"Re-Thinking the Lay/Clergy Distinction"

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In November of 1997 the Vatican promulgated an instruction entitled, "Certain Questions Regarding Collaboration of the Lay Faithful in Ministry of Priests," [1] I believe that this document was issued precisely to re-establish the distinction between the clergy and the laity which in the minds of Vatican officials has been blurred by recent pastoral initiatives, particularly in western and central Europe. There are three reasons why the document merits more attention than the usual Vatican instruction. First, the instruction was issued by not one but eight Roman dicasteries. This in itself does not increase the juridical authority of the document, but it is rather unusual and has the practical effect of suggesting that the matter being discussed in the instruction has broad import for the church. Second, the instruction was issued *in forma specifica,* which means that this document now carries the weight of papal authority and not the considerably lesser weight of curial authority. Third, I believe that this document represents a still influential understanding of lay-clergy relations held by many in the church today, particularly among the hierarchy, and highlights several vital and as yet unresolved theological issues.

The instruction holds considerable interest for canonists because of its specific executory and legislative provisions. However in this paper I will limit myself to a consideration of the theological foundations for its presentation of the lay-clergy relationship. These foundations are

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[1] "Some Questions Regarding Collaboration of Nonordained Faithful in Priests' Sacred Ministry," *Origins 27* (November 27, 1997): 397-410. Page references to this document will be cited parenthetically in the text. John Huels has noted the discrepancies between the English translation of the title and the Italian original. The English translation substituted "nonordained" for "lay" and added "sacred" to "priests' ministry." For a helpful commentary on the canonical issues raised by the instruction see John Huels, "Interpreting an Instruction Approved *in forma specifica,*" *Studia Canonica* 32 (1998): 5-46.

established along two axes: the first concerns the church's relationship to the world and the belief that the laity constitute that subset of the larger people of God who have a distinctive role to play in the church's mission to the world. This theological presupposition is reflected in the articulation of a positive theology of the laity. The second axis concerns a theology of ministry and the relationship between ordained and non-ordained ministry in the church. While the second axis receives most of the attention of the instruction, I believe that the first is presupposed and figures into the overall stance of the instruction. It is my conviction that the view of the lay-clergy distinction reinforced in this document relies on an implicit acceptance of a clearly defined distinction between the sacred and the temporal. This distinction, in turn, supports the privileging of the ministry of the ordained in a theology of ministry. The result is a conception of the lay-clergy distinction which no longer does justice to the lived reality of the church today and needs to be fundamentally re-conceived. I will demonstrate this by 1) sketching out two typical ministerial situations which fall within the approved norms of the church but which challenge conventional conceptions of the lay/clergy distinction, 2) considering in more detail the theological presuppositions mentioned above which I believe ground the instruction's concrete directives, 3) considering the extent to which these presuppositions are in turn found in the teaching of Vatican II, and 4) proposing some post-conciliar theological initiatives which show promise for bringing the church's theology of ministry into congruence with actual ministerial reality.

I. A Tale of Two Ministries

Let me begin then with a "tale of two ministries." Consider a typical permanent deacon in the church today. On the one hand this man, like a priest, must promise obedience to his bishop at ordination and be subject to assignment as the needs of the diocese demand. He is told that should his wife die he will be bound by the law of celibacy (though Rome has recently relaxed this requirement). When he was preparing for ordination this put him in the rather unusual position of being married while at the same time being asked to discern whether, if necessary, he could accept celibacy. On the other hand, not only does the church exempt him from the obligation to clerical dress (cc. 288) but in most dioceses he is *prohibited* from wearing clerical garb (apart from certain extraordinary circumstances such as prison or hospital ministry). He is married with several children still at home, and he owns his own petroleum engineering consultancy. He is then, immersed in the worldly affairs of marriage, family and secular profession, yet as an ordained minister. Frequently he is referred to, not only by parishioners but by his pastor, as a *lay* deacon. But of course this is incorrect. Once ordained, according to church teaching, he ceased to be a laymen; he is now a cleric. Is he simply an exception, an anomaly, a pastoral accommodation? No, the restoration of the permanent diaconate by the Second Vatican Council (LG # 29) was not conceived as a mere pastoral accommodation, it was not a stopgap measure, but rather the restoration of an ancient ministry in the church. Yet in spite of the integral and permanent status of the diaconate in the structure of the church, its concrete characteristics challenge conventional conceptions of the "clerical and lay states."

Second, let us consider a parish director of Christian formation, an increasingly common ministry in North American parish life. This person generally works full-time in the church. She (for they are overwhelmingly women) accepted the position after years of distinguishing herself as an accomplished catechist. The parish recognized her charisms through her work as a volunteer catechist and called her to a more public ministry in the parish. She now has a graduate degree in pastoral ministry, earned in courses taken alongside of seminarians in the classroom. She is married but her children are grown, and she has dedicated her life to ministry in the church. This dedication is reflected in the extensive student loans which she accepted in order to get her education and in her acceptance of a meager salary with no contract and little job security. In sum, she has been called by the community to full-time ministry, has undergone extensive formal preparation, and is dedicating her life to service of the church. Fifty years ago that description would have been appropriate for either a cleric or a consecrated religious, but she is neither.

The two ministries described above fall within acceptable norms within the church and yet themselves may contribute to the very "blurring" of the lay-cleric distinction which instigated the Roman instruction. It may be helpful now to consider the theological presuppositions of that document in more detail.

II. The Vatican Instruction

The instruction follows a lengthy introduction with a consideration of pertinent theological principles under four headings: 1) the common priesthood of the faithful and the ministerial priesthood, 2) unity and diversity of ministry functions, 3) indispensability of the ordained ministry, and 4) collaboration of the non-ordained faithful in pastoral ministry. The explanatory note which accompanied the Vatican instruction stated that

> it ought to be made clear that this document contains nothing new: It simply repeats the norms laid down by the council, by canon law (which is simply the same thing expressed in juridical terms), etc., and above all it builds on all that the magisterium of the church already had to say in a positive way about the role of the laity, and especially that of women, in the mission of the church and evangelization.[2]

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[2] "The Instruction: An Explanatory Note," *Origins* 27 (November 27, 1997): 409.

There is a sense in which this document does depend for its theological foundations on the work of the council. However, I believe that it draws on precisely those matters about which the council was less than clear. Frequently the council was far more concerned with distancing itself from past frameworks then it was in constructing new, internally coherent, theological frameworks. The ambiguity which resulted is to a large extent responsible for the often dramatically differing interpretations of the council espoused by various church leaders and theologians. In the case of this instruction, two theological presuppositions largely determine the document's orientation. It is these two presuppositions that I wish to consider in this paper.

1) ***A positive theology of the laity which, while affirming the laity's full participation in the life and mission of the church, still stresses the ultimately secular character of the lay vocation.*** This first presupposition does not receive the attention of the second one, but I believe that it does underly the larger theological framework of the document. In its introduction the instruction calls for a "full recovery of the awareness of the secular nature of the mission of the laity (399)." The document cites both *Lumen gentium* # 31 and Pope John Paul II's apostolic exhortation, *Christifideles laici,* # 15. The explanatory note which accompanied the instruction observes that

> The laity, by virtue of the holiness of their baptism, have an urgent duty toward the material and spiritual world, but what is purely lay—that is, the consecration of the world—is different from what is concerned by ministeriality.[3]

This emphasis on the secular character of the lay vocation is based on an ambiguity in the council documents regarding a theology of the laity. Does the council recognize a sphere of Christian existence which is "purely lay"? One's position on this question will go a long way towards determining one's stance toward the second presupposition.

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[3] Ibid.

2) *The distinction between the ministry of the baptized and the ministry of the ordained is conceived in terms of the unique possession of sacred power by the ordained.* According to the instruction, citing the *Catechism of the Catholic Church* # 1592, the ministerial priesthood differs from the common priesthood of the faithful insofar as the former is grounded in the conferral of a *sacra potestas* to the ordained (401). The instruction suggests that the fullness of ministry still resides in the ordained who alone possess this *sacra potestas*. Quoting a 1994 address of the Holy Father, the instruction states:

> In some cases, the extension of the term *ministry* to the *munera* belonging to the lay faithful has been permitted by the fact that the latter, to their own degree, are a participation in the one priesthood of Christ. The *officia* temporarily entrusted to them, however, are exclusively the result of a deputation by the church….In this original sense the term *ministry* (*servitium*) expresses only the work by which the church's members continue the mission and ministry of Christ within her and the whole world. However, when the term is distinguished from and compared with the various *munera* and *officia*, then it should be clearly noted that only in virtue of sacred ordination does the work obtain the full univocal meaning that tradition has attributed to it (403).

In short, the fullness of ministry lies with the ordained.

While affirming the rich diversity of ministries and charisms in the church, in the end the instruction still relies on an almost exclusively Christological understanding of ordained ministry which tends to heighten the distinction between ordained ministry and the ministry of the baptized. The Christological foundations of the instruction's theology of ordained ministry lead it to build upon the *tria munera* schema so pervasive in the conciliar documents and the 1983 Code of Canon Law. The instruction writes that

> the exercise of the *munus docendi, sanctificandi et regendi* by the sacred minister constitutes the essence of pastoral ministry, the diverse functions proper to the ordained ministers form an indivisible unity and cannot be understood if

> separated one from the other…Only in some of these functions, and to a limited degree, may the nonordained faithful cooperate with their pastors….(401)

This leads us to ask whether the relationship between ordained ministry and the ministry of the baptized would be seen much differently if one were to better integrate a more pneumatological conception of ministry evident in certain conciliar texts into the dominant Christological trajectory.

For the balance of this paper I will focus on the roots of these two theological presuppositions in conciliar teaching and their codification in canon law. Finally, I will suggest some contemporary theological contributions which promise to bring a greater theological coherence to the issues at hand.

III. Vatican II

The seismic shift which took place in Catholic ecclesiology because of the Second Vatican Council is undeniable. It is possible to understand the overarching task of the council according to two terms, one French, the other Italian, often associated with the work of the council: *ressourcement,* a return to the biblical, patristic and liturgical sources for theological reflection which had for too long been neglected in Catholic tradition, and *aggiornamento,* a "bringing up to date" of the church in the light of new historical, cultural, sociological and pastoral circumstances. Measured in these terms the council was remarkably successful. At the same time, it must be admitted that the work of the council was largely transitional. Rather than consolidating well established theological and pastoral insights, the council had the difficult task of breaking out of the strictures of one framework, that associated with a certain brand of neo-scholasticism, and tentatively moving the church in directions that were often only dimly perceived. It should not surprise us then if, in forging new paths, the council was not always able to anticipate all of the implications of its new initiatives. The result was that on a number of important matters, the council documents remained somewhat ambiguous and inconsistent. Among these are the two theological axes discussed above, namely a theology of the laity and a theology of ministry.

A. The "People of God" and a Positive Theology of the Laity

By virtually any standard, the teaching of Vatican II constitutes a considerable advance in its consideration of the laity. Its teaching is far removed from the pre-conciliar tendency to see the laity as mere recipients of the clergy's pastoral initiatives. The council taught that the laity have a right and responsibility to be actively involved in the church's apostolate (LG # 30, 33). They are equal sharers in the threefold office of Christ who is priest, prophet and king (LG # 34-6). They are called to a full, conscious and active participation in the liturgy, a participation which is demanded by the "nature of the liturgy" (SC # 14). Pastors must acknowledge the expertise, competency and authority of the laity and gratefully accept their counsel (LG # 37). The council accepts and encourages lay persons to pursue advanced study in theology and scripture (GS # 62). Finally, it is the laity who are to take the initiative in the transformation of the temporal order (LG # 31; GS # 43).

One of the more common readings of conciliar teaching is to see the council articulating a positive theology of the laity based on their unique vocation to consecrate the world to Christ. One might characterize this as a categorical or contrastive theology of the laity insofar as it seeks to contrast the identity of the laity to that of the clergy, treating each as complementary categories of membership in the church.[4] This contrastive view is generally located in *Lumen*

[4] Cf. Giovanni Magnani, "Does the So-Called Theology of the Laity Possess a Theological Status?" in *Vatican II: Assessment and Perspectives,* volume 1, edited by René Latourelle (New York: Paulist, 1988), 597ff.

gentium # 31 which defines the laity "as all the faithful except those in holy orders and those that belong to a religious state." This text then states that

> *[t]o be secular is the special characteristic of the laity*. Although people in holy Orders may sometimes be engaged in secular activities, or even practice a secular profession, yet by reason of their particular vocation they are principally and expressly ordained to the sacred ministry, while religious bear outstanding and striking witness that the world cannot be transfigured and offered to God without the spirit of the beatitudes. *It is the special vocation of the laity to seek the kingdom of God by engaging in temporal affairs* and directing them according to God's will. They live in the world, in each and every one of the world's occupations and callings and in the ordinary circumstances of social and family life which, as it were, formed the context of their existence. *There they are called by God to contribute to the sanctification of the world from within, like leaven,* in the spirit to the Gospel, by fulfilling their own particular duties (emphasis is mine).

One can also find texts that admit of a more contrastive interpretation in *Apostolicam actuositatem.*

> The characteristic of the lay state being a life led in the midst of the world and of secular affairs, lay people are called by God to make of their apostolate, through the vigor of their christian spirit, a leaven in the world....Lay people ought themselves to take on as their distinctive task this renewal of the temporal order (AA# 2, 7).

Some commentators have read these texts in support of a definition of the laity in terms of their "secular nature." In her study of these conciliar texts, Aurelie Hagstrom writes:

> this secular character must be an essential part of any theology of the laity since it gives the specific element in any description of the laity's identity and function.

> The secular character of the laity is not only a sociological fact about the laity, but also a theological datum.[5]

This contrastive view of the laity which emphasizes their unique responsibility for the *consecratio mundi* has appeared as well in the writings of Pope John Paul II.[6] However, I agree with Edward Schillebeeckx when he observes that this approach to a theology of the laity, in spite of its significant advances, still starts from largely "hierarchological premises":

> Here it was often forgotten that this positive content [of a "theology of the laity"] is already provided by the Christian content of the word *christifidelis.* The characteristic feature of the laity began to be explained as their relation to the world, while the characteristic of the clergy was their relationship to the church. Here both sides failed to do justice to the ecclesial dimension of any *christifidelis* and his or her relationship to the world. The clergy become the apolitical men of the church; the laity are the less ecclesially committed, politically involved 'men of the world'. In this view, the ontological status of the 'new humanity' reborn with the baptism of the Spirit was not recognized in his or her own individual worth, but only from the standpoint of the status of the clergy.[7]

A strictly contrastive theology of the laity can only be drawn from the council by focusing on certain particular texts at the expense of an adequate consideration of the whole corpus of conciliar documents. From this more comprehensive perspective it is easier to recognize the council's decision to situate all questions regarding any distinctions in ecclesial roles and functions within the context of an overarching "common matrix," as Kenan Osborne has

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[5] Aurelie A. Hagstrom, *The Concepts of the Vocation and the Mission of the Laity* (San Francisco: Catholic Scholars Press, 1994), 58. Cf. Ferdinand Klostermann, "Chapter IV: The Laity" in *Commentary on the Documents of Vatican II,* volume 1, edited by Herbert Vorgrimler (New York: Crossroad, 1989), 236-8; G. Lo Castro, "La misión cristiana del laico," *La Misión del Laico en la Iglesia y en le Mundo,* edited by A. Sarmiento, T. Rincón, J.M. Yanguas, and A. Quiros (Pamplona: Universidad de Navarra, 1987), 441-63.

[6] *Christifideles laici, AAS* 81 (1989): 393-521.

[7] Edward Schillebeeckx, *The Church with a Human Face* (New York: Crossroad, 1985),157.

referred to it. This common matrix is reflected in the famous decision to place the chapter on the church as people of God prior to the chapter on the hierarchy in the *De Ecclesia* schema. In that chapter the council members "were focusing on the common matrix, the fundamental equality and dignity of each and every follower of Jesus…."[8] This matrix is further reinforced by the council's frequent use of the term *christifidelis* to refer to all the baptized and by its appeal to the priesthood of all believers. Thus while at one level, because of the aforementioned ambiguities, the council documents can be read as simply presupposing the traditional lay/clergy distinctions, at a more profound level the council set into motion a significant re-consideration of this distinction precisely by adopting this common matrix as the starting point for its theological reflections.

It is largely as a reaction to these hierarchological premises that we find a theologian like Bruno Forte predicating *laicity* not so much of some category of persons within the church as of the church itself. If laicity pertains to that which is secular, that which is situated in the world, then it is the whole church which is lay because it is the whole church which is inserted *in* the world. Forte insists that

> the relationship with temporal realities is proper to all the baptized, though in a variety of forms, joined more to personal charisms than to static contrasts between laity, hierarchy and religious state….No one is neutral toward the historical circumstances in which he or she is living, and an alleged neutrality can easily become a voluntary or involuntary mask for ideologies and special interests….It is the entire community that has to confront the secular world, being marked by that world in its being and in its action. The entire People of God must be characterized by a positive relationship with the secular dimension.[9]

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[8] Kenan B. Osborne, *Ministry: Lay Ministry in the Roman Catholic Church* (New York: Paulist, 1993), 530ff.

[9] Bruno Forte, *The Church: Icon of the Trinity* (Boston: St. Paul Books & Media, 1991), 54-5.

When the council situated the whole church within the world and characterized the church as "sacrament of universal salvation" it insisted, Forte contends, that all of the baptized have a responsibility toward the temporal order. This constitutes a thoroughgoing negation of any two separate spheres of existence—the sacred and the profane. Rather, "there is the one sphere of existence with a complexity of definite relations that make up history."[10]

Giovanni Magnani, another Italian theologian, believes that the approach of Forte is an understandable but unnecessary overreaction to certain readings of the council texts. Magnani would avoid the absolute identification of the laity with the *christifideles.* At the same time, he too rejects the denotation of the term "laity," however positive, as a category of persons within the larger people of God. He contends that the council's larger ecclesiological framework suggests a more *intensive* approach to a theology of the laity. By intensive Magnani means an approach which presents the laity as a more intensive realization of the situation of all the *christifideles,* including those who are ordained and who belong to consecrated religious life.[11]

Magnani is convinced that none of the passages discussed above was attempting to offer a formal definition of the laity.[12] This is confirmed in Cardinal Wright's *relatio* on behalf of the sub-commission regarding *Lumen gentium* # 31 where he noted that the text should not be read as an "ontological definition" but merely as a "typological description."[13] Already in *Lumen gentium* # 30, beginning the chapter on the laity, the council writes that

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[10] Ibid., 58-9.

[11] Magnani, 611.

[12] Ibid., 604-20.

[13] *Acta Synodalia* III/1, 282. This also appeared in the *relatio* introducing chapter four, see *Acta Synodalia* III/3, 62. For one interpretation of this distinction see Edward Schillebeeckx, "The Typological Definition of the Christian Layman according to Vatican II," in *The Mission of the Church* (New York: Seabury Press, 1973), 90-116.

> [e]verything that has been said of the people of God is addressed equally to laity, religious and clergy. Certain matters refer especially to the laity, both men and women, however, because of their situation and mission and these must be examined in greater depth, owing to the special circumstances of our time.

Here we are told that the starting point for a consideration of the laity is found in the theological status of the whole people of God presented in chapter two. Article 31, which as I noted above, has often been cited in support of a contrastive view of the laity, carefully grounds the laity in the *christifideles* who are all those "who by Baptism are incorporated into Christ, are constituted the people of God..." If this more "typological" consideration of the laity excludes the clergy and the consecrated religious because of the distinctive roles those two groups play in the life of the church, it is also true that this distinction does not come into play at the level of a theology of baptism.

> Consequently, in order to preserve logic, it must be stated that the *positive character of the layperson* in the practical order coincides with the pure and simple content of the *ratio* of *christifideles* that becomes fully "real" and present in the "layperson," whereas the positive character that distinguishes the cleric and the religious is drawn from other levels of logic that cannot be derived from the *ratio* of the *christifideles,* although they too are *christifideles*.[14]

In other words the positive theological content of the laity is best identified by considering the primary identity of the *christifideles* realized through baptism. This primary identity is presupposed in chapter five on the universal call to holiness:

> It is therefore quite clear that all christians in whatever state or walk in life are called to the fullness of christian life and the perfection of charity….The forms and tasks of life are many but there is one holiness, which is cultivated by all who are led by God's Spirit and, obeying the Father's voice and adoring God the Father in spirit and in truth, follow Christ, poor and humble in carrying his cross,

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[14] Magnani, 609.

> that they may deserve to be sharers in his glory. All, however, according to their own gifts and duties must steadfastly advance along the way of a living faith, which arouses hope and works through love (LG # 40-1).

This consistent assertion of the fundamental equality of the *christifideles* helps explain why even the texts which speak of the "distinctive" or "special" characteristic of the laity never present these characteristics as exclusive to them.[15] *Lumen gentium* # 31 admits that the ordained may also engage in "secular activities." Similarly, *Gaudium et spes* # 43 notes that "secular duties and activity" belong to the laity "*though not exclusively to them.*" Bishop Franjo Seper (Zagreb), in a noteworthy intervention at the council, insisted that the distinction between the clergy and laity not be treated as a separation. The ordained do not cease being members of the people of God after ordination and the obligations that are theirs by virtue of baptism and confirmation still remain.[16]

There is one final caution against reading too much into the conciliar texts which highlight the laity's "distinctive" vocation to the temporal order. It is possible to discern, over the course of the council, a subtle and halting shift in the council's way of relating the church to the world. Jan Grootaers has noted a tension evident in the council documents between texts, particularly in the decree on the laity, which oppose the temporal to the sacred, and other texts, particularly in chapter seven of *Lumen gentium* and *Gaudium et spes*, which would appear to relate the temporal not so much to some sacred order but rather to the eschatological order.[17]

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[15] Ibid., 609-12.

[16] *Acta Synodalia* II/3, 202.

[17] Jan Grootaers, *IDO-C*, Dossier 67-15/16 (May 14, 1967), 10, as cited in Melvin Michalski, *The Relationship between the Universal Priesthood of the Baptized and the Ministerial Priesthood of the Ordained in Vatican II and in Subsequent Theology* (Lewiston, N.Y.: Mellen University Press, 1996), 48-9.

This second perspective is most evident in the frequent reference to the church as “pilgrim” (DH # 12; AG # 2; DV # 7; LG # 48, 50; UR # 2,3; GS # 45) As pilgrim, the church whole and entire lives in history but looks to the eschaton and the consummation of history. This more eschatological orientation helps explain why *Gaudium et spes* situates not just the laity, but the church itself, within the temporal order.

This gradual movement away from a depiction of the laity as the particular presence of the church in the world to one which situates the whole church in the world is evident in a similar shift in the employment of another favorite conciliar metaphor, “leaven.” The metaphor is used in six different passages. In *Lumen gentium* # 31, *Apostolicam actuositatem* # 3, and *Ad gentes* # 15 it is the laity who are to be a “leaven” in the world. *Gravissimum educationis* # 8 refers to the students of Catholic schools as those prepared to be a “saving leaven in the community” and *Perfectae caritatis* # 11 refers to members of secular institutes similarly as a “leaven in the world.” It is only in the pastoral constitution that it is the church itself, all the *christifideles,* which “is to be a leaven and, as it were, the soul of human society in its renewal by Christ and transformation into the family of God” (GS # 40). Later in that same article the council members spoke to the mission of the church to heal and elevate the dignity of the human person, to strengthen human society and to help humanity discover the deeper meaning of their daily lives. “The church, then, believes that *through each of its members and its community as a whole* it can help to make the human family and its history still more human” (GS # 40, emphasis is mine).

Another rather astonishing feature of the pastoral constitution is that, in spite of its preoccupation with the world, it is not until article 43 that we find any developed consideration of the distinctive role of the laity in the transformation of the temporal order. The council fathers wrote that "it is to the laity, though not exclusively to them, that secular duties and activity properly belong." This statement does not come until well into this article which begins by speaking, not of the responsibilities of the laity but of "Christians, as citizens of both cities." It is also significant that at this point, the pastoral constitution refrains from citing *Lumen gentium* # 31 on the distinctive role of the laity in the temporal order.[18]

The implications of the pastoral constitution's conception of the church/world relationship for our topic are significant. It suggests that the attitudes and actions of all members of the church, including the clergy and consecrated religious have social and political import. The groundbreaking work done by pioneers in the liturgical movement like Dom Virgil Michel on the profound connections between the celebration of the liturgy and the Christian vocation to work for justice make it difficult to situate the liturgical presider within a self-enclosed ecclesiastical/spiritual sphere. Nor does it seem possible to imagine the proclamation of the gospel having any purchase on the lives of believers if it is not rooted in the "worldly" concerns of daily living. And how is one to conceive the public profession of the evangelical counsels as "evangelical" unless it is a witness to the values of the kingdom directed to the world from within the world? It may be true that this bracing vision of the pastoral constitution will require some corrective in changing circumstances.[19] Nevertheless, in its basic contours the pastoral

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[18] Magnani, 601.

[19] Here I have in mind the final document of the 1985 extraordinary synod of bishops in which the bishops affirmed the teaching of *Gaudium et spes* but also noted that "the signs of our time are in part different from those of the time of the council, with greater problems and anguish. Today in fact, everywhere in the world we witness an increase in hunger, oppression, injustice and war, sufferings, terrorism, and other forms of violence of every sort. This requires a new and more profound theological reflection in order to interpret these signs in the light of the Gospel." "The Final Report," *Origins* 15 (December 19, 1985): 449.

constitution's teaching remains binding. It resists dividing the church into groups of persons only some of whom are to be immersed in the world.

Let us now consider briefly how the 1983 Code of Canon Law followed these conciliar developments. In the main, the drafters of the new code sought to be faithful to the spirit and ecclesiological vision of the council. Most obvious in this regard is the structure of the code in which, following Book I's treatment of general norms, Book II treats the People of God beginning with a consideration of the whole Christian faithful. This structure parallels the architectonic structure of *Lumen gentium,* beginning as it does with the mystery of the church and the people of God before turning to the hierarchy. Moreover, the code generally employs the term *fideles* not in reference to the laity but in reference to *all* the baptized (Cf. Cc. 204-7). The drafters of the code clearly avoided offering a formal definition of the laity. When canon 207 does deal with the "lay-clergy" distinction, a comparison with the 1917 code is significant. Where canon 107 of the 1917 code wrote: "by divine institution there exists in the Church *clergy* distinct from *laity,*" canon 207 of the new code refers to a distinction within the Christian faithful between sacred ministers "called clerics in law" and "other Christian faithful, who are also called laity." The new code clearly avoids attributing the clergy-laity distinction to divine institution as did the 1917 code, the 1971 *Lex Ecclesiae Fundamentalis* and the 1977 schema *De Populo Dei.* In canon 207 of the new code, what is of divine institution is not the lay-clergy distinction itself, but merely the institution of sacred ministry in service of the church.[20]

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[20] James Provost, "Book II: The People of God," in *The Code of Canon Law: A Text and Commentary,* ed. By James A. Coriden, Thomas J. Green, Donald E. Heintshcel (New York: Paulist Press, 1985), 131-3.

Canon 225 addresses the participation of the laity in the mission of the church. It begins by situating the laity among the whole Christian faithful and in its second paragraph speaks of the laity having a

> special duty to imbue and perfect the order of temporal affairs with the spirit of the gospel; they thus give witness to Christ in a special way in carrying out those affairs and in exercising secular duties.

Here, following the council, the code speaks of a "special duty" in the temporal order and the call to witness to Christ in a "special way" without, however, suggesting that these responsibilities are exclusive to the laity. This is in keeping with Magnani's "intensive" reading of the council's theology of the laity.

In conclusion, in spite of a certain ambiguity in the texts, I believe that the council fathers were trying to avoid any strictly categorical or contrastive definition of the layperson but instead were moving strongly in the direction of simply identifying *laicus* as the normal situation of the practicing Christian who seeks in their daily life to bring all of history to its fulfillment in Christ. The lay person is the "typical Christian," the *christifidelis,* the Christian *sine addito,* as Yves Congar used to say. A "total ecclesiology" of the kind that Congar called for must address itself to the *christifideles* and the universal call to discipleship.[21] As Abbot Christopher Butler once observed in a symposium on the Council:

> I should like to suggest that this question of the definition of the laity is a completely false problem. There is no definition of laity. There is a definition of a Christian. We have a definition of a priest or of a minister in holy order. There

[21] Yves Congar, *Lay People in the Church* (London: Geoffrey Chapman, revised edition, 1985), 14.

> is no third definition of the laity. A member of the laity is very simply a Christian.[22]

From within this framework it no longer makes sense to imagine that the ordained cease to be lay upon their ordination, if laicity is a matter of having a fundamental obligation to seek the transformation of the world in all that one does. This fact is obvious for at least one of the three ordained ministries in the church, the deacon, whose "worldly obligations" clearly remain after ordination. Apart from the additional imposition of canonical and disciplinary features to the exercise of their office (e.g., celibacy), features which do not bear on the essential character of their ministry, the same should hold for the priest/presbyter and the bishop as well.

B. Ministry: Baptismal and Ordained

I would now like to consider the second theological presupposition of the Vatican instruction which was mentioned above, namely that which located the distinction between the ministry of the baptized and ordained ministry in the conferral of *sacra potestas* on the ordained. As with the first presupposition regarding a theology of the laity, here too we must ask to what extent the instruction follows the approach of the council.

The very significant advances made by the council in its larger ecclesiological vision, I fear, have led many to gloss over the much more uneven and even contradictory positions by the council on the nature of ministry in the church. For example, while it is a commonplace to credit Vatican II with opening the door for the post-conciliar flourishing of lay ministry in the church, the fact is that while the council used the terms "minister" and "ministry" over two hundred times, only nineteen of those applications appear to apply particularly to the activity of

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[22] Abbot Butler made this remark in the discussion period following a series of presentations given on the council's treatment of the laity. The papers and a transcript of the discussions are found in *Vatican II: An Interfaith Appraisal,* edited by John H. Miller (Notre Dame: Univ. of Notre Dame Press, 1966), this quotation at 269.

the non-ordained.[23] What we find in the council is an unresolved tension between a fundamentally Christological conception of ministry which takes ordained ministry as its starting point and a more pneumatological conception which is evident in a number of important texts but which ultimately does not play a determinative role in the council's theology of ministry.[24]

1. The Christological Approach to Ministry

One of the most influential structural principles underlying the council's ecclesiology is its application of the *tria munera* schema, the threefold office of Christ as priest, prophet and king.[25] The council taught that all the baptized are sharers in the threefold office of Christ (cf. LG # 31, AA # 2). This represented a significant widening of the application of the *tria munera* which prior to the council had been limited, by and large, to the clergy. It is introduced in chapter two of *Lumen gentium* which treats of the whole people of God united to Christ by baptism. The schema is then developed further in chapter four on the laity. In each instance it is the intention of the council to speak of the participation of all the baptized in the threefold office as a sign of their full and active participation in the mission of the church.

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[23] Elissa Rinere, "Conciliar and Canonical Applications of 'Ministry' to the Laity," *The Jurist* 47 (1987): 205. See also, Elissa Rinere, *The Term "Ministry" as Applied to the Laity in the Documents of Vatican II, Post Conciliar Documents of the Apostolic See, and the 1983 Code of Canon Law,* Canon Law Studies 519 (Washington, D.C.: The Catholic University of America 1986).

[24] I believe there is at least a certain congruence between this Christological/pneumatological schema, which of course risks oversimplification, and the similar schema developed by Antonio Acerbi who posits an unresolved tension in the council documents between a juridical ecclesiology and a *communio*-ecclesiology. Cf. Antonio Acerbi, *Due ecclesiologie. Ecclesiologia giuridica ed ecclesiologia de communione nella "Lumen gentium"* (Bologna: Dehoniane, 1975).

[25] For historical studies of the *tria munera* see Yves Congar, "Sur la trilogie Prophèt-Roi-Prêtre," *Revue des sciences philosophiques et théologiques* 67 (1983): 97-115; J. Fuchs, "Origines d'une trilogie ecclésiologique à l'époque rationaliste de la théologie," *Revue des sciences philosophiques et théologiques* 53 (1969): 185-211. For studies of the employment of this schema in the Vatican II documents see Peter Drilling, "The Priest, Prophet and King Trilogy: Elements of its Meaning in Lumen Gentium and for Today," *Eglise et théologie* 19 (1988): 179-206; Thomas Potvin, "Le baptême comme enracinement dans la participation à la triple fonction du Christ," in *Le laïcat: les limites d'un système,* edited by J.-C. Petit and C. Breton (Montreal: Fides, 1987), 141-90.

In the fulfillment of their priestly function the laity are called to consecrate the world to God, uniting all of their activities as a kind of "spiritual offering" to the Eucharistic sacrifice (LG # 10, 34, PO # 5). In the fulfillment of their prophetic function they exercise the *sensus fidei,* the supernatural sense of the faith given to them at baptism. It is a gift that allows all of the faithful to receive the Word of God, to penetrate it more deeply, and to apply it fully in their daily life (LG # 12). The faithful also fulfill their prophetic role through the exercise of those charisms which have been given to them in baptism (LG # 12, 35). Finally they fulfil their royal function by bringing the values of the gospel to the world through the exercise of their secular competencies (LG # 36).

The council also insisted, however, that the baptized and those who are both baptized and ordained have a share in the *tria munera* which is essentially different. This is made explicit in *Lumen gentium* # 10 which treats of the priestly office of Christ;

> Though they differ essentially and not only in degree, the common priesthood of the faithful and the ministerial or hierarchical priesthood are none the less interrelated; each in its own way shares in the one priesthood of Christ.

The difficulty seems to lie with the unfortunate use of the word *essentia* in this passage. Bishop Jaramillo of Colombia had proposed changing the *essentialiter* to *sacramentaliter* which would reflect more accurately that the distinction between the common priesthood of the baptized and the ordained priesthood was derived from their respective sacramental consecrations.[26] It was inevitable that use of the word *essentia* would lead many to read in this text a metaphysical

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[26] *Acta Synodalia* II/3, 215. I depend here on Michalski's careful study of the council *Acta.*

distinction between the two priesthoods when it is not at all clear that this was the intention of the council.[27]

There were also numerous interventions by bishops who did not wish to affirm the full priestly identity of the baptized for fear of compromising the distinctive identity of the ordained. These bishops suggested that the baptized possessed only an “interior,” “inchoate,” “spiritual,” or “mystical” priesthood. Yet in the end, these proposals were rejected as the bishops affirmed unambiguously the equal dignity of the two priesthoods. Once again, what the council wished to avoid is clearer than what it wished to say positively. It does appear that the text was crafted specifically to avoid presenting the common priesthood as of a lesser order; the ordained priesthood was not to be seen a fuller or more intense participation in the priesthood of Christ.[28]

A second way in which the council developed a Christological theology of ministry is reflected in the Decree on Priestly Ministry and Life. There the council taught that “the priesthood of the presbyteral order…is conferred by the particular sacrament in which priests are sealed with a special mark by the anointing of the holy Spirit, and thus are patterned to the priesthood of Christ, so that they may be able to act in the person of Christ, the head (*in persona Christi capitis*) of the body.”[29] It is this understanding of the priest as configured to Christ the head, a teaching drawn from Pope Pius XII’s *Mediator Dei,* which determines the unique share

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[27] For a consideration of the problems with insisting on an *essential* difference between the two priesthoods see Heinz Schütte, *Amt, Ordination und Sukzession,* (Düsseldorf: Patmos Verlag, 1974), 353-6. I believe that the decision to go ahead with an *essential* distinction between the two priesthoods is significant in the light of the council’s refusal to offer an *essential* or ontological definition of the laity.

[28] Aloys Grillmeier, “Dogmatic Constitution on the Church: Chapter II,” in *Commentary on the Documents of Vatican II,* volume 1, edited by Herbert Vorgrimler (New York: Crossroad, 1989), 158.

[29] *Presbyterorum ordinis*, # 2, English translation from *Decrees of the Ecumenical Councils,* edited by Norman P. Tanner (Washington, D.C.: Georgetown University Press, 1990).

of the ordained in the three offices of Christ.[30] The ordained exercise this unique share in the threefold offices of Christ through the exercise of the respective *munera* of sanctifying, teaching and governing, the sum total of which constitutes what the council calls the "apostolate of the hierarchy." At the beginning of the third chapter of *Lumen gentium* the council writes of Christ instituting "a variety of offices" but then distinguishes from among them those ministries "invested with sacred power" (LG # 18). While this emphasis on sacred power is muted in the documents (as are references to the more particular powers of orders and jurisdiction), it does appear in at least four other passages as a way of describing the unique ministry of the priest or bishop (cf. LG # 10, 27; PO # 2, 6). Interestingly, the one article in *Lumen gentium* (# 29) which treats the diaconate makes no mention of any share of *sacra potestas.*

It is true, of course, that for the council, this sacred power is to be exercised not as a kind of domination over God's people, but as a service. "Ministers, invested with a sacred power, are at the service of their brothers and sisters, so that all who belong to the people of God and therefore enjoy true christian dignity may attain to salvation through their free, combined and well ordered efforts in pursuit of a common goal" (LG # 18, cf. PO # 3). The power is not given to them for their own sake but only for the building up of the church (PO # 6). This much more biblically attuned conception of ministerial power as service constituted a significant advance. The fact remains that according to the council, following a line of thought traditional through most of the second millennium, the unique exercise of the *tria munera* by the ordained who alone possess "sacred power" means that the exercise within the church of these *munera* by the non-ordained can only take the form of a "cooperation in the apostolate of the hierarchy" (LG # 33). While certain tasks more proper to the ordained may be "entrusted" to the laity, e.g., "the

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[30] Pope Pius XII, *Mediator Dei, AAS* 39 (1947): 521-95 [ET: "*Mediator Dei,*" in *The Papal Encyclicals,*

teaching of christian doctrine, for example, in certain liturgical actions, in the care of souls," and while the laity are allowed to hold certain "ecclesiastical offices," nevertheless "the laity are fully subject to superior ecclesiastical control in the exercise of these charges" (AA # 24).[31]

When again we turn to the new Code of Canon Law we find a similar emphasis on the *Christological* foundations of ministry and a similar dependence on the *tria munera* as a fundamental architectonic principle.[32] Canon 759 grants the possibility that the laity might be "called upon to cooperate with the bishop and presbyters in the exercise of the ministry of the word." But this presumes a significant distinction between the laity's fulfillment of their prophetic function "in the world" and their invitation to cooperate in what is properly the ministry of the ordained. Canons 910 and 943 deal with the laity serving as extraordinary ministers of communion but are worded in such a way as to stress the "extraordinary" character of their ministry.[33] This stress is picked up in the recent Vatican Instruction. Indeed, Elissa

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volume 4, edited by Claudia Carlen (Mcgrath Publishing, 1981), 119-54], see #93.

[31] An important advance at the council was its making normative a much broader definition of ecclesiastical office as "any office conferred in a permanent fashion and to be exercised for a spiritual purpose" (PO # 20). This definition seems to have envisioned the possibility of the laity holding office. It is however, difficult to reconcile this advance with the council's apparent intention to bind the power of jurisdiction exclusively to orders. For articles exploring the knotty canonical questions surrounding the power of jurisdiction and its exercise by the laity see John P. Beal, "The Exercise of the Power of Governance by Lay People: State of the Question," *The Jurist* 55 (1995): 1-92; James H. Provost, "The Participation of the Laity in the Governance of the Church," *Studia Canonica* 17 (1983): 417-48; John M. Huels, "Another Look at Lay Jurisdiction," *The Jurist* 41 (1981): 59-80; J. James Cuneo, "The Power of Jurisdiction: Empowerment for Church Functioning and Mission Distinct from the Power of Orders," *The Jurist* 39 (1979): 183-219.

[32] This principle was not uniformly carried out however, as is evident in a simple review of the ordering of the seven books of the code. While Books III & IV treat of the offices of teaching and sanctifying, there is no separate book addressing the office of governing. Instead these canons are dispersed throughout the whole code. This structural anomaly is particularly significant when we consider that it is precisely the exercise of the office of governing by the non-ordained Christian faithful that has become a matter of controversy.

[33] Rinere, "Conciliar and Canonical Applications of 'Ministry' to the Laity," 218.

Rinere contends that the 1983 code significantly restricted the application of the word “ministry” to the laity:

> In the code, “ministry” is a fulfillment of the hierarchical munera only. Laity may be brought into it by hierarchical invitation, but there is no ministry which belongs to the laity through baptism. There is no ministry which is fulfilled in the secular sphere, and there is no ministry which laity carry out on their own initiative.[34]

As I mentioned earlier, on this point the code is in fact following the council’s reluctance to refer to the faithful’s exercise of their charisms in the church as ministry.

Underlying the code’s own ambiguity on the question of ministry is a significant canonical controversy. A common pre-conciliar understanding of canon law enshrined in the 1917 code presumed the separability of the powers of orders and jurisdiction in which the power of orders was conferred by ordination while jurisdiction was conferred by the pope (who, upon his election, received it immediately from Christ) and his intermediaries through a canonical mission. This power of jurisdiction was generally thought to include the *munera* of teaching and governing.

However this viewpoint was apparently rejected by the council members in *Lumen gentium* # 21 which taught that the bishops receive all three offices of governing, sanctifying and teaching at episcopal consecration. Of course the *nota praevia explicativa* # 2 added that these can only be made “ready for action” by a juridical determination. In fact, the council seldom referred to either the power of orders or jurisdiction, preferring to speak simply of one *sacra potestas.* One consequence of uniting the traditional powers of order and jurisdiction was to make it difficult to justify any lay exercise of governing and teaching associated with the power

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[34] Ibid., 219.

of jurisdiction except in the form of a "cooperation" with the ordained. At least this is the interpretation of council teaching generally associated with the "German school" of canonists.[35] As James Provost observed, "This whole concept depends on a systematic understanding of power in the Church, rooted in sacramental consecration and exercised in hierarchical communion."[36]

This view has been challenged by another group of canonists known as the "Roman school."[37] These canonists have appealed to the testimony of history in which the power of jurisdiction has frequently been exercised by those who were not ordained, e.g., the exercise of jurisdiction by non-ordained clerics (since it was tonsure which conferred clerical status), the exercise of jurisdiction by popes after their election but prior to their episcopal consecration, and the exercise of jurisdiction by abbesses.[38] Beyond this, members of this school would note that contemporary law still acknowledges that laypersons serving as judges in marriage cases do truly exercise, in their own right, the power of jurisdiction.[39]

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[35] This position was given its most systematic articulation by Klaus Mörsdorf, "Das konziliare Verständnis vom Wesen der Kirche in der nachkonziliaren Gestaltung der kirchlichen Rechtsordung," *Archiv für katholisches Kirchenrecht* 144 (1975): 387-401. See also a collection of the essays of Wilhelm Bertrams, another noted exponent of this view and a council *peritus* who is thought to have played an important role in the drafting of the *nota praevia. Quaestiones Fundamentales Iuris Canonici* (Rome: Libreria Editrice Università Gregoriana, 1969). One should be warned of the dangers of grouping these two canonists into one school, for as as John Beal has pointed out, there are also important differences in the thought of Mörsdorf and Bertrams. Cf. Beal, "The Exercise of the Power of Governance...," 18-35.

[36] Provost, "The Participation of the Laity...," 426.

[37] Cf. Alfonso Stickler, "De potestatis sacrae natura et origine," *Periodica* 71 (1982): 65-91; Jean Beyer, "De natura potestatis regiminis seu iurisdictionis recte in Codice renovato enuntianda," *Periodica* 71 (1982): 93-145.

[38] Provost, "The Participation of the Laity...," 426-30.

[39] Cf. the *motu proprio* "*Causas Matrimoniales*," *AAS* 63 (1971): 441-6; 1983 Code of Canon Law, cc. 1421.2.

The new code itself seems to have sought a rather unsatisfactory compromise on the matter. Canon 129.1 seems to follow the view of c. 118 of the 1917 code which restricted the exercise of the power of governance to the clergy. This canon also equates the power of governance with the power of jurisdiction. But the second part of this canon then admits that the laity can "cooperate in the exercise of this power." This phrasing represents a certain weakening of the draft version delivered to the Holy Father in April of 1982. There canon 129 granted that the "lay Christian faithful nevertheless can have that part (*eam partem habere*) which the supreme authority of the Church concedes to them for individual cases."[40] The change of the crucial phrase "can have that part" to "can cooperate in" was no doubt justified by appeal to *Lumen gentium* # 33 which taught that the laity, under certain circumstances, can cooperate in the apostolate of the hierarchy.

The canonical interpretation of the meaning of this "cooperation" depends much on whether one subscribes to the German or Roman school. In any event, this canon is the kind of unhelpful compromise which seeks to "have it both ways," allowing at the practical level for a considerable expansion of the role of the non-ordained in church governance while still formally rooting that power in holy orders. Indeed, it is this compromise which I think lies at the bottom of the recent Vatican instruction.

In conclusion, we must acknowledge the limitations of relying on an exclusively Christological framework for a theology of ministry, for such a theology cannot take into

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[40] Pontifica Commissio Codici Canonici Recognoscendo, *Schema Novissimum* (Vatican City: Typis Polyglottis Vaticana, 1982).

account the full integrity of non-ordained ministry.[41] This is why I believe it is important to consider another line of thought which is also evident in the council texts.

2. The Pneumatological Approach to Ministry

While the council has been criticized for an underdeveloped pneumatology,[42] significant advances were made over the Christomonism so typical of the scholastic manuals prior to the council.[43] For example, in chapter one of *Lumen gentium* the council attempts to ground both church office and charism within a pneumatological framework:

> The Spirit dwells in the church and in the hearts of the faithful, as in a temple, prays and bears witness in them that they are his adopted children. He guides the church in the way of all truth and, uniting it in fellowship and ministry, bestows upon it different hierarchic and charismatic gifts, and in this way directs it and adorns it with his fruits (LG # 5).

One of the most distinctive features in the council's ecclesiology is its incorporation of the biblical concept of "charism." It is a development which was strongly advocated by Cardinal Suenens who gave a very influential speech on the subject on October 22, 1963.[44] This more pneumatological line of thought is found particularly in chapter two of *Lumen gentium* which

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[41] David Coffey holds that fundamental difficulty in the council's attempt to correlated the common and the ordained priesthoods lies in the council's exclusively Christological view of the ordained priesthood. David Coffey, "The Common and the Ordained Priesthood," *Theological Studies* 58 (June, 1997): 209-36.

[42] Cf. Nikos Nissiotis, "The Main Ecclesiological Problem of the Second Vatican Council," *Journal of Ecumenical Studies* 2 (Winter, 1965): 31-62.

[43] Cf. Yves Congar, "Pneumatologie ou 'Christomonisme' dans la tradition latine?" in *Ecclesia a Spiritu Sancto edocta* [a festchrift in honor of Gérard Philips] (Louvain: Duculot, 1970), 41-63.

[44] *Acta Synodalia* II/3, 175-8.

considered the place of charisms in the context of the whole people of God's participation in the prophetic office of Christ:[45]

> …[I]t is not only through the sacraments and the ministries that the holy Spirit makes the people holy, leads them and enriches them with his virtues. Allotting his gifts "at will to each individual," he also distributes special graces among the faithful of every rank (*inter omnis ordinis fideles*). By these gifts, he makes them fit and ready to undertake various tasks and offices for the renewal and building up of the church.…Those who have charge over the church should judge the genuineness and orderly use of these gifts, and it is especially their office not indeed to extinguish the Spirit but to test all things and hold fast to what is good (LG # 12)

This collaborative relationship between office holder and the rest of the faithful is essentially confirmed in article 3 of *Apostolicam actuositatem.* In *Presbyterorum ordinis* priests are exhorted to see their ministry as one of fostering the charisms of all the faithful.

> While testing the spirits to discover if they be of God, they [presbyters] must discover with faith, recognize with joy, and foster diligently the many and varied charismatic gifts of the laity, whether these be of a humble or more exalted kind. Among the other gifts of God which are found abundantly among the faithful, special attention ought to be devoted to those graces by which a considerable number of people are attracted to greater heights in the spiritual life. Priests should confidently entrust to the laity duties in the service of the church, giving

[45] For a careful analysis of the council's treatment of charisms, see Albert Vanhoye, "The Biblical Question of 'Charisms' After Vatican II," in *Vatican II: Assessment and Perspectives,* volume 1, ed. by R. Latourelle (New York: Paulist, 1988): 439-68. Vanhoye argues that the council's presentation of office and charism in a relationship of complementarity is consistent with the ecclesiology of Paul. He refutes, in particular, that view common in liberal Protestantism since the writing of Rudolph Sohm in the nineteenth century and still defended with particular eloquence by Ernst Käsemann ["Ministry and Community in the New Testament" in *Essays on New Testament Themes* (London: SCM Press, 1964), 63-94], that *charisma* was a technical term for Paul employed as a self-conscious alternative to a more institutionally grounded conception of church. For conclusions similar to that of Vanhoye see Enrique Nardoni, "Ministries in the New Testament," *Studia Canonica* 11 (1977): 5-36; idem, "Charism in the Early Church Since Rudolph Sohm: An Ecumenical Challenge," *Theological Studies* 53 (1992): 646-62. For examples of Catholic ecclesiology sympathetic to Käsemann, see Hans Küng, *The Church* (Garden City: Image Books, 1967), 236-50 and Gotthold Hasenhüttl, *Charisma: Ordnungsprinzip der Kirche* (Freiburg: Herder, 1969). This dependence on Sohm and Käsemann is also evident, though in a more critical fashion, in Leonardo Boff's *Church, Charism & Power* (London: SCM, 1985), 154-64.

> them freedom and opportunity for activity and even inviting them, when opportunity offers, to undertake projects on their own initiative (PO # 9).

All three texts suggest a ministerial community animated by the Spirit who provides charisms for that community. Within this spirited community there stands a priest-presbyter whose task it is to foster the exercise of gifts which is proper to all the *christifideles* and has as their final goal the building up of the body.[46] The exercise of office is not so much opposed to this charismatic vision as it is situated within this vision. It is true that the these texts do not present church office as itself a kind of stable charism, but neither do they place the exercise of office in a position of superiority over the exercise of charism; rather it is the responsibility of the office-holder to discern, empower and "order" the exercise of these charisms.

In spite of these significant examples of a more pneumatological framework this perspective was never sufficiently integrated into the more dominant Christological framework but rather placed along side of it.[47] In particular, there seems to be little evidence of this pneumatological perspective being brought to bear on the Christological conception of the sacramental *potestas,* in particular, and on the fundamental constitution of the church in general.[48] For example, chapter three of *Lumen gentium* on the hierarchy generally mentions the Holy Spirit in connection with the imparting of gifts on first the apostles and then their successors. But this ignores the fact that at Pentecost the Spirit is poured out on the whole

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[46] According to Vanhoye, this introduces a technical understanding of *charism* which is not present in the writings of Paul but which is consonant with Paul's concern for the regulation of gifts based on their usefulness to the church. Cf. Vanhoye, 460-1.

[47] This point is made very forcefully in Christian Duquoc, "Théologie de l'Église et crise du ministère," *Études* 350 (1979): 101-13.

[48] John D. Zizioulas, perhaps more than any other theologian, has stressed the significance of the Spirit not merely animating the church but perpetually *constituting* it. Cf. John D. Zizioulas, "The Pneumatological Dimension of the Church," *Communio* 1 (1974): 142-58.

Jerusalem community of believers, including Mary and the family of Jesus along with certain other women, before "Peter and the eleven" stand to address the people in Jerusalem.[49]

As Nikos Nissiotis already observed in the closing days of the council, in spite of the inclusion of a number of important pneumatological texts in chapter three, "the Holy Spirit is still presented as a power which serves to maintain the juridical, *de jure divino* order already established by Christ."[50] One can only wonder what different direction this chapter might have taken had the council fathers begun with the pneumatological framework so eloquently expressed in article 5 in which it was the Holy Spirit which united the church "in fellowship and ministry" bestowing upon it various "hierarchic and charismatic gifts." A more integrated Christological and pneumatological framework might have been less prone to force-fit the rich diversity of gifts and ministries within the church into the *tria munera* schema.

IV. Towards A New Theological Foundation for Ministry

Yves Congar himself observed the limits of this strictly Christological perspective. His own thought on the matter underwent considerable change. The great contribution of Congar in his early book on the laity was his application of the three-fold offices of Christ (priest, prophet and king) to not only the church and its ministers but to the laity themselves.[51] This trilogy served as the structural principle of Congar's early work and it exerted a tremendous influence on the council fathers. In that work he distinguished between two ways of participating in the

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[49] Here I disagree with David Coffey, when he still holds for the commissioning of the apostles being anterior to the constitution of the church. He writes: "The bearers of this office [apostolic] were commissioned immediately by the risen Christ, and it was their preaching of the Resurrection, in which they acted as 'apostles,' i.e. emissaries of Christ, that created the Church." Coffey, 231.

[50] Nissiotis, 49.

[51] Yves Congar, *Jalons pour une théologie du laïcat* (Paris: Cerf, 1953, revised edition, 1964).

threefold offices, one which applied to all the baptized and one which applied to the ordained, conferring authority and consequently a kind of superiority. Yet later he wondered whether in fact, this was the best way to proceed.[52] The church is built upon numerous ministries, Congar observed, not merely those of the hierarchy. Some of these ministries were occasional as when a mother teaches the faith to the children of the neighborhood, or when one attends to the sick or visits prisoners. Other ministries are more stable and are recognized formally, even to the point of being consecrated by ordination. He writes:

> Now, following along this line of double recognition is extremely important for an accurate view of the matter, for a satisfying theology of the laity. Eventually one sees that the decisive pair is not "priesthood-laity" as I used in *Jalons* but much more that of ministries or service and community.[53]

The difficulties which the priest-laity pairing create, Congar insists, are the result of a linear conception of the institution of the church which proceeds from Christ through the hierarchy to the community. This linear perspective which views the hierarchy as the efficient instrumental cause of the church, tends to place the hierarchy outside of the church or at least anterior to it.[54] This was reinforced historically by the distinctive state of life and spirituality which was attributed to the church's ordained ministers. If this starting point is unacceptable, unacceptable too would be a linear progression often (somewhat incorrectly Congar adds) attributed to Protestant ecclesiologies. This trajectory would proceed from Christ through the community to ministries in a way which suggests that ministerial power is merely delegated by the community

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[52] Yves Congar, "Mon cheminement dans la théologie du laïcat et des ministères," in *Ministères et communion ecclésiale* (Paris: Cerf, 1971), 14.

[53] Ibid., 17.

[54] Yves Congar, "Ministères et structuration de l'"église," in *Ministères et communion ecclésiale,* 35.

to the minister. Congar's alternative is to start with Christ's institution of a community which is, always a *structured* community. This avoids giving priority to either community or hierarchy.

> The Twelve are the seed of a new people of God. With the exception of the particular cases which are directed formally at a situation of authority, that which is founded in the Twelve, is not only the hierarchy, it is the church. We can say, in short, that Jesus instituted a structured community, a community holy, priestly, prophetic, missionary, apostolic, with its center, ministers—some freely raised up by the Spirit, others ordained by the imposition of hands.[55]

Within such a framework, the clergy-laity recedes into the background, displaced by the community-ministry framework.

This is a line of development explored by a number of theologians in the years since the council, most famous being the work of Edward Schillebeeckx.[56] His work attempts to go beyond the impasse created by the Council's essential distinction between the ordained and non-ordained, a distinction which he does not find in the New Testament and early church writings. At the same time, he recognizes that it is impossible to create a foundational theology of ministry which does not address the question of the unique role of the ordained minister. What he advocates is a theology of ordained ministry which is situated within a charismatic view of the church and which identifies the essence of ordained ministry in community leadership. While it is impossible to present his thought in detail here, I would like to consider the ministerial leadership model that he advocates as a possible starting point for the integration of the pneumatological and Christological trajectories sketched out above.

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[55] Congar, "Mon cheminement…," 18-9.

[56] Cf. Edward Schillebeeckx, *Ministry: Leadership in the Community of Jesus Christ* (New York: Crossroad, 1981); *The Church with a Human Face: A New and Expanded Theology of Ministry* (New York: Crossroad, 1985).

The central difficulty in effecting an integration of the Christological and pneumatological approaches is the question of how to honor the diversity and integrity of all ministries in the church while still acknowledging the distinctive role of the ordained. The council clearly sought to address this by extending the *tria munera* to all the baptized, and by uniting the common priesthood and the ordained priesthood in the one priesthood of Christ. This advance was ultimately undermined by an inability to integrate the pneumatological foundations of the church into this framework and consequently by the council's insistence that a unique *sacra potestas* was given through ordination and only through ordination. I believe that this conception of the unique conferral of *sacra potestas* on the ordained needs to be examined more carefully.

First, it is easy to forget that "power" is an analogous concept. Ecclesiologically, is not all authentic power the capacity to engage in effective action in service of the church's life and mission? This power has its origin in Christ and the Spirit. As such, it is a power which cannot be abstracted from the complex ecclesial relations that constitute the church. This has been a tendency which has haunted the church since the rise of absolute ordinations. The source of our empowerment in the church is baptism/confirmation. The basic manifestation of this power is the life of Christian discipleship and the exercise of the many charisms of the baptized.

Within canon law there is a development that I believe is moving in a similar direction. In an attempt to get beyond the disagreements of the German and Roman schools regarding the relationship between the powers of orders and jurisdiction these canonists would start from the fundamental "ministeriality" of the church.[57] Because of the work of the Spirit

[57] Cf. John Huels, "Another Look at Lay Jurisdiction," *The Jurist* 41 (1981): 59-80; Edward Kilmartin, "Lay Participation in the Apostolate of the Hierarchy," *The Jurist* 41 (1981): 343-70. This position is clearly summarized in Beal, 85-8.

> the Church itself is sacramental precisely in that it is ministerial, carrying on the one mission entrusted to it by the Father through the Son in the Spirit....Depending upon the gifts of the Spirit given to them, the participation of members of the faithful in the ministeriality of the Church may have varying degrees of formal or official recognition by the Church.[58]

What distinguishes those ministries which demand formal recognition? Clearly there are certain ministries in the church which, because of their public nature bring about a certain "ecclesial re-positioning" or re-configuration. In other words, the person who takes on such a ministry finds themselves in a new relationship within the church and the assumption is that she will be empowered by the Spirit in a manner commensurate with her new ministerial relationship. These ministers are public persons who in some sense are both called by the community and accountable to the community. The publicness of their ministry is evident in the way in which we tend to hold such ministers to a higher moral standard. We recognize the possibility that their moral failings, because of their public character, might be a cause of scandal. Here I have in mind not just the ordained ministries but, for example, the director of Christian formation mentioned earlier, who, based on a recognized charism, is given a public ministry, a new ministerial relationship within the community.

In the course of the first few centuries of the church, among the many public ministries exercised in the church, certain vital ministries constituted an ecclesial re-positioning that was ritualized through the laying on of hands and the prayer of epiclesis. Through the ritual action associated with ordination the *ordinandi* were brought into a new relationship within the community; ordination conferred a new ministry and the power necessary for the fulfillment of that ministry. It is in this sense that we can speak legitimately of the conferral of power at

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[58] Beal, 86.

ordination. But it is not the conferral of power which makes the ordained minister, rather it is the reconfiguration of the person into a new ministerial relationship which requires an empowerment necessary for the fulfillment of that ministry. The new "empowerment" is a function of the new ministerial relationship. Moreover, since this power has its primary source in baptism/confirmation, there is no reason why there would not be an at least analogous empowerment of other ministries as well.[59] Every authentically called minister must be empowered with the capacity to fulfill their ministry.

Aurelie Hagstrom has charged proponents of this pneumatological perspective with succumbing to a polarization of charism and institution and a devaluing of the hierarchical structure of the church.[60] This need not be the case. Following Congar, I agree that the church is, in its very constitution, a structured community. However, it does not follow from the fact that the church is a structured community that we must see at the level of the very constitution of the church a metaphyscial division between two groups, lay and clergy. We must remember that the structures that constitute the church are relational in character and that among the many complex relations which constitute the church, only some are established through ordination. Nor do I believe that this pneumatological framework is incapable of incorporating the more Christologically conceived representational ministry of the ordained priest and bishop in which the ordained minister acts both *in persona Christi capitis* and *in persona ecclesiae.*

If every public ministry involves an ecclesial repositioning, not every repositioning involves leadership (e.g., the ministries of the deacon or catechist). Central to the ministries of the bishop and the presbyter is their role as pastoral leader. I believe that it is here (and not in

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[59] A systematic defense of a commensurate empowerment for the non-ordained would require a careful consideration of the relationship which obtains between sacramental and non-sacramental grace.

the cultic role of the priest invoking the words of consecration) that one must locate the ministry of the priest and bishop acting *in persona Christi capitis.* By ordination the priest and bishop are inserted into the apostolic office charged with preserving the integrity of the apostolic faith within the local community and, particularly for the bishop, preserving the ecclesial communion among the churches.[61] The ordination to the presbyterate or episcopate is an ordination to pastoral leadership of a local church. This constitutes the essential character of their ecclesial re-positioning, and consequently, their new ministerial relationship within the community. This is the reason why I agree with Susan Wood when she holds that the ministry of a lay person as the *de facto* leader of a local community in the absence of a residential priest is a regrettable pastoral development which risks divorcing ordained ministry and liturgical/sacramental presidency from real pastoral leadership.[62] It is from this perspective of pastoral leadership within a local church that we can consider the representational character of the presbyterate and episcopate.

Vital to a retrieval of this representational ministry is an articulation of the proper ordering of the two modalities of priestly representation, *in persona Christi capitis* and *in persona ecclesiae.* Since Pope Pius XII's *Mediator Dei* the official church documents have continued to give priority to the Christological over the ecclesial mode of representation. I

[60] Hagstrom, 190-3.

[61] In this article I cannot consider the important differences between the pastoral leadership exercised by the bishop and that of the priest/presbyter save to say that I view the bishop as having a twofold responsibility to both the local church and the larger *communio ecclesiarum* that distinguishes his ministry from that of the priest/presbyter. See Susan Wood, "The Sacramentality of Episcopal Consecration," *Theological Studies* 51 (1990): 479-96.

[62] Susan Wood, "Priestly Identity: Sacrament of Ecclesial Community," *Worship* 69 (1995): 121-2.

believe the principal contributions of liturgical theologians such as Edward Kilmartin,[63] David Power[64] and Susan Wood have been to reverse the order, placing the Christological representation of the priest *within* the modality of ecclesial representation. This approach, guided by the ancient dictum, *lex orandi, lex credendi,* follows the structure of the eucharistic anaphora which always place the words of institution within the framework of the ecclesial "we" spoken by the priest-presider.[65] The priest acting *in persona Christi capitis* can only do so in the power of the Spirit which is effected through the mediation of the church.[66]

This perspective is strengthened by the council's application of sacramentality to the church (SC # 5; LG # 1, 9, 48; AG # 5).[67] If Christ is the sacrament of the encounter with God, and the church is the sacrament of Christ, then the sacramental actions of the church depend on the sacramentality of the church itself. The origins of the *in persona Christi*

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[63] Cf. Edward Kilmartin, "The Active Role of Christ and the Holy Spirit in the Sanctification of the Eucharistic Elements," *Theological Studies* 45 (1984): 225-53; "Lay Participation in the Apostolate of the Hierarchy," *The Jurist* 41 (1981): 343-70; "Office and Charism: Reflections on a New Study of Ministry," *Theological Studies* 38 (1977): 547-54; "Apostolic Office: Sacrament of Christ," *Theological Studies* 36 (1975): 243-64.

[64] David N. Power, "Church Order: The Need for Redress," *Worship* 71 (July, 1997): 296-308; "Representing Christ in Community and Sacrament," in *Being a Priest Today,* edited by Donald J. Goergen (Collegeville: The Liturgical Press, 1992), 97-123.

[65] Cf. Pierre-Marie Gy, "Le 'nous' de la prière eucharistique," *La Maison-Dieu* 191 (1992): 7-14; Louis Ligier, "The Origins of the Eucharistic Prayer: From the Last Supper to the Eucharist," *Studia Liturgica* 9 (1973): 161-85. For a history of the origin and usage of the *in persona Christi—in persona ecclesiae* schema see Bernard D. Marliangeas, *Clés pour une théologie du ministère: in persona Christi, in persona Ecclesiae* (Paris: Êditions Beauchesne, 1978).

[66] Power, "Church Order," 304. The two different ways of configuring the *in persona Christi* and the *in persona ecclesiae* correspond to the liturgical traditions of West and East. The East has tended to situate the *in persona Christi* within the *in persona ecclesiae,* the West has moved from the Christological to the Ecclesiological. Cf. Yves Congar, *I Believe in the Holy Spirit,* volume 3 (New York: Seabury, 1983), 234-7.

[67] "Since the church, in Christ, is a sacrament—a sign and instrument, that is, of communion with God and of the unity of the entire human race… (LG # 1)." This understanding of the sacramentality of the church was itself influenced by the important contributions of Karl Rahner, Otto Semmelroth and Edward Schillebeeckx.

designation of the priest were grounded in the fundamental principle of sacramental theology going back to Augustine, which held that Christ is always the subject of the sacraments. But if the church *qua* church is the sacrament of Christ, it is constituted as such by the power of the Spirit. In the church's sacramental life the priest cannot represent Christ outside of, as it were, the church's own sacramentality. David Power writes:

> The sacrament itself [holy orders] is conferred in the assembly of the Church and by the prayer of the Church for the bestowal of the Spirit. What it signifies is the unity of the Church as humanity reconciled in Christ, the openness of each assembly to catholic communion with other communities, and the apostolic tradition in which Christians are united in faith and in witness. These all have the unity of the body as such as primary referent, but because this is a unity in Christ through the Spirit, then it has as secondary referent the headship of Christ.[68]

This ministry of representation, is not irreconcilable with the more pneumatological ministerial leadership model in which the priest discerns, empowers and orders the charisms of the whole community. For I believe the capacity to act *in persona ecclesiae* presumes, in the normal course of affairs, that the pastor have a true pastoral responsibility for a local community. A number of studies have noted the inseparable relationship between pastoral leadership and liturgical presidency in the life of the early church.[69] The priest's capacity to liturgically gather up the prayers of the assembly, and to sacramentally represent the church depends on a real relationship with that community.

If the priest's unique representative ministry depends on the sacramentality of the church itself and on his pastoral relationship to a local community, and this sacramentality is itself

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[68] Power, "Representing Christ...," 118-9.

[69] Cf. Paul Bradshaw, *Liturgical Presidency in the Early Church* (Bramcote: Grove Books, 1983); Hervé M. Legrand, "The Presidency of the Eucharist according to the Ancient Tradition," in *Living Bread, Saving Cup: Readings on the Eucharist,* edited by R. Kevin Seasoltz (Collegeville: The Liturgical Press, 1982), 196-221.

enabled by the power of the Spirit, then the unique ministry of the ordained is not placed on the other side of a cosmic divide between the church and Christ,[70] but is situated within the church as one of the gifts given to the church for the building up of the body.

This brief proposal for a theological framework for ministry provides one possible avenue for conceiving the diversity of ministries in the church while still recognizing that not every ministerial relationship is the same. Some will be re-positioned by virtue of ordination into apostolic leadership, others into alternative ministries with or without a formal ordination, but all will be empowered by the Spirit in a manner commensurate with the demands of their particular ministerial relationship.

I said at the beginning of this paper that while the Vatican instruction focuses on the question of the relationship between ordained and non-ordained ministry, it also presupposes an understanding of the particular call of the laity to the consecration of the world to Christ within the temporal order. It is my conviction that this schema does not do justice either to the more mature formulations of the council nor to the lived experience of many in the church today. It is only from a framework which stresses the insertion of the whole church and all of its members within the temporal order that we can see that *all* ministry, ordained and non-ordained, has as its ultimate goal service to the coming reign of God through its participation in the church as the "initial budding forth" of that reign. It is my intuition that if we were to even approximate such a vision, distinctions between the various ministries in the church would remain but the language

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[70] Rémi Parent boldly proposes that the whole lay-clergy question is mired in a religious universe construed as a series of descending ontological relations (God→Christ→clergy→mass→church→world) in which each element is "considered as a passive object in its relations with the top and as an active subject of its relations with the bottom." Rémi Parent, *A Church of the Baptized: Overcoming the Tension Between the Clergy and the Laity* (New York: Paulist, 1987), 28.

of lay and clergy, with which the Vatican Instruction is so concerned, would simply disappear in the way of so many other terms and categories that no longer do justice to he ecclesial experience of God's action in history.