

THE SCHEMA OF THE SECOND DOGMATIC CONSTITUTION

DE ECCLESIA OF VATICAN I

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ABBREVIATIONS USED

- AAS --- Acta Apostolicae Sedis, Romae, 1909 ff.
- Collectio Lacensis --- Acta et Decreta Sacrorum Conciliorum Recentiorum Collectio Lacensis, Acta et Decreta Sacrosancti Oecumenici Concilii Vaticani, Friburgi Brisgoviae, 1890.
- Denzinger --- H. Denzinger and A. Schönmetzer, Enchiridion Symbolorum, Editio XXXII, Friburgi Brisgoviae, 1963.
- DTC --- Dictionnaire de Théologie Catholique, ed. by A. Vacant and E. Mangenot, Paris, 1903 ff.
- Mansi --- J. D. Mansi, Sacrorum Conciliorum Nova et Amplissima Collectio, Tomes 49-53, Graz, Austria, 1961.

INTRODUCTION

Ecclesiology, as the Church's expression of her self-understanding, is necessarily influenced by the changing circumstances of the Church's existence at a given point in history. The interaction between the concept of the Church and its actual form and the importance accorded to either pastoral or apologetic concerns are only some of the factors which bear on the expression of the Church's essence. Hans Kung, in a recent study on the Church, has described ecclesiology as a "response and a call to constantly changing historical situations."¹

Ecclesiological thought takes different forms even within the same historical epoch, and there are various indices which provide insight into aspects of the ecclesiology of a specific period. One such index is found in the deliberations and enactments of a general Council in which the Church sets out to understand and define herself. Pope John XXIII proclaimed this ecclesial self-understanding as one of the major aims of the Second Vatican Council. The agenda of the First Vatican Council, which had convened over ninety years earlier in very different historical circumstances, also called for reflection on the nature of the Church.

The convocation of the Second Vatican Council provoked comparisons of its treatment of the Church with that of Vatican I. Authors referred, among other things, to the unfinished state of Vatican I's Constitution on the Church in view of its almost exclusive concentration on the particular powers of the Pope. Such interest in the First Vatican Council's understanding of the Church has led theologians to a closer examination of its official writings. The published documents

¹The Church (New York: Sheed and Ward, 1967), p. 13.

of the Council help to define the nature and scope of its ecclesiological concerns. They also provide a touchstone for speculation on what the Council might have accomplished had its work not been interrupted by the outbreak of the Franco-Prussian War.

One of the documents which remains an important source of the ecclesiological thinking of Vatican I is the Second Dogmatic Constitution De Ecclesia prepared by the German Jesuit theologian, Joseph Kleutgen. Although Pope Pius IX's suspension of the Council in October of 1870 prevented this revised version of the first schema on the Church from being discussed and defined by the Council Fathers, it is a valuable theological reference. Both the qualifications of its author and the nature of the document itself contribute to its importance.

Joseph Kleutgen was an important nineteenth century neo-scholastic philosopher and theologian. Before his work on the De Ecclesia he had already become acquainted with the inner movements of the Council and demonstrated his talents by assisting with the preparation of two other Conciliar documents, the De Fide Catholica and the Pastor Aeternus. The task of revising the document on the Church which the Deputation on the Faith confided to him required a careful balancing of what were at times contradictory views, the weighing of the advisability and validity of proposed changes, and an openness to tendencies and ideas of very different individuals and nations. An examination of the efforts of such a theologian in this delicate work of redaction is itself a worthwhile study.

The Second Dogmatic Constitution De Ecclesia is even more important, however, as a reflection of the common thought of the First Vatican Council on the nature of the Church. Joseph Kleutgen was not himself known as an ecclesiologist. His contributions had been chiefly in the realm of scholastic philosophy and theology, and there are no major treatises on the Church among his writings. From this point of view someone more readily associated with work on ecclesiology, as Clement Schrader or Johannes Baptist Franzelin, who were serving as Conciliar theologians, might have seemed a more likely candidate for the task of redacting a document on the Church. This fact of his background combined with Kleutgen's own testimony in his accompanying

Relatio supports the conclusion that the primary source of the ecclesiology found in this document is the Council itself. The very title of the schema points to the underlying concern of the redactor: "Schema of the Second Dogmatic Constitution on the Church of Christ Revised According to the Comments of the Very Reverend Fathers."² In addition Kleutgen reiterates throughout his explanations his intention of making his schema accord with the Bishops' observations.³ Kleutgen's project, then, expresses the ecclesiological viewpoint of a substantial number of the Council Fathers at the time of the Council's interruption. It represents a new stage in the Council's work, and had it been possible for Vatican I to reconvene, would have provided the base and direction for future discussions on the Church.

Certain modern scholars have indicated the importance of Kleutgen's De Ecclesia as an index to the ecclesiological thought of the Fathers of the First Vatican Council, and this is, therefore, not an insight original to the present study.⁴ These authors have not fully developed their suggestion, however, and the contribution of this paper will be to substantiate, clarify, and specify this claim. The central portion of the paper will be a consideration of general and specific elements of Kleutgen's document in relation to both the first schema De Ecclesia and the written observations of the Fathers on this Constitution. This will be preceded by a sketch of Joseph Kleutgen and his role at Vatican I, and a summary of the history of the Council's document on the Church. It will then be possible in the final section to state the conclusions which

²Emphasis is mine. Translations of the Latin texts throughout the paper will be my own unless otherwise indicated.

³The Relatio, or text of accompanying explanations, opens on this tone: "Plurimi ex reverendissimis patribus qui annotationes de schemate huius constitutionis exhibuerunt . . ." (Mansi 53, 317B). Similar phrases punctuate its remaining paragraphs, i.e., "secundum multorum reverendissimorum patrum desiderium" (ibid., 319B); "secundum nonnullorum patrum animadversionem" (ibid., 324B).

⁴See Jean-Pierre Torrell, La Théologie De L'Épiscopat au Premier Concile du Vatican (Paris: Les Éditions du Cerf, 1962), pp. 248 and 323; Roger Aubert, Vatican I (Paris: Les Éditions de l'Orante, 1964), p. 157.

have emerged from an analysis of these texts.⁵ Although a complete account of the ecclesiology of Vatican I would involve a treatment of the complex issue of papal infallibility, this topic will not be handled in this study except where it is of importance to the document under consideration.

I am grateful to Father William Kelly, S.J., for his time and interest in directing this thesis, and for the use of his Doctoral Dissertation, and to Father Patrick Burns, S.J., and Father Francis Kerth, S.J., for their helpful suggestions.

⁵Since it was not possible to consult the Vatican archives, the analysis and conclusions of the study will be limited to the published documents of Vatican I.

CHAPTER I

BACKGROUND

Joseph Kleutgen: His Life and Works

Joseph Kleutgen was born on April 9, 1811, at Dortmund in Westphalia. He began his studies at Munich, and continued them at the Academies of Münster and of Paderborn. On April 28, 1834, at the age of twenty-three, Kleutgen joined the Society of Jesus.¹ He served as professor of ethics at the University of Freiburg in Switzerland from 1837 to 1843, and then journeyed to Rome where most of his remaining years were spent. While in Rome, Kleutgen held various positions, including that of professor of sacred eloquence at the Germanicum. Leo XIII appointed him prefect of studies and professor of dogma at the Gregorian University in 1878, and he was also a consultant to the Congregation of the Holy Office.

Joseph Kleutgen is perhaps best known, however, for his contribution to the restoration of scholastic philosophy and theology in Germany. The opening years of the nineteenth century were marked by a serious decline in Catholic theology. Among the causes of this decline was the absence of an acceptable philosophical base, a lacuna which had resulted from the abandonment of ancient scholasticism. Kleutgen devoted his life to the revival of scholastic methods and principles, and the rebirth of scholasticism in Germany which resulted in large measure from his efforts, is considered a turning point in

¹Kleutgen entered the Jesuits under the name of Peters. This was the name he adopted until 1846, apparently to avoid complications with the Prussian government because of his earlier association with a Munich student organization opposed to Prussian interests. See P. Bernard, DTC, VIII (1925), 2359-2360.

the history of theology.²

From the period of his scholasticate at Freiburg Kleutgen had been convinced of the value of the traditional philosophy.³ His studies and teaching, especially the years spent at the University of Münster, had also brought him into contact with the thought of Kant and Hegel, and the new tendencies in German philosophy and theology. Kleutgen opposed the teachings of the Fathers and the Scholastics to the modern systems in his two most important works, Die Theologie der Vorzeit and Die Philosophie der Vorzeit.⁴

Kleutgen's writings comprise a positive contribution to the study of the patristic and scholastic doctrine on topics such as faith, God, the Trinity, grace, sin, the Incarnation, and the Redemption, but these writings also contain a strong refutation of the works of influential representatives of German idealism, ontologism, rationalism, and semi-rationalism. In the Die Theologie der Vorzeit and the Die Philosophie der Vorzeit Kleutgen recalls and counteracts the false theories and the accusations made against scholasticism by G. Hermes, A. Günther, J.B. Hirscher, J. Frohschammer, and the authors such as Descartes, Fichte, Schelling, Hegel, and Kant, whose influence

²This is the assessment of Edgar Hocedez, Historie de la Théologie au XIX^e Siècle (Bruxelles: L'Édition Universelle, 1952), I, pp. 13 ff.; II, pp. 323-24.

³In his treatment of Kleutgen's philosophical writings, Edgar Hocedez, (*ibid.*, II, p. 324), gives a possible source of this devotion to scholasticism: "Comment se convertit-il à la Scolastique? Sous l'influence de Möhler, pensent quelques historiens." According to Bishop Hettinger, (Aus Welt und Kirche, 6^{ème} ed., I, p.81), cited by Dom Augustin Kerkvorde, "La Théologie du Corps Mystique au XIX^e Siècle," Nouvelle Revue Théologique, LXVII (1945), 426, Kleutgen also came under the influence of another contemporary theologian, Charles Passaglia, while professor at the Germanicum. Hettinger relates a conversation in which Kleutgen attributes the inspiration for his great works on traditional philosophy and theology to Passaglia.

⁴The first edition of the Die Theologie was published in three volumes in Münster in Westphalia during the years 1853-1860, and followed by a second edition in eight volumes between 1867-1874. The Die Philosophie was published at Münster in two volumes between 1860-1863, with a second edition at Innsbruck in 1878.

these men evidence.⁵ Kleutgen's refutation of ontologism became classic and his arguments reappear in the writings of many of its other opponents.⁶

The success of his two principal works contributed to Kleutgen's reputation as the restorer of scholasticism in Germany. The Die Philosophie was translated into Italian by Cardinal Reisch and P. Curci, and into French by P. Sierp, and its influence thus spread to Italy and France. Also attesting to Kleutgen's importance are the titles accorded him by W. Scheeben, Thomas redivivus, and Leo XIII, who called him princeps philosophorum. Kleutgen assisted Leo XIII in the preparation of his encyclical on Christian philosophy, Aeterni Patris, which was issued in 1879.⁷ The criticisms of Reisch and Kleutgen also contributed to the discrediting of the German philosophers and theologians at Rome, and in 1853, at the request of the Congregation of the Index, Kleutgen had taken from the works of Anton Günther a selection of propositions to be condemned.⁸

Joseph Kleutgen continued to publish other writings,⁹ and at the time of his death he was at work on a projected eight-volume summa on dogmatic and moral theology. He had time to complete only the

⁵The German Catholic theologian, Anton Günther, who died in 1863, exercised considerable influence in German theological circles through his writings and through his pupils who occupied chairs in German universities. Nine of his writings were placed on the Index in 1857. (cf. Denzinger, 2828-2831). Georg Hermes' writings were condemned as containing implicit rationalism (Denzinger, 2738-2740), and his books were put on the Index in 1835. J. Frohschammer was condemned specifically for attempting to bring the supernatural of faith within the scope of natural reason, (Denzinger, 2850-2861).

⁶Hocedez, Historie de la Théologie, II, pp. 135-6.

⁷Torrell, La Théologie de L'Épiscopat, p. 248, Note 2.

⁸The text of these can be found in L. Orbán, Theologia Güntheriana et Concilium Vaticanum (Romae: Universitatis Gregorianae, 1949), pp. 25-26. Roger Aubert in Le Pontificat de Pie IX (Paris: Bloud et Gay, 1952), p. 202, remarks that these criticisms were not always impartial.

⁹A complete list of these can be found in Carlos Sommervogel, Bibliothèque de la Compagnie de Jésus, IV (Paris: Bruxelles: 1890-1896), 1113-1116.

first volume, De Ipso Deo, however, which was published in Ratisbon in 1881. He died at St. Anton in the Alpine region of Tirol on January 13, 1883.

Joseph Kleutgen: His Role at Vatican I

Of special interest for the present study is the part which Joseph Kleutgen played at the First Vatican Council of 1869-1870. In spite of his reputation as a capable theologian, Kleutgen had not been invited to contribute to the preparatory work of the Council.¹⁰ This seems to have been the result of a disciplinary action, and Kleutgen is first introduced to the Council as the theologian of Bishop Martin of Paderborn, who had probably been one of his colleagues during his studies in that city.¹¹ Although not commissioned as a papal theologian, Kleutgen became one in practice, and made a major contribution to the Council.

Kleutgen joined the Conciliar debates when work was in progress on the first dogmatic constitution, De Fide Catholica. The first formulation of this schema, which was principally the work of the Austrian Jesuit, Johannes Baptist Franzelin, had been severely criticized by the Fathers of the Council during the discussions of the General Congregation which began on December 28, 1869.¹² As soon as

¹⁰His name is not among the theologians recommended or listed as consultors for the Council, although it would seem to belong with those of Ferrone, Franzelin, Schrader, Hettinger, and Gay. cf. Mansi 49, 467-68.

¹¹Kleutgen apparently had retired in silence to Galero on the shores of Lake Albano and was at work there on his writings. He was under a sentence of the Holy Office for his connection, while an extraordinary confessor, with an incident in a Benedictine convent at Rome. The Holy Office had learned that the religious of this Convent were venerating as a saint one of their Sisters who had died at the beginning of the nineteenth century, and it punished the Sisters and their confessors. When Bishop Martin appealed for Kleutgen's assistance at the Council, he is said to have refused at first, but later accepted after an entreaty from the General of the Jesuits and the lifting of all remaining censures by Pope Pius IX. See Théodore Grand-erath, Histoire du Concile du Vatican (Bruxelles: Libraire Albert Dewit, 1911), II, Part II, 12, Note.

¹²The course of these debates is recorded in Mansi 50, 122-276.

the trend of the Bishops' criticisms had become apparent, the Deputation, De Fide, under the chairmanship of Cardinal Billio, began to reconsider the schema. At its second session, on January 10, Franzelin was invited to defend the schema before the members of the Deputation.¹³ His defence did not satisfy the members of the Deputation, however, who decided that the schema needed major revision. A sub-committee of three, Archbishop Dechamps of Malines, Bishop Pie of Poitiers, and Bishop Conrad Martin of Paderborn, was entrusted with this job. The other two members seem to have delegated the major portion of the work to Bishop Martin, who, in turn, relied heavily on the assistance of his theologian, Kleutgen, whose background had better prepared him for the task.¹⁴ Kleutgen thus played a major role in the redaction of the reformed schema, De Fide Catholica. Bishop Martin presented this work to the commission at the end of February, and after it had examined and amended it in the eight sessions between March 1 to 11, it was distributed to the Fathers on March 14.

While the debates on the schema, De Fide Catholica, were taking place, tension mounted over the question of a possible definition of papal infallibility. The details of the formulations and discussions which centered on this topic are too complex to be reviewed here, but what is of note is that in the course of the Council's deliberations on this topic, Kleutgen's influence is again apparent. He was one of the members of the Deputation, along with the other Jesuits, J. Franzelin and C. Schrader, the Dominican Bianchi, and Canon Waier of Ratisbon, to be named by Cardinal Billio to revise the Pastor Aeternus. Kleutgen and Franzelin were largely responsible for the final redaction of the text of Chapter IV of the schema which concerned the expression of papal infallibility. On June 8, 1870, these two theologians proposed a new text of this chapter to the Deputation De Fide. Kleutgen assisted Franzelin in explaining the emendations to the Fathers, and in subsequent records of the Deputation's proceedings,

¹³See Mansi 50, 317-340.

¹⁴Granderath, (Histoire du Concile, II, Part II, pp. 12 ff.), attributes this work of redaction almost exclusively to Kleutgen. However, the Abbé Charles Gay of Poitiers, theologian to Bishop Pie during the Council, also worked on the revision.

his name appears often.¹⁵

On July 18, 1870, the solemn vote on the Constitution Pastor Aeternus took place. The following day, July 19, France declared war on Russia and removed her troops from Rome. Pius IX, meanwhile, had already issued a monitum to the General Congregation granting a leave of absence to all the Fathers after the Fourth Public Session. They were to be back in Rome no later than November 11, 1870, so that the Council might be resumed.¹⁶ Only a small number of Bishops remained in Rome, continuing to meet and treat minor subjects. Kleutgen spent this time enjoying "the waters" at Viterbo, where he had gone for a rest, but he continued his work for Cardinal Billio and the Deputation. On July 22 Kleutgen sent a revised version of the schema of the Second Constitution De Fide and an accompanying letter to Cardinal Billio.¹⁷ In the letter Kleutgen states his intention of remaining at Viterbo until the end of August, but he does not mention the second schema on the Church.

It is probably between the date of this letter and Pius IX's indefinite suspension of the Council proceedings on October 20, 1870, that Kleutgen made his final contribution to the work of the Deputation and the Council. He carried out the project entrusted to him by the Deputation, and reworked the first ten chapters of the schema De Ecclesia according to the observations of the Fathers. Because of the suspension of the Council, however, this new schema was never discussed by the Bishops.¹⁸ It is the nature of this last aspect of Kleutgen's role at Vatican I which is the focus of this investigation.

¹⁵The June 8th session of the Deputation is recorded in Mansi 53, 257-259B. For Kleutgen's role see the proposals for amendments to Chapters I and II of the Pastor Aeternus, 263D; to Chapter III, 264G; to Chapter IV, 270D, 272B, 273B, 275B.

¹⁶Collectio Lacensis VII, 1017 C.

¹⁷Mansi 53, 286B-287B.

¹⁸The text of this schema and the accompanying Relatio were found undated among the autographed papers of Joseph Kleutgen, and published in unedited form in 1927. See Mansi 53, 308-317 and the editors' note.

History of Vatican I's Document on the Church

Joseph Kleutgen's Second Dogmatic Constitution on the Church represents a late stage in the history of Vatican I's document on the Church. The evolution of this document was a complex process, but at least the general outline of this development is necessary for an appreciation of this last schema, De Ecclesia. It will, therefore, be traced here.

During the interim between December 6, 1864, when Pius IX disclosed to a group of Cardinals his hope of summoning an ecumenical Council, and its first solemn session on December 8, 1869, the agenda of this Council was already being shaped. In a confidential letter dated April 20, 1865, Cardinal Caterini, Secretary of the Congregation of the Council, had asked thirty-six Latin-rite Bishops to send the Holy Father their ideas on the subjects the Council should treat.¹⁹ Nine Bishops of the Oriental Uniate Church were also consulted during the early months of 1867. An analysis of the Bishops' responses indicates that a large number had recommended that the Council use as its point of departure, the encyclical, Quanta Cura, and the accompanying Syllabus issued by Pius IX on December 8, 1864.²⁰ The replies received from the Bishops were also summarized and the ideas related to the treatment of the Church are divided into three sections in this Report: on dogmatic questions, on Church discipline, and on the relations between Church and State. The suggestions listed under the first section on points of dogma include such items as the Church's unity, necessity, infallibility, divine-human nature, and

¹⁹See Collectio Laecensis VII, 1017 C, for the text of this letter.

²⁰See, for example, the responses of Bishop Pie of Poitiers, Mansi 49, 112 ff.; Archbishop Joseph Guibert of Tours, ibid., 116-17; Bishop Peter Nabile of Versailles, ibid., 137; Bishop Senestrey of Ratisbon, ibid., 138; and Cardinal Michael Garcia Cuesta, Archbishop of Compostela, ibid., 154. Bishop Felix Dupanloup of Orleans, however, in the section of his letter which gives reasons for postponing the Council to a later date, mentions the alarm which misunderstanding of the Syllabus has caused (ibid., 118).

its nature as an external and visible human society.²¹

In September of 1867, the preparatory commissions established by Pius IX began their work. The public announcement of the Council had been made on June 26th of that year, but no definite date was as yet set for its opening. Meanwhile, the Pope had confided the task of preparing the decrees to a group of Cardinals known as the Central Commission. Sub-commissions were also established, among them one on Dogmatic Theology.²² The highlights of its deliberations in producing the schema on the Church will be reconstructed here.

At the opening meeting of this Commission its President, Cardinal Luigi Billio, read the summary which had been made of the Bishops' replies to Cardinal Caterini's letter.²³ After a discussion of this Report the Commission formulated five questions to guide it in preparing the material to be presented to the Council. The last of these questions dealt with the method and order to be followed in formulating and presenting current errors to the Fathers. Cardinal Billio appointed a special Deputation to answer this question, and on September 27, 1867, it decided on the Quanta Cura and the Syllabus as the basis of the Commission's study.

The paragraphs of the Syllabus were then divided among the consultants and members of the Commission. Those of importance for the document on the Church were distributed as follows. Father P. Perrone received paragraph five of the Syllabus which dealt with the Church and her rights. The sections of this paragraph on the Roman Pontiff were given to Filippo Cossa, and that on the infallibility of the Roman Pontiff, to Bishop Cardoni. To Clement Schrader went the last part of paragraph four, on clerical and liberal

²¹Mansi 49, 202-238. The section on Church discipline is lengthy, and that on the relations between Church and State covers six columns of Mansi.

²²The record of the fifty-seven sessions held by this Commission is in Mansi 49, 617-736. Some of its important members included J. Cardoni, V. Monaco, H. de Ferrari, H. Spada, J. Perrone, J. Franzelin, G. Santori, J. Pecci, P. Petacci, and C. Schrader (Mansi 49, 626 D).

²³For the proceedings of this meeting see Mansi 49, 617-18.

societies, as well as paragraphs six, seven, and ten, on the relations between the Church and society, and on liberalism. Finally, P. Adragna was assigned paragraph nine, on the temporal power of the Holy See.²⁴

The members of the Commission then set to work on the tedious and complicated task of producing suitable schemata for the Fathers of the Council. On November 28, 1867, the discussion began on the vetum which Father Perrone had prepared on his material from the Syllabus. It treated the institution, nature, and properties of the Church. Shortly after discussion was under way on this vetum, on December 12, 1867, an effort was made to expedite the Commission's proceedings. A special permanent Deputation was established to tailor each vetum which had been discussed in the Commission's sessions to accord with the comments and corrections made on it. This Deputation was also responsible for providing unity of style in the final schemata.²⁵

Throughout the months of 1868 and 1869 this process of presenting, examining, and reworking the vota of the various members occupied the Commission and its special Deputation. In addition to the sections on the Church it also discussed material on the errors of Rationalism and on matrimony. By October 20, 1869, after two years of work, the Commission on Dogmatic Theology had prepared four dogmatic constitutions for proposal to the Council.²⁶ The text of the decree, De

²⁴Mansi 49, 621 C, D. The corresponding sections of the Syllabus are given in Denzinger, 2901-2980.

²⁵Of. Mansi 49, 626D-629A. The consultors named to this Deputation were Franzelin, Schrader, Potacci, and Santori, and Clement Schrader was to become the dominant figure in its work. He was also charged with safeguarding the unity of style of the documents in spite of their different authors (Mansi 49, 695D). In the light of this Jean-Pierre Torrell has remarked, (La Théologie de l'Épiscopat, p. 24), that "Schrader peut être considéré, sinon comme l'unique auteur du premier schéma de ecclesia, du moins comme son co-auteur permanent."

²⁶The texts of these constitutions are in Mansi 49, 743-750, and entitled: "Brevis Expositio Constitutionum a Commissione Editarum." The second constitution listed is the De Ecclesia Christi, composed of two parts. The first, consisting of ten chapters of dogma and thirteen canons contains doctrine on the nature, properties and power of the

Ecclesia Christi, was presented to the Central Commission which directed the preparatory work. It was read and approved by this Commission between October 26-29, 1869. On January 21, 1870, after a Mass in the Maronite rite commented on in Latin by the Master of Ceremonies, the text of the schema was distributed to the Fathers assembled in the Thirteenth General Congregation.²⁷ This Schema I De Ecclesia was composed of fifteen chapters and twenty-one canons, and accompanied by seventy explanatory notes or annotations.²⁸

On February 22, 1870, a month after the schema had been distributed to the Fathers, the President of the Council directed them to put in writing within ten days the observations they wished to make on the first ten chapters. These would be referred to the Deputation on the Faith which would revise the schema according to these comments and return it to the Council for discussion and voting.²⁹ Consideration of the topics found in the last five chapters of the schema, the relations between Church and state, the primacy of the Roman Pontiff, and the temporal power of the Papacy, was thus postponed. The Minority, felt, however, that this new procedural rule favored the introduction of the topic of papal

Church. The second part includes three chapters and fifteen canons on the Church's relation to civil society.

²⁷Mansi 50, 418 B.

²⁸The text is printed in Mansi 51, 539-553. The annotations are in 553-636. The content and form of this schema will be discussed in greater detail in connection with the second schema.

²⁹Cf. Mansi 51, 638 C. This Monitum is dated February 23, 1870, and is signed by Bishop Joseph of Sankt Pelten, Secretary of the Vatican Council. The observations are to include the first thirteen canons, and be completed by March 4. Earlier, on February 9, 1870, the Bishops of the German-Austrian bloc had presented their own suggestion, Quadraginta Patres desideria exponunt circa meliorem tractationem schematis de ecclesia Christi, calling for ample time to consider the schema and recommending that an exhaustive discussion of each section should precede a vote on it (ibid., 636-7). Note also that the Deputation referred to in connection with this monitum is that elected by the Bishops of the Council, to which the work of the Commission on Dogmatic Theology and its permanent Deputation was transferred.

infallibility, and it, therefore, drew protests from them.³⁰

The question of papal infallibility had not been mentioned in the schema on the Church submitted to the Fathers on January 21.³¹ Between December 18, 1869, and February 27, 1870, petitions and counter-petitions containing numerous signatures had circulated over the issue of bringing the question of the Pope's infallibility before the Council. On January 28 and 29, 1870, these demands were officially presented to the Congregation de postulatis whose function was to consider the proposals by the Bishops on matters to be presented to the Council. On February 9, the commission decided to propose the question for the examination of the Council. The text of a new chapter on papal infallibility was distributed on March 7, with the proposal that this chapter be combined with Chapter XI of the first schema.³² A monitum was also issued calling for the Bishops' written observations on Chapter XI and the chapter on infallibility.³³

From this material the Deputation de fide, at the request of the President of the Council, fashioned a reformed schema, the Constitutio Dogmatica Prima De Ecclesia Christi. The schema was sent to the Fathers on May 9, and the debates on it began on May 13. On July 18, 1870, the Vatican Council enacted the First Dogmatic Constitution on the Church, the Pastor Aeternus. It consisted of four chapters: on the divine institution of papal primacy, on its transmission in the Roman Pontiffs, on the power and nature of the primacy, and on the infallible teaching authority of the Roman Pontiff.³⁴

³⁰Mansi 51, 15B-16A.

³¹On February 11, 1869, the Commission on Dogmatic Theology had discussed Cardoni's votum on the infallibility of the Roman Pontiff. The members of the Commission agreed that this could be defined as an article of faith, but decided that a chapter on infallibility, although prepared, would not be added to the schema unless the Bishops demanded it (Mansi 49, 668 A,B; 696 A,B; 712 B). Cf. Collectio Lacensis VII, 1106 C.

³²See Mansi 51, 639-677; 701.

³³Mansi 51, 929-1070.

³⁴Ibid., 467 C; Mansi 53, 238 ff.

This first Constitution on the Church was to be the complement of a second constitution de ecclesia to be redacted by Joseph Kleutgen at the demand of the Deputation de fide.³⁵ From the material of the first ten chapters of the original schema on the Church and its accompanying annotations, as well as the written observations which the Fathers had submitted relative to these chapters, Joseph Kleutgen shaped the Second Dogmatic Constitution on the Church. The Deputation was never reunited after July 14 to review this text, and the Council never reconvened to discuss it. It is time now, however, to turn to an analysis of this document.

³⁵ Memorandum 53, 238 B,C.

CHAPTER II

THE STYLE AND STRUCTURE OF THE SECOND
CONSTITUTION ON THE CHURCH

Significant changes in tone, style, and structure appear in Joseph Kleutgen's Second Dogmatic Constitution on the Church. The revisions which he made in the general form of the first document are primarily a response to the Bishops' suggestions, and the result is a schema which is markedly different from the first. Since these changes and the rationale behind them are important for understanding the tendency of the Council's thought on the Church, they will be examined in some detail here. This chapter will treat first the introduction to the schema, then the general structure of the document itself, and finally the nature of its documentation.

The Introduction

Kleutgen's introduction depicts a Church under siege.¹ God has established the Church as an ark of safety in the deluge of this age. This Church is visible to all men, but many, especially in these times, not only do not heed her, but in their hatred actually try to undermine the Church. They fearlessly calumniate her saving activity, degrade her splendor, and depreciate her divinely constituted rights. This sad state of affairs makes necessary the document on the Church which will follow. What is of divine revelation concerning the Roman Pontiff has already been explained and defined; now the Catholic doctrine must be declared on the form and properties of the "remaining body" of the Church.

This proemium opens the schema on a predominantly defensive and

¹The Latin text is in Mansi 53, 308 A, B.

apologetic note. The introduction contains no mention of the needs of the faithful within the Church; its central section is rather devoted to a description of the characteristics of the Church's enemies.² The use of the phrases in this age and especially at this time underline the concern for the current problems of the Church, and the language used of her modern enemies is strong and inflammatory.³ The stated purpose of this schema on the Church is to clarify the true doctrine and counteract the inroads made by these adversaries. A preliminary image of the Church emerges in these introductory remarks, and several of the elements stressed here will also find prominence in the remainder of the document. There is reference to the Church's visibility, her splendor, and her divinely ordained power and rights. Her salvific activity is mentioned, and her hierarchical structure is assumed in the concluding sentence which speaks of the Roman Pontiff, or head, and the "remaining body."

In the revision process Kleutgen has almost totally reformulated the introduction found in the first schema. This is evident when the opening paragraphs of the two documents are compared. The introduction of the first schema De Ecclesia is built on a predominant note of pastoral concern for the salvation of men.⁴ The apostolic office of the supreme pastor of souls urges him to neglect nothing which would open the path leading to eternal life and salvation to all men, and bring those "who sit in darkness and the shadow of death to light and the knowledge of truth." Since God has established the Church as the well-spring of both the true saving doctrine and the means of salvation, so that all might draw life from it, this true

²This section reads: ". . .permulti tamen hac maxime aetate deprehenduntur, qui tantum divinae misericordiae opus non solum non attendunt, verum inique etiam odio inflammati oppugnant, et in contemptionem adducere conantur. Hinc modo actionem ejus salutarem calumniis proscindere omneque decus offuscare, modo jura, quibus constituta est, potestatemque caelitus collatam deprimere, modo quae in ea divinitus sancita sunt, humano arbitrio subicere non verentur" (ibid.).

³Cf. the description quoted above.

⁴This introduction is found in Mansi 51, 539 A,B.

Church must be pointed out to the erring, and recommended more earnestly to the faithful. In this way the erring will be brought to the path of salvation, and the faithful, strengthened in it. Therefore, the important truths of the Catholic doctrine on the nature, properties and power of the Church will be stated, and the opposite errors condemned.

Phrases such as "the true Church", "the erring", and "growing opposite errors" indicate the author's apologetic concerns, but the polemic language of this introduction is milder, and its position less central than in Kleutgen's document. The purpose of the schema is not only to enlighten those outside of the Church, but to encourage its members.⁵ In the opening sentences of this first schema the Church is presented, above all, as a center of salvation, and the words most frequently attached to it are "life" and "salvation".⁶ There is no reference to the visibility of the Church except as implicit in the traditional phrase, "true Church", nor of its rights or hierarchical structure.

Recognition of the contrasts found in the introductions to the first and second schemata De Ecclesia provokes inquiry into the reason for the differences. Kleutgen does not comment on his introduction in the remarks made in his accompanying Relatio.⁷ However, his continual references to the desires of the Conciliar Fathers make their observations a very probable factor in the changed tone of this introduction.

Preliminary to their remarks on the first ten chapters of the first schema on the Church, the Bishops had commented on the general

⁵The annotations attached to this introduction explain that, as is usual with such schemata, the introduction is intended to give the reasons for issuing the document. The impelling cause of the schema on the Church is the concern of the apostolic office; its final ultimate cause, the eternal salvation of souls; and its final proximate cause, the statement of the truths of salvation (Mansi 51, 553 A).

⁶The references to salvation are not without apologetic overtones, especially in the light of Chapters VI and VII of the schema which contain the doctrine on the necessity of the Church for attaining salvation.

⁷See Mansi 53, 317-18.

form of the schema, and on its introduction.⁸ Bishop Paul Ballerini, the Latin patriarch of Alexandria, did not think that the introduction expressed clearly enough the reason for issuing this dogmatic constitution, namely, the seriously increasing errors of the day. Several Italian Bishops also expressed reservations. Of these, Bishop Joseph Rosati of Piemonte, recommended an insertion mentioning the many grave errors of the stormy times. Another, Bishop Arrone of Montalto, proposed a reformulation of part of the introduction since it omitted the proximate reason for presenting the doctrine on the Church, the multiplication of errors concerned with this doctrine. Although some prelates, as Bishop John Cerruti of Savona and Nola, and Bishop Montpellier of Liege, Belgium, were satisfied with the introduction, Bishop Gastaldi of Saluzzo complained that it was too vague and general, like a head which would be appropriate for different bodies. The Italian Cardinal Gonella summarized his own and several other Bishops' demands for a reformed section to include mention of the false and evil doctrines of the age.⁹

Kleutgen's redaction of the introduction of the first schema is in line with these observations calling for more consideration of the errors of the times. The tone he establishes in this first section is also closer to that set in the Bishops' letters of response to the Pope's request for subjects to be treated by the Council, as well

⁸The analytic synopsis of these observations is in Mansi 51, 746 D ff.

⁹Mansi 51, 746 D to 750 D. Bishop Gastaldi provides a new introduction for his own proposed schema which begins: "Cum hac aetate humani generis hostis ut religionem Christianam vel penitus extinguat, vel saltem impediatur quominus ulterius diffundatur, et ubi viget, vim suam omnem exerciat, fraudulentis et mendaces opiniones de sancta Dei ecclesia excitaverit..." (ibid., 887C). Cf. the revision prepared by Bishop Arrone, ibid., 747 D.

In view of these constant references to the errors of the day, recall that many Bishops had recommended the use of the Syllabus of Errors as the basis for the Council's deliberations, and that the Commission on Dogmatic Theology had used it as the point of departure in the formulation of the decrees. (See Chapter I, pp. 11-12, of this thesis).

as to that found in Pius IX's Bull of Indiction of the Council.¹⁰

General Composition of the Schema

Many Conciliar Fathers were dissatisfied with the style, structure, and selection of topics of the first schema on the Church. In the first portion of his accompanying Relatio Kleutgen explains how he has dealt with their suggestions in these areas, and his own order of considering the Bishops' comments will be followed here. Kleutgen notes first that the Bishops had requested additions in three areas: they suggested that in the beginning there be a fuller statement on the divine origin of the Church with the use of Old Testament testimonies; they called for the inclusion of material on the ecclesiastical hierarchy, especially the Bishops and general Councils, so that the entire Church would be described; and they wanted a more explicit affirmation of the identity of the Roman Church as the true Church.¹¹

Bishop Caixal of Urgel, Spain, was one of those who had objected to the schema's silence on the foundation of the Church, but the recommendations on this point came from representatives of a wide national spectrum. Bishop Mermilled of Hebron, Palestine, thought that the material on the Church's origin should be inserted as early as the introduction. According to Bishop Dupanloup of Orleans, France, the schema had several weaknesses because it contained nothing on the origin and antiquity of the Church, nor on its institution or foundation, but especially because it was silent on the relationship between the patriarchal and mosaic religion and the gospel dispensation.

¹⁰A sampling of these responses underscores this similarity. Cardinal Bonnechose of Rouen states that the fundamental truths of Christianity, including those on the Church, have been challenged, and must be reaffirmed (Mansi 49, 109); Cardinal Orfei, Archbishop of Ravenna, begins by noting that the Catholic Church in these days is afflicted by many great evils (ibid., 124); Cardinal Schwarzenberg of Prague uses the image of the Church being navigated in the midst of raging storms (ibid., 132). In the Bull of Indiction which he issued on June 29, 1868, Pope Pius IX referred to the "horrible tempest in which the Church is now being tossed about", and to the bitter enemies of God and man who assail the salvific doctrine and power of the Catholic Church and the supreme authority of the Holy See (Mansi 50, 1249).

¹¹Mansi 53, 317 B.

Cardinal Gonella and ten other Italian Fathers felt that the doctrine on the Church would flow more easily from a presentation of the fact of the institution of the Church by Christ. Bishop Magnasco of Bolina, Greece, proposed that an entire chapter be entitled, "The Church was instituted by Christ."¹²

The requests for more consideration of the Bishops and Councils came predominantly, although not exclusively, from Minority Bishops, or those who for some reason opposed the Council's defining papal infallibility. Many of these were from the French hierarchy. Bishop Devoucoux of Evreux wondered that so little was said about the episcopate and general Councils, and he proposed the addition of a complete chapter using extracts from provincial Councils held in France.¹³ Bishop Allou of Meaux and seventeen Bishops also proposed that a complete chapter be added on the Bishops in which their divine institution, dignity and rights would be defined. They would leave the form of this chapter to a plenary deputation. Bishop Dupanloup of Orleans, one of the strong opponents of the definition of infallibility, said that he found it difficult to accept the fact that there was so little in the schema on the ecclesiastical hierarchy, especially on the Bishops and priests. Bishop Lyonnet of Albi, France, found it very offensive and scarcely excusable that there was such silence on the rights and prerogatives of the Bishops, and thought that "the faithful could legitimately ask whether the Bishops have been suppressed."¹⁴

Cardinal Schwarzenberg of Prague commented that he had searched in vain in the entire schema for a fuller presentation of a divinely instituted hierarchy. He asks that the schema treat of the power of orders and jurisdiction, of the ecclesiastical priesthood and hierarchy, but especially of those whom the "Holy Spirit has appointed as Bishops to rule the Church of God." Cardinal Pecci, the

¹²Mansi 51, 738 D to 744 D; See also 749 G, 758 D to 759 A-D.

¹³Ibid., 743 G; 919-921.

¹⁴For Bishop Allou, see Mansi 51, 738 D; Bishop Dupanloup, ibid., 744 A; Bishop Lyonnet, ibid., 740 B. Lyonnet also opposed the infallibility decree.

future Leo XIII, although a supporter of papal infallibility, also desired that something on the Bishops be added to the schema.¹⁵

Kleutgen tried to satisfy these requests for additions on the Church's origin, hierarchy, and identity as the true Church.¹⁶ He states that he did this by adding some new chapters to the schema, especially the first, third, and last, and by expanding other sections.¹⁷ He then continues to comment, in his Relatio, on several other general recommendations made by the Bishops.

Many Fathers, he says, desired an express and accurate definition of the Church and a statement of its notes.¹⁸ Among those who had commented on this was Abbot Passeri of the Canons of St. Agnes who felt that a definition of the Church should precede a description of its parts. Bishop A. David of Saint-Brieuc, France, asked that an entire chapter be added based on Robert Bellarmine's definition of the Church and treating of the Church's hierarchy and constitutive parts. Archbishop Apuzzo of Sorrento, Italy, objected to the absence of such a definition and to the fact that of the notes of the Church only unity was explained. Bishop Allou and seventeen French Bishops wished to see this formula on the notes of the Church placed at the

¹⁵See Mansi 51, 733 C, for Cardinal Schwarzenberg; ibid., 740 A and 1017 C, for Pecci and eight others. Also important here are the comments of Bishop Callot of Oran, Algeria, ibid., 741 D; Bishop Dubreuil of Avignon, France, ibid., 743 B; and Bishop Maret of Sura, ibid., 916-919. There are also proposals for chapters dealing with this topic in the complete schemata presented by Bishop Ginculhiac of Lyon, ibid., 842; Bishop Devoucoux of Evreux, ibid., 920-21; and Bishop Ketteler of Mayence, ibid., 868-869.

This question of the Bishops will recur in Chapter IV of this thesis where the topic of the hierarchy in the Church is treated.

¹⁶The Bishops' recommendations on this last point, the explicit statement of the identity of the Roman Church with the true Church can be found in Mansi 51, 737 A; 741 A; 742 A; and 833 C.

¹⁷These chapters in the new schema are entitled: Chapter I: De Divina ecclesiae institutione; Chapter III: Esse in ecclesia potestatem divinitus ordinatam; Chapter X: Veram Christi ecclesiam non esse aliam nisi Romanam.

¹⁸This section of the Relatio is in Mansi 53, 317 D.

end of Chapter X.¹⁹ Kleutgen remarks that in his redaction he has taken account of these suggestions. Included in the new schema is the "more common" definition, also found in the observations of the Fathers, that of Robert Bellarmine. The notes, those signs by which the true Church is recognized and which must be held by all Catholics, will be found in the first and last chapters of his schema.²⁰

Kleutgen next discusses the request of certain Fathers for a more extensive treatment of the Church's relationship to Christ the Redeemer and to the Redemption. Some, he says, had even suggested a complete chapter on it.²¹ Kleutgen, however, feels that this topic has already been given sufficient treatment, in relation to current errors, in the Council's Second Constitution on the Catholic Faith. He refers the

¹⁹Passeri, Mansi 51, 737 D; David, ibid., 739 B; Apuzzo, ibid., 738 A; Allou, ibid., 738 D. See also Biró, ibid., 736 D-737 A.

²⁰Mansi 53, 317 D to 318 A, B. Kleutgen also remarks that certain Fathers had wanted the schema to treat not only individual dogmas, but the entire doctrine on the Church. He may have had in mind the suggestion made by Bishop Ketteler that all the doctrine on the Church should be explained because nearly all of it is called into question (Mansi 51, 745 C). Kleutgen regards this as a very difficult and inopportune project. He notes that although councils often include a brief treatment of other aspects, they usually select for extensive work those topics against which errors have arisen. An attempt to do more would make the Council's work of writing, deliberating and defining too great, and it might touch on points on which there is no unanimity among Catholics themselves. A Council, he concludes, should not spread itself to too many things, lest its decrees grow "to books".

²¹Mansi 53, 317 B, C. Bishop Ketteler had presented a strong case for such a treatment of the Redemption. He reasoned that the doctrine of the Church should be joined with the doctrine of Jesus Christ, true God and true Savior of the human race first of all because of the intimate connection between the two. They should also be joined because one of the chief errors of the age denies the Redemption itself, and leads to naturalism, rationalism, pantheism, and so on, and the other error attacks the Spouse of Christ, His Church, and leads to indifferentism. The doctrine of the Redemption of Christ and of the Church as joined to it should be opposed to these errors, (Mansi 51, 745 C). Ketteler also incorporates these suggestions into his own schema in its first chapters. cf. Mansi 51, 863 ff. Bishop Stepischnegg of Lavant suggested that the introduction should have as its foundation the beautiful idea that the Church is Christ Himself mercifully continuing on earth the work of redeeming mankind which he had perfected on the cross (ibid., 750 C).

Bishops to that schema.

Other criticisms made of the schema concerned its style and order. Kleutgen says that he has tried in his reformed schema to please those Fathers who wanted some chapters combined, or who found the style of the first schema more academic than conciliar. Many of the Bishops had called for stylistic improvements in the schema. A common complaint was that it lacked brevity, clarity, and simplicity. There were others who said that some sections of the document were so concise that they were obscure. The French Archbishop Bernadou of Sens asked that useless discussions and repetition be eliminated. Bishop Caixal argued that the style of the first schema was better suited "to the schools" than to a Council, and Cardinal Riario Sforza of Naples summarized the opinion of thirty Fathers that a Council was accustomed to a more biblical and patristic style. Bishop Aronne suggested that the work of redaction be entrusted to someone versed in the Latin language and in theology.²² Some Bishops objected that the first schema lacked logical order, and recommended that certain chapters be combined since they covered similar material.²³

Documentation of the Schema

The first and second schemata De Ecclesia also differ in the citation of references. There had been requests from the Bishops for greater Scriptural foundation for statements on the Church. Archbishop Apuzzo objected that certain points were proposed without proof from Scripture. Abbot Passeri thought that the authority drawn from

²²For Bernadou's remarks, see Mansi 51, 739 C; Caixal, ibid., 740 D; Riario Sforza, ibid., 741 A; Arrone, ibid., 738 B. See also the comments in 736 A, C, D; 739 B, D; 740 A. These comments on the style of the first schema on the Church are very similar to those made in the Conciliar speeches during the debates on Franzelin's dogmatic constitution, De Doctrina Catholica Contra Multiplices Errores Ex Rationalismo Derivatos. See Mansi 49, 304-306. Kleutgen, it will be recalled, also worked on the revision of that schema.

²³Complaints on order are found in Mansi 51, 736 A; 739 B, D; 740; 742 B. Many Fathers recommended the combination of chapters, especially of Chapters VI and VII which both dealt with the necessity of the Church for attaining salvation. See Mansi 51, 764 C, 765 D, 766 D, 788 C, 789 A, 790 C, 791 C, 794 D, and 800 D.

Sacred Scripture should be at the beginning, not the end, of the chapters since Scripture is the fount of the Catholic faith. He also wished to see testimonies from the Old Testament used, and did not think it would be difficult to find many suitable ones. The English Archbishop Errington of Trebizond asked that the schema refrain from citing Sacred Scripture in part only, and as if accidentally adduced. The Hungarian Archbishop Simor also wanted citations from Scripture and the Fathers to be given in full.²⁴ In addition, the complete schemata which were proposed by certain Bishops show a heavy use of Scripture.²⁵

A comparison of Kleutgen's project with the first schema on the Church shows that his second schema has more ample Scriptural references, and that the majority of these are complete citations of the text rather than mere allusions. He has, however, reduced the number of Patristic references. In the first ten chapters of the first schema there were twenty Scripture citations, and none of these came from the Old Testament. Kleutgen has expanded these to thirty-three, including four from the Old Testament. The only Patristic source he uses is St. Cyprian. The first schema had referred to the works of Irenaeus, Ambrose, Augustine, Cyril of Alexandria, and Leo the Great.²⁶

Summary

The result of these changes which Kleutgen discusses in this

²⁴Apuzzo, Mansi 51, 738 A; Passeri, ibid., 737 D; Errington, ibid., 738 C; Simor, ibid., 735 B. See also Biró, ibid., 737 A. According to the American Bishop Edler of Natchez, the insertion of arguments drawn from Scripture would encourage noncatholics to read the schema (ibid., 747 D).

²⁵See those of Bishop Ketteler, Mansi 51, 867 ff.; Bishop Caixal, ibid., 879 ff.; and Bishop Moreno, ibid., 893 ff.

²⁶Only one chapter of the reformed schema contains no direct Scriptural reference. That is Chapter X on the Roman Church as the true Church. Kleutgen's references to St. Cyprian are in Chapter IV, on the ecclesiastical hierarchy, where he is treating of the role of the Bishops, and in Chapter VI, on the necessity of the true Church for obtaining salvation. Some of the Bishops had suggested the use of St. Cyprian, especially concerning the unity of the Church. See Mansi 51, 786 B,D; and 841 D.

first section of his Relatio is a schema very different in form from the first schema De Ecclesia. This document, as presented to the Bishops, had been composed of fifteen chapters of unequal length. It moved from the first chapter on the Church as the Mystical Body of Christ, to a second chapter on the fact that one is not able to honor Christ except in and by this Church. Then followed chapters on the Church as a true, perfect, spiritual and supernatural society (III), as a visible society (IV), with visible unity (V). Two chapters concerned the necessity of the Church for obtaining salvation (VI, VII), and these were followed by a treatment of the Church's indefectibility, infallibility, and power (VIII-X). The last sections were devoted to the Sovereign Pontiff (XI, XII), and then to the relations between Church and State (XIII-XV).

An examination of the second schema shows that Kleutgen's document is an improvement over the original in both style and order, and is, on the whole, more coherent. It contains only ten chapters, but they are longer, and eliminate some of the repetition found in the first schema. The schema begins with the divine institution of the Church (I), which is the assembly of the faithful (II). It next shows that there is a divinely ordained power in the Church (III), and then discusses the ecclesiastical hierarchy (IV) and the members of the Church (V). It treats the necessity of the Church for salvation (VI), and the ecclesiastical magisterium (VII) and jurisdiction (VIII). The schema concludes with a demonstration that the Church is a true, divine, unchangeable, and eternal kingdom (IX), and that the true Church is the Roman Church (X).

The short chapter on the power of the Church in the first schema has been expanded in this second schema to two chapters on the ecclesiastical magisterium and on its jurisdiction. The role of the Bishops and of ecumenical Councils which was missing from the first schema is better marked in this text in the chapters on the hierarchy and the magisterium. In fact, five of the schema's ten chapters, and those which are the longest, deal with aspects of the structure and power of the Church. According to Kleutgen, the chapter on the members of the Church is intended to replace the first schema's chapter on the

visible Church.²⁷ The material on the necessity of the Church for salvation, which had been the subject of two chapters in the first schema, is handled by Kleutgen in one chapter.

Interwoven with these stylistic and structural revisions are the changes in doctrinal emphasis which resulted from Kleutgen's efforts to comply with the Bishops' observations on the first schema. The subsequent chapters of this paper will examine these in more detail. The two areas analyzed will be the titles of the Church found in the second schema, and the document's teaching on the hierarchy and authority of the Church.²⁸

²⁷ Mansi 53, 323 C.

²⁸ These areas have been chosen for analysis because they include the significant content changes which Kleutgen makes. One other topic is discussed in his Relatio: the question of the necessity of the Church for salvation, in connection with Chapter VI of his schema. Besides combining the doctrine found in Chapters V, VI, and VII of the first schema, according to the Bishops' requests, Kleutgen rephrases aspects of it, and refers to the annotations to the first schema for clarification of the material. The Bishops had asked that the terms, "necessity of means" and "necessity of precept" be removed, and Kleutgen says that he has done this, but has expressed the same truth included in the phrase "necessity of means" by stating that it is only through the Church that the fruits of redemption are dispensed and sons of God are born. In an effort to satisfy the Bishops he has also made the definition of the doctrine on the necessity of the Church for salvation more solemn and has included special mention of the obligation of seeking the truth which those have who are outside the Church because of culpable ignorance. See Mansi 53, 323 D, for Kleutgen's Relatio on this topic, and Mansi 51, 788 B to 806 B, for the Bishops' remarks on Chapters VI and VII of the first schema.

CHAPTER III

IMAGES OF THE CHURCH IN THE
SECOND CONSTITUTION

Joseph Kleutgen's schema on the Church incorporates various ecclesial images. Many departures from the first schema appear in the choice of these titles of the Church and in the degree of emphasis given each. An understanding of these images is, moreover, of central importance in forming a total picture of the Church as conveyed by the second schema. They carry much of the document's teaching on the visible and invisible, human and divine, structural and mysterious aspects of the reality of the Church. This chapter will therefore focus on several of these images and the implications of their use in the second schema. The titles examined will be those of "kingdom", "mystical body", "assembly", "body", and "society", and they will be considered in the order in which they occur in the Constitution itself.

Kingdom

In its opening chapter on the divine institution of the Church, the Second Dogmatic Constitution refers to the Church primarily as "kingdom".¹ The statements on this kingdom are set against the background of God's saving deeds for mankind.² After emphasizing

¹Chapter I of the second schema is found in Mansi 53, 308 C,D; 309 A.

²Many of the Bishops had asked that the Church be situated in the context of God's salvific plan for all men. cf. the observations of Bishop L. Ideo of Lipari, Mansi 51, 736 A-B; Bishop Dupanloup of Orleans, ibid., 743 D; Bishop Allou of Meaux, ibid., 758-759; and Cardinal Trevisanato of Venice, ibid., 761. Several of those who proposed total schemata or chapters also placed the Church in the history of salvation. See Bishop Gaixal of Spain, Mansi 51,

that the "one, holy, Catholic, and apostolic Church" was given a definite form by the Son of God, who became man and lived among men, the thought moves to the classic teaching on the three ages of salvation. God has provided for the salvation of men in every age, by different means. After the fall of Adam men could obtain forgiveness of sins and live a life worthy of eternal life through faith and hope in a future redemption. Keeping alive this promise of redemption, God chose Abraham, in whom all nations would be blessed, and made a covenant with him. Finally in the fullness of time, the Son of God established the heavenly city on earth by offering himself as a redemption for many. Through this completion and perfection of the plan of God, all people, reborn by the grace of the Holy Spirit, can reach salvation.

The schema continues with the affirmation that certain words of the Old Testament Prophets referred to this kingdom of Jesus Christ, which is the Church. Four citations of Old Testament texts follow. The first is from Isaiah 2:2: "And in the last days the mountain of the house of the Lord shall be prepared on the top of mountains, and it shall be exalted above the hills, and all nations shall flow unto it." This kingdom of God was also signified in the words of the Prophet Malachi 1:11: "For from the rising of the sun even to the going down, my name is great among the Gentiles, and in every place there is sacrifice, and there is offered to my name a clean oblation." The words of Jeremiah 31:33 also refer to it: "I will give my law in their bowels, and I will write it in their heart: and I will be their God, and they shall be my people." Also given as a reference in this section, although not directly quoted, are the verses from the Prophet Michah 4:1-3.³ Finally, it is of this kingdom that the Apocalypse

878-879; Cardinal Moreno of Spain, *ibid.*, 893-894; Bishop Ketteler of Mayence, *ibid.*, 863 C-865 A. Recall that Kleutgen chose not to treat the direct relationship between the Redemption and the Church explicitly in this schema *de ecclesia*. (See p. 6 of this thesis). This first chapter does show the effort to take account of these requests, however.

³These verses read: "And it shall come to pass in the last days, that the mountain of the house of the Lord shall be prepared in the top of mountains, and high above the hills: and people shall flow to it. And many nations shall come in haste, and say: Come, let us go up to the

sings in that new song before the Lamb who has been slain: "For thou hast redeemed us for God with thy blood, out of every tribe and tongue and people and nation, and hast made them for our God a kingdom and priests, and they shall reign over the earth." (5:9-10).

Kleutgen says of this chapter that it first of all proposes the principal doctrine on the institution of the Church as a dogma of faith.⁴ It next treats of the providential salvation of God in the triple stage of the world so that there would be a statement of the nature and end of the Church at the very beginning of the Constitution, according to the desire expressed by many of the Fathers.⁵ For this

house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for the law shall go forth out of Sion, and the word of the Lord out of Jerusalem." Translations of Biblical quotations are from The Holy Bible (New York: P. J. Kenedy and Sons, 1950). An English version based on the Vulgate was chosen in order to remain closer to Vatican I's probable quotation of the Vulgate.

⁴See his Relatio, Mansi 53, 319 B. He is probably referring here to the opening sentence of the schema: "Principio, sacris litteris et divina traditione edocti, profiteamur, hanc unam, sanctam, catholicam et apostolicam ecclesiam ab ipso Filio Dei, cum in carne assumpta inter homines versaretur, conditam certaue lege et forma constitutam esse." (ibid., 308 C).

⁵Kleutgen once again asserts his intention of remaining in dialogue with the Bishops. For recommendations that the schema begin with a statement of the nature and end of the Church, see Bishop Idéo of Lipari, Mansi 51, 736 A; Abbot Gai of the Monastery of St. Praxedes at Rome, ibid., 740 B; Bishop Verzari of Brescia and two others, ibid., 740 C; Bishop Grimardias of Cahors, France, ibid., 758 D; Cardinal Trevisanato and thirteen Fathers, ibid., 761 A; Cardinal Riario Sforza and thirty others, ibid., 766 A; and Bishop Pauli of Grosseto, Italy, ibid., 770 B. Bishop Place of Marseille, France, proposed a first chapter "De Origine ac natura ecclesiae" (ibid., 754 A). Bishop R. Yusto of Burgos, Spain, gives a detailed treatment of the reasons why there should be an explanation of the Church's end. The end of the Church is important, he explains, because all of its rights, offices, properties, and prerogatives flow from it. He also cites what he considers to be two very important apologetic purposes for a discussion of the Church's end: First, since this end is to procure the salvation of men, the Church has divine right over all those things which are necessary to reach this end, whether they are formally spiritual and materially temporal, or purely spiritual; Second, since the end of the Church is the sanctification of men, she can be criticized for not reaching this end, but not justly blamed for not increasing temporal well-being (ibid., 763 D).

same reason, Kleutgen explains, he selected from many prophecies, those in which this end and nature are expressed.⁶ The Church is thus presented as the kingdom established on earth, in which all peoples, redeemed by the blood of Jesus Christ, through worship of the true God and a holiness not only legal but spiritual, can find eternal salvation. Kleutgen concludes his remarks on this chapter by saying that by this method he has hoped also to satisfy those Fathers who asked that the schema begin from a "deeper concept" of the Church.

There are other places in the schema, in addition to this first chapter, where the Church is referred to in "kingdom" imagery: In the second chapter, where Kleutgen is developing the concept of the Church as the "coetus fidelium" or "assembly of the faithful", he says that Scripture "not only calls the Church the kingdom" but by the other titles which he then lists. Here he gives the source of this image as Scripture itself. He introduces the last paragraph of this same chapter with the sentence: "The Church is therefore the assembly of Christ's faithful, and a true society, although much more deserving of honor than a human society, and so rightly called the city of God and kingdom of heaven." The concluding paragraph of Chapter V, in speaking of the members of the Church, also says that although the just or holy comprise "the better part of the kingdom of Jesus Christ," sinners also belong to it.⁷

⁶ Many of the prophecies which Kleutgen uses had been suggested by one or another of the Bishops in various contexts. Bishop Barabesi of Italy thought that the visibility of the Church should be shown through facts and the authority of Sacred Scripture. The facts included that Christ assumed human flesh, and the authority of Scripture, the testimony of Isaiah in which the Church is prefigured as a city placed on a mountain (Mansi 51, 783 C). The allusion to the Church as a city on a mountain was also used in the first schema in Chapter IV on the Church as a visible society. See also the prophecies quoted by Cardinal Guidi of Bologna, and others (ibid., 782 D); Cardinal Schwarzenberg of Prague (ibid., 731 D); Bishop Verzeri of Brescia and two others (ibid., 756 C), and the schemata of Bishop Caixal (ibid., 878-879), and Bishop Moreno (ibid., 893-894). The text from Jeremiah 31: 33 does not appear among the remarks of the Bishops except as a brief allusion in Bishop Ketteler's schema (ibid., 870 B). Its use is striking here since it underscores the spiritual or interior aspect of this kingdom more than the other quotations.

⁷ Mansi 53, 309 B, C; 311 C.

References to the Church as kingdom are also prominent again in the ninth chapter, which seems to be a companion chapter to the first. Here the title itself is: "The Church is a true, divine, unchangeable, and eternal kingdom." Throughout the chapter the title of kingdom seems to be used almost as a synonym for society. Kleutgen begins this chapter by saying that "No one can doubt that the true Church is the kingdom of Jesus Christ on earth."⁸ What follows is then a definition of this true kingdom, the Church: "For it is a multitude bound together by close and sacred ties, governed by our Lord and Savior himself through his vicar on earth and other pastors, and directed to the definite end of procuring divine glory and human salvation." After a paragraph on the suitability of calling the Church a perfect society, the chapter discusses the reasons why the Church is a divine kingdom. The Son of God did not leave it without definite form and subject to human prudence; he himself determined its constitution and rights. He established these by setting the norms for belief and life, instituting sacrifice and sacraments, and constituting pastoral office and hierarchical power. Here the schema enlarges on the single sentence on the divine institution of the Church with which the first chapter began.

In the concluding paragraph of Chapter IX, the Church is described as an unchangeable and eternal kingdom. It adjusts to changing conditions of time and place, but must always preserve unchanged the constitution received from Christ. There will be no fuller or more perfect economy of salvation than this Church which will endure forever. The Son of God himself promised this perpetuity to the Church, through which he reigns on earth and is completed: "And the Lord God will give him the throne of David his father, and he shall be king over the house of Jacob forever; and of his kingdom there shall be no end." (Luke 1, 32-33). The chapter's last sentence is thus a reference to Christ's everlasting kingship over his kingdom, the Church.

The last chapter of the schema, where Kleutgen establishes the identity of the true Church of Christ with the Roman Church opens

⁸Chapter IX is located in Mansi 53, 315 A-C.

with the phrase: "Therefore, this kingdom, which the God of heaven raised up on earth for the salvation of mankind, the unique and chosen Church of Christ. . ." This chapter also includes an allusion to the quotation from the Prophet Malachi found in Chapter I in connection with the Church as kingdom, that from the rising to the setting of the sun the Lord's name will be great among the nations and a pure sacrifice offered to his name in every place.⁹

The section of his Relatio which Kleutgen devotes to Chapter IX is brief, and is chiefly concerned with the errors to which the doctrine is opposed and to the canons which condemn these errors.¹⁰ Kleutgen does not explicitly state his reasons for choosing the title, kingdom, to describe the Church. It had not figured in the first schema except in the final section on the relations between the Church and civil society. It does appear frequently in the remarks of the Bishops on the first schema, however.

Bishop P. Ambrosio of Muro recommended in place of such titles as society and body of Christ, the name of the Kingdom of God and of Christ, and wanted very much to see it incorporated into the schema. As his reasons for its suitability he argues that it is more Biblical; more potent for overcoming the enemies of the Church and for demonstrating her properties and notes; and finally, very apt for defending the Church's divine rights.¹¹ Cardinal Riario Sforza of Naples and thirty other Fathers ask that in the description of the Church both the titles of kingdom and of mystical body be developed more forcefully and completely. They further want it shown that the

⁹Mansi 53, 316 A.

¹⁰Mansi 53, 332 B. This chapter teaches, Kleutgen says, that the constitution of the Church is immutable, inasmuch as it is divinely holy. For the errors to which this dogma is opposed he refers the Bishops to the first schema. He explains that then it is solemnly defined that the Church will endure even to the end of the world. Canon XIV corresponds to this double doctrine of the Church's immutability and perpetuity. Because an ancient error, that some more perfect economy of salvation is to be expected, has today revived and spread widely, it is condemned in Canons XIII, XIV, and XV, which correspond to numbers X, VII, and VIII in the first schema. of. the annotations to the first schema, Mansi 51, 574.

¹¹Mansi 51, 738 A.

Church was prefigured, described and promised, since, according to the testimony of St. Augustine, the Church is spoken of more fully and explicitly in the Prophets than is Christ Himself.¹²

Bishop Avanzo of Calvi and Teano, in a long speech, develops a number of arguments to show that Christ is a King and the Church is his Kingdom, as well as the utility of calling the Church by this title in the schema. He proposes as a title for the whole tract on the Church: "On Christ the King of the universe, and his kingdom in this world, which is the Church." Bishop Gallo of Avellino and Bishop J. Jans of Aosta think that the lack of concord which they find between the first and fourth chapters of the first schema, which speak of the invisible and visible Church, could be avoided if in place of the title mystical body in the first chapter the idea of kingdom be used, and the Church be called the "kingdom of God founded by Christ." So far these suggestions have come from Italian prelates.¹³ One of the Spanish Bishops, Caixal of Urgel, also introduces the title of kingdom for the Church. In his comments on Chapter III of the first schema, on the Church as a true, perfect, spiritual, and supernatural society, he proposes a revised version which resembles Kleutgen's ninth chapter in the new schema. In it he demonstrates that the Church of Christ, because of its divine institution, possesses all of the qualities of a true kingdom.¹⁴

It is very probable, then, that Kleutgen's use of the title of kingdom for the Church stems from his regard for these suggestions of

¹²Mansi 51, 757 B. See also 810 C where they introduce the title of kingdom into their proposed revision of Chapter VIII of the first schema which dealt with the indefectibility of the Church.

¹³Avanzo, ibid., 752 C; Gallo and Jans, ibid., 755 A. It is significant that this suggestion of naming the Church kingdom comes from Italians, in light of the nineteenth century political developments in Italy and the consequent threat to the Papal States and the temporal power of the papacy.

¹⁴ibid., 774 A. Caixal has an interesting list of qualities for a true kingdom: its necessity for the peace and happiness of mankind; a supreme head for governing it; a multitude of men as members of the kingdom; bodily generation or civil adoption by which individuals truly become its members; patriotism, or love of the kingdom. He then applies each of these to the Church to show how it fulfills all of the qualities of such a kingdom. See also the third, fourth, and fifth chapters of his own revised schema (ibid., 878 ff.).

the Bishops. Although the reasons they give for it are primarily apologetic, this defensive stance has been softened somewhat in the first chapter by placing the kingdom image in the context of saving history, a context suggested by many other Bishops. The more apologetic purpose comes to the fore in the ninth chapter, however, where the qualities of this kingdom are explained.

Mystical Body

The image of the Church as the mystical body of Christ is of central importance in the first schema presented to the Fathers. Chapter I of that schema is entitled: "The Church is the Mystical Body of Christ."¹⁵ This chapter recommends that this image of the Church be presented to the faithful and deeply rooted in their minds: For the only-begotten Son of God, who enlightens all men, and who has offered his help to the sons of Adam in every age, in the fullness of time became man so that men might put on the new man created in justice and holiness of truth and form a mystical body, whose head would be Christ Himself. The means of bringing about this union of the true mystical body is Baptism. This sacred bath of regeneration was instituted by Christ to cleanse from guilt the sons of men, who were divided especially by their sinfulness. By this regeneration men might become members of one another, joined to their divine head by faith, hope, and love, and might all live with his one Spirit and receive abundantly the gifts of heavenly graces and charisms. This is the excelling beauty of the Church, whose head is Christ, from whom the whole body grows and builds itself up in love, fitted and held together by every joint with which it is provided, according to the due measure of operation of each of its parts.

In his annotations Schrader comments at some length on the use of this title for the Church.¹⁶ In describing the nature of the Church

¹⁵See Mansi 51, 539 C, D, for this chapter. It contains numerous citations of St. Paul's epistles: Phil 2:7; Eph 4:24; 1 Cor 12:12-14; Col 1:18; and Eph 4:4-25.

¹⁶Mansi 51, 553 B-554 D. The annotations are here attributed to Clement Schrader who was chiefly responsible for the final form of this first schema as it reached the Fathers, and especially for

according to the true and Catholic doctrine it is stated in the first place that it is the mystical body of Christ. There are several reasons for giving priority to this image: First, Scripture itself speaks more frequently, accurately and clearly of this image than of any other; Second, this figure conveys the intimate essence of the Church and its most excellent aspect, its divine nature. It is an initial step toward a description of its better and nobler part; Third, an apologetic reason, is concern to refute from the very beginning the position of ancient and modern protestants that for Catholics the entire truth concerning the Church relates to the external and sensible; Fourth, it appears that unless this interior image of the Church is equally respected, it is impossible to understand the Church's external aspects; Fifth, this image should especially be impressed upon the faithful today, since it is this very title of the mystical body which modern worldly and carnal men either completely ignore or give insufficient attention.

Schrader also adds that there are three things which are generally found in Scripture concerning this mystical body. Its author, the

the emphasis on the Church as the Mystical Body of Christ. This emphasis reflects the renewal of ecclesiology in certain circles of nineteenth century theology which was marked by a return to Biblical and Patristic sources. A tract on the Church, De Ecclesia Christi, was published in 1853-1856 by the Italian theologian Charles Passaglia, of the Roman school. Instead of insisting almost completely as some of the scholastic theologians had, on the juridical aspects of the Church, Passaglia analyzed the Biblical images, as body of Christ, which presented better the Church's interior reality. Schrader, who taught at the Roman College from 1849-1857, was Passaglia's student and collaborator. This first schema de ecclesia thus reflects the ideas of Passaglia on the mystical body of Christ. For more detailed treatment of the background of this first chapter see: William Kelly, The Element of Interiority in the Theology of the Church (unpublished Doctoral Dissertation, Paris: l'Institut Catholique, 1963), pp. 77-86; Walter Kasper, Die Lehre von der Tradition in der Römischen Schule (Freiburg: Herder, 1962), pp. 185 ff.; Joseph Lecler, "L'oeuvre ecclésiologique du Concile du Vatican," Etudes, 307 (1960), 291-93; A. Kerkvoorde, "Scheeben et son époque," Introduction to M.-J. Scheeben, Le Mystère de l'Eglise et de ses Sacraments, 2ème éd. (Paris: Les Éditions du Cerf, 1956); and "La Théologie du Corps Mystique au XIX^e Siècle," Nouvelle Revue Théologique, LXXII (1945), 425 ff. In this last article Kerkvoorde notes that Schrader cites the works of Passaglia, although without naming him, in the annotations in Mansi 51, 606-08 and 610-12.

Son of God, became man in order that men might be deified in him. The means by which this body develops are the sacraments, especially Baptism. Its source of life is the Eucharist.¹⁷ In explaining the decree he recommends that one also draw on the writings of Leo the Great, St. Augustine, Dionysius Petavius, and St. Thomas Aquinas.¹⁸ This section of the annotations provides a rich source for appreciating and understanding the doctrine of the mystical body as it is used in the first schema.

The term "mystical body" recurs in other parts of the first schema, reinforcing its use in the opening chapter. In Chapter V on the visible unity of the Church, it is stated that this body, the Church, "cannot be said to be dispersed and scattered among various Christian denominations, but is entirely united and coherent, showing forth in its conspicuous unity an undivided and indivisible body, which is itself the mystical body of Christ." The chapter then closes with a section from St. Paul's epistle to the Ephesians 4:4-6, on the

¹⁷Schrader here refers to the Council of Florence's decree of 1439, *Exultate Deo*, for the Armenian Church, and to the Council of Trent on Penance. Both quotations emphasize the effect of Baptism in forming members of Christ's Body, the Church.

¹⁸Schrader quotes selections from the writings of these authors: First, from Leo the Great's teachings on the body of Christ in Sermon 63 (Migne, *P.L.*, LIV, 355), where he speaks of the assumption of human nature by the Son of God so that in Him and His saints there is one and the same Christ, both head and members, and the members cannot be separated from the head. From St. Augustine's works he refers to his epistles on the Donatists and his book on the unity of the Church, (Migne, *P.L.*, XLIII, 392). Augustine describes the Body, the Church, as one whose members are united by the bond of charity, and a Church outside of which they cannot find Christian salvation. In Dionysius Petavius' *De Incarnatione*, (I XII, C. 17, n. 1), are found three characteristics of a true head, which are applicable to Christ: it is the highest principle of union among the members of the body; it is the all-excelling and eminent guardian and moderator of the other members; and it is the life-giving force and source of all grace and help which flow from the abundance of the head to all of the members. Finally, St. Thomas explains the force of this doctrine. The whole Church is called the mystical body because of its similarity to man's natural body, which has different actions according to its different members. Likewise, Christ is called head of the Church according to a similarity to a human head, in which three things are considered: order, perfection and power (III p, q. 8, a. 1.). (*Mansi* 51, 554 C, D).

unity of this body. Chapter VI, which discusses the necessity of the Church for attaining salvation, opens with the assertion that the Church is just as necessary for obtaining salvation as participation in and union with Christ the head and his mystical body is necessary. Besides this body, there is no other community which he nourishes and fosters as His Church.¹⁹

In contrast to the centrality of the mystical body image in the first schema, there is only one explicit application of this title to the Church in the second schema. In the third chapter, where the major accent is on the divinely ordained power in the Church, the opening sentence reads, "For even though the Son of God, who effected our salvation by his own authority and power, is and remains Himself the head of this mystical body, or the Church, and also the highest priest, shepherd, and bishop of our souls..."²⁰ The title, mystical body, is neither explained nor emphasized in this context; it is simply used as a privileged title for the Church of which Christ is head.

Kleutgen explains his reason for making this shift in emphasis: It displeased many of the Fathers that in the first schema a symbolic definition of the Church, in which it was called the body of Christ, was made the principal point of the doctrine and the foundation of the things which followed. He, therefore, changed this, but without completely suppressing this title which is used even in Scripture itself more frequently and expressly than the others, and which is very suitable for signifying the properties of the Church.²¹

The Conciliar Fathers made numerous observations on the use of this mystical body concept. There were first of all those who objected to the very use of the title itself. Bishop David of Saint Brienc, France, was one of these. He asked that the entire first chapter be revised since it concerned not the end of the schema, but a mystical

¹⁹For Chapter V, see Mansi 51, 541 B; Chapter VI, ibid., 541 C, D.

²⁰Mansi 53, 309 C.

²¹Ibid., 319 B.

theology. He also thought it led to confusion by introducing the common distinction between the body and soul of the Church. Bishop Place of Marseille is unwilling to have the Church called the mystical body of Christ since it is not evident to him what good this will serve. Nevertheless, if it is not possible to completely omit this title, he asks that it at least be treated only in passing. Bishop Grimardias of Cahors, France, thinks the entire chapter should be suppressed because of its obscurity, and that a clear definition of the Church with certain general notions concerning its constitution should be substituted for it. Bishop Ramadie of Perpignan, France, is displeased that the Church is called the mystical body in this chapter since what is desired here is not considerations for fostering the understanding of the mystical life, but a clear definition of the essence of the Church, something which is not found in metaphors.²²

Both Bishops Moreno of Ivrea, Italy, and Bishop Lyonnet of Albi, France, suggest that it would be more satisfactory if this first chapter simply used one of the common definitions of the Church found in the catechisms. Lyonnet adds that these metaphorical ways of speaking cannot be understood except by the "more penetrating." Bishop Callot of Oran, Algeria, wants this first chapter eliminated because he also sees it as the cause of the confusion which exists in the other chapters on the body and soul of the Church, which are the two parts of the mystical body of Christ. One of the more lengthy objections to the chapter came from Bishop Dupanloup of Orleans. He felt it was better to eliminate this chapter for several reasons: First, it is useless; Second, it contains only two poorly conceived and executed ideas; Third, it is not true that the formation of the mystical body is the direct end of the Incarnation, as seems to be asserted here; Fourth, the nature of the Church and that of the mystical body are not explicitly distinguished; Fifth, this chapter, since it is a preparation for the following sections on the visible

²²For Bishop David see Mansi 51, 755 B; Place, ibid., 755 B; Grimardias, ibid., 758 D; and Ramadié, ibid., 760 A. See also the remarks of Bishop Vespasiani of Fano, Italy, who proposes a new Chapter I, under the title, "De Christi Religione", and does not mention the mystical body (ibid., 762 D).

unity of the Church, should describe the mystical body from its external rather than internal characteristics; Sixth, it does not seem expedient to place a metaphorical idea as the fundamental and cardinal point of this very important schema.²³

Cardinal Trevisanato of Venice and thirteen other Fathers object to the idea of the mystical body of Christ in this chapter for the reasons which the others have given, and also because they do not think it shows sufficient cognisance of the erroneous Jansenistic doctrine of the mystical body to be used as the foundation for the dogma on the Church of Christ. Bishop Ideo of Lipari feels that the essence of the Church should be proposed according to what is proper to her, not by something of a simile, as is the term mystical body. Archbishop Bernadou of Sens, France, disagrees with using the name of mystical body for the title of a doctrinal decree and proposes instead: "The Church is a spiritual, supernatural society." Bishop Pauli of Grosseto, Italy, makes a twofold observation: He admits that it is possible to see it as ineopportune that the constitution begins with the idea of the mystical body, since it is obscure, and does not present a clear and certain idea of the Church. A clear and distinct description of the Church excludes metaphors. However, since the idea of the mystical body is a Biblical image and one used by God himself for the Church, its use can be defended. Certainly, he says, the schema does move logically from the idea of the mystical body presented in the first chapter to the following chapters.²⁴

Bishop Pauli's qualified approval serves as a transition to a

²³Moreno and Lyonnet, Mansi 51, 760 A, B; Gallot, ibid., 760 B; Dupanloup, ibid., 760 C. Bishop Verzeri and two others ask that the entire first chapter be revised, but do not explicitly mention the mystical body image (ibid., 756 C).

²⁴Trevisanato, Mansi 51, 760-61 A; Ideo, ibid., 763 B; Pauli, ibid., 751 C; Bernadou, ibid., 757 C. See also Pauli's remarks on Chapter VIII (ibid., 807). As with several other of the Fathers, Trevisanato is here concerned with the false meaning ascribed to the term mystical body by the Jansenists at the Synod of Pistoia, in 1794. This position was condemned in Pius VI's constitution, Auctorem Fidei, of August 28, 1794: "The following doctrine is heretical if it is understood to mean that the body of the Church is made up only of the faithful who are perfect adorers in spirit and in truth: The Church is

second set of observations on Chapter I of the first schema: those of the Fathers who do not totally reject the subject matter of the chapter but suggest certain modifications. Bishop Yusto of Burgos, Spain, recalls the principle that it is better to ask whether a thing is before what it is, and suggests that it should be first declared that the Church was instituted by Christ before saying that it is the mystical body of Christ. Bishop Avanzo, after a discourse proposing that the Church be called the kingdom, concludes by asking that the "very beautiful, sublime, and therefore more difficult comparison of the mystical body be transferred to another chapter."²⁵ Several of the Bishops feel that since the first chapter treats of the invisible Church, and the fourth chapter, of the visible, the two should be combined to give a full and integral notion of the Church's essence and nature, and then of its form of government. Bishop Caixal believes that it is very true that the Church is the mystical body of Christ, but the reason for enunciating and developing this, as is given in the schema, is too obscure and implicit and unworthy of a council. He therefore does not approve of this chapter. Bishop Aronne of Montalto, Italy, asks that the first chapter be suppressed since the material found in it is handled in the third chapter on the Church as a true, perfect, spiritual, and supernatural society. Bishop Allou and seventeen French Bishops ask that the doctrine of the chapter be retained, but with the title and form changed. They include their own revised chapter which inserts the image of the mystical body into the context of the Old Testament prophets and St. Paul, under the

to be considered as one mystical body made up of Christ, the head, and of the faithful who are members of Christ by an indescribable union. By this union we become with Christ, in some wonderful way the one and only priest, the one and only victim, the one and only perfect adorer of God the Father in spirit and in truth." (Densinger, 2615. Translation from The Church Teaches (St. Louis: B. Herder Book Co., 1955), 172).

²⁵Yusto, Manai 51, 752 C; Avanzo, ibid. In like vein are the remarks of Bishop La Guesta y Maroto of Orense, Spain, who wanted the first chapter placed after the second because it would first establish that the Church exists, and then that it is the mystical body of Christ (ibid., 756 B).

title, "On the divine origin and nature of the Church."²⁶

Bishop Apuzzo of Sorrento, Italy, wants to make certain that all possibility of error is excluded; and so before the conclusion of this chapter he wishes to insert a statement to the effect that no one who hears that the Church is the mystical body of Christ is to think that the Church pertains only to the faithful who are perfect adorers of God in spirit and in truth, or only to the predestined.²⁷ Bishop Ketteler feels that the schema begins with what is hidden and mysterious and that this should have last place. Cardinal Gonella of Viterbo and eleven Fathers desire a fuller and more adequate concept of the Church in which its visible and invisible aspects complement one another. The idea of the mystical body of Christ should not be shortened to only its nobler part, neglecting the external or visible, which is equally an aspect of the mystical body of Christ. They believe that by following their suggestion heretics who attack either the invisibility or visibility of the Church would be overcome.²⁸

Bishop Magnasco praises the schema, but considers it imperfect in the beginning because it is founded not on a commonly accepted notion and in the gospel tradition, but on the more hidden and intimate property of the Church according to which it is the mystical body of Christ. He does not completely disapprove of the doctrine, however, for he later proposes a new order for the chapters of the schema in which the first chapter would assert and explain that the Church is the society instituted by Christ, and the second, that it is the mystical body of Christ. Bishop Marguerie and nine other French

²⁶See Mansi 51, 754 B; Caixal, ibid., 756 D; Arvone, ibid., 757 A; Allou, ibid., 758 D-759.

²⁷Mansi 51, 762 A. of. Bishop Spilotros of Tricarico, Italy, who requests a treatment of the sanctity and the visibility of the Church, since both are denied by the Protestants (Mansi 51, 744 D). For explicitation of Protestant positions attacking the Church's visibility see Schrader's annotations to the first schema in Mansi 51, 564 B-566 C.

²⁸Ketteler, Mansi 51, 745 C; Gonella, ibid., 744 C. Bishop Montpellier of Liège, Belgium, also generally approved of the schema while proposing some changes (ibid., 762 C), and Cardinal de Silvestri of Rovigo, Italy, asked that the first chapter express more clearly to what extent the Church constitutes the mystical body of Christ (ibid., 754 C).

Bishops find that the explanation given in the first chapter is not integral. It seems to pertain more directly to the interior life of the Church than to the Church considered as the mystical body of Christ, that is, as a society properly said to be founded by Christ and of which he is the head. They, therefore, propose that this chapter be combined with the second chapter on the fact that the Christian religion cannot be practiced except in and through the Church founded by Christ. In this way the existence and nature of the religious society founded by Christ would be affirmed.²⁹

Savini, the Vicar General of the Carmelites, retains the doctrine of the mystical body, but substitutes his own description of it in place of the one found in the first schema. In describing the Church as the mystical body of which Christ exists as the invisible head, Savini juxtaposes the visible and invisible, the good and evil, the internal and external aspects of the Church. He gives as his reasons for the change that if the definition of the Church is left as it is found in Chapter I, then it follows logically: first, that the true Church of Christ is composed only of the just and saints; second, that sinners and the baptized, if they lack charity, are excluded from this mystical body; third, that the true Church of Christ is by its nature invisible; and fourth, that visibility is not an essential property of the Church, nor can the Church exercise its own authority on its subjects, since they are invisible, and so forth. Archbishop Desprez of Toulouse, France, finds the doctrine of Chapter I to be both opportune and true, but thinks it would be better to include it in Chapter III since the Church is there described as a spiritual society. In case the doctrine is to be kept in the same place, he proposes a new statement of it to avoid the confusion he finds in the

²⁹Magnasco, *Mansi* 51, 738 D and 775 B; Marguerye, *ibid.*, 755 G. See also the remarks of Archbishop Alemany of San Francisco (*ibid.*, 756 B), and Bishop Wiery of Gurok, Austria (*ibid.*, 763 A), both of whom propose modifications. Bishop Lo Piccolo of Nicosia, Italy, asks for a brief entitive definition of the Church taken from 1 Cor 12:27: "Now you are the body of Christ, member for member." He does not use the term "mystical", however, and seems not to consider the first chapter to be a definition of the Church (*ibid.*, 752 D).

first schema.³⁰

There were, of course, some Bishops who stated their unqualified acceptance of the use of this title for the Church. Bishop Morisciano of Squillace, Italy, after discussing the contrary opinions, approves that the Church be called the mystical body of Christ rather than kingdom in the first chapter. He is also one of the rare Bishops who recognizes and approves of the formula of this chapter as a definition of the Church. As mentioned in the section on the Church as kingdom, Cardinal Riario Sforza and thirty Fathers wished that in the description of the Church both the names of kingdom and of mystical body be developed more fully. Abbot Gai of St. Praxedes speaks of the "truth, excellence, and beauty" of this "genuine notion of the Church". An examination of the new schemata proposed by several of the Bishops also shows that many of them have included a chapter on the mystical body, even if not as the first of the schema.³¹

Since the objections of the Bishops are Kleutgen's acknowledged reason for changing the emphasis given the mystical body image, these are of greater interest here. A classification of these comments

³⁰Savini, Mansi 51, 753 D. Desprez, ibid., 752 A, B. Savini's revision reads: "Corpus efformarent mysticum, cuius ipse existeret invisibile caput. Quod videre est in collecta multitudine omnium fidelium baptizatorum Christi nomen profitentium per universum orbem visibiliter dispersa, quae crescit per omnes gentes successione pastorum et populorum perpetua, semper illustris et conspicua, mixta bonis et malis, electis et reprobis, invisibilis fide, sacramentis sancta, communione totius una, origine et successione apostolica, amplitudine diffusionis catholica, sub Christi vicario uno visibili capite..."

³¹Morisciano, Mansi 51, 753 A; Riario Sforza, ibid., 757 D; Gai, ibid., 756 C. See also Bishop Di Pietro of Nyssa, who is also apparently in favor of the doctrine but does not explicitly say so (ibid., 754 C-D). For schemata incorporating complete chapters on the mystical body, see those of Bishop Monetti, Chapter I: "De ecclesia utpote de Corpore Christi mystico" (ibid., 873 ff.); Bishop Caixal, Chapter II: "Christus ascendens in caelo subministravit mystico corpori ecclesiae suae vicarium—caput, quo ejus divina virtus et auctoritas maneret visibilis in terris ad invisibilem fidei et communionis unitatem et compagem" (ibid., 878 ff.); Bishop Molina and four others, Chapter I: "Est ecclesia Catholica corpus Christi mysticum" (ibid., 902 ff.); Cardinal Guidi of Bologna and four others, Chapter I: "Ecclesiam a Christo fundatum, eique intime conjunctam ut sit ejus corpus mysticum" (ibid., 905 ff.).

gives the following categories: those who found such a description too mystical, metaphorical or obscure; those who feared that it dealt only with the invisible Church and failed to emphasize its external, visible aspect; those, especially many Italian Bishops, who saw in the concept a Jansenistic element, an invisible Church of only the "just", the "true worshippers", and the "predestined"; and those who found confusion over the question of the distinction of the body and the soul of the Church. Throughout the recommendations runs the repeated request for a workable definition of the Church. Among the remarks of the Bishops who approved of the doctrine while suggesting modifications, there is also concern for clarity in the treatment of both the visible and invisible aspects of the mystical body.

Schrader had listed an apologetic purpose among his reasons for using this image: that it would refute those who say that Catholics consider only the external and visible aspects of the Church. The remarks of the Bishops underscore apologetic problems in several areas: in the concern for treatment of the visibility of the Church, in fear of the Jansenist heresy, and in demands for a definition of the Church. Their remarks, with some exceptions, are also evidence that preoccupation with more immediate issues prevented them from appreciating the depth of the theology underlying the use of the image, as explained in Schrader's annotations.

Kleutgen's statement in the Relatio indicates that he is complying rather reluctantly with the Bishops' dissatisfaction with the title, mystical body, since he does not suppress it completely, and states that it is used frequently and effectively in Scripture and is apt for describing the properties of the Church.

Certain recent authors have done statistical studies of the observations of the Fathers on this topic to show that in fact the majority of the Bishops were not opposed to the use of this title for the Church.³² Had the second schema come up for discussion they

³²See Emile Mersch, Le Corps Mystique Du Christ, Vol. II (Paris: Desclée De Brouwer et Cie., 1951), pp. 345-57; Jean-Pierre Torrell, La Théologie de L'Épiscopat, p. 253, Note 1. Mersch says of the first de ecclesia schema which gives the essence of the Church as the mystical body of Christ that "accueil, en général favorable, reçu par ce schéma."

might, according to this line of reasoning, have objected to the minor role which the mystical body image holds in the second schema. Although a numerical study can be used to substantiate this position, it is not likely that Kleutgen was working from numerical data. He does not say that a majority disapproved of the title, but that many did.³³ Kleutgen seems rather to have sensed the general attitude of the Bishops and their principal concerns, and then to have weighed the various comments, while trying to please different groups. He also had to balance this request with other suggestions, as for treatment

(p. 345). His statistical data is this: at the time of the remarks on the schema, there were about 639 Fathers at Rome. Of these about 230 expressed their views either on the schema in general or on the sections dealing with the mystical body, and of these only 4 found the mention of the mystical body in such a document to be unfortunate. At least 100 approved the presentation of the doctrine, some in a reserved way, some suggesting corrections, others while resolutely expressing their satisfaction. Around 70 do not mention the doctrine of the mystical body in their remarks, and one can suppose that they were satisfied. Mersch admits that it is not really possible to tabulate a majority for the use of the mystical body, but he believes that his assessment at least shows that the greater number of the ordinary magisterium were not reluctant to have the notion of the mystical body as the center of the treatise on the Church. As for those who opposed it, even the stronger objections do not claim that the doctrine is false, but only that it is obscure and vague. Of Kleutgen's schema he says: "A notre sens, plusieurs de ceux-ci, et peut-être beaucoup, auraient regretté qu' il passât si vite sur une notion qui dans la première rédaction, leur avait semblé si utile et si vraie. N'est-il pas significatif que les autres projets de définitions, composés par des évêques pour remplacer la première formule, fassent, à peu près tous, à la doctrine du corps mystique, une part notablement plus large que ne fait l' écrit du P. Kleutgen." (pp. 356-7). Torrell does a different numerical analysis, using only the comments on Chapter I of the schema, and finds 53 Bishops against the notion, 54 clearly for it, 14 who favor its use with modifications, and 8 who suggest other modifications for the chapter without changing the statement on the mystical body. This analysis leads him to challenge the classic position that the majority of the Bishops were against the use of the title, and rather to express agreement with Mersch's conclusions. (p. 253, Note 1). Roger Aubert in "L'ecclésiologie au concile du Vatican," Le Concile et les Conciles (Paris: Chévetogne, 1960), 253, Note 13, disagrees with Mersch and argues that "le fait que dans le schéma remanié on ait laissé tomber le chapitre sur le corps mystique montre bien que l'opinion moyenne lui avait été défavorable."

³³ Mansi 53, 319 B.

of a definition of the Church, and of the Church as kingdom. Whether or not his schema would have been severely criticised on this point must remain an open question.³⁴

Assembly

In the comments of the Fathers a frequently recurring theme is the demand for a definition of the Church.³⁵ The description of the Church as the mystical body was apparently not recognized or accepted as a definition by most of the Bishops. The next title found in the second schema, the "assembly of the faithful", is the result of Kleutgen's efforts to deal with this request. Because some of the Bishops expressly asked for an accurate definition of the Church, Kleutgen turns to the "now more common" definition, one also found in the comments of the Fathers, that of Robert Bellarmine.³⁶

Bellarmino's great sixteenth-century work, Controversies Against the Heretics of Our Times, was one of the first systematic presentations of Catholic teaching against the Protestant Reformers. Due to the apologetic needs of refuting false conceptions of the Church, Cardinal Bellarmine presented a juridical, political image of the Church, and developed at length her nature as a visible society.³⁷

³⁴Joseph Lecler remarks, however, in "Bulletin d'histoire des doctrines ecclesiologiques," Recherches de Science Religieuse, XLIX (1961), 441, that the encyclical, Mystici Corporis, of 1943 will show that, since 1870, the theses of Clement Schrader have made their mark.

³⁵Cf. Chapter II, p. 23, of this thesis.

³⁶Mansi 53, 317 D.

³⁷Of some interest here is the article of S. Tromp, "Bellarmini Duplex Conceptus Corporis Mystici," in Gregorianum, (1942), 279-90. Tromp tries to show in contrast to Mersch's contention, that the idea of the mystical body is not totally absent from Bellarmine's works. In connection with this call for Bellarmine's definition of the Church and the question of the mystical body, Yves Congar says that "the doctrine of the encyclical Mystici Corporis of June 27, 1943, is important: it synthesizes the Pauline and Augustinian doctrine of the mystical body with Bellarmine's ecclesiology." ("L'ecclésiologie de la Révolution française au concile du Vatican, sous le signe de l'affirmation de l'autorité," in L'ecclésiologie au XIX^e Siècle, ed. by Roger Aubert (Paris: Les Éditions du Cerf, 1960), p. 108, Note 97).

The ecclesiology of this champion of counter-Reformation theology had been, with some exceptions, the prevailing one since the time of Trent.³⁸ It was Bellarmine's well-known definition to which Kleutgen turned: "The Church is the assembly of men bound together by the profession of the same Christian faith and by the communion of the same sacraments, under the rule of legitimate pastors and especially of the one Vicar of Christ on earth, the Roman Pontiff."³⁹

Some of the Bishops, as David of Saint-Brieuc, France, referred specifically to Bellarmine's definition of the Church in their requests for changes. Others spoke simply of the common definition, or that in use in the catechisms or manuals. At times the descriptions proposed for the Church are not identified as Bellarmine's, but their resemblance is too striking to pass unnoticed. Such is the case with that proposed by Bishop Gallo of Avellino and Bishop Jans of Aosta. They ask that the Church be called the "kingdom of God founded by Christ in which wayfaring men profess the same doctrine of faith, and partake of the same sacraments under the rule of legitimate pastors and especially of the one Roman Pontiff, the vicar of Christ on earth." Cardinal Gonella of Viterbo and twelve others wish that in place of the mystical body the Church be described as "the assembly of the faithful gathered in the unity of faith and communion under their head, Christ."⁴⁰

In the revised schema de ecclesia the second chapter is entitled: "The Church Instituted by Christ is the Assembly of the Faithful."⁴¹

³⁸James Brodrick in The Life and Work of Blessed Robert Francis Bellarmine (London: Burns Oates and Washbourne, 1928), I, 188, in speaking especially of the debates over papal infallibility claims that: "At Trent, the Bible and St. Thomas ruled the debates; at the Vatican, the Bible, St. Thomas, and Bellarmine."

³⁹Mansi 53, 317 D.

⁴⁰David, Mansi 51, 739 B; cf. Moreno and Lyonnet, ibid., 760 A and 760 B; Gallo and Jans, ibid., 755 A; and Gonella, ibid., 762 A. See also the statements of Cardinal Trevisanato and thirteen others, ibid., 760-61 A; Archbishop Alemany of San Francisco, ibid., 756 B; Guidi, ibid., 750 D; Apuzzo, 762 A, B; Lyonnet, ibid., 780 D; Place, ibid., 782 A; and Eberhard, ibid., 784 C.

⁴¹Mansi 53, 309 B, C.

The chapter opens with a refutation of the false opinion that the faithful who worship Christ should do so as individuals. Rather, those who profess the gospel are bound by close ties. The emphasis here is on unity, and the fact that the faithful should be joined in one body is proved by the testimony of John 11:52 and by the names which Scripture uses to designate the Church: it is the kingdom, spiritual household, holy temple, sheepfold, and especially, the body.⁴²

Kleutgen says that he has established in this chapter what must be defended against false doctrines on the nature of the Church: it is especially the "assembly of the faithful".⁴³ For a more accurate understanding of the word assembly he has added, "and a true society." A society, he says, is according to accepted definition a group of men united for a certain end by moral bonds (rights and laws). In order to exclude whatever of the merely human or profane the name of society might suggest, he has included the more proper and Biblical names for the Church. These also point to the divine nature of the Church and its supernatural origin and end, and will prove that it is simply calumny when Catholics are accused of neglecting the internal and spiritual in their descriptions of the Church.

In the last paragraph of Chapter II the Church is thus described as the "assembly of Christ's faithful and a true society". Since it is above every human society it is rightly called the "city of God and kingdom of heaven." The closing section departs from Bellarmine's description, and emphasizes the internal and spiritual aspects of the Church's life. Its foundations are above every natural order, for it is built on divine power. Its members are directed not only by human wisdom or exterior aids, but by heavenly wisdom and the rewards of

⁴²Kleutgen alludes to the section in John 11:51-52: "This, however, he said not of himself; but being high priest that year, he prophesied that Jesus was to die for the nation; and not only for the nation, but that he might gather into one the children of God who were scattered abroad." He then continues with the supporting images: "atque ecclesiam non modo regnum vocat, sed domum quoque spirituali, templo sancto et ovili assimilat, praecipue autem corpus esse docet, cuius caput quidem Christus membra vero fideles sint" (Mansi 53, 309 B).

⁴³See his Relatio, Mansi 53, 319 C.

spiritual grace. Their goal is the highest and the eternal good: the enjoyment of God Himself. The members of this Church hasten together in faith, hope and love, toward their inheritance in heaven, filled with Christ's Spirit as members of his body. The two images of society and of body support the title of "assembly" in this paragraph, and they will be considered individually in a later section.

The title of "assembly" or "coetus" reappears in several other places in the schema. Chapter III concludes its treatment of the divine power established in the Church by saying that the Church cannot rightly be called "an assembly of equals." This calls to mind the suggestions of many Bishops which will be handled in connection with the discussion of the authority in the Church. In treating of the members of the Church in Chapter V, Kleutgen returns to Bellarmine's thought-patterns and points to the error of those who say that the Church is "not an external assembly of the faithful, but an invisible society of the just or predestined." This chapter, which replaces the first schema's chapter on the visibility of the Church, includes other phrases from Bellarmine's definition, as when it states that this body of the Church is necessarily visible because it includes all those "who are joined in the communion of the same faith and the same sacred rites, and subject to the same supreme head, the Roman Pontiff."⁴⁴ The titles of assembly and society are again closely united in the ninth chapter of the schema. Here Kleutgen is showing that the Church is a perfect society, and thus "distinct from every other assembly of men."⁴⁵

⁴⁴Chapter II is in Mansi 53, 310 A; Chapter V, ibid., 311 A.

⁴⁵Mansi 53, 315 B. This title is also found in Canon IV where those are condemned who say that the Church "is not an external and visible assembly of the faithful, but a spiritual society of the predestined or just known only to God" (ibid., 316 C). In the explanations which Kleutgen gives concerning the use in the schema of these phrases of Bellarmine, he discusses at some length the current controversy over the extent to which "private heretics" and schismatics are members of this assembly. He says that the Council abstains from deciding the question (ibid., 318 A), but that the word, professions, which is usually found in Bellarmine's description with of the same faith has been omitted in order to avoid censuring certain opinions among theologians on this question of the membership of heretics and schismatics (ibid., 322 D). For evidence of this concern among the

Body

One of the titles which Kleutgen associates with that of assembly is the Church as "body." In the first schema, the title "body" is used only a few times without the adjective, "mystical", and even those times it has behind it the weight of the opening chapter on the Church as the mystical body of Christ. Chapter IV on the Church as a visible society refers to the visibility of "the whole body" of the Church. Chapter V on the visible unity of the Church speaks of the "undivided and indivisible body", "which is itself the mystical body of Christ", and closes with St. Paul's quotation on the unity of this body. Again in Chapter VIII where the schema deals with the indefectibility of the Church, it is said that the Church grows and increases in faith and charity so that the "body of Christ may be built up." The end of the chapter stresses that the Church will always retain her properties and qualities so that Christ "through his visible body" may perpetually be the way, the truth, and the life to all men.⁴⁶ It is of note that the use of simply the term "body" for the Church is found most often in this schema in those sections concerned with the Church's visibility or some aspect of it.

In the second schema, Kleutgen avoids the use of the adjective "mystical" except for one instance, but makes frequent use of the "body" image. In his introduction, he says that the Council has already treated the head of the Church, the Roman Pontiff, and that in this schema it will deal with the "remaining body of the Church." It has already been noted that he ties this image to that of the "assembly of the faithful" in Chapter II. In that chapter, after saying that Scripture especially speaks of the "body, whose head is Christ, and whose members are the faithful", he quotes the testimony of St. Paul on the unity of this body: "For as the body is one and has many members, and all the members of the body, many as they are, form

Bishops see the remarks of Bishop Eberhard of Treves, Mansi 51, 784 C; Bishop Grimardias of Cahors, France, ibid., 785 D; and Bishop Callot, ibid., 766 D.

⁴⁶Chapter IV, Mansi 51, 541 A; Chapter V, ibid., 541 B; Chapter VIII, ibid., 542 C.

one body, so also is it with Christ. For in one Spirit we were all baptized into one body." (I Cor 12, 12-13). The concluding sentence again refers to the Spirit of him to whose body the faithful are joined.⁴⁷ Although Kleutgen does not use the adjective, "mystical", here, it is significant that the title "body" receives so much attention in the chapter where he attempts to satisfy the Bishops' requests for a definition of the Church, especially since it is used in the last section which stresses the internal and spiritual aspects of the Church. It is possible that this was Kleutgen's way of balancing the desires of those who had favored the term mystical body with those of others who found the term "mystical" too obscure and metaphorical.⁴⁸

The second paragraph of Chapter V states that the members of the Church are not bound together by external bonds only. The just enjoy the divine favors and gifts, and are joined most closely to each other and to Christ, the invisible head of the Church, by the grace and charity of the Holy Spirit, which is the bond of perfection. "For this reason also they are said to belong to the Church in a more perfect manner who not only dwell in it as members of its body, but are animated by its spirit." The last section of Chapter V speaks of the "whole external and visible body of the faithful," which is the Church to which was promised both the assistance of the Holy Spirit and eternal duration. Chapter VI on the necessity of the one true Church for obtaining salvation opens on Bellarmine's phrases and an emphasis on visibility. The faithful of Christ are united in the same faith, the same sacraments, and as "members of a body under one visible head." This statement is reinforced by a quotation from St. Paul to the Ephesians: "One body and one Spirit...one Lord, one faith, one Baptism." (4:4-5). One final use of the "body" image comes in the ninth chapter's description of the Church as an eternal and unchangeable kingdom. It is an allusion to St. Paul, that the Church which preserves unchanged this constitution received from Christ grows daily toward the consumma-

⁴⁷Introduction, Mansi 53, 308 A, B; Chapter II, ibid., 309 B.

⁴⁸Cf. in this connection the description of the Church from Chapter V which is discussed next.

tion of the saints, "in building up the body of Christ."⁴⁹

Kloutgen does not seem to have settled the confusion over the distinction between the body and soul of the Church which had troubled many of the Fathers in the first schema. This was of special concern to them in connection with the problems of indifferentism and of membership in the Church, since several felt that it was possible to belong to the soul of the Church without belonging to its body.⁵⁰

Society

In close connection with the titles of assembly and body, Kloutgen has included that of society for the Church. This title had been used extensively in the ten chapters of the first schema presented to the Bishops. It dominates the section of the schema which follows the opening chapter on the mystical body, and Schrader gives lengthy clarifications of its use in his annotations. The second chapter of this first schema affirms that the religion of Christ can only be lived in the society instituted by him. The third chapter is meant to show that the Church received from Christ not only its existence but also all of the qualities of a true and perfect society, independent from civil society. At the same time it is a spiritual society and absolutely of the supernatural order. In Chapter V, the Church is described as a visible society, possessing a visible magisterium, ministry, and government. The Church is a society necessary for salvation, as is explained in Chapter VI, and it is an eternal and indefectible society,

⁴⁹Chapter V, Mansi 53, 311 B, C; Chapter VI, ibid., 311 D; Chapter IX, ibid., 315 C.

⁵⁰For comments on this problem see the remarks of Bishop Callot of Gran, Algeria, Mansi 51, 786 A, who states that those unjustly excommunicated belong also to the soul of the Church, and thus to the mystical body of Christ (cf. his comments in 741 D and 760 B); Archbishop Dubreil of Avignon, France, ibid., 743 B, who complained that much was said about the body of the Church, but scarcely anything on the soul, which is of great importance since many of good faith are found among non-Catholics who belong to the soul of the Church, even though they are not visibly in this "ark of the new covenant"; cf. Bishop Eberhard, ibid., 784 C; and Grimardias, ibid., 785 D. See also Schrader's annotations for his discussion of Bellarmine's distinction on belonging to the body and soul of the Church in the De Ecclesia

as stated in Chapter VIII. Finally the title reappears in Chapter X which declares in connection with the Church's power that it is not a society of equals, but rather a hierarchical society.⁵¹

Schrader's annotations give the purpose and import of the use of the term society in each of these places, and are a rich source for understanding its implications.⁵² The second chapter, he explains, expressly states that Christ instituted the Church as a society, against the Protestant contention that Jesus revealed a religion but did not found a Church. According to this false theory the revelation brought by Christ constitutes a "religion" which unites men to God, but not a "society" in which men are joined with one another. Chapter III's assertion that the Church has all of the qualities of a true society is directed against various historical and modern errors. It opposes those who say that the Church is not a perfect society since it did not receive from Christ the definite form of a society. There are those who confuse the Church with civil society or subject it to other societies, and these must also be refuted. In the second part of the chapter the Church is distinguished from other human societies, and shown to be superior to them. A consideration of the Church's cause and end leads to the conclusion that it is a spiritual and supernatural society. Since the term "spiritual society" is sometimes misunderstood by the Church's enemies to be one which rules only over spirits or souls while the civil empire rules over bodies, the final paragraph corrects this false notion by determining the sense in which the Church is said to be a true spiritual society.⁵³

Militante (Mansi 51, 571 A,B). Kleutgen refers briefly to this question in Chapter V: "Qua de causa etiam perfectiore modo de ecclesia esse dicuntur, eo quod non solum corpori ejus tanquam membra inhaerent, sed spiritu quoque animantur" (Mansi 53, 311 B).

⁵¹Mansi 51, 540 A- 543 D.

⁵²The annotations on this title cover the sections from Mansi 51, 556 A - 583 C.

⁵³Schrader quotes in this section from the works of Pufendorf who denies that the Church is a society separate or exempt from civil society, and from the writings of Boehmer. Among the teachings of Boehmer against which the doctrine on the Church as a perfect society is directed are: that it is a "college" or imperfect society; that it is confused with

Chapter IV, which describes the Church as a visible society, also has an apologetic purpose. The nature of the Church as a spiritual and supernatural society, united by internal and invisible bonds, can be misunderstood so that its visibility is denied. This chapter therefore states that the Church possesses a visible magistratum, ministry, and ruling power, and is thus held together by external bonds which correspond to and are a partial cause of its internal bonds.⁵⁴ Schrader explains that Chapter VI, which speaks of the Church as a society necessary for salvation is principally directed against the current problem of indifferentism. The Reformers, he writes, distort revealed truth by holding that no particular religion is necessary, that any form of the Christian religion or society is equally good and salvific, and that it does not matter which of these various societies one joins to achieve salvation. Schrader refers in this connection to the encyclical issued by Gregory XVI in 1832 against Lammenais, in which he deplors the error of indifferentism.⁵⁵ The doctrine in Chapter X on the Church as a hierarchic society is a rejection of a democratic form of the Church in which it would be considered a society of equals, all having the same rights and power.⁵⁶

civil societies; and that it did not receive from Christ a determined form since the assembly founded by Christ was not distinct from the synagogue. For a fuller understanding of the meaning of the Church as a spiritual society he refers to Suarez' *De Legibus*, (X 1, n. 7): ". . . Christus Dominus, inquit, ad fides suas et dilectionem in mundo propagandum et conservandum, et ut mediante hac fide viva fructus redemptionis suae futuris post se hominibus communicaretur, ecclesiam suam instituit tanquam unam spiritualem republicam, in qua ipse regnaret, et unum corpus mysticum, in quo ipse esset caput. . ." (*Mansi* 51, 556 B-561 D).

⁵⁴Schrader here refers to the teachings of several Reformers: Wiclif, Huss, Calvin, Luther, and M. Jurieu, the opponent he quotes most often (*Mansi* 51, 561 B-562 A, B). Chapter V, he says, stresses the visible unity of the Church against the triple heresy: of those who deny that the true Church of Christ is visible, of the Anglicans who believe that the unity of the universal Church comes from the gathering together of many individual churches; and of the fundamentalists or latitudinists who deny that the visible Church is found in a definite and determined communion (*ibid.*, 564 B-566 C).

⁵⁵*Mansi* 51, 566 B-567 D.

⁵⁶*Mansi* 51, 581-583 C. This democratic form is proposed by Boehmer and Pufendorf.

Explanations of various aspects of the Church's nature as a society thus occupy a large portion of the central section of the first schema, and are supplemented by lengthy sections of Schrader's annotations. Polemic concerns figure strongly in the reasons given for the use of this term, as specified in these annotations.

An analysis of the comments made by the Bishops on the use of the title of society in the first schema shows that in general they underscored elements already found in the first schema.⁵⁷ They asked that the Church be shown to have all the qualities of a true and perfect society, that its relationship with human and civil societies be clarified, and that its nature as a spiritual society be explained. There were those, however, who criticized the conception of the Church as a society, and found it too philosophical and juridical a foundation for a discussion of the Church.

A sampling of the Fathers' observations substantiates this analysis. Cardinal Guidi of Bologna, Italy, and other Bishops ask that there be not only a clear and explicit assertion, but a complete proof that the Church is a true and complete society. This should be supported by a condemnation of the errors referred to in the annotations. Bishop Dupanloup felt that the schema scarcely touched on the current error that Christ did not found an external society or religion. The properties which constitute a perfect society were not explained clearly enough in the schema for Bishop Ramadié of Perpignan, France. He especially wanted more stress on its government. Similarly, Bishop Caixal thought there was not a clear enough demonstration that the Church possesses all of the qualities of a true society, or kingdom. Bishop Magnasco rearranged the order of the chapters so that the assertion and explanation that the Church is a society instituted by Christ would be included in the first chapter, followed by a second on the mystical body of Christ.⁵⁸

⁵⁷The major portion of these comments are found in the section on Chapter III, Mansi 51, 770A-779 B.

⁵⁸Guidi, Mansi 51, 777 B; Dupanloup, ibid., 744 B; Ramadié, ibid., 776 A; Caixal, ibid., 774 A; and Magnasco, ibid., 776 A. cf. Raes, ibid., 772 A; Lyonnet, ibid., 775 A; and Trevisanato, ibid., 776 B. See also the place given to the Church as society in the schemata of Gastaldi, ibid., 887 ff.; Moreno, ibid., 893 ff.; Arrigoni, ibid., 885 ff.; Molina and four

Bishop Clifford of Clifton, England, wanted to follow Chapter III's statement that the Church is not to be considered a part of any other society or confused with any, by the phrase, "although men, who are members of this spiritual society are also members of human societies." His reason for this is that it would be a more explicit assertion of a certain independence of the Church from civil society. This would not involve an independence of the individual members of the Church from this state in matters of its jurisdiction. This, he thinks, is of great importance for the peace and authority of the Church. Two American Bishops, Lynch of Charleston, South Carolina, and Whelan of Wheeling, West Virginia, asked that emphasis be placed on the fact that the Church is a society of the supernatural order, whose function is to procure the eternal salvation of men through faith and charity. Behind their comments is the possible fear that the Council might set up a conflict between ecclesiastical and civil societies disputing men's allegiance in different spheres of their lives. Cardinal Guidi wanted an indication that the Church is not a member of any other temporal society, and noted that the fact that the Church is a spiritual and supernatural society should not make it appear that it has nothing to do with the human. Bishop Gastaldi said there should be more stress given to the preeminence of the Church over all other societies.⁵⁹

Gastaldi also wanted emphasis on the fact that the Church is a spiritual society since the enemies of the Church at times limit its operations to bodily matters. Bishop Despres of Toulouse proposed an insertion in Chapter III to the effect that the Church not be considered

others, *ibid.*, 902 ff.; Guidi, *ibid.*, 905 ff.; and Monetti, *ibid.*, 873 ff. Bishop Barabesi wanted the Church described as a "juridical" society, since it was founded according to laws given by Christ (*ibid.*, 775 C).

⁵⁹Clifford, *Mansi* 51, 770 D; Lynch and Whelan, *ibid.*, 771-3; Guidi, *ibid.*, 777 A-B; Gastaldi, *ibid.*, 778 B. cf. Ginoulhiac, *ibid.*, 779 C; and Riario Sforza, *ibid.*, 776 D. Chapter VI of the first schema states against the doctrine of indifference that the Church is not a "free" society. The use of this adjective drew widespread criticism from the Bishops. See *Mansi* 51, 788 C; 790 A, C; 792 D; 793 C; 796 C. It is not used in the second schema.

a society built on natural principles or human will, but as a work of the Incarnate Word, and constituted by the Holy Spirit. In the opinion of Bishop Martinez of Havana, Cuba, the Church's spiritual nature should not be understood in an absolute sense, but should be specified. He suggests a statement describing the Church as the "true and most perfect of all societies, leading men united by spiritual bonds, through spiritual and supernatural means, to eternal life." Cardinal Guidi and others feel that there should be an explanation that the intimate and totally supernatural constitution of this society was the result of the outpouring of the Holy Spirit, just as its origin was through the outpouring of Christ's blood and sanctifying grace.⁶⁰

Alongside these requests for amplifications and revisions of the doctrine on the Church as a society, there were also objections to the use of this title. Many Bishops regretted that the treatment of the Church was based so much on deductions from the philosophical notion of society. Bishop Ketteler criticized the schema for neglecting the historical foundation of the institution of the Church and putting in its place a weak and abstract foundation, a philosophical definition of a society. He eliminated the chapters on the Church as society from his own schema. Bishop Wiery of Gurok praised the material of Chapter III of the first schema, but thought that it would be better to present the Church of Christ as a unique creation of the divine Redeemer to which nothing similar is found on earth, than to compare it with human societies and to anxiously search in it for characteristics of human societies in order to arrive at what is certainly a true conclusion that it is superior to other societies. Bishop Dinkel of Bavaria and twenty-six German Bishops were dissatisfied with the schema because it was not constructed on the divine origin and nature of the Church, but rather founded on the philosophical notion of a human society. Establishing the foundations of the decree in this way makes it impossible to display the majesty of the Church, something which needs to be done in the present age. Bishop Fogarasy of Transylvania was also displeased with this concept of the Church as society because he found it foreign to

⁶⁰ Despres, Mansi 51, 770 C; Martinez, ibid., 776 C; Guidi, ibid., 777 A. See also Bishop Gallot of Oren, ibid., 775 D.

its divine institution.⁶¹

Kloutgen addresses himself to this last group of commentators in his Relatio, and tries to satisfy those who opposed the use of this title of society, as well as those who called for a more extended treatment of it.⁶² Kloutgen first acknowledges that many Bishops were displeased by the fact that almost the entire tract of the first decree was based on principles established by philosophy and law concerning the nature of a society. He has avoided this in the reformed schema. The fact still remains, however, that many writers use these principles to back up their false doctrine on the Church, and that the terms "true society" and "perfect society" have acquired a certain accepted meaning among the learned. He found it opportune, therefore, to state in clear words in the constitution that the Church is a true and perfect society. He does not think that it should seem so foreign to ecclesiastical language to use the title society for the Church. St. Augustine himself often used this title, as in his work The City of God, where he says that there are these two cities, which are "societies of men."

The second schema accords with Kloutgen's remarks. The title of society is much less in evidence than in the first schema, but there is a clear statement of the Church's nature as a true society. This is found in the second paragraph of the ninth chapter. This chapter is devoted to showing that the Church is a true, divine, immutable, and eternal kingdom. After the first paragraph has stated that the Church is a true kingdom since it is a multitude bound by close bonds and directed to a definite end, that of procuring divine glory and human salvation, the second paragraph opens with the phrase, "for which reason" the Church also justly deserves to be called a perfect society. It moves toward its own end by means proper to it and is distinct from every other human assembly. This Church is also absolute and complete in itself, and has of itself what is necessary for achieving its end. In those things which pertain to this end it is

⁶¹Ketteler, Mansi 51, 745 C and 863 ff.; Wiery, ibid., 779 A; Dinkel, ibid., 734 C; Fogarasy, ibid., 746 A.

⁶²See Mansi 53, 318 D, for his explanations on this point.

neither subject to any other society, nor joined to one as a part, nor intermingled or confused with any other society.⁶³

The term society is used of the Church only briefly in the rest of the schema. In Chapter II, it is closely combined with the definition of the Church as the "assembly of Christ's faithful" but it is also stated that since the Church is superior to any human society, it merits being called the city of God and kingdom of heaven. In Chapter V it is found simply in a reference to those who mistakenly say that the Church is an invisible society of the just or predestined. Kleutgen does not specifically develop the titles of spiritual or supernatural society for the Church anywhere in his schema.⁶⁴

Summary

In the first schema De Ecclesia, Schrader's annotations, and the second schema and Kleutgen's Relatio there is evidence of a tension between accent on the visible and on the invisible aspects of the reality of the Church. All of these documents show concern to achieve a balanced presentation of these two elements. The first schema accorded a prominent and explicit position to the Church as Christ's mystical body, and included a treatment of it as a spiritual and supernatural society. This served to secure an emphasis on the spiritual and interior aspects of the Church even though this schema had also devoted extensive space to the Church's more sociological aspects under the title of society. Kleutgen reduced both these titles of mystical body and society from a major to a minor role in his schema. He introduced the names of kingdom and assembly to an important place, and extended the corporate body image. No complete chapter in this schema is built around an image which conveys primarily the Church's invisibility. The nature of the Church as kingdom is explained chiefly with reference to a city placed on a mountain and thus visible to all nations. The scientific definition of the Church as assembly diminishes concentration

⁶³Mansi 53, 315 A, B.

⁶⁴Chapter II, ibid., 209 B; Chapter V, ibid., 211 A. Canon XIII concerns the freedom of the Church from civil power (ibid., 317 A).

on its mysterious nature, and carries Bellarmine's stress on visibility. The invisible or spiritual elements of the Church's life are present in this second schema, but they have shifted to a more peripheral position. Underlying this change in emphasis is the apologetic concern to treat those topics in relation to the Church which have been attacked or against which there are widespread current errors. Although both the Church's visibility and her invisibility have been assailed, it is her visibility which is more directly defended in this second schema.

Kleutgen's schema does situate the Church in a more Biblical and historical context than the first schema. A statement of the Church's divine origin is included, and the Church is more expressly inserted into the history of God's plan for men fulfilled in the Redemption won by Christ. There is however, no emphasis placed upon the intrinsic relationship of the Church with the Incarnation or Redemption, even though the schema mentions the union of the Church's members with Christ as head. The schema contains more frequent references to the Church as a worshipping community reaching up to God through sacrifice than as one drawing divine life from the sacraments. These sacraments are seen in relation to the Church's unity, as bonds uniting its members to Christ and to one another.

All three of the images which receive extensive treatment in the schema, assembly, kingdom, and body, are also such as to sustain and implement an emphasis on hierarchy and authority in the Church. These areas of the schema's teaching will be developed in the next section.

CHAPTER IV

THE HIERARCHY AND POWER OF THE CHURCH ACCORDING
TO THE SECOND CONSTITUTION

One of the major weaknesses to which the Bishops had called attention in their written observations on the first schema De Ecclesia was its failure to give adequate treatment to the hierarchical structure of the Church, especially to the role of the Bishops. This concern of the Fathers was again expressed during the debates on the Pastor Aeternus. They feared that the Catholic doctrine on the Church as formulated by the Council was restricting its vision to the Pope and the faithful, while ignoring the question of the ministry, the episcopate, and the ecumenical Councils. Kleutgen sought to remedy this situation by devoting a substantial section of his second schema to these topics. In Chapter III he lays the foundation for the hierarchical structure which is outlined in Chapters IV and V, and for the clarification of the hierarchy's functions of teaching and ruling which is found in Chapters VII and VIII.

The Church's Hierarchical Power and Structure

Kleutgen says that Chapter III clarifies the nature of the Church which he has described in Chapter II as the "assembly of the faithful". It is not similar to a "college", in the juridical sense, whose members are equal in rights.¹ Rather, the heads of the Church have been given a divinely ordained power which the other members do not possess. The

¹See his Relatio, Mansi 53, 320 B-C. He also comments here on Canon II: it is intended to reject the Protestant error that the faithful are equal by asserting that some are superior to others by a divinely conveyed power, not simply by human law.

first part of Chapter III, according to Kleutgen, demonstrates from Scripture that the apostles possessed this power, and then that it is found permanently in the successors of the apostles who share in the permanence of the Church itself. He explains that both in the development of the chapter and in the conclusion, the triple power of sanctifying, teaching, and ruling is distinguished. He does not enlarge on these powers here because the Council of Trent in its twenty-third session has already given extensive treatment to the power of sanctifying in its discussion of Orders, and he has amplified the powers of teaching and ruling in Chapters VII and VIII of his own schema.²

The thought-pattern of Chapter III thus moves from Christ, to the apostles, to their successors. The Son of God, who achieved our salvation by his own power, is the highest Bishop and pastor of souls. Before his death, however, he chose disciples to carry on his work of redemption. He made them priests, by giving them the power to consecrate; judges, with the power to forgive sins; and teachers, with the mandate of Matt. 28: 19-20, that they were to teach all nations, and baptize them in the name of the Father, Son, and Spirit. Since this power has as its end the building up of the household of God, it must be transferred to the successors of the apostles, for as St. Paul said, "And he himself gave some men as apostles, and some as prophets, others again as evangelists, and others as pastors and teachers, in order to perfect the saints for a work of ministry, for building up the body of Christ..." (Eph 4:11-13).³ This chapter of Kleutgen's schema incorporates and expands several points included in the opening section of Chapter X of the first schema De Ecclesia. There it was established that the Church is not a society of equals since there is in it a divinely instituted power which authorizes some to sanctify,

²Trent's twenty-third session is recorded in Denzinger, 1763-1778.

³For the Latin text of Chapter III see Mansi 53, 309 C-D and 310 A. The use of this reference to Eph 4:11-13 in connection with power in the Church had been proposed by certain Bishops, among them Archbishop Ginoalhac of Lyons, Mansi 51, 841 C; Cardinal Riario Sforza and twenty-nine others, ibid., 824 A; Bishop Gaixal, ibid., 880 C; Bishop Ramadié, ibid., 776 A; and Bishop Arrigoni, ibid., 832 D.

teach, and govern, while others do not have this authority.⁴

Chapter X of the first schema had also claimed for the Church a legislative, judicial, and coercive power totally independent from the State. It stated that this authority was not restricted to the internal forum of conscience but extended to the right of imposing external punishments.⁵ Bishops of several nations, especially those from the United States, voiced repeated and strong objections to the reference to the coercive power of the Church which appeared in this chapter. Cardinal Bonnechese of Rouen, France, and sixteen Fathers went on record as asking that it be suppressed as useless and dangerous. Bishop Moriarty of Kerry, Ireland, asked that "coercive" be explained lest it appear that the Church has the right to imprison or inflict other similar punishments. Bishop Whelan of Wheeling, West Virginia, thought that the whole chapter should be eliminated since it might provoke hatred. If retained, it should be modified so as not to give offense, and should include the words of Christ, "Render to Caesar the things that are Caesar's, and to God, the things that are God's." He would also add after the word, "coercive" some phrase such as "by spiritual punishments" or "in matters pertaining to the Church." Bishop Mullen of Erie, Pennsylvania, feared that this section might stir up persecutions against Catholics by the "heretics" in many places and so wanted what was said of punishments removed, or clarifying phrases inserted such as "ecclesiastical or canonical", or "not however by extreme (or bodily) penalty."⁶

Kleutgen considered these recommendations, and in his Relatio he gives the reasons for the form of Chapter VIII, which discusses the Church's ruling power. He says first of all that many Bishops had requested a more explicit Scriptural demonstration that the

⁴Chapter X of the first schema is in Mansi 51, 543 C-D.

⁵Mansi 51, 543 C.

⁶Cardinal Bonnechese's remarks are in Mansi 51, 741 B; Moriarty, ibid., 834 B; Whelan, ibid., 835 D; Mullen, ibid., 833 A. See also the comments of Bishop Grimardias of Cahors, France, ibid., 836 B; Bishop Rogers of Chatham, New Brunswick, Canada, ibid., 833 B; Bishop V6rot of Savanna, Georgia, ibid., 834 A; and Bishop Domenc of Pittsburg, Pennsylvania, ibid., 834 B.

ecclesiastical power is not merely ministerial, but the divinely conferred power of a true ruler.⁷ He has complied with this request, along with showing that this power is supreme, universal, and complete. Kleutgen acknowledges that there is a difficulty with this third point, in that it seems to give the Church the right to inflict bodily punishment. But if the schema is treating of the constitution and rights of the Church, he reasons, it certainly cannot be silent about this coercive power, for it has been denied by many. He sees the path of moderation to lie in stating nothing new on the subject. The same words are used, then, as in the Papal statements, and it would be unbecoming for the Vatican Council to say less. Since nothing new is added, he sees no reason to fear new and greater dangers, and although some proposed that the word "spiritual" be added to punishments, such an affirmation of the right to inflict spiritual punishments would not negate the right to also inflict corporal ones. The Council's intention should be apparent and he can see no other reason for changing the customary manner of speaking.⁸

Chapter IV of the second De Ecclesia is evidently Kleutgen's response to the requests made by the Bishops for a treatment of the episcopate and Councils. The Bishops had been referred to only four times in the first ten chapters of the first schema on the Church. Chapter II speaks of the Church of Christ being guided "by the apostles and their successors," but this formula does not accord an important place to the Bishops in the Church's hierarchy. Chapter IX describes the subject of the Church's infallibility as the "teaching authority which Christ instituted in his Church," but the Bishops are only implicitly included in this magisterium. Similarly, Chapter X

⁷For Bishops who made this suggestion, see Despres, Mansi 51, 832 B; Del Valle, ibid., 830 B-831 A; Epivent, ibid., 834 B; Guidi, ibid., 838 B; and Ginoulhiac, 841 C-D.

⁸This section of his Relatio is recorded in Mansi 53, 331 B. Kleutgen says that he has revised the corresponding Canons, XI and XII according to the Bishops' wishes. See Mansi 53, 316 D.

refers to the subjects of ecclesiastical power as the "pastors and teachers appointed by Christ." The only explicit and rather exact mention of the word, episcopus, and delineation of the functions attributed to him occurs in Canon XI.⁹ There is no mention of the ecumenical Councils.

Dissatisfaction with this lacuna had been evident in the observations which the Conciliar Fathers submitted regarding the first schema on the Church.¹⁰ It also became a familiar theme in the observations which the Fathers later formulated on Chapter XI of that first schema, and during the debates on Chapter III of the Pastor Aeternus on the power and nature of Papal primacy.¹¹ The criticism was frequently voiced that defining the primacy of the Pope in isolation,

⁹For Chapter II, see Manai 51, 540 A; Chapter IX, ibid., 543 B; Chapter X, ibid., 543 C. Canon XI reads: "Si quis dixerit, ecclesiam institutam divinitus esse tanquam societatem aequalium; ab episcopis vero haberi quidem officium et ministerium, non autem propriam regiminis potestatem, quae ipsis divina ordinatione competat, quaeque ab iisdem sit libere exercenda; anathema sit." (ibid., 552 B). According to Roger Aubert ("L'ecclésiologie au Concile du Vatican," in Le Concile et les Conciles, Paris: Chèvotogne, 1960, p. 255), it is the Gallican problem which probably accounts for this omission of the treatment of the Bishops: "La crainte d'apporter si peu d'eau que ce soit au moulin gallican explique probablement ce silence, qui ne manqua pas de frapper désagréablement un bon nombre de Pères." Joseph Lecler, ("L'oeuvre ecclésiologique du Concile du Vatican," in Etudes, 307 (1960), p. 301), thinks that this is true even of Kleutgen's efforts to remedy the problem: "Il y progrès, si l'on veut, par rapport au premier schéma. Mais on se souvenait trop-bien encore, semble-t-il, des vieilles luttes gallicanes et jansénistes pour insister longuement sur les collaborations des évêques et du pape dans le gouvernement de la chrétienté."

¹⁰Cf. Chapter II, pp. 22-23 of this thesis.

¹¹The scope of this thesis does not permit an exhaustive analysis of the Conciliar debates related to the definition of Papal primacy and infallibility and the promulgation of the Pastor Aeternus. The topic is introduced here to show that the criticisms made on the first schema were reinforced during these discussions. For a complete and well-documented study of the question of the Bishops and the Pastor Aeternus, see Chapters II through V of Jean-Pierre Torrell's La Théologie de L'Épiscopat au Premier Concile Du Vatican (Paris: Les Editions du Cerf, 1961). This topic is also treated in Georges Dejaifve, "Le Premier des évêques," and "Conciliarité au concile du Vatican," Nouvelle Revue Théologique, LXXXII (1960), pp. 561-79 and 785-802.

without reference to his essential bond with the Bishops leads to a distorted picture of the Church's hierarchical structure, and makes this primacy itself unintelligible. Archbishop Melchers of Cologne, a member of the Minority and leader of German inopportunist, or those who questioned the necessity and advisability of the Council's defining Papal infallibility, wrote that he desired a tract on the Bishops as successors of the apostles, since without it the notion of Papal primacy and its place in the Church's hierarchy could neither be explained nor understood. The Minority leader, Cardinal Schwarzenberg of Prague, said that it would not take a perceptive reader to notice that the power and jurisdiction of the episcopal order was totally passed over. Archbishop Haynald of Kalocsa, Hungary, also a strong inopportunist, said that he would consider the chapter imperfect and incomplete if it neglected to speak of the rest of the apostles and their successors, the Bishops.¹²

The Deputation de Fide replied to complaints concerning the omission of the rights of the Bishops with the promise that it would take account of them in the revision of this chapter on the primacy, and would treat this topic further in the Second Constitution on the Church.¹³ The final form of the Pastor Aeternus did contain a para-

¹²Archbishop Melchers, Mansi 51, 936 A; Schwarzenberg, ibid., 930 D; Haynald, ibid., 937 C. See also Archbishop Fürstenberg of Olmütz, Moravia, ibid., 932 B; Archbishop Tarnoczy of Salzburg, ibid., 935 B-C; Bishop Mermillod of Geneva, Mansi 52, 632 C-D; Bishop Sola of Nice, ibid., 584-85; Bishop Krementz of Bzaland, Mansi 51, 948 C; and Bishop Moreno of Ivrea, Italy, ibid., 949 C. Abbot Guthbert Butler (The Vatican Council, New York: Longmans, Green and Co., Vol. II, p. 73), says of this question of primacy and the Bishops: "After reading through the Observations I am prepared to state that there was not any single case of questioning the primacy in itself or in its implications, even in the strong form set out in the schema. . . The brunt of the criticisms was the apparent ignoring of the episcopate in the whole handling of the theology de Ecclesia: here, it was said, is a summary of Catholic doctrine on the Church in which there is no account taken of hierarchy, episcopate, ministry, oecumenical Councils: simply Church and Pope."

¹³"Animadvertitur de omissa doctrina circa jura episcoporum. Huius animadversionis ratio partis habita est in hoc ipso constitutionis schemate de primatu Romani Pontificis et partis in altera constitutione de Ecclesia Christi fusiori modo habebitur." (Mansi 52, B B). See also the statements of Bishop Zinelli of Treviso, the

graph on the relationship between the jurisdiction of the Roman Pontiff and that of the Bishops. There it is asserted that this Papal power does not interfere with the ordinary and immediate episcopal jurisdiction of the Bishops. They rule as "true shepherds" and not simply as delegates of the Pope.¹⁴

Kleutgen gives more extensive space to the episcopate in his revised schema. Chapter IV is entitled, "On the Ecclesiastical Hierarchy," but it is in fact centered on the Bishops. The chapter divisions which the author himself enumerates illustrate this.¹⁵ Kleutgen explains that the chapter consists of three parts: the first teaches that simple priests (presbyters) are superior to the rest of the ministers, but that Bishops are superior to priests; the second deals with the role of the Bishops in teaching and governing the universal Church; and the third, of their subjection to the Roman Pontiff. The foundation for this chapter, he writes, has been laid in Chapter III, for the Church's hierarchy exists because of the spiritual power described in that section. This power is found not only in the individuals who function in some work or ministry in the Church, but is distributed so that there are distinct orders through which as by steps, one ascends to the fullness of power. The Council of Trent, Kleutgen notes, had already discussed the hierarchy, but this Council differs from Trent by dealing not only with the power of orders, but more so with that of jurisdiction.¹⁶

Relator for the Deputation de fide, in Mansi 52, 1103 C, D; 1109 C; 1110 A; and 1311 B; and the article of G. Thils, "Parlerait-on des évêques au Concile?" in Nouvelle Revue Théologique, LXXXIII (1961), pp. 785-804.

¹⁴For the text of this paragraph of the Pastor Aeternus see Denzinger, 1828.

¹⁵The section of the Relatio concerned with Chapter IV is in Mansi 53, 320 D-322 C. Cf. this chapter in Kleutgen's schema with the treatment of the episcopate and the hierarchy in the schemata of Bishop Ketteler, Mansi 51, 868-69; Bishop Place, ibid., 945-948; and Ginoulhiac, ibid., 825 A-830 C.

¹⁶For Trent's statement on the ecclesiastical hierarchy and orders see Denzinger, 1767-1776.

Chapter IV opens with the assertion that those engaged in the work of ministry do not share equally in the divine power, and then affirms that it has been established by apostolic tradition and the consensus of the Fathers that priests have the power which other ministers do not, of consecrating the body and blood of the Lord and forgiving sins. On the other hand, by divine institution, "among the priests themselves the Bishops whom the Holy Spirit has appointed to rule the Church of God are superior to simple priests (presbyters) in orders as in jurisdiction."¹⁷ In his Relatio Kleutgen says that Trent's decree had simply stated that the Bishops were superior to priests, and that this schema goes beyond Trent by adding "in orders as in jurisdiction" and by including points on the power of Bishops proper to governing their dioceses.¹⁸ The powers which this chapter ascribes to the Bishops both individually over each one's own local Church as well as collectively when gathered in synods are: first, to make decisions regarding doctrine and discipline; second, to propose laws; and third, to exercise judgement. Nor, this paragraph concludes, is it lawful for priests or other clerics to act without the authorization of the Bishop, so that, as expressed by St. Cyprian,

¹⁷Chapter IV, Mansi 53, 310 B-D. The Bishops made frequent references to this quotation from Acts 20:28 which had been used by Trent, that the Bishops are appointed by the Holy Spirit to rule the Church: Clifford, Mansi 51, 832 D; Moreno, ibid., 896 D; Maret, ibid., 916 D; Caixal, ibid., 838 B; Schwarzenberg, ibid., 733 D; Spivent, ibid., 834 B.

¹⁸Kleutgen explains that Trent had abstained from the controversy over whether or not Bishops are superior to priests in jurisdiction, especially whether at their consecration Bishops receive jurisdiction from God or from the Roman Pontiff. Kleutgen argues that Bishops are superior to priests by divine institution even in jurisdiction. The episcopate itself is without doubt of divine institution, and it is instituted not only that the Bishops might sanctify but that they might also rule the Church of God. So even if they receive jurisdiction through the choice and confirmation of the Roman Pontiff, it is proper to their office. (Mansi 53, 321 A-B). Kleutgen, as had the Council, refrains from deciding the unresolved question of Trent on the origin of the episcopal power of jurisdiction. Bishop Maret of Sura, whose ideas were widely opposed by members of the Majority, held that the Council could proclaim that the Bishops' power of jurisdiction as well as the power of orders comes immediately from God. (Mansi 51, 916-17).

"the Church may be founded on the Bishops."

Paragraph two concerns the role of the Bishops in teaching and governing the universal Church. There are two subjects of supreme power in the Church: the episcopal college united to its Head, the Roman Pontiff, and the Pope, as successor to Peter. The reason is that Christ communicated his spiritual power both to the college of twelve and to Peter: "It is also true that the Bishops share in the supreme office of teaching and ruling the universal Church. For that power of binding and loosing which was given to Peter alone was also conferred on the college of twelve joined to its head." Kleutgen thus finds the Scriptural foundation for this role of the Bishops in Matt. 18:18: "Amen I say to you, whatever you bind on earth shall be bound also in heaven; and whatever you loose on earth shall be loosed also in heaven." This is the reason why the faithful, from the very beginning of the Church, have received the decisions of ecumenical Councils with the greatest veneration and submission.

Chapter X of the first schema De Ecclesia had been devoted to the topic of the power of the Church. In one of its central affirmations it describes the subject of the Church's power as "the pastors and teachers appointed by Christ." Many of the Bishops found this phrase too indeterminate and suggested revisions.¹⁹ Some, as Bishop Baillargeon of Quebec, Canada, proposed deleting "teachers" because as such they do not rule the Church or exercise jurisdiction. Others wanted the subject of power indicated as the Roman Pontiff and the Bishops. Such was the sentiment of Cardinal Trevisanato and others who thought that instead of its present formulation the chapter should say that the subject is the Supreme Roman Pontiff and the pastors and teachers, namely, the Bishops, appointed by Christ. Similarly Bishop Despres of Toulouse would add after "appointed by Christ" that these

¹⁹Mansi 51, 543 C. This statement on the subject of power in the Church had already proved problematic during the work of the Commission on Dogmatic Theology. It does not mention the Pope, and at the third meeting of the special Deputation of that Commission on May 4, 1868, the decision was made to add in the margin the variant reading: "praecipue autem Romanus pontifex." This decision was not followed, however. (Mansi 49, 637 D).

pastors and teachers are certainly the Roman Pontiff and the other Bishops subject to him. A third group specified that the Bishop should be mentioned, but did not refer to the Pope. Thus Bishop Yusto of Burgos added to the phrase, "appointed by Christ", the words "that is, the Bishops"; and Bishop Clifford of Clifton described the subject of this power as "the Bishops who are appointed," as Paul says, "by the Holy Spirit to rule the Church of God."²⁰

As noted, Kleutgen specifies the subject of the Church's power in Chapter IV by delineating a double subject of this supreme power of teaching and ruling, and in his Relatio he explains his reasoning in this matter.²¹ He emphasizes first of all that when the Roman Pontiff calls the Bishops to share his responsibility they do not act as simple counsellors, but as true judges and decision-makers, and the decrees which they promulgate are supremely authoritative and binding on the entire Church. There can then be no doubt that the Bishops play a part in teaching and governing the universal Church. On the other hand, it is no less certain, and has even been defined in the third Canon of the Pastor Aeternus, that the Supreme Pontiff possesses not merely a more important part, but rather the plenitude of supreme

²⁰Baillargeon, Mansi 51, 840 C. The suggestion to eliminate "teachers" was also made by Bishop Raess, ibid., 836 C; Bishop Di Pietro, ibid.; Bishops Tamraz and Amar, ibid., 834 C; and Bishop Gaixal, ibid., 837-8. Cardinal Trevisanato's remarks are in Mansi 51, 836 D; Despres, ibid., 832 C. Among those joining them in wishing to specify the Pope and Bishops were Bishop Moreno, ibid., 840 A; Galletti, ibid., 837 D; Epivent, ibid., 834 B; Conella, ibid., 833 B; Lyonnet, ibid., 836 A; and Allou, ibid., 837 B. For the third group, in addition to Yusto, Mansi 51, 832 D; and Clifford, ibid.; see Gallot, ibid., 840 B; Vevasiani, ibid.; and Magnasco, ibid., 836 B. Archbishop Gineulhac of Lyons proposed an entire chapter, "De ecclesiae potestatis subjecto," which explains the formula, "pastores et doctores a Christo dati." (Mansi 51, 842). Jean-Pierre Torrell (La Théologie d'Épiscopat, p. 63), remarks that this expression, "pastores et doctores a Christo dati," which was so poorly received by the Bishops, "a certainement été choisie parce qu'elle est une expression de l'Écriture (Sph. IV, 11) et elle passera finalement dans Pastor Aeternus (Prooemium, Denz. 1821). Elle n'est d'ailleurs pas aussi ambiguë que les observations ont bien voulu le souligner: située dans un chapitre où il est question de la hiérarchie et alors qu'un autre chapitre est consacré à la juridiction du pape, l'expression n'avait qu'un sens obvie. Il fallait le climat surexcité du concile pour qu'on puisse se méprendre."

²¹Mansi 53, 322 B-C.

power. Kleutgen therefore concludes: this power exists in a double subject, in the body of Bishops united to the Pope, and in the Pope alone.

Kleutgen admits that some may find difficulty with this doctrine. However, he says, it is not new, and the thesis of the double subject is in reality the formulation of the teaching of St. Robert Bellarmine. To those who object that this involves two subjects of supreme power, the Pope and the body of Bishops, and that if the College of Bishops should have an opinion different from that of the Pope it would lead to discord, Kleutgen replies that discord is impossible between these two distinct but not separate subjects. He stresses the important point that the episcopal body does not exist as a subject of supreme authority except in its union with the Pope. If the Bishops in Council formulate a decree which the Pope does not approve, this act cannot be considered a decision of supreme power. Kleutgen also remarks that if the episcopal body is considered not as the Bishops united in Council, but as scattered over all the world, it is impossible that they hold an opinion opposed to that of the Pope in those matters in which the Church is unable to err. He gives three proofs of this: the promise made to the Church that it will endure forever; the divine assistance promised not only to Peter but to the body of the apostles in the words of Matt. 28:20; and finally, the text of Matt. 18:18, which he has already quoted in the body of Chapter IV.²²

²²Kleutgen concludes his remarks by saying that the purpose of his explanations has been to alleviate the difficulty which anyone might have in reconciling the third Canon of the Pastor Aeternus with this decree. Several authors have noted that Kleutgen gives the sources and explanation of Chapter IV in the exact line of the speech made by Bishop Sinelli in the name of the Deputation de fide, on July 5, 1870. Sinelli develops the theme of the double subject of the Church's supreme power in connection with certain amendments proposed for the third chapter of the Pastor Aeternus. For the speech of Sinelli, see Mansi 52, 1108-1110; 1314 A-B; and Collectio Laecensis VII, 356-58. A detailed discussion of this topic is in Jérôme Hamer, "Le Corps Épiscopal Uni au Pape, Son Autorité Dans L'Église, D'Après Les Documents du Premier Concile du Vatican," in Revue des Sciences Philosophiques et Théologiques, XLV (1961), pp. 21-31. Cf. also G. Thils, "Parlera-t-on des évêques au Concile?", pp. 801 ff.;

After this affirmation of the important position of the Bishops in the Church, a third paragraph of Chapter IV recalls the limits to which the Bishops are subject in the administration of their dioceses as well as in their mission relative to the universal Church. This final part of the chapter deals with the subjection of the Bishops to the Roman Pontiff. It lists as the powers of the Pope, who is the highest hierarchy: to institute new churches, to set limits for those already in existence or to abolish them, to choose proper pastors for each or to give confirmation to those chosen, to extend and restrict their ordinary power, to judge the actions of individual Bishops or of synods, and to remove them from office where necessary. The Bishops cannot decide anything binding the universal Church unless they have been called by the Pope to share his responsibility, and the restrictions to which ecumenical Councils are subject are also marked, for "it belongs to the Roman Pontiff not only to convoke and dissolve their general Councils, but to direct and confirm them."

In discussing this third section of Chapter IV Kleutgen admits that the Bishops may question the fact that he has included the primacy again in this schema. Kleutgen gives a twofold reply to such a query: first, many of the Fathers wanted the constitution to present the most correct teaching on the ecclesiastical hierarchy, and it was not possible to do this without touching on the highest member of this hierarchy; second, besides the general pronouncement of the subjection of the Bishops to the Roman Pontiff, this section underlines two particular points, the rights of the Pope over particular churches and over ecumenical Councils. These points were not included in the Pastor Aeternus, except as implicit in the discussion of Papal primacy.²³

Georges Dejaifve, "Le Premier des Evêques," p. 570.

The Second Vatican Council cites Kleutgen's schema De Ecclesia and Relatio twice in Chapter III of its Dogmatic Constitution on the Church when, in discussing the collegial nature of the episcopate, it affirms the role of the Bishops as subject of the Church's supreme power and of its infallibility. (AAS, LVII (1965), pp. 26-30).

²³Mansi 53, 322 C. Kleutgen remarks that what is said of particular churches had been proposed as an amendment for Chapter III of the Pastor Aeternus but is inserted in a suitable place in this second constitution instead.

According to Kleutgen, Chapter V of his new schema which deals with the topic of the members of the Church complements what he has said on the Church's hierarchical structure.²⁴ The order of doctrine in a treatment of the constitution and hierarchy of the Church seemed to him to demand that it include not only the leaders and ministers of the Church, but the entire body, that is, the members of the Church. Drawing on material from Chapter IV and V of the first schema on the Church, Kleutgen therefore takes up this particular question. He prefers the title, "On the Members of the Church," to the former, "The Church is a Visible Society," since he sees the question of the Church's visibility as identical with that of her members: it is from them that the Church is manifest. This chapter underscores several points concerning these members. Since the Church possesses a divinely instituted magisterium, ministry, and government, it follows that its members are visible, and that it is therefore "an external assembly of the faithful" and not an "invisible society of the just." Allusions to the gospel stories of the wise and foolish virgins, the net cast into the sea which gathers fish of every kind, and the field where cockle grows along with the wheat, are used to show that not only the good, the just, and the predestined are members of this Church, but sinners as well. These members are united not only by exterior ties, but also by the interior grace of the Holy Spirit.

The role of the Church's members in relation to its hierarchy is also briefly described in this chapter. Scripture advises "the faithful to hear the Church" even as she admonishes pastors to rule it. Kleutgen underlines this characteristic of the Church's members more forcefully in Chapter VIII on ecclesiastical jurisdiction.²⁵

²⁴See his Relatio on this chapter in Mansi 53, 323 A. The text of Chapter V is in Mansi 53, 310 D and 311 A-D.

²⁵For Chapter VIII see Mansi 53, 314 A-D; the corresponding section of his Relatio is in ibid., 325 B. One or another of the Bishops had recommended the inclusion of points on the members of the Church. Cardinal Schwarzenberg thought that the organization of the teaching Church should be recalled to the faithful, and their relationship to the ecclesiastical hierarchy shown more forcefully. (Mansi 51, 733 D). Bishop Del Valle of Huancayo, Peru, proposed a form of Chapter X of the first schema which referred to the duty of the Bishops to teach, sanctify, and rule, and of the faithful, to

This true power of jurisdiction corresponds to the obligation of the faithful to submit and obey, and the apostles in exercising this power enjoined the faithful to obey their ordinances. In the Relatio Kleutgen says that he has shown from Scripture and the practice of the Church that the duty of the faithful is "to hear" the Church. He has inserted this paragraph on the members first of all because nothing needs to be inculcated in the faithful more in this age than this obedience and intellectual compliance. It is also true that the Scriptural testimonies which teach this obedience convey very well the meaning of the infallible teaching of the Church, especially since they affirm with a "splendid force" that the doctrine of the Church is the doctrine of God.

With this brief sketch of the role of the Church's members, Kleutgen's outline of her hierarchical structure is complete. The picture is one of definite levels of ascent marked by varying degrees of power and rights. The Bishops occupy an important station in this hierarchy, and their rights have been examined on two fronts: in relation to priests, and to the Roman Pontiff. The role of the members of the Church is defined not in terms of rights, but rather of duties correlative to this hierarchical power.

The Infallibility of the Church

In the first schema De Ecclesia, Chapter IX on the Church's infallibility affirms that the Church received from Christ a charism which is not to be confused with inspiration and is not the organ of a new revelation. It enables the Church to preserve complete and without alteration the Word of God already revealed and contained in Scripture and tradition. The subject of this infallibility is the "magisterium," and the object to which it applies is constituted primarily by the deposit of faith, but secondarily by that which is necessary to correctly explain and effectively defend that object. The Conciliar Fathers, however, did not give complete approval to

obey. (ibid., 830 D ff.). Bishop Ginoulhac also developed the faithful's role of obedience and intellectual subjection through the use of St. Paul. (ibid., 841 B-C).

this description of the Church's infallibility, and it is reformulated in the second schema on the Church.²⁶

Chapter VII of Kleutgen's revised schema bears the title, "On the Ecclesiastical Magisterium," and deals with the infallibility of the Church. It treats the problem of infallibility not only from the point of view of the Sovereign Pontiff but of the entire magisterium, and especially under the general aspect of the infallibility of the Church. To this long chapter Kleutgen devotes the longest annotation of his Relatio.²⁷ In it he first explains the method and purpose controlling the chapter, and delimits its three sections. The first, according to the request of many of the Bishops, defines the infallibility of the Church and at the same time includes in this definition the things which the Fathers had advised. The second section describes the role of the faithful in the Church, and the third determines more accurately the object of infallibility.

The note on which Chapter VII opens is the recollection that the Son of God came into the world to bear witness to the truth. Next follows the affirmation that Christ "willed and brought it about that in his Church the testimony, knowledge and profession of the truth should never cease." Scriptural evidence shows that the apostles and their successors possess this teaching power: Christ's promise to be with them for all ages, and to send His Spirit of truth to teach them all truth, and the words of the Apostle Paul to the Ephesians that they have been given pastors and teachers so as not to be blown about by every wind of false teaching.

²⁶Chapter IX, Mansi 51, 542 D-543 A,B. In the first redaction of this chapter the infallibility was expressed under its more general form, by the formula: "infallibilitas...universae ecclesiae competit" (Mansi 49, 630 C,D). It was the preparatory Commission on Dogmatic Theology which revised it by adding the restrictive phrase, "magisterio inest" (ibid., 634 B). The annotations in Mansi 51, 579-81, explain the structure and content of Chapter IX, and comment on this phrase: "Denique declaratur subjectus infallibilitatis proprius, cui primo ac per se ipsa inest." (ibid., 580 B). For further discussion of this question see A. Chavasse, "L'ecclésiologie au concile du Vatican. L'infaillibilité de l'Église," in Revue des Sciences Religieuses, XXXIV (1960), pp. 233-245.

²⁷Relatio, Mansi 53, 325 A-330 C. Chapter VII, ibid., 312 D-314 A.

Kleutgen then delineates more carefully the subject and object of this infallibility. It is the entire Church as such which is the object of this promise and the recipient of the Spirit's assistance: "For in truth this lofty gift by which the Church of the living God is the pillar and foundation of the truth..." In presenting the subject of infallibility he is careful to show how the universal believing Church and the universal teaching Church are each in its own way invested with this privilege. A member of the believing or teaching Church can err if considered as a "private individual," but the believing or teaching Church engaged universally in the profession or teaching of its faith no longer acts as private individuals, but as the Church of Christ which he keeps on the path of truth.²⁸ In his Relatio Kleutgen says that in distinguishing between infallibility in believing and in teaching, and then between the permanent and extraordinary magisterium of the teaching Church he is responding to the observations made by the Bishops on this topic. In a similar effort to take account of the Fathers' requests, a double subject of this infallibility is determined, the episcopate as united with the Roman Pontiff, and the Roman Pontiff alone speaking ex cathedra: "...and in fact whatever is defined either by these Bishops, with the accompanying confirmation of the Roman Pontiff, or by the Roman Pontiff himself speaking ex cathedra, must be infallibly held as true."

Many Bishops had recommended the distinctions which Kleutgen makes in his definition of infallibility. Bishop Place of Marseille both distinguishes the infallibility of the Church in credendo and in docendo and shows the relationship between them in the new schema which he proposed. He refers to "passive infallibility" because of which the body of the Church, viewed as all of the faithful, cannot be drawn into error. Correlative to it is "active infallibility"

²⁸A. Chavasse, ("L'ecolésiologie au concile du Vatican," p. 244), underlines the importance of Kleutgen's method of directly uniting the universal believing and the universal teaching Church, "car elle évite le danger de séparer l'une de l'autre l'Eglise considérée en tant que croyante et l'Eglise considérée en tant qu'enseignante. Il n'y a pas là deux Eglises, mais deux aspects de l'unique Eglise, que le Christ garantit de l'erreur aussi bien dans la profession de sa foi que dans l'enseignement de cette même foi."

which has been given to the sacred magisterium so that in handing on doctrines or defining matters concerning faith or morals it neither errs nor leads others into error. Cardinal Riario Sforza in the name of thirty-one Fathers proposes that after having distinguished between the infallibility of the Church in teaching and in believing it seems necessary to also treat of the Church's magisterium both as dispersed and as gathered in Council. Bishop Moreno of Ivrea, Italy, also refers to the Church's passive infallibility in believing and active infallibility in teaching. Bishop Losanna of Biella remarks that if infallibility resides in the mystical body in genere, it is found proprie in the teaching Church, namely, in the Bishops. This is true because the Bishops are the true successors of the apostles, because only they know what the faithful of the whole world believe and profess by word or deed; and because they are the true and legitimate judges and witnesses of the faith of Jesus Christ. Bishops Apuzzo of Sorrento seems to exclude the believing Church from this prerogative of infallibility by identifying the Church with its pastors.²⁹

The indeterminate nature of the term "magisterium" as the stated subject of the Church's infallibility drew criticisms analogous to those made concerning the use of the phrase "pastors and teachers" to describe the subjects of the Church's power in Chapter X of the first schema. The criticisms generally asked that the schema define and clarify this doctrine on the "subject" of infallibility, with the requests nuanced according to the individual prelate's stand on the issue of the Council's defining Papal infallibility. Some suggested that there be express reference to the Bishops and ecumenical Councils; others asked that the Supreme Pontiff be mentioned here. Only a few found the expression, "magisterium," sufficiently precise.³⁰ In

²⁹Place, Mansi 51, 927 C; Riario Sforza, ibid., 823 D; Moreno, ibid., 899 B; Losanna, ibid., 817 C; Apuzzo, ibid., 823 B. Cf. 821 A.

³⁰Some of the Bishops who suggested reference to the Bishops and Councils were: Marguerye, Mansi 51, 822 D; Despres, ibid., 814 C; La Tour, ibid., 815 D; Pettinari, ibid., 818 B; Verseri and two others, ibid., 819 B. Those who wished to find mention made of the Pope: Gaixal, 819 D; Jans, ibid., 819 C; Magnasco, ibid., 819 D; Mabile, ibid., 818 A; and Molina, ibid., 904 B. Very few were satisfied with the expression. See Hefele, ibid., 982 A; and Biró, ibid., 815 B.

addition, certain of the inopportuniste, as Bishop Melchers of Cologne and the Hungarian Cardinal Simor of Esztergon, objected to the use of the term, "infallibility," itself. Melchers thought that the word "infallibility," which had never been used in ecumenical Councils and was likely to provoke controversy, should be omitted and instead the schema should say "magisterium free from all error," or "freedom from error." Cardinal Simor argued that nothing should be defined concerning the infallibility of the Church because since Trent had not defined it, neither should the Vatican Council. There were individual Bishops whose formulas for clarifying the term, "magisterium," underscored more or less the double subject of infallibility. Bishop La Tour of Bourges, France, remarked that tradition universally teaches that this magisterium of truth belongs in a permanent and ordinary manner to the Roman Pontiff, but that it is equally certain that the magisterium is in an extraordinary manner in general Councils legitimately convened, that is, in union with the Supreme Pontiff. Bishop Pettinari of Nocera makes a similar distinction when he says that the subject of the infallible magisterium in the Church is the Bishops in a legitimately convoked general Council as well as the Roman Pontiff himself alone.³¹

The Bishops also commented extensively on the object of infallibility, and Kleutgen says that he found a three-fold opinion in the observations of the Fathers on this topic as proposed in the first schema. Some thought that nothing should be stated beyond the accepted formula, "in matters of faith and morals," either because the rest might be ambiguous or false, or because it would be very difficult to pronounce accurately on such things. Others judged that there should at least be more open and explicit mention made of dogmatic facts and moral law. A third group believed that the formula of the first schema should be retained, but that it should be expressed

³¹Melchers, *Mansi* 51, 830 C; Simor, *ibid.*, 824 B; La Tour, *ibid.*, 815; Pettinari, *ibid.*, 813 B. Some objected to this notion of the double subject, arguing that it was not possible to have in one Church, two infallibilities: "Sicut duo in uno Deo infinite repugnant, sic due in ecclesia una pugnant infallibilitates." (Bishop Losanna of Biella, *ibid.*, 817 D).

more simply and clearly.³²

Kleutgen writes that he has found it best to follow the judgment of this last group, and the schema therefore reads, "whatever in matters of faith and morals is held and handed on..." However, in order to satisfy the second opinion, when the schema refers to the "good deposit" which must be guarded by the Church, "the divinely given teaching on faith and morals" is immediately recalled so that the statements which follow will refer to it. If beyond this the Fathers still see a need for more explicit reference to dogmatic facts and human disciplines, he has prepared an addition and indicated a place in the text where this can be inserted. The last part of the text of the chapter itself declares that the Church's infallibility extends to all those matters whose understanding is necessary for guarding the divine deposit. The scope of infallibility is as broad as the supreme teaching office of the Church. Finally, that opinion must be condemned which claims that assent is not owed to some definitions of the Church since they concern matters which are not in themselves contained in the deposit of revelation. The greater part of Kleutgen's Relatio on this topic of infallibility is devoted to this problem of the extension of the Church's infallibility beyond revelation and of the assent given to it.³³

³²Relatio, Mansi 53, 325 B-C. An analysis of the Bishops' comments indicates several Fathers in each of the categories which Kleutgen lists. Among the Bishops in the first group are Dubreil, Mansi 51, 821 A; Ramsdió, ibid., 821 D; Moriarty, ibid., 818 A; and Biró, ibid., 815 B. In the second, are Trevisanato, ibid., 820 A; Pauli, ibid., 814 A; Fogarasy, ibid., 820 A; and Corradi, ibid., 813 B. Those, finally, who suggest retaining and clarifying the formula of the first scheme: Dinkel, ibid., 840 D; Martinez, ibid., 823 C; Casafa, ibid., 823 C; Galletti, ibid., 821 B; La Cuesta, ibid., 819 D; and Ideo, ibid., 824 C.

³³This section of Kleutgen's Relatio covers six columns, Mansi 53, 325 D to 330 C. In developing his lengthy explanation Kleutgen takes up matters which were unresolved in connection with the De Fide Catholica and the Pastor Aeternus. Many of the Minority had argued that the definition of Papal infallibility remained vague since the limits of the object of infallibility had not yet been determined in relation to the Church. The Deputation de fide had promised to clarify this point in the second constitution de ecclesia. Kleutgen says that since Chapter VII of the schema states that the gift of infallibility extends as far as the supreme teaching office of the Church,

Summary

The changes in the explanation of the Church's power, hierarchy, and infallibility which Kleutgen has made in revising the schema on the Church can be placed in three categories. He has, first of all, followed the Bishops' suggestion to expand certain subjects found in the first schema on the Church or has justified their inclusion in that document. In this category are the treatment of the Church's divinely instituted power, which he develops in greater detail, and of the Church's coercive power, which he retains in spite of the objections of certain Bishops. Secondly, he has clarified concepts which the Bishops judged too vague in the first schema, and has handled specific issues which were problematic in connection with the Pastor Aeternus or the De Fide Catholica and were therefore transferred to this second schema on the Church for resolution. This is true of the subject of ecclesiastical power in general, and the subject and object of the Church's infallibility. Finally, he has included topics whose omission in the first schema on the Church drew protests from the Conciliar Fathers, notably the question of the

it is clear, and will be demonstrated further, that the Church judges infallibly not only in those things which are revealed per se ipsa but also in those which are directly or indirectly related to these matters. He recalls that a Canon had been proposed for the first constitution De Fide Catholica which stated: "If anyone says that it is licit to hold or hand on an opinion condemned by the Church, even if it is not heretical, a.s." The Deputation had decided that, as needed, something on this subject should be included in this constitution on the Church, both in a chapter and in a form of the proposed Canon revised according to the Bishops' suggestions. Kleutgen therefore explains how he has handled this topic in Chapter VII and Canon X. The chapter does not directly assert the infallibility of the Church in definitions which carry censures less than heresy, but does assert it indirectly since it declares that assent is not to be denied to such definitions. Kleutgen states that he has further deliberately written in the definition of infallibility: "quae... tendenda et tradenda, not: quae fide divina tendenda et tradenda definiuntur." It is at least indirectly affirmed in the statements at the end of the chapter that the Church is infallible as often as she states with authority anything in matters of faith and morals, even if she does not define dogmas of faith. He says that since some doubted whether this was certain enough to be handed down by a Council, he is proposing several arguments for it. These he develops from Scriptural, logical, and historical bases, and applies in matters of both faith and morals.

Bishops and the ecumenical Councils. The over-all impact of these changes has been to make the section on the Church's hierarchical structure and power the major one of his schema, comprising the five longest of its ten chapters. Within these chapters Kleutgen has delineated the interacting powers of Pope, Bishops, and priests, and stressed the faithful's role of obedient submission to the hierarchy. In one of its more important statements, that on the double subject of the Church's supreme power in general and of her infallibility, Kleutgen's schema and Relatio explain how the Pope and Bishops share this power without discord. On the question of infallibility, the second schema has emphasized that this gift belongs both to the universal believing and the universal teaching Church, and Kleutgen has proposed an explanation of the extension of the object of infallibility beyond revelation. Throughout the treatment of these topics, there is evident concern to answer the criticism that the Council was confining its vision of the Church to the Pope while ignoring the total picture of the Church's hierarchy.

CHAPTER V

CONCLUSION

The analytic comparisons which comprise the central sections of this paper support a twofold conclusion. They have first of all substantiated the fact that Joseph Kleutgen was closely attuned to the desires of the Bishops in his work of redaction which resulted in the Second Dogmatic Constitution De Ecclesia. His schema is consequently an accurate reflection of the ecclesiological thinking of the Vatican Council at the time of its forced adjournment because of the outbreak of the Franco-Prussian War. Concurrent with demonstrating that Kleutgen's schema mirrors the concerns of the Conciliar Fathers, the analysis has revealed several key elements in their understanding of the nature of the Church. Since this schema, although not discussed and defined, is the latest stage in the Council's work on the Church, the comparisons also show certain orientations of Vatican I's ecclesiology at that juncture.

The first aspect of this conclusion, that Kleutgen's revised schema reflects the Bishops' wishes, became clear as each of the significant changes which he made in the first schema was studied. Kleutgen's own statements in his Relatio and the comparison of his revisions with the Bishops' written requests have shown that the changes in style and structure, in selection and emphasis given various titles of the Church, and in the development of the Church's hierarchical aspects, were prompted by this concern. In addition, he tried in his schema to resolve certain difficulties which the Bishops had expressed in connection with the debates on the De Fide Catholica and the Pastor Aeternus, and which the Deputation de fide had referred to this second schema. As with all redactions of this sort, there were individual Bishops whose thinking went beyond the

schema in various aspects, or was more limited. This has also been indicated through the reconstruction of the remarks of representative Fathers on these issues, such as the relation of the Church to the Redemption, and its nature as the Mystical Body of Christ.

Despite these individual differences of opinion, there is a common core of sentiment which Kleutgen's schema conveys. In the changes which occur from the first to the second schemata under the impetus of the Bishops' observations, certain trends of thinking can be traced.

The Council's treatment of the Church was, first of all, more apologetic and polemic than seen in the first schema. All of the documents of the Council, it is true, were aimed at the refutation of errors. This was in keeping with the tone of the Papal Bull of Indiction of the Council, the use of the Syllabus of Errors as the basis of the first formulations of the decrees, and the Bishops' understanding of the role of a Council as one of clarifying the doctrines which were currently under attack. This apologetic purpose is underscored and reinforced in the second schema on the Church, however. This was apparent in the changes which Kleutgen made in the Introduction so that it concentrated almost exclusively on the Church's enemies. Again it was polemic motives which moved the Bishops to ask for the inclusion of an explicit statement of the identity of the Roman Church with the true Church, and a development of the notes by which the true Church is recognized.

Of the current errors influencing the concept of the Church, the ones which are chiefly opposed in the Bishops' comments, and therefore, in the second schema, are those which attack its visibility. There are frequent references to the false teachings of Jansenism, the heresy of the eighteenth century which restricted the Church to its invisible aspects, to the just and the predestined. The result is that in this second schema the focus moves to the visibility of the Church. This shift is seen in the replacement of the chapter on the Mystical Body in the first schema by a single reference to this image in the second, in the incorporation of Bellarmine's definition of the Church as the assembly of the faithful, and in the Old Testament quotations which are chosen to convey the nature of the

Church in Chapter I and describe it as the mountain of the Lord visible to all nations. This is not to say that considerations of the invisible aspects of the Church are eliminated; there is evident effort to balance the visible and invisible. Kleutgen's schema includes the Biblical images of spiritual household, holy temple, and sheepfold, to counter those who claim that Catholics neglect the spiritual nature of the Church; it speaks of the sacramental bonds and the grace of the Spirit which unite the faithful; and it draws on Jeremiah's prophecy of the inner law that will be written on men's hearts. The fact remains, however, that in the total picture of the Church in the second schema, it is her visibility which receives the predominant stress. Her inner nature and life, with which the first schema had opened, have passed to second place.

Allied with this emphasis on visibility is a desire to place in evidence the splendor and majesty of the Church. This is especially true in the inclusion of the image of "kingdom" to describe the Church. The Church as the Kingdom of Christ on earth not only rules, but will reign. Aside from the assertion against the Jansenists that sinners as well as the just belong to the Church, there is no mention of human weakness in connection with the Church. The human elements discussed are only those of power, hierarchy, and rights. It is stressed that the Church is divine and holy.

From an examination of the Fathers' observations and Kleutgen's schema, it is clear that if the Council had completed its work on ecclesiology the Bishops would have been given more extensive treatment than is found in the Pastor Aeternus or the first schema on the Church. However, they are described in the Fathers' comments and in the second constitution primarily in relation to their powers and rights, rather than their pastoral role or sacramental consecration. The schema concentrates on explaining the relationship of the Bishops to the Pope and to other ministers, and on defining the scope and interaction of spheres of authority. The comments on the Bishops concern their possession of the fullness of the priesthood, their share in the universal teaching authority of the Church, and their subjection to the Roman Pontiff. The schema does place in evidence the share which the Bishops have, either dispersed or in Council,

in the supreme power of the Church and its infallibility. These last points on the Bishops' share in power are found in substantially the same form in Vatican II's Dogmatic Constitution on the Church in the section on episcopal collegiality. Although formulated in a very different atmosphere and framework, this second schema can be said to anticipate Vatican II's teaching on the Bishops in this respect.

On the topic of infallibility, Kleutgen's schema shows that the Council wished to reassert the fact that it is the Church as such which is the recipient of this gift. It does, moreover, make important distinctions regarding the subject of this infallibility, noting its possession by the universal believing Church as well as the universal teaching Church, and including the Bishops along with the Pope as the double subject of the infallible teaching office. The object of infallibility also receives further clarification, and in this area Kleutgen proposes an explanation of its extension beyond revelation which would very probably have been a point of further discussion at the Council.

Kleutgen's schema shows that the Council was not only intent on giving the Bishops a larger place in the discussion of the Church, but also on expanding the treatment of her entire hierarchical structure and powers. This is evident from the length of the sections devoted to these topics in the second schema, from the more complete analysis of the spiritual power upon which the hierarchy is built, as also in the preoccupation with specific aspects of this teaching and ruling power. This results in a pyramidal image of the Church whose levels of power move from the Pope, to the Bishops, to priests, and finally, to the faithful, whose duty is to hear and obey those in power.

The second schema on the Church indicates the Council's desire for a Biblically supported view of the Church, since Kleutgen responds to the Fathers' requests by increasing the number of citations from Scripture and quoting them in full. At the same time, there is less interest in the Patristic teaching on the Church, with the exception of that of St. Cyprian. Closely connected with this is

the schema's increased emphasis on the relationship of the Church to the Old Testament prophecies which prefigure it, and to the history of God's saving plan for men, of which it is the completion. Another related element in the Council's tendency of thought on the Church is emphasis on its divine origin and its historical institution by Christ. This stress on the Church's divine origin is bound up with opposition to a too-philosophical foundation for the Church, and with a desire for Old Testament testimonies on this point. The emphasis on institution by Christ is apologetically motivated by concern to show that the Church was given a definite form and constitution which marks it as the Church of Christ.

The purpose, or end, of the Church according to the second schema is to procure divine glory and human salvation. The schema does not, however, relate the Church directly to the Incarnation and the Redemption. She is described as the Church of Christ, of which he is the invisible head, and which he rules through visible ministers, but there is no emphasis on His living on through her. In naming the Church "body" the point most in evidence is the unity among its members. There are several references to the bonds which unite them which are not only external, but internal: they share the same faith, sacraments, visible head, and invisible Spirit. This places in the forefront the notion that the Church is one, as against those who would have Christians worship as individuals, or see the Church as dispersed among various Christian denominations.

Throughout many of the comments and changes made in the image of the Church from the first to the second schema, there is evidence of a desire to have a clear, logical, accurate, and manageable statement on the Church's essence. There is less interest in the more mysterious, elusive, aspects of her reality. This is seen in complaints that the mystical body image is too metaphorical, obscure, and mystical, and in the repeated requests for a workable definition of the Church such as that found in the common manuals and catechisms. Similarly, although the work of the Holy Spirit in the Church is mentioned in several places, it is not a prominent note. The power of the Church is rather bound up with offices, and the authority

for dogma is the magisterium. These are more easily controlled and legislated than the work of the Holy Spirit.

The comparison of the two documents on the Church also points to a contrast in the thinking of the theologians responsible for the first schema, primarily Clement Schrader and members of the Roman school, and the Bishops, whose comments shaped the form of the second schema. The theologians presented the Fathers a document whose opening chapter anticipated the path of much of twentieth-century ecclesiology, with its description of the Church as *Mystical Body*, and its concern for her inner life and nature. They sought to integrate the Church's visible structure into a more complete understanding of its mysterious nature. The Bishops, however, in their remarks and in the form of the schema which Kleutgen drew up under their suggestions, seem rather to be intent on looking to the past. Still in a counter-Reformation framework, they rely on Trent and Bellarmine as authorities in battling the past and present reformers who threaten the Church. Fresh from the practical problems of dioceses where revolutions and the hostility of new governments have presented dangers to the powers and rights of the Church, they show less interest in other aspects of ecclesiology. The relationships between the Church and these governments, and the reactions of the civil governments to statements made on the nature of the Church are an important concern. The Conciliar Fathers therefore ask for clarifications on the relation of the Church as society to civil societies, and stress the advisability of eliminating mention of the coercive power of the Church.

Kleutgen's Introduction to the second schema anticipates in outline the picture of the Church presented in the other chapters. The age in which the Church is living is a stormy one for her, and many enemies assail her. Therefore, this Council must complete the work begun by the Pastor Aeternus. It must demonstrate that the Church is visible to all men as the way to salvation, explain her hierarchical structure, set forth her splendor, and protect her divinely ordained power and rights. Had it been possible for the Vatican Council to reconvene and discuss Kleutgen's schema, it

would probably have undergone further revision before a finally approved text was reached. Nevertheless, it does indicate the major ecclesiological concerns and convictions of the Conciliar Fathers. It is the contribution of the German Jesuit theologian, Joseph Kleutgen, that through his careful revision he has produced a schema which accurately portrays this ecclesiology, and which is one of the important sources for theologians who wish to know how the Church understood herself in response to this particular historical epoch.

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