

The Theology of the Particular (Local) Church in the New Code

Introduction

Our theme has something to do with a relatively under-developed theological theme: the *local Church* — or as generally referred to — the *particular Church*.

I said “underdeveloped” theologically because that is what it is up to even date.

The Second Vatican Council does not have a systematic and complete theology of the local Church. Beyond touching on some points of importance to the local Church theology, the Council has left us with a theological lacunae.

The first Synod of Bishops, obviously the institution expected to confront this theme, has decided to remain at merely providing some working guidelines, v.g., on the nature and the competence of the synod of bishops, the local church as the agent of the commitment to justice and evangelization.

The magisterium of the Popes during this period after the Council offers very little also. The important assemblies of bishops like *Puebla*, or political documents, like *Mutuae Relationes* do not have much to offer either.

During the past twenty years, there has been important theological breakthrough in the field of theology of the local Church

particularly its biblical, patristic aspects. One of the many agreements is the importance of Orthodox theology towards the clarification of many issues related to the theology of the local Church.

But, in the ultimate analysis, up to now there is no sufficient and complete systematic study of the theology of the local Church.

Scope

Our purpose is to see whether the new Code's provisions reflect and to what degree the Vatican II's ecclesiology on the local Church, particularly in its relationship with the universal Church.

For this reason I shall touch on the following points:

1. The Twofold Perspective of the Church
2. Theology of the Local Church
3. The New Code
4. Conclusion

The Twofold Perspective of the Church

The major documents of the Second Vatican Council are dominated by a vision that is characteristically *universal*.

When they speak of the Church, they refer to the universal Church either taken as the only People of God, or as the only Body of Christ, or as the only Temple of the Spirit, etc.

After presenting the mystery of the Church in the context of the mystery of the trinitarian missions (LG 2-4), and in the light of the biblical images (LG 5-7), *Lumen Gentium* affirms, by way of conclusion, that

This is the only Church of Christ which in the Creed we profess to be one, holy, catholic, and apostolic, which our Saviour, after his resurrection, entrusted to Peter's pastoral care (jn. 21:17), commissioning him and the other apostles to extend and rule it (cf. Matt. 28:18), and which he raised up for all ages as "the pillar and the mainstay of truth" (1 Tim. 3:15). This Church, constituted and organized as a society in the present world, subsists in the Catholic Church, which is governed by the successor of Peter and by the bishops in communion with him. (LG 8b)

At the end of the section of the People of God, *Lumen Gentium* establishes the requisites in order to be fully incorporated into the Church:

Fully incorporated into the Church are those who, possessing the Spirit of Christ, accept all the means of salvation given to the Church together with her entire organization, and who — by the bonds constituted by the profession of faith, the sacraments, ecclesiastical government and communion — are joined in the visible structure of the Church of Christ, who rules her through the Supreme Pontiff and the bishops. (14b)

In the explanation of the College of Bishops, LG proceeds from a universalistic view of the Church: the bishops are the members of the episcopal college with the Pope as the head; the episcopal college as the supreme organ of government in the whole Church.

This approach is followed by *Christus Dominus* in its elaboration of the bishop's pastoral office in the Church. The order of topics within the document is very instructive: Chapter I — The Bishops in their Relation to the Universal Church; Chapter II — The Bishops in Relation to their own Churches and Dioceses.

Theology of the Local Church

In addition to the perspective of universal Church, the Council has also given us the general lines, although incomplete and not systematic, of a theological perspective of the Church in its particular dimension. Since there is no distinct and systematic treatment in the Council of the local Church, it is necessary to go through the various documents and pick out the scattered texts related to the local Church.

A needed clarification at this point will be helpful. This is about the nature of the relationship between the universal and local Church. The local or particular Church is not to be thought of merely as an administrative or territorial sub-division of the universal Church in the same way as one speaks of a locality or district as part of a country or political state. It is the peculiarity of the Church that it is capable of existing in its entirety in a particular place. And the Christian comes in contact not merely with a part of the Church but with the complete life of the Church

at local level. As Karl Rahner says: "The Church alone, in contrast to all other societies, has this unique characteristic that she can appear as a microcosm of herself in any one place". (*Bishops: Their Stature and Functions*, London, 1964, p. 38)

Essential Lines of a Theology of the Local Church

The essential lines of the Council's teachings on the theology of the local Church are as follow:

1. *The ecclesial reality of the local church — the diocese — consists in a community of believers — the People of God of that particular locality — having at its head a bishop surrounded by his presbyterium.*

In such a community the whole life of the universal Church can be and is actualized. This takes place in the concrete through the proclaiming of the Word of God by the official Christ-send herald of the good news of salvation and especially it takes place in the celebration of the eucharist. The Church reaches her highest point of actualization, of "event", in the celebration of the eucharist under the presidency of the bishop of the diocese. Each local community then is itself called a Church. In fact, we know that in the ancient Church it was primarily to this local comanifestation of the Church's life that the term *ecclesia* was applied.

This Church of Christ is really present in all legitimately organized local groups of the faithful which, in so far as they are united to their pastors, are also quite appropriately called Churches in the New Testament. For these are in fact, in their own locality, the new people called by God, in the power of the Holy Spirit, and as the result of full conviction (cf. 1 Thess. 1:5). In them the faithful are gathered together through the preaching of the Gospel of Christ, and the mystery of the Lord's Supper is celebrated "so that, by means of the flesh and blood of the Lord the whole brotherhood of the Body may be welded together. In each altar community, under the sacred ministry of the bishop, a manifest symbol is to be seen of that charity and unity of the mystical body, without which there can be no salvation. In these communities though they may often be small and poor, or existing in the diaspora, Christ is present through whose power and influence the One, Holy, Catholic, and Apostolic Church is constituted. (LG 26)

2. *In all this the position of the bishop is of fundamental importance.* The fullness of the Church is made present most perfectly though not exclusively, as LG makes clear, in the celebration of the eucharist. (SC41) But the celebration of the eucharist depends on the bishop. Both the Constitution on the Liturgy and LG are equally emphatic on this point, and in this they follow the most ancient testimony of Christian tradition.

Sacrosanctum Concilium, n. 41, says:

All should hold in the greatest esteem the liturgical life of the Church. They must all be convinced that the pre-eminent manifestation of the Church consists in the full, active participation of all God's holy people in these liturgical celebrations, especially in the same eucharist, in a single prayer, at one altar at which the bishop presides surrounded by his college of priests and by his ministers.

Lumen Gentium, n. 26, speaking in the same vein:

A bishop marked with the fullness of the sacrament of order is the steward of the grace of the supreme priesthood, especially in the eucharist, which he offers or causes to be offered, and by which the Church continually lives and grows.... In any community of the altar, under the sacred there is exhibited a symbol of that charity and unity of the mystical Body, without which there can be no salvation... Every legitimate celebration of the eucharist is regulated by the bishop, to whom is committed the office of offering the worship of Christian religion to the divine majesty...

3. *This position of the bishop in the local Church is the result of his possession of the fullness of the priesthood.*

SC 41 again is to the point:

"The bishop is to be considered as the high priest of his flock from whom the life in Christ of his faithful is in some way derived and upon whom it in some way depends."

LG repeats the same teaching in fuller detail. It traces the plan of God for man's salvation and divine adoption, reaching its climax in the sending of his Son and his redemptive sacrifice; the pouring out of the Spirit on His Church and the mission of the Church to continue his redemptive work on earth till the end of time:

When Jesus, who had undergone the depth of the cross, had risen, he appeared as the one constituted as Lord, Christ and eternal priest (cf. Acts 2:36; Heb., 5, 6, 7, 17-21), and he poured out on his disciples the Spirit promised by the Father (cf. Acts 2:33). Hence the Church, equipped with the gifts of her Founder and faithfully guarding his precepts of charity, humility, and self-sacrificing, receives the mission to proclaim and to establish among all peoples the kingdom of Christ... (n. 5)

This mission, which is a continuation of Christ's own mission on earth — "As the Father hath sent me I also send you" — was given primarily to the apostles and through them to the successors of the apostolic college, the bishops. The fullness of priesthood granted to the bishop is a prolongation of Christ's own presence in the world, continuing Christ's high-priestly activity of giving glory to God in sanctifying mission.

In the bishops, therefore, for whom priests are assistants, our Lord Jesus Christ, the supreme high priest is present in the midst of those who believe. (LG 21)

And again,

... the Sacred Council teaches that by episcopal consecration the fullness of the sacraments of orders is conferred, that fullness of power, namely, which both in the Church's liturgical practice and in the language of the Fathers of the Church is called the high priesthood, the supreme power of the sacred ministry. (ibid.)

4. *It is from this priestly consecration too that the other powers of the bishop's office derive.* His mission of teaching and ruling is not to be considered as something separate from his priestly office, implying two sharply-contrasted powers of order and jurisdiction.

Rather, as *Lumen Gentium* clearly states:

Episcopal consecration, together with the office of sanctifying, also confers the office of teaching, and of governing... For... it is clear that, by means of the imposition of the hands and the words of consecration, the grace of the Holy Spirit is so conferred, and the sacred character so impressed, that bishops in an eminent and visible way sustain the roles of Christ himself as teacher, shepherd, and high priest, and that they act in his person. (LG 21)

An important corollary to this is that the bishop derives his power immediately from Christ and exercises it not as a delegate of the Pope, though in its actual exercise he is subject to the Pope. Obviously these powers of teaching and ruling must be carried out, as LG points out, "in hierarchical communion with head and the members of the college". (ibid.) Through his offices of teaching and ruling the bishop prepares his flock to enter into and benefit by his priestly activity. Everything that the bishop does, then, possesses a priestly dimension. And this fullness of the priesthood is given him for the service of the flock in order that they too as the holy people of God may exercise the royal priesthood that has been given to them — "so that all who are of the people of God, and therefore enjoy a true Christian dignity, working toward a common goal freely and in an orderly way, may arrive at salvation". (LG 18)

5. *This local Church, eucharist-centered and bishop-centered though it comprises in itself the presence of the Universal Church, must not be thought of as an autonomous or isolated community.* We must think rather of the Universal Church composed in its actual extension of the whole network of social churches. Just as the eucharist assembles into a visible social unity, inspired and sustained by charity, all the believers in a single diocese, so too it assembles the believers of the whole Church in a similar unity around and under the episcopal college. *The structure of the local church is complete only through the communion of its bishop with the other bishops of the Church throughout the world.* As Joseph Ratzinger puts it: "the bishop is bishop only by being in communion with other bishops".

6. *The bishop then is the link between the local Church and the universal Church.* He is concerned for the universal Church, as pointed out by LG: "each of them, as a member of the episcopal college and legitimate successors of the apostles, is obliged by Christ's institution and command to be *solicitous for the whole Church.*" (LG 23) The priesthood of the bishop, a sharing in Christ's own priesthood, is directed to the good of all Christ's Church, to which he must help to preach the Gospel and bring reign of Christ.

This direction of the priesthood of the bishop to the good of the universal Church finds its highest expression in the collegia-

lity of the bishops. By divine institution the entire college of the bishops has been given supreme and universal power in the Church. This power is exercised in ecumenical councils and if the Pope wishes may be exercised outside it by a collegiate act.

Apart from these exceptional actions the responsibility of the local bishop for the whole Church will show itself, over and above his primary duty of ruling his own diocese well, in his associations with other bishops in national or regional conferences of bishops, setting up of commissions, consultation with neighboring bishops and so forth. *LG* indicates other fields for extending zeal and charity beyond the diocesan bounds in missionary enterprises and in the provision of assistance to poorer dioceses.

In the exercise of collegiality the bishop represents his local Church: "The individual bishops are the visible principle and foundation of unity in their particular Churches, fashioned after the model of the universal Church, *in and from which* Churches come into being the one and only Catholic Church. For this reason the individual bishops represent each his own Church, but all of them together and with the Pope represent the entire Church in the bond of peace, love, and unity". (*LG* 23)

The New Code of Canon Law

Are these ecclesiological orientations reflected in the new Code of Canon Law? The answer is affirmative.

Regarding the perspective of the Church in its universal level, the content of Book II is obviously meant to conform to the orientation of *LG*: "De Populo Dei". The first Canon of Part I of this Book, Canon 204, 1, establishes the requisites for membership by transcribing almost literally *LG* 14b. So with paragraph 2 of the same Canon 204, which faithfully uses the text of *LG* 8.

How about the Theology of the Local Church?

The Code treats expressly of the particular Churches in

1. Section II of Part II of Book II — This comes after the subject on the supreme authority of the Church. It is interesting to point out that the novelty is brought out when you com-

pare the order in which the materials on the hierarchy are treated in the new Code with that followed in the 1917 Code.

After the section *De Clericis in genere*, the OC turned to *De Clericis in specie* of which the first part was entitled *De Suprema potestate deque iis qui eiusdem sunt ecclesiastica jure participes*. In this part along with the Roman Pontiff, Ecumenical College of Cardinals, Roman Curia, Papal Legates, and several other offices, were also treated Patriarchs, Primate, Metropolitans, and Plenary and Provincial Councils. There then follows the part *De potestate episcopali deque iis qui de eadem participant*. There was a descending order in the organization of the materials, with the groupings of particular churches and the councils of bishops considered to be *instances of participation* in the supreme authority.

In the new Code, Part II, *De ecclesiae Constitutione Hierarchica* is divided into two Sections: I — *De Suprema Ecclesiae Auctoritate* treating successively of the Roman Pontiff and the College of Bishops, the Synod of Bishops, the Cardinals, the Roman Curia and Papal Legates. II — *De Ecclesiis Particularibus deque earundem Coetibus* which has three titles: 1. *Particular Churches and their Groupings*, and 2. *Groupings of Particular Churches* treating of particular councils and conferences of bishops.

The distinct change here dictated by the theology of the local Church is the removal of the material on groupings of particular churches or of bishops from the section on participation in the supreme authority.

2. The Universal Church as a Communion of Particular Churches — This has something to do with the theme of relationship between the universal and particular churches. LG 23a answers this by saying:

Collegiate unity is also apparent in the mutual relations of each bishop to individual dioceses and with the universal Church. The Roman Pontiff, as the successor of Peter, is the perpetual and visible source and foundation of unity in their own *particular churches*, which are constituted after the model of the universal Church: in which and from which exists the one and unique Catholic Church.

Canon 368 reads

Particular churches in which and from which exists the one and unique Catholic Church are first of all dioceses...

This Canon took in it the key words used to describe the essence of the relationship between the universal Churches and that of the local churches: "which" and "from which".

Two types of relationship are envisioned:

1. IN WHICH, i.e., a relationship of *being in*. What is being underlined here is that the universal Church, *in se*, does not exist in itself. It is realized in the local churches.

2. BY WHICH, i.e., a relationship of origin and quality, inasmuch as the universal Church is *the result of the communion* that arises from particular Churches.

These two relationships define the nature of the relationship between the universal and the particular churches. They cannot be separated. If only "in which" is retained, then the universal Church disappears, and we fall into ecclesial particularism; if, on the other hand, only "from which" were to be used then the opposite will happen: the local churches disappear and be lost in the universal Church.

The mere fact then that the Code has taken this key orientation and placed it at the beginning of the Section dedicated to the local Church, is indicative of the influence of the ecclesiology of the local Church on the codal text.

3. *What is a Local Church?*

The pertinent Canon is *Can. 369* which reads:

A diocese is a portion of the people of God which is entrusted for pastoral care to a bishop with the cooperation of the presbyterate so that, adhering to its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic and apostolic Church of Christ is truly present and operative.

This Canon finds its sources in *LG 26a* and *CD 11a*. Here we have in a more succinct form the enumeration of the essential ele-

ments that make a particular Church truly a Church of Christ, namely:

1. The Gospel and the Eucharist
2. The Holy Spirit
3. The Episcopal and presbyterate ministry.

I would like to offer some comments:

"The particular or local church that is a portion of the People of God". The universal Church does not result from the sum total of all the local churches; but rather the universal church is realized in the particular churches. The local church is not the result of a partition in space and time of the universal Church. It is to indicate the true nature of the local Church, its origin and originality of its relationships with the universal Church that the Code uses the word "portion" and not "part".

"The apostolic ministry of the bishop and his presbyterium". The bishop then is surrounded by his presbyterium or body of priests who constitute one priestly body with him, and whose function is to represent him as priest-teacher and rule in the various parts of his diocese. For this purpose they share the priesthood of the bishop, which is, of course the priesthood of Christ himself. Their task in the local Church is like that of the bishop in the diocese, to proclaim the Word of God and especially to celebrate and bring the "ministry of alleviation and reconciliation" to the faithful.

"Gospel" — the Gospel understood here is not merely the proclaimed Gospel, i.e. the Good News, but the actualized Good News in the local church. Hence the emphasis is on the three marks of the Church: *unity*, because the Gospel is the normative element for the Church and therefore the basis of her unity in living faith, hope and charity, in the doctrine; *sanctity*, due to the acceptance of the Gospel and its being part of the life of the faithful of the local church; and that of *apostolicity* because it is the written Gospel transmitted by the Apostles and lived by the faithful in the apostolic era.

"Eucharist" — as we have said already: it is chiefly through the eucharist that the Church universal is made present in the local church. The eucharist is the sacrifice of the universal Church,

by which the sacrifice of the Cross, from which the Church takes her origin, is made present in the midst of the people to be shared by them and to be the expression of their total dedication of themselves to God's service. The eucharist is also the sacrament of unity, whose *res* is the mystical body. The Local Church is therefore pre-eminently eucharistic. It is an "altar-community". The other sacraments centre around its eucharistic celebration, each playing its respective role in building up and maintaining the body of Christ.

"The Holy Spirit" — the rule of the Holy Spirit in constituting a group of faithful into a local Church.

"The Church of Christ that is one, holy, catholic and apostolic". It means that the four marks of the true Church are to be found also in the local Churches. The content of each property is not explained by the Code.

4. *Historical Models of the Local Church in the Code*

I would like to relate this with *Canon 368*:

"Particular Churches in which and from which exists the one and unique Catholic Church are first of all dioceses; to which unless otherwise evident are likened a territorial prelature, a territorial abbacy, an apostolic vicariate, an apostolic prefecture, and apostolic administration which has been erected on a stable basis".

To understand this text better, let us recall the *threefold plans* which the Council used to explain the doctrine on the local Church. These plans are: (1) *the plan of the mystery of the Church*; (2) *plan of the concrete model*, and finally, (3) *the plan of the historical models*.

The plan of the "mystery of the Church" is what we referred to as the constitutive theological elements of the local Church. Primary among these is the presence of grace of the Father of Christ and the multiple action of the Spirit and the acceptance of faith which sustains the hope and animates the love of the ecclesial community, the unity of the Gospel, and the Eucharist presided over by those empowered by a particular presence of the Spirit of Christ to act in the person of Christ.

The mystery of the Church does not exist as a separate reality by itself; it is manifested concretely in a human group, in the community of believers, understood not simply as a globality of Christians spread all over the world. It should rather be understood to the "concrete" models of the ecclesial communities. The essential elements are and ought to be present, but the forms *may* vary according to the variety of peculiarities of every situation the faithful find themselves.

In the course of time, some of these models may have completely disappeared, some may have continued to exist but with much additions and modifications dictated by the needs of both the faithful and the world. These are what we refer to as the *Historical* models. And the Code refers to this historical model of the local Church in Canon 368.

The unchangeable and essential elements in any historical model should be distinctly separated from the changeable and contingent elements. From what I could gather, the Code has this in mind when it provides and defines competence and point out some areas where there could be some changes or modifications at the normative level.

For example: in the area of legislative power of the bishop, or in organizational level regarding the division of a diocese or of parishes, and in the pastoral field like the norm of adaptation of pastoral programs in relation to the various needs of the faithful.

Conclusion

Our study brings us to this conclusion: inspite of the incompleteness of Vatican II theology of the local Church, the Code of Canon, as far as this section is concerned, appears to have been extremely successful not only in reflecting the ecclesiology of the Local Church in the Code but, more importantly, gave more cohesion and unity.

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