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**Some Considerations on
Collegiality and Synodality
in the Light of *Lumen Gentium***

Abbreviations

Documents of the Second Vatican Council are abbreviated according to the two first words of the Latin text; thus:

<i>CD</i>	<i>Christus Dominus</i> : Decree on the Bishops' Pastoral Office in the Church
<i>LG</i>	<i>Lumen Gentium</i> : Dogmatic Constitution on the Church
<i>OE</i>	<i>Orientalium Ecclesiarum</i> : Decree on the Catholic Churches of the Eastern Rite

Other abbreviations include:

<i>ApSoll</i>	<i>Apostolica Sollicitudo</i> , <i>Motu Proprio</i> of Paul VI (25 Sept. 1965)
c.	canon
<i>CCEO</i>	<i>Codex Canonum Ecclesiarum Orientalium</i>
<i>83CIC</i>	<i>Codex Iuris Canonici</i> , 1983
<i>Denz</i>	DENZINGER, H., <i>Enchiridion Symbolorum definitionem et declarationum de rebus fidei et morum</i> , Bologna: Dehoniane, 1996.
<i>NEP</i>	<i>Nota Explicativa Praevia</i>
n.	note in <i>Nota Explicativa Praevia</i>

1. Introduction

The document promulgated by Paul VI on 21 November 1964 had seen a long preparation and an even longer aftermath; it still engages theologians, ecclesiologists and canon lawyers in debates on different levels. The Dogmatic Constitution on the Church, *Lumen Gentium*, passed on that day by 2151 votes to 5.

What is the Church? Robert Bellarmine in the seventeenth century defined the Church as *coetus hominum*, a specific type of human community, being a fully visible society.¹ The Second Vatican Council entitles the first chapter of *Lumen Gentium* ‘The Mystery of the Church’ – an important ecclesiological change – and this implies that the Church cannot be fully understandable to the human mind. It is a mystery... It is the work of the Spirit, it is the place where Christ accomplishes the plan of redemption. Paul VI himself goes further in his encyclical *Ecclesiam suam*: ‘The mystery of the Church is not a truth to be confined to the realms of speculative theology. It must be lived, so that the faithful may have a kind of intuitive experience of it, even before they come to understand it clearly’².

One of the main keywords that characterizes the Dogmatic Constitution on the Church, especially chapter III, is ‘episcopal collegiality’. Although the Council did not define the term in its length and depth – properly speaking, but which can be summarised as the doctrine that it is the college of bishops, with and under the pope,

¹ Cf. DULLES, A., *Models of the Church*, New York: Doubleday, 2002, pp. 8-9

² PAUL VI, *Ecclesiam suam*, 37. <http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_06081964_ecclesiam_en.html> [accessed 28 April 2007].

that governs the Catholic Church. It was a big turn and an event that made history leading to significant changes, perhaps still yet to come!

The debate over the doctrine was intense and not without some ambiguity. We shall have a broader view upon some of events that led to the final document and its understanding by the Fathers gathered at the Second Vatican Council and this with an exegesis on chapter III of *Lumen Gentium* and the *Nota Explicativa Praevia*. Furthermore we shall draw our attention upon the sacramentality of the episcopacy and its theological context. After having set the background, the intent is to deepen our consideration on *collegiality* and *synodality*, two key concepts that emerged from the doctrine. We are aware of the differences between West and East in understanding ‘synodality’ as a model of government, and analysing this we might be drawn towards the question of authority and power given to the bishops at a local level, and beyond this fact the issue of the need of decentralisation and its implications in the government of the Church.

We are aware that the theme is very broad and every pretension of exhaustivity should be put aside, being conscious that in an *Ecclesia semper reformanda* we would never fully understand the ‘mystery of the Church’.

2. On *Lumen Gentium*, chapter 3

The document that most interests us in this paper is chapter III of the Dogmatic Constitution on the Church, *De Constitutione Hierarchica Ecclesiae et in specie de Episcopatu* (On the Hierarchical Structure of the Church and in particular on the Episcopate). It can be said that the Second Vatican Council made history by publishing this Constitution and especially declaring – although without a clear definition – that the collegiality of the bishops is the authentic teaching of the Catholic Church.

2.1 Some background elements

Since the first session of the Council, in 1962, it became clear that the schema on the structure of the Church would be of a great importance during the rest of the council,

especially the points on the episcopacy and on the reinstatement of the “permanent” diaconate.³ It was in the air that the majority of the Fathers and theologians were likely to continue the somewhat unfinished work of the First Vatican Council regarding the episcopacy⁴, and therefore in favour of declaring the sacramentality of the episcopate and the understanding of the college of bishops in the light of the doctrine. The sacrament of the episcopacy has its roots in the mystery of the Church. The renewal of the episcopacy in its theological understanding is an important element in the reform of the Church brought by the Council. It is well-known that there was some dispute about the sacramental status of episcopacy. But it is precisely this status that opens the way for a genuine collegiality and also a renewed understanding of the priesthood.

The first schema, prepared by the pre-conciliar doctrinal commission, was presented to the conciliar Fathers in December 1962 and was somehow criticised as being too juridical, and these concepts, as O’Neill points out⁵, must undertake a modification before they are applied not to a merely human society but to the structure of the Church. But taking into consideration the organizational elements of the Church, one must use juridical terms, as the members of the Church belong to the human society as well. From the theological perspective it was however important the emphasis given to the juridical structure of the Church.

The second draft of the Constitution occasioned of several disputes amongst the Fathers especially with the vote on the five questions that provoked a ‘crisis’. Five questions regarding doctrine contained in three paragraphs (21, 22 and 28) of chapter III of *Lumen Gentium* and voted upon on 30 October 1963.⁶ The five questions were

³ Cf. WILLIAMS, C., ‘The Church is Hierarchical’, in FLANNERY, A. (ed.), *Vatican II: The Church Constitution*, Dublin: Scepter Books, [s.a.], pp. 85-86. See also CONGAR, Y., *Mon Journal du Concile*, 2 vol., Paris: Cerf, 2002; CHENU, M.-D., *Notes quotidiennes au Concile*, Paris: Cerf, 1995.

⁴ Paragraph 18,2 of *LG* states: “*Haec Sacrosancta Synodus, Concilii Vaticani primi vestigia premens, cum eo docet et declarat Iesum Christum Pastorem aeternum sanctam aedificasse Ecclesiam [...]*”. It seems that with this statement the Fathers indicated the double finality of the Council: the belief in the doctrine of the primacy and infallibility of Peter and the Roman Pontiff, defined in the Dogmatic Constitution *Pastor Aeternus* in July 1870 (Denz 3050-3075), completing it with the doctrine on bishops who, together with Peter’s successor, guide the Church.

⁵ O’NEILL, C., ‘General Introduction’, in FLANNERY, A. (ed.), *Vatican II*, p. 11.

⁶ The first four out the five questions are worth to be mentioned here as they were of great importance in elaborating the final text of the Constitution and we shall return upon some of the elements further on in our paper. **Q1.** Do the Fathers think that the revised schema should be made out in such a way as to declare that episcopal consecration constitutes the supreme grade of the sacrament of Orders? (2123 yes, 34 no). **Q2.** Do the Fathers think that it should appear in the revised schema that

carefully worded without containing the word ‘define’ in them (do the Fathers think that the council should *define*...). The debate itself was after this test-vote took place as it would appear that the result of the vote was not taken into consideration.⁷

2.2 *Nota Explicativa Praevia*

A note issued at the direction of Paul VI in November 1964 did not contain anything outside of what the acts or the Constitution already contained. It carried the danger of misinterpreting of the text of the Constitution especially regarding the discussions on episcopal power and on the doctrine on collegiality. Although it is not part of *Lumen Gentium*, the *Nota* appears as an appendix in the *Acta Apostolicae Sedis*.

But what exactly did the *Nota* contain and why was it so important to be somehow part of the Constitution? Kevin McNamara agrees with its purpose being ‘to remove the remaining fears and misunderstandings of the minority and so bring about a unanimous [...] vote in favour of the schema’⁸. The aim of the authors of the *Nota* was to clarify the already existing content of the Constitution. It is not our intent to comment on the four sections of the *Nota*, however we do consider it important – in order to deepen our understanding of the subject and to perceive its doctrinal sense – to point out a few elements.

The *Nota* intends to explain a few keywords such as *collegium* (understood as a stable group whose structure and authority must be learned from Revelation) and in the same sense *ordo* or *corpus* used as referring to the college of bishops. Interestingly the conciliar documents do not mention the term ‘collegiality’ but rather of ‘*collegialis unio*’ (LG 23a).

every bishop legitimately consecrated in the communion of the other bishops and the Roman Pontiff, who is their head and principle of unity, is a member of the body of bishops? (2149 yes, 104 no, 1 void). **Q3.** Do the Fathers think that in the revised schema it should be declared that *the body or college of bishops succeeds to the college of the apostles in the triple office [...]*? And that it, *together with its head, the Roman Pontiff and never without this head [...]* has full and supreme authority over the whole Church? (1808 yes, 336 no, 4 void). **Q4.** Do the Fathers think that it should be stated in the revised schema that this supreme authority belongs to the college of bishops united to its head by divine right? (1717 yes, 408 no, 13 void). Italics ours. See WILLIAMS, C., ‘The Church is Hierarchical’, pp. 92-93.

⁷ O’NEILL, p. 14.

⁸ MCNAMARA, K., ‘The Prefatory Note of Explanation’, in ID., (ed.), *Vatican II: The Constitution on the Church: a theological and pastoral commentary*, London: Geoffrey Chapman, 1968, p. 357.

It would seem that many of the Fathers, anxious about the wording of par. 22, were reassured that those words must be interpreted in the light of the *Nota*. Note 3 answers the question that arises from the reading of par. 22, namely what is the principle which guides the Pope in giving or maintaining his consent for the exercise of his power? Par. 22 states: ‘A council is never ecumenical unless it is confirmed or at least accepted as such by the successor of Peter; and it is prerogative of the Roman Pontiff to convoke these councils, to preside over them and to confirm them’ (*LG 22*). But the principle guiding the power of the Pope can be found in n. 3 of the *Nota* which states: ‘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. The Roman Pontiff, taking account of the Church’s welfare, proceeds according to his own discretion in arranging, promoting and approving the exercise of collegial activity’ (*NEP*, n. 3). This text, which is quite straightforward, says that it is the Pope who determines when the exercise of the power is to be personal or collegiate, and also the way of this exercise. Beside this it is him who makes the decision in the light of what the well-being of the entire Church demands.⁹ Taking the example of a constitutional monarchy, the monarch cannot legislate by himself alone, being dependent on the parliament. But as regards to the Church, the Pope is bound only by the divine constitution and therefore every act depends exclusively on him, and obviously he will take into account the discernment of the other bishops, considering the good of the Church.

Note 2 refers to par. 21 and explains the preference given to *munera* instead of *potestates*.¹⁰ Why was this distinction stated so firmly? Cardinal Browne believes that the college of bishops including the Pope as its head always has the *potestas ad actum expedita* and can at any time call upon this power. However, as pertaining to the bishop *per se*, in order to have this ‘power ready for actual exercise’, the hierarchical authority has to confer him an office or to assign subjects.¹¹

⁹ BROWNE, M., ‘The significance of the *Nota Praevia*’, in FLANNERY, A. (ed.), *Vatican II*, p. 193.

¹⁰ And n. 2 in *NEP* continues: ‘But for this power to be fully ready to act, there must be a further canonical or juridical determination through the hierarchical authority. This determination of power can consist in the granting of a particular office or in the allotment of subjects, and it is done according to the norms approved by the supreme authority.’

¹¹ *Ibid.*, p. 195.

The *NEP* concludes with a *Nota bene* concerning the separated Eastern Churches. Their bishops exercise in fact the jurisdiction and the power of teaching but in an “irregular” way, being out of the “*communio*”. In the document’s understanding they did not cut off themselves entirely from the Church. But as Philips himself says, the theologians did not agree upon the explanation to be given to this matter of facts.¹²

In his *Primauté et collégialité: le dossier de Gérard Philips sur la Nota Explicativa Praevia* Jan Grootaers brings together a variety of documents concerning the *Nota*, many of them written by Mgr. Philips himself as a preparatory phase of these notes. The collection is a useful tool to broaden the view upon the history and understanding of the *Nota* in the light, of course, of chapter III of *Lumen Gentium*, an endeavour that concerns closely the neuralgic point of the conciliar debate regarding the role of bishops and their collegiality.¹³

2.3 Considerations on the text of chapter III

In the sections above we have dealt already with a few questions arising from the text of chapter III of *Lumen Gentium*. Furthermore, we would like to analyse succinctly paragraphs 19 to 23 of the mentioned chapter from an exegetical perspective.

Undoubtedly the central theme of this chapter is that the basic structure of the ecclesiastical office is collegial; this was its nature as instituted by Christ. The conciliar text outlines the biblical origins of such an assertion in paragraph 19: ‘The Lord Jesus, after praying to the Father, calling to Himself those whom He desired, appointed twelve to be with Him, and whom He would send to preach the Kingdom of God; (Mark 3:13-19; Matthew 10:1-42) and these apostles (Luke 6:13) He formed after the manner of a college or a stable group, over which He placed Peter chosen from among them. (cf. John 21:15-17)’ (*LG* 19). The main interest of the Council is centred on the collegial character of the ‘twelve’ – a symbol of the new people of God

¹² PHILIPS, G., ‘La Constitution *Lumen Gentium* au Concile Vatican II’, in GROOTAERS, J., (ed.), *Primauté et Collégialité. Le dossier de Gérard Philips sur la Nota Explicativa Praevia (Lumen Gentium, Chap. III)*, Leuven: University Press, 1986, p. 196.

¹³ Mgr. G. Philips was one of the main architects of the Constitution. As a dogmatic theology professor in Liège, the themes he developed in his teaching took a particular position in writing the schema of *Lumen Gentium* in his role of *peritus* in the Doctrinal Commission of the Council. For a detailed biography see GROOTAERS, p. 28.

gathered around the Messiah. Their office was that of the group, of the ‘twelve’: each one of them has his importance only as being part of the group together. In the apostolic period the collegial character is maintained although without the symbolic “twelve”, and it will develop in a uniform hierarchical structure in the post-apostolic Church.¹⁴

Paragraph 20 deals with the link between the apostles and their successors, the bishops. In its wording one will find a summary of the teaching of Trent and Vatican I: “[...] the Sacred Council teaches that bishops by divine institution have succeeded to the place of the apostles,¹⁵ as shepherds of the Church”. The council goes further by adding that bishops are the successors of the apostles “*ex divina institutione*”.

We will deal with the content of paragraph 21 in a separate section, when treating the sacramental character of the episcopacy.¹⁶

The theme of the collegiality of bishops occupies a prominent place in the third chapter of *LG* in paragraphs 22 and 23. If we were to choose a keyword that better describes this section, this might be *communio*. Paragraph 22 is a summary of par. 19-21 and goes further by asserting that the collegiality of bishops is not only a question of ministry, but first of ecclesiology, a question of the church. Therefore, as Rickhof agrees, the collegiality of bishops belongs in a church as community.¹⁷ The text states clearly that both college and pope have supreme and complete power in the church, and that the college has no authority without the pope, who can exercise freely his power, as we already mentioned. A bishop is part of the college ‘by virtue of the sacramental consecration and the hierarchical communion with the head and members of the body’ (*LG* 22). With this the Council declared that collegiality is rooted in the very sacrament of orders, and it is not something apart from the structure of the church. As Ryan points out in his commentary on art. 22¹⁸ and as it clear from the

¹⁴ RYAN, S., ‘The Hierarchical Structure of the Church’, in MCNAMARA, K., (ed.), *Vatican II*, pp. 167-68.

¹⁵ Note 15* in the original text: Cfr. Conc. Trid., Sess. 23, ecr. de sacr. Ordinis, cap. 4; enz. 960 (1768); Conc. Vat. I, ess. 4 Const. Dogm. I De Ecclesia Christi, cap. 3: Denz. 1828 (3061). Pius XII, Litt. Encycl. *Mystici Corporis*, 29 iun. 1943: ASS 35 (1943) p. 209 et 212. Cod. Iur. Can., c. 29 1.

¹⁶ See section 3 in the present paper.

¹⁷ RIKHOF, H., ‘Vatican II and the Collegiality of Bishops: A reading of *Lumen Gentium* 22 and 23’, *Concilium* 4 (1990), p. 5.

¹⁸ RYAN, p. 180.

above given quotation, the two elements required for the membership of the college of bishops are intimately related. Communion is implicit in the sacrament, as through ordination the bishop becomes a member of the college. Furthermore, the Council mentions the various ways in which communion was encouraged in the Early Church. The bishops were very keen of the importance of maintaining communion with one another and therefore the councils were more frequent; without mentioning the local councils and their influence on the governing of the Church.¹⁹

In talking about the ‘hierarchical communion with the head and members of the body’ one should make reference to the doctrine of primacy which means, to use Ryan’s simplistic definition, ‘that within the network of Churches forming the one Church of God there is one local Church which constitutes a sort of official centre, and with which *all* the other Churches *must be* in communion’.²⁰ Therefore in the exercise of his office – which demands hierarchical communion –, the bishop as head of a particular Church is a symbol of its communion with the universal Church through his communion with the pope and the college of bishops.²¹

The rest of the paragraph reaffirms that the college of bishops is considered a college only when acting with the pope as its head. Some conciliar Fathers thought that the episcopal collegiality might jeopardize the doctrine of primacy, hence probably the strong emphasis on this “*nisi simul cum Pontifice Romano*” and on the papal prerogatives in his relationship with the college of bishops.

Paragraph 23 deals with the relationship of the individual bishops with one another and with their particular Churches. The bond of unity in the Church is the eucharist, the *sacramentum unitatis*. The bishop in his local church is the visible sign of the communion between the local communities, being open to and in communion with other Churches. In the light of that hierarchical communion that the Council stresses, the bishops are in mutual relationship among themselves. As Ratzinger expresses it: ‘Being catholic means being united with others, to help one another in the case of

¹⁹ Cf. TANNER, N., *Was the Church too Democratic? Councils, Collegiality and the Church’s Future*, Bangalore: Dharmaram, 2003, pp. 14-20. See also RYAN, pp. 181-83.

²⁰ RYAN, p. 183. Italics ours. What does he mean by saying that ‘all the other Churches must be in communion with the sort of official centre’? If in the ‘other Churches’ he includes the separated Eastern ones, we dare to disagree that they *must be* in communion for the sake of the primacy. For some further details on the matter see the meaning of ‘primacy’ in the Eastern understanding, chapter 4.2 in the present paper.

²¹ Ibid.

need, to learn by that which is good in others and to share generously one's own good; it means trying to become acquainted with one another and accepting each other's differences.'²²

3 Theological context of the episcopacy

In the Second Vatican Council there were two ways of considering the theology of the episcopate, two ways which are not in contradiction or in conflict; there is only a difference of perspective, as Ryan states.²³ One approach considers the role of the episcopal college within the universal Church, the other approach sets the local church within the universal Church, and places in this setting the role of the episcopal office. As we mentioned earlier, both approaches are found in the conciliar mentality, although the former was more emphasised, as it also appears from the document itself of the Dogmatic Constitution.

On the eve of the Council the theology of the episcopacy was not perfectly developed. As Dupuy notes, the French bishops exclaimed: 'The bishop is unknown. We speak and write much about the priest, but nothing about the bishop.'²⁴ Therefore it was a need to return to the sources, to draw knowledge from the Scripture and from the thinking of the Early Fathers, from the Tradition itself. Talking about episcopacy one could enter in deep waters looking at the priesthood of the bishop and the priesthood of the priest, the succession apostles-bishops, the priesthood of Christ and the priesthood of the faithful. From this one could conclude about the richness of the theology of the priesthood. But what about the theology of the episcopacy? Historically, the bishop always occupied an important place in the local community, in celebrating the eucharist, in the episcopal consecration and in ministerial ordination. The episcopacy, before being a notion, is a fact because it is an institution. This institution by Christ himself is at the heart of the theology of the episcopacy. These elements were brought into light at the Council, and paragraph 21 of *Lumen Gentium* deals with the nature of the episcopal office and its sacramental basis.

²² RATZINGER, J., 'The Pastoral Implication of Episcopal Collegiality', *Concilium*, 1 (1965), p. 27.

²³ RYAN, p. 173.

²⁴ Cf. DUPUY, B.-D., 'Vers une Théologie de l'Épiscopat' in CONGAR, Y. & B.-D. DUPUY, (eds.), *L'épiscopat et l'Église universelle*, (Unam Sanctam, 39), Paris: Cerf, 1962, p. 18.

3.1 Is episcopacy a sacrament?

To this question we let the Council answer: “*Docet autem Sancta Synodus episcopali consecratione plenitudinem conferri sacramenti Ordinis*” (LG 21) – the Council teaches that the episcopal consecration is the fullness of the sacrament of Orders. Rahner rightly argues that there is a theological difference in understanding this statement: the episcopal consecration is not the highest degree of the priesthood but is the fullness of the priesthood itself.²⁵

From the text of the Constitution one could easily come to the knowledge that in virtue of the three *munera* which are conferred by the consecration, there is no theological difference between the “types” of bishops (diocesan, auxiliary etc.). A bishop is a “full” bishop in virtue of his consecration through which he belongs to the college of bishops; the conciliar text rightly avoids the canonical distinction of diocesan bishop and other bishops. At the end all share the same *munera*, and all are in the same manner successors of the apostles. The exercise of these *munera* (and not *potestates*, for the reasons we have already explained above) needs a juridical determination from the hierarchical authority, and therefore their exercise can only be seen in the hierarchical communion (NEP, 2). It would seem to be clear at this point that the distinction which the Council makes between the *munera* and their exercise does not leave any possibility to withdraw the hierarchical discipline to the bishops.

Many theologians consider paragraph 21 of LG as fundamental for the theology of the episcopacy.²⁶ The main point of this paragraph is the conciliar ‘teaching’ we have already mentioned: the episcopal consecration confers the fullness of the Order. But when we consider the results of the first question²⁷, it is surprising to note that 34 bishops were in doubt about this fact. We would like to believe that these Fathers did not consider this declaration as being erroneous but perhaps somewhat inappropriate. The sacramentality of the episcopacy is an expression of the sacramentality of the

²⁵ RAHNER, K., ‘The Hierarchical Structure of the Church, with Special Reference to the Episcopate’ (art. 18-27), in VORGRIMLER, H., (ed.), *Commentary on the Documents of Vatican II*, vol. 1, London: Burns&Oates, 1967, p. 193.

²⁶ See LÉCRUYER, J., ‘L’episcopato come sacramento’, in BARAUNA, G., (ed.), *La Chiesa del Vaticano II: Studi e commenti intorno alla Costituzione dogmatica “Lumen Gentium”*, Firenze: Valecchi, 1965, p. 713.

²⁷ See note 4 of the present essay.

Church and of the ministry of witness by all its members. The same Constitution *Lumen Gentium* will state at paragraph 48 that ‘the Church [i]s the universal sacrament of salvation’ (LG 48).

The last sentence of paragraph 21 denotes not only the passage to the next one, dealing with the college of bishops, but it follows from the very divine institution of the episcopate and from episcopal powers. The formulation of this last sentence is rather prudent: it does not say that ‘only’ bishops could consecrate a new bishop. But the same sentence does obviously not mean that a simple priest may validly ordain a simple priest, under certain conditions.²⁸

In his guide to the reading of the text of chapter III of *LG*, Betti says, as concerning the sacramentality of the episcopal consecration, that the nature of the bishop’s priesthood cannot be considered anymore in relation to the priesthood of the priests, but to the one of Christ.²⁹

Regarding the Council and its theology of the episcopacy, Kasper says that:

‘The council did not offer a new theology of the bishop’s office, but retrieved the early church’s tradition, bringing the unfinished work of Vatican I to its conclusion. This double intention makes interpretation difficult. The council wanted to follow in the path of the early Church, balancing and completing the doctrine of papal primacy with the doctrine of the bishop’s office together with collegiality in the bishops’ office. In this way the council wanted to overcome curial centralization.’³⁰

We shall come back to this idea on overcoming the curial centralization and the tensions that underlie the conciliar text.

To sum up, the Council taught that the episcopacy is a sacrament and it is the fullness of the ministerial priesthood, a priesthood which the bishop shares with the one of Christ. Through episcopal consecration, the bishop shares the *munera* with all the other bishops together with whom he is part of the college of bishops. Therefore the

²⁸ RAHNER, pp. 194-95.

²⁹ BETTI, U., *La dottrina sull’episcopato nel capitolo III della costituzione dommatica Lumen Gentium: sussidio per la lettura del testo*, Roma: Città Nuova, 1968, p. 240.

³⁰ KASPER, W., ‘Zur Theologie und Praxis des bischoflichen Amtes’ quoted in MCDONNELL, K., ‘Walter Kasper on the Theology and the Praxis of the Bishop’s Office’, *Theological Studies*, 63 (2002), p. 716.

sacramental and ecclesiological foundation of the *affectus collegialis* among the bishops and between them and the Pontiff is given by the common episcopal consecration and the hierarchical communion.

4 Collegiality *versus* synodality?

After having analysed the text of chapter three of *Lumen Gentium* and pondered upon the understanding of the theology of the episcopacy, it is time now to move on to some considerations regarding the episcopal bodies, especially the synod – in its Western and Eastern understanding and the episcopal conferences.

Was the term “synod” deliberately chosen for the newly established body of bishops? According to R. Laurentin, in the post-conciliar context of ecumenical reconciliation with the separated brothers the choice of ‘going’ (ὁδόν) ‘together’ (σύν) is towards the re-establishment of the relations with Eastern Christianity.³¹ But generally speaking *συνοδος* means an ecclesiastical gathering. Especially in the East, as we shall see below, the *Endemousa Synod*³² developed later into the synod of bishops in the Eastern Patriarchates. The patriarch together with the Synod is the supreme authority.³³ In the Latin world, *synodus* was merely used for the diocesan synod and analogically the name of Synod of Bishops was given to this body as it has a consultative role, in the same manner as the diocesan synod has.³⁴

4.1 The Synod of Bishops in Western understanding

On 15 September 1965 the Secretary General of the Council announced the promulgation of Paul VI’s *motu proprio Apostolica sollicitudo* which would establish the Synod of Bishops. Many theologians consider that the creation of this new

³¹ LAURENTIN, R., ‘Post-concilio e Sinodo episcopale’ quoted in DUPRE LA TOUR, F., *Le Synode des évêques dans le contexte de la collégialité: Une étude théologique de Pastor Aeternus à Apostolos Suos*, [Paris]: Parole et Silence, c2004, p. 221.

³² For a short explanation see PINTO, P.V., (ed.), *Commento al Codice dei Canoni delle Chiese Orientali*, Città del Vaticano: LEV, 2001, p. 120.

³³ See c. 110 *CCEO*. However the Code does not state **explicitly** whether the patriarch or the synod of bishops (together with the patriarch as its head) is the superior authority in a patriarchal church.

³⁴ Cf. *ApSoll*, II. See also c. 460 *83CIC*.

institution was entirely the wish of Pope Paul VI.³⁵ The very type of the document (*motu proprio* = of his own accord) suggests the same idea and it seems to be the fruit of the Council, especially of *Lumen Gentium* and *Christus Dominus*. In the introduction of the document, the Pope says it clearly:

‘Now that the Second Ecumenical Council of the Vatican is drawing to a close, We feel the time has come to put this decision, long since made, into effect; and We are all the more happy to do so because of Our certain knowledge that the bishops of the Catholic world are in favour of this step; this is clear from the many wishes expressed in this regard in the ecumenical Council.’ (*ApSoll*)

But the need to create such an organism was felt in the period before the Council and very much so during its works. In this way Cardinal Alfrink, wrote in December 1959:

‘In clear terms the Council proclaims that the government of the universal Church is by right exercised by the college of bishops with the Pope as its head. From here it follows that, in one sense, the care of the universal Church is the responsibility of every bishop taken singularly, and also, in another sense, that all bishops participate in the governing of the Church worldwide. This can be done not only in calling an Ecumenical Council, but also in the creation of new institutions. Perhaps some permanent Council of specialized bishops, chosen from the Church, could be given the charge of a legislative function in union with the Supreme Pontiff and the cardinals of the Roman Curia.’³⁶

But what exactly this new institution is and why was it necessary? It is first of all the concrete expression of episcopal collegiality as it was decided upon by the Fathers during the Council. It is a permanent council of bishops, submitted directly and immediately to the power of the Primate through which the bishops bring an efficient help in the government. The Synod is permanent by nature, but its way of functioning is not permanent or continuous, rather it works in an occasional way.³⁷ However in the functioning of the Synod, as in an Ecumenical Council, the Pope not only participates fully but also approves each of its phases.

³⁵ See CONGAR, Y., ‘Sinodo, primato e collegialità’ in FAGIOLO, V. & G. CONCETTI, *La collegialità episcopale per il futuro della Chiesa*, Firenze: Vallecchi Ed., 1969, p. 45.

³⁶ SYNOD OF BISHOPS, *Synodal information*, <http://www.vatican.va/roman_curia/synod/documents/rc_synod_20050309_documentation-profile_en.html> [accessed 12 April 2007].

³⁷ *ApSoll*, I: ‘*natura sua perpetuum; quoad structuram, ad tempus atque ex occasione munere suo perfungens*’.

It is not our purpose to enter in the details of its Regulations and its *Ordo*. Nevertheless it is worth mentioning that the 1983 Code of Canon Law dedicated an entire chapter, in seven canons (cc. 342-348), to the Synod of Bishops, placed between the chapter on the Supreme Pontiff and the College of Bishops and the one dealing with the Cardinals. But between theology and juridical action there is a slight difference. François Dupré La Tour emphasises the problematical omission in the canons of the definition given to the Synod by the *Motu proprio ApSoll* as ‘*partes agens totius catholici Episcopatus*’. The preparatory commission of the Code decided not to introduce this definition as the bishops gathered in the Synod represent the entire Church on a theological level; but one cannot say the same regarding the juridical element as the bishops in the Synod exercise their pastoral authority in the local church which was entrusted to them and not in the entire church. With this definition introduced in the Code, there would not be any difference between the Synod of Bishops and an Ecumenical Council.³⁸ Furthermore, the Synod functions as an institution of the Latin church rather than of the entire Church and, as it was already mentioned, the bishops in the synod do not represent the ‘whole’ Church.

According to the *motu proprio*, the Synod has essentially a consultative role.³⁹ Through the delegates gathered in the Synod, the bishops give their own suggestions, information, their advice on specific matters asked to reflect upon by the supreme authority. From the juridical point of view, such a consultation has no weight in comparing with the final decision on which the responsibility is that of the Supreme Pontiff. But from the ecclesiological point of view, such an endeavour is more than a simple opinion given by the Synod: it is the witness of a gathering of bishops elected by their equals, and therefore it is a concrete realisation of the communion of the local churches. Therefore the Synod is not a deliberative assembly (even if the foundational documents and the Code of Canon Law allow this possibility) as an Ecumenical Council would be.⁴⁰

³⁸ DUPRÉ LA TOUR, pp. 237-38.

³⁹ *ApSoll*, II: ‘*Ad Synodum Episcoporum suapte natura munus pertinet edocendi et consilia dandi*’.

⁴⁰ *ApSoll*, II. C. 343 *83CIC* quotes: ‘It is for the synod of bishops to discuss the questions for consideration and express its wishes but not to resolve them or *issue decrees about them unless in certain cases the Roman Pontiff has endowed it with deliberative power*, in which case he ratifies the decisions of the synod.’ Italics ours. In canonical proceedings there is no example until present times about such endowment with deliberative power, and even if this would appear, it is only ‘in certain cases’ and the Synod would be exercising delegated papal power. See JOHNSON, J.S., ‘The Synod of

Moreover, there is a strong bond between episcopal collegiality and the Synod of bishops. We have seen this assembly as a consultative body but it is very much at the service of collegiality, and as an expression of both affective and effective collegiality. John Paul II in his Christmas discourse to the Cardinals and to the Roman Curia in December 1990, 25 years after the Second Vatican Council, expresses the link between collegiality and primacy and the importance of the Synod in helping the primatial service of Peter.⁴¹

There are theologians who consider that the collegiality of the Synod of bishops would reach its primary intent if its vote would be more deliberative than merely consultative. One of these is John R. Quinn, former Archbishop of San Francisco who, in a lecture given at Campion Hall in Oxford back in 1996, expressed openly his opinion:

‘The procedures of the Synod are outdated and not conducive to collegiality in its fuller sense. [...] A new way of structuring and holding these synods could have a significant effect on the search for unity and the exercise of true collegiality. It would make the Synod more truly a collegial act if the synod had a deliberative vote and not merely a consultative one. And this, too, would be a greater incentive to unity and a more authentic embodiment of collegiality’⁴².

4.2 The Synod of Bishops in Eastern understanding

In Eastern Christianity, however, the synod of bishops has a different meaning. As we mentioned earlier, its developing is from the *Endemousa Synod*⁴³ and has its origins in the canons of the first ecumenical councils⁴⁴. It was indeed in Byzantium that this

Bishops’, in BEAL, J.D. et al. (eds.), *New Commentary on the Code of Canon Law*, New York : Paulist Press, 2000, pp. 456-57.

⁴¹ “Prende forza così anche il vitale rapporto esistente tra la “*sollicitudo omnium ecclesiarum*” di ogni vescovo e il primato petrino. [...] Il Sinodo stesso fa risaltare il nesso intimo tra la collegialità e il primato: l’incarico del successore di Pietro è anche servizio alla collegialità dei vescovi e per converso la collegialità effettiva e affettiva dei vescovi è un importante aiuto al servizio primaziale petrino” (30 aprile 1983). JOHN PAUL II, *Discourse to the Cardinals, to the Curia and to the Roman Prelature to present the Christmas wishes*, 20 December 1990, <http://www.vatican.va/holy_father/john_paul_ii/speeches/1990/december/documents/hf-jp-ii_spe_19901220_curia_it.html> [accessed 30 March 2007].

⁴² QUINN, J.R., ‘The Exercise of the Primacy: Facing the Cost of Christian Unity’, *Commonweal*, 12 July 1996, <<http://www.questia.com/PM.qst?a=o&d=5000379645>> [accessed 2 April 2007].

⁴³ See chapter 4 above.

⁴⁴ The Council of Chalcedon confirmed the canonicity of the synod of bishops. See HAJJAR, J., *Le Synode permanent et collégialité épiscopale dans l’Eglise byzantine des origines au XI^e siècle*, Roma: Pontificium Institutum Orientalium Studiorum, 1962, p. 51; GALLAGHER, C., *Church Law and Church Order in Rome and Byzantium: A Comparative Study*, Hants: Ashgate, 2002, pp. 26-27.

model was developed which led later on into the development of the permanent synod institution. It is through this institution that the Patriarch governs in a synodal way, in communion with the bishops under his jurisdiction. There is a notable distinction between the two synods (the ‘Roman’ and the Eastern): the authority of the bishops is neither diminished nor increased by the one of the Patriarch, and in the Eastern Orthodox churches the effective government belongs to the synodal assembly where the Patriarch – as its president – is *primus inter pares* (with the other members of the Synod). As Hajjar points out, a Byzantine patriarchate exists together with its Synod.⁴⁵ On the other side, the Synod of Bishops in the Catholic Church is under the guidance of the Roman Pontiff and, as we have seen, its role is merely consultative.

At this point it would be interesting to spend a few lines on the Orthodox view of primacy linked in the context of the Synod of bishops, as it is understood in the East. In Orthodox ecclesiology one would mention without fear at least three names: Schmemmann, Affanasief and Zizioulas.

Schmemmann, in his article *The Idea of Primacy in Orthodox Ecclesiology* states that ‘the sacrament of episcopal consecration reveals the first and the essential form of *primacy*, or rather the basis for primacy: the *synod of bishops*.’⁴⁶ In his view and canonically speaking, the synod is the “supreme authority”, and therefore the collective supreme power of a synod is opposed to the Roman doctrine of personal power (that of the Roman Pontiff as head of the college of bishops and to whose authority the Synod of Bishops is directly and immediately subject [*ApSoll*, III]). According to the same ecclesiology, the synod is the warrant of the ontological unity and it is more a witness to the identity of all churches rather than a juridical “power”⁴⁷. Theologically speaking, the synod is a necessary organ for the consecration of a bishop and at the same time is the essential condition of the fullness of each local

⁴⁵ Cf. DUPRE LA TOUR, p. 336.

⁴⁶ SCHMEMMANN, A., ‘The Idea of Primacy in Orthodox Ecclesiology’, in MEYENDORFF, J., (ed.), *The Primacy of Peter. Essays in Ecclesiology and the Early Church*, Crestwood, NY: St Vladimir’s Seminary Press, 1992, p. 158.

⁴⁷ *Ibid.*, p. 159.

church. Primacy for Schmemmann is the necessary expression of the unity in faith and life of all local Churches.⁴⁸

For Zizioulas there are two *conditiones sine quibus non* for the catholicity of the Church: the synodal system and the primacy.⁴⁹ There is no church without a synod, and this is important, in his view, because it is more a “democratic” spirit against monarchical tendencies. Synodality is fundamental because through this institution the catholicity of the church is guaranteed and protected. On the other hand, primacy is governed by the “one-and-the-many” idea. ‘The many cannot be a church without the one, but equally the “one” cannot be the *primus* without the “many”’.⁵⁰

And to put the two concepts together, he agrees that primacy should be exercised in a synodical context locally, regionally and universally. Quoting the 34th Apostolic Canon, the *primus* must always act together with the rest of the bishops and these should always act together with their *primus*.⁵¹

Moreover, the ideal juridical status of the church in Orthodox ecclesiology is autocephaly, according to which each church is governed by its own synod without interference from any other church having its own head in the person of the patriarch, archbishop or metropolitan.⁵²

It is well known that after the Schism the Western church not only did not accept any longer the pentarchy (with all its prerogatives) and developed an ecclesiology based on juridical power where the *primus*, the Roman Pontiff remained *primus* but no longer *inter pares*. The Second Vatican Council gave emphasis to this ecclesiology, since the Pope has ‘full, supreme and universal power over the Church’ (LG 22).

⁴⁸ Ibid.

⁴⁹ ZIZIOULAS, J., ‘Primacy in the Church: An Orthodox Approach’ in PUGLISI, J., (ed.), *Petrine Ministry and the Unity of the Church. Toward a Patient and Fraternal Dialogue*, Collegeville: The Liturgical Press, 1999, pp. 120-22.

⁵⁰ Ibid., p. 121.

⁵¹ Ibid., pp. 124-25. The text of the Apostolic Canon states: ‘The bishops of every nation must acknowledge him who is first among them and account him as their head, and do nothing of consequence without his consent... but neither let him (who is the first) do anything without the consent of all; for so there will be unanimity...’

⁵² ZIZIOULAS, J., *Being as communion: Studies in Personhood and the Church*, Crestwood, NY: St. Vladimir’s Seminary Press, 1992, p. 253.

In the case of Eastern Catholic Churches we have to deal with *Ecclesiae sui iuris* which are different churches within the Catholic Church which live the faith according to one of the five original traditions and which is the communion of different dioceses united under the leadership of a common head. Such leader is legitimately elected and is in communion with Rome, and with the synod constitutes the highest authority, without prejudice to the primacy of the Roman Pontiff.⁵³

Without entering into the details of the theological, ecclesiological and canonical foundations of the synodality, we would like to draw our attention mainly on the power of the (patriarchal) synod of bishops and within this theme the election of bishops. Pallath retains that it was customary in the Early Church that bishops and metropolitans were freely elected by the synods of each Church, with absolute majority vote, without the intervention of any other church, not even that of Rome whose head, in the pentarchy, had the privilege of the *primus inter pares*.⁵⁴ According to Tillard and Congar, even in the Western Church, for many centuries bishops were elected by the local church without the intervention of the bishop of Rome.⁵⁵

Nowadays Eastern patriarchal and major archiepiscopal churches in communion with Rome rejoice of the same practice by which the synod freely elects bishops who are then communicated to the Holy See for confirmation or information. This is not the case any longer in the Western Church which is now *toto urbe terrarum*.

The Second Vatican Council – after long disputes between Oriental patriarchs and Rome over the free election of bishops by the Eastern Churches during the second millennium – introduced the *ius interveniendi*, by which the pope could intervene in the process of election if he so judges⁵⁶, while the Synod of bishops still maintains the full power to elect bishops for the need of the *sui iuris* Church.

⁵³ Cf. ZUZEK, I., 'The *Ecclesia Sui Iuris* in the Revision of Canon Law' in LATOURELLE, R., *Vatican II: Assessment and Perspectives Twenty Five Years After*, vol. 3, New York: Paulist Press, 1989, pp. 296-97.

⁵⁴ PALLATH, P., *The Synod of Bishops of Catholic Oriental Churches*, Rome: Mar Thoma Yogam, 1994, p. 172.

⁵⁵ *Ibid.*, pp. 172-73.

⁵⁶ OE 9b. See also PALLATH, p. 174.

4.3 The Episcopal Conference of the Latin Church and the Synod of Bishop of the Eastern Churches

Both of these bodies of bishops in the Catholic Church have similarities in their structure and functioning but one would easily note that the differences are significant.

National (or territorial) episcopal conferences received official status of ecclesiastical institution with the Decree *Christus Dominus*: ‘this sacred synod considers it to be supremely fitting that everywhere bishops belonging to the same nation or region form an association which would meet at fixed times’ (CD 37). The 1983 Code of Canon Law embodied the provisions of *Christus Dominus* in cc. 447-459 83CIC.

The parallel institution of the episcopal conference of the Latin Church is the Synod of Bishops in the Oriental Churches.⁵⁷ The differences between the two institutions are related to membership and power of vote: **all** ordained bishops of the *sui iuris* church are *de iure* members of the Synod enjoying active vote, whereas only diocesan bishops (or their equivalent) and coadjutor bishops have active vote in the Episcopal Conference.⁵⁸

Moreover, the Synod of Bishops enjoys legislative, judicial (tribunal up to the third instance, the Synod being the supreme tribunal of the *sui iuris* Church), administrative and electoral (can freely elect the patriarch [= *pater et caput*] and bishops) powers, whereas the Episcopal Conference has very limited legislative and some administrative powers, and no electoral and judicial powers.⁵⁹

5 Conclusions

Along our journey through some of the documents of the Second Vatican Council, some of the canons of the 1983 Code of Canon Law, but especially through the theological and dogmatic presentation of key concepts in contemporary ecclesiology, in both East and West, in the universal Church which included the Eastern separated ones, we were aware of the fact that the Church is in a need of continuous reform.

⁵⁷ Cf. PALLATH, pp. 213-14.

⁵⁸ C. 102 CCEO. C. 454 83CIC: ‘*Suffragium deliberativum [...] competit Episcopus dioecesis [...] necnon Episcopis coadiutoribus*’.

⁵⁹ PALLATH, p. 228.

Scripture, Tradition and Revelation need to be actualized in every day life, in a changing world where the Catholic Church is engaged in a multilevel dialogue with cultures, in which ecumenical and inter-religious dialogue should prevail.

The Church cannot sin as being the mystical body of Jesus Christ, but her members, mortal human beings are weak and exposed to error. If one of her members is encouraged to point out some of the failures of a system, it is for the well-being of the Church, with love and compassion. The theological *iter* we engaged in showed that there are still areas of growth and while we are invited to go back to the sources, we have to undertake such an attempt mindful of the errors of the past, while seeking the good of all souls.

It is clear that in the ecumenical endeavour the existence and exercise of the Roman primacy still constitute a difficulty, and one could ask whether an improvement would be possible in the structure of command which, in spite of many efforts, became very centralized; even with ecclesial structures which were enjoying total autonomy while asking the full communion with Rome.

Perhaps a decentralisation is needed in order to strengthen the college of bishops under and with their head, the Supreme Pontiff. It might be time to apply the theological and ecclesiological reflections which surfaced during the post-conciliar period. In a third millennium Church, whose context moved a long time ago from 'European' to being universal, it is time to go beyond individualistic barriers, secular preoccupations, and strive together as Church of Christ, bishops and faithful together, in seeking what really is needed to be purified.

Lumen Gentium was the most debated document during the four sessions of the Second Vatican Council. At its heart is the universal call to holiness with its *communio*. Through long debates, discernment and prayer, the Fathers brought to light a more complete theology of episcopacy, continuing the reflections which began with the First Vatican Council. The Church should become aware of the richness that such theology contains and be humble enough to consider new ways of leadership within the structures that contemporary society requires. In *Ut unum sint* (1995) John Paul II raised the question of the style of leadership in the Catholic Church in relation to the episcopal college. We have a long journey to engage upon on the paths of ecumenism until the full unity in faith will be attained.

We live with the belief that the Holy Spirit is at work in the Church and that we are never alone in seeking the truth and to promote *communio* and peace among all peoples. The development of the notion of collegiality as the expression of that deeper communion of the universal church was a key achievement of *Lumen Gentium*. It has been part of the argument of this essay that in returning to it we can not only return to the guiding inspiration and insight, but also find some clues to help us in resolving the tensions which it also generated.

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