

The Post-conciliar Papacy¹

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My prevision of the papacy's more or less immediate future differs from that of R. H. Benson, the Roman Catholic H. G. Wells, in his two novels *Lord of the World* and *Dawn of All*, by being neither eschatological nor ultramontane. To save prognostications about an institution's future from being mere fiction one should try to control them by some consideration of its past. So I will begin my essay in fortunetelling by a glance at an earlier post-conciliar papacy, and thus try to set up a contrast between the papacy after the two councils of the Vatican and the papacy after the two councils of Constance and Bâsle/Florence in the fifteenth century. It is generally recognised that this episode of Church history is of special relevance to us today. It is discussed by Hans Kung in *Structures of the Church*²), by Paul de Vooght in *Les Pouvoirs du Concile et L'Autorité du Pape au Concile de Constance*³), and by Olivier de la Brosse in *Le Pape et le Concile . . . à la Veille de la Réforme*⁴). Without of course wasting our time by reviving the old papalist-conciliarist controversies of that epoch, we can profitably enquire why in the event they were so sterile, and whether in fact they have ever been satisfactorily resolved, and if not, whether we are today on the threshold of such a resolution.

The argument was a perennially topical one; it was about power. Being conducted in the middle ages, it was about lawful power or authority, for which the Latin term is *potestas*, as distinct from sheer *potentia* or might. Because it was about such authority in the Church, and again because the contestants were mediaevals, it became a canonico-theological debate about authority in the highest and most divine degree of abstraction. It all began with the investiture contest; even earlier indeed, with the reform movement which received its first impulse in the eleventh century from the lay rulers. The doctrine of the papal *plenitudo potestatis* (an expression coined, it seems, by Leo the Great) was developed by the canonists, and in their wake by the theologians, as an effective instrument both for defending the liberty of the Church against secular, lay, encroachment, and for achieving genuine Church reform. From the eleventh to the early

¹A paper read to the Ecclesiastical Studies Conference at Southampton on April 13th 1966.

²Burns & Oates, 1965, 42s.

³Editions du Cerf, *Unam Sanctam* series, 1965.

⁴ditto.

thirteenth centuries the two purposes went together. The important thing to note about this period, which reached its apogee under Innocent III, is that during it the popes really *led* the Church. By and large they elicited from the other powers within the Church an active co-operation in the work of reform. Reforms were conceived, enacted, and executed not merely pontifically but synodically as well. The popes used councils, both local and general, to aid them in their direction of the Church; the greatest of these assemblies, summoned by the greatest of these popes, being the fourth Lateran in 1215.

But then began a long slow decline in morale (and in morals), which I would date from the pontificate of Innocent IV, 1243–54. Whereas the papal *plena potestas* had previously been exercised to assert traditional canonical procedures against lay usurpations, and to defend the rights and possessions of lesser ecclesiastics against secular encroachments, from this reign onwards (witness the groans of Bishop Grosseteste) it was usually invoked merely to provide funds for the Roman court and benefices for its servants and protégés; and this often by tacit or overt agreement between the Holy See and lay rulers at the expense of local churches. At the same time, and partly in protest, lay rulers and their ecclesiastical ministers had begun to develop an anti-papalist canonical theory and jurisprudence.

Once the papacy had lost the initiative, and indeed any serious interest, in the perennially necessary reform of the Church, the fully developed papalist theory and practice of the *plenitudo potestatis* became more and more of a cause for scandal. It was not used with any vigour to build up the body of Christ, but it was used to prevent other powers from doing so. Finally, after the depressing interlude at Avignon in the fourteenth century, the institution whose very *raison d'être* is among other things to focus and guarantee the unity of the Church, became the subject, the cause, and the perpetuator of an interminable schism. That it was terminated at last was due to a council, the council of Constance; a council healed a papal schism. A council might have done so sooner, had it not been for the papal and curial fear of councils, a fear bred in the papacy by the radical conciliarist doctrines worked out in the fourteenth century in the interests of secular princes by controversialists like Marsilio of Padua and William of Ockham. So it was that both popes simply repudiated the first conciliar effort to end the schism, at Pisa in 1409, and its only result was to add a third pope to the other two.

The extreme conciliarism of which the curialists were afraid did indeed anticipate the anti-papal attitudes of the Protestant reformation, denying any divine authority to the Roman primacy and sometimes even stigmatizing it as Antichrist. But this extreme form was quite uninfluential, and with hindsight we can say that it was both craven and foolish of the popes to have feared it. It certainly was not the conciliarism of Constance, which as presented by the

leading theologian Gerson may be summarised thus: there are various degrees of authority with which certain members of the Church are equipped for the sake of the whole body, papal, episcopal, presbyteral, the lay authority of princes; among these the papal authority is supreme, the others are subordinate to it and answerable to it, and not *vice versa*. But these lesser authorities are not mere delegations from the papal authority, as the extreme papalists would maintain; and even the papal authority is subordinate to, because it is for the sake of, the Church as a whole, the Church as a body. It can only be lawfully used for building and preserving, not for destroying the Church. And we must remember that the destructive disedifying exercise of the papal authority, and above all a merely negative power failure at the centre of the Church, were simply matters of experience in the late middle ages, not the fabrications of Kensittes, as they might seem to comfortable Roman Catholics of the 1960's with a cosy devotion to the Holy See.

If, therefore (according to Gerson's doctrine), the supreme authority fails for one reason or another, its failure can and ought to be supplied by the body of which the Holy See is but a part. To the body as a whole every member, even the chief, is responsible. The pope is therefore responsible to a general council which represents the Church. This is the teaching of the decree *Haec Sancta Synodus* of April 6th 1415, which was aimed directly at the dubious figure of the first John XXIII. The relevant section runs:

'This holy synod declares that, being lawfully assembled in the Holy Spirit, forming a general council and representing the Catholic Church, it has authority immediately from Christ; and that anyone of any status or dignity, even if it be papal, is bound to obey this authority in matters that belong to faith . . . and to the reformation of the aforesaid Church in head and members.

Again it declares that any person whatsoever of whatsoever condition . . . even papal, who contumaciously disdains to obey the commands . . . of this holy synod, and of any other general council lawfully assembled, shall be, unless he come to his senses, subjected to suitable penance and duly punished, even by having recourse if need be to other helps.' (An allusion, I presume, to calling in the secular arm.)

It is the case of De Vooght and of Kung that as this decree of Constance was eventually confirmed, along with all the other conciliar acts of the council, by Martin V, the lawful and universally recognized pope who was elected two and a half years later in 1417, it states an integral part of the Catholic Church's infallible teaching; and that this is to be held in a firm and fruitful tension with its counterpart in that teaching which was stated by the first Vatican in the constitution *Pastor Eternus*. The case seems to me to be a very good one. I would only say that the definition of the counterpart to *Haec Sancta Synodus* came long before 1870. It is contained in the

decree *Laetentur Caeli* of Florence in July 1439, in the section which asserted the primacy and *plena potestas* of the Roman pontiff over the universal Church. You will find it in Denzinger. The decree *Haec Sancta Synodus* you will not find in Denzinger.

The reason for this lacuna in so exhaustive an anthology of dogma is that the post-conciliar Church of the fifteenth century, and the post-Tridentine Church of modern times has not remarked any creative tension between the positions of Constance and Florence, but has seen only exclusive alternatives: either a pope is superior to a council, or a council is superior to a pope. Given such a choice of opposites, then inevitably and rightly the Catholic choice is for the pope. But it has been an enormous historical pity that the issue did settle into this intransigent posture of opposition. The blame, if that matters, may be laid with some impartiality at the doors of the council of Bâsle and of Eugenius IV. The result was the total failure in the fifteenth century to reform the Church in head and members, and the debasement of its head to a moral degradation unknown since the tenth century, from the pontificate of Sixtus IV to that of Clement VII, 1471–1534. This failure was visited with the nemesis of the Reformation, which did eventually provoke a partial reformation of the Catholic Church – a sadly mutilated Catholic Church – in head and members. But it was only a partial reform, for while it put the Church in a strong defensive position under a more or less complete papal absolutism, it in no way equipped it to heal the wounds of the Reformation.

The triumph of ultramontaniam in 1870 put the finishing touches to the post-Tridentine structure, by finally eliminating the debased Gallican form of the old conciliarism. Now all effective power (*potentia*) and initiative is concentrated at the top, where the fulness of divine authority (*potestas*) is defined to reside. What was said to Joseph, Pharaoh's vicar in Egypt, 'Without your consent no man shall lift up hand or foot in all the land of Egypt', was said again to Christ's vicar in his Church after 1870. Such was not indeed the infallible teaching defined then; but it has been the common practical interpretation of the papal authority there defined. This practical absolutism, since 1870 ecclesiastically unfettered, has not only delayed *aggiornamento*, it has made it more painful when it has come at last. And this in spite of a series of popes of quite exceptional stature. The absolutist structure of the system they have inherited (only think of the 'curial' style of their pronouncements) has inhibited the Church at large from following effectively the lead they have tried to give. If it is generally assumed that no one may lift hand or foot without Joseph – then since Joseph cannot be everywhere at once, the net result will be that most of his subjects are not going to lift hand or foot, period. The result – God's frozen people, to usurp the title of a book by two Protestant clergymen on the local congregational life of their communions in this same epoch. In the

Catholic communion the local congregation has been the universal Church, so we have exhibited a more uniform quality of frozen food.

The second Vatican has started the thaw. The Holy See's enormous moral, as well as canonical, authority happily puts it in a position to control this thaw and constructively harness its energies. But this task will call for a practical alliance, in place of the futile old theoretical rivalry, between papalism and conciliarism. This need involve no recasting of the doctrine underlying papal authority, though it is already eliciting a development of doctrine about other degrees of authority in the Church. The constitution *Lumen Gentium* is the charter of this alliance. But a practical alliance above all requires practical implementation; if this one is to work, there must be a thorough overhaul of the actual exercise of papal authority and its institutional expression. This has scarcely begun, and if it is not done soon the Church is going to make very heavy weather indeed of the thaw.

To give but one instance: the council addressed a decree to the religious orders, summoning them to renew and adapt all aspects of their life, after consulting their members. Now a very important aspect of the religious life, for those orders which are bound to choir, is the liturgical one. It is the inescapable experience of those religious in particular who are engaged in training recruits, that this aspect of our life is in very urgent need of renewal and adaptation. What happens, then, at the end of 1965, with the ink of that decree scarcely dry on the paper, but that the sacred congregation for religious issues an instruction very severely curtailing the power of religious orders to adapt and renew their liturgical life? I am not here concerned with the merits or demerits of a Latin and Gregorian monastic liturgy, or with the case of the Thirty European Intellectuals who petitioned the pope to compel the Benedictines to keep it. But we are all concerned with the dangerous frustration caused, when a freedom and an autonomous authority called upon to exercise itself by an act of the council is promptly neutralized by an act of a Roman congregation.

If then the exercise of papal authority is to be reorganized, it should be done, I suggest, in terms of two juridical relationships or distinctions in particular; namely those between the pope's personal authority and that of the Roman Church, and those between the Roman Church and the Latin (or indeed the universal) Church. To take the second one first: at present the relationship/distinction between these two entities (?), terms (?), Roman Church and Latin Church, is extremely confusing. What precisely constitutes the Roman Church? Do we English Catholics belong to it? Is it simply the Roman diocese? or the college of cardinals with the pope? or the pope and his curia, or the pope alone? If *we* are members of it – and we are called Roman Catholics, and the Catholic Church is

called Roman by the First Vatican (Dz 1782)⁵ – then it would appear simply to have absorbed all other Latin Churches, which have little more status than its outposts. If on the other hand it is just identical with the pope – and the same council in one place treats Roman Church and Roman pontiff as synonymous (Dz 1827) then it becomes a superfluous term. In either case, the distinction between Roman and Latin (or even universal) Church has dissolved; and as the term Roman Church is an extremely ancient and traditional one, our present difficulty of its indistinctiveness from the Catholic Church, or the Latin, constitutes a standing indictment of the ultramontanes' unhistorical way of regarding things.

The distinction needs to be made real once more. If it is not, we can simply stop thinking about unity and ecumenism; for no other Christian body is ever going to suffer itself to be absorbed into a 'monolithic' Roman Church, and there is no heavenly or evangelical reason why it should. The First Vatican teaches that the Roman Church has a *principatus* over all other Churches (Dz ib). If this is to mean anything, that Church must be distinct from other local Churches, and they from it. If they are to be really distinct, their autonomy must be respected. Therefore that *principatus ordinariae potestatis* of the Roman Church must cease to be exercised in such an ordinary, day to 'day, manner as at the moment prevails. In the interests of this practical alliance between papalism and conciliarism, the Roman Church must leave other Churches more and more to govern and legislate for themselves. On one side of our distinction, the Latin Church will be dissolved by such a structural development into a whole number of local Churches, on the lines of the ancient patriarchates, constituted doubtless by the regional synods or conferences of bishops. On the other side, the Roman Church will take distinct shape once more, perhaps as the Italian Church, in keeping with modern political actualities; at its core the college of cardinals and the curia, especially responsible as the clergy of the Roman See for advising the Roman bishop in his relations with other Churches. In a Catholic Church so juridically re-formed, I would expect the acts of the Roman Church with respect to other Churches to be limited to judicial and doctrinal decisions, and not to include legislative or executive decisions.

To see how this does *not* mean any renunciation by the papacy of its legislative and executive powers, let us go on to consider the second distinction/relationship I mentioned, that between the pope's personal authority and the authority of the Roman Church. The latter, I take it, is of ecclesiastical origin only, deriving by delegation from the Petrine authority of the Roman pontiff. The way this has hitherto worked has been to clothe every document issuing from some department of the Holy See with the august mantle of Peter

⁵References are to Denzinger's 31st edition, 1957.

himself. This needs to be changed. The Roman Church or curia must indeed provide the pope with the staff of what could be called an ecclesiastical supreme court, and their judicial and doctrinal decisions would have the pope's authority behind them. But the other departments of the curia should have a more restricted but equally valuable advisory role, advising not only the pope but other bishops too, and their advice should cease to have the force of binding instructions or decrees. Their model, I suggest, should be the secretariat for Christian unity.

For the further exercise of his Petrine powers the pope needs other agencies besides the Roman curia. The recently established senate of bishops is clearly the best instrument to assist him in his legislative authority. My personal hope is that it will not legislate in too great detail, because the making of laws, in this highly diversified world, ought to be a much more local matter. Some co-ordination will certainly be necessary. But if only we could rid ourselves of the fascination of uniformity as good in itself! It has nothing to do with Christianity, and is merely an unhappy legacy from the Age of Reason, the Encyclopaedists' mathematical view of society, and the Code Napoleon. As regards his executive powers, it seems to me that the pope should recruit his 'cabinet' from the same body – men with knowledge of local situations. Perhaps a system of apostolic delegates in reverse might be valuable – local Churches having their permanent ambassadors or agents in Rome.

In the middle ages the papal plenitude of power was found most useful to the Church for two purposes – for dispensing from the law where it was onerous or obstructive of the common good (equity), and for providing suitable men to posts by overriding the usual canonical forms of election (efficiency). The dispensing power and papal provisors were the two chief means by which the government of the Church was centralised under papal control. It is time to reverse the trend and make these acts – especially provision to bishoprics – the exception and no more the rule. Dispensations might be dispensed with if the law were made less detailed, and more discretion were allowed to local authorities.

As regards the appointment of bishops, the present code makes papal provision the normal canonical method, allowing for election only by way of 'concession' (can. 329, paras 2, 3). It is time this total reversal of the ancient canonical practice was modified; for of course it cannot mean in practice that the pope personally appoints all the bishops of the Latin Church. He follows advice – must do so. Therefore it is really the pope's advisers for any given region who provide its bishops. And they are not responsible for the advice they give to anyone except God, to whom an account of stewardship is rendered, if one may say so, when it is constitutionally too late. This constitutional irresponsibility of the system seems to my English mind a very ineffective way of ensuring that the advice will be the

best possible. Re-introduce some genuine form of episcopal election, in which at least the clergy of a diocese have some say, and the laity too if suitable machinery can be devised – and then at least the advisers (electors) will be responsible to themselves; they really will get the bishops they deserve. This without prejudice to the papal right of confirmation, or even provision in exceptional circumstances, which should be publicly explained for the sake of the common good.

So far we have only considered the papacy as the supreme organ of Church government, noting some ways in which its articulation with other juridical organs of the Church can and ought, and according to my crystal-gazing is likely to be modified. But as the best mediaeval conciliarists were right to point out, and as the Second Vatican has finely reaffirmed, the Holy See and all the other authorities in the Church are not themselves the Church, but only its servants, its chief serving members. Nor is the Church's visibility *primarily* a matter of its juridical structure, of its being 'an established institution'. It is such, of course, and up till now this has been its most prominent visible feature. In relation to this, surely secondary, character of the Church, my conclusion about the future of the papacy is that it will become more like a cross between the headship of the Commonwealth and the presidency of the United States, and less like an absolute monarchy of the *ancien régime*.

But the Church's visibility has another side to it. Put differently, as well as looking like an established institution, the Church also looks to the world like what Rahner calls a diaspora. This other look, I think and hope, is going to come more and more into prominence. It is a different manner of being present to the world, smiling eyes being more in evidence than a prominent juridical nose. Our question then is, what is the papacy's future in terms of this aspect of the Church it serves. I am not sure it can be answered, but at least we can examine more closely the idea of the Church as diaspora.

It is a figurative idea from the New Testament – a scattering of seed. Another image with the same sort of reference is that of the leaven in the lump. The point of such images seems to be that they imply pervasive presence with the minimum of organization. They are at the opposite pole from the image of the Church as a body; organic, but in the most primitive way; having unity, but of the least articulated sort. I wonder if the idea of the Church as a body, sketched by St Paul, is not really more appropriate to the heavenly Church in glory than to the pilgrim Church in this world, and if it has not played a slightly sinister part in the developments of the pilgrim Church's organization. If we allow full play once more to the diaspora image, the Church may become more adaptable to its pilgrim status in the world.

A diaspora Church must have a minimum organization, and only a minimum organization. If it lacks it, it will cease to be able to multiply itself by a kind of cellular fission, which is one of its natural strengths. If it is over-organized it will in hostile surroundings be an easy target for destruction. Perhaps this is why it was less destructible in the Roman empire than it has proved to be in Russia or communist China. The minimal organization required is the hierarchy of bishops, priests and deacons; without bishops no perpetuation of the ministry; without the ministry no sacraments. But tie this hierarchy up with a complexity of canonical structure, and it loses its flexibility, and those cells of Church life it presides over lose their 'smiling eyes' presence to the world.

Such a diaspora Church life would be of an almost total simplicity – stark or idyllic according to your temperament. No Church property, perhaps even few full time clergy, no schools or seminaries, or highly organized religious orders. But how durable it would be we might gather from a look at the Jews, or even at some of the more simply organized Protestant Churches, e.g. the Baptists who are strong, I believe, unlike the Catholics, in Russia. In such a Church the Holy See would have little or no *governing* to do. But it would be indispensable as a centre of unity and communion, preserving the Catholic Church from the fissiparous tendencies to which the Reformed Churches have been so liable. In the phrase of Ignatius of Antioch, much quoted nowadays, it would 'preside in charity', or 'preside over the *agape*', the love feast at which all Christians are guests, giving guidance and encouragement and consolation like a good *architriclinus*, a good steward of the feast.

NOTE. The editor of the latest, 32nd, edition of Denzinger (1963) does indeed quote the decree 'Haec sancta synodus' on p. 315, in an introductory note to the Council of Constance. But he remarks with great prudence that 'Martin V. while requiring the faithful to recognise the council as a general one, avoided confirming all its decrees'. Thus he leaves open the question which de Vooght and Kung would consider they have closed.