

1) "Mischief" of 1417

by James F. Colaanni

WHILE CHURCH HISTORIAN FATHER PHILIP Hughes deplores the "mischief" of the Council of Constance which "declared, in explicit terms, that general councils were superior to Popes," (A Popular History of The Catholic Church: Macmillan), theologian Hans Kung, a Vatican II Council Peritus (advisor to the bishops) holds that "The binding character of the decrees of Constance is not to be evaded. The whole Church and the Pope stood behind these decrees at that time with a great unanimity. Indeed, on the basis of these decrees the Church was able to settle the question of the three competing Popes and Church unity . . . was restored."

A 500-year record of contradictory decrees, conflicting legislation and a system of rationalization according to the Latin Scholastic mind, has been more a source of confusion than clarification to anyone trying to understand the Catholic Church's definitions of ecclesiastical authority. It is difficult to read the theological tomes, the Canon Law of the Church, the papal statements and the conciliatory decrees — on the primacy of the Pope, the function of an ecumenical council, and the relationship between Pope and bishops (and their relationship to the "faithful") — without sympathizing with the Church's present effort to resolve a monumental dilemma.

Canon 228, one of the 2,414 Church laws now on the books, states, "The supreme power over the universal Church lies in the ecumenical council." But in direct opposition to this in the same book of laws, is Canon 218 which reads: "The Roman Pontiff, the successor to the primacy of Saint Peter, not only has the primacy of honor but the supreme and full juridical power over the universal Church in regard to faith and morals as well as in what pertains to discipline and government of the Church which is spread over the whole world. This power is truly episcopal power, ordinary and immediate, over each and every individual church as well as over each and every shepherd and believer, and independent of any human authority."

In one of the early debates of Vatican Council II, now on the threshold of its fourth and last session, a "conservative" cardinal argued against any action involving a limitation of the Pope's powers on the ground that it would amount to a "virtual contradiction of the decisions

of Vatican Council I." Said Vatican I, in 1870, "And so We teach and declare . . . that this power of jurisdiction of the Roman Pontiff, which is truly episcopal, is immediate. Regarding this jurisdiction, the shepherds of whatever rite and dignity and the faithful, individually and collectively, are bound by a duty of hierarchical subjection and of sincere obedience and this not only in matters that pertain to faith and morals, but also in matters that pertain to the discipline and government of the Church throughout the whole world . . . This is the doctrine of Catholic truth; and no one can deviate from this without losing his faith and salvation."

The objecting prelate was right, of course. The teaching of Vatican I on papal supremacy is unequivocal: the Pope has absolute, supreme authority over the bishops and everyone else too, and therefore, any new decree which would in any way tamper with the absolute totality of this power would constitute a reversal of the former teaching. If the cardinal had gone one step further he would have reminded his colleagues that the teaching of Vatican I itself contradicts the prior teaching of the Council of Constance.

Before looking into the present Council's method of trying to extricate the Church from the abyss of the dilemma, it is appropriate to first answer the question, "How did it all come to pass?"

For almost 40 years before the Council of Constance was convened there were two sets of claimants to the papal chair — and finally three. All efforts to resolve the "Great Western Schism" had failed. Those interested in healing the breach were thoroughly disgusted with the succession of pretenders who impeded every effort at reconciliation, with solemn promises broken and the tactics of evasion. Finally Emperor-elect King Sigismund, who bore the title, "Protector of the Church," took the bull by the horns and summoned the hierarchy to Constance.

The Council quickly solved the problem of rival claims to the papacy: it got rid of all three contestants. John XXIII (not to be confused with the late Pope John) offered to take a bribe in exchange for quitting, but failed to make the deal and ended up in a German prison. Both he and Benedict XIII (the "Avignon Pope") were formally deposed by the Council. Gregory XII voluntarily abdicated.

Thus the Council proceeded without any regard for papal approbation because, indeed, there was no Pope. In this context it dictated the terms of the election of a new Pope, to be established as the legitimate link in the chain of papal succession which the Church traces back to St. Peter. Finally, Odo Colonna (Martin V) was elected, and, as stated by Father Kung, "The (traditionally understood) legitimacy of Martin V and all other subsequent Popes up to the present day depends on the legitimacy of the Council of Constance and its procedure in the question of Popes."

Martin V recognized the Constance decrees as binding upon him and executed them with fidelity. But he found himself caught in the middle of a power struggle between the Roman Curia (the Vatican cardinal-bureaucrats whose power depends upon the power of the Pope) and the conciliarists. Within five years it was all over. The Curia had maneuvered the papacy back into a de facto position of preeminence which constituted a practical rejection of the decrees of Constance and a deliberate evasion of the implementation of Church reform as promulgated by the Council.

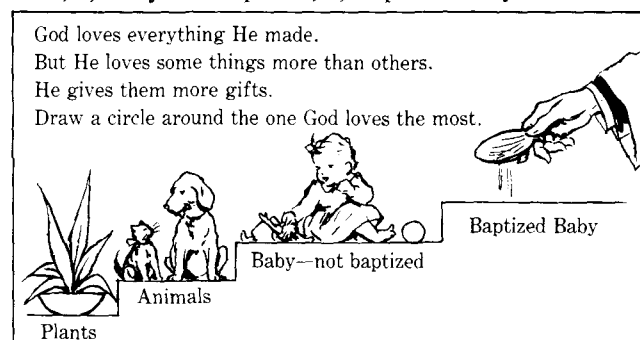
In so doing the Curia touched off an effort, now five and a half centuries old, of trying to rewrite history. That the Curia was able to accomplish this incredible feat only through the "exploitation of the desires and power ambitions of individual countries and princes," is well documented in Father Kung's book. Standard theological manuals relegate the significance of the Council of Constance to the work of condemnation of the "errors of John Wyclif and John Hus." The definition of supremacy over the Pope is not even mentioned in the popular texts; the industrious seminarian who does "outside reading" becomes "suspect" if he raises serious questions concerning this dogmatic ambivalence.

Then along came Pope John and Vatican Council II. To the growing body of articulate lay Catholics, who know more theology and Church history than many of their bishops, there seemed to be reason for guarded hopes that Church leaders would introduce a new era of honesty, of candid self-examination and of free admission of past errors. Educated Catholics were becoming increasingly concerned over the ambiguities of the Church's teachings on ecclesiastical authority. But they were also experiencing more immediate concerns. Since 1870 the Church has been dominated by a school of theology which called for nothing less than total fidelity to the principle of absolute papal supremacy. Thus the Curialist mentality, which includes a fundamentalist approach to scriptural exegesis, a deep-rooted suspicion of science, and an abiding faith in an immobile theology which it presumes has "all the answers" neatly categorized and tucked between the covers of its scholarly manuals, has been directly affecting the lives of the contemporary faithful. Confessional advice, priestly spiritual direction, Sunday sermons, liturgical practices, teaching manuals — everything af-

fecting the religious experience of the grass-roots Catholic — is a reflection of the Curialist mind.

Catholics who worry about what they see as Christian aberrations being foisted upon their children in catechism classes, enthusiastically responded to good Pope John's call to *aggiornamento* (updating). They viewed the convocation of Vatican Council II as a great symbol of hope for the Catholic Church. They identified their own value judgment with Pope John himself: that the Roman Catholic Church, with its primary emphasis on fidelity to doctrine, categorized and immobilized by the Latin Scholastic mind, was doing more harm than good for humanity. If most born Catholics were alienated from the Church (an incontrovertible fact),* if the Church was becoming less and less credible as a Divine instrument in the world (as indeed it was), if in the United States, the Church could live with racially segregated Communion rails in the South and de facto segregated churches in the North, it was because the Church had betrayed her mission to communicate the Gospel of Love of Jesus Christ, *as a way of life*, in favor of a "faith" founded on blind obedience to the purveyors of an abstract theology of fear.

This was why Pope John called the bishops of the world to Rome. And as long as his spirit prevailed so would the hopes of Catholics who were growing weary of lifting the burden of "mortal sin" from their 7-year-old children (placed upon them by institutional religion teachers), and the necessity of explaining away the catechism manual's projection of the image of the Christian God (e.g., God loves in the following order of intensity: 1) plants, 2) animals, 3) baby-not baptized, 4) baptized baby.



A recent study by a group of theologians at a West Coast Jesuit seminary produced, chapter and verse, a long list of similar heresies contained in the catechisms used in American parochial schools. These same theologians enthusiastically responded to Pope John's request for grass-roots suggestions on how the Council should proceed. They produced a carefully prepared document of recommendations and transmitted it to Rome in an atmosphere of high optimism which carried through the first session of the Council. Now, as the Council moves into its final session, they have come full circle: there is only

*According to Anthony Correa, Professor of Missiology at the University of San Francisco's Institute of Lay Theology, more than two-thirds of baptized Catholics in the United States are not "practicing Catholics."

pessimism. Like the Catholic parent who is conscientious enough and committed enough to worry about the special problems he has with his Church if he would try to help his child grow into an honest approach to religion, there is only pessimism in the hearts of these Jesuit priests.

Why? Why has the whole atmosphere changed so radically? Tensions within the Catholic community were markedly relieved during the early days of *aggiornamento*. Even the cardinals and bishops aligned on opposite sides of the "progressive-conservative" coin seemed to be able to maintain an air of good humor as they engaged in heated debate on the Council floor. More significantly, tensions between the Church of Rome and the outside world were rapidly loosening up. What caused the reversal of these happy tendencies?

There can be only one answer: Pope John died — and the power-conscious Curialists, whom Pope John had called "The prophets of doom," supervised the interment of his spirit.

"Pope John's Council" became "Pope Paul's." It was a case of the wrong man for the job. Internal tensions are mounting and the spirit of friendly rapport between the church and the world has not only stopped growing but gives daily evidence of deterioration.

In the conciliar document "De Ecclesia" (The Constitution on The Church) the Fathers of Vatican II made what admittedly was only a first step toward reconciling the contradictory decrees of the Council of Constance and Vatican I on papal vs. Council supremacy. It was based upon the theory that the work of Vatican I had not been completed in that it dealt only with the rights of the Pope, and therefore it remained for Vatican II to harmonize these rights with those of the bishops. The new Constitution on The Church reaffirmed the principle of "collegiality." The Pope is not a separate entity nor does he derive his power as such. In effect, the document says that Pope as Pope makes no sense unless his jurisdiction is derived through his membership in the college of bishops, just as the leadership of Peter makes no sense without the apostles. Although couched in ambiguous language which tries to have it both ways (i.e., *both* the Pope and the bishops have supreme authority), nevertheless it does open the door to further theological speculation and development which eventually *could* begin the process of mitigating the tyrannical rule of the Roman Curia. But with the emergence of Pope Paul as the new leader it became clear that the Constitution would not be able to effect any immediate, practical changes unless the bishops who voted overwhelmingly for its adoption (only six negative votes) were willing to stand up and be counted. It was at this crucial point that the mechanics of *aggiornamento* broke down.

Heartened by Paul's 1870 mentality, amply revealed in word and deed, the Curia cardinals increased the intensity of their "back-room" maneuverings; discouraged and disorganized, the "progressive" bishops began to back

off. Paul was now being cast in the role of "consolidator" and "mediator between Curia and progressives" — and other face-saving euphemisms. Episcopal rumblings were reduced to stage whispers. Bishops' "reports to the faithful" on the progress of the Council were conspicuously few following the third session. And during this lull between third and final session the worst fears of the aggrornamentists seem to be nearing realization: Paul has allowed the Curia to take over the Council and the bishops aren't going to do anything about it.

But there is still time and opportunity. No bishop should be coerced into allowing the Church to fail again to truly renew and reform. No bishop should be willing to help add to the historical record of failure in past Councils of reform.

We live in a world that cries out for the best resources of us all for the means of survival, for a new era of peace born of love of man for man. The bishops of the world have yet the opportunity to be decisive, to follow their best instincts, to place the common good of humanity before all other considerations. They must not be misled into confusing fear with prudence; fear is fear, prudence is acting according to one's own best judgments. If the bishops hope to offer moral guidance to a sick world, the gift they bring must be the best that is in them — nothing less. Not even the Pope has the right to deny this to them and to the world. Therefore, they must be willing to risk everything for the sake of humanity if this is what it will take to purify their gift.

If the process of coercion flows from Pope Paul's implied appeal to the authority vested in him by the decree of Vatican Council I, then the bishops must be willing to reestablish their God-given rights by making an express appeal to the Council of Constance. Then perhaps the will of their own Council, as expressed in the new Constitution on The Church will begin to have immediate, practical effects. They must not permit a tyrannical power-play to force them into deliberating the problems of the world in a nuclear age as though they can be equated with "Should we or should we not eat meat on Friday?" If they fail in this respect in session number four, the Church and the world will have suffered a disastrous blow. The bishops must listen again to the voice of Pope John: "By the natural law, every human being has the right to respect for his person, to his good reputation, to freedom in searching for the truth and . . . in expressing and communicating his opinions . . ."

This should be the guiding norm for every Father of Vatican Council II.

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[POPE PAUL VI]



2) Prophet of Doom?

by James F. Colaianni

HANS KUNG: *"The power of the Pope is not absolute."*

POPE PAUL VI: *"We must remember that by himself alone the Pope possesses supreme and plenary power of jurisdiction over the entire Church."*

HANS KUNG: *"The power of the Pope is not arbitrary."*

POPE PAUL VI: *"When he [the Pope] speaks solemnly . . . he enjoys a special divine assistance . . . that makes his definitions infallible. Consequently they are irreformable by virtue of his own power, and not by consent either of other bishops or of the Church."*

HANS KUNG: *"The power of the Pope has its limits."*

POPE PAUL VI: *"The Church's present juridical structure certainly does need a few retouches, though it cannot be substantially changed."*

POOR PAUL IS BESIDE HIMSELF; he doesn't know what to do. When will they learn to consult the whole Church on these questions?" The internationally known Catholic priest, who has easy access to top ecclesiastical inner-chambers, was describing Paul VI's state of mind as he wrestled with the "birth control problem." Two modern Popes (Pius XI and Pius XII) tried to say too much when they made blanket condemnations of any means of artificial contraception, under any circumstances. It is clear that the Church can no longer maintain this rigid position as a viable moral teaching. The problem for Paul is how to reverse the teaching without admitting that his predecessors were wrong. He began by taking the problem away from the Council and appointing a commission, heavily weighted on the conservative side, to report directly to him. As Catholic theologian Father Gregory Baum put it, "There will be no definitive statement now. The mere fact of an open debate will create a de facto situation of change. When this condition becomes sufficiently concretized, then, perhaps in five years or so, the Pope will finally make a statement to the effect that this is what we've been saying all along."

It is not surprising that Paul refused to entrust the birth control question to the Council. His intrusions on the rights of the bishops could have been predicted from a reading of his earlier writings which reveal a regimental vision of the Church.

He regards Church members as "one disciplined army" which "must depend on ecclesiastical authority" in order to participate in the Church's mission of establishing "a communion of brotherhood among all." The "layman begins to cooperate with the hierarchy . . . by engaging in a sustained study . . . of the contemporary world . . .