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LA THÈSE A ÉTÉ
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THE TEACHING OFFICE
OF THE DIOCESAN BISHOP

By Joseph Tobin

A dissertation submitted to the
Faculty of Canon Law of Saint
Paul University, Ottawa, Canada
in partial fulfillment of the
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Abbreviations

A.A.	<u>Apostolicam Actuositatem</u>
A.A.S.	<u>Acta Apostolica Sedis</u>
A.G.	<u>Ad Gentes</u>
C.C.C.B.	<u>Canadian Conference Catholic Bishops</u>
C.D.	<u>Christus Dominus</u>
C.I.C.	<u>Codex Iuris Canonici</u>
C.L.D.	<u>Canon Law Digest</u>
C.P.	<u>Communio et Progressio</u>
C.T.	<u>Catechesi Tradendae</u>
D.V.	<u>Dei Verbum</u>
E.N.	<u>Evangelii Nuntiandi</u>
E.S.	<u>Ecclesiae Sanctae</u>
G.E.	<u>Gravissimum Educationis</u>
G.S.	<u>Gaudium et Spes</u>
I.M.	<u>Inter Mirifica</u>
L.G.	<u>Lumen Gentium</u>
N.C.E.	<u>New Catholic Encyclopedia</u>
O.T.	<u>Optatam Totius</u>
P.C.	<u>Perfectae Caritatis</u>
P.O.	<u>Presbyterorum Ordinis</u>
S.C.	<u>Sacrosanctum Concilium</u>
Sap. Ch.	<u>Sapientia Christianae</u>
T.P.S.	<u>The Pope Speaks</u>

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Introduction

Jesus called His Apostles into communion with him and confirmed them with his own mission. "You shall receive power when the Holy Spirit descends upon you; and you shall be my witnesses both in Jerusalem and in all Judaea and Samaria, and to the remotest parts of the earth" (Acts 1:8).

Since this first commissioning, the apostolic mission of spreading the Good News has been carried on by the bishops who by divine institution have taken the place of the Apostles.

This episcopal ministry has been understood and carried out in various ways throughout the history of the Church. Yet, because of numerous other episcopal duties, the diocesan bishop's role as teacher has not always been given the recognition it deserved.

In the Second Vatican Council, the Fathers reviewed the life and mission of the Church. From the doctrinal and pastoral perspectives that served as starting points, there developed other aspects of ecclesial life, in particular a recognition of the need to reaffirm the teaching function of the bishops. What emerged was a new doctrinal and pastoral portrait of the diocesan bishop as teacher, which when implemented throughout the Church, would help greatly in bringing to reality the "aggiornamento" upon which the Church had been launched by Pope John XXIII.

One purpose of the present work is to study and reflect upon the teaching office of the diocesan bishop, noting the importance of this episcopal function in the total mission of the Church. We intend to show how the Conciliar teaching on the bishop's teaching office has been assumed in the 1983 Code of Canon Law, illustrate how a knowledge of the Conciliar teaching and spirit is needed if we are

to interpret correctly the new legislation and see to its implementation.

Therefore, this study begins with a review of Conciliar documents on the nature of the bishop's teaching office and the manner in which this office is to be fulfilled by the diocesan bishop. The Council portrays the teaching office of the bishop as a complex interrelation of duties such as preaching, providing catechetical instruction, carrying out missionary and prophetic activities, as well as overseeing the spheres of education and social communications. From the Conciliar teaching, principles may then be drawn which were used to shape the new law; these same principles, it seems, would have to be applied in its interpretation.

In the post-Conciliar period many documents have been issued by the Apostolic See which treat, although not always explicitly, of the diocesan bishop's role as teacher in the Church. These documents serve as one means of promoting and implementing the teaching and spirit of the Second Vatican Council. They too will have to be considered in our analysis of the new legislation.

The codification of the diocesan bishop's responsibilities as teacher, should make it easier for him to fulfil his teaching mission more effectively in the concrete situations of everyday life. As a result of this, the entire Church, will be better able to realize its mission.

Briefly, then, the aim of this dissertation is to examine the Church's doctrine on the bishop's teaching office, noting how it has been codified in the new law, and, in particular, to provide an appropriate instrument for the interpretation of these new norms and their application to pastoral situations.

This dissertation studies specifically the role of the diocesan bishop as teacher in his diocese. It does not look at other related questions, such as the bishop being a member of the College or a member of the episcopal Conference, but concentrates solely on his teaching office in the diocese.

CHAPTER I: VATICAN II AND EPISCOPAL MAGISTERIUM

The Second Vatican Council serves as a most important source for a canonical study of episcopal magisterium and its exercise. From the doctrinal and pastoral texts of the Council, a new understanding of "Church" emerges, together with a new understanding of the nature, characteristics and responsibilities of the bishop's teaching office in the Church. If the "aggiornamento" of the Council is to continue, the Conciliar spirit must be incorporated into the law by means of the underlying principles that shaped the documents of Vatican II.

In this chapter, it is our intention to identify the Conciliar teaching on the magisterial role of the diocesan bishop, and to note those Conciliar principles that serve as aids in understanding and, therefore, in implementing the revised law on the teaching office of the bishop.

I. CONCILIAR TEACHING

An ecumenical Council is a solemn expression of the supreme authority over the whole Church as exercised by the College of Bishops, necessarily including at its head, the Roman Pontiff.

Therefore, it is to this supreme authority, as expressed and experienced in the Second Vatican Council, that we turn to come to a deeper understanding of ecclesial teaching on the office of the diocesan bishop.

By examining and synthesizing the Conciliar teaching on the nature and characteristics of the "munus docendi" and then noting the Conciliar description of the bishop's duties in this office, we will have an authentic theological vision of

the diocesan bishop's teaching office against which we can evaluate the canonical portrait presented in the revised law.

A. THE NATURE OF THE "MUNUS DOCENDI"¹

In the dogmatic constitution on the Church, Lumen Gentium, which was promulgated on November 21, 1964,² the Second Vatican Council, presenting the fruit of self-examination under the guidance of the Holy Spirit, teaches about the "nature and universal mission" of the Church. In particular, chapter three, "The Church is Hierarchical",³ treats of this nature and mission in relation to the role of bishops in the Church. This matter is further developed and presented in a pastoral manner in the decree on the pastoral office of bishops in the Church, Christus Dominus, promulgated on October 28, 1965.⁴ Drawing from the Council Fathers' teaching in these texts on episcopal consecration and hierarchical communion, and their understanding of the bishop as successor to the apostles and vicar of Christ, we can begin to build a study of episcopal magisterium.

¹ "Munus docendi" is a technical phrase used by the Council Fathers, meaning the "office of teaching". "Munus" is varyingly translated by "duty", "function", or "ministry", emphasizing the pastoral character of episcopal power and functioning.

² A.A.S., 57 (1965), pp. 5-67.

³ This is the title of the third chapter of "Lumen Gentium", as it appears in the translation of A. Flannery, O.P., editor, Vatican Council II: The Conciliar and Post Conciliar Documents, New York, Costello publishing Co., 1975, p. 369. All English references to Vatican II will be made to this work.

⁴ A.A.S., 58 (1966), pp. 673-696.

1. Episcopal consecration

Episcopal magisterium is conferred in the rite of consecration, and is exercised only in hierarchical communion with the pope and the college of bishops. "Episcopal consecration confers together with the office of sanctifying the duty (munus) also of teaching and ruling, which, however, of their very nature can be exercised only in hierarchical communion with the head and members of the college."⁵ This consecration confers the fullness of the sacrament of Orders, charging the bishop with the tria munera of teaching, sanctifying and serving. From the earliest times during this rite, the book of the gospels has been placed on the candidate's head and he is commissioned: "Receive the gospel and announce to the people that which is entrusted to you."⁶

The mission to teach is not simply a power ordered to action: rather, it should be understood as an intimate sharing in the threefold office of Christ.

In fact, from tradition, which is expressed especially in the liturgical rites and in the customs of both the Eastern and Western Church, it is abundantly clear that by the imposition of hands and through the words of consecration the grace of the Holy Spirit is given, and a sacred character is impressed in such wise that bishops in a resplendent and visible manner take the place of Christ himself, teacher, shepherd and priest, and act as his representatives.⁷

To teach as Christ's representative is to be empowered by Him. Christ is the source of all power in the Church which continues his mission through the operation of the Holy Spirit.

⁵ "Lumen Gentium" (L.G.) No. 21, emphasis added. For a more comprehensive study on "hierarchical communion" see Gianfranco GHIRLANDA, S.J., Hierarchica Communio: significato della formula nella "Lumen Gentium", Roma, Universita Gregoriana editrice, 1980, xix-653p.

⁶ W. ONCLIN, "La Génèse, le titre et les structures du décret, "Christus Dominus", in Vatican II: La charge pastorale des évêques, Paris, ed. du Cerf, 1969, p. 126. Cf. bibliography where English text is given.

⁷ L.G. No. 21, emphasis added. Unless shown otherwise, all underlined sections of quotes are emphases added by this author.

The tria munera, which the bishop receives in consecration, are not a threefold division of power, but three expressions or functionings of the one sacra potestas. The relating of each munus to episcopal consecration developed throughout the drafts of Lumen Gentium. In the first draft of the Constitution, the traditional distinction between the power of orders and jurisdiction was retained.⁸ This draft reads as follows: "The Pastor and bishop of our souls (1 Peter 2:25) thus instituted in the Church the power of teaching and governing authentically so that they would be joined, by their nature, in a close bond, to the power of sanctifying which is conferred in sacred orders."⁹

This 1962 text received no substantial change until it was reworked by the doctrinal commission and came under general discussion before the assembly in March-July, 1964. The result was a textus emendatus, which J. Beyer calls the "fourth draft", and which is identical to the promulgated one with the exception of the word "hierarchical" which was added to qualify "communion". In the textus emendatus the radical development is the rooting in episcopal consecration of the offices of teaching and governing and not only the office of sanctifying. This new development in the understanding of the source of all power in the Church does not undermine the traditional distinction between the power of orders and the power of governance, jurisdiction.¹⁰ However, it does throw new light on such canonical discussion, without closing it.

⁸ J. BEYER, S.J., "La Nouvelle définition de la 'Potestas Regiminis' ", in L'Année canonique, 24 (1980), p. 57. (Chapter 3, par. 11).

⁹ Ibid.

¹⁰ The three powers are properly sacerdotal, that is to say each of them has their origin in the sacrament of order. Canonical mission makes possible their orderly and expeditious use, and constitutes no more than a conditio sine qua non to safeguard harmonious ecclesiastical co-existence. Cf. Armando BANDERA, Summary, "The Sacerdotal Root of the Bishop's Collegiality", in Scripta Theologica, 14 (1982), p. 459.

Thus, the episcopal munus docendi is a pneumatic and charismatic power which cannot be stated solely in juridical terms.¹¹ It must firstly be understood as a supernatural power; an examination of the Conciliar teaching on the bishop as apostolic successor and vicar of Christ will provide the basis for such understanding; then its juridical realities can be ascertained.

2. Apostolic succession

The Council Fathers teach without hesitation that a bishop by consecration becomes a successor to the Apostles.¹²

In order to fulfil such exalted functions, the apostles were endowed by Christ with a special outpouring of the Holy Spirit coming upon them (cf Acts 1:8; 2:4; Jn 20:22-23), and by the imposition of hands, (cf 1 Tim. 4:14; 2 Tim. 1:6-7) they passed on to their auxiliaries the gift of the Spirit, which is transmitted down to our day through episcopal consecration.¹³

The bishop is consecrated into an apostolic office charged with the same mission as the apostles. This is the consistent and often repeated doctrine of the Vatican Council,¹⁴ a doctrine enriched by numerous scriptural references.

¹¹ K. McNAMARA, ed., Vatican II: The Constitution on the Church; A Theological and Pastoral Commentary, London, Geof. Chapman, 1968, p. 176.

¹² Apostolic succession is a traditional doctrine of the Church, having developed in the second century in the Church's argument against gnosticism. However, there is discussion among theologians as to its exact nature. Some of the questions they raise are: in the sense in which the apostles are founders, they have no successors, and, did the bishops of the New Testament have a universal concern for the Church?

¹³ L.G. No. 21.

¹⁴ For concise Conciliar teaching on Apostolic Succession, see: L.G., Nos. 21-22; also see: Introduction of "Christus Dominus" (C.D.); and "Dei Verbum" (D.V.) 7-10.

3. The bishop as vicar of Christ

In as much as the bishops are the successors of the Apostles they:

...receive from the Lord, to whom all power is given in heaven and on earth, the mission of teaching all peoples, and of preaching the gospel to every creature, so that all men may attain to salvation through faith, baptism and the observance of the commandments (cf Mt. 28:18; Mk. 16:15-16; Acts 26:17f).¹⁵

The bishop has a divine mandate to teach. He acts as the vicar of Christ when he teaches in his own diocese. Describing the operation of this power, the Council Fathers state:

Bishops, as successors of the apostles, enjoy as of right in the diocese assigned to them all ordinary, proper and immediate power, which is required for the exercise of their pastoral office, but always without prejudice to the power which the Roman Pontiff possesses by virtue of his office, of reserving certain matters to himself or to some other authority.¹⁶

This clear and important statement on the nature of the bishop's pastoral office affirms that his power is one of divine right received in his consecration, and not one derived from the universal power of the Roman Pontiff.¹⁷

It is not a new teaching to state that his power is ordinary and immediate, as this was previously codified in C.I.C. (1917), canon 334, §1. What is new is that this power is described as propria, that is proper to the bishop himself, even though its exercise is dependent on the authority of the Roman Pontiff. Inherent in this proper power is the bishop's responsibility to utilize it to its full potential, always in communion with his brother bishops and under the Supreme Pontiff, for the good of the faithful assigned to him and of the entire Church.

¹⁵ D.V., No. 7.

¹⁶ C.D., No. 8a.

¹⁷ "The Roman Pontiff, by reason of his office as Vicar of Christ, and as Pastor of the entire Church, has full, supreme and universal power over the whole Church, a power which he can always exercise unhindered" (L.G., No. 22).

4. Hierarchical communion

The bishop's munus docendi is determined juridically by his entry into the ecclesial reality of hierarchical communion and his activity within the communion.

In modus 40 on the third chapter,¹⁸ it was requested that a more explicit statement on canonical mission be adopted. Such an addition to the third draft of the Constitution was not seen as necessary, since paragraph 24 made explicit mention of it: "The canonical mission of the bishops, on the other hand, can be made by legitimate customs that have not been revoked by the supreme and universal authority of the Church, or by laws made or acknowledged by the same authority, or directly by Peter's successor himself."¹⁹

Furthermore, paragraph 21 of the text in question leaves no doubt that the three offices "of their very nature can be exercised only in hierarchical communion..."²⁰

The bishop's divine mandate remains in potentia, until he functions as a member of the episcopal college, specifically assigned to a particular community. Writing on jurisdiction, James Cuneo explains: "The power of jurisdiction is the power of communion, a power to function in the Church..."²¹

A second canonist, Jean Beyer, links hierarchical communion with canonical mission in the following way:

18 Modus 40 of L.G., 21, in Acta synodalia Sacrosancti Concilii Oecumenici Vaticani II, Cura et studio Archivi Concilii Oecumenici Vaticani II, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1970-1981; vol., 3-3-8, p. 62.

19 L.G., No. 24b.

20 L.G., Nos. 21 and 24b.

21 J. CUNEO, "The Power of Jurisdiction: Empowerment for Church Functioning and Mission distinct from the Power of Orders", in The Jurist, 39 (1979), p. 217.

With regard to insertion into the 'communio hierarchica' we can say that it comes with the 'canonical mission' legitimately received from competent authority, ultimately from the Head of the College, and more specifically, from the appointment to an episcopal see with the pastoral office of a determined people or another charge or ecclesial office.²²

The pastoral office mandated to a bishop need not be to a particular see, but always includes the exercising of his authority in hierarchical communion with the head and members of the episcopal college.

From the Conciliar teaching it is evident that the bishop's teaching office is an apostolic office, empowered by Christ, conferred through consecration, and exercised in communion with the head and the other members of the college. The Council further teaches that there are particular characteristics pertaining to the episcopal teaching office.

B. CHARACTERISTICS OF THE "MUNUS DOCENDI"

A fuller understanding of episcopal magisterium may be gained by noting some of its major characteristics.

1. The bishop's principal task is to teach

A key text in a conciliar study of the bishop's teaching office is Lumen Gentium 25a which begins: "Among the more important duties of bishops that of preaching the gospel has pride of place."²³ This is a restatement of the Council of Trent's teaching that "all the bishops... are held and obliged to preach themselves,

²² J. Beyer, op. cit., p. 66.

²³ L.G. 25.

the holy gospel of Jesus Christ."²⁴ The same Council in canon 4 states: "the preaching of the word of God, the principal function of bishops must be exercised, if possible, more often for the salvation of souls."²⁵ Other texts of the Second Vatican Council also express the eminence of preaching as an episcopal task.²⁶

Such emphasis is not new, but perhaps we could say is timely restated. In a Pauline classification of charisms we note that apostles, prophets and teachers are mentioned first, well before those who hold any administrative functions.²⁷

However, not all the Council Fathers and commentators were in agreement with this renewed emphasis. Four Fathers suggested that to qualify preaching with praecipium was too strong, preferring the less emphatic "inter praecipia". The Commission responded that like the Tridentine teaching, the understanding of "praecipium" was to be "assertive" rather than "exclusive".²⁸

More will be said about the bishop's preaching task under the heading of his proper duties. However, it should be pointed out that each time the Holy Synod treats of the three offices, "munus docendi" is mentioned first.

2. The bishop is a herald and doctor

Episcopal proclamation of the gospel is to be addressed to two audiences. Firstly, the bishop is to be the herald of faith to those who do not yet know Christ;

²⁴ Cf. Council of Trent, Decree de Reformatione, Session V, c. 2, in Canons and Decrees of the Council of Trent, Trans. J. SCHROEDER, R. Hender Book Co., London, 1941, p. 305.

²⁵ Council of Trent, Session XXIV, c. 4, ibid., pp. 382-383.

²⁶ C.D., Nos. 12&13; S.C., No. 6; A.G., No. 1; P.O., No. 4.

²⁷ 1 Cor. 12:28.

²⁸ Acta synodalia, vol. 3-3-8, p. 87.

secondly, he is to be an authentic teacher deepening the faith of those who do know him.²⁹ "Fortified by the Spirit they should call on men to believe or should strengthen them where they already have a living faith."³⁰

There is an underlying presumption here that the bishop is being led by the Spirit to an ever-deepening commitment in personal faith, which is brought to fruition in his witness to Christ before all humanity. The gospel is to be proclaimed to those who acknowledge the "Prince of Pastors", to those who have strayed from the path of truth and to those who have no knowledge of the gospel of Christ.³¹

In these roles of herald of faith and authentic doctor, the bishop presents the same person, Jesus Christ, so that all might be drawn to him, and in their turn be his "new disciples".³² The goal of any episcopal teaching is to lead all to maturity in faith, in which the gospel forms their thinking and directs their conduct, enabling them to walk "in all goodness, justice and truth".³³

3. The bishop has received a universal and a particular mandate

The bishop, in communion with the head and the other members of the episcopal college, teaches that portion of the People of God assigned to him.³⁴

²⁹ L.G., No. 25.

³⁰ C.D., No. 12.

³¹ C.D., No. 11.

³² L.G., No. 25.

³³ C.D., No. 11.

³⁴ L.G., No. 23.

Each bishop has received the charge of a particular community, presiding in God's stead over the flock of which he is the shepherd, since he is a teacher of doctrine, a minister of sacred worship and a holder of office in government.³⁵ It is in the particular Church that the bishop generally exercises his jurisdiction to teach.

In so far as this teaching is exercised in hierarchical communion, it also has a universal dimension, for the bishop presents to his people the doctrine entrusted to the whole Church, and reflects to the universal Church the faith of the particular Church. "But no less a function is his "task of announcing the Gospel in the whole world", for as "members of the episcopal college, and legitimate successors of the Apostles, by Christ's arrangement and decree, each is bound to have such care and solicitude for the whole Church...³⁶ The Council Fathers laid great stress on the bishop's missionary responsibility, insisting particularly that he have a personal concern expressed in a generous sharing of resources, including "good priests", and the promoting of a missionary spirit in the hearts of his people.³⁷

4. The bishop's role is marked by a spirit of service

The ordinary episcopal magisterium must be understood "in a strict sense of the term a service, which is called very expressively in sacred scripture a 'diakonia' or ministry."³⁸ In the context of his teaching mission, the bishop's diaconal role is twofold.

³⁵ L.G., No. 20.

³⁶ L.G., No. 23.

³⁷ Cf. Vatican II, Decree on the Church's Missionary Activity, "Ad gentes divinitus", December 7, 1965; A.A.S., 58 (1966), pp. 947-990.

³⁸ L.G., No. 24, Flannery, *op. cit.*, p. 378. To illustrate the scriptural basis for this concept of diakonia the Council Fathers insert a number of texts at the end of the paragraph: Acts 1:17 & 25; 21:19; Rom 11:13; 1Tim. 1:12.

He is both servant of the Word and servant of the people assigned to him. Although the magisterium acts authoritatively in the name of Jesus Christ, it is "not superior to the Word of God, but is its servant."³⁹ The bishop is not to add or take away from the Word in his teaching, but with the aid of the Holy Spirit he is to "communicate" the fullness of truth.

In the new Conciliar definition of a diocese, the second diaconal dimension of the bishop's "munus docendi" is revealed.

A diocese is a section of the People of God entrusted to a bishop to be guided by him with the assistance of his clergy so that, loyal to its pastor and formed by him into one community in the Holy Spirit through the Gospel and the Eucharist, it constitutes one particular church in which the one, holy, catholic, apostolic Church of Christ is truly present and active.⁴⁰

The tone and emphasis of the Council Fathers are truly pastoral. This People of God is entrusted to the bishop, who is to guide and form it by means of the Gospel and the Eucharist. The bishop's twofold diaconal role is complementary, for to feed his faithful the Word is also to minister to that same Word. The pastoral nature of the bishop's ministry of the Word will further unfold as we note that his service requires loyalty.

5. The bishop's service is authoritative

The bishops are teachers endowed with the authority of Christ.⁴¹ Under the light of the Holy Spirit, they are to make the faith shine forth.⁴² When

³⁹ D.V., No. 10.

⁴⁰ C.D., No. 11.

⁴¹ L.G., No. 21.

⁴² L.G., No. 25.

teaching in communion with the college of bishops and the Roman Pontiff, they are to be revered by all as witnesses of divine and ecclesial faith.⁴³ For these reasons an obligation befalls the believer in regard to his own bishop. The believer's response to the teaching of his bishop:

is a matter of religious obedience, that is, inspired ultimately by the certainty of his Christian faith as a whole, an obedience given to the bishop in so far as he teaches as a witness to the faith of the whole Church, and in so far as his testimony bears on matters of faith and morals, that is, on Christian revelation, and not on profane knowledge.⁴⁴

To say that obedience is required to the ordinary episcopal magisterium, is not to say the bishop prescribes or imposes the faith: rather, the Council Fathers are teaching that the responsibility lies on the faithful, the hearers of the Word, to make an interior act of faith, which can only be given in response to the authority of God himself.

In so far as the individual bishop teaches the doctrine of the entire episcopal body, the more ready and the more deeply should the faithful respond with assent. The bishop presents this universal doctrine of salvation in order to build up the body of Christ,⁴⁵ and thus he is: "owed not only the general supernatural reverence and assent which must be given to all successors of the apostles, but also the more particular and binding assent of supernatural religious obedience in doctrinal matters."⁴⁶ Having been served the Word of God, a

⁴³ L.G., No. 25.

⁴⁴ K. RAHNER, and others, "The hierarchical Structure of the Church, with Special Reference to the Episcopate", in Commentary on the Documents of Vatican II, H. Vorgrimler, ed., vol. 1, p. 208.

⁴⁵ D.V., No. 10.

⁴⁶ C. COLOMBO, "Obedience to the Ordinary Magisterium", in Obedience and the Church, (Papers by) K. Rahner (and others), Washington, Corpus Books, 1968, p. 84.

response of religious assent from the faithful, endorses the bishop as he pursues authentically his divine mandate to preserve, interpret and announce the faith.

6. The bishop is charged with authentic interpretation of the Word

To grasp the Conciliar teaching on the episcopal role of "diakonia" and the concept of authoritative teaching, we will examine the comprehensive task of the bishop as an authentic interpreter of the Word. However, to put this diaconal interpretive task in perspective, a study of the entire Church's role in regard to Revelation is warranted.

In the rich Conciliar document on Divine Revelation, Dei Verbum, we read: "Sacred Tradition and Sacred Scripture make up a single deposit of the Word of God, which is entrusted to the Church."⁴⁷

It is entrusted then, not exclusively to the bishops, the successors of the apostles nor to the Chief Shepherd, who has the universal task of feeding all, but to the Church as a whole, "the entire holy people".

The "magisterial role" of "maintaining, practising and professing the faith that has been handed on" must be fulfilled on a local level in a remarkable harmony between the bishop and the faithful.⁴⁸ The entire people of God is responsible for the deposit of faith. Three Council Fathers had desired to insert a distinction here between the Church's observing the sacrum depositum and the magisterium's preserving it. The commission responded: "Both the Magisterium and the whole Church are to conserve and observe the deposit."⁴⁹

⁴⁷ D.V., No. 10.

⁴⁸ Ibid: Footnote 7 of this paragraph refers to Pius XII's Apostolic Constitution, "Munificentissimus Deus", (A.A.S., 42 (1950), p. 756), and the words of St. Cyprian. "The Church is the people united to its Priests, the flock adhering to its shepherd."

⁴⁹ Acta synodalia, Vol. 4-4-5, p. 701, modus 45.

The harmonious cooperation between pastor and faithful which must typify the conservation and observation of the "entrusted deposit", calls forth in the bishop a pastoral spirit, expressed by dialogue and discernment.

One might ask whether there is not some dichotomy between the episcopal task of authoritative teaching and the faithful's task not only of observing the faith, but also preserving it in communion with the pastor. The Conciliar answer to this important question may be found in its teaching on the diaconal episcopal task of being an authentic interpreter of the "single deposit": "the task of giving an authentic interpretation of the Word of God, whether in its written form or in the form of tradition, has been entrusted to the living teaching office of the Church alone."⁵⁰ The "living teaching office's" authority in this entrustment is exercised "in nomine Jesu Christi".⁵¹ The Council Fathers leave no

⁵⁰ D.V., No. 10b.

⁵¹ *Ibid.*, pp. 755-756. To speak of the bishop as an authentic interpreter does not lessen the theologian's role. The bishop teaches with the authority of an apostolic office in the name of Christ and in the name of the Church. However, the theologian teaches as a member of the faithful, and with an authority based on his own scientific competence. In the Pastoral Constitution, the Holy Synod proclaimed: "With the help of the Holy Spirit, it is the task of the entire People of God, particularly of pastors and theologians, to listen to and distinguish the many voices of our times and to interpret them in the light of the divine Word, in order that the revealed truth may be more deeply penetrated, better understood, and more suitably presented." The bishop and theologian are to work alongside each other, in a complementary fashion, in service of the Word, and in an ongoing search for Truth. The total event of the Vatican Council is a perfect example of this in practice.

The task of authentic interpretation as discussed belongs to the magisterium, and is therefore proper to the bishop. The theologian's task is to serve the Word, particularly in the application of his scientific competency to the single deposit of faith. More will be said about the relationship between the bishop and theologians in chapter 4.

doubt that this vital task of "interpretation", which means more than "teaching" in this context,⁵² belongs solely to the magisterium.⁵³

Those who exercise this living teaching office of the Church are the successors of the Apostles, the college of Bishops, with the successor of Peter, the Pope, at their head.⁵⁴

What is essentially important is that the apostles handed on not only a certain body of truths, but also their own teaching roles.⁵⁵ The apostles' role was unique to themselves, and, in turn, the bishops' task is unique since it "involves not only handing on the object of Revelation but also explaining it authentically, binding men in conscience to accept it with faith according to their culture and mentality and the difference of place and time."⁵⁶

Authentically interpreting is the essential act of magisterial service. Like Paul, the apostle, who introduced himself at the beginning of his letters as the "servant of Christ",⁵⁷ the bishop must seek to serve Christ in his Word.⁵⁸ In a

⁵² *Acta Synodalia*, vol. 4-4-5, p. 702, Modus 49.

⁵³ The Council Fathers drew on the teaching of Pius XII in "Humani Generis", adopting his phrase "soli Ecclesiae Magisterio". "The Divine Saviour entrusted his Word neither to the individual believer, nor to the theologian as such for its authentic interpretation but solely to the teaching office." D.S. 3886.

⁵⁴ A. BEA, *The Word of God and Mankind*, trans., D. White, London, Geof. Chapman, 1967, p. 161. Cf. D.V. No. 7.

⁵⁵ Cf. D.V., No. 7b.

⁵⁶ A. BEA, *op. cit.*, p. 162.

⁵⁷ Rom. 1:1; Phil. 1:1; Tit. 1:1; Gal. 1:10; 1Cor. 4:1.

⁵⁸ D.V., No. 10, *op. cit.*, p. 756. The Conciliar teaching on the magisterium being the "servant of the Word" lends itself to a pastoral understanding of the bishop's teaching task, and to a genuine ecumenical thrust as part of the Church's dialogue.

spirit of service (authentically) he explains Revelation binding men in conscience to accept it. However, firstly, the bishop himself, is called to humble obedience to Christ in his Word. "At the divine command and with the help of the Holy Spirit, it /the magisterium/ listens to this devotedly, guards it with dedication and expounds it faithfully. All that it proposes for belief is drawn from this single deposit of faith."⁵⁹ If the bishop listens to revelation, guards and expounds it to the full depth that this text suggests, then truly the teaching in the person of the bishop will be "living" and his teaching will be authentic.

a) "Pie audit".--The true servant of the Word must become the friend of Christ. He receives the same divine invitation that the apostles received to abide⁶⁰ with Christ: "I shall not call you servants any more, because a servant does not know his master's business; I call you friends because I have made known to you everything I have learned from my Father."⁶¹ If the bishop is to serve authentically, he must allow the Word to take root in his heart. He must spend time meditating, reading and studying, that is, he must be an active member of the "ecclesia discens" if he is to be an authentic member of the "ecclesia docens".

Those who "are officially engaged in the ministry of the Word; should immerse themselves in the Scriptures by constant sacred reading and diligent study. For it must not happen that anyone becomes an empty preacher of the Word of God to others, not being a hearer of the Word in

⁵⁹ Ibid.

⁶⁰ The Greek verb "MENEIN", meaning "to abide" is used by the gospel writer, early in the fourth Gospel, when Jesus invites the two disciples of John the Baptist, to remain/abide with him, and then again in John 15 where Jesus speaks to the Apostles about remaining/abiding with and in him. It is necessary to abide with Christ in order to receive the fullness of Revelation; it is necessary to permit Christ's Words to remain if one is to bear fruit in plenty.

⁶¹ John: 15:15.

his own heart, when he ought to be sharing the boundless riches of the divine Word with the faithful committed to his care, especially in the sacred liturgy.⁶²

To speak of "ecclesia discens" and "ecclesia docens" is not to speak of two different churches, rather it is to speak of two functions that are necessarily complementary in the living teaching office of the bishop.

If the bishop is to draw from the storehouse of Revelation new things and old,⁶³ he must spend time in this listening and learning process with the aid of the Holy Spirit. Only then can he authentically interpret the sacred deposit.

b) "Sancte custodit".--To interpret the deposit authentically is also to guard it with dedication. Since it belongs to the whole Church, the faithful have a right to receive Revelation in its fullness. By safeguarding it with dedication, the bishop ensures the stated right of the believers.

In pastoral practice, what is the bishop's role in safeguarding the faith? Is it simply a matter of judgment and condemnation of erroneous doctrine?

Commenting on paragraph 13 of "Christus Dominus", Mörsdorf states: "it does not say in so many words that the diocesan bishop is to judge whether the teaching of an individual agrees with the doctrine of the Church, and to discipline those who teach a wrong doctrine."⁶⁴ We would look to the new law to know how to apply the proper, ordinary and immediate power of the bishop in such circumstances. However, the Holy Synod does state that safeguarding the faith

⁶² D.V., No. 25.

⁶³ L.G., No. 25.

⁶⁴ K. MÖRSDORF, "Decree on the Bishop's Pastoral Office in the Church," in Commentary on the Documents of Vatican II, H. Vormgrimer, ed., vol. 2, p. 232.

involves "teaching the faithful themselves to defend it and propagate it."⁶⁵ This is a very open and positive vision of episcopal safeguarding of faith. It is complementary, too, to the Conciliar understanding of that "remarkable harmony" which is to exist between faithful and pastor in the task of maintaining, practising and professing the faith.⁶⁶

A good means of defense is attack; a good means of defending the sacred deposit by the bishop is to teach all the faithful to propagate it. Initially, this was the thought of forty-one Fathers at the Council,⁶⁷ and was then carried into the final text receiving a vote of two thousand and forty placets, and only twenty-two non placets.⁶⁸

The single deposit of faith is composed of Sacred Scripture and Sacred Tradition.⁶⁹ Further understanding of the positive dimension that Conciliar teaching adds to the bishop's task of safeguarding the faith may be seen in its teaching on Tradition. The Council Fathers state:

The Tradition that comes from the Apostles makes progress in the Church, with the help of the Holy Spirit. There is a growth in insight into the realities and words that are being passed on. This comes about in various ways. It comes through the contemplation and study of believers who ponder these things in their hearts (cf Lk2:19 and 51). It comes from the intimate sense of spiritual realities which they experience. And it comes from the preaching of those who have received, along with their right of succession in the episcopate, the sure charism of truth. Thus as the centuries go by, the Church is always advancing towards the plenitude of divine truth until eventually the words of God are fulfilled in her.⁷⁰

65 C.D., No. 13.

66 D.V., No. 10.

67 Acta synodalia, vol. 4-4-2, p. 564, Modus 18.

68 Ibid., p. 530.

69 D.V., No. 10.

70 D.V., No. 8b.

This broad interpretation of living tradition means that the magisterium, and therefore the individual bishop, should genuinely listen to the Word of God as meditated, studied and experienced in the lives of all believers, as well as in Sacred Scripture.

In order to interpret Revelation authentically in all its richness and thereby safeguard the faith, the bishop as a member of the living teaching office, and possessing that office, especially in regards to his own people, must search for and listen to the sensus fidelium. Having heard the Word in its diverse sources, the bishop must faithfully expound it.

c) "Fideliter exposit".—Living Tradition also comes from the preaching of those who have received along with their right of succession in the episcopate, the sure charism of truth.⁷¹ The bishop authentically interprets the deposit of faith when he preaches, faithfully expounding what has been revealed. Such an exposition can only come in unison with the "pie audit" and "sancte custodit" tasks.⁷²

Firstly, the bishop must listen to the Word; secondly, he must listen to the Church, and finally, he must listen to the world, reading well the signs of the times in order that the fullness of Revelation might be received. Msgr. W. Onclin, writing on this aspect of episcopal teaching, states: "a religion without the world leads to a world without God."⁷³

71 Ibid.

72 Cf. A. BEA, op. cit., p. 162.

73 W. ONCLIN, op. cit., p. 128 - "une religion sans monde conduit à un monde sans Dieu."

Reading the signs of the times, in order to take religion into the world, is a prophetic act, in the precise theological sense of the term. The bishop is to interpret the present as a "moment" of salvation, through the illumination of the Spirit.⁷⁴

At all times the Church carries the responsibility of reading the signs of the time and of interpreting them in the light of the Gospel, if it is to carry out its task. In language intelligible to every generation, she should be able to answer the ever recurring questions which men ask about the meaning of this present life and of the life to come, and how one is related to the other. We must be aware of and understand the aspirations, the yearnings and the often dramatic features of the world in which we live.⁷⁵

This responsibility is a grave one. For, if the bishop is to carry out his task, he must be in tune with the world, otherwise the Word will not be received in "intelligible language". The Council Fathers, speaking to themselves, stated the need to be aware of, understand, and at times judge,⁷⁶ the hopes and the needs of the world. The bishop must be able to apply the teachings of Christ to the wounds of the world,⁷⁷ and from the world he should discover even more the depth and wonder of the Word, Himself.

Interpretation does not mean adding or taking away from what has been revealed, but it does mean explaining the word and adapting it; it means

⁷⁴ U. BETTI, "Le magistère de l'Eglise au service de la Parole de Dieu: à propos du no. 10 de la Constitution dogmatique, 'Dei Verbum' ", in Au Service de la parole de Dieu, mélanges offerts à Mgr. A-M., C-Korve, Gambloux, J. Duculot, 1969, xx-546p.

⁷⁵ G.S. 4.

⁷⁶ 1 Cor 2:15.

⁷⁷ Cf. C.D., No. 13a, op. cit., p. 570. Bishops should present the doctrine of Christ in a manner suited to the needs of the times, that is, so it may be relevant to those difficulties and questions which people find especially worrisome and intimidating.

discovering in greater depth the sacred deposit, which the entire Church already possesses⁷⁸ and representing it as an effective means of salvation in this particular situation. Avery Dulles, reflecting on this prophetic task, writes in a similar vein as did the Council Fathers in "Gaudium et Spes", when he states:

The rapidly evolving secular culture of our day puts questions to the Church for which there are no ready made solutions. Scrutinizing the signs of the times, Christianity must re-interpret its own doctrine and goals in relation to the world of today. To effect this transposition without loss of substance is a task calling for prophetic insight.⁷⁹

Therefore, the bishop having received the sure charism of truth, as the Council Fathers teach, must necessarily participate and lead in this on-going process of reinterpretation. However, it is important to point out that the Council Fathers are not simply teaching a new social doctrine. An early draft of "Christus Dominus", No. 13, included the phrase "iuxta doctrinam Ecclesiae socialem", but at the urging of seventeen Fathers the "socialém" was dropped, since all the elements of making the Gospel applicable in the world today, do not pertain solely to a social doctrine.⁸⁰ The bishop's teaching on all doctrine must be adopted to the social and cultural milieu.

To enter into the heart of the world, it is necessary to enter into dialogue with all. "Since it is the mission of the Church to maintain close relationship with the society in which she lives, the bishops should make it their special care to approach men and to initiate and promote dialogue with them."⁸¹ The bishop is

78 G.S., No. 44.

79 A. DULLES, S.J., "The Succession of Prophets in the Church", in Concilium, 4 (1968), p. 31.

80 Acta synodalia, vol. 4-4-2, p. 564, Modus 15.

81 C.D., No. 13b.

encouraged to initiate this dialogue with others on religious matters; it is a "salutis colloquium", a term coined by Paul VI in his first encyclical, Ecclesiam Suam.⁸² In tune with the papal encyclical, thirty-four Council Fathers wanted to emphasize even more that this dialogue was to be specifically religious.⁸³ However, the Commission was of the opinion that no additional change was necessary. Nor was it, since "colloquium" was qualified once with "salutis" in the paragraph in question, and therefore understood the other times; furthermore, footnote five refers to the encyclical, where the nature of this "dialogue of salvation" is spelled out in greater detail.⁸⁴

The bishop is to initiate and promote such dialogue in a real pastoral manner, so that it is marked by "charity of expression as well as by humility and courtesy" along with due prudence allied with sincerity. It is to be carried out in a spirit of friendship "which is conducive to a union of minds."⁸⁵

Having participated in these discussions on religious matters, the bishop is more aware of the needs of his people that he must address. In a spirit of service, with the promised illumination of the Holy Spirit, the bishop having devoutly listened, devotedly defended and faithfully expounded the sacred deposit, which was entrusted to the whole church, is in fact carrying out his special entrustment or mandate, which he shares with the other members of the living teaching office, that is, the task of authentic interpretation.

⁸² Paul VI, Encyclical letter, "Ecclesiam Suam", August 6, 1964, in A.A.S., 56 (1964), p. 639.

⁸³ Acta synodalia, vol. 4-4-2, p. 563, Modus 19.

⁸⁴ G.S., Nos. 92 a,b.

⁸⁵ C.D., No. 13.

This Conciliar vision of the bishop's teaching office gained through a study of its nature and particular characteristics, may be further understood by seeing what means are available to the bishop in the pastoral expression of his "munus docendi".

C. THE BISHOP'S DUTIES AS TEACHER

The Holy Synod is explicit in its instruction on the duties the bishop should fulfill to be an authentic interpreter of the Word.

Bishops should also endeavour to use the various methods available nowadays for proclaiming Christian doctrine. There are first of all preaching and catechetical instruction, which always hold pride of place. There is also doctrinal instruction in schools, universities, conferences and meetings of every kind. Finally there are public statements made by way of comment on events, as well as the press and other media of public communication, all of which should be employed for the promulgation of the Gospel of Christ.⁸⁶

This text is a Conciliar summary of the methods the bishop should employ if he is to fulfill his teaching office. We will examine these duties as presented; this will pave the way for a more detailed look at them in the post-Conciliar teaching; finally, we will see how these duties are codified in the new law.

1. The duty of preaching

It was noted, when commenting on the characteristics of the bishop's teaching, that to proclaim the Gospel was eminent among his duties.⁸⁷ The

86 C.D., No. 13c.

87 L.G., No. 25.

Fathers clearly stress that this is a personal task, proper to the bishop's teaching office.⁸⁸

However, Klaus Mörsdorf⁸⁹ suggests that this "eminence of preaching" should not be taken to mean that the doctrinal office ranks more highly than his priestly office. Rightly so; we have acknowledged above that this eminence of function is to be understood as "asserting" his preaching role and thus not excluding his other functions, namely the priestly and kingly ones. Yet, Mörsdorf continues: "His duty is not so much to preach the Word himself, as to arrange for it to be preached."⁹⁰ Such an interpretation appears to miss the point of the Conciliar teaching, that a serious personal obligation befalls the bishop.

Biblical sources illustrate that the first task conferred on the bishop is to teach the Gospel to all creatures. This teaching was to take the form of preaching: "praedica verbum".⁹¹

"Lumen Gentium" adopts the technical phrase "praedicatio Evangelii" in paragraph 25, stating the importance of this particular duty for the bishop. Again, we note that the Council Fathers make reference to the Tridentine teaching, which explicitly states that the "bishops themselves are to preach". Consistently, the Council Fathers teach in the Pastoral Decree on Bishops, "The bishop exercises his function of teaching", while the decree on the ministry and life of priests, "Presbyterorum ordinis" explains the preaching role of priests in relation to the

⁸⁸ K. McNAMARA, commenting on this primordial task of the bishop to preach, states that the teaching of the Council, without doubt, will prove a fruitful source of meditation and examination of conscience for those charged with the episcopal office; op. cit., p. 204.

⁸⁹ K. MÖRSDORF, op. cit., p. 232.

⁹⁰ Ibid.

⁹¹ Cf. Mk. 3:13-19; Mt 10:1-42; Acts 1:8.

bishop's.⁹² "It is the first task of priests as co-workers of the bishops to preach the Gospel of God to all men."⁹³ This text does suggest that the bishop has to arrange for the gospel to be preached by his "co-workers", in accordance with C.I.C. (1917), canons 451, 81, 464, 81 and 467, but this does not lessen his own obligation.

The ministerial role of the Word, that is, preaching, should be spoken of in its relation to the priestly role of offering sacrifice in order to discover complementarity of Word and Sacrament, as expressed by the Council Fathers on the relationship between both.

Although preaching is an eminent duty of the bishop, it does not lessen his function to offer sacrifice. The Eucharist can only be understood in a community of believers who have first received Christ in his Word.⁹⁴ The bishop is to form in his diocese one community in the Holy Spirit through the Gospel and the Eucharist.⁹⁵

In non-Christian territories or societies people are led by the proclamation of the Gospel to faith and by the saving Sacraments. In the Christian community itself on the other hand, especially for those who seem to have little understanding of belief underlying their practice, the preaching of the Word is required for the sacramental ministry itself, since the sacraments are sacraments of faith, drawing their origin and nourishment from the Word.⁹⁶

Preaching, therefore, is a necessary prerequisite and an essential element of the sacramental ministry. This is especially so in the Eucharist: "By means of the

⁹² A.A.S., 58 (1966), pp. 991-1024.

⁹³ P.O., No. 4.

⁹⁴ J. LECUYER, C.S.Sp., "La triple charge de l'évêque", in L'Eglise de Vatican II: Etudes autour de la Constitution conciliaire sur l'Eglise, Tome III, in which the author recalls the words of the Curé d'Ars: "Notre Seigneur ne fait pas moins de cas de sa parole que de son corps", p. 894.

⁹⁵ C.D., No. 11.

⁹⁶ P.O., No. 4c.

homily the mysteries of the faith and guiding principles of the Christian life are expounded from the sacred text during the course of the liturgical year. The homily, therefore, is to be highly esteemed as part of the liturgy itself."⁹⁷ Such homilies should not be omitted on Sundays and holidays of obligation in public liturgies, except for a serious reason. This obligation must especially belong to the bishop, who is to "be considered as the High Priest of his flock from whom the life in Christ of his faithful is in some way derived and upon whom it in some way depends."⁹⁸

2. Catechetics

One whole paragraph in Christus Dominus is devoted to the bishop's catechetical tasks, which illustrates the concern the Council Fathers have for this responsibility. This paragraph contains the main principles of what had been a whole chapter in an earlier draft, entitled "De cura animarum".⁹⁹ This deep concern also continued after the Council.

Development in catechetics since the drawing up of the Catechism of the Council of Trent¹⁰⁰ coupled with twentieth century developments in theology,

⁹⁷ S.C., No. 52.

⁹⁸ S.C., No. 41.

⁹⁹ The 1963 draft "De cura animarum", consisted of five chapters, the last of which dealt with catechesis. Cf. Schema decreti, de cura animarum, in Acta synodalia, vol 2-2-4, pp. 751f.

¹⁰⁰ The Catechism of the Council of Trent, known as the Roman Catechism, was published in Latin in 1566, and later translated into European languages. Its doctrinal importance lay in its being a complete doctrine of salvation and in the universality of its use. It was a book not for the faithful but for priests, as its full title suggested: Catechism of the Council of Trent for Parish Priests Issued by Order of Pope Pius V; Cf. New Catholic Encyclopedia, (Catholic University of America), New York, McGraw Hill Book Co., c1967, vol. 3, pp. 225f.

more especially in ecclesiology, has meant a change in the catechetical task of a bishop in his own diocese, based on an acknowledgement of his proper authority and his need to address the Gospel in a unique time and place to a particular audience.¹⁰¹ Thus, the Council Fathers, who wanted a unique and obligatory Catechism for the whole world were few in number.

A significant addition was made in the final text, having been prompted by the intervention of one of the Fathers. The earlier text had read: "teaching should be founded on Holy Scripture, Tradition and the Liturgy."¹⁰² The Father's request was that 'magisterium' be added to this list.¹⁰³ In accord with the teaching found in Dei Verbum, the addition was made, establishing the teaching office possessed by the bishop and the life of faith lived in the Church as sources for teaching catechetics.¹⁰⁴

Christus Dominus assigns a duty of supervision to the bishop as catechist, as he cannot be in every classroom or pastoral group. He is to ensure that Catholic doctrine is imparted to all age groups in a suitable manner. This means that the bishop "should ensure that catechists are adequately prepared for their task..." and he "should take steps to reestablish or to modernize the adult catechumenate."¹⁰⁵ The bishop's munus docendi takes the form of arranging for catechetical instruction, not because he is overburdened with other duties, but firstly because

¹⁰¹ This notion is not completely new. In 1814, King Louis XVII of France suppressed the Imperial Catechism of the 1801 Concordat, restoring to each bishop the right to provide a catechism for his own diocese. N.C.E., vol. 3, p. 231.

¹⁰² Cf. Acta synodalia, vol. 4-4-2, p. 534.

¹⁰³ Ibid., p. 564, Modus 20.

¹⁰⁴ This addition gave rise to new developments in pedagogy.

¹⁰⁵ C.D., No. 14.

this is the specific responsibility placed on him as servant of the Word and servant of the Church; secondly, he is to permit and encourage his priests, religious and laity to fulfill their mission in the Church.¹⁰⁶

Further discussion arose on the level of competence that was required from catechists. It is the bishop's task to ensure that they are "well-instructed in the doctrine of the Church and possessing both a practical and theoretical knowledge of the laws of psychology and of educational method."¹⁰⁷ But such competence is not possible in some areas.¹⁰⁸ The commission replied that the text stands, as it is the "optimum" that has been proposed in the text, which may be affected by accessory circumstances.¹⁰⁹ It may be drawn from this interpretation that there is a burden on the bishop to aim for the optimum situation.

There is no doubt that the bishop is responsible for teaching, in the form of preaching and catechetics, in his own diocese. However, there are further expressions of the bishop's ministry of the Word; one form is derived from his universal role and has been stressed energetically. "Bishops...should appreciate that they are closely united to each other and should be solicitous for all the churches."¹¹⁰

106 Regarding priests, P.O., No. 4; religious: P.C., No. 20; laity: A.A., No. 24.

107 C.D., No. 14.

108 The word "ruri" as it appears in the Latin text, infers a "country" district where this situation may arise.

109 Acta synodalia, vol. 4-4-2, p. 564, Modus 21.

110 C.D., No. 6.

3. Missionary and prophetic activities

a) **Missionary activities.**—Cardinal A. Bea, speaking to his fellow bishops during the third session, said that it is "our duty never to forget the fundamental truth expressed in the Constitution on the Church, namely, that all the members of the college of bishops, together and throughout the Church, have the task and grave duty of preaching the gospel to the whole of mankind."¹¹¹ Each bishop must feel and accept responsibility for preaching the Gospel in every corner of the earth. As a member of the episcopal college, he is to reflect the universality of the Church, by his care for other churches, by knowing their needs and sharing possessions,¹¹² thereby building up the one Body of Christ.

It is the bishop's task in his teaching to arouse, foster and direct "missionary work in his own diocese."¹¹³ In service to the Word, he is to make "present and, as it were, visible the missionary spirit and zeal of the People of God."¹¹⁴ The bishop's missionary endeavours demand a generous heart and a deep understanding of the essential missionary nature of the Church; for the Gospel with which he was charged, is "for the Church, the principle of all its life for all time."¹¹⁵

Making his whole diocese missionary, he is to encourage those who are sick and suffering to offer prayer and penance for the evangelization of the

111 H. VORMGRIMLER, op. cit., vol. IV, p. 172.

112 A.G., No. 19.

113 A.G., No. 38.

114 Ibid.

115 L.G., No. 19.

world.¹¹⁶ He must also, "gladly foster vocations to missionary institutes among young people and clerics,...exhort and assist diocesan congregations to undertake their own work in the missions; he should promote the works of missionary institutes among his people, especially the pontifical works for the missions."¹¹⁷ And possibly, one area where the bishop needs to be most generous is that he must send some of his own best priests, "e melioribus suis sacerdotibus", to those dioceses which lack priests.¹¹⁸ Finally, he is also to provide for financial assistance.

Although these instructions are general in character, one is able to draw a clear picture of the bishop's grave duties in regard to the missions. His role is essentially that of a catalyst, bringing to his people a deeper awareness of their missionary responsibilities, and pointing out ways to fulfill them.

b) **Prophetic activities.**--The Council Fathers do not speak directly of the bishop's prophetic task. However, such a role can be deduced from various norms given regarding bishops.

Bishops, to whom has been committed the task of directing the Church of God, along with their priests, are to preach the message of Christ in such a way that the light of the Gospel will shine on all the activities of the faithful. Let all pastors of souls be mindful to build up by their daily behaviour and concern, an image of the Church capable of impressing men with the power and truth of the Christian message. By their words and example and in union with religious and with the faithful, let them show that the Church with all its gifts is, by its presence alone, an inexhaustible font of all the resources of which the modern world stands in such dire need...¹¹⁹

116 A.G., No. 38.

117 Ibid.

118 Ibid.

119 G.S., No. 43c, emphasis added.

It is the prophetic task of the bishop, with the aid of the Holy Spirit and teaching in communion with his fellow bishops and the pope, to set about earnestly building up the Body of Christ and to bring it to its fulfillment. If the Church with all its gifts is an inexhaustible font of all the resources which the modern world needs, then the bishop must not only be a prophetic witness by his lifestyle to this wealth of resources, he must also be a prophetic and generous dispenser of the same.

We have seen that the bishop's munus docendi involves duties in regards to preaching and catechetics, as well as missionary and prophetic activities; we will now address two other areas of the bishop's magisterial responsibilities, Christian education and social communication.

4. Responsibility for christian education

In the preface to the Conciliar declaration on Christian education, Gravissimum Educationis, which was promulgated on October 28, 1965,¹²⁰ the Council Fathers claim that the Church is under an obligation "to promote the whole life of man including his life in this world in so far as it is related to his heavenly vocation, she has therefore a part to play (*partes suas habet*) in the development and extension of education."¹²¹ Having claimed that the Church is responsible for education in at least having some part to play as outlined, the Council Fathers set about laying down principles whereby this mission could be carried out. Among these fundamental principles, there is claimed that all have a right to education,¹²² and that all Christians have a right to Christian education.¹²³

¹²⁰ A.A.S., 58 (1966) pp. 728-739.

¹²¹ G.E., Preface.

¹²² G.E., No. 1.

¹²³ G.E., No. 2.

"Accordingly the Sacred Synod directs the attention of pastors of souls to their very grave obligation to do all in their power to ensure that this Christian education is enjoyed by all the faithful and especially by the young who are the hope of the Church."¹²⁴ There is a footnote in this text, referring the reader to the bishop's obligations in terms of his duties as enunciated in Christus Dominus. Qualifying the bishops' obligations to do all in their power for Christian education with the word "gravissimum", the Holy Synod intends this episcopal duty to be a major priority.

Articles 3-9 of this declaration outline the roles of parents, of society and of the Church, in regard to Christian education in schools. In turn, the bishop must give due attention to school systems, if the Church is to fulfill its role.

Article 10 is devoted to higher-level education and article 11 speaks about the faculties of sacred sciences. Within these articles, there are three areas of concern, namely, the challenge to excellence, the challenge to Christian witness and the mandate for research, but there are no specific instructions for the bishop.¹²⁵

However, it will be the bishop's task to treat the three areas of concern, helping pupils, parents, teachers, researchers and society to carry out their tasks fruitfully and to encourage, through his own pastoral presence and concern, cooperation on each level of education.

¹²⁴ G.E., No. 2.

¹²⁵ This mandate for research expresses a positive attitude towards the theologian's task on the part of the ordinary magisterium, and as such, should find expression in the new law.

5. The use of the communications media

The Sacred Synod promulgated the decree on the means of social communication, Inter Mirifica,¹²⁶ on December 4, 1963, along with the Constitution on the sacred Liturgy.¹²⁷ This early Conciliar document is a clear sign of the Church's recognition of the social and cultural revolution, and of its own need to be immersed in this developing process.

Chapter one begins with the statement that the Catholic Church was founded by Christ to bring salvation to all, and that this good news might be announced by means of social communication. Also, the Church admits to having a responsibility to teach people how to use the media.¹²⁸

The Council Fathers teach that the whole Church has this responsibility. "All the members of the Church should make a concerted effort to ensure that the means of communication are put at the service of the multiple forms of the apostolate without delay and as energetically as possible, where and when they are needed."¹²⁹

The "public", the recipients of the mass media, are the principal agents in the communications process. The bishop in his role as teacher and guide should encourage the faithful not to be passive recipients, but rather to let their "vote" for "moral media" be heard by producers, directors and others in the industry, and to ensure that this industry works for the apostolate.

126 A.A.S., 56 (1964), pp. 145-153.

127 A.A.S., 56 (1964), pp. 97-134.

128 I.M., No. 3.

129 I.M., No. 13.

The means of social communication should be employed by the bishop in a "particularly zealous" fashion, since they are closely linked with his task of preaching the Gospel.¹³⁰

He should use the media for public statements, for comments on current events, and as a means to promote and continue the "dialogue of salvation". He should supervise the use of social communication in the fields of catechetics and Christian education.¹³¹ "The Church values highly those other educational media which belong to the common patrimony of men and which make a valuable contribution to the development of character and to the formation of men. Thus it seeks to ennoble by imbuing them with its own spirit."¹³²

In order to ennoble the media with the Church's spirit and to use it more effectively in the Church's multiple apostolate, the bishop is to set aside a day in his diocese on which he is to -

- i) remind the faithful of their duties,
- ii) encourage prayer for the success of the Church's apostolate, and
- iii) ask for contributions for further development of Church projects in this field.¹³³

The bishop's pastoral concern for the media extends to overseeing activities and projects dealing with the means of social communication in his own diocese, promoting and regulating such activities, even those under the control of exempt religious.¹³⁴

¹³⁰ *Ibid.*

¹³¹ C.D., Nos. 13-14.

¹³² G.E., No. 4.

¹³³ I.M., No. 18.

¹³⁴ I.M., No. 20.

However, the influence of the media extends beyond the boundaries of dioceses and of nations, so there should be interdiocesan and international cooperation among the bishops.¹³⁵

These five methods of teaching provide us with the manner of the bishop's munus docendi. The Council did not intend to lay down detailed guidelines for a bishop to follow, but in general pointed out pastoral emphases and general concerns that a bishop should foster. Our Conciliar review is now complete, and there is left for us to draw from this review principles that will bring the teaching to fruition.

II. CONCILIAR FOUNDATIONS FOR THE NEW LAW ON EPISCOPAL MAGISTERIUM

In January 1959, when Pope John XXIII announced the advent of the Council, he called also for the revision of canon law.¹³⁶ He established the Pontifical Commission for the Revision of the Code of Canon Law shortly before his death, on March 20, 1963.¹³⁷ The Commission did not begin work until after the Council, as its principal task was to reform the Code in the light of the Conciliar principles.

The Council Fathers, concluding their decree on the Pastoral Office of Bishops in the Church, prescribed "that in the revision of the Code of Canon Law, suitable laws should be drawn up in conformity with the principles enunciated in this decree, due consideration being given to the comments made by individual commissions or the Fathers of the Council."¹³⁸ This is not to say that the decree

¹³⁵ I.M., Nos. 21-22.

¹³⁶ A.A.S., 51 (1959), pp. 65-69.

¹³⁷ A.A.S., 55 (1963), p. 363.

¹³⁸ C.D., No. 44.

states only principles.¹³⁹ Nor is it to say that the principles enunciated in this decree are the only principles to be of value in the Code revision; as we have seen earlier, there is great wealth in each of the Council documents, especially on the bishop's teaching office.

Pope Paul VI, who was often to speak about the relation between Vatican II and the revision of the Code,¹⁴⁰ said in his allocution to the Code Commission, on November 20, 1965: "Canon Law should be adapted to the New Spirit of Vatican Council II and the work of revising the Code should develop further and apply the principles established by this Council."¹⁴¹

Ten principles were submitted by the Code Commission and approved by the first Synod of Bishops, September 30 - October 4, 1967.¹⁴² These principles were adopted by the Code Commission as criteria by which to judge the new canons. These criteria were: the juridical nature of the New Code, the distinction between the external and internal forums, the necessity of fostering pastoral care, incorporation of special faculties into the new Code, use of the principle of subsidiarity, recognition of subjective rights of persons, providing for the protection of rights, territorial arrangement in the Church, reform of penal law

¹³⁹ The decree gives faculties, too, as in 8b, which were further enunciated in "De Episcoporum Muneribus", A.A.S., 58 (1966), pp. 467-472. Cf. C.I.C. 227, 228, & 1323. The Second Vatican Council had the power to abrogate, modify or derogate from the law.

¹⁴⁰ F. MORRISEY, O.M.I., "The Spirit of Canon Law: Teachings of Pope Paul VI", in Origins, 8 (1978-1979), pp. 33, 35-40.

¹⁴¹ W. ONCLIN, op. cit., p. 85; for complete text: A.A.S., 57 (1965), pp. 985-989.

¹⁴² PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, "Principia quae codicis iuris canonici recognitionem dirigant", in Communicationes, 1 (1969), pp. 77-85.

and a new systematic arrangement of the Code.¹⁴³ These ten principles provide a framework within which the law was revised and adapted to the spirit of the Council.

Before looking at the revised law on the teaching office of the bishop, we must evaluate the theological and canonical principles, that provide a basis for a critical evaluation of the law. Firstly, we will note some theological principles and then focus on four canonical principles.

A. THEOLOGICAL PRINCIPLES.

Five theological principles could be mentioned: the Church is human and divine, the Church is characterized by apostolicity and historicity, the Church is pneumatic-charismatic, the Church provides for equality and communion, and the bishop's office is a service.

1. The Church is human and divine

In the dogmatic constitution on the Church, we learn that the Church is two-dimensional; firstly, through her sacramental nature she is a sign of communion with God, and secondly, she is an instrument of unity among men.¹⁴⁴ In her, the spiritual community and the visible society form one complex reality.¹⁴⁵

¹⁴³ Cf. Richard T. CUNNINGHAM, "The Principles Guiding the Revision of the Code of Canon Law" in The Jurist, 30 (1970), pp. 447-455; Francis G. MORRISEY, O.M.I., "The Revision of the Code of Canon Law", in Studia Canonica, 12 (1978), pp. 177-198.

¹⁴⁴ L.G., No. 1.

¹⁴⁵ L.G., No. 8; cf. especially footnote 10.

The parallel is drawn between the Church and the mystery of the incarnate Word. "As the assumed nature, inseparably united to him, serves the divine Word as a living organ of salvation, so, in a somewhat similar way, does the social structure of the Church serve the Spirit of Christ who vivifies it, in the building up of the body (Eph. 4:13)."¹⁴⁶ Through the gifts of the Holy Spirit, the visible Church continues the divine "communication" of the Incarnate Word; "like a stranger in a foreign land", it announces the Good News to the People of God.

The individual bishop is to put before his people continually, in an authentic manner, the single deposit of faith. In communion with the college of bishops and its head, and with the aid of the Holy Spirit, 1) he is to interpret authentically what is divine, the sacred deposit, for this particular people, according to their particular culture and social circumstances, and 2) he must couch the divine message, in human words. This twofold nature of the bishop's teaching office affects our understanding of the new legislation.

2. The Church is characterized by apostolicity and historicity

All of the Conciliar documents have strong Scriptural ties,¹⁴⁷ both in the use of Scripture to support a teaching, and in understanding the Church of the apostolic era so as to understand better the Church of today. The Council teaches that the Gospel is the principle of the Church's life for all time.

¹⁴⁶ Ibid.

¹⁴⁷ As an example of the plentiful use of scriptural references, it is worth noting that in chapter 1 of "Lumen Gentium", there are no less than 109 scriptural references given in the text. One is therefore unable to capture the full spirit of the Council, without studying the documents in one hand, and the bible in the other.

The apostolic concepts of diakonia and koinonia brought to light in the ecclesiology of Vatican Council II, on a magisterial level, are just two examples of important elements in the life experience of the early Church which offer the legislator tools whereby he can ensure that the new law is imbued with a new spirit.

It was not enough for the Code Commission to ensure a scriptural understanding of the episcopal magisterium, for the Gospel must be preached today to a particular people, in an everchanging culture and society. If the Gospel preached by the bishop is to be received in its fullness, then there needs to be found in his office an openness to change and development, an encouragement to listen and to learn, an authority and capacity to interpret authentically the gospel in this historical situation.

The codification of the notion of historicity ensures the "living" quality of the bishop's teaching.

3. The Church is pneumatic-charismatic

The fact that the Church is pneumatic-charismatic is founded in the sacramental consecration of the bishop, and in the generous distribution of charismatic gifts to the whole Church.

The Council clearly establishes the formula that there is a sacramental basis for the transmission of every office in the Church.¹⁴⁸ The Holy Synod taught that the office of teaching was conferred, along with the other two offices, by episcopal consecration, in which the candidate receives a special outpouring of the Holy Spirit. The bishop takes the place of Christ, himself teaching in eius persona.

148 L.G., No. 21.

He is "fortified by the Spirit" calling on men to believe and/or to deepen their faith.¹⁴⁹

Such an understanding of the teaching office must affect our juridical interpretation of that office. The bishop's teaching office is a pneumatic-charismatic power which cannot be fully expressed in a juridical text.

There is a further dimension to this reality which must affect our understanding of the Code Commission's work. "It is not only through the sacraments and the ministrations of the Church that the Holy Spirit makes holy the People, leads them and enriches them with his virtues. Alloting his gifts according as he wills (cf Cor 12:11) he also distributes special graces among the faithful of every rank."¹⁵⁰ The whole People of God are the recipients of these charisms, which are given for the renewal and building up of the Church.¹⁵¹

With the aid of the Holy Spirit, all believers through their own contemplation and study on what has been revealed, may provide growth and insight to the Church's understanding of the mysteries of faith.¹⁵²

The Holy Spirit grants his gifts to both pastors and faithful that they may help to build the body of Christ. Granted, all things are to be proved (1Thess. 5:21); but in proving them the heart must lie open to every genuine prompting of the Holy Spirit. "He that has an ear let him hear what the Spirit says to the Churches (Apoc.2:7)".¹⁵³

¹⁴⁹ C.D., No. 12.

¹⁵⁰ L.G., No. 12b.

¹⁵¹ F. KLOSTERMANN, "Reform of Church Structures", in Rethinking the Church, M. Cuminetti, and F.P. Johannes, ed., Dublin, Gill & Macmillan, 1970, xi-193 p. Cf. especially p. 145.

¹⁵² D.V., No. 8.

¹⁵³ Pope PAUL VI, "The Goals of Canon Law", February 4, 1977, in Origins, 6 (1977-78), p. 603; full text pp. 602-605.

As a consequence of the life of the Spirit in the Church, there are rights and duties both of the faithful and of the bishop, as a member of the living teaching office, which must be respected by all the Church and protected in its law.

Canon Law cannot be like secular law, rather "it must be sustained and inspired by the Pneuma of Christ, for only then can it really be called the law of Christ's Church."¹⁵⁴

4. The Church is founded on equality and communion

The Conciliar documents, more especially Gaudium et Spes and Dignitatis Humanae, stress the dignity of the individual and the equality of all persons. In the chapter entitled, "The People of God" of Lumen Gentium we find the bases for these concepts.

Every member of the Church through baptism receives the Holy Spirit and is welcomed into "a communion of life, love and truth", where all share in the essential vocation of the Church. As a pilgrim "People of God", they carry His light to all corners of the earth. This same teaching is found again in a later chapter on the laity:

There is, therefore, one chosen People of God: 'one Lord, one faith, one baptism' (Eph.4:5); there is a common dignity of members deriving from their rebirth in Christ, a common grace as sons, a common vocation to perfection, one salvation, one hope and undivided charity. In Christ and in the Church there is, then, no inequality arising from race or nationality, social condition or sex, for "there is neither Jew nor Greek; there is neither slave nor freeman; there is neither male or female. For you are all 'one' in Christ Jesus (Gal. 3:28 and Col. 3:11).¹⁵⁵

¹⁵⁴ K. RAHNER, "Pastoral - Theological Observations on Episcopacy in the Teaching of Vatican II", Trans. K.B. Kruger, in Theological Investigations, vol. 6, p. 363.

¹⁵⁵ L.G., No. 32b. Cf. also, L.G., No. 37.

The concepts of equality and communion go hand in hand. The new law must retain this spirit of equality, if it is to be faithful to the Council. We are all one in Christ, we must be all one before the Law. Justice and equity must prevail.

The equality and the communion that exists in the Church is not some type of stifling uniformity. Rather, there exist in the Church various paths, "yet all are called to sanctity" having obtained an "equal privilege" of faith.¹⁵⁶ "Although by Christ's will some are established as teachers, dispensers of the mysteries and pastors for the others, there remains, nevertheless, a true equality between all with regard to dignity and to the activity which is common to all the faithful in the building up of the Body of Christ."¹⁵⁷

There exists in the Church, by Christ's will, the common priesthood of the faithful and the ministerial or hierarchical priesthood, which are each ordered one to another and each sharing in its own proper way in the one priesthood of Christ.¹⁵⁸

There is in the Church therefore a need to plan for the diversity and pluralism that is essential to its nature. "This very diversity of graces of ministries and of works gathers the sons of God into one, for all these things are the work of the one and the same Spirit."¹⁵⁹ The bishop has an essential task or service of building up the local Church. He is to bring these diverse ministries and charisms to fruition. The new law must express these notions of equality and

¹⁵⁶ L.G., No. 32c.

¹⁵⁷ Ibid.

¹⁵⁸ L.G., No. 10b.

¹⁵⁹ L.G., No. 32c.

communion, as it sets before the whole Church the duties of the bishop, as teacher of his people.

5. The bishop's office is a service

"That office, however, which the Lord committed to the pastors of his people, is in the strict sense of the term a service, which is called very expressly in Sacred Scripture a 'diakonia' or ministry. (Cf. Acts 1:17 & 25; 21:19; Rom: 11:13; 1Tim: 1:12)."¹⁶⁰

The revitalised biblical concept of diakonia should not be watered down, but understood in its full scriptural sense. Jesus, the servant, washed his apostles' feet, asking them to do the same. Jesus, the suffering servant, suffered and died for all mankind, teaching his followers to love as he has loved.

We have already seen "service" in terms of its being a dominant characteristic of the bishop's teaching office. In the new law we would expect that the principle of service be so related to the bishop in his role as teacher, that a genuine spirit of Christlike service would result.

The Pastor must be free to make decisions, develop initiatives and discover solutions, which are not the mere application of universal norms,¹⁶¹ but a diaconal task of washing his people's feet. His teaching office must be presented in the law as a means of building this community of Christ. It demands from the bishop a pastoral aptitude, not of lording over his people, but of teaching and encouraging them in their varied roles; that is, not simply demanding obedience, but helping them to be responsible in their duties and protecting their rights.

¹⁶⁰ L.G., No. 24.

¹⁶¹ R.G. CUNNINGHAM, loc. cit., p. 449.

Codifying this concept of service means that there has to be injected into the law a spirit of humanity, of friendship and of fraternal love.¹⁶² In service, the bishop must help the faithful develop a sound conscience. Thus we would expect in the law a certain maturity, so that: "canonical norms are not to be set down as obligations whenever instructions, exhortations, recommendations, or other means which foster communion among the faithful will more easily realize the ends of the Church."¹⁶³

The diocesan bishop ministers, in terms of service of the Word, to his assigned people and, to the universal Church; the Code Commission had to reflect on the effectiveness of a bishop in his teaching office. If genuine service is to be rendered, then questions such as the size of a diocese, the priority of a bishop's functions, the quality and the quantity of aid are relevant.

B. CANONICAL PRINCIPLES

Arising out of Conciliar theological notions described above there are certain canonical principles, which if employed in the new law will ensure a juridical "aggiornamento". Four principles deserve special attention: - the principles of collegiality, of subsidiarity and co-responsibility and the principle of safeguarding subjective rights.

¹⁶² This is not to undermine the essential juridical nature of the Code which enables the law to serve as a means of guiding the faithful on their way to salvation.

¹⁶³ R.G. CUNNINGHAM, loc. cit.

I. Principle of collegiality¹⁶⁴

Christ entrusted to the twelve the task of teaching, ruling and sanctifying.¹⁶⁵ The apostolic college handed on its task to the episcopal college. By the imposition of hands and a special outpouring of the Holy Spirit, each bishop is welcomed into the episcopal college as he affirmatively answers a call to service from Christ and his Church.¹⁶⁶ The college functions only with its head, the Roman Pontiff.

The Conciliar teaching on "collegiality" is perhaps one of its greatest riches. Few other Conciliar teachings have received as much attention, and so as a principle that will affect the juridical structures of the Church, we cannot do justice to it here.

"Collegiality" is essential to the very nature and exercise of the bishop's teaching office. It refers to the exercise of his proper power which finds expression in the collegial bond with his fellow bishops, under the Roman Pontiff. Vatican Council II was itself an example of the most solemn form of collegiality, the bishops teaching with and under the pope.¹⁶⁷ Two other juridical applications of collegiality are found in the Synod of Bishops and Episcopal Conferences.¹⁶⁸

To be true to the "spirit" of the Council, the Code Commission had to endorse this principle. Two examples will serve to show the canonical importance of this principle.

164 Cf. L.G. Nos. 21, 22, 23; C.D. Nos. 36-43; A.G. No. 38.

165 Nt. 28:18-20 with Jn 20:21-23.

166 Cf. E. SCHILLEBEECKX, "The Catholic Understanding of Office in the Church", in Theological Studies, 30 (1969), pp. 567-587.

167 L.G., No. 25b; Cf. also C.I.C. (1983), canons 1322-1323.

168 C.D., Nos. 36-38.

Firstly, in his own diocese, the bishop is the official witness to divine and Catholic truth, and as such, he must be listened to with reverence, in so far as he is in communion with the college of bishops and the Roman Pontiff.

Secondly, the bishop has jurisdiction in his own diocese, yet according to the universal nature of the Church, and the collegial nature of his office, he must sustain a certain care and solicitude for the whole Church, as he does when he fulfills his missionary duties.¹⁶⁹

Further expression of this principle may be found in regard to the new law on the bishop's teaching office in those areas of teaching which affect other churches. For example, the competent authority for social communications should be the collegial body, the Episcopal Conference, since the media extend beyond diocesan boundaries, and the competency of any one bishop.

2. Principles of subsidiarity and co-responsibility

The Holy Synod spoke several times of society's need to implement the principle of subsidiarity.¹⁷⁰ By this principle is meant that norm which recognizes that it is a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies. Recognizing the human-social nature of the Church, this principle may be profitably applied within its structures. It was approved by the Synod of Bishops in 1967 as a guiding principle to be incorporated into the New Code.

The principle of subsidiarity allows for a canonical pluralism of operation, respecting the juridical status which is proper to each.¹⁷¹

¹⁶⁹ A.G., No. 38.

¹⁷⁰ G.S., No. 86; G.E., Nos. 3&6.

¹⁷¹ Cf. Communicationes, I (1969), pp. 80-82.

The bishop in his diocese has all the ordinary, proper and immediate power, which is required for him to fulfill his pastoral duties, subject to the limitation placed on this supernatural authority by the Roman Pontiff in virtue of his power. The new law should reflect this Conciliar teaching, and therefore not put undue burdens of a universal nature on the bishop.

In Christus Dominus, the Council Fathers taught that the bishop is to share his responsibilities, especially with his priests, who form one priestly body and one family of which the bishop is the father. The sharing of real responsibility has come to be described by the term co-responsibility.

The Holy Synod,¹⁷² as well as restating the co-responsibility of priests in the structures that were previously found in the 1917 Code, such as the office of Vicar General and that of a parish priest, also creates new juridical expressions in which the bishop may share his office: in the new office of Episcopal Vicar, in which he may share his responsibility; and in a special pastoral council, "presided over by the bishop himself in which clergy, religious and laity specially chosen for the purpose will participate."¹⁷³

Such new curial structures must find canonical expression in the new law, and be recognized by pastors and the faithful as means of the whole Church's participating in its mission and as being more effective in pastoral service. The new law, therefore, should also codify the principle that the "diocesan curia should be so organized that it may be a useful medium for the bishop, not only for diocesan administration; but also for pastoral activity."¹⁷⁴

¹⁷² C.D., Nos. 27-31.

¹⁷³ C.D., No. 27.

¹⁷⁴ Ibid.

On the diocesan level alone, the codification of the principles of subsidiarity and co-responsibility ensure the influence of Vatican Council II in the new law.

3. Principle of recognition of subjective rights¹⁷⁵

The Council Fathers had a deep concern for justice. Often, they spoke in terms of rights - and rights that not only should be fulfilled, but earnestly sought after and protected.

In the matter of teaching, the Church claims specific rights by virtue of her divine mandate, and she speaks of the rights of different groups within the Church. She claims rights on behalf of the bishop, parents, students and various collaborators of the bishop. Thus, it would be a sad misrepresentation of Conciliar teaching in the new law if the bishop's teaching office were presented in a triumphalistic manner.

The canonical expression of the bishop's diaconal teaching office cannot be expressed solely in terms of episcopal rights and expectations, although these too are essential, but more obvious than that, the spirit of service that is specifically episcopal means serving the rights of the people assigned to him. Among these rights, defended in the new legislation and by the obligatory pastoral service of the bishop, are:

- a) the right to receive from the bishop (evolves out of the duty of the Bishop) the full living gospel (C.D. 13)
- b) the right to continuing education for growth in Christ (G.E. Nos 1&2)

¹⁷⁵ Cf. Communicationes, I (1969), pp. 82-83.

- c) the right to ponder "these things" in their hearts (D.V. 8)
- d) the right to propagate the gospel (D.V. 10), and
- e) the right to collaborate and share in the bishop's teaching mission (A.A. No. 24). This short list drawn from Conciliar texts is not meant to be exclusive, but rather indicative of the bishop's responsibility, especially in regard to his teaching office, to promote the dignity of the faithful, encouraging them to know and accept their rights.

These principles, theological and canonical, incorporated into the new law on the bishop's teaching mission, will ensure that the law reflects truly the spirit of the Council, and that it will be a means of renewing the Church in its divine mission of bringing all to salvation.

CONCLUSION

The Second Vatican Council presents a detailed pastoral-theological vision of the diocesan bishop's munus docendi. With this background, we can undertake a more detailed study of each of the bishop's responsibilities in this office by reviewing the post-Conciliar teaching on each specific duty in turn. It is then our purpose to proceed to a detailed study of the canons in the 1983 Code of Canon Law that treat of each of these areas of the teaching office.

CHAPTER II: THE BISHOP: PREACHER OF THE WORD

The Directory on the Pastoral Ministry of Bishops,¹ published on May 31, 1973, opened the discussion of the bishop's teaching role by quoting from the Conciliar Fathers: "among the principal duties of bishops the preaching of the Gospel occupies an eminent place."² A bishop is likened to an Apostle, as he is chosen to preach the Good News, defend and proclaim it without shame.³

A. PREACHING: A PRIMARY AND PROPER TASK

Drawing on the teaching of the Council, and in particular on the dogmatic constitution Dei Verbum and the pastoral decree Christus Dominus, the directory re-affirms that "a bishop is bound to devote himself to the ministry of the word" (cf. Acts, 6:4).⁴

Although his ministry of the Word involves tasks other than preaching, there is a definite emphasis placed by the directory on the bishop's task of preaching the Word.⁵ Each bishop in his diocese is to preach, "unless he is

1 S. CONGREGATIO PRO EPISCOPIS, Directorium de pastorali ministerio episcoporum, In Civitate Vaticana, Typis Polyglottis Vaticanis, 1973, 252p. English trans.: Directory on the Pastoral Ministry of Bishops, Publications Service of the Canadian Catholic Conference, 1974, 116p., from which all references to this document, (henceforth D.P.M.B.) will be drawn.

2 D.P.M.B., No. 55a.

3 Ibid., No. 55b.

4 Ibid.

5 The first paragraph on the teaching office of the bishop is entitled: "The Importance and the Obligation of Preaching."

legitimately prevented."⁶ No indication is given of what would legitimately prevent him from doing so. Such a conditional clause serves not to lessen the insistence of the principal clause, but to stress it more emphatically. Since the principal clause expresses a grave episcopal responsibility, the "exception clause" should be interpreted strictly. Nothing should take away from what Cardinal Marty once described as "the first duty of our episcopal charge, the first end of our particular vocation."⁷

This understanding of one of the primary duties of the episcopacy has been the constant content of messages of bishops to their brother bishops.⁸ Indeed, in 1976, when speaking to the European Synod of Bishops, the then Cardinal Carol Wojtyla taught: "we must firmly assign priority to the true proclamation and announcement of the gospel, of the kerygma over official teaching - in the whole life of the Church, but particularly in the specific ministry of bishops."⁹ The next year, in the opening address to the United States Catholic Bishops' Conference, Archbishop Joseph Bernardin stated: "The most important task of a bishop and the supreme reason for which his leadership is sought by the Church - is to proclaim Jesus Christ and his good news."¹⁰

⁶ D.P.M.B., No. 55c.

⁷ Cardinal François MARTY, "La responsabilité de l'évêque en matière doctrinale", Homily, in La Documentation catholique, 70(1973), p. 427.

⁸ Such addresses by bishops are an important source for this paper, since they are instruments of the episcopal teaching office, and are the fruit of their study, reflection and experience of living the episcopal vocation.

⁹ Cardinal C. WOJTYLA, "Bishops as Servants of the Faith", in The Irish Theological Quarterly, 43(1976), p. 269.

¹⁰ Archbishop Joseph BERNARDIN, "The Most Important Task of a Bishop", in Origins, 7(1977-1978), p. 371.

If any other function impeded a diocesan bishop from fulfilling his episcopal vocation as a preacher of the Word, then such a duty would deserve serious re-evaluation in terms of the essential mission of the bishop and the total ministry of the Church. There is a grave responsibility on the bishops as "shepherds of the Church to perform the same duties and offices towards men as the church herself performs."¹¹

The essential mission of the Church is evangelization, the proclamation of the Good News.¹² It is in fact its proper grace and vocation; in a sense, it is the external expression of her deepest identity.¹³ Therefore, a bishop's deepest identity is actualized when he religiously meditates on the gospel and boldly proclaims it to all.

Any legitimate cause preventing preaching must be evaluated in the light of both the bishop's identity and the Church's mission; thus it should not be used as a licence to forego this personal task of preaching. For, as Archbishop Jérôme Hamer explains: "whatever the circumstances may be, organization can never override the primary and permanent task of evangelization. All others are subordinated to this principal aim, including organization, the importance of which nevertheless, must be admitted."¹⁴ He continues by reiterating the primacy and personal nature of the bishop's duty to preach, which "far from being a burden, is for him the source of his joy and gives balance to his existence. In fact the Gospel

¹¹ Cardinal Eugene TISSERANT, Closing ceremony of 1967 Synod of Bishops, October 29, 1967, in The Pope Speaks, 12(1967), p. 391; full text pp. 389-392.

¹² Cf. Declaration of the Synod Fathers, in L'Osservatore Romano, Oct. 27, 1974, p.6; cf. also L'Église des Cinq Continents, pp. 239-251.

¹³ Cf. D.P.M.B., No. 63.

¹⁴ Archbishop Jerome HAMER, "The Bishop and Evangelization: Reflections on Episcopal Magisterium", in Origins, 8(1978-1979), p.367.

which he preached to others, unifies his prayer, his study and his work; it also gives his personal life its deep meaning."¹⁵

Another element which contributes to the importance of episcopal preaching is its content. The bishop's preaching is to be nourished and ruled by Sacred Scripture.¹⁶ His preaching is not to consist of his own ideas, but is to be fruit born from the Scriptures through the enlightening power of the Holy Spirit.

Sacred Scripture is God's Word to his people. The Word was revealed in the preaching of the apostles, wherein Jesus, the Son of God "stands as transmitter behind the apostles who transmit his words and his works."¹⁷

By the power of the Holy Spirit, preaching actualizes God's Word for this particular community spoken once and for all in apostolic times. This apostolic task of proclaiming the gospel was given to their successors, the bishops. "Thus according to the testimony of St. Irenaeus the apostolic tradition is manifested and preserved in the whole world by those who were made bishops by the apostles and their successors down to our own time."¹⁸

The bishop's preaching is apostolic in that he reveals Jesus Christ, enabling the Word himself to address effectively those who are open to receive Him into their heart. Thus the bishop is to preach in such a way as "to elicit a deep personal commitment to Christ and acceptance of his message."¹⁹ Only then, "may everyone offer the obedience of faith to God who reveals."²⁰

¹⁵ Ibid.

¹⁶ Cf. D.V., No. 21.

¹⁷ The Early Church, ed. A.J.B. Higgins, London, S.C.M. Press Ltd., 1956, p.71.

¹⁸ L.G., No. 20.

¹⁹ J. BERNARDIN, loc. cit., p.371.

²⁰ D.P.M.B., No. 55.

Jesus Christ is both the subject and the object of apostolic preaching. Likewise, through the operation of the Holy Spirit, the bishop, acting in the person of Christ, teaches the message of Christ.

His message is "the mystery of salvation fulfilled in Christ" and it is to be proclaimed in such a manner "that Our Lord Jesus Christ is shown to be the centre of the believer's entire life and of all human history."²¹

A bishop is to proclaim his own faith, seeking to provoke an initial response from the unbeliever, to rekindle the embers of faith of the non-practitioners and to deepen the faith of those who are committed to Christ. Faith in Christ is the object, content and purpose of all episcopal ministries.²²

Episcopal preaching has as its purpose to bring the People of God to Christian maturity through instruction on theological and moral principles and by applying them to the concrete circumstances of every day.²³ Such Christian maturity means accepting the Word as gift, promise and challenge.²⁴ When he preaches, the bishop distributes the gift of Christ in his Word, he instills hope as he makes relevant the truths of faith for daily living, and he challenges his listeners to live the principles derived from the gospel. The bishop endeavours "to lead all men to the sacraments and the Christian life, as practised in the visible community of the Church, which is the extension of Jesus' saving life and work in the world."²⁵

²¹ Ibid., No. 56.

²² C: WOJTYLA, loc. cit., p.263.

²³ D.P.M.B., No. 56.

²⁴ Cf. C. CURRAN, "Preaching the Word and Specific Moral Questions", in The Jurist, 32(1972), p.363.

²⁵ Bishop L.J. CROWLEY, "The Teaching Power and Mission of the Church", in Studia Canonica, 11(1975), p.222.

To achieve these results by his preaching, a bishop's proclamation must have certain characteristics.

B. CHARACTERISTICS OF EPISCOPAL PREACHING

"As the bishop devotes himself to the task of preaching he is concerned not just about choosing arguments and having a good elegant style, but he also speaks in a way that is filled with faith, redolent of the sacred scriptures and expressive of pastoral love."²⁶ It is certain that the Directory, in addressing the bishops of the universal Church with this message, is telling them to be concerned, to be aware of what they should express in their preaching, and at the same time to be aware of what is being received by their preaching.

For the diocesan bishop's preaching to be "filled with faith, redolent of the Sacred Scriptures and expressive of pastoral love", it must be the fruit of prayer and study, the result of dialogue and pastoral concern, thereby reflecting genuine faith. His preaching expresses that competency that is peculiar to his teaching office and to his authentic role of handing on and safeguarding the faith.

1. The fruit of prayer and study

In an apostolic exhortation to his brother bishops in 1970, Pope Paul VI teaches: "Let each of us examine himself on the way in which he carries out this sacred duty; it demands from us assiduous study of the revealed Word and consistent attention to the life of men."²⁷ The apostolic charism does not exempt

²⁶ D.P.M.B., No. 57.

²⁷ PAUL VI, Apostolic Exhortation to all Bishops, "Quinque Iam Anni", Dec. 8, 1970, A.A.S., 63(1971), pp.97-106; English trans. in The Pope Speaks, 15(1970), p.331. Emphasis added.

the bishop from his dual duty of studying: study and prayerful reflection on the Word, and study and understanding of people in this world.²⁸ His preaching must be such that it makes available and effective the same Word that was preached by the apostles. It is his duty not only to give testimony to the past, but to make that testimony relevant in the present in order to lead all into an eschatological future; such a duty can only be fulfilled after genuine prayer and study.

2. The fruit of dialogue and pastoral concern

To address the needs of modern man in his preaching,²⁹ a bishop must live in genuine dialogue with the world and possess a pastoral discernment. He must listen humbly and generously to his people as they endeavour to live their faith. "Bishops must lend an ear to their questions not to deny their postulates but so that we may do justice to their legitimate demands within our own proper field which is that of faith."³⁰

The diocesan bishop is to present the Word in a manner in which it will be effective at this moment of salvation.

The bishop as preacher, should have a style which "is not to be original in the sense of being new, but in the sense of being fresh, of appropriating for his own personality, of his own age, what is the standing possession of the Church and its perennial trust from Christ."³¹ A fresh vision may only be achieved by a constant

28 C. MOLARI, "The Bishop's Witness to Apostolic Faith", in Concilium, 8-1(1972), p.23.

29 D.P.M.B., No. 57.

30 PAUL VI, "Quinque Iam Anni", loc. cit., p.329.

31 P.T. FORSYTH, Positive Preaching and the Modern World, London, Hodder and Stoughton, 1907, p.89.

study of one's own self with a heart that is open to conversion. This vision must be complemented by an understanding of the many needs of modern man.

3. A reflection of faith

The bishop's preaching is an expression of the communio of the whole Church and of that which exists in his own diocese. The bishop preaches the one doctrine of faith in union with the other college members and under the headship of the Roman Pontiff. In his preaching, each individual bishop reflects to his Church the one, holy, catholic and apostolic faith; however not only does he preach the one and universal faith, but he also actualizes it for his particular community.

This one doctrine of faith is to be preached by the bishop in a formula which is a summary of the faith and adds meaning to the lifestyle of the local community. Therefore the bishop by his preaching also reflects to the universal Church the genuineness of faith lived by this local Church entrusted to him.

4. A definite competency

The competency of episcopal magisterium is "limited to the proclamation and interpretation of the saving realities which constitutes God's saving deeds."³² He teaches as the vicar of Christ, collegially united to his brother bishops under the headship of the Pope, ordained and authorized to interpret authentically the single deposit of faith with the aid of the Holy Spirit.³³ This collegial relationship does not limit his episcopal magisterial authority in a negative manner, but is a clear statement of the definite competency which is proper to him and within which he is to operate freely.

³² Bishop W. BAUM, "An Interpretation: Magisterium and the Life of Faith", in Origins, 8(1978-1979), p.77.

³³ Cf. D.V., No. 7 and L.G., Nos. 21-25.

5. A preaching that safeguards the faith

No bishop should forego his diaconal role of stating "within certain limits what views and attitudes are required, or permitted, or excluded by Christian revelation."³⁴ However, this is not a purely defensive task. Perhaps too often, bishops "seem locked in a defensive posture - responding to challenges and dissent, unable to take the initiative in proclaiming the message of Jesus in all its fullness and beauty."³⁵ His preaching is the service of presenting the freedom of the gospel.

The gospel is to be dispensed by the bishop not so much as a system of obligations, but rather as an invitation to come alive in faith. Fidelity to Christ should not be understood and presented by the bishops as a burden, but as a joyous adventure that will make each person into a new creature,³⁶ preparing for an "eternal weight of glory that is beyond all measure."³⁷

The bishop "can be a directive force for the future by emphasizing less his judgmental function and by concentrating more on inspiring, encouraging, stimulating and sensitizing men's minds."³⁸

However, there is a grave need for a bishop to formulate his teaching in correct and contemporary terms. His preaching and teaching should be the result of the best possible advice and the fullest possible knowledge. Therefore, he should

³⁴ A. DULLES, "The Contemporary Magisterium", in Theology Digest, 17(1969), p.299.

³⁵ J. BERNARDIN, loc. cit., p.371.

³⁶ II Cor. 5:17.

³⁷ II Cor. 4:17.

³⁸ A. DULLES, loc. cit., p. 299.

"approach theologians" for their assistance in the exercise of his teaching office.³⁹ In fact, the bishop cannot perform his magisterial task of safeguarding the faith to the fullest without their particular expertise, even though he has received a sure charism of truth.⁴⁰ He employs the expertise of theologians in an effort to present the truth in its fullness, without turning his preaching into an "academic exposé".⁴¹

6. A preaching complemented by lifestyle

Finally, a bishop's credibility will be enhanced if his lifestyle complies with his preaching. Pope Paul VI reminded the bishops that "what is often most needed is not so much an abundance of words as speech in harmony with a more evangelical life."⁴² The bishop preaches in words and deeds. The author of Hebrews teaches: "remember your leaders, who preached the Word of God to you, and as you reflect on the outcome of their lives, imitate their faith."⁴³ Each bishop is called to live a faith that is exemplary and inspiring. He preaches credibly a gospel of justice and charity only if he himself is a visible witness to them.⁴⁴ The Directory reminds each bishop that it is his office to proclaim the gospel - and the example of his own life lights the way.⁴⁵

³⁹ D.P.M.B., No. 63; Chapter Five will treat in some detail of the relationship between bishops and theologians.

⁴⁰ Cf. D.V., No. 8 & D.P.M.B., No. 63.

⁴¹ D.P.M.B., No. 57.

⁴² PAUL VI, "Quinque Iam Anni", loc. cit., p.331.

⁴³ Hebrews, 13:7.

⁴⁴ N. NETTE, "Evangelization and the Credibility of the Church", in Concilium, 114(1978), p. 54; full text pp. 54-60.

⁴⁵ D.P.M.B., No. 57.

Furthermore, when preaching, the diocesan bishop is fulfilling not only his office to teach; but also his offices to sanctify and to govern.⁴⁶

These various characteristics⁴⁷ take concrete form in the means of preaching employed by the diocesan bishop.

C. MEANS OF PREACHING

This teaching office of the bishop has various expressions; tasks to be performed and which were alluded to above when speaking of the bishop's duties as teacher. Also, the bishop has various means of preaching at his disposal: the homily, special opportunities to preach, pastoral letters, exercising his munus regendi and munus sanctificandi.

I. The homily

The special form of preaching for a community that is evangelized is the homily which the bishop gives at the celebration of the sacred liturgy, in a plain, familiar way suited to the understanding of all, as from the sacred text he recalls the wonderful works of God and the mysteries of Christ and instructs the faithful in the laws of Christian living.⁴⁸

The homily excels all other forms of preaching,⁴⁹ and therefore no opportunity to give it should be overlooked by the bishop. It provides "an effective

⁴⁶ Cf. Section C, Nos. 4 and 5 below.

⁴⁷ Cf. D.P.M.B., No. 59c.

⁴⁸ Ibid., No. 59a.

⁴⁹ Ibid., No. 59b.

opportunity briefly and very pointedly to draw from the liturgy of the day - unless pastoral reasons suggest something else - the principal truths of the Catholic faith."⁵⁰ The liturgy is the "privileged locus" and "privileged time" due to the presence of Jesus actualized in his Word, his minister and his "gathered people", wherein the Word is authentically presented by the bishop directing the faithful to a sacramental encounter with Christ.

The homily is to be based on the readings of the day, and is an integral part of the liturgical action;⁵¹ it should also be related to the mystery which is being celebrated and to the special needs of the listeners.⁵² If not based on the readings, the homily may be an explanation of "other texts from the ordinary or proper of the mass."⁵³ This is not new, as it was the teaching of the Council of Trent: "The Sacred Council orders that pastors and others with the care of souls, directly or through other priests, should frequently explain during the celebration of Mass some of the texts read at mass, among other things the mystery of this holy sacrifice."⁵⁴

However, "pastoral reasons" might lead the bishop to draw on sources other than the liturgy of the day.⁵⁵ Yet, such practices ought to be the exception

⁵⁰ Ibid., No. 59b.

⁵¹ S.C., No. 52.

⁵² Archbishop A. BUGNINI, C.M., ed., The Commentary on the Constitution and the Instruction, By a Committee of Liturgical Experts, New York, Benzinger Brothers, 1965, p.363.

⁵³ S.C.R., Instruction on the Proper Implementation of the Constitution on the Liturgy, "Inter Oecumenici", Sept. 26, 1964, in A.A.S., 56(1964), pp.877-900.

⁵⁴ Cf. A. BUGNINI, op. cit., p.364.

⁵⁵ D.P.M.B., No. 59b.

for he should implement liturgical norms in an exemplary fashion, as "it is for the bishop to regulate the liturgy in his own diocese, in accordance with the norms and the spirit of the Constitution on the Sacred Liturgy and the decrees of the Holy See and the competent territorial authority."⁵⁶

Reflecting and sharing his thoughts on episcopal preaching, Archbishop James Hickey exclaims, "How important that the bishop be a good homilist! How important that the homily be well prepared in prayer and reflection."⁵⁷ Not every bishop is blessed with the gift of oratory, but he is blessed with the power of the Holy Spirit which he should complement with a genuine effort to develop his gifts so that his preaching does have some of the characteristics listed above.⁵⁸

2. Special opportunities to preach

The bishop is not only to preach in his cathedral, but he is also to reach out to all corners of his diocese, guiding the people and forming them into one community in the Holy Spirit through the gospel and the Eucharist.⁵⁹ Some opportune times for the bishop to preach in the parish churches would be during his visitation, when dispensing the Sacraments, and also when conferring ministeries. Parish feasts and particular devotional celebrations might afford other occasions for the shepherd to feed his flock.

In a general statement, the Directory reminds all bishops of their duty to take advantage of opportunities to teach, and thus more especially to preach: "The

⁵⁶ "Inter Oecumenici", No. 22.

⁵⁷ Archbishop J. HICKEY, "The Bishop as Teacher", in Origins, 12(1982-1983), p.142.

⁵⁸ D.P.M.B., No. 59c.

⁵⁹ Cf. the definition of a diocese given in C.D., No. 11.

bishop does not miss any opportunity of speaking on religious topics - in discussions and lectures and homilies - to the faithful, especially to gatherings of special groups, for example, teachers, authors, journalists, magistrates, those involved in the communication media; in a word, all those engaged in education, communication, or in forming public opinion."⁶⁰

Two pastoral principles may be drawn from this paragraph, consistent with the spirit and understanding of Vatican II. Firstly, the bishop must express creativity and initiative in finding for himself opportunities to preach and to teach.⁶¹ Secondly, he should keep in touch with all groups within the diocese, taking the opportunities to be with them when time permits and occasion arises.⁶²

3. Pastoral letters

"The bishop also sets forth Catholic Doctrine through pastoral letters which are at opportune times read in churches and public oratories."⁶³ Such was the practice of the early Church. The letters of Paul and the other apostles were read in small communities of the faithful. These letters and testimonies of faith served to encourage the listeners in their faith commitment to the Risen Christ.

The Directory for bishops adds importance to episcopal pastoral letters when it suggests: "even better if these are distributed to each home in printed form or spread by other communications media so that everybody may know about them."⁶⁴ There is in this text a strong argument for a diocesan paper as a bishop's

⁶⁰ D.P.M.B., No. 61.

⁶¹ Ibid., No. 141.

⁶² Cf. ibid., No. 142.

⁶³ Ibid., No. 60a.

⁶⁴ Ibid., No. 60a.

means of evangelization and a pastoral tool instrument. If it is not feasible, to publish a diocesan paper the bishop should reach each home by means of parish bulletins and group newsletters, or by purchasing space in the secular newspapers.

These pastoral letters are a means of preaching and teaching, and therefore should complement his preaching, so that the whole diocese "hears" his voice. "The letters are to be short, but they could also be published more frequently than has been the practice, lest the bishop's teaching is lacking when his particular church should hear his voice."⁶⁵ If the bishop is to be heard, he must speak and he must be listened to by his flock. His teaching is a unique gift to this portion of the People of God, and indeed to the whole Church. These pastoral letters should be the fruit of a dialogue with clergy, religious and laity which has taken place in the various diocesan organs structured for that purpose; such letters are to address the needs and concerns of the flock. In the bishop's use of pastoral letters, he should remember that prudence is a key factor, as indeed in all his activities, "lest his action prove prejudicial to others."⁶⁶

In a recent address to the bishops of the United States Catholic Conference, Archbishop James Hickey asks: "Do we use pastoral letters as solid and significant teaching tools? Do we write for our diocesan newspapers? Is the paper a teaching memo for us to employ? Do we write pertinent, well reasoned letters to the diocesan newspapers or articles for publication in various magazines or other journals?"⁶⁷

65 Ibid., No. 60c.

66 Ibid., No. 60c.

67 J. HICKEY, loc. cit., p.142.

4. Exercising the "munus regendi"

It has already been noted that giving witness is a valuable means of preaching. In the same address mentioned above, which was given under the title, The Bishop: A Teacher, Archbishop Hickey states: "We also teach by our pastoral style and presence. Our efforts to show compassion, sensitivity and appreciation for our co-labourers in diocesan services, for our priests and laity will be in themselves a lesson. Our own personal lifestyle, our level of spending and recreation and our degree of commitment to the poor and the defenseless will be powerful teaching experiences."⁶⁸ In a particular sense, then, it may be said that a bishop is never out of the pulpit. The exercise of his munus regendi is a powerful instrument for preaching.

One such opportunity that should be used as a preaching moment, when the bishop is fulfilling his office of governing, deserves explanation. It concerns the procedures followed in reaching decisions.

It happens that some diocesan pastoral decisions, although being the fruit of consultation,⁶⁹ are not always understood by those to whom they are addressed. It is only right that the faithful receive doctrinal explanations for such potentially confusing pastoral decisions;⁷⁰ to leave them in their confusion or discontent is, in a sense, negative preaching.

Paul VI, speaking on maturity in faith, taught: "As a result of the progress of human culture, the importance of which for religions must never be neglected, the faithful follow the directives of the Church more fully and more

⁶⁸ Ibid., p.143.

⁶⁹ C.D., No. 27.

⁷⁰ J. HAMER, loc. cit., p.367.

lovingly if they see clearly the raison d'être of definitions and laws, at least in as far as that is possible in matters of faith and morals."⁷¹

The principle is clear; the faithful have a right to know and to understand the reasons for pastoral decisions made on their behalf. The bishop in leading his people must not presume a blind obedience. However this does not undermine the authority of the bishop, since he is "to test all things and hold fast to that which is good."⁷²

5. Exercising the "munus sanctificandi"

The bishop's priestly office, like his teaching one, is essential to his episcopacy, and like his governing office provides moments for preaching.

Each diocesan bishop is commissioned to form and lead his people by means of the gospel and the Eucharist. By celebrating liturgies, the bishop is not only sanctifying but he is also preaching, and not just through the homily. For the liturgy has its proper method of teaching, as for example when the celebrant during the Eucharistic Prayer recalls the blessings won for us through Christ's death, resurrection and ascension.

Also, when the diocesan bishop prays with and for his people, he witnesses to his own faith, thereby nourishing the faith of the community.

Because sacraments are signs, they are in themselves means of instruction, which call for a deeper faith. Thus, when the faithful celebrate the sacraments with their bishop, they are in effect, receiving instruction and

⁷¹ Ibid.; this text is an extract from the preamble of the Motu proprio, "Integrae Servandae", Dec. 7th, 1965, A.A.S., 57(1965), pp.952-995.

⁷² L.G., No. 12.

preaching on invisible realities.⁷³

D. THE BISHOP AND HIS WORKERS

The Directory on the Pastoral Ministry of Bishops gives another far-reaching principle which should be implemented by each diocesan bishop and find expression in the new law. It reads: "It is the bishop's ministry not only to devote himself to the work of the gospel but also to supervise the entire ministry of the Word in regard to the flock committed to his care."⁷⁴

Although the bishop should avail himself of every opportunity to preach and to teach, in a typical diocese he cannot do all that must be done.⁷⁵ The very size of his flock suggests the utter impossibility of one person's effectively preaching to all. The Greek word for bishop - o episkopos - contains the notion of a particular leader of the local community having as one essential element of his role, that of being overseer of ministries. The bishop's own task as preacher and teacher involves then two essential and complementary tasks, which, in this context can be understood as personally preaching and personally supervising preaching throughout the diocese.

The overseeing of preaching throughout the diocese is an exercise of part of the munus docendi, but is also an expression of the other two munera. As overseer, the bishop sanctifies by arranging for the Word to be available to all. For

⁷³ S.C., No. 59.

⁷⁴ D.P.M.B., No. 65a.

⁷⁵ This raises the pastoral question concerning the size of a diocese for effective episcopal ministry.

example: in the appointment of parish priests, the pastor is given the "care of souls" of his parishioners and is thus empowered to make them holy by preaching.⁷⁶ Being an overseer involves governing and making pastoral decisions; for example, as overseer of preaching throughout the diocese, the bishop should arrange for a general programme of preaching.

To arrive at some understanding of the bishop's task of supervising "the entire ministry of the Word" in the area of preaching, we will examine five particular areas: the mandate for preaching, the person who preaches, a general program of preaching, concern for the sound presentation of the Word, and the collaboration of the diocesan curia. There is an underlying premise to this episcopal role of supervising: where there is a variety of gifts and functions, there must also be cohesion and leadership.⁷⁷

1. The need for a mandate to preach

To carry out the ministry of preaching to the People of God, a preacher must be authorized to do so; that is, there must be a sign of authority and competency.⁷⁸ Like Paul the great apostle, a preacher must be called (cf 1Cor. 1:1,17) and sent to proclaim Christ's message (cf Rom. 10:15).

In the 1917 Code, there was a law which stated explicitly that a faculty from the local Ordinary was necessary for giving a sermon, "but in the context and in the common teaching of authors there is no doubt that it is applied implicitly to

76 Cf. C.I.C. (1917), Nos. 1327-1351.

77 C. SKINNER, The Teaching Ministry of the Pulpit, Grand Rapids, Baker Book House, 1973, p.71.

78 Cf. C.I.C. (1917), No. 1328.

the giving of a homily."⁷⁹

The mandate to preach in the name of Christ and of his Church could only come from the local Ordinary, not the pastor of a particular parish, although many diocesan Synods authorized the pastors to give such jurisdiction.⁸⁰ The one who received the mandate, thus shares in the bishop's mission of preaching. The 1983 Code has simplified this matter somewhat; a person must have received from his bishop the mandate to preach, and he can use this throughout the world unless otherwise provided.

2. The person who may preach

It would now be important to ask who may receive a mandate from the bishop to preach. It has been the consistent teaching⁸¹ of the Church that, "the bishop's assistants in the ministry of preaching are priests - among whom a place of special prominence belongs to pastors - deacons and other speakers from the clergy of his own or of another diocese, or religious."⁸²

The practice of having priests preach arose in the East.⁸³ "Since Catholicism in the East spread in the rural sections as well as in the large cities,

⁷⁹ T.P. CUNNINGHAM, "Is a Faculty required to preach a homily?", in The Irish Ecclesiastical Record, 5(1965), p.337; emphasis added.

⁸⁰ Cf. PONTIFICIA COMMISSIO DECRETIS CONCILII VATICANI. II INTERPRETANDIS, in Communicationes, 3(1971), p.167.

⁸¹ SACRED CONGREGATION FOR SACRAMENTS AND DIVINE WORSHIP, Instruction, "Inaestimabile Donum", April 3, 1980, English trans. by C.C.C. Publications, No. 2. Cf. S. CONGREGATION OF RITES, Third Instruction on the Constitution on the Liturgy, "Liturgicae Instaurationes", Sept. 5, 1970, A.A.S. 62(1970), pp.692-704.

⁸² D.P.M.B., No. 62a.

⁸³ J.L. ALLGEIER, The Canonical Obligation of Preaching in Parish Churches: A Historical Synopsis and Commentary, Washington, D.C., The Catholic University of America Press, C.L.S., 291, 1969, p.6.

the bishops of necessity appointed priests to perform the work of preaching in rural areas."⁸⁴ Later, this evolved to the stage where priests such as St. John Chrysostom (354-407), "preached in place of his bishop, even in the episcopal city."⁸⁵ This practice spread to the West, where we know that Augustine preached on behalf of his bishop who was not conversant with the Latin language.⁸⁶

Although deacons exercised the ministry of preaching in the early Church,⁸⁷ they did not hold this privilege for long. Later, they were to preach only with the permission of the bishop. In the seventh century they were again given the duty to preach.⁸⁸

There is evidence both from Sacred Scripture and Church history that laymen did preach.⁸⁹ Some laymen such as Origen, were understood to be endowed with the charisms necessary to preach. In a study on this question, Allgeier states: "Laymen were excluded from the office of preaching only some centuries later in the IV General Council of the Lateran (1215)."⁹⁰

There are, however, times when lay persons and non-clerical religious may give "catechetical instructions" in the liturgy but not in place of the homily.⁹¹ These instructions or exhortations may be given after the communion prayer.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Acts 6:1-6, 7:1-56, 8:5-40.

⁸⁸ J.L. ALLGEIER, op. cit., p. 7.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Cf. "Christian Meaning of Preaching", in National Bulletin of Liturgy, 10(1977), pp. 210-215.

Also from recent Roman documents, we note there are certain situations wherein preaching is open to those who have not received Orders.

a) **Inter Oecumenici.**⁹²--In the instruction on the proper implementation of the Constitution on the Liturgy, the Congregation of Rites explains: "where there is a shortage of priests, if there is no priest to celebrate Mass on a Sunday or Holy day of obligation, a bible service is recommended, subject to the judgment of a local Ordinary, under the presidency of a deacon or a layman deputed for the task."⁹³ If a deacon is present, he is to preach, otherwise the layman should share the Word for the community lest it be deprived of its rightful nourishment. However, the instruction does not speak explicitly of lay preaching.

b) **Rite of Baptism.**⁹⁴--In a baptism administered by a catechist, the Rite includes a "brief homily" given in the "way determined by the bishop", or a short talk as found in the new ritual.⁹⁵

A comparable situation arises for which there are as yet no legislation or guidelines: when an acolyte or other authorized person takes Holy Communion from a community celebration to "shut-ins". Ideally the acolyte should be encouraged to give a "brief homily" or instruction, perhaps drawing from the homily of the Sunday liturgy, if it will improve the spiritual disposition of the

92 A.A.S., 56(1964), pp.877-900.

93 Inter oecumenici, No. 37; emphasis added.

94 Cf. A.A.S., 61(1969), pp.548.

95 SACRED CONGREGATION FOR DIVINE WORSHIP "Rite of Baptism for Children", Nos 137 and 138, in The Rites of the Catholic Church, New York, Pueblo Publishing Co., 1976, xviii-756pp.

communicant.⁹⁶

c) **Directory for masses with children.**⁹⁷--The most familiar situation in which a layperson or non-clerical religious may give a homily is during a children's Mass. The Congregation for Divine Worship teaches that with the consent of the pastor or rector of the Church, a lay person may "speak to the children after the gospel", if the celebrant would find it too difficult to do so.⁹⁸

In the first draft of the Directory for Masses with Children, the word "homily" was used but was omitted from the published draft, for the Congregation thought it might lead to confusion.⁹⁹ Thus, the lay person as preacher to children is permitted only to "speak" of the mysteries of faith and not to "homilize" about them.

No indication is given of how "too difficult" is to be understood in terms of the celebrant's capacity to preach. For pastoral reasons, and since we are dealing with a faculty, a broad interpretation might be ideal. The celebrant's capacity to communicate or "to speak" with children must be seen in relation to the expertise some lay persons have in speaking with them.

From these three situations we note that the bishop must make certain decisions and have definite policies about who may preach and in what circumstances in order to fulfill his role of supervising the entire ministry of the

⁹⁶ In the Rite for Holy Communion and Worship outside of Mass, there is no suggestion of the lay person's preaching.

⁹⁷ A.A.S., 66(1974), pp.30-46.

⁹⁸ SACRED CONGREGATION FOR DIVINE WORSHIP, Directory for Masses with Children, December 20, 1973, No. 24. Full English text in Masses with Children, Masses of Reconciliation, C.C.C.B., Publications Service, 1975, 142 p.

⁹⁹ Cf. "Tertia Congregatio Plenaria", in Notitiae, 9(1973), pp.44-46.

Word.¹⁰⁰

No study of who may share in the bishop's task of preaching would be complete without taking note of an experiment which has taken place in West Germany.

In January 1973, the West German Conference of bishops expressed a desire for the laity to participate in the office of preaching.¹⁰¹ It was their wish that "...the laity should participate in proclaiming the Word of God by bearing witness of their faith in the divine liturgy, secondly after having been given a proper canonical mission by preaching the sermon at liturgical functions; finally, in extraordinary cases, by giving the homily at Mass."¹⁰²

The Sacred Congregation for the Clergy's response was concise, but not restrictive. It conceded that lay persons who are qualified for the office of preaching at liturgical functions may be chosen at times under the title of substitute, at times under the title of assistant. The response defined such times as:

- i) when there is no ordained minister to celebrate mass on a Sunday or Holy Day,
- ii) when the celebrant is physically or morally impeded, and
- iii) on special occasions or on special topics.

This first case is consistent with what was seen above. The other two cases portray a new vision if one takes a broad interpretation of terms such as

100 At all times the bishop must attentively "ponder and put into practice the principles, the advice and the norms issued by the Apostolic See." D.P.M.B., No. 64c.

101. SACRED CONGREGATION FOR THE CLERGY, Private response "Preaching by Lay Persons", Nov., 1973, in C.L.D., Vol. 8, pp.941-944.

102 Ibid., p.941.

"physically or morally" and "special". As it is a response to a specific question, one might understand that the interpretation is to be seen in the context of the spirit of the question that was proposed to the Holy See.

The Congregation seems to presume that a broad or pastoral interpretation would be taken as it gives certain stipulations for the procedure to be followed -

- i) as occasion offers, the sermons by lay persons are introduced or concluded by the celebrant,
- ii) canonical mission or delegation from the bishop is necessary; and there is no subdelegation except to auxiliary bishops, vicars general and episcopal vicars;
- iii) the prescriptions of the Episcopal Conference are to be heeded.

These stipulations are reasonable safeguards to ensure the proclaiming of truth.

The response was granted for a trial period of four years and later renewed for another four. This permission to experiment amounts to a derogation from C.I.C. (1917), canon 1342, § 2 forbidding lay persons from preaching. This experiment should be well observed, and other Synods and episcopal conferences could ask for similar concessions, for therein lies a precedent.¹⁰³

The letter to the West Germany Synod concludes with the following pastoral note. The Congregation for Sacraments is "confident that this apostolic concession will certainly contribute to the benefit of the faithful in Germany if all abuses are removed..."¹⁰⁴ Such a favourable response suggests that similar

¹⁰³ Cf. J.H. PROVOST, "Laity in the Pulpit"; in America (12/1/79) 141(1979-1980), pp.347-348.

¹⁰⁴ Cf. C.L.D., Vol. 8, p.944.

apostolic concessions should be sought, so that the faithful in every diocese throughout the Church might receive the same "benefit".

The bishop, as servant of the Word and of his people, should leave no rock unturned in his endeavours to fulfill his ministry of the Word. The Directory on the Bishop's pastoral ministry states that invaluable help may be given by men and women, who are either religious or lay persons, and the bishop in his pastoral zeal, should willingly seek and use their help.¹⁰⁵

3. A general program of preaching

Since the homily and other traditional forms of preaching are not adequate for the needs of our times: if the national episcopal conference does not draw up a unified preaching program for the whole country, the individual bishop can do so for his own diocese.¹⁰⁶

A diocesan program of preaching ought to be such that it helps the bishop's co-workers recognize their grave responsibility.¹⁰⁷ It should help them to prepare to preach with competence, and be such that it answers the needs of evangelization in the diocese.

In order to put together a program that promotes, regulates and supervises preaching, a bishop should consult "theological and catechetical experts"¹⁰⁸ as well as liturgists, and be prepared to draw on experts from the secular sciences in order to present a program that will carry the gospel into all

105 D.P.M.B., No. 62b.

106 Ibid., No. 64a.

107 Ibid., No. 55d.

108 Ibid., No. 64.

corners of the diocese. "Insofar as it lies with him the bishop sees to it these helpers have appropriate theological and pastoral knowledge through special classes both theoretical and practical, and through designed courses to help preachers."¹⁰⁹

The program should not simply contain a list of regulations; it should also instill in these helpers an enthusiasm and apostolic zeal for their task. Fired with a love for the gospel, these co-labourers will generously fulfill diocesan and liturgical regulations with which they are to become familiar. Thus they would want to preach not only on Sundays and Holy Days¹¹⁰ but also at other "highly recommended" times such as "weekdays of Advent and Lent and Paschaltide."¹¹¹

The whole tone of the diocesan program and any other of the bishop's efforts in overseeing, should express a concern for the sound presentation of the Word.

4. Concern for the sound presentation of the Word¹¹²

The bishop is the authentic interpreter of the Word. Each person who preaches in his diocese, unless he is a bishop, preaches with his authority, in the name of Christ and of His Church. It is for the bishop to safeguard the faith by ensuring that his preachers are well instructed in the faith and are motivated by "apostolic prudence and charity". "In good time he reproveth those who presume to preach doctrines foreign to faith; and those who refuse to be corrected he deprives

¹⁰⁹ Ibid., No. 62a.

¹¹⁰ S.C., No. 52.

¹¹¹ D.P.M.B., No. 64b, and S.C., No. 18.

¹¹² Ibid., No. 65.

of the faculty of preaching or teaching."¹¹³ Such activity on the part of the bishop must not be seen as defensive, but as a positive insurance that the Word is to be served and received in all its richness by the faithful.

5. The cooperation of the diocesan curia¹¹⁴

In his efforts to supervise preaching throughout the diocese, whether it be deciding who may preach, or drawing up a program of preaching or, of safeguarding the faith, the bishop needs the advice and encouragement of the curia.

It is also their task to free him from other burdens, so that he can more seriously concentrate on his primary role. In turn, the bishop should delegate to curial officials those duties which hinder him from fulfilling his proper vocation.

We have now, from Conciliar and post-Conciliar teaching, a pastoral and theological understanding of the various dimensions of the bishop's role as preacher, both personally and as overseer. With this background, we can begin to examine this role as it has been codified in the 1983 Code of Canon Law.

E. THE 1983 LEGISLATION

Before studying the new law on preaching, or on any other expression of the Church's teaching office, it is necessary to place the revised Code itself in a broader perspective. This may be done by a general comparison between the Code of Canon Law of 1917 and the Code of 1983, and then making a more incisive comparison of the contents of the two Codes on the "Teaching Office of the

¹¹³ Ibid., No. 65a.

¹¹⁴ Cf. Ibid., Nos. 200-205.

Church."

1. General introduction

a) **A comparison between the 1917 and 1983 codes**--By comparing the basic outline of both Codes the similarities and differences become quite apparent. However, it is not our intention to concentrate on these similarities and differences but to compare the Codes so as to have a clear picture of where the teaching office of the Church fits into the overall legislation.

1917 Code

BOOK I : GENERAL NORMS

BOOK II : PERSONS

BOOK III : THINGS

BOOK IV : PROCEDURES

BOOK V : DELICTS AND
PENALTIES

1983 Code

BOOK I : GENERAL NORMS

BOOK II : PEOPLE OF GOD

BOOK III : TEACHING OFFICE OF THE
CHURCH

BOOK IV : SANCTIFYING OFFICE OF
THE CHURCH

BOOK V : TEMPORAL GOODS OF THE
CHURCH

BOOK VI : SANCTIONS IN THE
CHURCH

BOOK VII : PROCEDURES

This basic outline gives some indication of the changes in structure of the law. A more comprehensive picture of changes within the Books of the new law would be gained by comparing Titles and Chapters, since some articles have been

moved from their original contexts into more suitable places.¹¹⁵

As the Council highlighted the tria munera, so does the new law - placing each munus in a Book of its own, and significantly placing the munus docendi before the munus sanctificandi.

b) **A comparison between the 1917 and 1983 titles**—The contents of Book III of the 1983 Code parallel somewhat the corresponding section of the 1917 Code.

1917 Code

BOOK III : THINGS

PART FOUR : THE ECCLESIASTICAL
MAGISTERIUM

TITLE XX : PREACHING OF THE DIVINE
WORD

Chap. I : Catechetical Instruction

Chap. II : Sacred Preaching

Chap. III : Sacred Missions

TITLE XXI : SEMINARIES

TITLE XXII : SCHOOLS

TITLE XXIII : PROHIBITION AND PREVIOUS

CENSURE OF BOOKS

Chap. I : Previous censure of books

1983 Code

BOOK III : THE TEACHING OFFICE
OF THE CHURCH

TITLE I : MINISTRY OF THE
DIVINE WORD

Chap. I : Preaching of the word
of God

Chap. II : Catechetical Instruction

TITLE II : MISSIONARY ACTIVITY
OF THE CHURCH

TITLE III : CATHOLIC EDUCATION

Chap. I : Schools

¹¹⁵ One example of such a change: in the 1917 Code, Seminaries were treated under to the "Teaching Office of the Church" in canons 1352-1371, while in the revised Code they are treated in Book II on the People of God, canons 203-235.

Chap. II : Prohibition of books

Chap. II : Catholic Universities and
other Institutes of Higher
Studies

Chap. III : Universities and
Ecclesiastical Faculties

TITLE IV : INSTRUMENTS OF
SOCIAL COMMUNICATIONS,
ESPECIALLY BOOKS

TITLE XXIV: PROFESSION OF FAITH

TITLE V : PROFESSION OF FAITH

We note the Conciliar emphases of the 1983 layout, especially in the language adopted. The Title of Book III (1983) "The Teaching Office of the Church" recognizes the duty and right of all the members of the Church to teach, which shows an ecclesiological development from the title "The Ecclesiastical Magisterium" of the 1917 Code.

The general logic of the ministry of the Word preceding Missionary Activity is acceptable. This logic is further expressed by the placing of preaching before catechetics. In the 1983 Code a separate Title has been devoted to the Church's missionary activity, in accordance with the Conciliar document Ad Gentes. The concept of "Catholic Education" has broadened with a emphasis on tertiary institutes. Finally, in accord with Inter Mirifica, the 1983 Code addresses the Church's use of social communications.

Throughout this dissertation, the eighty-seven canons of the 1983 Code will be reviewed, in order to build up a comprehensive picture of the teaching office of the diocesan bishop. Not all these canons will be explicitly applicable to this role, but all should be reviewed in order to gain a fuller appreciation of the

bishop's teaching office.

The canons of the 1983 Code must be considered in relation to earlier drafts and amendments, as well as in relation to the Code of 1917.¹¹⁶

With this brief background and introduction of the new law, particularly in regard to the teaching office of the Church, it is opportune to return to the theme of this chapter and present the role of the diocesan bishop as preacher as outlined in the new law.

Book III, The Teaching Office of the Church, begins with nine canons, which present fundamental principles on the teaching office. Following these, Title I, The Ministry of the Word, begins with six introductory canons on the various roles of members of the Church in regard to the ministry of the Word.

2. Introductory canons

The first canon states whose duty it is to announce the gospel to the universal Church and the particular Churches.

Canon 756, §1: For the universal Church the duty of announcing the gospel has been entrusted in a singular way to the Roman Pontiff and the College of Bishops.

§ 2: Individual Bishops who are indeed moderators of the entire ministry of the word for their area, perform this service, each for the particular Church committed to him; several of them, when they join together, fulfill this duty in accord with the norm of law, for several Churches at the same time.¹¹⁷

¹¹⁶ Further reference may also be made to the proposed law for the Oriental Churches; Cf. Nuntia, 1976 -

¹¹⁷ Canon 756, §1. "Quoad universam Ecclesiam munus Evangelii annuntiandi praecipue Romano Pontifici et Collegio Episcoporum commissum est.

2. Quoad Ecclesiam particularem sibi concreditam illud munus exercent singuli Episcopi, qui quidem totius ministerii verbi in eadem sunt moderatores; quandoque vero aliqui Episcopi coniunctim illud explent quoad diversas simul Ecclesias, ad normam iuris."

Paragraph one illustrates well the two principal sources used in preparing the new Law: the 1917 Code and the documents of Vatican II.

In the context of this dissertation, the diocesan bishop's role as moderator has particular interest for he is moderator of the entire ministry of the word in his diocese. As such, he serves the particular Church and, thereby, the universal Church. The concept of "moderator" conveys a sense of leadership and authority, reminding all that the bishop's role as teacher is intricately related to his munus regendi.

The law also envisages that a bishop, in cooperation with other bishops, is responsible for announcing the gospel outside his own diocese, in the region to which he belongs.

Having defined the fundamental role of bishops, the law lays down the particular competencies of the clergy, religious and laity:

Canon 757: Priests, who are indeed the cooperators of the Bishops, have a proper duty to announce God's gospel; pastors and others to whom the care of souls has been entrusted are especially bound to this duty; deacons also, in communion with the Bishop and his presbyterate serve the people of God in the ministry of the word.¹¹⁸

Canon 758: Members of Institutes of consecrated life, by reason of their consecration to God, give testimony to the gospel in a special manner; They ought to be enlisted by the bishop to help in the proclamation of the gospel.¹¹⁹

Canon 759: Lay members of the Christian faithful, by force of their baptism and confirmation, are witnesses of the gospel message by word

118 Canon 757 - "Presbyterorum, qui quidem Episcoporum cooperatores sunt, proprium est Evangelium Dei annuntiare; praesertim hoc officio tenentur, quoad populum sibi commissum, parochi aliique quibus cura animarum concreditur; diaconorum etiam est in ministerio verbi populo Dei, in communione cum Episcopo eiusque presbyterio, inservire." Cf. P.O., No. 4.

119 Canon 758 - "Sodales institutorum vitae consecratae, vi propriae Deo consecrationis, peculiari modo Evangelii testimonium reddunt, jidemque in Evangelio annuntiando ab Episcopo in auxilium convenienter assumuntur."

and the example of a Christian life; they also can be called to cooperate with the Bishop and the priests in the exercise of the ministry of the word.¹²⁰

Each of these persons has a proper role to fulfill in the ministry of the word, as well as a share in the teaching office of the bishop.

This concept of the entire diocese being in communion with the diocesan bishop and sharing in his mission to announce the gospel, codifies a new understanding of the Church — being "Church". There is no triumphalism here. The diocesan bishop is to serve. As moderator, he is to lead the people of God to an awareness and fulfillment of their duties and rights in relation to the whole Church's mission to announce the gospel.

This mission must be carried out with integrity and fidelity.

Canon 760: In the ministry of the Word, which draws on Sacred Scripture, Tradition, Liturgy, the Magisterium and the life of the Church, the mystery of Christ must be presented integrally and faithfully.¹²¹

The last introductory canon in its 1977 form was addressed explicitly to the bishops. However, in its 1980 version and in its final form, it would seem rather to be addressed to the entire Church. Canon 761 reads:

The various means which are available should be employed to proclaim Christian doctrine, especially preaching and catechetical instruction, which indeed are always primary, but also setting forth this doctrine in schools, academies, conferences and meetings of every kind, spreading it abroad in public statements made by legitimate authority on the occasion of some event, using the press and other means of social communication.¹²²

120 Canon 759 - "Christifideles laici, vi baptismatis et confirmationis, verbo et vitae christianae exemplo evangelici nuntii sunt testes; vocari etiam possunt ut in exercitio ministerii verbi cum Episcopo et presbyteris cooperentur."

121 Canon 760 - "In ministerio verbi, quod sacra Scriptura, traditione, liturgia, magisterio vitaeque Ecclesiae innitatur oportet, Christi mysterium integre ac fideliter proponatur."

122 Canon 761 - "Varia media ad doctrinam christianam annuntiandam adhibeantur quae praesto sunt, imprimis praedicatio atque catechetica institutio,

These six canons serve as a backdrop and reference to the following chapters on "Preaching" and "Catechetical Instruction". Thus, from them, we can retain three particular ideas: the diocesan bishop is the moderator of the word in his diocese; he must permit and encourage others to share in the ministry of the word; as moderator, he is to oversee the content and the means utilized in this ministry.

3. Preaching the Word of God

The 1983 Code adopts the Conciliar order of evangelical tasks which places preaching before catechetical instruction. The priority of preaching among the evangelical tasks is consistent with the manner in which the bishop's teaching office is to be understood.

There are eleven canons in the chapter on "Preaching". These canons consider: the right of the People of God to receive the Word and the subsequent duties of sacred ministers to provide it - canon 762; the right of the bishop to preach everywhere - canon 763; the mandate to preach - canons 764-766; homilies - canon 767; the content of preaching - 768-769; spiritual exercises - 770; preaching to shut-ins and non-believers - canon 771; and, finally, the observance of norms and prescriptions set down by the bishop and the Conference of Bishops respectively - canon 772.

quae quidem semper principem locum tenent, sed et propositio doctrinae in scholis, in academiis, conferentiis et coadunationibus omnis generis, necnon eiusdem diffusio per declarationes publicas a legitima auctoritate occasione quorundam eventuum factas, prelo allisque instrumentis communicationis socialis."
Cf. C.D., No. 13, and I.M., Nos 13 and 14.

a) **The Right To Receive The Word**--The first canon recalls the right of the faithful to receive the Word of the living God. It is this word which first brings them together.

A new ecclesiological insight is found in this canon.

Canon 762: Since the people of God are first drawn together by the word of the living God, which is rightly sought from the mouths of priests, sacred ministers whose primary office is to proclaim the gospel of God to all must greatly esteem the function of preaching.¹²³

By the "people of God" is understood all members of the Church, that is the laity, religious and sacred ministers.¹²⁴

In accord with Presbyterorum Ordinis No. 4, the people of God seek this word from the mouths of priests, whose first duty as co-workers with the bishops, is to preach the gospel to all.

b) **Universal preaching**--Pope Paul VI in the motu proprio, Pastorale Munus, November 30, 1963, gave to the bishops the privilege of preaching the Word of God everywhere in the world, unless the local Ordinary expressly disapproves.¹²⁵

However, this had not always been the case. In the third century, the bishop "was allowed to preach solely in his own city. As a penalty for preaching publicly in another city he was to desist from acting as a bishop, and in consequence was to perform simply the functions of a priest."¹²⁶

¹²³ Canon 762 - "Cum Dei populus primum coadunetur verbo Dei vivi, quod ex ore sacerdotum omnino fas est requirere, munus praedicationis magni habeant sacri ministri, cum inter praecipua ipsorum officia sit Evangelium Dei omnibus annuntiare."

¹²⁴ Cf. L.G., Chapter II and Book II of the revised law.

¹²⁵ Pope PAUL VI, Motu proprio, "Pastorale munus", in A.A.S., 56(1964), p.5.

¹²⁶ J.L. ALLGEIER, op. cit., p.3.

There was a heavy emphasis at that time on the bishop's being the local pastor. Privilege No. 1 of Pastorale munus reminds us of the great importance of the bishop's universal role, teaching in communion with all the bishops. Canon 763 incorporates this privilege into the revised code.

Canon 763: It is the right of bishops to preach the word of God everywhere, including churches and oratories belonging to religious institutes of pontifical right, unless the diocesan bishop should have expressly refused this in particular cases.¹²⁷

The 1977 draft considered this privilege as a "faculty".¹²⁸ After the word "ius" was inserted in the 1980 draft, it was requested to return to the former wording, so that if necessary the faculty might be prohibited more easily. The reply was that it was the "right of bishops" to preach everywhere and that this right of each bishop may be limited in accord with the last clause of the canon. In previous drafts, it was the local Ordinary and not the diocesan bishop who could expressly refuse a bishop the exercise of his right to preach in the diocese in particular cases.

The revised Code then turns its attention to the place where other sacred ministers may preach. Canon 719 of the 1980 draft stated:

Saving the prescription of canon 720, priests and deacons enjoy the faculty of preaching everywhere, unless that faculty has been restricted or removed by a competent Ordinary or permission is expressly required by particular law.¹²⁹

¹²⁷ Canon 763 - "Episcopis ius est ubique, non exclusis ecclesiis et oratoriis institutorum religiosorum iuris pontificii, Dei verbum praedicare, nisi Episcopus loci in casibus particularibus expresse renuerit."

¹²⁸ "...praedicandi habet facultatem."

¹²⁹ Canon 719(1980): "Salvo praescripto can. 720, facultate praedicandi ubique gaudent presbyteri et diaconi, nisi ab Ordinario competenti eadem facultas restricta fuerit aut sublata, aut lege particulari expressa requiratur licentia."

This draft canon was considered deficient by Cardinal C. Bafile and Bishop T. Stewart, who requested two changes. Firstly, they suggested that those who preach should have "the presumed consent of the rector of the church" and secondly that this faculty should not be given to deacons, since it would be an exaggeration of their role.¹³⁰ The Code commission responded with an affirmative to the first request and negative to the second, so that canon 764 now reads:

Saving the prescription of canon 765, priests and deacons with the presumed consent of the rector of the Church, enjoy the faculty of preaching everywhere, unless that faculty has been restricted or removed by a competent Ordinary or permission is expressly required by particular law.¹³¹

The Second Vatican Council has promoted the homily so that it is to be understood as an integral part of the liturgy of the Word.¹³² "It would seem that whosoever may celebrate the Divine Liturgy may also be deemed to have the faculty to preach as well."¹³³ However, the exercise of this ministry remains subject to the local bishop who is the moderator of the ministry of the Word in the diocese.

The diocesan bishop may prescribe particular norms in regard to preaching in his diocese in accord with canon 765. Yet, such laws should not infringe unduly on the right of a priest or deacon to preach. Nor should a pastor or rector of a Church be too restrictive in granting consent for other sacred ministers to preach.

¹³⁰ Cf. Relatio, p.172, ad can. 719.

¹³¹ Canon 764 - "Salvo praescripto can. 765, facultate ubique praedicandi, de consensu saltem praesumpto rectoris ecclesiae exercenda, gaudent presbyteri et diaconi, nisi ab Ordinario competenti eadem facultas restricta fuerit aut sublata, aut lege particulari licentia expressa requiratur."

¹³² S.C., No. 52.

¹³³ G. NEDUNGATT, S.J., The Schema "De magisterio ecclesiastico" - Part I, in Nuntia, 10(1980), p. 73.

in his Church. It should be possible to presume this consent. Perhaps the best way this general undertaking may be reached is through promotion of some common diocesan or even regional policy.

A complement to canon 764 is found in the following norm, canon 765, which reads:

To preach to religious in their churches or oratories, permission of their superior is required according to the constitutions.¹³⁴

Unlike what was contained in C.I.C. (1917), canons 1338, § 2 and 1339, § 2, the permission of the superior is needed by all preachers whether or not they are religious themselves.

These canons regarding the right, the faculty and the permission to preach, implicitly infer that the function of preaching is intricately related to the state of being a sacred minister. But this inference does not infringe on the rights of the particular competent authority in his respective jurisdiction. The omission of canon 16(1977)¹³⁵ which corresponded to C.I.C. (1917), canon 1340, removed a somewhat paternalistic dimension from the moderating role of the diocesan bishop in particular, but also from the role of the competent superior.

This is not to deny, however, that the diocesan bishop can place reasonable limitations on the faculty or even revoke the right to preach if

¹³⁴ Canon 765 - "Ad praedicandum religiosis in eorum ecclesiis vel oratoriis licentia requiritur Superioris ad normam constitutionum competentis."

¹³⁵ Canon 16(1977): 1. "Loci Ordinarius aut Moderator Instituti vitae consecratae competens, facultatem aut licentiam praedicandi ne concedat nisi illis qui sunt moribus probi et qui sufficienti et certa doctrina gaudere probati sunt per examen ad norm can. 140 (de Sacramentis); concessam semel facultatem aut licentiam sine gravi causa ne revocet.

2. "Contra decretum quo revocatur facultas aut licentia praedicandi, datur recursus, sed non in suspensivo."

necessary.¹³⁶

The new law on preaching by lay persons, although clear on some principles, leaves room for interpretation.

Canon 766: Lay persons may be allowed to preach in a church or oratory when circumstances so require or when in particular instances it would be useful to do so, according to the prescriptions of the Conference of Bishops, and without prejudice to canon 767, 81.¹³⁷

The phrase "without prejudice to canon 767, 81" refers to the prescription that the homily as a part of the liturgy is reserved to a priest or deacon. Does this mean that the homily is so reserved in all circumstances? Might it not be possible to interpret "homily" in such a way that the Conference of Bishops could allow lay persons to preach on occasion in the liturgy, although it would not be a "homily"?

The canon allows lay persons to preach in a church or oratory for two distinct reasons: firstly, if circumstances make it necessary, or secondly, if particular instances indicate its usefulness. The Conferences of Bishops must determine, at least in general terms, those circumstances and instances when lay persons may preach. Even a strict interpretation of the notion of "homily" might allow a Conference of Bishops to permit lay persons to preach in the liturgy, especially in view of canon 767, 82 where it is stated that "a homily must be given and without grave cause cannot be omitted."¹³⁸

¹³⁶ Cf. G. NEDUNGATT, *loc. cit.*, p. 73.

¹³⁷ Canon 766 - "Ad praedicandum in ecclesia vel oratoria admitti possunt laici, si certis in adiunctis necessitas id requirat aut in casibus particularibus utilitas id suadeat, iuxta Episcoporum conferentiae praescripta, et salvo can. 767, 81."

¹³⁸ Canon 767, 83: "... homilia habenda est nec omitti potest nisi gravi de causa."

c) **Preaching, especially the homily**--The homily is to be highly esteemed as part of the liturgy itself, and as such receives particular attention in the revised law. In the light of the questions arising from the previous canon, is it possible to clarify what is a homily and what is not a homily? No absolute definition of a "homily" may be found in Conciliar or post Conciliar literature or in the 1983 Code of Canon Law. Thus, we must bring to these canons the theological-liturgical description of the "homily" found in such literature. However, the main elements of this description are found in the following canon.

Canon 767, §1: The homily is preeminent among the forms of preaching as a part of the liturgy and is reserved to a priest or deacon; in it, throughout the course of the liturgical year the mysteries of the faith and the laws of christian life are set forth from the sacred text.¹³⁹

The reserving of the homily to a priest or deacon has been the consistent practice of the Church.¹⁴⁰ Since it is always the diocesan bishop's duty and right to preach, it might have been preferable to have included him in this reservation, perhaps by the use of the phrase, "sacred ministers"¹⁴¹ instead of "a priest or deacon".

The second half of the paragraph describes the content the mysteries of the faith and the laws of christian life and purpose of the homily to promote growth in faith and christian life.

§2: In all Masses on Sundays or holy days of obligation celebrated with a congregation, a homily must be given and without grave cause cannot be

¹³⁹ Canon 767, §1. "Inter praedicationis formas eminent homilia, quae est pars ipsius liturgiae et sacerdoti aut diacono reservatur; in eadem per anni liturgici cursum ex textu sacro fidei mysteria et normae vitae christianae exponantur."

¹⁴⁰ Cf. PONTIFICIA COMMISSIO DECRETIS CONCILII VATICANI II INTERPRETANDIS, "Responsa ad proposita dubia", January 11, 1971, in A.A.S., 63(1971), p. 329.

¹⁴¹ Cf. C.I.C. (1983), canon 762.

omitted.¹⁴²

This paragraph has its source in Sacrosanctum Concilium, No. 52. The holy days of obligation are enumerated in canon 1246.¹⁴³ It should be noted, though, that no specific mention is made of preaching a homily during the celebration of the other sacraments,¹⁴⁴ although they are generally celebrated during the Eucharist.

Paragraph three not only prescribes the duties of preachers, but also it alludes to the right of the faithful to receive the Word of the living God.

83: It is strongly recommended that if there is a sufficient congregation, a homily may be given also at Masses celebrated during the week, especially in Advent or Lent or on occasion of a feast or mourning.¹⁴⁵

This paragraph draws on Sacrosanctum Concilium, No. 49 and Inter Oecumenici, No. 53. The diocesan bishop might enact further norms to provide for the fulfillment of this recommendation in his diocese.

84: It belongs to the pastor or rector of a church to see that these prescriptions are religiously observed.¹⁴⁶

¹⁴² Canon 767, 82. "In omnibus Missis diebus dominicis et festis de praecepto, quae concursu populi celebrantur, homilia habenda est nec omitti potest nisi gravi de causa."

¹⁴³ Canon 1246, 81. "Dies dominica in qua mysterium paschale celebratur, ex apostolica traditione, in universa Ecclesia uti primordialis dies festus de praecepto servanda est. Itemque servari debent dies Nativitatis Domini Nostri Iesu Christi, Epiphaniae, Ascensionis et sanctissimi Corporis et Sanguinis Christi, Sanctae Dei Genetricis Mariae, eiusdem Immaculatae Conceptionis et Assumptionis, sancti Ioseph, sanctorum Petri et Pauli Apostolorum, omnium denique Sanctorum.

2. Episcoporum conferentia tamen potest, praevia Apostolicae Sedis approbatione, quosdam ex diebus festis de praecepto abolere vel ad diem dominicam transferre."

¹⁴⁴ Cf. Rite of Baptism for Children, No. 113; and Rite for Celebrating Marriage Outside Mass, No. 42.

¹⁴⁵ Canon 767, 83. "Vade commendatur ut, si sufficiens detur populi concursus, homilia habeatur etiam in Missis quae infra hebdomadam, praesertim tempore adventus et quadragesimae aut occasione alicuius festi vel luctuosi eventus, celebrentur."

¹⁴⁶ Canon 767, 84. "Parochi aut ecclesiae rectoris est curare ut haec praescripta religiose servantur."

This paragraph is an application of the principle of subsidiarity, as it recognizes the legitimate authority of the pastor or rector of a church for his own community; it does not, however, deny the moderating role of the diocesan bishop, who is to assist the pastor in the accomplishment of this and other duties.

In regard to the content of preaching, including the homily, the revised law draws on Christus Dominus, Nos. 12 and 13.

Canon 768, §1: Preachers of the divine word should offer to the faithful primarily those things which they should believe and do for the glory of God and the salvation of humanity.

§2: They should also impart to the faithful the teaching proposed by the Church's magisterium on the dignity and freedom of the human person, on the unity and stability of the family and its functions, and the obligations pertaining to persons bound together in society, and on temporal goods to be ordered according to the divine plan.¹⁴⁷

This canon does not stand alone but must be seen in conjunction with the following one, which also draws on a Conciliar principle especially evident in Gaudium et Spes, No. 4. Canon 769 reads: "Christian doctrine should be proposed in a manner accommodated to the condition of its listeners and adapted to needs of the times."¹⁴⁸

Preaching therefore is to be relevant to the people of God in their lives now, and in the daily choices they must make as they live the christian life. It should provoke a deeper response of faith, challenging the faithful and at the same time being supportive of their efforts to give glory to God.

¹⁴⁷ Canon 768, §1. "Divini verbi praecones christifidelibus imprimis proponant quae ad Dei gloriam hominumque salutem credere et facere oportet.

2. Impertiant quoque fidelibus doctrinam, quam Ecclesiae magisterium proponit de personae humanae dignitate et libertate, de familiae unitate et stabilitate eiusque muniis, de obligationibus quae ad homines in societate coniunctos pertinent, necnon de rebus temporalibus iuxta ordinem a Deo statutum componendis."

¹⁴⁸ Canon 769 - "Doctrina christiana proponatur modo auditorum condicioni accommodato atque ratione temporum necessitatibus aptata."

The preacher's doctrine should be in line with the teaching of the Church's magisterium. Neither canon 768 nor canon 769 refer to the imposition of sanctions as was the case with their 1917 counterparts.

These two canons, like canon 767, 81 and 83, are pastorally exhortative in form. Therefore one might ask, what is their canonical value? In answering this question, it may be argued that canons which contain pastoral recommendations and principles have the functions of juridical stand-bys.¹⁴⁹ It is the role of the law to forestall conflicts, and, if they arise, to be a means of arriving swiftly at a just and equitable settlement. In these canons, the faithful, the preacher, the pastor and the bishop know what is expected. If disagreement arises on related issues, these canons will serve as a pastoral instrument of restoring peace and harmony.

The 1967 Synod of Bishops had requested that the new law be a pastoral instrument. These canons are just one example of the application of that recommendation.

"Preaching" is a term which extends beyond the notion of homily and sermon into the realm of spiritual exercises. C.I.C. (1917), canon 1349, 81 stated that "Ordinaries should see to it that pastors have what is called a mission preached to their people at least every ten years."¹⁵⁰ Paragraph two called on religious pastors to abide also by the instructions of the local Ordinary.

During the revision of canon 1349 for the new law, competency was given to the Conference of Bishops in the 1977 draft, to provide prescriptions in relation to these spiritual exercises, and a qualifying clause was added, describing missions

149 G. NEDUNGATT, *loc. cit.*, p. 75.

150 C.I.C. (1917), canon 1349, 81: "Ordinariū advigilent ut, saltem decimo quoque anno, sacram, quam vocant, missionem, ad gregem sibi commissum habendam parochi curent."

as "those in which the principal truths of Christian doctrine are set forth."¹⁵¹ However, in the 1980 draft, this particular competency was placed in the hands of the diocesan bishop, and the qualifying clause omitted. These changes were retained in the promulgated text, so that canon 770 now reads:

"Parish priests should at set times make arrangements for those types of preaching which are called spiritual exercises or missions or other forms adapted to the needs, in accord with the prescriptions of the diocesan bishop."¹⁵²

Although this final text reflects the mind of the legislator regarding who should provide the prescriptions, canon 770 derogates from this in that it is now the pastor's responsibility - parochi ordinent - to make the arrangements for such preaching. The 1917 Code had emphasized the Ordinary's role - Ordinarii advigilent.

It now remains for the diocesan bishop to fix times, rather than have a set time of every ten years. It is apparent here, and in the previous canons, that the specification of the diocesan bishop's role as moderator has been an underlying concern of the legislator. The new law retains in each canon on preaching the moderating role of the bishop for the whole diocese, and yet equally seeks to preserve the duty and right of pastors to provide for the people of God in their parish.

¹⁵¹ Canon 23(1977): "... quibus nempe praecipuae christinae doctrinae veritates fidelibus exponantur."

¹⁵² Canon 770 - "Parochi certis temporibus, iuxta Episcopi dioecesanii praescripta, illas ordinent praedicationes, quas exercitia spiritualia et sacras missiones vocant, vel alias formas necessitatibus aptatas."

4. Competency of the bishop

Canon 771, §1: Pastors of souls, especially bishops and parish priests, should take care that the word of God be proclaimed also to those who, because of their state of life, do not have the advantage of common and usual pastoral care or entirely lack it.

§2: They should also make provision that the good news of the gospel reach unbelievers living in their territory since they, too, no less than the faithful, should be included in the care of souls.¹⁵³

The diocesan bishop is to ensure that the word of the living God is addressed to all - Catholics, Christians and non-believers. The bishop and his parish priests are teachers who preach the faith to all the people assigned to them. They are heralds of faith, drawing new disciples to Christ.¹⁵⁴ Also, they are to seek out those members of the faithful, who on account of their way of life, are not adequately catered for by "ordinary" means of pastoral care.¹⁵⁵

This canon reflects the concepts of communion and mission, which are peculiar to the Church. It expresses an evangelical and ecumenical spirit that amounts to a pastoral-juridical statement, conveying much more than its counterpart in the 1917 Code.

The final canon of this chapter is new. It states clearly the specific competency of the diocesan bishop and that of the Conference of Bishops.

Canon 772, §1: In what pertains to the ministry of preaching, the norms laid down by the diocesan bishop should be observed by all.

¹⁵³ Canon 771, §1. "Solliciti sint animarum pastores, praesertim Episcopi et parochi, ut Dei verbum iis quoque fidelibus nuntietur, qui ob vitae suae condicionem communi et ordinaria cura pastorali non satis fruuntur aut eadem penitus careant.

2. Provideant quoque, ut Evangelii nuntium perveniat ad non credentes in territorio degentes, quippe quos, non secus ac fideles, animarum cura complecti debeat."

¹⁵⁴ Cf. L.G., No. 25 and E.N., Nos 49-57.

¹⁵⁵ Cf. C.D., No. 18 and Catechesi Tradendae (C.T.), No. 41.

82: For the preaching of christian doctrine by means of radio or television, the prescriptions decided by the Conference of Bishops should be observed.¹⁵⁶

Paragraph one gives the basic principle that underlies the diocesan bishop's role as moderator of the ministry of the word, specifically in regard to preaching. The norms laid down by the diocesan bishop would have to be in accord with the law, particularly in regard to who may preach, where, when and under which circumstances. In the spirit of the Council and of the revised law itself, such norms of the diocesan bishop are to be diaconal in character and purpose.

It is proper to the Conference of Bishops to have competency in matters of the teaching office of the Church that are directly related to social communications.¹⁵⁷ The Conference is to make prescriptions for the dioceses in its region, particularly as the mass media knows no boundaries.

In this brief and limited excursion into the new law on preaching, it is evident that the teaching of the Council has been codified, particularly in regard to the diocesan bishop's role as preacher. It is logical to continue this inquiry by examining his role as catechist.

¹⁵⁶ Canon 772, 81. "Ad exercitium praedicationis quod attinet, ab omnibus praeterea servantur normae ab Episcopo dioecetano latae.
2. Ad sermonem de doctrina christiana faciendum via radiophonica aut televisifica, servantur praescripta ab Episcoporum conferentia statuta."

¹⁵⁷ Cf. C.I.C. (1983), canon 823, 82.

CHAPTER III: THE BISHOP AS CATECHIST

The post-Conciliar orientations in the field of catechetics arose from the contents of the Conciliar schemata, debates and final texts. It is from these that we may perceive the correlation that exists between the pastoral office of bishops and the ministry of catechists.

For instance the concept of a catechetical directory for the universal Church was promoted in the draft schema De cura animarum,¹ which with another schema, De episcopis ac de diocesum regimine,² evolved into an entirely new text in the Spring of 1964. After some further developing and polishing, the final draft text, Decretum De Pastoralis Episcoporum Munere in Ecclesia, was published.

In De cura animarum, Chapter five treated of catechetics,³ in eight articles, the last of which prescribed a directory "which would treat the fundamental principles of catechesis and formation of the Christian people, the organization of catechetical education and the production of the appropriate texts."⁴ This prescription was further developed and took the form of a model directory in Appendix Seven.⁵

The initial concept of a catechetical directory survived the Conciliar process and was enshrined in the decree on The Pastoral Office of Bishops. Indeed,

1 Acta Synodalia, Vol. 2, Part 4, pp. 751-786.

2 Ibid., pp. 364-392.

3 Ibid., pp. 769-771.

4 Ibid., p. 771.

5 Ibid., pp. 819-826.

Article 44. "of this decree called for a directory for the catechetical instruction of the Christian people in which the fundamental principles of this instruction and its organization will be dealt with and the preparation of books relating to it."⁶

In the light of this recommendation, the pastoral mind of the Council was carried forward and developed in the post-Conciliar documents. It is our intention to study these documents to understand catechesis as the Church presents it. From this understanding, we will construct a description of the diocesan bishop's catechetical ministry. Finally, it is our intention to study the new canons on catechetical instruction in order to piece together the legislator's view of the bishop's ministry, making a comparison between the vision found in the documents and that which the legislator has codified.

A: POST-CONCILIAR TEACHING ON CATECHESIS

To begin this study of the Church's teaching we will refer to the documents of major importance issued on the subject of catechesis since the Council. Then, in analysing these texts, we will seek to define catechesis, summarize its content, state its goal and note who are its recipients.

1. Post-Conciliar Documents

The General Catechetical Directory was published Easter Sunday, April 11, 1971.⁷ Its purpose was to provide the basic principles of pastoral theology so

⁶ In an earlier draft, there was a corresponding footnote here, which was omitted from the final draft. The footnote advised that in the compiling of a directory, the guidelines from Appendix Seven must be kept uppermost in mind. Cf. ibid., Vol. 4, Part 2, p. 616, modus 46.

⁷ For a more detailed history of the development of the General Catechetical Directory, Archbishop Pietro PALAZZINI, Secretary of the Sacred

that "pastoral action in the ministry of the word" could be more fittingly directed and governed.⁸

The second major document, again in a particular way the fruit of the bishops' meeting in college, the Synod of 1977, was Pope John Paul II's first apostolic Exhortation, Catechesi Tradendae, October 16, 1979.⁹ The purpose of this exhortation will best be understood from Pope John Paul II's own words.

I ardently desire that this Apostolic Exhortation to the whole Church should strengthen the solidity of faith and of Christian living, should give fresh vigour to the initiative in hand, should stimulate creativity - with the required vigilance - and should help to spread among the communities the joy of bringing the mystery of Christ to the world.¹⁰

These two documents will serve as the major sources for this study on catechesis, more particularly, on the ministry of the diocesan bishop in the field of catechetics. In conjunction with these major documents it is of benefit to use also the principal documents of the Synod of Bishops, 1977, which had catechesis as its theme.¹¹

Other Roman documents treat of catechesis but not as a principal theme. Among such documents are Pope Paul VI's apostolic letter Ecclesiae Sanctae,

Congregation for the Clergy who has published a detailed history of the Directory's post-Conciliar growth based on archival material. Cf. "Peracta a S. Congregatione pro Clericis in catechetica", in Atti del Congresso Catechistico internazionale, (Roma, 20-25 settembre, 1971), Roma: Editrice Studium, 1972, pp. 147-212.

8 Cf. General Catechetical Directory (henceforth G.C.D.), Foreword.

9 A.A.S., 71(1979), pp. 1277-1340. The English text used in this dissertation is that of the Canadian Conference of Catholic Bishops, Ottawa, 100p.

10 Catechesi Tradendae, (henceforth C.T.), No. 4.

11 Cf. Réalités et avenir de la catéchèse dans le monde: Principaux documents du Synode des évêques 1977, presented by Jacques POTIN, Paris, Le Centurion, 1978, 238p.

August 6, 1966,¹² the motu proprio, Ministeria Quaedam, August 15, 1972,¹³ and the Apostolic Exhortation, Evangelii Nuntiandi, December 8, 1975.¹⁴ Curial documents must be recognized also as valuable sources, more especially the Directory on the Pastoral Ministry of Bishops, February 22, 1973,¹⁵ from the Sacred Congregation for Bishops, while the Directives for mutual relations between Bishops and Religious in the Church May 14, 1978,¹⁶ also sheds light on the catechetical scene.

2. Towards a definition of catechesis

In the New Testament, Luke and Paul use the word Catechein, to catechize, in the sense of giving instructions. Raymond Jansen in his doctoral dissertation, Canonical Provisions for Catechetical Instruction, writes: "the term was also used by both the Greek and Latin Fathers. Tertullian was the first Latin writer to use "catechizare" in the meaning of "to instruct orally in the Christian faith, and St. Augustine the first to use the word "catechismus"."¹⁷

¹² A.A.S., 58(1966), pp. 757-782.

¹³ A.A.S., 64(1972), pp. 529-534.

¹⁴ A.A.S., 68(1976), pp. 5-76.

¹⁵ SACRED CONGREGATION FOR BISHOPS, Directorium de pastorali ministerio episcoporum, In Civitate Vaticana, Typis Polyglottis Vaticanis, 1973, 252p. English trans.: Canadian Conference of Catholic Bishops, Directory on the Pastoral Ministry of Bishops, 1974, 116p; from which all references to this document (henceforth D.P.M.B.) will be drawn.

¹⁶ A.A.S., 70(1978), pp. 473-506.

¹⁷ Raymond JANSEN, Canonical Provisions for Catechetical Instructions: An Historical Synopsis and Commentary, Washington, D.C., The Catholic University of America, 1937, p. 2, C.L.S. 107.

Throughout the history of the Church, catechesis has played a major role in its life and mission. In itself, it may be understood both as a ministry of the Word and as a pastoral activity.

a) **A ministry of the Word**—In the context of the General Catechetical Directory and of the new law, catechesis is presented as a ministry of the Word.¹⁸ It is a ministry which transmits God's Word in an enlightening and educative way. As ministry, its service consists in awakening, nourishing, and educating the faith of those who have already responded to God on some level of belief.¹⁹ Catechesis aims at deepening the conversion process in all Christians and catechumens.

b) **A pastoral activity**²⁰—Catechesis is not simply the teaching of a theological system or the communication of religious knowledge; nor is it just the training in moral judgment, or the bringing of a person into the institutional Church. In fact, it is all this and more, for, "Catechesis is doing its job only when it takes people where they are and tries to bring them into a harmonious relationship with their universe, with God the source of their being and within themselves."²¹

Catechesis is distinct from and at the same time mutually helpful to the other forms of ministry of the Word, such as preaching and theologizing. The

18. In the G.C.D., Part Two is entitled: "The Ministry of the Word"; while in the 1983 law, the chapter on "Catechetical Formation" follows "Preaching of the Word of God" under the title of "The Ministry of the Divine Word."

19. Cf. G.C.D., No. 16.

20. Cf. G.C.D., Part Six, which is entitled "Pastoral Activity in the Ministry of the Word."

21. Bernard L. MARTHALAR, O.F.M. Conv., "To Teach the Faith or to Teach Theology", in C.T.S.A. Proceedings, 31(1976), pp. 217-233.

nature of catechesis as a means of evangelization will further unfold by studying its content and its specific goal and by determining to whom it is addressed.

3. Catechesis concerns the whole of Revelation

The diocesan bishop is to share with his people the deposit of revelation. The faithful have the right "to receive 'the word of faith' not in mutilated, falsified or diminished form but whole and entire, in all its rigour and vigour."²² The Church claims this right for all Christians and works to fulfil it.²³ In the particular Church this "sacred duty" pertains to the teaching office of the diocesan bishop. Catechesis is one means of fulfilling what the Exhortation calls this "inalienable right" of the disciples of Christ to have access to all of Revelation.²⁴

It is not necessary to review each of the Christian truths which constitute the object of faith and of catechesis itself.²⁵ Even chapter two of the General Catechetical Directory, entitled "The More Outstanding Elements of the Christian Message"; does not claim or attempt to give such an exhaustive list.²⁶ Nor are the Christian truths listed in this chapter presented according to a certain hierarchy of truths, although such a hierarchy is recognized by the authors of the directory.²⁷ However, the directory leaves no doubt that the content of catechesis

²² C.T., No. 30.

²³ C.T., No. 14.

²⁴ Ibid.

²⁵ To draw up such a list is the task of a theologian. However, cf. R. JANSEN, op. cit., pp. 45-49; also D.V., Nos. 2-6.

²⁶ It is not altogether irrelevant to note that the titles of each paragraph when listed together make for an excellent creed.

²⁷ Cf. U.R., No. 11, and G.C.D., No. 43a.

is to be all that has been revealed.²⁸

Concerned with integrity of content, the diocesan bishop is to watch particularly over catechesis, a task allied with his duty of safeguarding the faith. Pope John Paul II reminds the bishops that sometimes "your zeal must... impose upon you the thankless task of denouncing deviations and correcting errors."²⁹ The bishop is to protect the rights of the faithful by ensuring that catechesis does not transmit doctrine contrary to what has been revealed nor less than it. Therefore, it remains for the bishop to make judgment on the content of catechesis,³⁰ as "no true catechist can lawfully, on his own initiative, make a selection of what he considers important in the deposit of faith as opposed to what he considers unimportant, so as to teach the one and reject the other."³¹

4. An action which leads to maturity in faith

In pastoral terms, the General Catechetical Directory describes catechesis as "an ecclesial action which leads both communities and individual members of the faithful to maturity of faith."³²

Through catechesis the community will grow and express its maturity by the manner it lives its worship in spirit and in truth³³ and by the manner it fulfils

²⁸ G.C.D., No. 38.

²⁹ C.T., No. 63.

³⁰ Cf. "Les 34 propositions adressées au Pape", in Réalités et Avenir de la Catéchèse dans le monde, p. 214, prop. 34.

³¹ C.T., No. 30.

³² G.C.D., No. 21.

³³ Ibid., No. 25.

its duties of faith.³⁴ The individual member should express maturity of faith by personal prayer,³⁵ knowledge of the faith,³⁶ the performance of his Christian duties³⁷ and his conscientious lifestyle.³⁸

In a particular way, the diocesan catechetical activities are to aim at bringing each member of the Church to a certain level of faith with a properly formed conscience, so that they are able to live and act in accordance with the dignity of their call as a follower of Jesus and thus bear witness to the Saviour as the Way, the Truth and the Life for all.³⁹

When mature in faith, individuals recognize their membership in a local and a universal community. Catechesis invites the catechized not only to personal communion with God but also to communion with others. It is the diocesan bishop who as pastor and teacher is entrusted with bringing a particular community to maturity.⁴⁰

5. Catechesis available for all

From a canonical point of view, the content of catechesis must be addressed to three groups of people: candidates for first Communion (generally at the age of seven), youth-adolescents, and adults.⁴¹ From a pedagogical point of

³⁴ Ibid., No. 23.

³⁵ Ibid., No. 25.

³⁶ Ibid., No. 24.

³⁷ Ibid., No. 23.

³⁸ Ibid., No. 26.

³⁹ Bishop Leonard J. CROWLEY, "The Teaching Power and Mission of the Church", in Studia Canonica, 11(1975), p. 215.

⁴⁰ Cf. C.D., No. 11.

⁴¹ Cf. C.I.C. (1917), cc. 1330-1332.

view, catechesis is to be addressed to all Christians without exception, from the infant being catechized by the parents to the person who receives instruction on how to prepare for death.⁴² There is then no graduation from catechesis, which means that it must be adaptable for all ages, life situations and diversity of cultures.

Catechesis, therefore, should convey the word of God, as it is presented by the Church, in the language of the men to whom it is directed (cf. DV,13; OT,16). When God revealed himself to the human race, he made the human word the sign of his word, expressing his word in the language of a particular culture (cf. D.V., 12). The Church, to whom Christ entrusted the deposit of revelation, strives until the consummation of the world to transmit, explain, and interpret this word in lively manner for the peoples of every culture and for men of every condition.⁴³

Therefore the diocesan bishop as the teacher and catechist par excellence in the particular Church, is to ensure that the truths of the faith are available to all through the medium of catechesis. However, the bishop is not only responsible for its content, direction and availability; he must also see that the entire community receives it, since "nobody in the Church of Jesus Christ should feel excused from receiving catechesis."⁴⁴

B. THE CATECHETICAL MINISTRY OF THE DIOCESAN BISHOP

Pope John Paul II in the Apostolic Exhortation, Catechesi Tradendae, stresses the fact that the duty of catechizing belongs to everyone. He then reminds bishops of the explicit instructions of the Second Vatican Council on their

⁴² Cf. G.C.D., Nos. 78-79.

⁴³ Ibid., No. 32c.

⁴⁴ C.T., No. 45.

duties regarding catechesis,⁴⁵ instructions which were endorsed anew by the Fathers of the fourth general assembly of the Synod.⁴⁶

I. Personal obligation to catechize

The Roman Pontiff points out two essential directions of each bishop's catechetical ministry. "You have here a special mission within your churches: you are beyond all others the ones primarily responsible for catechesis, the catechists par excellence. Together with the Pope, in the Spirit of episcopal collegiality, you too have charge of catechesis throughout the Church."⁴⁷ "The bishop must occupy the first place in the catechetical activity of his own diocese";⁴⁸ then, as a member of the episcopal college, with the Pope, he is responsible for catechesis outside his diocese, particularly in mission territories.

The Pope continues by recognizing the growing complexity of the episcopal ministry: "a thousand duties call you", he says, and then paints a broad panorama of these "overwhelming responsibilities: from the training of new priests; to being actively present within the lay communities, from living, worthy celebration of the sacraments and acts of worship; to concern of human advancement and the defence of human rights."⁴⁹ This is the daily life milieu of a diocesan bishop, within which he must create order and establish priorities. Pope

⁴⁵ C.D., No. 14.

⁴⁶ Cf. loc. cit., prop. 34.

⁴⁷ C.T., No. 63.

⁴⁸ Loc. cit., prop. 34.

⁴⁹ C.T., No. 63.

John Paul II continues by exhorting the bishops, giving them an explicit principle for their ministry, when he writes: "But let the concern to foster active and effective catechesis yield to no other care whatever in any way. This concern will lead you to transmit personally to your faithful the doctrine of life."⁵⁰

As the catechist par excellence, he is to devote himself personally to this ministry of the Word. Each time the diocesan bishop meets with some portion of his flock, he has an opportunity to catechize.⁵¹ According to the mind of the Roman Pontiff and in the spirit of the Council all such opportunities should be explored and exploited.

2. Coordination of catechetical ministry

The diocesan bishop's concern to foster active and effective catechesis should also be expressed in two formats. Firstly, he is to take on in his diocese, in accordance with the plans of the episcopal conference, the "chief management" of catechesis. Secondly, as chief coordinator he is "to surround himself with competent and trustworthy assistants."⁵²

The General Catechetical Directory assigns specific responsibilities to the Conference of Bishops, presuming each diocesan bishop's cooperation with the Conference's plans, but without limiting the jurisdiction of the individual bishop in his own diocese.

The three specific responsibilities mentioned in the directory as pertaining to the Conference of Bishops are:

⁵⁰ Ibid.

⁵¹ Cf. D.P.M.B., No. 71.

⁵² C.T., No. 63.

- a) giving more specific norms on catechetical methodology⁵³ (possibly implying that the Code is presumed to have given general norms);
- b) forming those who carry out catechetical activities on the national level,⁵⁴ (such formation programs would be at least directional for programs on the diocesan level);
- c) establishing a permanent structure which could serve "the catechetical needs of the country as a whole" and which would "serve dioceses and regions by publicizing catechetical ideas and undertakings, by coordinating action; and by giving assistance to those dioceses that are less advanced in catechetical matters."⁵⁵

However, notwithstanding these general responsibilities of the Conference, the diocesan bishop is to coordinate all catechetical activity in his diocese.⁵⁶ Catechesis in itself calls the faithful into communion with and around the bishop. He is, therefore, not only the sign of Church unity in his particular diocese but the agent of it.

This role of coordinator entails establishing "close relations with theologians, catechists and specialists in the human sciences."⁵⁷ It means also that the bishop must bring together all who work in this ministry so that their work will be more efficacious. In summary, it may be said that his role involves promoting, regulating and supervising catechesis throughout the entire diocese.

⁵³ G.C.D., No. 46.

⁵⁴ Ibid., No. 108.

⁵⁵ Ibid., No. 128.

⁵⁶ Loc. cit., prop. 34.

⁵⁷ Ibid.

Because of the gravity and the extent of this coordinating task, the diocesan bishop cannot perform it alone; the cooperation of others is required.

3. Diocesan structures

In his Apostolic Exhortation, Pope John Paul II advises the bishops that in accepting the primary responsibility for catechesis in the diocese they are to build up a coordinating office. "Your principal role will be to bring about and maintain in your churches a real passion for catechesis, a passion embodied in a pertinent and effective organization, putting into operation the necessary personnel, means and equipment and also financial resources."⁵⁸

It is interesting to note here that not only is the bishop to teach a specific content, but his teaching is to prepare the hearts of his people to adhere to this teaching. He is to create a hunger and thirst for the Word in all the members of his diocese.⁵⁹ From this context, according to the Pope, arises the need for the bishop to build a diocesan organization so that the catechetical activity of the diocese will be zealous, harmonious and efficacious.

The 1977 Synod of Bishops had recognized this need when it proposed to Pope Paul VI that each bishop "in as much as possible...apply the principle of subsidiarity and coresponsibility. Thus, the more those who have a certain responsibility in diocesan catechesis participate in the formulation of catechetical projects, the more catechesis itself will be efficacious."⁶⁰

⁵⁸ C.T., No. 63.

⁵⁹ Bishop Leon-Arthur ELCHINGER, "Episcopat et annonce de la Parole", in L'Episcopat et l'Eglise universelle, ed. Yves-Marie CONGAR, Paris, Editions du Cerf, 1962, p. 369.

⁶⁰ Loc. cit., prop. 34.

This teaching of the Synod was consistent with the Decree, Provido Sane, January 12, 1935,⁶¹ when the Sacred Congregation of the Council promoted the establishment of a catechetical office in each diocese, to supervise catechetical activities.

The General Catechetical Directory endorsed Provido Sane and extended the competence of the diocesan catechetical office to cooperation with other apostolic undertakings and works, so that catechesis would not be an isolated ministry, but one understood and performed within the context of the total pastoral ministry.⁶²

The importance and functions of such a diocesan structure are best realized in the words of the directory.

This diocesan office should have a staff of persons who have special competence. The extent and diversity of the problems which must be handled demand that the responsibilities be divided among a number of truly skilled people.

It is also the task of the diocesan office to promote and direct the work of those organizations (such as the parish catechetical center, the Confraternity of Christian Doctrine, and so on) which are as it were the basic cells of catechetical action.

Permanent centers for training catechists should be set up by local communities. It will thus become clear among Christian people that the work of evangelization and the teaching of the message of salvation pertain to all.

The Catechetical Office, therefore, which is part of the diocesan curia, is the means which the bishop as head of the community and teacher of doctrine utilizes to direct and moderate all the catechetical activities of the diocese.

No diocese can be without its own Catechetical Office.⁶³

⁶¹ A.A.S., 27(1935), p. 151.

⁶² G.C.D., No. 125, and Cf. also G.C.D., No. 115.

⁶³ Ibid., No. 126. Emphasis added.

The message of the directory on the need for such an office in each diocese is quite clear.

The diocesan catechetical office is to promote and sustain a "passion for catechesis" in those who catechize. Catechists are to be made aware that they perform a ministry of the Word.

If the bishop and, in turn, the diocesan catechetical office apply the principles of subsidiarity and coresponsibility, a genuine Christian spirit of collaboration would be forthcoming. For the bishop is "a bishop over his catechists, but at the same time he is a catechist with them."⁶⁴

4. Formation of catechists

One of the tasks entrusted to the diocesan catechetical office is the formation or catechizing of the catechists themselves. Overall, it is the diocesan bishop who is responsible for the quality of faith communicated in catechesis. He is not only to rectify errors, but positively he is to develop an authentic teaching in a language coherent with the cultures and experiences of everyday life in his diocese.⁶⁵

In reality, this means that catechists must arrive at a particular level of competence, which may be achieved only by a formation program. It pertains to the diocesan bishop's teaching office to ensure that all catechists -- priests, deacons, seminarians, religious and laity -- receive this continuing formation.⁶⁶

⁶⁴ Bishop C. DALY, "Bishops and Catechists in Dialogue", in The Living Light, 15(1978), p. 40.

⁶⁵ Bishop Michel SAUDREAU, "L'Évêque premier responsable de la catéchèse, Qu'est-ce dire?", in Catéchèse, 74(1979), p. 14.

⁶⁶ Cf. C.D., No. 14; A.G., Nos. 17 and 26.

Continuing formation includes diverse methods and grade levels. It is necessary that this formation be continued over the entire time that the catechists remain committed to their functions. Thus this pertains to directors of catechesis as well as to ordinary catechists.

Continuing formation cannot be entrusted to the central offices alone. Rather, Christian communities on lower levels must also give attention to it, also for the reasons that the conditions and needs for catechesis can vary from place to place. The clergy and all who have responsibilities for supervising and directing catechesis have a duty to see to the continuing formation of all their co-workers in catechesis.⁶⁷

The catechists must be schooled in doctrine, human sciences and methodology.⁶⁸ Their continuing formation has as its purpose not only to communicate knowledge and technique, but it must also create in the catechist an aptitude for apostolic action coupled with a fervent sacramental and spiritual life.⁶⁹

The General Catechetical Directory understands such formation to be of the greatest importance, as does Catechesi Tradendae.⁷⁰ A further obligation for the diocesan bishops arises then out of the necessity of forming catechists.⁷¹ The bishops must give "assiduous attention" to the organizing of "special centres and institutes" to carry out formation programs.⁷²

These special catechetical institutes need not be in each diocese - for "this is a field in which diocesan, interdiocesan or national cooperation proves fertile and fruitful"⁷³ - but must remain accessible to all catechists.

⁶⁷ G.C.D., No. 110.

⁶⁸ Cf. C.D., No. 14, and ibid., Nos. 112-113.

⁶⁹ Cf. ibid., No. 114; Pope Benedict XV, Encyclical Letter, Humani Generis, June 15, 1917, in A.A.S., 9(1917), pp. 305-317.

⁷⁰ G.C.D., No. 115, and C.T., No. 7.

⁷¹ G.C.D., No. 108, and C.D., No. 14.

⁷² G.C.D., No. 109; C.T., No. 71; D.P.M.B., No. 68.

⁷³ C.T., No. 71.

Along with the formation of catechetical personnel, the need for quality catechetical aids becomes a major priority of diocesan planning.

5. Catechetical aids

The diocesan catechetical office must have the necessary means and equipment, and also the financial resources to operate efficaciously.⁷⁴

The means of catechizing should be explained in the directory of the national Conferences of Bishops, and in other programs outlined on the regional and diocesan level. The Directory on the Pastoral Ministry of Bishops asks of each bishop to promote, regulate and supervise "an ordered catechesis... with lessons accommodated to groups of various ages in churches and other suitable places, and according to a program carefully arranged for the course of the year."⁷⁵ He is also to ensure that a catechesis of the sacraments is given "...either for a suitable time before the sacraments are received or briefly during the celebration itself, so that the faithful may be properly initiated into the sacraments and receive them worthily."⁷⁶

The diocesan bishop is to ensure also that the work of catechesis is performed with the necessary aids - catechisms,⁷⁷ textbooks,⁷⁸ audio-visual aids⁷⁹

⁷⁴ Ibid., No. 63.

⁷⁵ D.P.M.B., No. 64.

⁷⁶ Ibid.

⁷⁷ G.C.D., No. 119, and C.T., No. 50.

⁷⁸ G.C.D., Nos. 120 and 121; C.T., No. 49; cf. also Evaluative Reviews of Religious Textbooks, Washington, D.C., U.S. Catholic Conference, 1971.

⁷⁹ G.C.D., Nos. 122 and 124; C.T., No. 46.

and mass media.⁸⁰ As Pope John Paul II states:

In this domain we bishops of the Church will always keep the question of catechetical texts in our consciences as pastors: How are texts to be drawn up? What should their content be? What message do they convey? What image of God, of Jesus Christ, of the Church, of Christian living, of man's calling do they communicate?

This is a field where pastoral zeal and vigilance should be exercised like few others.⁸¹

From the post-Conciliar documents we have built a theological and pastoral understanding of the diocesan bishop's catechetical ministry. We see that as catechist, he is to catechize personally, coordinate all catechetical activity, especially by establishing a diocesan office, ensure the continuing formation of catechists and the effective use of catechetical aids.

It is now left for us to examine this ministry of the bishop as codified in the new law. These canons will be better understood in the light of the post-Conciliar pastoral-theological vision of his ministry outlined above.

C. THE 1983 LEGISLATION

In the new legislation there are eight canons in the Chapter entitled Catechetical Formation.⁸² Five canons explicitly refer to the bishop and his role in catechesis.

⁸⁰ G.C.D., No. 123; C.T., No. 46.

⁸¹ Pope JOHN-PAUL II, Address to the Bishops of Brazil, "Communion Participation, Evangelization", July 10, 1980, in Origins, 10(1980-81), p. 133.

⁸² The canons treated in this chapter are taken from Chapter Two, De Catechetica Institutione, Titulus I, De Divini Verbi Ministerio, Liber III De Ecclesia Munere Docendi of the Codex Iuris Canonici, Typis Polyglottis Vaticanis, 1983.

In comparing the draft texts of 1977 and 1980, it appears that the latter draft completes the former, recognizes more clearly a priority of function and is more pastoral. Here we will give general references to illustrate these points, which will come to light again as we look at the final version in more detailed.

This element of completing the law may be seen in the first canon of the chapter, (canon 773), which is a general canon on the proper and serious duty of pastors of souls. The 1980 draft adds the qualifying words on the means⁸³ used in catechesis: - "through formation in doctrine and through the experience of christian living."

The re-ordering of canons for the reasons of priority and emphasis may be seen in the fact that canon 29(1977) on the role of parents was moved from fifth place in this chapter to being the second, in 1980 canon 729(1980), (canon 774 in the 1983 Code); the parents' role is further emphasized by an additional sentence added to canon 731 (1980), as found in the 1981 Relatio,⁸³ which refers to canon 729 (1980). This sentence states that the parish priest is to promote and foster the role of parents in family catechesis mentioned in canon 729, 82(1980).

Also from the reordering of matter, we note that the diocesan bishop's role is strengthened in relation to that of the Conference of Bishops; this can be seen by comparing canons 26 and 27 of the 1977 draft with canon 730 of the 1980 text and canon 775 of the final version.

It would appear that the 1980 draft is more pastoral than the previous one. In comparing canon 732 (1980) (now canon 777) with canon 32 (1977), it is evident that catechesis is understood as having to reach a broader audience.

Furthermore, when comparing these drafts we note that the later drafts

⁸³ Cf. Relatio, pp. 175-176.

and the newly promulgated law, itself are more integrated. For instance, canon 734 (1980) (now canon 779) omits the first sentence of its counterpart in the 1977 draft which read: "Catechetical formation should be grounded in Sacred Scripture, Tradition, Liturgy, the authentic teaching of the Church and its life." In the 1980 draft, this sentence is transferred into the introductory canon 715 (1980), (now canon 760) where it modifies not only the canon on catechetical instruction, but, also the canons on preaching.

Therefore, here again, to understand the fullness of the revised law on the diocesan bishop's catechetical role, it will be necessary to draw on the introductory canons to Book III and the introductory canons to the first title.

There will be four stages in our examination of the content and meaning of the new law: to note the principal changes in the revised legislation, to draw out the specific obligations that pertain to the teaching office of the diocesan bishop, to note the competence of the Conference of Bishops, and to examine the juridical concept of "being commissioned" to catechize by the bishop.

1. Principal changes in the legislation

Two basic thrusts stand out in the revised law. Firstly, there is an obvious Conciliar and post-Conciliar influence on the contents and the inferred mind or spirit of the canons. Secondly, there remains an obvious link with the 1917 Code. Canon 773 will serve as an example of this duality of sources. It begins as follows:

A most serious duty especially proper to pastors of souls is care for catechetical formation of the Christian people...⁸⁴

This principal clause of the revised canon is almost identical with C.I.C. (1917),

⁸⁴ Canon 773: "Proprium et grave officium, pastorum praesertim animarum est catechesim populi christiani curare..."

canon 1329. However, canon 773 continues, drawing on Christus dominus No. 14 and showing a strong pastoral undertone,⁸⁵ instructing on the reason for such care - "in order that their faith illumined by doctrine and experience of Christian life be lively, explicit and active."⁸⁶ The major changes in spirit can now be mentioned.

a) **The concept of service**--It is evident that the new law has been influenced by the Conciliar insight of understanding the episcopal ministry as a service.

Canon 756, 52: Individual bishops who are indeed the moderators of the whole ministry of the word for their areas perform this service, each for the particular Church committed to him...⁸⁷

The following canon conveys the same biblical understanding of ministry:

"Deacons also in communion with the bishop and his prebyterate serve the people of God in service of the Word."⁸⁸

b) **The role of the laity**--A new canon on the role of the laity in catechesis illustrates the Code Commission's endeavours to present a code of law which recognizes the uniqueness of the common priesthood of the faithful. Canon 774 declares that "care for catechesis pertains to all members of the Church."⁸⁹ No

⁸⁵ Cf. principle three of the 1967 Synod's principles presented to the Code Commission, Communicationes, 1(1967), pp. 77-85.

⁸⁶ Canon 773: "ut fidelium fides, per doctrinae institutionem et vitae christianae experientiam, viva fiat explicita atque operosa."

⁸⁷ Canon 756, 52: "Quoad Ecclesiam particularem sibi concreditam illud munus exercent singuli Episcopi, qui quidem totius ministerii verbi in eadem sunt moderatores..."

⁸⁸ Canon 757: "...diaconorum etiam est in ministerio verbi populo Dei, in communionem cum Episcopo eiusque presbyterio, inservire."

⁸⁹ The text quote does not constitute the entire canon.

longer, therefore, may it be seen solely as a responsibility pertaining to the ministerial priesthood.

This total ecclesial responsibility may be derived also from the introductory canon 747, which like C.I.C. (1917), canon 1322, teaches that "Christ our Lord entrusted the deposit of faith to the Church."⁹⁰ However, canon 747 should be understood from a Conciliar ecclesiological perspective, that is, the Church is not to be identified solely with the magisterium or hierarchy, since as the Council teaches, all the members of the Church are responsible for defending and propagating the truths of the faith.⁹¹

c) Faith and lifestyle—The new law admits to a broader understanding of the content and purpose of catechesis. This new pastoral understanding may be seen in canons 773 and 774, 62; this latter replaces C.I.C. (1917), canon 1335. It is of value to compare parts of these two canons:

C.I.C. 1335

Not only parents
are obliged

to see to it
that all who are under their
authority or in their charge
receive catechetical
instruction...

Canon 774 62

Parents above others
are obliged
by word and example
to form
their children
in the practice of
faith and christian life.⁹²

It is especially interesting to note that canon 774, 62 is more precise and pastoral since it considers catechesis as being more than just instruction in

⁹⁰ Again, the part quoted is not the entire canon.

⁹¹ Cf. D.V, No. 10a.

⁹² C.I.C. (1917), canon 1335: "Non solum parentes alique qui parentum locum tenent, sed heri quoque ac patrini obligatione adstringuntur curandi ut omnes sibi subiecti vel commendati catechetica institutione erundiantur."

doctrine. The 1977 draft canon read as follows: "Parents, in as much as they are the primary educators of their children, and also those who take their place and sponsors are obliged to provide that children subject or given into their care are reared with proper catechetical formation."⁹³ The promulgated canon now recognizes parents as the primary educators of their children, although stating the same as did its 1977 counterpart but with fewer words. Also according to the revised canon, parents are not only to see that their children receive catechetical instruction, but to recognize that the task of catechizing pertains to their own role of parenthood.⁹⁴ Finally, the purpose of catechesis is not only to give instruction, but to form the children into mature young Christians. This canon is certainly praiseworthy.⁹⁵

d) **Sharing the responsibility**--In the 1917 Code the heaviest responsibility for catechesis was placed on pastors. In the 1983 legislation the task is shared: bishops, pastors, religious superiors and the laity, particularly the parents, and also the Conference of Bishops now have their own specific competency.⁹⁶

In accord with this concept of "shared responsibility" there is introduced

Canon 774, 82: "Prae ceteris parentes obligatione tenentur verbo et exemplo filios in fide et vitae christianae praxi efformandi; pari obligatione adstringuntur qui parentum locum tenent atque patrini."

⁹³ Canon 29(1977): "Parentes quippe qui praecipui filiorum sint educatores, itemque qui eorum locum tenent atque patrini obligatione tenentur curandi ut pueri sibi subiecti vel commendati catechetica institutione debite erudiantur."

⁹⁴ Cf. Rite of Baptism for children, No. 105.

⁹⁵ Cf. in Relatio, p. 175.

⁹⁶ Cf. principle five, loc. cit., pp. 80-82.

in canon 776 the concept of a personal duty as distinguished from forced obedience through fear of penalties, as was found in C.I.C. (1917), canon 1333, 82.

e) **Catechesis for all**--The new law promotes the post-Conciliar teaching that catechesis is for all. Although canon 776 recognizes the same three groups to which catechesis is to be addressed as does the 1917 Code (cc. 1328-1332),⁹⁷ C.I.C. (1983), canon 777, goes beyond the previous law, by listing five interested groups; these are: the recipients of the sacraments, including those in catechumenate programs preparing for Baptism, children who are preparing for their first reception of Penance and Holy Eucharist, children who have already made their first communion, the handicapped in body and mind, and adults.

This canon reflects Catechesi Tradendae, wherein the Pope listed the same five groups of the faithful to be catechized.⁹⁸

f) **Catechetical aids and formation**--Two new canons (779 and 780) treat of the use of catechetical aids and the continuing formation of catechists. These two themes have received copious attention in the Conciliar and post-Conciliar literature.

The significance of these principal changes will become even clearer for the local church as we examine the obligations of the diocesan bishop.

2. Obligations of the diocesan bishop⁹⁹

The Conciliar and post-Conciliar documents have taught that the diocesan

97 Cf. R. JANSEN, op. cit., pp. 45-49.

98 C.T., Nos. 35-43.

99 Cf. principles four and five, loc. cit., pp. 80-83.

bishop has definite catechetical tasks proper to his teaching office. He is obliged to catechize personally and to coordinate catechetical ministry in his diocese, especially through the use of catechetical aids and the formation of catechists. The revised law upholds these obligations and endeavours to broaden somewhat the diocesan bishop's competency, by limiting that of the episcopal Conference.

a) **Personal obligation to catechize**--This personal obligation of the bishop is not stated explicitly in the chapter on Catechetical Formation, but may be inferred implicitly from an introductory canon.

Canon 761: "Bishops should make use of the various means in today's world to proclaim Christian doctrine: first of all preaching and catechetical formation, which indeed are always primary..."¹⁰⁰

In the light of the Church's teaching, this canon becomes a legal statement of the diocesan bishop's personal duty to catechize.

b) **Personal care for catechetical formation**--The canonical principle of C.I.C. (1917), canon 1329 concerning who has "care for catechesis" is retained in the new Code.

Canon 773: A most serious duty especially proper to pastors of souls is care for catechetical formation of the Christian people...¹⁰¹

"Pastorum animarum" is to be understood as it is used in canon 771 --"animarum pastores praesertim Episcopi et parochi" --as distinguished from "parochi" as used in canon 770. This interpretation is in accord with that given for C.I.C. (1917), canon 1329.¹⁰²

¹⁰⁰ Canon 761: "Varia media ad doctrinam christianum annuntiandum adhibeantur quae praesto sunt, imprimis praedicatio atque catechetica institutio, quae quidem semper principem locum tenent..."

¹⁰¹ Cf. footnote 84 above.

¹⁰² Cf. Timothy BOUSCAREN, S.J., Adam C. ELLIS, and Francis K. KORTH, Canon Law: A Text and Commentary, 4th rev. ed., Milwaukee, 1966 p. 752.

The "proprium et grave officium" of the diocesan bishop¹⁰³ takes the form of more explicit directives in canon 775, §1.

c) Areas of competency--

Canon 775, §1: Observing the norms prescribed by the Apostolic See, the diocesan Bishop is to enact norms on catechesis and to see that suitable means of catechesis are offered and even provide a catechism if it is seen to be opportune; he is also to foster and coordinate catechetical works.¹⁰⁴

This is a new paragraph with a new emphasis, both in relation to the 1917 Code where there was no corresponding canon, and in relation to the parallel canon in the 1977 draft of the revised law. This new emphasis typifies the endeavours of the Code Commission to spell out the specific responsibilities of the diocesan bishop.

Canon 26, §1 and 2 of the 1977 draft on the role of the Conference of Bishops is now canon 775, §2 and 3, which will be seen in specific reference to Conference of Bishops. These two paragraphs significantly follow the paragraph on the competency of the diocesan bishop; their content will be reviewed in regard to the competency of the episcopal conference, below. However, there is more than a reconstruction of paragraphs; there is also a radical change in content of §1, which gives an insight into the mind and intention of the legislator.

The canon states that the diocesan bishop is to observe the norms prescribed by the Apostolic See. What are these norms? In the Directory on the Pastoral Ministry of Bishops, the Sacred Congregation for Bishops teaches: "To hand on a more fruitful catechesis, the bishop attentively ponders and puts into

¹⁰³ C.D., No. 14.

¹⁰⁴ Canon 775, §1: "Servatis praescriptis ab Apostolica Sede latis, Episcopi dioecesiani est normas de re catechetica edicere itemque prospicere ut apta catechesis instrumenta praesto sint, catechismum etiam parando, si opportunum id videatur, necnon incepta catechetica fovere atque coordinare."

practice the principles, the advice and the norms issued by the Apostolic See."¹⁰⁵ This short paragraph is qualified by a footnote which refers to the General Catechetical Directory,¹⁰⁶ meaning it should be adopted by the bishops as one of their sources in knowing the mind of the Apostolic See.

Such an interpretation of the legislator's understanding of the bishop's catechetical ministry raises the question: how is the bishop to follow the Directory's norms? This question is provoked by the fact that the legislator himself, in at least two areas, overrules the Directory's norms: firstly on the competency of the Conference of Bishops and secondly on the directive for a diocesan catechetical office. The question posed may be answered by recognizing that a bishop would be expected to follow the general norms, advice and principles of the Directory, except where such are contradicted in the law.

In the light of these "prescribed norms" the bishop is

- i) to enact norms on catechesis,
- ii) see that suitable means of catechesis are offered,
- iii) provide a catechism if opportune,
- iv) and foster and co-ordinate catechetical works.

By examining each of these tasks individually, the canonical description of the diocesan bishop's catechetical ministry will unfold.

- i) The task of enacting norms, according to the General Catechetical Directory, is one that belonged to the Conference of Bishops.¹⁰⁷ It was also codified as such in the 1977 draft of the proposed law.¹⁰⁸ Even in Catechesi

¹⁰⁵ D.P.M.B., No. 64.

¹⁰⁶ Cf. ibid.

¹⁰⁷ Cf. G.C.D., Foreword and No. 117.

¹⁰⁸ Cf. Book Three, canon 26, §1 (1977).

Tradendae, as late as 1979, the Holy Father teaches that bishops should take on in their diocese, in accordance with the plans of the Episcopal Conference, the chief management of catechesis.¹⁰⁹ In the proposed law of the Eastern Rite this same teaching is retained.¹¹⁰

However, canon 775, §1, now makes it clear that the diocesan bishop is the chief manager of catechesis in his own diocese, without being limited by the plans of the Episcopal Conference or by its directory.

The Apostolic See has given some general guidelines for such norms.

The norms that can be given with regard to catechesis are many and they vary with the ends to be attained. In comparison with the others, the norms for preparing the faithful for the sacraments have a special importance. These include, for example, norms for the catechumenate of adults, for the sacramental initiation of children, and for the preparation of families for the baptism of their children.

To be effective, all such norms should be few in number, simple in character, and set external rather than internal criteria.

As is obvious, no particular norm can derogate from the Church's general laws and common practice without the approval of the Apostolic See.¹¹¹

The norms enacted by the diocesan bishop are to fall within this framework. The parish priest is to observe them as he too carries out his obligations.¹¹²

ii) The diocesan bishop is to see that suitable means of catechesis are offered. Canon 779 gives more details on what means are to be used.

¹⁰⁹ C.T., No. 63.

¹¹⁰ Cf. canon 4 of the schema De Magisterio Ecclesiastico, Nuntia, 11(1981), p. 60.

¹¹¹ G.C.D., No. 106.

¹¹² Cf. canon 732 (1980).

Canon 779: Catechetical formation is to be carried on, taking advantage of every kind of help and those teaching aids and communications media that are considered more effective in view of the natural endowment, talents, age and circumstances of the faithful so that they may gain a broader knowledge of catholic doctrine and more properly practise it.¹¹³

This new canon finds its source in Christus Dominus 14 and is consistent with the major post-Conciliar documents on catechesis. However, canon 779 must be understood in conjunction with canon 804, §1, as inferred in the 1981 Relatio.¹¹⁴

Canon 804, §1: Catholic religious training and education in schools of every kind as well as that which may be obtained through various means of social communication are subject to the Church's authority; the Conference of Bishops is to draw up norms for these and the local ordinary has the obligation of directing and watching over this.¹¹⁵

This latter canon upholds the principle that the Conference of Bishops is the competent ecclesiastical authority in regards to the various means of social communications. But, the local Ordinary¹¹⁶ - in this context, primarily the diocesan bishop - is to direct and watch over the fulfilment of the Conference's norms.

However, the role of the diocesan bishop is not to be seen merely as a passive one - for not only is he to watch over them, but in a spirit of service,¹¹⁷ he is to make available every kind of help.

¹¹³ Canon 779: "Institutio catechetica tradatur omnibus adhibitis auxiliis, subsidiis didacticis et communicationis instrumentis, quae efficaciora videantur ut fideles, ratione eorum indoli, facultatibus et aetati necnon vitae condicionibus aptata, plenius catholicam doctrinam ediscere eamque aptius in praxim deducere valeant."

¹¹⁴ Cf. Relatio, pp. 176-177.

¹¹⁵ Canon 804, §1: "Ecclesiae auctoritati subicitur institutio et educatio religiosa catholica quae in quibuslibet scholis impertitur aut variis communicationis socialis instrumentis procuratur; Episcoporum Conferentiae est de hoc actionis campo normas generales edicere, atque Episcopi dioecesani est eundem ordinare et in eum invigilare."

¹¹⁶ Cf. C.I.C. (1917), canon 1381.

¹¹⁷ Cf. canon 756, §2.

iii) If it is seen to be opportune, the diocesan bishop is to provide a catechism. The phrase catechismum etiam parando is not assertive, which suggests that the bishop's obligation is not as grave in this matter as in other questions. It would seem "to be opportune" for the diocesan bishop to draw up a catechism if the Conference of Bishops has not previously done so.¹¹⁸

Catechisms are of great importance, and therefore must be prepared with great care.¹¹⁹ Bernard Marthalar, commenting on the directory's reference to catechisms in the plural, remarks: "...in the past local ordinaries authorized diocesan catechisms, but the spirit of Vatican II and the thrust of the Directory seems aimed at curtailing the proliferation of catechisms for local use."¹²⁰ The absence of a definitive norm in the proposed law suggests that the legislator is of a similar mind.

iv) In caring for catechesis the diocesan bishop is to foster and coordinate catechetical activity throughout the diocese.¹²¹ Several tasks are proper to the bishop under this heading. In accordance with canons 757-759, 776 and 778, he is to call on members of the local community to give witness to the gospel in catechesis.

Also the diocesan bishop is to ensure that catechists are well prepared and given a "continuing formation".

Canon 780: Local ordinaries should take care that those who are commissioned for the work of catechetical formation are duly prepared to fulfil their task properly and given a continued formation so that they

¹¹⁸ Cf. canon 26 (1977) with canon 730, 62 (1980).

¹¹⁹ G.C.D., No. 119.

¹²⁰ Bernard L. MARTHALAR O.F.M. Conv., Catechetics in Context, Note and commentary on the General Catechetical Directory issued by the Sacred Congregation for the Clergy, Huntington, Ind., Our Sunday Visitor, 1974, p. 231.

¹²¹ C.T., No. 63.

have a suitable knowledge of the Church's doctrine and a theoretical and a practical knowledge of the laws of pedagogical methods.¹²²

In a broad pastoral understanding of this canon it could be taken to mean that all persons need formation, for in a sense, the formation of catechists is catechesis itself. It is only logical to suggest that parents and those who take their place, the pastor and those who he may use are to receive particular formation.¹²³

Ensuring adequate formation of those working in catechesis is a natural correlative of the bishop's magisterial task of safeguarding the faith. This task is codified in canon 804.

Canon 804, §2: The local ordinary should also be solicitous that those who teach religion in the schools, even non-catholic ones, be outstanding in right doctrine, the christian witness of their lives and their pedagogical skill.¹²⁴

How the individual bishop is going to enforce this law is not yet clear. What is clear is that to ensure that a certain level of competence is attained by those who catechize, special schools and institutes should be available in accord with canon 809:

The Conference of Bishops should take care to have, if it is possible and expedient, Universities or, at least, Faculties of studies, suitably distributed in their territories, in which the various disciplines are researched and pursued in a way that is indicative of Catholic thought and truth and the scientific autonomy of those disciplines.¹²⁵

122 Canon 780: "Curent locorum Ordinarii ut catechistae ad munus suum rite explendum debite praeparantur, ut nempe continua formatio eisdem praebeatur, utque Ecclesiae doctrinam apte cognoscant atque normas disciplinis paedagogicis proprias theoretice ac practice addiscant."

123 Cf. canons 774, §2 and canon 776.

124 Canon 804, §2: "Loci Ordinario sollicitus sit ut qui ad religionis institutionem in scholis, etiam non catholicis, deputentur magistri, recta doctrina, vitae christianae testimonio atque arte paedagogica sint praestantes."

125 Canon 809: "Episcoporum Conferentiae curent ut habeantur, si fieri possit et expediat, studiorum universitates aut saltem facultates, in ipsarum territorio apte distributae, in quibus variae disciplinae servata quidem earum scientifica autonomia, investigentur et tradantur, mentis doctrinae catholicae ratione habita."

It might not be feasible for such institutes to be set up in every diocese; the competency is therefore given to the Conference of Bishops to see that these institutes are available to all.

d) **A questionable omission**--Having looked at the new law on the obligations and areas of competency of the diocesan bishop in his role as catechist, there appears to remain a significant omission.

One element of diocesan catechesis that deserved and received serious attention in the post-Conciliar literature was the need for some form of diocesan organization or structure. This element was even codified in the 1977 draft of the revised law, wherein canon 27, §2 simply read: "a catechetical office is to be set up in each diocese."¹²⁶

The omission of this canon in the final draft must be seen as a serious loss which could hamper the ministry of catechesis in some areas, although some commentators would point out that such omission simply leaves the obligation entirely to the diocesan bishop. However, all the literature from the Apostolic See since Provido Sane earnestly urges diocesan bishops to set up "a pertinent and effective organization."

The diocesan bishop has a "thousand duties" and so he can be effective as a catechist only through a diocesan organization that is part of his local curia.¹²⁷

To argue that the necessity of having a catechetical office in each diocese is an overstatement, is not to understand the primacy of catechesis in the mission and life of the Church, for without such an office, the bishop's co-

¹²⁶ Canon 27, §2 (1977): "In singulis diocesis Officium catechisticum habeatur."

¹²⁷ G.C.D., No. 126.

ordinating activity would be seriously hampered. There must be in each diocese some person(s) with special competence, appointed by the bishop to promote and coordinate catechesis and to cooperate with similar organizations in the region.

A regional catechetical office for inter-diocesan cooperation as envisaged in the Directory is praiseworthy, but could be too far removed from the catechists themselves to replace a diocesan office adequately.¹²⁸ Nor is there mention of such an office in the law.

One might argue that the principle given in canon 775, §1 that the diocesan bishop is to observe the norms of the Apostolic See, could mean that the omission here is covered by the fact that the Directory itself insists so strongly on the need for a catechetical office in each diocese. This final argument contains merit and may be a means of circumventing the "omission". However, because of the lack of an explicit canon treating of the diocesan catechetical office, it may be seen by some interpreters of the law as non-essential.

Furthermore, the new Code abrogates previous legislation. It may be noted that the proposed Eastern law has heeded the constant message of the Apostolic See in this matter, recognizing the need for an eparchial catechetical office, which would "promote, organize and moderate" catechesis.¹²⁹ The source for this canon is the Directory's emphatic statement that "No diocese can be without its own catechetical office."

In summary, it may be said that in service to his people, the diocesan bishop is to develop catechetical and moral instruction;¹³⁰ more particularly, he is

¹²⁸ Cf. G.C.D., No. 127.

¹²⁹ Cf. canon 6, §2 in Nuntia, 11(1981), p. 60.

¹³⁰ Cf. C.I.C. (1983) 386, §1.

to fulfill his ministry of moderator of catechesis in his diocese¹³¹ in accordance with the norms prescribed by the Apostolic See and in those areas specified in canons 773-780 inclusive.

3. Competency of the Conference of Bishops

To gain an even better understanding of the catechetical ministry of the diocesan bishop, we should now examine the new legislation on the competency of the Conference of Bishops in this same matter. Our interest will be especially captured by changes found in the various drafts of the new law.

Our study can begin with paragraphs 2-3 of canon 775, which deal with the competency of the Conference of Bishops.

Canon 775, 82: If it seems useful, it belongs to the Conference of Bishops to draw up a catechism for its territory and this should be approved by the Apostolic See.¹³²

This paragraph appears limp in comparison to its counterpart in the 1977 draft, canon 26, 81:

Keeping to the norms prescribed by the Apostolic See and sharing their wishes with the same Apostolic See, Conferences of Bishops are to enact norms on catechetics for their respective territories, provide that a Directory, catechisms and other means for catechesis be developed and circulated and also work to encourage and properly coordinate catechetical endeavours.¹³³

¹³¹ Cf. C.I.C. (1983), canon 756, 82.

¹³² Canon 775, 82: "Episcoporum Conferentiae est, si utile videatur, curare ut catechismi pro suo territorio, praevia Sedis Apostolicae approbatione, edantur."

¹³³ Canon 26, 81 (1977): "Servatis normis ab Apostolica Sede praescriptis atque votis suis cum eadem Apostolica Sede communicatis, Episcoporum Conferentiae est, pro suo cuiusque territorio, normas de re catechetica edicere, curare ut Directorium, catechismi aliaque catechesis instrumenta rite elaborentur et divulgentur necnon operam impendere ut incepta catechistica apte foveantur et coordinentur."

Due to the redefining of the diocesan bishop's competency, as mentioned in canon 775, §1, the catechetical competency of the Conference of Bishops is now greatly reduced. However, not all the tasks formerly attributed to the episcopal conference have been transferred to the diocesan bishop.

In the new Code there is no mention of national catechetical directories, which were requested both in the General Catechetical Directory¹³⁴ and in the 1977 draft of the proposed law. However, such national directories are presented as essential tools for catechesis in the proposed Eastern Rite legislation.¹³⁵

According to 775, §1, a diocesan bishop was to draw up a catechism if it was opportune to do so. However, §2 states that "si utile videatur", it belongs to the Conference of Bishops to do this. Unless this paragraph is read with "a passion for catechesis", it might be seen as conveying the message that a catechism might not always be required. Surely this canon must be read in conjunction with the words of the Pope:

In this regard, I must warmly encourage the Episcopal Conferences of the whole world to undertake, patiently but resolutely, the considerable work to be accomplished in agreement with the Apostolic See in order to prepare genuine catechisms which will be faithful to the essential content of Revelation and up to date in method, and which will be capable of educating the Christian generations of the future to a sturdy faith.¹³⁶

The question of a national catechetical office at the level of the episcopal conference is treated in the final paragraph of canon 775, §3, and also warrants attention.

Canon 775, §3: A catechetical office may be set up in the Conference of Bishops and its principal function would be to aid the work of catechesis

¹³⁴ Cf. G.C.D., Foreword, and Nos. 46 and 117.

¹³⁵ Cf. canon 4, §2; loc. cit., p. 60.

¹³⁶ C.T., No. 50.

in individual dioceses.¹³⁷

In the 1977 draft, the verb "instituat" was used; this meant that such an office was to be set up. Canon 775 has lessened the obligation on the Conference of Bishops to establish this office by the use of the words "institui potest".

Again, it would seem that the legislators have not wished to legislate categorically the prescriptions of the General Catechetical Directory, wherein it is clearly stated: "It is by all means necessary that the Conference of Bishops and more directly, the Bishops' Catechetical Commission, be equipped with a permanent structure."¹³⁸

Does this change create a vacuum of competency? In the revised law the individual bishop is not obliged to set up a catechetical office and there is no mention of the concept of regional offices. Such an office may be set up, on the national level or on that of the Conference of Bishops, but with a narrower commission than that envisaged in the General Catechetical Directory.

Several areas of competency, however, remain under the supervision of the Conference of Bishops. These are: firstly, ecumenical activity in catechesis, in accord with new canon 755, 61; and, secondly, religious training in schools of every kind, as well as in the broad field of social communications, and more especially in the field of higher education in religion and theology in accord with canons 804 and 809, respectively.

It is the entrusted mission of the individual bishop to form the people of God into one community. The revised law gives the diocesan bishop discretion to

¹³⁷ Canon 775, 63: "Apud Episcoporum Conferentiam institui potest officium catechetikum, cuius praecipuum munus sit singulis dioecibus in re catechetica auxilium praebere."

¹³⁸ G.C.D., No. 128.

shape pastoral ministry in the local church, and at the same time allows the Conference of bishops to aid individual dioceses and provide norms in areas such as social communications that affect the catholic community not just of one diocese, but of a number of dioceses.¹³⁹

4. A juridical understanding of "being commissioned"

With the specific role of the bishop established and having an understanding of the mind of the Church in regard to the competency of the Conference of Bishops, an examination of the mandate given to his catechists will complete the canonical view of the diocesan bishop's task as catechist.

Care for catechesis belongs "to all members of the Church, each in his/her own way."¹⁴⁰ Since the "deposit of faith" is entrusted to all and all have the task to keep it "inviolable and faithfully expound it",¹⁴¹ catechesis is a way of life for all who have been baptized and confirmed.

Canon 759 states that lay people "can also be called upon to co-operate with the bishops and priests in the exercise of the ministry of the word."¹⁴² Although the canon makes room for laity in catechetical work, it infers that the laity share in the ministry of the hierarchy.

In canon 776, reference is made to those who catechize; at the end of the list we find the words: "praesertim catechistarum", inferring that some who work in

¹³⁹ Thomas GREEN, "The Use of Vatican II Texts in the Draft De Populi Dei", Concilium, 147(1981), p. 51.

¹⁴⁰ Cf. canon 774, 81.

¹⁴¹ Cf. canon 747, 81.

¹⁴² Canon 759: "Christifideles laici, vi baptismatis et confirmationis, verbo et vitae christianae exemplo evangelici nuntii sunt testes; vocari etiam possunt ut in exercitio ministerii verbi cum Episcopo et presbyteris cooperentur."

catechesis might hold a special office. Indeed, such an office is mentioned in Pope Paul VI's motu proprio, Ministeria Quaedam, wherein a reference is given to Ad Gentes, articles 15 and 17. Article 17 is particularly relevant to this discussion. "It would be desirable where it was opportune to confer the canonical mission on properly trained catechists in the course of a public liturgical function so that in the eyes of the people they might serve the cause of the faith with greater authority."

Pope John Paul II speaks in a similar vein in Catechesi Tradendae: "lay catechists must be carefully prepared for what is, if not a formally instituted ministry, at the very least a function of great importance in the Church."¹⁴³

In the revised canon 780 there is codified the concept of "being commissioned" to catechize. What type of mandate does a catechist have? Are there different ranks among those who work in catechetical activities? Do some catechists enjoy the right to a type of "office" in the Church?

That each catechist would receive a canonical mission does have some arguments in its favour. Firstly, such a canonical mission would express a relationship between the catechist and the community. The catechist would be one who is called and sent by the legitimate ecclesiastical authority to this particular group. Secondly, a canonical mission for catechists would be a means of ensuring that they would be "outstanding for their correct doctrine, for their witness of Christian life, and for their pedagogical skill."¹⁴⁴

However, in pastoral practice such a requirement for each catechists would be impractical and very difficult to implement. The realization of this fact

¹⁴³ C.T., No. 71.

¹⁴⁴ Cf. canon 804, 62.

may have led to the omission of any explicit reference to a canonical mission for catechists as had been previously proposed in the 1977 draft, where canon 10 stated:

No one is permitted to exercise the ministry of proclaiming the word of God without being commissioned by a legitimate superior either through special granting of this faculty or conferral of an office to which this function is intrinsic.¹⁴⁵

Therefore, it would seem that the notion of a canonical mission for catechists is more a missionary concept, as indicated by the Conciliar document. The added reference to "catechists" in canon 776 may be understood in the "missionary" context.¹⁴⁶

This leaves the way open for "being commissioned" to be understood simply in terms of the bishop inviting some faithful to share in his ministry of service - a service of the Word and of the People of God. In a sense it is also a formal recognition of the catechist's own role, and not an empowering to catechize. The catechists by "being commissioned" are made to realize the importance of this task, which is proper to them and which is a service to the Church. However, it seems as though they could teach without having received any formal mandate to that effect.

The Chapter "De Catechetica Institutione" maps out the diocesan bishop's ministry as catechist, but in relation to the Conciliar and post-Conciliar documentation there does appear to be some gaps in the legislation. Will this

¹⁴⁵ Canon 10(1977): "Nemini licet quodvis ministerium verbi Dei annuntiandi exercere, nisi a legitimo Superiore missionem receperit, sive facultate specialiter date, sive officio collato cui vi iuris hoc munus inhaereat." Cf. Response of the Canadian Conference of Catholic Bishops to the Pontifical Commission for the Revision of the Code of Canon Law on the "Schéma Canonum Libri III De Ecclesiae Munere Docendi" (Private), p. 5.

¹⁴⁶ The ministry of catechists will come to the fore again in the following chapter, specifically in relation to missionary activity.

legislation enhance the ministry of catechesis in the local Church? How seriously will the diocesan bishops take their role of moderator? Are the areas of competency of the individual bishop and of the Conference clearly enough defined for pastoral advancement and an efficacious proclamation of the gospel?

These and other questions cannot be answered at this stage, but there is no doubt that the revised law obliges the diocesan bishop to serve as catechist, and that this task is to be a major priority of his total ministry.

CHAPTER IV: THE BISHOP AS MISSIONARY AND PROPHET

The Second Vatican Council presented to the People of God and to the world a fresh understanding of the Church's mission in the world. This Conciliar teaching, found in the various Constitutions and Decrees, is the fruit of the Church's self-reflection under the guidance of the Holy Spirit. Each document serves to add further correlative elements to a new mosaic of the Church that finds its expression in a renewed ecclesiology.

The mystery of the Church's mission does not lend itself to attempts of definition.¹ Indeed, to offer a complete definition would be beyond the purpose and limitations of the course that has been set in this dissertation. However, if we were to endeavour to sum up this mystery in one capsular formula, we could do no better than to adopt this Conciliar description of the Church's mission: "Having been divinely sent to the nations that she might be 'the universal sacrament of salvation,' the Church, in obedience to the command of her founder (Mt. 16:15) and because it is demanded by her own essential universality, strives to preach the Gospel to all men."²

With these words the Council Fathers began the decree on the Church's missionary activity, Ad Gentes, promulgated December 7, 1965.³ By quoting from the dogmatic constitution on the Church, Lumen Gentium, they placed its missionary dimension within the total mysterious mosaic which is the Church.⁴

1 Chapter One of Lumen Gentium is entitled "The Mystery of the Church."

2 A.G., No. 1.

3 A.A.S., 58(1966), pp. 947-990.

4 Cf. L.G., No. 48.

The Council teaches that it is the duty of bishops, as successors of the Apostles, to carry on this work, so that the kingdom of God may be proclaimed and renewed throughout the entire world. The apostolic function of proclaiming the gospel has, therefore, two expressions: an evangelical mission and a prophetic role. Related to the evangelical mission of the Church, is its deep concern for the "human community" and its growing awareness of the world as the "theatre" in which it is historically present and in which it is called to be effective.⁵

In the pastoral constitution on the Church in the modern world, Gaudium et Spes,⁶ published on the same day as Ad Gentes, the Council Fathers expressed the Church's need to read "the signs of the times" and interpret them in the light of the gospel.⁷ Only in this way would the Church "be a leaven, and as it were, the soul of human society in its renewal by Christ and transformation into the family of God."⁸

If we term this latter responsibility of the Church its "prophetic role", then we can say that the church of its very nature must have a twofold expression: to be missionary and to be prophetic. Therefore, from Conciliar and post-Conciliar teaching we should be able to define the diocesan bishop's missionary and prophetic activities. With a theological and pastoral understanding of his role, we could then proceed to paint a canonical portrait of the diocesan bishop as missionary and endeavour to construct a juridical understanding of his prophetic role.

5 G.S., Preface.

6 A.A.S., 58(1966), pp. 1025-1115.

7 G.S., No. 4.

8 Ibid., No. 40.

A. THE EVANGELIZING MISSION OF THE CHURCH

From key magisterial documents, it is possible to present a vision of the Church and of her evangelizing mission. From the understanding of evangelization that emerges, a model of the Church may be adopted which will serve to authenticate the dual nature and mission of the bishop's work as evangelizer.

1. Principal documents

Ad Gentes and Gaudium et Spes serve as valuable primary sources for an inquiry into the meaning of evangelization. On August 6, 1966, Ecclesiae Sanctae was issued, providing norms for implementing the decree Ad Gentes.⁹ The twenty-four norms of Ecclesiae Sanctae were to be brought to the notice of all the faithful; their implementation was left to the local Ordinary.¹⁰

The second Synod of Bishops, in 1971, addressed the question of "Justice in the World",¹¹ while three years later this same group offered auxiliary service to the Supreme Pastor in regard to "Evangelization".¹² The working papers of these meetings are rich in the realities of pastoral experience.

At the end of the third Synod, the Fathers decided to remit to the Pastor of the Universal Church, with great trust and simplicity, the fruits of all their labours, stating that they

⁹ A.A.S., 58(1966), pp. 783-787.

¹⁰ E.S. III, Opening paragraph.

¹¹ Cf. Justice in the World: Synod of Bishops, Vatican City, Pontifical Commission for Justice and Peace, 1972; 5 volumes.

¹² Cf. Jacques POTIN, Charles EHLINGER, ed., L'Eglise des cinq continents; bilan et perspectives de l'Evangelization. Principaux textes du Synode des évêques, Rome, septembre-octobre, 1974, Paris, Le Centurion, 1975, 254p.

awaited from him a fresh forward impulse, capable of creating within a Church still more firmly rooted in the undying power and strength of Pentecost a new period of evangelization.¹³

In response, a year later, Pope Paul VI issued his apostolic exhortation, Evangelii Nuntiandi, December 8, 1975.¹⁴ This document is monumental, especially to the degree that it fulfils the challenge presented by the bishops.

Finally, in preparing this mosaic it would be of value to adopt the concept of humanity so richly expressed in Pope John Paul II's first encyclical Redemptor Hominis, March 4, 1979.¹⁵

2. Evangelization: an essential mission

The magisterium teaches consistently¹⁶ that the Church of her very nature must be missionary, "since, according to the plan of the Father, it has its origin in the mission of the Son and of the Holy Spirit."¹⁷ In agreement, the Synod Fathers declare: "Strengthened by our faith in Christ's death and resurrection for our salvation and strengthened by our Paschal experience in the Church, we wish to reaffirm that evangelization of all mankind constitutes the essential mission of the Church."¹⁸

¹³ E.N., No. 2.

¹⁴ A.A.S., 68(1976), pp. 5-76. English translation and publication by Daughters of St. Paul, 1976, 62p.

¹⁵ A.A.S., 71(1979), pp. 257-324. English translation from Canadian Catholic Conference of Bishops, Ottawa, 1979, 104p.

¹⁶ L.G., Nos. 16 and 17; A.G., No. 6.

¹⁷ A.G., No. 2.

¹⁸ L'Eglise des cinq continents, p. 240. "Forts de notre foi dans le Christ, mort et ressuscité pour notre salut, et affermis par l'expérience pascale que nous avons faite dans l'Eglise, nous voulons réaffirmer que l'évangélisation de tous les hommes constitue la mission essentielle de l'Eglise."

Presentation of the gospel is not an option for the Church. "It is the duty incumbent on her by the command of the Lord Jesus, so that people can believe and be saved. This message is indeed necessary. It is unique. It cannot be replaced. It does not permit either indifference, syncretism or accommodation."¹⁹

However, the Church as sacrament of salvation is called to being more than a "herald of faith",²⁰ she is also to be an authentic teacher of those who have received the faith.

All of the Church's functions in the ministry of the Word should be seen as essential to the life and mission of the Church itself and primary in relation to its other functions, such as sanctifying and governing, which are essential to the Church and are interdependent on each other and dependent on the Word being preached. Within the life of the Church, therefore, it is possible to recognize preaching, catechetics and now, missionary activity as being essential and primary.

3. A new understanding of evangelization

The Council spoke of missionary activity in terms of "the evangelization and the implanting of the Church among peoples or groups in which it has not yet taken root."²¹ And in Lumen Gentium we read that the Church

makes the words of the Apostle her own: "Woe to me if I do not preach the gospel" (1 Cor. 9:16), and continues unceasingly to send heralds of the gospel until such time as the infant churches are fully established and can themselves carry on the work of evangelizing.²²

19 E.N., No. 5.

20 One of the duties of the bishop to be assumed in his teaching office is that of "herald of faith" (Cf. L.G., No. 25).

21 A.G., No. 6.

22 L.G., No. 17.

Evangelization is interpreted consistently in terms of preaching the gospel.²³

In Gaudium et Spes, a broader mission is recognized for the Church, which is to continue the work of Christ by preaching in a world that it must try to understand.²⁴

It was in the Church's post-Conciliar experience of pastoral life that a new reality of evangelization began to emerge. This developing awareness led to the working papers and discussions of the 1974 Synod, and took explicit form in the Synod's final declaration, wherein the Synod Fathers expressed certain fundamental convictions and some particular orientations.²⁵

The Synod Fathers in this declaration spoke of evangelization in terms of being the mission of the Church, in which all Christians participate - particularly the young. They stated that this mission necessitates an "incessant conversion" and intimate union with God, and requires a study of the problems of secularization, atheism and religious persecution. It provokes a new means of preaching the gospel, of recognizing ecumenical collaboration and of providing for dialogue with non-Christian religions and all peoples of good-will. However, what is of special significance is the relationship between evangelization and liberation. "On this important point, a deep unity is established between us in reaffirming the intimate bond that exists between evangelization and liberation."²⁶ This bond is not only the good news of salvation, but the person of Christ, himself.

After reflecting on the Synod's findings, Pope Paul VI stated that evangelization has in the past been defined in terms of proclaiming Christ, preaching, teaching catechetics and conferring the Sacraments; however, he adds:

²³ Cf. L.G., No. 33; A.A., Nos. 2, 20, and 26; A.G., Nos. 7, 14, 17, 23, 27, 29, 36, and 39; P.O., Nos. 2 and 5.

²⁴ Cf. G.S., No. 44.

²⁵ L'Eglise des cinq continents, pp. 239-246.

²⁶ Ibid., p. 244.

Any partial and fragmentary definition which attempts to render the reality of evangelization in all its richness, complexity and dynamism does so only at the risk of impoverishing and distorting it. It is impossible to grasp the concept of evangelization unless one tries to keep in view all its essential elements.²⁷

The Supreme Teacher continues by identifying these essential elements as: the renewal of humanity,²⁸ the evangelization of cultures,²⁹ the witness of life,³⁰ explicit proclamation seeking inner adherence,³¹ entry into the ecclesial community,³² acceptance of the Sacraments³³ and apostolic initiative.³⁴

"...evangelization would not be complete if it did not take account of the unceasing interplay of the Gospel and of man's concrete life, both personal and social."³⁵ The work of evangelization involves proclaiming the gospel both like a missionary preaching salvation for all, and a prophet professing liberation for all.

To proclaim and implement the Church's mission in both these fields has been a particular concern of the Pope.

We ourselves have taken care to point this out, by recalling that it is impossible to accept "that in evangelization one could or should ignore the importance of the problems so much discussed today, concerning justice, liberation, development and peace in the world. This would be to forget the lesson which comes to us from the Gospel concerning love of our neighbour who is suffering and in need."³⁶

27 E.N., No. 17.

28 Ibid., Nos. 18 and 19.

29 Ibid., No. 20.

30 Ibid., No. 21.

31 Ibid., No. 22.

32 Ibid., No. 23.

33 Ibid., No. 23.

34 Ibid., No. 24.

35 Ibid., No. 29.

36 Ibid., No. 31.

The Church has a right and a duty to speak in prophetic terms about the dignity of humanity and all aspects of social justice. "It is demanded from the Church that it inject the perennial, vital, divine power of the gospel into the human society of today."³⁷ Or, as the Synod of Bishops states, "her mission involves defending and promoting the dignity and fundamental rights of the human person."³⁸

Showing a deep concern for the total welfare of man and not only for his salvation, Pope John Paul II writes in his encyclical, Redemptor Hominis:

Inspired by eschatological faith, the Church considers an essential, unbreakably united element of her mission this solicitude for man, for his humanity, for the future of men on earth and therefore also for the course set for the whole of development and progress. She finds the principle of this solicitude in Jesus Christ himself, as the Gospels witness.³⁹

Therefore it follows that prophetic leadership is an essential element of the Church's mission of proclaiming the Gospel.

One further point should be highlighted about the Church's missionary activity. In Evangelii Nuntiandi, Pope Paul speaks of evangelization in terms of the Gospel being preached to those who have not heard the Good News; non-Christians, believers, non-believers and the non-practicing.⁴⁰ In practical terms, he is speaking about pre- and re-evangelization as well as evangelization itself. This apostolic exhortation amounts to a rich pastoral program that may be adopted for preaching the Gospel in every diocese throughout the world, that is, preaching

³⁷ Pope JOHN XXIII, Apostolic Constitution, "Humanae Salutis", November 25, 1961, in A.A.S., 54(1962), pp. 5-13, cf. p. 6.

³⁸ SYNOD OF BISHOPS, Justice in the World, November, 1971, St. Paul Editions, p. 13. Cf. original text in A.A.S., 63(1971), pp. 923-942.

³⁹ R.H., No. 15.

⁴⁰ E.N., Nos. 51-56.

the gospel ad intra and ad extra.⁴¹

This broad understanding of evangelization makes of every diocese a mission territory. It is for us, then, to retain for our own purposes what is applicable to the preaching of the gospel ad extra, as defined in Ad Gentes, and to the prophetic ministry of the universal and particular Churches, as found in Evangelii Nuntiandi.⁴² Using this material, how can we best understand the missionary and prophetic activity of the Church?

3. The Missionary Church as *communio-missio*⁴³

Since the Church is a mystery, theologians have wisely adopted many models to highlight certain elements of her nature and mission.⁴⁴ None of these models are complete in themselves, but each may validly present an aspect of the mysterious reality which is the Church:

One such model of the Church may be derived from the nature and effects of the Sacraments of initiation. In Baptism, the recipient is made a child of God and welcomed into the family of believers. The baptized becomes a member of the

⁴¹ Cf. A.G., No. 6.

⁴² The main focus of this chapter is on the preaching of the Gospel ad extra. Cf. Suso BRECHTER, Commentary on the Documents of Vatican II, Volume IV, Decree on the Church's Missionary Activity, pp. 117-121.

⁴³ Cf. James H. PROVOST, "Structuring the Church as a Communio", in The Jurist, 36(1976), pp. 191-245; Michael A. FAHEY, S.J., "Ecclesial Community as Communion", in The Jurist, 36(1976), pp. 4-23; Roger D. HAIGHT, S.J., "The Established Church as Mission: The Relation of the Church to the Modern World", in The Jurist, 39(1979), pp. 4-39; David BOHR, "Evangelization: The Essential and Primary Mission of the Church", in The Jurist, 39(1979), pp. 40-87; John A. COLEMAN, S.J., "The Mission of the Church and Action on Behalf of Justice", in The Jurist, 39(1979), pp. 119-151.

⁴⁴ Cf. Avery DULLES, S.J., The Resilient Church: The Necessity and Limits of Adaptation, Garden City, N.Y., Doubleday, 1977, 229p.

particular and universal community, and, as part of the community which is Christ, the new member like the others is to exercise a prophetic, priestly and kingly mission. It is easy to see that there are two dimensions in this sacrament: community and mission.

In Confirmation, the recipient is marked with a spiritual sign and seal confirming him to be more like Christ and a more perfect member of His Church. The confirmed are given a mission of witnessing; as the ritual states, "make them ready to live his Gospel and eager to do his will. May they never be ashamed to proclaim to all the world Christ crucified."⁴⁵

Finally, in the Sacrament of the Eucharist, the individual members of the local church are called to live in a communion to listen to the Word who challenges all to live in a community of life and love while at the same time carrying his Word to all; they are called upon to offer sacrifice in thanksgiving for the blessings of God on his Church and on his world. By receiving the Eucharist, the one bread and the one cup, the individual expresses his membership in the one communio of Christ, and is empowered and sent to take that communio to others: "Go in the peace of Christ, to love and serve the Lord."

Therefore, it is evident that in the initiation Sacraments of the Church, there is an invitation to and experience of communio (union with), and missio (sending forth). For, again speaking in terms of evangelization, Pope Paul VI teaches, "It is unthinkable that a person should accept the word and give himself to the kingdom without becoming a person who bears witness to it and proclaims it in

⁴⁵ Rite of Confirmation within Mass, No. 33, in The Rites of the Catholic Church as revised by the Second Vatican Ecumenical Council, published by authority of Pope PAUL VI; English translation by International Commission on English in the Liturgy, New York, Pueblo Publishing Co., 1976-80, p. 313.

his turn."⁴⁶

The Church is a communio of believers and a missio for sending these same believers into the world. It is thus perceived as existing in the tension of communion and mission.⁴⁷ It is a communio-missio.

This tension is a creative force, a visible expression and extension of life in the Trinity. "The universal Church is seen to be a people brought into unity from the unity of the Father, the Son and the Holy Spirit."⁴⁸ It is also seen to be a people with a mission, which finds its source in the communication that exists within the Trinity. "The one mediator Christ, established and ever sustains here on earth his holy Church, the community of faith, hope and charity, as a visible organization through which he communicates truth and grace to all men."⁴⁹

Communio-missio, as a model of the Church, permits us to understand the essential nature of the Church's raison d'être. This model will serve to deepen our understanding of the diocesan bishop's missionary and prophetic ministries in a Church which is one, holy, catholic and apostolic.

B. THE DIOCESAN BISHOP AS MISSIONARY

The Conciliar and post-Conciliar documents teach emphatically that the Church is missionary and prophetic; these documents are no less clear in their statements that the individual bishop has a missionary and prophetic role to fulfill

⁴⁶ E.N., No. 24.

⁴⁷ James H. PROVOST, "True or False Reform in the Church", in The Jurist, 38(1978), p. 264.

⁴⁸ L.G., No. 4.

⁴⁹ L.G., No. 8.

that is particular to his episcopal ministry.

It would be opportune to study the diocesan bishop's missionary role in the communio-missio context, describing his missionary activities in terms of the four marks of the Church.

I. A universal mission

The responsibility of preaching the gospel throughout the whole world falls primarily on the episcopal College.⁵⁰ Each bishop is bound to have care and solicitude for the whole Church,⁵¹ and to enter into collaboration with his brother bishops and with Peter's successor, to whom, in a special way, the noble task of propagating the Christian name was entrusted.⁵² "Thus, they should come to the aid of the missions by every means in their power, supplying both harvest workers and also special and material aids, either directly and personally themselves, or by arousing the fervent cooperation of the faithful."⁵³ This universal solicitude for the People of God arises out of the bishop's hierarchical communion, since the college of bishops is the successor to the college of the apostles in its role as teacher of the Universal Church.⁵⁴

Thus the diocesan bishop must be seen as a missionary in the world with a universal mission to effect a universal communio.

⁵⁰ A.G., No. 29.

⁵¹ L.G., No. 23.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Cf. L.G., Nos. 22 and 23.

2. A unifying mission

The diocesan bishop's unifying mission may be envisaged from the dual perspective of the particular church and the universal Church.

a) The particular communio-missio--The diocesan bishop is the centre of unity of the particular Church. He calls the community into being.⁵⁵ In creating community, he must also lead others to develop a sense of ecclesial responsibility. He is to work towards making his communio-missio orientated.

Each diocesan bishop is:

to proclaim with authority the Word of God, to assemble the scattered People of God, to feed this People with the signs of the action of Christ which are the Sacraments, to set this People on the way to salvation, to maintain it in that unity of which we are, at different levels; active and living instruments, and unceasingly to keep this community gathered around Christ faithful to its deepest vocation.⁵⁶

The bishop is also the link of communion of his Church with all other particular Churches.⁵⁷

b) The universal communio-missio--In as much as the diocesan bishop is in hierarchical communion with his brother bishops and under the head, the Pope, he is a means and sign of the unity of the universal communio-missio. "Collegiate unity is apparent in the mutual relations of each bishop to individual dioceses and with the Universal Church."⁵⁸

⁵⁵ C.D., No. 11.

⁵⁶ E.N., No. 68.

⁵⁷ James H. PROVOST, "Structuring the Church as a Communio", loc. cit., p. 209.

⁵⁸ L.G., No. 23.

However, since the particular communio-missio is the result of the gospel preached to a particular group or community, the diocesan bishop reflects the faith response of this particular community to the universal communio-missio. Therefore, the more will this faith response itself be a means and sign of the unity of the Church.⁵⁹

3. A holy mission

The missionary task of the bishop is the continuation of the work of Christ.⁶⁰ The aim of his missionary work is to bring all peoples into communion with God. He aims at furthering the kingdom of God.⁶¹ The bishop is not to restrict his work of evangelization to the religious field, yet primarily he must reaffirm his spiritual vocation.⁶²

It is in the "consolation of the Holy Spirit" that the Church increases. The Holy Spirit is the soul of the Church. It is he who explains to the faithful the deep meaning of the teaching of Jesus and of His mystery. It is the Holy Spirit who, today just as at the beginning of the Church, acts in every evangelizer who allows himself to be possessed by Him. The Holy Spirit places on his lips the words which he could not find by himself, and at the same time the Holy Spirit predisposes the soul of the hearer to be open and receptive to the Good News and to the kingdom being proclaimed.⁶³

As missionary, therefore, the diocesan bishop is called to make holy the communio-missio, both in the call to communio and in the operation of missio.

⁵⁹ Cf. E.N., No. 64.

⁶⁰ Cf. ibid., No. 60.

⁶¹ Cf. ibid., Nos. 8 and 34.

⁶² Cf. ibid., No. 34.

⁶³ Ibid., No. 75.

4. An apostolic mission

The total ministry of the diocesan bishop is apostolic in origin and character.⁶⁴ As teacher of the faith in the particular and the universal Church, the diocesan bishop gives apostolic witness to the one Gospel.

Just as Christ banded together that first group of Apostles, so he continues to call ministers to guard, transmit and defend His Word and His work.⁶⁵

Pius XII teaches in Fidei Donum that although every bishop is the pastor, properly speaking only of that portion of the flock entrusted to his care yet in his capacity as legitimate successor to the Apostles, he is responsible for the apostolic mission of the Church.⁶⁶

Thus, these four marks of the Church may be applied to our model, communio-missio, demonstrating its validity and relevance; the model provides a useful framework in which one can better understand the missionary role of every diocesan bishop.

5. Specific responsibilities of the bishop as missionary

The norms for implementing the decree on the Church's missionary activity are to be brought to the notice of all the faithful by the local Ordinaries. Therefore, each diocesan bishop is expected to carry out the prescriptions of Ecclesiae Sanctae.

His basic task is to ensure that the theology of mission is clearly understood by all, and that there is a real sense of the universality of the

⁶⁴ L.G., Nos. 19-22.

⁶⁵ Pope PAUL VI, Allocution, "The Church is Apostolic", August 10, 1977, in T.P.S., 22(1977), pp. 377-378.

⁶⁶ Pope PIUS XII, Encyclical Letter, "Fidei Donum", April 21, 1957, in A.A.S., 49(1957), pp. 225-248; Cf. T.P.S. p. 304.

Church.⁶⁷ He is to encourage his people to pray and make daily sacrifices for the missions, setting aside an annual day of prayer.⁶⁸ He is to appoint a priest to promote effectively the work of the missions,⁶⁹ to encourage and support missionary vocations, even those among the diocesan clergy.⁷⁰ Likewise, he is to support the pontifical missionary works,⁷¹ make use of missionary institutes to develop concern for the missions,⁷² cooperate with missionary bishops in receiving immigrants from their lands,⁷³ and have genuine concern for lay persons who work on the missions.⁷⁴

Such norms should not be seen as covering the full extent of the diocesan bishop's missionary activity. For he is also to show initiative and be creative in the manner in which he aids the spreading of the gospel throughout the world.⁷⁵ "The bishop collaborates with the Apostolic See as energetically as possible in evangelizing the nations."⁷⁶ His solicitude for the missions is a concrete expression of his passion for the Gospel and his apostolic zeal.

On Mission Sunday, October 24, 1982, Pope John Paul II visited the parish of Saint Mary of the Presentation, a "missionary" parish of the diocese of Rome.

67 E.S. III, No. 1.

68 A.G., No. 36; E.S. III, No. 3; cf. C.I.C. (1983), canon 791.

69 A.G., No. 38; E.S. III, No. 4; cf. C.I.C. (1983), canon 791.

70 A.G., No. 38; E.S. III, No. 6; cf. C.I.C. (1983), canon 791.

71 A.G., Nos. 36 and 38; E.S. III, Nos. 7 and 8; cf. C.I.C. (1983), canon 791.

72 A.G., Nos. 23, 37 and 38; E.S. III, No. 11; cf. C.I.C. (1983), canon 790.

73 A.G., No. 30; E.S. III, No. 23; cf. C.I.C. (1983), canon 383, 81.

74 A.G., No. 41; E.S. III, No. 24.

75 D.P.M.B., No. 43.

76 Ibid., No. 46.

There, the Bishop of Rome told the parishioners and the entire Church, "I have come to your place because your parish is young - she is in her tenth year - because she is missionary and since she lives a dynamic and intense life."⁷⁷

Two weeks before Mission Sunday 1982, eighty bishops from twenty-eight European countries gathered in Rome for the Symposium of European bishops. The theme was evangelization, not for the world, but specifically for Europe. One commentator stated, "Despite its long history of evangelizing other continents Europe itself might have to be treated as mission territory, and it would certainly have to mount its own exercise in 'self-evangelization'."⁷⁸

It is reasonable to deduce that every bishop throughout the world carries a responsibility for the process of "self-evangelization" that must go on in his diocese. It is with real missionary zeal and spirit that a diocesan bishop must fulfill his role of moderator of the ministry of the Word within the diocese.

C. THE DIOCESAN BISHOP AS PROPHET

The diocesan bishop's prophetic task arises out of his mission to teach the Gospel. He is called to give radical witness to that Gospel and its values in word and deed. This witnessing involves critiquing the social system if necessary.

⁷⁷ Pope JOHN PAUL II, Homily, "Vous êtes tous appelés à vivre la dimension missionnaire de l'Eglise", October 24, 1982 in L'Osservatore Romano (French edition), November 9, 1982, p. 14.

⁷⁸ John MALONEY, "European Bishops Meet", in The Tablet, October 2, 1982, p. 997; cf. also Pope JOHN PAUL II, "La crise de la culture chrétienne", October 5, 1982, and his homily, "Vous êtes pasteurs et docteurs pour rendre les frères aptes au ministère", October 8, 1982, in L'Osservatore Romano (French edition), October 19, 1982, pp. 6-7.

I. Promoting the Credibility of the Church

It is important for the Church to recognize that it is a social entity, with visible structures and institutions. Thus the Church in its structures and institutions must be open to criticism and renewal from within. As K. Rahner writes,

A critique of the Church in the name of the Church is always possible because her own understanding of her own nature is always wider, freer, and more exalted than that which she assumes in history, and is in fact wider in scope than that which we have already formulated to ourselves about her at the level of speculation and theory.⁷⁹

Such an ongoing self-critique authenticates the Church's desire to witness to social justice in the world. "In other words, a respect for human rights must find an authentic resonance in the inner life and activity of the Church."⁸⁰ Only then will the Church be a credible witness to human rights and social justice for all. "The Church needs to reflect on herself. She needs to feel the throb of her life. She must learn to know herself better, if she wishes to live her own proper vocation and to offer to the world her message of brotherhood and salvation."⁸¹

The diocesan bishop must insert into his entire ministry an evaluating process that will enable him to present to the particular and the global village a credible message. "If the Church is to witness to the love of Christ, if the Church is to be criticized for standing on the side of justice, certainly the bishop, the chief

79 Karl RAHNER, S.J., "The Function of the Church as a Critic of Society", in Theological Investigations, Volume 2, p. 233.

80 James A. CORIDEN, "Human Rights in the Church: A Matter of Credibility and Authenticity", in Concilium, 124(1979), p. 68.

81. Pope PAUL VI, Encyclical Letter "Ecclesiam Suam", August 6, 1964, in T:P.S., 10(1965) pp.259-260, par. no. 25.

pastor, should lead in this witness."⁸² Indeed, he is to lead in all elements of evangelization.⁸³

Pope John Paul II, speaking to the Bishops of France challenges them to renew radically "and reestablish the consciousness of the prophetic charism that goes with the episcopal office. For bishops are teachers of the faith and leaders of the flock; they embody in their lives in an analogous but real way, the words of Christ about the Good Shepherd."⁸⁴

2. The bishop's prophetic office

The prophetic activities of the diocesan bishop may be grouped under three interrelated headings: prophetic teaching, prophetic witness and prophetic leadership.

a) **Prophetic teaching**--Pope John Paul II emphasizes the bishops' role as teachers in writing to the bishops of El Salvador: "Your faithful are thirsty for truth and justice. Continue to offer them with all fervour and enthusiasm the proper teachings of the social doctrine of the Church, motivated by a deep concern for the sufferings of the nation."⁸⁵

The diocesan bishop is to nourish and sustain the People of God with the Word. In prophetic fashion, he is to proclaim boldly the Gospel in the face of

⁸² Paul MOORE, Jr., "The Witness of the Bishops in the Local Church", in Concilium, 124(1972), p. 113.

⁸³ Cf. E.N., No. 24.

⁸⁴ Pope JOHN PAUL II, Address to the Bishops of France, "The Pastoral Task of Discernment", in T.P.S., 25(1980), p. 212.

⁸⁵ Pope JOHN PAUL II, Letter to the Bishops of El Salvador, "Towards Reconciliation in El Salvador", August 6, 1982, in Origins, 12(1982-1983), p. 169.

adverse circumstances.

The bishop should know his sheep. It is only with genuine knowledge of their circumstances and needs that he may address them. He is to interpret "the signs of the times" in the light of the gospel. Then, he is able to present "those moral axioms which the Church regards as norms defining the limits within which every moral decision and so too every political decision must fall."⁸⁶

As teacher, the bishop must seek to clarify for all people the evangelical principles of life, of human dignity, and of social justice that lie behind the Church's teachings. Because of the complexity of modern life, these principles do not provide specific solutions; but, with the guidance of the Holy Spirit, and the genuine discerning of the bishop, he is mandated to shed light and to challenge anything that is contrary to the gospel.

Although this involves denunciation as well as annunciation, a bishop cannot claim unless otherwise qualified to have any special expertise concerning the concrete social, economic and political solutions to problems.⁸⁷ However, this does not mean that he should fail to preach the Good News, for his role is like that of Christ himself, whose "mission consisted in bringing about the new creation, a renewed humanity in which man is liberated from the crippling forces of human life and society. He finds his true identity before God and is able to express his new life in a renewed society."⁸⁸

b) **Prophetic witness**--The bishop is to be a "sacrament" of the Word that he

⁸⁶ K. RAHNER, *op. cit.*, p. 234.

⁸⁷ Cf. G.S., No. 76.

⁸⁸ J. NEUNER, S.J., "Why Missions?", in Indian Theological Studies, 17(1980), p. 29.

proclaims. In an address at Puebla, Pope John Paul II "proclaimed as 'admirable bishops' those who were deeply involved in advancing and valiantly defending the human dignity of those entrusted to them by the Lord."⁸⁹ Just as Christ entered the life history of the people he encountered, so must the diocesan bishop.

In an address to the Portuguese Bishops, Pope John Paul also speaks about prophetic witness.

But here I would emphasize but one function of the pastor: that of leading his flock. This means walking in front of it. In front, so as to watch the way, test the depth of the streams, detect dangers, safeguard the march. In front, so as to stimulate, inspire courage. In front, to point out the safe route and avoid stayings. In phases of instability and change, the leader's function is indispensable and precious, and blessed are the people who find such guides in their bishops.⁹⁰

Such prophetic witness is the fruit of listening to the Gospel and discerning "the signs of the times." Addressing the members of the U.S. Episcopal Conference, Bishop Thomas Gumbleton teaches: "In fact we must allow our hearts and consciences to be the quiet place where the unsearchable riches of God's Word and the compelling realities of our modern world confront each other." It is only then that a bishop may recognize his "prophetic responsibility to participate in the transformation of the world toward liberty, justice and peace."⁹¹

⁸⁹ Archbishop Robert SANCHEZ, "The Bishop as Evangelizer", in Origins, 12(1982-1983), p. 184.

⁹⁰ Pope JOHN PAUL II, Address to the Bishops of Portugal, "The Pope and the Portuguese Bishops", May 13, 1982, in Origins, 12(1982-1983), p. 252.

⁹¹ Bishop Thomas GUMBLETON, "The Bishop as Social Activist", in Origins, 12(1982-1983), p. 252. In the weekly publication Origins, one finds many examples of bishops actively practicing their prophetic role as they address local, national and global issues; some examples - Bishop Francis QUINN, "The Case for a Nuclear Arms Freeze", in Origins, 11(1981-1982), pp. 675-676; Bishop James LYKE, "The Poor and the Housing Crunch", in Origins, 11(1981-1982), pp. 685-690; Bishop Joseph FRANCIS, "The Debilitating Virus of Racism", in Origins, 11(1981-1982), pp. 741, 743-746; National Conference of Catholic Bishops' Ad Hoc Committee on War and Peace - The Second Draft of a Proposed Pastoral Letter, "The Challenge of Peace: God's Promise and our Response", in Origins 12(1982-1983), pp. 305, 307-328; third draft, Origins, 12(1982-1983), pp.697-728.

The bishop's participation must come only after study "to seek out the structural reasons which foster or cause the different forms of poverty;"⁹² thus, he will be able to attack the real causes of social injustice.

c) **Prophetic leadership**--The diocesan bishop is to serve the faithful entrusted to him by helping them in turn to fulfill their mission in this world. "The bishop's function in particular requires him to foster, sustain and encourage the pastoral initiatives of his ecclesial community."⁹³

The People of God have a specific vocation to work towards the realization of the Christian vision in this world; the bishop must be ready and able to discern what is authentically prophetic in the life and aspirations of his collaborators and all the faithful.⁹⁴

Specifically, the diocesan bishop as centre of unity of the diocese and therefore of the many diverse groups within it, must endeavour to coordinate these activities. He is to show prophetic leadership by stimulating evangelical activity amongst his people, and by coordinating the many varied apostolates so that they might enrich themselves through contact and mutual interaction.

The diocesan bishop enlightened by the Spirit must develop and promote a Christian vision of his diocese and of the world. Prophetically, he should preach the gospel, give witness to an eschatological hope and lead all to fulfill their individual call and mission in this world.

⁹² Pope JOHN PAUL II, Homily at Yankee Stadium, October 2, 1979, in T.P.S., 24(1979), p. 314.

⁹³ A paper from ASIAN COLLOQUIUM ON MINISTRIES, "Ministers Herald a New Era", in Origins, 8,(1978-1979), p. 141. Cf. full text pp. 129, 131-143.

⁹⁴ Cf. Walter VOGELS, "Comment discerner le prophète authentique?", in N.R.Th., 99(1979), pp. 681-701.

In this section, we have seen two specific activities of the Church and therefore of the bishop, which emanate from the mission to take the Gospel to all: (1) missionary activity, (2) prophetic activities. These activities are necessarily complementary to the diocesan bishop's ministry of the Word in the particular Church. It is with such a broad understanding of his ministry that we should once again approach the 1983 legislation.

D. THE 1983 LEGISLATION

"Missionary Activity of the Church" is the title and the subject of Title II in Book Three of the 1983 Code. This new title of twelve canons is the fruit of the Conciliar documents, Lumen Gentium, Ad Gentes and Christus Dominus.

After noting the general content of the new canons, a more detailed review of them will be made to correlate them with the missionary obligations of the diocesan bishop. Then, it will be opportune to construct juridical support for his prophetic role. Finally, an evaluation of these canons and some pastoral implications on the diocesan bishop's ministry will be offered.

1. A New Title

In the 1917 Code, two canons treat of the missionary activity of the Church, and they are presented under the heading of "Catechetics and Preaching". C.I.C. (1917), canon 1350, §2 taught that the care of non-catholics living in mission territories was reserved to the Apostolic See.⁹⁵ C.I.C. (1917), canon 1351 stated simply that no one was to be forced against his will to embrace the Catholic faith,

⁹⁵ C.I.C. (1917), canon 1350, §2: "In aliis territoriis universa missionum cura apud acatholicos Sedi Apostolicae unice reservatur."

a right which is retained in the new law.⁹⁶

As a result of the Conciliar insistence on the missionary nature of the Church, in the 1977 draft there were nine canons treating of the missionary activity of the Church.⁹⁷ These evolved later into the twelve canons of the 1980 draft,⁹⁸ and were retained with amendments in the newly promulgated Code.⁹⁹

In canon 33(1977), a Conciliar principle is codified which abrogates canon 1350, §2, of the 1917 Code. The Council Fathers, drawing on the papal encyclical, Fidei Donum, April 21, 1957, taught that all the bishops had responsibility for the needs of the universal Church throughout the world.¹⁰⁰ This universal solicitude of the individual bishops does not, of course, infringe on the Roman Pontiff's responsibility for the universal Church.¹⁰¹ Canon 33 implied that the college of bishops as such has a specific missionary role.

Canons 34, 35 and 36 of the same draft defined missionary activity and spoke about missionaries and their duties. Canon 34, drawing on Lumen Gentium, No. 17, and Ad Gentes, No. 6, defined missionary activity in terms of sending forth

⁹⁶ C.I.C. (1917), canon 1351: "Ad amplexandam fidem catholicam nemo invitatus cogatur." Cf. C.I.C. (1917), canon 1351 compared with C.I.C. (1983), canon 748: "Ad amplectendam fidem catholicam a nemine unquam homines contra propriam conscientiam coactione adduci possunt."

⁹⁷ PONTIFICIA COMMISSIO CODICIS IURIS CANONICI RECOGNOSCENDO, Schema Canonum de Munere Docendi (Reservatum), Typis Polyglottis Vaticanis, 1977, 40p.

⁹⁸ PONTIFICIA COMMISSIO CODICIS IURIS CANONICI RECOGNOSCENDO, Schema Codicis Iuris Canonici (Patribus Commissionis reservatum), Liber III, De Ecclesiae Munere Docendi, Titulus II, De Actione Ecclesiae Missionali, Libreria Editrice Vaticana, 1980, pp. 176-178.

⁹⁹ Codex Iuris Canonici, Liber III, De Ecclesiae Munere Docendi, Titulus II, De Actione Ecclesiae Missionali, Typis Polyglottis Vaticanis, 1983, pp. 142-144.

¹⁰⁰ Cf. L.G., No. 23 and especially footnote 33; C.D., Nos. 6 and 7.

¹⁰¹ Cf. L.G., No. 22; A.G., No. 38; E.N., No. 67.

preachers until the new churches are fully established. Canon 35, in the language and spirit of Ad Gentes, No. 23, defined missionaries as secular clerics, members of institutes of consecrated life or lay christians, men or women, native or foreign, who have been judged to be suitably endowed with the required natural disposition, talents and genius and are sent for missionary work by legitimate ecclesiastical authority. Again drawing on Ad Gentes, Nos. 11 and 12, canon 36 described the duties of missionaries under the heading of witness and dialogue and in terms of teaching the faith.

Canons 37 and 38 provided norms for the admission to the catechumenate, the education of the catechumen and the formation of the neophyte. These two canons were relevant to every diocesan situation, and not limited to the missionary context, especially since no reference was made to the catechumenate in the proposed chapter on catechetics, (although such was found in the canons on baptism).

Canon 39 treated of catechists, their role and their training, while mention was also made of the role of auxiliary catechists.

Finally, canons 40 and 41 described the role of the bishop and the Conference of Bishops in promoting missionary activity.

In the revision of the 1977 draft, three new canons (781, 783 and 791) were added under this Title. However, due to the close similarity between the 1980 draft and the promulgated law, we will focus our attention on the official canons of 1983.

In the ~~New Code~~, Title II, "The Missionary Activity of the Church," opens with a canon that was first drafted in 1980 as canon 736, but which is now known as canon 781. It expresses in legal terms the concept that the whole Church is missionary: "all the faithful, conscious of their own responsibility are to assume

their own part in this missionary work." This new canon evidently has Conciliar sources,¹⁰² and distinct parallels in canons 225 and 747.¹⁰³

Canon 783 fills a gap found in the 1977 draft by mentioning the missionary role of the institutes of consecrated life.¹⁰⁴

The third new canon, canon 791, complements Canon 40(1977), by codifying four ways of fostering missionary cooperation in individual dioceses:¹⁰⁵ promoting missionary vocations, deputing a priest to promote missionary activities, especially the Pontifical Missionary Works, celebrating an annual day for the missions, and annually having a suitable collection for the missions to be sent to the Holy See.

Before we study these canons in detail, it is necessary to ask to whom are they addressed and, therefore, how are they to be interpreted?

This question is provoked by an apparent lack of clarity in this section of the revised law. For example, some of the canons would seem to belong in Book II of the law; for instance, canon 781 on the missionary role of all the people of God and canon 791 on the missionary role of the diocesan bishop within his diocese. Others, such as canons 788 and 789 on catechumens and neophytes, could have been dealt with under the previous title, "The Ministry of the Divine Word". However, the remaining canons have a more specific missionary orientation in line with the Conciliar understanding of missionary activity.

¹⁰² Cf. L.G., No. 13; A.G., No. 23.

¹⁰³ We note that a similar insertion has been made in the introductory canon 747 which treats of the duty of the entire Church to safeguard and faithfully expound the truth of the Gospel. Canon 225 states that lay members of the Church have a share in the Church's apostolate.

¹⁰⁴ Cf. A.G., No. 23, 2.

¹⁰⁵ Cf. E.S. III.

A second point calls for some clarification. A broad interpretation of these canons would suggest that they are addressed to the entire Church, that is that missionary activity is the work of every particular Church, not just of those churches in mission territories. There is at the basis of this understanding of a broad interpretation, a belief that missionary activity involves not only heralding the faith to those who have not heard the Gospel, but also involves the work of catechesis and deepening the faith of those who have been baptized. A strict interpretation would focus on the role of heralding the faith. It is to be presumed that we should interpret these canons with a Conciliar mind. Such an interpretation would also be enlightened by current pastoral theology which draws deeply on the riches of Evangelii Nuntiandi, as does the proposed law of the Eastern Churches.¹⁰⁶

Yet, although the canons do not make any explicit reference to Evangelii Nuntiandi, and despite the adoption of the Title "The Missionary Activity of the Church", from the Conciliar document of the same name, one could easily argue for a broad interpretation of these canons somewhat in accord with the insights of Evangelii Nuntiandi. Firstly, because of the broad content of the canons themselves; secondly, because of the concept of "young churches" introduced in canon 786 coupled with the word "evangelization"; and, thirdly, because the broader interpretation does not destroy the special status of missionary activity within the ambit of evangelization, but serves to highlight the need for every particular Church to be self-evangelizing. Finally, and even more significantly, in a reply to Cardinal Willebrands in the Relatio, at canon 741(1980), it is stated that either a broad or a strict interpretation may be assumed.¹⁰⁷

¹⁰⁶ Cf. Nuntia, 11(1981), pp. 55-58.

¹⁰⁷ Relatio, p. 177.

It does seem reasonable, however, to highlight the practical distinction between "sending" and "hosting" dioceses so as to focus on the missionary activity of the Church in those areas where the Gospel has not yet been preached.

2. Missionary obligations of the diocesan bishop

In this section, we will focus particularly on those canons that specifically treat of the missionary obligations of the diocesan bishop. These are canons 782, 786, 790 and 791. The other eight canons of the Title are also relevant to the bishop's role since he is a sponsor, although they do not refer explicitly to his role; however these will be treated in a manner which will highlight this missionary role.

The opening canon, No. 781, states:

Since the whole Church is missionary by nature and the work of evangelization is a fundamental office of the People of God, all the faithful, conscious of their own responsibility, are to assume their own part in this missionary work.¹⁰⁸

Therefore, it follows that the diocesan bishop as a member of the faithful, must assume his own special part in the work of evangelization, as this belongs to his teaching office.

The next canon, No. 782, describes in general terms the individual bishop's role as "sponsor", but only after stating the responsibilities of the Roman Pontiff and the college of Bishops.

81. The Supreme direction and coordination of undertakings and actions which pertain to mission work and missionary cooperation belong to the Roman Pontiff and the College of Bishops.¹⁰⁹

¹⁰⁸ Canon 781: "Cum tota Ecclesia natura sua sit missionaria et opus evangelizationis habendum sit fundamentale officium populi Dei, christifideles omnes, propria responsabilitatis conscii, partem suam in opere missionali assumant."

¹⁰⁹ Canon 782, 81: "Suprema directio et coordinatio inceptorum et actionum quae ad opus missionale atque ad cooperationem missionariam pertinent, competit Romano Pontifici et Collegio Episcoporum."

"Et Collegio Episcoporum" is an addition which was not found in paragraph one of canon 33(1977). This change parallels the addition made in canon 756 from canon 7(1977).¹¹⁰ In the 1977 draft, mention had been made of the College of Bishops in the first clause of paragraph two. Canon 33, 82(1977) had begun: "The duty of proclaiming and spreading the Gospel throughout the world has likewise been committed to the College of Bishops."¹¹¹ Thus, the inserting of the words, "College of Bishops" in the first paragraph of canon 782 allows for a more emphatic presentation of the bishops' collegial role in union with the Roman Pontiff. Yet, in this move to highlight the College of Bishops, it appears that although "special mention"¹¹² is made of the Roman Pontiff, the canon deviates slightly from the Conciliar formulation where we see that "Christ's mandate to preach the Gospel to every creature (cf. Mk 16:15) primarily concerns the bishops with Peter and under Peter."¹¹³ This Conciliar doctrine is more strictly represented in canon 336, by the phrase "una cum Capite suo" qualifying the College of Bishops.

Canon 782, 82. Individual bishops too as sponsors of the universal Church and all the Churches should have particular solicitude for missionary work, especially by way of initiating, promoting and supporting missionary

¹¹⁰ Canon 7(1977) 81: "...Episcopi, sollicitudinis omnium Ecclesiarum participes, in communionem et sub auctoritate Summi Pontificis, hoc magisterium exercent omnes uniti in Collegio seu corpore quoad universam Ecclesiam."

82: "Pro universa Ecclesia munus christiani nominis propagandi singulari modo Romano Pontifici, Petri successori, demandatum est."

Canon 756, 81: "Quoad universam Ecclesiam munus Evangelii annuntiandi praecipue Romano Pontifici et Collegio Episcoporum commissum est."

¹¹¹ Canon 33, 82: "Munus Evangelium ubique terrarum annuntiandi et diffundendi item competit Episcoporum Collegio"; "item" being the operative word.

¹¹² Cf. Relatio, p. 177.

¹¹³ A.G., No. 38. Emphasis added.

undertakings in their own particular Church.¹¹⁴

Although the tasks of sponsor and moderator are different, they are closely interrelated. "In fact they are complementary and mutually enriching."¹¹⁵ For in the transferal of missionary personnel or equipment, the diocesan bishop as sponsor puts into operation the essential missio nature of his particular communio - a communio which is the result of his work as moderator. As Vatican II taught, "By arousing, fostering and directing missionary work in his own diocese, with which he is one, the bishop makes present and, as it were, visible the missionary spirit and zeal of the People of God, so that the whole diocese becomes missionary."¹¹⁶

In canon 756, §2, the diocesan bishop is described as "moderator" in relation to administering the Word in his diocese. Now, as missionary, he is recognized in the law as a "sponsor" of the universal Church.

This Conciliar pastoral vision of the diocesan bishop's missionary work implies that he sponsors the universal Church by bringing the faithful in his diocese to a maturity of faith, through his role as diocesan moderator of the Word, creating in them a spirit and zeal for the spread of the Gospel, a potential and desire "to assume their own part in this missionary work."¹¹⁷

Reciprocally, having acted as sponsor, the diocesan bishop and his diocese receive a greater sense of communio. In the person of the bishop, this may take the form of endeavouring to be more zealous in his role as moderator of the

114 Canon 782, §2: "Singuli Episcopi, utpote Ecclesiae universae atque omnium Ecclesiarum sponsores, operis missionalis perculiarem sollicitudinem habeant, praesertim incepta missionalia in propria Ecclesia particulari suscitando, fovendo ac sustinendo."

115 E.N., No. 24.

116 A.G., No. 38.

117 C.I.C. (1983), canon 781; cf. also A.G., No. 35, and E.N., No. 59.

ministry of the Word within his own diocese, due to the radical witness of faith sent out from the "host" Church.

The natural interplay between the diocesan bishop's ministerial roles of moderator and sponsor is now obvious, one further reason for a broader vision of the Church's missionary activity.

The work of the authorized missionary is described in canon 786.

Missionary activity of the Church by which the Church is implanted among peoples or groups where it is not yet rooted is carried out particularly in sending forth preachers until the new Churches are fully established, that is, enjoy their own resources and are sufficiently equipped with the means to carry out the task of evangelization on their own.¹¹⁸

This canon codifies the thought found in Lumen Gentium, No. 17, and Ad Gentes, No. 6. The question was asked in the Council, whether this concept of missionary activity could not be opened to include preaching ad intra as well as foris. The reply stated that in no way did the text negate that the gospel had always to be preached ad intra.¹¹⁹ This same interpretation is to be brought to this canon.

The word "particularly" contains the notion that the sending forth of preachers is not the only expression of missionary activity. Other forms might be prayer and penance, as well as financial sponsorship.¹²⁰

The words "implanted" and "established" should have special significance for the sponsoring bishop. If missionaries are to establish the Church, then they must carry with them not only the Word, as expressed in the munus docendi of the

118 Canon 786: "Actio proprie missionalis, qua Ecclesia implantatur in populis vel coetibus ubi nondum radicata est, ab Ecclesia absolvitur praesertim mittendo Evangelii praecones donec novellae Ecclesiae plene constituentur, instructae scilicet propriis viribus et sufficientibus mediis, quibus opus evangelizandi per se ipsae peragere valeant."

119 Acta Synodalia, Volume 4, Part 7, p. 23. Modi 6.

120 A.G., No. 38.

Church, but also the munera sanctificandi et regendi, in the form of the celebration of the Sacraments and ecclesial structures.

Canon 786 infers that a diocesan bishop who is sponsoring a particular missionary Church, would cease such sponsorship when the new Church is enjoying its own resources and is sufficiently equipped with the means to carry out the task of evangelization on its own. However, the conditional time clause of this canon does not exclude the possibility of "twinning" of dioceses, so that personnel and resources may be shared.

Canons 784 and 787 when placed together give a full picture of the Church's missionary activity.

Canon 784 - Missionaries are those persons who are sent to fulfill missionary work by competent ecclesiastical authority. They can be chosen from among those who are native or non-native to the country, whether they be secular clerics, members of institutes of consecrated life or of societies of apostolic life, or others who are members of the lay Christian faithful.¹²¹

Canon 787, §1. By the witness of their life and words, missionaries should establish a sincere dialogue with those who do not believe in Christ. This should be done in order that avenues may be open to them by which they can be led to an understanding of the gospel message through methods suited to their characteristics and culture.

§2. Missionaries should see to it that they teach the truths of faith to those whom they judge to be ready to accept the gospel message so that these persons can be admitted to the reception of baptism when they freely request it.¹²²

121 Canon 784: "Missionarii, qui scilicet a competenti auctoritate ecclesiastica ad opus missionale explendum mittuntur, eligi possunt autochthoni vel non, sive clerici saeculares, sive institutorum vitae consecratae vel societatis vitae apostolicae sodales, sive alii christifideles laici."

122 Canon 787, §1: "Missionarii, vitae ac verbi testimonio, dialogum sincerum cum non credentibus in Christum instituant, ut ipsis, ratione eorundem ingenio et culturae aptata, aperiantur viae quibus ad evangelicum nuntium cognoscendum adduci valeant."

§2: "Curent ut quos ad evangelicum nuntium recipiendum aestiment paratos, veritates fidei edoceant, ita quidem ut ipsi ad baptismum recipiendum, libere id petentes, admitti possint."

These canons provide us with a background with which we can more clearly define the bishop's missionary role in relation to those who work in the missions and to those for whom they work.

Canon 790 is a new canon in relation to the 1917 Code, it treats of the role of a diocesan bishop in territoriis missionis. The canon reads:

§1 Diocesan bishops in mission territories are to:

- 1) promote, direct and coordinate undertakings and works pertaining to missionary activity;
- 2) take care that proper contracts are entered into with moderators of Institutes dedicated to the work of the missions in order that relations with them redound to the good of the missions.

§2 All missionaries, even religious and helpers living in his territory, are subject to prescriptions enacted by the diocesan bishop in those things referred to in §1, no. 1.¹²³

In the 1977 draft of this norm, the canon concerned itself with the diocesan bishop in suo territorio. With this correction, §1, no. 2 and §2 now are clearer since they are presented within a special missionary context. However, the change to in territoriis missionis divorces §1, no. 1 from the exact meaning of its source, which reads:

It is the responsibility of the bishop, as the head of the diocesan apostolate and its centre of unity, to promote missionary activity, guide and coordinate it, so that the spontaneous zeal of those who engage in this work may be safeguarded and fostered.¹²⁴

This Conciliar description is suited to every bishop in his own territory, and not

¹²³ Canon 790, §1: "Episcopi dioecetani in territoriis missionis est: 1° promovere, moderari et coordinare incepta et opera, quae ad actionem missionalem spectant; 2° curare ut debitae inveniuntur conventiones cum Moderatoribus institutorum quae operi missionali se dedicant, utque relationes cum iisdem in bonum cedant missionis."

§2: "Praescriptis ab Episcopo dioecetano de quibus in §1, n. 1° editis, subsunt omnes missionarii, etiam religiosi eorumque auxiliares in eius ditione degentes."

¹²⁴ A.G., No. 30.

solely to diocesan bishops in mission lands. However, the Code solves any problem it may seem to have created by introducing a completely new canon, No. 791, which treats of what has to be done in individual dioceses for the fostering of missionary co-operation.

In mission territories, diocesan bishops are to take care that proper contracts are entered into with moderators of institutes dedicated to the work of missions. Proper contracts must respect the rule of the particular institute. There is no need to be more specific here on this question since the Sacred Congregation for the Evangelization of Nations has presented guidelines for the forming of contracts between local Ordinaries and missionary institutes in a document entitled, Relationes in Territoriis.¹²⁵

All cooperation between diocesan bishops or local Ordinaries and religious institutes should be undertaken and fulfilled in accord with the spirit of another curial document, Mutuae Relationes.¹²⁶ The principles of this document are codified in canons 678-681. Furthermore, canon 783, dealing with members of institutes, reads as follows:

Since members of institutes of consecrated life dedicate themselves by consecration to the service of the Church, they are held to the obligation to undertake in a special way missionary work in accord with the rule of their own particular institute.¹²⁷

However, in accord with the diocesan bishop's duty in mission territories to promote, direct and coordinate pastoral activities, he is to make prescriptions

¹²⁵ A.A.S., 61(1969), pp. 281-287; English translation in C.L.D., 7, pp. 845-851, cf. also 852-861.

¹²⁶ A.A.S., 70(1978), pp. 473-506; English translation in C.L.D. Supplement 1978, canon 50, pp. 1-45.

¹²⁷ Canon 783: "Sodales institutorum vitae consecratae, cum vi ipsius consecrationis sese servitio Ecclesiae dicent, obligatione tenentur ad operam, ratione suo instituto propria, speciali modo in actione missionali navandam."

which are binding on "all missionaries, even religious and helpers living in his territory." Here, the legislator promotes the role of particular law to deal with situations which may be vastly different from place to place.

The diocesan bishop in mission territories may have to make prescriptions for the special responsibilities given to catechists in his diocese. Their role is described in Canon 785:

81: Catechists should be employed in accomplishing missionary work. They are those lay christian faithful who have been duly instructed, who are outstanding in the christian life and, who, under the direction of a missionary, can present the doctrine of the gospel and order liturgical exercises and works of charity.

82: Catechists should receive formation, either in schools designed for this purpose or, where these are lacking, under the direction of missionaries.¹²⁸

The diocesan bishop has to ensure support for them, spiritually, educationally, psychologically and financially unless other arrangements have been made. Also, he should carry out the prescriptions of the Conference of Bishops regarding catechumens and provide suitable on-going formation for neophytes.

Two new canons in the revised Code should be noted here; the first treats of catechumens and the second of neophytes.

Canon 788, 51: Those who have shown a desire to embrace faith in Christ, after a time spent in a pre-catechumenate, are to be admitted to the catechumenate in a liturgical ceremony, and their names inscribed in a book designed for this purpose.

82: Catechumens, in this beginning and novitiate for christian life, should be suitably initiated into the mystery of salvation and introduced both to the life of faith, worship and the charity of God's people and to the apostolate.

¹²⁸ Canon 785, 81: "In opere missionali peragendo assumantur catechistae, christifideles nempe laici debite instructi et vita christiana praestantes, qui, sub moderamine missionarii, doctrinae evangelicae proponendae et liturgicis exercitiis caritatisque operibus ordinandis sese impendant."

82: "Catechistae efformentur in scholis ad hoc destinatis vel, ubi desint, sub moderamine missionariorum."

83: It is for the Conference of Bishops to enact regulations by which the catechumenate is structured, determining what is expected of catechumens and defining the prerogatives recognized as theirs. (Emphasis added).¹²⁹

Canon 789: Neophytes should receive suitable formation deepening their knowledge of the truth of the gospel and fulfilling the duties they have taken upon themselves in baptism; they should be filled with a sincere love for Christ and his Church.¹³⁰

One may recognize in these responsibilities regarding catechumens and neophytes, a task assigned to every diocesan bishop.

It is for the bishop, in person or through his delegate, to set up, regulate, and promote the pastoral formation of catechumens and to admit the candidates to their election and the sacraments. It is to be hoped that, if possible, presiding at the Lenten liturgy, he will himself celebrate the rite of election and, at the Easter Vigil, the sacraments of initiation. Finally, as a part of his pastoral care, the bishop should appoint catechists who are truly worthy and prepared to celebrate the minor exorcisms.¹³¹

More details on the missionary role of every diocesan bishop may be gleaned from canon 791 which is based on Ad Gentes.

Canon 791. In individual dioceses, for the fostering of missionary cooperation:

- 1) missionary vocations are to be promoted;
- 2) a priest is to be deputed to promote effectively activities for the missions, especially the Pontifical Missionary Works;
- 3) an annual day for the missions is to be celebrated;

129 Canon 788, 81: "Qui voluntatem amplectendi fidem in Christum manifestaverint, expleto tempore praecatechumenatus, liturgicis caerimoniis admittantur ad catechumenatum, atque eorum nomina scribantur in libro ad hoc destinato."

82: "Catechumeni, per vitae christianae institutionem et tirocinium, apte initiuntur mysterio salutis atque introducuntur in vitam fidei, liturgiae et caritatis populi Dei atque apostolatus."

83: "Conferentiae Episcoporum est statuta edere quibus catechumenatus ordinetur, determinando quanam a catechumenis sint praestanda, atque definiendo quanam eis agnoscantur praerogativae."

130 Canon 789: "Neophyti, apta institutione ad veritatem evangelicam penitius cognoscendam et officia per baptismum suscepta implenda efformentur; sincero amore erga Christum eiusque Ecclesiam imbuantur."

131 "Rite of Christian Initiation", No. 44, in The Rites, p. 33.

- 4) a suitable offering for the missions is to be made annually and sent to the Holy See.¹³²

Although the canon makes no reference to the diocesan bishop, it is within his competency as sponsor and moderator to assume these obligations. Each aspect deserves special mention.

The first point has its source in Ecclesiae Sanctae, III, No. 6. The diocesan bishop is to promote missionary vocations among all his people, that is not only among clerics and young persons. This latter phrase was omitted after it had been challenged by Cardinal J. Freeman.¹³³

However, this omission from the canon does not derogate from a document issued by the Sacred Congregation for the Clergy on March 25, 1980, which contains special directives of Postquam Apostoli for the "Collaboration among Local Churches and in Particular for a Better Distribution of the Clergy."¹³⁴ Postquam Apostoli treats of the needs for more priests in some areas, the special vocation of the priest who is to work apart from his home diocese, and the responsibility of the diocesan bishop to encourage and support such priests.¹³⁵ The diocesan bishop "must foster missionary vocations among the young; stimulate candidates for the priesthood to an awareness of the universal dimensions of their

¹³² Canon 791: "In singulis dioecesibus ad cooperationem missionalem fovendam: 1° promoveantur vocationes missionales; 2° sacerdos deputetur ad incepta pro missionibus efficaciter promovenda, praesertim Pontificia Opera Missionalia; 3° celebretur dies annualis pro missionibus; 4° solvatur quotannis congrua pro missionibus stips, Sanctae Sedi transmittenda."

¹³³ Relatio, p. 178.

¹³⁴ A.A.S., 72(1980), pp. 343-364; English translation in T.P.S., 25(1980), pp. 219-237.

¹³⁵ Cf. C.I.C. (1983), canon 385.

role, in order that they will be prompt and ready to work even outside the diocese to which they belong."¹³⁶ Thus, the clergy and young people should receive special attention from the diocesan bishop in regard to the promoting of missionary vocations, but this is not to be at the expense of all other persons.

The second norm infers that every diocesan bishop should appoint a priest to promote effectively the work of the missions, as stated in Ecclesiae Sanctae, III, No. 4.¹³⁷ Among this priest's duties would be the promoting and collecting of funds for the Pontifical Missionary Works.

The third prescription for the fostering of missionary cooperation is that an annual day for the missions is to be celebrated. Such a day in recent years, known as Mission Sunday, has been a universal day on which the whole Church is made aware of its missionary status; it is a day on which the Roman Pontiff gives a special address to the Church reminding it of this essential mission.¹³⁸

In conjunction with the annual day for missions, an offering is to be made for the missions as prescribed in the fourth point.¹³⁹

Canon 791 is not exhaustive; it does not list all the ways that each diocesan bishop throughout the Church can foster missionary co-operation. In accord with the principle of subsidiarity, this canon leaves room for pastoral initiatives on the part of the diocesan bishop. "Since he, along with the other

¹³⁶ "Postquam Apostoli", T.P.S., 25(1980), p. 222.

¹³⁷ Ecclesiae Sanctae states that this priest would be on the pastoral council. However, there is no reference to this instruction in canon 791, nor in canons 511-514 which treat of the pastoral council. Such an appointment is left to the discretion of the individual bishop - cf. canon 512, 81.

¹³⁸ For references to papal addresses on this annual occasion, cf. C.L.D., Vol. 7, canon 1350, p. 861; Vol. 8, canon 1350, p. 946.

¹³⁹ Cf. E.S. III, No. 8.

bishops, is a sponsor for all the Churches, he is bound to furnish assistance",¹⁴⁰ but the manner in which, he does so is rightly left to him. Working within the spirit of these canons, he expresses pastoral zeal and fraternal charity.

Before leaving this review of the 1983 Code on the missionary role of the diocesan bishop, we should note the role of the Conference of Bishops as it is defined in the last canon of this title. Canon 792 reads:

The Conference of Bishops should establish and promote works through which persons who come to their territory from mission lands for the sake of work or study may be received like family and be assisted with adequate pastoral care.¹⁴¹

The underlying principle here of the unity of the universal family which is the Church should also be a "modus operandi" of the diocesan bishop in all his missionary activity.

3. Prophetic obligations of the diocesan bishop

In presenting the bishop as an evangelizer, there is an implicit understanding of his being involved in social issues. By this is meant that the bishop must give apostolic witness and prophetic leadership to all, in the way of the gospel. Is it possible, therefore, to give juridical support to the diocesan bishop's role of prophetic teaching; witness and leadership?

We can begin to answer this question by noting the role of law itself. This can be summarized in the following points taken from the teaching of Paul VI:

- 1) to impose proper order on the various powers;
- 2) to administer the help which brings us grace;
- 3) to define and protect the rights and duties of the faithful toward one another and toward the community as a whole;

¹⁴⁰ Canon 353, §2(1980).

¹⁴¹ Canon 792: "Episcoporum conferentiae opera instituant ac promoveant, quibus ii qui e terris missionum laboris aut studii causa ad earundem territorium accedant, fraterne recipiantur et congruenti pastorali cura adiuventur."

- 4) to prepare a fruitful soil for pastoral action, 'namely, a just social order in which the ultimate end not only can be attained but is, in fact attained'.¹⁴²

Thus, one might recognize the law as an expression of and an instrument for the Church's deep solicitude for justice within its own structures and within society. The law will serve as a juridical means of implementing the charismatic nature of the Church. It does not replace the life of the Spirit in the Church, nor does it undermine the supreme law of charity; rather, it works towards the consummation of all things in love.

Therefore, the Church, the sacrament of Christ, and thereby the Way, the Truth and the Life for all people, cannot be concerned only with love, justice and equity within its own structures; it must also endeavour to create and bear witness to a just social order. Thus, in his turn, the diocesan bishop, as Vicar of Christ, must express in his ministry an energy and zeal for social as well as for ecclesial justice.

The diocesan bishop has an obligation to ensure that the Christian faithful, in fact all citizens, enjoy "their freedom in the affairs of the earthly city."¹⁴³ As prophetic apostle to the People of God, he is to lead and support those who seek the fulfillment of their rights in accord with the gospel. As teacher he is to instill in his people an understanding of magisterial teaching and a willingness to make it relevant to their particular situation.

In the exercise of his pastoral office, the diocesan bishop is to be concerned with all the Christian faithful, and should extend his apostolic spirit to

¹⁴² Francis MORRISEY, O.M.I., "The Spirit of Canon Law: Teaching of Pope Paul VI", in *Origins*, 8(1978-1979), p. 39. Cf. full text pp. 33, 35-40.

¹⁴³ Cf. C.I.C. (1983), canon 227.

those who cannot sufficiently enjoy ordinary pastoral care.¹⁴⁴ He should foster the various aspects of the apostolate within his diocese,¹⁴⁵ thus educating his people to a sense of both national and international justice.¹⁴⁶

"The diocesan bishop, mindful that he is to set a personal example of holiness"¹⁴⁷ must teach the faithful by word and witness "to live life in its entire reality and in accord with the evangelical principles of personal and social morality which are expressed in a vital Christian witness."¹⁴⁸

Since the diocesan bishop is the chief proclaimer of the Word of God in a particular diocese, the prescriptions of canon 768, 62 apply especially to him. All preachers of the word are to

...impart to the faithful the teaching which the magisterium of the Church proposes concerning the dignity and freedom of the human person, the unity and stability of the family and its duties, the obligations which men and women have from being joined together into societies, and the manner in which temporal affairs are to be regulated according to the plan of God.¹⁴⁹

It is possible; therefore, to build up a canonical argument for the existence and necessity for the diocesan bishop to assume his prophetic obligations. Canon 768 even provides him with a program of action.

¹⁴⁴ Cf. C.I.C. (1983), canon 383.

¹⁴⁵ Cf. C.I.C. (1983), canon 394.

¹⁴⁶ Cf. D.P.M.B., No. 129.

¹⁴⁷ C.I.C. (1983), canon 387.

¹⁴⁸ D.P.M.B., No. 129.

¹⁴⁹ Canon 768, 62: "Impertinent quoque fidelibus doctrinam quam Ecclesiae magisterium proponit de personae humanae dignitate et libertate, de familiae unitate et stabilitate eiusque muniis, de obligationibus quae ad homines in societatis coniunctos pertinent, necnon de rebus temporalibus iuxta ordinem a Deo statutum componendis."

Yet, the law leaves it to each diocesan bishop "to search for that role that will enable him to be faithful to the mandate of our Saviour 'to proclaim the Good News' while struggling to be relevant to the people and the needs of our time."¹⁵⁰

* * * * *

In summary, we note that the 1983 law on the missionary and prophetic activities of the diocesan bishop closely parallels the thought and spirit of the Conciliar documents. The canons are general in character, and have been left open for application and interpretation. The pastoral implementation of the twelve canons in this Title of the new Code will provide their best practical interpretation since they leave to particular law many questions which presuppose diocesan regulations.

Nevertheless, the diocesan bishop as a minister of the Word has a clear mandate given to him regarding the nature of his missionary and prophetic activities. Accepting the complexities of Pope Paul's understanding of evangelization, each diocesan bishop may be truly recognized as an evangelizer.

¹⁵⁰ R. SANCHEZ, *loc. cit.*, p. 185.

CHAPTER V: OTHER PASTORAL DUTIES OF THE DIOCESAN BISHOP

After describing the bishop's duties on preaching, the Sacred Congregation for Bishops, in the Directory on the Pastoral Ministry of Bishops, continues by describing other aspects of his teaching office under the heading: "Other Duties of the Bishop in regard to Handing on and Safeguarding the Faith." In this section, the Sacred Congregation addresses the bishop's role in regard to Christian education and social communications, including vigilance over books and magazines.¹

Before describing how these duties and rights of the diocesan bishop have been codified in the new law, it is again necessary to present a pastoral-theological vision of his magisterial role in education, particularly Catholic education, and in the use of the media, particularly of books.

I. CHRISTIAN EDUCATION AND SOCIAL COMMUNICATIONS

The Conciliar documents, Gravissimum Educationis, October 28, 1965,² and Inter Mirifica, December 4, 1963,³ claim for the Church a significant and proper competency to operate in the spheres of education and communications, so that it may promote, continue and fulfil its salvific mission.

This competency will be examined in the following steps: 1) identifying the principal source documents of the post-Conciliar Church which treat of education and social communications, 2) recognizing the Church as both educator

1 D.P.M.B., Nos. 66-74.

2 A.A.S., 58(1966), pp. 728-739.

3 A.A.S., 56(1964), pp. 145-153.

and communicator, and 3) describing the specific responsibilities of the diocesan bishop in this particular area.

As regards the diocesan bishop's role in the area of Christian education, it will be necessary to note his responsibilities on each level of education, and his relationships with his collaborators, particularly with theologians. Then, in regard to his role in social communications, it will be necessary to note his responsibility to make use of all forms of the media and to be vigilant over these means of social communications, paying particular attention to the prior examination of writings.

1. Principal documents

The Second Vatican Council did not intend to state the last word on many issues faced by the Church; in fact, in many instances it simply outlined new directions or set down a more pastoral emphasis with the promise of suitable norms and guidelines to follow. Thus, the post-Conciliar literature expressed the thought and spirit of the Council in more concrete terms for the local Church. For instance, there have been a number of key documents from the Apostolic See on Christian education. The General Catechetical Directory, from the Sacred Congregation for the Clergy, was a major contribution to an understanding of both Christian education and of the use of the media.⁴ Further input was made by the International Theological Commission⁵ in 1976 when it presented its, "Theses on the Relationship Between the Ecclesiastical Magisterium and Theologians."⁶ Other

⁴ Cf. G.C.D., Part Six, Chapter Three in relation to Christian education, and G.C.D., No. 123 in regard to the use of the media.

⁵ Cf. Sacred Congregation for Doctrine of Faith, "Theological Commission: Experimental Statutes", July 12, 1969, in A.A.S., 61(1969), pp. 540-541; Eng. text in C.L.D., 7, pp. 180-181.

⁶ International Theological Commission, Theses on the Relationship between the Ecclesiastical Magisterium and Theologians, June 16, 1976, Washington: U.S.C.C., 1977; Latin text in Gregorianum, 57(1976), pp. 549-556.

key documents were issued by the Sacred Congregation for Christian Education, "The Catholic School", July 5, 1977,⁷ and by Pope John Paul II himself, the Apostolic Constitution, "Norms for Ecclesiastical Universities and Faculties", Sapientia Christiana, May 25, 1979.⁸

In the area of social communications, there has also been an explanation and development of conciliar thought and spirit. In response to the wishes of the Second Vatican Council,⁹ the Pontifical Commission for the Means of Social Communication issued a Pastoral Instruction, Communio et Progressio, January 29, 1971.¹⁰ Also, since the Council, the Popes have made frequent reference to the Church's role in regard to the media, in allocutions and important sections of more comprehensive documents such as Evangelii Nuntiandi. Each year they have issued a special statement for communications day (the Sunday after Ascension Thursday). Another key document on the media, specifically on the prior censorship of books, is Pope Paul VI's motu proprio, Ecclesiae Pastorum, March 19, 1975.¹¹

2. The specific role of the Church in the areas of education and social communications

The Church's duties and rights in the fields of Christian education and social communications are inherent to the nature of the Church.¹² The Church has

⁷ Sacred Congregation for Catholic Education, "The Catholic School", March 19, 1977, English text in Catholic Mind, 75(1977), pp. 42-64.

⁸ A.A.S., 71(1979), pp. 469-499; English text in Origins, 9(1979-1980), pp. 33, 35-45.

⁹ I.M., No. 32.

¹⁰ A.A.S., 63(1971), pp. 593-656.

¹¹ A.A.S., 67(1975), pp. 281-284; English text in C.L.D., 8, pp. 991-996.

¹² This principle underlies the Church's functioning in these two spheres. Such functioning is essential to the very nature and mission of the Church.

been entrusted with a divine mission to "announce the mystery of salvation to all men and to renew all things in Christ."¹³ It is obliged to promote the whole life of persons, helping all to come to the fullness of Christian life. In the opening paragraph of Sapientia Christiana, for instance, a reason is given for the Church's involvement in education, which may be extended logically to include social communications.

Christian wisdom, which the Church teaches by divine authority, continuously inspires the faithful of Christ zealously to endeavour to relate human affairs and activities with religious values in a single living synthesis. Under the direction of these values all things are mutually connected for the glory of God and the integral development that includes both corporal and spiritual well-being.¹⁴

Uniquely, as educator and communicator, the Church may authentically present itself as the Sacrament of the "Word", using the various means available according to times and cultures. It "adapts these means to the changing conditions and emerging needs of mankind."¹⁵

The Church accepts these means as "gifts of God", but recognizes also that it does not have control of all factors in civil society. Therefore, it fulfils its responsibility for the welfare and salvation of humanity by promoting the appropriate use of all these means, and by providing basic doctrinal principles and general pastoral guidelines for their use.¹⁶

13 G.E., Preface.

14 Sap. Ch., opening paragraph.

15 "The Catholic School", loc. cit., p. 44; note footnote 1.

16 Cf. C.P., No. 3.

A. THE DIOCESAN BISHOP AND CHRISTIAN EDUCATION

In partial fulfillment of his duty to supervise the entire ministry of the Word, the diocesan bishop hands on and safeguards the faith through the medium of education. More particularly, he is to provide means whereby the rights of all Christians to a Christian education are protected.

He should show interest, therefore, in the mature development of the human person, which is a major goal of Christian education and should be

especially directed towards ensuring that those who have been baptized, as they are gradually introduced to a knowledge of the mystery of salvation, become daily more appreciative of the gift of faith which they have received. They should learn to adore God the Father in spirit and in truth, especially through the liturgy. They should be trained to live their own lives in the new self, justified and sanctified through the truth (Eph. 4:22-24). Thus they should come to true manhood, which is proportioned to the completed growth of Christ (cf. Eph. 4:13), and make their contribution to the growth of the Mystical Body.¹⁷

Therefore, pastors of souls have a very grave obligation to do all in their power to ensure that this Christian education is available to all the faithful. They fulfill their obligations by means of schools and institutes of higher studies.

1. Schools

It is of great concern to a bishop that in all the schools in his diocese - no matter what kind they are or what grades are taught or whether or not they depend on Church authority - young people receive a solid religious and moral education and be sent into society as real Christians ready to serve as a leaven to improve life, human fellowship, and the apostolate.¹⁸

¹⁷ G.E., No. 2.

¹⁸ D.P.M.B., No. 66a; cf., also G.E., Nos 7, 8 and 10.

Therefore, the direction of schools, especially Catholic ones, is a particular form of apostolate. The diocesan bishop is to invoke the Conciliar principles of participation, corresponsibility and subsidiarity in this apostolate.¹⁹ "Accordingly, the bishop selects for a work of such importance clerics, religious and lay people who are truly suited and who thoroughly understand Catholic doctrine and explain it correctly and who are skilled in the art of teaching."²⁰

Although the diocesan bishop's role is one of vigilance, it is also one of pastoral solicitude for all segments of society involved in the school apostolate.

2. Institutes of higher studies

Sapientia Christiana became effective on the first day of the 1980-81 academic year.²¹ It was complemented by statutes²² issued by the Sacred Congregation for Catholic Education.²³ These two documents are particularly concerned with ecclesiastical universities and faculties.

Sapientia Christiana recalls that the Second Vatican Council stated clearly that the Church's mandate in Christian education extended to schools of higher learning.²⁴ The Council had strongly recommended that Catholic universities "be established in suitable locations throughout the world" and that "the students of _____

19 Ibid., No. 66b.

20 Cf. G.S., No. 43, and "The Catholic School", loc. cit., p. 57.

21 Sap. Ch., No. 88.

22 These norms were released with the Constitution on May 25, 1979, in A.A.S., 71(1979), p. 500-521.

23 Cf. PAUL VI, Apostolic Constitution, Regimini Ecclesiae Universae, August 15, 1967, in A.A.S., 59(1967) pp. 324-357, especially, Nos. 75-80.

24 Cf. G.E., No. 10.

these institutions should be truly outstanding in learning, ready to shoulder duties of major responsibility in society and to witness to the faith before the world."²⁵

The Church has always held a special interest for ecclesiastical universities and faculties. It sees these institutions as essential to its mission of evangelization.²⁶ Therefore, the diocesan bishop,

if he has any higher institution of ecclesiastical studies or a Catholic University in his diocese, cherishes it with special affection and carefully fulfils his office and duties in its regard, especially as far as his magisterium is concerned.

When students for the priesthood attend a university or degree-granting institution, he sees to it that the norms laid down by the competent ecclesiastical authority in their regard are followed.

He encourages pastoral activity in every university, also the non-Catholic university, and wisely makes this pastoral action a part of the organized program of the whole diocese, observing the norms given by the episcopal conference and the Apostolic See.²⁷

The diocesan bishop is to trust the teachers and theologians who work in this apostolate. Yet, "in all things he strives that faith and good morals are correctly taught, promoted and safeguarded."²⁸

3. The diocesan bishop and his rapport with teachers

The magisterium of the Church has a specific mission: to give an authentic interpretation of the single deposit of faith to the universal Church.²⁹

²⁵ Sap. Ch., Foreword, II; cf. also G.E., No. 10.

²⁶ Cf. Sap. Ch., Foreword, III.

²⁷ D.P.M.B., No. 68.

²⁸ Ibid.

²⁹ Cf. D.V., No. 10.

In his own diocese, the bishop, as vicar of Christ teaching in hierarchical communion, is the teacher par excellence. He is the authentic interpreter of faith and teaches with an authority that empowers him to direct the teaching of others.³⁰

Teaching, particularly in Catholic institutions, should be seen as an apostolate, a sharing in the teaching office of the bishop.³¹ It may be carried out by parents, catechists, religious educators and theologians, who have their own proper duties and rights in accord with their status of employment and of life.³² The diocesan bishop is to orientate them to an awareness of their vocation, and ensure that they are suitably prepared for this apostolate.³³

He also needs especially the collaboration of theologians.

4. The diocesan bishop and his rapport with theologians³⁴

In his role as guarantor of authenticity, the diocesan bishop must guard, clarify, interpret, arbitrate and authenticate the faith.³⁵ He has the promised aid of the Spirit in this task, but to fulfill it he needs to rely also on the specific charisms of others. "Pastors must give the Word of Witness all its power for

30 Cf. Archbishop Jérôme HAMER, "The Bishop and Evangelization: Reflection on Episcopal Magisterium", in Origins, 8(1978-1979), p. 64.

31 Cf. D.P.M.B., No. 71; and "The Catholic School", loc. cit., p. 57.

32 Cf. Sacred Congregation for Catholic Education, "Lay Catholics in Schools: Witnesses to Faith" in Origins, 12(1982-1983), pp. 457, 459-469.

33 "The Catholic School", loc. cit., p. 59.

34 This subject has received much attention from the magisterium, theologians and canonists. Cf. Bibliography.

35 Cf. Antonio CANIZARES, "Magisterium, Servant of Revelation", in Theology Digest, 29(1981), p. 255. Cf. full text pp. 253-256.

evangelization and liberation. They must be ready says Christus Dominus, to enter humble and open dialogue with the world's cultures, to cooperate with theologians, to be aware of the main currents of contemporary thought."³⁶

The diocesan bishop is to approach "theologians for their assistance in exercising his teaching office"³⁷ for, in serving the Word of God, the theologian assists the bishop in his duty as "judge of faith".³⁸

However, this complex relationship may not be readily evident and deserves further comment. We will base this comment on the theses of the International Theological Commission, emphasizing the common and diverging elements in the particular competencies of both bishop and theologian and reiterating the need for dialogue if ecclesial harmony and effective evangelization are to take place within the local Church.³⁹

a) Common elements for cooperation

i) **Primacy of Sacred Scripture**—Both the diocesan bishop and the theologian are called upon to promote the Word of God. Each, with their particular charism, preserves the sacred deposit of revelation examining it more deeply so as to explain, teach and defend it, for the service of the People of God and the salvation of the world.⁴⁰

³⁶ Ibid.

³⁷ D.P.M.B., No. 63.

³⁸ J. HAMER, loc. cit., p. 64.

³⁹ Cf. Thomas R. POTVIN, O.P., "Guidelines for a Working Relationship Between the Pastoral Magisterium and the Theologians in the Church", in Studia Canonica, 15(1981), pp. 13-42; and L. GENDRON. "Magistère et Théologie I: Le document de la Commission théologique internationale et autres études récentes", in Science et Esprit, 30(1978), pp. 233-254.

⁴⁰ Thesis 3, No. 1.

ii) **Discernment of the sensus fidei**⁴¹--The diocesan bishop is to listen to the faithful and discern where the Spirit is breathing. This is also the task of the theologian as he reads the Word scientifically within his own cultural experience.

iii) **Fidelity to tradition**⁴²--Both bishop and theologian are to hand on the faith with which they have been entrusted, while presenting this tradition in contemporary language, so that it might be received in all its richness and originality.

iv) **A pastoral and missionary responsibility**⁴³--There is always the possibility that the diocesan bishop, the theologian, or both might teach without reference to concrete lived situations where the very nature and purpose of the Church are fulfilled. Through the unique nature of their individual roles the bishop and the theologian must teach in a manner which sustains and promotes the evangelical nature and purpose of the Church.

v) **Respect for other sciences**⁴⁴--In presenting the Word of God, both bishop and theologian should make use of other sciences, as means for the better communication of revealed truth. Among such sciences, we could mention anthropology, economics, politics, sociology and the psychological sciences.

41 Thesis 3, No. 2.

42 Thesis 3, No. 3.

43 Thesis 3, No. 4.

44 Cf. L. GENDRON, loc. cit., p. 239.

vi) **Collegial and personal forms of teaching**⁴⁵--The diocesan bishop teaches in communion with the other bishops. In a similar way, the theologian teaches not only as an individual, but also as a member of the theological enterprise, and of the one communion which is the Church. Therefore, each needs to recognize and respect the principles of corresponsibility and cooperation in their expressions while retaining their personal responsibility.

In addition to these common elements there are also certain diverging ones, which sometimes make close working relationships difficult.

b) Diverging elements hindering cooperation

i) **Different functions**⁴⁶--The task of the magisterium, and therefore also of the individual bishop, is to interpret authentically the word of God, both written and handed down. This task is one of service, expressed in moderating, promoting and guarding the sacred deposit of faith.

The theologian serves the word of God, especially in his role as mediator of the Word. Thesis five of the International Theological Commission's report teaches that theology has a twofold relation: one with the magisterium and the other with the universal community of Christians. The theologian works with the magisterium in preparing, wording and presenting ecclesial teachings. Then, after such teachings have been presented by the magisterium, the theologian must spread, expose, justify and defend them. He does this by situating the teaching within its historical context, bringing out "the intention of the author as well as the degree of authority involved - if not clearly stated - and places this teaching, as stated _____

⁴⁵ Thesis 4; and cf. T. POTVIN, *loc. cit.*, pp. 20-21.

⁴⁶ Thesis 5.

within the vaster context of the analogy of faith."⁴⁷

ii) **Different levels of authority**⁴⁸--The bishop and the theologian differ in the quality of the authority with which they carry out their task.

The magisterium derives its authority from sacramental ordination which "along with the task of sanctifying confers also the tasks of teaching and ruling". This "formal authority", as it is called, is at once charismatic and juridical, and it founds the right and duty of the magisterium insofar as it is a share in the authority of Christ.⁴⁹

Recognizing the authority of the diocesan bishop, it must be noted that his credibility depends to some extent on the manner in which he performs his magisterial duties and not solely on how he exercises his rights.

The theologian derives his authority from his baptism and confirmation, from his ecclesial status and his academic expertise. This authority may be recognized officially through a particular magisterial mandate. However, even if a theologian does not have such a mandate, he is not closed off to the promptings of the Spirit, and therefore deserves attention,⁵⁰ especially if his teaching is in harmony with that of other theologians.

iii) **Varying relations to the Church**⁵¹--Both the diocesan bishop and the theologian are related to the Church, but each in a different way.

"The magisterium is an official ecclesial task conferred by the Sacrament

⁴⁷ T. POTVIN, loc. cit., p. 24.

⁴⁸ Thesis 6.

⁴⁹ Ibid.

⁵⁰ Cf. thesis 7, No. 2.

⁵¹ Thesis 7.

of Orders."⁵² The teaching office of the diocesan bishop is exercised when he is in hierarchical communion with the college of bishops, with and under Peter's successor. He has a particular charge - his diocese--but also must have solicitude for the universal Church.

The theologian, too, is to work within the Church for its good on the local and universal levels. However, a theologian is not necessarily related to the Church through the sacrament of orders. "Two things are required in order that a baptized Christian exercise the function of a theologian: a living participation in the life of the Church and the required scientific competence."⁵³ Thesis seven does not define "scientific competence", but it does state that the theologian's task should be the fruit of a personal life in the Spirit.

iv) Liberty and critical functions of each⁵⁴--"There is a certain freedom of action attached to both the function of the magisterium and to that of the theologian."⁵⁵ But, where there is freedom there is also responsibility, and the greater the freedom the more the responsibility.

Thesis eight states that, "By its nature and institution, the magisterium is clearly free in carrying out its task." This is not to deny, however, that the diocesan bishop is always the servant of the Word and must himself teach within the limits of Catholic doctrine and theology. In his service of the people of God he "must enjoy the liberty and find the courage in the Spirit to fulfil its /the

⁵² Ibid.

⁵³ T. POTVIN, loc. cit., p. 28.

⁵⁴ Thesis 8.

⁵⁵ T. POTVIN, loc. cit., p. 29.

magisterium's/ mission of doctrinal vigilance in matters of faith and morals."⁵⁶

Theology can perform its service in and for the Church only in freedom. This freedom, which is grounded in the Gospel itself, includes a responsibility for unity and peace in the Church. However, precisely for the sake of this service in the Church, theology must be able freely to carry out research and freely to discuss the result of its research.⁵⁷

The theologian is to respect the office of the magisterium. Also, he is not to confuse the faithful with hypotheses that they are unable to identify as being distinct from official Church teaching. As a critic, he should evaluate in a scientific manner magisterial teaching and also the work of other theologians,⁵⁸ thereby lessening the burden of vigilance that is proper to the teaching office of the diocesan bishop.

Where there are two overlapping freedoms operating in the same sphere, there will inevitably at times be tension.

v) **Inevitable tensions**--Thesis nine reads:

The exercise of their tasks by the magisterium and theologians often gives rise to a certain tension. But this is not surprising, nor should one expect that such tension will ever be fully resolved here on earth. On the contrary, wherever there is genuine life, tension also exists. Such tension need not be interpreted as hostility or real opposition, but can be seen as a vital force and an incentive to a common carrying out of the respective tasks by way of dialogue.

This tension ought to be creative, with truth as the only victor. Since there are numerous common elements between the diocesan bishop and the theologian, it is not surprising that they do work effectively together. So also,

⁵⁶ *Ibid.*, p. 30.

⁵⁷ German-speaking Society of Catholic Dogmatic and Fundamental Theologians, "The Magisterium and the Theologians", in *Origins*, 10(1980-1981), p. 568. Cf. full text pp. 568-569; and Sap. Ch., No. 39.

⁵⁸ T. POTVIN, *loc. cit.*, p. 31.

since there are a certain number of diverging elements, tension should be accepted as a normal factor intervening in their mutual relationships.

However, neither theologians nor bishops can be spoken of as monolithic groups. Diverging opinions are found within either group with pluralism of thought and interest providing at times healthy tensions within both groups and between them.

Such tension will be resolved through genuine dialogue, where the participants, enkindled by the fire of love, seek to serve the Word of God, each other and the Church communion.

c) Dialogue--The bases for the possibility of dialogue between theologians and the magisterium are twofold: community in the faith of the Church and service in building up the Church.⁵⁹ Both "community" and "service" convey notions of charity, justice and trust. One would thus expect a particularly Christian environment of dialogue as both parties seek to deepen the working of the Spirit.⁶⁰

This detailed review of the diocesan bishop's rapport with theologians serves to identify in a concrete manner -

- i) the role of the diocesan bishop as teacher, and
- ii) his relationship with theologians.

Furthermore, it will serve as a matrix by which the role of the diocesan bishop, as defined in the norms on "Catholic Education" in the 1983 Code, may be better

⁵⁹ Thesis 10.

⁶⁰ Cf. Thesis II; also Raymond BROWN, S.S., "Bishops and Theologians: Disputé Surrounded by Fiction", in *Origins*, 7(1977-1978), p. 667; Louis GENDRON, S.J., "Magistère et Theologie II: Une lecture psychologique des rapports entre les deux instances", in *Science et Esprit*, 31(1979) pp. 33-59; T. POTVIN, *loc. cit.*, pp. 36-38.

identified and implemented.

The diocesan bishop's role as moderator of the word of God demands of him pastoral solicitude and zealous vigilance for Christian education. It is a role that must also be seen to extend to the sphere of social communications.

B. THE DIOCESAN BISHOP AND SOCIAL COMMUNICATIONS

In the fourth gospel, St. John presents Jesus, the Son of God, as the "Word" - "the Word was made flesh, he lived among us."⁶¹ This is the Word that Christians are to listen to and keep, and which commissions them to communicate, that is, to bear fruit. It is the mission of the Church to give witness to the Word, communicating the message of Jesus Christ to all corners of the world.

The Church continues the communication process begun within the Trinity. As the Church is being Church, it is inviting into communion and sending out on mission. Its very life process is one of communicating.

Since, the Church communicates in a world which is shaped largely by the media, it too must employ and sponsor these means to fulfil its mission of evangelization and of service to humanity.

1. General responsibilities in the area

The underlying principle of operation for the diocesan bishop is that he strives

immediately and most energetically to use the instruments of social communication effectively in the many fields of the apostolate, as the circumstances and the times require. These efforts should head off hurtful enterprises, especially in those places where moral and religious needs dictate a more active zeal.⁶²

⁶¹ John 1: 14.

⁶² D.P.M.B., No. 74; cf. also I.M., No. 13.

Such striving may take the practical form of implementing and adapting to local circumstances the norms found in Communio et Progressio.⁶³ These norms cover aspects of social communication, from its contemporary uses and future potential as an element shaping the everyday world, to its usage as an instrument of evangelization.⁶⁴ The diocesan bishop should be concerned with and involved in all aspects of this broad and ever-broadening arena.

He is to promote the Church's right and potential to establish its own means of social communications. He is also to work within the secular media, trying to inform them with Christian principles, especially by encouraging the laity to be effectively involved in the media apostolate.⁶⁵

Resources of money and personnel should be devoted to both the Catholic and the secular media.⁶⁶ Courses in communications should be promoted, including programs that will equip the recipients to make their own mature judgments as to what has merit.⁶⁷ Also, the diocesan bishop should seek to promote the presence of the Church in the world, by presenting it as being newsworthy; such a promotion demands humility, trust, openness and honesty.⁶⁸

Since "the latest media of social communication are indispensable means for evangelization and for enlightening the minds and hearts"⁶⁹ of all, the Church

⁶³ "To do these things more easily, the bishop keeps in mind and puts into practice the counsels and norms given by the Apostolic See." D.P.M.B., No. 74; footnote 37 refers to Communio et Progressio.

⁶⁴ C.P., No. 163.

⁶⁵ Ibid., Chapter III.

⁶⁶ Ibid., Chapter IV.

⁶⁷ Ibid., No. 107.

⁶⁸ D.P.M.B., No. 74.

⁶⁹ C.P., No. 163.

should encourage research and not hesitate to be involved in this apostolate, collaborating in all fields of social communication.

Because of its powerful impetus, "the bishop is specially to be guided by prudence in exercising vigilance over the media in religious matters when the media in no way depend on ecclesiastical authority."⁷⁰

As regards Catholic communication, the bishop is to ensure that it is used for catechizing,⁷¹ liturgy,⁷² Catholic education⁷³ and evangelization.⁷⁴ "To do these things more easily, the bishop keeps in mind and puts into practice the counsels and norms given by the Apostolic See."⁷⁵

Directives have been given to the bishops regarding the Catholic press. If a daily or periodical newspaper is not feasible, efforts should be made to gain column space in the secular press.⁷⁶

The diocesan bishop has a specific task of vigilance over books and magazines, as another element of his teaching office.

2. Vigilance over publications, particularly prior censorship

The Sacred Congregation for the Doctrine of Faith gave notice on June 14, 1966, that the index of forbidden books no longer had the force of law.⁷⁷

⁷⁰ D.P.M.B., No. 76.

⁷¹ G.C.D., No. 123.

⁷² S.C., No. 20.

⁷³ G.E., No. 4.

⁷⁴ E.N., No. 45.

⁷⁵ D.P.M.B., No. 74.

⁷⁶ D.P.M.B., No. 74, and C.P., No. 106.

⁷⁷ Cf. A.A.S., 58(1966), p. 445; English translation C.L.D., 6, pp. 814-815.

The Index retains its moral force, in as much as it warns the Christian conscience to be on guard, as the natural law itself requires, against those writings which can endanger the faith or good morals; but that the Index and the censures connected with it no longer have the force of ecclesiastical law.⁷⁸

This suspension of canons 1399 and 2318 of the 1917 Code is a statement of trust in the mature conscience of the faithful, including writer and reader. However, "the Church puts her strongest hope in the watchful solicitude of local ordinaries individually and of regional Conferences."⁷⁹

The Congregation gives notice that it will be of service to the local hierarchy in the fulfillment of its duty, while retaining the right for the good of souls to disapprove publicly of doctrines and opinions contrary to Church teaching.

Later in a private notice, the same Congregation urged Conferences of Bishops to set up doctrinal commissions "to keep an eye on published writings, encourage religious knowledge worthy of the name and render assistance to the bishops in the evaluation of books."⁸⁰

Significantly, too, the Congregation asks that it be kept informed of those things which bishops themselves, acting individually or as a body, believe have notable importance regarding the teaching of faith and morals. Bishops are encouraged further to call on professors of Catholic universities in their work of vigilance and promotion of faith.

Ecclesiae Pastorum, states that it is the diocesan bishop's task of vigilance is essential to his task "to preserve, expound, spread and safeguard the

78 C.L.D., 6, p. 814.

79 Ibid., p. 815.

80 Cf. Nuntius, 1(1967), pp. 15-16; English translation in C.L.D., 6, pp. 815-817.

truths of faith as well as to foster and protect the integrity of morals."⁸¹ This means that the bishops "have the duty and the right to demand that writings which are to be published and which concern faith and morals be submitted for their prior approval. They also have the duty and the right to reprobate books or writings which attack correct faith or good morals."⁸² Ecclesiae Pastorum continues by giving specific norms for the censorship of books; these norms are incorporated in the new law.

The diocesan bishop should use the Conference's doctrinal commission if possible in this work.⁸³ He may delegate also the reading of these works to other competent persons.⁸⁴

No book should be condemned before an author has had an opportunity to defend that work, even through others if he so wishes.⁸⁵ The author has the right to know of what he has been accused and the faithful have the right to know why a book has been censured. After corrections, publication or a new edition is acceptable.⁸⁶

The diocesan bishop's duty and right in this regard must be seen in the pastoral context of service to all the faithful, including the author. Therefore, before opening an official examination of a theologian's writings, the competent authority should exhaust all the ordinary possibilities of reaching agreement

⁸¹ E.P., Introduction.

⁸² Ibid.

⁸³ Instruction Regarding Establishment of Doctrinal Commissions, C.L.D., 6, p. 816.

⁸⁴ D.P.M.B., No. 73a.

⁸⁵ Ibid., No. 73c.

⁸⁶ Ibid.

through dialogue.⁸⁷

If by these forms of dialogue no real consensus can be reached, the magisterium should employ a full and flexible stock of responses, beginning with various forms of warning, "verbal sanctions", etc. In a very serious case, the magisterium - after consulting theologians of various schools and having exhausted the means of dialogue - for its part must necessarily clarify the compromised truth and safeguard the faith of the believers.⁸⁸

It is at this stage, then, that the doctrinal procedure prescribed by the Sacred Congregation of the Doctrine of Faith, in Ratio Agendi, January 15, 1971 could be invoked.⁸⁹ The procedure was given definitive status on December 7, 1982.⁹⁰ It is beyond the limits of this paper to study this procedure, except to say it exists and that it has been used.⁹¹

With this understanding of how the Church sees the diocesan bishop's teaching office in regard to Christian education and social communications, a study of how this pastoral-theological vision has been codified in the new law may be undertaken.

D. THE 1983 LEGISLATION

The diocesan bishop's role in education and in social communications has

⁸⁷ Thesis 12.

⁸⁸ Ibid.

⁸⁹ Cf. A.A.S., 63(1971), p. 234; English trans., C.L.D., 7, pp. 815-817.

⁹⁰ Cardinal J. Ratzinger, Plenary meeting of Congregation for Doctrine of Faith, December 7, 1982, cf. Origins, 12(1982-1983), p. 442.

⁹¹ Cf. Sacred Congregation for Doctrine of Faith, "Declaratio de duobus operibus Professoris Ioannes Kung", February 15, 1975, in A.A.S., 67(1975), pp. 203-204; English trans. in C.L.D., 8, pp. 933-936; and Sacred Congregation for Doctrine of Faith, "Declaratio de quibusdam capitibus doctrinae theologicae Professoris Ioannis Kung", December 15, 1979, in A.A.S., 72(1980), pp. 90-92; English trans. in C.L.D., Supplement 1979, canon 1324.

been codified in Titles III, IV and V of Book III, of the 1983 Code: "The Teaching Office of the Church."

In the 1977 draft of the proposed law, Title III was entitled "Christian Education"; but in the final draft this was changed to read, "Catholic Education".⁹² This section begins with three introductory canons, and then follows with three chapters - "Schools", canons 796-806; "Catholic Universities and Other Institutes of Higher Studies", canons 807-814; and "Ecclesiastical Universities and Faculties", canons 815-821.

Title IV treats of the "Instruments of Social Communications, especially Books" in canons 822-832.

The final canon of this part of the new Code treats of the "Profession of Faith", enjoying a title unto itself.

It would not be necessary to treat in detail all forty-one canons outlined above. Therefore, in order to treat adequately of the diocesan bishop's duties and rights within the limits of this paper, certain representative canons will be selected for study.⁹³

⁹² This "correction" is a development from Conciliar language. It highlights the strictest responsibility of the Church, without denying also that the Church has a role in regard to all education. The Commission for the revision of the Eastern Rite law considered a similar change of title, but it was decided that such a change would generally be felt in the Orient to be an unnecessary confessional accent. Cf. *Nuntia*, 11(1981), p. 63.

⁹³ Even to treat all the material available in footnotes is beyond the limits of this dissertation. It should be noted also that the canons on "Seminaries" are no longer found in this Title of the revised law, so they have not been reviewed in any form. These canons may be found in Book II, The People of God, Part I, The Christian Faithful, Title I, Sacred Ministers or Clerics, Chapter I, The formation of the Clergy, canons 232-264.

A. THE DIOCESAN BISHOP AND CATHOLIC EDUCATION

The introductory canons to the section on the teaching office of the Church establish the juridical content of the norms.

Drawing on Gravissimum educationis, No. 3, canon 793⁹⁴ clearly defines the parents' duty and right to educate and to choose the means and institutions by which they can ensure the catholic education of their children. Parents also have a right to those helps offered by civil society for the Catholic education of their children. It is significant that the parents' rights are stated before those of the Church.

In a second new canon, the legislator codifies the Church's duty and right to educate, again drawing on Gravissimum educationis, No. 3.

Canon 794, §1: The duty and right to educate belongs in a unique way to the Church in as much as she has been divinely entrusted with helping all people come to the fullness of Christian life.⁹⁵

The corollary of this is that it is the bishop's role to protect the right of the Church and to carry out its duty.

Canon 794, §2: Pastors of souls have an obligation to see to it that all the faithful can enjoy the advantage of a catholic education.⁹⁶

This second paragraph has received several alterations from its draft

⁹⁴ Canon 793, §1: "Parentes, necnon qui eorum locum tenent, obligatione adstringuntur et iure gaudent prolem educandi; parentes catholici officium quoque et ius habent ea eligendi media et instituta quibus, iuxta locorum adiuncta, catholicae filiorum educationi aptius prospicere queant.

§2: "Parentibus ius est etiam iis fruendi auxiliis a societate civili praestandis, quibus in catholica educatione filiorum procuranda indigeant."

⁹⁵ Canon 794, §1: "Singulari ratione officium et ius educandi spectat ad Ecclesiam, cui divinitus missio concredita est homines adiuvandi, ut ad christianae vitae plenitudinem pervenire valeant."

⁹⁶ Canon 794, §2: "Animarum pastoribus officium est omnia disponendi, ut educatione catholica omnes fideles fruatur."

forms of 1977 and 1980. Omitted in the latest text, are the concepts of this obligation's being "most serious" and being "directed above all for the youth."⁹⁷ Significantly, the bishop's obligations are in the field of "catholic education", which brings the canon in line with the 1980 change in title, which read "Catholic Education" whereas it had previously read "Christian Education". This seemingly expresses a development of its Conciliar source.⁹⁸

The third introductory canon states the aim of true education,⁹⁹ but, in keeping with the policy of avoiding definitions, does not explain what precisely is "catholic education".

1. Catholic Schools

Schools are the primary aids for parents in the discharge of their duty of rearing children.¹⁰⁰

⁹⁷ Cf. canon 45(1977) --omitted in 1980 draft.

⁹⁸ Cf. G.E., No. 2, and C.D., No. 13.

⁹⁹ Canon 795: "Cum vera educatio integram persequi debeat personae humanae formationem, spectantem ad finem eius ultimum et simul ad bonum commune societatum, pueri et iuvenes ita excolantur ut suas dotes físicas, morales et intellectuales harmonice evolvere valeant, perfectiorem responsabilitatis sensum libertatisque rectum usum acquirant et ad vitam socialem activè participandam conformentur." Cf. canon 47(1977) and G.E., No. 1.

¹⁰⁰ Canon 796, §1: "Inter media ad excolendam educationem christifideles magni faciant scholas, quae quidem parentibus, in munere educationis implendo, praecipuo auxilio sunt."

§2: "Cum magistris scholarum, quibus filios educandos concredant, parentes arcte cooperentur oportet; magistri vero in officio suo persolvendo intime collaborent cum parentibus, qui quidem libenter audiendi sunt eorumque consociationes vel conventus instaurentur atque magni existimentur." Cf. G.E., Nos 5 and 8.

Canon 797: "Parentes in scholis eligendis vera libertate gaudeant oportet; quare christifideles solliciti esse debent ut societas civilis hanc libertatem parentibus agnoscat atque, servata iustitia distributiva, etiam subsidiis tueatur." Cf. G.E., No. 6.

Since it is the diocesan bishop's duty to see to Catholic education in his diocese, some of his obligations become apparent through canons 793, 796 and 797 although they are not explicitly stated as such.

The diocesan bishop has an obligation to enlighten parents and those who take their place in an awareness of their duties and rights.¹⁰¹ He should ensure that parents have a Catholic choice available to them in the choosing of a school, if this is possible.¹⁰² He should work with civil society, showing deep gratitude for what is offered and seeking to obtain for parents that which is their due, according to the principles of distributive justice.¹⁰³

Canon 798 repeats and develops even further the concept of parental responsibility for catholic education, previously stated in canons 774, 793 and 797.

Canon 798: Parents should entrust their children to schools where catholic education is provided; but in cases where they cannot do this, they are obliged to see that a due catholic education is provided for them outside the schools.¹⁰⁴

In accord with canon 774, 82, the onus is placed on the parents to see to their children's Catholic education. This canon speaks of catechetical formation, but applies also to schools where such formation can be given.

This canon has been simplified in relation to its 1977 wording, where parents were told they should entrust their children to schools "where the teaching of christian doctrine is provided, especially those that have been declared suitable for Catholics to attend by a particular law resulting from a concordat between

¹⁰¹ Cf. canon 793.

¹⁰² Cf. canon 793, 82 and canon 797.

¹⁰³ Ibid.

¹⁰⁴ Canon 798: "Parentes filios concredant illis scholis in quibus educationi catholicae provideatur; quod si facere non valeant, obligatione tenentur curandi, ut extra scholas debitae eorundem educationi catholicae prospiciatur."

Church and State or enacted by the Conference of Bishops or the diocesan bishop."¹⁰⁵ Although there is no mention of particular law in the final text, the diocesan bishop would be free to give norms in regard to the choosing of particular schools, catholic or not, also in regard to the conditions under which parents may send their children to non-catholic schools. However, this latter interpretation would appear to be out of character with the spirit behind the re-drafting of this canon: the responsibility is the parents' and their choice must be free.

It remains for the bishops to foster a good relationship with civil authorities, so that depending on the different situations in the various schools, religious instruction and pastoral care can be promoted at this level.¹⁰⁶

If canon 798 codifies implicitly the priority of the law of personal conscience, canon 799 gives it explicit recognition.

The faithful must make every effort to see that laws in civil society pertaining to the formation of young people provide for a religious and moral education in schools that is in accord with the parents' conscience.¹⁰⁷

This canon was challenged during the revision process by Archbishop J. Bernardin as being superfluous, but the challenge was overruled, since what was proposed in its place appeared inadequate.¹⁰⁸ The canon implies that the faithful should lobby for a suitable religious and moral education. In service to the faithful, the bishop

¹⁰⁵ Canon 50(1977): "...in quibus institutioni doctrinae christianae providetur, praesertim iis quae iure particulari, sive per conventionem Ecclesiam inter et societatem civilem inducto sive ab Episcoporum Conferentia aut ab Episcopo dioecesano statutua, declarantur a catholicis frequentari posse."

¹⁰⁶ G.E., No. 7.

¹⁰⁷ Canon 799: "Christifideles enitantur ut in societate civili leges quae iuvenum formationem ordinant, educationi eorum religiosae et morali quoque, iuxta parentum conscientiam, in ipsis scholis prospiciant."

¹⁰⁸ Cf. Relatio, p. 179.

should also see that this be a major platform in his dialogue with civil society, for

it is one of the formal tasks of a school, as an institution for education, to draw out the ethical dimension for the precise purpose of arousing the individual's inner spiritual dynamism and to aid his achieving the moral freedom that complements the psychological. Behind the moral freedom, however stand those absolute values that alone give meaning and value to human life.¹⁰⁹

As Cardinal J. Bernardin would have it, this ethical dimension should be in "accordance with the moral and religious principles of the family."¹¹⁰

Having stated its right to educate in the first paragraph of canon 800, it follows that the Church should claim also the right to found and moderate schools, for teaching any discipline, order or grade. Since the Church is the People of God, it follows that "the faithful should promote catholic schools, bringing their help and strength to the work of founding and sustaining them."¹¹¹

Again implicitly in canon 800, there is found a particular role for the diocesan bishop to fulfil. If the need is there, he should found schools, especially encouraging the faithful to take an active part in them. Once founded, he is to moderate them, again encouraging the faithful to take a responsible part in their operation.

This concept of the bishop's right to found schools gains weight when we note in the canon 801 that: "Religious institutes in which the mission of education is proper, faithfully adhering to their mission, should give themselves to Catholic education through their schools, founded with the consent of the diocesan

109 "The Catholic School", *loc. cit.*, p. 48.

110 G.E., No. 7 and D.P.M.B., p. 66c.

111 Canon 800, 82: "Christifideles scholas catholicas foveant, pro viribus adiutricem operam conferentes ad easdem condendas et sustentandas."

bishop."¹¹² This new canon recognizes the uniqueness of religious institutes and respects their proper mission, in accord with the principles outlined in canons 675, 81 and 677, 81. However, religious in Catholic schools are under the authority of the diocesan bishop "whom they are obliged to follow with devout compliance and reverence, in those matters which involve the care of souls, public exercise of divine cult and other works of the apostolate."¹¹³

Canon 802 leaves no doubt as to the bishop's duty and right to found schools. He must be aware of the needs of the faithful and of society as a whole, that is, he must read well the signs of the times.

Canon 802, 81: Where there are no schools in which an education imbued with a christian spirit is offered, the diocesan bishop is to see that such are founded.

82: Where expedient, the diocesan bishop is also to take care that professional and technical schools as well as others required for special needs are founded.¹¹⁴

"Although Catholic schools may assume various forms according to local circumstances, all schools which are in any way dependent on the Church should conform as far as possible to this prototype."¹¹⁵ In young churches, these schools may take on an ecumenical spirit, something that was not envisaged in the parallel

112 Canon 801: "Instituta religiosa quibus missio educationis propria est, fideliter hanc suam missionem retinentes, satagant educationi catholicae etiam per suas scholas, consentiente Episcopo dioecesano conditas, sese impendere."

113 Canon 678, 81: "...quos devoto obsequio ac reverentia prosequi tenentur, in iis quae curam animarum, exercitium publicum cultus divini et alia apostolatus opera respiciunt."

114 Canon 802, 81: "Si praesto non sint scholae in quibus educatio tradatur christiano spiritu imbuta, Episcopi dioecesani est curare ut condantur.

82: Ubi id expediat, Episcopus dioecesanus provideat ut scholae quoque condantur professionales et technicae necnon aliae quae specialibus necessitatibus requirantur."

115 G.E., No. 9.

canon - No. 1379 - of the 1917 Code.

Canon 802, §2 goes still further, extending the diocesan bishop's competency to the founding of professional and technical schools as well as others required for special needs.¹¹⁶

In the following canon, - No. 803 - one that does not have a counterpart in the 1917 Code, a Catholic school is notably distinguished from other types of schools, even those imbued with a christian spirit.

Canon 803, §1: By a Catholic school is understood that which ecclesiastical authority or a public ecclesiastical juridical person moderates, or which ecclesiastical authority recognizes as such by a written document.

§2: Formation and education in a catholic school should be founded on the principles of catholic doctrine; teachers should be outstanding for correct doctrine and integrity of life.

§3: No school, even if it is catholic, shall bear the name "catholic school" unless it has the permission of the competent ecclesiastical authority.¹¹⁷

Although Catholic education was not defined in the introductory canons, in this canon a clearer notion of a catholic school has been given. Moreover, the language is more juridical than that found in the previous canons.

A Catholic school is one in which both the formation and the education are founded on principles of Catholic doctrine. Technically, such a school must be moderated by ecclesiastical authority, possibly through a public ecclesiastical

¹¹⁶ G.E., No. 9; D.P.M.B., p. 66c.

¹¹⁷ Canon 803, §1: "Schola catholica ea intellegitur quam auctoritas ecclesiastica competens aut persona iuridica ecclesiastica publica moderatur, aut auctoritas documento scripto uti talem agnoscit.

§2: Institutio et educatio in schola catholica principiis doctrinae catholicae nitatur oportet; magistri recta doctrina et vitae probitate praestent.

§3: Nulla schola, etsi reapse catholica, nomen scholae catholicae gerat, nisi de consensu competentis auctoritatis ecclesiasticae."

juridical person, such as a parish or an institute of consecrated life, or simply it may be recognized as Catholic by a written document. Finally, the school may only bear the name "Catholic school" if it has the permission of the competent ecclesiastical authority.

For schools in his diocese, the bishop is the competent ecclesiastical authority. He may delegate this competency to another person or to a body of people. For schools owned and operated by religious, the religious superior could grant this authorization if the school is destined exclusively to the education of members of the institute.

This canon should be understood and read in conjunction with the Sacred Congregation for Catholic Education's document, "The Catholic School", which describes the Catholic school's unique role in the salvific mission of the Church especially in terms of formation and education.¹¹⁸

The document explains well the apostolate of teachers, whom it says must be witnesses of Christ in the classroom, imparting a distinctive character to Catholic schools. Or as the canon says, "teachers should be outstanding for correct doctrine and integrity of life."

If this condition, "integrity of life", is one that governs the obtaining and maintaining of employment within the Catholic school system, it may give rise to certain administrative problems.¹¹⁹ The evaluation of a person's "integrity of life" could be subjective, but as a minimum it would include living in a regular canonical situation and practising the faith. To avoid endless litigation, the contracts should

¹¹⁸ "The Catholic School", particularly Section III - "The School as a Centre of Formation", and Section IV - "The Educational Work of the Catholic School", *loc. cit.*

¹¹⁹ Such problems could arise out of a possible conflict of rights between two parties in the Church.

spell out this condition in some way. The ecclesiastical authority involved must express pastoral solicitude for teachers, working with professional organizations whose aim is to protect their interests.

Paragraph 2 of canon 804 continues the theme found in canon 803, §2, insisting even more on the moral qualities of those who teach:

§2: The local ordinary should also be solicitous that those who teach religion in the schools, even non-catholic ones, be outstanding in right doctrine, the christian witness of their lives and their pedagogical skill.¹²⁰

Are different levels of integrity of life acceptable depending on whether one teaches religion or not? We cannot expect a uniform answer for this question. However, the principle remains that the diocesan bishop or local ordinary is to ensure that those who teach religion are suitable, that are outstanding in right doctrine, in the christian witness of their lives and their pedagogical skill.

For this reason, canon 805 recognizes that "the local Ordinary for his own diocese has the right of appointing, approving and where required for religious and moral reasons, removing teachers of religion."¹²¹

This canon protects the rights of parents in regard to a Catholic education for their children by granting the local Ordinary authority to intervene to assure the quality of the teaching their children receive.

Canon 805 must be understood in the context of canons 803 and 804. This is further emphasized by the reordering of this canon in the 1983 text so that it immediately follows these canons.

¹²⁰ Canon 804, §2: "Loci Ordinarius sollicitus sit ut qui ad religionis institutionem in scholis, etiam non catholicis, deputentur magistri, recta doctrina, vitae christianae testimonio atque arte paedagogica sint praestantes."

¹²¹ Canon 805: "Loci Ordinario pro sua dioecesi, ius est nominandi aut approbandi magistros religionis, itemque, si religionis morumve ratio id requirat, amovendi aut exigendi ut amoveantur." Cf. C.I.C., (1917), canon 1381, §3.

The 1980 draft of this canon underwent considerable revision after an intervention by Archbishop J. Bernardin, who wanted to change the responsibility for interdiocesan schools from the Episcopal Conference to the local Ordinary of the place where the school is situated.¹²² If the local ordinary is responsible for the schools in his diocese, the interdiocesan school is no longer an exceptional case and therefore received no particular mention in the final version.

The local Ordinary's right should be exercised with an awareness of the rights and duties of teachers as members of civil society, as well as their rights and duties as Church members.¹²³

Earlier, it was noted that the diocesan bishop is to hand on and safeguard the faith - a role that involves vigilance. This role is codified in regard to schools in canon 806, which reads as follows:

81: The diocesan bishop has the right of vigilance and of visitation regarding Catholic schools situated in his territory including those founded and directed by members of Institutes of consecrated life. He also has the right to make rules for the general conduct of Catholic schools and these rules oblige also in schools directed by members of Institutes of consecrated life, saving the autonomy of such schools regarding their internal order.

82: Moderators of Catholic schools should take care and the local Ordinary ensure by vigilance, that the teaching both as to content and pedagogical method be at least of equal excellence as that in other schools of the region.¹²⁴

¹²² Relatio, p. 180.

¹²³ A suitable principle for teachers in conflict situations is provided by the Council Fathers: "The layperson is at the same time a believer and a citizen and should be constantly led by christian conscience alone." A.A., No. 5.

¹²⁴ Canon 806, 81: *Episcopo dioecesano competit ius invigilandi et invisendi scholas catholicas in suo territorio sitas, eas etiam quae ab institutorum vitae consecratae sodalibus conditae sint aut dirigantur; eidem item competit praescripta edere quae ad generalem a pertinent ordinationem scholarum catholicarum: quae praescripta valent de scholis quoque quae ab iisdem sodalibus diriguntur, salva quidem eorundem quoad internum earum scholarum moderamen autonomia.*

The diocesan bishop's right of vigilance flows from his teaching office and is one expression of his duty of handing on and safeguarding the faith. Associated with this right is that of visitation. The technical "examination" or "inspection" of the Catholic school regarding the situation, system of operation and buildings should be carried out by others delegated by the bishop.¹²⁵ This allows the bishop's visit to be a pastoral expression of his deep solicitude for those who work in this special apostolate, and for the young members of his flock.

The right to make rules for the general conduct of catholic schools in his territory also belongs to the diocesan bishop. For example, he may make specific regulations regarding conditions of employment in accord with canons 803 and 804, 82. These rules would also apply in schools directed by Institutes of consecrated life,¹²⁶ saving the autonomy of such schools in their internal order.¹²⁷

The Church's presence in education is not to be a token affair. Those responsible for catholic schools - including the bishop himself and those whom he delegates to fulfil specific responsibilities - are "to ensure by their vigilance" in an active and directive way that these schools are equal in excellence to other schools in the region both as to content and pedagogical method. This is a matter of justice, and a right of catholic parents.

The diocesan bishop's duty and right to safeguard the faith extends also into the realm of tertiary education.

82: *Curent scholarum catholicarum Moderatores, advigilante loci Ordinario, ut institutio quae in iisdem traditur pari saltem gradu ac in aliis scholis regionis, ratione scientifica sit praestans.*"

125 D.P.M.B., No. 168.

126 Cf. canon 604, 82, 83(1980).

127 Cf. C.D., No. 35, n. 4 and E.S., I, No. 39 61.

2. Catholic universities and institutes of higher studies

Chapter II begins with a statement of the Church's claim to educate beyond the realm of primary and secondary education into the tertiary level. This right had been codified in canon 1375 of the 1917 Code.¹²⁸ Yet, the new canon has a distinct Conciliar phrasing: it speaks of universities as promoting higher culture and the fuller development of the human person.¹²⁹

Universities erected and moderated by the Church are fulfilling the Church's dual teaching role of advancing Christ's true message in the field of human culture and of promoting fuller development of the human person. This positive pastoral function can be considered, therefore, as an extension of the teaching office of the diocesan bishop.

The question as to who has the competency to name a particular university as a "Catholic University" received much attention in the process of developing the 1983 Code. By comparing the drafts with the final version we will gain not only a clearer understanding of the new canon, but also an insight into the complex process of drawing up legislation.

Canon 59 (1977)	Canon 763 (1980)	C.I.C. (1983) canon 808
No university	No university	No university even if it really is Catholic
may bear the name	may bear the name	may bear the title or name
"Catholic University" unless it has been	"Catholic University" unless it has received	"Catholic University" unless it has the consent of
erected or has been granted this name	it	

¹²⁸ C.I.C. (1917), canon 1375: "Ecclesiae est ius scholas cuiusvis disciplinae non solum elementarias, sed etiam medias et superiores condendi."

¹²⁹ Canon 807: "Ius est Ecclesiae erigendi et moderandi studiorum universitates, quae quidem ad altiorem hominum culturam et plenioram personae humanae promotionem necnon ad ipsius Ecclesiae munus docendi implendum conferant." Cf. G.E., No. 10.

by the Apostolic See
or the Conference of
Bishops.

from the Apostolic See

the competent eccles-
iastical authority¹³⁰

The changes in the final version are the result of questions posed by Cardinals E. Florit and E. Carter and Archbishop J. Bernardin to the Code Commission as they sought clarification of the 1980 text.¹³¹ It would seem that "the competent ecclesiastical authority" could be understood as described in canon 59(1977), that is, the Apostolic See or the Conference of Bishops.

The consent of such authority is needed for the university to be recognized as a juridical person in the church.¹³²

The establishment of universities is under the competency of the Conference of Bishops, especially since such universities or faculties in practice serve the regional Church.¹³³

Canon 809: The Conference of Bishops should take care to have, if it is possible and expedient, Universities or, at least Faculties of studies, suitably distributed in their territories, in which the various disciplines preserving a certain scientific competence of their own, are researched and pursued in a way that is indicative of catholic thought.¹³⁴

¹³⁰ Canon 59(1977): "Nulla studiorum Universitas nomen "Universitatis catholicae" gerat, nisi quae ab Apostolica Sede vel Episcoporum Conferentia erecta sit, aut cui nomen "Universitas catholica" ab eadem Apostolica Sede vel ab Episcoporum Conferentia concessum sit."

Canon 763(1980): "Null studiorum Universitas nomen Universitatis catholicae gerat, nisi ex concessione Apostolicae Sedis."

C.I.C.(1983), Canon 808: "Nulla studiorum universitas, etsi reapse catholica, titulum seu nomen universitatis catholicae gerat, nisi de consensu competentis auctoritatis ecclesiasticae."

¹³¹ Cf. Relatio, pp. 181-182.

¹³² Cf. Canon 117.

¹³³ Cf. G.E., No. 10.

¹³⁴ Canon 809: "Episcoporum conferentiae curent ut habeantur, si fieri possit et expediat, studiorum universitates aut saltem facultates, in ipsarum territorio apte distributae, in quibus variae disciplinae, servata quidem earum scientifica autonomia, investigentur et tradantur, doctrinae catholicae ratione habita." Cf. also canon 770.

In Sapientia Christiana, much emphasis is placed on the content of the approved statutes. Contained therein must be the rights and duties of the various members of the academic community.¹³⁵ Canon 810, §1 codifies the spirit of Articles 25 and 26 of Sapientia Christiana, and therefore should be read in conjunction with them.

Canon 810, §1: According to the statutes, competent authority, has the responsibility to provide that, in catholic universities, teachers should be appointed who, in addition to considerations of their scientific and pedagogical skill, should be seen to manifest integrity of doctrine and probity of life, so that should these qualities appear to be lacking, they may be removed from office by means of procedures defined in the statutes.¹³⁶

The competent authority spoken of here must be defined within the statutes, which should also give clear prescriptions regarding the established limits of operation of the entire academic community.¹³⁷ In so far as such competencies are included in the statutes, the appointment and removal of teachers becomes an internal affair of the university itself.¹³⁸ However, this is not to deny the Conference of Bishops and the diocesan bishops their duty and right to hand on and safeguard the faith in the academic milieu,¹³⁹ as they should be solicitous that the principles of christian doctrine be faithfully maintained in catholic universities.¹⁴⁰

¹³⁵ Sap. Ch., No. 11, n. ii.

¹³⁶ Canon 810, §1: "Auctoritati iuxta statuta competenti officium est providendi ut in universitatibus catholicis nominentur docentes qui, praeterquam idoneitate scientifica et paedagogica, doctrinae integritate et vitae probitate praestent utque, deficientibus his requisitis, servato modo procedendi in statutis definito, a munere removeantur."

¹³⁷ Cf. Sap. Ch., No. 11, ii, and No. 19.

¹³⁸ Sap. Ch., Nos. 24 and 25.

¹³⁹ Cf. Sap. Ch., No. 4.

¹⁴⁰ Cf. C.I.C. (1983), canon 765, §2: "Episcoporum conferentiae et Episcopi dioecesani, quorum interest, officium habent et ius invigilandi, ut in iisdem universitatibus principia doctrinae catholicae fideliter serventur."

Having received criticisms and suggestions from the Federation of Catholic Universities, it was decided to omit from the 1980 draft the final clause which was not found in the 1977 text. The clause had read: "they should demand that, if reasons of faith and morals require it, teachers be removed from office."¹⁴¹ This paragraph was needless repetition in the light of the content of paragraph one of this same canon, and its withdrawal is an affirmation of the principle of autonomy for the university which in service to the local and universal Church must operate according to its approved statutes.

One of the tasks of the Conference of Bishops and, more particularly, of the diocesan bishop is to take "earnest care that as many lay people as possible who already have a general background in Christian doctrine pursue higher theological studies in a regular course over a period of years and that they are taught by qualified and skilled professors."¹⁴² This principle is the basis of canon 811, which reads:

81: The competent ecclesiastical authority should see that in Catholic universities, there be erected a Faculty or Institute or at least a chair of theology, so that courses may be given to lay students.

82: In the individual Catholic universities there should be courses in which the principal theological questions related to the disciplines of these faculties are treated.¹⁴³

¹⁴¹ "...itemque exigendi ut, si ratio fidei morumve id requirat, docentes a munere removeantur." Cf. Relatio, pp. 182-183.

¹⁴² D.P.M.B., No. 69.

¹⁴³ Canon 811, 81: "Curet auctoritas ecclesiastica competens ut in universitatibus catholicis erigatur facultas aut institutum aut saltem cathedra theologiae, in qua lectiones laicis quoque studentibus tradantur.

82: In singulis universitatibus catholicis lectiones habeantur, in quibus eae praecipue tractentur quaestiones theologicae, quae cum disciplinis earundem facultatum sunt conexae." Cf. Relatio, p. 183; G.E., No. 10.

It is presumed that no Catholic university or faculty should be set up if the teaching is not consistent with that of the magisterium and if the freedom of the Church is not guaranteed.

This concept is taken a step further in the following canon where it is stated that a mandate from the competent ecclesiastical authority is required to teach theology.

The 1980 draft of this new canon, (canon 767), had read: "Those who teach any theological courses or courses connected with theology in Institutions of higher studies require a canonical mission."¹⁴⁴ In this form the canon was found unacceptable. Some commentators even thought that the entire canon should be omitted, suggesting that the Latin word "egent" was too strong.¹⁴⁵

The American theologian, Richard McBrien, claims that the 1980 version of the canon was ill-conceived. He saw it as an innovation derived from the Concordats between the Vatican and Germany in the last century. Thus, it was a specific provision for a particular local situation, now being proposed as a universal norm. Secondly, he said the canon was too sweeping in scope: "It applies to teachers of theology in all institutions of higher learning", thus entailing a major new administrative burden for which the bishop himself might not be theologically qualified. Thirdly, he points out that the canon provided no procedures for academic or canonical due process. Fourthly, according to him, the canon threatened the autonomy of academic institutions and would contribute to an atmosphere of surveillance. Finally, it would not be enforced evenly and

¹⁴⁴ Canon 767(1980): "Qui in studiorum superiorum Institutis quibuslibet lectiones tradunt theologicas aut cum theologia conexas missione egent canonica." Cf. *Relatio*, p. 183.

¹⁴⁵ Response of the Canadian Conference of Catholic Bishops to the Pontifical Commission for the Revision of the Code of Canon Law on the "Schema Canonum Libri III De Ecclesiae Munere Docendi", Private, without date, p. 10.

universally because it could not be, and this might lead to a loss of respect for ecclesiastical law.¹⁴⁶

It is because of such criticism from theologians, canonists, academic institutions and bishops, that the canon was amended in 1981 to read:

Those who teach theological disciplines in institutions of higher learning whatsoever, should have the mandate of the competent ecclesiastical authority.¹⁴⁷

The same wording was retained in the promulgated text which is not as strongly worded as the 1977 version, but the basic principle remains that there is an essential link between the magisterium and teachers of theology. This link, however, is not the assigning of an ecclesiastical office on such a teacher, as is the case for a bishop when he receives a canonical mission.

Conciliar teaching is clear in that a canonical mission is a juridical determining of sacramental power, or for a bishop the power received in consecration, through an act of hierarchical authority. In the case of the bishop, with this juridical determining there is also an insertion into hierarchical communion. Such a determination comes through appointment to a particular office or the assignment of subjects.¹⁴⁸

However, it would seem that the theologian does not exercise sacramental power or belong necessarily in hierarchical communion when he teaches; in fact he

¹⁴⁶ Richard McBRIEN, "A Theologian looks at the Role of Law in the Church today", in C.L.S.A., Proceedings of the Forty-Third Annual Convention, Chicago, Illinois, October 12-15, 1981, pp. 18-31.

¹⁴⁷ Canon 767 - as in Relatio, p. 183: "Qui in studiorum superiorum institutis quibuslibet disciplinas tradunt theologicas auctoritatis ecclesiasticae competentis mandatum habeant oportet."

¹⁴⁸ L.G., No. 24, and L.G., Nota praevia.

may not even be in ecclesial communion.¹⁴⁹ It would seem therefore that the concept of a mandatory canonical mission is inappropriate, and thus its withdrawal from canon 812 is commendable.

How are we to understand this new concept of a mandate to teach granted by the competent ecclesiastical authority? Is it a form of delegation to the theologian to teach in the name of the hierarchy?

Although this may be one interpretation, it would seem better to understand the mandate, not as the granting of an ecclesiastical office, nor as an empowerment to teach, but as a minimal expression of the relationship that exists between the teacher par excellence in the diocese, the bishop, and the teacher of theology.¹⁵⁰ Furthermore, the mandate may be seen as a positive deputation of the theologian's right to share (cooperari) in the munus docendi, not of the bishop himself, but in that office which belongs to the entire Church.

Thus, the teacher of theology is assigned or mandated to teach by the magisterium, exercising the munus docendi in and for the Church.¹⁵¹ Therefore, he teaches not only with his own authority and competence but also by virtue of the mandate received from the Church.

In practice, the diocesan bishop may give this mandate personally, or delegate this task to someone within the academic community. Ideally, in the case

149 Cf. canons 146 and 149.

150 This is not the kind of relationship referred to as an assignment of subjects which refers to the relational element of jurisdiction between the person who has been given jurisdiction such as a pastor and his parishioners.

151 Cf. John A. ALESANDRO, "The Rights and Responsibilities of Theologians: A Canonical Perspective", in Cooperation Between Theologians and the Ecclesiastical Magisterium: A Report of the Joint Committee of the Canon Law Society of America and the Catholic Theological Society of America, The Catholic University of America, Washington, D.C., 1982, p. 107.

of a Catholic institution, the process for granting the mandate should be incorporated into the approved statutes of the institution so that it becomes an internal affair.¹⁵² This is not to deny the diocesan bishop's task of pastoral vigilance; he should be made aware of how the mandate has been given and how it is applied.

If the institution is non-Catholic, the situation would depend on the willingness of the institution to obtain some kind of affirmation that the person it intends to hire is qualified to teach catholic theology. If the institution is unwilling to seek such an affirmation from the competent ecclesiastical authority, then there is little that can be done.¹⁵³

With this understanding of the mandate being an academic as well as a magisterial affair, it may come to be recognized as an authorization from the Church and from the theologian's peers.

However, such an interpretation should not divorce the munus docendi of the diocesan bishop from the academic community. He has duties and rights associated with his responsibility to hand on and safeguard the faith expressed in pastoral vigilance and even more especially to show pastoral concern for staff and students. Canon 813 codifies this latter role -

The diocesan bishop should have a great pastoral concern for the students, even through the erection of a parish or, at least, through priests appointed to them in a stable manner, and he should provide, with regard to universities, even non-catholic ones, that there is a catholic university centre where help, especially spiritual, is given to young people.¹⁵⁴

152 Cf. Sap. Ch., Nos. 11, 24 and 34.

153 Cf. J. ALESANDRO, loc. cit., p. 107.

154 Canon 813: "Episcopus diocesanus impensam habeat curam pastoraalem studentium, etiam per paroeciae erectionem, vel saltem per sacerdotes ad hoc stabiliter deputatos, et provideat ut apud universitates, etiam non catholicas, centra habeantur universitaria catholica, quae iuventuti adiutorio sint, praesertim spirituali."

This new canon is pastoral in content and directive in character. It codifies a particular pastoral element of the bishop's teaching office, without using strictly juridical language. Canon 813 typifies the need for a new attitude to the ecclesial law, and shows that one cannot approach the new law with a 1917 mentality, or an expectation of something similar to secular law. There is a new element which "consists in deriving canon law 'from the very essence of the Church of God, for whom the new and original law, that of the gospel, is love.'"¹⁵⁵

The diocesan bishop's duties of showing pastoral concern and vigilance must be seen as complementary tasks, both of which should be performed in a spirit of service.

In contrast to canon 813, canon 814 serves almost as a footnote, since it places institutes of higher learning in a similar category as universities.¹⁵⁶

3. Ecclesiastical universities and faculties

The ecclesiastical university may be distinguished from the Catholic university by its being more closely connected with the Church's mission of evangelization, and by its degree of dependence on Church authority.

The opening canon in Chapter III sets the tone for the chapter.

Canon 815: In virtue of its office of teaching revealed truth, the Church fosters universities and faculties of ecclesiastical studies. The purpose of such is research in sacred studies or studies intimately bound up with them and also the scientific instruction of students in such disciplines.¹⁵⁷

¹⁵⁵ Francis G. MORRISEY, O.M.I., "The Spirit of Canon Law: Teachings of Pope Paul VI", in Origins, 8(1978-1979), p. 39.

¹⁵⁶ Canon 814: "Quae de universitatibus statuuntur praescripta pari ratione applicantur aliis studiorum institutis."

¹⁵⁷ In the Relatio, it was stated that canon 770(1980) should follow canon 776(1980).

Research in the sacred sciences and associated studies, as well as the scientific instruction of students in such disciplines, are the purposes of ecclesiastical faculties and universities. This purpose complements the responsibility of the Church to communicate the truth. For these institutions to fulfil their role, they must be able to work within the limits of a just and true freedom. "Just freedom should be acknowledged in research and teaching so that true progress can be obtained in learning and understanding divine truth."¹⁵⁸ True freedom in research and teaching "is necessarily contained within the limits of God's word, as this is constantly taught by the church's magisterium."¹⁵⁹

Canón 816, §1: Universities and faculties of ecclesiastical studies may be constituted only through establishment of the Holy See or with approval granted by the Holy See; the ultimate direction belongs to the same authority.

§2: Individual universities and faculties of ecclesiastical studies must have their statutes and program of studies approved by the Apostolic See.¹⁶⁰

There are two significant additions made to this canon since the 1977 draft. The first is found at the end of paragraph one, stating that the ultimate direction of ecclesiastical institutions belongs to the Holy See. This would seem to suggest that the Holy See's role in giving approval is not simply a formality, but is

Canon 815: "Ecclesiae, vi muneris sui veritatem revelatam nuntiandi, propriae sunt universitates vel facultates ecclesiasticae ad disciplinas sacras vel cum sacris conexas pervestigandas, atque studentes in iisdem disciplinis scientifice instituendos."

¹⁵⁸ Sap. Ch., No. 39, n. 1.

¹⁵⁹ *Ibid.*, n. 3.

¹⁶⁰ Canon 816, §1: "Universitates et facultates ecclesiasticae constitui tantum possunt erectione ab Apostolica Sede facta aut approbatione ab eadem concessa; eidem competit etiam earundem superius moderamen.

§2: Singulae universitates et facultates ecclesiasticae sua habere debent statuta et studiorum rationem ab Apostolica Sede approbata." Cf. *Relatio*, pp. 183-184.

to be understood in the strict sense of the term. This interpretation is supported by the addition in the second paragraph of the word "studies".

The norm of having the program of studies approved by the Holy See is new in relation to the 1977 draft of the same canon, but not as regards Sapientia Christiana. This latter document states that study programs must be in accord with the principles and norms of ecclesiastical documents, especially those of the Second Vatican Council and of the Sacred Congregation for Catholic Education.¹⁶¹

One of the rights of an institution erected or approved by the Holy See is to confer academic degrees which have canonical value.¹⁶²

Canon 817: No university or faculty may validly confer academic degrees which have canonical effects in the Church unless it has been erected or approved by the Apostolic See.¹⁶³

In the 1917 Code and in the 1977 draft of this same canon this conferral was "facultate concessa", now it is a right arising out of the act of constitution. This prescription does not prejudice the special right of the Pontifical Biblical Commission.¹⁶⁴

The final version of canon 818 reads:

The prescriptions established in canons 810, 812 and 813 for catholic universities hold true also for universities and faculties of ecclesiastical studies.¹⁶⁵

¹⁶¹ Cf. Sap. Ch., Nos. 38-45.

¹⁶² Cf. Sap. Ch., No. 9.

¹⁶³ Canon 817: "Gradus academicos, qui effectus canonicos in Ecclesia habeant, nulla universitas vel facultas conferre valet, quae non sit ab Apostolica Sede erecta vel approbata." Cf. Canon 68(1977) and C.I.C. (1917), canon 1377.

¹⁶⁴ Sap. Ch., No. 6, note particularly footnote 15.

¹⁶⁵ Canon 818: "Quae de universitatibus catholicis in cann. 810, 812 et 813 statuuntur praescripta, de universitatibus facultatibusque ecclesiasticis quoque valent." Cf. Canon 69(1977), 82.

Ecclesiastical universities and faculties are places where the student is able to receive a deeper grasp of revealed truth. Therefore diocesan bishops are to take advantage of these institutions to have diocesan personnel skilled in the most recent developments in the sacred studies. Canon 819 provides for this:

To the extent that the good of a diocese, of Institutes of religious or indeed, of the universal Church may require it, the competent local Ordinaries and Superiors of Institutes should send young people, who are outstanding in character, virtue and talent clerics and members of their institutes to universities and faculties of ecclesiastical studies.¹⁶⁶

The canon could have been slightly improved by adding a reference to the sending of lay persons for such studies. The notion of collaboration between academics and academic communities, as stated in the Council¹⁶⁷ and restated by the Apostolic See¹⁶⁸ is codified in canon 820.¹⁶⁹

The final canon of this section is canon 821. However, in content it would logically follow canon 819, where it is stated that the bishops and superiors are to send people for further studies. In order to have at least some type of institution to which to send them, advanced institutes of religious studies should be established.

"The Conference of Bishops and the diocesan bishop should establish,

¹⁶⁶ Canon 819: "Quatenus dioecesis aut instituti religiosi immo vel ipsius Ecclesiae universae bonum id requirat, debent Episcopi dioecesani aut institutorum Superiores competentes ad universitates vel facultates ecclesiasticas mittere iuvenes et clericos et sodales indole, virtute et ingenio praestantes." Cf. Relatio, p. 184.

¹⁶⁷ Cf. G.E., No. 12.

¹⁶⁸ Cf. Sap. Ch., No. 64.

¹⁶⁹ Canon 820: "Curent universitatum et facultatum ecclesiasticarum Moderatores ac professores ut variae universitatis facultates mutuam sibi, prout obiectum siverit, praestent operam, utque inter propriam universitatem vel facultatem et alias universitates et facultates, etiam non ecclesiasticas, mutua habeatur cooperatio, qua nempe eadem coniuncta opera, conventibus, investigationibus scientificis coordinatis aliisque mediis, ad maius scientiarum incrementum conspirent."

where possible, advanced institutes of religious studies where theological disciplines and other sciences pertinent to christian culture may be taught.¹⁷⁰ These advanced institutes should complement the work of Catholic universities, of ecclesiastical universities and faculties.

This survey of the canons on "Catholic Education" gives further dimension to our understanding of the teaching office of the diocesan bishop. His role is one of pastoral concern, and zealous vigilance in the content and process of catholic education, as well as for the persons who are engaged in this activity.

B. THE DIOCESAN BISHOP AND INSTRUMENTS OF SOCIAL COMMUNICATIONS, ESPECIALLY BOOKS

The canons in Title IV of Book III are based principally on Inter Mirifica and Ecclesiae Pastorum. In the corresponding section of the proposed law for the Eastern Rite, the same sources are used.¹⁷¹

1. A developing role for the Church

The radical development of social communications in this century is expressed by the absence of any canons in the 1917 Code addressed to means of social communications, other than books. That Code had presented twenty-four canons on the prior censorship of books and their prohibition.¹⁷² Although these

¹⁷⁰ Canon 821: "Provideant Episcoporum conferentia atque Episcopus dioecesanus ut, ubi fieri possit, condantur instituta superiora scientiarum religiosarum, in quibus nempe edoceantur disciplinae theologicae aliaeque quae ad culturam christianam pertineant." Cf. Relatio, p. 184.

¹⁷¹ Cf. Nuntia, 10(1980), p. 76.

¹⁷² The revised law still places much emphasis on the publication of books, despite the developments in the other areas of the media.

canons have been abrogated or been derogated from significantly by recent legislation, the general moral principle that underlined Gasparri's legislation still holds: the Church has a duty and right to protect and to promote its doctrine of faith and morals. It must now exercise this duty and right in all the developing areas of social communications.

2. The bishop's rôle

The first canon of this title clearly outlines the duties of the bishop in regard to the means of social communication. His rôle is described in terms of pastoral "moderator".

Canon 822, §1: The Church's pastors in discharging their duty make use of the right of the Church to be diligent in employing the means of social communication.

§2: These pastors shall take care that the faithful understand they are bound to cooperate in this office so that their use of the means of social communication is vivified by a human and christian spirit.

§3: All the faithful, especially those who in any way are responsible for the management or use of these means of communication should be solicitous that the media make a contribution to pastoral activity so that by the use of these instruments the Church may also effectively accomplish its mission.¹⁷³

The diocesan bishop in the proper fulfilment of his teaching office should employ the means of social communication diligently. This broad principle affects

¹⁷³ Canon 822, §1: "Ecclesiae pastores, in suo munere explendo iure Ecclesiae proprio utentes, instrumenta communicationis socialis adhibere satagant.

§2: Iisdem pastoribus curae sit fideles edocere se officio teneri cooperandi ut instrumentorum communicationis socialis usus humano christianoque spiritu vivificetur.

§3: Omnes christifideles, ii praesertim qui quoquo modo in eorundem instrumentorum ordinatione aut usu partem habent, solliciti sint operam adiutricem actioni praestare, ita ut Ecclesia etiam iisdem instrumentis munus suum efficaciter exercent."

all areas of his teaching office - preaching, catechetics, evangelization and education.

The faithful have a special role to play in regard to the Church's use of the means of social communication; the diocesan bishop is to make them aware of it. The way in which this is implemented is left up to the bishop.

The role of the diocesan bishop in regard to social communications must be seen in the context of his duty to hand on and safeguard the faith. This role is spelled out in more specific terms in canon 823:

81: For the preservation and protection of faith and morals, the Church's pastors have the duty and the right to prevent harm coming to the faith and morals of the faithful either from written material or the use of other means of social communication. Hence, they have the right to exact that anything written for the faithful touching on faith or morals be submitted for their approval. They also have the right to reprove books contrary to faith or morals.

82: The duty and right mentioned in 81 belongs to the Bishops both individually or united in particular Councils or Conferences of Bishops for those entrusted to their care, and to the supreme authority of the Church for the whole people of God.¹⁷⁴

Although the basic premise of this canon is undoubtedly correct, the consequent rights that belong to the Church's pastors do not seem to safeguard the right of the individual to form his own conscience, guided by the Spirit and magisterial teaching, and the right of a teacher to publish his notes, even though he has a mandate to teach.

¹⁷⁴ Canon 823, 81: "Ut veritatum fidei morumque integritas servetur, officium et ius est Ecclesiae pastoribus invigilandi, ne scriptis aut usu instrumentorum communicationis socialis christifidelium fidei aut moribus detrimentum afferatur; item exigendi, ut quae scripta fidem moresve tangant a christifidelibus edenda suo iudicio subiciantur; necnon reprobandi scripta quae rectae fidei aut bonis moribus noceant.

82: Officium et ius, de quibus in 81, competunt Episcopis, tum singulis tum in conciliis particularibus vel Episcoporum conferentiis adunatis quoad christifideles suae curae commissos, supremae autem Ecclesiae auctoritati quoad universum Dei populum." Cf., C.I.C. (1917), canon 1384, 81, and A.A.S., 67(1975), p. 281.

The diocesan bishop can prohibit the faithful from reading books contrary to faith or morals. However, it is not an easy matter to enforce such a regulation. Warnings against a particular book could be issued because it is contrary to faith or morals, but such would have to explain where the error is and why the work is erroneous.

These warnings of danger to faith should be given also in regard to other forms of the media, when problems arise, as with films or television programs. However, at times it will be important to avoid attracting too much attention to certain films or programs.

Which Ordinary's approval is to be sought for the publication of books is treated in canon 824.

Canon 824, §1: Unless there be a regulation to the contrary, the local ordinary whose approval is to be sought for publishing books, according to the canons of this title is the proper ordinary of the author or the ordinary of the place where the books are to be published.

§2: The prescriptions of this title concerning books are to be applied to any kind of writings for public consumption unless otherwise indicated.¹⁷⁵

It would be reasonable to presume that if one of these Ordinaries refuses permission, the author should not ask it of the other without informing him of the prior refusal.¹⁷⁶

The next canon continues the treatment of competency to give approval

¹⁷⁵ Canon 824, §1: "Nisi aliud statuatur, loci Ordinarius, cuius licentia aut approbatio ad libros edendos iuxta canones huius tituli est petenda, est loci Ordinarius proprius auctoris aut Ordinarius loci in quo libri publici iuris fient.

§2: Quae in canonibus huius tituli statuuntur de libris, quibuslibet scriptis divulgationi publicae destinatis applicanda sunt, nisi aliud constet." Cf. C.I.C. (1917), canon 1385, §2; 1384, §2.

¹⁷⁶ Timothy Lincoln BOUSCAREN, S.J., Adam C. ELLIS, S.J., and Francis N. NORTH, "Canon Law: A Text and Commentary, 4th rev. ed., Milwaukee, 1966, p. 778. Also cf. canons 579 and 480.

for publications: in this case for editions and translations of Sacred Scripture. In Dei Verbum, Nos 22 and 25, and in the 1977 draft of this same canon, it was stated that the Sacred Scriptures may not be published without the approval of the Apostolic See or the local ordinary. Also, it was the local Ordinary who was competent to give permission for translations of Sacred Scripture, prepared by the Catholic faithful with the help of separated brethren. In the 1980 draft, however, the Conference of Bishops was given the competency that was assigned previously to the local ordinary. This latter notion was retained in the new Code. Thus, canon 825 of the final version reads:

61: The Sacred Scriptures may not be published without approval of the Apostolic See or the Conference of Bishops; likewise translations of them into the vernacular require approval by the same authority and should be annotated with necessary sufficient explanations.

62: With permission of the Conference of Bishops, translations of the Sacred Scriptures with appropriate explanatory notes may be prepared and published by the catholic faithful with the help of separated brethren.¹⁷⁷

The role of the Conference of Bishops as stated in this canon was challenged by Cardinal Palazzini. It was his thought that the approval of books of Sacred Scripture should be reserved to the Apostolic See so that translations into the vernacular would be dealt with like those of liturgical books. The reply was that this would amount to excessive centralisation and would not be in line with the norms of the 1917 Code, where the Bishops possessed that competency now given

177. Canon 825, 61: "Libri sacrarum Scripturarum edi non possunt nisi ab Apostolica Sede aut ab Episcoporum conferentia approbati sint; itemque ut eorundem versiones in linguam vernaculam edi possint, requiritur ut ab eadem auctoritate sint approbatae atque insimul necessariis et sufficientibus explicationibus sint instructae.

62: Versiones sacrarum Scripturarum convenientibus explicationibus instructas, communi etiam cum fratribus seiunctis opera, parare atque edere possunt christifideles catholici, de licentia Episcoporum conferentiae." Cf. Relatio, p. 186; also E.P., No. 2.

to the Conference of Bishops in paragraph two of this canon.¹⁷⁸ Thus, the 1980 version was retained in the promulgated text.

The new law then moves into the treatment of liturgical books. Unlike Sacred Scripture, the local Ordinary retains a specific competency over the case with liturgical books, and the diocesan bishop is recognized as moderator, promotor and guardian of the liturgical life in his diocese.

Canon 826, §1: Canon 838 is to be applied for the publication of liturgical books.

§2: The publication of liturgical books or any parts thereof and their translations into the vernacular requires the attestation of the ordinary of the place where they are published that they are in accord with the approved edition.

§3: Books containing prayers for public or private devotion of the faithful should not be published without permission of the local ordinary.¹⁷⁹

Canon 838, in paragraph one, states that the regulation of the sacred liturgy depends solely upon the authority of the Church, that is the Apostolic See and, in accord with the norm of law, the bishop.¹⁸⁰ Paragraph two states that the competency of the Apostolic See is "to order the sacred liturgy for the universal Church, to issue liturgical books, to review their translation into the vernacular languages, and to keep watch that liturgical regulations are faithfully

¹⁷⁸ Cf. Relatio, p. 186; and C.I.C. (1917), canon 1391; cf. canon 838.

¹⁷⁹ Canon 826, §1: "Ad libros liturgicos quod attinet, servantur praescripta can. 838.

§2: Ut iterum edantur libri liturgici necnon eorum versiones in linguam vernaculam eorumve partes, constare debet de concordantia cum editione approbata ex attestazione Ordinarii loci in quo publici iuris fiunt.

§3: "Libri precum pro publico vel privato fidelium usu ne edantur nisi de licentia loci Ordinarii." Cf. E.P., No. 3; and C.I.C. (1917), canon 1392.

¹⁸⁰ Canon 838, §1: "Sacrae Liturgiae moderatio ab Ecclesiae auctoritate unice pendet: quae quidem est penes Apostolicam Sedem et, ad normam iuris, penes Episcopum dioecesanum."

observed everywhere."¹⁸¹ Paragraph three of that same canon then states that it is the Conference of Bishops which prepares translations, submits them for approval and then publishes them. It is also in the competency of the Conference to make fitting adaptations within the limits determined by the Apostolic See.¹⁸² Finally, paragraph four deals with the role of the diocesan bishop: "The diocesan bishop in the Church entrusted to him issues norms on liturgy within the limits of his competency, to which all must conform."¹⁸³ Coupled with the diocesan bishop's liturgical role is his duty to hand on and safeguard the faith, which is not solely a matter of vigilance. Any norms he might issue must have as their purpose to promote the life of Christ in his faithful.

The canons in this title continue to treat particularly of books. In canon 827, the legislator, continuing to follow the plan of *Ecclesiae Pastorum*, treats of the various forms of catechisms and texts for religious education.¹⁸⁴

81: Publication of catechisms and other writings pertaining to catechetical instruction and their translations requires approval of the local Ordinary, adhering to the prescriptions of canon 775, 82.

82: Books are only to be used as textbooks in elementary, middle or higher schools on questions pertaining to Sacred Scripture, theology, canon law, ecclesiastical history or religious or moral courses if they have been published with the approval of competent ecclesiastical authority or subsequently approved by it.

181 Canon 838, 82: "Apostolicae Sedis est sacram Liturgiam Ecclesiae universae ordinare, libros liturgicos edere eorumque versiones in linguas vernaculas recognoscere, necnon advigilare ut ordinationes liturgicae ubique fideliter observentur."

182 Canon 838, 83: "Ad Episcoporum conferentias spectat versiones librorum liturgicorum in linguas vernaculas, convenienter intra limites in ipsis libris liturgicis definitos aptatus, parare, easque edere, praevia recognitione Sanctae Sedis."

183 Canon 838, 84: "Ad Episcopum dioecesanum in ecclesia sibi commissa pertinet, intra limites suae competentiae, normas de re liturgica dare, quibus omnes tenentur "

184. Cf. E.P., No. 4.

83: Although they will not be used as textbooks in imparting instruction, it is recommended that books treating of the matters mentioned in 82 and writings in which some particular point of religion or morality is found, be submitted for approval of the local Ordinary.

84: Books or other writings on questions treating of religion or morals cannot be displayed, sold or given in churches or oratories unless they have been published with the permission of the competent ecclesiastical authority or have been subsequently approved by it.¹⁸⁵

In regard to canon 827, 81, it should be noted that canon 775, 82 provides for the Conference of Bishops, with the previous approval of the Apostolic See, to see that catechisms are issued for the territory if such seem useful. However, in accord with paragraph one of that same canon, the diocesan bishop has a right to produce a catechism if he considers it appropriate.

In regard to canon 827, 82, it would seem that in accord with canons 779, 81 and 782, 83, the competent ecclesiastical authority is the local Ordinary of the place in which the books are being published or the local Ordinary of the author.

The fact that paragraph three of this same canon simply recommends that such books be submitted for approval of the local Ordinary, leads to a broad

185 Canon 827, 81: "Catechismi necnon alia scripta ad institutionem catechetica[m] pertinentia eorumve versiones, ut edantur, approbatione egent loci Ordinarii, firmo praescripto can. 775, 82.

82: Nisi cum approbatione competentis auctoritatis ecclesiasticae editi sint aut ab ea postea approbati, in scholis, sive elementariis sive medijs sive superioribus, uti textus, quibus institutio nititur, adhiberi non possunt libri qui quaestiones respiciunt ad sacram Scripturam, ad theologiam, ius canonicum, historiam ecclesiasticam, et ad religiosas aut morales disciplinas pertinentes.

83: Commendatur ut libri materias de quibus in 82 tractantes, licet non adhibeantur uti textus in institutione tradenda, itemque scripta in quibus aliquid habetur quod religionis aut morum honestatis peculiariter intersit, iudicio subiciantur loci Ordinarii.

84: In ecclesijs oratoriisve exponi, vendi aut dari non possunt libri vel alia scripta de quaestionibus religionis aut morum tractantia, nisi cum licentia competentis auctoritatis ecclesiasticae edita sint aut ab ea postea approbata." Cf. Relatio, pp. 186-187; C.I.C. (1917), canon 1385, 81, n. 2.

interpretation by the Ordinary's right as declared in canon 778, §1. A distinction could be made between the right of the bishop to demand that writings by the christian faithful which touch upon faith or morals be submitted to his judgment for approval, and the use of that right. Approval is not an absolute necessity. However, if such publications do not have the required approval, then their distribution is hampered.

Paragraph two specifically states that it is treating of textbooks to be used in elementary or middle schools or in institutes of higher learning. However, due to the nature and purpose of universities, this canon does not seem to be appropriate for such tertiary levels of education. Indeed, some of the texts used in such institutions cannot be approved because of their content, but "we would lose our credibility if we could not go to the primary text and then direct the students in their acquiring of an appreciation of both the truths and the errors in them."¹⁸⁶ Such texts should be admitted as background material.

Canon 828 broadens the principle contained in C.I.C. (1917), canon 1389 to include any ecclesiastical authority, not solely the Roman Congregations. Canon 828 reads as follows:

Collections of decrees or acts published by any ecclesiastical authority may not be published again, without prior consent of the same authority and only under the conditions prescribed by it.¹⁸⁷

The canon in this re-wording applies to the particular decrees or acts of the diocesan bishop and is not limited to general or universal texts.

The next canon is complementary, stating that "the approval for the

¹⁸⁶ C.C.C.B., *loc. cit.*, p. 11.

¹⁸⁷ Canon 828: "Collectiones decretorum aut actorum ab aliqua auctoritate ecclesiastica editas, iterum edere non licet, nisi impetrata prius eiusdem auctoritatis licentia et servatis condicionibus ab eadem praescriptis." Cf. C.I.C. (1917), canon 1389.

original text of a work or permission to publish does not suffice for other editions or translations of the same work."¹⁸⁸ This principle is quite clear.

Having dealt with particular competencies for various types of writings, the canons now address more closely the process of censorship. The source for this canon is Ecclesiae Pastorum, article 6.

Canon 830, §1: While each local Ordinary retains the right in his prudent judgment to entrust the evaluation of books to persons in whom he has confidence, the Conference of Bishops can draw up a list of censors outstanding for their knowledge, correct doctrine and prudence and who are available for diocesan curias, or they can establish a commission of censors whom the local Ordinaries can consult.

§2: In discharging the duties of his office, the censor, without any regard for persons, should keep before his eyes only the teaching of the Church on faith and morals as it is proposed by the ecclesiastical magisterium.

§3: The censor should give his judgment in writing. If it be favourable, the Ordinary in his prudent judgment may grant permission for publication with approval, over his name and with the date and place the approval was granted. If he should not grant approval, he is to give the reasons for his denial to the author of the work.¹⁸⁹

The last two canons of this Title, Nos. 831 and 832, correspond to Article 5 in Ecclesiae Pastorum.

¹⁸⁸ Canon 829: "Approbatio vel licentia alicuius operis edendi pro textu originali valet, non vero pro eiusdem novis editionibus vel translationibus." Cf. C.I.C. (1917), canon 1392, §1.

¹⁸⁹ Canon 830, §1: "Integro manente iure uniuscuiusque loci Ordinarii committendi personis sibi probatis iudicium de libris, ab Episcoporum conferentia confici potest elenchus censorum, scientia, recta doctrina et prudentia praestantium, qui curiis diocesanis praesto sint, aut constitui etiam potest commissio censorum, quam loci Ordinarii consulere possint.

§2: Censor, in suo obeundo officio, omni personarum acceptione seposita, prae oculis tantummodo habeat Ecclesiae de fide et moribus doctrinam, uti a magisterio ecclesiastico proponitur.

§3: Censor sententiam suam scripto dare debet; quae si fuerit, Ordinarius pro suo prudenti iudicio licentiam concedat ut editio fiat, expresso suo nomine necnon tempore ac loco concessae licentiae; quod si eam non concedat, rationes denegationis cum operis scriptor Ordinarius communicet." Cf. C.I.C. (1917), canon 1393.

Canon 831, §1: Without just and reasonable cause the faithful should not write in journals, newsletters or periodicals which are accustomed to attack openly the catholic religion or good morality. Nor should clerics and members of Institutes of consecrated life do so without the approval of the local Ordinary.

§2: The Conference of Bishops is to establish the norms required for clerics or members of Institutes of consecrated life to have part in treating questions pertaining to catholic doctrine or morality on radio or television.¹⁹⁰

Canon 831 does not recognize the special apostolate of the laity to influence the world, by the message of the gospel, particularly in our age of the media. This is a vocation proper to them, and one which they should be free to carry out in a mature christian fashion. Thus, the local Ordinary's approval for such matters should be also an encouragement to be responsive christians in the real world.

Since the Ecumenical Council, the Church has recognized consistently the unique responsibility of the Conference of Bishops to establish norms in regard to the use of social communications.¹⁹¹ This is logical in that the media know no diocesan boundaries; a particular article or program can affect the regional or national church, not solely the diocesan one. However, this competency of the Conference of Bishops as codified here in paragraph two and as previously expressed in canon 823 does not eliminate the competency of the diocesan bishop in his own diocese.

¹⁹⁰ Canon 831, §1: "In diariis, libellis aut foliis periodicis quae religionem catholicam aut bonos mores manifesto impetere solent, ne quidpiam conscribant christifideles, nisi iusta et rationabili de causa; clerici autem et institutorum religiosorum sodales, tantummodo de licentia loci Ordinarii.

§2: "Episcoporum conferentia est normas statuere de requisitis ut clericis atque sodalibus institutorum religiosorum partem habere liceat in tractandis via radiophonica aut televisifica quaestionibus, quae ad doctrinam catholicam aut mores attineant." Cf. C.I.C. (1917), canon 1386.

¹⁹¹ C.P., Nos. 4, 134 and 167.

Canon 832 completes the insertion of Ecclesiae Pastorum into the new Code. It reads: "Members of Religious Institutes also need permission of their major superior according to the norms of their Constitutions to publish writings on questions that pertain to religion or morality."¹⁹²

Before closing this review of the pastoral duties of the bishop, in regard to his teaching office, we note briefly that the final canon in Book III of the revised law concerns the profession of faith.

The requirement that the formula be approved by the Apostolic See seems a bit unnecessary.

The particular responsibility of the diocesan bishop in regard to the profession of faith needs no further comment, for it is a confession of personal faith and at the same time a juridical expression of communion in and with the Church, as one is given a new mission in the Church.

This completes our review of the six spheres of the diocesan bishop's munus docendi. His role in education and the mass media are vital to the mission of the Church.

The canons do not solve all the problems in these spheres. In fact, because the legislator has made new laws, these two titles of the 1983 Code cannot be fully evaluated until the laws have been put into effect and have been observed for some time.

It is now left to us to draw some conclusions on the teaching office of the diocesan bishop in the new law.

¹⁹² Canon 832: "Institutorum religiosorum sodales ut scripta quaestiones religionis morumve tractantia edere possint, licentia quoque egent sui Superioris maioris ad normam constitutionum."

Conclusion

This dissertation has focused its attention on the teaching office of the diocesan bishop by reviewing both the Conciliar and post-Conciliar pronouncements on the subject and the relevant canons in Book III of the 1983 Code of Canon Law.

The Council documents stressed the significance of episcopal consecration in which the bishop receives the threefold mission of Christ: teacher, priest and shepherd. The particular episcopal function of teaching has occupied our attention.

The teaching office is the primary means whereby the Church becomes and continues to be true to its own nature of being a communio-missio. By divine command, the teaching mission of the Church has been especially entrusted to the college of bishops, and in the local church to the diocesan bishop.

The codification of the bishop's functions serves as a means of emphatically restating his role and provides norms which, when implemented, will enable him to serve the Word and the faithful effectively; this, in turn, allows the Church to be continually present in a given contemporary cultural situation.

It has been noted that the bishop's office of teaching must be expressed in all forms and modes, particularly in the areas of preaching, catechetics, missionary and prophetic activity, education and social communications. In each of these spheres, there is both a personal dimension and a dimension of moderating or sponsoring. For example, the diocesan bishop has the duty and right to preach personally, as well as providing for preaching to be carried out by others throughout the diocese.

The bishop's duties and rights in these matters are not absolute, but must be considered in the context of the duties and rights of others members of the Church, particularly the right of the faithful to receive the Word and to share in its

ministry.

Furthermore, the notion of the bishop as "servant" finds concrete expression in the new legislation. As servant of the Word, he is its authentic teacher, and therefore has the role of safeguarding the faith; this finds its concrete expression in his duty and right of vigilance. There must be a positive interpretation of this episcopal role if the new law is to implement the Conciliar spirit. Therefore, one can expect that the new type of leadership which has been emerging in the Church will become even more manifest.

The integrity of the diocesan bishop's office is protected in the norms regarding the exercise of his teaching office; firstly, in underscoring his role as moderator of the ministry of the Word in his diocese, and secondly by restricting somewhat the competency of the Conference of Bishops, at least in regard to what was presented in the first drafts of the 1983 Code.

With the implementation of this Code, we can expect the diocesan bishop to give expression to his teaching office not only in the local Church, but also in the universal Church, for, as sponsor for the universal Church, he is to be actively involved in missionary activity.

There are some norms in the new law regarding the bishop's teaching office that might create a few problems as they are implemented; for example, the canon on the mandate needed to teach theology. Time, however, will enable us to see how such norms have been applied throughout the Church.

It is too soon to give a concrete evaluation of the new norms that treat of the bishop's teaching office. At this stage, it seems best to recognize their role and implement them in a pastoral spirit, interpreting them not in isolation or in some legalistic manner, but according to the mind and spirit of the Gospel and the life of the whole Church.

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