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**THE PASTORAL OFFICE OF PRIESTS AND ITS RELATIONSHIP TO THE
CANONICAL INSTITUTE OF INCARDINATION**

by
Roger H. KEELER

A dissertation submitted to the Faculty of Canon Law
Saint Paul University, Ottawa, Canada, in partial
fulfillment of the requirements for the degree of
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The church's law dealing with incardination is a venerable ancient guarantor of its highest values with regard to community, holy orders, ministry, and the content of faith. By establishing a juridic protection for a permanent relational bond, incardination provides the context within which these are enabled to be vivid, dynamic, and reciprocally life/Life giving. Explored in light of the Legislator's intent as that was given shape and substance in the Post-synodal Apostolic Exhortation *Pastores dabo vobis*, incardination is lifted up from a flat uni-dimensional and somewhat narrow juridic plane, to become something rich and multi-dimensional. When this is combined with the work of Oblate theologian David N. Power, it is learned that incardination involves a series of attitudes that invite a range of spiritual and pastoral decisions that make *koinonia* (fellowship or collaboration; Christ's ministry of love), *diakonia* (service; Christ's ministry of service), *martyrion* (witness; Christ's proclamation of the word), and *leitourgia* (worship; the origin and ultimate end of Christ's entire ministry) – the God-life – possible. This leads to the formulation of a new definition for incardination that pushes doors ajar inviting new exploration.

The Pastoral Office of Priests and its Relationship to the Canonical Institute of Incardination is a historical exploration into one of the church's oldest canonical institutes. By returning to the most fundamental of sources, the New Testament, it seeks to discover the root of a *spiritual bond* that identifies those in the ministerial priesthood. The Fathers of the Church are consulted, together with early conciliar decrees, and ordination rites extant in ancient times, in order to understand the *pastoral bond* that unites priests and their bishops. The Council of Trent and legislation found in the 1917 *Codex Iuris Canonici* are explored in order to learn the specific nature of the *juridic bond* formally called incardination. Pope John XXIII initiated a new fuller understanding of the theology of ordained ministry that was eventually reflected by the Conciliar Fathers in *Presbyterorum ordinis*, and enveloped in the 1983 *Code of Canon Law*. This is identified as a movement toward a unified understanding of incardination with implications for the church today.

TABLE OF CONTENTS

ABBREVIATIONS	iv
INTRODUCTION	1
CHAPTER I	
THE NEW TESTAMENT EVIDENCE –	
THE SPIRITUAL BOND IDENTIFYING THOSE IN PRIESTHOOD	
1. The Scriptural Evidence	11
1.1 Elements taken from the ministry of Jesus	11
1.2 The ministry of the twelve as a community sharing together	15
1.3 Early evangelization beyond Jerusalem and the “work of ministry”	19
1.4 The exercise of ministry in the emerging churches – the Pauline and Pastoral Epistles	21
1.4.1. The organization of initial “ministry” in the First Letter to the Corinthians, the Letter to the Romans, and the Letter to the Ephesians	24
1.4.1.1 The First Letter to the Corinthians	24
1.4.1.2 The Letter to the Romans	25
1.4.1.3 The Letter to the Ephesians	26
1.4.1.4 The Letter to the Philippians, The Letter of James and The First Letter of Peter	30
1.4.1.5 The Pastoral Epistles	32
2. The gradual understanding of the fourfold implications of the spiritual bond	38
2.1 “Apostolic” ministry and “Koinonia”	38
2.2 “Ministry” at the service of unity – “Martyrion”	41
2.3 “Diakonia” and the emerging place of the Eucharist	42
2.4 The priest as <i>leitougos</i> – a cultic minister	51
3. The Letter to the Hebrews	53
3.1 The Letter to the Hebrews and the priesthood of Christ	54
3.2 The Letter to the Hebrews and the sacrifice of Christ	57
3.3 The Letter to the Hebrews and the obedience of Christ	62
Conclusion	67

CHAPTER II

THE EARLY FATHERS OF THE CHURCH AND THE FIRST LEGISLATION: RITUALS AND COUNCILS – UNDERSTANDING THE PASTORAL BOND UNITING PRIESTS AND THEIR BISHOPS

1.	The <i>Didachè</i> and the Fathers	77
1.1	The <i>Didachè</i> – the beginnings of a sacerdotal view of ministry	78
1.2	The First Epistle attributed to Clement of Rome and the presiding role within the community	85
1.3	St. Ignatius of Antioch and the protecting role of bishops	89
1.4	St. Irenaeus of Lyons and the focus on the eucharistic sacrifice	91
1.5	Origen and a tripartite division in church leadership	96
1.6	Tertullian: a tripartite division in both leadership and ministry	98
1.7	St. Cyprian of Carthage and fidelity to the content of apostolic faith	103
1.8	Ss. Athanasius of Alexandria and John Chrysostom and the sacrificial act	107
1.9	St. Augustine of Hippo and the sacramentality of orders	109
2.	A focus on the early ordination rituals	111
2.1	The Apostolic Tradition of Hippolytus – a “marriage” with the apostolic church	112
2.2	The ordination prayers of Spain and the notion of stability	113
2.3	The Roman-German Pontifical and the celebration of the Eucharist	114
3.	Teachings and legislation of the early Councils	120
3.1	The Council of Arles (A.D. 314) and the attachment to a local church	120
3.2	The Council of Nicea (A.D. 325) and penalties imposed for leaving one’s church	123
3.3	The Council of Chalcedon (A.D. 451) and the need of affiliation to a church for community and ministry	125
3.4	The Third Lateran Council (A.D. 1179) and the institution of benefices	129
	Conclusion	131

CHAPTER III

TOWARDS A JURIDICAL BOND OF INCARDINATION – THE COUNCIL OF TRENT AND THE 1917 LEGISLATION

1.	The Council of Trent	138
1.1	Residence and benefices	139
1.2	The required title for ordination	141

1.3	<i>Potestas ordinis, potestas jurisdictionis</i> and <i>potestas sacra</i> : from communion to cult	143
2.	The 1917 <i>Pio-Benedictine Code</i>	149
2.1	Order and jurisdiction	151
2.2	Isolating the notions of vocation, discernment and ministry	151
2.3	The canonical ascription of clerics	152
2.4	Particular situations envisaged by <i>CIC/17</i>	160
	Conclusion	162

CHAPTER IV

TOWARDS A UNIFIED UNDERSTANDING OF THE IMPLICATIONS OF INCARDINATION

1.	Pope John XXIII and <i>Sacerdoti nostri primordia</i> (1959) – towards a new understanding of the theology of ordained ministry	166
2.	The Second Vatican Council	168
2.1	<i>Presbyterorum ordinis</i>	169
2.2	The major thrusts of the Vatican II teaching regarding incardination of clerics	172
3.	Between the Council and the 1983 <i>Code of Canon Law</i>	176
3.1	<i>Ecclesiae sanctae</i> (1966) and specific norms for incardination	176
3.2	<i>Ad pascendum</i> (1972)	180
4.	The 1983 legislation and a return to previous sources	180
4.1	Canon 1008 and the ministry of sacred ministers	181
4.2	Canons 265-272 – the current legislation on incardination	185
4.3	The implications of the revised legislation for the fourfold dimension of priesthood: <i>koinonia, martyrion, diakonia</i> and <i>leitourgia</i>	207
5.	Where we go from here?	210

GENERAL CONCLUSION	221
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BIBLIOGRAPHY	238
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This work is equally dedicated to my brothers with whom I share the Sacrament of Holy Orders: be they living today or sharing the yield of the harvest at the Lord's eternal banquet. Their faith, endurance and patience, their sorrows, joys, dreams and hope have been - and continue to be – an inspiration me.

ABBREVIATIONS

<i>AP</i>	<i>Ad pascendum</i>
c., cc.	canon, canons
ca.	circa, around, around about
<i>CCC</i>	Catechism of the Catholic Church
<i>CCEO</i>	<i>Codex canonum Ecclesiarum orientalium</i> , 1990
<i>CD</i>	<i>Christus dominus</i>
<i>CIC/17</i>	<i>Codex iuris canonici</i> , 1917
<i>CIC/83</i>	<i>Codex iuris canonici</i> , 1983
<i>CLD</i>	Canon Law Digest
<i>ES, I</i>	<i>Ecclesiae sanctae</i> , I
ed., eds.,	editor, editors
FLANNERY 1	<i>Vatican Council II: The Conciliar and Post Conciliar Documents</i>
<i>JBC</i>	<i>The Jerome Biblical Commentary</i>
<i>MQ</i>	<i>Ministeria quaedam</i>
n., nn.	number, numbers
<i>OED</i>	<i>Oxford English Dictionary</i>
<i>PO</i>	<i>Presbyterorum ordinis</i>

INTRODUCTION

The theologian M. Hussey has commented:

Now it is important to remember that *Presbyterorum ordinis* is not one of the more significant documents of Vatican II. In fact, the bishops of the council somewhat took the priesthood for granted and did not feel that there was much need to discuss the matter at great length. But indirectly and unwittingly, they severely undermined the traditional role and significance of the priest in the church. By insisting that the bishop is the primary minister in the church and that the priest is the helper of the bishop, the council demoted the priest from an *alter Christus* to an *alter Episcopus*. And by emphasizing the priesthood of the laity and de-emphasizing the sacred power that set the priest apart from the laity, the council deprived the priest of his traditional identity and clear self-image.¹

Hussey's thought seems to imply a priesthood imperilled by the council, resulting in a lack of identity, of self-understanding, of a strong theological foundation capable of bearing the weight of an ordained ministry in a time of extra-ordinary challenge. In a sense, he is quite correct. A fast perusal of the literature today reveals a plethora of titles on the subject of the priesthood (the diaconate too), which would indicate a need for continued reflection and articulation on the matter. The simple fact that Pope John Paul II undertook the extraordinary task of writing to the priests of the world on Holy Thursday every year of his pontificate, the last one given just days before he died, seems to support the observation. The concern, however, is not limited to popes, theologians and clergy: thinkers from different disciplines have waded into the conversation offering their own points of view.

¹ M. HUSSEY, "The Priesthood after the Council: Theological Reflections," in K.S. SMITH (ed.), *Priesthood in the Modern World: A Reader*, Franklin, WI, Sheed and Ward, 1999, p. 22.

Sociologist James Davidson of Perdue University addressed the National Federation of Priests' Councils in April of 2006, and spoke of the challenges within the priesthood that obstruct fruitful ministry. In a presentation to them entitled: "Understanding Divisions, Building Community," Davidson identified: "a widening cultural and political divide, power struggles among fellow priests and between priests and bishops, and differing models of priesthood." He identified those differing, opposing models as: "the cultic, which sees the priesthood as above the laity, and the servant-leader, which involves more of a team approach to ministry." In his words: "That's where I hear the greatest clash." The result, says Dr. Davidson, is that priests "feel themselves caught in a vice of opposing views coming from their ordained brothers, from the people in the pews and even from their bishops. They do not know whom to trust. They do not know where to turn. So they have learned to lie low and dodge the bullets."²

The stories are legion, the anecdotal evidence limitless, and the literature profuse: the dawn of the third millennium is a time of crisis for holy orders. But crisis need not presage catastrophe, rather crisis can invite decision based upon prayerful discernment, sober reflection, and reasoned decision-making that proceeds from a grasp of the twin sources of scripture and tradition.

The law of the church is an ally in that process.

² The first three quotations are taken from a précis on the meeting found in *America*, 18 (2006), p. 7. Because the précis was so very brief, I telephoned Dr. Davidson to explore the matter further with him. His presentation, unfortunately, has not yet been published and he continues his work on it, with a view toward publishing it at some future date. He did, however, indicate that his findings were quite clear, and founded upon what he called a "clash of theological vision," a clash that, in his opinion could only be healed with the articulating of a clear, unequivocal theology of the priesthood, emanating from the highest authority. "It's only then that we might start to see peace. But there are so many things that are getting in the way." Among his greatest fears is the sense of isolation and aloneness being felt by many priests today. "They just don't know where to go or who to turn to. It just isn't healthy."

A first glance at the law that addresses incardination, perhaps the oldest of the church's juridic institutes, would not give one the impression of finding a secure and comforting ally. Just the opposite is more likely. The canons appear to have a rather cold, hard, juridic ring to them that could easily leave one feeling like a piece in an ecclesiastical game of chess, moved from position to position, according to strictly pre-determined rules of movement and engagement. It seems to lack a certain spirit, warmth of purpose, breadth of vision, pastoral and theological content.

What does the *Code* say about incardination? Looking at c. 265 itself, incardination could be narrowly defined as a juridic bond that attaches a cleric (c. 207; §1, 266, §1) to a particular church, typically understood to be a diocese (cc. 368-374) or entities equivalent to a diocese in law: a territorial prelature or abbacy (cc. 368; 370); a vicariate or prefecture apostolic (cc. 368; 371, §1); a military ordinariate (c. 569)³, or a permanently established apostolic administration (cc. 368; 371, §2). That bond is not restricted to these alone and could well be established between a cleric and a personal prelature (cc. 294-297), an institute of consecrated life (cc. 573-730), or another society that has the ability to incardinate clergy (cc. 731-746). Its focus, says the canon, is quite specific: to prevent acephalous ("headless," meaning one lacking a governing authority) or "wandering" clergy. Other than expressing in very strong terms a prohibition against something undesirable, such a narrow definition is unsatisfactory. Something more is needed.

³ See JOHN PAUL II, Apostolic Constitution, *Spirituali militum curae*, 21 April, 1986, in *Acta Apostolicae Sedes* [= *AAS*], 78, pp. 297-400. The English translation is found in *The Pope Speaks*, 31 (1986), pp. 284-288.

The canons that follow (cc. 266-272) offer little by way of further definition or explanation for this juridic institute.⁴ There are some scant clues: “*need or advantage of his particular church*” (c. 269, 1°; c. 270 also uses the word “advantage”); “*enter the service of the new particular church*” (c. 269, 3°); “*good of the cleric*” (c. 270); “*exercise the ministry*” (c. 271, §1); “*rights and duties of these clerics*” (c. 270, §1). The overall flavour is, not surprisingly, strongly juridic and devoid of gloss. This seems to confine incardination to a purely juridic bond. However, the placement of this chapter in *Book II* immediately before that dealing with the obligations and rights of clerics, and all read in light of the canons that address the sacrament of orders (cc. 1008-1052), implies a larger, unwritten meaning for the nature of incardination.

On the day the new *Code* was given to the church, the Legislator, Pope John Paul II, spoke of an underlying principle that guided its genesis. He wrote:

As the church’s fundamental legislative document, and because it is based on the juridical and legislative heritage of revelation and tradition [... it] fully accords with the nature of the church, particularly as presented in the authentic teaching of the Second Vatican Council seen as a whole, and especially in its ecclesiological doctrine. In fact, in

⁴ The parallel canons for the Eastern Churches are found in chapter II of title X, “The Ascription of Clerics to an Eparchy,” cc. 357-366. See *Codex canonum Ecclesiarum orientalium, Ioannis Pauli PP. II auctoritate promulgatus* [= *CCEO*], Typis polyglottis Vaticanis, 1990. Latin-English translation: *Code of Canons of the Eastern Churches*, prepared under the auspices of the Canon Law Society of America, Washington, DC, Canon Law Society of America, 2001. This will be referred to as *CCEO*. The word *ascriptus*, translated into English as “ascription,” has an interesting etymology. It can suggest the act of writing, as to record one’s name in a book. It can also refer to the act of attributing origin or authorship to another, as in: “I did not write that, it must be ascribed to John.” So the declaration says that it (in this case, the written word) does not belong to anyone but John. It can also mean enrolment or inclusion in a particular class. Finally, the medieval expression *ascriptus glebae*, refers to an “attachment to the soil.” It was the feudal practice that serfs were transferred along with the estate to which they belonged. See *The Compact Edition of the Oxford English Dictionary*, Oxford, Clarendon Press, 1971, p. 32.

a certain sense, this new *Code* can be viewed as a great effort to translate the conciliar ecclesiological teaching into canonical terms.⁵

The Holy Father reminds us that canon law is rooted in the soil of a juridical and legislative tradition, made rich by the twin elements of revelation and tradition. Both of these elements must necessarily be honoured in the reading of the law. Furthermore, Pope John Paul points out that *CIC/83* is, in a certain sense, a codification of that which emanated from the Second Vatican Council. This, too, must necessarily be honoured in the reading of the law. Thus, a larger, unwritten meaning for the nature of incardination is actually intended, one that involves an entire spectrum of theological, pastoral and spiritual thought.

Black's Law Dictionary defines "intent" as: "a lawmaker's state of mind and purpose in drafting or voting for a measure."⁶ It defines "legislative intent" as: "the design or plan that the legislature had at the time of enacting a statute."⁷ It defines "intendment" as: "the sense in which the law understands something; a decision-maker's inference about the true meaning or intention of a legal instrument."⁸ The intent of the law has a bearing on its content. The intent of the law is essential to its authentic interpretation. The intent of the law fills out the law, it allows the law to spring free from

⁵ John Paul II, Apostolic Constitution, *Sacrae disciplinae leges*, 25 January 1983, in *AAS*, 75, Part II, (1983), pp. vii-xiv. English translation in *Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus* [= *CIC/83*], Vatican City, Libreria editrice Vaticana, 1983. British version of the English-language translation: *The Code of Canon Law: New Revised English Translation*, prepared under the auspices of The Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and The Canadian Canon Law Society, London, Harper Collins, 1997, pp. vii and viii.

⁶ GARNER, B. (ed.), *Black's Law Dictionary*, 7th ed., St. Paul, MN, West Group, 1999, p. 814.

⁷ *Ibid.*, p. 911.

⁸ *Ibid.*, p. 813.

its unidimensional constraint, freeing its inner voice to tell a deeper story. In other words, exploring the intent of the law is to engage the pursuit of its hidden value.

The Legislator, Pope John Paul II, said this about incardination:

[...] the priest's *relationship with his bishop* in the *one presbyterate*, his sharing in the bishop's ecclesial concern, and his *devotion to the evangelical care of the people of God* in the specific historical and contextual conditions of a *particular church* are elements which must be taken into account in sketching the proper configuration of the priest and his spiritual life. In this sense, "*incardination*" *cannot be confined to a purely juridic bond, but also involves a set of attitudes as well as spiritual and pastoral decisions which help to fill out the specific features of the priestly vocation.*⁹

A short while later, the Holy Father writes:

More specifically, the priest is called to deepen his awareness of being a member of the particular church in which he is *incardinated, joined by a bond that is juridical, spiritual and pastoral*. This awareness presupposes a particular love for his own church and it makes that love grow. This is truly the living and permanent goal of the pastoral charity which should accompany the life of the priest and lead him to share in the history or life experience of this same particular church, in its riches and weaknesses, in its difficulties and in its hopes, working in it for its growth.¹⁰

Pope John Paul is indicating that incardination is not merely a juridical bond, it is a spiritual bond and it is a pastoral bond. Furthermore, incardination involves a series of attitudes: it requires active volition on the part of the cleric, causing him to choose in the light of grace how his vocational commitment is to be expressed and lived in this specific context.

Taken together, Pope John Paul is offering a set of hermeneutical keys that must be carried as one seeks to unlock the richer, fuller meaning of the current legislation. By reaching back to the earliest years of the church's experience, even to Jesus Christ, and exploring the broad sweep of history, not only are the genesis and evolution of

⁹ JOHN PAUL II, Post-synodal Apostolic Exhortation *Pastores dabo vobis*, 25 March, 1992, in AAS, 84 (1992), pp. 657-804. English translation in *Shepherds After My Own Heart: Post-synodal Apostolic Exhortation of His Holiness John Paul II on the Formation of Priests in the Circumstances of the Present Day*, Sherbrooke, PQ, Éditions Paulines, 1992, p. 82. Emphasis added.

¹⁰ *Ibid.*, pp. 200 and 201. Emphasis added.

incardination uncovered, but so too is the evolving structure of the church. This is to trace the unfolding of a theology of ministry and ordination. It is to examine the rituals that consecrated a man for ministry in one of the tripartite orders. It is to discover the problems that beset the church in its evolution, and to examine its responses to them in conciliar and papal legislation right through to the *1983 Code*. At each instance of legislation, it is as if a photograph is taken: one that freezes in the millisecond of a shutter's spring, a moment in time – capturing not just an image, but the meaning of the image as well. That meaning needs to be liberated from the flat plane of its unidimensional constraint, in order that its voice be freed to tell the deeper story.

With the help of Oblate theologian David Power, the first chapter of this study will take us back to the ministry of Jesus and the founding of the church. The chapter will examine the ministry of the twelve and trace their steps in the evangelization of the Mediterranean basin. As the nascent church grows and develops, Peter, Paul, and the authors of the Pastoral Epistles, will be consulted. All of this evidence from the New Testament will help to explain the **spiritual bond** spoken of by Pope John Paul and, with the help of the Letter to the Hebrews, will situate ministry, priesthood, obedience, sacrifice and Eucharist within a decidedly Christological context.

The second chapter explores the nature of the **pastoral bond** of incardination, and will introduce the early Fathers of the Church who, each in their own way, contributed to a fuller articulation of ministry, priesthood, obedience, sacrifice and Eucharist. The Fathers point toward the earliest legislation offered by the Councils of Arles, Nicea, and Chalcedon. Bridging the Fathers and those earliest councils, is the *Didachè*, a singularly

rich and significant text from the second century, together with the ordination rituals used by the church as prayed when men were ordained for its ministry.

The third chapter explores the **juridical bond** of incardination as it was understood up to the time of the *1983 Code* by focussing attention on the Council of Trent and how it influenced the drafting of the *1917 Code*.

The fourth and final chapter will illustrate how the vicissitudes of history were analyzed, critiqued and expanded, as the church moved toward a new understanding of the theology of ordained ministry. Beginning with Pope John XXIII, moving through the Second Vatican Council and then to the *1983 Code*, we move toward a unified understanding of the implications of incardination.

The intention of this work is not to entertain the difficult canonical questions that arise from incardination – they are legion and subjects for many more theses – it is rather to explore but one dimension of the history of an ancient canonical institution by using the hermeneutical keys proffered by Pope John Paul II and given an edge by Fr. David Power. By the end of the journey the law as ally will be known. For it is not the specific content of the law that matters the most, it is its intent, and discovering that intent will result in a newfound meaning for this most ancient of juridic institutes.

CHAPTER I

THE NEW TESTAMENT EVIDENCE – THE SPIRITUAL BOND IDENTIFYING THOSE IN PRIESTHOOD

Canon 1008 of the *Code of Canon Law*, like each canon that introduces a sacrament, is somewhat atypical, not only in its content but also in its language. It is more theological than juridical in content:

By divine institution some among Christ's faithful are, through the sacrament of order, marked with an indelible character and are thus constituted sacred ministers; thereby they are consecrated and deputed so that, each according to his own grade, they fulfil, in the person of Christ the Head, the offices of teaching, sanctifying, and ruling, and so they nourish the people of God.¹

An analysis of the canon reveals not only its inherent theological richness, but also the wonderful way in which the unfolding of the two-thousand-year history of the church is so often synthesized in *CIC/83*. For within this canon is deposited, as it were, a portal through which one can pass to the very origins of the church, thence to travel forward to the dawning years of this third millennium. Taking this journey affords the opportunity of examining highlights in the theological evolution of the sacrament of order that lead to

¹ "Sacramento ordinis ex divina institutione inter christifideles quidam, caractere indelebili quo signantur, constituuntur sacri ministri, qui nempe consecrantur et deputantur ut, pro suo quisque gradu, in persona Christi Captis munera docendi, sanctificandi et regendi adimplentes, Dei populum pascant."

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus [= *CIC/83*], Vatican City, Libreria editrice Vaticana, 1983. British version of the English-language translation: *The Code of Canon Law: New Revised English Translation*, prepared under the auspices of The Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and The Canadian Canon Law Society, London, Harper Collins, 1997.

insights which lend themselves to a deeper understanding of the nature of incardination as it is found in the *Code*.

What is found having entered that portal? One travels backward in time arriving at a definitive moment, a moment of almost impenetrable profoundness, standing at the foot of the cross, witnessing “the church, [being] born from the side of Christ crucified [...] through the sacrifice which gave it life.”² One stands before Jesus Christ Himself, for no meaningful conversation about the church or its ministry can be undertaken without first seeing and understanding the example of the Master.³

This chapter establishes the early theological foundations of c. 1008, drawing mainly on the theologies of the New Testament and recent scholarship. The initial sections focus on the ministries in the primitive church as identified in the New Testament, treating the ministry of Jesus, the ministry of the twelve, ministries of the early evangelization beyond Jerusalem, and ministries in the emerging churches. The latter sections of the chapter address particular questions related to ministry in the New Testament era: the apostles and apostolic succession, the nature of ministry, the relationship between ministry and the Eucharist, and the notion of the priesthood.

² The Prayer Over the Gifts, “For the Universal Church,” #497, in *Sacramentary: The Roman Missal: revised by decree of the Second Vatican Council and published by authority of Pope Paul VI*. Ottawa, ON, Canadian Conference of Catholic Bishops, 1983, p. 952.

³ Of the many studies considered, it is remarkable how so few of them actually consider the ministry of Jesus himself. K. OSBORNE does do this in his book *Priesthood: A History of Ordained Ministry in the Roman Catholic Church*, New York, NY, Paulist Press, 1988, pp. 3-29.

1. The Scriptural Evidence

Sacred Scripture is the well-spring from whence this conversation must necessarily begin, for to ignore the Scriptures would be to ignore an essential – and fundamental – source of God’s own self disclosure to human beings. It is in the scouring of the Scriptures, in particular the New Testament, that the spiritual bond that identifies those in the priesthood finds its genesis and earliest evolution.

1.1. Elements taken from the ministry of Jesus

Above all, the ministry of Jesus is a ministry from God.⁴ Matthew, Mark, Luke and John make repeated references to the Father sending Jesus, who does the Father’s will: in total obedience and in dependence upon the graciousness of the Father’s benevolence.⁵ It is a ministry directed solely to the glory of the Father (Jn. 17.4).⁶

Second, the ministry of Jesus is a ministry of love.⁷ Grounded in the mutual indwelling of the Trinity, it finds its human context in the Deuteronomic maxim of the Old Covenant, the *Shema Yisrael*.⁸ It is expressed in innumerable ways throughout the

⁴ Ibid., pp. 4-7.

⁵ See for example Mt. 10.40 (“Whoever welcomes you welcomes me, and whoever welcomes me welcomes the one who sent me.”); Mk. 1.11 (“You are my Son, the Beloved ...”); Jn. 11.41 and 42 (“Father, I thank you for having heard me ... but I have said this for the sake of the crowd standing here, so that they may believe that you sent me.”) and Phil. 2.8 (“... he humbled himself and became obedient to the point of death – even death on a cross”).

⁶ All references to Sacred Scripture are taken from *The Holy Bible: Containing the Old and New Testaments with the Apocryphal/Deutero-canonical Books. New Revised Standard Version*, New York, NY, Oxford University Press, 1989, unless specified otherwise.

⁷ K. OSBORNE, *Priesthood: A History*, pp. 7-9.

⁸ The entire text of the *Shema* runs over five full verses in Deut. 6.4 – 9: “Hear, O Israel: The Lord is our God, the Lord alone. You shall love the Lord your God with all your heart, and with all your soul, and with all your might. Keep these words that I am commanding you today in your heart. Recite them to your children and talk about them when you are at home and when you are away, when you lie down and when you rise. Bind them as a sign on your hand, fix them as an emblem on your forehead, and write them on the doorposts of your house and on your gates.” Most people seem content to cite only verse 5: “You shall love the Lord your God with all your heart, and with your soul, and with all your might.”

entire three-year period of Jesus' earthly work: in his words, his actions, and in the signs and wonders that constitute manifestations of the inbreaking of the Reign of God into time and history. Love rests at the very core of his authority as Lord, when he would express in suffering and death what he spoke at his last supper: "This is my commandment, that you love one another as I have loved you. No one has greater love than this, to lay down one's life for one's friends" (Jn. 15.12-13).

Third, the ministry of Jesus is a ministry of service.⁹ The gospels are replete with images, exhortations, injunctions, and commands concerning service.¹⁰ Yet surpassing all of these is the example of Jesus placing himself at the disposal of others over and again, teaching not only in what he spoke, but also in what he did.¹¹ More often than not, the example was unequivocal: Jesus saw a need and responded to it.¹² However, there would be other times when the servant archetype would be misunderstood, requiring a careful

⁹ K. OSBORNE, *Priesthood: A History*, pp. 9-12.

¹⁰ See for example the *image* of the patient teacher in Mt. 13.1ff; or that of the guest at Cana in Jn. 2.1-11; or the image of the Good Shepherd in Jn. 10.1-10. Images also include the many stories of servants told by Jesus that illustrate the ideal of a good servant. See for example Lk. 12.35-38.

An *exhortation* is an admonishment which encourages a desired behaviour. Jesus' earnest plea cannot be lost in his words pertaining to children in Mt. 18.1-15: "If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea."

The dispute about who is greatest among the twelve occasions Jesus to be rather emphatic concerning the nature of service, particularly in the way in which he rejects proud behaviour, holding in its stead another ideal. This is, in essence, what is meant by an *injunction*. See Mt. 20.24-28; Mk. 9.33-37 and Lk. 22.24-27.

His words are direct, in the nature of a *command* in Mt. 20.26 ("... but whoever wishes to be great among you *must* be your servant"), in Mk. 9.35 ("Whoever wants to be first *must* be last of all and servant of all"), and in Jn. 12.26 ("Whoever serves me *must* follow me, and where I am, there will my servant be also"). Emphasis added.

¹¹ There are so many examples that could be cited. Let it suffice to offer but one: Mk. 6.31 and 32: "He said to them, 'Come away to a deserted place all by yourselves and rest a while.' For many were coming and going, and they had no leisure even to eat."

¹² The compassion illustrated by Jesus meeting the leper in Mt. 8.1-4 is a fine example of his eagerness to do good for another: "I do choose. Be made clean!"

explanation.¹³ Yet even then, word and behaviour would defy comprehension until after the full import of cross, resurrection, glorification, and Holy Spirit were woven into the fabric of individual and community faith.¹⁴

Finally, the ministry of Jesus is a ministry of the word.¹⁵ Itinerant, with “nowhere to lay his head” (Lk. 9.58), Jesus would spend the three years of his public life wandering through Palestine fulfilling a prophetic mission by proclaiming what he himself had heard from the Father.¹⁶ “The word made flesh” (Jn. 1.14), he would speak the truth as the Father’s “faithful witness” (Rev. 1.5). His words would challenge and console, teach and explain, admonish and correct. In every instance, Jesus reveals the Father while at the same time extending an invitation for all to enter into fullness of life with Him (Jn. 14.6).

These features of Jesus’ ministry are points in the corners, as it were, each one essential for constructing the foundation of his divine priesthood.¹⁷ Called and appointed by God, as was Aaron of old (Heb. 5.4 and 5), Christ’s priesthood would obviously be less configured to that priesthood, “[offering] sacrifice for his own sins as well as for those of people” (Heb. 5.3), than to that of the mysterious, enigmatic Melchizedek, king

¹³ Jesus shows great patience in explaining his behaviour to his disciples in Jn. 13.1-20.

¹⁴ The example just cited is evidence of this. Furthermore, it can be well argued that the very passion and death of Jesus, the Suffering Servant, is not only the supreme sacrifice, it is also an act of service without equal. R. BROWN develops this well in his book *The Gospel According to John: Introduction, Translation and Notes*, New York, NY, Doubleday and Company, 1970, p. 562. This an ongoing process for all disciples of the Lord, seeking to integrate his example into one’s own life.

¹⁵ While K. OSBORNE uses the word “preaching” to describe this aspect of Jesus’ ministry on pages 14 and 15, of *Priesthood and Ministry*, even a cursory reading of the four gospels illustrates that the prophetic mission is fulfilled in ways exceeding this one expression.

¹⁶ “... for the words that you gave to me I have given to them, and they have received them and know in truth that I came from you; and they have believed that you sent me” (Jn. 17.8).

¹⁷ W. KASPER synthesizes this succinctly in “A New Dogmatic Outlook on the Priestly Ministry,” found in *Concilium*, 5 (1969), p. 12-18.

of Salem (Gen. 14.4; Ps. 110.4; Heb. 5.5 and 10; 7.1). He belonged to no priestly caste, isolated behind the barriers of cult, but rather he “[directed] his attention to the ritually impure, the godless, and the lowest classes of society ... [entering] into all the dimensions of humanity.”¹⁸ Jesus’ sacrifice was not that of sheep, oxen and goats (Heb. 9.13) offered within the confines of sacred precinct, but rather that of his very self, offered in utter abandonment to the Father, “with loud cries and tears” (Heb. 5.7), accomplished within sight of a city in festal gathering. His is a priesthood utterly dependent upon God, accomplished in an attitude of incontrovertible love, “operative in obedience and service,” unlike any other, proclaiming unambiguously “God’s saving love for all,” and the world’s definitive reconciliation with Him.¹⁹

From this divine priesthood a community is born: “a chosen race, a royal priesthood, a holy nation, God’s own people” (1 Peter 2.9). It is called to participate in the very priesthood that brought it to birth, expressing itself through the selfsame obedience and willingness to serve, sent to “proclaim the mighty acts of him who called [us] out of darkness into his own marvellous light” (1 Peter 2.9). The “ones called out” of darkness are known by a new name – *ekklesia* – the assembly, the Body of Christ, the church.²⁰ *Ekklesia* “consists first and foremost in an internal, invisible, sacramental, and

¹⁸ Ibid., p. 13.

¹⁹ Ibid., p. 13.

²⁰ The classical definition found in any good dictionary will indicate that *ekklesia* is derived from the Greek words *kaleo* (to call), with the prefix *ek* (out). Thus, the word means “the called out ones.” However, the English word “church” does not come from *ekklesia* but from the word *kuriakon*, which means “dedicated to the Lord” or “Lord’s house.” This word was commonly used to refer to a holy place or temple. By the time of Jerome’s translation of the New Testament from Greek to Latin, it was customary to use a derivative of *kuriakon* to translate *ekklesia*. Therefore, the word “church” is a poor translation of the word *ekklesia* since it implies a sacred building, or temple. A more accurate translation would be “assembly” because the term *ekklesia* was used to refer to a group of people who had been called out to a meeting. It was also used as a synonym for the word synagogue, which also means to “come together,” that is, a gathering, for Christians, the living Body of Christ. See *Oxford English Reference Dictionary*, 2nd rev.

supernatural unity which holds all the baptized in a vital union with Christ and, in Christ, with the other members.”²¹ This *ekklesia* is known by four hallmarks that characterize it and articulate its mission: *koinonia* (fellowship or collaboration), *diakonia* (service), *martyrion* (witness) and *leitourgia* (worship),²² each one reflecting, as it were, the four corner points in the structure of Jesus’ own ministry.²³ *Koinonia* can be likened to his ministry of love; *diakonia* is equated to his ministry of service; *martyrion* as the proclamation of the word, and *leitourgia* expresses the origin and ultimate end of the whole of Jesus’ ministry, echoed by the church in the Doxology of the Eucharist: “all glory and honour is yours, Almighty Father, for ever and ever!”

1.2. The ministry of the twelve as a community sharing together

The very first witnesses of Jesus’ priesthood, constituting a community in their own right, would be those especially chosen to be his first companions – the twelve –

ed, Oxford, Oxford University Press, 2003 pp. 262 and 445. This will be referred to as *OED*. A full rich etymology of “church” is found at: www.oed.com.

²¹ B. KLOPPENBURG, *The Priest: Living Instrument and Minister of Christ, the Eternal Priest*, translated by M. O’CONNELL, Chicago, IL, Franciscan Herald Press, 1974, p. 164.

²²D. POWER, *The Christian Priest: Elder and Prophet*, London, Sheed and Ward, 1973, p. 14. Power explains: “The fellowship is the bond of charity which brings the members together in Christ and includes a material as well as a spiritual sharing (cf. Acts 2.46 and 47). The service is that, spiritual and temporal, which the members render to one another and to the good of the entire human community, as this is dictated by their faith in Christ. The witness comprises the many ways, in life, work, proclamation and even suffering, of making Christ known and loved. The worship is constituted by all these elements together, since together they are the presence of God’s glory among men, and it is expressed and enriched by sacramental celebration.”

²³ But what of the priest, prophet and king typology that emerges from the Second Vatican Council? First it must be noted that it was none other than John Calvin who articulated the triple *munera*, seeing each of them as brought into being in Christ by virtue of sacred anointing. He brought this into mainstream Christian thought in his work *Institutes of the Christian Religion*, book II, chapter XV. See the translation done by H. BEVERIDGE, Grand Rapids, MI, W.B. Eerdmans, 1989, pp. 425-432. Because this has become the current standard to understand the mission and life of Christ, it could be said that the prophetic office encapsulates *martyrion*; the priestly office encapsulates both *diakonia* and *leitourgia*, while *koinonia* is sheltered under the kingly dimension. Power’s four-fold classification deals less with Christology than it does with ecclesiology, although it certainly does justice to the former. As such he offers the church a rich and comprehensive series that speaks clearly to its nature as a society, called into being by the Redeemer, and sent by him into the world.

also known as “apostles.”²⁴ Theirs would be a role of unique authority in the emerging community, for they had personally witnessed and participated in Jesus’ ministry, particularly his death and his resurrection. Given the gift of the Holy Spirit on Pentecost day, they are entrusted with a particular mandate: “go out into the whole world and proclaim the good news” (Mk. 16.15). In other words, they were to continue the very ministry of Jesus himself.

The Acts of the Apostles illustrates their growth and maturation from a timid group of eleven accompanied by “certain women, including Mary the mother of Jesus, and his brothers” (Acts 1.14) in the days before Pentecost, to that of bold witnesses courageously facing harassment, beatings and imprisonment in places throughout the Empire, even to its very heart – Rome. Beginning with Peter’s forceful proclamation of the word in Jerusalem (Acts 1.14-26), Acts shows the apostles as a community sharing together, deepening, enriching and strengthening their *koinonia*, *diakonia*, *martyrion* and *leitourgia*, continually adding to their number “those who were being saved” (Acts 2.47).²⁵

Responsible for guiding the nascent community and its welfare, decision-making was done together with the community of disciples in a posture of reverent discernment and openness to the subtle promptings of the Spirit and in constant faithfulness to the

²⁴Apostle: from the Greek *ἀπόστολος*, *apostoloi*, a messenger, one sent forth, an emissary. Mt. 10.1-4 names the twelve. See its parallel in Lk. 6.13-15. D. POWER writes: “The apostolic underlines the need to give witness, to make known the pasch of Christ as a message of salvation. This is the original revelation upon which the church is founded.” See *The Christian Priest*, p. 27.

²⁵ See for example the nature of communal sharing and service to those in need detailed in Acts 2.44 and 45 and 4.32-37. Philip patiently teaches, then baptizes, the Ethiopian eunuch in Acts 8.26-39. Acts 3.1-10 recounts the first of many healings. Acts makes three references understood to be eucharistic in their intent: 2.42 and 46 and 20.7. However, it is not clear who presided – who actually “broke the bread.”

word and example of Jesus.²⁶ The fruit of this discernment would see others incorporated into the company of the twelve, first with Matthias elected to replace Judas Iscariot (Acts 1.15-26), followed by others sent as emissaries of the apostles.²⁷

In a similar way that same discernment would provide “seven men of good standing, full of the Spirit and of wisdom” (Acts 6.3) to assume a role apparently fulfilled by the apostles themselves, namely, the apportioning of food among the community’s needy of Greek origin (Acts 6.1). Although the seven are specifically named, indicating something of their importance,²⁸ and are commissioned by “[standing] before the apostles, who prayed and laid their hands on them” (Acts 6.6), the Scriptures do not assign to them a specific title for their role.²⁹ What is clear is that the apostles themselves are freed to dedicate themselves to the central ministry of the word in all of its complexity.³⁰

²⁶ Acts 1.15-26 and Acts 6.1-6 show two such occasions.

²⁷ Barnabas would be first (Acts 11.22). Judas and Silas would be chosen to accompany Barnabas and Paul following the Council at Jerusalem (Acts 15.30).

²⁸ Acts 6.5 gives us the names of the seven: Stephen, Philip, Prochorus, Nicanor, Timon, Parmenas and Nicholas.

²⁹ J. MCRAY, in his study *Paul: His Life and Teaching*, Grand Rapids, MI, Baker Academic, 2003, writes on p. 382: “Nowhere in the Book of Acts are the seven men of Acts 7 called by the noun form *deacon* (*διάκονος*, *diakonos*), which does not appear in the book. They were a special group known simply as ‘the seven,’ and later Philip the evangelist was remembered as ‘one of the seven’ (not ‘one of the deacons’) ... They were probably ‘almoners,’ men who distribute alms, who later became elders.”

³⁰ The heart of the word proclaimed is the *kerygma*, repeated over and over again, almost in a formulaic way: “Jesus of Nazareth, a man attested to you by God with deeds of power, wonders and signs that God did through him among you, as you yourselves know – this man handed over to you according to the definite plan and foreknowledge of God, you crucified and killed by the hands of those outside the law. But God raised him up, having freed him from death, because it is impossible for him to be held in its power. ... This Jesus God raised up, and of that all of us are witnesses” (Acts 2.22-25, 32). See R. DILLON, “Acts of the Apostles,” in *The New Jerome Biblical Commentary* [= *JBC*], R. BROWN, J. FITZMYER and R. MURPHY (eds.), London, Geoffrey Chapman, 1990, p. 724.

What is not clear, however, is the identity and role of the elders (*presbyteroi*), who make frequent appearances in the Acts of the Apostles.³¹ All that can be said from the evidence offered in the texts themselves is that they sit alongside the apostles in council, together exercising a leadership function of uncertain scope. Why are they present? What might be speculated with regard to their role? Who are they? How were they chosen?

This is the infant church in Jerusalem, coming to self-actualization from its Jewish parent only with slow, yet determined steps.³² Obviously, as with any fledgling, the desire to remain connected to the familiar is a powerful and determining predisposition. Grow and mature, certainly! Yet they always remain connected to the familiar:

In every rural town and every city district, Jewish communities were organized and governed by groups of elders who managed the local assembly or synagogue, saw to it that the needy were not neglected, acted as judges in disputes between individuals, and dealt with the gentile authorities on behalf of their people. These elders were not necessarily the oldest men in the community but they were men of mature age who were known for their administrative ability and moral character, and who were respected for their knowledge and observance of the Law. Generally they were chosen and appointed with the people's approval, and at least by the Roman era they were formally inducted into their office in a ceremony that included a laying on of hands.³³

But did the *presbyteroi* actually participate with the *apostoloi* in the specific acts of *koinonia*, *diaconia*, *martyrion*, and *leitourgia* identified as hallmarks of their community? The Scriptures are silent.

³¹ Acts 11.30; 14.23; 15.2, 4, 6, 22 and 23; 16.4; 20.17 and 21.18.

³² There were so many things to be worked out, and only in the exigencies of time, of place and of the people concerned is the context found for these steps to occur. Imagine for a moment what might have happened to the church had it decided it would remain only in Jerusalem? Or that it would only speak of Jesus to a Jewish audience?

³³ J. MARTOS, *Doors to the Sacred: A Historical Introduction to Sacraments in the Catholic Church*, rev. edition, Liguori, MO, Liguori/Triumph, 2001, p. 404. Martos' work is remarkable in its thoroughness and is recommended to any who wish deeper insight into the sacraments. For another development of the theme of laying on of hands in the Jewish context, see L. HOFFMAN, "Jewish Ordination on the Eve of Christianity, in *Studia Liturgica*, 13 (1980), pp. 11-41.

1.3. Early evangelization beyond Jerusalem and “the work of ministry”

It is important to understand that the initial movement from Jerusalem to other locales was somewhat precipitated, not so much by a desire to win converts, but because of persecution by the Jewish parent. Indeed, those first forays away appear to be less motivated by a desire to preach the good news than by the need to find safe sanctuary (Acts 8.1). This is not to suggest that the good news was silenced. On the contrary! Where the apostles stayed, they visited the believers (Acts 9.32) and shared their message with those who would listen, typically an audience of fellow Jews (Acts 11.19). That the Holy Spirit should be given to Peter’s non-Jewish hearers even before they were baptized comes as something of a shock to the “circumcised believers” in Jerusalem, who do not welcome it with particular enthusiasm (Acts 10.34 – 11.18). There is even something of the “accidental” in Greeks being an audience in Antioch for those fleeing the persecution (Acts 11.11). Yet, as time passes and the extraordinary becomes the familiar, the handiwork of Providence is gradually discerned: “Jesus Christ is Lord” (Phil 2.11) of all, not just of the children of Israel: “God has given even to the gentiles the repentance that leads to life” (Acts 11.18). Former social and religious barriers implode beneath the energy of the Holy Spirit unleashed. Joseph, the generous Cypriot, renamed Barnabas by the apostles (Acts 4.36), is discerned to become the first emissary of the twelve (Acts 11.22). Sent to Antioch, he quickly enlists the aid of Paul of Tarsus: the two of them remaining in the Syrian city for an entire year; emissaries become evangelists and teachers (Acts 11.25).

In Antioch the believers would be called “Christians” for the very first time (Acts 11.26). Furthermore, here another word attached to one having a particular role is introduced to the nomenclature – the prophet (Acts 11.27).³⁴ The evidence of the New Testament seems to indicate that prophets, like their Hebraic forerunners, were inspired orators (Acts 13.1; 21.10; 26.27; 1 Cor. 12.28 and 29; Ja. 5.10), blessed with insight, understanding and knowledge (1 Cor. 13.2), bearing messages that required thoughtful discernment (1 Cor. 14.29). Ranked immediately after the apostles in terms of their significance in leadership (1 Cor. 13.2), prophets appear to be given to the church to equip the disciples for ministry (Eph. 4.11). They were not always *bona fide*; bogus prophets were something of a bane for the apostles (Acts 13.27; 2 Pet. 2.1 and 1 Jn. 4.1). Like the *presbyteroi*, the evidence from Scripture is scant when seeking to comprehend fully their connection to the *apostoloi*, their initiation, their accountability, whether or not they were fully itinerant, whether their oratory was spared only for *leitourgia*, or what other roles they might have fulfilled.

One final player emerges in that Syrian city during Saul and Barnabas’ sojourn there: the teacher (Acts 13.1).³⁵ Seemingly third behind the apostles (1 Cor. 12.27, 28), like the prophets they are charged with preparing the community for “the work of

³⁴ The *OED* refers to a prophet as: “a person regarded as a teacher or interpreter of the will of God. Gk. *prophētēs* spokesman (as *pro* – before, *phētēs* speaker, f. *phēmi* speak).” See p. 1158. D. POWER offers this explanation: “Prophecy is a particular charism or gift which makes it possible to discern the meaning for a particular situation or a given community of that liberation which has been given to mankind in Christ and so it can point to the signs of God’s presence in human events.” See *The Christian Priest*, p. 27. See also see D. AUNE, *Prophecy in Early Christianity and the Ancient Mediterranean World*, Grand Rapids, MI, W.B. Eerdmans Publishing Company, 1983, and J. ASH, “The Decline of Ecstatic Prophecy in the Early Church,” in *Theological Studies*, 37 (1976), pp. 227-252.

³⁵ “As far as a teaching ministry can be further distinguished from the apostolic and prophetic, it points to the need for some kind of catechetical instruction and development so that some of the implications of the original apostolic word may be worked out in terms of an adequate, consistent and orthodox doctrinal development.” See D. POWER, *The Christian Priest*, p. 27. Also see K. COYLE, “The Exercise of Teaching in the Postapostolic Church,” in *Église et Théologie*, 15 (1984), pp.23-43.

ministry” (Eph. 4.11), and, like the prophets, not all of them were honourable (2 Tim. 4.3 and 2 Pet. 2.1, 2). Yet their work is regarded with particular seriousness by James, who writes: “Not many of you should become teachers, my brothers and sisters, for you know we who teach will be judged with great strictness” (Jas. 3.1). But once again, more questions are raised than are satisfied by the meagre evidence offered by the New Testament.

The Acts of the Apostles make one further, albeit fleeting, reference to emerging ministry, this one perhaps somewhat puzzling. Philip is named as one of the seven discerned to address issues of social welfare facing the Jerusalem community: a specific task that is not given a specific title. Acts 21.8 once again refers to him by name, but only this time with the appellation “evangelist.” Only two further references to evangelists are found in the New Testament, one in Eph. 4.11 and the other 2 Tim. 4.5. Neither the texts nor their context offers anything specific to indicate the nature of their work.³⁶

1.4. The exercise of ministry in the emerging churches – the Pauline and Pastoral Epistles

Of particular interest is a pattern that emerges as one reads the Acts of the Apostles: the emissaries (*apostoloi*), typically Barnabas and Paul, are sent from the twelve and the Jerusalem community to Antioch and other places in the Mediterranean basin. But their work is much more than merely conveying a message or fulfilling a specific task at the behest of the twelve: they become missionaries and evangelists in their own right. This is especially true of Paul, of whose journeys Luke gives concise,

³⁶ After Matthew, Mark, Luke and John, *the Evangelists*, an evangelist could be understood to be one who preaches the gospel to the unconverted. It often denotes an itinerant preacher without a specific attachment to a community. So how is that distinguished from a missionary? A missionary could be understood to be one who is sent to a particular place with a specific religious purpose in mind. There is a clear sense of an attachment to a community. Further comment will be offered on the specific ministry of the evangelist a little further on.

almost breathless coverage. Venturing into places that had yet to hear of Jesus Christ, sometimes under the inspiration of the Holy Spirit (Acts 19.21), sometimes because of a vision (Acts 16.9 and 10), in acceptance of an invitation (Acts 18.1-3), or moving on because a situation becomes untenable (Acts 17.12-15), Paul is simply indefatigable. Some of his visits are seemingly brief where little seems to happen (Acts 18.22). Others seem to be sojourns of a considerable length wherein it appears that he worked assiduously to provide for all that would be needed to continue what he had begun (Acts 19.22). Some were reprise calls to communities previously visited to “see how they are doing” (Acts 15.36). Paul would carefully lay a doctrinal foundation by preaching and teaching what he himself had heard from the Lord and from the twelve (Acts 16.4). He then built upon that by carefully discerning and choosing those to oversee and guide the new and vulnerable community.³⁷ In a very real way, then, Paul is transferring the structure of the Judeo-Christian church in Jerusalem to those places where the good news has been heard and accepted.³⁸

This structure would not remain static. What would remain, however, would be Paul’s overarching concern for the integrity and consistency of the message proclaimed,³⁹

³⁷ “And after they had appointed elders for them in each church, with prayer and fasting they entrusted them to the Lord in whom they had come to believe” (Acts 14.23).

³⁸ Simply put, “... here we are dealing with the notion of community ‘elders,’ which was taken over from the Jewish synagogue ... the function of community leadership stands in the foreground. It is not viewed in aristocratic terms, however, but in terms of service. It can only be exercised collegially, with the co-operation of all Christians.” See W. KASPER, “A New Dogmatic Look,” p. 14.

³⁹ See for example, “For Christ did not send me to baptize but to proclaim the gospel” (1 Cor. 1.17); “We preach not ourselves but Jesus Christ as Lord, with ourselves as your servants for Jesus’ sake” (2 Cor. 4.5); “For I want you to know, brothers and sisters, that the gospel that was proclaimed by me is not of human origin; for I did not receive it from a human source, nor was I taught it, but I received it through a revelation of Jesus Christ” (Gal. 1.11 and 12).

together with the preservation of unity in the church.⁴⁰ His writings “show a special interest in the continuity of the apostolic tradition ... [where] ministry as a service is subordinate to this continuity or succession which is apostolic in content; there must always be ministry in the church for the sake of continuity. Ministry is necessary for the sake of the gospel.”⁴¹ This would not be Paul’s sole domain, it would be shared by Peter, John, and the others who penned the letters found in the New Testament.⁴² Evidenced over and over again is the fidelity of the apostles to the Risen Christ and his example, together with an eager solicitude for those who join them in proclaiming Jesus as Lord, and an enduring alertness to the inspiration of the Holy Spirit given “for the common good” (1 Cor. 12.7).⁴³

⁴⁰ “I therefore, the prisoner of the Lord, beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace” (Eph. 4.1-3).

⁴¹ E. SCHILLEBEECKX, *Ministry: Leadership in the Community of Jesus Christ*, New York, NY, Crossroads, 1981, p. 17.

⁴² See, for example, Peter’s exhortation: “Finally, all of you, have unity of spirit, sympathy, love for one another, a tender heart and a humble mind. Do not repay evil for evil or abuse for abuse; but, on the contrary, repay with a blessing” (1 Pet. 3.8 and 9), or “Therefore I intend to keep reminding you of these things, though you know them already and are established in the truth that has come to you” (2 Pet. 1.12). Listen to John: “We declare to you what was from the beginning, what we have heard, what we have seen with our eyes, what we have looked at and touched with our hands, concerning the word of life – this life was revealed, and we have seen it and testify to it, and declare to you the eternal life that was with the Father and was revealed to us ...” (1 Jn. 1.1 and 2). The unknown writer of 1 Timothy is unequivocal: “I urge you ... to remain in Ephesus that you may instruct certain people not to teach any different doctrine ...” (1 Tim. 1.3).

⁴³ The Second Letter of John carries this exhortation: “Be on your guard, so that you do not lose what we have worked for, but may receive a full reward. Everyone who does not abide in the teaching of Christ, but goes beyond it, does not have God; whoever abides in the teaching has both of the Father and the Son” (vv. 8 and 9).

1.4.1. The organization of initial “ministry” in the First Letter to the Corinthians, the Letter to the Romans, and the Letter to the Ephesians

1.4.1.1. The First Letter to the Corinthians

In the twelfth chapter of his first letter to the church in Corinth, Paul offers two interesting lists. The first, found in verses 8-11, can be correctly understood to be the gifts of the Holy Spirit – *charismata* (charisms) - listed in hierarchical order:

To one is given through the Spirit the utterance of wisdom, and to another the utterance of knowledge according to the same Spirit, to another faith by the same Spirit, to another gifts of healing by the one Spirit, to another the working of miracles, to another prophecy, to another the discernment of spirits, to another various kinds of tongues, to another the interpretation of tongues. All these are activated by one and the same Spirit, who allots each one individually as the Spirit chooses.⁴⁴

These gifts are given freely for the good of the recipient and, through that one, for the good of all.

The second listing is found in verses 27-28, which mentions in hierarchical order once again where the gifts are to be inserted into the life of the church:

Now you are the body of Christ and individually members of it. And God has appointed in the church first apostles, second prophets, third teachers; then deeds of power, then gifts of healing, forms of assistance, forms of leadership, various kinds of tongues.

Notice how “apostles,” “prophets,” and “teachers” are prefaced with a number “first,” “second,” and “third.” These three are set apart from the balance of the text, and “constitute the fundamental threefold ministry of the word by which the church is founded and built up.”⁴⁵ Prophecy, it seems, is the only ministry that has a distinct

⁴⁴ It is held that the letter was likely written in the spring of 54 A.D. from Ephesus. See J. MURPHY-O’CONNOR, “The First Letter to the Corinthians,” in *JBC*, p. 799.

⁴⁵ Yet, while there is some degree of overlap (indicated by the use of italics) the list is rather different: “We have gifts that differ according to the grace given to us: *prophecy*, in proportion to faith; ministry, in ministering; the *teacher*, in teaching; the exhorter, in exhortation; the *giver*, in generosity; the *leader*, in diligence; the compassionate, in cheerfulness.” Only two of these, prophet and teacher, can correctly be identified with the structured ministry of the church. The others are more easily likened to the

corresponding charism. The balance of the list is of considerably less import and, while some can be equated with the *charismata* listed previously (healing, tongues and the interpretation of tongues), three new categories are introduced: “forms” of both “assistance” and “leadership”, together with “deeds of power.” From the tenor of this portion of the letter it is apparent that Paul is being exhortatory and expository rather than prescriptive. In other words, he describes for the benefit and encouragement of the Corinthian community what the Spirit of the Living One is doing in their midst, and, while it is marvellous, he appeals for them to engage in an even greater effort: living the life of love as outlined in 1 Corinthians 12.31 to 13.13. So the “appointments” he lists are not those he wishes to see instituted at some later time; they are gifts he witnesses and celebrates as present now, as signs of God’s gracious care and the community’s response to the good news he himself had proclaimed to them.

1.4.1.2. The Letter to the Romans

A parallel passage of sorts is found in the letter to the church in Rome:⁴⁶

We have gifts that differ according to the grace given to us: prophecy, in proportion to faith; ministry, in ministering; the teacher, in teaching; the exhorter, in exhortation; the giver, in generosity; the leader, in diligence; the compassionate, in cheerfulness (12.6-8).

Only two of these, “prophet,” with its accompanying charism, and “teacher,” can correctly be identified with the structured ministry of the church. There is a direct connection between the “giver” in Romans and the “forms of assistance” in 1 Corinthians. In like manner the “leader” found here is equated with “forms of leadership”

charismata found in 1 Cor. 12.8-11. See the commentary offered by J. MURPHY-O’CONNOR, just cited, on p. 810.

⁴⁶ J. FITZMYER contends that the letter to the Romans was written during the winter of 57-58 A.D., during the apostle’s sojourn in Corinth. See “The Letter to the Romans,” in *JBC*, p. 830.

from the previous list. The “exhorter” and the one “compassionate, in cheerfulness” are new. Once again, this is an instance where the apostle offers modern readers a thumbnail sketch of what existed in his day.

1.4.1.3. The Letter to the Ephesians

The final such list is one found in Ephesians 4. Although scholars agree that most likely it was not penned by Paul himself, it is nevertheless clearly the work of one familiar with his experience and thinking:⁴⁷

The gifts he gave were that some would be apostles, some prophets, some evangelists, some pastors and teachers, to equip the saints for the work of ministry, for building up the body of Christ, until all of us come to the unity of the faith and of the knowledge of the Son of God, to maturity, to the measure of the full stature of Christ (vv. 11-13).

Again, there is an apparent hierarchical ordering in the list beginning with the ministry of “apostle” followed immediately by that of “prophet” and concluding with that of “teacher.” There can hardly be surprise in having the “apostles” listed first for they had received

[...] their commission from the lips of Christ (Mt. 10.5). [...] They] had seen the Saviour after He rose again, [so] they [were] qualified to attest to the truth of His resurrection (Acts 1.21 and 22) [...] While] they enjoyed a special inspiration (Jn. 14.26) [...] their qualification lay in their possession of the inspiring influences of the Holy Ghost. Their authority was supreme. The church was under their unrestricted administration. Their word was law, and their directions and precepts are of permanent obligation (1 Cor. 5.3-6). [...] They] enjoyed the power of working miracles (Mk. 16.15) [...] seen as] manifestations of ‘God also bearing witness’ [...] They] had the gift of tongues themselves (Rom. 1.11) [...] they had also the power of imparting spiritual gifts to others [...] and] their commission to preach and found churches was universal, and in no sense limited (2 Cor. 11.28).⁴⁸

For their part, “prophets”

[...] ranked next in order to the apostles [...] they spoke under the influence of the Spirit; and as their instructions were infallible, so the church was building on their foundation as

⁴⁷ P. KOBELSKI, “The Letter to the Ephesians,” in *JBC*, p. 884.

⁴⁸ J. EADIE, *Commentary on the Epistle to the Ephesians*, Grand Rapids, MI, Zondervan Publishing House, 1979, pp. 298 and 299.

well as that of the apostles (Eph. 2.20). [...] They were inspired *improvisatori* in the Christian assemblies – who, in animated style and under irresistible impulse, taught the church, and supplemented the lessons of the apostles, who, in their constant itinerations, could not remain long in one locality. Apostles planted and prophets watered; the germs engrafted by the one were nurtured and matured by the other.⁴⁹

“Evangelists”⁵⁰ meanwhile

[...] may have been auxiliaries of the apostles, not endowed as they were, but furnished with clear perceptions of saving truth, and possessed of wondrous power in recommending it to others. Inasmuch as they itinerated, they might thus differ from stationary teachers. While the prophets spoke only as occasion required, and their language was an excited outpouring of brilliant and piercing thoughts, the evangelist might be more calm and continuous in their work. Passing from place to place with the wondrous story of salvation and the cross, they pressed Christ on [people’s] acceptance, their hands being freed all the while from matters of detail in reference to organization, ritual and discipline.⁵¹

The Ephesian list concludes with the phrase: “some pastors and teachers.” The “teacher” is not new, a role third in grade behind the “apostles” and “prophets” as seen in 2 Corinthians 12.28. Intriguing here is the way in which the article “some” is attached to the noun “pastor” preceding the noun “teacher,” to which it is joined by the conjunction “and.”

One way to read this list is by breaking it into two distinct groupings: “apostles” and “prophets” in the first, “preacher,” “pastor” and “teacher” in the latter.⁵² Remembering that “apostles,” “prophets” and “teachers” are found early in the life of the nascent church engaged in proclaiming the word of God,⁵³ they belong to the past.⁵⁴

⁴⁹ Ibid., pp. 300 and 301.

⁵⁰ R. SCHNACKENBURG is one writer of many who does not employ the word “evangelist,” preferring a more prosaic and perhaps readily understood “preacher.” See *Ephesians: A Commentary*, translated by H. HERON, Edinburgh, T & T Clark, 1991, p. 180. Also see P. KOBELSKI, “Ephesians,” in *JBC*, p. 889. Henceforth we will use the term “preacher” to refer to this particular ministry.

⁵¹ J. EADIE, *Commentary on Ephesians*, pp. 302 and 303.

⁵² See R. SCHNACKENBURG, *Ephesians: A Commentary*, p. 181.

⁵³ “But how are they to call on one in whom they have not believed? And how are they to believe in one of whom they have never heard? And how are they to hear without someone to proclaim him unless

Preachers occupy the middle ground, bridging the past with the future: apostles, prophets and teachers on the one bank; pastors, as leaders of local congregations, on the other.⁵⁵ These preachers “are not apostles but rather preachers of the gospel in full agreement with the apostles ... [which] suggest[s] that we should here think of the kind of people who take up and continue the apostolic teaching.”⁵⁶

But what of “pastors”? This is another new word, one not used elsewhere in the New Testament in quite the same way. While allusions do clearly exist suggesting such an office (Jn. 21.15-17; Acts 20.28 and 1 Pet. 5.7), and a clear image of the pastor is found in John 10.11 in reference to Jesus as the Good Shepherd,⁵⁷ “pastor” as used here seems to point to an administrative function characterized by one possessing “a firm grasp of the word that is trustworthy [and] in accordance with the teaching, so that he may be able both to preach with sound doctrine and to refute those who contradict it” (Titus 1.9). The role is that of “careful, tender, vigilant superintendence and government, being the function of an overseer or elder.”⁵⁸ In short, “the one office [that is, pastor *and* teacher] is thus honoured appropriately with the two appellations. It comprised

they are sent? ... So faith comes from what is heard, and what is heard comes through the word of Christ” (Rom. 10.14, 15 and 17).

⁵⁴ “... built upon the foundation of the apostles and prophets, with Christ Jesus himself as the cornerstone” (Eph. 20.20). See J. MURPHY-O’CONNOR, “First Corinthians,” in *JBC*, p. 810.

⁵⁵ R. SCHNACKENBURG, *Ephesians: A Commentary*, p. 181.

⁵⁶ *Ibid.*, p. 181.

⁵⁷ P. KOBELSKI, “Ephesians,” in *JBC*, p. 889.

⁵⁸ J. EADIE, *Commentary on Ephesians*, p. 305.

government and instruction, the former being subordinate to the latter,”⁵⁹ the reason being to “equip the saints for the work of ministry” (Eph. 4.13).

The Letter to the Ephesians signals “a period of transition in which pastors and teachers need to be strengthened in their position.”⁶⁰ So what has happened to bring about this transition? Exegetes indicate that the Letter to the Ephesians is certainly based upon Paul’s writings, the Letter to the Colossians in particular, but not authored by Paul himself. They suggest it was written sometime between 80 and 100 A.D. The audience would appear to be somewhat broader than the community at Ephesus – several communities in Asia Minor.⁶¹ The letter’s six chapters reflect three collisions that have impeded the smooth progression of the church. First, by 60 A.D. all of the major apostles have been removed from the scene, no longer present to exert their influence or to exercise their unique authority. Second, the Jewish Wars begun in 66 A.D. effectively end with the sacking of Jerusalem and the burning of the Temple by Titus and his Roman legions in 70 A.D. This results in the third and final collision, a definitive separation – almost an orphaning – of the community from its Jewish parent.⁶² So the incipient church structure that reflected certain local adaptations now requires a degree of solidification.⁶³ This is evidenced clearly in the letter, with the result that

⁵⁹ Ibid., p. 306.

⁶⁰ R. SCHNACKENBURG, *Ephesians: A Commentary*, p. 182.

⁶¹ See P. KOBELSKI, “Ephesians,” in *JBC*, p. 885 and R. SCHNACKENBURG, *Ephesians: A Commentary*, pp. 24-37.

⁶² R. BROWN, “Early Church,” in *JBC*, p. 1344.

⁶³ Two further innovations need to be examined before moving on. A certain “Tychicus” is mentioned as being a “minister of the Lord” in Eph. 6.21, while one named “Epaphras” is called “a faithful minister of Christ” in Col. 1.7. What a “minister” is or does is not specified. It can be deduced, however, that they share in some way in the work of the apostle. The second involves the “widows” specifically mentioned in 1 Tim. 5.3-6, 9-13 whose task it seems was one of prayer for the community and meeting its

when [the author of the letter] speaks of pastors and teachers he has one office in mind. The divinely called pastor is the divinely commissioned teacher; and the divinely called teacher is the divinely commissioned pastor. They are pastor-teachers, or teacher-pastors. They are *poimenai* – ‘shepherds’ and *disakaloi* – ‘instructors.’ Elsewhere these same persons are called ‘elders’ or ‘bishops’ whose business is both ‘to tend the flock’ (Acts 20.28; 1 Pet. 5.2), and to be ‘apt to teach’ (1 Tim. 3.2).⁶⁴

Elders or bishops? Chronologically, the Letter to the Ephesians is not the earliest letter to make reference to elders or bishops. Indeed, three earlier letters make precisely the same citation but with a brevity that begs the development that Ephesians offers.

1.4.1.4. The Letter to the Philippians, the Letter of James and the First Letter of Peter

The Letter to the Philippians, written sometime between 57 and 58 A.D., is without doubt penned by Paul, and is addressed “to all the saints in Christ Jesus, who are in Philippi, with the bishops and deacons” (Phil. 1.1). This greeting contains not only a reference to “bishops”, but also the first of only two references made by the apostle to “deacons.”⁶⁵ Likely written from a prison cell in Ephesus (Acts 19.1-20), the letter is meant for Greek and Roman converts in the Macedonian city, and actually speaks of

a distinct group of officeholders, *episkopoi* and *diakonoi*, within the wider community. [...] Both terms had widespread secular usage in the Greek-speaking world, *episkopos* denoting oversight or administration, and *diakonos* having the sense of ‘minister’ or ‘attendant.’ The *episkopoi* here correspond to the *presbyteroi*, ‘elders,’ of the post-Pauline churches (Acts 20.17, 28; 1 Pet. 5.1, 2; Titus 1.5-9). The *diakonoi* may have seen to the relief of the poor, though Paul also regards preaching as a *diakonia*. While remote

corporal needs. This latter reference, however, corresponds more closely to the time of the Pastoral Epistles that offer a rich commentary on the nature of ministry itself.

⁶⁴ H. MCDONALD, *The Church and its Glory: An Exposition of Paul's Letter to the Ephesians*, London, Henry E. Walter, 1973, p. 91.

⁶⁵ The other reference to the ministry of deacon is found in his letter to the church in Rome. See J. FITZMYER, “Romans,” in *JBC*, p. 830. Paul writes of “our sister Phoebe, a deacon of the church in Cenchreae” (Rom. 16.1). Fitzmyer notes: “Perhaps *diakonos* designates a member of a special group in the church of Cenchreae, or perhaps it is only a generic designation, ‘servant, assistant.’ There is no way of being sure that the term already designates a special ‘order’ of ministers.”

from the use of these terms in the later church, *their mention here marks the dawn of permanent ministry.*⁶⁶

In the Epistle of James is found the second mention of elders or bishops. In chapter 5, verse 14 is found: “Are any among you sick? They should call for the elders of the church and have them pray over them, anointing them with oil in the name of the Lord.” The five-chapters-long exhortation, directed to a Jewish-Christian community residing outside of Palestine, is believed to have been written in the early or mid sixties A.D. by an unknown author well versed in both Hellenism and Judaism.⁶⁷ The specific reference to the elders, *presbyteroi*, refers to men who were “closely associated with the apostles in authority (Acts 15.2, 4, 6, 22 and 23; 16.4). Elders were likewise appointed over the missionary churches (Acts 14.23; 20.17; 1 Tim. 5.17, 19; Titus 1.5). Thus the term does not signify merely advanced age, but an official position of authority in the local church.”⁶⁸ It is important to point out that although *presbyteroi* were indeed closely associated with the apostles and even appointed by them, they “are not equated to either Paul himself or the apostles generally. In other words, they are not presented as ‘succeeding’ to Paul or the apostles.”⁶⁹

The last of these earlier references is found in the First Letter of Peter:

Now as an elder myself and a witness of the sufferings of Christ, as well as one who shares in the glory to be revealed, I exhort the elders among you to tend the flock of God that is in your charge, exercising the oversight, not under compulsion but willingly, as God would have you do it – not for sordid gain but eagerly. Do not lord it over those in your charge but be examples to the flock. And when the chief shepherd appears, you will win the crown of glory that never fades away. (1Pet. 5.1-4).

⁶⁶B. BYRNE, “The Letter to the Philippians,” in *JBC*, p. 793. Emphasis added.

⁶⁷T. LEAHY, “The Epistle of James,” in *JBC*, pp. 909 and 910.

⁶⁸*Ibid.*, p. 915.

⁶⁹K. OSBORNE, *Priesthood: A History*, p. 82.

Addressed to Christians of pagan origin in an unspecified locale in Asia Minor, it is held that the letter was generated by Simon Peter himself just shortly before his death in 65 A.D.⁷⁰ Expressing a certain solidarity with the community's elders, Peter's use of the term reflects an office of pastoral leadership taken from contemporary Judaism, which though it appears to be stable enough as to warrant remuneration of some sort ("not for sordid gain"), is not a well-developed structure in this community.⁷¹

1.4.1.5. The Pastoral Epistles

Because the First and Second Letters to Timothy, together with the Letter to Titus, are "the only New Testament documents addressed to [two specifically named] shepherds or 'pastors' of Christian communities, and because they deal with church life and practice,"⁷² they are referred to as the "Pastoral Letters." Likely composed just shortly before 100 A.D., by an unknown "apostle Paul,"⁷³ and addressed to churches in the Aegean area of Asia Minor, they are included among the later writings found in the New Testament. They are important in that they offer the clearest, most concise

⁷⁰ See W. DALTON, "The First Epistle of Peter," in *JBC*, pp. 903 and 904.

⁷¹ *Ibid.*, p. 908.

⁷² R. WILD, "The Pastoral Letters," in *JBC*, p. 891.

⁷³ R. WILD contends that the letters were most likely written by someone other than Paul. However, he does not consider them to be forgeries, appealing to the "philosophical tradition" of the ancient world of writing pseudonymously in an effort to preserve and extend the thinking of an "intellectual master." See *ibid.*, p. 892. On the other hand, J. MCRAY indicates that because "the relationship between writer and recipients reflected in these letters mirrors that known to exist between Paul and the two young men Timothy and Titus, both of whom Paul converted," there is little doubt that the letters were indeed written by the apostle. See J. MCRAY, *Paul: His Life and Teaching*, Grand Rapids, MI, Baker Academic, 2003, p. 354. Although there is something heart warming in imagining an older Paul mentoring his spiritual sons, Wild puts forward convincing evidence to support his position. In the interest of readability, the unknown author who calls himself the "apostle Paul" will simply be referred to as "the apostle."

discourse on the nature of ministry itself, and this apparently in three distinct manifestations: *episkopos*, *diakonos*, and *presbyteros*.

In his First Letter to Timothy, the apostle addresses himself to the requirements for those aspiring to “the office of bishop” – *episkopos* (1 Tim. 3.1-7). The one desiring such a “noble task” must be above reproach and married only once, temperate, sensible and respectable. He must be an apt teacher, gentle and not quarrelsome. He is to be a good manager of his own household with submissive and respectful children. He cannot be a recent convert and he should be well thought of by those outside the community. The list is not exhaustive, for in Titus 1.7-9 the apostle adds that “God’s steward” must be blameless, not arrogant or quick-tempered. He is to be a lover of goodness, prudent, upright, devout and self-controlled. He needs to possess a firm grasp of the word in such a way as to be faithful to “the teaching.”⁷⁴ Because of this he will preach sound doctrine and be able to refute those who pose contradictions to it.

There are four points of convergence between 1 Timothy and Titus: 1) the bishop must be hospitable; 2) he may not be addicted to wine nor be a drunkard; 3) he must not be violent, and 4) he cannot be a lover of money, that is, be greedy for gain. Do these indicate issues of particular concern arising from experience? It would seem so. What emerges, however, is that the bishop is first of all one entrusted with the “care of God’s church” (1 Tim. 3.5) – the household of faith (see 2 Tim. 2.20 and 21) - as its manager or “steward” (Titus 1.7). In this way, “the Christian community [remains] attractive to

⁷⁴ R. WILD argues that “the teaching” is fidelity to “Pauline teaching” and that communicating it faithfully is of “paramount importance” for the apostle. See “Pastoral Letters,” in *JBC*, p. 894.

outsiders [which] derives from the realization that God wants every person to be saved.”⁷⁵

A similar list is addressed to deacons (*diakonoï*) in 1 Timothy 3.8-13. For their part, they must be serious and not “double-tongued.” They are not to indulge in too much wine nor be greedy for money. They are to hold fast to the mystery of faith with a clear conscience. They must be tested before they are entrusted with the service correctly belonging to deacons. Like bishops, they are to be married but once, illustrating that they are good managers of their children and households. There is little doubt that verse eleven is not an excursus away from the diaconal subject, but rather it is intended for women who are included among their number.⁷⁶ Nor can it be argued that the requirements found in this verse are meant solely for women. Rather, the wording seems to imply that all deacons, men and women, are to be serious, temperate, faithful in all things and not given to slander.⁷⁷ Emerging from the text is a twofold reference to service. But what is encompassed in that service is not expressed. Interestingly, though, the apostle indicates that those who serve well not only acquire “good standing for themselves,” presumably both within the community and outside of it, but also a “great boldness in the faith” (1 Tim. 3.13).

The shortest, most perfunctory list is given to the one known as the *presbyteros*, the elder, and it is not found in the first letter to Timothy but rather in that addressed to

⁷⁵ Ibid., p. 897.

⁷⁶ That verse reads: “Women likewise must be serious, not slanderous, but temperate, faithful in all things.”

⁷⁷ R. WILD states: “Since the qualities required for the ‘women’ (or ‘wives’ [i.e., of the deacons – the Gk *gynaikas* is ambiguous]) are virtually identical to those listed in vv. 9-10, and since there is no similar reference to the wives of bishops or elders, the author probably refers here to women deacons.” See *ibid.*, p. 897.

Titus. There it is written: “appoint elders in every town ... someone who is blameless, married only once, whose children are believers, not accused of debauchery and not rebellious” (Titus 1.5 and 6). The qualities recorded are, with the exception of rebelliousness, virtually the same as found in the previous two lists.⁷⁸

There are, however, three interesting observations to be made with regard to the *presbyteroi* as found in the Pastoral Letters. First, note that in verse 14 of chapter 4 of Timothy’s first letter, the apostle writes: “Do not neglect the gift that is in you, which was given to you through prophecy with the laying on of hands by the *council of elders*.” Verse 17 of the next chapter states: “Let the *elders* who rule well be considered worthy of double honour, especially those who labour in preaching and teaching.” Finally, verses 5 and 6 of the first chapter in the Letter to Titus requests: “you ... should appoint *elders* in every town.”⁷⁹ Each time the word “elder” is used, it is employed in the plural. So even at this stage of development, approximately one hundred years after the Pentecost event, and here in Asia Minor, is found a harkening to the Jewish parent of the young Christian church, more specifically, to the council of elders typical of God’s Hebraic People: a Judeo-Christian structure “exported” to the reaches of the Empire.

Second, the apostle prescribes that it is “with the laying on of hands,” and only after discernment rendered through prophecy, that the “council of elders” ordains and missions a candidate for ministry (1Tim. 4.14). Again, here is found an utterly faithful

⁷⁸ Debauchery is a large enough category to encompass intemperance, drunkenness, greed, violence and a lack of self-control as articulated in the lists found in both Timothy and Titus in reference to bishops.

⁷⁹ Emphasis added.

re-presenting of that ancient tradition of benediction and commissioning known so well that the twelve would employ it unhesitatingly with the seven chosen for the care of the community (Acts 6.6).

Finally, the Letter to Titus is curious because of the way in which the inspired writer does something not yet seen: he makes a liaison of sorts between *presbyteros* and *episkopos*. In the first chapter, it appears as though verse 6 is a mere precursor to verse 7, conjoined to it by the preposition “for.”⁸⁰ Is this a question of a direct correspondence between two offices whereby any question of distinction is removed? Or is the use of the word “for” at the beginning of verse 7 meant to signal an indirect correspondence, such that there are two offices to be seen here, quite distinct from one another, and yet related?

An important clue is found in 1 Timothy 5.17: “Let the elders who rule well be considered worthy of a double honour, especially those who labour in preaching and teaching.” Preaching and teaching? As has been seen, this is but one office known by many names: pastor, teacher, shepherd, instructor, elder, bishop:⁸¹

It should be remembered that in the language of the New Testament, shepherds were also elders (1 Peter 5.1-5). In Paul’s speech to the *elders* (presbyters, πρεσβύτεροι, *presbyteroi*) of Ephesus in Miletus (Acts 20.17), he calls them *overseers* (or bishops, ἐπίσκοποι, *episkopoi*) and charges them to “tend the flock” (ποιμαίνειν ποίμνιον, *poimainein poimnion*), or be shepherds (Acts 20.28). Thus, all three terms are employed for the same men. These men, known as presbyters or elders, overseers or bishops, and pastors or shepherds, are referred to in these various ways to emphasize the different functions and qualifications of their office. ... Elder and bishop are thus synonymous terms.⁸²

⁸⁰ The text reads: “I left you behind in Crete for this reason, so that you should put in order what remained to be done, and should appoint elders in every town, as I directed you: someone who is blameless, married only once, whose children are believers, not accused of debauchery and not rebellious. For a bishop, as God’s steward, must be blameless; he must not be arrogant or quick-tempered or addicted to wine or violent or greedy for gain.”

⁸¹ See H. MCDONALD, *The Church and its Glory*, p. 21.

⁸² J. MCRAY, *Paul: His Life and Teaching*, p. 379.

There can be little doubt that, although presbyters emerge from the Judeo-Christian experience, they are fused, as it were, with a variety of new ministries that emerge as a result of specific needs experienced by Christian communities in a largely Hellenistic milieu.⁸³ Principal among these new ministries are those of *episkopos* and *diakonos* borrowed, not from sacred or theistic sources, but rather from secular Greek society.⁸⁴ So the sacred author of the Pastoral Letters intends

to urge church leaders to value and maintain ecclesial and societal structure and order. For him true Christianity was no countercultural movement akin to early Cynicism. It upheld, rather, the fundamental value of Roman society, *eusebeia*, "piety," i.e., the due maintenance of proper relationships between the divine realm and the human and between the various orders of human society themselves. Both the author's understanding of God's salvific intent ('God wishes to save every human being' [1Tim. 2.4]) and his concern to resist heresy and division pushed him in this direction. He envisioned Christianity as a worldwide and fully unified movement that fulfilled the deepest aspirations of contemporary culture for civic and familial harmony.⁸⁵

This perusal of the New Testament gives rise to four questions: 1) Since references to "apostle" seem to have disappeared from the nomenclature from the time of the Letter to the Ephesians, what can be said of the twelve and of those references to "apostle" emerging from the written record of this period in the new dispensation? 2) Just what did the early church understand ministry to be? 3) Where is the Eucharist in this evolution? 4) Were the *presbyteroi* and *episkopoi* considered to be priests?

⁸³ D. POWER, *Ministers of Christ and His Church: The Theology of the Priesthood*, London, G. Chapman, 1969, p. 25.

⁸⁴ A. DULLES writes: "The church did borrow certain elements from the Hellenistic world and from the political organization of the Roman Empire. Since the church is a historical reality, this should be expected. To imagine that the church should never develop beyond her primitive and rudimentary forms and should draw nothing from the surrounding secular culture, would be to ignore all that we have said ... about the historicity of the church and her Catholic openness to the world." See *The Catholicity of the Catholic Church*, Oxford, Clarendon Press, 1985, p. 119.

⁸⁵ A. WILD, "The Pastoral Letters," in *JBC*, p. 893.

2. The gradual understanding of the fourfold implications of the spiritual bond

The answers to these questions would not emerge suddenly, either with a flash of insight nor with any definitive declaration. Rather, the evidence offered by the New Testament evidence points to a gradual understanding, one akin to the creeping rays of the sun that chase away the chill and shadows of the predawn hours.

2.1. “Apostolic” ministry and “Koinonia”

By the mid-sixties A.D., the term *apostle* disappears inasmuch as it pertains to the twelve in their unique position as the chosen companions of the Lord and witnesses to His death and resurrection. The reason is quite simple: none of them remained alive: they were but a memory, a “hallowed memory.”⁸⁶ Others certainly referred to themselves as “apostles.” Paul laid claim to the title by virtue of his personal encounter with the Risen One (Acts 1.1-9), although he considered himself to be “as one untimely born ... unfit to be called an apostle” (1 Cor. 15.9). Sylvanus and Timothy call themselves apostles when, as co-authors, they join with Paul in sending their two letters to the young church in Thessalonica (1 and 2 Thess. 1.1). Paul refers to James, the “brother of the Lord” as an apostle. He gives the same title to Barnabas in 1 Corinthians 9.6, and to Andronicus and Junia in Romans 16.7.⁸⁷ But these are not to be understood in any way as inheriting or occupying the unique positions of esteem and authority held

⁸⁶ P. BERNIER, *Ministry in the Church: A Historical and Pastoral Approach*, Mystic, CT, Twenty-third Publications, 2000, p. 22. Bernier offers a study on the place of the twelve in the birth of the primitive church, as does R. BROWN in *Priest and Bishop: Biblical Reflections*, Paramus, NJ, Paulist Press, 1970. A synthesis of that work is found in his brief, yet comprehensive article: “The Twelve and the Apostolate,” in *JBC*, pp. 1377-1381.

⁸⁷ J. FITZMYER, notes that: “Junias is a man’s name, but *Iounian* could also be the acc. of ‘Junia,’ a woman’s name, which ancient commentators at times took as the name of Andronicus’s wife. This may suggest that Andronicus and Junia(s) enjoyed the esteem of those who were apostles, or it may mean that they were, indeed, among those who were ‘apostles’ – for the latter title was given in the early church to more than just the twelve.” See “Romans,” in *JBC*, p. 868.

by the twelve: those were simply irreplaceable, their number permanently set at twelve, for “they were representatives of the renewed Israel who would play an eschatological role seated on the twelve thrones of judgment (Mt. 19.28; Lk. 22.30) ... the New Testament never shows Peter or any other member of the twelve appointing a successor.”⁸⁸

But if this is the case, what of the contemporary notion of apostolic succession? Is it not dependent upon an understanding of an apostle choosing his successor, then laying hands upon that one’s head, who lays hands, in his turn, upon his successor’s head, and so on until the present day? Is it not the case that the apostles are the first bishops and, because of the apostolic succession, those that follow are in their turn, apostles? It is not quite that simple because: “the apostles are not called ‘bishops’ in the New Testament, and therefore the ministry of the apostles cannot be equated with *episkopos* and/or presbyter. The ministry of apostle and the ministry of *episkopos*/presbyter are not co-terminous.”⁸⁹ Furthermore,

the bishops became the successors of the apostles by taking over the pastoral care of the churches the traveling apostles had established – this is the most verifiable understanding of ‘apostolic succession.’ The contention that all early bishops had hands laid on them by the twelve or even by apostles understood in the broader sense is unverifiable and unnecessary for the validity of apostolic succession.⁹⁰

In its most primitive expression, apostolic succession has a clear pastoral intent: the shepherding of God’s people. Conjoined with shepherding, of course, is teaching, so “apostolic succession, consequently, is intended to safeguard the faithful transmission of the word so that it can be heralded with confidence and lead to the firm assent of faith.

⁸⁸ R. BROWN, “The Twelve,” in *JBC*, p. 1381.

⁸⁹ K. OSBORNE, *Priesthood: A History*, p. 82.

⁹⁰ R. BROWN, “The Twelve,” in *JBC*, p. 1381.

Understood in this way, the apostolic succession is the institutional counterpart of the apostolic tradition.”⁹¹ It is fundamentally and simply expressed as fidelity to Christ himself, to the full content of his message, to his four-fold ministry and his priesthood, just as that was entrusted first to his closest companions, thence to those who followed after them.

For this reason, those called to follow in the stewardship of the apostles are bound to protect and enhance *koinonia*. They are bound to equip, animate and, with gratitude, to celebrate *diakonia*. They are to preserve and defend the divine truth while transmitting it in such a way as to make it accessible to those who seek it, both in season and out (2 Tim. 4.2), in *martyrion*, whether that be spoken, written or proclaimed in action. Finally, together with the saints, they are to draw deeply from, and honour worthily, the One true God, from whom all life and goodness comes, in acts of *leitourgia* – acts which express, deepen and vivify *koinonia*, *diakonia* and *martyrion* in divine and holy encounter.⁹²

⁹¹ A. DULLES, *Catholicity of the Catholic Church*, p. 120. Dulles also notes that: “For Catholics there is no entry into the highest governing body of the church except by the consent and action of those who already belong to that body. The normal practice of having three consecrating prelates is a sign that the bishops are collegially co-opting a new member into their ranks.”

⁹² Article 860 of the *Catechism of the Catholic Church* states: “In the office of the apostles there is one aspect that cannot be transmitted: to be the chosen witnesses of the Lord’s Resurrection and so the foundation stones of the Church. But their office also has a permanent aspect. Christ promised to remain with them always. The divine mission entrusted by Jesus to them ‘Will continue to the end of time, since the Gospel they handed on is the lasting source of all life for the Church. Therefore, ... the apostles took care to appoint successors.’” While the evidence from the New Testament seems to suggest a somewhat less determinative approach on the part of the twelve, the *Catechism* accurately reflects the practice of the church from a time just after the one considered here. See *Catechismus Ecclesiae Catholicae*, [= CCC] Libreria Editrice Vaticana, Città del Vaticana, 1997. English translation, *Catechism of the Catholic Church: Modifications from the Editio Typica*, 2nd edition, prepared under the auspices of the United States Catholic Conference, New York, NY, Doubleday, 2003, p. 248.

2.2. “Ministry” at the service of unity – “Martyrion”

If apostolic succession has its origin in Christ himself, then in the same way it is accurate to say that: “[all] Christian ministry finds its origin in the salvific ministry of Jesus Christ [... it therefore] involves a participation in Christ’s own ministerial mission and power.”⁹³ It is Christ who calls, it is Christ who gifts, it is Christ who inserts the disciple into the world’s hunger and thirst. It is Christ who works with and through that one for the salvation of all and the sanctification of the world.⁹⁴ Such a work, undertaken in faith, can never be a private or solitary affair, for by definition it must necessarily impact upon others, even if that be in ways imperceptible to the senses. It can never be private nor solitary, for the nature of God’s own self is *communio*, always directed to the Other, always open to others. Ministry engaged in response to the command of the Risen One (“Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you” [Mt. 28.19 and 20]), is necessarily a personal participation and investment in that universal commission. It is “the public activity of a baptized follower of Jesus Christ flowing from the Spirit’s charism and an individual personality on behalf of a Christian community to proclaim, serve, and

⁹³ B. COOKE, *Ministry to Word and Sacraments: History and Theology*, Philadelphia, PA, Fortress Press, 1976, p. 196. This work is now considered a classic text for the historical development of ministry in general, the ordained ministry specifically, and the relationship between the priesthood of the baptized and that of the ordained. His thought is well-developed and beautifully footnoted. Not only does Cooke approach his subject matter from a Roman Catholic perspective, he does so from a much broader, albeit less developed “Protestant” perspective as well. A current, study is that offered by M. LAVIN in *Theology for Ministry*, Ottawa, ON, Novalis, 2004.

⁹⁴ “This concept of service became a specifically ecclesial concept when the primitive Christian churches adopted the Greek word *diakonia* to express the idea of service and leadership in and for the Christian community. From *diakonia*, through the Latin *ministerium*, we get the English word ‘ministry.’ Ministry in the church must reflect that loving service of others that Jesus modelled in his life as well as in his death. All Christians are called to this kind of service to others in virtue of their baptism.” T. RAUSCH, *Priesthood Today: An Appraisal*, Mahwah, NJ, Paulist Press, 1992, p. 40.

realize the kingdom of God.”⁹⁵ It is pneumatic, deriving from the very essence of the Holy Spirit. It is dynamic, always fresh and new in response to the ever changing kaleidoscope of human experience in time and history. It is amorphous, pluriform, not predetermined, confident and trusting enough to adapt and even borrow outright structures and ideas from both theistic and secular sources. It is never feeble, emerging as it does in consort with the word of God which is as: “the rain and the snow come down from heaven, and do not return there until they have watered the earth, making it bring forth and sprout ... [accomplishing] that which I purpose” (Is. 55.10 and 11). It is always seminal, seeking always and everywhere “to equip the saints for the work of ministry, for building up the body of Christ, until all of us come to the unity of the faith and of the knowledge of the Son of God, to maturity, to the measure of the full stature of Christ” (Eph. 4.12 and 13). Ministry is always at the service of unity, for it can never be antithetical to the prayer of the Founder: “that they may be one ... [as] you, Father, are in me and I am in you, may they also be in us” (Jn. 17.21).

2.3. “Diakonia” and the emerging place of the Eucharist

Relatively little data can be derived from the Acts of the Apostles and the epistles with regard to the Eucharist: their focus is to provide the foundational material for ministry. For the Eucharist, one must turn to the gospels.⁹⁶ There are, however, a few exceptions to be found.

⁹⁵ T. O’MEARA, *Theology of Ministry: Completely Revised Edition*, Mahwah, NJ, Paulist Press, 1999, p. 150. Just earlier, on page 141, O’Meara offers six hallmarks of Christian ministry: “1) doing something; 2) for the advent and presence of the kingdom of God; 3) in public; 4) on behalf of the Christian community; 5) as a gift received in baptism, and ordination; and 6) as an activity with its own limits and identity existing within a diversity of ministerial actions.”

⁹⁶ K. OSBORNE, *Priesthood: A History*, p. 78.

The Acts of the Apostles make three references understood to be eucharistic in their intent: 2.42, 46 and 20.7.⁹⁷ Authored by Luke in the same five-year period as his gospel, likely between 80 and 85 A.D., it is contemporary with the work of Matthew who, it is believed, gave his gospel to the church somewhere between 80 and 90 A.D. Mark's gospel is the earliest of the Synoptics, authored in the vicinity of 60 A.D. John's gospel, the last of the four to be penned, has exegetes hard-pressed in offering anything more specific for its authorship than a thirty-year period – beginning in 90 and terminating in 120 A.D. John remains in a category of its own, not just because of its distinctive theological style, including the rather elaborate and complex eucharistic commentary found in the “Bread of Life Discourse” (Jn. 6),⁹⁸ but also because of the noticeable lack of an institution narrative.⁹⁹ In its stead, the Evangelist offers the context within which the Eucharist is to be understood, namely, that of *diakonia* – service.

But the earliest known eucharistic references in the New Testament are actually found in 1 Corinthians, undoubtedly written by Paul himself, likely during a sojourn in Ephesus during the spring of 54 A.D.

In 1 Corinthians 10.16-17 Paul writes:

⁹⁷ “They devoted themselves to the apostle’s teaching and fellowship, to the breaking of bread and the prayers” (Acts 2.42). “Day by day, as they spent much time together in the temple, they broke bread at home and ate their food with glad and generous hearts” (Acts 2.46). “On the first day of the week, when we met to break bread, Paul was holding a discussion with them” (Acts 20.7).

⁹⁸ A rather definitive commentary on the gospel is found in R. SCHNACKENBURG’s, four-volume commentary, *The Gospel of John*, translated by K. SMYTH, New York, NY, Seabury Press, 1980. See also the spiritual reflection as offered by J. VANIER in *Drawn into the Mystery of Jesus through the Gospel of John*, Ottawa, ON, Novalis, 2004. See pp. 115-131 where Vanier reflects upon “food for life.”

⁹⁹ See Mt. 26.26-29; Mk. 14.22-25 and Lk. 22.14-20. Both Luke and Paul record Jesus as saying: “do this in remembrance of me” (v. 19). However, the words are not directed to any specific hearers in Paul’s letter. See 1 Cor. 11.24. In Luke they are directed specifically to the twelve seated at table with him. See Lk. 22.14.

The cup of blessing that we bless, is it not a sharing in the blood of Christ? The bread that we break, is it not a sharing in the body of Christ? Because there is one bread, we who are many are one body, for we all partake of the one bread.

In the act of sharing in the sacred meal, the gathered believers are “constituted a body, whose diversity is rooted in an organic unity [becoming a] shared-union [a] (*koinonia*).”¹⁰⁰ The unity that is thus effected is distinguished on three levels:

[1] the community within the church [...] [2] communion between humanity and God, and finally, [3] a communion of life to the material world. Jesus, according to the Fourth Gospel, said: ‘The bread that I shall give for the life of the world is my flesh’ (Jn. 6.51). In the consecration bread and wine, which are elements of the world, are transformed into the final reality, making the new, eschatological creation proleptically present.¹⁰¹

One cannot “argue away the realism of the identity of Christ with the eucharistic food in Paul’s teaching, even if Paul does not explain how this identity is achieved. Through this presence the eucharistic Christ *alone brings about* [the] unity of all believers.”¹⁰²

Just further, in the next chapter, he conveys the earliest recorded institution narrative in which that self-same unity is manifested, but on a subtler level:

For I received from the Lord what I also handed on to you, that the Lord Jesus on the night when he was betrayed took a loaf of bread, and when he had given thanks, he broke it and said, ‘This is my body that is for you. Do this in remembrance of me.’ In the same way he took the cup also, after supper, saying, ‘This cup is the new covenant in my blood. Do this, as often as you drink it, in remembrance of me.’ For as often as you eat this bread and drink the cup, you proclaim the Lord’s death until he comes (1 Cor. 11.23-26).

There is a clear note of the “anamnetic” in Paul’s words: the ritual action is “a solemn proclamation of the Christ-event itself announcing to those who share in the meal

¹⁰⁰Unity lies at the very heart of Eucharist. Common-union – *communio*. The word *communio* is used by E. LAVERDIERE, in *The Eucharist in the New Testament and the Early Church*, Collegeville, MN, Liturgical Press, 1996, p. 103. It is also used by J. MURPHY-O’CONNOR, repeated throughout his commentary, “First Corinthians,” in *JBC*. The word *communio* is simply Latin for the Greek *koinonia*, a fellowship, a profound oneness which relies upon collaboration.

¹⁰¹ A. DULLES, *Catholicity of the Catholic Church*, pp. 117-118.

¹⁰²J. FITZMYER, “Pauline Theology,” in *JBC*, p. 1411. Italics in the original.

the salvific effect of that death.”¹⁰³ This is done in such a way that “the death of Jesus, which is an act of love (Gal. 2.20), is proclaimed existentially (2 Cor. 4.10 and 11) in and through the shared eating and drinking. Authentic remembering is [an] imitation of Christ (1 Cor. 11.1), whereby God’s saving love (Rom. 8.39) is made present effectively in the world.”¹⁰⁴ At the same time it is also clearly eschatological: “you proclaim the Lord’s death until he comes” again, in glory, at the *parousia*.¹⁰⁵ So it is the community together that remembers (*anamnesis*); it is the community together that manifests and makes that *anamnesis* present in the now; it is the community together that yearns for the fullness of eternity in the posture of Advent-tide.

A unity of sorts is implied in the notion of continuity found in Paul’s very first words: “For I received from the Lord what I also handed on to you ...” (1 Cor. 11.23).¹⁰⁶ There can be no doubt that the apostle would be concerned with being utterly faithful to what he perceived himself to steward, not permitting himself even the slightest deviation. He would perceive himself to be a link in a chain: at one end Christ is the first link, connected to the twelve as the second; he himself occupies the next link, connected to that which is the community. In this way, should he be removed, Christ would nevertheless remain in the fullness of his lordship and authority, fully connected to the community through the apostles. In this sense there is a unity, a unity defined as that of the apostolic succession.

¹⁰³ Ibid., p. 1411.

¹⁰⁴ J. MURPHY-O’CONNOR, “First Corinthians,” in *JBC*, p. 810.

¹⁰⁵ J. FITZMYER, “Pauline Theology,” in *JBC*, p. 1411.

¹⁰⁶ Which echoes his words at the beginning of chapter 11: “Be imitators of me, as I am of Christ. I commend you because you remember me in everything and maintain the traditions just as I handed them on to you” (1 Cor. 11.1 and 2).

Paul's eucharistic discourse does not occur in isolation and needs to be put into its larger context, namely 1 Corinthians 10.14 through to 14.40.¹⁰⁷ Paul, the itinerant apostle, has been made aware of problems "in the Corinthian's understanding of Christian community" and he has been asked to furnish his advice "in an effort to bring them to a true appreciation of authentic life in Christ."¹⁰⁸ In his thorough response he exhorts his hearers to follow his example, one that seeks not its own advantage or good but rather that of the other (1 Cor. 10.24, 29 and 33). He debunks slogans that undergird their bad behaviour.¹⁰⁹ He appeals to constancy with regard to the tradition he has handed to them (1 Cor. 11.2, 23). He critiques flamboyant appearance, calling instead for modest deportment and dress (1 Cor. 11.3-16). He deplores distinctions made in their assemblies between those of social status, power and wealth, and those low-born and poor (1 Cor. 11.17-33). He shows impatience with common rudeness (1 Cor. 11.21 and 22, 33 and 34). Paul decries self-righteousness, demanding a frank, honest self-appraisal in the hope of avoiding harsh judgement and condemnation (1 Cor. 10.29 and 30; 11.27-32). He prescribes orderly conduct in liturgical assemblies (1 Cor. 14.2-40). He is quick to offer a distinction between charism and ministry (1 Cor. 12.8-11; 28-30) and to articulate them in a hierarchical fashion (1 Cor. 12.27 and 28). He wants his hearers to grow into spiritual maturity – into adulthood in faith (1 Cor. 13.11 and 12; 14.20). The message is clear: Paul is impatient with anything that does not lead to peace. He decries those things that

¹⁰⁷ J. MURPHY-O'CONNOR offers slightly narrower parameters for this conversation, beginning at 11.2. While there is some merit in an approach that ignores Paul's conversation around the worship of idols, within which the earlier eucharistic statements are found, it seems to leave key foundational elements wanting. See "First Corinthians," in *JBC*, p. 808.

¹⁰⁸ *Ibid.*, p. 799.

¹⁰⁹ "... all things are lawful for me" (1 Cor. 6.12; 10.23); "... food is meant for the stomach and the stomach for food" (1 Cor. 6.14).

do not contribute to the building up and strengthening of the community itself. He has little tolerance for that which does not contribute to the building up and strengthening of the believers as human beings and disciples. Anything that does not lead to consolation is to be avoided. In short, anything that destroys unity is to be shunned (1 Cor. 14.1-25). Rather, “[let] there be no dissention within the body, but [only that] the members may have the same care for one another” (1 Cor. 12.25). His overwhelming concern is twofold: 1) that the community be increased (1 Cor. 14.23-25) with the addition of new numbers counted among the “saved” (1 Cor. 10.32), and 2) that all things be done for the common good to strengthen the *communio* (1 Cor. 10.23; 14.26; 12.7; 14.3, 5 and 12).

His response, however, reaches an apogee, in his memorable words on love found in 1 Corinthians 12.31-13.13. His thought progresses from the lowest (tongues) to the “supreme devotion benefiting others ... Rather than define love Paul personifies it. The fifteen verbs [he employs] all involve another person and were chosen in order to highlight virtues neglected by the Corinthians.”¹¹⁰ Love is the “excellent way” (1 Cor. 12.31), the “greatest” of the gifts given by God (1 Cor. 13.13), the gift to be pursued above all other gifts (1 Cor. 14.1). Only in this context can authentic Eucharist be possible, for “the lack of love meant that in reality there was no Eucharist.”¹¹¹

The death of Jesus, which is an act of love (Gal. 2.20), is proclaimed existentially (2 Cor. 4.10-11) in and through the shared eating and drinking (1 Cor. 10.16). Authentic remembering is imitation of Christ (1 Cor. 11.1), whereby God’s saving love (Rom. 8.39) is made present effectively in the world. From this perspective it is clear why the comportment of the Corinthians (1 Cor. 10.21) made an authentic Eucharist impossible.¹¹²

¹¹⁰ Ibid., p. 811.

¹¹¹ Ibid., p. 809.

¹¹² Ibid., p. 810.

So how does the apostle hand on what he “received from the Lord?” How does he exercise his pastoral leadership? He does this first and foremost in his desire to do all he can to further the “upbuilding and encouragement and consolation” (1 Cor. 15.3) of the community of believers: to foster *koinonia*, in a spirit of unity, peace and love. Second, the pursuit of love necessarily puts others ahead of oneself: “do not seek your own advantage, but that of the other” (1 Cor. 10.24). This, then, is his personal service of the other, his *diakonia*. Third, he models it in what he lives: “be imitators of me, as I am of Christ” (1 Cor. 11.1). He writes with unqualified concern for the spiritual welfare of each listener in his audience and for the community as a whole. He writes with passion, clarity and a conviction born of faith and the indwelling Spirit. These constitute his witness, his *martyrion*. All of these, taken together, are critical in order that there be authentic Eucharist, the keystone of *leitourgia*. Eucharist without *koinonia*, the ministry of love, is deprived of its full meaning. Eucharist without *diakonia*, the ministry of service, is deprived of its self-emptying context. Eucharist without *martyrion*, the ministries of word and witness, is deprived of its revelatory potential. *Leitourgia* is on one hand the fruit and expression of *koinonia*, *diakonia* and *martyrion*; on the other it is their very origin and genesis.¹¹³

So what was the apostle’s role in *leitourgia*? Did Paul in fact preside at the Eucharist?

¹¹³In his book *The Eucharist in the New Testament and the Early Church*, on p. 103, E. LAVERDIERE writes: “To be effective teachers, the apostles and those with them had to live what they taught. As witnesses to Jesus’ resurrection, their life had to reflect and announce the implications of the resurrection. They did this by their ‘common-union’ (*koinonia*), that is, by the way they were united with one another through their union with Jesus Christ, the risen Lord. Their common-union was made visible in their attitudes toward one another, in the way they treated one another in daily life and genuinely shared with one another. The community was thus apostolic in word (*didache*) and deed (*koinonia*).” p. 103.

Paul never mentions that he presided at the Eucharist, although Acts 20.11 may be interpreted to cast him in that role (if Acts is not retrojecting a later church picture). The fact that Paul mentions the Eucharist in only one of his letters ... [and] that in the eighteen months that he was in Corinth (Acts 18.11), he seems to have baptized only two people and a household (1 Cor. 1.14 and 15) [suggests] he was not primarily involved in administering sacraments.¹¹⁴

This is significant, for it is “leadership, not eucharistic presidency, which is the dominant ministerial activity” for Paul.¹¹⁵ This is not surprising considering that Paul was an itinerant apostle who, although credited with founding new Christian communities throughout the Empire, was resident of none, yet managed to maintain long-distance relationships with virtually all of them. His itinerancy would necessarily redirect his focus to the broader horizon of leadership rather than eucharistic presidency.

But what of the nascent Christian communities themselves? The ministries that ultimately emerged are legion, each of them born in response to a particular need, together with the preservation and building up of the community. However, two are seemingly stable and common to all of them: *diakonos* and *presbyteros-episkopos*. Yet,

it is significant that the New Testament does not attribute much eucharistic functioning to any of the roles. In the description of the presbyter-bishop nothing is said of his presiding at Eucharist. [...] Some activity in relation to the Eucharist is implied for the twelve disciples, for it is recorded that the words ‘do this in commemoration of me’ were addressed to them at the Last Supper [...] In point of fact, however, in the New Testament we are never told that any of them actually presided at the Eucharist.¹¹⁶

If this is the case, then, what does the New Testament say about their actual ministry? “It is not because the New Testament ministers have the power to celebrate the

¹¹⁴The context surrounding Acts 20.11 does not lend itself to concluding a eucharistic intent. Verse 7 says that Paul was speaking with the believers until midnight. After an unfortunate event (vv. 9-10), he is portrayed as having eaten in order to continue the conversation until dawn (v. 11). One would be hard-pressed to see Paul as interrupting a lively conversation during the middle of the night in order to celebrate the Eucharist, in thanksgiving for a miraculous event. This is just not something consistent with Paul’s behaviour. See for example, Acts 16.25ff. There is no suggestion here of the apostle celebrating the Eucharist in thanksgiving for his miraculous delivery from prison. See also R. BROWN, *Priest and Bishop: Biblical Reflections*, p. 40.

¹¹⁵ K. OSBORNE, *Priesthood: A History*, p. 78.

¹¹⁶R. BROWN, *Priest and Bishop: Biblical Reflections*, pp. 40 and 41.

Eucharist that they are ministers of the Christian community; rather, it is more the opposite: because they are ministers of leadership over the Christian community do they have a presiding ministry in the Eucharist.”¹¹⁷ So, if the Eucharist is not the critical locus for ministry, that locus must belong somewhere else: community leadership and all that that entails. Nor is it a question of presiding over the community because of the power or ability to preside over the Eucharist. Rather, “it was essentially a matter of who presided over the community ... of preserving the unity of the community. The figure that gives unity to the community also presides in ‘the sacrament of church unity,’ the Eucharist.”¹¹⁸

The theme of unity continues to reappear. Unity is the fruit of love: the very hallmark of *koinonia*, *communio* – communion. Both noun and verb, communion in the church implies the complexity of mutual interdependence and human relationships: loving and being loved, forgiving and being forgiven, patiently bearing with one another, and patiently being borne by them, learning and teaching, growing and maturing, sharing all things together.¹¹⁹ Communion has its source in God, seeks its consummation in God

¹¹⁷ K. OSBORNE, *Priesthood: A History*, p. 80.

¹¹⁸ E. SCHILLEBEECKX, *Ministry*, p. 49. D. POWER expresses it this way in *The Eucharistic Mystery: Revitalizing the Tradition*, 1992, pp. 79 and 80: “In the New Testament period and for some time later, ministry, inclusive of presidency, was clearly related to eucharistic communion. Serving the *koinonia* of the church in any of its manifestations and functions centered around the one cup and the one loaf. It is sometimes said that in ancient times bishops presided over the Eucharist because they were appointed to preside over the community. ... it would betray the early sense of church not to see that Eucharist and community are reciprocal realities and that celebrating the Eucharist is essential to being pastor of the community. Perhaps then it would be better to say that any ministry, including episcopacy and eucharistic presidency, belonged within a eucharistic community shaped by many services, no ministry allowing for a difference in status or for some inner grouping that functioned in independence of other members. Such an attitude is in keeping with the idea that it is the table at which all are equal that unites, regardless of the charisms to say the blessing or keep order or otherwise serve the faith and interest of the church.”

¹¹⁹ See R. KEELER, “The Priesthood We All Share,” in *Celebrate!*, 44, no. 1, (2005), pp. 7-10.

and manifests the mystery of God's own self: Three in One. Communion is the call to each and every person made in God's image and likeness to share the fullness of God's own life. Communion, then, is grounded in relationship, and "interpersonal relations are the highest ontological reality. They determine not only what [one] does, but also what [one] is as a human being."¹²⁰ The preservation of unity, of right relationships in the community, *eusebeia*,¹²¹ is the very purview of community leadership. Its function

lays claim to the whole humanity of the [leader]; it affects [him] not only in concrete actions that [are] performed, but also in what [he] is as a human being involved in history and human society [...] the ability to meet people and talk with them, the ability to organize and direct human beings, and the capacity for management (in the best sense of that word). Such a task calls for a courteous, responsible and balanced human being, and it demands initiative, imagination and real knowledge of human nature.¹²²

2.4. The priest as a "leitourgos" – a cultic minister

Paul's writing shows him to be the ancient personification of community leadership. Extended over time, contemporary Roman Catholic minds would undoubtedly identify community leaders as being deacons, priests and bishops. Knowing that the offices of apostle and presbyter-bishop were not co-terminous, if Paul understood himself only as an apostle, and therefore not necessarily a bishop, would he then have understood himself to be a priest in the modern sense?

Paul, who hoped to visit Rome on his way to Spain, wrote his letter to the Christians living at the heart of the Empire during a period of rest some time during the winter of 57-58 A.D., from either Corinth or Cenchreae. He had just completed a

¹²⁰ W. KASPER, "A New Dogmatic Outlook on the Priestly Ministry," p. 15.

¹²¹ *Eusebeia* – "piety" – is the "due maintenance of proper relationships between the divine realm and the human, and between the various orders of human society." It is a simile that warrants further exploration as it can be applied to the nature of the church.

¹²² See W. KASPER, "A New Dogmatic Outlook on the Priestly Ministry," p. 15.

missionary journey through Illyricum, Macedonia and Achaia (Acts 14.19, 26; 20.3 and 1 Cor. 16.5-7).¹²³ In his letter he writes:

Nevertheless on some points I have written to you rather boldly by way of reminder, because of the grace given me by God to be a minister of Christ Jesus to the Gentiles in the priestly service of the gospel of God, so that the offering of the Gentiles may be acceptable, sanctified by the Holy Spirit. In Christ Jesus, then, I have reason to boast of my work for God (Rom. 15.15-17).

Paul does not describe himself as an apostle, or as a *diakonos*, “servant,” as in 2 Corinthians 3.6, or even as an *oikonomos*, “steward,” as in 1 Corinthians 4.1, but rather he does something quite uncharacteristic: he uses liturgical language, calling himself a “minister of Christ Jesus,” a “*leitourgos*” – a cultic minister. His use of several sacrificial terms (“in the priestly service,” “the offering,” “may be acceptable,” and “sanctified”), clearly demonstrates that he intends a cultic purpose. So although he presents himself as a *leitourgos*, not unlike the priests of Aaron and the Levites of the old dispensation, he remains, nevertheless, subordinate to, or a minister of, Jesus Christ, the High Priest, in everything but name. His ministry is the preaching of God’s word, something he perceives to be a liturgical act in and of itself. The purpose of this priestly service, proclaiming the gospel, is the conversion of Gentiles that they can be “offered” to God. The “offering” could well be their praise, their obedience, or some other gift. Yet, the context seems to suggest that the “offering” is neither: the offering is the Gentiles themselves. Paul then is the “priest” who offers them as an acceptable gift to God. He sees two things in this. First, here is a fulfilment of the eschatological vision offered by the Prophet Isaiah meant for the Children of Israel when he wrote: “They shall bring all your kindred from all the nations as an offering to the Lord, on horses, and in chariots,

¹²³ The material found in this section is taken from three sources: J. FITZMYER, “Romans,” in *JBC*, pp. 830, 866 and 867; D. MOO, *The Epistle to the Romans*, Grand Rapids, MI, William B. Eerdmans, 1996, pp. 889-891; and T. SCHREINER, *Romans*, Grand Rapids, MI, Baker Books, 1998, pp. 766-768.

and in litters, and on mules, and on dromedaries, to my holy mountain Jerusalem, says the Lord, just as the Israelites bring a grain offering in a clean vessel to the house of the Lord” (Is. 66.20). Second, this is a realization of the Old Testament cultic ministry in which animal sacrifices are replaced by obedient Christians (Rom. 12.1) and the praise they offer to God. In other words,

since the *finis* of all sacrifice is to bring about in some way the return of sinful human beings to God, Paul looks on his work among Gentiles as a form of sacrifice, for their conversion has achieved that very same purpose. The apostle offers to God not slaughtered animals, but repentant human beings. Paul’s pride and boast are rooted where they should be, in Christ.¹²⁴

Did Paul actually perceive himself to be a priest? “The language of ‘priest’ and ‘sacrifice’ here is, of course, metaphorical: Paul makes no claim to be a ‘priest’ or to be offering sacrifice in any literal sense.”¹²⁵ Indeed, “in the New Testament, the term ‘priest’ is never used of the apostles of Christ nor of any other disciple. It is referred only to the priests of Judaism, to Christ himself and to the whole People of God which constitutes a royal priesthood.”¹²⁶ In order to understand more fully the development of these two concepts, it is necessary to turn our attention to the Letter to the Hebrews.

3. The Letter to the Hebrews

Although popularly ascribed to Paul, and even attributed as such in canon 36 emanating from the Council of Hippo, exegetes and scholars are virtually unanimous in agreeing that Paul neither directly nor indirectly authored the letter.¹²⁷ Exquisitely

¹²⁴ J. FITZMYER, “Romans,” in *JBC*, p. 867.

¹²⁵ D. MOO, *The Epistle to the Romans*, p. 890.

¹²⁶ J. POWELL, “Theology of the Priesthood,” in G. SLOYAN (ed.), *Secular Priests in the New Church*, New York, NY, Herder and Herder, 1971, p. 28. R. BROWN arrives at the same conclusion in *Priest and Bishop: Biblical Reflections*, p. 13.

¹²⁷ See H. ATTRIDGE, *The Epistle to the Hebrews: A Commentary on the Epistle to the Hebrews*, edited by H. KOESTER, Philadelphia, PA, Fortress Press, 1989. See also M. BOURKE, “The Epistle to the

wrought, layer over layer, weaving forward and back on itself, employing rich imagery and language, the letter is exhortatory, seeking to prevent the apostasy that was a real danger for those to whom he wrote. It accomplishes this by demonstrating that the old covenant, and specifically worship in the old covenant, has been subsumed and repealed by the sacrifice of Jesus. Theories abound concerning precisely who his audience might have been. However, the tone of the letter suggests recipients “rooted in or attracted to the safe status of a *religio licita* enjoyed by Judaism, to certain kinds of Hellenistic Jewish theology, to a more mystical or sectarian piety or belief, or halachic observances, or to some combination of these ingredients.”¹²⁸ There is general agreement that the letter was written after the Jewish Revolt against Rome, some time between 80 and 90 A.D.

3.1. The Letter to the Hebrews and the priesthood of Christ

Therefore he had to become like his brothers and sisters in every respect, so that he might be a merciful and faithful high priest in the service of God, to make a sacrifice of atonement for the sins the people (Heb. 2.17).

This text speaks of Christ in intimate, familial terms: as brother to all, he lives in profound solidarity with all. He chose to become human in the incarnation and to accept suffering so that he could become *the* faithful high priest in the service of God. Yet that priesthood is not in the service of God alone: it is at the same time at the service of his sisters and brothers, rendered in terms of compassion and mercy. Here then is the christological core of the letter: it is about Jesus Christ, *our* high priest, in the service of God. At one moment, God’s high priest before humanity; at the other, humanity’s high priest before God.

Hebrews,” in *JBC*, pp. 920-941. See also J. SMITH, *A Priest For Ever: A Study of the Typology and Eschatology in Hebrews*, London, Sheed and Ward, 1969. The current quotation is found in M. BOURKE on p. 920.

¹²⁸ H. ATTRIDGE, *The Epistle to the Hebrews*, p. 11.

Since, then, we have a great high priest who has passed through the heavens, Jesus, the Son of God, let us hold fast to our confession. (Heb. 4.14).

The text refers to Christ as being the “great high priest” and not merely the “high priest.” Christ’s priesthood is of an entirely different order, unique to Christ alone. In a certain sense, it continues the Aaronic antecedent, in that it corresponds to it and even resembles it. Yet, at the same time, it radically breaks from it and, because it is so different, virtually replaces it. Even more, it dominates over it, for Christ’s priesthood is so vastly superior to it.¹²⁹

Every high priest chosen from among mortals is put in charge of things pertaining to God on their behalf, to offer gifts and sacrifices for sins. He is able to deal gently with the ignorant and wayward, since he himself is subject to weakness; and because of this he must offer sacrifice for his own sins as well as for those of the people. And one does not presume to take this honour, but takes it only when called by God, just as Aaron was. So also Christ did not glorify himself in becoming a high priest, but was appointed by the one who said to him, ‘You are my Son, today I have begotten you’; as he says also in another place, ‘You are a priest forever, according to the order of Melchizedek’ (Heb. 5.1-6).

The text begins with a consideration of the priestly office in general terms. Its function is twofold: to be “in charge of things pertaining to God,” and, “to offer gifts and sacrifices for sins” (v. 1). The second and third verses address the personal qualities needed in a priest. First, he must be “able to deal gently with the ignorant.” Second, he must be “able to deal gently with the wayward.” Finally, he must be aware of his own weaknesses in such a way as to offer sacrifice for “his own sins as well as for those of the people.” This implies an awareness of the self, together with a degree of integrity and maturity not found in the inexperienced or those lacking introspection. The final three verses indicate that no high priest comes to this role by birth, by election, personal

¹²⁹ A. VANHOYE, *Our Priest is Christ: The Doctrine of the Epistle to the Hebrews*, Rome, P.I.B., 1977, p. 29. To those who would dispute this three-fold distinction Vanhoye states somewhat categorically: “God does not lack coherence in his ideas.” J. SMITH develops the theme of continuity/discontinuity on pp. 192-196 of *A Priest Forever*. The superiority of Christ’s priesthood to that of Aaron is the subject of Hebrews chapter 7.

choice, or any other means, save that one is “called by God just as Aaron was” (v. 4). The description offered in these verses pertains to human beings. Yet, it applies to Christ inasmuch as he is its perfect – though sinless – fulfilment.¹³⁰

The introduction of the enigmatic Melchizedek in verse 6 serves to emphasize the eternal while signalling the point of departure for supplanting the Aaronic priesthood of old.¹³¹ Melchizedek is an important figure, for

the author of Hebrews fastened upon [him] a scriptural way of defending (a) the designation of Jesus as a priest although he was not born of the levitical tribe – Melchizedek was a priest although he was not given a priestly genealogy; (b) the claim that Jesus was both a priest and the Davidic Messiah – the title of ‘priest according to the order of Melchizedek’ had been used by the Davidic kings.¹³²

There is a sense of a “once for all” definitive action on God’s part in this which suggests that Christ’s priesthood can never be passed on or transmitted to others. This is true: Christ is utterly unique; what he did in his suffering, death and resurrection – his supreme act of priestly service – cannot be repeated by any one. It is his alone. Christ can, and does, however, make others sharers in his own unique priesthood.¹³³ Sharers, but not inheritors. The distinction is important for it calls into sharp contrast the priesthood of

¹³⁰ See H. ATTRIDGE, *The Epistle to the Hebrews*, pp. 138, 142-147.

¹³¹ See how M. BOURKE develops this on p. 932 of “Hebrews,” as found in *JBC*. Two references to Melchizedek are found in the Old Testament, the first in Gen. 14.18 (“And King Melchizedek of Salem brought out bread and wine; he was priest of God Most High.”), the second is in Ps. 110.4 (“The Lord has sworn and will not change his mind, ‘You are a priest forever according to the order of Melchizedek.’”). In the New Testament Melchizedek figures only in this letter: Heb. 5.6 (quoted above), 10; 6.20; 7.1 (loosely quotes Gen 14.18), 10, 11, 15 & 17 (which quotes *verbatim* Ps. 110.4).

¹³² R. BROWN, *Priest and Bishop*, p. 18.

¹³³ This is developed well by J. COLSON, in *Ministre de Jésus-Christ ou le sacerdoce de l’Évangile: étude sur la condition sacerdotale des ministres chrétiens dans l’Église primitive*, Paris, Beauchesne, 1966. On p. 344 he writes: “L’Épître aux Hébreux, en déclarant vigoureusement que Jésus ressuscité à un sacerdoce (ἱερωσύνη) impassable (ἀπαράδατον), qui ne se transmet pas à d’autres, ne veut pas nier la possibilité qu’aurait l’unique Prêtre éternel de faire participer Ses [sic] ministres dans l’Église, à titre d’instruments à sa ἱερωσύνη. Ce qui ne fait que souligner l’originalité de la fonction sacerdotale dans le christianisme, face au sacerdoce juif et païen.”

Christ as distinct and separate from the priesthood of the old covenant, and beyond that, of that found among the pagans.

This, then, is not a denial of a decidedly priestly quality that can be found in ministry, but rather points to something larger. Christian ministry, in all of its expressions, is apostolic. It follows from, is dependent upon, and remains faithful to, its origin in Christ and what was given to the apostles. It is the means by which human beings are drawn into the life of the Divine, and the means by which the Divine is actualized in the here and now, in time and history, in the lives of human beings. Those engaged in its efforts do so, not solely on their own volition, but in response to God's invitation and call. They recognize that in their willingness to place themselves at the pleasure of God, they become God's instruments in the building of an eternal reign. It is Christ at work in them, through them and with them. When sacraments are celebrated, although the ritual action belongs to the church through "perceptible signs (words and actions) accessible to our human nature" [CCC, #1084], it is really Christ himself who acts, communicating his own grace.¹³⁴ As such, all Christian ministry is a "sacramentalization" of the priesthood of Jesus Christ.¹³⁵

3.2. The Letter to the Hebrews and the sacrifice of Christ

The Letter to the Hebrews presents a wealth of theological insight for the modern reader. But what of the cultic imagery that occupies such an important place in the letter?

¹³⁴ See CCC, #1088: "By his power he is present in the sacraments so that when anybody baptizes it is really Christ himself who baptizes."

¹³⁵ On p. 344, of *Ministre de Jésus-Christ*, J. COLSON writes: "Cela, encore un fois, fait apparaître le caractère totalement original de la fonction sacerdotale des ministres de la nouvelle Alliance, en comparaison du sacerdoce juif, et à plus forte raison des sacerdoce païens. Le ministère chrétien est fondamentalement, essentiellement *apostolique* et, à ce titre, n'est qu'une *fonction*, une *instrumentalité*, un «sacramentalisation» du seul *ἱερεὺς* efficace: le Christ Rédempteur dont il proclame la mort et la Résurrection et l'actualise rituellement."

What about the notion of sacrifice itself?¹³⁶ Words like “cult” and “sacrifice” fall harshly on the modern ear. How are they to be understood?

The first reference to sacrifice is found in the final clause of Hebrews 2.17, establishing, as it were, the sacrificial theme for the entire letter. It speaks of Christ making a “sacrifice of atonement for the sins of the people.” This is an expression familiar to the children of Israel.¹³⁷ Atonement carries within it notions of appeasement, satisfaction or restoration. A synonym often suggested for it is *propitiation*. This implies causing another to be favourably disposed, to placate, or to make some power more lenient – to mollify. Another suggested synonym is *expiation*. Expiation implies a making of amends – a reconciling. It is this last notion, reconciliation, incumbent as it is upon a pre-existing relationship, now damaged, which seems to be at the heart of the author’s intent. Seen in this way, atonement could be broadened to include notions of redemption, unity and agreement: all of them decidedly relational terms.¹³⁸ So the sacrifice of atonement spoken of in verse 7, seems to have less to do with propitiation than it does

¹³⁶This is a highly nuanced term to explore. Both M. BARTH, in “Was Christ’s Death a Sacrifice?” as found in the *Scottish Journal of Theology Occasional Papers*, no. 9, Edinburgh, Oliver and Boyd, 1961, pp. 1-55, and David POWER in “Words that Crack: The Uses of ‘Sacrifice’ in Eucharistic Discourse,” in *Worship*, 9 (1979), pp. 386-404, offer material for consideration. S. LYONNET and L. SABOURIN have developed a superb study on the nature of sacrifice in their book *Sin, Redemption, and Sacrifice: A Biblical and Patristic Study*, Rome, Biblical Institute Press, 1970.

¹³⁷Dozens of references can be cited. Suffice it to offer but three. See Exod. 30.10 (“Once a year Aaron shall perform the rite of atonement on its horns. Throughout your generations he shall perform the atonement for it once a year with the blood of the atoning sin offering. It is most holy to the Lord”); Lev. 23.27 & 28 (“Now, the tenth day of this seventh month is the day of atonement; it shall be a holy convocation for you: you shall deny yourselves and present the Lord’s offering by fire; and you shall do no work during that entire day; for it is a day of atonement, to make atonement on your behalf before the Lord your God”), and Ezek. 43.20 (“And you shall take some its blood, and put it on the four horns of the altar, and on the four corners of the ledge, and upon the rim all around; thus you shall purify it and make atonement for it”).

¹³⁸ The stringing together definitions here come from different sources including the *OED* and the *Funk and Wagnalls Standard College Dictionary* to name but two.

with expiation. In other words, atonement is not so much appeasing or placating the wrath of God (reconciling God with humanity), as it is the desire to remove sin and its effects either by God's own self, or as in this case, by the high priest chosen by God for this purpose, Jesus Christ (reconciling humanity with God).¹³⁹ Seen this way, "expiation does not act upon God himself but upon the sinner inasmuch as it purifies [sinners] from [their] sin."¹⁴⁰ In other words, Christ's sacrifice is the means by which his followers are made perfect and drawn into a life sharing relationship.¹⁴¹

The Letter to the Hebrews explains the mystery of the incarnation in a singularly rich way: there is simply no other place in the New Testament so abundantly rich in developing a kenotic Christology as is found here. However, that Christology needs to be interpreted in both priestly and cultic terms.¹⁴² Christ's suffering and death is not only an atoning sacrifice that perfects his followers by removing their sin and its consequences, but

¹³⁹ M. BOURKE develops the distinction between propitiation and expiation on p. 926 of his article "Hebrews," in *JBC*. H. ATTRIDGE develops the same theme on p. 96 of his *The Epistle to the Hebrews*. The passage cited should be read in conjunction with Heb. 9.11-14: "But when Christ came as a high priest of the good things that have come, then through the greater and perfect tent (not made with hands, that is, not of this creation), he entered once for all into the Holy Place, not with the blood of goats and calves, but with his own blood, thus obtaining eternal redemption. For if the blood of goats and bulls, with the sprinkling of the ashes of a heifer, sanctifies those who have been defiled so that their flesh is purified, how much more will the blood of Christ, who through the eternal Spirit, offered himself without blemish to God, purify our conscience from dead works to worship the living God!"

¹⁴⁰ S. LYONNET & L. SABOURIN, *Sin, Redemption and Sacrifice*, p. 165.

¹⁴¹ H. ATTRIDGE, *The Epistle to the Hebrews*, p. 88. A distinction is offered by A. MILAVEC in *The Didachè: Text, Translation, Analysis and Commentary*, Colleagueville, MN, Liturgical Press, 2003, on pp. 76 and 77: "The Greek language distinguishes between 'sacrifice' (*thysia*) and 'holocaust' (*enagismos*). A 'sacrifice' was typically a festive daytime celebration with music and procession (*pompē*) toward the temple. A 'holocaust' was commonly a night-time ritual performed in silence, with the procession (*apopompē*) leading away from the temple or city. In both Roman and Greek circles a 'sacrifice' had the effect of joining people together in an alimentary [meal-sharing] community; it was life-enhancing and life-maintaining. On the other hand, the 'holocaust' had the effect of separating the person and group from defilement and danger; it was life-protecting. A 'holocaust' was entirely burned on the altar and made no provision for a fellowship meal to follow. The sacrificial traditions of Israel also provided a clear demarcation between 'sacrifice' (*zebach shelamim*, sharing offerings, as in Lev. 3) and 'holocaust' (*olah*, burnt offering, as in Lev. 4).

¹⁴² C. ERNST, "Priesthood and Ministry," in *New Blackfriars*, 49 (1967), p. 124.

is also a covenant-inaugurating sacrifice: “This cup that is poured out for you is the new covenant in my blood” (Luke 22.20). As such the atoning function is intimately linked with that of the covenantal.¹⁴³ Christ’s supreme priestly act inaugurates the new covenant, a covenant sealed in his blood, carrying with it the earnest plea: “Do this in remembrance of me” (Lk. 22.19).

So with this covenantal imagery in mind, what of the Eucharist? Does the New Testament writer in any way intend a sacramental, specifically eucharistic, focus in his letter? Not likely, for

the cultic language is probably used in a metaphorical way and to find here a reference to a specific Christian cultic activity is dubious. Our author is interested that his addressees maintain their participation in their communal assembly, but a sacramental issue hardly seems to be at the centre of his concern. Neither does our author seem to be polemicizing against an excessive sacramentalism. ‘Approaching’ God is used as a more encompassing image for entering into a covenantal relationship with God.¹⁴⁴

This is certainly in keeping with what the New Testament appears to offer by way of eucharistic catechesis/theology: it is simply not *the* primary focus. Maintaining participation in community and, through that, being in covenantal relationship with God is: this is unity. Unity is the fruit of love: the very hallmark of *koinonia*, *communio* – communion.

The cultic language of sacrifice transcends the merely liturgical to encompass something much larger: the whole of life and the totality of one’s being. Uniting the notion of priesthood with sacrifice, then, would indicate that a sacrificing priesthood needs to be bigger than merely offering the sacrifice – a liturgical act – for the whole of life and all within it – the entire self – must necessarily constitute the oblation whereby

¹⁴³ H. ATTRIDGE, *The Epistle to the Hebrews*, p. 18.

¹⁴⁴ *Ibid.* p. 141.

genuine sacrifice is realized. “Thus not only [...] external acts of cult but [one’s] whole life in the Spirit is religion, cult, sacrifice: [it is a] participation in the priesthood of Christ.”¹⁴⁵

Christ, then, emerges not only as a type for the priesthood, he emerges as its supreme expression, its archetype. His priesthood and its sacrifice are those by which all discipleship, ministry and sacrifice must be measured. His priesthood and its sacrifice are those by which perfect communion between God, humanity, and the whole of creation is realized. Despite first impressions, the Letter to the Hebrews is not a lofty theological treatise beyond reach, it is rather a deeply pastoral letter that sets Christ as the ultimate example of fidelity to which all are called – fidelity to God and to one another.¹⁴⁶

What about the question previously posed: how can a highly nuanced theological concept like sacrifice be defined as to give ready and useful access for the modern reader? Consider the following:

The nature and meaning of the sacrificial terminology and motifs employed in the New Testament appear to be dependent upon Old Testament history, law and liturgy. Some Old Testament sacrifices, and some of the New Testament texts dealing with Jesus Christ’s death as a sacrifice, agree in fundamental respects. They show that sacrifice is (1) Revelation and (2) Gift of God; (3) Service and (4) Intercession of a Faithful Servant before God; (5) Righteous Judgement and (6) Constitutive Action by God in favour of the people. Sacrifice includes and comprehends the ‘motifs’ of miraculous manifestation, obedience (to death) offered by a representative person, and of constitution of a community by judicial action [...] God, the servant, and the people are inseparably united when a pleasing sacrifice takes place.¹⁴⁷

¹⁴⁵ See C. ERNST, “Priesthood and Ministry,” in *New Blackfriars* p. 124. The sacrificing priesthood referred to here is not limited to only those in the second order of the sacrament; it includes them and all of the baptized.

¹⁴⁶ H. ATTRIDGE, *The Epistle to the Hebrews*, p. 95. On p. 147 he writes: “Christ’s sacrifice ... opens a new possibility of existence for those who enter the new covenant ... it is something that can be imitated by all Christ’s followers.”

¹⁴⁷ M. BARTH, “Was Christ’s Death a Sacrifice?” in *Scottish Journal of Theology Occasional Papers*, no. 9, Edinburgh, Oliver and Boyd, 1961, p. 46.

This statement is a synthesis, as it were, that incorporates now familiar sacrificial themes. There can be little difficulty in recognizing how God is revealed in the gift of Christ's life, death and resurrection. Christ's faithful servant-hood is shown forth in these same events and continued in his role as humanity's intercessor. Although humanity stood condemned in its sin, God's judgement is thoroughly imbued with tender saving compassion such that, at God's gracious initiative, an utterly new dispensation of grace is achieved in Christ.¹⁴⁸

3.3. The Letter to the Hebrews and the obedience of Christ

A new motif is introduced in the synthesis that, like sacrifice and cult, does not easily resonate with contemporary thought and experience – obedience – even “obedience unto death.”¹⁴⁹ The very word conjures notions of compromised freedom, diminished autonomy, and unquestioning blind acceptance to the demands, actions, behaviours and thinking posited by ones possessing absolute control and unfettered power.

¹⁴⁸ On p. 39, of *Our Priest is Christ*, A VANHOYE writes: “Nothing was able to make him compromise either his union with his Father or his ties with us. In him these two fidelities mutually strengthened each other. He found a way of uniting them forever by using the death inflicted on him by sinners (Heb. 12.13) as a perfect sacrifice offered to God for sin (Heb. 10.4-10). Let us repeat that this sacrifice that led to the resurrection, to the complete sanctification of renewed human nature, is, at one and the same time, the greatest testimony to fidelity that [humanity] has ever rendered to God and the greatest testimony of love that God has ever given [us]. We cannot imagine any act that would be so truly a covenant sacrifice. ... Thus, the prophecy of Jeremiah ... has been realized ... the new covenant acts within [humanity]; by the grace of Christ, the desire to do what pleases God is implanted in [us]. [We have] a taste for the good and receive the grace to accomplish it. In this manner a deep harmony is established between God and [humanity].”

¹⁴⁹ Although it seems as if every book being written today on the topic of ordained ministry in the Roman Catholic Church has something to offer with regard to obedience, two of them have been particularly useful: K. RAHNER, together with thirteen distinguished colleagues, penned essays for *Obedience in the Church. [Papers by] Karl Rahner [and others]*, Washington, DC, Corpus Books, 1968. Although certainly not new, what is found here has a certain timelessness about it. This is especially true of Rahner's essay entitled “Christ the Exemplar of Clerical Obedience” (pp. 1-18), which is a somewhat richer, more “academic” work than is a version of the same work found on pages 127-148 in *Servants of the Lord*, translated by R. STRACHAN, Freiburg, Herder, 1968. See also L. STRIEDER's, *The Promise of Obedience: A Ritual History*, Collegeville, MN, Liturgical Press, 2001.

So also Christ did not glorify himself in becoming a high priest, but was appointed by the one who said to him, 'You are my Son, today I have begotten you'; as he says also in another place, 'You are a priest forever, according to the order of Melchizedek.' In the days of his flesh, Jesus offered up prayers and supplications, with loud cries and tears, to the one who was able to save him from death, and he was heard because of his reverent submission. Although he was a Son, he learned obedience through what he suffered; and having been made perfect, he became the source of eternal salvation for all who obey him, having been designated by God a high priest according to the order of Melchizedek (Heb. 5.5-10).

A cursory glance at the text suggests that Jesus did not know what obedience involved; he needed to learn it, as if it were something alien to him. Such a conclusion, however, fails to appreciate both a "learning-through-suffering" motif common in Greek literature and the christological subtleties of Jesus' sonship.¹⁵⁰ "Our author states that Christ 'learned obedience.' His humanity is no longer that of mortal flesh that bore the results of disobedience; it is a humanity rebuilt through the filial obedience of the cross and in which nothing any longer resists the God-life."¹⁵¹ His filial obedience did not commence at some determined point in Jesus' life, but is evident from the very beginning. Nor was his obedience limited to but one dimension of his life: it is a life lived in obedience in its entirety. Similarly, Christ's sacrifice cannot be limited to the moment of death on the cross, but rather must encompass all aspects of his life. Nor can his sacrifice be understood only in terms of that which can be perceived by the senses alone (physical suffering and death); it is also an interior sacrifice engaging heart, mind, soul and spirit ("with prayers and supplications, with loud cries and tears" v. 7). These

¹⁵⁰On p. 929 his article "Hebrews," in *JBC*, M. BOURKE explains it this way: "The author considers Jesus' sonship in two ways: he became Son when exalted; he always was Son because he existed with the Father even before he appeared on earth. In terms of later theology, the resurrection-exaltation gave Jesus' human nature full participation in his divine nature. The two concepts are entirely compatible, but apparently that of the pre-existent Son was arrived at later, as the relative lateness of the texts in which it is expressed shows."

¹⁵¹A. VANHOYE, *Our Priest is Christ*, p. 35.

distinctions are important for they bring to the fore Christ's intentionality as a pivotal grounding for obedience:

Here again is something new. The ancient rite assigned no special value to the death of the victim and did not even mention suffering. Death was a foregone conclusion in relation to the offering (whether that be the act of offering itself, the blood that was spilled or the victim that was burned) [...] Christ's sacrifice consisted in his suffering and his death [...] the marvel of the mystery of Christ is that he *assumed* our death as sinners (which would not lead to God); but *freely assuming* it through a *movement of pure love for us* and *in perfect union with the love coming from the Father*, he transformed death and made it a sacrifice that leads to God.¹⁵²

In other words, Christ learned obedience precisely because he came to appreciate and understand what conformity to the will of God implies.¹⁵³ His obedience had nothing to do with victimization in the sense of one suffering as result of oppression or unjust agency. His obedience is a freely chosen co-operation in the God-life, accepted in pure love, capable of seeing in the distant horizon the fruit of that love fulfilled: namely, complete communion with God for all creation. Because of this, Jesus' obedience leads to his consecration as high priest, placing him in a position from which he can save those who are obedient to him.¹⁵⁴

However well this speaks of the example of Jesus Christ, what can be said of obedience that recasts it in meaningful terms for people today?

In the broadest possible terms, obedience can be taken to mean a "voluntary acceptance of 'necessity'; that is, of what [one] cannot avoid in the concrete circumstances of [one's] life but otherwise would protest and resist."¹⁵⁵ In other words,

¹⁵² Ibid., pp. 34 & 35. Emphasis added.

¹⁵³ H. ATTRIDGE, *The Epistle to the Hebrews*, p. 153.

¹⁵⁴ M. BOURKE, "Hebrews," in *JBC*, p. 929.

¹⁵⁵ K. RAHNER, "Christ the Exemplar of Priestly Obedience," in *Servants of the Lord*, p. 129. Rahner provides the foundation for much of the material that follows.

although it is something one would rather not do, or would find cause(s) not to do, circumstances being what they are, hardened, if you will, by the harshness of necessity, bring one to the point of choosing to act in a particular way.¹⁵⁶ More narrowly, once this is recognized and accepted, one voluntarily chooses to cooperate in thought and deed with authority when that authority makes known a genuine need that impacts upon the whole, together with the means necessary to address that need. In other words, obedience “orients [one] to the goal and good of the society concerned. So the nature of that society determines the concrete nature and object of authority and obedience [to it].”¹⁵⁷

Faith and obedience are so closely associated as to be virtually indistinguishable. Walking in obedience, then, is to walk in faith: to consciously entrust oneself wholly and freely to God in all aspects of life, even in its most mundane, routine, familiar and, because they are necessary, inescapable aspects. It is to consciously entrust oneself wholly and freely to God in all aspects of life, even those that are veiled by the future, hidden, uncertain, obscure and therefore, inescapable. Obedience is to conform oneself over and over again, day by day, to the likeness of him who was obedient unto death (Phil. 2.8). Obedience demands commitment, even commitment to obedience itself. Obedience is only possible when a certain level of maturity has been achieved. Once embraced,

¹⁵⁶ R. GAILLARDTZ, in *Transforming our Days: Spirituality, Community, and Liturgy in a Technological Age*, New York, NY, Crossroads, 2000, relates a story that illustrates this point: “When my wife, Diana, and I had our twin boys, David and Andrew, I was completing my doctoral studies. In the first few months we were up repeatedly in the night to feed the babies and change their diapers. I recall awakening in the middle of one particular night and being grasped by a profound awareness that has always been somewhat difficult to describe. I realized that right then, changing my son’s diaper, I was doing exactly what I was supposed to be doing; I was engaged in an action as vital and fundamental as any I would have in my life. It was a mundane action (a tad unpleasant), part of the daily routine that generally went without significant discussion in our lives. But that basic action of care for our child engaged me in one of life’s most vital relationships, a parent nurturing a child. That encounter with my son was a moment of communion and surely a graced moment” (pp. 65 and 66).

¹⁵⁷ K. RAHNER, “Christ the Exemplar of Priestly Obedience,” p. 130.

obedience in its turn, gives rise to greater maturity, ultimately to that belonging to the daughters and sons of God.¹⁵⁸ It is to “breathe the love that gently envelopes all things, believes all things, hopes all things, endures all things (1 Cor. 13.7) [... it is to live] with the freedom of God’s own [children], which alone delivers us from our inner bondage to the flesh,”¹⁵⁹ that is, from fear itself and the death that awaits us all.

It has been said that: “in the realm of creatures, interpersonal relations are the highest ontological reality.”¹⁶⁰ In this context, obedience is an essential, integral component of that reality, for it describes perfectly the purpose of the incarnation and the life to which all are called. Requiring as it does maturity, charity, trust, a consciousness of other/Other and of sacrifice, its fruit is new life realized in fresh potency discovered in self and in the other/Other, giving rise to increased reciprocity and new-found connections with other/Other. Obedience makes authentic relationship possible, for it serves as the best antidote to the antitheses of this highest ontological reality: the existentialist triumph of excessive self-determinism, with its accompanying relativism, which characterizes contemporary life. Obedience seeks the effective integration of the existential into the ontological. The way of obedience is, in short, the way of Christ himself. The way of obedience is the way of genuine freedom through inner sanctification.

¹⁵⁸ L. STREIDER, *The Promise of Obedience*, p. 145. “[...] until all of us come to the unity of the faith and of the knowledge of the Son of God, to maturity, to the measure of the full stature of Christ [...] But [...] we must grow up in every way into him who is the head, into Christ [...]” (Eph. 4.14 and 15).

¹⁵⁹ K. RAHNER, *Servants of the Lord*, p. 147.

¹⁶⁰ W. KASPER, “A New Dogmatic Outlook on the Priestly Ministry,” in *Concilium*, 3 (1969), p. 15.

The Letter to the Hebrews is meant to convey something utterly new that defines the priesthood of Christ, his sacrifice and obedience. It illustrates how Christ continues the old dispensation, yet reconfigures it; how he represents the point of departure from it, yet is its radical fulfilment and its superior replacement. It is a gentle letter, a letter characterized by pastoral sensitivity, one eagerly solicitous that none abandon their faith in the Risen Christ. The letter holds out hope and richness of vision, one that anticipates Christianity's emergence as a new religion, replacing the defunct institutions of Judaism lost in the destruction of the Temple, substituting the cult of sacrifice, while carrying on that which was deemed useful. The letter appears in a time of fluidity – a shifting landscape – with regard to leadership and sacrament. In itself it prescribes nothing, yet describes a great deal. When combined with the rest of the New Testament, this letter could well have ushered something completely new. However,

it is a paradox of history [that] the interpretation of Hebrews [...] which sets out so clearly to demonstrate the unique, realized eschatological character of the event of the cross should nevertheless, more than any other New Testament writing [...] have been taken as showing a fundamental continuity between Old Testament institutions, in particular the systems of sacrifice and priesthood, and those of the New [...] The literalizing interpretation of Hebrews has clearly been influenced by the evolving history of the concept of ministry of the church.¹⁶¹

Conclusion

Underpinning *CIC/83* is a rich theological heritage essential for understanding and applying the church's law. This is obvious for canons such as 1008 where a theological content is beyond dispute. That might not be quite so obvious in other instances and is certainly true for those canons dealing with incardination. Thus uncovering the scriptural bases of the theology that under-girds them has been the focus of this chapter.

¹⁶¹ J. SMITH, *A Priest For Ever*, p. 172.

Because incardination deals with the context of ordained ministry, its most fundamental starting point must necessarily be with Jesus Christ himself: the origin and exemplar of ministry. His was a ministry of *leitourgia*, emanating from God, wholly directed to the glory of God, expressed in total obedience to, and dependence upon, God. His was a ministry of *koinonia*, grounded in love fulfilled on the cross. His was a ministry of *diakonia*, faithful in his service not only to God, but to humanity as well. Finally, his was a ministry of *martyrion*, perfectly revealing God and God's reign, in all things bearing perfect witness to God's way, truth and life (Jn. 14.6).

From his pierced side on the cross a community is born, called to participate in the very life that brought it into being. It is a *koinonia* (a fellowship, communion or collaboration), a *diakonia* (in service to God and the whole of creation), a *martyrion* (in witness to God's holiness, compassion and goodness) and a *leitourgia* (a people of true worship). Those personally chosen as Christ's first witnesses, the twelve, were commissioned and sent forth (*apostoloi*/apostles) to proclaim the reign of God and Jesus Christ as risen. With the indwelling presence of the Holy Spirit their numbers would grow and, divinely emboldened, would expand first beyond the geographical confines of Jerusalem, then beyond the theological confines of Judaism.

Initially the Judeo-Christian community would rely almost exclusively on the familiar: daily worship in the Temple, the council of presbyters – like that found in all synagogues – engaged in shared decision making, and the honoured position accorded to prophets. Indeed, these structures would be carried by emissaries (*apostoloi*) of the twelve to the farthest reaches of the Empire. But it did not remain static. Under the leadership of Paul in particular, new, unheard-of ministries would be added. Some were

charismatic (utterances of wisdom and knowledge, gifts of healing, working of miracles, discernment of spirits, speaking in tongues and interpretation of tongues); others were needed for the building and strengthening of the nascent community (deeds of power, forms of assistance and leadership, words of exhortation, deeds of compassion and cheerfulness, pastors, preachers, and teachers). While some were common to their life among the children of Israel (presbyters), others were borrowed from the secular Hellenistic society prevalent in the eastern reaches of the Empire (*episkopoi* – overseer, administrator; *diakonos* – attendant). Roles were not always clearly defined, and words used interchangeably. Hence preaching and teaching is but one office known by several names: pastor, teacher, shepherd, instructor, presbyter, bishop. What was important was not a strict demarcation, but rather the preservation of *eusebeia* – the maintenance of proper interpersonal relationships on one level and between the realm of the human and that of the divine on the other. Furthermore, the concern that all be equipped to fulfil their unique role in the divine commission (Eph. 4.12), meant that ministry in its multi-faceted expressions always remained open to the impulse of the Holy Spirit – amorphous, pluriform, never rigidly pre-determined, and always concerned with the preservation of unity.

By the beginning of the seventies A.D., profound events exerted their influence on the Christian community: the twelve had died, the Jewish War was lost, the Temple lay in ruin, and the church was forced away from its Jerusalem centre. While on the surface this appeared disastrous, the opposite was in fact the case. Although the twelve had occupied a unique and powerful position in the life of the primitive community, none perceived himself to be either presbyter or *episkopos*. There was a profoundly pastoral

ministry: the shepherding of God's people in a posture of reverent receptivity, discernment and submission to the Holy Spirit. Remaining utterly faithful to the words and example of the Risen One, they sought to transmit authentically to others what they themselves had received, receiving from them, in turn, their assent of faith. They believed themselves entrusted to protect and enhance *koinonia*. They understood themselves bound to equip, animate and, with gratitude, to celebrate *diakonia*. They sought to preserve and defend the divine truth, witnessing to it in *martyrion*, while transmitting it in a way that made it accessible to all. Finally, with the community of the faithful, they honoured worthily the One true God, from whom they drew all life and goodness, in acts of *leitourgia* – acts which expressed, deepened and vivified *koinonia*, *diakonia* and *martyrion* in divine and holy encounter.

The evidence from the New Testament illustrates that the Eucharist is not the critical locus for ministry, it was instead community leadership and all that it entailed. Over and again the appeal to unity rings out – the fruit of love, the hallmark of *koinonia*. This implies the complexity of mutual interdependence in human relationships: loving and being loved, forgiving and being forgiven, patiently bearing with one another, and patiently being borne by them, learning and teaching, growing and maturing, sharing all things together. Communion has its source in God, seeks its consummation in God and manifests the mystery of God's own self: Three in One. The preservation of unity, of right relationships in the community, in fidelity to what has been received from Christ, is the purview of community leadership. The one who presides over the community is the one who presides over the Eucharist. For Eucharist without *koinonia*, the ministry of love, is deprived of its full meaning. Eucharist without *diakonia*, the ministry of service,

is deprived of its self-emptying context. Eucharist without *martyrion*, the ministries of word and witness, is deprived of its revelatory potential. *Leitourgia* on the one hand is the fruit and expression of *koinonia*, *diakonia* and *martyrion*; on the other it is their very origin and genesis.

Paul's writings show him to be the very personification of community leadership. Although he understood himself to be an apostle, he would not have seen himself as presbyter or *episkopos*. Nor is there anything found in the evidence offered by the New Testament of Paul's presiding at the Eucharist: it is leadership, not eucharistic presidency that rests at the heart of the apostle's ministerial activity. As such he remains the Lord's loyal servant and, in but a single reference, as "minister of Jesus Christ" – *leitourgos*. While the word implies a cultic, priestly service, it must be understood metaphorically, for, other than Christ himself, and Peter's single reference to the People of God as a royal priesthood (1 Pet. 2.5), the term "priest" is never used with regard to the followers of Jesus Christ.

It is in the rich theological ground of the Letter to the Hebrews that the notion of Christ's priesthood is developed. However, his priesthood is not grounded in that of Aaron, but rather in that of the enigmatic Melchizedek, separating Christ definitively from temple and cult, inaugurating something totally new and utterly unique. Christ is the "great high priest" of an entirely different order, who, though at the service of God, is also at the service of his sisters and brothers, always remaining in profound solidarity with them.

In the same way that the Letter to the Hebrews seeks to illustrate something new in Christ's priesthood, so too does it engage the twin themes of sacrifice and obedience.

Once again, rather than casting Christ's sacrifice in terms familiar to an ancient Hebraic audience, the letter presents Christ's sacrifice as a covenant inaugurating event wherein his followers are made perfect and are drawn into a life sharing relationship of unity with God and with one another. The sacrificial language that runs through the entire letter is meant to transcend the merely liturgical, embracing in its stead the whole of life and the totality of one's being, not limited to but one moment on Calvary's mount, but continuing throughout time and history as the compassionate intercessor for all of humanity. In this Christ shows himself obedient to the Father, freely choosing to co-operate with the Father in pure love, seeing on the horizon the fruit of that love fulfilled, namely, complete communion with God for all creation. Christ's obedience and his sacrifice, leads to his consecration as high priest, placing him in a position wherein he can save those who are obedient to him.

From all of this a community is born and ministry within it defined. All are called to participate in the very priesthood, sacrifice and obedience that brought it into being. This is to be a community with ministers of *koinonia*, reflecting and carrying on Christ's own ministry of love. It is to be a people of *diakonia*, placing itself at the service of God and all of humanity, itself served by those called by Christ to share his priesthood. This is to be a people of *martyrion*, witnessing to values and ideals connected with the Reign of God, enlivened by the word shared with it in season and out, in voice and action, in preaching and teaching, by those chosen by Christ to share that word. Finally, it is to be a people of *leitourgia*, expressing with Christ, and through its ministers, the ultimate end of the whole of Christ's ministry: perfect communion with God.

Precisely how the priesthood has evolved from this new and dynamic vision presented in the New Testament, and in the Letter to the Hebrews in particular, to one that represents a fundamental continuity to its Old Testament antecedents is where we now turn our attention.

CHAPTER II

THE EARLY FATHERS OF THE CHURCH AND THE FIRST LEGISLATION: RITUALS AND COUNCILS – UNDERSTANDING THE PASTORAL BOND UNITING PRIESTS AND THEIR BISHOPS

- §1 The orders are the episcopate, the priesthood and the diaconate.
§2 They are conferred by the imposition of hands and the prayer of consecration which the liturgical books prescribe for each grade.
c. 1009, *CIC/83*¹

In December of 393 A.D., a synod of bishops was held in Hippo Regius, a city known by its more popular contracted name, Hippo.² Under the careful presidency of Aurelius, for just two years the Bishop of Carthage, the *plenarium totius Africae Concilium*, meeting in the city's Basilica of Peace, gave its willing attention to a thirty-nine-year-old priest whose reputation for eloquence had intrigued conciliar fathers. Born in Tagaste, just ninety kilometres from where they were sitting, the priest's name was Augustine. Although admittedly unusual for a mere priest to address such an august

¹ §1. "Ordines sunt episcopatus, presbyteratus et diaconatus."

§2 "Conferuntur manuum impositione et precatone consecratoria, quam pro singulis gradibus libri liturgici praescribunt."

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus [= *CIC/83*], Vatican City, Libreria editrice Vaticana, 1983. British version of the English-language translation: *The Code of Canon Law: New Revised English Translation*, prepared under the auspices of The Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and The Canadian Canon Law Society, London, Harper Collins, 1997.

²Hippo is known today as Annaba, or by its French name, Bône. It is located in Algeria.

gathering, he did not disappoint. Musonius, the Byzacene³ Metropolitan, noted that the address entitled, *De Fide et Symbolo*, “had effected a salutary amendment of discipline.”⁴ Indeed, so well was he received that the aged and fragile bishop of Hippo, Valerius, soon obtained the authorization of Archbishop Aurelius to name Augustine as his coadjutor. At the age of forty-two Augustine assumed the see he would preside over for the next thirty-four years.

Much of what the synod accomplished has long since been lost. However, four years later, in 397, several bishops of the Byzacene province unwittingly gifted posterity with the substance of the synod’s conclusions. Unable to participate in a synod hosted by the Carthaginian church, they had to content themselves with a written submission calling for a renewal of that which had emerged from their earlier meeting. To support their plea they included a version of the canons as they had noted them. Addressing issues ranging from the primacy of the See of Carthage for the African provinces (c. 1, series 1); the age of ordination and virginal consecration (c. 1, series 2); to matters of clerical discipline (cc. 8-27, series 2), and a re-affirmation of condemnations previously issued against the Donatists (c. 37, series 2), their most lasting gift is found in canon 36:

Besides the canonical Scriptures, nothing shall be read in the church, under the title of ‘divine writings.’ The canonical books are: - Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, the four books of Kings, the two books of Paraleipomena (Chronicles), Job, the Psalms of David, the five books of Solomon, the twelve books of the (Minor) Prophets, Isaiah, Jeremiah, Daniel, Ezekiel, Tobias, Judith, Esther, two books of Esdras, two books of the Maccabees. The books of the New Testament are: - the four Gospels, the Acts of the Apostles, thirteen Epistles of S. Paul,

³Also known as Byzacium, a province in Africa Proconsularis, it was a major producer of agricultural goods. It occupied the coast of northern Africa in what is now Tunisia and Libya.

⁴The principal source for conciliar texts prior to the twentieth century is necessarily Bishop Karl Josef von HEFELE’S monumental work *A History of the Councils of the Church from the Original Documents*, vols. 1, 4 and 5 translated and edited by H. OXENHAM, vol. 2 translated and edited by R. CLARK, vol. 3 translated and edited by E. PLUMPTRE, Edinburgh, T. & T. Clark, 1883-1896. The current material is taken from volume II, pp. 394-402.

one Epistle of S. Paul to the Hebrews, two Epistles of S. Peter, three Epistles of S. James, the Epistle of S. Jude, the Revelation of S. John. Concerning the confirmation of this canon, the transmarine church shall be consulted. On the anniversaries of martyrs, their acts shall also be read.⁵

The Council of Hippo gave the church its first recorded canon of scripture, an influence that lasts to the present day.⁶

A reading of the canons arising from the synod reveals the extent of maturation experienced by the church since the time of the apostles, some 330 years before. A list of the topics considered includes the following: province; feast of Easter; Church of Carthage; primate; first sees (*primae sedes*); readers; consecrated virgins; consecrate; clerical office; synodal laws; catechumens; eucharist; baptism; councils; ecclesiastical provinces; general council; excommunicated; diocese; cleric; office; ecclesiastical court; higher ecclesiastical tribunal; clergy; ordained a bishop, a priest or a deacon; Catholic Christian; heathens; heretics; schismatics; sacrament of the body and blood of Christ; offer the sacrament; laymen; sacrament of the altar; anniversary of its institution (*Caena Domini*); penance; absolve; reconcile penitents; imposition of hands; apsis; apostates; reconciliation; chrism; laity; congregation, and service of the altar. Some words are familiar – the scriptures yielded them before (bishop; deacon; service); some are seen here for the first time (Easter; primate; readers; consecrated virgins; sacrament; penitents; apsis; chrism); some appear familiar, yet in contexts seemingly strange (ecclesiastical

⁵K. HEFELE, *A History of the Councils*, p. 392.

⁶Canon: “from the Latin, *canon*, rule; also from the Greek *κανών*, rule. A rule, law, or decree of the Church; especially a rule laid down by an ecclesiastical council; canon law - ecclesiastical law, as laid down in decrees of the pope and statutes of councils; the collection or list of books of the Bible accepted by the Christian church as genuine and inspired; the portion of the Mass included between the Preface and the *Pater*, and containing the words of consecration; in extended use (especially with reference to art or music): a body of works, etc., considered to be established as the most important or significant in a particular field. Frequently with qualifying word.” See *Oxford English Reference Dictionary*, 2nd rev. ed, Oxford, Oxford University Press, 2003, p. 214. This will be referred to as *OED*.

province, ordain a bishop or a deacon; service of the altar; priest). The ancient reader would likely not have seen anything unusual in this list: it simply reflects the state of the church as she or he experienced and knew it. But what is the process by which all of this came to be?

1. The *Didachè* and the Fathers

While the previous chapter was grounded in scripture reflecting the methodology employed by the Fathers of the Second Vatican Council, whose appeal to scripture – *ressourcement* – was a deliberate return to that often-neglected source of tradition that reaches back to the very beginning, here we meet the Fathers of the Church.⁷

Of all the Western Fathers, Augustine is one of the most celebrated, revered and oft-quoted. Hippo marked the first time that Augustine would address a council of the church and it would not be his last. He makes, as shall be seen, an important contribution to the conversation considered in this chapter. However, Augustine will not be the only Father of the Church to be consulted: Clement of Rome, Ignatius of Antioch, Irenaeus of Lyons, Origen, Cyprian of Carthage, Athanasius of Alexandria and John Chrysostom all have something to offer; each marking as he does another significant – and usually unique – moment in the maturing of the church.

However, before the Fathers can be consulted, another small, but certainly not insignificant work must be considered: the *Didachè*. This ancient text provides a bridge between the scriptures and the Fathers, which, when added to the earliest extant ordination rites and legislation prepared by the earliest councils, provides us with the

⁷On p. 80 of *Priesthood: A History of Ordained Ministry in the Roman Catholic Church*, New York, NY, Paulist Press, 1988, K. OSBOURNE writes: “Rather, the theology of ministry, presented in the documents of Vatican II, goes back to the New Testament understanding of ministry, which is seen as leadership and preaching, teaching and sanctifying.”

foundations necessary with which to grapple with the nature of incardination as found in *CIC/83*.

1.1. The Didachè – the beginnings of a sacerdotal view of ministry

Hidden in the modest library of the Jerusalem Monastery of the Most Holy Sepulchre in Istanbul was a collection of manuscripts bound together in a single volume. Overlooked by the monks themselves, and even by visiting scholars, “The Training of the Lord Through the Twelve Apostles to the Gentiles,” commonly called the *Didachè*, was discovered in 1873 by Metropolitan Philotheos Bryennios. Edited and published in Greek in December of 1883, his work created something of a sensation. Although its author is unaccredited, and its place of publication subject to conjecture, most confidently agree it was written between 90 and 100 A.D. The *Didachè* preserves the oral tradition of the mid-first-century church, detailing the steps to be taken by gentile converts to Christianity. As such, it reveals to history more about how those early Christians perceived themselves and how they lived their lives than any portion of the scriptures.⁸

In chapter 15, verses 1 and 2 is found:

Appoint, then, for yourselves, bishop[s] and deacons worthy of the Lord, men gentle and not money-loving and truthful and tested; for you they likewise serve (unpaid) the unpaid public service of the prophet-teachers. Do not, then, look down upon them; for they themselves are your honoured ones with the prophet-teachers.⁹

⁸ See P. SCHAFF, *The Oldest Church Manual Called the Teaching of the Twelve Apostles ΔΙΑΧΗ ΤΩΝ ΔΩΔΕΚΑ ΑΠΟΣΤΟΛΩΝ: the Didachè and Kindred Documents in the Original with Translations and Discussions of Post-Apostolic Teaching, Baptism, Worship, and Discipline and with Illustrations and Facsimilies of the Jerusalem Manuscript*, Edinburgh, T. & T. Clarke, 1885. See also A. MILAVEC, *The Didachè: Text, Translation, Analysis, and Commentary*, Colleagueville, MN, Liturgical Press, 2003. He points out that the word “didachè” conveys the systematic training given by a mentor/master to an understudy/apprentice. See p. ix. See also K. LAKE, *The Apostolic Fathers with an English Translation by Kirsopp Lake*, Cambridge, MA, Harvard University Press, 1985, pp. 303-333.

⁹A. MILAVEC, *ibid*, p. 35. P. SCHAFF offers a slightly different translation on pp. 211 & 212 of *The Oldest Church Manual*: “Elect therefore for yourselves Bishops and Deacons worthy of the Lord, men meek, and not lovers of money, and truthful, and approved; for they too minister to you the ministry of the

Commentators agree that bishops and deacons are not two distinct ranks, but rather the same class of congregational officers.¹⁰ Their mention is descriptive and not prescriptive; that is, their presence in the community would have been expected and understood. These are not new roles. Their comparison to the more charismatic prophet-teachers indicates that they were seen to be at something of a disadvantage requiring encouragement and support.¹¹ Indeed, “from this point onward almost all one hears about prophets is cautionary. The impression given is that the community has more to fear from abusive and wayward prophets than to receive from true ones.”¹² The work of the bishops and deacons is *leitourgia*, understood in the sense of civic duty or public service, unpaid, and not to be confused with an understanding of *leitourgia* as sacred worship.¹³ Just as in the case of the New Testament Epistles, there is no actual hint of a liturgical function in the qualifications listed. Furthermore, like their New Testament antecedents, they were not understood to be ‘priests’ nor were they regarded as presiders at eucharist, a function that is not expressly defined in the *Didachè*.¹⁴

Prophets and Teachers. Therefore despise them not, for they are those that are honoured among you with the Prophets and Teachers.”

¹⁰ P. SCHAFF, *The Oldest Church Manual*, p. 74.

¹¹ A. MILAVEC, *The Didachè*, p. 79.

¹² Ibid., p. 72. The *Didachè* devotes considerable attention to the matter of false prophets, including virtually all of section 11, and passages such as 12.5: “If on the other hand, he/she does not wish to act thus, he/she is a Christ-peddler (trafficker). Beware of such ones!” See Ibid., p. 31

¹³ Ibid, p. 79 A. MILAVEC explains: “*Leitourgeō* means doing public work at one’s own expense. It is a political, almost legal, concept. The noun *leitourgia* means service for the people. In the later classical period it was as common as taxes today.”

¹⁴ Ibid., p. 79. A fleeting reference found in 10.7 says: “(And) turn toward the prophets [allowing them] to eucharistize as much as they wish” (Ibid., p. 25). On p. 70 he writes: “The prophets, on the other hand, began with the closing eucharistic petitions of saving, perfecting, and gathering of the church (10.5) and transformed these into living and breathing expectations that those present were able ‘to taste and see’

Two surprising references in the *Didachè* illustrate something of a departure from the New Testament. The first is found in verse 13.3 which states:

So, every first fruits of the products of the wine vat and threshing floor, of both cattle and sheep, you will give the first fruits to the prophets; for they themselves are your high-priests.¹⁵

The reference to the offering of first fruits is a provision of the Mosaic law, a tithe of one tenth belonging to God, paid to the Levites by way of recompense for their priestly service.¹⁶ This indicates that the communities relying upon the *Didachè* had a familiarity with Hebraic practices that would certainly have appeared alien to other pagan converts. Because Christianity had neither temple, shrine nor building at this stage, and, more importantly no priests in the tradition of Aaron, the designating of prophets as “high/chief-priests” is not only something of a bold and innovative step, it substitutes place – the Temple – with persons as a way of expressing gratitude to God.¹⁷ Furthermore, “this passage gives the first intimation of the sacerdotal view of the

– provoking tears and trembling and jubilation. The prophetic eucharistizing, therefore, was the sweet dessert that culminated every eucharistic meal.” It is his contention that the eucharistic presider was the “spiritual father or mother ... [who] knew the candidate through and through and adapted the prayers to the understanding of the novice he or she had trained” (p. 68). P. SCHAFF, *The Oldest Church Manual*, offers this translation on p. 198: “But permit the Prophets to give thanks as much as [in what words] they wish.” Schaff indicates that the entire assembly had full liberty “of extemporaneous prayer combined with liturgical forms,” but that prophets should in no way be restricted. See p. 198. The matter of eucharistic presidency remains unanswered by him. See pp. 57-62.

¹⁵ The text is taken from A. MILAVEC, *The Didachè*, p. 33. Rather than “high-priests,” P. SCHAFF, *The Oldest Church Manual*, offers “chief-priests” on p. 206.

¹⁶ “You shall not delay to make offerings from the fullness of your harvest and from the overflow of your presses. The firstborn of your sons you shall give to me. You shall do the same with your oxen and with your sheep: seven days it shall remain with its mother; on the eighth day you shall give it to me” (Exod. 22.29). “This shall be the priests’ due from the people, from those offering a sacrifice, whether an ox or a sheep; they shall give to the priest the shoulder, the two jowls, and the stomach. The first fruits of your grain, your wine, and your oil, as well as the first of the fleece of your sheep, you shall give him. For the Lord your God has chosen Levi out of all your tribes, to stand and minister in the name of the Lord, him and his sons for all time” (Deut. 18.3-5). A. MILAVEC, *The Didachè*, offers his commentary on pp. 74-76; P. SCHAFF, *The Oldest Church Manual*, on pp. 206 and 207.

¹⁷ A. MILAVEC, *The Didachè*, p. 74.

ministry, but the author confines it to the prophets, and probably uses the word in a figurative or spiritual sense.”¹⁸

The second passage is found at 14.1-3:

(And) according to [the] divinely instituted [day/rule] of [the] Lord, having been gathered together, break a loaf. And eucharistize, having beforehand confessed your failings, so that your sacrifice be pure [14.1]. Everyone, on the other hand, having a conflict with a companion, do not let [him/her] come together with you until they have been reconciled, in order that your sacrifice may not be defiled [14.2]. For this is [the thing] having been said by [the] Lord: ‘In every place and time, offer to me a pure sacrifice. Because a great king am I,’ says the Lord, ‘and my name [is] wondrous among the gentiles’ [14.3].¹⁹

Here is found the first post-apostolic reference to the “day of the Lord,” providing, as it were, the basis for the day of public worship that would become the Christian Sunday.²⁰

The liturgical action described, “break a loaf” (“breaking bread”), cites Acts 2.46, 20.7 and 1 Cor. 10.16, and is conjoined with the requirement of “having beforehand confessed ... failings.”²¹ The existence of unresolved conflict between community members demands their prior reconciliation or, failing that, of their being barred from the gathered community. Implicit here is the notion that the communion between God and humanity achieved in Christ’s life, death and resurrection, will in some way be compromised by the

¹⁸ P. SCHAFF, *The Oldest Church Manual*, p. 206.

¹⁹ A. MILAVEC, *The Didachè*, p. 35. P. SCHAFF’S translation in *The Oldest Church Manual* varies slightly: “And on the Lord’s Day [of the Lord] come together, and break bread, and give thanks, having before confessed your transgressions, that your sacrifice be pure [14.1]. Let no one who has a dispute with his fellow come together with you until they are reconciled, that your sacrifice may not be defiled [14.2]. For this is that which was spoken by the Lord: ‘In every place and time offer me a pure sacrifice, for I am a great King, saith the Lord, and my name is wonderful among the Gentiles’ [14.3]. See pp. 208 and 210.

²⁰ Revelation 1.10 provides the only direct reference to the phrase found in the New Testament: “I was in the spirit on the Lord’s day, and I heard behind me a loud voice like a trumpet saying ...” Two allusions to it can be found but lack this directness: “On the first day of the week, when we met to break bread ...” (Acts 20.7), and “On the first day of every week, each of you is to put aside and save whatever extra you earn, so that collections need not be taken when I come” (1 Cor. 16.2).

²¹ The notion of confession of failings is connected with good conscience. See the MILAVEC translation of 4:14 on p. 15 of *The Didachè*: “In church, you will confess your failings, and you will not go to your prayer with a bad conscience.”

existence of their conflict, this not only for those directly involved, but for the community as a whole.²² However, neither the confession of failings nor the reconciling of interpersonal estrangement(s) can be understood to be in the realm of forgiveness of sins or the atonement of guilt. The former is a divine matter understood as belonging to the eschaton, while the latter is associated with the giving of alms.²³ The references to confession and reconciliation have more to do with the preservation of *koinonia* than the forgiveness of sin, *koinonia* being seen as a fundamental good.²⁴ In other words, a pure sacrifice cannot be offered by one unwilling to “sacrifice” errant behaviour, nor can it be offered by those unwilling to “sacrifice” their enmity toward other(s).²⁵

The dual notions of sacrifice and purity derive from this and are given fuller meaning and impact by the way in which Malachi 1.11 is loosely quoted in verse 3: “‘In every place and time, offer to me a pure sacrifice. Because a great king am I,’ says the

²² See Mt. 5.23 and 24: “So when you are offering your gift at the altar, if you remember that your brother or sister has something against you, leave your gift there before the altar and go; first be reconciled to your brother or sister, and then come and offer your gift.” See P. SCHAFF, *The Oldest Church Manual*, p. 210.

²³ See A. MILAVEC, *The Didachè*, p. 78. Almsgiving is the focus of 4.6: “If you should have [something] through [the work of] your hands, you will give [something] ransoming your sins” (A. MILAVEC, p. 13). Divine forgiveness as an eschatological matter is found three times in the *Didachè*. First, “... and forgive us our debt [at the final judgement] ...” (8.2, A. MILAVEC, p. 21). The second: “[And] frequently be gathered together, seeking the things pertaining to your souls; for the whole time of your faith will not be of use to you if in the end time you should not have been perfected” (16.2, A. MILAVEC p. 37). Finally, “Then the creation of humans will come into the burning-process of testing, and many will be entrapped and will be utterly destroyed, the ones having remained firm in their faith, on the other hand, will be saved by the accursed [burning-process] itself” (16.5, A. MILAVEC, p. 37).

²⁴ See for example: “On the one hand, then, the way of life is this: first: you will love the God who made you; second: [you will love] your neighbour as yourself” (1.2); “You will not cause dissention: (And) you will reconcile those fighting; you will judge justly; you will not take [into account] social status [when it comes time] to reprove against failings” (4.3); “Just as the broken [loaf] was scattered over the hills [as grain], and, having been gathered together, became one; in like fashion, may your church be gathered together from the ends of the earth into your kingdom” (9.4); “Remember, Lord, your church, so save [her] from evil and to perfect [her] in your love and to gather [her] together from the four winds [as] the sanctified into your kingdom which you have prepared for her, because yours is the power and the glory forever” (10.5). Again, the more modern MILAVEC translation is quoted: 1.2 on p. 3; 4.3 on p. 13; 9.4 on p. 23, and 10.5 on p. 25.

²⁵ See how the “Way of Life” (1.2-4.14) and the “Way of Death” (5.1-6.2) are contrasted.

Lord, ‘and my name is wondrous among the gentiles.’”²⁶ Because “the language of the *Didachè* is entirely centred on ‘sacrifice’ (*thysia*); the term ‘holocaust’ (*enagismos*) appears nowhere”²⁷ the context for the sacrifice is necessarily a fellowship meal during which time one is to “eucharistize.” As the very word “eucharist” indicates, the sacrifice being offered within the context of a shared meal involves giving thanks and praise for temporal and spiritual mercies received from God’s gracious benevolence: most specially for the gift of redemption wrought in the life, death and resurrection of Jesus Christ.²⁸ Implied in this thanksgiving offering is a sacrifice of renewed consecration akin to that originally expressed in baptism. Furthermore, the offering does not remain on the level of the personal or subjective but is such that all in the community “yield themselves as a priestly race to God.”²⁹ So sacrifice and purity are used metaphorically in the *Didachè* as ways of realizing *koinonia* – fellowship – first, as an interior existential reality in the individual believer; second, as a temporal reality in community; finally, as its fulfilment in Christ.³⁰

²⁶ The actual wording of Malachi 1.11 is: “For from the rising of the sun to its setting my name is great among the nations, and in every place incense is offered to my name, and a pure offering; for my name is great among the nations, says the Lord of hosts.”

²⁷ A. MILAVEC, develops the distinction between *thysia* and *enagismos* on p. 78 of *The Didachè*, For the meal context see: “And after being filled [by the meal], eucharistize thus ...” (10.1, A. MILAVEC, p. 25). The word “eucharistize” is also found in 9.1, 10.7 and 14.1. The eucharist was situated within the context of a community meal. See the *Didachè*, 9.1-10.7, especially 10.1: “And after being filled [by the meal] eucharistize thus ...” (A. MILAVEC, p. 25).

²⁸ The word “eucharist” is derived from the Greek *eukharistia* which means “thanksgiving,” or from the Greek *eukharistos*, meaning “grateful.” See *OED*, p. 482.

²⁹ See P. SCHAFF, *The Oldest Church Manual*, p. 209. On the subject of baptism, the *Didachè* prescribes a period of fasting for all concerned. For the one doing the baptizing, together with other members of the community, no time is prescribed. However, the *Didachè* states: “Order, on the other hand, the one being baptized to fast during one or two [days] prior [to the baptism]” (7.4, A. MILAVEC, *The Didachè*, p. 21).

³⁰ P. SCHAFF, *The Oldest Church Manual*, p. 209.

The *Didachè* is significant for three reasons. First, the encouragement to appoint bishops and deacons, if not already present, implies an urgent need as the church establishes and protects itself in its earliest years. Although there is no hint of the liturgical in their role, they are nevertheless to be held in the same esteem as are prophet-teachers, who, despite apparent honour and dignity, are given considerable attention – much of it cautionary in tone. Their designation as “high/chief-priests” is the first intimation of a sacerdotal view of ministry, interestingly enough, associated with the tithe offered to the priests of the house of Levi. One wonders whether or not the injunctions found in the Letter to the Hebrews were familiar to *Didachè* communities. If so, why the appeal to an Aaronic/Levitical priesthood, rather than to that of Jesus Christ? One can only presume a regard and familiarity with that one model, such that no other alternative could be fathomed or considered.

Second, the close association of eucharist and sacrifice, more specifically “pure/undefiled” sacrifice, lacks a great deal of specificity in the *Didachè*. Speaking as it does in broad, generic terms, the subtler, more nuanced meaning of sacrifice becomes lost, thereby rendering it somewhat more akin to the holocaust offering of the Old Covenant.

With the metaphor thus obscured, if not lost altogether, the third point, namely, the intimate association between “pure/undefiled sacrifice” and *koinonia*, is obscured in all of its meanings: the personal, the communal and the Divine.

1.2. The First Epistle attributed to Clement of Rome and the presiding role within the community³¹

Writing to the church in Corinth sometime in the mid-90's A.D., during the reign of the Emperor Domitian, the "First Letter of Clement" is in fact the only surviving letter attributed to him. Running some sixty-five paragraphs, Clement seeks to restore order within that community caused by a rebellion against church leadership that resulted in the expulsion of its presbyters. By making appeal to the use of scripture, seeking to extend the influence of the church in Rome over another Christian community, and by appealing to a somewhat undeveloped, yet convincing claim to an apostolic succession, his letter makes no reference to the presence of either jurisdiction or primacy on his part.³²

Clement alternately refers to these community leaders as *episkopoi* or *presbyteroi*, without apparent distinction or rank.³³ He understands their ministry is not of their own choosing, nor is it the result of the community's urging; it is from Christ himself, given through the apostles, and meant for the pastoral care and supervision of the local

³¹ The third bishop of Rome after Peter, ca. 88 – ca. 97, (H. DENZINGER posits ca. 90 – ca. 99, on p. 19 of his *The Sources of Catholic Dogma*, translated by R. DEFERRARI from the thirteenth edition of the *Enchiridion Symbolorum*, Saint Louis, MO, Herder, 1957). In later tradition he became the subject of a variety of legends, one claiming that he was ordained by Peter himself; one holding that he was martyred.

³² See K. OSBOURNE, *Priesthood: A History*, p. 93.

³³ "So too our apostles knew through our Lord Jesus Christ that strife would arise over the office of the bishop" (44.1). "How fortunate are the presbyters who passed on before, who enjoyed a fruitful and perfect departure from this life" (44.5). See CLEMENTIS, S., *Epistola 1 ad Corinthios*, translated and edited by J. MIGNE, in vol. 1 of *Patrologia Cursus Completus. Series Graeca*, Lutetiae Parisiorum [=J. MIGNE, PG], 1857 –. 1 Corinthians 44.1 is found on p. 293; 44.5 on p. 299. These English translations are taken from B. EHRMAN in *The Apostolic Fathers: I Clement; II Clement; Ignatius; Polycarp; Didachè*, Cambridge, MA, Harvard University Press, 2003. See pp. 113 and 115 for these translations. See also K. LAKE, *The Apostolic Fathers with an English Translation by Kirsopp Lake*, Cambridge, MA, Harvard University Press, 1985, pp. 1-121.

church.³⁴ After their deaths, the apostles determined that others would be entrusted with the task of appointing worthy men to ministry in their stead.³⁵ So there are really two classes of ministers determined by Clement: those who supervise the appointment of ministers in the local churches; and those appointed by them for those churches.³⁶ This then is the crux of his prototype for apostolic succession: Christ appointed the apostles, who appointed the leaders of local churches, who in their turn chose their own successors. With regard to the issue at hand, because the deposed presbyters stood in a direct line of ministers chosen by the apostles, rejecting them means rejecting the apostles, and thereby rejecting Christ, who had been sent by God: their act of sedition is particularly serious for it really amounts to an offence against God's own self.³⁷ Furthermore, because of a brief reference made to the role of the community in the appointment process, Clement implies a secondary offense, namely one against the community itself: "But now consider who has corrupted you and diminished the respect you had because of your esteemed love for others. It is shameful, loved ones, exceedingly

³⁴ "The apostles were given the gospel for us by the Lord Jesus Christ, and Jesus Christ was sent forth from God" (42.1 found in J. MIGNE, *PG*, p. 291; B. EHRMAN, *The Apostolic Fathers*, p. 109). "As they preached throughout the countryside and in the cities, they appointed the first fruits of their ministries as bishops and deacons of those who were about to believe, testing them by the Spirit" (See 42.4 in J. MIGNE, *PG*, vol. 1, p. 291; B. EHRMAN, *The Apostolic Fathers*, p. 111).

³⁵ "For this reason, since they understood perfectly well in advance what would happen, they appointed those we have already mentioned; and afterwards, they added a codicil, to the effect that if these should die, other approved men should succeed them in their ministry" (44.1 found in J. MIGNE, *PG*, p. 293, B. EHRMAN, *The Apostolic Fathers*, p. 113).

³⁶ D. POWER, *Ministers of Christ and His Church: The Theology of the Priesthood*, London, G. Chapman, 1969, p. 42.

³⁷ "And this is no recent development. For indeed, bishops and deacons had been mentioned in writings long before. For thus the Scripture says in one place, 'I will appoint their bishops in righteousness and their deacons in faith [Is. 60.17]'" (42.5 found in J. MIGNE, *PG*, vol. 1, p. 291; B. EHRMAN, *The Apostolic Fathers*, p. 111). "Thus we do not think it right to remove from the ministry those who were appointed by them or, afterwards, by other reputable men, with the entire church giving its approval ... 'Indeed we commit no little sin if we remove from the bishop's office those who offer the gifts in a blameless and holy way'" (44.3 and 4 found in J. MIGNE, *PG*, p. 299; B. EHRMAN, *The Apostolic Fathers*, p. 115). See also the development of this theme by B. EHRMAN in *The Apostolic Fathers*, on p. 28.

shameful and unworthy of your conduct in Christ ... you are exposing yourselves to danger" (47.5-7).³⁸

Lest one conclude that apostolic succession is merely a question of ecclesial function or structure, Clement points out that what lies at the core of community leadership is preaching and teaching: what is preached and taught is that which has been received unspoiled from the apostles themselves.³⁹ A stabilized presidency within the community appears to have been established by the mid-90's, with preaching and teaching as its core focus as a way of ensuring that tradition.⁴⁰ The letter does not mention an office of teacher, nor is any reference made to prophets.

Specifically Christian liturgical matters are not ignored by Clement, but are not given a great deal of emphasis. Indeed, there is but one paragraph (40) comprised of five verses, and a single line found in paragraph 44.⁴¹ It is clear from these passages that the *episkopoi/presbyteroi* are sacerdotal figures for Clement, being compared somewhat

³⁸ "Thus we do not think it right to remove from the ministry those who were appointed by them, or afterwards, by other reputable men, *with the entire church giving its approval*" (See 44.4 as found in J. MIGNE, *PG*, vol. 1, p. 299; English translation in B. EHRMAN, *The Apostolic Fathers*, p. 115). Emphasis added.

³⁹ "The apostles were given the gospel for us by the Lord Jesus Christ, and Jesus Christ was sent forth from God ... they went forth proclaiming the good news ... and as they preached ... they appointed the first fruits ..." (42.1, 3 and 4 found in J. MIGNE, *PG*, vol. 1, pp. 291 and 294; B. EHRMAN, *The Apostolic Fathers*, pp. 110 and 111).

⁴⁰ K. OSBOURNE, *Priesthood: A History*, p. 95. The apostolic succession is clearly a matter of regularizing ecclesial structure, yet it must be broader than that: it must necessarily include the preservation of apostolic tradition as well. R. BROWN writes: "Thus they (that is, *episkopoi* and *presbyteroi*) are to hold on what they have received correcting false teachers. Thus they constitute a chain preserving apostolic teaching and authority. The virtues demanded of the presbyter/bishops are 'institutional', so as to make them both models for the community and examples of respectability to outsiders." See "The Early Church," in R. BROWN, J. FITZMYER and R. MURPHY (eds.), *The New Jerome Biblical Commentary*, [= *JBC*] London, Geoffrey Chapman, 1995, p. 1345.

⁴¹ "Indeed we commit no little sin if we remove from the bishop's office those who offer the gifts in a blameless and holy way" (See 44.4 in J. MIGNE, *PG*, vol. 1, p. 299, and the B. EHRMAN translation on p. 115 of *The Apostolic Fathers*).

directly to the Aaronite priesthood.⁴² Indeed, paragraph 41, offering as it does an explanation of the centrality and significance of Temple sacrifice in Jerusalem, appears to strengthen that interpretation. Furthermore, Clement employs the word *hiereus* for Christian ministers, representing the first extant usage of the term.⁴³ Based on the way in which he presents his distinction in a hierarchical fashion, it appears that his usage is analogous and not necessarily meant to be determinative, expressing rather function and order within the community.⁴⁴ So the fundamental structure of the church for Clement is one of “community-presidency, rather than ordination-presidency, so that the distinction between *laikos* and *episkopos/presbyter* is also to be seen in the framework of presiding within the community.”⁴⁵ In other words, the one who presides over the community presides over the liturgy, not the inverse.

⁴² See K. OSBOURNE, *Priesthood: A History*, p. 96. The entire language of paragraph 40 is replete with sacrificial imagery and appeals to the prescriptions of the Old Testament: “sacrificial offerings,” “liturgical rites,” “God’s superior plan,” “acceptable to his holy will,” “ordinances of the Master,” “assigned to the high priest,” “regular priest,” and “special ministries established for the Levites.”

⁴³ *Ibid.*, p. 96. The word itself is Greek and is translated into English as “priest.” Yet, the English is not immediately derived from the Greek *hiereus* (Latin *sacerdos*), but rather from the Anglo-Saxon *proest*, a remote translation of the Greek *presbyteros* (“elder/older man”). The Hebrew word *kohen* is translated more readily as *hiereus* rather than *presbyteros* which, in Judaism were laypersons associated with guiding the community. The term *presbyter* was borrowed by Christianity from Jewish nomenclature, though neither the early Christian nor consistent Jewish usage carry the cultic sense of *hiereus/sacerdos*. The word priest as used today, however, carries both connotations. See R. RAUSCH, *Priesthood Today: An Appraisal*, Mahwah, NJ, Paulist Press, 1992, p. 34. Also see A. DULLES, “Models for Ministerial Priesthood,” in *Origins*, 20 (1990-1991), p. 285.

⁴⁴ Clement’s words are: “For special liturgical rites have been assigned to the high priest, and a special place has been designated for the regular priests, and special ministries are established for the Levites. The lay person is assigned to matters enjoined on the laity” (40.5 in J. MIGNE, *PG*, vol. 1, p. 290; B. EHRMAN, *The Apostolic Fathers*, p. 107). See the way in which K. OSBOURNE addresses this on p. 96 of *Priesthood: A History*.

⁴⁵ *Ibid.*, p. 96.

1.3. St. Ignatius of Antioch and the protecting role of bishops

Called Theophorus, the God-bearer, Ignatius was the second bishop, after Peter, of Antioch, a city whose ruins are located in Antakya, Turkey, just twelve miles from the Syrian border. Martyred in Rome during the reign of Trajan (98-117 A.D.) ca. 107, he wrote a series of letters to the churches in Rome, Asia Minor and to his friend St. Polycarp, bishop of Smyrna. Of these, seven are extant. It seems that a monarchical-styled episcopacy emerging in each of the communities receiving his epistles, a new feature that figures large in his preoccupation with the preservation of unity – essential in the combating of heresy.⁴⁶ That theme will be repeated often.

In the Letter to the Magnesians he writes:

I urge you to hasten to do all things in the harmony of God, with the bishop presiding in the place of God and the presbyters in the place of the council of the apostles, and the deacons, who are especially dear to me, entrusted with the ministry of Jesus Christ, who was with the Father before the ages and has been manifest at the end.⁴⁷

The structure of ministry in the churches found in Asia Minor is quite clear from the writings of Ignatius. Whether or not the same can be said of other Christian communities throughout the ancient near east is a matter of considerable speculation. For Ignatius, the bishop presides in the place of God, or of Christ. Presbyters function together as a college or council and are equated with the apostles: they succeed the apostles. Deacons, also functioning together as a collegial body, are regarded with particular affection by

⁴⁶ Ibid., p. 98. Also see D. POWER, *Ministers of Christ*, p. 42.

⁴⁷ IGNATIUS, S., *Epistolae*, in J. MIGNE, *PG*, vol. 5, p. 774. The English translation comes from B. EHRMAN in *The Apostolic Fathers*, p. 246. See also K. LAKE, *The Apostolic Fathers with an English Translation by Kirsopp Lake*, Cambridge, MA, Harvard University Press, 1985, pp. 165-301. For further discussion on the monarchical episcopate, see P. BURKE, "The Monarchical Episcopate at the End of the First Century," in *Journal of Ecumenical Studies*, 7 (1970), pp. 499-518.

Ignatius, and are spoken of as having special, although unspecified, ministry. The three-fold structure is founded in Christ dependent upon unity in faith, in spirit and in activity; centred in, and subordinate to, the person of the bishop.⁴⁸ It cannot be stated with any certainty when the practice of but one *episkopos* was established, or when the tripartite division was realized, yet it was clearly familiar to Ignatius.⁴⁹

The unity encouraged by Ignatius extends well beyond those engaged in ministry: it is a unity to be sought by the entire community for its strength and protection:

Therefore, children of the light of truth, flee division and evil teachings. Where the shepherd is, there you should follow as sheep. For many seemingly trustworthy wolves use wicked pleasures to capture those who run in God's race; but they will have no place in your unity.⁵⁰

Ignatius makes no mention of a teaching function associated with the bishop, yet holds him responsible for orthodoxy with regard to matters of doctrine. The faithful are, by extension, safeguarded against division, understood to be the fruit of heresy.⁵¹

By emphasizing the role of the bishop as the apex of the community's unity, Ignatius is casting the bishop in the role of its protector, leader and presider in all matters, including the liturgy. In other words, because he leads the community, he therefore presides at its eucharist. There is, however, an indication that the bishop is free to delegate another to preside in his stead, but whether that person be a presbyter, deacon or

⁴⁸ Ignatius repeats almost verbatim the same themes in Trallians 2 and 3 (See J. MIGNE, *PG*, pp. 778 and 779; B. ERHMAN, *The Apostolic Fathers*, on pp. 257 and 258). In Ephesians 4 he writes: "For this reason it is fitting for you to run together in harmony with the mind of the bishop, which is exactly what you are doing. For your presbytery, which is both worthy of the name and worthy of God, is attuned to the bishop as strings to the lyre. Therefore Jesus Christ is sung in your harmony and symphonic love" (See J. MIGNE, *PG*, vol. 5, p. 647; B. ERHMAN, *The Apostolic Fathers*, p. 223).

⁴⁹R. BROWN, "Early Church," in *JBC*, p. 1345.

⁵⁰ See Ephesians 2.1 and 2, in J. MIGNE, *PG*, vol. 5, pp. 643 and 646; B. ERHMAN, *The Apostolic Fathers*, on p. 285.

⁵¹ D. POWER, *Ministers of Christ*, p. 43.

other is not specified.⁵² Ignatius offers little by way of a theological development for the eucharist.

1.4. St. Irenaeus of Lyons and the focus on the eucharistic sacrifice

Born in Smyrna, the site of modern Izmir, Turkey, ca. 130 A.D., Irenaeus became a presbyter in Lyons in either 177 or 178. A short time later, upon the death of the aged *episkopos* Photinus, Irenaeus assumed the see he would govern until his death ca. 200. Little is known of the precise date or circumstances surrounding his death, save that tradition holds him to be a martyr of the church, ascribing his feast to the 28th of June. His most significant work entitled *Adversus Haereses (Against Heresies)*, is believed to have been penned about 180 and directed against Gnosticism.

At the heart of Irenaeus' writing lies his understanding of apostolic succession as it pertains to the episcopacy.⁵³ Clearly intended for the safeguarding and preservation of

⁵² See K. OSBOURNE, *Priesthood: A History*, p. 102. See also D. POWER, *Ministers of Christ*, p. 43. Ignatius expresses it this way in Philadelphians 4: "And be so eager to celebrate just one eucharist. For there is one flesh, our Lord Jesus Christ and one cup that brings the unity of his blood, and one altar, as there is one bishop together with the presbytery and the deacons, my fellow slaves. Thus, whatever you do, do according to God." (See J. MIGNE, *PG*, vol. 5, p. 699; B. ERHMAN, *The Apostolic Fathers*, p. 287). In Smyrneans 8.1 and 2 he writes: "All of you should follow the bishop as Jesus Christ follows the Father; and follow the presbytery as you would the apostles. Respect the deacons as the commandment of God. Let no one do anything involving the church without the bishop. Let that eucharist be considered valid that occurs under the bishop or the one to whom he entrusts it. Let the congregation be wherever the bishop is; just as wherever Jesus Christ is, there also is the universal church. It is not permitted to baptize or to hold a love feast without the bishop. But whatever he approves is acceptable to God, so that everything you do should be secure and valid" (See J. MIGNE, *PG*, vol. 5, p. 714; B. ERHMAN, *The Apostolic Fathers*, on pp. 304 & 305).

⁵³ "The Tradition therefore of the Apostles, made manifest in all the world, all may look back upon, who wish to see things truly: and we are able to recount those whom the Apostles appointed to be Bishops in the Churches, and their successors, quite down to our time; who neither taught nor knew any such thing as they fondly devise" (3.3.1). The original Latin is found in IRENAEI, S., *Contra Haereses*, J. MIGNE, *PG*, vol. 7-1, p. 847. This English translation is by J. KEBLE in vol. 42 of E. PUSEY, J. KEBLE and J. NEWMAN (eds.), *A Library of the Holy Catholic Church, Anterior to the Division of the East and West*, Oxford, James Parker and Company, 1872, and is found on p. 206. Because of difficulties associated with translations of Irenaeus, the French translations by F. SAGNARD, and A. ROUSSEAU have also been consulted. Prepared at different times, they are part of the *Sources Chrétiennes*, series, published in Paris, by Éditions du Cerf, a 255-volume work. F. SAGNARD translated *Book III* in 1952; A. ROUSSEAU translated

the apostolic tradition, the greater emphasis placed upon the bishop results in his acquiring a more eminent station within the local community.⁵⁴ Bishops are in fact presbyters (although not all presbyters are bishops), following in a successive line of elders established within the church from the very earliest time, founded upon those who knew the apostles personally.⁵⁵ But the value of episcopal magisterium comes not from their role as presbyters, but rather from their direct link to the apostles. This is not a link in the strict material sense of time and place, but rather from the charge given to them either personally, or from those appointed by the apostles, that carries with it the charism of truth.⁵⁶ For Irenaeus the succession of bishops is something anticipated by the apostles in such a way that each bishop carries out in his own time and place the original commission given to the apostles by Christ.⁵⁷ But bishops are not apostles. The apostles – the twelve with Paul – were unique, they were chosen and called by Christ to be his

Book IV in 1965 and *Book V* in 1969. This quotation is from F. SAGNARD, pp. 100-103. See also R. GRANT, *Irenaeus of Lyons*, London, Routledge, 1997.

⁵⁴ D. POWER, *Ministers of Christ*, p. 43.

⁵⁵ “But on the other hand we challenge them to that Tradition, which is of the Apostles, which is guarded by the successions of Presbyters in the Churches ...” (See 3.2.2 in J. MIGNE, *PG*, vol. 7.1, p. 847; F. SAGNARD, *Sources Chrétiennes: Book III*, pp. 102-104; J. KEBLE, *A Library*, p. 205). “... cleave to those who both guard, as we said before, the doctrine of the Apostles, and with their order as Presbyters exhibit sound speech and conversation without offence, for the conformation and reproof of the rest ... Of such Presbyters the Church is the nurse” (4.2.6.4 and 5 in J. MIGNE, *PG*, vol. 7.1, p. 1055; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 722-727; J. KEBLE, *A Library*, pp. 386 and 387.) F. SAGNARD, *Sources Chrétiennes: Book III*, translates v. 5: “Ce sont de tels presbytres que nourrit l’Église” (p. 727).

⁵⁶ “The blessed Apostles, then, having founded and builded the Church, committed the ministry of the Episcopate to Linus ... And his successor is Anencletus; and after him in the third place from the Apostles the Bishopric is allotted to Clement ... This Clement again Evaristus succeeds ... by the same order, and in the same succession, both the Tradition from the Apostles in the Church, and the preaching of the truth hath come down to us. And this is a very full demonstration of the unity and sameness of the life-giving faith, which from the Apostles even until now hath been preserved in the Church, and passed onward in the truth” (3.3.3 in J. MIGNE, *PG*, vol. 7.1, pp. 849 and 850; in F. SAGNARD, *Sources Chrétiennes: Book III*, vol. 34, pp. 104-109; in J. KEBLE, *A Library*, pp. 207 and 208).

⁵⁷ D. POWER, *Ministers of Christ*, p. 44.

companions. They were personally commissioned by Christ to continue his ministry and mission.⁵⁸ “In fact the whole *raison d’être* of a bishop is to assure fidelity to the teaching which it was the apostle’s task to establish.”⁵⁹

While Irenaeus sees the apostolic succession as operative within all churches, those founded by the apostles themselves have a special importance, precisely because of the ability of the bishops in those places to trace their heritage back to the apostles. This is especially true of the church in Rome.⁶⁰ This is not, however, to imply primacy for the see of Rome. That would eventually emerge only with the vicissitudes of history. Rather, the apostolic foundation for doctrine and ministry is most evident in Rome because of the founding presence of both Peter and Paul. That what emerges in time is necessarily faithful to them is beyond question, for the church in Rome is the true measure of apostolicity.⁶¹

The question of the eucharist is not given the same attention as is the apostolic succession, yet what Irenaeus does offer will exert enormous influence in shaping subsequent patristic sacramental theology.⁶² In Book 4 of *Adversus Haereses*, the saint

⁵⁸ It is interesting to note that in 3.3.3 Irenaeus names as the first bishop of Rome, not Peter, but Linus, thus making utterly clear the distinction between apostle and bishop.

⁵⁹ *Ibid.*, p. 44.

⁶⁰ See 3.3.3 “... there is one, very great, and most ancient and known to all, the Church founded and established at Rome by two most glorious Apostles, Peter and Paul, whose Tradition which it hath from the Apostles, and her faith proclaimed unto [people] by succession of Bishops coming down even unto us ... For with this Church, on account of its higher original, the whole Church (I mean the faithful on all sides) must needs agree; wherein the Tradition which is of the Apostles had ever been preserved by them for all countries” (3.3.2 in J. MIGNE, *PG*, vol. 7.1, pp. 847 and 848; in F. SAGNARD, *Sources Chrétiennes: Book III*, vol. 34, p. 102 and 103; English translation in J. KEBLE, *A Library*, p. 206).

⁶¹ D. POWER, *Ministers of Christ*, p. 45. See also K. OSBOURNE, *Priesthood: A History*, pp. 108 and 109.

⁶² See M. DONOVAN, *One Right Reading? A Guide to Irenaeus*, Collegeville, MN, Liturgical Press, 1997, p. 111.

devotes three chapters to the subject, in which he unambiguously illustrates that the eucharist is a sacrifice, not because God requires it – propitiation – but rather that through its being freely offered in obedience, people are graced and enriched, their salvation achieved.⁶³ In other words, by turning toward the love of God in a posture of reverent obedience, offering one’s self to God in season and out, in good times and in bad, God is honoured and glorified while one is made right in God’s sight, and accepted as God’s friend.⁶⁴

There is a reference to the sacrifice or offering of first fruits to God similar to that found in the *Didachè*. However, unlike the *Didachè*, Irenaeus does not speak of that offering in the biblical sense as a tithe belonging to God, given to the temple priests by way of remuneration for their efforts. Indeed, Irenaeus makes few references to priests or

⁶³ “And again, that God needs not their offering, but for the offer’s own sake ... For if at any time He saw them careless of righteousness, and keeping back from the Love of God, and thinking that God is propitiated by sacrifices and other typical observances, Samuel in the first place would speak to them thus ... teaching them that God will have obedience, which saves them, rather than sacrifices and burnt offerings which avail them nothing to righteousness ... then lest any one should think that He refuses these things because He is angry, he adds, giving him counsel, *Offer unto God the sacrifice of praise, and pay thy vows unto the Most High, and call upon Me in the day of thy trouble, and I will deliver thee, and thou shalt glorify me*” (4.17.1 as found in J. MIGNE, *PG*, vol. 7.1, pp. 1019 and 1020; in A. ROUSSEAU, *Sources: Book IV*, pp. 574-581; and in KEBLE, *A Library*, pp. 352 and 353. The Italics are in Keble’s translation). “... there are sacrifices among the people, there are sacrifices in the Church; but the special sort only is changed, as being now offered not by slaves but by free-[people] ... these ... who have received freedom, assign all that themselves have to the uses of the Lord, cheerfully and freely giving them, and not in lesser portions only, as become [ones] possessing the hope of greater things ...” (4.18.2 in J. MIGNE, *PG*, p. 1026; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 598 and 599; J. KEBLE, *A Library*, p. 358).

⁶⁴ “*A sacrifice for God is a troubled heart: an odour of sweetness unto God, is a heart glorifying Him Who made it*” (4.17.2 in J. MIGNE, *PG*, vol. 7.1, p. 1022; in A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 580-583; in J. KEBLE, *A Library*, on pp. 353 and 354. Italics are quoting scripture in Keble’s translation). “From all which it is plain, that God sought not of them sacrifices and burnt offerings, but faith and obedience and righteousness, for their salvation.” (4.17.4 seen in J. MIGNE, *PG*, vol. 7.1, on p. 1025; in A. ROUSSEAU, *Sources Chrétiennes: Book IV*, on pp. 590 and 591; in J. KEBLE, *A Library*, p. 356). “It follows that sacrifices sanctify not the [individual]; for God needs not sacrifice: but the conscience of [the one] who offers sanctifies the sacrifice, being pure, and causes God to accept it as from a friend.” (4.18.3 as found in J. MIGNE, *PG*, vol. 7.1, pp. 1025 and 1026; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 604 and 605; or in J. KEBLE, *A Library*, on p. 359). ROUSSEAU offers: “Ce ne sont donc pas les sacrifices qui sanctifient l’homme, car Dieu n’a pas besoin de sacrifices; mais ce sont les dispositions de celui qui offre, qui sanctifient le sacrifice, si elles sont pures: elles contraignent Dieu à l’accepter comme d’un ami.”

priesthood as did Clement, save to mention those of the old covenant and these are in simple and fleeting terms.⁶⁵ The offering of first fruits is personalized in that he sees this offering as a remedy for sloth and ingratitude.⁶⁶ But what is of greater importance is the way in which Irenaeus equates the offering of first fruits with the salvific meaning of the last supper: the first fruits of creation – bread and wine – become the first fruits of God’s own gift to humankind – the body and blood of Christ.⁶⁷ This would be the saint’s most enduring gift to the church – an early intimation of the doctrine of transubstantiation, not fully explained or developed, yet nevertheless clear: bread and wine, retaining their appearance, become a new substance – the body and blood of Christ – given for our salvation and that of the world.⁶⁸

⁶⁵ Irenaeus is consistent in his use of the word “presbyter,” saving the term “priest” for references to the Old Testament. See for example 5.34.3: “Now we have shewn in the former book, how the Levites and Priests are all the Lord’s disciples: who did also profane the Sabbath in the Temple, and are blameless” (J. MIGNE, *PG*, vol. 7-2, p. 1213; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 430-433; translated in J. KEBLE, *A Library*, p. 532).

⁶⁶ See 4.17.5: “Yea, and giving counsel to His Disciples, to offer unto God the first-fruits of His creatures, not as though He were in want, but in order that themselves might be neither unfruitful or ungrateful [...]” (J. MIGNE, *PG*, vol. 7.1, p. 1025; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 591-595, and in J. KEBLE, *A Library*, p. 356). On p. 591 ROUSSEAU translates this as: “À ses disciples aussi, il conseilla d’offrir à Dieu les prémices de ses propres créatures, non que celui-ce en eût besoin, mais pour qu’eux-mêmes ne fussent ni stériles ni ingrats.”

⁶⁷ “He took that which is part of the creation, viz. bread, and gave thanks, saying, This is my Body. And the Cup likewise, which is of that Creation which appertains unto us, He professed to be His own Blood, and taught [people] the new oblation of the New Testament; which the Church receiving from the Apostles offers unto God in the whole world: – unto Him who giveth us nourishment, the first-fruits of His own gifts, in the New Testament; of which in the twelve Prophets Malachi gave beforehand this intimation ... most evidently imitating hereby, that while the former people should cease to make offerings to God, in every place sacrifice shall be offered unto Him, and that in pureness; His Name also is glorified among the Gentiles” (J. MIGNE, *PG*, vol. 7.1, p. 1026; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, p. 599, and J. KEBLE, *A Library*, 358).

⁶⁸ 4.18.4: “And how can they be assured that the Bread whereon thanks have been given is the Body of their Lord, and the Cup that of His Blood, if they do not acknowledge Him the Son of the Creator of the world ... ” (J. MIGNE, *PG*, vol. 7.1, p. 1027; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 608 and 609; J. KEBLE, *A Library*, on p. 360). The next verse is also significant: “...that as Bread from the earth, receiving the summons of God, is no longer common Bread, but an Eucharist composed of two things, both an earthly and an heavenly one; so also our bodies, partaking of the Eucharist, are no longer corruptible, having the hope of Eternal Resurrection” (found in J. MIGNE, *PG*, vol. 7.1, pp. 1028; in A.

1.5. Origen and a tripartite division in church leadership

Born in Alexandria ca. 185, A.D., Origen became a teacher at the catechetical school of Alexandria at the young age of seventeen upon the martyrdom of his father. Despite hardships he was able to continue his learning, devoting himself in particular to the study of scripture. Ordained a presbyter when in his late forties, he bequeathed to history an extra-ordinary description of the early church. Two traditions exist concerning the circumstances of his death: the first indicates that he was martyred during the persecution of Decius, ca. 250 A.D; the second that he died in Tyre in either 254 or 255 A.D. Eusebius, Origen's celebrated biographer, favours the former.⁶⁹

Even the most perfunctory reading of Origen's commentaries, homilies, letters and books, illustrates that he recognized a clear, stable, and standardized tripartite division in the church's leadership and function: bishop, presbyter and deacon.⁷⁰ Although he speaks of the ministry of presbyter, there appears to be neither hesitation nor distinction when he employs the word "priest" in its stead. Priests and the priesthood are spoken of in a clearly sacrificial context, and that typically in relation to the eucharist.⁷¹

ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 610-613, and 1029, and in J. KEBLE, *A Library*, p. 361). The verse preceding it is also significant: For Irenaeus' theology of redeemed creation, see the whole of 4.19 in J. MIGNE, *PG*, vol. 7.1, pp. 1029-1031; A. ROUSSEAU, *Sources Chrétiennes: Book IV*, pp. 614-623; J. KEBLE, *A Library*, pp. 361-363.

⁶⁹ See *Origen: Homilies on Genesis and Exodus*, translated by R. HEINE, Washington, DC, Catholic University of America Press, 1982, pp. 1-43.

⁷⁰ See for example Origen's Homily on Luke, 17.10: "Anyone twice married may be neither a bishop, nor a presbyter, nor a deacon, nor a widow" (Found in J. MIGNE, *PG*, vol. 13, p. 1847. The English translation is taken from J. LIENHARD, (trans.), *Origen: Homilies on Luke; Fragments on Luke*, Washington, DC, Catholic University of America Press, 1996, p. 75).

⁷¹ Because the Book of Leviticus is so clearly focussed on the priesthood of Aaron, it should be no surprise that in commenting upon it Origen would see a clear connection between the old covenant and the new. See for example homily 5.3.5: "And so, established in this place, let the priest of the Church consume 'the sins of the people' so that when he kills the sacrifice of God's Word and offers sacrifices 'of holy doctrine' he may cleanse the consciences of the hearers from sins" (See J. MIGNE, *PG*, vol. 12, p. 452).

But where the tradition to this point seems to have *koinonia* as the meaning and fruit of sacrifice, propitiation is its meaning for Origen, with personal sanctification as its fruit.⁷²

Two novelties are found in Origen's writings. First, unlike the passing, almost vague reference found in Clement, Origen makes a strong, clear distinction between the clergy and laity. Rather than seeing the clergy as exalted, Origen decries abuses of power and overweening pride, calling instead for all clerics to illustrate and live the humility of a servant.⁷³ As their servants, he insists that it is the duty of the lay faithful to care for their clergy.⁷⁴ Second, although the Letter to the Hebrews rejected it, and while there have been allusions to it seen to this point, it is really Origen who is the first to develop the "conception of the apostolic ministry into a priesthood that stood in *continuity* with the Levitical priesthood of the Old Testament people ... [he] combined the apostolic and

English translation found in G. BARKLEY (trans.), *Origen: Homilies on Leviticus 1-16*, Washington, DC, Catholic University of America Press, 1990, p. 95).

⁷² "Let the priests of the Lord who preside in churches learn that part was given to them with these for whom they should make propitiation for transgressions. But what is it 'to make propitiation for a transgression'? If you should take a sinner, and by admonishing, exhorting, teaching and instructing, lead [that one] to repentance, turn [him or her] from error, free [that one] from vices, and make [her or him] such that God becomes gracious to [that one] converted, you will be said 'to have made a propitiation for transgression'" (Homily on Leviticus, 5.3.4., in J. MIGNE, *PG*, vol. 12, p. 453; G. BARKLEY, *Origen*, p. 98).

⁷³ See Homily on Jeremiah 11.3.2: "*Their offices will not profit them.* For to profit is not the same as to assume a position among the presbyters, but to live in a way worthy of the position, as the word demands. The word also demands that both you and we live in a good way, but if it can be said that *the powerful will be tested in a powerful manner*, more is demanded of me than of the deacon, more from the deacon than from the laity, but from him who has undertaken the chief ecclesiastical office itself over all of us even more is demanded" (See J. MIGNE, *PG*, vol. 13, pp. 370 and 371. This English translation is taken from J.C. SMITH (trans.), *Origen: Homilies on Jeremiah; Homily on 1 Kings 28*, Washington, DC, Catholic University of America Press, 1998, p. 105. The Italics are in the original).

⁷⁴ See Origen's Homily on Joshua, 17.3: "For the Law of God has been entrusted to the priests and Levites so that they may devote their work to this alone and that they may have time for the word of God apart from any care. But, again, in order that they may be able to have the time, they must use the services of the laity. For if the layperson does not offer the necessities of life to the priests and Levites, they will be busy with such matters, that is, bodily concerns, and have less time for the Law of God. And if they do not have time and do not devote their work to the Law of God, you are endangered" (J. MIGNE, *PG*, vol. 12, p. 912; B. BRUCE (trans.), *Origen: Homilies on Joshua*, Washington, DC, Catholic University of America Press, 2002, p. 162).

priestly definitions of Christian ministry.”⁷⁵ In Origen’s words: “In the same way the Apostles also and their successors, priests according to the Great High Priest, having received the science of divine therapy, know from the instruction of the Spirit for what sins, when, and how they must offer sacrifice.”⁷⁶

1.6. Tertullian: a tripartite division in both leadership and ministry

Properly named Quintus Septimius Florens Tertullianus, but popularly named Tertullian, he was born (ca. 160 A.D.), lived and died (ca. 240 A.D.) in Carthage, in what is now modern Tunisia. At about the age of thirty-five he converted to Christianity and was ordained a presbyter a short time later. However, ca. 211, he effectively abandoned the church by joining the Montanists. Eventually disillusioned, he separated from them in later life, establishing in their stead a sect of his own known as the Tertullianists. While much of his writing is apologetic in nature, attacking pagan idolatry and Gnosticism, it remains a singularly rich source for helping to peer into the earliest years of the nascent church.

Tertullian speaks frequently of a stably established and clearly delineated tripartite division of leadership and ministry: deacon, presbyter and bishop. There is no mincing his sacerdotal language: the bishop is a priest. Yet more than a priest, he is *summus sacerdos* – the ordinary minister of baptism, confirmation, penance, and the eucharist, who is also responsible for other unspecified practical matters that impact upon

⁷⁵J. PELIKAN, *The Emergence of the Catholic Tradition (100-600)*, Chicago, IL, University of Chicago Press, 1971, p. 59.

⁷⁶ This quote used by PELIKAN is taken from Origen’s work *De oratione* (Prayer), 28.9. This English translation is found in J. O’MEARA (trans.), *Origen: Prayer; Exhortation to Martyrdom*, Westminster, MD, Newman Press, 1954, p. 112. It is found in J. MIGNE, *PG*, vol. 11, pp. 527 and 530.

the life of the community.⁷⁷ He is invested with such authority that neither presbyters nor deacons can fulfil their ministries without his expressed approval and delegation.⁷⁸ Presbyters, but not deacons, participate in his priesthood, and can be delegated by the bishop to preside at the gathering of the faithful and distributing the eucharist.⁷⁹

Tertullian makes a passing reference to the ministry of reader, a gloss, lacking much illustration.⁸⁰ He speaks of a ministry of the word as distinct from that pertaining to the sacraments.⁸¹

He is among the first to speak clearly of ordination rites by which one is incorporated into an *ordo* – order, through which authority and dignity appropriate to each grade are bestowed.⁸² While there is clearly something of the juridic implied in this

⁷⁷ A. D'ALÈS, A., *La Théologie de Tertullien*, Paris, G. Beauchesne, 1905, p. 219. He writes: "Chef de l'ordre sacerdotal – *summus sacerdos* – l'évêque est, comme tel, ministre ordinaire des sacrements: baptême et confirmation, pénitance, eucharistie. En certains cas, il use de son autorité pour prescrire à la communauté des jeûnes et autres pratiques." This notion was eventually displaced and not recovered until the Second Vatican Council.

⁷⁸ "To conclude my little work, it remaineth that I give an admonition also concerning the right rule of giving and receiving Baptism. The right of giving it indeed hath the chief Priest, which is the Bishop; then the Presbyters and Deacons, *yet not without the authority of the Bishops*, for the honour of the Church, which being preserved, peace is preserved" (*De baptismo*, 17.1. Latin and French translations in R. REFOULÉ (trans.), *Tertullien: Traité du Baptême*, Paris, Éditions du Cerf, 1952, pp. 89-90. English translation in C. DODGSON, (trans.), "On Baptism," in *Tertullian: Apologetic*, vol. 10 of J. KEBLE, *A Library*, p. 275. Emphasis added.

⁷⁹ A. D'ALÈS, *Théologie de Tertullien*, p. 219. He writes: "Au-dessous de l'évêque, le prêtre, *presbyter*, participe au même sacerdoce. Son nom indique la maturité de l'âge et de la vertu. A défaut de l'évêque, le prêtre préside l'assemblée des fidèles, distribue l'Eucharistie."

⁸⁰ "Wherefore one man is Bishop today, another tomorrow; today Deacon, who *tomorrow will be Reader*: today Presbyter, who tomorrow will be Layman; for even to laymen they commit the priestly offices" (41.7, *De praescriptione haereticorum*, Latin and French translations in R. REFOULÉ and P. DE LABRIOLLE (trans.), *Traité de la Prescription Contre les Hérétiques*, Paris, Éditions du Cerf, 1957, p. 148. English translation in J. WILLIS, (ed.), *The Teachings of the Church Fathers*, San Francisco, CA, Ignatius Press, 2002, p. 64. English translation also in C. DODGSON, (trans.), "On Prescription Against Heretics," in *Tertullian: Apologetic*, vol. 10 of *A Library*, p. 476. Emphasis added).

⁸¹ In 42.1 of *De praescriptione* is found: "But what shall I say concerning *the ministry of the word*, seeing that their business is, not to convert the heathens, but to subvert their own people?" See R. REFOULÉ and P. DE LABRIOLLE, *Traité*, p. 148. C. DODGSON, *Tertullian Apologetic*, p. 477. Emphasis added.

by Tertullian, it is never really developed.⁸³ He goes much further than does Origen in delineating between clergy and laity. He speaks of “priestly offices” (*sacerdotalia munera*) and of priestly consecration. To be ordained implies that one is called to a state of holiness that exceeds that of the lay faithful. Reflecting something of his Montanist tendencies, he makes an unabashed call for purity – a call that will eventually become something of a preoccupation for the church later on in time.⁸⁴

In the context of this chaste purity, and again characteristic of the Montanist preoccupation with the spiritual and ascetic rather than the temporal and corporal, he

⁸² 41.6 of *De praescriptione* states: “Their ordinations are careless, capricious, inconsistent. At one time they place in office novices, at another men tied to the world, at another apostates from us ...” See R. REFOULÉ and P. DE LABRIOLLE, *Traité*, pp. 147 and 148. C. DODGSON, *Tertullian Apologetic*, p. 476.

On pp. 114 and 115 of *Priesthood: A History*, K. OSBOURNE, says this about the concept: “In Latin culture, at the time of Tertullian, the people (*plebs*) were one group, and the *ordo* or *ordines* were another. Thus we find in the Latin literature of that time the expression *ordo et populus* or *ordo et plebs* ... As such these *ordines* betokened a specific class or group, and membership in these various orders was highly restricted ... Tertullian (and others) began to speak of the clergy as an *ordo* in the Church as distinct from the people (i.e., the lay [sic]) ... In the liturgy of the eucharist we find this very ancient prayer statement: ‘*nos* (i.e., those in order) *et plebs tua sancta* (we [i.e., those in order] and your holy people.’ ... In itself, the word *ordo* does not have a sacramental overtone; rather, it is an honour to dignity, but one which carries with it leadership responsibilities.”

⁸³ “If, however, you have been entrusted with no *office* beyond that of *teaching moral doctrine*, and if your *presidential authority* is that of a servant and not a *master*, then who do you think you are, or how exalted, that you grant pardon for sin?” (21.6 of *De pudicitia*, in C. MUNIER (trans.), *La Pudicité*, Paris, Éditions du Cerf, 1993, pp. 270-271. See the English translation in W. LE SAINT (trans.), “On Purity,” in *Tertullian: Treatises on Penance; On Penitence; On Purity*, Westminster, MD, Newman Press, 1959, p. 119. Emphasis added. Tertullian does not tell us how an office is entrusted, or who has the power to do so (the bishop?), or even what all of the offices are, or who can hold them.

⁸⁴ “It is ecclesiastical authority which distinguishes clergy and laity, this and the dignity which *sets a man apart* by reason of membership in the hierarchy” (7.3 *De exhortatione castitatis*, in J. FRÉDOUILLE, (trans.), *Exhortation à la Chasteté*, Paris, Éditions du Cerf, 1985, p. 93. English translation in W. LE SAINT (trans.), “An Exhortation to Chastity,” in *Tertullian: Treatises on Marriage and Remarriage; To His Wife; An Exhortation to Chastity; Monogamy*, Westminster, MD, Newman Press, 1959, p. 53. Emphasis added).

For the notion of holiness and consecration consider: “... the ministry of a priest whose monogamy is a necessary condition for his ordination, or who is *consecrated to his office* in a special way by reason of his virginity ...” (11.2 *De exhortatione castitatis*, in J. Frédouille, *Exhortation*, pp. 106 and 107; W. LE SAINT, *Tertullian: Treatises*, p. 60. Emphasis added).

For the notion of clerical purity consider: “For men who have been married twice are not allowed to preside in the Church ... The altar of God must be an altar of manifest purity and all the glory which surrounds the Church is the glory of sanctity” (See 7.4 *Ad uxorem*, in C. MUNIER, *Tertullien: A Son Épouse*, Paris, Éditions du Cerf, 1980, pp. 116 and 117. English translation in W. LE SAINT (trans.), “To His Wife, Book 1,” in *Tertullian Treatises*, p. 20).

offers a simile for the relationship that exists between those in ecclesiastical orders and God: he speaks of them as married. In his words: “How many men and women there are whose chastity has obtained for them the honour of ecclesiastical orders! How many who have chosen to be wedded to God!”⁸⁵ While this speaks to an element of the relational that will prove to be rather significant to other great thinkers of the church, it develops the opinion that those in orders enjoy a unique, privileged and intimate relationship with God that others simply cannot have.

In this same context of purity, Tertullian introduces yet another concept that will prove to be critical in time: “And now, at length, I come to the point of my argument where I make a distinction between the *doctrine* of the apostles and their *power*. Doctrine gives direction to a man; power marks him out with a special character.”⁸⁶ Tantalizing as this is, Tertullian does not develop either the notion of the power (*potestas*) of order or its character (*adsignatio*) in any systematic way.

In two interesting twists on the tradition he has received, Tertullian’s apologetic nudges apostolic succession in the slightest way from its previously defined course, while at the same time firmly putting Peter and his see, Rome, at the sole helm of the Barque.

To this point, apostolic succession relied less upon the material, and more upon the charism of truth and fidelity to the tradition received and proclaimed. For Tertullian,

⁸⁵ 13.4 from *De exhortatione castitatis*, in J. FRÉDOUILLE, *Exhortation*, p. 117; W. LE SAINT, *Tertullian Treatises*, p. 64. LE SAINT continues in the next sentence: “How many who have restored to their flesh the honour it had lost!” FRÉDOUILLE offers this by way of translation: “Ainsi donc, combien d’hommes et combien de femmes, dans les ordres ecclésiastiques, se réclament de la continence, qui ont préféré épouser Dieu, qui ont rétabli la dignité de leur chair.” Lest one hasten to wonder about women in orders: it would seem that Tertullian recognizes at least five orders: bishop, presbyter and deacon as orders obtained by means of ordination; widows and virgins as orders acquired through some other, yet unspecified, means. Regardless of the *ordo*, the honour attached to it nevertheless appears to be quite real.

⁸⁶ *De pudicitia*, 21.1. in C. MUNIER, *A Son Épouse*, pp. 268 and 269; W. LE SAINT, *Tertullian Treatises*, p. 118. Italics are found in Le Saint’s translation.

the apostolic succession is certainly concerned with conserving the content of the faith received from Jesus Christ, but it is more concerned with the material, with being able to prove one's ordainer and predecessor – one's provenance:

[...] let them unfold the role of their Bishops so coming down in succession from the beginning, that their first Bishop had for his ordainer and predecessor some one of the Apostles, or of Apostolic men, so he were one that continued steadfast with the Apostles. For in this manner do the Apostolic Churches reckon their origin: as the Church of Smyrna recounteth Polycarp was placed there by John; so that of Rome doth that of Clement was in like manner ordained by Peter. Just so can the rest also shew those, whom, being appointed by the Apostles to the Episcopate, they have as transmitters of the Apostolic seed.⁸⁷

What is interesting is that precisely because of this apostolicity there arises a larger *koinonia* and *martyrion* – a universal *koinonia* and *martyrion* – with a concomitant universal collegial, fraternal framework:

The apostles [...] went forth into the world, and preached the same doctrine and the same faith to the nations, and forthwith founded churches in every city, from whence the other churches thenceforth borrowed the tradition of the Faith and the seeds of doctrine, and are daily borrowing them, that they may become churches. And for this cause they are themselves also accounted Apostolical, as being the offspring of Apostolical Churches. The whole kind must needs be classed under their original. Wherefore these churches, so many and so great, are but that one primitive church from the Apostles, whence they all spring. Thus all are primitive, and all Apostolical, while all are one. The communication of peace, the title of brotherhood, and the token of hospitality prove this unity, which rights no other principle directs than the unity of the tradition of the same mystery.⁸⁸

There can be little dispute that Tertullian regards Peter as occupying an exalted position among the apostles because of his unique divine commission (see Mt. 16.18 and 19). Because of this, the church he founded, Rome, together with the bishops who succeed him, are more than simply the guarantors of the apostolic tradition and the true measure of apostolicity as it was for Irenaeus. Rome and its bishop acquire a new importance – that of *de facto* primacy among churches:

⁸⁷ *De praescriptione* 32, 1-3, in R. REFOULÉ and P. DE LABRIOLLE, *Traité*, pp. 130 and 131; C. DODGSON, *Tertullian Apologetic*, p. 465.

⁸⁸ *De praescriptione*, 20.4-9, in R. REFOULÉ and P. DE LABRIOLLE, *Traité*, pp. 112-114; J. WILLIS, *Teachings of the Church Fathers*, p. 64.

In him (Peter) was the Church built, that is, through him. He himself first used the key – and see what it was: [*People*] of Israel give ear to what I say. Jesus of Nazareth, a man destined for you by God etc. He himself, thereafter, was the first to open the gate of the kingdom of heaven in the Baptism of Christ, wherein sins are loosed which were formerly bound and those are bound which were not loosed in the way of true salvation [...]⁸⁹

1.7. St. Cyprian of Carthage and fidelity to the content of apostolic faith

Not a great deal is known of the early life of Thacius Caecilius Cyprianus, whom history knows as Cyprian, bishop of Carthage – modern day Tunis. It is thought he was born and educated in that north African city, becoming its bishop just shortly after his conversion to Christianity, ca. 246 A.D. He was an eloquent man, judging from the quality of his writings, but not a philosopher or theologian in the mien of Origen or Tertullian. It has been noted by biographers that he was a capable administrator, possessing vast energy and a forcible, striking character. He suffered martyrdom, in Carthage, during the reign of the Emperor Valerian on the 14th of September, 258.

Although he is bishop, he is an ordained presbyter and he speaks to his fellow presbyters with a tone of fraternal affection that betrays a humble reliance upon them.⁹⁰ It

⁸⁹ *De pudicitia*, 21.11 and 12, in C. MUNIER, *A Son Épouse*, pp. 272 and 273; W. LE SAINT, *Tertullian Treatises*, pp. 120 and 121. Italics are found in Le Saint's translation. Le Saint offers this by way of commentary: "Tertullian changes Christ's metaphor when he substitutes *in ipso* and *per ipsum* for *super hanc petram*. According to this new interpretation, Peter, acting as Christ's minister, is a *founder* of the Church; he is not its *foundation*. It is through apostolic activity that he exercises the power of binding and loosing conferred upon him by Christ, and through this apostolic activity he establishes the Church and leads [humanity] into the kingdom of heaven." See n. 653 on p. 286.

⁹⁰ There are many examples that can be cited that echo his affection for his brother presbyters, even from the very first sentence of his first letter: "My colleagues who are present here and our fellow priests who were with us and I were greatly disturbed, dearly beloved Brethren, when we had learned that our beloved, Germinius Victor, on his death bed ..." (Ep. 1.1 in CYPRIANI, S., *Cyprianus: Epistulae 1-57 in Sancti Cypriani Episcopi Epistularium: ad fidem codicum summa cura selectorum necnon adhibitibus editionibus prioribus praecipuis*, G. DIERCKS, (ed.), Turnholti, Brepols, 1994, p. 1. Because this volume contains only the first 57 letters penned by Cyprian, it will be referred to as DIERCKS 1. The English translation is by R. DONNA in *Saint Cyprian: Letters (1-81)*, Washington, DC, Catholic University of America Press, 1964, p. 3).

For an example that conveys Cyprian's eagerness to collaborate with his fellow presbyters, see Ep. 14.4: "But as for that which our fellow priests, Donatus, and Fortunatus, and Novatus, and Gordius, wrote to me, I have been able to reply nothing in writing alone because, from the beginning of my episcopate, I

is a fraternity, a collegiality, which extends to his brother bishops as well.⁹¹ There is a clear echo of sacerdotalism in his writings: Cyprian is a priest and there is but one priesthood and one altar, one Lord and one faith.⁹²

Unity is a fundamental, indisputable value for him, characterized, not just in the internal harmony and cohesiveness of his own see and those who minister with him, but, perhaps more fundamentally, by the faith that is proclaimed, lived, preserved and celebrated.⁹³ For Cyprian, the only context within which this is possible is that which has

decided to do nothing of my own opinion privately without your advice and the consent of the people" (DIERCKS 1, p. 83 – "*mihī conpresbyteri nostrī*"; R. DONNA, *Saint Cyprian*, p. 43). Also see

⁹¹ See for example his exhortation to the bishops at the Council of Carthage, Ep. 57, in DIERCKS 1, pp. 300-310; the English translation is in R. DONNA, pp. 156-162. In Ep. 59.5 Cyprian writes: "... no one would ever move against the assembly of bishops; no one, after the divine judgement, after the suffrage of the people, after the consent of the fellow bishops, would make himself judge, not now of the bishops, but of God" (See DIERCKS 2, pp. 344 and 345; R. DONNA, *Saint Cyprian*, p. 176).

⁹² "God is one and Christ, one and the Church, one and the Chair established upon Peter by the voice of the Lord, one. One altar cannot be set up nor a new priesthood be contrary to the one altar and the one priesthood" (Ep. 43.5, DIERCKS 1, p. 205 – "*unum altare et unum sacerdotium non potest*"; R. DONNA, *Saint Cyprian*, p. 109). See also Ep. 61.3: "...the Lord might show what the Church is, what one bishop is, His chosen by the divine ordination, what priests were joined with the bishop in the sacerdotal honour, what united and true people of Christ were joined with the love of the flock of the Lord ..." (CYPRIANI, S., *Cyprianus: Epistulae 58-81 et Appendix Epistulas V Complectens in Sancti Cypriani Episcopi Epistularium: ad fidem codicum summa cura selectorum necnon adhibitis editionibus prioribus praecipuis*, G. DIERCKS, (ed.), Turnholti, Brepols, 1994, p. 382. Once again in order to distinguish this volume containing Cyprian's last 23 letters from the previously cited work, it will be known as DIERCKS 2. See the English translation in R. DONNA, *Saint Cyprian*, p. 198).

⁹³ Virtually every letter addresses itself against the threat of heresy or persecution. Over and again the martyr calls for singleness of mind, spirit and faith. Cyprian's final two letters (Ep. 80 and 81) were written with the knowledge that his martyrdom was imminent, yet they exude a confidence and serenity borne of absolute trust in the Risen One. They are powerful and they are touching: "I request that these things may become known to our other colleagues through you that everywhere, by their exhortation, the brotherhood may be strengthened and prepared for the spiritual combat, that each one of us may think less of death than of immortality and, dedicated to the Lord with full faith and complete courage, may rejoice rather than fear in this confession, in which they know that the soldiers of God and of Christ are not slain, but crowned. I trust that you, dearly beloved brother, are always well in the Lord" (Ep. 80.2 in DIERCKS 2, p. 628; DONNA, *Saint Cyprian*, p. 424). "But you, dearly beloved Brethren, in accordance with the discipline which you have always received from me concerning the commands of the Lord and according to what you have learned very often from my discourse, keep quiet and in tranquillity ... May our Lord Jesus make you remain safe in His Church, dearly beloved Brethren, and may He deign to protect you!" (Ep. 81.4 and 5, DIERCKS 2, p. 630; DONNA, *Saint Cyprian*, p. 325).

been divinely ordered, namely, the church and its ministers, succeeding one generation after the other from the apostles themselves.

Here Cyprian illustrates a merging of the notion of apostolic succession as delineated by Clement and Irenaeus with that advanced by Tertullian. In other words, the apostolic succession is concerned with fidelity to the content of apostolic faith and with successive appointment and ordination.⁹⁴ Bishops succeed the apostles themselves, not just in preserving the charism of truth given by Christ to his chosen ones, and not simply through a successive line of one community leader after another, but more fundamentally, in a succession of identity with the very function and power of the apostles themselves.⁹⁵ The bishops can therefore call themselves “apostles,” they being to their communities what the apostles themselves were to the early church. The result is that the bishop assumes a position of authority greater than that advanced by anyone preceding Cyprian in a way that can only be called monarchical. Indeed, perhaps his most memorable, oft quoted thought remains: “Whence you ought to know that the bishop is in the Church and the Church is in the bishop and, if there is anyone who is not with the bishop, he is not in

⁹⁴ “Our Lord ... assigning the honour of the bishop and the plan for His Church, says to Peter: ‘Thou art Peter ...’ Thus through the changes of times and successions, the ordination of bishops and the organization of the Church run through so that the Church is established upon the bishops and every action of the Church is governed through these same prelates. Since this has been founded upon Divine Law ... since the Church is established upon the bishop and upon the clergy and upon all the faithful who stand ... carry on quietly and tranquilly according to the discipline of the Lord” (Ep. 33.1.1 and 2; 33.2.2 in DIERCKS 1, pp. 164-166; R. DONNA, *Saint Cyprian*, pp. 86 and 87).

⁹⁵ K. OSBOURNE, *Priesthood: A History*, p. 142. He points out that because the apostles were the actual chosen eye-witnesses to the life, death and resurrection of Jesus, they simply cannot be replaced after their deaths. He also points out that while the apostles were part of the normative establishment of tradition precisely because of their encounter with revelation, bishops succeeding them cannot make the same claim. Bishops carry it on, comment upon it, develop it, defend it and hand it on, but cannot author it in the same way. Finally, he argues that bishops cannot realistically succeed to any one apostle, but rather succeed as a college – as a *collegium* – to the *collegium* of the apostles who themselves functioned as a *collegium*.

the Church.”⁹⁶ All of this is presented in a thoroughly christocentric fashion, seeing all things in Christ, through Christ and for Christ.⁹⁷

Continuing along the vein initiated by his predecessors, Cyprian firmly establishes the eucharist within a sacrificial typology much more in keeping with that of the Old Testament rather than with that of the New, namely, the Letter to the Hebrews. It is clearly and without question a sacrifice containing within it unmistakable propiatory elements.⁹⁸ But he brings to eucharistic theology another dimension that will carry lasting influence: the eucharist is a sacrifice in the objective sense, that is, it pertains directly to the passion and death of Jesus Christ. In other words, Cyprian narrows the offering of Christ to the Father to merely the events surrounding his passion and death: neither the rest of his incarnate life, nor his resurrected being in glory, are included by Cyprian in that offering. In his words: “... since we make mention of His Passion in all Sacrifices, for the Passion of the Lord is, indeed, the Sacrifice which we offer, we ought to do

⁹⁶ Ep. 66.8: “*Unde scire debes episcopum in ecclesia esse et ecclesiam in episcopo et si qui cum episcopo non sit in ecclesia non esse ...*” in DIERCKS 2, p. 443; translated by R. DONNA, *Saint Cyprian*, on p. 229.

⁹⁷ This notion is found often in Cyprian’s letters. See for example: “... if you think of the majesty of God, who ordains priests of Christ, if you look at length upon Christ, who, by His will and Godhead and presence, governs both the leaders themselves and the Church with the leaders ...” (Ep. 66.9 in DIERCKS 2, p. 444; R. DONNA, *Saint Cyprian*, p. 229). “For it has been handed down to us that there is one God and one Christ and one hope and one faith and one Church and one baptism appointed only in one Church” (Ep. 74.11.1, in DIERCKS 2, p. 578; R. DONNA, *Saint Cyprian*, p. 293).

⁹⁸ “Spurning and despising all these warnings, before their sins have been expiated, before confession of their crime has been made, before their conscience has been purged of the sacrifice and hand of the priest, before the offence of an angry and threatening Lord has been appeased, violence is done to His body and blood, and they sin more against the Lord with their hands and their mouth than when they denied the Lord” (CYPRIANI, S., *Liber de lapsis*, translated and edited by J. MIGNE, in vol. 4 of *Patrologia Cursus Completus. Series Latinae*, [=J. MIGNE, *PL*] Parisiorum, Excudebat J. Migne, 1857 –, p. 479. English translation in J. WILLIS, *Teachings of the Church Fathers*, p. 415).

nothing other than what He did.”⁹⁹ His final contribution to the subject is to insist that the Holy Sacrifice can only be authentically celebrated when clergy and faithful share authentic communion in faith and spirit, and only when priests enjoy the delegation of the bishop in order to preside.¹⁰⁰

1.8. Ss. Athanasius of Alexandria and John Chrysostom and the sacrificial act

It was the habit of Athanasius of Alexandria¹⁰¹ to write an annual Easter letter to the faithful of his Egyptian diocese. The first of these “Festal Letters” was penned in 329 A.D., just shortly after Athanasius became their bishop. The letters are catechetical and exhortative in nature, and are very often a vehicle for his frequent denunciations of Arianism. Some forty-five are extant, the last being written in 373, just weeks before his death on the 2nd of May.

Athanasius was able to take what Cyprian offered with regard to understanding the eucharist in its objective sense, but develops it just further by asserting: “no longer slaying a material lamb, but that true Lamb that was slain, even our Lord Jesus Christ,

⁹⁹ Ep. 63.17.1, in DIERCKS 2, p. 417; R. DONNA, *Saint Cyprian*, pp. 213 and 214. See also, “Whence it appears that the Blood of Christ is not offered if wine is lacking in the Chalice and that the Sacrifice of the Lord is not celebrated with lawful sanctification unless the Oblation and our Sacrifice correspond to the Passion” (Ep. 63.9.3, DIERCKS 2, p. 401; R. DONNA, *Saint Cyprian*, p. 208).

¹⁰⁰ “Yet I hear that some of the priests ... not reserving for the bishop the honour of his priesthood and of his see ... have already begun ... to offer the Holy Sacrifice [to the lapsed] ... no one can come to Communion unless, first, hands have been imposed upon [him or her] by the bishop and clergy ...” (Ep. 17.2.1 in DIERCKS 1, p. 97; R. DONNA, *Saint Cyprian*, p. 50).

¹⁰¹ Athanasius was born in the Egyptian city of Alexandria ca. 298. After receiving a classical education he was ordained deacon by Alexander whom he served as secretary, accompanying him to the Council of Nicea in 325. Appointed by him to be his successor, Athanasius assumed the see in 328. Of extra-ordinary intelligence and determination, it is said that Athanasius had more to do with shaping the events of his day than he was shaped by them. Exiled repeatedly, exonerated each time, he is regarded, quite correctly, as the Father of Orthodoxy and one of the great Doctors of the Church – both in the East and the West. He wrote extensively on the incarnation and was instrumental in opposing the Arian heresy. Athanasius spent the last years of his life in relative calm, writing and continuing to champion his orthodox beliefs. He died on the 2nd of May, 373.

Who was led as a sheep to the slaughter, and was dumb, as a lamb before her shearers; being purified by His precious blood."¹⁰² What is offered is not just the passion and death of Christ as a definitive salvific moment in time, bearing an anamnestic quality as it had been understood previously; what is offered is Christ sacrificially, sacramentally slain anew. In Athanasius, not only is a eucharistic doctrine sufficiently established that will influence theology for centuries, it will be expressed *sans pareille* by John Chrysostom¹⁰³ when he graphically writes: "When you see the Lord immolated and lying upon altar, and the priest bent over that sacrifice praying, and all people empurpled by that precious blood, can you think that you are still among [people] and on earth?"¹⁰⁴ So, by extension, the priesthood can be nothing other than a continuation of the Old Testament typology manifested by Aaron and the entire House of Levi: cultic, pure and detached, isolated from the rest of humanity, engaged in the sacrificial act, albeit in an unbloody fashion.

¹⁰² ATHANASII, S., *Epistolae Festales*, 1.9, vol. 26 of J. MIGNE, *PG*, p. 1365. English translation prepared by W. BURGESS in *The Festal Epistles of S. Athanasius*, vol. 38 of J. KEBLE, *A Library*, p. 11. The Italics are in reference to scripture (Is. 53.7) and are found in Burgess' translation. For further development on this point, see T. JALLAND, *This Our Sacrifice: A Brief Theological and Historical Study of the Eucharistic Oblation*, London, A.R. Mowbray, 1933, pp. 86ff.

¹⁰³ John Chrysostom, whose *cognomen* is Greek for "golden-mouth" – a tribute to his eloquence as a homilist – was born in Antioch ca. 347. Despite the death of his father at very young age, he and his sister were given a solid classical Greek education provided by their wise and prudent mother. Under the influence of the bishop Miletius, young John was baptized ca. 370 and was seized by the notion of living a strictly ascetic life. However, Miletius had other designs and ordained him to the diaconate ca. 381, and then to the presbyterate in 386. That same year Chrysostom published *On the Priesthood*, the work that will be shortly cited. He became bishop of Constantinople on the 26th of February, 398. His efforts to impose discipline and reform the church and Imperial Court were not welcomed: the Empress Eusoxia had him banished in 403. Despite a subsequent repatriation, Chrysostom was banished a second time in 407 to Pithyus in the northern reaches of the Empire. The journey there proved too much for the Patriarch, who died on the 14th of September at the age of sixty. A Doctor of the Church, Chrysostom's writings are widely consulted in both the East and the West.

¹⁰⁴ CHRYSOSTOMI, S. JOANNIS, *De sacerdotio*, 3.4.177 in vol. 48, J. MIGNE, *PG*, p. 642. English translation by W. JURGENS, in *The Priesthood: A Translation of the Peri Hierosynes of St. John Chrysostom*, New York, NY, MacMillian Company, 1955, p. 31.

1.9. St. Augustine of Hippo and the sacramentality of orders

Aurelius Augustinus was born in Tagaste, northern Africa, on the 13th of November, 354, A.D. Extraordinarily well educated and worldly, he sought baptism during Easter of 387 A.D. marking the culmination of an intellectual and spiritual journey influenced in no small measure by his mother Monica and Ambrose, Bishop of Milan. Reluctantly ordained to the priesthood in 391 A.D., and just four years later, at the age of forty-two, bishop of Hippo by Megalius, Primate of Numidia, Augustine occupied that see for the next thirty-four years. Eminently pastoral, somewhat ascetical, a prolific and powerful writer, his episcopacy is characterized by his tireless and continued opposition to the heresies of the Donatists, Manichees and Pelagians. However, the fruit of those struggles would be a theology that has dominated all later Western theology, with its psychological insight, its sense of humanity's utter dependence on grace, and its conception of the Church and the sacraments. He died in his seventy-sixth year on the 28th of August, 430 A.D.

Augustine offers two significant references with regard to orders that have had precisely that sort of enduring influence. Although at the time of their writing, they may appear to be passing or even slight, subsequent thinkers would find in them seeds for a vivid and lasting magisterium.

In the year 400, Augustine penned a three-volume response to a letter written by Parmenianus, Donatist bishop of Carthage, wherein he defended the unrepeatability and perpetuity of the sacrament of orders. Likening orders to baptism, Augustine indicates that both are consecratory in nature, in such a way that the consecration cannot be voided,

nor can it be repeated.¹⁰⁵ He echoes a similar theme in his book *The Good of Marriage*, believed to have been written in 401, where, taking a cue from Tertullian, he likens ordination to marriage:

Because of this sanctity [that is of the sacrament of marriage], it is wrong for a woman, leaving with a divorce, to marry another man while her husband lives, even if she does this for the sake of having children. Although that is the sole reason why marriage takes place, even if this for which marriage takes place does not follow, the marriage bond is not loosed except by the death of a spouse. Just as if an ordination of the clergy is performed to gather the people, even if the congregation does not follow, there

¹⁰⁵ AUGUSTINI, S., *Contra epistolam Parmeniani libri tres*, 2.13.28, in *Sancti Aureli Augustini: Scripta Contra Donatistas*, M. PETSCHENIG (trans.), Vindobonae, F. Tempksy, 1908; reprinted New York, NY, John Reprint Corporation, 1963, pp. 2-141. French translation in M. RAULX (ed.), *Oeuvres Polémiques: Donatistes, Pélagiens*, in vol. 15 of *Oeuvres Complètes de Saint Augustin: Traduites pour la Première Fois en Français*, Bar-le-Duc, Louis Guérin, 1870, p. 36. Spanish translation by M. LANERO, in *Obras Completas de San Agustín: Escritos antidonatistas*, in vol. 32 of *Obras Completas de San Agustín*, Madrid, Biblioteca de Autores Cristinos, 1988, pp. 289-291. See also G. FINAERT, trans., *Oeuvres de Saint Augustin: Traités Anti-Donatistes*, vol. 38, Bibliothèque Augustinienne series, Paris, De Brouwer, 1963, pp. 197-481. His words are:

Defeated by the evidence, a certain number of them, taking the middle road, are satisfied with saying that the one who secedes from the Church loses, not baptism, but the right to confer baptism. Now this statement, even if it is somewhat moderate, is nonetheless full of absurd things and errors. First of all, could we be told why the person who could not lose baptism could lose the right to confer baptism? In fact baptism and order are both sacraments and both produce a certain consecration either in the baptized person or in the ordained person. And it is because of this very same consecration that the Catholic Church forbids the reiteration of those two sacraments. When pastors renounce their schism and confess their errors, one can welcome them for the sake of peace. And if one thinks that it might be necessary to re-establish them in their former functions, they are re-established without being conferred the sacrament of order again. Just as for baptism, ordination remains in them in all of its integrity. By seceding from the Church they had committed a crime, from which they were justified by returning to peace, but in no way were the sacraments themselves vitiated. Everywhere and in everybody, they remain what they are, and when the Church finds it useful, to refuse to pastors who come back to unity the right to fulfill their former functions, she can do that legitimately. Nonetheless the sacrament of order remains in all of its integrity. Thus if one does not lay hands on them this is to avoid injury not to the man but to the sacrament. And if it happens that hands are laid on them through ignorance, provided that one does not become all heated up in defending it, and provided also that remedy be brought as soon as it becomes known, forgiveness is very easily obtained. For our God is not a God of dissention but a God of peace. He considers as his enemies, not his own sacraments in the person of those who secede from his Church, but the very person of those who are seceding. So, therefore, they have in baptism what they can confer similarly in ordination: they have a right to confer it. But, and let us say it with pain, the sacrament that they confer and the sacrament that gives them the right to confer it are for them a cause for ruin for as long as they do not have charity in unity. Thus it is one thing not to have the sacrament, another to have in it a cause for ruin, and yet another to find in it a powerful means of salvation.

yet remains in those ordained the sacrament of orders. And if, because of any fault, anyone is removed from clerical office, he retains the sacrament of the Lord once it has been imposed, although it remains for judgement.¹⁰⁶

What emerges here is rather interesting! First, orders is a sacrament. Here is the first intimation of what would be articulated definitively in subsequent doctrine. Second, ordination is intended to gather people together, and to gather them to God. Its clear focus, then, is upon *koinonia*, in both its human and divine contexts. Third, because of its focus upon *koinonia*, likening it to marriage implies establishing a bond with “the people” – the community. Fourth, although Augustine’s theology of marriage is focussed on more than the *bonum prolis*, that fecundity is equally extended to the bond between clergy and community: this is meant to be a life-giving relationship. Finally, like marriage, the sacrament of orders is perpetual regardless of circumstances. Without saying it, yet implying it, Augustine introduces to the theological conversation the notion of character – character of baptism, character of order.

2. A focus on the early ordination rituals

Just prior to delving into an exploration of the teaching and legislation emanating from the councils of the first two millennia, another interesting field presents itself – one that invites brief investigation. For although it is not a particularly large terrain, it contains within it fruits essential for the harvest that is a fuller understanding of the pastoral bond that unites priests and their bishops: the field is of course the earliest extant ordination rituals celebrated by the Church.

¹⁰⁶ AUGUSTINI, S., *De bono conjugali*, vol. 40 of J. MIGNE, *PL*, p. 394. English translation prepared by C. WILCOX in *Saint Augustine: Treatises on Marriage and Other Subjects*, vol. 27 of R. DEFARRARI (ed.), *The Fathers of the Church: A New Translation*, New York, NY, Fathers of the Church, 1955, p. 48.

2.1. The Apostolic Tradition of Hippolytus – a “marriage” with the apostolic church

The *Apostolic Tradition*, ascribed to Hippolytus,¹⁰⁷ contains within it the earliest extant ordination rites for bishops, presbyters, and deacons.¹⁰⁸ Believed to have been originally written in Greek ca. 215, it prescribes that the ordination of a bishop shall take place on the Lord’s Day, in the community within which he is to exercise his ministry, and that he is to preside at the Eucharist that follows. It is regrettable that portions of the text have been lost to posterity, including the *praenotanda* for presbyteral and diaconal ordinations. Other than very brief notes, little is known of the time or context for either liturgy. A eucharistic setting would certainly be expected. That the episcopal ordination is to take place within the community and not in some other meaningful or convenient locale is indicative of a connection with that specific community. Furthermore, the *praenotandae* indicate that the ordination can proceed only after “he has been proposed and found acceptable to all ... being in all things without fault chosen by the people.”¹⁰⁹

While the rubric reflects an ancient practice that has long since fallen into desuetude,

¹⁰⁷ Hippolytus (? – c. 235), is one of the most prolific writers in the pre-Constantinian era. A presbyter of the church in Rome, he was for a period estranged from the church, but reconciled just before his death in Sardina in 235. The *Apostolic Tradition* is heralded as “the most illuminating single source of evidence extant on the inner life and religious polity of the early Christian church.” See *Hippolyte de Rome, La tradition apostolique Sources d’après les anciennes versions, introduction, traduction et notes par B. Botte*, Paris, Édition du Cerf, 1968 (*Chrétiennes* #11 bis). English translation in G. DIX (ed.), *Αποστολική Παράδοσις: The Treatise on the Apostolic Tradition of St. Hippolytus of Rome*, London, SPCK, 1968, p. ix.

¹⁰⁸ As shall be seen later, the Greek word “presbyter” has been rendered into English as “priest.” The English word is not immediately derived from the Greek *hierous* (Latin *sacerdos*), but rather from the Anglo-Saxon *proest*, a remote translation of the Greek *presbyteros* (elder/older man). The Hebrew word *kohen* is translated more readily as *hierous* rather than *presbyteros* which, in Judaism were laypersons associated with guiding the community. The term *presbyter* was borrowed by Christianity from Jewish nomenclature, though neither the early Christian nor consistent Jewish usage carry the cultic sense of *hierous/sacerdos*. The word *priest* as used today, however, carries both connotations and will be used from this point onward, unless the nature of the conversation dictates otherwise. See R. RAUSCH, *Priesthood Today: An Appraisal*, Mahwah, NJ, Paulist Press, 1992, p. 34. Also see A. DULLES, “Models for Ministerial Priesthood,” in *Origins*, 20 (1990-1991), p. 285.

¹⁰⁹ C. DIX, *Saint Hippolytus*, p. 2.

namely the community's election of its bishop, it nevertheless enhances and expresses the intimate association that is meant to exist between the one ordained and those for whom he is ordained.¹¹⁰ Reaching beyond the community itself and back into the living tradition, the consecratory prayer found in the *Apostolic Tradition* speaks of a linkage between this new bishop and the apostles before him such that: "a sort of marriage took place that was to be unbreakable, and this 'marriage' was an assurance of the apostolicity of the local church."¹¹¹ Here the notion of stability is enjoined upon the most intimate and powerful of all human relationships – marriage.

2.2. The ordination prayers of Spain and the notion of stability

Later ordination rituals take up this theme of stability and, while not making the connection to marriage, express a deep connection between the cleric and a specific community. This is achieved by expressly naming the candidate and the place where he

¹¹⁰ This practice is consistently echoed throughout the first millennium. The *Leonine Sacramentary*, the oldest known sacramentary, dates from the seventh century. The *Gregorian Sacramentary*, attributed to Pope St. Gregory the Great, and the *Missale Francorum* come from the eighth century. The Spanish ritual known as the *Mozarabic* or *Visigothic* rite also comes to us from the eighth century. For Latin texts and translations, see H. PORTER, *The Ordination Prayers of the Ancient Western Churches*, London, SPCK, 1967. See also P. BRADSHAW, *Ordination Rites of the Ancient Churches of the East and West*, New York, NY, Pueblo Publishing Company, 1990. Although Bradshaw's work is somewhat more extensive than is Porter's, he does not provide texts in their original language that facilitate thoughtful scrutiny. For the *Romano-German Pontifical* of the tenth century, see C. VOGEL (ed.), *Le Pontifical Romano-Germanique du Dixième Siècle*, Città del Vaticano, Biblioteca Apostolica Vaticana, 1963.

A vestige of this ancient practice remains in the current ordination rituals. See the *Pontificale Romanum, The Roman Pontifical: Revised by Decree of the Second Vatican Ecumenical Council and Published by Authority of Pope Paul VI*, English translation prepared by International Commission on English in the Liturgy, 1978. For the ordination of a deacon see the "Election by the Bishop and Consent of the People," p. 177; for the ordination of a priest see that portion of the rite carrying the same title as that for a deacon on p. 207, and for the ordination of a bishop see "The Consent of the People" on p. 221. In all three instances the homily follows.

¹¹¹ K. OSBORNE, *Priesthood: A History*, p. 139. The words from the ritual as translated by H. PORTER in *Ordination Prayers*, are: "Pour forth now that power which is from thee, the princely Spirit, which thou gavest to thy beloved Son, Jesus Christ, which he gave to the holy Apostles, who established in every place the church ... to loose also every bond according to the power which thou gavest to the Apostles ..." (pp. 7 and 9). The investiture with a ring as part of the contemporary ritual symbolizes this most powerfully: "Take this ring, the seal of your fidelity. With faith and love protect the bride of God, his holy church." See *Pontificale Romanum*, p. 233.

was to exercise his ministry.¹¹² Such a reference could easily be passed over as a liturgical nicety, “but may also be a conscious expression of the rejection of ‘absolute’ ordinations by the early church: one could not be ordained a bishop, presbyter, or deacon in the universal church, but had to be appointed to a specific, vacant ministerial role within a particular Christian community.”¹¹³

2.3. The Romano-German Pontifical and the celebration of the Eucharist

The ordination rituals reveal other interesting developments between the *Apostolic Tradition* in the third century and the *Romano-German Pontifical* in the tenth. Fundamentally, Hippolytus saw bishops as being selfless servants in the example of the apostles characterized by a certain simplicity and holiness of life.¹¹⁴ There is little doubt of their exercising priesthood, even a “high priesthood,” by offering the eucharistic sacrifice and forgiving sin.¹¹⁵ This, it seems, is not by virtue of order, but rather by virtue of being community leader. By the eighth century, bishops had become somewhat like monarchical rulers, enthroned, and spoken of in terms that portend regal dignity.¹¹⁶

¹¹² The “Prayer for Ordaining a Presbyter” from the *Ordination Prayers of Spain* are translated by H. PORTER in *Ordination Prayers* on p. 63 as: “O God, who didst command that the order of elders who were to be set over thy church be constituted in the tabernacle of thy temple, sanctify this thy servant, *N.*, whom by the action of our hands we consecrate with the honour of the presbyterate for *N.* church.”

¹¹³ P. BRADSHAW, *Ordination Rites*, p. 20.

¹¹⁴ “Father who knowest the heart, grant to this thy servant, whom thou hast chosen for a bishopric ... serving night and day ... to please thee, too, by gentleness and pure heart, offering to thee an odour of sweet savour ...” (H. PORTER, *Ordination Prayers*, pp. 7-9).

¹¹⁵ “... to propitiate thy countenance unceasingly and to offer the holy gifts of thy church; by the Spirit of the high priesthood to have the power to remit sins according to thy commandment” (Ibid., p. 9).

¹¹⁶ “... we beseech thee, O Lord, that thou wouldst grant this grace: that whatsoever it was that those veils signified in radiance of gold, in sparkling of jewels, in variety of diverse workmanship, this may show forth in the conversation and deeds of these men ... grant to them an episcopal throne to rule thy Church and entire people. Be thou their strength; be thou their might; be thou their stay” (*Leonine Sacramentary*. Ibid., pp. 21-23). “... let us beseech God .. for this servant ... setting him with the princes

Like bishops, presbyters are spoken of simply by Hippolytus. Praying for “a Spirit of grace and counsel for presbyters,”¹¹⁷ a collegial participation is implied with the intended purpose of governing the people of God. There is no purely sacerdotal imagery, although he speaks of presbyters belonging to the priesthood. There is no clear reference to eucharistic presidency. Hippolytus makes it clear that presbyters do not have the power to ordain but merely to “put [their] seal on the ordination of a presbyter while the bishop ordains.”¹¹⁸ This would change dramatically within the next three hundred years, with the *Leonine Sacramentary* speaking quite clearly of a sacrificing priesthood of secondary dignity ordained to assist bishops.¹¹⁹

Deacons for their part are ordained to serve the bishop, writes Hippolytus, doing only those things commanded by him.¹²⁰ This early reference to obedience would eventually find its way into the ritual of the church, but not until the *Romano-German Pontifical* of the tenth century.¹²¹ There is a foreshadowing of the notion of jurisdiction in

of his people ... may he adorn this same man ... in the fullness of deserved honour ... as a ruler ...” (Ibid., p. 43).

¹¹⁷ Prayer from the *Apostolic Tradition*, ibid., p. 9.

¹¹⁸ Again quoted from the *Apostolic Tradition*, ibid., p. 11.

¹¹⁹ H. PORTER offers this translation of the consecratory prayer in the *Leonine Sacramentary*: “Thus when thou didst set up high priests to rule over thy people, thou didst choose men of a lesser order and secondary dignity to be their companions and to help them in their labour ... sufficient for the salutary sacrifices and the rites of a more frequent worship ... virtuous colleagues of our order” (See *Ordination Prayers*, pp. 27-29).

¹²⁰ “When a deacon is ordained, let the bishop alone lay on his hands, for the reason that he is not ordained for the priesthood, but for serving the bishop, to do those things which are commanded of him” (From the *Apostolic Tradition*, ibid., p. 11).

¹²¹ See p. 30 of C. VOGEL’S translation in *Le Pontifical*. L. STREIDER offers this translation in his book, *The Promise of Obedience: A Ritual History*, Collegeville, MN, Liturgical Press, 2001, on p. 20: “Will you (*Vis*) be obedient and consenting (*obediens et consentiens*) to your bishop for whose diocese (*ad cuius parrochiam*) you are about to be ordained according to justice and your ministry (*secundum iustitiam et ministerium tuum*)? Response: I will (*Volo*).”

L. STREIDER offers another insight:

the *Apostolic Tradition*, when Hippolytus makes it clear that deacons do not receive the “common spirit of the presbyter,” but rather receive only that given to them through the power of the bishop.¹²² By the time of the *Leonine Sacramentary*, deacons were understood to belong to the “office of Levites,” a term used continuously from that time to the present.¹²³

Two intriguing issues emerge. First, the ordination prayers of Spain indicate that the deacon is no longer the sole servant of the bishop, but rather that of the bishop and presbyters.¹²⁴ This indicates a decided weakening in status for deacons, being removed from the immediate ambit of the bishop and being replaced there with presbyters.¹²⁵

The text uses the words ‘parish’ or ‘diocese’ (*parrochia*). Like ‘diocese’ (*dioecesis*), ‘parish’ has become part of our common vocabulary. Both terms find their roots in the Greek vocabulary of marriage and running households. In Greek, a *πάροχος* (*parochos*) was one who goes beside another in a chariot, the *ὄχος* (*ochos*), as one who attends a bridegroom. Later he was seen as the administrator of that person’s affairs. In Greek, *διοίκησις* (*dioikisis*) is from *διοικέω* (*dioikeo*), which means ‘to manage a house.’ Both words later came to mean ‘province’ or ‘district.’ In our text, it is clear that *parrochia* means what we would today call ‘diocese.’ In any case, it is a much larger concept than our modern understanding of parish (see p. 21).

¹²² “For he is not a member of the council of the clergy, but attends to responsibilities and makes known what is necessary to the bishop; not receiving that common spirit of the presbyter, of which the presbyters are sharers, but [he receives] that which is entrusted [to him] under the power of the bishop” (quoted from the *Apostolic Tradition*, in C. PORTER, *Ordination Prayers*, p. 11).

¹²³ From the Roman prayers is found: “... we beseech thee that thou wouldst grant that these thy servants, whom thou dost vouchsafe to call to the office of Levites, may rightly fulfil the ministry of the holy altar ...” (ibid., p. 31). From the ordination prayers of Gaul: “... so that at the supplication of the whole church, this man, who is prepared for the ministry of the diaconate, may be resplendent in the order of levitical blessing ...” (ibid., p. 55). From Spain: “... bless we beseech thee, this thy servant, *N.*, being joined unto the order of Levites ...” (ibid., p. 69). Finally, “As ministers of your tabernacle you chose the sons of Levi and gave them your blessing as their everlasting inheritance” (*Pontificale Romanum*, p. 183).

The Levites were the members of the Hebrew tribe of Levi, a name that means “attached.” The only tribe not to be given territory by God in the land of Canaan, they were enjoined rather to religious and political duties for the good of the entire people. In return, the other tribes were expected to tithe for their support. They are not to be confused with the descendants of Aaron, Levi’s great grandson, who were made a priestly class in the time of Moses. For the tribe of Levi see Numbers 8.5-22 and Joshua 13.33. For Aaron, see Exodus 28 and 29.

¹²⁴ “Observe, therefore, the degree of thine order, and know thou thyself to be the servitor of the presbyter as also of the bishop” (the Spanish prayers in C. PORTER, *Ordination Prayers*, p. 71).

Second, there appears to be a decided shift away from the diaconate as a permanent ministry to one more transitional in nature.¹²⁶

Lex orandi, lex credendi – the rule of prayer establishes and expresses the rule of faith. Articulated by Prosper of Aquitaine,¹²⁷ this fifth century axiom has remained a byword from his time to ours. What is prayed is what is believed. What is prayed is what the community holds as true. Yet even before Prosper committed the thought to paper, it has been the consistent practice of the church from its early beginnings. Hence, the community's prayer is itself a part of the apostolic succession, faithfully reflecting and proclaiming fundamental truths.¹²⁸ Relying, then, upon this axiom, what can be concluded from what the church prayed in these early ordination liturgies?

The very words chosen by Hippolytus for his work, "Apostolic Tradition," says something about how the church understood itself – even in the earliest years of the third century – as being the recipient, steward and envoy of the gift received from Christ, given to the apostles, and successively passed from one generation to the next. This is not something new but rather something that is protected from deviation, conserved, enriched where necessary, and cherished. It is meant to be used as an instrument of salvation. The

¹²⁵ From the same Spanish ritual, but in relation to presbyters is the "Declaration after the Presbyter is Ordained" spoken by the bishop: "Behold, brother, thou hast now become a colleague of our order for teaching the mysteries of Christ. Have, therefore, access and power to approach the altar of God" (also found in the Spanish prayers, *ibid.*, p. 65).

¹²⁶ The ordination prayers of Rome ask: "... and having the testimony of a good conscience may they continue strong and stable in Christ, and by fitting advancements from a lower grade may they be worthy, through thy grace, to take up higher things ..." (from the *Leonine Sacramentary*, *ibid.*, p. 35).

¹²⁷ Prosper of Aquitaine, or Prosper Tiro (ca. 390 – ca. 465), was a disciple of St. Augustine of Hippo. In about 440 he appears to have made the acquaintance of Pope Leo I, which led to his being attached to the papal court in Rome, functioning as a notary. Although not a cleric, Prosper was actively engaged in the controversies of his time, writing in defense of St. Augustine and promoting orthodoxy.

¹²⁸ K. OSBOURNE, *Priesthood: A History*, p. 167.

apostolic succession means more than merely being able to trace a lineage back to one apostle or another via the laying on of hands. It implies a receiving, in an unbroken fashion, of what the apostles learned, believed and taught.

By the time of Hippolytus, and developing further after him, the church had come to realize a degree of formalized structure, with the presence of dioceses, parishes, and churches.¹²⁹ Borrowing concepts from its secular milieu, often from the mundane things of ordinary living, many of these offer something profound by way of relational imagery. There is a tripartite division of ministry, clearly articulated, each with a degree of theological underpinning, each with clearly delineated spheres of responsibility.¹³⁰ Ordained ministry is becoming increasingly sacerdotalized, connecting the episcopacy and presbyterate with the priesthood of Aaron; connecting the diaconate with the service of Levi. The Eucharist is understood to be a propitiatory sacrifice in keeping with the sacrifice offered in the old covenant. Because of its central place in the worship of the community, men are ordained to ensure its being offered. Bishops as high priests are both chief leaders in cult and leaders of the community. Presbyters, as colleagues of the bishops, share his priesthood but not in the same fullness. Deacons, formerly the closest collaborators of the bishops, are gradually being relegated to lesser positions and, because they do not share in the power to offer the sacrifice, are doomed virtually to disappear,

¹²⁹ "Father who knowest the heart, grant to this thy servant, whom thou hast chosen for a bishopric (*episcopatu*, in the translation, *episcopatum* intended) to feed thy holy flock ..." (quoted from the *Apostolic Tradition*, in H. PORTER, *Ordination Prayers*, pp. 6 and 7).

¹³⁰ This is expressed clearly in the prayers from Rome: "Almighty God, giver of honours, distributor of orders, and bestower of offices ... by thine everlasting providence thou doest prepare ... the whole structure unto the increase of thy temple, establishing the service of sacred office in three grades of ministers to do battle in thy name ..." (H. PORTER, *Ordination Prayers*, p. 33).

save as a step along the way to what some might consider to be genuine ministry – the priesthood.

The ordination rites themselves lack any sense of the transmission of juridical powers: they are simply not seen in a juridic way. Rather, they are a means of conferring grace not for one's own good but for that of the community and the meeting of its needs. Ordination was understood to be a "sanctification for office, setting the ordinand apart for the ministry and also endowing him with the qualities he needed to be an example of the Christian way of life."¹³¹ Over and again, in each of the cited rituals, petitions are made for the good of the community, for its unity and for its protection from error.¹³² "The prayers are for pastoral leadership, good shepherding, true teaching, liturgical presidency and generous healing, just as Jesus was, and in line with Jesus' instructions to his apostles."¹³³

These things reflect a community that is in the process of stabilizing, of solidifying and of establishing structures for itself that will preserve and protect it. It is important to recall that the first centuries of the church's existence are not times characterized by untrammelled harmony either within itself or in its relations with its world! The times were turbulent, marked by successive waves of persecution and the

¹³¹ D. POWER, *Ministers of Christ*, p. 167.

¹³² A very good example is found in the prayer over a bishop from the ordination prayers used in England: "Command, O Lord, this man to feed thy sheep, and grant that as a diligent shepherd he may guard the care of the flock entrusted to him ... in justice not wanting, in kindness strong, in persecutions to faith, in love to patience, in truth to steadfastness. For heresies and all vices may he know hatred, for strifes [sic] may he know nothing ... May he reckon priesthood itself to be a task, not a privilege" (H. PORTER, *Ordination Prayers*, pp. 75 and 77).

¹³³ K. OBORNE, *Priesthood: A History*, p. 155.

ever-present danger of heresy.¹³⁴ Articulating and sharing belief, maintaining what was received from the apostles, creating structure, writing law, recording rituals – these would be sure tools in the struggle. A minister ordained and rooted in a particular community is chief among them for the protection of the community, the preservation of the apostle's teaching and the good of the cleric himself. In other words, there simply could be no such thing as a cleric without a community. Indeed, by the Council of Chalcedon, any ordination that was not rooted precisely in this way was considered invalid.¹³⁵

3. Teachings and legislation of the early Councils

The time has come to shift focus away from that which is grounded in Scripture, the Fathers, theology and liturgy, to that which is more juridical.

3.1. The Council of Arles (A.D. 314) and the attachment to a local church

Gathering in 314 A.D. in southern Gaul on banks of the Rhône, the Council of Arles sought to put an end to the Donatist controversy. The resulting twenty-two canons deal with various abuses that had crept into ecclesiastical life since the persecution of

¹³⁴ The exhortation to the people at the ordination of a bishop found in the rites from Gaul say it so clearly:

Dearly beloved brethren, at the death of priests the custom also of the ancient church is to be kept; that when others have passed away, whoever are most worthy should be elected in their place, through whose teaching the Catholic faith and the Christian religion may stand fast, lest a violent robber break into the sheepfold of the Lord and, when the shepherd is absent, a thief in the night attack the scattered sheep. Since by disposition of God your priest hath thus been taken away, ye must act carefully, in order that, into the place of the deceased, such a successor may be provided for the church, that by his constant watchfulness and unceasing care, the order of the church, and the faith of the believers may, in the fear of God, grow more strong; a man who, as the Apostle teacheth, may himself show, in all his teaching, the pattern of good works, whose character, speech, countenance, presence, teaching may be a source of strength; who as a good shepherd may instruct you in the faith; teach the example of patience; impart the doctrine of religion; and enforce the example of charity by means of good work (H. PORTER, *Ordination Prayers*, p. 41).

¹³⁵ See P. BERNIER, *Ministry in the Church: A Historical and Pastoral Approach*, Mystic, CT, Twenty-third Publications, 1992, p. 92.

Diocletian (284-305), and they are among the most important documents of early ecclesiastical legislation. Canon 2 states that a cleric ordained for a particular place is to remain in that place:

Those who have been ordained ministers in certain churches are to remain attached to those same churches.¹³⁶

It is simply worded. There is no penalty attached for those held in non-compliance. However, unlike c. 2, which is broadly addressed to bishops, priests and deacons, c. 21 is directed only to priests and deacons:

It is decreed that priests and deacons who are wont to abandon the churches for which they have been ordained and betake themselves to other churches, are to perform their ministrations in those churches, But if, after they have deserted their own churches, they intend to establish themselves in another, they are to be deposed.¹³⁷

The wording is firmer and bears with it the penalty of deposition – removal from the ranks of the ordained. The word “wont” implies an ongoing problem, one that has become habitual. It seems that priests and deacons, despite being ordained for ministry in a specific community, simply abandoned those communities to find other ministry. The wording of the canon seems to suggest that, if this be the case, then it shall be permitted once. But it shall not happen twice. Why?

¹³⁶ “De his qui in quibuscumque locis ordinati fuerint ministri, in ipsis locis perserverent,” cited on p. 471, vol. 2 of J. MANSI, J., *Sacrorum Conciliorum Nova et Amplissima Collectio*, Paris, H. Welter, 1901-1927. The English translation of the canon is prepared by J. O’CONNELL, *The Canons of the First Council of Arles, 314 A.D.*, Washington, DC, Catholic University of America Press, 1961, p. 151. O’Connell points out that the word *locis (loca)* is translated narrowly as “churches,” meaning a specific building used for ecclesiastical purposes, its surrounding land and other church property. It could also mean a particular congregation, or sphere of activity, or place of duty. He argues that *locis (loca)* meaning “parish” or “diocese” would be too broad, because those two words are generally used interchangeably in the fourth century. Also see C. MUNIER, ed., *Concilia Galliae, A. 314 – A. 506*, Corpus Christianorum, Series Latina, vol. 148, Turnholti, Brepols, 1963, pp. 3-7.

¹³⁷ The Latin translation in J. MANSI, *Sacrorum Conciliorum*, on p. 474; the English translation in J. O’CONNELL, *Canons of Arles*, p. 151. A later redaction of the canon imposes an even stronger penalty: “Si quis clericus dimiserit locum suum et in alio fuerit excommunicetur” (MANSI, p. 547).

It must be remembered that beginning with the *Apostolic Tradition* a man was ordained only with the consent of the people, and only to meet the needs of that community. Ordination and appointment to specific duty are so closely allied as to make them virtually indistinguishable.¹³⁸ Origen, writing in the first half of the third century, makes it clear that it is the responsibility of the lay faithful to care for their clergy. Ordination, then, establishes a bond between a cleric and a community that carries with it a right to sustenance which is the burden of the community to bear.¹³⁹ Conversely, ordination establishes a bond between the community and the cleric wherein the community's right to spiritual goods becomes the obligation of the cleric to provide. The canons, then, seek to protect both community and clergy.

It is interesting to note that c. 2 speaks of "ordained ministers" while c. 21 speaks only of deacons and priests. Bishops were understood as carrying the responsibility of stewardship for a single church community, in the words of Hippolytus, a "bishopric."¹⁴⁰ Canon 2 binds him in a permanent fashion to that entire "church." With the focus of c. 21 on priests and deacons alone, it seems that the council is establishing a certain protection of episcopal authority over deacons and priests, while at the same time moving to preserve the integrity of the region for which the bishop was responsible. By addressing

¹³⁸ J. O'CONNELL, *Canons of Arles*, pp. 154ff.

¹³⁹ The notion is addressed by J. O'CONNELL, *ibid*, on pp. 162-166.

¹⁴⁰ See the *Apostolic Tradition*, H. PORTER, *Ordination Prayers*, p. 9. The development of dioceses as they are known today is something that took considerable time. It was understood that there was to be but one bishop for each local area, whether that be in a rural area, village or town, each of these looking in his turn to the bishop resident in the largest metropolitan area or city – the metropolitan. P. BERNIER writes: "There was one (and only one) bishop for each local area. Under Augustine, for example, a meeting was held in Carthage in 411 attended by 268 Catholic and 279 Donatist bishops – more bishops than in the entire United States today! When Gregory the Wonderworker was named bishop, there were only 17 Catholics in his 'diocese.' What this comes down to is that today where we would have a priest-pastor, in those days they had a bishop-pastor" (p. 86).

the matter in such terms, the church is expressing the need to promote a stable structure wherein the faith is given freedom to grow, mature and develop.

3.2. The Council of Nicea (A.D. 325) and penalties imposed for leaving one's church

Eleven years later, in 325, at the invitation of the Emperor Constantine, just over three hundred bishops from throughout the Empire met in the church's first ecumenical council in the Byzantine town of Nicea, now modern Iznik, Turkey. Called to resolve a lingering dispute with Arianism, the council gave the church its first creed and the method for determining the date of Easter. But the council was not concerned merely with theological matters and addressed itself to a myriad of other issues as well. Among them is found c. 15:

On account of numerous troubles and divisions which have taken place, it has been thought good that the custom which has been established in some countries in opposition to the canon should be abolished; namely, that no bishop, priest or deacon should remove from one city to another. If any one should venture, even after this ordinance of the holy and great Synod, to act contrary to this present rule, and should follow the old custom, the translation shall be null, and he shall return to the church to which he had been ordained bishop or priest.¹⁴¹

Prior regulation against the practice appears to have had little salutary effect with consequent disruption in ecclesial unity and goodwill. There is a possible ring of avarice found here that suggests clerics choosing to translate from one church to another, from one diocese to another, do so to ascend an ecclesiastical *cursus honorum*, or to position themselves in places of greater ease or comfort. These are discouraged in the strongest possible terms. There is also a theological content implied here that speaks of the relationship between a cleric and the church for which he has been ordained, understood

¹⁴¹ HEFELE, K., *A History of the Councils*, p. 422.

to be “the contracting of a mystical marriage between them.”¹⁴² Any such translation would be tantamount to divorce and is therefore unacceptable.

Canon 16 states:

Priests, deacons, and clerics in general, who have with levity, and without having the fear of God before their eyes, left their church in the face of the ecclesiastical laws, must not on any account be received into another: they must be compelled in all ways to return to their dioceses; and if they refuse to do so, they must be excommunicated. If any one should dare to steal, as it were, a person who belongs to another (bishop), and to ordain him from whom he was withdrawn, the ordination shall be null.¹⁴³

The canon determines a penalty for those who, either by wilful choice or even in ignorance, abandon the church for which they were ordained. The penalty of excommunication that follows a process whereby the errant cleric is to be induced to return to his home is particularly harsh, but it would not certainly be so unless the value it sought to protect was of such paramount importance. The penalty of nullity for orders given without the expressed permission of the proper bishop clearly re-enforces this. What is of particular interest, however, is that neither this canon nor those that accompany it prescribe any penalty for the ordaining bishop.

¹⁴² Ibid., p. 422. Furthermore, HEFELE notes: “... the interests of the church often rendered it necessary to make exceptions, as happened in the case of John Chrysostom. These exceptional cases increased almost immediately after the holding of the Council of Nicea, so that in 382 S. Gregory of Nazianzus considered this law among those which had long been abrogated by custom. It was more strictly observed in the Latin church; and even Gregory’s contemporary, Pope Damasus, declared himself decidedly in favour of the rule of Nicea” (pp. 422 and 423).

¹⁴³ Ibid., p. 423. The Council of Nicea certainly had in its collective mind the schism created by the bishop of Lycopolis, Meletius, not to be confused with St. Meletius of Antioch (d. 381). History is uncertain as to the dates of his birth, his death, and his episcopate, but it is known that he was bishop of that city as early as 303 and his name is recorded among those who attended a council held in Alexandria in 306. The gist of the matter involves a complaint made by his brother bishops in northern Africa contending that Meletius ordained men for service in other places without the expressed consent of those bishops.

3.3. The Council of Chalcedon (A.D. 451) and the need of affiliation to a church for community and ministry

Nicea would not be the last council to address the issue, nor would the issue be limited to the translation of clergy from one place to another, or ordaining one belonging to another for the good of one's own church. Matters would, as matters are wont to do, become more complex.¹⁴⁴ By the time the church gathered for its fourth ecumenical council at the behest of the Emperor Marcian on the 8th of October, 451, a panoply of issues demanded attention, not the least of which was a response to the Monophysites and the restoration of ecclesial unity. Between five and six hundred bishops came together in the church of St. Euphemia the Martyr, in the ancient city of Chalcedon, just opposite Constantinople.¹⁴⁵ The council ended on the 1st of November, not quite three weeks later, after sixteen sessions. Thirty canons were generated in their work, with only one being rejected by Pope Leo I. Of interest to this study are two of those thirty canons, numbers 5 and 6.

Canon 5 states:

In regard to the bishops and clerics who go from one city to another, the canons set forth by the holy fathers respecting them shall have validity.¹⁴⁶

In substance, this is not new but simply a reaffirming of previous legislation. One wonders why it would be necessary to restate what should be obvious. The answer seems

¹⁴⁴ F. CLAEYS-BOUUAERT identifies at least nine other national and provincial councils that would address the matter: two in Carthage, 348 and again in 397; two in Toledo in 400 and 527; one each in Antioch in 341, Mileve in 402, Tours in 460, Orleans in 549, d'Éaone in 517 and Seville in 619. See "Rattachement du clerc à une église ou à un diocèse déterminé," in *Dictionnaire de Droit Canonique*, Paris, Librairie Letouzey et Ané, 1942, p. 830.

¹⁴⁵ Situated on the shores of the Bosphorus, Chalcedon is believed to have been founded ca. 3,000 years ago. It is now a district of modern Istanbul known as Kadiköy. K. HEFELE offers a fine presentation on the history of the council in book 6 of *A History of the Councils*.

¹⁴⁶ *Ibid.*, p. 391.

to lie in the great number of exceptions to the law that were increasing exponentially in the ancient church. A reaffirmation of this general principle was yet another attempt to curb an increasing laxity in discipline.¹⁴⁷

Canon 6 states:

No one is to be promoted to the priesthood or diaconate or to any other ecclesiastical order, unless the one to be promoted is specially affiliated to a church of a city or village, or a martyr or monastery. In regard to those who have been ordained absolutely, the holy council decided that such ordination is invalid, and that one can function nowhere to the disgrace of the one who ordained them.¹⁴⁸

A new concept is introduced that has not been seen before: absolute ordination. Ordination to this point has been understood to involve a man being called by a particular community – both its people and its leadership – to be its minister. The laying on of hands by the bishop in the name of the community, together with those of his order in the case of bishops and priests (but not in the case of deacons) with the prayer that invokes the grace of God and the indwelling of the Holy Spirit, effects the consecration that is ordination. In this, the one ordained is newly incorporated into the community (fraternity) of his order. At the same time he is appointed and reinserted back into the community

¹⁴⁷ H. SCHROEDER, *Disciplinary Decrees of the General Councils: Texts, Translation and Commentary*, St. Louis, MO, B. Herder, 1937, pp. 94 and 95. See also the observations offered by K. HEFELE in fn. 46.

Canons 10 and 20 are refinements on c. 5. Canon 10 makes it unlawful for a cleric to be enrolled in the churches of two cities at the same time. If the enrolment in the second place was motivated by avarice or ambition, then the cleric is to be sent back to the church that ordained him. In the event of a lawful translation, then the cleric is forbidden from engaging in the ministry of the church he had left. See C. HEFELE, *A History of the Councils*, p. 397. Canon 20 makes provision for a move to a new locale only if one lost one's home. If a bishop receives a cleric for any other reason, then both he and the cleric shall "be excluded from communion, until the deserting cleric has returned to his own church." The meaning of this exclusion is uncertain. Hefele suggests that it implies a suspension from the exercise of his office until the errant cleric is returned. See pp. 405 and 406.

¹⁴⁸ *Ibid.*, p. 95. K. HEFELE, offers a slightly different translation on p. 391 of *A History of the Councils*: "No one shall be absolutely ordained either priest or deacon, or to any other clerical order, unless he is appointed specially to the church of the city or of the village, or to a martyr's chapel or monastery. In regard to those, however, who have been absolutely ordained, the [holy] Synod decrees that such ordination shall be without effect, and that they shall nowhere be allowed to officiate, to the shame of him who ordained."

that called him, but this time in the role of its servant-leader. An absolute ordination is one devoid of the entire community context rendering the one ordained acephalous, “neither man nor beast.”¹⁴⁹ Absolute ordinations are deemed by the council to be invalid.¹⁵⁰ The strength of this canon powerfully reinforces the significance of community and of ministry: both must be in the context of mutual relationship. It also points to the desire to ensure accountability, the proper regulation of pastoral life, and the preservation of the apostolic faith free of deviation or heresy.

There is, however, another level of meaning to be discovered here, namely that of the question of sustenance for clerics. By stating that a cleric is to be appointed/affiliated with a specific church, martyr (martyr’s chapel) or monastery, the canon is expressly forbidding one being ordained without a specific title – *titulus*. Historically,

a title (*titulus*) originally signified an inscription placed on a house or property to show its owner, or the name of the place. *Ecclesiastical language* has evolved two special meanings of the term, viz., name for an oratory or a sepulchre of martyrs (e.g., *titulus pastoris* - S. Prudenziانا). This name was later transferred to certain churches of Rome, which in course of time became the so-called titular churches of the cardinals. As these churches had assigned to them a determined number of priests and clerics who lived from the revenues of these titles, the clergy itself was said to be ‘*intitulatus*’ or ‘*incardinatus*.’ Hence in this particular sense, the word *title* meant service in a determined church which entitled a cleric to a decent living or support. This is the origin of the first and only exclusively ecclesiastical title called *beneficium*.¹⁵¹

The title of a sanctuary was a guarantee of an honourable income for the cleric himself, an insurance against penury. In other words, a title was a source of sustenance,

¹⁴⁹ St. Isidore of Seville as quoted by E. SCHILLEBEECKX in *The Church with a Human Face: A New and Expanded Theology of Ministry*, J. Bowden (trans.), New York, NY, Crossroad, 1985, p. 156.

¹⁵⁰ H. SCHROEDER argues that invalid here does not mean that the orders received are null and void, but rather that they are “void of effect through permanent suspension.” See p. 96 of *Disciplinary Decrees*.

¹⁵¹ C. BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. IV, St. Louis, MO, B. Herder Book Co., 1925, pp. 464-465.

and not merely a place wherein ministry is exercised.¹⁵² The title for which a cleric was ordained was called the *titulus ordinationis*. Those not ordained with a title were *clerici vagi* or *acephali*, offering a second layer of meaning to that term. Indeed, the canon speaks of the *acephali* with a certain note of contempt, and later legislation would make such a one the personal liability of the bishop who ordained him. The only title recognized in this canon is that of *titulus beneficii*, identified as a church in a city or village, a martyr or monastery.¹⁵³ It is good to recall that typically the monks at this early time were not ordained. Rather, one of their members was put forward for ordination to the priesthood in order to provide for the liturgical needs of the community.¹⁵⁴

Paradoxically, there is a nuance introduced in the Council of Chalcedon that is somewhat novel and at variance from what has been seen thus far. Prior prohibitions spoke of the need for an ordination to be for the service of a specific church, meaning a community of the faithful. It is a relational bond between a cleric and the faith community. Here, that meaning is expanded to include the place where that community of faith meets – a sanctuary or church building, a martyr (martyr's chapel), or a monastery. So one is ordained not specifically for a community of faith, but for the place where the community of faith meets. What happens by extension is that the faith community recedes in importance in relation to the sanctuary where it meets.

¹⁵² J. MCBRIDE, *Incardination and Excardination of Seculars: An Historical Synopsis and Commentary*, American Canon Law Studies, 145, Washington, DC, Catholic University of America Press, 1941, p. 30.

¹⁵³ H. SHROEDER, *Disciplinary Decrees*, pp. 95 and 96.

¹⁵⁴ See C. HEFELE, *A History of the Councils*, p. 391.

Furthermore, what takes place in the sanctuary increases in importance relative to the faith community that meets within it. So by rejecting absolute ordinations, the conciliar fathers are signaling a shift away from earlier conceptions of ministry while simultaneously illustrating a narrowing of the meaning of the community of faith. The result is a subtle approbation of cult as the primary focus for both ministry and community.¹⁵⁵

3.4. The Third Lateran Council (A.D. 1179) and the institution of benefices

The title system inaugurated with Chalcedon met with limited success. Not all titles were equally well endowed and some were simply not capable of providing for the worthy support of those dedicated to their care. Desire by the ordained for the more lucrative titles was either a matter of simple need or an expression of an ignoble feature of the human person. Despite being forbidden to do so, clerics often held more than one title for themselves, deriving income from all of them.

Toward the end of the fifth century the income from each church was divided into four parts called *precaria*: one, for the clergy; one for the bishop; one for the fabric of the church, that is, its maintenance; and one for the poor.¹⁵⁶ The revenues thus generated were meant to guarantee livelihood for as many clerics as there were *precaria*. However, it soon became the case that bishops were ordaining more men than they had *precaria*, meaning that one could be ordained with the benefit of a title but with no means of income being generated by that title. To correct this, the church insisted that bishops

¹⁵⁵ This theme is developed by E. SCHILLEBEECKX, in *The Church with a Human Face: A New and Expanded Theology of Ministry*, J. Bowden (trans.), New York, NY, Crossroad, 1985, pp. 154 and 155.

¹⁵⁶ M. MULLANEY, *Incardination and the Universal Dimension of the Priestly Ministry. A Comparison Between CIC 17 and CIC 83*, Rome, Pontificia Università Gregoriana, 2002, p. 20. J. MCBRIDE develops this on pp. 73-74 of *Incardination and Excardination*.

required a definite source of sustenance to bestow upon a man before he could be ordained. So the *precaria* came to be known as benefices (*beneficia*) or prebends (*praebenda*) that had the benefit of stability in and of themselves regardless of the one who held it.¹⁵⁷ Thus protected, and only if vacant, could a benefice be conferred upon a new cleric. By the end of the eleventh century this became known as the title of ordination.

The benefice structure, regrettably, was flawed. A benefice needed to be sufficiently large so to ensure an annual income sufficient to sustain one man. It did not take long to realize that the quantity of adequate benefices was not equal to the numbers requiring them. The result was predictable: the need for clergy outweighed what the law prescribed, resulting in a plethora of *vagi* and *acephali*. Furthermore, "the clerical state was attributed greater honour and prestige in that period with the result it attracted many more candidates, and bishops and temporal lords chose to be surrounded by a court of clerics."¹⁵⁸ So bad did it become that c. 5 of the Third Lateran Council,¹⁵⁹ echoing c. 6 from Chalcedon, declared that should a bishop ordain a man without proper title, he

¹⁵⁷ C. MCBRIDE, *Incardination and Excardination*, p. 74. A "prebend" is defined as "a portion of land or tithe from which a stipend is drawn." See *OED*, p. 1138. A "benefice" is loosely defined as "the property attached to a church office, especially that bestowed upon a rector or vicar." See *OED*, p. 132. For further development see W. CLANCY, "Benefices," in *New Catholic Encyclopedia*, New York, NY, McGraw-Hill Book, Co., pp. 305 and 306. For a brief commentary on benefices in *CIC/17*, see the article by W. PLÖCHL, "Benefices, Canon Law of," in *New Catholic Encyclopedia*, New York, NY, McGraw-Hill Book Co., 1967, pp. 306 and 307. Finally, see H. GOLDEN, *Parochial Benefices in the New Code*, found in *Canon Law Studies*, no. 10, Washington, DC, Catholic University of America Press, 1925.

¹⁵⁸ M. MULLANY, *Universal Dimension*, p. 21.

¹⁵⁹ Held in the Church of the Lateran, the pontiff's cathedral, in March of 1179, the three hundred bishops in attendance put forth twenty-seven canons, promulgated by Pope Alexander III. History remembers the council for c. 1 which reaffirmed that only cardinals could elect the bishop of Rome, and introduced the requirement of a two-thirds majority for the sake of validity.

would necessarily support that cleric out of his own personal resources, unless the cleric could provide his own means of support:

Should a bishop ordain anyone to the diaconate or priesthood without a title from which he may derive the means of suitable sustenance, he shall provide such a one with means of proper support until he can assure him an ecclesiastical revenue, or unless the cleric so ordained is secured against need by his own fortune or patrimony.¹⁶⁰

Unfortunately, rather than achieving the desired effect, the decree only served to introduce another title under which one could be ordained: that of personal patrimony.¹⁶¹

Conclusion

The church Augustine knew in the fifth century is not precisely the same church that the writer to the Hebrews knew at the end of the first. Nor is the church of the twenty-first century the same as the one that Augustine knew in the fifth. There have been innumerable shifts in tack and course. The shifts for the most part have not occurred in quantum leaps, they have been subtler, sometimes almost imperceptible. Yet those shifts have borne astonishing results, enabling the Barque of Peter to navigate the waters of history to arrive at the tumultuous shores of this new millennium equipped and ready to address the myriad challenges that confront it.

Ministry evolved gradually from that which was known and familiar, the council of synagogue elders, presbyters, to include a multiplicity of previously unknown roles that reflected the divergent needs of emerging communities. Borrowing freely from various cultural milieux, *episkopoi* laboured side-by-side with *presbyteroi*, often with little distinction made between them. Soon, however, the *episkopoi* moved to a place where they headed the council of *presbyteroi*. The dawn of the Diaspora, combined with

¹⁶⁰ This English translation is found in H. SCHROEDER, *Disciplinary Decrees*, p. 220. The Latin is found in J. MANSI, *Sacrorum Conciliorum*, vol. 22, p. 220.

¹⁶¹ J. MCBRIDE, *Incardination and Excardination*, p. 76. M. MULLANEY offers a thorough development on the title of patrimony on pp. 21-24 of *Universal Dimension*.

challenges posed by itinerant prophets, the danger inherent in persecution, apostasy, and heresy, witnessed the emergence of a clearly delineated structure. Bishops became monarchs each in his own see, able to claim that his continued a tradition, a charism of truth and revelation, that reached back to the apostles in Jerusalem and thence to Christ himself. Soon that claim would be expanded to include the notion of a line of direct appointment, or even of ordination, to one apostle or another. Apostolic authority was not only required for the validity of office, it was its sure guarantor.

Deacons, although not well elaborated in this study, soon became the principal social and liturgical aids to the bishop, powerful figures in their own right, functioning as chief agents of the bishop, in constant contact with the faithful largely because of their involvement in the social ministry of the church. Presbyters, meanwhile, became somewhat more honorary, except in time of need when they could be delegated priestly powers.¹⁶²

This delegation illustrates the emerging power of the bishops. Indeed, if in the first century "one could say: 'Because the *episkopos* was a leader of the Christian community, therefore he was also the leader of the liturgy,' one would, in the second half of the third and from the fourth century onward say: 'Because the *episkopos* is the ordained liturgist, therefore he is also the leader of the ecclesial community.'"¹⁶³

This reflects a movement begun in the *Didachè* towards a sacerdotal view of ministry. Until this point, the church had not spoken of the priesthood or priestly ministry: that was the unique purview of the old dispensation associated with Temple

¹⁶² See J. MOHLER, J., *The Origin and Evolution of the Priesthood: A Return to the Sources*, Staten Island, NY, Alba House, 1970, pp. 112-115.

¹⁶³ K. OSBOURNE, *Priesthood: A History*, p. 138.

cult. Christ was the only priest, indeed, *the* high priest, modelled not after Aaron, but rather after the enigmatic Melchizedek, king of Salem. This was meant to illustrate a complete break with the past, its radical fulfilment and its replacement in the unique event of the incarnation, the obedient sacrifice of Christ on the cross, his resurrection, ascension and glorification. His priesthood continues in an unending intercession before the throne of grace for all who seek his aid. However, by the time of Tertullian and Irenaeus, the church was not seen as something that had broken with the past, fulfilling it and replacing it, but as the New Israel, only modifying the past and continuing it in a new way. The result is that the church adopted what was familiar: a full-fledged priesthood modelled after Aaron. Sacerdotal terminology and practice become normative, including the notion of *ordo*, of ordination, and of consecration with its incumbent honorary status and separation from the lay faithful. Hence, the priesthood bore all of the privileges and obligations of the old, even carrying with it an exaggerated need for purity and sanctity.

This sacerdotal shift had a tremendous impact upon the eucharist: for the Christian priest was now seen as offering sacrifice at the altar, under the authority of the high-priest, the bishop, and serving, not as the successor of Christ, but of the priests of the Old Law. The notion of sacrifice returned to its ancient holocaust typology, submerging within itself the covenant inaugurating, sin forgiving, life-sharing, fellowship meal that seems to have been associated with the "breaking of bread" known to the Jerusalem church.

Shortly after Augustine's death, the sacrificing priesthood acquired such prominence that it ascended even beyond the diaconate in honour and importance. The result is that as a unique ministry, the diaconate descends and all but disappears, save as a

step to the real ministry: the priesthood that is empowered to offer the sacrifice. Indeed, so important did this singular typology become that the episcopate, called by Tertullian *summus sacerdos* – the ordinary minister of baptism, confirmation, penance, and the eucharist, would no longer be considered an order in its own right, but merely the priesthood with additional jurisdiction.

Paralleling all of this, the church in its need for stability, both in structure and with regard to the content of faith, met from time to time in councils, each of which nudged the Barque. The Council of Arles sought to attach a cleric definitively to the community that called him to orders and for which he was ordained. The Council of Nicea, employing marital imagery, understood clerics leaving one church for another as tantamount to divorce, something both unacceptable and intolerable. The Council of Chalcedon decried absolute ordination as invalid, while it made a subtle, almost imperceptible shift in attaching ordination, not to a specific community of believers, but rather to specific locale – a *titulus* – capable of insuring adequate sustenance. By the time of the Third Lateran Council, the separation of the ordained from a community that called him and welcomed him as its minister, was all but complete, when it affirmed the benefice system while at the same time broadening the accepted parameters defining titles for ordination that would be sufficient to insure suitable sustenance.

This, then, is the context within which incardination came into being. One of the oldest juridic institutes in the church, incardination reflects these shifts and movements in an attempt to provide both the church and the clergy the stability necessary for the furtherance of the divine mandate: “Go therefore and make disciples of all nations,

baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you (Mt. 27.19 & 20).”

CHAPTER III

TOWARDS A JURIDICAL BOND OF INCARDINATION – THE COUNCIL OF TRENT AND THE 1917 LEGISLATION

Every cleric must be incardinated in a particular church, or in a personal Prelature, or in an institute of consecrated life or a society which has this faculty: accordingly, acephalous or ‘wandering’ clergy are in no way to be allowed.

c. 265¹

The two words “incardinate” and “excardinate” are compounds of a preposition joined to the adjective *cardinatus*, which has as its root the classical Latin word *cardo* – a hinge. To understand the nature of an ancient hinge, one needs to imagine

a point-like extremity on one beam, requiring a cavity at the end of another, so that the former, inserted into the latter, could revolve. A door, for example, was made by erecting a strong vertical beam, with round, pointed projections at both ends, between two other beams placed horizontally, above and below the doorway, with cavities prepared at the ends of them in such a position that the projections of the vertical beam would fit into the cavities of the transverse beams, allowing the vertical beam a free, revolutionary movement. Sufficient panelling was then added to the vertical beam to cover the area of the doorway. Thus the door had two hinges or *cardines*.²

¹ “Quemlibet clericum oportet esse incardinatum aut alicui Ecclesiae particulari vel praelaturae personali, aut alicui instituto vitae consecratae vel societati hac facultate praeditis, ita ut clerici acephali seu vagi minime admittantur.”

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus [= CIC/83], Vatican City, Libreria editrice Vaticana, 1983. British version of the English-language translation: *The Code of Canon Law: New Revised English Translation*, prepared under the auspices of The Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and The Canadian Canon Law Society, London, Harper Collins, 1997.

² The acclaimed historical study on the subject of incardination and excardination up to and including the *1917 Pio-Benedictine Code* was prepared by J. MCBRIDE in his 1941 doctoral dissertation entitled: *Incardination and Excardination of Seculars: An Historical Synopsis and Commentary*, American Canon Law Studies, 145, Washington, DC, Catholic University of America Press, 1941. The historical portion of this chapter relies heavily upon his insight. See p. 1.

This description from the world of construction is not limited to merely something that pivots or rotates, for the term can equally apply to something fixed as in a mortise and tenon: “consequently a beam was said to be *cardinated* if it had tenons or projections on its extremities making it possible for it to be attached in a fixed manner to another beam, and at the same time it was *intercardinated* when it was actually attached.”³ So the words themselves imply a hinging (unhinging) or attaching (detaching) in a fixed or permanent fashion.⁴

Incardination as a juridic term is, strangely enough, not really that old, becoming canonical nomenclature only in the latter part of the nineteenth century when it became used in the work of the Roman Curia.⁵ However, the word does have its origin much earlier than that. The word is used in the letters of Pope St. Gregory the Great when referring to the making of a cardinal, that is, when “priests and bishops were ‘incardinated’ for permanent (though limited) purposes into the patriarchal basilicas while remaining bound nonetheless to the churches of their original ordination.”⁶ Two

³ Ibid., p. 2.

⁴ Incardination and excardination are “correlative parts of one quasi-contract.” See the SACRED CONGREGATION OF THE COUNCIL, *Resolutio, Adrien*, “Equivalent Excarnation and Incardination,” 11 July, 1925, in *AAS* 18 (1926), pp. 48-55. The English translation is found in *Canon Law Digest* [= *CLD*] 1, p. 93. Since our principal focus is upon incardination, and wanting to spare cumbersome reading, excardination shall be referred to only when necessary.

⁵ See J. MCBRIDE, *Incardination and Excarnation*, p. 10.

⁶ Pope St. Gregory the Great (c. 540-604) became bishop of Rome in 590. A man of remarkable energy and vision, he was among the first to assert the primacy of the papal office, though he did not employ the term “Pope.” He summed up the responsibilities of the bishop of Rome in his official appellation, *Servus servorum Dei*— “servant of the servants of God.” He was a tireless worker for communication and understanding between East and West. It was Gregory who sent St. Augustine to evangelize England. See GREGORII PAPAE I, *Epistola LXXXIII*, translated and edited by J. MIGNE, in vol. 77 of *Patrologia Cursus Completus. Series Latinae*, Lutetiae Parisiorum [= J. MIGNE, *PL*], 1845 –, pp. 536 and 537. He wrote: “... nisi pontificis sui cessionem solemnem meruerit, abstinendum ab omni

clues are offered in this observation: first, that incardination implies something of a permanent quality, and second, that a cleric is in some way bound to the church of his original ordination. In this, it seems that Gregory is merely giving a word to what had become the accepted practice in his day.

Yet, there is something implied here – something that points to a larger, unwritten meaning for the nature of incardination that involves an entire spectrum of theological and pastoral thought. It is that thought that begs discovery and is the ongoing focus of this dissertation.

Between the Third Lateran Council in the twelfth century and the Second Vatican Council in the middle of the twentieth that was the rich, fertile ground for *CIC/83*, there remain two essential elements that call for exploration: the Council of Trent (1545-1563) and the first codification of the church's law in the *Pio-Benedictine Code* of 1917. It is to both of these that we now turn our attention.

1. The Council of Trent

The nineteenth ecumenical council of the church met over the course of twenty-five sessions, between the 13th of December, 1545 and the 4th of December, 1563.⁷ Held in response to the challenges put to the church by the Protestant Reformation, much of its

incardinatione memineris ...” The quotation is taken from p. 150 on the subject of cardinals done by S. KUTTNER, entitled “Cardinalis: The History of a Canonical Concept,” in *Traditio*, 3 (1945), pp. 129-214. Kuttner illustrates how the concept of incardination ultimately gave rise to the cardinalate under the reign of Pope Stephen III (768-772), who decreed that only the clergy of Rome could be elected to the See of Peter.

⁷ Paul III (1534-49) reigned during Session 1 (1545), Sessions 2-5 (1546), and Sessions 6-10 (1547). Julius III (1550-55) convened Sessions 11-14 (1551) and Sessions 15 and 16 (1552). Pius IV (1559-65) is responsible for Sessions 17-22 (1562) and the final three sessions, nos. 23 to 25 celebrated in 1562. Two popes, Marcellus II (1555) and Paul IV (1555-59), did not convene meetings during their pontificates.

focus was decidedly theological. However, despite what often appears to be a harsh, condemnatory timbre, the council was clearly one that sought the internal reform of the church by removing abuses that had crept into its inner life, including those affecting the clergy. The conciliar legislation essentially reiterates that which preceded it, yet offers subtle expansions and clarifications.

1.1. Residence and benefices

Chapter 2 of the “Decree on the residence of bishops and others of lower rank,” emanating from Session 6 (13th of January, 1547), addresses the issue of maintaining actual residence within a benefice. It is clear that the council is seeking to prevent the holding of more than one benefice for the sole purpose of personal gain. While legitimate absences for “true and reasonable causes” are permitted, the ordinary is obliged to ensure the “care of souls” by providing “suitable substitutes” who will receive an “appropriate part of the revenue” which would typically accrue to the benefice holder. While a pastoral gloss is apparent (“the care of souls”), the focus is decidedly pragmatic (“good ordering of the churches and the increase of divine worship”) and disciplinary (“to be compelled by their ordinaries”).⁸

⁸ All quotes from the Council are taken from the two volume work prepared by N. TANNER (ed.), *Decrees of the Ecumenical Councils*, London, Sheed & Ward, Washington, DC, Georgetown University Press, 1990. Tanner offers both the Latin original together with an English translation. The text of chapter 2 is found on pp. 682 & 683 and reads:

Those below the rank of bishop, when by title or favour they hold ecclesiastical benefices which by law or by custom demand personal residence, are to be compelled by their ordinaries by suitable legal measures to reside (according as shall seem expedient for the good ordering of the churches and the increase of divine worship, after due consideration of the condition of places and persons); and no one is to be favoured by privileges or permanent indults with respect to non-residence or to the reception of revenue while absent. Temporary concessions and dispensations, however, granted only for true and reasonable causes and legally proved before the ordinary, will retain their force; nevertheless, in these cases it is the duty of the bishops (as delegates of the

Canon 2 of Session 21 (16th of July, 1562) is a reiteration and expansion of c. 5 from Lateran III. Eager to avoid the scandal wrought by clerics forced into “begging or plying some mean trade,” the council calls for a more thorough process of selection with regard to candidates for holy orders, until it be proved that he has an “unchallenged tenure of a church benefice” that will ensure a “respectful living.” No matter how “suitable he may be ... in character, learning and age,” or even how great may be the “need and welfare of his churches,” he is to be rejected if he does not have enough to support him adequately. In the event that the candidate claims “patrimony or pension,” the bishop is required to conduct an investigation to ensure that it will be sufficient for his support. He may not resign his benefice, nor alienate, cancel or diminish his patrimony without the expressed permission of his bishop, and unless he has proven to the bishop that he has other means of support. The final line of the canon renews the “penalties of the ancient canons” for those found in breach of the law, namely suspension from the exercise of orders.⁹

apostolic see in this matter) to ensure that the care of souls is in no way neglected, by assigning suitable substitutes and allotting them an appropriate part of the revenue; in this matter no privilege or exemption of any kind is to avail anyone.

⁹ Ibid., pp. 728 & 729. The canon reads:

It is not fitting that those enlisted for the service of God should bring disgrace on their order by begging or plying some mean trade, but it is public knowledge that many are admitted to holy orders with hardly any process of selection, who pretend by various tricks and deceits that they possess a church benefice or have sufficient means of their own. Hence the holy council lays down that in the future no secular cleric should be advanced to holy orders, however suitable he may otherwise be in character, learning and age, until it is first legally established that he has unchallenged tenure of a church benefice sufficient for respectable living. And he may not resign that benefice without a declaration that he was ordained with that benefice as his title; his resignation is not to be accepted unless there is proof that he can live comfortably by other means, and without it his resignation is null. Henceforth those possessing a patrimony or pension may only be ordained if the bishop judges they should be accepted for the need and welfare of his churches, and has first ensured that they really

In a curious twist from understanding the emergence of the benefice system as being primarily a matter of ensuring the respectable sustenance of clergy, c. 3 of the same session states that: “church benefices were instituted to provide divine worship and other ecclesiastical offices.”¹⁰ While this seems to imply a spiritual rather than a purely material genesis for benefices, as well as a spiritual/liturgical motivation for their being perpetuated, the balance of the canon amounts to little more than a series of prescriptions on generating sufficient revenues to ensure an equitable allocation to those caring for places incapable of generating sufficient income on their own.

Canon 6 of the twenty-third session (15th of July, 1563) indicates that those who do not have a benefice at the time of first tonsure remain under secular jurisdiction. An exception could be had if he serves a church by virtue of episcopal appointment while wearing the dress and tonsure of a cleric, or if he lives in a seminary, school or university with a view toward ordination to major orders. However, in the latter cases, the matter of support was of no concern to the bishop, remaining a purely personal matter for the candidate himself.

1.2. The required title for ordination

Canon 9 of Session 23 establishes a new title for ordination: *familiaritas* – a relationship of intimacy or familiarity. In essence the canon permits a bishop to bring into his residence one who is “not one of his subjects,” to serve as his servant in some

possess a patrimony or pension and that these are sufficient to support them. And these incomes may not thereafter be alienated or cancelled or diminished without the bishop’s permission, until they have acquired an adequate church benefice or have some other means of support; the penalties of the ancient canons about these matters being hereby renewed.

¹⁰ Ibid., p. 729.

unspecified fashion. After he “has lived with him for three years” and conferring “an actual benefice upon him,” he may be advanced to orders.¹¹

Canon 16, like chapter 2 of Session 21, speaks of ordaining only those a bishop “judges ... will be useful or necessary for his churches.” This is an expansion of the discipline articulated in c. 6 of the Council of Chalcedon which spoke of an attachment “to a church of a city or village, or a martyr or monastery.” Rather than an attachment to a specific place, this canon makes provision for a much broader horizon, namely “his churches” – his diocese. This attachment is, however, conditional in that it depends upon the “usefulness” or “necessity” of the candidate for the diocese.¹² In another subtle departure from Chalcedon and the ordination rites previously studied, the sole determiner of the candidate’s utility and necessity belongs to the bishop alone. There is no provision for the opinion or recommendation of any other person. Finally, the chapter reiterates a desire to restrict, if not entirely expunge, clergy “[wandering] about in a homeless fashion.” Those who do are “to be banned from sacred ministry.” No bishop is to allow such a one to “celebrate the liturgy and administer the sacraments” without the benefit of “commendatory letters from his own bishop.”

¹¹ Ibid., pp. 747 and 748. J. MCBRIDE develops this fully on pp. 108-111 of *Incardination and Excardination*. In his discussion he illustrates how this “practice gave rise to a general custom, which the Council of Trent canonized within duly indicated restrictions (*consuetudine quacumque, etiam immemorabili, in contrarium non obstante*) ... the title of *familiaritatis* came to mean the following: A bishop could bring into his episcopal residence as a servant either a cleric or a layman who was not a subject of his diocese. After three complete years of service the bishop became competent to tonsure, or, in the case of a cleric, to confer the next order on this member of his household, but in either case, apart from all deceit, he immediately had to confer on the promoted cleric a genuine benefice, by which conferment he became the proper bishop over the cleric by title of benefice. Hence the title of *familiaritatis* lasted only for that one act of ordination.”

¹² See M. MULLANEY, *Incardination and the Universal Dimension of the Priestly Ministry. A Comparison Between CIC 17 and CIC 83*, Rome, Pontificia Università Gregoriana, 2002, p. 28. Quotations from the council are taken from N. TANNER, *Decrees*, pp. 749 and 750.

The same session puts forward canon 18, a lengthy discourse that addresses the preparing of candidates for orders and the establishment of seminaries. What is interesting about this is not the amount of effort expended to detail the methods by which seminaries are to be funded – a full two-thirds of the canon – but rather what the canon has to say about the program of seminary studies itself:

[...] they should study grammar, singing, keeping church accounts and other useful skills; and they should be versed in holy scripture, church writers, homilies of the saints, and the practice of rites and ceremonies and of administering the sacraments, particularly all that seems appropriate to hearing confessions.¹³

The canon says nothing of the “care of souls” as seen in Session 6, chapter 2. Other than making provision for that associated with ecclesiastical administration/management, it implies a ministry that is associated solely and exclusively with the cultic.

1.3. *Potestas ordinis, potestas jurisdictionis and potestas sacra: from communion to cult*

There remains one final issue that was not thoroughly addressed by the Council of Trent, yet which falls within its ambit: the question of the power of order (*potestas ordinis*) that arises from ordination and the power of jurisdiction (*potestas jurisdictionis*) that arises from a mandate given by proper authority. In theory the two powers are correlative principles, closely connected. In practice, however, there are remarkable differences.¹⁴

In Chapter 1 (“The true and catholic doctrine of the sacrament of order, to condemn errors of our time”) from Session 23, the conciliar fathers write:

¹³ The entire canon is found in N. TANNER, *Decrees*, on pp. 750-753. This quotation is found on p. 751.

¹⁴ See N. MITCHELL, *Mission and Ministry: History and Theology in the Sacrament of Order*, Wilmington, DE, M. Glazier, 1982, pp. 246-250.

Sacrifice and priesthood are so joined together by God's foundation that each exists in every law. And so, since in the new covenant the catholic church has received the visible sacrifice of the Eucharist from the Lord's own institution, it is also bound to profess that there is in it a new, visible and external priesthood into which the old has been changed. The sacred scriptures show, and the tradition of the catholic church has always taught, that this was instituted by the same Lord our saviour, and that power was given to the apostles and their successors in the priesthood to consecrate, offer and administer the body and blood, as also to remit or retain sins.¹⁵

Because priests offer the sacrifice of the Eucharist, the priesthood and the Eucharist are inextricably bound together. This emanates from the scholastic teaching of the period: priesthood is derived from the Eucharist; priesthood focuses its energy upon the Eucharist; priesthood is the power to provide the Eucharist. A eucharistically oriented theology of the priesthood is reiterated by the council, with the forgiveness of sins appended as if an afterthought; the preaching of the word is not mentioned; leadership in the Christian community is not at issue; and liturgy is "placed in a deep freeze."¹⁶ It is the priesthood that sits at the apex of the seven-level hierarchy that is the sacrament of holy orders (cc. 2 and 6).¹⁷ The very power it needs to "confect" or consecrate the Lord's body and blood in the Eucharist is one given at ordination and is perceived to be quite independent of any pastoral connection with the community of faith as seen in the ordination rites explored earlier.¹⁸ Furthermore, the council lends permanence to the twelfth century thinking that ordination made an indelible mark on the one ordained – the

¹⁵ N. TANNER, *Decrees*, p. 742.

¹⁶ See B. COOKE, *Ministry to Word and Sacraments: History and Theology*, Philadelphia, PA, Fortress Press, 1976, p. 628. For further analysis on Trent, see K. OSBORNE, *Priesthood: A History of Ordained Ministry in the Roman Catholic Church*, New York, NY, Paulist Press, 1988, pp. 253 ff.

¹⁷ Chapter 2 of Session 23 establishes definitively that the major orders shall be sub-deacon ("for the subdiaconate is included among the major orders by fathers and holy councils, and we often read in them of the lower orders"), deacon, and priest; the minor orders being acolyte, exorcist, reader and doorkeeper. N. TANNER, *Decrees*, p. 742.

¹⁸ See N. MITCHELL, *Mission and Ministry*, p. 245.

character of order – becoming in its own right something of a *potestas sacra*.¹⁹ The consequence is, regrettably, that the priesthood eclipses both the diaconate and the episcopacy, making the former simply a step on the way to the priesthood, and relegating the latter to a place of dignity or excellence without the benefit of an *ordo* of its own.²⁰

The council did not seek to redress the matter. Rather, chapter 4 of Session 23 states that

bishops [...] have been made by the Holy Spirit *rulers of the church of God*; and that they are higher than priests and able to confer the sacrament of confirmation, or ordain the ministers of the church and to fulfil many other functions, whereas those of lower order have no power to perform any of these acts.²¹

So bishops are rulers of the church, possessing a higher rank than priests, but not of a specified higher order; possessing more power than priests, but from an undetermined

¹⁹ E. SCHILLEBEECKX develops the notion of the *potestas sacra* in *Ministry: Leadership in the Community of Jesus Christ*, New York, NY, Crossroads, 1981, p. 72.

The notion of character is one first posited by Tertullian and developed by St. Augustine. However, the definitive work would be articulated by St. Thomas Aquinas in his *Summa Theologica*, IIIa, q. 63, a. 3 where he writes: “Character is a distinctive mark deriving from the eternal character and imprinted upon the rational soul, setting the seal of the Trinity which creates and re-creates upon the created trinity as an image of it, and distinguishing the sealed from the unsealed in terms of the state of faith belonging to the former.” Later, in a. 6 he writes: “The sacrament of order, on the other hand, pertains to those who are agents in relation to the sacraments, for through this sacrament men are deputed to hand on the sacraments to others ... Hence through these three sacraments, namely baptism, confirmation and order, a character is imprinted.” See T. AQUINAS, *Summa Theologica, IIIa, 60-65. The Sacraments*, D. BOURKE (trans.), Cambridge, Blackfriars, 1975, a. 3 on p. 85; a. 6 on p. 97.

The notion of character is important for two reasons. First, it speaks of the permanence of the sacrament of order, such that, once validly given, it cannot be removed or taken away. Canon 1008 of *CIC/83* indicates that its ontological presence in the ordained permits them to fulfil Christ’s offices of teaching, sanctifying and ruling, each in the fashion appropriate to his grade. These offices, like the character that deposes them and makes them possible, cannot be understood to be something insignificant, passing, temporary, or part-time. They are much more fundamental and enduring: they speak of the ministry of Christ himself. Second, character has been recast in recent thinking in decidedly diaconal (service), incarnational, ecclesial and relational terms. These notions, then, impact upon incardination for it suggests the juridic protection of a permanent relational bond wherein the ministry of Christ, in all its richness, is incarnated in the person of one called by Christ through the community to serve it and care for it, and which, in its turn, gives rise to reciprocal rights and obligations.

²⁰ N. MITCHELL, *Mission and Ministry*, p. 246. Emphasis in the original.

²¹ N. TANNER, *Decrees*, p. 744.

source. In affirming this superiority of the bishop over that of priests, it was not the council's intention to define this as of divine origin, or even as a question of jurisdiction granted at the pleasure of the pope: it is merely an affirmation of a *de facto* superiority that had emerged from a divinely instituted priesthood and hierarchy.²² A priest, therefore, could rely upon his power to celebrate the Eucharist by virtue of the *potestas ordinis*, but could be prevented from doing so by his bishop exercising his *potestas jurisdictionis*. Because of the indelible character of order, ordination remains permanent and effective – a cleric without a mandate still remains ordained: he continues to possess the power of order. In some instances this had the unfortunate consequence of the ordained perceiving themselves as being graced with a personal power rather than with a power for service, leaving them free to their own devices and perpetuating a lingering problem for the church.²³ A counterbalance is found in the insistence of the need for jurisdiction – a mandate for ministry and mission. An unwitting consequence is that the need for jurisdiction from the appropriate authority keeps alive to some degree that which was implied by the “title” at the time of ordination, namely, a connection with the community of faith.²⁴

The conciliar legislation is not voluminous with regard to incardination, and, other than a single canon from Session 14, the vast majority of it was articulated in Session 23.²⁵ First tonsure is to be given at an early age, after confirmation, to one who is

²² D. POWER, *The Christian Priest: Elder and Prophet*, London, Sheed and Ward, 1973, p. 124.

²³ N. MITCHELL, *Mission and Ministry*. p. 205.

²⁴ *Ibid.*, p. 205.

able to read and write, has a rudimentary understanding of the faith, and indicates a desire to serve God and the church (canon 4).²⁶ An investigation should be conducted into the suitability of those to be promoted to orders, limited to a testimonial letter for those seeking minor orders, but requiring a somewhat more stringent process for those seeking to be admitted to major orders. These investigations are done through the candidate's parish priest, school master or "whoever he [the bishop] think fit" (canon 5). No one having received the tonsure may be given a benefice before his fourteenth year (canon 6). Just shortly before ordinations are celebrated, ordinands are to be examined and inquiry made into their "family, personality, age, education, conduct, doctrine and faith" (canon 7).²⁷ One is to be ordained by his proper bishop, or if that is not possible, by another but only with the express permission and "testimony of his own bishop" (canon 8). Abbots, titular bishops, exempt prelates, colleges or chapters, may not tonsure or ordain any but their own subjects, nor can they issue dimissorial letters for any who are not their subjects (canon 10). One cannot be ordained to the sub-diaconate prior to his twenty-second year, to the diaconate prior to his twenty-third, and the priesthood prior to his twenty-fifth (canon 12). No one is to be ordained unless his bishop judges that he will be useful or necessary for his churches. Furthermore, no one is to be ordained "without being assigned to the church or place of piety for the needs and advantage of which he is being advanced." Should he abandon his position without the expressed consent of his bishop, "he is to be banned from sacred ministry" (chapter 16).

²⁵ "... none of the bishops who are called titular ... may validly advance or ordain to any sacred or minor orders, even first tonsure ... whoever may come to them ... without the expressed consent or dimissorial letters of his prelate" (Sess. 14, c. 2, in N. TANNER, *Decrees*, p. 715).

²⁶ These are simple paraphrases of the canons found in N. TANNER, *Decrees*, pp. 746-750.

²⁷ Chapter 7 is an elaboration on what is found in chapter 5 of this same session.

Like that seen as a result of the legislation emanating from the Council of Chalcedon a thousand years before it, these selected canons from the Council of Trent illustrate a certain concretizing in law of shifts that have moved the church away from seeing holy orders and ministry as a series of interpersonal relationships to one of distinct solitudes. The community of faith, active and animated at the time of Hippolytus, is hardly given mention in these canons, save as subjects of unspecified care, and participating in acts of divine worship. Individual communities gathering in various sanctuaries have all but disappeared, being replaced by an amorphous diocese. Title for ordination has become little more than a legal fiction, one that ensures sustenance for the ordained.²⁸ Ministry has been narrowed to the cultic. Eucharist is finally, definitively, and effectively separated from its ecclesiological roots. This “represents one of the most unfortunate pages [begun in] medieval theology ... because both thereby lost their centre. A doctrine of the Eucharist that is not related to the community of the church misses its essence as does an ecclesiology that is not conceived with the Eucharist as its centre.”²⁹ Ordination itself became so bound with the ensuring of necessary sustenance that the council expressly forbids ordaining even the most promising of candidates if they lack the means (Sess. 23, ch. 2). Bishops rule their subjects, including their priests, in a fashion resembling feudal vassalage. Priests have power but depend upon the good will

²⁸ N. MITCHELL, *Mission and Ministry*, p. 247.

²⁹ J. RATZINGER, “The Pastoral Implications of Episcopal Collegiality,” in *Concilium*, 1 (1965), p. 28.

of a bishop to exercise it. This framework would remain fundamentally unchanged until the *Pio-Benedictine Code* of 1917.³⁰

2. The 1917 *Pio-Benedictine Code*³¹

The canons addressing incardination in *CIC/17* are found immediately after three canons that define clerics in general. A cleric is one who has received first tonsure and has been “taken into divine ministries,” that is, accepted by the church for ministry and

³⁰ There were certain refinements, clarifications and adjustments made to the institute of incardination in the period between the Council of Trent and *CIC/17*, but none alters the basic canonical principles or theological/ecclesial framework that has been articulated thus far.

Pope Innocent XII (1691-1700) gave the church his constitution, *Speculatores* on the 4th of November, 1694 (see P. GASPARRI, *Codicis Iuris Canonici Fontes*, Rome, Typis Polyglottis Vaticanis, 1926-1939, vol. I, no. 258.) In it he echoes the canons of Trent, yet he organizes them and encourages their closer observance. He offers accurate definitions of the titles of proper bishop (place of origin, acquired domicile or benefice); on how possession of a benefice (the benefice had to have sufficient revenue and be in peaceful possession) gave one a proper bishop; that a cleric could be employed by an outside bishop in his household thus permitting that new bishop to become his proper bishop (in a refinement of *familiaritas*, the cleric needed to reside actually in the bishop’s residence for a period of three years and the bishop needed to obtain testimonial letters from the bishop of origin, as well as any other bishop where the candidate could have established domicile); finally, that within a period of one month of ordination the ordaining bishop needed to confer a benefice on the cleric which fulfilled the requirement stipulated previously. For a commentary on this, see J. MCBRIDE, *Incardination and Excardination*, pp. 111-113. *Speculatores* defined four titles for ordination: 1) place of origin; 2) acquired domicile; 3) adequate benefice and, finally, 4) service in the model of *familiaritas*. It also determined that should a lay person leave the diocese within which he was born, or where he had a domicile, he had to be excardinated by his own bishop if he wished to receive the tonsure from another. See C. BACHOFEN, *A Commentary on the New Code of Canon Law*, St. Louis, MO, B. Herder Book Co., 1925-, vol. 2, p. 53.

Of interest to Canadians are two provincial councils, the FIRST PROVINCIAL COUNCIL OF QUÉBEC, 15 August, 1851, c. 13 found in J. MANSI, J., (ed.), *Sacrorum Conciliorum Nova et Amplissima Collectio*, Paris, H. Welter, 1901-, vol. 44, p. 585, and the FIRST PROVINCIAL COUNCIL OF HALIFAX, 8 September, 1857, title 19, no. 7 in the same source, vol. 47, p. 524. Neither council offers anything new, repeating previous appeals to discipline and reiterating the church’s law.

Finally, the SACRED CONGREGATION OF THE COUNCIL issued the decree, *A primis*, on the 20th of July, 1898 (see ASS, 31 (1898), p. 49; *Fontes*, VI, no. 4307), which became “the last word on the subject of excardination and incardination of diocesan clerics” until the *Pio-Benedictine Code*. See J. MCBRIDE, *Incardination and Excardination*, p. 219. The decree is important for it specified that any transfer from one diocese to another without formal letters of excardination and incardination was invalid.

³¹ *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus*, [= *CIC/17*] *Romae, Typis polyglottis Vaticanis*, 1917. English translation, E. PETERS (trans.), *The 1917 Pio-Benedictine Code of Canon Law*, San Francisco, CA, Ignatius Press, 2001.

bound thereby to it (c. 108, §1).³² Canon 108, §2 indicates that not all clerics are of the same rank; some are superior to others. The canon continues in paragraph 3 by indicating that there is a sacred hierarchy, established by divine institution, and by reason of ordination (*ratione ordinis*), comprised first of bishops (cc. 329-355), then of priests and finally of deacons (see for example, c. 949 and 978, §2). Also by divine institution, but this time by reason of jurisdiction (*ratione jurisdictionis*), there exists the supreme pontificate (c. 218) and a subordinate episcopate (c. 329, §1). Finally, because the church has chosen to institute them, other grades “can [and, indeed, have] been added (see c. 949).”

Canon 108 concretizes a hierarchy of order seen earlier emanating from the Council of Trent. Bishops are bishops, not by virtue of ordination, but rather by virtue of their episcopal office. They are priests (c. 331, §1, 3°). By virtue of ordination they, like priests, obtain the *potestas ordinis* (c. 118) so that they can be given to the church by Christ for “the governance of the faithful and the ministry of divine cult”³³ (c. 948). That ministry is largely in the form of ritual, especially the rites for the celebration of the sacraments.³⁴ Only twenty-four canons deal with preaching the word of God (cc. 1327-1351), eleven of them directed toward “sacred sermons” (cc. 1337-1348), and of these

³² Canon 108, §1. “Qui divinis ministeriis per primam saltem tonsuram mancipati sunt, clerici dicuntur.”

§2. “Non sunt omnes in eodem gradu, sed inter eos sacra hierarchia est in qua alii aliis subordinantur.”

§3. “Ex divina institutione sacra hierarchia ratione ordinis constat Episcopis, presbyteris et ministris; ratione iurisdictionis, pontificatu supremo et episcopatu subordinatio; ex Ecclesiae autem institutione alii quoque gradus accessere.”

³⁴ Baptism, cc. 738-744; confirmation, cc. 782-785; eucharist, cc. 802-844; on the minister of holy communion, cc. 845-852; penance, cc. 871-892; extreme unction, cc. 938 and 939; holy orders, cc. 951-967.

only four refer to the people of God and the material to be shared.³⁵ A very definite scholastic view of orders, priesthood, ministry and ecclesiology is encapsulated in *CIC/17*.

2.1. Order and jurisdiction

The issue of *potestas ordinis* and *potestas jurisdictionis* is somewhat more defined than at Trent, although still lacking complete clarity. For a bishop, the *potestas jurisdictionis* is subject to, and dependent upon, the pontiff but not explicitly defined as granted by him. Rather, it is understood to be ordinary, that is, “given by virtue of episcopal office, radically or *aptitudinaliter* by consecration (c. 950), fully and expeditely by confirmation or promotion.”³⁶ Priests obtain ecclesiastical jurisdiction by office or by mandate of the competent authority. Like bishops, they share in the *potestas ordinis*, but each of them in different ways. Because bishops are priests, their only further exercise of the *potestas ordinis* includes confirming and ordaining, as well as performing certain sacramentals reserved to bishops. The entire issue is, however, not spelled out to the same degree as it is in *CIC/83*.

2.2. Isolating the notions of vocation, discernment and ministry

Canon 109 makes it clear that one is brought into the ranks of the clergy, neither by the “call or consent of the people” nor by any other power, but only by ordination

³⁵ See: c. 1344, §1 “... announce the word of God to the people in the customary homily”; c. 1345 “the faithful being present ... a brief explanation of the Gospel and some part of Christian doctrine ... [and] opportune instructions at the order of the Ordinary ...”; c. 1346, §1 “frequent sacred sermons during Lent and Advent ... attended by the faithful”; and c. 1347, §1 “... shall set forth first of all those things that the faithful must believe and which they ought to do for salvation.”

³⁶ C. BACHOFEN, *Commentary*, vol. 2, p. 45.

itself.³⁷ A clear echo of the Counter Reformation meant to protect the sacrament of orders itself, it is also a comment on the sovereignty and graciousness of God who chooses as God wills. Found here in the law, it safeguards episcopal authority in discerning that call, confirming it in ordination, and inserting it into the life of the church by granting it ministry and mission. The canon has the unfortunate effect of isolating vocation, discernment and ministry into the purview of the ordained. Unlike an earlier time, the people of God are eliminated from participating in the process of discerning or choosing their ministers. Any vestige of the former practice is limited to merely the symbolic during the liturgy of ordination. This indicates a separation, supported in law, between the people of God and their clergy. This is re-enforced in c. 124: "Clerics must lead an interior and exterior life holier than that of laity and should excel in rendering them an example of virtue and good deeds."³⁸

2.3. The canonical ascription of clerics

Title 1, "On the Ascription of Clerics to a Given Diocese," contains seven canons which uphold the discipline introduced by previous ecclesiastical legislation dealing with incardination in a clear effort to curb definitively the problems associated with "wandering clerics," the *vagi* and *acephali* (c. 111§1). Issues associated with the proper support of clerics are not addressed here, but are found instead in cc. 979-982 that deal with the issue of title, and cc. 1409-1494 that thoroughly present the matter of benefices.

³⁷ Canon 109: "Qui in ecclesiasticam hierarchiam cooptantur, non ex populi vel potestatis saecularis consensu aut vocatione adleguntur; sed in gradibus potestatis ordinis constituuntur sacra ordinatione; in supremo pontificatu, ipsomet iure divino, adimpleta conditione legitimae electionis eiusdemque acceptationis; in reliquis gradibus iurisdictionis, canonica missione."

³⁸ Canon 124: "Clerici debent sanctiorem prae laicis vitam interiorem et exteriorem ducere eisque virtute et recte factis in exemplum excellere."

Canon 111, §1³⁹ is strong in decreeing that every cleric, whether secular or religious (c. 107)⁴⁰, must be ascribed – attached – either to a diocese or a religious institute.⁴¹ Incardination is absolute and perpetual (c. 112).⁴² It is absolute in that no conditions can be attached to either the act of excardinating or incardinating by a bishop. It is perpetual in that a cleric cannot be incardinated within a diocese for only a limited time, or for only as long as the help of the particular cleric is required.⁴³ Conversely, it is absolute in that no conditions can be attached to the act of incardinating by the cleric himself; it is perpetual in that his declaration, under oath, expresses his intention to remain permanently in the service of this diocese (c. 117, 3°).⁴⁴

CIC/17 provides three methods for effecting incardination. The first of these (c. 111, §2),⁴⁵ called *initial incardination*, takes place at the time of entry into the clerical

³⁹ Canon 111, §1: “Quemlibet clericum oportet esse vel alicui dioecesi vel alicui religioni adscriptum, ita ut clerici vagi nullatenus admittantur.”

⁴⁰ Canon 107: “Ex divina institutione sunt in Ecclesia clerici a laicis distincti, licet non omnes clerici sint divinae institutionis; utrique autem possunt esse religiosi.”

⁴¹ See J. MCBRIDE in *Incardination and Excardinatio* on pp. 287-382.

⁴² Canon 112: “Praeter casus de quibus in can. 114, 641, §2, ut clericus alienae dioecesis valide incardinetur, a suo Ordinario obtinere debet litteras ab eodem subscriptas excardinatiois perpetuae et absolutae; et ab Ordinario alienae dioecesis litteras ab eodem subscriptas incardinatiois pariter perpetuae et absolutae.”

⁴³ C. BACHOFEN, *Commentary*, p. 54.

⁴⁴ Canon 117, 3°: “Clericus iureiurando coram eodem Ordinario eiusve delegato declaraverit se in perpetuum novae dioecesis servitio velle addici ad normam sacrorum canonum.”

A sample of this oath is offered by E. MAHONEY, “The Tonsure and Incardination,” in *The American Ecclesiastical Review*, 83 (1930), p. 398: “Ego X, habens simplex domicilium, at non originem, in dioecesi X coram Domino voveo ac juro in eadem dioecesi me perpetuo manere velle. Sic me Deus adjuvet et haec Sancta Evangelia quae manibus tango. In quorum fide sub signo ..., die ...” Mahoney writes: “taking an oath is a simple precaution, and would most likely form part of the pact by which a candidate binds himself to the future diocese of his incardination” (p. 406). Canon 117, 3°:

⁴⁵ Canon 111, §2: “Per receptionem primae tonsurae clericus adscribitur seu, ut aiunt, incardinetur dioecesi pro cuius servitio promotus fuit.”

state, namely, at the time of first tonsure “which, though *in abstracto* signifies the sacred ministry in general, *in concreto* means that part of the church which is assigned for a cleric's activity.”⁴⁶ This admission to minor orders is seen as being “promoted” to the service of the diocese by the diocesan bishop – the only one with the authority to do so (c. 956). As such, the new cleric is being incorporated under the title of service. This is not specified in the canon, but is only implied. However, in order to avoid any confusion, it is the receiving of first tonsure that effects the incardination within the particular church and not the provision of a *titulus*.⁴⁷

The notion of title continues to linger on in *CIC/17*, having had its genesis in the Council of Chalcedon. By 1917, however, the notion had lost virtually all connection with a community of the faithful, becoming defined as

a security given to a clergyman to insure his honourable maintenance, thereby enabling him to be promoted to higher orders [...] for it is not becoming that those who devote themselves to the divine service should disgrace their sublime vocation by begging or exercising a trade not becoming of their state.⁴⁸

CIC/17 distinguishes three titles by which a secular may be ordained: the first and most acceptable is that of a benefice (cc. 1409-1494), second that of patrimony, and third of pension (c. 979, §1).⁴⁹ The title must be in peaceful possession, that is, be secure for

⁴⁶ C. BACHOFEN, *Commentary*, vol. 2, p. 51. He notes in the margin of p. 51 that it is expressly referred to as “first tonsure” because “it presupposes the renewal of the tonsure.”

⁴⁷ See the SACRED CONGREGATION OF THE COUNCIL, Response, *Resolutio Adrien.*, in *AAS*, 18 (1926), pp. 48-55. English translation in *CLD*, 1, pp. 91-93.

⁴⁸ C. BACHOFEN, *Commentary*, vol. 4, p. 465. The second half of the quotation has a familiar ring because it has been seen before.

⁴⁹ Canon 1409 defines an ecclesiastical benefice: “est ens iuridicum a competente ecclesiastica auctoritate in perpetuum constitutum seu erectum, constans officio sacro et iure percipiendi redditus ex dote officio adnexos.” Canons 147-195, which specify the provision of ecclesiastical offices, apply to the canons dealing with benefices. Bachofen notes that: “The end or purpose of a benefice is spiritual, viz., the sacred

the entire life of the cleric and truly sufficient for his care according to the circumstances of time and place as established by his Ordinary (c. 979, §2).

Canons 980-982 expand on this introductory canon. In the event that a title is lost, it is the responsibility of the one who lost it to find another (c. 980, §1). If one ordains his subject knowing he has no title, he himself assumes responsibility to provide for his “decent upkeep” until other provision can be made. The burden defaults automatically to his successors (c. 980, §2). In the event that the ordinand and the bishop seek to enter into an agreement that a title is not necessary, and that the ordinand will not seek support from his bishop, the agreement has no force (c. 980, §3).⁵⁰

Canon 981 of the *Code* makes provision for extraordinary titles in those instances when no other title is available. In the case of a secular cleric, one may be promoted under the title of “service to the diocese” (§1). In those places subject to the Congregation for Propagation of the Faith, the “title of mission” is specified (§1). For those ordained under either of these titles, an oath is to be sworn which declares the intention of devoting

office, and the revenues are granted for the sake of the service one renders (*beneficium propter officium*).” See *Commentary*, vol. 6, p. 493.

Patrimony refers to an inheritance received from one's ancestors, especially one's parents. The conditions required are the same as those demanded for a benefice. A patrimony must be secure and sufficient. A secure patrimony could consist of real estate or any other stable and interest bringing property, provided it is not mortgaged.

A pension, like a patrimony, must offer a guarantee of security and sufficiency. It could be an annual pension, provided it is founded on immovable property. Again, the key factor is always the safety and sufficiency of the pension itself.

⁵⁰ C. BACHOFEN notes: “Such a practice would savour of simony, and the text from which the *Code* took this law, actually belongs to the title on simony. The penalty is suspension from conferring orders for one year and is reserved to the Holy See.” See *Commentary*, vol. 4, p. 471.

Canon 980, §1: “Ordinatus in sacris, si titulum amittat, alium sibi provideat, nisi, iudicio Episcopi, eius congruae sustentationi aliter cautum sit.”

§2: “Qui, citra apostolicum indultum, suum subditum in sacris sine titulo canonico scienter ordinaverint aut ordinari permiserint, debent ipsi eorumque successores eidem egenti alimenta necessaria praebere, donec congruae eiusdem sustentationi aliter provisum fuerit.”

oneself perpetually to the service of either the diocese or the mission. In doing so, the newly ordained places himself under the authority of the local ordinary (§1).⁵¹ Because these are extraordinary titles, discretion is called for in their being employed.⁵² Paragraph 2 reminds ordinaries that it becomes their responsibility to provide a benefice, office or subsidy to ensure the “decent upkeep” of the cleric.

Canon 982 addresses the matter of those in religious life. For regulars, paragraph 1 provides either the title of “solemn religious profession” or “poverty.” For those in simple perpetual vows in communities whose constitutions fail to provide title, paragraph 2 stipulates either the title of “common table,” or that “of the congregation.” Paragraph 3 indicates that for all other religious the title shall be the same as for that of seculars.⁵³

It is important to note that the provision of title is required only at the time of ordination to major orders (c. 974, 7°). So when canon 111, §2 speaks of first tonsure as an incardination and entry into the clerical state with an implied title of service to the diocese, it is really speaking of those candidates who are proposed to “ascend to the presbyterate, and who seem correctly understood as, at some point in the future, being worthy priests” (c. 973, §1).⁵⁴ The incardination spoken of in c. 111, §2 is a way of connecting the new cleric in a real, visible and tangible way to the service of the diocesan

⁵¹ For discussion on the oath, together with a simple formula, see J. MCBRIDE, *Incardination and Excardination*, pp. 548-553.

⁵² C. BACHOFEN, *Commentary*, vol. 4, p. 472.

⁵³ Canon 982, §1: “Pro regularibus titulus canonicus est solemnis religiosa, professio seu titulus, ut dicitur, paupertatis.”

§2: “Pro religiosis votorum simplicium perpetuorum est titulus mensae communis, Congregationis aliusve similis, ad normam constitutionum.”

§3: “Ceteri religiosi, etiam ad ordinationis titulum quod attinet, iure saecularium reguntur.”

⁵⁴ Canon 973, §1: “Prima tonsura et ordines illis tantum conferendi sunt, qui propositum habeant ascendendi ad presbyteratum et quos merito conicere liceat aliquando dignos futuros esse presbyteros.”

church and for the church to connect in a very real way with him as he journeys through the process of formation. So important is this connection that, to add force to the law, c. 955, §1 stipulates that, should a bishop confer tonsure on a man not destined for service in his diocese without the express permission of the candidate's proper bishop in the form of dimissorial letters, the promoting bishop is to be suspended for one year from conferring orders (c. 2373, §1). The new cleric himself is suspended from exercising the order he had received (c. 2374).⁵⁵

The second method of incardination (c. 112) concerns itself with those clerics who wish to move into another diocese from the one into which they had originally – or subsequently – been incardinated.⁵⁶ Called *formal derivative incardination*, it involves the obtaining of a letter of “perpetual and absolute” excardination written and signed by the bishop of the diocese where one is presently incardinated (*a quo*), while simultaneously obtaining a letter of “perpetual and absolute” incardination written and signed by the bishop of the diocese to which one seeks admission (*ad quem*). In this process, the excardination does not take effect until the incardination into the new diocese is ensured. The presence of both letters is required for validity so that no incardination is effected whatsoever with the existence of only one letter or the other.

⁵⁵See E. MAHONEY, *Jura sacerdotum vindicata: The Rights of the Clergy Vindicated; or, A Plea for Canon Law in the United States by a Roman Catholic Priest*, New York, NY, James Sheehy, 1883, pp. 394-406. For a formal response on this subject, see also SACRED CONGREGATION OF THE COUNCIL, *Resolutio, Dioecesium N. et X. (Incardination by First Tonsure)*, 10 March, 1923, in *AAS*, 16 (1924), pp. 51-55. The English translation is found in *CLD* 1, pp. 89-91.

⁵⁶ Canon 112: “Praeter casus de quibus in can. 114, 641, §2, ut clericus alienae dioecesi valide incardinetur, a suo Ordinario obtinere debet litteras ab eodem subscriptas excardinationis perpetuae et absolutae; et ab Ordinario alienae dioecesis litteras ab eodem subscriptas incardinationis pariter perpetuae et absolutae.”

Excardination and incardination cannot be granted by a vicar general (cc. 366-371) unless he has been given a mandate to do so (c. 113); nor can a vicar capitular (cc. 429-444) on his part, unless the see has been vacant for one year and then only with the consent of the chapter of canons (cc. 113; 391-422). The wording of the canon is such that it protects the authority of bishops that they might carefully consider those they wish to engage for ministry within their dioceses.

The bishop of the diocese *ad quem* is not free to admit a cleric unless there exist just and sound reasons for the services of this particular man. Those reasons could include his usefulness or even his necessity to the diocese (c. 117, 1°).⁵⁷ It is the sole responsibility of the bishop to determine that utility or necessity with “due regard to the prescriptions of law concerning canonical title of ordination.” In other words, neither utility nor necessity exempt a bishop from ensuring the cleric’s proper support. If the bishop were to incardinate a cleric lacking such a title, he

would be bound to provide for that cleric's maintenance from his own resources. Since the cleric's canonical title is lost by excardination, it is quite obvious that he must be given a new one since the law demands the conferring of a new canonical title whenever the old one is lost, unless the cleric has some other legitimate means of supporting himself (c. 980).⁵⁸

⁵⁷ Canon 117, 1°: “Necessitas aut utilitas dioecesis id exigat, et salvis iuris praescriptis circa canonicum ordinationis titulum.”

⁵⁸G. SUBOTICH, “Formal Incardination and Excardination of Secular Clerics,” in *The Jurist*, 15 (1955), pp. 439-440.

Canon 980, §1: “Ordinatus in sacris, si titulum amittat, alium sibi provideat, nisi, iudicio Episcopi, eius congruae sustentationi aliter cautum sit.”

§2: “Qui, citra apostolicum indultum, suum subditum in sacris sine titulo canonico scienter ordinauerint aut ordinari permiserint, debent ipsi eorumque successors eidem egenti alimenta necessaria praebere, donec congruae eiusdem sustentationi aliter provisum fuerit.”

§3: “Si Episcopus aliquem ordinauerit sine titulo canonico cum pacto ut ordinatus non petat ab ipso alimenta, hoc pactum omni vi caret.”

Canon 116 is the inverse of this, addressing itself to the process of excardination. Here a bishop is to refuse excardination unless a “just cause” is made apparent to him.⁵⁹ It would be hoped that the same just and sound deliberation would precede his decision as exhibited by the bishop *ad quem*. Excardination does not take effect until incardination is accomplished. It is a simultaneous act that leaves no rupture in the fact of attachment. Communicating the completion of the act is the responsibility of the bishop *ad quem*, who is to advise the bishop *a quo* “as quickly as possible.” However, c. 117, 2° prescribes an investigation of all clerics seeking incardination in order to safeguard against potential difficulties.⁶⁰ Number 3, echoing c. 981, §1, yet with greater clarity and force (“under oath in the presence of the Ordinary or his delegate”), asks that the one being incardinated declare his intention to be added permanently to the service of his new diocese.

The third method is referred to as *virtual* or *tacit derivative incardination* (c. 114) and is achieved in one of two ways.⁶¹ In the first case, a bishop bestows on a cleric who is correctly incardinated in another diocese a residential benefice within his own diocese, provided the cleric is in possession of the written *consent* of his proper bishop. The consent expressed deals precisely with the cleric’s acceptance of a residential benefice in this other

⁵⁹ Canon 116: “Excardinatio fieri nequit sine iustis causis, et effectum non sortitur, nisi incardinatione secuta in alia dioecesi, cuius Ordinarius de eadem priorem Ordinarium quantocius certiore reddat.”

⁶⁰ Canon 117, 2°: “Ex legitimo documento sibi constiterit de obtenta legitima excardinatione, et habuerit praeterea a Curia dimittente, sub secreto, si opus sit, de clerici natalibus, vita, moribus ac studiis opportuna testimonia, maxime si agatur de incardinandis clericis diversae linguae et nationis; Ordinarius autem dimittens, graviter onerata eius conscientia, advigilare debet ut testimonia sint veritati conformia.”

⁶¹ The distinction is found on p. 98 of T. BOUSCAREN, A. ELLIS and F. KORTH, *Canon Law: A Text and Commentary*, 4th rev. edition, Milwaukee, WI, Bruce Publishing Company, 1966.

Canon 114: “Habetur excardinatio et incardinatio, si ab Ordinario alienae dioecesis clericus beneficium residentiale obtinuerit cum consensu sui Ordinarii in scriptis dato, vel cum licentia ab eodem in scriptis concessa e dioecesi descendendi in perpetuum.”

place. Furthermore, the consent granted by the bishop of the diocese *a quo* is understood to provide excardination together with an acknowledgement of incardination in the new diocese.⁶² It is virtual in that excardination and incardination are not the subject of the consent, merely its undeclared matter and intent.

Canon 585 offers a parallel from religious law: upon profession of simple or solemn perpetual vows, a religious automatically surrenders his ascription to the diocese he was attached to as a secular.⁶³ This is reiterated in substance in c. 115.⁶⁴

2.4. Particular situations envisaged in *CIC/17*

Canon 114 makes provision for a cleric to depart permanently from the diocese of his incardination.⁶⁵ At first glance, it appears as though the *Code* is making an express provision for the very *vagi* and *acephali* it sought to prevent. However, it must be borne in mind that the law was written during a time of extraordinary movements of people, resulting from war on a worldwide scale and migration of entire populations of a magnitude not experienced before. This was especially the case for North America where so many sought refuge and new beginnings. These populations required clergy. Remembering a time when communication was not facilitated with the ease enjoyed today,

⁶²See C. BACHOFEN, *Rights and Duties of Ordinaries According to the Code and Apostolic Faculties*, St. Louis, Herder and Herder Book Co., 1924, pp. 167-168.

⁶³ Canon 585: "Professus a votis perpetuis sive sollemnibus sive simplicibus amittit ipso iure propriam quam in saeculo habebat dioecesim."

⁶⁴ Canon 115: "Etiam per professionem religiosam quis a propria dioecesi excardinatur, ad normam can. 585."

⁶⁵ Canon 114 states: "Habetur excardinatio et incardinatio, si ab Ordinario alienae dioecesis clericus beneficium residentiale obtinuerit cum consensu sui Ordinarii in scriptis dato, vel cum licentia ab eodem in scriptis concessa e dioecesi descendendi in perpetuum."

the law is making an extraordinary concession in permitting a cleric to seek out places in need of his ministry.

In the second method of virtual incardination, a cleric receives a letter granting him permission to leave the diocese of his incardination in a permanent fashion: the bishop is expressing a willingness to release the cleric for service elsewhere. Bearing that letter, the cleric is free to explore possibilities, seeking a place for the exercise of his ministry. The excardination is effected and a new incardination achieved only when the cleric receives a residential benefice in a new location while holding the letter of *permission* from his bishop *a quo*. It is important to note that he remains incardinated in his diocese of origin until such time as another bishop has agreed to grant him a residential benefice. Again, the excardination and incardination are virtual in that there is no expressed grant of either in the manner expressed in cc. 112 and 116.

This relaxation in the rigour surrounding excardination and incardination reflecting a clearly pastoral motive would, unfortunately, give rise to the very problems the institute sought to prevent. More would be needed.

CIC/17 spells out the obligations of clerics with simplicity and clarity in cc. 124-144. There is no mention of their rights, just obligations. Those obligations included living a life “holier than that of the laity” (c. 124),⁶⁶ frequent confession (c. 125, 1°), daily mental prayer, visits to the Blessed Sacrament, the rosary and an examination of conscience (c. 125,2°). They included “reciting completely the canonical hours” (c. 135)⁶⁷ and the strict avoidance of anything unbecoming of the clerical state (c. 133; 139;

⁶⁶ Canon 124: “Clerici debent sanctiorem prae laicis vitam interiorem et exteriorem ducere eisque virtute et recte factis in exemplum excellere.”

140). Pastors, for their part (cc. 451-470), were obliged to the care of souls (c. 451, §1), in part by conferring baptism, taking communion to the sick, administering anointing, imparting nuptial blessings and the like (c. 462). The pastor was to provide for the necessities of the faithful even in times of absence (c. 465, §6), which was well summarized in c. 467:

§1 A pastor must celebrate divine offices, administer sacraments to the faithful as often as they legitimately ask, know his sheep and prudently correct their erring, assist with paternal charity the poor and destitute, and apply the utmost care in the Catholic instruction of the young.

§2 The faithful are to be so admonished that frequently, where this can be done conveniently, they attend their parochial churches, and are present there for divine offices, and hear the word of God.⁶⁸

Conclusion

Like a child that can see in her or his parents the qualities and traits she or he carries, so too does *CIC/17* reflecting, as it does, the centuries that preceded it. Yet, just like that child, there is a certain uniqueness that makes the *Pio-Benedictine Code* unlike anything encountered before. Here is found a certain reiteration of previous legislation, together with an expansion of it, yet all in the context of one of the most significant councils in the history of the church, the Council of Trent – *the* triumph of medieval scholasticism.

Eager to provide for the internal reform of the church by correcting discipline, the Council of Trent addressed myriad issues including the system of ordination titles.

⁶⁷ Canon 135: “Clerici, in maioribus ordinibus constituti, exceptis iis de quibus in canon. 213, 214, tenentur obligatione quotidie horas canonicas integre recitandi secundum proprios et probatos liturgicos libros.”

⁶⁸ Canon 467, §1: “Debet parochus officia divina celebrare, administrare Sacramenta fidelibus, quoties legitime petant, suas oves cognoscere et errantes prudenter corrigere, paupers ac miseros paterna caritate complecti, maximam curam adhibere in catholica puerorum institutione.”

§2: “Moneni sunt fideles ut frequenter, ubi commode id fieri possit, ad suas paroeciales ecclesias accedant ibique divinis officiis intersint et verbum Dei audient.”

Although the council re-affirmed it and expanded it with a new innovation seen in the title of *familiaritas*, a relationship of intimacy or familiarity, titles were in fact somewhat eclipsed by the matter of benefices. The benefice system, inherited from an earlier time, is thoroughly addressed in decidedly pragmatic and disciplinary ways. Acknowledging that its primary purpose was to provide a respectful living for clerics, Trent forbade the holding of more than one benefice at a time, moving from benefice to benefice, or of holding a benefice without actually caring for it. Yet, in a minor expansion of previous legislation, Trent permitted an alternative to a benefice in the holding of either patrimony or pension, provided it be adequate and in peaceful possession.

Regrettably, what emerges is that ordination becomes even more distanced from a pastoral connection with a community of faith as seen in the ordination rites of earlier times. In its stead, such great emphasis is placed upon the provision of a benefice that, at the time of ordination, one could simply not be advanced to orders if there were no way of ensuring adequate support, no matter how great the need or how useful the candidate. This distancing is further exacerbated by a theology that emphasized the power to “confect” or consecrate the Lord’s body and blood in the Eucharist as one given at ordination, quite independent of any pastoral connection with the community of faith.

The scholastic teaching of the period argued that because priests offer the sacrifice of the Eucharist, the priesthood and the Eucharist are inextricably bound together – priesthood is derived from the Eucharist; priesthood focuses its energy upon the Eucharist; priesthood is the power to provide the Eucharist. This cultic, eucharistically oriented theology of the priesthood, overshadows the preaching of the word, leadership in the Christian community, and the pastoral care of the faithful.

Eucharist is finally, definitively, and effectively separated from its ecclesiological roots. Furthermore, the priesthood eclipses both the diaconate and the episcopacy, making the former simply a step on the way to the priesthood, and relegating the latter to a place of dignity or excellence without the benefit of an *ordo* of its own, free to rule their subjects, including their priests, in a fashion resembling feudal vassalage.

This is the theological framework codified in the *Pio-Benedictine Code* of 1917.

What does this imply for incardination? As has been seen, a clearly juridic bond of a contractual nature is described that, with an undisciplined ear, could well leave one hearing merely a chorus echoing duty, obligation, and personal piety, rather than the moving, full, and rich harmony that the *Code* sought for the society that is the church. That hearing could easily lead one to believe that incardination lacks a relational quality, creating in its stead, two distinct and seemingly irreconcilable solitudes: one clerical, the other lay.

It would not take the church long to realize that the *Pio-Benedictine Code* was not adequate to address the needs of a church that found itself in a rapidly growing world characterized by a burgeoning technology compounded by a knowledge base increasing at an exponential rate. A new mind-set would be needed. Thus it was time to move more deeply into the twentieth century.

CHAPTER IV

TOWARDS A UNIFIED UNDERSTANDING OF THE IMPLICATIONS OF INCARDINATION

§1 The parish priest has the obligation of ensuring that the word of God is proclaimed in its entirety to those living in the parish. He is therefore to see to it that the lay members of Christ's faithful are instructed in the truths of faith, especially by means of the homily on Sundays and holydays of obligation and by catechetical formation. He is to foster works which promote the spirit of the Gospel, including its relevance to social justice. He is to have a special care for the catholic education of children and young people. With the collaboration of the faithful, he is to make every effort to bring the gospel message to those also who have given up religious practice or who do not profess the truth faith.

§2 The parish priest is to take care that the blessed Eucharist is the centre of the parish assembly of the faithful. He is to strive to ensure that the faithful are nourished by the devout celebration of the sacraments, and in particular that they frequently approach the sacraments of the blessed Eucharist and penance. He is to strive to lead them to prayer including prayer in their families, and to take a live and active part in the sacred liturgy. Under the authority of the diocesan Bishop, the parish priest must direct this liturgy in his own parish, and he is bound to be on guard against abuses.

c. 528¹

¹ Can. 528 §1. "Parochus obligatione tenetur providendi ut Dei verbum integre in paroecia degentibus annuntietur quare curet ut christifideles laici in fidei veritatibus edoceantur, praesertim homilia diebus dominicis et festis de praecepto habenda necnon catechetica institutione tradenda, atque foveat opera quibus spiritus evangelicus, etiam ad iustitiam sociale quod attinet, promoveatur peculiarem curam habeat de puerorum iuvenumque educatione catholica omni ope satagat, associata etiam sibi christifidelium opera, ut nuntius evangelicus ad eos quoque perveniat, qui a religione colenda recesserint aut veram fidem non profiteantur."

§2. "Consulat parochus ut sanctissima Eucharistia centrum sit congregationis fidelium paroecialis; allaboret ut christifideles per devotam sacramentorum celebrationem, pascantur, peculiarique modo ut frequenter ad sanctissimae Eucharistiae et paenitentiae sacramenta accedant; annitatur item ut iidem ad orationem etiam in familiis peragendam ducantur atque conscie et actuose partem habeant in sacra liturgia, quam quidem, sub auctoritate Episcopi dioecesani, parochus in sua paroecia moderari debet et, ne abusus irrepant, invigilare tenetur."

1. **Pope John XXIII and *Sacerdotii nostri primordia* (1959) – towards a new understanding of the theology of ordained ministry**

The popes of the period between the promulgation of the *CIC/17* and the beginning of the Second Vatican Council (1962-1965) presented several significant issues to the church for its thoughtful consideration. Pius XI (1922-1939) wrote the encyclical letter *Ad catholici sacerdotii*,² Pius XII (1939-1958) presented his apostolic exhortation *Menti nostrae*, and the encyclical *Fidei donum*;³ and John XXIII (1958-1963) wrote his encyclical

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus [= CIC/83], Vatican City, Libreria editrice Vaticana, 1983. British version of the English-language translation: *The Code of Canon Law: New Revised English Translation*, prepared under the auspices of The Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and The Canadian Canon Law Society, London, Harper Collins, 1997.

²PIUS XI, encyclical letter *Ad Catholici Sacerdotii*, 20 December 1935, is in *AAS*, 28 (1936), pp. 5-53. English translation in *The Catholic Mind*, 34 (1936), pp. 41-79. The portion of particular interest is found on pp. 59-60: "The minister of God is a father of souls; and he knows that his toils and his cares cannot adequately be repaid with wealth and honours of earth. He is not indeed forbidden to receive fitting sustenance, according to the teaching of the Apostle: "They that serve the altar may partake with the altar ... so also the Lord ordained that they who preach the Gospel should live by the Gospel."

³PIUS XII, Apostolic exhortation *Menti Nostrae*, 23 September 1950, is found in *AAS*, 42 (1950), pp. 657-702. English translation in *The Catholic Mind*, 49 (1951), pp. 37-64. The pontiff reiterates to some extent that which was observed by Pius XI: "We trust that these ties of brotherly love will become ever closer between priests of all nations, so that it may become ever more obvious that the ministers of God, the Universal Father, are united by the bond of charity, regardless of race. But you will well understand that such a problem cannot be adequately resolved unless the faithful feel the obligation to help the clergy according to their ability and to take every step needed to achieve this end. Therefore, instruct the faithful under your care on their obligation to help their priests in want. Our Lord's words always hold true: 'The labourer deserves his wages' (Luke 10.17). How can you expect fervent and energetic work from priests when they lack the necessities of life?" This translation is found on p. 63.

The encyclical *Fidei donum*, 21 April 1957, is seen in *AAS*, 49 (1957), pp. 225-249. English translation in *The Pope Speaks*, 4 (1957), pp. 295-312. Pope Pius calls for dioceses to hasten to the aid of "the Africa that is at long last reaching out toward the higher civilization of our times and aspiring to civic maturity; the Africa that is involved in such grave upheavals as perhaps have never been recorded in her ancient annals" (p. 297). By quoting statistics ("in another locality fifty priests are stationed in the midst of a population of 2,000,000 persons, where the care of 60,000 Catholics in the area alone requires almost full-time service" p. 300), portraying aspects of the African experience, and appealing to the bond of connection that exists between bishops in their mutual care for the entire church ("But even though each bishop is the pastor of that portion only of the Lord's flock entrusted to him, nevertheless as lawful successors of the Apostles by God's institution and commandment he is also responsible, together with all the other bishops, for the Apostolic task of the Church ..." p. 304), he begs for bishops to send priests to help the church in Africa ("despite the burden ... to send this or that priest of the diocese to go and spend some time in working for the bishops of Africa" p. 310).

letter *Sacerdotii nostri primordia*.⁴ Each of these would, in a certain way, call into question the method employed by the church with regard to the sustenance of clergy and the way in which the apostolate was exercised. In doing so, the popes implied an inadequacy of the *titulus ordinationis* tradition and suggested the need for its broad reform together with a re-evaluation of a theology of ordained ministry.

This is especially evident in the encyclical letter, *Sacerdotii nostri primordia*, written by Pope John XXIII, the 1st of August 1959. Using the example of the Curé of Ars, Pope John devotes almost one-third of the letter to the specific nature of the priesthood, encouraging his brother priests to develop a new esteem for their pastoral office. He asks them to enter into the sufferings and sorrow of their communities in such a way as to make them their own. He encourages them to set a meaningful example for all people. He calls them to preach and teach with newfound zeal, and to grow both in mind and in personal holiness.⁵ He encourages an entirely new relationship between bishops and priests, such that priests be seen as the “chief responsibility” of each bishop. He asks his brother bishops to “help [priests] in their difficulties,” to “be close to them, to know them, to take great care of them, and direct them in a firm but fatherly way.” He reminds the bishops that the pastoral care they have for their dioceses also includes his priests, for they are a bishop’s “closest helpers ... and bound [to him] ... by many sacred ties.” Finally, he exhorts the people of God to support their priests through their prayer, respect and esteem, and most

⁴JOHN XXIII, Encyclical letter, *Sacerdotii Nostri Primordia*, 1 August 1959, is found in *L'Osservatore Romano*, 1 August, 1959. English translation in *The Pope Speaks* 6 (1959-1960), pp. 7-33.

⁵ *Ibid.*, pp. 24-30.

significantly, by being “even more zealous and active in offering to help them.”⁶ His is a radical departure from a theology of orders inherited from the scholastics with its understanding of hierarchical ranking and cultic focus. It would be a vision that would eventually find its way into the council that he himself had called just eight months earlier.

2. The Second Vatican Council

The Second Vatican Council, the church’s twenty-first ecumenical council, did address the issue of clergy, generating innumerable references to ministry, the laity, service, liturgy and sacrament, deacons, priests and bishops throughout its two dogmatic constitutions (*Lumen gentium* and *Dei verbum*), its one pastoral constitution (*Gaudium et spes*), the constitution *Sacrosanctum concilium*, nine decrees (*Inter mirifica*; *Orientalium Ecclesiarum*; *Unitatis redintegratio*; *Christus Dominus*; *Perfectae caritatis*; *Optatam totius*; *Apostolicam actuositatem*; *Ad gentes divinitus*; *Presbyterorum ordinis*), and three declarations (*Gravissimum educationis*; *Nostra aetate*; *Dignitatis humanae*). The diaconate received the least attention by the conciliar fathers, becoming instead the work of Pope Paul VI in his apostolic letter of the 15th of August 1972, entitled *Ad pascendum*.⁷ Bishops received the greatest attention among the clergy and are the subject of the decree *Christus Dominus*.⁸

⁶ Ibid., pp. 30 and 31.

⁷ PAUL VI, Motu proprio, *Ad pascendum* [= AP], 15 August 1972, in *AAS*, 64 (1972), pp. 534-540. English translation in FLANNERY, A. (gen. ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents*, vol. 1, new revised edition (=FLANNERY 1), Northport, NY, Costello Publishing Company, 1998, pp. 433-440.

⁸ SECOND VATICAN COUNCIL, *Christus Dominus* [= CD], 28 October 1965, in *AAS*, 58 (1966), pp. 673-701. English translation in FLANNERY 1, pp. 564-590.

However, some conciliar fathers were concerned for they “got the impression that priests might feel neglected by the council, especially since so much attention had been paid to the bishops and the laity.”⁹ Indeed, as the fourth and final session of the council gathered on the 14th of September 1965, and the end of the council loomed near, the participants recognized the need for an energetic, vigorous push to complete the decree on the priesthood. The work had been in the making since the preparatory commission was struck by Pope John XXIII in June of 1960. Finally, on the second last day of the council, the 7th of December 1965, their decree was promulgated together with *Dignitatis humanae*, the Declaration on Religious Liberty, and *Ad gentes divinitus*, the Decree on the Church’s Missionary Activity. The Decree on the Ministry and Life of Priests, *Presbyterorum ordinis*, had a long and interesting gestation.¹⁰

2.1. *Presbyterorum ordinis*

From the onset of its work the commission was dogged by two issues. On the one hand there were those who “based their considerations chiefly on the priest’s power to offer the eucharistic sacrifice and hence saw his function as one of adoration of the Father, stressing the consecration whereby he is fitted to give this worship, in the name of Christ and on behalf of the church.”¹¹ On the other hand, were “those who emphasized the

⁹ J. LÉCUYER, “Decree on the Ministry and Life of Priests,” translated by R.Walls, in H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, Freiburg, Herder and Herder, 1967-1969, vol. 4, p. 192.

¹⁰ SECOND VATICAN COUNCIL, *Presbyterorum ordinis* [= *PO*], 7 December 1965, in *AAS*, 58 (1966), pp. 991-1024. English translation in FLANNERY 1, pp. 863-902.

¹¹ D. POWER, *Ministers of Christ and His Church: The Theology of the Priesthood*, London, G. Chapman, 1969, pp. 145 and 146.

apostolic and missionary nature of the priesthood, attaching particular importance to the priest's mission to preach the gospel to the whole world."¹²

The matter had very deep roots, returning back to the Lord's Supper itself and the emergence of the priesthood. In short, Christ's priesthood, as expressed in the Letter to the Hebrews, its sole New Testament reference, is understood to be a unique eschatological realization, fulfilment, and replacement for the Aaronic priesthood of the old dispensation. The same letter shows how the Eucharist is connected with Christ's expiatory and intercessory sacrifice that inaugurates a new covenanted *koinonia*. Both typologies were lost in the vagaries of theological/ecclesial history, to be overwhelmed by a traditional Old Testament priesthood empowered to offer sacrifice. The result was that by the beginning of Vatican II

the sacerdotal element in the episcopal and presbyteral offices – their cultic function – quickly became the essential and definitive element in these offices, and the other elements, especially that of the commission to preach, fell disproportionately into the background. In addition, the exaggeration of the sacral character of sacramental ordination resulted in the subjects of spiritual office being regarded as specially holy persons, who had to keep their distance from all profane (i.e. unholy) things and who were given in return a unique, almost exclusive status in the church. The Council tried to correct this line of development, by refraining, even in the title, from speaking of clerics or of *sacerdotes*, and returning to the New Testament word 'presbyter,' which commended itself among other things by its collegial and fraternal associations, expressed in the concept of the presbytery.¹³

It must be quickly pointed out that the council did not wish to reject the traditional framework, for it was truly a matter of entrenched scholastic doctrine, and was in fact the basis not only for a theology of the priesthood, but also for an entire spirituality of the priesthood being lived throughout the world. So, rather than rejecting it, the conciliar fathers

¹² Ibid., p. 146.

¹³ F. WULF, "Commentary on the Decree," translated by R. WALLS, in H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, Freiburg, Herder and Herder, 1967-1969, vol. 4, pp. 212 and 214.

deemed it to be too narrow and sought to modify it, to soften it, to enrich it and to enlarge it.¹⁴

The result is that *PO* absorbs the cultic character of the priesthood into

a wider apostolic ministry, which has found its expression above all in the doctrine of the three offices of Christ. In the process the linking of word and sacrament has pointed to a deeper theological structure of priestly operation. As a result, too, the missionary character of the New Testament ministry, which is traced back to its origin in the mission of the apostles has once again become more strongly stressed. This corrects the one-sided concept of holy orders as a static, personal prerogative of the priest.¹⁵

One consequence of this shift is that, rather than seeing the presbyterate as the fundamental *ordo* to which something was added by virtue of jurisdiction in order to create bishops, “now it is the episcopate that is seen as basic, the presbyterate being a participation in the episcopate as the plenitude of the official ministry.”¹⁶ So priests and deacons can be understood only in their relationship to the bishop. Conversely, bishops can be understood only in their relationship to the priestly ministry. None of them can be understood as independent of a christological centre that involves the triple *munera*: priest, prophet and king. All ministry, then, whether lay or ordained, must necessarily express this tripartite character.¹⁷ Furthermore, when one reflects upon this christological centre, one can recognize a refinement of it that expresses all ministry as embracing *diakonia*, *koinonia*, *martyrion* and a *leitourgia*. All of them are decidedly relational terms. All of them express profoundly relational realities.

¹⁴ K. OSBOURNE, *Priesthood: A History of Ordained Ministry in the Roman Catholic Church*, New York, NY, Paulist Press, 1988, p. 315.

¹⁵ F. WULF, *Commentary*, pp. 224 and 225.

¹⁶ *Ibid.*, p. 224.

¹⁷ K. OSBOURNE, *Priesthood: A History*, p. 316.

2.2 The major thrusts of the Vatican II teaching regarding incardination of clerics

Vatican II did address the subject of incardination during its four years of discernment and deliberation, albeit briefly. What the council fathers sought was a comprehensive evaluation and amendment

of the system of incardination in the *Code*, with its emphasis on benefices and sustenance, [that had] created a prejudice in favour of the relationship between ordination and sustenance, [which had] been to the detriment of the relationship between ordination and service. There [had] also been a loss of the vision of the universal mission of bishops and a resultant unequal distribution of clergy. The Second Vatican Council sought reform of the system of incardination based on a more equitable distribution of the clergy, specialized apostolates distinct from territorial considerations, and the personal needs of an individual priest where reasons might make advisable a change in diocese.¹⁸

Specific references to incardination are limited to but two individual passages: one in *CD*, no. 28, and the other in *PO*, no. 10. Keeping in mind the virtual conjoining of incardination with a *titulus ordinationis* in *CIC/17*, the council addressed the subject of benefices directly in but one place: *PO*, no. 20. Although it would appear at first sight to be a disappointing dearth of conciliar legislation on these two subjects, closer inspection of these three passages actually yields a wealth of insight.

CD, no. 28, marks a departure from the previous understanding concerning incardination when it states:

The diocesan clergy, have, however, a primary role in the care of souls because, being incardinated in or appointed to a particular church, they are wholly dedicated in its service to the care of a particular section of the Lord's flock, and accordingly form one priestly body and one family of which the bishop is the father.¹⁹

¹⁸ J. TEIXEIRA, *Personnel Policies: A Canonical Commentary on Selected Current Clergy Personnel Policies in the United States of America*, Canon Law Studies, no. 503, Ann Arbor, MI, UMI, 1988, p. 158.

¹⁹ *CD*, no. 28 in FLANNERY 1, p. 580.

There are two key elements found in this statement. First, diocesan clergy have the care of souls as their primary role. This care is fulfilled among the people of God found in a particular church. By being incardinated, or appointed, to a particular church, diocesan clergy are wholly dedicated to the care of souls in that place. Their incardination provides a context within which they are able to serve and care for the people of God. Incardination, then, is a connecting with the people of God in a relationship of service. Second, the priests of a diocese, together with their bishop, form a single priestly body that resembles a family. Incardination, then, is a connecting with others who share priestly ordination in a relationship of common service. In saying this, the conciliar fathers begin a gradual shift away from linking incardination solely to the sustenance it affords to the individual cleric, and moving it toward its being linked to a series of relationships which has service as a common denominator.

CD sought to narrow the gap that had formerly existed between bishops and priests. This is not the only place where the matter is addressed by the council. Indeed, *CD* only reiterates other conciliar declarations on the fundamental unity of all of those in holy orders, but most especially that which exists between bishops and priests.²⁰ From this point onward, priests can no longer be seen as the subjects or vassals of the bishop, but rather as his closest collaborators and prudent co-operators.²¹

²⁰ See for example, *Sacrosanctum Concilium*, no. 41 (FLANNERY 1, p. 14); *Lumen Gentium*, no. 10 (FLANNERY 1, pp. 360); *CD*, nn. 15, 16, 28-32 (no. 15 is in FLANNERY 1, p. 571; no. 16 on p. 572); *Optatam Totius* (again in FLANNERY 1, pp. 707-742); the whole of *PO* (referenced above).

²¹ For an articulation of the relationship between bishops and priests, see PAUL VI, encyclical letter, *Sacerdotalis caelibatus*, 24 June 1967, in *AAS*, 59 (1967), pp. 657-697. The English translation can be found in *The Pope Speaks*, 12 (1967), pp. 291-319. For a version of this relationship from an Orthodox perspective, see M. AGHIORGOUSSIS, "The Parish Presbyter and His Bishop: A Review of the Pastoral Roles, Relationship and Authority," in *St. Vladimir's Theological Quarterly*, 29 (1985), pp. 29-62. Also

PO, no. 10, is concerned with the distribution of priests throughout the world:

In addition, the rules about incardination and excardination should be revised in such a way that, while this ancient institution remains intact, it will answer better to the pastoral needs of today.²²

Here the conciliar fathers call for a definitive revision of the system of incardination and excardination that will respond more adequately to the pressing pastoral exigencies being experienced by the church throughout the world. The “pastoral needs of today” are legion, experienced in every single place throughout the world, and the phrase should be interpreted as broadly as possible. However, *PO*, no. 10 is usually understood to be an appeal made in recognition of the need to provide ready mobility for priests from those parts of the world with an abundance of vocations to those countries or missions or pious works that are hampered by a shortage of clergy. This is certainly one reflection of the council’s mind, challenging a sort of diocesan “parochialism,” and urging in its place a view of the church as universal:

For the priesthood of Christ, of which priests have been really made sharers, is necessarily directed to all people and all times, and is not confined by any bounds of blood, race or age ... priests, therefore, should recall that the solicitude of all the churches ought to be their intimate concern (*PO*, no. 10).²³

PO, no. 20, echoes the papal teachings that were noted above with regard to the sustenance of clergy. However, the conciliar fathers stand distinctly apart from it in that they speak of “just remuneration” rather than the more circumscribed “fitting sustenance” for the “necessities of life.” Like the popes, the conciliar fathers do not explicitly define the nature of this remuneration save to say that it be “fundamentally the same for all

recommended is the article prepared by A. MENDONÇA, “The Bishop as a Father, Brother and Friend to His Priests, in *Philippine Canonical Forum*, 4 (2002), pp. 75-95.

²² This quote from *PO*, no. 10 is in FLANNERY 1, is found on p. 882.

²³ *Ibid*, p. 882.

living in the same circumstances”; that it “provide properly for the salary of those who devote themselves to their service”; that it permit priests “personally to assist in some way those who are in need,” and that it be possible for “all the priests [to have] a proper holiday each year.”²⁴

The most significant portion of *PO*, no. 20 is the final part of the paragraph:

It is, however, to the office that sacred ministers fulfil that the greatest importance must be attached. For this reason, the so-called system of benefices is to be abandoned or else reformed in such a way that the part that has to do with the benefice – that is, the right to the revenues attached to the endowment of the office – shall be regarded as secondary and the principal emphasis in the law given to the ecclesiastical office itself. This should in future be understood as any office conferred in a permanent fashion and to be exercised for a spiritual purpose.²⁵

The system of benefices that had been an integral part of the church’s life for centuries is dealt a death blow. They are to be replaced by ecclesiastical offices that are characterized not by revenues but rather by the work of the office itself. This is in accord with the spiritual purposes expressed in *CD*, no. 28.²⁶

While Vatican II may have said relatively little about incardination, what it offered qualitatively is of tremendous significance. The post-conciliar period has other striking innovations to offer.

²⁴ Ibid., pp. 898 and 899.

²⁵ Ibid., p. 899.

²⁶ Ibid., p. 580. The application of this was prepared by POPE PAUL VI, in the *Motu proprio*, *Ecclesiae sanctae* I, 6 August 1966, as found in *AAS*, 58 (1966), pp. 757-735. English translation is found in *FLANNERY* 1, pp. 591-610. This will be referred to as *ES* I. Number 18 states: “... the foundation law of any benefice which restricted the bishop in conferring it are forbidden in future; privileges without obligation which up to now may have been given to physical or moral persons with the right to elect, nominate or present to any non-consistorial benefice when it fell vacant are abrogated; also abrogated are customs, and the rights taken away, of nominating, electing or presenting priests to a parochial office or benefice; the law of consensus, even for benefices not having the care of souls, is suppressed.” See *FLANNERY* 1, p. 602.

3. Between the Council and the 1983 *Code of Canon Law*

The two most significant things to emerge by way of post-conciliar instruction dealing with incardination in the period between the close of the council in 1965 and the promulgation of *CIC/83* were two letters by Pope Paul VI: *Ecclesiae Sanctae* I, dated the 6th of August 1966, and *Ad pascendum* of the 15th of August 1972. *ES* I sought to implement *Christus Dominus*, *Prebyterorum ordinis* and *Perfectae caritatis*; *Ad pascendum* established norms for the diaconate.

3.1 *Ecclesiae sanctae* (1966) and specific norms for incardination

ES I, in paragraphs one to five, concerns itself with the implementation of *CD*, no. 6 and *PO*, no. 10: it calls for both a more equitable distribution of the clergy worldwide and assistance for dioceses in need.²⁷ Motivated purely by pastoral concern, it is here that the most significant changes are made directly to the institution of incardination as it had existed prior to the council.²⁸

²⁷ *ES* I, no. 1 states: "A special council shall be instituted at the Apostolic See to lay down general principles to secure, taking into account of the needs of the various churches, a more suitable distribution of clergy."

ES I, no. 2 calls for episcopal conferences and patriarchal synods to make laws and regulations for bishops to secure that distribution.

ES I, no. 4 addresses the establishment of a personal prelature. Much of this has been codified in cc. 294-297.

ES I, no. 5 gives permission to patriarchal synods and episcopal conferences to generate funds to assist churches with "small resources."

All of these brief paraphrases are taken from FLANNERY 1, pp. 593-595.

CD, no. 6 speaks of the episcopal college in a way that encourages unity and a mutual concern for all the churches. Specific to *ES* I is: "It should, moreover, be their special care that suitable priests, as well as lay and religious auxiliaries, be trained for those missions and regions suffering from a lack of clergy." See FLANNERY 1, p. 567.

PO, no. 10 Encourages priests to remember that they too must have a universal concern for the church and states: "For this reason priests of those dioceses which are blessed with great abundance of vocations should be prepared to gladly offer themselves – with the permission or encouragement of their own ordinary – for the exercise of their ministry in countries or missions or tasks that are hampered by shortage of clergy." See FLANNERY 1, p. 882.

ES I, no. 3 is composed of five subsections and, because of its focus on the transfer of clerics from one diocese to another, is of particular interest.²⁹ The introductory section, while upholding the current law on incardination and excardination, indicates that this law needs to be adapted in order to respond to new circumstances. The first subsection encourages seminarians to be formed with sensitivity to the needs of the entire church, in order that they might be prepared to dedicate themselves to those churches in particular need. Subsection two requests ordinaries and hierarchs to be generous in permitting willing and suitable members of the clergy in their care to emigrate, especially if they recognize in them the requisite qualities.³⁰ Subsection three asks these ordinaries and hierarchs to ensure the immediate preparation of men for ministry in other countries. They should know the language, practices and customs of the area. They should have an understanding of its institutions and social conditions. A modern commentator might even suggest it useful to be apprised of the “ecclesial culture” and history of the church he is to minister in. Having at the very least a rudimentary grasp of current trends in missiology and theological/liturgical enculturation would be wise. Subsection four indicates that clerics should exercise their ministry in other dioceses for a specified period of time, but that this could be subject to extension, even frequently. However, it is to be understood that the cleric remains properly incardinated in his diocese of origin, with the freedom of returning to it and to the rights and privileges he would have had or acquired had he

²⁸ See also SACRED CONGREGATION FOR CLERGY, *Postquam apostoli*, 25 March 1980, in *AAS*, 72 (1980), pp. 343-364. English translation in *CLD* 9, pp. 760-787.

²⁹ This is paraphrased from *ES I* as found in *FLANNERY* 1, pp. 593 and 594.

³⁰ It is clear from a reading of this document that Pope Paul does not intend to limit himself to addressing only diocesan bishops of the Roman rite. Rather, from the tenor of the letter, he is making this appeal to all autonomous ritual churches and to all religious institutes as well.

remained there. The fifth subsection signals a point of departure. Pope Paul makes provision for what will soon be called *ipso iure incardination*: an incardination that takes place five years after legitimate transfer to another diocese. However, to safeguard the ordinaries involved, *ES I* outlines the method by which this is to be effected. The cleric must manifest in writing his desire to incardinate to both to the ordinary of the diocese which received him and to his own ordinary. The incardination then occurs by law if neither of these has within four months signified to him his disapproval. It can safely be presumed that the signification specified must be, like the original request, made in writing.

Paragraph four gives shape to a novel institution designed to “accomplish special pastoral or missionary tasks for various regions or social groups requiring special assistance” – the personal prelature. Where the balance of conciliar material on incardination addresses itself merely to clerics, more or less ridding the church of the need for a canonical title for ordination, the prelate of such a prelature is given the right to incardinate students under the title of service to the prelature.

The eighth paragraph of *ES I* is entitled, “Equitable Remuneration and Social Insurance for Priests,”³¹ and seeks the implementation of *CD*, no. 16, and *PO*, nn. 20 and 21.³² The call made here is for a definitive revision of the system of benefices in order to

³¹ See *ES I*, no. 8, in *FLANNERY 1*, pp. 596-597.

³² *CD*, no. 16 develops the bishop/priest relationship in ways that includes even the material: “His priests, who assume a part of his duties and concerns, and who are ceaselessly devoted to their work, should be the objects of his particular affection. He should regard them as sons and friends. He should always be ready to listen to them and cultivate an atmosphere of easy familiarity with them, thus facilitating the pastoral work of the entire diocese. A bishop should be solicitous of the welfare – spiritual, intellectual, and material – of his priests, so that they may live holy and pious lives, and exercise a faithful and fruitful ministry.” Taken from *FLANNERY 1*, pp. 572 and 573.

guarantee the just and equitable remuneration of all clerics within a particular church. A more definitive blow to the ancient system is dealt in paragraph 18, the "Suppression of Rights and Privileges in Conferring Offices and Benefices."³³ As has been mentioned previously, the system of benefices in the church, although designed to ensure the suitable maintenance of clergy, had become, over the course of time, a source of strife among the members of the clergy, a certain hindrance to undivided attention to ministry, and perhaps worst of all, a cause for *vagi* and *acephali*. In abrogating the rights and privileges associated with the conferral of benefices and in delegating to the *Commission for the Revision of the Code of Canon Law* the task of reforming the benefice system, Pope Paul set in motion the first steps toward a realization of the conciliar vision emphasizing the value, dignity and inherent worth of those ordained to the service of the church.³⁴ In a very real way, ordination and ministry were definitively set free from an outmoded and inhibiting structure and given a new meaning. This would have consequences for

PO, 20 declares: "Completely devoted as they are to the service of God in the fulfilment of the office entrusted to them, priests are entitled to receive a just remuneration ... For this reason, insofar as provision is not made from some other source for the just remuneration of priests, the faithful are bound by a real obligation of seeing to it that the necessary provisions for a decent and fitting livelihood for the priests is available ... the remuneration to be received by each of the priests should be fundamentally the same for all living in the same circumstances." §1. See FLANNERY 1, p. 899.

PO 21 addresses itself to the issue of good stewardship with regard to the administration of temporal goods at the diocesan, territorial, national and international levels to insure that priests receive a fair livelihood, social security, health care and old age pension. While it might seem to be situated more appropriately in CD, the second paragraph of the article speaks of dioceses or regions setting up common funds to meet the salaries of those in their employ. The final paragraph appeals to priests to be mindful of the needs of their brothers who experience hardship. See FLANNERY 1, p. 900.

³³See *ES* I, no. 18, in FLANNERY 1, p. 602. Flannery indicates this as the title of the paragraph.

³⁴J. DONLON, *The Human Rights of Priests to Equitable Sustenance and Mobility: An Evaluation of Canon Law from the Codex iuris canonici to the Proposed Revision of the Code of Canon Law*, Canon Law Studies, no. 510, Ann Arbor, MI, UMI, 1984, pp. 115-119.

incardination, for “the underlying principles of *CIC/17* was radically and directly reversed, to favour the freedom of the individual priest.”³⁵

3.2 *Ad pascendum* (1972)

The letter *Ad pascendum* made one significant reference to incardination in no. 9. It stated: “entrance to the clerical state and incardination into a diocese are brought about by ordination to the diaconate.”³⁶ The significance of this directive is clear when seen in the light of the prescription of no. 1 found in the “Apostolic Letter on First Tonsure, Minor Orders and the Subdiaconate” (*Ministeria quaedam*), issued the same day. It stated: “first tonsure is no longer conferred; entrance to the clerical state is conjoined with the diaconate.”³⁷ So while the former legislation linked incardination with first tonsure, the prescriptions presented by Pope Paul abrogate this discipline in favour of uniting incardination with the sacrament of orders itself. Once again a link between ordination, ministry (or service) and incardination is reaffirmed.

4. The 1983 Legislation and a return to previous sources

When he gave the revised *Code of Canon Law* to the Church on the 25th of January, 1983, the Legislator, Pope John Paul II, observed:

[W]hat is the *Code*? For an accurate answer to this question, it is necessary to remind ourselves of that distant heritage of law contained in the books of the Old and New Testaments. It is from this, as from its first source, that the whole juridical and legislative tradition of the Church derives. [...] Thus the writings of the New Testament allow us to [...] understand better the bonds which link it ever more closely with the salvific character of the Gospel message. [...] As the Church’s fundamental legislative document,

³⁵ W. BASSETT, “Canonical Colloquium: Canonical Reflections on Priestly Life and Ministry,” in *The American Ecclesiastical Review*, 166 (1972), p. 375.

³⁶ *AP*, no. 9, in *FLANNERY 1*, p. 440.

³⁷ PAUL VI, *Motu proprio, Ministeria quaedam*, 15 August 1972, in *AAS*, 64 (1972), pp. 529-534. English translation in *FLANNERY 1*, pp. 427-432. This quote is found on p. 693.

and because it is based on the juridical and legislative heritage of revelation and tradition, the *Code* must be regarded as the essential instrument for the preservation of right order, both in individual and social life and in the Church's zeal. [...] [T]he *Code* fully accords with the nature of the Church, particularly as presented in the authentic teaching of the Second Vatican Council seen as a whole. [...] In fact, in a certain sense, this new *Code* can be viewed as a great effort to translate the conciliar ecclesiological teachings into canonical terms [...that] generates the mark of 'newness' in the new *Code*.³⁸

The Holy Father's observation is as exciting as it is challenging. It is exciting in that this *Code* is fresh and new, singular, unlike anything that has been seen before. It is exciting because it contains within itself a practical, canonical, translation of that emanating from the Second Vatican Council. It is challenging because it necessarily requires a return to the first source, Sacred Scripture, in order to be taught and enabled by the inspired word in such a way that the full import and meaning of the Church's heritage can be authentically engaged. It is challenging because this new *Code* demands of its readers a thorough knowledge of "revelation and tradition" so that the legislation contained within it might be interpreted with fidelity to the past, with respect to the Church's zeal for the salvation of souls (c. 1752) in the present, and with receptivity to the unknown in the future. This is the tack that has been followed by this work.

4.1 Canon 1008 and the ministry of sacred ministers

As was seen at the beginning of Chapter 1 of this study, c. 1008 is, like each of the canons that introduce a sacrament, atypical, not only in its content but also in its language. It is much more theological than juridical:

By divine institution some among Christ's faithful are, through the sacrament of order, marked with an indelible character and are thus constituted sacred ministers; thereby they are consecrated and deputed so that, each according to his own grade, they

³⁸ JOHN PAUL II, Apostolic Constitution, *Sacrae disciplinae leges*, 25 January, 1983, in *AAS*, 75, Part II (1983), pp. vii-xiv. English translation in *The Code of Canon Law*, pp. xi-xiv.

fulfil, in the person of Christ the Head, the offices of preaching, sanctifying, and ruling, and so they nourish the people of God.³⁹

The canon illustrates a certain “[grounding] in mystery, subject to historical vicissitudes, and composed of ancient and constant elements [that] call us less to an immersion in a canonical science marked by precision, than to an appreciation of the Church’s evolving attentiveness to the Spirit’s movement regarding sacred ministry.”⁴⁰ There is certain brilliance in this: the Legislator intends canons such as these to be employed as a light illuminating a fuller, richer, and largely hidden meaning within the canons that deal with those in holy orders.

Canon 1008 is an elaboration of its ‘parent’ found in *CIC/17*, c. 948:

Ordination, by the institution of Christ, distinguishes clerics from laity for the governance of the faithful and the ministry of divine cult.⁴¹

While the canons at first hearing seem to be in remarkably different timbres, there is similar resonance heard in both, a resonance that acquires a particular richness in *CIC/83*.

Canon 948 speaks of “ordination.” Canon 1008, consistent with the nature of an introductory canon, speaks of “the sacrament of order.” *CIC/17* echoes the Council of Trent in ascribing the “institution” of ordination, and by extension the sacrament of

³⁹ Canon 1008: “Sacramento ordinis ex divina institutione inter christifideles quidam, caractere indelebili quo signantur, constituuntur sacri ministri, qui nempe consecrantur et deputantur ut, pro suo quisque gradu, in persona Christi Capitis munera docendi, sanctificandi et regendi adimplentes, Dei populum pascant.”

⁴⁰ R. GEISINGER, “Title VI Orders [cc. 1008-1054],” in J. BEAL, J. CORIDEN and T. GREEN (eds.), *New Commentary on the Code of Canon Law*, commissioned by the CANON LAW SOCIETY OF AMERICA, Mahwah, NJ, Paulist Press, 2000, p. 1193.

⁴¹ *CODEX IURIS CANONICI, PII X PONTIFICIS MAXIMI IUSSU DIGESTUS, BENEDICTI PAPAE XV AUCTORITATE PROMULGATUS, [= CIC/17] ROMAE, TYPIS POLYGLOTTIS VATICANIS, 1917. ENGLISH TRANSLATION. E. Peters (TRANS.), THE 1917 PIO-BENEDICTINE CODE OF CANON LAW, SAN FRANCISCO, CA, IGNATIUS PRESS, 2001. The Latin text reads: “Ordo ex Christi institutione clericos a laicis in Ecclesia distinguit ad fidelium regimen et cultos divini ministerium.”*

orders, specifically to Christ,⁴² *CIC/83* prefers the broader expression, “by divine institution,” leaving open-ended the conversation surrounding the specific theological nature and content of Christ’s action. *CIC/17* immediately introduces a distinction between “clerics” and “laity,” making the latter subjects of “governance” and recipients of “the ministry of divine cult.” *CIC/83* carries the same distinction, but softened somewhat by references to “some among Christ’s faithful,” “consecrated” by holy orders, being “constituted sacred ministers,” and “deputed,” each according to “his own grade,” in order to “nourish the people of God.” The notion of “grade” hints at the tripartite distinction which characterizes the sacrament of orders that will be definitely and peacefully articulated in the canon that follows. The “governance” and “ministry of divine cult” of the old law are enfolded and broadened in the new to reflect the triple *munera* that anchors a conciliar Christology capable of embracing the fuller concepts of *diakonia*, *koinonia*, *martyrion* and *leitourgia*.⁴³

That Christo-centric orientation imbues everything emanating from Vatican II, yet acquires a certain personal immediacy in the way in which *Presbyterorum ordinis* illustrates the profound connection that exists between Christ and those he calls to be priests with him: “Through that sacrament [i.e., holy orders] priests by the anointing of the Holy Spirit are signed with a special character and so are configured to Christ the

⁴² See Canon 3, Session 23, N. TANNER (ed.), *Decrees of the Ecumenical Councils*, London, Sheed & Ward, Washington, DC, Georgetown University Press, 1990, p. 728.

⁴³ This particularly evident in the way in which c. 1008 reiterates the dogmatic constitution *Lumen gentium*, 21 November, 1964, in paragraphs 10, 11, 12 and 27. See FLANNERY 1, pp. 360-365, 382-384.

priest in such a way that they are able to act in the person of Christ the head” (*PO*, no. 2).⁴⁴

Character. Alluded to by Tertullian, developed by Augustine, given formal magisterial weight by Trent, character was formally appended to law in c. 732, §1 of *CIC/17*,⁴⁵ and repeated almost *verbatim* in c. 845, §1 in *CIC/83*: “because they imprint a character, the sacraments of baptism, confirmation and order cannot be repeated.”⁴⁶ Character as found here in c. 1008 offers little by way of doctrinal or theological exposition. One clue in this regard is found in c. 845, §1, which affirms its permanent, non-repeatable effect. Holy orders, once validly given, cannot be repeated, nor be annulled. Furthermore, it is consecratory in nature and deputizing in quality, such that one is enabled to radically conform oneself to “the person of Christ the head,” in the service of both the church and the world. As such, character has a vocational ring about it, one that echoes the call to perfection found in *PO*, nos. 12 to 18:

By the sacrament of Order priests are configured to Christ the priest as servants of the Head, so that as co-workers with the episcopal order they may build up the Body of Christ, the Church. Like all Christians they have already received in the consecration of baptism the sign and gift of their great calling and grace. So they are enabled and obliged even in the midst of human weakness to seek perfection, according to the Lord’s word: ‘You, therefore, must be perfect, as your heavenly Father is perfect’ (Mt. 5.48).⁴⁷

⁴⁴ FLANNERY I, p. 865. See *PO*, no. 5, in FLANNERY I, p. 870: “The purpose then for which priests are consecrated by God through the ministry of the bishop is that they should be made shares in a special way in Christ’s priesthood and, by carrying out sacred functions, act as his ministers who through his Spirit continually exercises his priestly function for our behalf in the liturgy.” See also *PO*, no 7, in FLANNERY I, p. 875: “All priests share with the bishops the one identical priesthood and ministry of Christ.”

⁴⁵ “Sacramenta baptismi, confirmationis et ordinis, quae characterem imprimunt, iterari nequeunt.” E. PETERS, *The Pio-Benedictine Code*, offers this translation on p. 273: “The Sacraments of baptism, confirmation, and orders, which imprint a character, cannot be repeated.”

⁴⁶ Can. 845 §1: “Sacramenta baptismi, confirmationis et ordinis, quippe quae characterem imprimant, iterari nequeunt.”

⁴⁷ *PO*, no. 12, in FLANNERY I, p. 885.

It is in the context of understanding the ministerial priesthood as a gift given by Christ for the care and service of the priesthood of the faithful, and for the salvation of the world, that our attention can now be turned to the legislation in *CIC/83* that address incardination.

4.2 Canons 265-272 – the current legislation on incardination

CIC/83 addresses the “Enrolment or Incardination of Clerics” in Book II, *The People of God*. The chapter consists of eight canons (cc. 265-272). It is evident that *CIC/83* seeks to integrate *CIC/17* with the conciliar and post-conciliar legislation in such a way that the canonical tradition of the church is maintained.

The Necessity of Incardination⁴⁸

CIC/83 Canon 265 ⁴⁹	CCEO Canon 357 ⁵⁰	CIC/17 Canon 111 ⁵¹
Every cleric must be incardinated in a particular church, or in a personal prelature, or an institute of consecrated life or a society which has this faculty: accordingly, acephalous to 'wandering' clergy are in no way to be allowed.	§1 Every cleric must be ascribed as a cleric either to an eparchy, an exarchy, a religious institute or a society of common life in the manner of religious or to an institute or association that has obtained the right to ascribe clerics either from the Apostolic See, or, within the territorial boundaries of the church over which he presides, from the patriarch with the consent of the permanent synod.	§1 Every cleric whosoever must be ascribed to a given diocese or religious [institute], so that wandering clerics are in no way admitted. §2 Through the reception of first tonsure a cleric is ascribed, or, as they say, incardinated, into that diocese for whose service he was promoted.

Presbyterorum ordinis nn. 1-10 seeks to strike a balance between those who understood the priesthood as essentially the power to offer the eucharistic sacrifice in adoration of the Father in the name of the entire church, the cultic model, and those who emphasized a more servant-oriented apostolic and missionary priesthood that involved both word and sacrament, the servant-leader model. In the words of the conciliar fathers:

Through sacred ordination and mission which they receive from the bishops priests are promoted to the service of Christ the Teacher, Priest and King; they are given a share in his ministry, through which the Church on earth is being ceaselessly built up into the People of God, Christ's body and the temple of the Holy Spirit (*PO*, no. 1).

⁴⁸ The headings for each of the tables that follow are borrowed from the commentary prepared by F. SCHNEIDER in "Chapter II: The Enrollment, or Incardination, of Clerics [cc. 265-272]," in J. BEAL, J. CORIDEN and T. GREEN (eds.), *New Commentary on the Code of Canon Law*, commissioned by the CANON LAW SOCIETY OF AMERICA, Mahwah, NJ, Paulist Press, 2000, pp. 329-342.

⁴⁹ Canon 265: "Quemlibet clericum oportet esse incardinatum aut alicui Ecclesiae particulari vel praelaturae personali, aut alicui instituto vitae consecratae vel societati hac facultate praeditis, ita ut clerici acephali seu vagi minime admittantur."

⁵⁰ Canon 357, § 1: "Quilibet clericus debet esse ut clericus ascriptus aut alicui eparchiae aut exarchiae aut instituto religioso aut societati vitae communis ad instar religiosorum aut instituto vel consociationi, quae ius clericos sibi ascribendi adepta sunt a Sede Apostolica vel intra fines territorii Ecclesiae, cui praeest, a Patriarcha de consensu Synodi permanentis."

⁵¹ Canon 111, §1: "Quemlibet clericum oportet esse vel alicui dioecesi vel alicui religioni adscriptum, ita ut clerici vagi nullatenus admittantur."

§2: "Per receptionem primae tonsurae clericus adscribitur seu, ut aiunt. incardinatur dioecesi pro cuius servitio promotus fuit."

Priests are co-workers of the episcopal order (*PO*, no. 2), consecrated to the work for which God has chosen them (*PO*, no. 3), and inserted into the world. They are ministers of the word, preaching the gospel and teaching the Christian message (*PO*, no. 4). They are made sharers in a special way in Christ's own priesthood, baptizing, reconciling and anointing, but most especially in celebrating the Eucharist (*PO*, no. 5). The Eucharist is the "centre of the assembly of the faithful over which the priest presides" (*PO*, no. 5), for "no Christian community is built up which does not grow from and hinge on the celebration of the Eucharist (*PO*, no. 6). Priests share an identical priesthood with bishops, such that, every encouragement is made for them to seek a greater "union of priests with bishops" (*PO*, no. 7; *CD*, no. 28). At the same time, every priest must come to recognize the importance of the sacramental brotherhood that is his by virtue of his ordination (*PO*, no. 8). Yet their efforts cannot be limited to being shared with the ordained: priests are called to unite their efforts with those of the lay faithful, promoting their dignity and the role they have been given in Christ's mission (*PO*, no. 9). Finally, priests are asked to cultivate a larger horizon, one that enables them to see that they are priests given to the church and the entire world, for all peoples everywhere (*PO*, no. 10; *CD*, no. 6).

Canon 265 indicates that all clerics (cc. 207, §1; 232-293; 1008 and 1009) must be incardinated in a particular church (cc. 368-374), a personal prelature (cc. 294-297), an institute of consecrated life (cc. 654 and 693) or a society of apostolic life (cc. 715, §1 and 736, §1). In thus expanding the possibilities in this way from the narrower two possibilities

offered in *CIC/17*, the law is given an occasion to realize the conciliar vision. This is especially true of the personal prelature, as envisioned in *ESI*, 4.⁵²

Although a pastoral intent is implied, the canon remains a profoundly juridic reality, such that incardination at this point can be defined as: “a juridical relationship which joins the cleric to the bishop and which also unites him to a presbyterate and to other members of the faithful.”⁵³

Grounded in c. 111, §1 of *CIC/17*, the canon seeks to prevent the difficulties associated with *acephali* or wandering clergy. For the “good order of a diocese or religious community demands that its ministers not move capriciously from one apostolic labour to another.”⁵⁴ From the conciliar foundation, it is clear that priesthood not anchored in the twofold communities of faith and order is at variance with the priesthood of Christ, and is antithetical to the very nature of the church itself.

It is interesting to note that *CIC/83* chose not to carry the word “ascribe” forward from *CIC/17*, relying instead upon a consistent use of the word “incardination.” *CCEO*, however, did favour that more descriptive word.

Although the canon does not mention permanence as a feature of incardination, it is easily argued that it must be a constitutive element of it, while never becoming so absolute

⁵²Although the canon specifically refers to “institutes of consecrated life or societies which have this faculty,” our primary concern remains with those clerics incardinated to a diocese. It is important to point out, however, that incardination of those members belonging to societies of apostolic life (cc. 731-746) of diocesan right (c. 1019, §2) is not in the society itself, but rather in the diocese to which the society belongs.

⁵³ D. LE TOURNEAU, “Incardination,” in *Dictionnaire historique de la papauté*, Paris, Fayard, 1994, p. 854.

⁵⁴ J. LYNCH, “Inscription or Incardination of Clerics [cc. 265-272],” in J. CORIDEN, T. GREEN and D. HEINTSCHEL (eds.), *The Code of Canon Law: A Text and Commentary*, [= *Text and Commentary*] commissioned by the CANON LAW SOCIETY OF AMERICA, Mahwah, NJ, Paulist Press, 1985, p. 191.

as to prohibit the flexibility envisioned by the council. The bond of connection established by incardination fosters and protects the reciprocal rights and obligations that arise for the deacons and priests on the one hand, for bishops and their authority on the other, and for the community of faith having a vested interest in all of them (see cc. 208-223, especially c. 213).⁵⁵

By virtue of his ordination and incardination, a cleric is understood to have established domicile or quasi-domicile in this particular church (c. 102), thereby possessing a proper ordinary (cc. 107, §1; 1016).

⁵⁵ F. SCHNEIDER, "The Enrollment, or Incardination, of Clerics [cc. 265-272]," in *Text and Commentary*, p. 330.

Original Incardination

CIC/83 Canon 266 ⁵⁶	CCEO Canon 358 ⁵⁷	CIC/17 Canon 111 ⁵⁸
<p>§1 By the reception of the diaconate a person becomes a cleric, and is incardinated in the particular church or personal prelature for whose service he is ordained.</p> <p>§2 A member who is perpetually professed in a religious institute, or who is definitively incorporated into a clerical society of apostolic life, is by the reception of the diaconate incardinated as a cleric in that institute or society unless, in the case of a society, the constitutions determine otherwise.</p> <p>§3 A member of a secular institute is by the reception of the diaconate incardinated into the particular church for whose service he was ordained, unless by virtue of a concession of the Apostolic See he is incardinated into the institute itself.</p>	<p>Through diaconal ordination, one is ascribed as a cleric to the eparchy for whose service he is ordained, unless in accord with the norm of particular law of his own church <i>sui iuris</i>, he has already been ascribed to the same eparchy.</p> <p>Canon 428 A member in perpetual vows is ascribed to a religious institute as a cleric by diaconal ordination or, in the case of a cleric already ascribed to an eparchy, by perpetual profession.</p>	<p>§1 Every cleric whosoever must be ascribed to a given diocese or religious [institute], so that wandering clerics are in no way admitted.</p> <p>§2 Through the reception of first tonsure a cleric is ascribed, or, as they say, incardinated, into that diocese for whose service he was promoted.</p>

“Entrance to the clerical state and incardination into a diocese are brought about by ordination to the diaconate,” wrote Paul VI in no. 9 of *Ad pascendum*.⁵⁹ In his apostolic letter *Ministeria quaedam*, he instructed: “First tonsure is no longer conferred. Entrance into the clerical state is joined to the diaconate.”⁶⁰ Correctly called original incardination,

⁵⁶ Canon 266, §1: “Per receptum diaconatum aliquis fit clericus et incardinatur Ecclesiae particulari vel praelaturae personali pro cuius servitio promotus est.”

§2: “Sodalis in instituto religioso a votis perpetuis professus aut societati clericali vitae apostolicae definitive incorporatus, per receptum diaconatum incardinatur tamquam clericus eidem instituto aut societati, nisi ad societates quod attinet aliter ferant constitutiones.”

§3: “Sodalis instituti saecularis per receptum diaconatum incardinatur Ecclesiae particulari pro cuius servitio promotus est, nisi vi concessionis Sedis Apostolicae ipsi instituto incardinetur.”

⁵⁷ Canon 358: “Per ordinationem diaconalem aliquis ut clericus ascribitur eparchiae, pro cuius servitio ordinatur, nisi ad normam iuris particularis propriae Ecclesiae sui iuris eidem eparchiae iam ascriptus est.”

Canon 428: “Instituto religioso sodalis a votis perpetuis ut clericus ascribitur ordinatione diaconali vel in casu clerici alicui eparchiae iam ascripti professione perpetua.”

⁵⁸ Canon 111, §1: “Quemlibet clericum oportet esse vel alicui dioecesi vel alicui religioni adscriptum, ita ut clerici vagi nullatenus admittantur.”

§2: “Per receptionem primae tonsurae clericus ascribitur seu, ut aiunt. incardinatur dioecesi pro cuius servitio promotus fuit.”

⁵⁹ See FLANNERY 1, p. 440.

it is conjoined with ordination, a sacrament meant for the service of God and his people. For a cleric, there can be no incardination without ordination; there can be no ordination without a life of intended service, whether that be to a particular church or personal prelature, or to the mission and charism of a religious institute, a clerical society of apostolic life or even a secular institute anchored in the service of a particular church. This softens a purely juridic understanding of incardination. By introducing the element of service, linked to ordination and thence to incardination, the narrowly juridic is cast into a relational framework involving a series of distinct entities. In the first place is the cleric himself in his vocational response – not just at the time of ordination, but throughout his life. In the second, the cleric in relation to the hierarchy of the church, expressed in the person of his bishop. In the third, the cleric in relation to the others in his *ordo*: a deacon with other deacons: a priest with other priests, understood on both local and universal levels. Fourth, those in the diaconate, those in the presbyterate, and those in the episcopacy, in relation to one another, expressed locally as the diaconate in relation with the presbyterium with the bishop at its head. Fifth, all clerics in relation to the community of faith, each offering a distinct charism of service, yet united in common mission and purpose. Sixth, this community of faith in relation to the entire church. Finally, all of these are seen in relation to Christ. Incardination cannot actually confer those relationships within the hearts of all these entities. Rather, by providing stably established structures with clearly defined mechanisms of governance as required for any society, individuals

⁶⁰ Ibid., p. 429.

and communities are enabled to fulfil the mission entrusted to the church by Christ.⁶¹ In other words, incardination provides the context wherein these relationships are enabled to grow, to mature and to come to full stature in Jesus Christ (Eph. 4.14) in the realization of the reign of God (Mt. 28.19).

There is an exception to initial incardination as defined in c. 266, namely that seen in c. 295, §1, in reference to the incardination of students into a personal prelature. While it is true that not all students in formation belong to the lay faithful, the canon indicates the possibility of incardinating students with a view to promoting them to orders.⁶²

With regard to ordination to the diaconate, canon 1015, §1 speaks of being ordained by one's proper bishop or with a letter of permission from the candidate's own bishop (cc. 1015, §3; 1018, §1; 1020-1022; 1050 and 1051). Before ordination, the candidate must first have been confirmed (cc. 879-891 and 1033), admitted as a candidate for orders by his own bishop (c. 1034, §1), and have received the ministries of lector and acolyte at least six months prior to his ordination (c. 1035).

Canon 267 arises from *CD*, no. 6 (addressing the solidarity of bishops united in concern for the needs of the entire world), *PO*, no. 10 (which addresses a similar solidarity

⁶¹ J. BAÑARES, "Algunas consideraciones a propósito de la incardinación," in *Scripta theologica*, 23 (1991), pp. 253 and 254.

⁶² An understanding for this sort of incardination could be seen as a juridic protection of a relational bond wherein the ministry of Christ is begun in one possessing a desire to serve the community as its ordained minister, using the time of formation to cultivate deeper, more meaningful knowledge of, and connection with, that community. For its part, the community is expressing its willingness to assist, support and encourage this person until the day their mutual hope is fulfilled. It implies faith, hope, discernment, patience and mutual esteem. The reciprocal rights and obligations that arise are subject to definition provided by the prelature, and must necessarily be made known to all in order to achieve the full efficacy of the incardination. How this would be effected is open to speculation. However, an interesting parallel could be found in the "Rite of Admission to Candidacy for Ordination as Deacons and Priests," (*Pontificale Romanum, The Roman Pontifical: Revised by Decree of the Second Vatican Ecumenical Council and Published by Authority of Pope Paul VI*. English translation prepared by International Commission on English in the Liturgy, 1978, pp. 141-148) that could well be expanded to meet this need.

for priests, together with a call for a revamping of the ancient institute of incardination to meet contemporary needs), and *ES I*, no. 5 (that calls for a greater sharing of resources for those churches in need more effectively).

The Formal Process of Incardination

<i>CIC/83 Canon 267</i> ⁶³	<i>CCEO Canon 359</i> ⁶⁴	<i>CIC/17 Canon 112</i> ⁶⁵
<p>§1 To be validly incardinated in another particular church, a cleric who is already incardinated must obtain a letter of excardination signed by the diocesan bishop, and in the same way a letter of incardination signed by the diocesan bishop of the particular church in which he wishes to be incardinated.</p> <p>§2 Excarnation granted in this way does not take effect until incardination is obtained in the other particular church.</p>	<p>For a cleric already ascribed to an eparchy to transfer validly to another eparchy, he must obtain from his eparchial bishop a dimissorial letter signed by the same and also a letter of ascription signed by the eparchial bishop of the eparchy in which he wishes to be ascribed.</p> <p>Canon 364 The ascription of a cleric to some eparchy does into cease except by valid ascription to another eparchy or by loss of the clerical state.</p>	<p>Beyond those cases mentioned in cc. 114 and 641, §2, in order for a cleric from another diocese to be validly incardinated, he must obtain from his own ordinary letters of perpetual and absolute excardination written by him, as well as letters of similar perpetual and absolute incardination written by the ordinary of the other diocese.</p> <p>Canon 116 Excarnation is not to be granted except for just causes, and does not take effect until incardination in another diocese is secured, the ordinary of which is to inform the prior ordinary as quickly as possible.</p>

This canon describes the second method of incardination, namely, transferring from one particular church to another. If c. 266 spoke of original or initial incardination, the processes that take place after it are referred to as derivative incardination: they derive

⁶³ Canon 267, §1: “Ut clericus iam incardinatus alii Ecclesiae particulari valide incardinetur, ab Episcopo dioecesano obtinere debet litteras ab eodem subscriptas excarnationis; et pariter ab Episcopo dioecesano Ecclesiae particularis cui se incardinari desiderat, litteras ab eodem subscriptas incardinationis.”

§2: “Excarnatio ita concessa effectum non sortitur nisi incardinatione obtenta in alia Ecclesia particulari.”

⁶⁴ Canon 359: “Ut clericus alicui eparchiae iam ascriptus ad aliam eparchiam valide transire possit, a suo Episcopo eparchiali obtinere debet litteras dimissionis ab eodem subscriptas et pariter ab Episcopo eparchiali eparchiae, cui ascribi desiderat, litteras ascriptionis ab eodem subscriptas.”

Canon 364: “Ascriptio clerici alicui eparchiae non cessat nisi alteri eparchiae valida ascriptione vel amissione status clericalis.”

⁶⁵ Canon 112: “Praeter casus de quibus in can. 114, 641, §2, ut clericus alienae dioecesi valide incardinetur, a suo Ordinario obtinere debet litteras ab eodem subscriptas excarnationis perpetuae, absolutae; et ab Ordinario alienae dioecesis litteras ab eodem subscriptas incardinationis pariter perpetuae et absolutae.”

Canon 116: “Excarnatio fieri nequit sine iustis causis, et effectum non sortitur, nisi incardinatione secuta in alia dioecesi, cuius Ordinarius de eadem priorem Ordinarium quantocius certiore reddat.”

from original or initial incardination. Because of the strict prescribing of the steps to be taken, it is correctly referred to as formal derivative incardination. This very closely resembles *CIC/17*, although lacking the force of its language: “perpetual and absolute incardination/excardination.” However, although the note of permanence is not reiterated here, it is implied. The very act of transfer is, of its very nature, not undertaken capriciously. It implies severing one’s roots and seeking new ones, desirous of a new context within which to exercise one’s ministry and grow as a disciple of Christ.

For validity, the prescriptions of the canon must be carefully followed. The act of transfer according to this canon is actually composed of two distinct juridic acts that coalesce in a single act. In order to effect the transfer, there must be a letter of incardination signed by the bishop of the diocese *ad quem*, and a letter of excardination signed by the bishop *a quo*. Incardination does not happen without both. The instant the excardination is achieved, the incardination into a new particular church is effected. The possibility, then, of an *acephalous* or *vagus* cleric is utterly avoided – the process cannot be ruptured. The act is of such great importance that the canon reserves the matter to the diocesan bishop (cc. 381-411; 427, §1). This is an express protection of episcopal prerogative and authority with regard to the selection and missioning of clergy.

An exception to this is found in c. 701 that describes the dismissal of a religious. Although the law stipulates that the dismissed cleric find a bishop to receive him, and that he is not free to exercise orders until that time, the potential remains for a cleric to “wander” seeking a bishop for quite some time.

Automatic Incardination

<i>CIC/83 Canon 268</i> ⁶⁶	<i>CCEO Canon 360, §2</i> ⁶⁷	<i>CIC/17 Canon 115</i> ⁶⁸
<p>§1 A cleric who has lawfully moved from his own particular church to another is, by virtue of the law itself, incardinated in that latter church after five years, if he has declared his intention in writing to both the diocesan bishop of the host diocese and his own diocesan bishop, and neither of the two bishops has indicated opposition in writing within four months of receiving the cleric's written request.</p> <p>§2 By perpetual or definitive admission into an institute of consecrated life or a society of apostolic life, a cleric who in accordance with c. 266 is incardinated in that institute or society, is excardinated from his own particular church.</p>	<p>Five years after a legitimate move, a cleric is ascribed by virtue of the law itself in the host eparchy, if, after his desire was manifested in writing to both eparchial bishops, it was not objected to by either of them in writing within four months.</p> <p>Canon 428 A member in perpetual vows is ascribed to a religious institute as a cleric by diaconal ordination or, in the case of a cleric already ascribed to an eparchy, by perpetual profession.</p>	<p>One is likewise excardinated from his own diocese by religious profession in accord with c. 585.</p> <p>Canon 585 One professed by perpetual vows, whether solemn or simple, loses by law his own diocese that he had as a secular.</p>

The genesis of this canon is found in *CD*, no. 6 and *PO*, no. 10 both spoken of previously. More directly, it repeats the innovation in law introduced by *ES I*, §3, 5° introduced something new when it stated:

If, however, a cleric has lawfully transferred from his own diocese, after five years he becomes incardinated by law into this diocese, provided he has manifested his wish to do

⁶⁶ Canon 268, §1: "Clericus qui a propria Ecclesia particulari in aliam legitime transmigraverit, huic Ecclesiae particulari, transacto quinquennio, ipso iure incardinetur, si talem voluntatem in scriptis manifestaverit tum Episcopo dioecetano Ecclesiae hospitis tum Episcopo dioecetano proprio, neque horum alteruter ipsi contrariam scripto mentem intra quattuor menses a receptis litteris significaverit."

§2: "Per admissionem perpetuam aut definitivam in institutum vitae consecratae aut in societatem vitae apostolicae, clericus qui, ad normam can. 266, §2, eidem instituto aut societati incardinetur, a propria Ecclesia particulari excardinetur."

⁶⁷ Canon 360, § 2: "Quinquennio elapso post legitimam transmigrationem clericus ipso iure eparchiae hospiti ascribitur, si huic voluntati eius utrique Episcopo eparchiali scripto manifestatae neuter intra quattuor menses scripto contradixit."

Canon 428: "Instituto religioso sodalis a votis perpetuis ut clericus ascribitur ordinatione diaconali vel in casu clerici alicui eparchiae iam ascripti professione perpetua."

⁶⁸ Canon 115: "Etiam per professionem religiosam quis a propria dioecesi excardinetur, ad normam can. 585."

Canon 585: "Professus a votis perpetuis sive sollempnibus sive simplicibus amittit ipso iure propriam quam in saeculo habebat dioecesim."

so in writing both to the ordinary of the diocese which received him and to his own ordinary and that neither of these has within four months signified to him his disapproval.⁶⁹

Canon 268, §1 illustrates a third method of incardination, referred to as *ipso iure* or automatic incardination. In this process, a cleric who has lawfully moved from one particular church to another is, by virtue of the law itself, incardinated into the other church after the completion of five years residence in that church. He need not be assigned by the bishop, nor engaged in any ministry, as a condition to that residency. However, before the incardination can be effected, the cleric must declare his intention in writing to both bishops, *a quo* and *ad quem*. If neither bishop is opposed within four months of having received the letter of intent, and having expressed his opposition in writing, then the incardination occurs automatically.

Paragraph 2 of this canon describes a second *ipso iure* method of incardination that encounters the domain of religious law. By definitive admission into an institute of consecrated life (cc. 641-661), or a society of apostolic life (cc. 731-746), a diocesan cleric is excardinated from his own particular church and incardinated into the institute or society into which he has been perpetually or definitively admitted. Until the time of that admission, however, he remains incardinated in his own particular church.

A parallel is found in cc. 693 and 743 that describe a religious who wishes to leave an institute of consecrated life or society of apostolic life. He will require a bishop who will either incardinate him straight away or grant him a probationary period. At the end of five years, the cleric is considered by law to be incardinated in that particular church. However, should the bishop oppose the incardination, c. 693 indicates that the

⁶⁹ FLANNERY I, p. 594.

cleric remains incardinated in the institute of origin. This is an extension of the provision found in c. 641 of *CIC/17* that specified a probationary period of only three years. Canon 701 speaks of a cleric lawfully dismissed from an institute falling under the guidelines articulated in c. 693. Canon 743 repeats the same provision for members of societies of apostolic life.

Requirements for Lawful Incardination

CIC/83 Canon 269 ⁷⁰	CCEO Canon 366, §1, 1°, 3°, 4° ⁷¹	CIC/17 Canon 117 ⁷²
<p>A diocesan bishop is not to incardinate a cleric unless:</p> <p>1° the need or the advantage of the his particular church requires it, and the provisions of law concerning the worthy support of the cleric are observed;</p> <p>2° he knows by lawful document that excardination has been granted, and has also obtained from the excardinating bishop, under secrecy if need be, appropriate testimonials concerning the cleric's life, behaviour and studies;</p> <p>3° the cleric declares in writing to the same bishop that he wishes to enter the service of the new particular church in accordance with the norms of law.</p>	<p>§1 The eparchial bishop is not to ascribe an extern cleric to his eparchy unless:</p> <p>1° the needs or advantage of the eparchy require it;</p> <p>3° he is convinced by a legitimate document that the cleric has obtained legitimate dismissal from his eparchy; and he has obtained from the dismissing eparchial bishop, secretly if appropriate, suitable testimonials concerning the background and morals of the cleric;</p> <p>4° the cleric has declared in writing that he is devoting himself to service of the new eparchy in accord with the norm of law.</p> <p>§2 The eparchial bishop is to inform the previous eparchial bishop about the completed ascription of the cleric into his eparchy as soon as possible.</p>	<p>The ordinary shall not allow the incardination of outside clerics except:</p> <p>1° When the necessity or utility of the diocese require it, and with due regard for the prescriptions of law concerning canonical title of ordination;</p> <p>2° When he has learned from a legitimate document shown to him about the obtaining of legitimate excardination, and also has from the [excardinating] curia, under secrecy if necessary, useful information about the [cleric's] birth, life, morals and studies, especially when it concerns the incardination of clerics from different nations and language groups; the [excardinating] ordinary moreover is gravely burdened in his conscience to be vigilant that the information be in conformity with the truth;</p> <p>3° The cleric has declared under oath in the presence of the ordinary or his delegate that he wishes to be added forever to the service of the new diocese according to the norms of the sacred canons.</p>

⁷⁰ Canon 269: "Ad incardinationem clerici Episcopus dioecesanus ne deveniat nisi:

1° "necessitas aut utilitas suae Ecclesiae particularis id exigat, et salvis praescriptis honestam sustentationem clericorum respicientibus;

2° "ex legitimo documento sibi constiterit de concessa excardinatione, et habuerit praeterea ab Episcopo dioecesano excardinanti, sub secreto si opus sit, de clerici vita, moribus ac studiis opportuna testimonia;

3° "clericus eidem Episcopo dioecesano scripto declaraverit se novae Ecclesiae particularis servitio velle addici ad normam iuris."

⁷¹ Canon 366, § 1: "Episcopus eparchialis suae eparchiae alienum clericum ne ascribat, nisi:

1° "necessitates vel utilitas eparchiae id exigunt;

2° "sibi constat de aptitudine clerici ad ministeria peragenda, praesertim si clericus ab alia Ecclesia sui iuris pervenit;

3° "sibi ex legitimo documento constat de legitima dimissione ex eparchia et habet ab Episcopo eparchiali dimittente opportuna testimonia de curriculo vitae et moribus clerici, etiam, si opus est, sub secreto.

4° "clericus scripto declaravit se novae eparchiae servitio devovere ad normam iuris."

§2: "Episcopus eparchialis de peracta suae eparchiae ascriptione clerici priorem Episcopum eparchialem quam primum certiore faciat."

⁷² Canon 117: "Ad incardinationem alieni clerici Ordinarius ne deveniat, nisi :

1° "Necessitas aut utilitas dioecesis id exigat, et salvis iuris praescriptis circa canonicum ordinationis titulum;

2° "Ex legitimo documento sibi constiterit de obtenta legitima excardinatione, et habuerit praeterea a Curia dimittente, sub secrete, si opus sit, de clerici natalibus, vita, moribus ac studiis opportuna testimonia, maxime si agatur de incardinandis clericis diversae linguae et nationis; Ordinarius autem dimittens, graviter onerata eius conscientia, advigilare debet ut testimonia sint veritati conformia;

3° "Clericus iureiurando coram eodem Ordinario eiusve delegato declaraverit se in perpetuum novae dioecesis servitio velle addici ad normam sacrorum canonum."

“In exercising his office of father and pastor the bishop should be with his people as one who serves ... he should so unite and mould his flock into one family that all, conscious of their duties, may live and act in the communion of charity” (*CD*, no. 16).⁷³ A bishop is to know his diocese, its people and its needs. *CD*, no. 23 develops this a little further: “... the variety of the composition of the people of God should be taken into consideration as far as possible, since this may materially contribute to more effective pastoral care.”⁷⁴ *PO*, no. 20 places responsibility for the just remuneration for priests on the shoulders of the bishop of every diocese, while *PO*, no. 21 suggests the establishment of a common fund for this purpose.⁷⁵ *ES*, I, no. 8 seeks to implement *CD*, no. 16, together with *PO*, nn. 20 and 21.⁷⁶

Canon 269 imposes three conditions upon a bishop prior to incardinating a cleric. First, it must be determined that the needs of his particular Church warrant the service of this man (cf. c. 1025, §2) and that the bishop has sufficient means to provide for the cleric’s “worthy support” (cf. c. 281, §1). Second, the bishop must actually know that a document of excardination has been granted (c. 267). He is, furthermore, to obtain from the excardinating bishop “appropriate testimonials” (cf. c. 1051, 2°) concerning the cleric to be incardinated. Finally, the bishop must receive from the cleric himself a written declaration of his desire to be incardinated in his diocese. Unlike the former law (c. 117,

⁷³ See FLANNERY 1, pp. 572 and 573.

⁷⁴ *Ibid.*, pp. 576-578.

⁷⁵ *Ibid.*, pp. 898-900.

⁷⁶ *Ibid.*, pp. 596 and 597.

3°), the canon does not make permanence an integral feature of this declaration. Nor does it require the taking of an oath.

It is in this canon that the notion of incardination linked to ordination and thence with service is most evident. Furthermore, this canon establishes perhaps more directly than any other in this chapter the ground for the reciprocal rights and obligations that are protected by incardination.

The conciliar texts cited previously speak of the bishop as one who has the responsibility for knowing his diocese in all of its complexity, in all of its various needs, in its strengths, weakness, hopes and aspirations. No bishop should content himself with a mindset that seeks merely to fill the gaps that seem to be the result of larger populations relying upon the ministry of fewer and older priests. Doing so runs the risk of engendering mediocrity and stifling the energy of the lay faithful as they seek new ways of continuing in their mission. Discernment of deeper needs, trends and possibilities is invited here, such that the one chosen will truly be capable of addressing those needs for the enrichment not just of a single parish or community, but of the entire particular church.

The *Code* definitively abolishes the use of title as a source of support and signals the definitive demise of the benefice system, challenged, as it had been, by the conciliar fathers.⁷⁷ This is now the responsibility of the bishop together with the people of God entrusted to his care. Support in this instance is not a matter to be taken lightly, it is a matter of a right established by Christ: “for the labourer deserves to be paid” (Lk. 10.7).

⁷⁷ There is of course the single reference in the *Code* to title, that found in c. 295, §1: “to incardinate students and promote them to orders with the title of service to the prelature.” Its specific meaning is something of an exception.

Furthermore, the bishop should take care that the balance of the rights and obligations of the ordained as defined in law (cc. 273-289) can be adequately achieved. In the event that such a balance cannot be achieved in an equitable fashion, perhaps sober second thought would be warranted prior to moving toward incardinating.

For example, c. 278, §1 speaks of “the right of association with others for the achievement of purposes befitting the clerical state.” Indeed, a broad freedom, the ability to associate with others of like mind, is clearly something envisioned by the Legislator as being beneficial not only to the individual, but to all who share the sacrament of orders. What of the case of a man brought from a distant land, alone, with no one with whom to speak in his own language, or to share traditions, and culture? Being rushed into a commitment by means of incardination because the needs of the particular church are so overwhelming would clearly be a violation of his right, destining him to a certain isolation. Perhaps it would be wiser for the bishop, in an instance such as this, to consider refraining from incardinating too early, extending in its stead an invitation to the cleric to enter ministry in the particular church with a view toward a possible incardination.

The inverse of this situation is also easily seen. The *Code* speaks of all clerics “working for the same purpose, namely the building up of the body of Christ” (c. 275, §1) the entire body of Christ, lay and ordained together. The canons addressing the rights and obligations of the faithful (cc. 208-223) and of the lay faithful in particular (cc. 224-231) speak of their right to “be assisted by their pastors from the spiritual riches of the church, especially by the word of God and the sacraments” (c. 213). They have the right to “promote and support apostolic action” (c. 215). They have the right to be heralds of the gospel to the world (c. 225, §1), and are obliged to “permeate and perfect the

temporal order” (c. 225, §2). They have the serious obligation of educating their children, especially in the faith of the church (c. 226, §2). These statements are indeed rich and lofty. However, how are they to be achieved, unless with the prudent assistance of pastors dedicated to helping them? In seeking to be faithful to the law with regard to the right to “worthy support of the cleric,” these reciprocal rights are also deserving of the same careful and thoughtful attention by the bishop. This of course reflects a momentous shift from *CIC/17*, not in the law itself, that remains – with the exception of the provision of title – essentially unchanged, but rather in what it is that the law is seeking to protect.

horizons.

Requirements for Lawful Excardination

<i>CIC/83</i> Canon 270 ⁷⁸	<i>CCEO</i> Canon 365, §1 ⁷⁹	<i>CIC/17</i>
Excardination can be lawfully granted only for a just reason, such as the advantage of the church or the good of the cleric. It may not, however, be refused unless grave reasons exist; it is lawful for a cleric who considers himself to be unfairly treated and who has a bishop to receive him, to have recourse against the decision.	For a licit transfer or move to another eparchy, just causes such as the advantage of the church or the good of the cleric himself are required; however, permission is not to be denied except for serious reasons.	

Canon 270 is based primarily upon *PO*, no. 10, previously explored and commented upon, yet expands that decree by indicating that excardination can be granted not only for the good of the church (c. 257, §1) but for the good of the cleric himself. This is the first clear affirmation of the church's solicitude for the dignity and well-being

⁷⁸ Canon 270: “Excardinatio licite concedi potest iustis tantum de causis, quales sunt Ecclesiae utilitas aut bonum ipsius clerici; denegari autem non potest nisi exstantibus gravibus causis; licet tamen clerico, qui se gravatum censuerit et Episcopum receptorem invenerit, contra decisionem recurrere.”

⁷⁹ Canon 365, § 1: “Ad licitum transitum vel transmigrationem requiruntur iustae causae, quales sunt Ecclesiae utilitas vel bonum ipsius clerici; licentia autem ne denegetur nisi exstantibus gravibus causis.”

of the clergy. So strong is this affirmation that the law restricts a bishop from arbitrarily refusing excommunication to a cleric who expressly desires it. Should a cleric feel himself the subject of an unjust denial, the law makes provision for recourse against the decision of the bishop (cc. 57; 1732-1739).

Canon 271 expresses in law the provisions foreseen by *CD*, no. 6, *PO*, no. 10 and *ESI*, nn. 1-5 in seeing to the welfare of the entire church. Echoing closely the tenor of c. 257, the canon is a refinement of c. 144 of *CIC/17*.

Temporary Service

CIC/83 Canon 271 ⁸⁰	CCEO Canon 360, §1 ⁸¹	CIC/17 Canon 144 ⁸²
<p>§1 Except for a grave need of his own particular church, a bishop is not to refuse clerics seeking permission to move whom he knows to be prepared and considers suitable to exercise the ministry in regions which suffer from a grave shortage of clergy. He is to ensure, however, that the rights and duties of these clerics are determined by written agreement with the diocesan bishop of the place to which they wish to move.</p> <p>§2 A bishop can give permission to his clerics to move to another particular church for a specified time. Such permission can be renewed several times, but in such a way that the clerics remain incardinated in their own church, and on returning there enjoy all the rights which they would have had if they had ministered there.</p> <p>§3 A cleric who lawfully moves to another particular church while remaining incardinated in his own, may for just reason be recalled by his own bishop, provided the agreements entered into with the other bishop are honoured and natural equity is observed. Under the same conditions, the bishop of the other particular church can for just reason refuse the cleric permission to reside further in his territory.</p>	<p>Retaining his ascription, a cleric may move to another eparchy for a specified time, which is renewable more than once by means of a written agreement between both eparchial bishops in which the rights and obligations of the cleric or of the parties are determined.</p> <p>Canon 361 A cleric who is solicitous about the universal church, chiefly for the sake of evangelization, is not to be denied a transfer or move to another eparchy suffering from a severe shortage of clerics, so long as he is prepared and suitable for carrying out his ministry there, unless there is a true need in his own eparchy or church <i>sui iuris</i>.</p> <p>Canon 362 §1 For a just reason a cleric can be recalled from the other eparchy by his own eparchial bishop or returned by the hosting eparchial bishop, observing the agreements made as well as equity.</p> <p>§2 One legitimately returning to his own eparchy from another does so without prejudice to and having preserved all of the rights that he would have had if he had exercised the sacred ministry there.</p>	<p>[A cleric] who goes to another diocese with the permission of his ordinary remains incardinated in his diocese [and] can be recalled for just cause and observing natural equity; moreover, the ordinary of the other diocese can for a just cause deny him permission to stay longer in his territory, unless he has conferred on him a benefice.</p>

⁸⁰ Canon 271, §1: "Extra casum verae necessitatis Ecclesiae particularis propriae, Episcopus dioecesanus ne denegat licentiam transmigrandi clericis, quos paratos scit atque aptos aestimet qui regiones petant gravi cleri inopia laborantes, ibidem sacrum ministerium peracturi; prospiciat vero ut per conventionem scriptam cum Episcopo dioecesano loci, quem petunt, iura et officia eorundem clericorum stabiliantur."

§2: "Episcopus dioecesanus licentiam ad aliam Ecclesiam particularem transmigrandi concedere potest suis clericis ad tempus praefinitum, etiam pluries renovandum, ita tamen ut iidem clerici propriae Ecclesiae particulari incardinati maneant, atque in eandem redeunt omnibus gaudeant iuribus, quae haberent si in ea sacro ministerio addicti fuissent."

§3: "Clericus qui legitime in aliam Ecclesiam particularem transierit propriae Ecclesiae manens incardinatus, a proprio Episcopo dioecesano iusta de causa revocari potest, dummodo serventur conventiones cum altero Episcopo initae atque naturalis aequitas; pariter, iisdem condicionibus servatis, Episcopus dioecesanus alterius Ecclesiae particularis iusta de causa poterit eidem clerico licentiam ulterioris commorationis in suo territorio denegare."

⁸¹ Canon 360, § 1: "Transmigratio clerici in aliam eparchiam retenta ascriptione fit ad tempus determinatum, etiam pluries renovandum, per conventionem scripto factam inter utrosque Episcopos eparchiales, qua iura et obligationes clerici vel partium stabiliantur."

Canon 361: "Clerico praesertim evangelizationis causa universae Ecclesiae sollicito transitus vel transmigratio in aliam eparchiam gravi clericorum penuria laborantem, dummodo sit ad ministeria ibi peragenda paratus atque aptus, ne denegetur nisi ob veram necessitatem propriae eparchiae vel Ecclesiae sui iuris."

Canon 362, § 1: "Iusta de causa, clericus ex transmigracione revocari potest a proprio Episcopo eparchiali vel remitti ab Episcopo eparchiali hospite conventionibus initis necnon aequitate servatis."

§ 2: "Ex transmigracione in propriam eparchiam legitime redeunti salva et tecta sint omnia iura, quae haberet, si in ea sacro ministerio addictus esset."

⁸² Canon 144: "Qui cum licentia sui Ordinarii in aliam dioecesim transierit, suae dioecesi manens incardinatus, revocari potest, iusta de causa et naturali aequitate servata; et etiam Ordinarius alienae dioecesis potest ex iusta causa eidem denegare licentiam ulterioris commorationis in proprio territorio, nisi beneficium eidem contulerit."

The first paragraph of the canon states that a bishop should be willing to release a cleric seeking permission to emigrate to another particular church whom he knows to be prepared and suitable for ministry in another location that experiences a grave shortage of clergy. Before such permission is given, however, it is the responsibility of the bishop *a quo* to arrange for the protection of the rights and duties of his cleric, sought in writing, from the bishop of the particular church *ad quem*. In this way, the rights of clerics are to be safeguarded (cc. 278-281, §2; 283, §2 and 289, §2).

Furthermore, the second paragraph indicates that a bishop can give his clerics permission to move to another particular church for a pre-determined period. This period, however, can be renewed several times, in a way that does not jeopardize either the juridical bond of incardination itself, or the rights and privileges that would derive as a result of his remaining in the cleric's particular church.

The final paragraph of the canon makes provision for a cleric to be recalled by his bishop *a quo* for a just reason. The canon indicates that the terms of the agreement entered into by both bishops as outlined in §1 are to be honoured and that equity be observed. The canon goes on to say that the bishop *ad quem* is free not to admit a cleric to a further term in his own particular church if he has just reason. The cleric is then to return to his own particular church by virtue of his incardination.

The final canon in Title II, 272, deals with the authority of the diocesan administrator with regard to incardination and excardination.

Competent Authority

<i>CIC/83 Canon 272</i> ⁸³	<i>CCEO Canon 363, 2°</i> ⁸⁴	<i>CIC/17 Canon 113</i> ⁸⁵
The diocesan administrator cannot grant excommunication nor incardination, nor permission to move to another particular church, unless the episcopal see has been vacant for a year, and he has the consent of the college of consultors	The following cannot validly ascribe a cleric to an eparchy, dismiss him from it, or grant permission to the cleric to move outside of it: 2° in other cases, the administrator of an eparchy, unless the eparchial see has been vacant for a year, and then only with the consent of the college of eparchial consultors.	Excommunication and incardination cannot be granted by the vicar general without a special mandate, or by the vicar capitular, except when the episcopal see has been vacant for one year and [then] with the consent of the chapter.

Unlike *CIC/17*, which permitted the vicar general to execute both excommunication and incardination (c. 113), the present canon repeats the substance of c. 267 wherein the two acts are the exclusive prerogative of the diocesan bishop. However, in the event that the see is vacant by either the death of the diocesan bishop, his resignation accepted by the Holy See, transfer to another diocese or deprivation notified to him (c. 416), the diocesan administrator (cc. 421-430) is empowered by the law to grant excommunication and incardination. A diocesan administrator has the full authority and power of a diocesan bishop, “excluding those matters which are excepted by the nature of things or by the law itself” (c. 427, §1). Here, it is a matter of the law itself which forbids the diocesan administrator from effecting incardination and excommunication, unless the stipulations of the canon are strictly observed: that the vacancy has lasted for a year (cc. 202 and 203,

⁸³ Canon 272: “Excommunicationem et incardinationem, itemque licentiam ad aliam Ecclesiam particularem transmigrandi concedere nequit Administrator dioecesanus, nisi post annum a vacatione sedis episcopalis, et cum consensu collegii consultorum.”

⁸⁴ Canon 363: “Clericum eparchiae ascribere vel ab ea dimittere vel licentiam transmigrandi clerico concedere valide non possunt:

2°: “in ceteris casibus Administrator eparchiae nisi post annum a sedis eparchialis vacatione et de consensu collegii consultorum eparchialium.”

⁸⁵ Canon 113: “Excommunicationem et incardinationem concedere nequit Vicarius Generalis sine mandato speciali, nec Vicarius Capitularis, nisi post annum a vacatione sedis episcopalis et cum consensu Capituli.”

§1) and that he has received the consent (c. 127) of the college of consultors (c. 502). It is important to note that the provisions of this canon do not address those situations wherein a diocesan see is merely impeded (cc. 412-415).

A parallel is found in c. 1018, §1, 2°, which makes provision for the diocesan administrator, with the consent of the college of consultors, to give dimissorial letters. This provides the administrator with the means in effect, to grant “initial incardination” to one who seeks ordination. Such a provision would be an important safeguard in those cases where ordinations had been foreseen prior to the vacancy of the diocese and that those to be ordained were needed for service to the particular Church.

4.3. The implications of the revised legislation for the fourfold dimension of priesthood: *koinonia, martyrion, diakonia and leitourgia*

As in *CIC/17* (cc. 124-144), *CIC/83* spells out the obligations of clerics with clarity and simplicity, but this time with accompanying rights in cc. 273-289. It is important to recall that clerics, as members of Christ’s faithful, also share in what is expressed in cc. 208-223. Little needs to be said about those rights and obligations, save they deserve careful preservation and protection. However, c. 275, §1 does provide a certain point of departure.⁸⁶

The canon indicates that all clerics are “working for the same purpose, namely building up the body of Christ,” a task not accomplished in isolation but in the context of a unity, “in the bond of brotherhood and prayer” with one another. This is a bond brought into being by virtue of ordination, protected and preserved in incardination. Because of

⁸⁶ Canon 275, §1: “Clerici, quippe qui omnes ad unum conspirent opus, ad aedificationem nempe Corporis Christi, vinculo fraternitatis et orationis inter se uniti sint, et cooperationem inter se prosequantur, iuxta iuris particularis praescripta.”

the bond of unity, all clerics are called to active cooperation with one another, in accord with the provisions of particular law, and always with a view toward acknowledging and promoting “the mission which the laity, each for his or her part, exercises in the church and in the world” (c. 275, §2).⁸⁷ As has been seen, all ministry must be understood in relation to its christological centre, a centre that involves the triple *munera*: priest, prophet and king. These *munera* are expressed more concretely in the promoting of *diakonia*, *koinonia*, *martyrion* and a *leitourgia* within the church and for the salvation of the world. This is done in a myriad of ways on the part of the ordained but seen most readily in the ministry of the parish priest, cc. 515-552.

A parish priest is one who is entrusted by his bishop to exercise the ministry of pastoral care among a community of Christ’s faithful, stably established within a particular church (c. 515, §1).⁸⁸ It is the ministry of Christ himself he is called to share in this community, carrying out the offices of “teaching, sanctifying and ruling,” not alone, but with the cooperation all the ordained and with the assistance of the lay faithful as the law permits (c. 519).⁸⁹ Canon 528, §1 indicates clearly that the first obligation he shoulders is “that the word of God is proclaimed in its entirety to those living in the

⁸⁷ Canon 275, §2: “Clerici missionem agnoscant et promoveant, quam pro sua quisque parte laici in Ecclesia et in mundo exercent.”

⁸⁸ Canon 529 expresses beautifully aspects of this pastoral care. Canon 530 expresses that care in the context of the liturgical life of the community.

⁸⁹ Canon 519: “Parochus est pastor proprius paroeciae sibi commissae, cura pastorali communitatis sibi concreditaefungens sub auctoritate Episcopi dioecesanif, cuius in partem ministerii Christi vocatus est, ut pro eadem communitate munera exsequatur docendi, sanctificandi et regendi, cooperantibus etiam aliis presbyteris vel diaconis atque operam conferentibus christifidelibus laicis, ad normam iuris.”

parish.”⁹⁰ In this exercise of the prophetic *munus*, he preaches the homily and engages in catechetical formation. But this work is not limited to those two dimensions: he is to “foster works which promote the spirit of the gospel, including its relevance to social justice.” The wording here indicates that it is not enough to know the gospel and the social teaching of the church in all of its richness and convey it to others by word alone, but the pastor is to encourage and assist its active fulfilment. The canon encourages pastors to a particular care for the education of children and the young. With the people of God, he is to “seek out the lost,” in the example of the Good Shepherd, and carry the truth of Christ to those who have not heard it.

It is in the second paragraph of c. 528 that the Eucharist is mentioned for the first time.⁹¹ It says that the pastor is to ensure that the Eucharist is the centre of the parish assembly. This is a marked departure from *CIC/17* where pastors and the Eucharist is spoken of in language that implied the separation of the Eucharist from ecclesiology. See for example c. 466 of *CIC/17*.⁹²

⁹⁰ Canon 528, §1. “Parochus obligatione tenetur providendi ut Dei verbum integre in paroecia degentibus annuntietur quare curet ut christifideles laici in fidei veritatibus edoceantur, praesertim homilia diebus dominicis et festis de praecepto habenda necnon catechetica institutione tradenda, atque foveat opera quibus spiritus evangelicus, etiam ad iustitiam sociale quod attinet, promoveatur peculiarem curam habeat de puerorum iuvenumque educatione catholica omni ope satagat, associata etiam sibi christifidelium opera, ut nuntius evangelicus ad eos quoque perveniat, qui a religione colenda recesserint aut veram fidem non profiteantur.”

⁹¹ Canon 528, §2: “Consulat parochus ut sanctissima Eucharistia centrum sit congregationis fidelium paroecialis; allaboret ut christifideles per devotam sacramentorum celebrationem, pascantur, peculiarique modo ut frequenter ad sanctissimae Eucharistiae et paenitentiae sacramenta accedant; annitatur item ut iidem ad orationem etiam in familiis peragendam ducantur atque conscie et actuose partem habeant in sacra liturgia, quam quidem, sub auctoritate Episcopi dioecesani, parochus in sua paroecia moderari debet et, ne abusus irrepant, invigilare tenetur.”

⁹²Canon 466, §1 states: “Applicandae Missae pro populo obligatione tenetur parochus ad normam c. 339, quasi-parochus ad normam c. 306.”

In §4 of the same canon is found: “Parochus Missam pro populo applicandam celebrat in ecclesia paroeciali, nisi rerum adiuncta Missam alibi celebrandam exigant aut saudeant.”

In c. 528, §2, the Eucharist is seen in the context of the other sacraments, particularly reconciliation. The public expression of the church's worship, the liturgy, is placed in its proper context as the fruit of personal prayer flowing from the liturgy and ebbing back to it. In carefully instructing and leading people in and to prayer, privately and in the family setting, a pastor establishes a solid foundation for the liturgy and the participation of all within it. The liturgy, then, must be a constant preoccupation for a pastor, insuring that it be protected from abuse and celebrated in such a way that it engenders the "full active and conscious participation" in the liturgy as expressed by Vatican II.⁹³

Seen in this way, the *Code* expresses in an entirely new way the content, spirit and foundation of service as ground for ordination as seen in c. 266. That same content, spirit and foundation offer a fresh and distinct way of interpreting the need or advantage of the particular church as articulated in c. 269. This is a decided departure from the approach to priesthood and Eucharist in *CIC/17* and an invitation to explore fresh new horizons.

When all of this taken as a whole, it is clear that the ancient juridic institute of incardination, as presented in the current legislation, is something that must be read with a new posture: open and broad, and always with attentiveness to the Spirit's movement and action in the Church.

5. Where do we go from here?

The current situation in the church with regard to a theology of the ministerial priesthood is far from being in peaceful possession. The very tension already exhibited by

⁹³ *Sacrosanctum Concilium*, no. 14, in FLANNERY 1, p. 7.

the world's bishops when work on *Presbyterorum ordinis* was begun, between a scholastic interpretation of priesthood based essentially in the eucharist, and a broader New Testament conception based on leadership, preaching, teaching and sanctifying, is still very much before us today. Indeed, much of the current literature, even that emanating from the highest authority, echoes the tension.⁹⁴ So, then, if contemporary theology is not in peaceful possession, then neither can be the law on incardination, for that very law must, by definition, depend upon that theology for its foundation.

The questions that arise as a result of this are legion, and each of them worthy of lengthy study. Bishops and chancery offices are continually faced with exigencies rarely encountered before. Priests often turn to canonists for help in resolving issues that arise between themselves and their brother priests, their bishops, dioceses, and even parish communities. The answers, of course, are not easy and myriad new questions arise just as solutions seem to emerge from the haze. Perhaps a new definition needs to be developed, one that will offer some light to penetrate that haze.

Incardination has been defined by one commentator as: "a juridical relationship which joins the cleric to the bishop and which also unites him to a presbyterate and to other members of the faithful."⁹⁵ This definition, however, has a certain lifelessness about it: it is devoid of a certain spirit, warmth and breadth of vision. It certainly does not reflect in any way the gift of *Presbyterorum ordinis*, which sought to establish a plethora of rich

⁹⁴ See for example the final *Holy Thursday Letter to Priests* penned by POPE JOHN PAUL II a year before his death as found in *AAS*, 96 (2004), pp. 541-546; English translation in *Origins*, 33 (2003-2004), pp. 753-757. One would not be faulted for concluding that the Holy Father sided quite definitively on the scholastic side of the divide if one read only this one letter.

⁹⁵ D. LE TOURNEAU, "Incardination," in *Dictionnaire historique de la papauté*, Paris, Fayard, 1994, p. 854.

values that were multifaceted enough to attempt a reconciliation between the polarities that confronted its drafters. Any new definition must reflect those values, while at the same time broadening the horizon, yet taking into account the fundamental ground of relationship enshrined in a more traditional definition. The following is offered:

Incardination is the juridic protection of a permanent relational bond wherein the ministry of Christ, in all its richness, is incarnated in the person of one called by Christ through the community to serve it, care for it, love it, and which, in its turn, gives rise to reciprocal rights and obligations.

This definition of incardination is steeped in a theology of priesthood that is profoundly pastoral (leadership, preaching/teaching, sanctifying; *diakonia*, *koinonia*, *martyrion* and *leitourgia*), and imbued by a decided vocational quality (a set of attitudes, as well as spiritual and pastoral decisions). It is predicated upon a spiritual, and therefore uniquely personal and existential, decision for relationship with the people of God, with the bishop, and with others in Holy Orders – most especially those in the order of presbyter – for the evangelical care and building up of the Body of Christ. Taken as a whole, this indicates that the relationship thus established is necessarily permanent, one akin to marriage, which demands an entire range of actions and decisions enveloped by the concept of obedience. By this fact alone, incardination must necessarily be reciprocal for it requires maturity, charity, trust, a consciousness of other/Other, of sacrifice, and of genuine discernment in a posture of willing listening. Its fruit is new life realized in fresh potency discovered in self and in the other/Other that gives rise to increased reciprocity and new-found connections with other/Other.

However, the definition is also juridic in that it seeks to protect the spiritual, pastoral and vocational dimensions of priestly ministry by making the self-donation demanded on the part of the priest possible by presenting him with a context within

which that self donation can be realized. That context could be defined in four ways. First, it is a context of stability understood as freedom from uncertainty born of the shifting sands of change in all of its myriad manifestations. Second, it is one of a safe environment, namely, a freedom from conditions that could potentially stifle personal, spiritual, intellectual and pastoral growth. Third, it is a context of sustained personal relationships whether with ordained or lay, women or men, with those engaged in a life of ministry or not, with Christians and non-Christians alike, each relationship unique, each one essential for healthy self-actualization and growth in perfection. Finally, it is a context of just sustenance as an antidote to an itinerancy born of need, one that is consistent with the particular socio-economic conditions of time and place.

Conversely, the definition seeks to protect the spiritual, pastoral and vocational dimensions of the priesthood of the baptized as well, by ensuring them of the full benefit of one utterly devoted to their service and care in a spirit of self-emptying love. In leading them, teaching them and aiding them to grow in holiness, their full participation in *diakonia*, *koinonia*, *martyrion* and *leitourgia* – the God-life – is realized.

Finally the definition offers precisely the same protection and guarantees for the bishop in offering him spiritual sons and collaborators who are a willing, ready and capable confraternity upon whom he can depend and from whence he can draw in the realization of the ministry entrusted to him by Christ – the care of this portion of the people of God.

It could well be argued that should a priest, bishop, or Christian community refuse to participate actively in this sort of relational dynamic, they do so at the peril of the bond

meant to protect, unite and strengthen them, jeopardizing thereby rights incumbent upon its preservation.

However, this seems to imply that the bond itself can be imperilled by the actions and behaviours of those party to it. Is it not the case that incardination is, by virtue of the definition presented, a *permanent* relational bond? If it is indeed permanent, how can it then be imperilled? Distinctions are in order.

First, the word permanent implies something that is enduring, lasting, stable and continuing. Something that is permanent, though sharing these characteristics, is nevertheless subject to fluctuation or even change. For example, one may have a domicile (c. 102, §1) which is by definition one's permanent home. However, extensive renovations to the house may cause that home to be so altered as to be a completely new, even unrecognizable domicile. Permanent does not mean perpetual. When something is perpetual, it is everlasting or eternal and therefore not subject to change in any fashion. At virtually every instance that the word permanent is used in the *Code*, it is in relation to something that has this enduring constancy about it. It is never read in the context of something that is by definition perpetual. The relational bond spoken of in incardination is permanent, not perpetual.

Second, permanent does not mean the same thing as indissoluble. Indissoluble means that something cannot be destroyed, put to an end, or abolished. It is, for all intents and purposes, indestructible. Indissoluble is not the same as permanent, nor is it a synonym for perpetual. The word is used carefully in the *Code* and never directly in connection with the word permanent. One arguable instance could be c. 1096, §1 that speaks of a "permanent partnership between a man and a woman." However, one must

understand that it is the “lawfully manifested consent of persons who are legally capable” (c. 1057, §1) that constitutes a marriage, not the “partnership for the whole of life” (c. 1055, §1) that is its result. The relational bond spoken of in incardination is permanent, not indissoluble.

Therefore, the permanent relational bond protected by the church’s law could well be imperilled by the refusal of those party to it to participate actively in its relational dynamic, thereby jeopardizing the rights that are incumbent upon its preservation. In other words, for the bond that is incardination to bear fruit, the specific intent of those party to it is fundamental, as is their capacity to effect it. Two more distinctions are in order: intent and capacity.

By intent is meant the interior resolve or determination to do or to accomplish something. It is a state of mind that requires at least a fundamental knowledge and understanding of what is being sought; an appreciation of, or desire for, the value of that striven for; a grasp, even if only rudimentary, of the alternatives, and an awareness of the consequences to be had for a different resolution.

For example, what of the case of a priest who refuses to participate in the care of the people of God in one way or another due to anything less than advanced age, verifiable infirmity or genuine incapacity. Here, despite what could well have been intended at the time of ordination, is an evident lack of that intentionality by which one willingly devotes oneself to the service, care and love of God’s people. The consequence of an obdurate decision to absent oneself from something so fundamental would necessarily be the jeopardizing of the rights incumbent upon its preservation. In this case, incardination is meant neither to encourage nor to protect such ones; it is to meant to

protect the church from them. One therefore wonders whether or not the priests' own lack of intention should not be sufficient to move toward a severing of the bond.

By capacity is meant the actual ability, be it material, physical, mental or intellectual, to accomplish a specific act. Material capacity would relate to those things one has that makes an act possible. One requires, for example, sufficient funds in order to make a purchase of one sort or another. Or, one must not be restricted by a sanction or penalty from acting in a certain way. Physical capacity refers to one's state of health. One cannot, despite how much one would intend it, run a marathon if one had a broken leg. Mental capacity is that associated with one's mental condition, namely that required to posit a human act. Canon 99 of the *Code* says: "Whoever habitually lacks the use of reason is considered as incapable of personal responsibility and is regarded as an infant."⁹⁶ It is virtually synonymous with intellectual capacity that pertains to the ability to maturely understand the nature, subtleties, nuances and consequences of a decision or action. In this context, perhaps one could even suggest the existence of something that could rightly be called a spiritual capacity: the ability to live one's life in such a way that it honours and is vivified by the instincts, impulses and tendencies associated with spirituality as that is lived and expressed in the larger context of religion.

One must be capable of fulfilling that which one intends.

For example, if a man seeks ordination for any intent less noble than that of the self-donation and ministry of Christ whom he "incarnates," then one is fair in questioning his genuine devotion to the evangelical care of the people of God. One would correctly question his attitude with regard to ministry and service, to obedience and sacrifice, and

⁹⁶ Canon 99: "Quicumque usu rationis habitu caret, censetur non sui compos et infantibus assimilatur."

to membership in the fraternity of presbyters. One would correctly wonder about his ability to make those spiritual and pastoral decisions that are at the very heart of the ministerial priesthood. Presuming their lack, it could be asked just what – or whom – is being protected in the context of incardination. It would seem that the candidate neither intends what is meant by the ministry of Christ, nor does he seem capable of achieving it. In this case, should he even be ordained with consequent incardination?

Could one impugn the decision of a bishop, eager for priests, who rushes to ordain a man clearly unfit for ministry in all of its defined complexity and nuance? When advice coming from those responsible for the candidate's formation argues against ordination, the considered opinion of the people of God repeats the caution, and observations offered by priests familiar with the candidate are less than favourable, and the bishop nevertheless proceeds with the ordination, has he not effectively shut out the call of Christ echoed through the community, making it his own call instead? It would seem that, despite the noble desire of that bishop to provide his particular church with the sacraments, he could well be denying the community of much more: of one capable of offering it solid leadership, effective preaching, and sound teaching in the four-fold impulse defined in *koinonia*, *diakonia*, *martyrion* and *leitourgia*. It would not be hard to imagine that he is potentially doing his diocese a tremendous disservice, even exposing it to a potential burden that none – including himself! – would welcome. Perhaps the ancient practice of the church should be reinstated for this bishop: he should not be allowed to ordain for an entire year and he personally assumes full financial responsibility for his ordinand for life.

Incardination should not be quickly granted, even if the perceived need is urgent and great, nor should it be offered by any bishop without first seeking the considered opinion of those genuinely capable of critically evaluating the needs, gifts, strengths and weaknesses of the particular church. Indeed, it might be well for the Legislator to amend 1° of c. 269 with something like:

He has consulted with an advisory panel comprised of clergy and laity whose reputation proves them well versed in the conditions and needs of the particular church so that those are critically evaluated, and the provisions of law concerning the worthy support of the cleric can be observed;

Incardination is not a glib idea that lacks *gravitas*: it stands as a venerable ancient guarantor of the church's highest values with regard to community, holy orders, ministry, the content of faith, and the relational context essential for these to be vivid, dynamic, and life/Life giving. In "juridicizing" these values, the Legislator is urging a deeper reflection not only on the specific features of a priestly vocation, but on that of the priesthood of the faithful as well, especially as these are in a divinely ordered relationship.

Be that as it may, there are innumerable cases that present themselves that beg further exploration and that the current law is at a seeming loss to redress.

Although incardination is a juridic protection of a relational bond that ultimately gives rise to reciprocal rights and obligations, how far does it extend in the case of a priest who stands accused of sexual impropriety or worse, of a criminal act? One can appreciate that placing a priest on "administrative leave" during the time of investigation or trial is necessary to ensure a modicum of privacy and freedom from further allegations. One can also understand that the bishop is obliged to provide for his decent support during this time. But what happens if the evidence is insufficient to sustain or prove the

charge? With a reputation undoubtedly besmirched by the notoriety such matters engender, he is, for all intents and purposes, odious to the people of God and therefore incapable of public ministry. Is the bishop responsible for finding him a ministry that does not fall under public scrutiny? Or is the bishop responsible for maintaining him even though he contributes little to the evangelical care of God's people? In light of the current climate, would a bishop be justified in seeking another bishop willing to give this priest "a break"? Or would the bishop be correct in urging this priest to seek secular employment with a view toward becoming self-sufficient?

In this present context, incardination is clearly focussed upon the particular church, its care, service and growth. Some of the more baffling cases rising today deal with those seeking ordination for service within any number of new emerging associations of the faithful: Our Lady of Combermere, Marie Jeunesse, and the Neo-Catechumenate to name but a few. It is very clear that none of these has the juridic ability to incardinate its own members, yet priests are essential for the very lifeblood of the community itself. The only way in which the community can benefit from those in holy orders, and one can belong to such an association with the grace of priestly ordination, is to seek a bishop willing to ordain him. However, that ordination carries with it an automatic incardinating into the particular church of which the bishop is its head. The attachment to the particular church that ordination brings is neither intended nor even desired. Conversely, the potential entanglement for the bishop and his diocese both canonically and civilly are neither intended nor desired either! It is only the sacrament of orders that is given because it is intended and desired, with the charism, mission and grounding of the community as its locus. The incardination in this case is utterly

fictitious, and seems to suggest that perhaps either the institute of incardination itself needs to be radically amended to meet these new exigencies, or that the privilege of incardinating clerics be granted to the communities at a very early stage of their evolution and growth.

Bearing in mind this focus upon the particular church, what of the current situation through much of North America of priests from countries rich with missionary potential, who, because they appear to have an abundance of clergy, are “exporting” their priests to places who appear to suffer from a “shortage” of vocations? Even a cursory glance at the *Annuario Pontificio* points out the vast discrepancies with regard to the distribution of priestly vocations that exist throughout the world, between north and south, and between those churches in relative infancy and those who are older, even ancient. A singular concern to provide the sacraments in parts of the north appears to ignore the impulse of the Spirit who calls many to labour in new missionary fields rich and ripe for harvest in the south. Furthermore, it prevents a longitudinal migration of clergy to areas of genuine need. The potential for harm is enormous. The harvest itself is imperilled in the south and the full actualization of potential wrought by the presence of an eager cadre of young priests serving, caring and loving into maturity a nascent church in various distinctive cultural *milieux* is lost. At the same time, a narrow defining of ministry as only sacramental opens the floodgates of mediocrity *vis à vis* a larger vision of ministry and priesthood, while stifling the Spirit of Creativity who engenders new and pluriform expressions of service and care within the community of faith precisely in order to ensure its needs are met.

GENERAL CONCLUSION

Through the sacred ordination and mission which they receive from the bishops priests are promoted to the service of Christ the teacher, priest and king; they are given a share in his ministry, through which the church here on earth is being ceaselessly built up into the people of God, Christ's Body and the temple of the Spirit. For that reason the council has made the following decree with the aim of giving more effective support to the ministry of priests and making better provision for their life in the often vastly changed circumstances of the pastoral and human scene (*PO*, 1).¹

This work has followed the impulse of the council itself, namely that, "Vatican II built the doctrine of the priesthood upon the concept [of the three-fold offices of Christ: the teaching office (prophetic office), the priestly office (office of sanctification) and the royal office (pastoral office)], in order to retrieve this from its centuries-old restriction to the realm of cult."² The council saw it necessary not to quash scholastic theology, but to deconstruct it sufficiently in order to permit a fuller, richer theological expression of the priesthood to emerge. Their method, imitated here, is via *ressourcement*, a reaching back, not to earlier legislation, decretals, councils or even the fathers, but rather to scripture

¹ See SECOND VATICAN COUNCIL, *Presbyterorum ordinis* [= *PO*], 7 December 1965, in *AAS*, 58 (1966), pp. 991-1024. English translation in FLANNERY, A. (gen. ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents*, vol. 1, new revised edition (=FLANNERY 1), Northport, NY, Costello Publishing Company, 1998, p. 863.

² F. WULF, F., "Commentary on the Decree," translated by R. Walls, in H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, Freiburg, Herder and Herder, 1967-1969, vol. 4, p. 216.

itself, there to encounter Christ, the alpha and the omega (Rev. 22.13), the supreme high priest (Heb. 5.5).

While not rejecting the triple *munera* typology articulated by Calvin and adopted by the council, it was expanded somewhat by seeing Christ's ministry as more relationally connected to the community that would be birthed by water and blood flowing from his wounded side on the cross. Hence, in a subtle twist of a New Testament ecclesiology, Christ's ministry was defined as being a *koinonia* (likened to his ministry of love); a *diakonia* (equated to his ministry of service); a *martyrion* (the proclamation of the word), and a *leitourgia*, expressed as the origin and ultimate end of the whole of Christ's ministry: "all glory and honour is yours, Almighty Father, for ever and ever!" All ministry must necessarily have a christological centre, and must reflect the triple *munera*, thereby sharing in the fourfold ecclesial dimension of Christ's own ministry. In other words, all ministry, however it reflects the priestly, prophetic or kingly *munera*, must contain an ecclesial component, whether that be in fostering *koinonia*, or being engaged in *diakonia*, or preaching and teaching in acts of *martyrion*, or leading others into the "full, active and conscious" (SC, 14) participation of the people of God in *leitourgia*. No ministry can be reduced to but one *munus* or another. No ministry can be limited to one ecclesial dimension or another. To do so reduces ministry ultimately impoverishing it. Reducing it fails to do justice to the specific import of the other functions and dimensions and leads, eventually, to the diminishment of the community of faith.³

³ J. GALOT, *Theology of the Priesthood*, translated by R. BALDUCELLI, San Francisco, CA, Ignatius Press, 1984, p. 135.

A key component in the ministry of Christ is that it is shared with others. In so doing, Christ enables his followers to be a priestly people, an *ekklesia*, the called ones, fulfilling their baptismal priesthood, participating, each one, in his or her own way, in Christ's own *munera*, in the building up of his body as a *koinonia*, *diakonia*, *martyrion*, and *leitourgia*, all for the salvation and sanctification of the world.

The concept of ministry that emerged from the earliest experience of the church was one characterized by a certain pneumatic quality. It was pluriform, not predetermined, confident and trusting, always at the service of unity, characterized by a certain seminal quality: giving rise to new and more vibrant ministry. Its place in the community was always one of service to that community. It was understood to have its origin in Christ and it was understood to be a personal participation and investment in a universal commission given by Christ. Ministry was always at the service of unity. So the ones who led the community, who exercised ministry in it, were the ones who presided at its eucharist.

The notion of ministers being called priests is not consistent with the earliest experience of ministry. While words like deacon, *presbyteros*, *episkopos*, prophet, teacher and pastor are used frequently, and sometimes even interchangeably, the word "priest" is reserved to Christ himself, such that the author of the Letter to the Hebrews shows how God's action in Christ is truly a definitive and utterly unique action that cannot be repeated.

This, then, is not a denial of a decidedly priestly quality that can be found in ministry, but rather points to something larger. Christian ministry, in all of its expressions, is apostolic. It follows from, is dependent upon, and remains faithful to, its

origin in Christ and what was given to the apostles. It is the means by which human beings are drawn into the life of the Divine, and the means by which the Divine is actualized in the here and now, in time and history, in the lives of human beings. Those engaged in its efforts do so, not solely on their own volition, but in response to God's invitation and call. They recognize that in their willingness to place themselves at the pleasure of God, they become God's instruments in the building of an eternal reign. With Paul they can exclaim: "Now to him who by the power at work within us is able to accomplish abundantly far more than all we can ask or imagine, to him be glory in the church and in Christ Jesus to all generations, forever and ever. Amen" (Eph. 3.20 and 21). It is Christ at work in them, through them and with them. When sacraments are celebrated, although the ritual action belongs to the church through "perceptible signs (words and actions) accessible to our human nature,"⁴ it is really Christ himself who acts, communicating his own grace. As such, Christian ministry is a "sacramentalization" of the priesthood of Jesus Christ.

For it is by the apostolic herald of the gospel that the people of God is called together and gathered so that all who belong to this people, sanctified as they are by the Holy Spirit, may offer themselves "a living sacrifice, holy and acceptable to God" (Rom. 12.1). Through the ministry of priests the spiritual sacrifice of the faithful is completed in union with the sacrifice of Christ the only mediator, which in the eucharist is offered through the priests' hands in the name of the whole church in an unbloody and sacramental manner until the Lord himself comes (*PO*, 2).⁵

The theme of sacrifice is powerfully presented in the Letter to the Hebrews, understood as a reconciling of humanity with God and not God with humanity. Human beings are made perfect and are drawn into God's own life in a covenant inaugurating sacrifice, one

⁴ See *Catechismus Ecclesiae Catholicae*, [= CCC] Libreria Editrice Vaticana, Città del Vaticano, 1997. English translation, *Catechism of the Catholic Church: Modifications from the Editio Typica*, 2nd edition, prepared under the auspices of the United States Catholic Conference, New York, NY, Doubleday, 2003, #1084, p. 239.

⁵ FLANNERY I, p. 865.

that creates a new *koinonia*. Christ emerges not only as a type for the priesthood, he emerges as its supreme expression, its archetype. His priesthood and its sacrifice are that by which all discipleship, ministry and sacrifice must be measured.

Although the language of sacrifice occupies a central portion of the Letter to the Hebrews, there is very little said about the eucharist. For the most part, that is not a matter for the epistles, but rather of the gospels and what would emerge at the beginning of the second century.

However, it is ironic to note that where the Letter to the Hebrews illustrates the priesthood of Christ as one which was intended to fulfil, complete and replace the priesthood of Aaron and the cult of the old dispensation, by the fifth century, the priesthood is seen as an extension of its Aaronic predecessor, the diaconate likened to the Levites of old, and Christ seen as the lamb slain anew.

Presbyterorum ordinis addresses the notion of obedience in No. 15:

This obedience, which leads to the more mature freedom of the sons of God, by its nature demands that priests in the exercise of their duties should be moved by charity prudently to seek new methods of advancing the good of the church. At the same time it demands that while putting forward their schemes with confidence and being insistent in making known the needs of the flock entrusted to them, they should always be prepared to submit to the judgment of those who exercise the chief function in ruling God's church.⁶

The Letter to the Hebrews casts the obedience of Christ not as something demanded by God, but rather as an expression of Christ's profound *koinonia* with humanity, beginning at the very moment of his conception. His obedience is a freely chosen co-operation in the God-life, accepted in pure love, capable of seeing in the distant horizon the fruit of that love perfected: namely, complete communion with God

⁶ See FLANNERY 1, p. 891.

for all creation. Because of this, Jesus' obedience leads to his consecration as high priest, placing him in a position from which he can save those who are obedient to him.

The implications for the priesthood today are manifold. Faith and obedience are so closely associated as to be virtually indistinguishable. Walking in obedience, then, is to walk in faith: consciously to entrust oneself wholly and freely to God in all aspects of life, even in its most mundane, routine, familiar and, because they are necessary, inescapable aspects. It is to consciously choose even in the face of those aspects of life that are veiled by the future, hidden, uncertain, obscure and therefore, inescapable. Obedience is to conform oneself over and again, day by day, to the likeness of him who was obedient unto death (Phil. 2.8). Obedience demands commitment, even commitment to obedience itself. Obedience is possible only when a certain level of maturity has been achieved. Once embraced, obedience in its turn, gives rise to greater maturity. Obedience makes authentic relationship possible. "The official ministry of the church demands the coordinated action of all those taking part in it. Organic work is possible, however, only if all submit to the direction of those having ultimate responsibility."⁷

The church celebrates that which it believes – the liturgy is always a faithful reflection of faith. At the time the first of the Fathers were writing, Hippolytus, a presbyter of Rome, was recording how the church celebrated the ordinations of bishops, priests and deacons. Those ordination rites yield rich insight as do those that followed it during the first millennium. The *Apostolic Tradition* speaks of one being ordained for a specific community of faith, to serve it and care for it. It was understood that the community would, in some way, care for its clergy.

⁷ F. WULF, "Commentary on the Decree," p. 244.

However, by the time of the Council of Chalcedon, one was ordained, not for a community of faith, but for the place where the community met, a sanctuary of one sort or another. The title of ordination was introduced, a notion that even has a remnant in the current *Code*. This signals the beginning in a shift from connecting ordination with the community and its service, to one linking ordination with the means of providing sustenance to the new cleric. Eventually, the notion of title would broaden giving rise to the notion of benefice, which by the time of *CIC/17*, had grown to such an extent that an entire portion of the *Code* was devoted to its preservation and protection. But there was another reason for these developments: insuring an attachment for clergy.

From the very earliest years, a chief preoccupation was the problem of wandering clergy, the *acephali* – the headless ones – roaming about without benefit of either community or accountability. An ever present threat to a good ordered society united in faith, not only were they a source of disruption, they posed an undue burden upon the community when forced to support them. As early as the Council of Arles, A.D. 314, clergy were obliged to remain in the communities for which they were ordained. The injunction seems to have had little effect. Repeated by councils over and over again (Nicea in 325, Chalcedon in 454, Lateran III in 1179 and even by Trent, 1545-1563), the rules became stricter and the parameters narrower.

As control over the *acephali* increased, and ordination moved further away from community, the understanding of ministry narrowed with it, until the Council of Trent would “canonize” the priesthood as the highest point in the sacrament of orders, whose chief responsibility it was to offer the Mass. This, then, is the “centuries-old restriction to the realm of cult” spoken of earlier that would be the norm right up to the time that work

began on *PO*, in early January of 1959. The responses to the surveys sent out to the world's bishops "manifested a juridical rather than pastoral [concern], thus making it clear that many bishops were preoccupied mainly with the duties of the clergy, their discipline, their obligatory pious exercises, the associations designed to advance their spirituality, and so on."⁸ The decree to be written needed to set a new course: "the scholastic interpretation of priesthood based essentially on eucharist was not accepted by the bishops at Vatican II. Rather, the theology of ministry, presented in the documents of Vatican II, goes back to the New Testament understanding of ministry, which is seen as leadership and preaching, teaching and sanctifying."⁹

PO, 10 states: "In addition, the rules about incardination and excardination should be revised in such a way that, while this ancient institution remains intact, it will answer better to the pastoral needs of today."¹⁰ It is clear from both the balance of *PO*, 10 and in its implementation in *ES*, I, 3, 1-5, that the conciliar fathers had uppermost in mind the movement of clergy from areas of great numbers to those suffering from a dearth of vocations. However, to limit the call for revision to this one aspect would be to do the whole of *PO* an injustice. The decree has a decided pastoral tenor that speaks of the building up of the entire the people of God (*PO*, 1); the strengthening of relationships between priests and bishops (*PO*, 7); encouraging a deepening of the bond of cooperation among priests (*PO*, 8), and of fostering new relationships between priests and the people

⁸ J. LÉCUYER, "History of the Decree," translated by R. Walls, in H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, Freiburg, Herder and Herder, 1967-1969, vol. 4, p. 183.

⁹ K. OBORNE, *Priesthood: A History of Ordained Ministry in the Roman Catholic Church*, New York, NY, Paulist Press, 1988, p. 80.

¹⁰ FLANNERY I, p. 882.

of God (*PO*, 9). Indeed, within paragraph 10 is found the phrase: “not only the proper distribution of priests should be made easier but also the carrying out of special pastoral projects ...”¹¹ A broad reading is needed for this phrase.

In *PO*, 2, the fathers write: “Through that sacrament [holy orders] priests by the anointing of the Holy Spirit are signed with a special character and so are configured to Christ the priest in such a way that they are able to act in the person of Christ the head.”¹² In describing ordained ministry as a participation in Christ’s headship, “the council is certainly thinking of the powers and functions of word, sacrament and government ... it also describes holiness as an integral part of the ministry, for it makes a man a living instrument of Christ, a model of Christian living, and a witness to the truth of the gospel which it is his function to preach in word and deed.”¹³ Here are brought together word (*martyrion*), sacrament (*leitourgia*), government (essential to preserve *koinonia*) and ministry (*diakonia*).

The notion of the character of orders, originally developed by Augustine and given final shape by Thomas Aquinas, has in recent times been cast in ecclesial, incarnational, diaconal and relational terms. Yet what underlies it is a sense of communion with the self-emptying obedience of Christ, such that one is able to strive under the impulse of grace, toward a radical re-configuring of the self in such a way as to

¹¹ *Ibid.*, p. 882.

¹² *Ibid.*, p. 865.

¹³ D. POWER, *Ministers of Christ and His Church: The Theology of the Priesthood*, London, G. Chapman, 1969, p. 167.

place one's entire life at Christ's disposal through the ministry of the church.¹⁴ The sacrament of orders, then, belongs not to the individual receiving it, but to the local community and through it, to the entire church. In other words, ordained priesthood exists for and is ordered to the priesthood of the faithful.¹⁵ One could say that the sacrament of order and the character it imparts makes one an icon of Christ for the community of faith.

The new role in and for the community is expressed principally in the celebration of the eucharist. The priest's position in the celebration of the Lord's supper is much greater than merely "saying Mass." As he presides, the relationship of Christ to the assembled community of faith is expressed and served. The relationship between the local community of faith and the universal community is expressed and made visible. Finally, the relationship between the community and that of the apostles stretching back to the very genesis of the church is also accomplished: a living link of being.¹⁶

However,

If we reduce the specific nature of this office to the power to pronounce certain words of consecration, then the priestly office is hardly a human vocation that can satisfy the heart of a young man. If, on the other hand, it involves the task of leading the ecclesial community, then it does indeed involve real human charisms: the ability to meet people and talk with them, the ability to organize and direct human beings, and the capacity for management (in the best sense of that word). Such a task calls for a courteous, responsible and balanced human being, and it demands initiative, imagination and real knowledge of human nature.¹⁷

The orientation of priestly ministry, then, lies open once again to its foundational energy and potential, willing to encounter the Spirit of creativity who engenders new

¹⁴ D. BUECHLEIN, D., "The Sacramental Identity of the Ministerial Priesthood," in R. WISTER (ed.), *Priests: Identity and Ministry*, Wilmington, DL, Glazier, 1990, p. 146.

¹⁵ P. FINK, P., "The Priesthood of Jesus Christ in the Ministry and Life of the Ordained," in R. WISTER (ed.), *Priests: Identity and Ministry*, Wilmington, DL, Glazier, 1990, p. 76.

¹⁶ See D. POWER, *Ministers of Christ*, pp. 126 and 127.

¹⁷ W. KASPER, "A New Dogmatic Outlook on the Priestly Ministry," in *Concilium*, 3 (1969), p. 15.

pluriform expressions of ministry within the community of faith. This priestly ministry is not willing to see the pneumatic hindered by predetermined conclusions and lingering “archaicisms.” It is a priestly ministry that is confident and trusting, secure enough in its identity to risk enabling others. It is always eager to serve. It is always mindful of unity and the charism of truth. It is characterized by the generation of new and more vibrant ministry.

This, then, is the gift of *Presbyterorum ordinis*, an extraordinary expansion of an old framework, and the establishment of values rich in their colour and hew, and multi-faceted enough to embrace and reconcile the polarities that confronted its drafters.

But if this is the conciliar vision, what of the law? Is not the law on incardination cold, hard, and juridic? Does it not lack a certain spirit, warmth of purpose, breadth of vision, pastoral and theological content? Yes. This is true. This is how the *Code* presents the law on incardination. It is not the fault of the law: it simply conveys what the law is. The *Code* describes how something shall be done (c. 266, §1 for initial incardination), or what is possible (c. 268, §1 for automatic incardination). It presents in very general terms what is needed (c. 269, 1° speaks of the “need or advantage of his particular church”), or it can be very specific in making sure that what is needed is in fact done (c. 267, §1 speaks of the requirements for validity). It states categorically what is not permitted (c. 265 is quite emphatic). That is the content of the law itself. Commentators on the law refine this and sometimes offer clues to aid in the interpretation of the law. For example, incardination has been defined by one commentator as: “a juridical relationship which joins the cleric to the bishop and which also unites him to a presbyterate and to other

members of the faithful.”¹⁸ But this, too, has a certain lifelessness about it. Like the law itself, it is devoid of spirit, warmth and breadth of vision.

However, there is more to the church’s law than its mere content.

L. Örsy has written:

[...] theology identifies the Christian values the law is meant to serve. Since canon law has no other purpose than to serve those values, and there is no other science to identify them than theology, there is no wholesome interpretation of canon law without theology.¹⁹

What has been expressed thus far is the work of theology. However, it is not a personal theology reflecting the body of work presented by this or that theologian – it is not, for example, Rahner’s theology of priesthood. It is instead the church’s theology of the priesthood as that is found in *PO*. That theology has been commented upon by several theologians, each one engaged in the task of finding deeper insights and discovering new layers of meaning, just as theology is wont to do.²⁰ One of the first layers of insight added to the triple *munera* as found in *PO*, 1, was the work of David Power who offers the ecclesiological constructs *diakonia*, *koinonia*, *martyrion* and *leitourgia*, but applied in this work christologically in an effort to connect more closely the ministry and priesthood of Christ with the life of the community in general, and to that of priests more specifically. Yet, fundamentally, it faithfully echoes *Presbyterorum ordinis* and, as such, it represents the values of the church. It represents the church’s expression of its highest

¹⁸ D. LE TOURNEAU, “Incardination,” in *Dictionnaire historique de la papauté*, Paris, Fayard, 1994, p. 854.

¹⁹ L. ÖRSY, *Theology and Canon Law: New Horizons for Legislation and Interpretation*, Collegeville, MN, The Liturgical Press, 1992, p. 109.

²⁰ ÖRSY expresses it this way: “The internal dynamics of theology prompt a person toward seeking deeper insights and discovering more meanings.” See p. 167.

ideals *vis à vis* the priesthood. These values are then placed before the law and asked for their juridic service.

L. Örsy observes:

Laws are norms of action for the whole community, set by legitimate authority, for the appropriation of values by the community. They are instruments of life, growth and perfection because they point to needed values and prompt the community to reach out for them.²¹

The service the law offers to theology is to focus its scattered light like a prism, until a single, sharp and clear beam is shone.²² The result is a norm of action, expressed with juridic economy, containing within it another horizon of meaning, but one not readily discernable. These are set before the community by the Legislator for their appropriation – that the community would make them their own. But it seems that more is implied here. It is not just that the community would make the norm its own, that they would abide by it, which is indisputably the attainment of one level of value, but rather, that the community would gaze into that norm of action – that beam – and see in it a flicker of something worthy of pursuit. It is in the pursuit that the larger horizon of meaning emerges, recognized for its inherent value, and given the honour it deserves. A necessary part of this process is a newfound appreciation for the norm itself.

From the analysis done on the canons dealing with incardination, part of that hidden value emerged in the conversation dealing with c. 269. That canon linked service, ordination and incardination together unlike any other, and its analysis yielded rich insight. Yet it still seems as if something is missing.

²¹ L. ÖRSY, *Theology and Canon Law*, p. 92.

²² ÖRSY writes: "... the internal dynamics of canon law direct a person to narrow the search steadily until the intended actions are determined" (p. 173).

As was seen in the introduction of this work, Pope John Paul II, said this about incardination:

[...] the priest's *relationship with his bishop* in the *one presbyterate*, his sharing in the bishops' ecclesial concern, and his *devotion to the evangelical care of the people of God* in the specific historical and contextual conditions *of a particular church* are elements which must be taken into account in sketching the proper configuration of the priest and his spiritual life. In this sense, "*incardination*" *cannot be confined to a purely juridic bond, but also involves a set of attitudes as well as spiritual and pastoral decisions which help to fill out the specific features of the priestly vocation.*²³

A short while later, the Holy Father writes:

More specifically, the priest is called to deepen his awareness of being a member of the particular church in which he is *incardinated, joined by a bond that is juridical, spiritual and pastoral*. This awareness presupposes a particular love for his own church and it makes that love grow. This is truly the living and permanent goal of the pastoral charity which should accompany the life of the priest and lead him to share in the history or life experience of this same particular church, in its riches and weaknesses, in its difficulties and in its hopes, working in it for its growth.²⁴

Pope John Paul is indicating that incardination is not merely a **juridical bond**, it is a **spiritual bond** and it is a **pastoral bond**. He identifies three spheres in which this juridical, spiritual and pastoral bond operates. First, the priest is in relationship with his bishop. This relationship is articulated in several ways: as individual priest and bishop; as a member of the presbyterium and bishop; as priest sharing the bishop's concern for the entire church; as priest sharing in the bishop's evangelical care of the people of God in this particular church. Second, the priest is in relationship with his brother priests. Third, the priest is in relation to the people of God of the particular church in its specific historical and contextual condition, in other words, its history, life experience, riches, weaknesses, difficulties, hopes and desire for growth.

²³ JOHN PAUL II, Post-synodal Apostolic Exhortation *Pastores dabo vobis*, 25 March, 1992, in *AAS*, 84 (1992), pp. 657-804. English translation in *Shepherds After My Own Heart: Post-synodal Apostolic Exhortation of His Holiness John Paul II on the Formation of Priests in the Circumstances of the Present Day*, Sherbrooke, PQ, Éditions Paulines, 1992, p. 82. Emphasis added.

²⁴ *Ibid.*, pp. 200 and 201. Emphasis added.

By stating that it involves a series of attitudes, John Paul is indicating that incardination requires active volition on the part of the cleric, causing him to choose in the light of grace how his vocational commitment is to be expressed and lived in this specific context. This is re-enforced when he speaks of the decision to love that is the foundation of pastoral charity in the example of St. Paul.

As a **spiritual bond**, incardination attaches the very soul of the priest to that of his community in a way that their sorrows become his sorrows; their pain becomes his pain; their joy becomes his joy. This is not unlike that spoken of by Tertullian, Augustine and the Council of Nicea: it is rather like a marriage, wherein the good of the other is sought over that of the self. It is the choice to seek the way of sacrifice in the example of Christ, who lays down his life for his friends (Jn. 15.13). The very notion of relationship implies reciprocity, the accepting/taking of this man to be our minister, allowing him to become one with us in trust, faith, esteem and affection.

As a **pastoral bond**, incardination attaches the priest to this community in such a way that he cares for it and attends to it, builds it and protects it, in the example of Christ, the Good Shepherd (Jn. 10.30) and, more importantly, in the example of Christ the obedient one of God. Obedience, as has been explored, calls forth maturity, confidence, loyalty, trust, respect, reciprocity and a willingness to listen to and look at the needs of those in the "big picture." Obedience is not uni-dimensional but is a two-way street that prohibits mere submission to the decrees of another. Instead, it is founded upon a relationship of mutual respect and responsibility one toward the other.

As a **juridic bond**, incardination attaches the priest to this community in such a way that the context of his ministry is protected and he is able to explore the full potential

of the gift given to him in ordination. It attaches the priest to this community in such a way that he is freed from the anxiety associated with want. It attaches the priest to the bishop in such a way that his mission is protected, and his rights and obligations ensured. As a juridic bond, incardination affords the community protection from those whose ministry could cause them harm, for only those who are deemed suitable will be chosen for them. It implies that the one sent to them by the bishop is one who knows, and is imbued with, the charism of truth. It preserves and enhances the presbyterium. As a juridic bond it insures the bishop a pool of ready ministers to meet the needs of his particular church. Thus it protects the authority of the bishop.

In a very real way incardination is given the opportunity to reflect those notions that have lingered on throughout this discussion: *koinonia*, *martyrion*, *diakonia* and *leitourgia*, not in the sense that the institute itself reflects these dimensions of Christ's ministry, but rather in that these dimensions of Christ's ministry are given the stable protection they need to grow, mature and develop in the life of the priest himself, and in the life of the church with whom he journeys.

As was seen earlier, all of seems to invite a new definition for incardination. Indeed, in light of this, it would seem to be the Legislator's very intent. So incardination was redefined in the previous chapter as: "the juridic protection of a permanent relational bond wherein the ministry of Christ, in all its richness, is incarnated in the person of one called by Christ through the community to serve it, care for it, and love it, and which, in its turn, gives rise to reciprocal rights and obligations." This attempt to recast incardination in a fashion that reflects a stronger spiritual and pastoral content brings to it an explicit warmth and breadth of vision not readily apparent in the current law.

However, while the current law appears in its content to be devoid of significant meaning, spirit and life, it is nevertheless surprisingly rich in its veiled, hidden intent. Indeed, rich beyond expectation.

This conclusion began with *Presbyterorum ordinis*, it seems only right that the same decree be given the last word too:

Let priests remember that in carrying out their task they are never alone but are supported by the almighty power of God. Believing in Christ who has called them to share in his priesthood, let them devote themselves to their office with all trust, knowing that God is powerful to increase charity in them. Let them remember too that they have their brothers in the priesthood and indeed the faithful of the entire world as allies (*PO*, 22).²⁵

²⁵ See FLANNERY 1, p. 901.

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