

## NOTES

### EPISCOPAL COLLEGIALITY AND PAPAL PRIMACY IN THE PRE-VATICAN I AMERICAN CHURCH

Recent activities of the National Conference of Catholic Bishops and their collegial witness to the Church in the United States is refreshing for someone brought up in the post-Vatican I era, but it is hardly new. When one examines the writings of both shepherds and flock in the pre-Vatican I American<sup>1</sup> Church, one is struck by the balance that emerges between episcopal collegiality and papal primacy. The following essay will attempt to put into historical context the statements of two leaders of the American hierarchy of the time, as well as varied statements of local councils and bishops and popular religious writings. Analysis will be attempted only when it seems to be required, because the primary sources speak so well.

The forty-nine American prelates in attendance at Vatican I came from a church, composed mainly of immigrants, which existed in a predominantly non-Catholic country that had repeatedly shown signs of militant anti-Catholicism and was just recovering from deep divisions occasioned by a civil war. In such a situation the majority of the Catholic leaders were wary about giving the Protestant opposition any more ammunition which could be used to question Catholic allegiance to American principles. Their own theological training as well as the practical pastoral experience of these bishops in a missionary land created in them some attitudes towards European ultramontanist or papal centralization, but the issue was certainly not high on the agenda of the American Church, and these men did not feel very much at home in the conciliar discussions.<sup>2</sup> Some of the bishops of the United States did not attend the Council at all, and half of those who did attend left Rome for one reason or another before the final vote on the infallibility of the papal magisterium.

The relationship of the American Church with the Roman pontiff and the Curia was influenced, on the practical level, by the essentially non-Catholic environment in which the Catholic community dwelt, by the

<sup>1</sup> For the sake of convenience, the term "American" is used in this essay to refer to the United States of America.

<sup>2</sup> See James Hennessey, S.J., *The First Council of the Vatican: The American Experience* (New York: Herder and Herder, 1963); "Nunc venio de America: The American Church and Vatican I," *Annuario historiae conciliorum* 1 (1969) 348-73; "A Prelude to Vatican I: American Bishops and the Definition of the Immaculate Conception," *TS* 25 (1964) 409-19.

actual dealings which the nascent Church had with the Roman offices, especially the *Congregatio de Propaganda Fide*, and on the speculative level by the individual theological formation to which these churchmen had been exposed. Although the two practical influences were probably more dominant in the formation of attitudes toward the Holy See than was the speculative, for the simple reason that seminary formation was still in a very primitive state, we do find some ecclesiological presentations by key American churchmen which indicate their perceptions of the relationship between pope and bishops.

In the mid-nineteenth century two men stand out as ecclesiologists in the American hierarchy: Francis Patrick Kenrick and Martin John Spalding. The three themes which are interwoven in the ecclesiology of these men are a belief in the infallibility of the Church, a similar understanding of the collegiality of the body of bishops, and a respect for the Petrine office as a unifying force in the Church.

#### FRANCIS PATRICK KENRICK

After his Roman education, Francis Kenrick taught Greek and history in St. Joseph's College in Bardstown, Kentucky, as well as theology in the seminary operated in conjunction with the college. He was appointed rector of the seminary and vicar general of the diocese within a few years. In 1830 he became coadjutor bishop of Philadelphia at the age of thirty-three and ultimately became ordinary of that diocese in 1842. During his time in Bardstown he became acquainted with the seminarian Martin Spalding and was influential in seeing that the young man went to Rome for studies. In 1851 Kenrick was appointed archbishop of Baltimore, where he died in 1863, to be succeeded by Spalding.

While teaching in the seminary, Kenrick produced manuals in both moral and dogmatic theology. The latter work, *Theologiae dogmaticae tractatus tres: De revelatione, de ecclesia, et de Verbo Dei*, was first published in Philadelphia in 1839. The ecclesiological section gives us a rather concise statement of Kenrick's approach to the questions of infallibility, collegiality, and the primacy of the pope. That these questions were among his major interests is evident from the fact that even prior to this he had begun a treatise in defense of papal prerogatives. He developed this theme in *The Primacy of the Apostolic See Vindicated*, published in New York in 1849.<sup>3</sup>

In his *Tractatus* Kenrick insisted upon the existence not only of a primate but also of an episcopal college, both when the bishops were

<sup>3</sup> The work originally appeared in the form of letters addressed to the Episcopal Bishop of Vermont in 1837 and 1838. These were modified and finally published. The work went through seven editions.

gathered together in council and when they were dispersed in their respective sees. He also remarked that papal definitions required at least tacit approval of the bishops. "No orthodox theologian would deny that pontifical definitions accepted by the college of bishops, in council or in their sees, either by subscribing to the decrees or not opposing [them], have force and authority."<sup>4</sup> James Hennesey, S.J., the noted Vatican I historian, calls this "one of the clearest statements to be found in early nineteenth-century theological writing of the existence and function of the *collegium episcopale*."<sup>5</sup>

In his work on papal primacy Kenrick acknowledged a diversity of opinions on the relationship between pope and bishops, but went on to emphasize that the bishops should not be considered as mere vicars of the pope:

Whatever arrangement be made for the election or appointment of bishops, with the concurrence and approbation of the Holy See, may be deemed just and proper. The bishops thus created are not . . . mere deputies or vicars, much less vassals of the Pope; but successors of the apostles, exercising under him and with him the powers of binding and loosing, and respecting his high rank without detriment to their own. Their order is perpetual, and their jurisdiction should not be capriciously withdrawn; but if they abuse their power, they are amenable to his high tribunal.<sup>6</sup>

While stressing the rights of bishops, it seems that Kenrick was acutely conscious of the need for a strong papacy as a unifying and, if necessary, corrective force within the Church. He saw the position of pope and bishops as complementary.

As archbishop of Baltimore and apostolic delegate for the occasion, Kenrick convoked and presided over the First Plenary Council of the American Church in 1852. The fact that he saw the need for some uniformity in the whole Church and had no objection to submitting disciplinary legislation to Rome for approval is clear from the pastoral letter which he wrote to his people prior to the council. The objective of the gathering, he said, was "to promote discipline, and enforce the sacred Canons, or to submit such modifications of them as local circumstances may require to the mature and enlightened judgment of the chief bishop who is divinely charged with the solicitude of all the Churches."<sup>7</sup>

Kenrick was the leader of the American hierarchy at the time of the declaration of the dogma of the Immaculate Conception in 1854 and as

<sup>4</sup> *Tractatus* 1, 248.

<sup>5</sup> "Prelude" 413, n. 21.

<sup>6</sup> *Primacy* 275.

<sup>7</sup> Feast of the Presentation of Our Blessed Lady, Baltimore (n.p., 1851) 4-5, included in *Miscellanea Catholica Americana*, 5, Special Collection, Mullen Library, Catholic University of America.

such participated in the Roman meetings of bishops immediately prior to the promulgation. Despite the fact that he personally adhered to the doctrine and had indicated this in a written response to the papal request for opinions, he had very firm ideas on the argumentation which was used in the preliminary draft of the bull of definition and he voiced these concerns quite forthrightly when he arrived in Rome. In the days prior to December 8, discussions took place on the wording of the text. The presiding cardinals appeared to indicate that they truly recognized the principle of collegial participation of the episcopate, but this "appearance" turned out to be just that. In fact, Hennesey relates that

Bishop [Michael] O'Connor [of Pittsburgh] made one last significant point in the final meeting of the bishops on November 24. He asked permission to deliver a speech on the subject matter of the definition itself, so as "to make it shine forth all the more clearly that the definition was made with the consent of the bishops." The presiding officer, Cardinal Giovanni Brunelli, refused to permit such a speech, and the next speaker, Archbishop Andrea Charvaz of Genoa, denounced the idea. To speak of the consent of the bishops . . . sounded to him like Protestantism.<sup>8</sup>

There were discussions fifteen years later at Vatican I as to whether the pope was acting alone or in union with the bishops in making this proclamation. There seems little doubt that the American prelates believed that they were acting collegially with their brother bishops in the definition. Hennesey notes that the position they took in 1854 "foreshadowed the forthright and critical approach that many of their episcopal colleagues from the United States would take at the Council fifteen years later."<sup>9</sup>

Referring to the pontifical teaching office as a source of unity, Kenrick stated:

It is the undoubted right of the Pope to pronounce judgment on controversies of faith. . . . In pronouncing judgment, he does not give expression to private opinion, or follow his own conjectures; but he takes for his rule the public and general faith and tradition of the Church, as gathered from Scripture, the fathers, the liturgies and other documents; imploring the guidance of the Divine Spirit, and using all the human means for ascertaining the fact of revelation.<sup>10</sup>

He then alluded to the current speculation about the *ex-cathedra* infallibility of the pope and the need for collegial acceptance and said:

Practically there is no room for difficulty, since all solemn judgments hitherto pronounced by the Pontiff have received the assent of his colleagues; and, in the

<sup>8</sup> Hennesey, "Prelude" 418.

<sup>9</sup> *Ibid.* 409.

<sup>10</sup> *Primacy* 270.

contingency of a new definition, it should be presumed by the faithful at large that it is correct, as long as the body of bishops do not remonstrate and oppose it. The Pontiff never has been isolated from his brethren. The harmony of faith has always been exhibited in the teaching of the episcopal body, united with their head.<sup>11</sup>

MARTIN JOHN SPALDING

Kenrick's former student and his successor as archbishop of Baltimore, Martin John Spalding, reflected a similar doctrine in his *Lectures on the Evidence of Christianity Delivered in the Cathedral of Louisville* (3rd ed.; Baltimore: Murphy, 1865):

We are told that Catholics differ as to the seat of Infallibility, some placing it in the Pope, others in the general council, and others again in the body of bishops dispersed over the world; and that, therefore, there is no certainty about the entire doctrine, or at least about its practical operation and application to particular controversies. But this statement is manifestly defective, and it places the whole matter in a false light. In common candor, the objectors should have stated—what is clearly the fact—that *All Catholics unanimously agree in maintaining that the body of bishops, in conjunction with the Pope, is infallible. This is all that a Catholic is bound to hold. . . .* The other matters of individual opinion are of very little importance, or rather of no practical importance whatever.<sup>12</sup>

In explaining what he meant by the infallibility of "the body of bishops," Spalding stated that a decree of the pope apart from the concurrence of the bishops would not be infallible.

The body of bishops may be viewed in a twofold light, either in their natural condition of dispersion throughout the world, or as assembled by their representatives in a general council: and in either case, when their judgment concurs with that of the Roman Pontiff, or chief bishop, we hold it to be authoritative and infallible in matters of faith and morals. Without the concurrence of the Pope, the whole body of bishops would not be adequately represented; and therefore, the doctrinal decision of any body of bishops, no matter how numerous or respectable, without the Pope's sanction and assent either express or clearly implied, would not necessarily be infallible. *The same may be said of a doctrinal decision of the Pope without the concurrence of the bishops.*<sup>13</sup>

Spalding defined the infallibility of the Church when he stated:

What, then, is our real doctrine in regard to the Infallibility of the Church? It is simply and plainly this, and this alone: that, in virtue of the solemnly promised presence and assistance of Christ, the Church, as a Church, in its public official capacity, never can err in matters of faith and morals; or never can teach as truth what is error.<sup>14</sup>

<sup>11</sup> *Ibid.* 271.

<sup>12</sup> *Lectures* 256 (emphasis added).

<sup>13</sup> *Ibid.* 265 (emphasis added).

<sup>14</sup> *Lectures* 264.

Both Kenrick and Spalding regard the Council of Constance, which deposed three popes, as a legitimate council but in a highly unusual situation. Nevertheless, they leave room in their ecclesiology for such "unusual situations." Kenrick stated that "in the convulsions of the Church at the period of the Council of Constance, when three pretenders claimed the keys, the assembled fathers deemed that they could do all things which might be necessary to restore unity and order."<sup>15</sup> Spalding stated that all Catholics agree that no council could be legitimate without the pope's approval, but then qualified his statement with the footnote "at least in all cases in which the Church is not distracted by a papal schism; an event, thank God, of very rare occurrence."<sup>16</sup>

Spalding stated more pointedly than Kenrick that he had no personal theological objection to a doctrine of papal infallibility:

Those numerous and learned Catholic theologians who maintain the Infallibility of the Roman Pontiff in this particular case [on matters of faith and morals] consider it as a matter of opinion more or less certain, not as one of Catholic faith defined by the Church and obligatory on all. Though not an article of Catholic faith, it is, however, the general belief among Catholics; and I myself am inclined strongly to advocate its soundness, chiefly on account of the intimate connection between the Pontiff and the Church.<sup>17</sup>

The two men regarded as the theologians of the American hierarchy at this period, both of whom served in the leadership position as archbishop of Baltimore, seem to have understood the infallibility of the papal magisterium as one exercise of the infallibility of the Church and would also seem to demand that it be made manifest that the pope acts in accord with the belief of the whole Church when he teaches *ex cathedra*.

#### LOCAL COUNCILS AND OTHER BISHOPS

The American bishops as a body seem not only to have preferred to have the least possible control exercised over their work by the Roman authorities, but also to have felt quite secure that orthodox theology supported their position. In Bishop John England's *Constitution* for his church in Charleston, promulgated almost forty years prior to Vatican I, we read:

We believe and acknowledge the majority of the bishops of the church, who are the successors of the apostles, in union with their head aforesaid the Pope, to be an ecclesiastical tribunal appointed by our Lord Jesus Christ to decide by his authority, with infallible certainty of truth, in all controversies of doctrine, and to testify truly to us those things which have been revealed by God to man. We

<sup>15</sup> *Primacy* 277.

<sup>17</sup> *Ibid.* 263-64.

<sup>16</sup> *Lectures* 268.

also recognize and acknowledge in that same tribunal full power and authority, by the same divine institution, to regulate and to obtain the general ecclesiastical discipline of the whole Church of Christ.<sup>18</sup>

In his opening sermon at the First Plenary Council (1852), Archbishop John Hughes stated that the "resolutions of the prelates on the pastoral needs of the Church in the United States would be promulgated in the joint names of the Holy Ghost and themselves."<sup>19</sup> In the original manuscript of the decrees of this council submitted to Rome by the bishops, loyalty to the Holy Father as "head of the episcopal college" was clearly expressed. When the approved version came back from Rome, the phrase had been changed to read "head of the entire episcopate," with an explanatory note that the word "college" was subject to "Jansenist" (presumably Gallican) abuse.<sup>20</sup> In the pastoral letter which was issued after this council, the pope is referred to as "the Chief Bishop, to whom he [Christ] has committed the care of the whole—lambs and sheep, people and pastors."<sup>21</sup> No attempt is made to describe the nature of the "care."

There is, however, an extended reference in this same pastoral to episcopal authority. In pointing to the fact that civil authority requires a *supreme* tribunal, the letter stated: "Much more does the Society, which Christ established, require that all controversies regarding the duties He imposed should be determined by an authority, whose decision would be final, and which, as all are bound to obey it, must be an infallible oracle of truth."<sup>22</sup> It is clear from what follows that the authority in question was the college of bishops. This power had been given "to the Apostles as a Ministerial Body which was to have perpetual existence by a perpetual succession of its members."<sup>23</sup> It would seem that the assembled bishops were conscious of collegiality as the normal mode in which the infallibility of the Church was exercised.

This same sense of collegiality in the relationship between pope and bishops, or emphasis on the authority of the local bishops, may be inferred from personal statements of members of the hierarchy in this period. While on board ship in November 1859, Bishop David Bacon of Portland,

<sup>18</sup> Ignatius A. Reynolds, ed., *The Works of the Right Reverend John England, First Bishop of Charleston* 5 (Baltimore: Murphy, 1849) 96.

<sup>19</sup> Lawrence Kehoe, ed., *The Complete Works of John Hughes* 2 (London: Richardson, 1865) 197.

<sup>20</sup> The original manuscript in Francis Kenrick's hand is in the archives of the Archdiocese of Baltimore.

<sup>21</sup> Hugh J. Nolan, *Pastoral Letters of the American Hierarchy, 1792–1970* (Huntington, Ind.: Our Sunday Visitor, 1971) 143.

<sup>22</sup> *Ibid.* 144–45.

<sup>23</sup> *Ibid.* 144.

Maine, recorded in his diary a conversation which he had with a Presbyterian minister:

This brought us to speak of the Church, and led him to question me as to where the Church's teaching was to be found. I answered that the [ . . . ?] successors of St. Peter and other apostles were the church, and that these successors are the Pope and the Bishops form [*sic*] this infallible church,—now, says he, being a Bishop are thee infallible,—No, I answered, Infallibility is not the privilege of each one, but of the body.<sup>24</sup>

In a sermon given in 1866 by Bishop Francis McFarland of Hartford at the consecration of Bishop John Williams of Boston, the presence of Christ in the Blessed Sacrament is compared to his presence in “the pastors of His Church, in the performance of his [*sic*] sacred duties.” McFarland's concept of the relationship which existed between Rome and the local church in disciplinary or administrative matters may be inferred from his reference to the mode of selection of the new bishop: “Your late much lamented Bishop selected him as his coadjutor many months ago. His choice met with the unanimous approval of all the Prelates of this great Ecclesiastical Province. . . . *The Holy Father has approved of our choice and has appointed him your Bishop.*”<sup>25</sup>

Bishop John Loughlin of Brooklyn spoke at the dedication of a new church on Throop Avenue:

The Bishop's subject was the nature of the commission given to the Apostles by Christ in the above words [“Go teach all nations, etc.”]; and the lesson he derived from his text and endeavored to impress upon his hearers was that the teaching of the ministry of the Catholic Church is an infallible guide to the people.<sup>26</sup>

A certain vagueness should be noted regarding the loci of infallibility. Loughlin is reported to have said that “the teaching of *the ministry* of the Catholic Church is an infallible guide to the people,” without qualifying in any way whom the “ministry” included.

#### POPULAR PRESENTATIONS

If there was some confusion about the subject of infallibility in the American Church at the time, there was also some doubt as to its object. This is evident in the popular preaching and catechisms of the period. In arguing against Protestantism, the apologists generally argued for the infallibility of the Church as the only rule of faith; thus, “This ever

<sup>24</sup> Taken from the manuscript travel journal of Bishop Bacon, November 1859, supplied to the author by Sister Theresa de Courcy, R.S.R., diocesan archivist, Diocese of Portland, Maine.

<sup>25</sup> *Catholic Standard* (Philadelphia), March 24, 1866, 1 (emphasis added).

<sup>26</sup> *Ibid.*, August 1, 1868, 1.



subsisting Church, teaching with an infallibility secured to it by the ever abiding presence and inspiration of the Holy Spirit, is the only true rule of faith."<sup>27</sup> In a popular catechism of 1859 the concept is explained as follows:

... the Church that was founded by Christ must certainly be infallible in all her decisions of faith and doctrine: for though this Church is composed of men who are by nature fallible, yet because Christ promised that he *will be with her at all times to the end of the world* (Matt. xxviii.) *that the Holy Ghost, the Spirit of truth, will abide with her for ever*, (John xiv. and xvi.) *that the gates of hell shall not prevail against her* (Matt. xvi.) we may rest secure upon these infallible promises of Christ without inquiring where or in what particular men the infallibility is lodged, that God will never permit his Church to err, to the end of the world. . . .<sup>28</sup>

Some preachers, such as the popular Franz Weninger, S.J., who gave missions throughout the country for a generation, felt that it was proper to inquire what particular men may exercise the infallibility of the Church. In the second edition of his *On the Apostolical and Infallible Authority of the Pope, When Teaching the Faithful and on His Relation to a General Council*, published in 1863 shortly before Vatican I, Weninger wrote in this manner about the exercise of the prerogative:

... Pius IX not only condemned the errors of Guenther and Froschhamer [*sic*] but, in the full consciousness of his power and of his obligation as the Vicar of Christ and the divinely commissioned teacher of mankind, censured, in his Syllabus, opinions taught by modern pseudo-philosophers; the dangerous theories held by certain naturalists on subjects of science. . . .

... the occasion on which Pius exercised his divine right and privilege in a more decisive and conspicuous manner than ever a Pope had done before, was that on which, by his own authority, he defined the dogma of the Immaculate Conception.<sup>29</sup>

While all were agreed, therefore, on the fact that the Church was infallible, there was a difference of opinion (but it frequently was not presented to the people as "opinion") as to both the subject(s) who were endowed with this infallibility and the object(s) to which it extended.

In a catechism used in New York in 1855, the following question and its answer were found:

Q. What do you understand . . . by the teaching body of the Church?

A. I understand, not the Pope alone, nor the bishops alone, either severally or collectively, but the Pope, with the bishops *as a body*. . . .<sup>30</sup>

<sup>27</sup> *The Pilot* (Boston), March 9, 1867, 5, reporting on a sermon given by a Rev. Dr. Gardner in the cathedral chapter on February 24 entitled "The True Rule of Faith."

<sup>28</sup> John Mannock, O.S.B., *The Poor Man's Catechism or The Christian Doctrine Explained* (Baltimore: Lucas, 1841; 2nd ed., Baltimore: Kelly, Hedia & Piet, 1859) 70.

<sup>29</sup> *Apostolical and Infallible Authority* 194, 195.

<sup>30</sup> Stephen Keenan, *A Doctrinal Catechism* (2nd ed.; New York: Dunigan, 1855) 84.

Nevertheless, referring to the declaration of the Immaculate Conception, Weninger stated:

When Pius IX pronounced upon the dogma of the Immaculate Conception, at that very moment every Catholic there present was obliged to believe it, without needing or even being permitted to ask what any Bishop present or absent believed, and still less, without consulting or awaiting the assent of the *Ecclesia dispersa*.<sup>31</sup>

It is evident that the same basic confusions and disagreements regarding the subject and object of the infallibility of the Church which would become evident in discussions at Vatican I and even perdure after the Council were manifested in the preconciliar American community.

From this brief excursion into historical theology it becomes clear that while the concept of papal primacy and infallibility in the American Church prior to Vatican I was a multifaceted one connoting different things to diverse people, there was a clear strain of collegial consciousness in the Church of the United States. The collegial model of the post-Vatican II era, therefore, is very much in keeping with the early traditions of the American Catholic Church.

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<sup>31</sup> *Apostolical and Infallible Authority* 321.