roman Pontiff, but in the entire episcopate.³³

The teachings presented above should amply suffice to show that besides the authority of the pope over the universal Church (*“uni unus”*, to use the expression of St. Bernard), and the authority of each bishop over his particular church (*“singuli singulos”*), any idea of some sort of universal power shared by the college of bishops is absolutely unheard of, and completely at odds with the traditional teaching of the Church. Nay, more, it is clearly against the very constitution of the Church, as it was established by Christ.

We shall later explain how the bishops can actually share and participate in the universal power of the Church, given to Blessed Peter and his successors. But this in wise can contradict the divine constitution of the Church.

The pontiffs have repeatedly presented to us this divine constitution of the Church, consisting of the supreme and universal jurisdiction of the Roman pontiff, and of the ordinary power of the bishops in their respective dioceses, and in doing so, one cannot but notice that they have often repeated words for words the teaching of St. Bernard on this question.

18. The formula of St. Bernard is consecrated by the usage of the Church.

Although all the Fathers (according to Leo XIII himself, see above) have given us the same doctrine, namely that the universal flock is entrusted to the Roman pontiff alone, while each particular church is also entrusted

³³ Gregory XVI, Apostolic letter *Cum in Ecclesia* (1833). Emphasis added.

to a particular bishop, a particular teaching of St. Bernard stands out, both on account of its clarity and on account of its being repeatedly endorsed by the Church's magisterium.

We are referring to the following passage, taken from a work of St. Bernard addressed to Pope Eugenius III:

Other pastors have their flocks assigned to them, each one their own; to thee all the flocks have been entrusted, one flock to one shepherd, and you are the only one shepherd of all, not only of the sheep, but also of the pastors.³⁴

The Latin text, very majestic and energetic in its formulation, reads as follows:

Habent illi sibi assignatos greges, singuli singulos, tibi universi crediti, uni unus, nec modo ovium, sed et pastorum, tu unus omnium pastor.

This expression, “*singuli singulos*”, is found in many texts of the magisterium of the Church, often with a clear reference to St. Bernard. This formula of St. Bernard has indeed been repeated by:

Pius VI: Apostolic constitution *Super soliditate* (1786).

Leo XIII: Encyclical *Sapientiae Christianae*, n. 48 (1890); Encyclical *Satis cognitum*, n. 15 (1896).

Pius XII: Encyclical *Mystici corporis*, n. 42 (1943); Encyclical *Doctor Mellifluus*, n. 25 (1953); Encyclical *Ad Apostolorum Principis*, n. 38 (1958).

Lastly, this expression, “*singuli singulos*”, has been elevated to the most solemn teaching of an ecumenical council, namely the

³⁴ St. Bernard, *De Consideratione*, L. II, C. 8.

1870 **Vatican Council**, in its dogmatic constitution *Pastor Aeternus*:

This power of the supreme pontiff by no means detracts from that ordinary and immediate power of episcopal jurisdiction, by which bishops, who have succeeded to the place of the apostles *by appointment of the Holy Spirit*, tend and govern individually the particular [*singuli singulos*] flocks which have been assigned to them.³⁵

To this could be added the immense body of magisterial teaching which have been issued on this very subject, in equivalent expressions. It is quite striking to notice that, on the contrary, the new teaching of collegiality is self-referential; annotated versions of the 1983 Code are not able to provide anything but Vatican II documents and further teachings issued by the “Vatican II popes.” This is so because the Vatican II collegiality is nowhere to be found in previous magisterial pronouncements of the Church.

³⁵ Dogmatic constitution *Pastor Aeternus*, n. 3, D. 1828.

FIFTH ARTICLE

ORDERS AND JURISDICTION IN THE EPISCOPACY

19. Change #3: The Vatican II collegiality overturns the notions of orders and jurisdiction of the bishops.

We have seen in the precedent article that the bishops are the successors of the apostles. In the Catholic doctrine, they are said to be successors of the apostles inasmuch as they rule, by divine right, the flock entrusted to their care, each their own (*“singuli singulos”*). In the Vatican II doctrine, on the contrary, bishops are said to be successors of the apostles inasmuch as they have membership in the college of bishops, which membership is obtained not by the fact of being the head of a particular church, but rather by the very fact of having been consecrated a bishop. Let us now attempt to clarify more precisely these distinctions, by a deeper analysis of the place of a Catholic bishop in the hierarchy of the Church, both with regards to the power of orders and of jurisdiction.

20. What is the place of the bishop in the hierarchy of the Church, according to its divine constitution?

The 1917 Code of Canon Law presents to us very precisely what is the divine constitution of the Church, in its hierarchy:

By divine institution, the sacred hierarchy in respect of orders consists of Bishops, priests, and ministers; by reason of jurisdiction, [it consists of] the supreme pontificate and the subordinate

episcopate; by institution of the Church other grades can also be added.³⁶

The next canon indicates us how one may share in the power of orders and in the power of jurisdiction of this sacred hierarchy:

Those who are taken into the ecclesiastical hierarchy are not bound thereto by the consent or call of the people or secular power, but are constituted in the grades of the power of orders by sacred ordination; into the supreme pontificate, by divine law itself upon the completion of the conditions of legitimate election and acceptance; in the remaining grades of jurisdiction, by canonical mission.³⁷

We must immediately note that these two canons, namely canon 108, § 3, and canon 109, are not to be found in the new 1983 Code of Canon Law. A lot of the canons of the 1917 Code are found, with a greater or lesser modification, in the 1983 Code, and canonists have established the correspondence between the two codes. But these canons are simply omitted, and do not have an equivalent in the 1983 Code. This is extremely striking, since these canons are meant to describe the hierarchy of the Church according to its divine constitution. One would think that this divine constitution would certainly have to be included in any

³⁶ Canon 108, § 3. Cardinal Gasparri indicates, as a doctrinal foundation for this canon, a very long list of magisterial decisions, issued by ecumenical councils and Roman pontiffs throughout centuries.

³⁷ Canon 109.

Code, as the very basis on which the Church should operate.

The reason for this omission, however, is quite simple to understand. The doctrine which these canons portray has been the object of the “re-evaluation” of Vatican II. For these canons clearly distinguish the power of orders from the power of jurisdiction, and explain that these powers are obtained from two different sources. On the contrary, Vatican II establishes episcopal consecration (the fullness of the power of orders) as the source of the power of jurisdiction found in the bishop. Let us contrast these doctrines.

21. The episcopacy, from the point of view of the power of jurisdiction.

According to the divine constitution of the Church, the hierarchy of the Church, under the aspect of orders, consists of bishops, priests, and ministers; while under the aspect of jurisdiction it consists of the Roman pontiff and the bishops. Other grades can be added to this hierarchy by the Church. Let us explain.

The supreme authority of the Church is found in the supreme pontiff, and this, by divine law. The care of the whole Church has been entrusted to him. Under him, the bishops have authority over a particular church, assigned to them.

Under this jurisdictional aspect, the episcopate belongs to the divine constitution of the Church inasmuch as Christ willed the Church to be thus ruled. It is not permissible for the Roman pontiff to rule by himself the entire Church without assigning particular pastors to particular churches. The Roman pontiff cannot, for example, decide to rule the entire Church as one diocese, in which the

bishops would form a kind of assembly of vicars to assist him in ruling the Church without ever being particularly assigned to rule one particular Church.

On the contrary, and by contrast, the establishment of parishes and of parish priests does not belong to the divine constitution of the Church, and it would not be against this divine constitution for a bishop to rule his entire diocese as if it were one big parish, in which no particular priest is assigned any particular territory, but rather in which the bishop would be assisted by a college of priests, and thus rule his people from one central episcopal authority, assisted by an assembly of priests. This form of government of a particular church seems to have actually existed in some areas, in the first centuries.

Such a government would not conflict with the divine constitution of the Church. That a diocese be divided in parishes to be administered by assigned pastors does not belong to divine law, but has been established by ecclesiastical law.³⁸

22. The episcopacy, from the point of view of the power of orders.

According to the divine constitution of the Church, the hierarchy of the Church, under the aspect of orders, consists of bishops, priests, and ministers.

We have indeed explained how a residential bishop is established over a particular church, as its head, with the mission to teach, rule and sanctify the faithful. Many of the tasks

³⁸ However, since this ecclesiastical law is imposed from a higher authority, namely that of the Roman pontiff, in the form of the Code of Canon Law, a bishop is no longer free to rule his diocese in this way.

involved in the fulfillment of the mission to rule are juridical acts, made with authority: the promulgation of laws, the execution of decrees, the punishments of delinquents. For these, besides legitimate authority, nothing else is required, on the part of the person, than its natural faculties of intellect and will, to issue these authoritative decisions. The same is true of the duty to teach: besides authority by which he is made the head of a particular church, and has therefore a moral power to oblige his subjects, the bishop will simply use and cultivate his natural faculties in preaching, exhorting, and counseling.

When it comes to the duty to sanctify the faithful, however, authority is not enough. Besides jurisdiction, the bishop will have recourse to the power of holy orders to administer the sacraments to his people, so as to sanctify them through the power of the Redemption of Christ. The bishop will not be sufficient on his own to administer the sacraments to the multitude of his flock. He thus needs the assistance of priests and ministers, who will work under his commandment.

This power of holy orders is a character imprinted in the soul, a participation in the priesthood of Christ. It is the faculty to act in the name of Christ to sanctify the faithful through the redemptive power of His sacred humanity. It is ontologically independent of authority, which is a moral faculty.

From the point of view of orders, the episcopacy is the fullness of the priesthood, the fullness of holy orders, by which one is not only able to offer the Holy Sacrifice of the Mass, and administer the sacraments to the faithful, but also to give this power of the priesthood to others: that is the distinctive power of the episcopacy, considered from the

point of view of orders: the power to ordain other priests, who can then administer the sacraments.

23. Should a bishop (according to jurisdiction) be a bishop (according to orders)?

Ordinarily, yes, a residential bishop, placed in authority over a particular church, should be a consecrated bishop, having the fullness of the power of the priesthood. The reason is simple to understand: the head of a particular church is entrusted with the mission to teach, rule, and sanctify his flock. As we have explained, the moral faculty of authority is enough for him to accomplish the duty of teaching and ruling the faithful. It is not enough, however, to accomplish his duty to sanctify them, since this involves the administration of the sacraments, which can be done only by ordained priests. The residential bishop has therefore the duty to command priests to help him in this duty, and he has the duty to ensure that he provides a sufficient number of priests. For this end, therefore, he should be himself endowed with the power of the priesthood, since he should himself be directly involved in this duty. And he should also have the power to provide more priests, which will help him in his work of sanctification. Thus the residential bishop should be endowed with the fullness of the priesthood, so as to be able to ordain more priests, who will administer the sacraments to his flock, under his authority.

Such is the reason requiring a residential bishop to be consecrated a bishop: the duty, entrusted to him, by divine law, to sanctify his particular flock.

24. Must a bishop (according to

jurisdiction) necessarily be a bishop (according to orders)?

The meaning of the question here is whether it is actually possible for a residential bishop to never be consecrated a bishop. The simple answer is that it is indeed possible, and that the necessity for the head of a particular bishop is an ecclesiastical law, founded on the fittingness of what the episcopacy is, as willed by Christ.

The residential bishop is indeed the person directly entrusted with the right and duty to teach, rule, and sanctify his flock. He will certainly need the help of lower clergy in the fulfillment of his task.³⁹

To ensure the administration of baptisms, the offering of the Sacrifice of the Mass, the hearing of confessions, the celebration of christian burial, and so forth, the residential bishop will certainly need the assistance of many priests. In his diocese, priests are his helpers, they are his assistants. To ensure that the faithful may readily receive the sacraments of confirmation, and to ensure that priests may be ordained in sufficient number, he may even require the help of a few clerics endowed with the fulness of the priesthood, namely clerics that have been consecrated bishops, even if they have not been granted authority over any particular church. But it is very fitting, as it should be obvious, that since this duty of sanctification of the faithful is placed, by divine law, on the shoulders of the residential bishop, he himself

³⁹ The juridical organization of this lower clergy, in parishes or otherwise, belongs to ecclesiastical law, as we have explained above; while, on the contrary, this mission to teach, rule, and sanctify belongs to the residential bishop in virtue of divine law, although the authority over his particular church is actually given to him by the Roman pontiff, as we shall explain later.

should be a priest, able to hear confessions and offer Mass. And for the same reason it is clearly fitting that he should also be endowed with the fulness of the priesthood, so as to be able to administer the sacrament of confirmation, consecrate chalices, ordain priests, and possibly even consecrate bishops, who will help him, in his diocese, to administer the sacraments and blessings which are reserved to consecrated bishops.

Since divine law obliges him personally to accomplish the mission of sanctifying the faithful, it is obviously fitting that he himself should take part in it, and not be merely content with having others do his work. He should take part in this duty personally, since it has been entrusted to him personally. And since the entire work of sanctification, in his church, including the administration of confirmation and the ordaining of priests and ministers is also something which binds him personally, by divine law, it is fitting that he himself be consecrated a bishop so as to be able, if need be, to perform confirmations and ordinations. Since all these are personally asked of him, it is obvious that he should make himself able to provide all these things, without becoming dependent on anyone else. Hence this personal obligation to sanctify his flock involves, for him, the obligation to possess personally the ability to provide all he needs to fulfill his duty, and this means that unless he is excused by another consideration, he is actually obliged to be consecrated a bishop.

25. What is the strength of this obligation?

This obligation is a very serious one, as it should be obvious from the explanation given above. The law of the Church has actually

given to the new bishop a delay by which he must necessarily be consecrated a bishop. Thus canon 333 of the 1917 Code of Canon Law reads as follows:

Unless prohibited by a legitimate impediment, one promoted to the episcopate, even if he is a Cardinal of the H. R. C., must within three months of receipt of the apostolic letters take up consecration and within four [months] go to his diocese, with due regard for the prescription of Canon 238, § 2.

The law of the Church thus indicates a three months deadline, at the end of which the new bishop of a diocese is expected to have been consecrated a bishop.

This ecclesiastical law has not always been so strongly enforced, however, and before the Council of Trent it was sadly too common for many residential bishops to never be consecrated bishops themselves, but to entrust episcopal liturgical functions to auxiliary bishops, that is clerics who have been consecrated bishops, but who are working for the residential bishop in his particular diocese. From the point of view of jurisdiction, these auxiliary bishops are in themselves no better than any diocesan priest.

This was an abuse, introduced by time, and reformed by the Council of Trent. As explained, the *personal* obligation to sanctify his flock brings on the bishop the obligation to be *personally* able to provide all things necessary, and thus to be himself a bishop.

This obligation is a serious moral obligation, flowing from the very nature of the episcopacy, as instituted by Christ. Nonetheless, despite this strong bond existing between both aspects of the episcopacy, it is important to clearly

distinguish the power of jurisdiction from the power of holy orders. They are distinct, according to the divine institution of Christ Himself: they are different in nature, and they have a different origin. Such is the explicit teaching of the 1917 Code of Canon Law, which is entirely removed from the 1983 Code.

Let us further corroborate the existence of this distinction, before proceeding to an analysis of the teaching of Vatican II on this question.

26. Common practice shows that the episcopacy can occasionally exist in only one of its two aspects in an individual.

Ordinarily the episcopacy is present in a bishop according to both aspects by which it is divinely instituted in the Church, namely according to both holy orders and jurisdiction. The person assigned ordinary pastor of a particular church has been duly consecrated a bishop, so as to possess the fullness of the priesthood, and be thus able to ordain priests and consecrate other bishops.

These two powers, which define the episcopacy as willed by Christ, and which are ordinarily united in the same subject, are occasionally separated. This is possible due to the fact that they are independent from each other in their origin and existence.

Besides the fact that this is the universal teaching of theologians and canonists, especially after the explicit content of the 1917 Code was promulgated by Benedict XV, this principle is corroborated by innumerable examples taken from history and universal practice.

It was very common, before Vatican II, for a newly appointed bishop to take possession of his office as soon as possible, in a matter of

a few days or weeks after the nomination, while the consecration itself would often happen a little later, for the sake of a convenient organization of such an important event. It was not uncommon at all, therefore, to have a new residential bishop, who already possessed and exercised the ordinary power of a bishop, head of a particular church, but who was not yet invested with the power of the fullness of the priesthood, which can be given only through the ceremony of episcopal consecration. This principle is presupposed by the Council of Trent itself, when determining a period of three months given to the new residential bishop to be consecrated a bishop.⁴⁰

Conversely, the practice of consecrating bishops in order to help with the administration of sacraments and blessings reserved to bishops was extremely common in large dioceses. These bishops were there to help and assist the residential bishop in his personal duty to sanctify the faithful. But from the point of view of jurisdiction, being consecrated a bishop gave them nothing more than any priest of the diocese. Just like the diocesan priests, they were at the service of the residential bishop, and were called to help and assist him, and could not do anything without his delegation.

These two common practices show us that it is possible for a residential bishop to be endowed with jurisdiction without having been consecrated a bishop; and conversely, that it is possible for a priest to be consecrated a bishop, in order to be able to confirm and ordain, without being given any authority over any particular church.

⁴⁰ Council of Trent, Session 23, *On reform*, canon 2.

To this could be added the occasional practice of resignation and deposition of bishops, through which a bishop loses his jurisdiction over a diocese, but retains forever the character of the episcopacy, and the actual power to ordain priests.

Jurisdiction over a diocese does not itself give the fullness of the priesthood, given only through episcopal consecration.

Conversely, the fact of being consecrated a bishop does not of itself give any jurisdiction over any particular church. This is given by a canonical mission emanating by the Roman pontiff, and not by the episcopal consecration. Such was the explicit teaching of canon 109, in the 1917 Code, which canon was completely abandoned into oblivion.⁴¹

27. The distinction between the power of orders and the power of jurisdiction has been presented by Pope Pius XII as belonging to the very constitution of the Church, as it was divinely instituted.

In addition to the express words of the 1917 Code of Canon Law, we now benefit from the extensive teaching of Pope Pius XII on these questions.

In 1954, Pope Pius XII taught the following:

The Church's constitution, its government, and its discipline, all of these things depend certainly on the will of Jesus Christ, Founder of the Church.

By virtue of God's Will, the faithful are divided into two classes: the clergy and the laity. By virtue of the same Will is established the twofold sacred hierarchy, namely, of orders and jurisdiction.

⁴¹ For further proof and explanation, see Wilmers S. J., *De Christi Ecclesia*, prop. 57, Ratisbonne, 1897.

Besides - as has also been divinely established - the power of orders (through which the ecclesiastical hierarchy is composed of Bishops, priests, and ministers) comes from receiving the sacrament of Holy Orders. But the power of jurisdiction, which is conferred upon the Supreme Pontiff directly by divine right, flows to the Bishops by the same right, but only through the Successor of St. Peter, to whom not only the simple faithful, but even all the Bishops must be constantly subject, and to whom they must be bound by obedience and with the bond of unity.⁴²

Pope Pius XII establishes here a number of important points which, he explains, are thus established by the divine will of Christ (and are therefore absolutely unchangeable, and belong to the faith):

(1) The distinction between the power of orders and the power of jurisdiction belongs to the divine constitution of the Church, just as the distinction between the laity and the clergy does.

(2) That *by the same divine will of Christ*, the power of orders is conferred by the reception of the sacrament of holy orders; while (*by the same divine will of Christ*) the power of jurisdiction is, in virtue of divine law, directly conferred to the Supreme Pontiff, and is conferred to the bishops through the mediation of the Roman pontiff.

Hence it follows that, by the divine will of Christ, the power of jurisdiction *does not* and *cannot be said* to flow from the power of orders, or in virtue of episcopal consecration. For these things belong to two different

⁴² Pius XII, Encyclical *Ad sinarum gentes*, nn. 11-12 (1954).

powers, which are distinct in virtue of divine law itself.

28. Jurisdiction does not come through the episcopal consecration. Rather, the bishops receive their jurisdiction directly from the Roman pontiff.

Pope Pius XII had already taught, earlier in his pontificate, in his landmark encyclical on the Church, *Mystici Corporis*, that the bishops received their jurisdiction directly from the Roman pontiff:

Consequently, Bishops must be considered as the more illustrious members of the Universal Church, for they are united by a very special bond to the divine Head of the whole Body and so are rightly called “principal parts of the members of the Lord;” moreover, as far as his own diocese is concerned, each one as a true Shepherd feeds the flock entrusted to him [*“singuli sindulos”*] and rules it in the name of Christ. Yet in exercising this office they are not altogether independent, but are subordinate to the lawful authority of the Roman Pontiff, although enjoying the ordinary power of jurisdiction which they receive directly from the same Supreme Pontiff.⁴³

It is impossible, therefore, to argue that the Roman pontiff would merely *direct* or *assign subjects* to a jurisdiction which bishops would have had received through their consecration. Pope Pius XII explicitly teaches that bishops receive their ordinary power of jurisdiction *directly* from the Supreme Pontiff.

Against schismatical consecrations, Pope Pius XII repeated the same principle:

⁴³ Pius XII, Encyclical *Mystici corporis*, n. 42 (1943).

Bishops who have been neither named nor confirmed by the Apostolic See, but who, on the contrary, have been elected and consecrated in defiance of its express orders, enjoy no powers of teaching or of jurisdiction since jurisdiction passes to bishops only through the Roman Pontiff...⁴⁴

Sacramental acts performed by schismatic clergy, endowed with the power of holy orders, might be valid, but since they are accomplished without jurisdiction or delegation given by the Church, these acts are gravely illicit:

Acts requiring the power of Holy Orders which are performed by ecclesiastics of this kind, though they are valid as long as the consecration conferred on them was valid, are yet gravely illicit, that is, criminal and sacrilegious.⁴⁵

This shows that the power of jurisdiction does not come from the mere fact of possessing the power of orders; and conversely it shows that being deprived of the power of jurisdiction does not make one deprived of the power of orders. These two powers are distinct and independent to the point that they can exist separately, although they are ordinarily meant to be found in the same person, namely the head of a particular church.

29. The changes introduced by Vatican II.

The changes of Vatican II are visible in the canon which defines them in the 1983 Code:

§1. By divine institution, Bishops

⁴⁴ Encyclical *Ad Apostolorum Principis*, n. 39 (1958)

⁴⁵ Encyclical *Ad Apostolorum Principis*, n. 41 (1958)

succeed the Apostles through the Holy Spirit who is given to them. They are constituted Pastors in the Church, to be the teachers of doctrine, the priests of sacred worship and the ministers of governance.

§2. By their episcopal consecration, Bishops receive, together with the office of sanctifying, the offices also of teaching and of ruling, which however, by their nature, can be exercised only in hierarchical communion with the head of the College and its members.⁴⁶

The reader now familiar with the traditional distinctions is at once confused by the above canon. According to the 1983 Code, bishops are successors of the apostles by the simple fact of episcopal consecration. Without even any assignment to any particular Church, the consecrated bishop is made a pastor, endowed with the “office” of “functions” (the Latin says “*munera*”) of teaching, ruling, and consecrating. These “*munera*”, however, can only be exercised in hierarchical communion.

A canonical commentary of the 1983 Code explains the following:

Episcopal ordination confers the ontological participation in the sacred functions of teaching, sanctifying, and governing. These functions, if they are to acquire the configuration of true power, must be juridically defined by the hierarchical authority by way of a canonical mission, i.e., the conferral of an office or the assignment of specific members of the faithful, for whom the

⁴⁶ Canon 375 of the 1983 Code of Canon Law.

person concerned must discharge his functions.⁴⁷

The reader can notice at once that no particular distinction is made of the power of sanctification, which is given by holy orders. The function of “sanctifying” is given by the “episcopal ordination” just as much as the “functions” of teaching and ruling. It is said that these functions “can be exercised only in hierarchical communion” without establishing any distinction.

According to Catholic doctrine, sacraments given by a truly consecrated bishop would be valid, regardless of “hierarchical communion.” On the other hand, no authority nor any kind of ruling “function” can be had at all outside hierarchical communion. The fact that these distinctions are not clearly established begets confusion and imprecision in the mind of the reader. The natural sense of the text would make the reader believe that the ability to teach and rule is given through episcopal consecration just as much as the ability to sanctify (traditionally known as the power of orders).

According to Catholic doctrine, jurisdiction is what gives the office and function to teach, rule, and sanctify the faithful. On the other hand holy orders give the power to sanctify, through the administration of the sacraments. This power of orders draws its origin and existence independently from jurisdiction.

In the Vatican II system, on the other hand, episcopal ordination grants the ontological “functions” to teach, rule, and sanctify. What the canonical commission gives is the ability to actually exercise these

⁴⁷ Juan Ignacio Arrieta, *Code of Canon Law Annotated*, 4th edition, Bk. II, C. II, Wilson et Laffleur, Chambly, 2022, p. 318.

functions. Whether that is required for the valid exercise of these functions or not, Vatican II purposely refused to explain, and openly allowed discussions about:

Without hierarchical communion the ontologico-sacramental function [*munus*], which is to be distinguished from the juridico-canonical aspect, cannot be exercised. However, the Commission has decided that it should not enter into question of liceity and validity. These questions are left to theologians to discuss—specifically the question of the power exercised *de facto* among the separated Eastern Churches, about which there are various explanations.⁴⁸

This text is completely at odds with traditional notions of *orders* and *jurisdiction*, and instead uses the new notions of *functions* and *powers*, which we must now discuss.

30. The distinction between *orders* and *jurisdiction* is replaced by the distinction between *functions* and *powers*.

The Catholic distinction between orders and jurisdiction in the person of the bishop, as it was established by the 1917 Code, and as it was presented by Pope Pius XII as belonging to the divine constitution of the Church, is effectively replaced by a new distinction of *functions* and *powers*, which is unknown to Catholic doctrine.

Thus the preliminary note added to *Lumen gentium* indicates:

In his consecration a person is given an ontological participation in the sacred functions [*munera*]; this is absolutely clear from Tradition, liturgical tradition

⁴⁸ “Nota Bene” of the *Nota praevia* added to *Lumen gentium*.

included. The word “functions” [*munera*] is used deliberately instead of the word “powers” [*potestates*], because the latter word could be understood as a power fully ready to act. But for this power to be fully ready to act, there must be a further canonical or juridical determination through the hierarchical authority.

An “ontological participation in the sacred functions” means that the recipient is given something real, being, existing, in him. Such is the meaning of “ontological.” What he has, really, or *ontologically*, is said to be a “participation in the sacred functions” proper to the bishops. We are warned, however, that consecration alone does not give a power “fully ready to act.” This is granted only “by a further canonical determination.”

This might be quite confusing for anyone accustomed to the traditional doctrine on the episcopacy, which distinguishes between two aspects of this dignity: the power of orders, obtained through episcopal consecration, and the power of jurisdiction, obtained from the Roman Pontiff.

Vatican II actually ignores and abstracts from this traditional distinction, to establish a new one. The order of the episcopacy, as established by Christ in the Church, is no longer distinguished according to orders and jurisdiction. Rather, episcopal consecration is said to be “an ontological participation” in the functions of the bishops, while “canonical determination” grants you a power “fully ready to act.” What this means is that episcopal consecration makes you a bishop, with the threefold functions that come with it: to teach, to rule and to sanctify. You are not, however, supposed to exercise these functions without a canonical determination,

which would, for example, establish you as the pastor of a particular church.

To understand why this change was made, and what its consequences are, it is important for the reader to know that the traditional distinction between hierarchy of orders and hierarchy of jurisdiction is commonly rejected by modern theologians, or at least presented as a “medieval elaboration” and “not very theological.”⁴⁹

What episcopal consecration does, therefore, is not the conferral of the power of orders (as traditionally understood), but rather the fact that an individual is publicly established in the rank of bishops, in the Church, and consecrated to this office. Hence one should not think that this individual receives any “magical power”, explain the modernists, but rather he has been publicly endowed with the “functions” proper to the order of bishops.

31. The explanation given by modern theologians will explain to us the import of this change.

A prominent American theologian of the second half of the twentieth century (and one rewarded for his theological works by being made a cardinal) explains it all plainly:

Congar points out that the modern idea of ordination as the conferral of a permanent power by ritual consecration is

⁴⁹ Dupuy rants against the “élaborations médiévales” and considers the name of hierarchy of jurisdiction as a name given “assez peu théologiquement” to something which he claims has been established by the Western Church. This, he regrets, has slowed down the “remise en ordre” of the theology of the episcopacy. Cf. Dupuy O.P., *La théologie de l'épiscopat*, in *Revue des Sciences philosophiques et théologiques*, Avril 1965, Vol. 49, No. 2, p. 322.

something that first appeared in the twelfth century. According to an earlier conception, to which Congar would like to return, “the words *ordinare*, *ordinari*, *ordinatio* signified the fact of being designated and consecrated to take a certain place, or better, a certain function, *ordo*, in the community and at its service.”

Like Congar and Küng, Walter Kasper describes the priestly office (he uses the term “priest”) not primarily in terms of its sacral-consecratory function, but in terms of its socio-ecclesial function.⁵⁰

The traditional doctrine is referred to as “some theories”:

According to some theories the priest’s “power of the keys” enables him at his discretion to supply or withhold the means of grace, and thus to confer or deny what is needed for salvation — a truly terrifying power over the faithful.⁵¹

This modernist theologian praises this historical “theory” for its emphasis of the “symbolic and mystical dimension of the priesthood” but also warns us of its supposed dangers:

Like every good thing, however, the sacral concept of the priesthood can be exaggerated. It can lead to a superstitious exaltation of the priest as a person possessed of divine and magical powers. He may become removed from the rest of the community and surrounded with an aura of cultic holiness more redolent of paganism than of Christianity.⁵²

⁵⁰ Avery Dulles, *The Models of the Church*, New York, 2014, p. 157.

⁵¹ *Ibid.*, p. 154.

⁵² *Ibid.*, p. 159.

Instead of being endowed with personal “magical powers” the priest is meant to be the “guiding spirit” (“*spiritus rector*”) of his congregation. Hence the same American theologian presents to us the teaching of Hans Küng, who summarizes the functions of the priest in the following manner:

In all this he is the gently effective guiding spirit (*spiritus rector*) of the congregation.⁵³

The change introduced by Vatican II, from a distinction between orders and jurisdiction to a distinction between “functions” and “power fully ready to act” might be very confusing for traditionally minded Catholics. But in the light of the teaching of modernist theologians, it reveals all its meaning and importance. According to this new doctrine, someone is established in the rank of bishops by episcopal consecration. This ceremony is not believed to give a “magical and divine power” (what we would refer to as holy orders, which is truly a power imprinted in the soul of the recipient); rather it is believed that, by becoming a member of this *order of bishops*, an individual is given the “functions” proper to this order.⁵⁴

Hence being a priest or a bishop would be primarily a “socio-ecclesial function”, as they

⁵³ *Ibid.*, p. 157. The emphasis by both Hans Küng and Avery Dulles on the expression “*spiritus rector*” is quite telling, particularly in the light of the similar expression “*spiritus principalis*” which is used in the new form of episcopal consecration promulgated by Paul VI. It is evident that both the doctrine of Vatican II and the new form of episcopal consecration have entirely embraced this new theology of ecclesiastical ministry.

⁵⁴ Here “order” does not refer to the power of orders, but to the “rank” or “body” of bishops in the Church.

say. Protestants would well agree with everything so far. However, modernist theologians commonly stress the fact that the ordination embodies the “sacramental” nature of the Church, and demands a personal consecration of the minister to Christ as an answer. Hence modernist theologians would disagree with Protestants who believe that “pastors” have no more power than any of the “laity.” Modernists believe that ordination confers on an individual the “functions” proper to an “order” or “rank” in the Church, which functions cannot be accomplished by the laity.

As a consequence it becomes quite evident that ordination to the priesthood, or episcopal consecration, is not regarded anymore by modernists as the conferral of a personal, ontological, power of orders, but rather is constituted by the fact of being integrated in an ecclesiastical rank. In the light of such doctrine, collegiality takes its full meaning. This theological context explains the willful silence about traditional notions of orders and jurisdiction; it explains the insistence on the “collegial” dimension of the episcopacy, as ontologically primary to the care of any particular diocese; and it explains the introduction of new notions of “functions” and “power fully ready to act.”

In assessing the import of Vatican II’s collegiality, it is absolutely necessary to realize that the doctrine presented above is what the main architects of *Lumen gentium*, such as Congar himself, actually believed and aimed to express in this dogmatic constitution.

The abandonment of the notion of orders and jurisdiction is not a mere omission; the introduction of terms such as “functions”, to

describe what episcopal consecration grants to its recipient, is no mere coincidence and confusion: these are very precise and have a clear meaning for one accustomed to the new theology developed in the middle of the twentieth century.

32. Consequences.

Any attempt to understand the texts of Vatican II according to traditional doctrine results in a confusing nonsense.

Indeed, according to Catholic doctrine, the power of orders is given through episcopal consecration, and is certainly a power “fully ready to act” whether one has a canonical mission or not. On the other hand, episcopal consecration does not give any ontological “function” of teaching and ruling, although the fact of having the fullness of the power of orders can be described as a fitting disposition towards the power to rule and teach.

This significant change obviously opens the door to the complete abandonment of traditional sacramental theology, concerning the valid and licit administration of all the sacraments.

Would someone outside “hierarchical communion” have only the *function* of sanctifying, and not its *power*? But in an ecumenical spirit, modernists would certainly not dare to claim that sacraments found outside of the Catholic Church are invalid, and many never dare to state their administration to be illicit. Therefore, if they are valid, thanks to an ontological *function*, despite the absence of canonical *power*, could not also the *functions* of ruling and teaching be exercised validly, outside of a canonical *power*? The reader may see where all these erroneous principles may lead, and have in

fact led many modern theologians, who openly acknowledge the government of schismatic clergy.

Many have also abandoned Catholic theology on the very notion of the validity of a sacrament. All these problems are linked: once orders and jurisdiction are confused, it begins to make sense to consider the validity of the sacrament dependent on an ecclesial event or ceremony, rather than on an ontological power.

In his confusion of orders and jurisdiction, Rahner has gone as far as speculating that one could see in the papacy the supreme degree of the sacrament of orders.⁵⁵

Occasionally, something reminiscent of the old distinction between the power of orders and the power of jurisdiction can be found in some official document, as in the following:

For the exercise of the episcopal *munus*, a “canonical mission” is needed from the Roman Pontiff, with which the Head of the episcopal College entrusts to the Bishop a portion of the People of God or an office for the good of the universal Church. So it is that the three functions which constitute the “pastoral *munus*” received by the Bishop in his episcopal ordination must be exercised in hierarchical communion, even if, because of its distinct nature and purpose, the function of sanctifying is exercised differently from those of teaching and governing. The latter two functions, in fact, by their very nature (*natura sua*) can only be exercised in hierarchical

⁵⁵ Cf. Dupuy, *ibid*, where he rejects this opinion as “vain and dangerous”, although he does so only because it would then reinforce the papacy over the episcopacy, in a way which reminds him of the “élaborations médiévales.”

communion, since otherwise they would lead to invalid acts.⁵⁶

According to this document, although the three functions (the “pastoral *munus*”) received through episcopal consecration all require to be further determined by the “Head of the College” to become a “power fully ready to act”, and although the lack of this “canonical mission” would not make the exercise of the “function of sanctifying” invalid, it would however invalidate the exercise of the “functions” of teaching and ruling.

Is this document saving Catholic doctrine on the distinction between the power of orders and the power of jurisdiction? Not really, for a number of reasons.

(1) This document, emanating from the Congregation for Bishops is certainly of a much lighter weight than the *Nota praevia* attached to *Lumen gentium*, which explicitly left entirely open the discussion of liceity and validity of the exercise of the episcopal “functions” outside of the Catholic Church. Hence it is clear that the principle laid out by this document is not meant to be universally applied to *any* exercise of the episcopal “functions”, but rather concerns only the Catholic Church. It transpires from the writings of modernist theologians and prelates that non-Catholic bishops are recognized as having some sort of valid “mission” and “jurisdiction” in their respective schismatic and heretical churches.

(2) In addition, this document entirely endorses the Vatican II doctrine according to which the episcopal consecration would

⁵⁶ Directory for the pastoral ministry of bishops, *Apostolorum successores*, updated and revised by the Congregation for Bishops, first issued on February 22nd, 1973.

confer the threefold function of teaching, ruling, and sanctifying, which is a doctrine entirely alien to the divine constitution of the Church as described by Catholic doctrine, and rather refers to the new theology of what the priesthood is, to begin with.

(3) This document actually makes it worse, in the sense that it confirms the new doctrine which we have presented above. Not only does this document purposely avoid the use of the Catholic terms of “power of orders” and “power of jurisdiction”, but also clearly presents the episcopal consecration as the conferral of the three “functions” of sanctifying, ruling, and teaching, as forming one “pastoral” or “episcopal” “*munus*” (function). The reason given for the validity of the illicit use of the “function of sanctifying”, therefore, is not explained by Catholic doctrine which explicitly states that the episcopal consecration is all about the fullness of the power of orders (Cf. Pius XII’s *Sacramentum ordinis*), but it is rather explained as being due to a difference of nature of the “functions.” In other words, these three functions are given together, in the same way, by the episcopal consecration. But the reason why the “sanctifying function” can posit valid acts without “canonical mission” is merely due to the end and nature of this sanctifying function. The difference is, therefore, not caused by the fact that episcopal consecration itself has a different relation to the power of orders and the power of jurisdiction, but is rather caused by the fact that these “functions” have themselves a different way to operate, due to their end and nature.

The logical inference is that **episcopal consecration, according to Vatican II, does not, in itself, give the power of orders any**

more than it gives the power of jurisdiction, if one were to apply traditional terms.

This directly contradicts the Catholic doctrine presented by the magisterium of the Church on so many occasions, and proposed to the Church as being established by the divine will of God (thus belonging to the deposit of faith).

It clearly fits, however, the modernist doctrine about the “ministry,” which denies any personal “magical powers” and instead believes that ordination is all about becoming a member of an ecclesiastical rank, deputed to certain functions. Once again, collegiality makes sense only in this new system.

33. According to Catholic doctrine, what kind of relation to the power of jurisdiction is given by an episcopal consecration?

We have explained earlier that episcopal jurisdiction, by its very nature, calls for “episcopal orders”, meaning that the person appointed to exercise episcopal jurisdiction over a particular church is bound (by the very nature of things, as well as by positive ecclesiastical law) to be consecrated a bishop, as soon as is conveniently possible. This is necessary for the accomplishment of the duty, entrusted to him, to sanctify his flock.

If we look at this question from the other end, however, another question arises: what necessity is there for someone who has been consecrated a bishop to actually receive the power of jurisdiction? In other words, what does episcopal consecration give to the newly consecrated bishop, in terms of jurisdiction?

The short answer is that episcopal consecration does not confer any power of jurisdiction, but gives a certain aptitude and fittingness to receive it.

The reason is based on the place of the

bishop in the constitution of the Church, which we have presented earlier. A jurisdictional bishop needs episcopal consecration in order to be able to fulfill his obligation to feed the flock entrusted to him. Episcopal consecration is thus, by its nature, ordinarily meant to be found in a jurisdictional bishop. We have explained how a jurisdictional bishop might however also have recourse to auxiliary bishops, who are consecrated bishops, but have no jurisdiction, in order to assist him in the administration of confirmations and ordinations in his diocese. Episcopal consecration does not, therefore, give any jurisdiction, and does not strictly speaking *require it*, as is evident in the case of auxiliary bishops. **The fact of being appointed to become a jurisdictional bishop gives a serious moral obligation to be consecrated a bishop, but to be consecrated a bishop does not give any moral obligation to become a jurisdictional bishop at all** (which is not something in his power to decide anyway), but **only gives some aptitude, fittingness, and disposition to it**,⁵⁷ since to be consecrated a bishop is (morally) required for a person appointed to an episcopal see, and since **episcopal orders are ordinarily meant to be found in a jurisdictional bishop**.

34. Episcopal consecration as defined by

⁵⁷ “Episcopi vi suae consecrationis sunt *radicaliter, aptitudinaliter* qualificati ad ecclesiam sibi a Romano Pontifice assignatam regendam.” (Coronata, *Institutiones Juris Canonici*, Vol. I, n. 392, note 3, Ed. altera, Turin, 1939. Original emphasis). See also: Augustine, *A Commentary on the new Code of Canon Law*, Vol. II, St. Louis, Mo, 1918, p. 342; Hervé, *Manuale theologiae dogmaticae*, I, 1926, n. 371; Zapelena S.J., *De Ecclesia Christi*, Pars altera, Rome, 1954, p. 114.

Pope Pius XII.

On November 30th, 1947, Pope Pius XII promulgated *Sacramentum ordinis*, an apostolic constitution of the sacrament of Holy Orders.

This document is of the utmost importance today, and the timing of its promulgation, before the Vatican II crisis, is a striking sign of the providential care with which God protects His holy Church.

In this apostolic constitution, Pope Pius XII infallibly defines the matter and form of the sacrament of Holy Orders, and further indicates the exact formula of this sacrament, in the Roman Rite, for the diaconate, the priesthood, and the episcopacy, by laying out exactly which words of the liturgical rite are the actual form of the sacraments.

While doing so, however, Pope Pius XII also underlines a number of points of doctrine which are central to our discussion.

First, the Roman Pontiff reminds us that the sacrament of Holy Orders has a twofold effect: it confers the power of orders, and it procures the grace of the Holy Ghost to worthily exercise the orders received.⁵⁸

The Catholic Faith professes that the Sacrament of Order instituted by Christ, by which are conferred **spiritual power and grace to perform properly** ecclesiastical functions, is one and the same for the universal Church.⁵⁹

⁵⁸ This is a common principle which can be applied to other sacraments: they confer something specific, at the same time as a special grace proper to them. Thus the sacrament of matrimony creates a sacramental bond between the spouses, and at the same time gives sacramental grace to worthily live this holy contract of matrimony which has thus been created.

⁵⁹ Pius XII, *Sacramentum ordinis*, n. 1. Emphasis added.

The definition of the form of the sacrament of holy orders is based on that principle, as well as another very important principle of sacramental theology:

All agree that **the Sacraments of the New Law, as sensible signs which produce invisible grace, must both signify the grace which they produce and produce the grace which they signify.**⁶⁰

It follows clearly that the form itself of the sacrament of Orders must therefore express what it produces in the soul. In conformity with Catholic doctrine on the sacraments, Pope Pius XII therefore infallibly defines the following:

Wherefore, **after invoking the divine light, We of Our Apostolic Authority and from certain knowledge declare,** and as far as may be necessary decree and provide: that the matter, and the only matter, of the Sacred Orders of the Diaconate, the Priesthood, and the Episcopacy is the imposition of hands; and **that the form, and the only form, is the words which determine the application of this matter, which univocally signify the sacramental effects – namely the power of Order and the grace of the Holy Ghost – and which**

⁶⁰ *Sacramentum ordinis*, n. 3. Emphasis added.

are accepted and used by the Church in that sense.⁶¹

Hence in defining the form of the sacrament of Orders, Pope Pius XII also infallibly defines the effect of this sacrament: “namely the power of order and the grace of the Holy Ghost” (“*potestas Ordinis et gratia Spiritus Sancti*”). This, Pius XII applies explicitly to the episcopal consecration, and indeed, when determining the exact words of the form of episcopal consecration one is able to see very clearly both the power of orders and the grace of the Holy Ghost expressed in the words “which are accepted and used by the Church in that sense”, namely:

Comple in Sacerdote tuo ministerii tui summam, et ornamentis totius glorificationis instructum coelestis unguenti rore sanctifica.⁶²

According to the infallible definition of Pope Pius XII, therefore, the proper effect of

⁶¹ “Quae cum ita sint, divino lumine invocato, suprema Nostra Apostolica Auctoritate et certa scientia declaramus et, quatenus opus sit, decernimus et disponimus : Sacrorum Ordinum Diaconatus, Presbyteratus et Episcopatus materiam eamque unam esse manuum impositionem; formam vero itemque unam esse verba applicationem huius materiae determinantia, quibus univoce significantur effectus sacramentales, — scilicet potestas Ordinis et gratia Spiritus Sancti, — quaeque ab Ecclesia quae talia accipiuntur et usurpantur.” (*Sacramentum ordinis*, n. 4). Emphasis added.

⁶² “Perfect in Thy priest the **fullness of thy ministry** and, clothing him in all the ornaments of spiritual glorification, **sanctify him** with the Heavenly anointing.” (*Sacramentum ordinis*, n. 5). Emphasis added. As we shall see further below, the same cannot be said of the new form introduced by Paul VI in 1968: it does not univocally signify the “*potestas ordinis*”, nor was it intended to do so, thanks to the Vatican II “re-evaluation” of the episcopacy.

episcopal consecration is, in addition to the grace of the Holy Ghost, the “*potestas ordinis*”, the power of orders. This makes a direct distinction with this other power, existing by divine institution in the Church, namely the “*potestas jurisdictionis*”, the power of jurisdiction.

Pope Pius XII has made the divine constitution of the Church very clear on many occasions, distinguishing between the power of orders and the power of jurisdiction, which are conferred in different ways:

As it has been divinely established, the power of orders comes from receiving the sacrament of Holy Orders. But the power of jurisdiction, which is conferred upon the Supreme Pontiff directly by divine right, flows to the Bishops by the same right, but only through the Successor of St. Peter.⁶³

Orders and jurisdiction are therefore two really distinct powers, with two really distinct objects, and proceeding from two really distinct causes.

Indeed it is infallibly defined by Pope Pius XII that the effect of episcopal consecration is the power of order (“*potestas ordinis*”) and not the “threefold pastoral *munus*” of teaching, ruling, and sanctifying, spoken of by Vatican II.

This real distinction between the power of orders and the power of jurisdiction belongs to the divine constitution of the Church, and to the divine institution of the sacrament of holy orders, and cannot ever be changed.

Pope Pius XII reminds us indeed of the definition of the Council of Trent, according to which the Church cannot change the

⁶³ Pius XII, Encyclical *Ad sinarum gentes*, n. 12 (1954).

substance of the sacraments, that is: what the sacraments are, and what they effect:

The Church has no power over “the substance of the Sacraments,” that is, over those things which, as is proved from the sources of divine revelation, Christ the Lord Himself established to be kept as sacramental signs.⁶⁴

Since Vatican II has “re-evaluated” the episcopacy, which traditionally, is recognized as having two powers, namely holy orders and jurisdiction, it is not surprising that it ended up contradicting Catholic doctrine in both of these two aspects. We have seen how it contradicts the definition of Pope Pius XII with regard to the effect of episcopal consecration. It will come as no surprise that it also contradicts the teaching of Pius XII in regard to the origin of episcopal jurisdiction.

35. The teaching of Pope Pius XII on the origin of the jurisdiction of bishops is re-evaluated.

In the 1917 Code of Canon Law, canon 109 indicates a clear distinction between how one may share in the power of orders and how one may share in the power of jurisdiction:

Those who are taken into the ecclesiastical hierarchy are not bound thereto by the consent or call of the people or secular power, but are constituted in the grades of the power of orders by sacred ordination; into the supreme pontificate, by divine law itself upon the completion of the conditions of legitimate election and acceptance; in the

⁶⁴ *Sacramentum ordinis*, n. 1.

remanding grades of jurisdiction, by canonical mission.⁶⁵

Pope Pius XII has been extremely clear as well, and on many occasions, saying that jurisdiction was given to bishops, not by the episcopal consecration, but rather, in virtue of divine law, *directly by the Roman pontiff*;

By virtue of the divine will is established the twofold sacred hierarchy, namely, of orders and jurisdiction. Besides - as has also been divinely established - the power of orders (through which the ecclesiastical hierarchy is composed of Bishops, priests, and ministers) comes from receiving the sacrament of Holy Orders. But the power of jurisdiction, which is conferred upon the Supreme Pontiff directly by divine right, flows to the Bishops by the same right, but only through the Successor of St. Peter, to whom not only the simple faithful, but even all the Bishops must be constantly subject, and to whom they must be bound by obedience and with the bond of unity.⁶⁶

To explain away this Catholic doctrine, Vatican II invites us to a re-evaluation:

The documents of recent Pontiffs regarding the jurisdiction of bishops must

⁶⁵ Canon 109. Let the reader recall that the hierarchy to which this canon refers was presented in the previous canon: “By divine institution, the sacred hierarchy in respect of orders consists of Bishops, priests, and ministers; by reason of jurisdiction, [it consists of] the supreme pontificate and the subordinate episcopate; by institution of the Church other grades can also be added.” Both canons have been suppressed by the Vatican II reform.

⁶⁶ Pius XII, Encyclical *Ad sinarum gentes*, nn. 11-12 (1954).

be interpreted in terms of this necessary determination of powers.⁶⁷

This, obviously, is an attempt to twist the clear teaching of Pope Pius XII into some sort of agreement with Vatican II’s novelties. It does not work, however. Pope Pius XII did not say that the determination of the Roman pontiff gave to bishops the faculty to exercise a jurisdiction which they would already have ontologically, nor the evolution of a ontological “function” into a “power fully ready to act.” This is due to the fact that Pope Pius XII does not consider the episcopacy as a mere ministerial rank which was given, as a group, the functions of teaching, ruling, and sanctifying, and of which one becomes a member by episcopal consecration.

Rather, Pope Pius XII is clearly making the distinction, existing in virtue of divine law, between the power of orders and the power of jurisdiction, not only in their nature, but also in their origin. Pope Pius XII teaches that the Roman pontiff directly confers on bishops the very power of jurisdiction, ontologically, and not merely its “determination” by which it is “fully ready to act.” This power of jurisdiction is entirely independent of the power of orders, which Pope Pius XII recognizes present even in bishops who received consecration illegitimately:

Bishops who have been neither named nor confirmed by the Apostolic See, but who, on the contrary, have been elected and consecrated in defiance of its express orders, enjoy no powers of teaching or of

⁶⁷ This is the official interpretation to *Lumen gentium*, given by its *Nota praevia*, n. 2.

jurisdiction since jurisdiction passes to bishops only through the Roman Pontiff.

Acts requiring the power of Holy Orders which are performed by ecclesiastics of this kind, though they are valid as long as the consecration conferred on them was valid, are yet gravely illicit, that is, criminal and sacrilegious.

Clearly then, Pius XII never argued that the schismatic bishops had “functions” to teach, rule, and sanctify, which are not however “fully ready to act”. Rather he certainly recognizes in a validly consecrated bishop the power of orders “fully ready to act”, while on the contrary he does not recognize any “ontological participation” in the functions of teaching and ruling the Church in these same schismatic prelates.

The claim made by this note of *Lumen gentium*, therefore, is clearly false. Vatican II does not say the same thing as Pius XII. And if this were really the case, then why would the 1983 Code have completely abandoned the old canon 109, which was merely transcribing into Canon Law what Pius XII described as divinely instituted?

Why were the old canons describing the divine constitution of the Church abandoned into oblivion? Why did “the documents of recent Pontiffs regarding the jurisdiction of bishops” require a new interpretation?

One finds the answer to those questions in considering “*the collegiality of the bishops as a re-evaluation of the ministry of bishops*,”⁶⁸ and in taking seriously what John Paul II said about the work accomplished in the formation of the 1983 Code:

⁶⁸ These are the very words of a response issued by the Congregation for the Doctrine of the Faith, in April of 2006. Emphasis added.

It is vital to make quite clear that these labors were brought to their conclusion in an eminently collegial spirit. This not only refers to the external composition of the work, but **it also affects the very substance of the laws** which have been drawn up.⁶⁹

36. As a consequence, Paul VI issued a reform of the rite of episcopal consecration.

This “re-evaluation” of the ministry of bishops has not been implemented only in Canon Law. It also has been applied to the new rite of episcopal ordination, issued by Paul VI in 1968. It is clear that this new rite, as a whole, was meant to reflect the new theology of the episcopacy. What is even more concerning is that this new rite comprises a new formula: the very sacred words which by the power of God make a priest to be consecrated a bishop have been entirely changed.

Endowed with the assistance of the Holy Ghost, Pope Pius XII has infallibly determined the essential requirements of this formula of consecration:

Wherefore, after invoking the divine light, We of Our Apostolic Authority and from certain knowledge declare, and as far as may be necessary decree and provide: [...] that the form, and the only form, is the words which determine the application of this matter, which univocally signify the sacramental effects – namely the power of Order and the grace of the Holy Ghost – and which are accepted and used by the Church in that sense.⁷⁰

⁶⁹ Apostolic Constitution *Sacrae Disciplinae Leges*, January 25th, 1983. Emphasis added.

⁷⁰ Pius XII, Apostolic constitution *Sacramentum ordinis* (1947).

The formula of episcopal consecration has to *univocally* (that is, without any ambiguity) signify the power of orders as well as the grace of the Holy Ghost.

Now the new formula reads as follows:

So now pour out upon this chosen one that power which is from You, the governing Spirit whom you gave to Your beloved Son, Jesus Christ, the Spirit given by Him to the holy apostles, who founded the Church in every place to be Your temple for the unceasing glory and praise of your name.

The only passage remotely close to speaking of the power of orders and the grace of the Holy Ghost is the invocation of the “governing Spirit” (“*spiritus principalis*”), which seems to be a direct reference to the Holy Ghost. Without discussing here the dubious origins of this new formula, and the fact that one term cannot at once univocally refer to two different effects (the grace of the Holy Ghost and the power of orders) the difficulty is at once apparent, in light of what we have explained above: the new formula is meant to reflect the Vatican II doctrine about the episcopacy.

For if this new doctrine does not clearly ascribe to the ordinand the fullness of the power of orders, clearly distinct from the power of jurisdiction, but rather attributes to him the “functions” [*munera*] to teach, rule, and sanctify the Church, what then, is the actual meaning of the term “governing spirit”? How are we supposed to understand it? Should we not presume it to have the

sense of Vatican II? Should we not presume it to have the same meaning as what Hans Küng called the “*spiritus rector*”, the “guiding spirit”? Is not the “governing Spirit” what gives to the ordinand the “functions” to teach, rule, and sanctify?

We have explained what the abandonment of the traditional distinction between the powers of orders and jurisdiction meant, and we have shown how it was understood by prominent modern theologians, who are rewarded by the cardinalate for their theological work, like Avery Dulles or Congar. There can be no doubt that the new doctrine which we have presented is the sense in which Vatican II is to be understood.

But if this Vatican II doctrine is erroneous, and contradicts Catholic doctrine, as we think it does, what are we to think of the new formula of episcopal consecration which is meant to reflect it? On that account alone, one is certainly justified in having very serious concerns that the new formula does not unequivocally express the power of orders. Yet this was defined by Pope Pius XII as being an essential requirement of the formula of holy orders.

If the new formula does not unequivocally express the power of orders, but instead gives a vague reference to the function of ruling or governing (which Vatican II teaches to be conferred by episcopal consecration), then at least one of the essential requirements established by Pius XII is not fulfilled, and the new formula ought to be regarded as invalid.

SIXTH ARTICLE

COLLEGIALITY AND PRIMACY

37. Change #4: The Vatican II doctrine of collegiality causes a re-evaluation of the primacy of the Roman pontiff.

From the new notion of episcopal consecration flow a number of practical applications:

(1) Episcopal ordination is required before being proclaimed pope;

(2) Episcopal ordination is required before being able to receive the care of a particular church.

38. According to traditional Catholic doctrine, what obligation is there for a newly elected pope to be consecrated a bishop?

We have explained that the newly appointed bishop has a serious obligation to be consecrated as a bishop as soon as can be conveniently done, according to the decree of the Council of Trent and the 1917 Code of Canon Law.

Nonetheless, the fact of not being consecrated a bishop is not an obstacle to authority, and history provides numerous examples of residential bishops who have never been consecrated. For such a bishop may ask the help of auxiliary bishops, and he has above him the Roman pontiff, who is also endowed with immediate episcopal power over his flock.

The Roman pontiff, however, is inferior to none, and can rely on no one else above him to supply for what he lacks. The obligation for the newly elected pope, therefore, to be consecrated a bishop is much stronger. As the universal pastor of the Church, he is

personally bound to ensure the work of sanctification in the entire church. And since he cannot count on anyone else above him, he himself has the absolute obligation to make himself *personally* able to administer all sacraments and ordain priests. Hence, while the office of the residential bishop is not absolutely incompatible with the refusal of being personally consecrated a bishop, the office of the papacy, on the other hand, *necessarily* includes the acceptance of being *personally* a bishop. For the duty to ensure the endurance of the sanctifying power of the priesthood in the universal Church, and the personal responsibility to ensure the perpetual succession of orders in the Church obliges the Roman pontiff *personally*, and he could not voluntarily render the fulfillment of his obligations dependent on the goodwill of others, and thus put himself in a situation where he might have to compromise the good of the Church in order to obtain others to do what he wants.

For these reasons, the refusal to be consecrated a bishop is tantamount to a rejection of the papacy, since one would thus manifest a refusal of personally ensuring something absolutely essential to the Catholic Church, which the Roman pontiff must absolutely agree to ensure.

From this fact flow the following consequences:

(1) While the newly appointed bishop is usually consecrated one or two months after his appointment, to use a convenient time, the newly elected pope, if he is not already a bishop, is traditionally consecrated

immediately upon his acceptance of the papacy.

(2) What is necessary for a proper acceptance of the papacy is the intention to be consecrated a bishop, since he is obliged to personally ensure the perseverance of the episcopacy, essential to the Church.

(3) It is not however necessary for him to actually be consecrated a bishop in order to receive authority.⁷¹ This is so because authority does not flow from the priesthood: these are two different faculties which do not come one from the other. Hence if a layman is elected, he is endowed with the supreme authority of the Roman pontiff as soon as he accepts the election, even before being ordained a priest and consecrated a bishop.

The two last points presented above are actually the explicit teaching of Pope Pius XII:

Even if a layman were elected pope, he could accept the election only if he were fit for ordination and willing to be ordained; the power to teach and rule, as well as the charism of infallibility would be granted to him at the instant of his acceptance, even before being ordained.⁷²

39. In conformity with Vatican II, episcopal consecration becomes necessary before one could become pope.

If, as Vatican II teaches, episcopal consecration is that by which someone becomes a member of the college of bishops,

⁷¹ Thus Hadrian V was the pope from July 11th, 1276, up to his death, on August 18th, of the same year, while only a deacon, without yet having been ordained a priest and consecrated a bishop.

⁷² Pope Pius XII, *Address to the Second World Congress of the Lay Apostolate*, October 5th, 1957.

would it not be required that the head of this college be himself one of its members in the first place? In other words, would not the Vatican II doctrine presuppose that one has to be consecrated a bishop, in order to be the pope?

If it is necessary for the pope to be a member of the Church so as to be able to become its head, would it not seem logically necessary as well, that to be a member of the college of bishops is necessary in order to become its head?

According to Catholic doctrine, the college of bishops, which succeeds the college of apostles, is composed of residential bishops. Hence this poses no difficulty at all: by the very fact of becoming the Roman pontiff, whether he has been consecrated a bishop or not, the newly elected pope is also at once a residential bishop, and a successor of the apostles (namely St. Peter, in particular).

But in the Vatican II system, one becomes a member of the college of bishops, and a successor of the apostles, by the episcopal consecration. Hence a problem would arise if one were to become the pope before being consecrated a bishop: the head of the college of bishops would not himself be a member of it; the successor of St. Peter would not be considered a successor of the apostles? This is absurd, obviously, and shows the falsehood of the new doctrine.

To resolve this contradiction, however, the innovators did not resign themselves to abandon their error. Rather they decided to change the laws, thus contradicting Catholic doctrine and praxis.

The 1983 Code of Canon Law explicitly states the opposite of what Pius XII had taught and what history has occasionally shown. According to the 1983 Code, indeed,

if a layman is elected pope and accepts his election, he will become the pope only once he is consecrated a bishop:

The Roman Pontiff acquires full and supreme power in the Church when, together with episcopal consecration, he has been lawfully elected and has accepted the election. Accordingly, if he already has the episcopal character, he receives this power from the moment he accepts election to the supreme pontificate. If he does not have the episcopal character, he is immediately to be ordained Bishop.⁷³

The content of this canon is based on the apostolic constitution *Romano Pontifici eligendo*, promulgated by Paul VI on October 1st, 1975, and has been confirmed anew by John Paul II in his apostolic constitution *Universi dominici gregis*, of February 22nd, 1996.

Implicitly, this change means that the doctrine taught by Pope Pius XII⁷⁴ and the traditional praxis of the Church were not in conformity with the constitution of the Church, when they would consider the elect as the true pope as soon as he accepted the election, whether he be a consecrated bishop or not.

Implicitly, on the other hand, the change of doctrine is thereby admitted, since changes of law are necessary to reflect that change.

40. Episcopal consecration becomes necessary before one could become a

⁷³ 1983 Code of Canon Law, canon 332 § 1.

⁷⁴ It is interesting to note that no attempt to propose a “re-evaluation” of the doctrine of Pius XII was given on that point. The contradiction is too obvious, and cannot be explained away with new ambiguous notions.

diocesan bishop, head of a particular church.

In addition to the contradictions presented above, and which are proper to the case of the Roman pontiff, successor of St. Peter, another difficulty, more general, arises from the new doctrine of episcopal consecration.

Indeed, if the “functions” of teaching, ruling, and sanctifying the Church, are granted through episcopal consecration, while the exercise of these functions is made possible by a “further canonical or juridical determination through the hierarchical authority” which perfects these “functions” into a “power fully ready to act”, then it seems, logically, that it is impossible to have this “power fully ready to act” unless one has, beforehand, this “ontological participation in the sacred functions” obtained through episcopal consecration.⁷⁵

Once again, the traditional praxis of the Church gives the lie to such a system: one could be endowed with the jurisdiction over a diocese without having been consecrated a bishop.

But once again, the innovators, instead of adapting their doctrine to the Church’s teaching and praxis, have rather decided to accommodate the latter to reflect their novelty. Hence, while before Vatican II it was common to receive jurisdiction over a diocese before being consecrated a bishop, and while history gives us many examples of residential bishops who have never been consecrated, episcopal consecration is now established by the 1983 Code as a necessary requirement before taking canonical possession of the office. Hence, in conformity with the Vatican

⁷⁵ The terms quoted are directly extracted from the official interpretation given to *Lumen gentium* in its preliminary note, n. 2.

II doctrine, the 1983 law is established in such a way that no episcopal authority can ever be exercised by someone who is not yet consecrated a bishop.⁷⁶

Once again these changes confirm the change of doctrine which we have noticed, and betray the presence of a novelty. The authority to teach and rule is not recognized anymore as being directly conferred by the Roman pontiff. It is now said to be granted ontologically, as a function, through episcopal consecration, while the Roman pontiff can only determine this ontological function into a power fully ready to act over a particular church.

If we reverse the argument and apply it to the case of the Roman pontiff himself, one would have to logically admit that what is given by Christ to the pope is similar to what is given by the pope to the bishop, namely the “determination” by which the ontological function is made into a “power fully ready to act.” From another point of view, as we have noted earlier, the new doctrine would imply that one would have to first be a “successor of the apostles”, in a general way, before being able to become the successor of St. Peter.

These considerations greatly diminish the papacy, not only by denying that the Roman pontiff truly grants, directly and ontologically, jurisdiction to the other bishops; but also, on the other hand, by lowering the papacy to some sort of determination made by Christ to a function which is already “ontologically” present in the newly elected pope through episcopal consecration.

It diminishes the papacy by making the fact of being a successor of St. Peter depend,

⁷⁶ Cf. canon 379 of the 1983 Code.

ontologically, on having to be beforehand a successor of the apostles, in a generic manner normally proper only to the other bishops. Accordingly, collegiality would take ontological precedence over the primacy, in the person of the pope, just as much as collegiality would have ontological precedence over particular jurisdiction in any diocesan bishop. Whereas, according to Catholic doctrine, one is a member of the college of bishops *precisely by having jurisdiction* over a particular church, and similarly the Roman pontiff is the head of this college by the very fact of receiving jurisdiction over the whole Church.

This change of doctrine thus destroys the very foundation of the papacy, font and root of all authority in the Church. In the same manner, and under the guise of bolstering the episcopacy, it actually undermines real episcopal authority, as it was willed by Christ, namely the authority of the bishop over his particular church.

41. A few other changes are made to further implement the new doctrine of collegiality.

The underlying principle of these changes is well explained in documents promulgated by John Paul II, such as in the *Motu proprio Apostolos suos* (1998) and the Apostolic exhortation *Pastores gregis* (2003). In both documents, John Paul II repeats the following principle:

The power of the College of Bishops over the whole Church is not the result of the sum of the powers of the individual Bishops over their particular Churches; it is a pre-existing reality in which individual Bishops participate.

Once more, this perfectly fits the new notion of ministry, which is all about being established in a ecclesiastical rank to which are associated certain functions. It is only once someone is made a member of this rank or college of ministers, that one may then exercise the functions of that rank.

This ontological precedence of the universal power of collegiality over the power given over a particular church (or over the universal church, in the case of the Roman pontiff) can be seen in many places of the 1983 Code, manifested in changes which might appear insignificant, but which together, in the light of what we have said, betray a fundamental and universal change of ecclesiology.

This is so because *collegiality* is a doctrine meant to belong to the very constitution of the Church:

When one thinks about this communion, which is the force, as it were, that glues the whole Church together, then **the hierarchical constitution of the Church unfolds and comes into effect. It was endowed by the Lord himself with a primatial and collegial nature at the same time** when he constituted the apostles “in the form of a college or permanent assembly, at the head of which he placed Peter, chosen from amongst them.”⁷⁷

Collegiality is thus at the core of the episcopacy:

The collegial union between the Bishops is based on both episcopal ordination and hierarchical communion. It thus affects the inmost being of each Bishop and

⁷⁷ John Paul II, Apostolic constitution *Pastor bonus*, n. 2 (1988). Emphasis added.

belongs to the structure of the Church as willed by Jesus Christ.⁷⁸

42. The notion of “affective collegiality” or “spirit of collegiality”.

If collegiality is essential to the episcopacy and ontologically antecedent to any particular pastoral care, it follows that everything a bishop does becomes animated by this collegiality:

This constitutes what is called “the spirit of collegiality” (*affectus collegialis*), or “affective” collegiality, which is the basis of the Bishops’ concern for the other particular Churches and for the universal Church.⁷⁹

This “spirit of collegiality” will therefore permeate all the institutions of the Church:

The spirit of collegiality is realized and expressed in different degrees and in various modalities, including institutional forms such as, for example, the Synod of Bishops, Particular Councils, Episcopal Conferences, the Roman Curia, *ad Limina* visits, missionary cooperation, etc. **In its full sense, however, the spirit of collegiality is realized and expressed only in collegial action in the strict sense**, that is, in the action of all the Bishops together with their Head, with whom they exercise full and supreme power over the whole Church. This collegial nature of the apostolic ministry is willed by Christ himself. **Consequently, the spirit of collegiality, or affective collegiality (*collegialitas affectiva*), is always present among the Bishops** as *communio*

⁷⁸ John Paul II, Apostolic exhortation *Pastores gregis*, n. 8 (2003). Original emphasis.

⁷⁹ John Paul II, Apostolic exhortation *Pastores gregis*, n. 8 (2003). Original emphasis.

*episcoporum, but only in certain acts does it find expression as effective collegiality (collegialitas effectiva).*⁸⁰

We have already seen that the pope is now meant to be consecrated a bishop before becoming the pope, and that similarly the diocesan bishop is now meant to share in the collegial and universal power of the bishops, by episcopal consecration, before he may be entrusted with the care of a particular portion of the flock. This underlines the most basic form of collegiality: the fact of belonging to the college of bishops, through consecration, before being the bishops of a particular church.

The exercise of ordinary power over a particular flock is not a collegial act, a *collegialitas effectiva*, but is meant to be done with a collegial spirit, a *collegialitas affectiva*, which is the awareness of belonging to the supreme college of bishops. In that sense, the care of a particular church assigned to him should be seen by an individual bishop as a way in which he can render service to the universal church, and the universal power of the college of bishops.

Obviously, cooperation with other bishops, locally, will be a direct application of this spirit of collegiality, as explains John Paul II:

When the Bishops of a territory jointly exercise certain pastoral functions for the good of their faithful, such joint exercise of the episcopal ministry is a concrete application of collegial spirit (*affectus collegialis*), which “is the soul of the collaboration between the Bishops at the regional, national and international levels”. Nonetheless, this territorially based exercise of the episcopal ministry

⁸⁰ John Paul II, Apostolic exhortation *Pastores gregis*, n. 8 (2003). Original emphasis.

never takes on the collegial nature proper to the actions of the order of Bishops as such, which alone holds the supreme power over the whole Church.⁸¹

The *Roman Curia* is changed from a tool of government proper to the Roman pontiff into a tool of government at the service of collegial government of the bishops:

From this comes to light that the ministry of the Roman Curia is strongly imbued with a certain note of collegiality, even if the Curia itself is not to be compared to any kind of college. This is true whether the Curia be considered in itself or in its relations with the bishops of the whole Church, or because of its purposes and the corresponding spirit of charity in which that ministry has to be conducted. **This collegiality enables it to work for the college of bishops and equips it with suitable means for doing so.** Even more, **it expresses the solicitude that the bishops have for the whole Church, inasmuch as bishops share this kind of care and zeal “with Peter and under Peter.”**

This comes out most strikingly and takes on a symbolic force when, as we have already said above, the bishops are called to collaborate in the individual dicasteries.⁸²

43. The synod of bishops and the conferences of bishops.

Since collegiality becomes so essential to the Church, it makes sense that the exercise of collegiality should be made as habitual and permanent as possible. Now the perfect

⁸¹ John Paul II, Apostolic letter *Apostolos suos*, n. 12 (1998).

⁸² John Paul II, Apostolic constitution *Pastor bonus*, n. 10 (1988). Emphasis added.

exercise of collegiality happens in ecumenical councils, in which all bishops and every bishop cooperates in the universal government of the Church. This, however, cannot be frequently accomplished, for obvious practical reasons. In order to implement an continual exercise of collegiality which would approach as much as possible that of the ecumenical council, a new institution was created, the “synod of bishops,” which is a sort of senate, or council of bishops, meant to regularly assist the Roman pontiff in the universal government of the Church, while continually witnessing to the principle of collegiality, that is, of the supreme sovereignty of the college of bishops.

Bishops chosen from various parts of the world, in ways and manners established or to be established by the Roman pontiff, render more effective assistance to the supreme pastor of the Church in a deliberative body which will be called by the proper name of Synod of Bishops. Since it shall be acting in the name of the entire Catholic episcopate, it will at the same time show that all the bishops in hierarchical communion partake of the solicitude for the universal Church.⁸³

The synod of bishops itself does not possess this supreme authority, but is only meant to represent the supreme authority of the college of bishops, just as in modern democracies some sort of assembly is meant to represent the sovereign people. In a modern revolutionary system, the power remains in the people, as a group, and the assembly is only meant to represent it, and exercise it in an imperfect way. So does the synod of bishops represent the sovereign

⁸³ Vatican II, Decree on the pastoral office of bishops *Christus Dominus*, n. 5 (1965).

college of bishops, and speak in its name, although the college of all the bishops remains the actual subject of supreme authority.

The synod of bishops becomes an “experience” of collegiality and of “being Church”:

We give thanks to the Lord, then, for having granted us the gift of celebrating once more an assembly of the Synod of Bishops and thus having a truly profound experience of *being Church*.⁸⁴

What the synod of bishops accomplishes at the level of the universal Church is accomplished in different parts of the world by the “conferences of bishops”, which is a permanent assembly of bishops of a particular region of the world, meant to bring uniformity in the government of the local dioceses. Once again, although they are not meant to exercise the supreme power of the college of bishops,⁸⁵ and are not meant, in theory, to take away the ordinary power of government which each bishop has in his diocese, nonetheless they are meant to be a “practice of collegiality”⁸⁶ animated by the “collegial spirit” spoken of above:

When the Bishops of a territory jointly exercise certain pastoral functions for the good of their faithful, **such joint exercise of the episcopal ministry is a concrete application of collegial spirit** (*affectus collegialis*), which “is the soul of the

⁸⁴ John Paul II, Apostolic exhortation *Pastores gregis*, n. 2 (2003). Original emphasis.

⁸⁵ John Paul II, Apostolic letter *Apostolos suos*, n. 10 (1998).

⁸⁶ This is the expression used by the 1973 Pastoral directory for bishops, repeated by John Paul II in his apostolic letter *Apostolos suos*, n. 5 (1998).

collaboration between the Bishops at the regional, national and international levels”. Nonetheless, this territorially based exercise of the episcopal ministry never takes on the collegial nature proper to the actions of the order of Bishops as such, which alone holds the supreme power over the whole Church.⁸⁷

44. The “theology of communion” is the basis of the “theology of collegiality.”

This principle is found in most of the documents from which have taken the applications presented above, of the “spirit of collegiality” permeating all the institutions of the Church, although the allusions might have escaped a Catholic reader, not accustomed to this modernist operating system of theology.

One of the most explicit documents on this question is the final report of the 1985 extraordinary synod of bishops, which had as its goal to further the implementation of Vatican II, on the occasion of the 20th anniversary of its closure:

The ecclesiology of communion provides the sacramental foundation of collegiality. **Therefore the theology of collegiality is much more extensive than its mere juridical aspect. The collegial spirit is broader than effective collegiality understood in an exclusively juridical way.** The collegial spirit is the soul of the collaboration between the bishops on the regional, national and international levels. Collegial action in the strict sense implies the activity of the whole college, together with its head, over the entire Church. Its maximum expression is found in an ecumenical council.

⁸⁷ John Paul II, Apostolic exhortation *Pastores gregis*, n. 2 (2003). Original emphasis.

From this first collegiality understood in the strict sense [the ecumenical council] one must distinguish the diverse partial realizations, which are authentically sign and instrument of the collegial spirit: the Synod of Bishops, the Episcopal Conferences, the Roman Curia, the *ad limina* visits etc.

The reader might have already understood what the reference to the “theology of communion” means here. It does not refer to the Catholic doctrine of the communion of saints, sadly, but rather to what we could describe as the “theology of elements” which is the core principle of the new ecclesiology of Vatican II, and has been, more recently, applied to the sacrament of matrimony.⁸⁸

This ecclesiology of elements is not directly the object of our attention, and we refer the reader to the chapter dedicated to this subject. Let it suffice here to summarize it in a simple way.

The Church of Christ is said by Vatican II to “subsist in” the Catholic Church, in as much as the fullness of the Church of Christ is found in the Catholic Church (with all its elements, and as it is meant to be, ideally, by the institution of Christ). This, however, does not exclude that “elements” of the Church of Christ be found in other “particular churches” which are “not in full communion with the Catholic Church.” What this means, is that the Church of Christ is an institution able to be participated in according to various degrees: it “subsists in” the Catholic Church

⁸⁸ The 2015 Apostolic exhortation *Amoris laetitia* recognizes elements of matrimony where the “fullness” of matrimony is not found, in the same way that Vatican II discovered elements of “churchness” where the “fullness” of the Church of Christ is not found (namely, outside the Catholic Church).

and, although it does not subsist in other churches, it is somewhat “present” in them, by an analogical participation in the “churchness” of the Church of Christ.⁸⁹

Thus in a similar way, collegiality is found in its fullness (“effective collegiality”) only in the full college of bishops, with and under the Roman pontiff. But all the works of the bishops which are inferior to that perfection of full collegiality are nonetheless “partial realizations” of it. Their “soul” is the “affective collegiality”, or “spirit of collegiality.” Thus would it be wrong, we are warned, to restrict collegiality to the perfect model of the college of all the bishops united with and under the Roman pontiff:

The theology of collegiality is much more extensive than its mere juridical aspect. The collegial spirit is broader than effective collegiality understood in an exclusively juridical way. The collegial spirit is the soul of the collaboration between the bishops on the regional, national and international levels.⁹⁰

This is clearly reminiscent of the warning given by Vatican II, to not think that outside the Catholic Church there would be an “ecclesiological void.” This means that outside the Catholic Church the Church of Christ can still be present, by analogical participation.

In the same way collegiality, we are told,

⁸⁹ In this way, effectively, Vatican II does not perfectly and exclusively identify the Church of Christ with the Catholic Church, since the Church of Christ is made somewhat present outside the Catholic Church (not in a subsisting way, we concede, but merely by participation and “elements”). Stated in this way, it is obviously heretical.

⁹⁰ John Paul II, Apostolic exhortation *Pastores gregis*, n. 2 (2003). Original emphasis.

should not be restricted to its most perfect form (the ecumenical council), for it extends and animates any cooperation existing between the bishops.

Before Vatican II, the sometimes necessary cooperation of bishops typically took the form of provincial councils. These were done with the approval of the Roman pontiff. Before Vatican II, there existed a number of titles which the Popes had created over time, to give some precedence and a certain delegation to some bishops, who would have a limited authority over other bishops around them, for specific and limited purposes. These titles (archbishop, metropolitan, etc) were not of divine right (for by divine right the hierarchy of the Catholic Church is limited to the pope and the bishops) but were of ecclesiastical institution. Something similar can be said of the Roman Congregations. They were created to help the Roman pontiff in the administration of the universal Church. They have only the authority which the Roman pontiff gives to them. All these ecclesiastical institutions drew their limited power from above, namely from the authority and the institution of the Roman pontiff.

It is not surprising that these ecclesiastical institutions have greatly diminished in importance, after Vatican II. The new institution of the synod of bishops, for the universal Church, and the conferences of bishops, in different regions of the world, are now favored, since they better reflect the newly re-evaluated constitution of the Church. These institutions are “partial realizations” of collegiality.

Hence it is clear that while before Vatican II every institution in the Church was defined by its relation to the Roman pontiff, now the importance of every institution is defined by

its degree of “affective collegiality”, that is, how much it reflects and exercises collegiality, the supreme authority of the sovereign body of bishops.

One of the “benefits” of collegiality, therefore, for a modernist, would be to poison the hierarchical constitution of the Church with a principle very dear to modern man: a sort of democratic sovereignty of the body of bishops, given as a doctrinal justification for a form of ecclesiastical government much closer to modern democracies.

This “theology of communion” on which collegiality is said to be established is also understood in opposition to the traditional “institutional model,” which is nothing else than traditional ecclesiology. According to the modernists, the Church is a mystery whose essence cannot properly be described or defined. Modernists refer to the traditional description of the divine constitution of the Church as only one of the possible “models” or images which describe only certain aspects of this mystery. Needless to say, after they have granted traditional ecclesiology to be one of the “models” of explanation of the “mystery of the Church” they quickly explain why they consider this model to be very limited, and even dangerous in some of its consequences, in the realm of ecumenism, for example. We will deepen this point in the next chapter. Let it suffice here to note that this “theology of communion” is the same theological system on which is based the new notion of ministry which we have described above.⁹¹ Hence, once again, we notice that the official teaching of Vatican II and the

⁹¹ See on this question: Avery Dulles, *The Models of the Church*, New York, 2014, pp. 155-158.

“Vatican II popes” is consonant only with this new theology of ministry.

45. Ecumenism needed the doctrine of collegiality.

In addition to that, to say that collegiality is “more extensive than its juridical aspect” and can exist in “partial realizations” obviously opens the door wide open to an ecumenist application. Since all consecrated bishops have this ontological threefold *munus* of a pastor in the Church, it follows that while, perhaps, the exercise of “effective collegiality” is impossible except in the hierarchical communion of the Catholic Church, with and under the pope, nothing however prevents the logical deduction that there can still be a “spirit of collegiality” and an “affective collegiality”, by which, beyond juridical borders and categories, the pastoral care of the Church is commonly shared by all the bishops. Such logical implications have indeed been made, more or less explicitly, on multiple occasions. Thus the schismatic bishops are always referred to as “brothers” and as “the” bishops of the places which they illegitimately occupy. More explicitly, Francis has said to Kirill, the Russian Orthodox Patriarch of Moscow: “We are shepherds of the same holy flock of God.”⁹²

This, we think, is the motive beyond the novel doctrine of collegiality: it gives a false appearance of a doctrinal foundation to ecumenism; it is closer to schismatic ecclesiology; it distracts away from the Catholic doctrine on the origin of jurisdiction, which annihilates the very possibility of ecumenism. Indeed, according to Catholic

⁹² Words reported by Luciano Fontana, *Pope Francis: “I am ready to meet Putin in Moscow”*, in *Corriere della Sera*, May 3rd, 2022.

doctrine, schismatics and heretics have absolutely no jurisdiction, they have no right to teach and rule the faithful, all their acts in this regard are vain and invalid. They have to humbly *come back* to the Catholic Church, and until they do so they are *false shepherds*, leading the faithful astray into perdition.

This, obviously, would not be a doctrinal basis very favorable to ecumenism.⁹³

The mere presence of certain truths of the faith and perhaps some valid sacraments in false churches would not have been enough for the modern practice of ecumenism. Indeed, this ecumenism tries to establish a relation with false churches *respecting their internal hierarchy*, instead of merely trying to bring back individual souls which have been led astray. Vatican II does not consider the schismatics as human collections of individuals which have no ecclesial existence. On the contrary it does recognize a certain “churchness”, so to speak, to these false churches. It therefore aims to bring about union between the Roman Church and the other churches, as if the other churches had any validity, *as a church*, in reality and in the eyes of God. According to Catholic doctrine, these false churches have no more validity as a church than a false god would have any kind of “value” or “elements” of the true God.

But in order to establish this kind of false ecumenism, it is evident that one has to somewhat respect and recognize the internal life and authority of these churches.

⁹³ Thus Dulles admits: “Ecumenically, this ecclesiology is sterile.” He also says: “This ecclesiology is out of phase with the demands of the times. In an age of dialogue, ecumenism, and interest in world religions, the monopolistic tendencies of this model are unacceptable.” Cf. Dulles, *op. cit.*, pp. 36-37.

The “theology of communion” (the “ecclesiology of elements”) provides not only a (false) doctrinal basis to recognize value to false churches, but it also provides a way to recognize value and legitimacy to their internal organization, and particularly to their bishops, since, as Francis said, “we are shepherds of the same holy flock of God.”⁹⁴

⁹⁴ Words reported by Luciano Fontana, *Pope Francis: “I am ready to meet Putin in Moscow”*, in *Corriere della Sera*, May 3rd, 2022.

SEVENTH ARTICLE

ANSWERS TO SOME OBJECTIONS

46. Objection #1: The fact that each diocese is governed both by its proper bishop and by the Roman pontiff at the same time establishes a situation where the papacy and the episcopacy are already forming two heads of the same local Church. Thus collegiality is not anything new.

47. Answer to objection #1: The authority of the bishop of a diocese and the Roman pontiff are not both supreme and universal, but rather they are wisely subordinated.

As we have explained above, by the divine will of Christ, the bishops have authority over the particular flock assigned to them, *each* bishop over his *respective* diocese, *singuli singulos*. But the Roman pontiff, however, is set above the entirety of the flock.

Hence the subordination of the authority of the bishops and of the pope works in the following way: a particular portion of the flock is both under the authority of its particular bishop and under the supreme authority of the pope. It is not under two authorities which are both supreme and universal, as Vatican II would have it, namely that of the pope, and that of the College of bishops, exercised through a particular bishop member of this college. Rather, a particular portion of the flock is under two authorities which are subordinated: that of their particular bishop, and that of the Roman pontiff. Both authorities are ordinary and episcopal, although the authority of the Roman pontiff is higher.

This is clearly explained by Pope Leo XIII:

Nor does it beget any confusion in the administration that **Christians are bound to obey a twofold authority**. We are prohibited in the first place by Divine Wisdom from entertaining any such thought, since **this form of government was constituted by the counsel of God Himself**. In the second place we must note that the due order of things and their mutual relations are disturbed if there be a twofold magistracy of the same rank set over a people, neither of which is amenable to the other. But **the authority of the Roman Pontiff is supreme, universal, independent; that of the bishops limited, and dependent**. “It is not congruous that two superiors with equal authority should be placed over the same flock; but that two, one of whom is higher than the other, should be placed over the same people is not incongruous. Thus the parish priest, the bishop, and the Pope, are placed immediately over the same people” (St. Thomas in *iv Sent.*, dist. XVII, a. 4, ad q. 4, ad 3). So the Roman Pontiffs, mindful of their duty, wish above all things, that the divine constitution of the Church should be preserved. Therefore, as they defend with all necessary care and vigilance their own authority, so they have always labored, and will continue to labor, that the authority of the bishops may be upheld. Yea, they look up whatever honor or obedience is given to the bishops as paid to themselves.⁹⁵

Clearly the Roman pontiffs, who “wish

⁹⁵ Leo XIII, Encyclical *Satis cognitum*, n. 15 (1896). Emphasis added.

above all things that the divine constitution of the Church be preserved,” would have been greatly at fault if they had repeatedly and since the foundation of the Church denied that, besides the authority of the Roman pontiff and that of the residential bishop, there existed yet another subject of universal authority, namely that of the college of bishops, as one body governing the universal Church as one flock.

The teaching of Pope Leo XIII once more repudiates any such idea. Christians are bound, he explains, by a twofold authority: that of their respective bishop, and that of the pope. Nothing else is established in the divine constitution of the Church.

48. Objection #2: Both Pope Pius XI and Pope Pius XII have often reminded the bishops of their duty to care for the universal Church, and not merely their respective dioceses.

49. Answer to objection #2: The bishops have been called to be solicitous for the common good of the Church, *out of charity*, in the performance of their own pastoral office in their diocese. They have never been told that they had a *duty*, which would bound them *in justice*, to share in the government of the universal Church.

Pope Pius XI, in a missionary effort, tries to entice the bishops to charitably help him, particularly on account of the fact that they are successors of the apostles. Here again, however, the pope clearly refers to the government which they enjoy over particular churches:

If none of the faithful is exempt from the obligation of charity, can the clergy who, by their truly marvelous election and holy

vocation, participate in the very priesthood and apostolate of Jesus Christ, claim such exemption? Or can you, Venerable Brothers, you who possess the plenitude of the priesthood and are, **each in his own diocese, the divinely constituted pastors of the clergy and Christian people**, claim to be exempt from the same law of love? We read that Christ commanded not only Peter, whose chair We occupy, but all the Apostles whose successors you are: “Go ye into the whole world, and preach the gospel to every creature.” (Mark XVI, 15).⁹⁶

Pope Pius XII speaks even more explicitly than his predecessors:

It is an undoubted fact that it was to Peter alone and to his successors, the Roman Pontiffs, that Jesus Christ entrusted the entirety of his flock: “Feed my lambs; feed my sheep.” But even though **each bishop is the pastor of that portion only of the Lord's flock entrusted to him**, nevertheless as lawful successor of the Apostles by God's institution and commandment **he is also responsible, together with all the other bishops, for the Apostolic task of the Church**, according to the words of Christ to the Apostles: “As the Father has sent me, I also send you.”

This mission, or “sending forth,” embraces “all nations... even unto the consummation of the world” and certainly did not cease with the death of the Apostles. Nay, it still continues in the bishops who are in communion with the Vicar of Jesus Christ. **For in them, as being specifically named “those who are sent,” namely, Apostles of the Lord, the**

⁹⁶ Pius XI, Encyclical *Rerum Ecclesiae*, n. 6 (1926). Emphasis added.

fullness of the apostolic dignity resides, which as St. Thomas Aquinas testifies “is the chief dignity in the Church.”⁹⁷

This teaching of pope Pius XII is very precious by its precision, since it clarifies things in a way quite different from Vatican II. The entirety of the flock was entrusted to Peter alone, and to his successors. Each bishop is only entrusted and given government over a part of the flock. Pope Pius XII could not be clearer:

Each bishop is the pastor of that portion only of the Lord's flock entrusted to him.⁹⁸

This expression is clearly meant to be a repetition of the traditional teaching according to which the bishops govern the Church, each in his own diocese, “*singuli singulos.*”

Yet, by being indeed true pastors of the Church, the bishops together with the pope share in this one apostolic mission given by Christ to the apostles, and through them, to the Church.

This is not said to flow from episcopal consecration, nor is it said to be exercised by a kind of universal jurisdiction. What Pope Pius XII is calling the bishops to do, is to not forget their duty of *charity* to participate in the missionary effort. This missionary effort is not achieved by some kind of collegial action of all the bishops exercising government over the world, but rather by a charitable effort to provide missionaries and funds, as well by urging the faithful to pray,

⁹⁷ Pius XII, Encyclical *Fidei donum*, nn. 42-43 (1957). Emphasis added.

⁹⁸ *Fidei donum*, n. 42. The Latin reads: “Unusquisque episcopus portionis tantum gregis sibi commissae sacer pastor est.”

for a cause entirely governed by the Roman pontiff himself.

It is in this way that Pope Pius XII calls the bishops to “fulfill their obligations to work for the general welfare of the Church”⁹⁹: each bishop in the government of his diocese can help the Roman pontiff in the missionary effort of the Church.

It is quite different from the new notion according to which the “solicitude of the universal Church” is to be exercised by bishops through collegial acts, even (ontologically) before the solicitude of a particular Church:

The power of the College of Bishops over the whole Church is not the result of the sum of the powers of the individual Bishops over their particular Churches; it is a pre-existing reality in which individual Bishops participate. They have no competence to act over the whole Church except collegially.¹⁰⁰

The Vatican II doctrine is very similar to one point of doctrine defended by Eybel,¹⁰¹ and utterly condemned and rejected by Pope Pius VI:

Such language only makes all the more deplorable both the blind temerity of a writer who has been assiduous in

⁹⁹ *Fidei donum*, n. 68.

¹⁰⁰ John Paul II, both in the *Motu proprio Apostolos suos* (1998) and in the Apostolic exhortation *Pastores gregis* (2003)

¹⁰¹ Joseph Valentin Eybel (1741-1805) was a minister of the king of Austria, and an ardent proponent of josephism, which is a regalistic system, similar to what gallicanism was in France. On the occasion of Pius VI's visit to Vienna, in 1782, he published an anti-papal pamphlet, which denied the primacy of immediate jurisdiction which the Roman Pontiff enjoys over the universal Church.

reviving in his tract the errors condemned by so many decrees; of a man who does not fear to say, or to insinuate in many places, and by a thousand directions: **that every bishop is called by God as much as the pope is, to the government of the Church**, and that he has received no less power; that Jesus Christ gave the same power to all the Apostles, that what some men believe can be obtained only from the sovereign Pontiff, and granted only by him, **can be obtained equally from every bishop, whether it depends upon the consecration or the ecclesiastical jurisdiction**; that **Jesus Christ willed His Church to be administered after the fashion of a republic...**¹⁰²

Pope Pius VI later presents a number of old propositions which had been condemned as heretical and schismatic by the Faculty of Paris. Among them are the following:

“It cannot be said that there is only one supreme head in the Church, or only one ruler, unless one understands by this Jesus-Christ.”

“All the bishops together and in one body govern the same Church, each one with full power.”

“Each bishop is universal, by divine right.”

These condemnations cannot be reconciled with the new doctrine.

Leo XIII further doubles down:

Moreover, he who is set over the whole flock must have authority, not only over the sheep dispersed throughout the Church, but also when they are

¹⁰² Pius VI, *Super soliditate* (November 28th, 1786).

assembled together. **Do the sheep when they are all assembled together rule and guide the shepherd? Do the successors of the Apostles assembled together constitute the foundation on which the successor of St. Peter rests in order to derive therefrom strength and stability? Surely jurisdiction and authority belong to him in whose power have been placed the keys of the Kingdom taken collectively.** And as the Bishops, each in his own district, command with real power not only individuals but the whole community, so the Roman pontiffs, whose jurisdiction extends to the whole Christian commonwealth, must have all its parts, even taken collectively, subject and obedient to their authority.¹⁰³

50. Objection #3: Many theologians and canonists have recognized that the bishops, as they are a college succeeding to the college of the Apostles, have, together as a body and under the Roman Pontiff, universal and supreme jurisdiction over the whole Church, which is what Vatican II teaches.

This appears to be particularly the case of the ecumenical council. Indeed it seems admitted by the law of the Church itself, in the 1917 Code of Canon Law:

Canon 228 § 1. An Ecumenical Council enjoys supreme power over the universal Church.

51. Answer #3: While these theologians concede that the body of bishops, united and submitted to the Roman Pontiff enjoy the exercise of the supreme power over the universal Church, it is false to say that they

¹⁰³ Leo XIII, Encyclical *Satis cognitum*, n. 15 (1896). Emphasis added.

defended the same doctrine as Vatican II's collegiality.

The 1917 Code of Canon Law says that the ecumenical council *enjoys* [Latin: *pollet*] the supreme power, and does not say that the ecumenical council is the *immediate subject* of the supreme and full power. On the contrary, as we have shown above, the 1917 Code actually teaches that the bishops receive their jurisdiction through the mediation of the Roman Pontiff.

Let it suffice to provide here a few references.

52. The teaching of Cardinal Billot S.J.

The XXVIIth thesis of Billot's *De Ecclesia* has been sometimes presented as a defense of the principle of collegiality. The thesis indeed reads as follows:

In order to emphasize the unity for which He prayed for the apostles at the last supper, when he said, "That as we are one, they may be one in us, that they may be perfect in one," Christ arranged the apostolic college as a stable and perpetual institution, inasmuch as united to the prince Peter, it shares in the supreme power. Hence the monarchy of the Church is a monarchy of its own kind, which, while retaining without limitation the full character of a monarchy in all respects, yet has a régime of individual bishops conjoined to it, so that it also admits the episcopal body joined with its head in the singular exercise of the supreme authority.¹⁰⁴

But it is immediately clear that Billot is not at all teaching the same as Vatican II. For him, the college of bishops is able to be the

¹⁰⁴ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 569.

consors of the Roman Pontiff (that is, the assistant, the helper, the sharer, the participant) in the *exercise* of the supreme power. But nowhere does he admit that the college of bishops possesses the full supreme power of the Church, from an origin other than the Roman Pontiff (namely from episcopal consecration, as supports Vatican II). This becomes evident when one reads the entire theological manual of Cardinal Billot, instead of quoting him out of context, for something remotely resembling Vatican II's collegiality.

Indeed, contrary to Vatican II, the learned Cardinal distinguishes very clearly the power of jurisdiction from the power of orders, in the bishop, and explicitly defends their distinct origin. Jurisdiction, says Billot, does not flow from the power of orders, nor is the power of orders a prerequisite for the power of jurisdiction:

Thus, one should not understand that the power of jurisdiction depends on the power of the episcopal order, as if the former were a property necessarily flowing from the latter. Even more so, [it should not be understood] in such a way that the power of jurisdiction cannot be, unless there is, first, by nature, the power of orders; for this is again easily excluded, especially on account of the present discipline, according to which the investiture of jurisdiction is not had concomitantly with the consecration, but usually even precedes it in time.¹⁰⁵

Cardinal Billot later makes it very clear (against what is taught by Vatican II) that the apostolic succession of the bishops resides primarily in the succession according to

¹⁰⁵ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 345.

jurisdiction, just as we have presented earlier:

Hence you see that the succession of the apostles in the bishops is recognized in regard to the very power of jurisdiction, and not with regard only to the power of orders, which in any case can never be without jurisdiction in those who are said and are bishops, in the full and adequate meaning of the episcopate.¹⁰⁶

What this means is that someone is a bishop, in the full and adequate sense of the term, and is therefore a successor of the apostles, not by the mere power of orders, received through episcopal consecration, but rather by the power of jurisdiction. And he immediately argues that the jurisdiction of the bishops is a participation in the supreme and full jurisdiction of the Roman Pontiff. He even argues that the extraordinary and universal jurisdiction of the Apostles themselves, although it was granted directly by Christ, was nonetheless a participation in the ordinary and universal power of St. Peter:

The fact that this power was *received* in the apostles immediately from Christ does not at all exclude that it was at the same time *participating* of the power of Peter, and deriving and flowing from the fullness of Peter.¹⁰⁷

Thus, when explaining his thesis XXVII, speaking of the supreme power enjoyed by the college of bishops, Cardinal Billot explains the following:

¹⁰⁶ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 563.

¹⁰⁷ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 565.

Therefore one thing must yet be said: it was of the institution of Christ that this supreme power which was fully (*tota*) in Peter alone, would also be in him inasmuch as he is together with the other subordinated members of the apostolic senate, making one body, one tribunal, and one plenary and most complete subject of authority.¹⁰⁸

Billot further explains:

Thus, secondly, Peter is not in this college as a president in a parliament, the first among equals. But since he is always the rock of the Church, and the confirmer of the brethren, and the pastor of the lambs as well as of the sheeps, **he alone is the source and the reason of the supreme authority of the entire body.**¹⁰⁹

Thus it is clear that in the mind of Billot the college of bishops receives authority from the Roman Pontiff, or rather shares in the exercise of this supreme authority. The college of bishops becomes the subject of supreme authority as an extension of the Pope, just as the body shares in the power of the head. Billot indeed adds:

Hence also, fourthly, the apostolic college invested with supreme authority is nothing else than the entire body of subordinated prelates, inasmuch as it is joined to Peter the head in the unity of one agent and government...¹¹⁰

Things being thus, one does not have to wonder why the exercise of the supreme authority was assigned to the entire

¹⁰⁸ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 571.

¹⁰⁹ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 571. Emphasis added.

¹¹⁰ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 571.

apostolic college, since this same supreme authority already resides full and integral, and indeed first, in Peter alone.¹¹¹

At the end of his tract, Billot adds once again:

Therefore one must conclude that the ecumenical council and the Pope are not two subjects of supreme power, or even of active infallibility. [They are not two subjects] of supreme power, since the council does not have it except by reason of the supreme Pontiff, whose authority validates [Latin: *informat*] the definitions written in a conciliar way, by common consent, to manifest the unity of the Church. Neither [are they two subjects] of active infallibility, since this infallibility is annexed to the supreme ecclesiastical power as its inseparable prerogative, as has often been said above.¹¹²

In the mind of Cardinal Billot, therefore, the authority of the college of bishops, even in an ecumenical council, is but a participation in the *exercise* of the supreme authority which resides *first* and *fully* in the successor of St. Peter alone. The doctrine of Billot is not at all what Vatican II's doctrine of collegiality is about.

53. The teaching of Augustine O.S.B.

The famous canonist Augustine ascribes the right to share in the universal government of the Church to the fact of being *successor of the apostles*, and he clearly recognizes this fact as belonging to *residential* bishops, while denying it to

¹¹¹ Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 571.

¹¹² Billot, *De Ecclesia Christi*, T. I, Ed. 3^a, Prati, 1909, p. 704.

titular bishops, making thus clear that jurisdiction, and not episcopal consecration, is what makes the bishop one of the *successors of the apostles*:

Those who *must* be called [at the ecumenical council] are the *bishops*, be they patriarchs, primates, archbishops, or simple bishops, provided they are residential, and not merely titular. The reason why the residential bishops must be called lies in their twofold character of pastors and teachers. This double office they exercise in a twofold way: (1) As successors of the Apostles they share in the government of the universal Church and form one body analogous to the college of the Apostles, with whom Christ remains until the end of time. (2) As residential bishops they exercise their office in a determined district or diocese, which, however, is part and parcel of the universal Church. This power is jurisdictional in a particular sense, while the power they exercise over the whole Church is jurisdictional in a general sense, so far, namely, as they convene in council under their legitimate superior.¹¹³

54. The teaching of Zapelena S.J.

Zapelena says similarly:

The bishops succeed to the apostles in the *power of government*, individually, inasmuch as they have an ordinary and proper power to rule a certain portion of the ecclesiastical flock; but more truly the episcopal college succeeds to the apostolic college, for all the bishops taken together under the Roman Pontiff have a universal jurisdiction which they exercise first of all

¹¹³ Rev. Chas. Augustine O.S.B., *A Commentary on the new Code of Canon Law*, Vol. II, St. Louis, Mo, 1918, p. 220.

when they are gathered in an ecumenical council.¹¹⁴

This theologian later clarifies however that the origin of this universal jurisdiction in which the bishops share with the Roman Pontiff is the same as the origin of the particular jurisdiction by which individual bishops rule over their respective dioceses, namely, from the plenitude of power of the Roman Pontiff:

The question of the origin of the jurisdiction of the episcopal college whether provincial or plenary seems to have to be solved from the same principles by which is resolved the question of the origin of the particular jurisdiction in individual bishops.¹¹⁵

¹¹⁴ Zapelena S.J., *De Ecclesia Christi*, Pars altera, Rome, 1954, p. 10.

¹¹⁵ Zapelena S.J., *De Ecclesia Christi*, Pars altera, Rome, 1954, p. 105.

THE FIRST VATICAN COUNCIL ON THE EPISCOPACY

55. The first Vatican Council and the episcopacy.

The 1870 Vatican Council is well known for its dogmatic definition of the primacy and infallibility of the Roman Pontiff. This definition is a very valuable decision of the Vatican Council concerning the constitution of the Church. The work of the Council, however, was not meant to stop with this definition. In fact, before the Council had to be interrupted, work was underway to write another dogmatic constitution describing the nature of the Church. It was asked that the Council clarify the nature and role of the episcopacy in the Church. Hence discussions about the episcopacy and its relation to the papacy had already been stirred up in 1870. It has been argued that certain affirmations among the prominent theologians and Fathers of the Council are very favorable to Vatican II's collegiality. This is not true.

Before analyzing the Council's proceedings, however, we will start by a discussion on the preparation of the 1870 Vatican Council. Indeed, in the course of this preparation, a question relevant to our discussion was brought up, as we have alluded to earlier: whether or not the titular bishops should be called to participate in the ecumenical council. Indeed, although history shows that titular bishops have occasionally participated in regional and general councils, it is also undeniable that no titular bishop took part in his own name in the previous two councils,

namely the Fifth Lateran Council and the Council of Trent.¹¹⁶

56. The history of the convocation of titular bishops at the 1870 Vatican Council.¹¹⁷

The central commission of the Council, charged with the immense work of preparation, confided to Archbishop Angelini¹¹⁸ the task of preparing a report, to be discussed by the commission on May 17th, 1868, answering the question: "Is it fitting to also call titular bishops to the Council?"¹¹⁹ The report showed that canonists and theologians were not all in agreement on granting a right to participate in the Council to titular bishops deprived of any actual jurisdiction. The commission avoided

¹¹⁶ Although a few titular bishops were present, inasmuch as they had been delegated by their residential bishop to represent them since they themselves could not assist.

¹¹⁷ A number of articles have been written on this question. Let us mention the following, among the works consulted for this study: *Les Évêques titulaires ont-ils le droit d'assister aux conciles généraux?* (in *La Nouvelle Revue Théologique*, T. I, 1869, pp. 55-66); *Le corps épiscopal uni au Pape, son autorité dans l'Eglise, d'après les documents du premier concile du Vatican* (by Jérôme Hamer, O.P., in *Revue des Sciences philosophiques et théologiques*, Vol. 45, No. 1, Janvier 1961, pp. 21-31); *L'origine de la juridiction collégiale du corps épiscopal au concile selon Bolgeni* (by Marie-Rosaire Gagnebet O.P., in *Divinitas*, V, February 1961, pp. 431-493).

¹¹⁸ Giuseppe Angelini (1810-1876) was auxiliary bishop of Rome, and titular archbishop of Corinth. In theology manuals, his name is occasionally latinized in "De Angelis."

¹¹⁹ The report can be found in the Mansi collection, vol. 49, col. 492-493.

answering the question of a strict right of participation, and concluded that it would in any case be *fitting* for all titular bishops to be called to the Ecumenical Council.

57. Bishop Maret stirs controversy.

Later that same year, in the fall of 1868, Bishop Maret¹²⁰ was preparing a work *Du Concile général et de la paix religieuse*, which he intended to publish in September of the following year, a mere few weeks before the opening of the Council. But on November 8th, 1868, Bishop Maret wrote to the newspaper *L'Univers*, so as to defend himself of the accusations made against him by Louis Veuillot.¹²¹ In this letter, he claims an “inviolable right”¹²² to freely express his

¹²⁰ Henry Maret (1805-1884) was the titular bishop of Sura, and dean of the faculty of theology of the Sorbonne, in France. He was an ardent proponent of the liberalism of Lamennais and Lacordaire, and a prominent gallican. His nomination to the see of Vannes by the French government was refused by Pius IX, and he was made a titular bishop, due to the support of the French liberal government and his disfavor in Rome. At the 1870 Vatican Council, he was one of the fiercest gallicans, and shamefully left Rome before the promulgation of the dogma of Papal Infallibility, to which he was so strongly opposed.

¹²¹ Louis Veuillot (1813-1883) was a French journalist, known for his polemical writings against the liberal and anti-clerical policy of the French government as well as for his great defense of the Papacy and his fierce attacks against gallicanism.

¹²² “Quant au livre que je prépare, je n’ai rien à vous dire ni de ses doctrines, ni de ses tendances, ni de son but, parce que vous n’êtes pas juge de ces choses. Ce livre est un mémoire destiné au futur Concile général. Je le soumettrai au Souverain Pontife et aux évêques de la sainte assemblée. Ce livre ne sera que l’exercice du droit inviolable que possède tout évêque d’émettre librement dans un Concile, ses opinions sur la situation, les dangers et les besoins de l’Eglise.” (*L’Univers*, November 12th, 1868).

opinions in the Ecumenical Council. Louis Veuillot strongly reacted against this claim, and published a letter written by one of his friends, Father Delafosse, an oratorian, whose conclusion was the following: “Bishops without jurisdiction, as are the bishops *in partibus* who are not missionaries, have no right to take part in the works of the future Council, the supreme Head of the Church is not bound to convoke them. If the Holy Father calls them to the Council, it is by no means certain that they would be granted a deliberative voice: which would greatly simplify the ‘great and difficult task’ to which Bishop de Sura ‘prepares himself in silence’ as can be evidenced by his book and his letter.”¹²³

The biting irony of Father Delafosse and his well argued letter caused yet a greater stir in France. The Superior General of the Oratory presented his excuses to Bishop Maret and asked another Oratorian, Father Elie Méric to write an answer to Father Delafosse. This answer, also published in *L’Univers* (November 28th, 1868), produced a number of theologians who defended an indisputable right of titular bishops to participate in an ecumenical council.

As we have seen, the question had been already solved by the Roman commission, in a practical way, on May 17th, 1868, with the conclusion that, whatever be the question of right, it was in any case *fitting* to call the titular bishops to participate in the ecumenical council.

Nonetheless, on March 8th, 1869, Pope Pius IX expressed the desire to not admit all titular bishops indiscriminately to the Council, since “among them there are some about whom much could be said with regard

¹²³ *L’Univers*, November 17th, 1868.

to the behavior which they have adopted.”¹²⁴ No name was given, but Bishop Maret was most probably among these. On the 14th, therefore, the commission looked once more on this issue, to prepare a report presenting the arguments. After examining them, Pope Pius IX ratified the precedent decision: it was convenient and fitting to maintain the convocation to the council which had already been sent to all the bishops, titular bishops included.¹²⁵

58. Although the 1870 Vatican Council did in fact convocate the titular bishops, who are deprived of jurisdiction, it did not thereby acknowledge a divine right to do so, but merely followed the custom and the fittingness of calling all Catholic bishops to the ecumenical council.

The question of right was not solved directly, for a number of reasons. The bishops do not, in an ecumenical council, exercise the jurisdiction which they have over their own diocese, since in the ecumenical council all the bishops together exercise jurisdiction over the whole Church. Also, the question of the origin of the episcopal jurisdiction, which had been much debated at the Council of Trent, was not meant to be solved at the 1870 Vatican Council, and the very documents on the Church which were worked upon (and which were never achieved) purposely avoided answering this question.

¹²⁴ Mansi 49, col. 524: “Per quello poi che riguarda li vescovi titolari il santo padre accennava al desiderio che avrebbe di non ammetterli tutti indistintamente, poichè ve ne ha parecchi, contro cui vi è molto ad osservare sulla condotta che tengono.”

¹²⁵ Mansi 49, col. 525-527.

In addition, the law of the Church was not clearly established on this question of the convocation of titular bishops, and some theologians, such as Angelini, strongly defended the existence of a divine right of all consecrated bishops to participate in the ecumenical council.

The 1917 Code of Canon Law, however, has now clearly resolved these questions, as we have seen above. According to this Code, titular bishops *may be called to participate* along with the residential bishops, but the Roman pontiff is free to exclude them if he wants to. Hence they are not recognized any *divine right* to be called. In addition, the 1917 Code established that the jurisdiction of bishops comes through the mediation of the Roman pontiff, and not from the episcopal consecration:

Those who are taken into the ecclesiastical hierarchy are not bound thereto by the consent or call of the people or secular power, but are constituted in the grades of the power of orders by sacred ordination; into the supreme pontificate, by divine law itself upon the completion of the conditions of legitimate election and acceptance; in the remanding grades of jurisdiction, by canonical mission.¹²⁶

The content of this canon, concerning the distinct nature and origin of the power of orders and the power of jurisdiction, has been since then repeated many times in the authentic teaching of Pope Pius XII, who went as far as declaring it to belong to the divine constitution of the Church¹²⁷ (which is immutable, and is the object of faith).

¹²⁶ Canon 109.

¹²⁷ Pius XII, Encyclical *Ad sinarum gentes*, nn. 11-12 (1954).

A canonical commentary, published in 1918, shortly after the promulgation of the Code of Canon Law which resolved these issues, reads as follows:

The next question would be, whether the right of a bishop to be called to a general council depends on episcopal consecration or jurisdiction. The Vatican Council [of 1870] doubtless took the view that it is a right emanating directly from jurisdiction. This is implicitly also the standpoint of our Code, otherwise a bishop confirmed by Rome but not yet consecrated, could not be called.¹²⁸ The point is palpably illustrated by the debate concerning the admission of *titular bishops*. After long deliberation the commission of cardinals entrusted with the investigation of the matter decided that such bishops are to be called, as they are bound by the oath "*vocatus ad synodum veniam*." The *quaestio juris* the commission would not touch.¹²⁹

Since indeed "all Catholic bishops" had already been convoked by Pope Pius IX (which implicitly would also include the titular bishops), and since all bishops have made the oath, in the rite itself of episcopal consecration, to come to the ecumenical council when they are convoked, the commission of Cardinals left aside the "*quaestio juris*", the question of right (meaning: whether or not the titular bishops *must be* convoked), and decided, in the practical order, to let all the titular bishops

¹²⁸ This is indeed the law of the Vatican II religion, as we have explained, since the criteria of apostolic succession have been changed.

¹²⁹ Rev. Chas. Augustine O.S.B., *A Commentary on the new Code of Canon Law*, Vol. II, St. Louis, Mo, 1918, pp. 220-221.

come, in accordance to their oath and to the broad invitation issued by Pope Pius IX.

Hence the same commentary continues:

The commission would not solve the problem, as the time was too short...

But there is an unmistakable hint as to the viewpoint which the Vatican Council as well as our Code take with regard to the twofold question proposed above: the office of teacher and pastor follows jurisdiction, not the consecration, and this jurisdiction is supposed to be given by the Supreme Pontiff.¹³⁰

Another commentary says something very similar:

The basis on which is founded the right to participate in the ecumenical council with a deliberative voice is episcopal *jurisdiction*. Hence *residential* bishops have membership and voice in it by a proper and ordinary right; while all others have it by the privilege and the concession of the Roman Pontiff, which is conceded by common law to some, and must be given every single time to others. The mere episcopal *order*, however, since it confers no *actual* jurisdiction, does not comport any power to be exercised on the universal Church. Thus both *titular* bishops and *retired* bishops have no right to be convoked, but it is certainly fittingly done, particularly in the case of apostolic vicars who have an ordinary jurisdiction and represent vast regions. Canon 223 has now authoritatively settled all the old questions which were

¹³⁰ Rev. Chas. Augustine O.S.B., *A Commentary on the new Code of Canon Law*, Vol. II, St. Louis, Mo, 1918, p. 221.

still being discussed on the occasion of the [1870] Vatican Council.¹³¹

The questions agitated before the 1870 Vatican Council are thus considered to have been authoritatively settled.

59. The “sodissima distinzione” of the report.

When presenting the different arguments to Pius IX, the commission presents a theological distinction as being “most solid”, namely the distinction between the particular jurisdiction which an individual bishop may exercise over his diocese, and the universal jurisdiction which the bishops exercise together in an ecumenical council. This praise has sometimes been applied to Bolgeni’s theory, but this is not accurate, and we need to briefly explain this here.

The report prepared by Bishop Angelini did not itself mention Bolgeni, and its conclusion was, as we have said, that although titular bishops did not *have to be called* to the council, it was nonetheless *fitting* to do so.¹³²

However, in a paper given by Bishop Angelini on the occasion of presenting his research to the commission, Bolgeni is explicitly mentioned.¹³³ Bishop Angelini is discussing the diverse opinions existing on

¹³¹ Chelodi, *Jus de Personis*, Editio altera a Bertagnolli recognita, Trent, 1927, pp. 391-392.

¹³² Thus Gagnebet says: “Ce rapport que nous avons consulté examine les opinions de Giacobazzi, Bellarmin, Reiffenstuel, Suarez, Schmalzgrueber, Andreucci. Il conclut que ces évêques ne doivent pas *nécessairement* être appelés au Concile, mais qu’il convient de les y appeler.” (Marie-Rosaire Gagnebet O.P., *L’origine de la juridiction collégiale du corps épiscopal au concile selon Bolgeni*, published in *Divinitas*, V, February 1961, p. 442).

¹³³ See the *Foglio annesso al verbale del 17 maggio 1868*, in Mansi 49, col. 494-496.

this question, and in this paper he therefore presents, among other things, the distinction between the particular jurisdiction of an individual bishop and the universal jurisdiction of the college of bishops. To support this distinction, he adduces the explanation given by Bolgeni, to which he seems quite favorable. But this mention can in no way be taken as an endorsement of Bolgeni’s teaching by the commission itself, or, even less so, by the Vatican Council. In addition, many theologians have made, long before Bolgeni, that distinction, without having recourse to his theory, now incompatible with the teaching of Pope Pius XII.

The distinction between the particular jurisdiction of singular bishops and the universal jurisdiction common to the bishops gathered in a council is not something peculiar to Bolgeni, and is not to be taken as equivalent to an adherence to Bolgeni’s theory. Hence, the fact that this distinction is said to be “most solid” does not mean that Bolgeni’s explanation is itself “most solid.”

Many theologians distinguish indeed the particular jurisdiction of the bishops in their respective dioceses, and the universal jurisdiction of the body of bishops, gathered in an ecumenical council. This universal and supreme jurisdiction of the ecumenical council is not a mere addition of the different particular jurisdictions of the bishops of the whole Catholic world. Nonetheless, this supreme authority is given to the bishops gathered in a council, not directly from God, in virtue of a mere episcopal consecration, as would say Bolgeni, but is given to them through the mediation of the Roman Pontiff. Such is the explicit teaching of Pope Eugenius IV:

Against what all the Catholic doctors profess and teach, they pretend that, once they have been gathered by apostolic authority, the general councils derive no longer their strength and power from the Roman Church. They thus deny in equivalent terms that the general councils receive their authority and foundation from the vicar of Christ, which denial no faithful and educated man had ever dared to make.¹³⁴

We will further consider this question in the next article.

60. The discussions of Kleutgen and Zinelli at the 1870 Vatican Council.

While the first Vatican Council was not able to promulgate a dogmatic constitution presenting the entire divine constitution of the Church, besides what it defined about the primacy of the Roman Pontiff, it did however start this work, before it was indefinitely interrupted by the Italian revolution.

In the course of the discussions, the authority of the college of bishops was raised on a few occasions, and it was recognized that the college of bishops is able to share in the exercise of the supreme power of the Church. This, however, was not a precedent to the Vatican II doctrine of collegiality, but rather resembles what we have presented

¹³⁴ Pope Eugenius IV wrote a letter “to kings and princes” to warn them against the proceedings of the Council of Basel: “pretendentes ipsi non a Romana Ecclesia prout omnes catholici doctores profitentur et docent, ipsa generalia concilia havere robur et potestatem, postquam fuerunt apostolica auctoritate congregata, et per hoc quasi denegantes concilia generalia non suscipere auctoritatem et fundamentum a Christi vicario, quod nemo unquam fidelis et doctus dicere praesumpsit” (Cf. *Annales Ecclesiastici*, T. 28, ann. 1436, Barri-Ducis, 1874, p. 196).

from the teaching of Billot, Augustine, and Zapelena.

Thus, in the chapter IV of the draft written by the Jesuit theologian Joseph Kleutgen, and proposed to the discussion of the council, we read the following:

The bishops are not however excluded from the supreme office [Latin: *muneris*] of teaching and governing the universal Church. Indeed, this pontifical office of binding and loosening, which was given to Peter alone, was also entrusted to the college of the apostles, joined however to its head, as is evident from the words of Our Lord.¹³⁵

But Kleutgen is not thereby proposing Vatican II’s collegiality. For he indeed attributes the fullness of this supreme power to the Roman Pontiff,¹³⁶ who is then able to call the other bishops to participate in his solicitude for the universal Church.¹³⁷

Kleutgen goes as far as speaking of two subjects of supreme power, but this must be understood in this sense:

Indeed, since the bishops, called by the supreme pontiff to participate in his solicitude, are not mere counselors, but together with the pope they issue decrees as true judges and definers, and since these decrees are of the highest authority, and bind the whole Church; it cannot be doubted that the bishops have

¹³⁵ Mansi 53, col. 310.

¹³⁶ “In Romano pontifice non potiores tantum partes, sed totam plenitudinem supremæ potestatis inesse.” (Mansi 53, col. 321).

¹³⁷ “Neque hi pro universali ecclesia quidquam disponere vel decernere possunt, nisi ab regnante pontifice in partem sollicitudinis vocati.” (Mansi 53, col. 310).

some part in teaching and governing the universal Church.¹³⁸

It is apparent that the bishops are thus sharing in the supreme authority, when they participate in the government of the universal Church, which government is properly entrusted to Peter and his successors.

Similarly Bishop Zinelli,¹³⁹ speaking for the Deputation of the Faith, also acknowledged that the bishops together with the Pope, are able to share in his supreme authority:

We admit that the full and supreme power exists in the supreme Pontiff as in the head, and that the same full and supreme power is also in the head joined to its members, namely in the Pope with the bishops.¹⁴⁰

This was said by Zinelli, as he was rejecting two requests for a change to be made in the draft defining the primacy of the Roman Pontiff:

These two most reverend emendators have agreed that the Vatican Council must accept the principle according to which the full supreme ecclesiastical power does not reside in the Roman pontiff, but rather in the Roman pontiff

¹³⁸ Mansi 53, col. 321.

¹³⁹ Federico Maria Zinelli (1805-1879) was the bishop of Treviso between 1861 and 1879. It is worth noting that St. Pius X was then a priest in his diocese, and assumed greater and greater responsibilities under Bishop Zinelli. As a result, St. Pius X was later appointed Bishop of Mantua by Pope Leo XIII in 1884. Bishop Zinelli is most famous for the prominent role which he had in the first Vatican Council, as member of its Commission for the Faith, and as one of the writers of *Pastor Aeternus*, the dogmatic constitution defining the primacy and infallibility of the Roman Pontiff.

¹⁴⁰ Mansi 52, col. 1110.

with the bishops. These changes understood in this sense are completely alien to the opinion of your Deputation of the Faith, which is based on Sacred Scripture and Tradition and the definitions of the councils. Indeed from all these sources of revelation it is clear that the full and supreme power in the Church was given to Peter and his successors in such a way that he cannot be constrained by any human power superior to himself, but only by natural and divine law.¹⁴¹

Both Zinelli and Kleutgen, furthermore, openly explain that they do not want to address the question of origin of jurisdiction in the bishops, which question had been the object of great discussion at the Council of Trent, without being resolved. Consequently, they deem it enough to profess the complete dependance of the exercise of jurisdiction by the bishops on the Roman Pontiff, without explaining exactly how the supreme authority proper to the Roman Pontiff is also exercised by the ecumenical council.

Since, however, the question of the origin of the jurisdiction of the bishops is now settled, thanks particularly to the repeated affirmations of Pope Pius XII, it appears that the question of the direct origin of the jurisdiction of the ecumenical council is no longer open to debate either, but must be ascribed to the Roman pontiff.

It is worth noting that although Kleutgen speaks of two inadequately distinct subjects of the supreme power of the Church, this Jesuit theologian follows St. Robert Bellarmine in ascribing the immediate origin of this power to the supreme Pontiff.¹⁴² In

¹⁴¹ Mansi 52, col. 1108.

¹⁴² "To the eyes of Fr. Kleutgen, the thesis of the double subject is nothing more than a reformulation of the teaching of St. Robert

other words, Kleutgen does not actually believe in a secondary subject which would receive authority directly from God, but rather believes that the ecumenical council is able to exercise the supreme power of the Church, which supreme power comes from the Roman Pontiff himself, and whose authority can be exercised only on the matters allowed by the Roman Pontiff.

Kleutgen's theological explanation of the "double subject" of supreme authority is not at all the equivalent of Vatican II's collegiality, which denies that the Roman Pontiff is the origin of the supreme power of the college of bishops. These two questions are not necessarily related:

In the eyes of the Deputation of the faith, of its reporter [Bishops Zinelli], and of its theologian [Fr. Kleutgen S.J.], it is therefore clear that the doctrine of the double subject does not in any way imply as its necessary foundation an obligatory choice in the question of derivation of jurisdiction.¹⁴³ In itself, both theses debated at Trent¹⁴⁴ can arrive at a theology of double subject. This is already sufficient to answer the objection which sees an incompatibility between

Bellarmino." (Jérôme Hamer, *Le corps épiscopal uni au Pape, son autorité dans l'Eglise, d'après les documents du premier Concile du Vatican*, in *Revue des Sciences philosophiques et théologiques*, Janvier 1961, Vol. 45, No. 1, p. 26). Cardinal Billot disagrees with him on the question of the "double subject," but agrees to ascribe the origin of the authority of the bishops (whether taken individually or collectively) to the Roman Pontiff.

¹⁴³ Namely, it does not force one to argue that episcopal jurisdiction comes directly from God, and not through the mediation of the Roman Pontiff.

¹⁴⁴ That is, whether the jurisdiction of the bishops is given directly by God or through the mediation of the Roman Pontiff.

one of these theses and the doctrine of the *duplex subjectum* [double subject]. Moreover, Father Joseph Kleutgen underlines that the thesis of the pontifical origin of jurisdiction is the *longe communior sententia* [by far the most common teaching]. By this affirmation, he clearly makes us understand that it is also his opinion. Yet no one had proposed as clearly as he did the theology of an inadequately distinct double subject.¹⁴⁵

No one, we are told, had been such an ardent proponent of the theological explanation of an inadequately distinct "double subject" of supreme power in the Church, and yet this most ardent proponent, Fr. Kleutgen, ascribes the *origin* of this supreme power, even in the ecumenical council, not directly to God (through episcopal consecration), but to the mediation of the Roman Pontiff. This is in perfect agreement with the teaching of Pope Pius XII, and in open contradiction with Vatican II's doctrine of collegiality.

In addition, what Zinelli and Kleutgen considered had nothing to do with Vatican II's collegiality. They indeed recognized and professed the clear distinction between the power of orders and the power of jurisdiction. They acknowledged as successors of the apostles the bishops endowed with jurisdiction, and not merely consecrated. All these, and many other Catholic notions were included in Kleutgen's draft, which would be repugnant to the modernist theologians of Vatican II.¹⁴⁶

Someone did, however, explicitly attribute the participation of the bishops in the

¹⁴⁵ Hamer, *op. cit.*, p. 29.

¹⁴⁶ Especially for the numerous parts which would contradict Vatican II's ecumenism. See Mansi 53, columns 308-317.

supreme power of the ecumenical council directly to their episcopal consecration, and we shall now consider this theory, which will give us the occasion to further deepen our

understanding of the authority of the ecumenical council.

BOLGENI'S TEACHING AND VATICAN II'S COLLEGIALITY

61. Bolgeni argued that all the bishops, as a body united together with the Roman Pontiff, is the possessor of a universal jurisdiction given directly by God in virtue of episcopal consecration.

This theory would thus be a precedent to the doctrine of Vatican II, although it did not even go as far as Vatican II in many respects.¹⁴⁷ Bolgeni acknowledged the traditional distinction between orders and jurisdiction, and ardently defended the doctrine according to which episcopal jurisdiction is given to each bishop by the Roman Pontiff.

62. Who is Bolgeni?

Giovan Vincenzo Bolgeni (1733-1811) was an Italian theologian, and a member of the Society of Jesus until its suppression by Clement XIV. He was a theologian of extremes, inasmuch as he distinguished himself for his defense of the Holy See against the jansenists, but became also known for untenable opinions. Being very learned and passionate, he was greatly esteemed by his superiors and the Roman Pontiff himself.

Controversy around his doctrine started on the question of charity, in 1788, when he started to teach that supernatural charity does not consist in loving God above all things, for Himself, which Bolgeni claims to be impossible, but only to love God because He is good to us. This position is untenable, needless to say, and has been rejected as a

¹⁴⁷ Bolgeni, *L'episcopato ossia della potestà di governare la chiesa*, T. I, c. 2, n. 23, Rome, 1824.

pernicious novelty by his contemporaries. Among his works which obtained for him the esteem of Pius VI is to be counted a 1791 defense of the distinction of the power of orders and the power of jurisdiction.¹⁴⁸ Bolgeni distinguished himself by a fierce denunciation of the French civil constitution of the clergy, imposed by the French revolution. A few years later, however, Bolgeni fell into public disgrace when he defended the civic oath imposed by the revolutionary republic of Rome, in 1798, which deprived the Roman Pontiff of all his temporal power. His written defense of the civic oath was condemned by the Church, and Bolgeni issued a retraction, but he was never able to recover the esteem and reputation which he had enjoyed earlier in his life.¹⁴⁹

Praised by some for his zeal, criticized by others for his peculiar theories, Bolgeni is a controversial figure in the history of theology.

Let us now examine how his doctrine of the universal jurisdiction of bishops was received by theologians and canonists, and we shall then analyze it carefully.

63. Favorable mentions.

In 1799, a Camaldolese monk named Mauro Cappellari (future Gregory XVI) published a book entitled *Il Trionfo della*

¹⁴⁸ This is noteworthy, since Vatican II purposely ignores this traditional distinction, and ever since the new theologians openly reject it. Yet this distinction belongs to the very constitution of the Church.

¹⁴⁹ More information on his life can be found in the *Dictionnaire de Théologie Catholique*, article *Bolgeni*, T. II, col. 944-947.

Santa Sede e della Chiesa, which is a defense of the papacy and of its infallibility. In the course of his discussion, Cappellari argues that the supreme power of the Roman Pontiff does not take away anything from the eminent dignity and power of the episcopacy.

It is in this context that he makes appeal to Bolgeni's distinction between the particular and the universal jurisdiction of the bishops. Cappellari reduces this universal jurisdiction, however, to a right of suffrage in the ecumenical council,¹⁵⁰ which he attributes to episcopal consecration.

Cappellari thus recognizes the right of all consecrated Catholic bishops (even titular ones) to participate in the ecumenical council. This is due to the fact that the bishops, gathered in an ecumenical council, are not exercising their particular jurisdiction over their respective dioceses, but a universal and supreme jurisdiction over the entire Church. But this principle is also admitted by many theologians who do not share Bolgeni's doctrine concerning the origin of that jurisdiction, as we have already alluded to when discussing whether or not titular bishops ought to be called to the council. Even if one were to admit that titular bishops are entitled to participate in an ecumenical council just as much as the other bishops, it is still possible to ascribe, with many theologians and canonists (and with Eugenius IV), the origin of that jurisdiction to the Roman Pontiff.

In other words, the fact that all Catholic bishops have a right of suffrage in the

¹⁵⁰ "Il diritto di suffragio che è nel Vescovo come membro della Chiesa, chiamasi dal chiarissimo ab. Bolgeni *giuridizione universale*" (Cappellari, *Il Trionfo della Santa Sede e della Chiesa*, Venice, 1832, p. 118).

council, as says Cappellari, does not necessarily mean that this jurisdiction springs from the consecration itself. Consecration would give a title, a right to be necessarily called to the council (which necessity has been later denied by the 1917 Code of Canon Law, as we have seen), but the council would still receive its supreme jurisdiction from the Roman Pontiff.

While Cappellari accepts Bolgeni's explanation that all Catholic bishops have indistinctively a right of suffrage in the Council, he does not necessarily ascribe the actual jurisdiction of the council to episcopal consecration, as does Bolgeni. In fact, since he merely speaks of a right of suffrage, exercised only in a council, we ought to conclude that he is not actually embracing Bolgeni's doctrine in its odd peculiarity.¹⁵¹ Indeed, Bolgeni's theory is against the principle that according to the constitution of the Church, the power of orders is conferred by ordination, while jurisdiction is conferred through the Roman Pontiff.

A few theologians and canonists do, however, explicitly agree with Bolgeni, even on the origin of the jurisdiction of the Council. In a study made on that particular subject, the Dominican theologian Gagnebet¹⁵² mentions the following names:

¹⁵¹ And lest anyone feels compelled to adhere to Bolgeni's doctrine on account of this favorable mention of a future pope, let the reader know that Benedict XIV, a very learned and prolific theologian before becoming pope, attributed explicitly the right of bishops to sit in the council to jurisdiction, and not to mere episcopal consecration (*De synodo diocesana*, Lib. XIII, cap. II, n. 5).

¹⁵² Marie-Rosaire Gagnebet O.P., *L'origine de la jurisdiction collégiale du corps épiscopal au Concile selon Bolgeni*, published in *Divinitas*, V, Rome, 1961, pp. 431-493. This is by far the

Philips, Pilgrim, Maupied,¹⁵³ Copella, and Tizzani. Other authors (such as Dom Gréa) teach something quite close to Bolgeni, on the universal jurisdiction of bishops, but explicitly ascribe the origin of this universal jurisdiction to the Roman Pontiff.

Indeed, it is important to understand that Bolgeni's doctrine was mainly mentioned and supported in the context of an argument in favor of the participation of titular bishops in the ecumenical council. But even among the theologians who would grant to titular bishops a deliberative voice in the ecumenical council, very few are the theologians who would not attribute the origin of the authority of the ecumenical council to the Roman Pontiff.

64. Adversaries among canonists.

Besides being contrary to principles commonly admitted by theologians and canonists before his time, Bolgeni's doctrine was explicitly criticized by later ones. Let us present a sample here.

Dominique Bouix dedicates one chapter of his work to the presentation and analysis of Bolgeni's opinion. His conclusions are that (1) Bolgeni's doctrine is a novelty; that (2) Bolgeni's doctrine is not only a novelty which cannot be found in the doctrine of Catholic authors, but is actually in contradiction with it; and consequently that (3) Bolgeni's

most extensive study on Bolgeni's doctrine that we know of.

¹⁵³ This author also teaches that the Roman Pontiff receives his jurisdiction only when he is consecrated a bishop. This idea is contrary to historical facts as well as the teaching of Pope Pius XII, but it is in accordance with Vatican II. Cf. Maupied, *Le futur Concile selon la divine constitution de l'Eglise*, Paris, 1869.

doctrine does not appear to be safe.¹⁵⁴ Bouix is very well known for his extensive readings and references. The following statement, coming from him, is thus a striking blow:

Indeed, Bolgeni himself does not quote any doctor which has preceded him in defending this, or even in presenting it. And I was not able to find any trace of this system, although I have consulted many works.¹⁵⁵

Bouix's conclusion is that Bolgeni's doctrine is "*non tuta*", "not safe". Such is indeed the theological note usually given to novelties which are in contradiction with the common teaching of theologians. As we have seen, however, that the jurisdiction of bishops (whether in their dioceses or gathered in a council) comes directly from the pope is no longer the mere common opinion of theologians, but it is now the explicit teaching of the magisterium. Thus, Bolgeni's doctrine is not merely "not safe", but must be considered as at least erroneous.

Craisson mentions the opinion of Bolgeni and repeats the criticism of Bouix, after which he concludes:

Thus, the Bishops receive from the Pope whatever universal jurisdiction they have,

¹⁵⁴ "I. *Haec opinio videtur nova.*" – "II. *Dicta opinio videtur, non tantum praeter, sed etiam contra doctrinam, a gravioribus catholicis auctoribus traditam.*" – "III. *Dicta Bolgenii opinio non videtur tuta.*" (Dominique Bouix, *Tractatus de Episcopo*, T. I, Ed. 2^a, Paris, 1873, pp. 85-87).

¹⁵⁵ "Neque enim ipse Bolgenius ullum citat doctorem qui in ea defendenda aut etiam exponenda ipsi praeiverit; nec ego multos pervolvens potui hujusce systematis vestigium reperire." (*loc. cit.*).

either in the ecumenical council or outside of it.¹⁵⁶

In 1869, the *Nouvelle Revue Théologique* called the novelty of Bolgeni a “totally unnecessary superfluity”¹⁵⁷.

The famous Wernz-Vidal commentary on Canon Law distinguishes between what it calls the “papal system”, namely a constitution of the Church based on the supreme power of the Pope alone, and the “episcopal system”, namely a constitution of the Church which would grant to the all the bishops together the supreme power over the Church, while the pope would have only a primacy of honor. The “papal system” has been defined by the Church as a dogma of faith, while the “episcopal system” was condemned as a heresy. Yet, Vatican II is an attempt to mix together these two systems. But Wernz-Vidal openly rejects such an attempt:

Certainly a few learned men, particularly in the middle ages, have used exaggerated words in their discussions about the power of the Roman Pontiff. This does not take away the fact that the *papal system*, as non-Catholics and even some Catholic authors have called it less accurately, has always been admitted in the Catholic Church as the only genuine doctrine, and the *episcopal system* has never obtained any authentic approbation. Neither can there exist any

¹⁵⁶ “Unde quidquid potestatis universalis habent Episcopi collective sumpti, sive in concilio ecumenico, sive extra, a Papa recipiunt.” (Craisson, *Manuale totius juris canonici*, L. I, Ed. 9^a, Paris, 1899, p. 480).

¹⁵⁷ “une superfétation tout à fait inutile” (*Les Évêques titulaires ont-ils le droit d’assister aux conciles généraux?* in *La Nouvelle Revue Théologique*, T. I, 1869, pp. 55-66)

doubt, that between the *papal system* correctly explained and the *episcopal system* some sort of third intermediary system cannot be defended by Catholics. Indeed the papal system was evidently *defined* in the Council of Florence, and especially in the Council of the Vatican, Sess. IV, ch. 3, while the episcopal system was *condemned*.¹⁵⁸

The same Wernz-Vidal commentary of Canon Law clearly advocates that the jurisdiction of the bishops comes to them through the mediation of the Roman Pontiff. After defending this doctrine, it comments thus on the opinion of Bolgeni:

Nor can the opinion of *Bolgeni* be admitted for any reason, who derives indeed the *particular* jurisdiction of bishops in their dioceses from the Roman Pontiff, but defends that some *universal* jurisdiction is given immediately by God together with the episcopal character to the bishops, not taken individually, but as they are united in one body. Indeed the doctrine proposed by Bolgeni does not avoid the note of novelty, since he could not adduce any theologian in his favor, and obtained afterwards the support of only a few followers, v.g. Phillips and Vering. Moreover this distinction between universal and particular jurisdiction was made up by Bolgeni gratuitously and without any solid foundation, and all the defenders of our opinion [namely, that episcopal jurisdiction derives from the Roman Pontiff] teach this doctrine simply and generally, without having made any such distinction; therefore even the universal jurisdiction of the bishops is to be derived from the Roman Pontiff. Then Bolgeni wrongly claims that it is obtained

¹⁵⁸ Wernz-Vidal, *Jus Canonicum*, T. II, n. 424, Ed. 3^a, Rome, 1943. Emphasis in the original.

by episcopal consecration; he thus falls into the same difficulties, for which even particular jurisdiction is not obtained by consecration. Besides, it cannot sufficiently explain why bishops who are merely consecrated are not to be called to the ecumenical council by a strict right, while some simple priests or deacons (legates, cardinals) have a decisive right in ecumenical councils. But if he refers to *the command* issued by the Roman Pontiff, the universal jurisdiction of the bishops must be derived from the same source without the need of any novelties. Lastly the Catholic doctrine of the fullness of power granted to Peter *alone* can hardly be reconciled with the assertions of Bolgeni.¹⁵⁹

Gagnebet provides a long list of canonists, rejecting Bolgeni's doctrine, whose references would be too long to provide: Nilles, Icard, Vecchiotti, Cavagnis, Lombard, Aichner, Tauber, Badii, Coronata, Blat, Claeys-Bouuaert-Simenon, Raus, Ferreres, Chelodi, Sipos.¹⁶⁰

65. Adversaries among theologians.

As we have seen, Bolgeni's doctrine has not been very popular among canonists. It has not been received any better among theologians.

Thus, in relation to the question at hand, Palmieri does not hesitate to call Palmieri a "seeker of novelties", "*aucupatoris novarum opinionum*":

Hence the opinion of Bolgeni, a seeker of

¹⁵⁹ Wernz-Vidal, *Jus Canonicum*, T. II, n. 580, Ed. 3^a, Rome, 1943. Emphasis in the original.

¹⁶⁰ Cf. *L'origine de la juridiction collégiale du corps épiscopal au concile selon Bolgeni* (by Marie-Rosaire Gagnebet O.P., in *Divinitas*, V, February 1961, pp. 431-493).

novelties, must be rejected, who says that a universal jurisdiction is given immediately by Christ to the bishops, not inasmuch as they are particular bishops, but inasmuch as they constitute one episcopal body with its head, the Roman Pontiff. Indeed Christ conferred universal jurisdiction immediately to the head alone, and through that head He communicates it to the body, when it is acting together with this head, sharing in its power for the exercise of universal jurisdiction.¹⁶¹

Wilmers provides a lengthy refutation of Bolgeni's doctrine, which we will present in the next paragraph.

Straub also rejects Bolgeni's doctrine as being contrary to the doctrine of the great theologians, and as being unjustified.¹⁶²

Pesch explains that the argument proving that the bishops receive individually their jurisdiction from the Roman Pontiff also proves that the bishops gathered in an ecumenical council receive their authority from the same Roman Pontiff.¹⁶³

¹⁶¹ "Quare rejicienda est sententia Bolgeni aucupatoris novarum opinionum, statuentis collatam esse immediate a Christo universalem jurisdictionem Episcopis non prout singuli sunt, sed prout corpus episcopale cum suo capite Romano Pontifice constituunt. Nam immediate Christus universalem jurisdictionem soli capiti concessit ac per caput communicat corpori, agenti simul cum capite, potestatem concurrenti ad exercitium universalis jurisdictionis." (Palmieri, *De Romano Pontifice*, Th. XXVII, Ed. altera, Prati, 1891, p. 672).

¹⁶² "Eadem sententia adversa pugnat cum doctrina theologorum gravium"; "Tandem nulla ratio solida pro sententia opposita affertur." (Straub S.J., *De Ecclesia Christi*, Vol. II, Oeniponte, 1912, n. 796, p. 160).

¹⁶³ Pesch, *Praelectiones dogmaticae*, T. I, Ed. 4^a, Fribourg, 1909, p. 255.

Muncunill, as so many others, reject Bolgeni's doctrine as new, unjustified, and irreconcilable with the divine constitution of the Church:

Indeed, besides being new and made up without sufficient foundation, it is not well reconciled with the fullness of the power of jurisdiction of the Roman Pontiff.¹⁶⁴

Van Noort¹⁶⁵ and Forget¹⁶⁶ explicitly teach that the supreme and universal authority of the bishops gathered in an ecumenical council does not flow from their episcopal consecration but is communicated to them by the Roman Pontiff.

The 1959 English revised version of Van Noort teaches – as we have said ourselves – that Bolgeni's doctrine can no longer be accepted after Pope Pius XII's statements:

This was the opinion taught by Bolgeni at the beginning of the nineteenth century, and some canonists followed him. They added, however, that bishops could make use of that universal jurisdiction received directly from Christ only in a Council. – This opinion is no longer tenable after the statement of Pius XII that the jurisdiction of bishops is received directly from the pope.¹⁶⁷

¹⁶⁴ “Nam praeter quam quod est nova et excogitata sine sufficienti fundamento non bene componitur cum plenitudine potestatis jurisdictionis Pontificis Romani” (Muncunill S.J., *Tractatus de Ecclesia Christi*, Barcelona, 1914, p. 487).

¹⁶⁵ Van Noort, *Tractatus de Ecclesia Christi*, Ed. 5^a, Hilversum, 1932, p. 277.

¹⁶⁶ Forget, article *Conciles* in the D.T.C., III, 1, 1938, col. 643-644.

¹⁶⁷ Cf. note 1, p. 339, in Van Noort's *Christ's Church*, translated and revised by Castelot and Murphy, Westminster, Maryland, 1959.

With the few exceptions of the nineteenth century canonists mentioned above, Bolgeni's doctrine fell into general oblivion. Hence Zubizarreta teaches that all theologians derive the authority of the council from the Roman Pontiff. Indeed, it seems to have been in his eyes less controversial than the question of the origin of the particular jurisdiction of individual bishops:

Whatever may be the origin of the jurisdiction over their respective churches, in an ecumenical council the bishops exercise a jurisdiction received from the Roman Pontiff, because their authority is extended to the universal Church, which authority, according to all theologians, is communicated by the Supreme Pastor alone.¹⁶⁸

66. The jurisdiction of the ecumenical council is communicated to the bishops by the Roman Pontiff.

Such is, against Bolgeni, the most common opinion of theologians (the “opinion of all”, according to Zubizarreta). Hence, in addition to the canonists and theologians mentioned above, who have explicitly analyzed and refuted Bolgeni's doctrine, we could further mention all the doctors and Catholic theologians who have preceded him, and have taught, with Pope Eugenius IV, that the authority of the ecumenical council does not come directly from God, but is communicated to the bishops by the Roman Pontiff:

¹⁶⁸ “Episcopi, quidquid sit de origine jurisdictionis in proprias Ecclesias, jurisdictionem exercent in Concilio generali a Romano Pontifice acceptam, quia auctoritas eorum extenditur ad Ecclesiam universalem, qua in omnium sententia nonnisi a Supremo Pastore derivatur.” (Zubizarreta O.C., *Theologia fundamentalis*, Bilbao, 1925, p. 551).

Against what all the Catholic doctors profess and teach, they pretend that, once they have been gathered by apostolic authority, the general councils derive no longer their strength and power from the Roman Church. They thus deny in equivalent terms that the general councils receive their authority and foundation from the vicar of Christ, which denial no faithful and educated man had ever dared to make.¹⁶⁹

Saint Thomas Aquinas has repeatedly attributed to the Roman Pontiff the origin of authority of the councils:

The holy Fathers gathered in the Councils cannot define anything, except by the intervention of the authority of the Roman Pontiff, without which an ecumenical council cannot even be gathered.¹⁷⁰

To support his new doctrine, Bolgeni (as well as Vatican II) refers to the fact that in the Gospel Christ grants authority not only to Peter alone, but also to all the Apostles together. St. Thomas had already answered this objection:

Although the power to bind and to loose is given to the apostles together,

¹⁶⁹ Pope Eugenius IV wrote a letter “to kings and princes” to warn them against the proceeding of the Council of Basel: “pretendentes ipsi non a Romana Ecclesia prout omnes catholici doctores profitentur et docent, ipsa generalia concilia habere robur et potestatem, postquam fuerunt apostolica auctoritate congregata, et per hoc quasi denegantes concilia generalia non suscipere auctoritatem et fundamentum a Christi vicario, quod nemo unquam fidelis et doctus dicere praesumpsit” (Cf. *Annales Ecclesiastici*, T. 28, ann. 1436, Barri-Ducis, 1874, p. 196).

¹⁷⁰ St. Thomas Aquinas, *Contra impugnantes Dei cultum et religionem*, cap. III, VI, ed. Marietti, n. 159.

however, so that some order be signified in this power, it was first given to Peter alone, so as to show that this power must descend from him to the others.¹⁷¹

Hence it is clear that the power of the bishops belongs to the divine constitution of the Church, established by Christ. Yet, their power is communicated to them by the Roman Pontiff, according to that same divine institution. This is exactly what Pope Pius XII has so clearly taught:

As it has also been divinely established... the power of jurisdiction, which is conferred upon the Supreme Pontiff directly by divine right, flows to the Bishops by the same right, but only through the Successor of St. Peter.¹⁷²

A research in theological collections such as Rocaberti’s *Bibliotheca Maxima Pontificia*¹⁷³ reveals how common indeed is among theologians the doctrine attributing explicitly¹⁷⁴ the origin of the authority of the councils to the Roman Pontiff. Let us list these authors:¹⁷⁵

Alvarus Pelagii OFM (1326), Vol. III, p. 27; Amadeus Chirolis OSM (1671), Vol.

¹⁷¹ “Quamvis apostolis data sit communiter potestas ligandi et solvendi, tamen ut in hac potestate ordo aliquis significaretur, primo soli Petro data est, ut ostendatur quod ab eo in alios debeat ista potestas descendere” (St. Thomas Aquinas, *Contra Gentes*, L. IV, c. LXXVI).

¹⁷² Pius XII, Encyclical *Ad sinarum gentes*, nn. 11-12 (1954).

¹⁷³ Published in 20 volumes, with an index (21st volume), Rome, 1695-1699.

¹⁷⁴ Many other theologians would have certainly agreed as well, we are here only mentioning those who can be referenced as explicitly treating this question.

¹⁷⁵ The references of volume and page refer to Rocaberti’s collection.

III, p. 392; Andrew Duvalii (1620), Vol. III, p. 574; St. Antoninus OP of Florence (1680), Vol. IV, p. 110; Anthony Paulitii (1680), Vol. IV, p. 435; Anthony Perez OSB (1620), Vol. IV, p. 723; Baptista Fragosi SJ (1658), Vol. V, p. 143; Augustine Reding OSB (1692), Vol. VII, p. 532; Cyprian Beneti OP (1512), Vol. VII, p. 764; Didacus Nugni OP (1601), Vol. VIII, p. 264; Dominicus Gravina OP (1601), Vol. VIII, p. 878; Dominicus Marchesi OP (1680), Vol. IX, p. 784; Dominicus de S. Thoma OP (1580), Vol. X, p. 207; Dominicus a Ssma Trinitate OCD (1680), Vol. X, p. 552; Eugene Lombard (1684), Vol. XI, p. 431; Suarez SJ (1617), Vol. XII, p. 614; John of Torquemada OP (1468), Vol. XIII, p. 509; Thomassin, Vol. XV, p. 499; Labat OP (1670), Vol. XVIII, p. 55; Prieras OP (1523), Vol. XIX, p. 260; Thomas Campeggi (1564), Vol. XIX, p. 600; Thomas Stapleton (1598), Vol. XX, p. 119; Vincentius Ferre (1682), Vol. XX, p. 440.

Let it be noted that these authors are explicitly and very clearly saying that the authority of the ecumenical council comes not directly from God, but from the Roman Pontiff, who alone receives supreme and universal jurisdiction directly from God. These theologians defend this position as the Catholic and orthodox position, answering in detail the objections of the Gallicans and conciliarists. Their discussion of the question is quite extensive, and it is clear that Bolgeni's position was not only ignored, but clearly contradicted by them. They base their argument on Sacred Scripture and the testimony of the Fathers, as well as on theological arguments, such as the impossibility and monstrosity of having two supreme heads in the Church. These authors

make it very clear that their position is the only one compatible with Catholic doctrine.

All of these authors should therefore be added to the list of adversaries of Bolgeni's novelty, even before it was elaborated. Yet, in order to understand more clearly what are the problems of Bolgeni's position, we will hereafter look at a refutation written by a more recent author.

67. A few clarifications on the universal jurisdiction of the ecumenical council.

Before studying the refutation of Bolgeni's doctrine by Wilmers, in the next paragraph, it will be helpful to give a few distinctions which Catholic theologians teach about the jurisdiction of an ecumenical council.

As we have explained, the 1917 Code of Canon Law recognizes the actual jurisdiction of bishops and prelates as what gives them a title to take part in the ecumenical council. They do not consider episcopal consecration alone to give a strict right to be called to the council.

Nonetheless, it is true that episcopal consecration, as we have seen earlier, is a fitting aptitude for the exercise of jurisdiction. It is *fitting* that consecrated bishops be given to exercise jurisdiction, if it is possible and good for the Church.

Furthermore, the jurisdiction exercised by the ecumenical council is not, in the mind of the theologians referenced above, a mere *addition* of all the particular jurisdictions of the bishops of the whole world. For in this case, it would be absolutely imperative that all dioceses be represented by their bishops, since otherwise the decrees of the council would not bound them. Rather, therefore, the power of an ecumenical council is a supreme and universal jurisdiction given by the Pope

to the council, to teach and rule the universal Church, even in the dioceses whose bishops have not been able to come to the council.¹⁷⁶

The particular jurisdiction of the bishops in their respective dioceses is not, therefore, the jurisdiction which is being exercised in the council. Yet, this particular jurisdiction is the title which gives them a right to be present, because the ecumenical council must represent the universal Church, and particular churches are represented by their legitimate pastors.¹⁷⁷

¹⁷⁶ On the contrary, an *imperfect general council*, that is, a council of the whole Church which is done in the absence of the pope, such as the Council of Constance was for a time, and such as theologians have envisaged as a tribunal to judge the case of a heretical pope, such a council has only the authority of its members. It has no universal and supreme jurisdiction, and is therefore not able to determine doctrines of faith and morals, or universal disciplines. But it is able to deal with the case of a heretical pope in as much as it represents the whole body of particular churches.

¹⁷⁷ It is because they have not understood this nuance that Bolgeni and a few others have ascribed to episcopal consecration the origin of the authority of the council. Since they argued, correctly, that the jurisdiction exercised by the bishops in an ecumenical council is not the same as the jurisdiction which they have in their respective dioceses, they concluded that this universal and supreme jurisdiction of the ecumenical council would come from another source than the Roman Pontiff, i.e., from episcopal consecration. But this is gratuitous. Moreover, all the reasons which argue against deriving the particular jurisdiction of a diocesan bishop from his episcopal consecration are also valid in arguing against the idea that the universal jurisdiction exercised by the bishops gathered in a council would proceed from mere episcopal consecration. Hence Pope Pius XII solved both questions at once with the same principle, which belongs to the divine constitution of the Church: the power of jurisdiction comes to the bishops from the Roman Pontiff.

On the other hand, since titular bishops, deprived of jurisdiction, have through episcopal consecration a certain claim of *fittingness* to the exercise of jurisdiction, it makes sense that they be also called to the ecumenical council, along the jurisdictional bishops.

Hence, on the one hand, the convocation of the residential bishops, having jurisdiction over particular churches, is necessary in order to have a true representation of the universal Church. And on the other hand, it is *fitting* that titular bishops be also called to the council, since by episcopal consecration they have a certain predisposition to the exercise of jurisdiction.

The Roman Pontiff is the only one able to call, preside, and confirm the decrees of an ecumenical council. The jurisdiction of the council is universal in as much as it extends to the whole Church, but it is however limited in its scope, since jurisdiction is given to the council by the Roman Pontiff only for the matter which he allows it to discuss and judge. The jurisdiction of the council is thus not universal in extension, but is utterly dependent on the determinations of the Roman Pontiff, in object and in time. To equate the universal jurisdiction of the college of bishops with the supreme jurisdiction of the Roman Pontiff is therefore absurd, and contrary to the divine constitution of the Church.

68. Refutation of Bolgeni by Wilmers: “Besides the jurisdiction given to them by the supreme Pontiff the bishops do not have any other universal jurisdiction given to them by Christ as the members of the apostolic college continued through them.”

This answer, we quoted directly from

proposition 62 of Wilmers' *De Christi Ecclesia*.¹⁷⁸ This author answers Bolgeni's position at great length, and we deem it useful to provide this refutation here in its entirety:

Bolgeni (+1812) distinguishes in the bishop a twofold jurisdiction, the one particular in particular dioceses, which is immediately conferred by the Pope, the other universal, given by ordination, that is, by the sacrament of orders, through which one is admitted in the college of the Apostles, that is, the body of the bishops. He says, however, that this universal jurisdiction cannot be exercised by a bishop except when he acts as a member of the body of bishops physically gathered in a council, just as a senator does not have a jurisdiction as a senator except when he acts as a member of a college, although he could receive another power added to that of the senator, namely when he performs another function, in addition to that of a senator. This twofold power, which can exist in the senator, is an image of the twofold jurisdiction, which is found in the bishop.

Thus Bolgeni does not affirm that individual bishops, considered separately, have the universal jurisdiction, with which individual Apostles were endowed. He teaches rather that the entire body of the bishops together with the Roman Pontiff enjoy universal and indeed supreme jurisdiction. The reason is that the entire body of the bishops united with the Roman Pontiff succeeds to the college of the Apostles together with St. Peter; in one word: the body of the bishops as a

body succeeds the college of the Apostles as a college.

Similarly he does not assert that the supreme power does not belong to the Roman Pontiff, taken alone; but he teaches that this supreme power belongs to both the Roman Pontiff alone and to the college of bishops, to which the Roman Pontiff is united.

What is taught by Bolgeni is accepted by a few others as well, particularly by canonists, such as George Phillips.

We shall not here question whether the bishops as a college succeed to the college of the Apostles, for we have already treated their succession, which is restricted. The question is about the kind of jurisdiction proposed by the defenders of the theory presented; and it appears that this jurisdiction should be denied.

It is proven 1. by lack of foundation. Those who attribute an unlimited succession to the college of bishops argue from the fact that what Christ said to the Apostles united to Peter are applied to their successors united to the successor of Peter. However, as we have shown already, from the promise of Christ it follows indeed certainly that the bishops, successors of the Apostles, participate in the mission exercised by the Apostles; it follows similarly that Christ will with the same certainty be with the college of bishops united with the Roman Pontiff as He was with the college of the Apostles; but it does not follow that the mission of the bishops, distinct from the Roman Pontiff, would be as wide in scope as was the mission of the Apostles. Nor does it follow that Christ will be with the bishops exactly as He was with the Apostles. A manifest reason rather

¹⁷⁸ William Wilmers S.J., *De Christi Ecclesia*, L. III, c. III, a. II, prop. 62, Ratisbonne, 1897, p. 366.

proves the contrary. Indeed (a.) In what regards the extent of jurisdiction, this was more restricted in the disciples and helpers of the Apostles, as witnesses Sacred Scripture. (b.) Nothing supports the idea that the divine aspiration and inspiration given to the Apostles was also given to these same disciples and helpers. But if the promise made to the Apostles does not require that the extent of power and the mode of assistance or help granted to the apostles be also given to individual bishops, it follows that the same promise does not require that their college be granted that same extent and mode [of power and assistance]. Certainly the promise of Christ must be true; but it is true, if the bishops take care of feeding the flock entrusted to them and if God is present to them in such a way that the Church thus accomplishes its end. They feed the flocks, even if they receive jurisdiction not from Christ Himself, but from His vicar; and God is present to them in such a way that the Church may accomplish its end, if He preserves them from error in teaching, when they are instructed and united with the supreme Pontiff, by the very power which they receive from the supreme Pontiff.

[It is proven] 2. *from the fullness of the power proper to the Pope.* If we were to admit this theory, it would not be clear how the Roman Pontiff would “have the whole fullness of this supreme power” (of jurisdiction). Vatican Council, const. De eccl. ch. 3. He does not have the whole fullness of power if there exists besides his own power another power which extends itself to the government of the whole Church, and which does not emanate from his [papal] power, but is independent from it with regard to *origin*, although it is not independent in

its *exercise*. If the jurisdiction of the bishops over the whole Church does not emanate from the power of the supreme Pontiff but from the consecration, then clearly there is another power besides the power of the primacy, destined to govern the whole Church, which does not originate from the power of the Pope and therefore is added to it. The Pope would indeed have, as the head, the “greater part” but not the entire fullness of the supreme power.¹⁷⁹ For a supreme power to which is added another power which does not take its origin from the power of the head, but from somewhere else, is not full. The Church would not be a monarchy, but a monarchy tempered by an aristocracy, not in the sense that besides the supreme pastor there are other pastors feeding their respective flocks by a power derived [from the head], but a monarchy tempered by an aristocracy inasmuch as the supreme power does not reside in one subject, *but in one and also in the college added to him*. There would be constituted a twofold primacy or a twofold supreme power: the one proper to the supreme Pontiff alone, the other common to the supreme Pontiff and the college of bishops, and indeed in such a way that this power of the bishops would not flow

¹⁷⁹ This insistence, by Wilmers, of arguing that the “fullness” of power of the Roman Pontiff means that no power exists besides it which does not emanate from it is very enlightening when one considers that Vatican II (and the 1983 Code of Canon Law) ascribes this “fullness” of supreme power to the college of bishops. It means, logically, that there is no supreme power (even that of the Pope) existing *besides* this one. It thus confirms the explanation of Rahner presented below, that the supreme power of the Pope is actually identified with the supreme power of the college, emanating from the episcopal consecration.

from the power of the supreme Pontiff, but from the power of orders.

[It is proven] 3. *from the right to come to councils.* This theory presents difficulties with regard to those who enjoy the right to sit in ecumenical councils. Since in these councils laws are prescribed to the entire Church, the jurisdiction therein exercised is universal. From the principle of this theory, it would follow that (a.) all who have the episcopal character have the right to be called to the councils and sit in them, whether or not they actually exercise an episcopal jurisdiction.¹⁸⁰ Bolgeni admitted this openly. L'Analisi n. 47. But theologians deny that the right to come to the council is constituted by mere episcopal ordination. They affirm that those who are consecrated without being given any exercise of jurisdiction anywhere do not have to be necessarily convoked. — It would follow (b.) that the right to sit in the council and to cast a vote could not be given to those who do not have the episcopal character, even if they exercise a particular jurisdiction.¹⁸¹ Indeed according to this opinion the ecumenical council is the body of bishops endowed with universal jurisdiction: but this universal jurisdiction is supposed to inhere in virtue of the episcopal character, and only by this; therefore anyone who does not have this character is necessarily deprived of the right to

¹⁸⁰ The 1983 Code of Canon Law has applied this doctrine, and has therefore changed the law in this regard, which proves that Wilmers' objections were true.

¹⁸¹ In order to be consistent with the new doctrine, the 1983 Code of Canon Law has indeed restricted the participation in the ecumenical council to consecrated bishops only, once again showing Wilmers to be correct in his refutation of Bolgeni.

take part in the council. But we know that to sit and cast a vote in the council is conceded even to priests, for example cardinals, abbots, and superiors of regulars, in virtue of the title of the particular jurisdiction which they exercise. By which right? Bolgeni affirms that these are admitted by a privilege. N. 47. Thus he himself implicitly affirms that the right to sit in the council and to cast a vote therein can be obtained by another title than the consecration.

[It is proven] 4. *from the inconstancy of this theory.* What is asserted about the mode in which this universal jurisdiction is acquired is superfluous and does not fit with the communication of jurisdiction in usage in the Church. Bolgeni teaches that particular jurisdiction is given by the supreme Pontiff, while universal jurisdiction is given by the sacrament of orders. But if the particular jurisdiction can be given by the supreme Pontiff, so also can the universal jurisdiction, which must be always distinguished from the supreme power. And indeed the Pope grants to metropolitans a jurisdiction which extends beyond their particular flocks, over the flocks of other bishops. A much wider jurisdiction is given to Patriarchs and legates as well. Indeed universal jurisdiction is sometimes given to the priests which the Roman Pontiff commands to participate in councils as his legates, and which he endows with the authority to enact laws with the bishops. Therefore he can also grant to the bishops gathered in council a jurisdiction extending to all the faithful, besides the particular jurisdiction which they have [over their particular flocks]. But if the Pope Himself can give such a jurisdiction, there is no reason to make up [the theory] that it is given by the sacrament of orders.

Bolgeni has recourse to the example of the twofold power, which the senator can enjoy in a republic: he exercises one as a senator, and the other as a citizen and a subject. But this comparison shows that something sinister exists in this whole theory. For by his senatorial power the senator concurs to constitute the *supreme* power of the republic. Who would dare to say that by this jurisdiction somehow received the bishops concur to constitute the primacy of the Church?¹⁸²

69. Commentary and applications to Vatican II.

Willmers argues that there would logically be two full powers independent in their origin. This objection has not received any satisfactory answer either from Bolgeni or from Vatican II. Logically, indeed, if the supreme power of the college of bishops draws its origin from episcopal consecration, it follows that it does not emanate from the supreme power of the Roman Pontiff. If this is true, argues Willmers, then the Roman Pontiff does not have the *fullness* of the supreme power, thus contradicting the dogma of the primacy defined by the 1870 Vatican Council.

The only possible way out is to defend the *identity* of this supreme power, which is what Vatican II indeed argues, in an effort to pretend fidelity to the definition of the 1870 Vatican Council. Hence it is answered that these two supreme powers are one. However, if this is true, then one would flow from the other. Logically either the universal jurisdiction of the college flows from the Roman Pontiff, or the universal jurisdiction

¹⁸² William Willmers S.J., *De Christi Ecclesia*, L. III, c. III, a. II, prop. 62, Ratisbonne, 1897, pp. 366-370. Original Emphasis.

of the Roman Pontiff somehow flows from that of the college. But the same supreme power cannot come from God from two different origins.

The first option (that the power of the college flows from the Roman Pontiff) is denied by Vatican II, by the very fact that the college of bishops is said to be endowed with supreme power, in virtue of episcopal consecration, and not by a concession of the Roman Pontiff.

Then the only logical conclusion is that the supreme power of the Pope somehow flows or emanates from the supreme power of the college. The supreme power of the Pope is the same supreme power of the college, which arises from episcopal consecration. If the Pope possesses and exercises this supreme power personally, then, it is clear that it is still the supreme power of the college, and that he thus exercises this power *inasmuch as he is the head of the college of bishops*. The supreme power of the Pope, logically, is not so much a personal power as successor of St. Peter, independently from the other bishops, but rather the supreme power of the Pope, in this system, flows from the fact of being the head of the college of bishops. The supreme power of the college has thus priority of origin over the power of the pope.

A popular commentary on the texts of Vatican II follows the same logic and ends up concluding the following:

Juridically speaking, there is only one wielder of supreme power: the college constituted under the Pope as its primatial head. This does not exclude, but rather implies, that the Pope for his part can act “alone” as primate, since in such an action he need not make use of a

regularly constituted collegial act in the strict sense. But even so, he always acts *as* head of the college, since this does not mean that he has to be lawfully delegated and appointed for such an act by the other bishops. We have already indicated that every primatial action of the Pope contains *de facto* a reference to the college as a whole. We have already noted that according to the draft drawn up before the Council the infallible teaching of the Pope is given by the Pope as “the pastor and teacher of the whole Church and the *head of the college of bishops*” (no. 30). We must recall finally that the authority of the Pope is ultimately one and cannot be thought of as built up out of disparate elements.¹⁸³ Hence if he makes full use of his power as visible head of the Church, he acts at once as head of the college, without which the Church is unthinkable. This view is perfectly reconcilable with the Constitution and the *nota explicativa praevia* (cf. O. Semmelroth, A. Grillmeier, M. Löhrer). To say that the Pope can also act “alone” only excludes the necessity of a strictly collegiate act of the bishops, but not the fact that he acts precisely as head of the college when he decides “alone”. To “act alone” does not mean to act as a “private person” but as visible head of the Church, which the Pope is only when he is a member of the Church, living from its Spirit and from the institution as a whole. If he has to act

¹⁸³ What the argument means is that the papacy is not made up of two distinct authorities, as if it consisted in a jurisdiction personal to the pope, while it would also entail the direction of the supreme jurisdiction of the college; as if the authority of the pope was made of disparate elements: personal authority and authority as the head of the college. This is very true. The conclusion is that these two authorities must be, somehow, one and the same.

as visible head of the Church, then he has to act as head of the college. Hence the collegiate possessor of supreme power in the Church is strictly one but has two modes of action, in keeping with its intrinsic structure: through the Pope “alone” as its primatial head, and through the college acting strictly as such.¹⁸⁴

We think that this interpretation is indeed perfectly in accordance with the teaching of *Lumen gentium*. It obviously directly contradicts the dogma of the primacy of the Roman Pontiff.

Faced with the repeated affirmations of Vatican II that it meant to be faithful to this dogma, many have believed that Vatican II intended indeed to preserve it. But since the text itself argues that the college of bishops possesses the supreme authority of the Church in virtue of episcopal consecration, and thus from an origin independent of the divinely instituted primacy of the Roman Pontiff, **one would have to logically conclude the existence of two universal and supreme powers in the Church, since they are distinct in their origin.** Or so it seems. Indeed this was actually *a benign interpretation*, since it presupposed that Vatican II did not mean to touch on the primacy of the Roman Pontiff, which primacy of supreme jurisdiction comes directly from God, according to the Catholic faith.

But, since, on the one hand, it has been denied repeatedly that these powers are two distinct powers, and it has been affirmed repeatedly that they are one unique supreme

¹⁸⁴ *Commentary on the documents of Vatican II*, published by Herder and Herder, New-York, 1967, pp. 203-204. The passage quoted was written by Karl Rahner S.J. Let the reader know that Joseph Ratzinger was a member of the editorial committee of this work.

and universal power; and since, on the other hand, Vatican II teaches that this power originates from episcopal consecration, it follows logically that the power of the Roman Pontiff is that same universal power of the college, emanating from episcopal consecration, which however, by divine institution, could be exercised by the Pope, acting “alone”, in the sense given above by Rahner.

If indeed, according to this new system, the power of jurisdiction, whether universal or particular, is *at least fundamentally* conferred to the bishops through consecration, there is no reason to believe that it would be any different for the Roman Pontiff. And the changes made to the 1983 Code certainly argue in this sense, since the Roman Pontiff must now be consecrated a bishop before he can be the pope.¹⁸⁵

The supreme authority of the Pope is by divine right, according to Vatican II, that power which God grants to the college of bishops as a whole. The Pope, since he is divinely constituted as head of this college, enjoys this supreme power and can exercise it alone.

Such are indeed the logical implications of *Lumen gentium*, and such is the understanding given to it by theologians in perfectly good standing, approved and honored by the official hierarchy.

This description of a sovereign body of bishops whose authority is exercised by its head *while remaining* in the body as a whole differs little from the heresy of the sovereign

¹⁸⁵ This change did not, however, originate with the 1983 Code. As we have explained above, it was already established by John Paul II, and even by Paul VI himself, at the end of Vatican II. For this was clearly demanded by *Lumen gentium*.

people found in modern democracies. The body of bishops is a sovereign body whose sovereignty is exercised by its ruler (the Pope) while remaining intact in the sovereign body of bishops; just as according to modern democracy the people have supreme sovereignty although that sovereignty, while remaining in the people, is usually exercised by a ruler, in the name of the people.

70. A further rejection of Bolgeni's theory.

Bolgeni's theory is a novelty, contradicted by most theologians, and is alien to the divine constitution of the Church.

Bolgeni's novelty, however, is not contradicted and refuted only by theologians and canonists, it is also contradicted by the teaching of the magisterium. Pope Pius XII himself completely ignored the teaching of Bolgeni, and actually denied it, when he taught that by divine institution jurisdiction comes to the Roman Pontiff immediately from God, while it comes to the bishops through the Roman Pontiff. He did not give any exception, and the context makes it clear that no exception is to be admitted, not even Bolgeni's notion of universal jurisdiction.

The utter silence of the Church's magisterium on such a notion for almost two thousand years, nay, its direct rejection, is a sure sign that this notion should not be admitted. For it is impossible for the Church to have been in ignorance of what would be such an important aspect of her constitution, and to have for her entire history acted in a way contrary to it, and to have established laws contradicting her divine constitution.

We must conclude that the universal jurisdiction defended by Bolgeni, and somewhat recycled in the Vatican II doctrine

of collegiality, cannot be reconciled with the divine constitution of the Church as it has been presented to us by the Church's magisterium, particularly in consideration of the continually increasing precision given to it for the past two centuries.

Thus, the question of the origin of the jurisdiction of bishops might have still been somewhat open to discussion in 1870; it has now been settled definitively by Pope Pius XII.

HOW COLLEGIALITY OPENS THE DOOR TO FULL BLOWN MODERNISM

71. Let us consider collegiality as a tool for modernism, and see the implications it might contain.

In his introduction to his *De Ente et Essentia* St. Thomas Aquinas remarks that “a little error in the beginning leads to a great one in the end.” Thus, a little change of doctrine is always the beginning of dire consequences.

While we have so far considered the doctrine of collegiality with a Catholic mindset, the motives for the implementation of such a novelty might still be obscure to the reader. Why was so much effort undertaken in establishing the doctrine of collegiality?

Reading popular theological literature from the years following the Second Vatican Council is an eye-opener. Collegiality has the potential of many modernist and ecumenical applications. Not everyone will draw these applications, but it cannot be denied that they are made by prominent modernist theologians, and are tolerated, and even applied to a greater or lesser extent, by the “Vatican II popes.” We will here provide a quick overview of these applications.

72. Collegiality is, in the hands of the modernists, the necessary tool to relativize the dogma of the primacy defined by the first Vatican Council.

Since the primacy of supreme and full jurisdiction of the Roman Pontiff has been defined as a dogma of faith, the “greatest

obstacle to ecumenism”¹⁸⁶ had to be dealt with in an indirect manner. This was accomplished by the doctrine of collegiality. The supreme authority of the Roman Pontiff is rejected by both schismatics and heretics of all kinds, for obvious reasons. All of them, however, would accept the notion of an authority given by Christ to the Church. Catholic doctrine teaches that all authority in the Church comes through the intermediary of the successor of St. Peter. Collegiality reverses this order by holding that the authority found in the successor of St. Peter is none other than the authority immediately given to the universal Church in the college of bishops. Thus, instead of considering the authority of the college of bishops as an extension and participation in the power of the pope, collegiality makes the pope a kind of embodiment of the power of the college of bishops.¹⁸⁷

It will then suffice to attribute this supreme authority to episcopal consecration, which can be found outside of the Catholic Church, to construct a way to somehow include the schismatic bishops.¹⁸⁸ Other modernists will cast a doubt on the very nature of the

¹⁸⁶ These terms, in the language of Paul VI, designate the papacy.

¹⁸⁷ This is done by Rahner, in the *Commentary on the documents of Vatican II*, published by Herder and Herder, New-York, 1967, p. 203. We have shown above that his interpretation is entirely in accordance with Vatican II.

¹⁸⁸ This is done, among others, by Dupuy, in *La théologie de l'épiscopat*, in *Revue des Sciences philosophiques et théologiques*, Avril 1965, Vol. 49, No. 2, p. 322.

character of holy orders, to construct a way to include the protestants.¹⁸⁹ Little by little, an entire theological system is built to present the authority of the Roman Pontiff as a mere embodiment of the authority of the universal Church. Allusions are then made to the principle that the Pope, in the exercise of his supreme power, is bound to follow the divine constitution of the Church¹⁹⁰ (which is a true principle, but obviously can lead to a lot of problems when that very constitution has been completely overturned), and one slowly arrives at a system which is an odd attempt to reconcile the definition of *Pastor Aeternus* with the recognition of ecclesiological value to heretical and schismatical sects who openly deny the primacy. The papacy becomes a mere “service of unity” in the “Church of Christ.”

73. The traditional notions of power of orders and power of jurisdiction can be ignored and quietly abandoned.

The threefold mission of the Church to teach, to rule, and to sanctify was given to the Apostles with the authority and the spiritual ability to accomplish it. The authority to rule, teach, and regulate the administration of the sacraments is traditionally called the *power of jurisdiction*, while the spiritual power to administer the sacraments is traditionally called the *power of orders*. As we have seen, the power of orders is given through the reception of the sacrament of holy orders, while the power of

¹⁸⁹ This is done by Piet Fransen, in the article *Orders and ordination*, of the famous encyclopedia *Sacramentum mundi*, published by Karl Rahner (New-York, 1968, pp. 305-327).

¹⁹⁰ This is done by Rahner, in the *Commentary on the documents of Vatican II*, published by Herder and Herder, New-York, 1967, p. 202.

jurisdiction is obtained directly from the Roman Pontiff (who himself receives it directly from God).

Such a classical description of the power of the Church is an obvious obstacle to ecumenism. For according to this model jurisdiction is the exclusive property of the Catholic Church, and is communicated by the Roman Pontiff. Anyone in schism or heresy or in any other way separated from this communication of jurisdiction coming from the Roman See is at once recognized as destitute of authority to rule, teach, and sanctify. He has no mission from Christ, and no authority to fulfill it in any case.

Any exercise of the power of orders outside and against the provisions laid down by the authority of the Catholic Church is automatically branded as illicit and sinful.

Modernists have worked very hard in portraying this classical distinction of orders and jurisdiction as a construct of the Western Church in the middle-ages.¹⁹¹

By contrast, in assigning the threefold function to teach, to rule, and to sanctify, directly to the episcopal consecration, Vatican II is logically committed to recognize the presence of this threefold mission and function in bishops who are not “in full communion” with the Catholic Church. The explicit refusal of Vatican II, in the *nota explicativa praevia*, to determine whether or

¹⁹¹ Dupuy rents against the “élaborations médiévales” and considers the name of hierarchy of jurisdiction as a name given “assez peu théologiquement” to something which he claims has been established by the Western Church. This, he regrets, has slowed down the “remise en ordre” of the theology of the episcopacy. Cf. Dupuy O.P., *La théologie de l'épiscopat*, in *Revue des Sciences philosophiques et théologiques*, Avril 1965, Vol. 49, No. 2, p. 322.

not the exercise of the threefold episcopal *munus* outside of the Catholic Church is valid and licit leaves the door wide open to modernist applications of the “theology of communion”, which is said to be at the basis of the doctrine of collegiality. The post-Vatican II magisterium itself has accepted the notion of “partial realizations” of collegiality (which it called *affective collegiality*).

Consequently, the doctrine of collegiality inevitably leads to the recognition of some validity to the hierarchy of schismatic churches, not only in regard to the power of orders, but also in what was traditionally called the power of jurisdiction. This is tantamount to recognizing some ecclesiological value to these false churches *precisely as they are organized as churches*, which is alien to the Catholic faith, but explicitly endorsed by Vatican II. If the “theology of communion” is the basis of collegiality, it is clear that collegiality is, in its turn, a necessary condition for this “theology of communion.”

74. The notion of “apostolic succession” is changed by collegiality.

The abandonment of jurisdiction as the principle factor of apostolic succession is perhaps the most important change introduced by collegiality. In the words of Hans Küng himself:

One cannot overlook the fact that the main reason for the absence of intercommunion between Christians lies in the question of apostolic succession...

There have been enough theologians who made the application of the term “Church” to a particular community

depend on the validity of the apostolic succession...

It may be possible to disentangle it from the juridical and clerical narrowness which over the years has restricted its meaning, partly through the polemical and increasingly exclusive use made of the term.¹⁹²

The entire issue of the popular review from which these words were taken (*Concilium*, Vol. 4, N. 4, April 1968) is but a giant modernist effort to take down the Catholic notion of apostolic succession. Thanks to Vatican II, apostolic succession is no longer bound to the power of jurisdiction. If it is attached to episcopal consecration, it must be admitted in schismatic churches. A little bit of modernist historicism will show that apostolic succession is first something applying to the whole Church (p. 20) without clear reference to any hierarchy. One can also mention an apostolic succession of prophets, distinct from the succession in the hierarchy (p. 28). It then suffices to have recourse to the theology of the “Church as the essential sacrament” and of the “ministry as a service” (p. 43) for the hard-working modernist contributors of this review to relativize the divine institution of the episcopal order, so as to somehow find apostolicity in the faith and even the ministry of protestant sects (p. 49). One ends up recognizing the apostolicity (and validity) of Anglican orders (p. 72), even having recourse to the opinion of “apostolic” schismatics (p. 77) to confirm it.

When you are done reading this issue of *Concilium*, you do not know anymore what apostolic succession actually means, but you

¹⁹² Hans Küng, *Editorial* of the review *Concilium*, Vol. 4, No. 4, April 1968.

know for sure that it is somehow found in every sect claiming to be “Christian.” All of this was allowed by the change introduced by Vatican II’s collegiality in the notion of apostolic succession.

75. Collegiality leads to synodality.

If the Roman Pontiff is merely the embodiment of the authority immediately conferred by God on the college of bishops, it does not take long to affirm, in turn, that the power of the bishop in his diocese is the power found in the college of priests, which authority is in turn found in the Church as a whole. All of this, a modernist could easily defend while giving a thousand guarantees that he never denies the primacy of the Roman Pontiff in the universal Church or the ordinary power of the bishop in his diocese.

In the practical order, though, things are sensibly changed to reflect a democratic form of government, in which the people are the sovereign possessor of the power and mission of the Church. Committees are established at every level. Parishes are ruled by parish councils. Conferences and synods of bishops rule the Church at a national and international level. The learning Church becomes the norm of the teaching Church,

which therefore is bound to “listen” to the Holy Ghost inspiring and guiding the Church as a whole, while according to Catholic doctrine the Holy Ghost assists the hierarchy of the Church, and makes the learning Church faithfully follow the guidance of the teaching Church.

Collegiality, by inverting the communication of the supreme power, from the college of bishops to the pope (instead of the opposite), overturns the divine constitution of the Church, and paves the way to the application of the same principle to the whole Church. This is synodality.

Catholic doctrine teaches that the faith is to be taught from above, by the divinely constituted authority of the Church. Fundamentally, synodality affirms that the faith is to be learned from the inspiration of the Church as a whole, and from the experience of the believers. With this doctrine, we have completely returned to the religious immanentism of modernism, described and condemned by St. Pius X in his encyclical *Pascendi* (1907).

ELEVENTH ARTICLE

CONCLUSION

76. Canon Law is updated to reflect collegiality.

Let us here present a summary of the different parts of this chapter on collegiality.

A new Code of Canon Law was published by John Paul II on January 25th, 1983, on the anniversary day in which John XXIII, twenty four years earlier, had called for the convocation of Vatican II as well as for the promulgation of a new Code of Canon Law.

John Paul II himself explains that both Vatican II and the new Code of Canon Law proceed from the same foresight and intention of John XXIII.

The reform of canon law was required, explains John Paul II, in order to implement the changes of Vatican II, among which is collegiality. Indeed, we are told that collegiality “affects the very substance of the laws which have been drawn up.”¹⁹³ We are also guaranteed that “this new Code can be viewed as a great effort to translate the conciliar ecclesiological teaching into canonical terms.”¹⁹⁴

The obvious conclusion is that the previous canonical provisions were not in conformity with this conciliar ecclesiology. Changes had to be made, and these changes are substantial.

77. Collegiality affects membership in the ecumenical council.

While the 1917 Code of Canon Law recognized a right to participate in an

¹⁹³ John Paul II, Apostolic constitution *Sacrae Disciplinae Leges*, January 25th, 1983.

¹⁹⁴ John Paul II, *ibid.*

ecumenical council based on the principle of jurisdiction, the 1983 Code reversed that to use episcopal consecration as a criterion.

Previously (that is, according to both practice and traditional law), it was not necessary to be consecrated a bishop to take part in a council. Abbots who exercised jurisdiction independently of any bishop besides the Roman Pontiff, for example, were listed as members of the ecumenical council by the 1917 Code. Titular bishops, deprived of jurisdiction, were not recognized as necessary members, although it was said fitting to call them as well.

According to the new 1983 Code, and in conformity with Vatican II, all consecrated bishops, and only consecrated bishops, are members of the ecumenical council. The actual exercise of jurisdiction over a particular flock has no longer any relevance.

This change was made necessary by the doctrine of collegiality, since not only membership in the ecumenical council, but the very notion of apostolic succession has itself changed from a primary consideration of actual jurisdiction to a focus on episcopal consecration alone.

78. Collegiality affects membership in the college of bishops.

According to traditional doctrine, while there is a true apostolic succession of the power of orders, coming down from the apostles to today’s priests and bishops through an uninterrupted line of consecrations and ordinations, nevertheless when one speaks about apostolic succession

of the Roman Pontiff and the bishops, one refers to the succession in the power of jurisdiction to rule the Church.

Hence the Pope is not said to be the successor of St. Peter because he derives his episcopal consecration from a line of bishops going back to St. Peter himself, but rather he is said to be the successor of St. Peter because he succeeded him in the episcopal see of Peter, the Roman See. Thus the Pope is the successor of St. Peter even if he has been consecrated a bishop by a line of orders going back to another apostle than St. Peter, and even before being consecrated a bishop at all, if he was not already.

In a similar way, the Catholic bishops are successors of the apostles, not only because their episcopal power of orders can be traced back to the apostles, but rather because they succeed to the apostles in feeding the flock entrusted to them, by the exercise of the ordinary power of a legitimate pastor.

Catholic bishops do not, however, succeed individually to any particular apostle (as the Pope succeeds to St. Peter), but rather the whole Catholic episcopate succeeds to the college of the apostles in the office of divinely instituted pastors in the Church.

Catholic bishops succeed to the apostles in the ordinary power of feeding the flock entrusted to them, and not in the extraordinary prerogatives proper to the apostles alone. Hence, while the apostles enjoyed a certain universal jurisdiction which was extraordinary, to establish and rule churches in the whole world, and while the apostles were all individually infallible in the faith, the bishops, on the other hand, are endowed only with the ordinary power of feeding the flock entrusted to them.

The 1917 Code thus teaches:

Bishops are successors of the Apostles and by divine institution are placed over specific churches that they govern with ordinary power under the authority of the Roman Pontiff.¹⁹⁵

On the contrary, Vatican II blurred the distinction between the power of orders and the power of jurisdiction, so that apostolic succession is obtained by mere episcopal consecration, through which one becomes member of the college of bishops, subject of universal and supreme power over the whole Church.

79. Collegiality overturns the notions of orders and jurisdiction.

Catholic doctrine teaches very clearly the distinction between the power of orders and the power of jurisdiction. They are different in nature, exercise, and origin.

In 1954, Pope Pius XII taught the following:

The Church's constitution, its government, and its discipline, all of these things depend certainly on the will of Jesus Christ, Founder of the Church.

By virtue of God's Will, the faithful are divided into two classes: the clergy and the laity. By virtue of the same Will is established the twofold sacred hierarchy, namely, of orders and jurisdiction. Besides - as has also been divinely established - the power of orders (through which the ecclesiastical hierarchy is composed of Bishops, priests, and ministers) comes from receiving the sacrament of Holy Orders. But the power of jurisdiction, which is conferred upon the Supreme Pontiff directly by divine right, flows to the Bishops by the same

¹⁹⁵ Canon 329.

right, but only through the Successor of St. Peter, to whom not only the simple faithful, but even all the Bishops must be constantly subject, and to whom they must be bound by obedience and with the bond of unity.¹⁹⁶

Vatican II actually ignores and abstracts from this traditional distinction, to establish a new one. The order of the episcopacy, as established by Christ in the Church, is no longer distinguished according to orders and jurisdiction. Rather, episcopal consecration is said to be “an ontological participation” in the functions of the bishops, while “canonical determination” grants a power “fully ready to act.” What this means is that episcopal consecration makes one a bishop, with the threefold functions that come with it: to teach, to rule and to sanctify. One is not, however, supposed to exercise these functions without a canonical determination.

To understand why this change was made, and what its consequences are, it is important for the reader to know that the traditional distinction between hierarchy of orders and hierarchy of jurisdiction is commonly rejected by modern theologians, or at least presented as a “medieval elaboration” and “not very theological.”¹⁹⁷

What episcopal consecration does, therefore, is not the conferral of the power of orders (as traditionally understood), but rather the fact that an individual is publicly established in the rank of bishops, in the Church, and consecrated to this office. Hence one should not think that this individual

¹⁹⁶ Pius XII, Encyclical *Ad sinarum gentes*, nn. 11-12 (1954).

¹⁹⁷ Cf. Dupuy O.P., *La théologie de l'épiscopat*, in *Revue des Sciences philosophiques et théologiques*, Avril 1965, Vol. 49, No. 2, p. 322.

receives any “magical power”, explain the modernists, but rather he has been publicly endowed with the “functions” proper to the order of bishops.

The logical inference is that **episcopal consecration, according to Vatican II, does not, in itself, give the power of orders any more than it gives the power of jurisdiction, if one were to apply traditional terms.**

This directly contradicts the Catholic doctrine presented by the magisterium of the Church on so many occasions, and proposed to the Church as being established by the divine will of God (thus belonging to the deposit of faith).

It clearly fits, however, the modernist doctrine about the “ministry,” which denies any personal “magical powers” and instead believes that ordination is all about becoming a member of an ecclesiastical rank, deputed to certain functions.

As a consequence, a new rite of episcopal consecration was promulgated by Paul VI, in 1968. Its essential formula no longer expresses univocally the conferral of the power of orders, since this notion has been abandoned and replaced by a new notion of the episcopal ministry. An essential requirement of a valid episcopal consecration, as determined by Pope Pius XII, is therefore missing, and **the new rite must be shunned as invalid.**

80. Collegiality and primacy.

Contrary to previous practice and the explicit teaching of the Church, episcopal consecration is now required by the 1983 Code of Canon Law as necessary before one could become a diocesan bishop.

Similarly, episcopal consecration becomes necessary before one could become the pope.

This is so because according to the new doctrine of collegiality one is not a successor of the apostles (a bishop), or even the successor of St. Peter (the pope), unless one is consecrated, since all the functions proper to the episcopacy are said to be received through episcopal consecration.

This also means that these functions of teaching, ruling, and sanctifying the Church are present in the schismatic clergy who have valid orders. Hence collegiality paves the way to ecumenism, since it logically supports the doctrine according to which false churches have a true internal hierarchy, to whom is entrusted the care of the flock.

81. Vatican II's collegiality cannot be found in the traditional teaching of the Church and of Catholic theologians.

We have explained how Pope Pius XII, while calling the bishops to be solicitous about the common good of the universal Church, did not in any way thereby recognize some sort of universal jurisdiction of the said bishops in the whole world.

We have also shown how Cardinal Billot and other theologians grant to the college of bishops the supreme power of the Church, in as much as it is given to them by the Roman Pontiff, and not directly from God, by mere episcopal consecration.

The fact that the first Vatican Council called all Catholic bishops to participate in the ecumenical council is no precedent for Vatican II's collegiality. The Council purposely refused to determine the origin of the jurisdiction of bishops. Since then, it has been determined by Pope Pius XII that the jurisdiction of the bishops come to them from the Roman Pontiff. This, Pope Pius XII said,

pertains to the divine constitution of the Church.

82. Bolgeni's doctrine is not acceptable.

Many have looked to Bolgeni's doctrine as a precedent of Vatican II's collegiality. This is not even true, since he himself strongly defended the distinction of orders and jurisdiction, distinction which is purposely abandoned by Vatican II's collegiality.

Moreover, Bolgeni's doctrine has been recognized with moral unanimity as a dangerous novelty, contrary to the traditional teaching of the Church and of theologians. After Pope Pius XII, it is certainly no longer tenable for any Catholic.

83. Collegiality opens the door to full blown modernism.

In the last part of this chapter, we have shown how collegiality has been used as a tool to relativize the primacy of the Roman Pontiff, as a tool to silently abandon the traditional distinction between orders and jurisdiction. This allows for a change of notion of apostolic succession, which can now be recognized outside of the Catholic Church. Collegiality leads therefore to ecumenism. It also leads to synodality, since by introducing a new notion of ecclesiastical ministry, it overturns the entire role of the Catholic hierarchy.