

THE ELECTION OF BISHOPS BY CLERGY AND PEOPLE: ANTONIO ROSMINI'S NEGLECTED SOLUTION

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Nineteenth-century priest, philosopher, and theologian Antonio Rosmini argued that the ordinary way of appointing bishops must be through elections by the local clergy and people. All other procedures, including papal nominations, are extraordinary measures that must be resorted to only as a "lesser evil" when exceptional circumstances prevent carrying out elections. This article recovers and critically assesses Rosmini's insights in favor of episcopal elections, with an eye to their relevance to both the current situation in the Roman Catholic Church and ecumenism.

THE RECEPTION OF ANTONIO ROSMINI'S (1797–1855) THOUGHT on the part of Vatican officials was harsh, especially when judged in the light of his life-long dedication to refounding a Christian philosophy and epistemology. While his vast theological, philosophical, political, pedagogical, and anthropological production is still the object of studies and conferences in Italy, his name is almost completely unknown in the Anglo-Saxon world, except among a few theologians—mostly Roman Catholic—who might have read *The Five Wounds of the Church* (1848), his best-known ecclesiological work.¹

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¹ Antonio Rosmini, Letter II, "Appendix," *The Five Wounds of the Church*, ed. and trans. Denis Cleary (1848; Leominster: Fowler Wright, 1987), available at http://www.rosmini-in-english.org/FiveWounds/FW_Conts.htm (this and all other URLs cited herein were accessed September 19, 2011). I have used this English translation throughout the article, but I have often revised it in light of the most recent Italian critical edition, *Delle cinque piaghe della santa Chiesa*, ed. Alfeo Valle (Rome: Città Nuova, 1998); hereafter I cite the Cleary translation as *FW*, followed by the paragraph number (for easy consultation of the online translation, which is not paginated) and by the page number of Valle's edition in parentheses (to facilitate comparison with the original text). The book's "Appendix" (297–359 in

The relatively unknown state of Rosmini's writings is, in no small part, a consequence of the shadow cast on his orthodoxy by unofficial oppositions and denunciations as well as official condemnations. Of the latter, the historically most significant was the then Holy Office's 1887 posthumous condemnation of 40 propositions touching philosophical and theological issues extracted from nine of his posthumously published works.² Most relevant for the purposes of this article, however, was the 1849 placing of the *The Five Wounds of the Church* on the Index of Forbidden Books.³ *The Five Wounds* was a brief but dense work, in which Rosmini pointed to five major dysfunctions afflicting the Catholic Church of his time. Among them, he argued, was the fact that most episcopal appointments were left in the hands of Europe's Catholic monarchs; he proposed to restore appointments to the local church by reintroducing episcopal elections. Following an illegal procedure, no official reason for the condemnation of *The Five Wounds* was ever given to its author, and the book remained on the Index until the latter was abolished just after Vatican II.⁴

At the time, a condemnation by the Holy Office of the Inquisition ensured obscurity rather than fame, and Rosmini's massive philosophical and theological output appeared doomed to virtual oblivion. But that was destined to change. During the past decade or so Rosmini has received significant attention from the Vatican, most notably so with Pope John Paul II's mentioning him among those exemplary scholars who distinguished themselves by bringing philosophy and theology together.⁵ Following this, the beginning of his beatification process prompted the reexamination also of the 1887 condemnation. Eventually, in 2001, the Congregation for the Doctrine of the Faith declared that condemnation was superseded because

Valle's edition) contains the three important letters Rosmini wrote in 1848 shortly after the appearance of *FW* to answer questions about and criticisms of his proposal to reintroduce episcopal elections. Hereafter I cite the letters as Letter I, II, or III respectively, followed by the page number of Valle's edition; neither this edition nor Cleary's translation numbers the paragraphs.

² As the works were posthumous, Rosmini could not revise them in light of the condemnations.

³ Together with the *Five Wounds* the congregation also condemned Rosmini's *La costituzione secondo la giustizia sociale con un'appendice sull'unità d'Italia* (Milan: G. Redaelli, 1848).

⁴ The Italian literature on the "questione rosminiana" is vast, and the repeated mistreatment of his case by the Holy Office has been described in some detail. Antonio Malusa, ed., *Antonio Rosmini e la congregazione dell'Indice* (Stresa: Edizioni Rosminiane, 1999) offers for the first time the full documentation of the 1848–1849 examination process (the censors' opinions, the reports of the sessions of the Holy Office, and the final condemnation) together with scholarly analysis.

⁵ *Fides et ratio*, Encyclical Letter on the Relationship between Faith and Reason (September 15, 1998) no. 74, http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_15101998_fides-et-ratio_en.html.

“the meaning of the propositions, as understood and condemned by the Decree, does not belong to the authentic position of Rosmini, but to conclusions that may possibly have been drawn from the reading of his works.”⁶ With the path thus cleared, the diocesan phase of the beatification process could conclude positively in 2004. On July 1, 2006, the anniversary of Rosmini’s death, Pope Benedict XVI signed Rosmini’s “decree of heroic virtues.” On November 18, 2007, Rosmini was beatified.

This article examines afresh one of the positions that led to the inclusion of *The Five Wounds of the Church* on the Index of Forbidden Books, namely, the plea for the reestablishment of the election of bishops by clergy and laypeople of the local church.⁷ This topic has been the subject of numerous studies;⁸ here, I argue that Rosmini’s little-known historical and ecclesiological arguments are still appropriate in the present circumstances and can substantially advance the current debate.

SIGNIFICANCE OF THE RESUMPTION OF ROSMINI’S REFORMIST PROPOSALS

While Rosmini’s beatification does not amount to an endorsement of each and every idea of his, it is an endorsement of his Christian conduct, which includes an uncompromising diagnosis of some chief dysfunctions

⁶ “Note on the Force of the Doctrinal Decrees Concerning the Thought and Work of Fr Antonio Rosmini Serbati” (July 1, 2001) no. 9, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20010701_rosmini_en.html. While to be welcomed for eventually rehabilitating the name and memory of Rosmini, this note has been criticized for praising the *modus operandi* of the Holy Office both in 1887 and in 1848–1849. Analysis of the 1849 condemnation, however, indicates serious procedural errors, violations of the ecclesiastical law set by the papal decree *Sollicita ac provida* (July 9, 1753). Moreover, the procedural errors were not accidental, but were perpetrated by several powerful clerics who resented Rosmini. Despite the public condemnation being based, in theory, on charges of theological heterodoxy, in practice the latter played a much smaller role than did other kinds of motivations, such as (primarily) divergent opinions as to the kind of political relationship the papacy should entertain with the European Catholic states (especially with the Austrian Empire), and the desire to eliminate a candidate for the post of Vatican Secretary of State. See Malusa, “I documenti di una condanna tra le passioni del Risorgimento ed i fraintendimenti ecclesiali,” in *Antonio Rosmini e la congregazione dell’Indice* xiii–cviii.

⁷ See Malusa, “I documenti di una condanna.”

⁸ See, e.g., Patrick Granfield, “Episcopal Elections in Cyprian: Clerical and Lay Participation,” *Theological Studies* 37 (1976) 41–52; Peter Huizing and Knut Walf, eds., *Electing Our Own Bishops, Concilium* 137 (New York: Seabury, 1980); more recently, Domingo J. Andrés, ed., *Il processo di designazione dei vescovi: Storia, legislazione, prassi* (Vatican City: Editrice Vaticana, 1997); Bernhard Körner, Maria Elisabeth Aigner, and Georg Eichberger, eds., *Bischofsbestellung: Mitwirkung der Ortskirche?* (Graz: Styria, 2000); Joseph F. O’Callaghan, *Electing Our Bishops: How the Catholic Church Should Choose Its Leaders* (Lanham: Sheed & Ward, 2007).

within the Catholic Church and a call for their urgent redress. As such, his beatification is of groundbreaking significance. It represents a living denial of the contraposition of “personal” and “structural” reforms that at times has been heard in the Catholic Church. Some have said that one who loves does not criticize; others have more subtly suggested that calls for structural reform are simply a way to avoid personal reform. Yet the disjunction of structural from personal reform is groundless; more efficient ecclesial structures can and do facilitate both the fulfillment of the Church’s mission and the possibility of Christian self-development.

Rosmini himself had to deal with a very similar attitude toward those challenging the institutional status quo. On August 15, 1832, Pope Gregory XVI promulgated the encyclical *Mirari vos*, whose main targets were the “liberal” (for the time) positions of the French Catholic daily newspaper *L’Avenir*, and indirectly of its editorial team—Lamennais, Montalambert, and Lacordaire.⁹ But the encyclical also hit closer to home by condemning any attempt at reforming the Catholic Church as “absurd and extremely . . . injurious” (*absurdus ac maxime . . . iniurius*). Despite the fact that the encyclical’s judgments carried great weight at the time, it is significant that Rosmini in practice opposed the contention regarding the irreformability of the Church by hastily composing between November 18, 1832, and March 11, 1833, the *Five Wounds*, presenting a thorough examination of what he regarded as the most important dysfunctions afflicting the institutional Catholic Church of his time. The motivations he provided for writing such a reformist tract are still relevant today:

Even if my hopes for our present moment of history are unfounded, I do not believe that I would be acting rightly by holding back what I long to say. Past events in the Church show that reforms are prepared little by little. Before they can be put into practice, many voices are raised to point them out, with the approval of the Church and her spirit. . . . I am persuaded therefore that discussing the necessity of asserting full liberty for the Church in episcopal elections is not harmful, *except perhaps to me*, and that it is possible to prepare the ground for future developments in a way acceptable to the Church and in full conformity with her spirit. I am not seeking the things which are my own, but those of Jesus Christ, and it is this which impels me to say what I feel in my heart.¹⁰

Nor, as noted, was Rosmini stopped in writing about the dysfunctions afflicting the Catholic Church by Pope Gregory XVI’s condemnation of institutional reformers, for he had clearly in mind the distinction, current

⁹ *L’Avenir* was the first, short-lived but greatly influential experiment of liberal Catholics. Its remarkable program included freedom of conscience and religion; freedom for the Church in education; freedom of the press; freedom of association; universal suffrage; and decentralization of government. By condemning those democratic features, *Mirari vos* made official the already existing divide within Catholic Europe between a conservative majority who rejected them and a suspect minority of “liberal Catholics” who supported them; in other words *Mirari vos* greatly contributed to the polarization, which in some sense still exists within Catholicism.

¹⁰ Letter I 299–333, at 304 (emphasis mine); see Letter III 341–59, at 343.

throughout the whole post-Tridentine period, between church structures of divine right and of ecclesiastical right.¹¹ Inasmuch as, following several unambiguous patristic witnesses in that regard, Rosmini judged episcopal elections by clergy and people to be of divine right, he insisted that, though the Church had been historically forced to suspend for some time such divine disposition, it had to restore it as soon as circumstances would allow.

Two points are noteworthy here. First, Rosmini's implicit judgment that when the common ecclesial welfare is at stake, not even a public decision by the pope is to be necessarily obeyed. While this might appear uncontroversial today, it is remarkable that it came from a priest whose strong devotion to the papacy is witnessed by his entire life. Second, Rosmini's personal holiness should also give the lie to the generalization that depicts proponents of church reforms as unconcerned for their own spiritual reform.

My article unfolds through seven sections. Section 1 focuses on Rosmini's general understanding of ecclesial authority and of some distinctive features of democracy. Section 2 outlines his analysis of some of the disadvantages of a centralized system of episcopal appointment. Section 3 recalls Rosmini's proposal for a three-tiered electoral procedure for the election of bishops. Section 4 draws attention to the limited role that, in Rosmini's view, the episcopate in general and the pope in particular should play in the selection of bishops. Section 5 offers an answer to the principal current objections against episcopal elections, most of which Rosmini himself had anticipated and answered. Section 6 attempts to clarify Rosmini's position regarding the problem of determining who or which body in the Church is to decide whether circumstances are so exceptional as to require a temporary suspension of episcopal election. Finally, section 7 highlights the lasting relevance of Rosmini's analysis to the contemporary procedure of episcopal appointment in the Catholic Church, and also expands on some of the theoretical insights behind Rosmini's key ideas on episcopal elections. The conclusion simply recalls Rosmini's own final words on the matter.

1. The *Five Wounds* on Authority and Democracy

The chief theological beliefs to which all supporters of episcopal elections, before and after Rosmini, have ordinarily appealed can be summarized as follows, in order of importance: (1) the witness of Scripture;¹² (2) the witness of tradition as represented in the early church up to medieval times;¹³

¹¹ See his discussion throughout Letter I.

¹² Particularly but not exclusively the election of Matthias (Acts 1:15–26).

¹³ A remarkable display of patristic witnesses on the practice of episcopal elections can be found in Letter I; further patristic as well as medieval evidence is offered in the treatment of the fourth wound, *FW* nos. 74–128 (150–262).

(3) traditional theological doctrines concerning the divinely ordained status of apostolic practices; and (4) the *sensus fidelium* of which the local church is an expression.¹⁴

But considerations in favor of the popular election of bishops have hardly ever been grounded exclusively on the properly theological authorities and arguments just listed. As canonists, both during the investiture struggle and beyond, so too Rosmini must soon have realized that the practical quandary of deciding who (or which body) should appoint bishops could not be resolved apart from the deeper issue regarding the locus of authority in the community—thus entering the reserve of what is today political philosophy.

In *FW*, Rosmini does not deal in general terms with the relationship between the philosophy of right/political philosophy on the one hand and ecclesiology on the other. However, he does explicitly and repeatedly appeal to philosophical and political categories and principles in his treatment of episcopal elections.¹⁵ Such an ecclesiological adoption of insights into the organization of human polities is methodologically—and indeed theologically—significant. However, Rosmini never reflected explicitly on its importance, so that such an asset of the *FW* remained somewhat implicit and might escape the casual reader. Still, on at least one occasion Rosmini explicitly endorsed that method, namely, in his little-known yet important outline of an ecclesial constitution for the Milanese church. There he affirmed “the principle that the government of the Church, *as it is required by our times and the correlative new forms of the state*, should be collegial rather than individual or, better put, the consultative part should be collegial, and the deliberative part individual.”¹⁶ Let us then observe the main political insights Rosmini exploited to systematize scriptural, patristic, and traditional sources.

First, there is Rosmini’s opening argument in his treatment of episcopal elections, which affirms that the local church possesses a natural right to select its own bishop:

Every free society has an inherent right to choose its own officers. This right is as essential and inalienable to it as its right to existence. A society which has ceded to others the choice of its own ministers has *ipso facto* alienated itself; its existence is no longer its own. Those on whom the choice of ministers depends can destroy it at will. In this case, its existence does not depend on its own decision, but on concession from others.¹⁷

¹⁴ See, e.g., Letter I 305.

¹⁵ See, e.g., *FW* nos. 74–75 (150–51), and no. 116 (237–39, at 238).

¹⁶ Quoted in Massimo Marcocchi, “Istanze di riforma della Chiesa e le ‘Cinque Piaghe,’” in *Il “gran disegno” di Rosmini: Origine, fortuna, e profezia delle “Cinque Piaghe della Santa Chiesa,”* ed. Marcocchi and Fulvio de Giorgi (Milan: Vita e Pensiero, 1999) 3–22, at 17, emphasis mine.

¹⁷ *FW* no. 74 (150). In this light one can better appreciate why Rosmini regarded the freedom of local churches to choose their own bishops as “necessary” for the church to “subsist”; see, e.g., *FW* no. 125 (254).

Being a supremely free society, the Church, Rosmini asserted, possesses the essential and inalienable right to choose its own officers. He did not clarify the grounds for this assertion. It is plausible to suggest, however, that his key rationale is ethical: his unstated argument seems to be that just as human beings must be left free to exercise their responsibility for the lives they lead individually, so they must be left free to exercise their coresponsibility when cooperating in the common action of their community, and (s)electing leaders is a central aspect of such cooperation.

On the other hand, Rosmini did emphasize the cognitive rationale for that right. One of the central insights of *FW* is the observation that the local church *in its entirety* possesses an understanding of itself—its values, desires, needs, and goals—that an external moral body or moral person simply cannot have.¹⁸ Rosmini considered this to be a

certain principle, confirmed by universal experience. . . . “Generally speaking, only the moral body or moral person concerned is capable of judging what is best for itself.” The reason underlying this . . . is enlightened self-interest. Exceptions may be found, but in general this law, which governs all moral bodies and societies, is always true, *and even more so in the case of the Church*. . . . It follows that, if the churches receive their Pastors from others, such Pastors will never be chosen with the same *almost infallible judgment* that churches would use on their own behalf, and have in fact used for centuries.¹⁹

We will see later that Rosmini judged that the best way to discern the common judgment of the local church was by public debate where “individual leanings cancel one another out, and particular lights and insights gradually grow to completion in unity.”²⁰ But for the moment I want to focus attention on Rosmini’s “certain principle” quoted above. Significantly, the insight it puts forward has become a fundamental tenet of democratic philosophy, under the name of “presumption of personal autonomy,” asserting that “*in the absence of a compelling showing to the contrary everyone should be assumed to be the best judge of his or her own good or interests.*”²¹ That principle is also very close to the socioethical principle of subsidiarity:

Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.²²

¹⁸ See *FW* no. 116 (237–39, at 238).

¹⁹ *Ibid.*, altered, emphasis mine.

²⁰ Letter III 344.

²¹ Robert Dahl, *Democracy and Its Critics* (New Haven: Yale University, 1989) 100, emphasis original; see also 70, 76, 93, 99–105, 180–82.

²² Leo XIII, *Quadragesimo anno* no. 79.

Rosmini was an early proponent of that principle, which he understood as foundational in the political domain:

Civil government acts contrary to its mandate when it competes with its citizens or with the societies they form to procure some particular utility, and even more when it reserves to itself the monopoly of enterprises which it forbids to individuals or their societies. On the contrary, the more civil societies relinquish enterprises and leave them to private activity, which they must protect and encourage, the more closely they approach their ideal.²³

Rosmini further insisted that “citizens . . . want government to do only what they themselves cannot do,”²⁴ a principle he also expressed this way: “what the citizens do by themselves is more economical than what is done for them by others, especially by the government.”²⁵ These convictions about civil society at times influenced Rosmini’s thinking about the Church, as can be inferred from the fact—examined in section 3 below—that he construed the role that the diocesan clergy, episcopal college, and papacy have in episcopal elections as a subsidiary one, namely, under ordinary circumstances, as a purely formal ratification of the original choice by the (majority of the) local church.

This brings us to another of Rosmini’s key insights, namely, that church unity is warranted by “unity of purpose, persuasion and affection” and not by “the command of a single person acting with authority.”²⁶ The audacity of such an affirmation, in light of the ecclesial climate of the time within the Roman Catholic Church, cannot be overestimated. Yet Rosmini’s insight was not new; indeed, it goes back to Aristotle’s definition of *koinonia* or community as a group sharing a common idea of what is useful, just, and good, as well as common goals.²⁷ A community is formally and sufficiently constituted as such by a common fund of shared meanings, values, and goals. But it is noteworthy that Rosmini’s restatement of this insight goes against that important current of thought that understood hierarchical authority as the source and foundation of any community.²⁸ For implicit in

²³ Antonio Rosmini, *The Philosophy of Right*, 6 vols., vol. 6, *Rights in Civil Society*, ed. and trans. Denis Cleary and Terence Watson (1843; Durham, UK: Rosmini House, 1995) chap. 5, no. 2167.

²⁴ *Ibid.* 2169; see also nos. 2147, 2166–70.

²⁵ Antonio Rosmini, *Opere inedite di politica*, ed. G. B. Nicola (Milan: Tenconi, 1923) 64.

²⁶ *FW* no. 54 (120–21).

²⁷ “Community [*koinonia*] [in perception of the useful, just, and good] is what constitutes a household and a polis” (*Pol.* 1.2.1253a18). For a contemporary application of this to the Church, see Bernard Lonergan, *Method in Theology* (New York: Herder & Herder, 1972) 356–57.

²⁸ See my *Democracy in the Christian Church: A Historical, Theological, and Political Case* (New York: T. & T. Clark, forthcoming April 2012). See chap. 2,

that perspective is the fact that authority is not essential, much less sufficient, to the creation of a community. In effect, added Rosmini, authority “of itself always tends to attract envy and animosity, nor does it ordinarily enlighten its subjects, but rather it only burdens them. Hence St. Paul says: ‘All things are lawful for me, but not all things are helpful’” (1 Cor 6:12).²⁹

To affirm that church unity is warranted first and foremost by the “unity of purpose, persuasion and affection” of church members also suggests an understanding of ecclesial authority as based on consent. This is corroborated by some related ideas that Rosmini consistently emphasized, often by recalling their scriptural or patristic origins: that ecclesial authority must be a service, not a dominion;³⁰ that “who is to preside over all, must be elected by all”;³¹ and, accordingly, that “no unwanted person must be imposed.”³² These last two principles clearly assume that the consent of all the faithful (clergy and laity) is a necessary element of ecclesiastical authority; indeed, they construe it as necessary for unity and cooperation.

Rosmini regarded such a consensual understanding of authority as embodied in several concrete practices of the early church’s government: (1) the habit of wanting to “always have the assent of the people, who were—we may say—the faithful counsellors of the church’s rulers at this time”; (2) and conversely, the bishop’s practice of “giving account to the people concerning all that he did in governing the diocese”; (3) his

section 5, for a survey of the ecclesiological use in medieval Europe of the claim that a unique authority was the necessary source and foundation for the unity and, ultimately, existence of a community; chap. 5, sections 7–9, for an analysis of the reasoning behind early modern political philosophy’s abandonment of this claim; and chap. 6, section 4, for an analysis of the abiding and comprehensive influence of that view on contemporary Catholic ecclesiology.

²⁹ *FW* no. 54 (121), altered. Significantly, Rosmini again quoted 1 Corinthians 6:12 when emphasizing the inappropriateness and counterproductive nature of the papacy’s imposing any decision contrary to the will of the body of bishops: “prescribing what the majority of bishops do not want to accept, or find almost repugnant, is neither helpful nor opportune, and hardly in keeping with the requirements of charity and prudence” (Letter III 342–43).

³⁰ *FW* no. 77 (151–54, at 151).

³¹ “Qui praefturus est omnibus, ab omnibus eligatur” (Pope Leo I, *PL* 54, 634, quoted in *FW* no. 114 [236], n. 120; also Letter I 309 n. 12; Letter III 345, 352).

³² “Nullus invitis detur episcopus” (Pope Celestine, *PL* 50, 434, quoted in *FW* no. 79, n. 13 [156]; also Letter I 309, and Letter III 350). Valle’s edition inexplicably shortens note no. 13 so as to omit most of the patristic and medieval references Rosmini cited to support his case, including this quotation of Pope Celestine. Cleary, however, preserves the entire note at http://www.rosmini-in-english.org/FiveWounds/FW_Ch04_1.htm#N_13. For even more ancient canons affirming the people’s right of approval (e.g., c. 18 of the Council of Ancyra in 314), see Peter Norton, *Episcopal Elections 250–600: Hierarchy and Popular Will in Late Antiquity* (New York: Oxford University, 2007) 28.

“yielding to and granting the popular will whenever possible”; (4) the bishop’s practice of consulting his priests “in every matter touching on church government, so that those entrusted with carrying it out would also play a part informing the decisions to be taken. Decisions would thus harmonise more easily with public opinion, and be understood as reasonable in spirit by those obliged to put them into execution”; and (5) the practice of having “biannual provincial councils,” as well as councils at the “inter-provincial, national and ecumenical” levels.³³

Again, Rosmini had also grasped the key importance of a second political insight complementary to the one that unity, cooperation, and ultimately authority are based on responsible consent,³⁴ namely, that free and public discussion has *both* a consensus-building *and* a high epistemic value. As he put it in one of *FW*’s most central arguments in favor of episcopal elections:

A unanimous judgment is not so easily deceived nor affected by prejudice [as private judgment] because the truth becomes clear and acceptable as individual leanings cancel one another out, and particular lights and insights gradually grow to completion in unity. . . . Moreover, when everyone can state his opinion and the majority prevail, any suspicion of favouritism is eliminated, and all are assured that everything has been done to discover the truth. The heightened possibility of finding the truth more easily when many agree, and its clearer recognition and acceptance by all, is a twofold reason prevailing in the ancient discipline governing the choice of bishops.³⁵

Rosmini was also aware that consent is hardly ever unanimous; but, referring again to a well-known patristic and medieval principle, he observed that when the consent falls short of unanimity, the judgment of the *maior et sanior pars* can be responsibly chosen inasmuch as it is more likely correct than that of the minority. In this connection he recalled several times the statement by Popes Siricius and Innocent I that “a judgment confirmed by the approval of many people is sound.”³⁶

³³ The quotations are from *FW* no. 54 (120–22, at 121–22).

³⁴ *FW* no. 114 (236).

³⁵ Letter III 344. Rosmini is writing here only of debate in representative assemblies. He does not appear to have envisaged public discussion occurring in the local church *prior to* episcopal elections, so as to inform the vote of all the faithful. That was perhaps due to the relative underdevelopment of mass media at his time. However, Rosmini did underscore that in casting their votes the faithful could express both reasons for choosing a given candidate as bishop, and objections to other possible candidate(s) (Letter III 349, 353). In this sense the procedure he envisaged did attempt to include as broad and democratic an exchange of ideas as possible.

³⁶ “Integrum enim est iudicium quod plurimorum sententiis confirmatur” (*Ep. V, PL 13, 1157; Ep. II ad Victricium Rothomagensem Ep., PL 20, 471*; quoted

Conversely and in the second place, Rosmini remarked that any highly centralized system of appointment is bound to rely on general criteria of selection (more on this below).³⁷ Moreover, in such a system the evaluation of candidates will depend entirely on the private judgment of a single person, who “cannot normally take into account all that has to be considered” and whose “private judgment, greatly influenced by particular longings and inclinations, is often deceived.”³⁸ Accordingly, Rosmini observed, in a system such as that of royal nominations, where that private judgment is unchecked, unaccountable, and is given ultimate decision-making authority, the potential for (intentional or unintentional) evil is “awesome”³⁹—or, more accurately, directly proportional to the number of Catholics affected by a misguided “recruiting” policy.

In summary, Rosmini’s main philosophical argument for episcopal elections is that only a process that maximizes the participation of the local church, on the one hand, can yield the adequate exploitation of the church’s common fund of knowledge and wisdom (information-gathering and -assessing) to reach a truly informed—and thus responsible—choice, thus increasing the possibility of finding the best person available; on the other hand, it can preserve the local church’s inalienable freedom (and concomitant responsibility).

2. Rosmini’s Analysis of the Disadvantages Inherent in a Centralized System of Appointments

Substantially the question consists in two problems: that the best possible persons be chosen as pastors of the Church; and that they be recognised as the best by the flock. . . . Optimum suitability and agreement among the flock about such suitability are the two conditions which, when fulfilled, ensure the best possible choice. The way of achieving these two essential conditions is irrelevant, provided they are

in Letter III 184). This had its “natural,” political precedent in Aristotle’s *Politics* (see III.11.1281b1–8).

Again, I would add that it is sensible to regard a unanimous or majority judgment positively only if the deliberating members are informed and competent on the issue under judgment. In the case of the selection of a candidate for church office, Rosmini’s argument quoted above would suggest free and public debate as both necessary and sufficient toward that goal.

³⁷ *FW* no. 113 (233–35).

³⁸ Letter III 344; see also *FW* no. 54 n. 12, quoting Fleury at length on the greater epistemological value of public discussion in assemblies in comparison with private judgment. Valle’s edition again abbreviates the quotation (121 n. 12), but Cleary’s translation gives it in full: http://www.rosmini-in-english.org/FiveWounds/FW_Ch03.htm#N_12.

³⁹ *FW* no. 124 (252–54, at 252).

achieved. Different times and social conditions indicate some methods of obtaining these conditions as preferable to others.⁴⁰

Rosmini was no rash revolutionary. He proposed the reintroduction of episcopal elections only after having pointed out what he perceived as a twofold fatal flaw in the procedure of secular appointments of his time. On the one hand, the current procedure violated the fundamental principle of choosing the bishop in accord with the wishes of clergy and people—thus forgetting that the lack of consent from the people undermines the bishop’s authority and thus also the legitimacy, if not the validity, of his appointment.⁴¹ On the other hand, it positively hindered the traditional “golden rule” of the church, requiring “the best person available” to be chosen as bishop. The reason was that it used a discernment process structurally inadequate to maximize information on candidates, because it bypassed the local church’s understanding of its own needs. In analyzing the procedure of royal nominations current at his time, Rosmini highlighted the following drawbacks.

First, any highly centralized system of appointment of bishops is bound to rely on general criteria of selection. Rosmini had in mind such standard requirements as detailed in the written concordats between the Holy See and various Catholic countries, and specifically the 1801 concordat with Napoleon Bonaparte in which, Rosmini noted, the search for the best candidate was abandoned, and instead the criterion was simply that the future bishop be “a serious person, a doctor in divinity or law, and at least 27 years of age.”⁴²

The crux of the problem is not, of course, the fact of having set some requirements. Indeed, Rosmini himself set forth elsewhere some prerequisites for an episcopal candidate: “*sound doctrine, holiness, prudence, and the weight of public opinion.*”⁴³ Rather, the problem appears to be

⁴⁰ Letter III 345. The last point Rosmini also made repeatedly in his *Risposta ad Agostino Theiner: Contro il suo scritto intitolato Lettere storico-critiche intorno alle Cinque piaghe della Santa Chiesa*, ed. Antonio Sabetta, Opera omnia di Antonio Rosmini 57 (1850; Rome: Città nuova, 2007); see, e.g., no. 92, pp. 155–56. (The work will hereafter be cited as “*Risposta*,” followed by the paragraph and page numbers.) Michael J. Buckley makes the same point: “The procedures [for episcopal election] need not be uniform from one local church to another; each would have to be adapted to the culture of the locale” (“Resources for Reform from the First Millennium,” in *Common Calling: The Laity and Governance of the Catholic Church*, ed. Stephen J. Pope [Washington: Georgetown University, 2004] 71–86, at 75).

⁴¹ *FW* no. 114 n. 120 (236).

⁴² *Ibid.* no. 113 (233–35, at 234); the 1983 Code of Canon Law has retained analogous qualifications; see c. 378 §1, nos. 3–5.

⁴³ Antonio Rosmini, *The Philosophy of Right*, vol. 4, *Rights in God’s Church* no. 921 (132), emphasis original. The last requirement is simply the practical facet of Rosmini’s understanding of authority as rooted in consent; see *ibid.* no. 922.

the ignorance or nonrecognition of the foundational role of the last requirement, i.e., public opinion, as the one on which the assessment of the others depends.⁴⁴

In effect, as Rosmini insisted, only the local church in its entirety possesses the relevant self-knowledge of its needs, wishes, and desires, and so is best suited to judge and choose episcopal candidates. The only method to gather such knowledge, scattered as it is throughout the local community, is by a free and general election—ideally after a period of public debate. That, however, cannot occur in any system where the ultimate decisional power belongs not to the local church but to a moral body or person external to it. In effect, any “consultation” of the local church that such external authority might carry out short of a free general election will not maximize the knowledge that bears on the choice, which is dispersed throughout the entire community. The most such a consultation will be able to do is rely on general requirements that are *by themselves* insufficient to ensure the best possible choice.⁴⁵ As Rosmini argued, seriousness, a degree in theology or canon law, and age do not in themselves warrant intellectual or moral soundness, much less pastoral ability. It is therefore of little usefulness to set such standards where the procedure of selection would be largely inadequate to evaluate them. In such a situation, Rosmini concluded, those requirements will have only the merely “negative” value of helping a distant authority with insufficient knowledge of each potential candidate avoid choosing someone entirely inadequate: “Hence the bishop is selected, not because he is the one who possesses the greatest number of talents, but because there is no crime or, to be more explicit, no verified charge against him.”⁴⁶

Although Rosmini developed the above-noted criticism primarily with regard to the concordat system of royal nominations, he evidently meant it to apply also to the system of papal appointments. This can be inferred from his observation that “the Holy See’s review of the [royal] nominee cannot go beyond” relying on the few general requirements of seriousness, a degree in theology, and age.⁴⁷ For Rosmini, then, the system of papal nominations would be just as inadequate as the system of royal appointments with regard to finding the best candidate available—the reason being

⁴⁴ “The election by clergy and people, and the prescription to elect the most suitable priest from among the clergy itself, are interrelated: the former is the guarantee of the latter. When one ceases, the other also fails” (*Risposta* no. 221 [291–93, at 292]).

⁴⁵ See *FW* no. 113 (233–35).

⁴⁶ *FW* no. 113 (235).

⁴⁷ *Ibid.*

that the only way to ensure that everything has been done toward that goal is fully to exploit the local church's self-knowledge by a general election.⁴⁸

The second problem Rosmini emphasized regarding a centralized procedure of episcopal appointment is that

abuses and disorders are certainly possible when bishops are chosen in their own dioceses or provinces, but they [abuses and disorders] are always limited. Their resulting corruption will not spread to the whole nation, nor will it occur as the outcome of a pre-established system. . . . But once [the right of] nomination is given to a king, what an awesome power for evil is placed in the hands of one man alone!⁴⁹

The danger of misguided policies of nomination is directly proportional to that of failing to maximize the knowledge brought to bear on the decision, which resides originally and primarily in the local church as a whole. It is, again, a drawback equally affecting any system where ultimate decision-making power lies with any body external to the local church—the papacy as much as secular rulers.

The third possible danger of a centralized, top-down imposition of a bishop unknown or undesired by the members of the diocese is a growing indifference toward ecclesial matters in general.⁵⁰ As Rosmini put it:

Exceptional qualities are not sufficient in the bishop of a diocese, according to the principles governing the Church's ancient practice, if the person concerned is unknown, temperamentally incompatible with his future subjects, or undesired by his diocesans for any reason whatsoever. A [local] Church, like a human being, can have confidence in one priest and not in another, and its desire to have as father and pastor the priest it feels more at home with is good and reasonable. Why should it not be satisfied?⁵¹

Rosmini had previously quoted what Pope Leo I famously wrote in 445 to Athanasius, bishop of Thessalonica:

When a bishop is being selected, give first preference to the person desired by united consent of clergy and people. If several people receive votes the metropolitan should choose the most loved and meritorious candidate. It is essential to exclude all those unwanted and unasked for, if the people are not to be crossed and end by despising or hating their bishop. If they cannot have the candidate they desire, the people may fall away from religion unduly.⁵²

⁴⁸ For more on Rosmini's criticism of a system that reserves episcopal nominations to the pope, see section 4 below.

⁴⁹ *FW* no. 124 (252–54).

⁵⁰ Rosmini had previously reported the Italian popular saying that “le cose di chiesa sono cose da preti” [“church affairs are the priests' business”], which although often ironic was, and still is, indicative of a widespread indifference; see *FW* no. 25 (81).

⁵¹ *FW* no. 114 (236), slightly altered.

⁵² *FW* no. 77 n. 8. Valle omits this quotation (see 154 n. 8), but Cleary gives it: http://www.rosmini-in-english.org/FiveWounds/FW_Ch04_1.htm#N_8.

Elsewhere he insisted:

The faithful receive their bishops without knowing or loving them, without having loved them or seen proof of their good works, without trusting them—and the diocesan clergy do the same. The bishop is imposed on clergy and people, and has to be taken as he is. He may be an excellent person, of course, but he will have to fight indifference and aversion before his talents, which I suppose to be outstanding, and his virtues, which I suppose to be excellent, can bear fruit on behalf of his flock.⁵³

Finally, and most importantly:

Public indifference about religion comes in for a great deal of intemperate criticism, but what else can be expected from people educated to accept as their bishop any unknown stranger . . . ? Is not the fact of requiring and encouraging the people to be indifferent to their pastors equivalent to making them indifferent to whatever doctrine the pastors teach them . . . ? Indifference to their pastors also obliges the people to blind, I should say, unreasonable obedience, a very perfect synonym for religious indifference.⁵⁴

In short, the two extremes of either (1) ignoring the wish of laity (when they already have a substantial voice through an electoral process), or (2) rendering them indifferent to whatever bishop is allocated to them (as in the situation when they are excluded from the selection process), will have exactly the same result, namely, that of invalidating the appointment, if not *de iure* at least *de facto*, for no one can carry out well his ministry as bishop if he is not loved and trusted by those he is to serve.

3. Rosmini's Proposed Electoral Procedure

A widespread but erroneous conviction concerning the election of bishops is that the ecclesiastical practice should mirror the civil practice, especially regarding universal suffrage. But were episcopal elections really to require universal suffrage, critics would be right in rejecting them, for, in the present circumstances, to the extent that the majority of the baptized do not anymore participate in or know much about ecclesial life, universal suffrage would simply grant incompetent majorities the power to choose.

Rosmini never called for such a practice. Rather, he saw the problem as that of allowing the local church—each parish/congregation within it—to express the information on and evaluations of candidates that it possesses. There was no question of a universal suffrage that, given the low level of church commitment among the Catholic laity, would have been of little use. This is why Rosmini did not plead for universal suffrage, but rather for

⁵³ Letter II 336–37, altered.

⁵⁴ *FW* no. 77 (153–54), altered.

enabling all devout Catholics—that is, those active in the church—to share their information, witness, and judgment as to the candidate(s) who could best lead the local church.

One might object that the problem remains: granted that judgments about candidates must be informed and not unsubstantiated or biased, how is the sifting of the former from the latter type of judgments to be made? How can one be sure that the votes have been cast only by the devout and informed, as opposed to uninformed or biased people? The primary and most powerful means should be the already mentioned pre-vote exchange of information and debates: public discussion should by itself increase knowledge and curb biased opinions. Rosmini did not explicitly envisage such a role for free and public debate, which at the time was much less possible than today. Yet in the concrete proposal he advanced, envisaging a many-tiered process with three consultative levels beyond that of the congregation/parish, one can find additional precautions to complement the necessary freedom of information and debate. Let us examine it.

At the first level, Rosmini hypothesized, a register could be opened in each parish, where the male faithful could comment on candidates as well as inform on known canonical impediments.⁵⁵ The register could remain open for eight days. Next, the parish priests and twelve elder members of the laity in each parish—today’s parish council perhaps—would scrutinize the registers.

At a second level, the names emerging from the scrutiny would be presented for discussion to an assembly representative of the diocesan clergy—today’s diocesan synod perhaps, with substantial lay participation:

After the votes have been counted and the names of those chosen made known, the assembly should first decide if it agrees with the most popular choice. If this is impossible, because of canonical irregularities or other causes, it should examine the remaining names and try to choose one of them. If this too is impossible, another person should be chosen by majority vote, and the causes for both refusing the names proposed by the people, and for preferring someone who had not been nominated [by the people] should be made known.⁵⁶

⁵⁵ Rosmini does not appear to give laywomen suffrage in episcopal elections; see *Risposta* no. 94, p. 158.

⁵⁶ Letter III 353–54. The last requirement stands to this day; see, e.g., the 2002 recommendation by the Selection of Bishops Committee to the board of governors of the Canon Law Society of America: “Secrecy shrouds abuses and favoritism at the same time that it protects reputations and personal feelings; greater transparency is needed and would breed confidence and enhance trust” (“Final Report,” *Proceedings of the Sixty-Fourth Annual Convention of the Canon Law Society of America, October 7–10, 2002, Cincinnati, Ohio* [Washington: CLSA, 2002] 334–60, at 352); and O’Callaghan, *Electing Our Bishops* 144–46.

At the third level, the name—or names, if the clergy added their own candidate—would be sent to the assembly of the bishops of the ecclesiastical province. Again, the bishops would have the right either to confirm one of the two or to propose a third candidate.

Finally, those names (three, two, or one, according to the results of the previous levels) would be proposed to the pope for confirmation (*conferma*).⁵⁷ Normally, according to Rosmini, this would mean straightforward ratification of the popular choice unless serious reservations had been raised in the process, in which case the pope would have to judge among several candidates.

Rosmini insisted elsewhere that the popular testimony above all “must have great weight [*dee pesare moltissimo*] with the person who has to choose the pastor.”⁵⁸ What this means concretely can be seen in his practical proposal outlined above, which, significantly, expects the two levels immediately above the people—diocesan clergy and regional bishops—to first examine *all* the candidates voted for by the laity, in order of preference. If, and only if, at the end of this examination, they cannot agree with the popular choice because of canonical irregularities or other impediments unknown to/overlooked by the people, they can add another candidate alongside the popular one—and even then, significantly, they must make public the reasons for doing so.⁵⁹ In other words, Rosmini does not even give those two levels the power to reject the popular choice, but only to complement it with an alternative if required by serious impediments. Their only truly active role in determining the future bishop occurs in the extraordinary circumstances in which the clergy and bishops cannot, for good and publicly explained reasons, endorse any of the names advanced by the laity, and have accordingly added another candidate. Finally, the role of the pope under ordinary circumstances—i.e., when the electoral procedure has been legitimate and no canonical impediments exist against the popular candidates—is just as limited: he is simply to formally confirm the choice of the majority. Again, only in the extraordinary situation in which the local clergy and neighboring bishops have found it impossible to agree with any of the laity’s preferred candidates, and have therefore added their own choice, the pope will have to choose one of the two or three final names. This suggests the correct way to interpret the principle Rosmini often quotes, namely, “the people advise, the clergy judge”: the advice of the people is not only needed but also to be considered as *ordinarily* normative, so that no decision can be taken against it without special grounds.⁶⁰

⁵⁷ Letter III 354.

⁵⁸ *Ibid.* 349.

⁵⁹ *Ibid.* 354.

⁶⁰ Compare c. 179 §2 of the 1983 Code: “The competent authority cannot refuse confirmation if he has found the person elected suitable in accordance with can. 149 §1, and the election has been carried out in accordance with the law.”

Rosmini concluded his suggestions by saying, “Please do not say that this way of choosing a bishop is long and complicated. It has a definite order, and can be arranged quickly if those in charge carry it out properly. And even if it were to take time, this would be compensated by the guarantees provided for good episcopal elections in an atmosphere of universal satisfaction.”⁶¹ I would add that while Rosmini provided a plausible illustration of how to have fruitful elections even with little lay participation, there remains the fundamental need of augmenting participation by providing information and public discussion within the church. More on this in section 5 below.

4. Exceptional Circumstances That Would Justify the Suspension of Episcopal Elections, and the Role of Neighboring Bishops and Pope in Such Cases

In the previous sections I have highlighted the basis for the natural right that Rosmini insisted the local church possesses freely to choose its own bishop. He further argued extensively that divine right concurs with natural right in warranting such liberty of the local church (I return to this at the end of section 5). In a telling contrast with what had been done with particular vigor since the Reformation, Rosmini emphasized *not* the divine rights of the papacy but rather the natural and divine rights of the Christian people—rights that limit the pope’s and are binding on him, and thus are not revocable at his whim.⁶² According to Rosmini, then, the local church possesses a very specific right—grounded on both divine and natural law, and that cannot ordinarily be trampled on—to an exclusive freedom in being the final judge concerning which leader is best for itself. Such is the ideal situation for Rosmini.

Of course, Rosmini knew that throughout church history episcopal appointments had often fallen short of the ideal. He noted how the process of excluding the local church from any significant role in episcopal elections occurred in stages: first the people were excluded, and the election reserved to the cathedral chapters; then to the pope alone; and finally to the secular princes exclusively, with the pope merely allowed to confirm the royal nominations.⁶³

⁶¹ Letter III 354–55. Archbishop Emeritus John R. Quinn characterized “the long delay in filling vacant dioceses” as a serious drawback of the present system of appointment (*The Reform of the Papacy: The Costly Call to Christian Unity* [hereafter *Reform*] [New York: Crossroad, 1999] 133–34). In contrast, the electoral period itself could easily be brief, depending on the size of the diocese, but probably no more than a couple months; as for the voting period itself, eight days should be sufficient, as Rosmini suggested (c. 165 of the 1983 Code stipulates three months for an election).

⁶² See, e.g., *FW* no. 105 (219–21); and no. 82 n. 46 (170–72, at 172).

⁶³ See *FW* no. 82 (171).

Therefore, Rosmini had to contend with the objection that the historical diversity of ways bishops had been selected contradicted his affirmation that episcopal elections by the local church are of divine and natural right. If they were truly divinely willed, why had the church neglected them so often? Is not that tantamount to accusing the papacy in particular of having betrayed God's will both when it reserved episcopal appointments to itself and when it agreed to concordats ceding them to the Catholic monarchs? It is precisely in Rosmini's reply to such charges that we find clarification of his understanding of the pope's role in episcopal appointments.

Rosmini answered by distinguishing between the "right and its exercise": even when the former is divinely established, it does not follow that "the Church" cannot "regulate" its exercise, and so limit or even suspend it as necessity requires.⁶⁴ Specifically, the pope could give elections to the cathedral chapters alone, reserve nominations to himself, or even concede them to Catholic rulers, while leaving to himself only the right of confirmation.⁶⁵ Below I critique this argument;⁶⁶ for now I find it more important to emphasize Rosmini's insistence that the papacy had chosen similar suspensions only out of necessity, often under coercion by secular rulers, so that they can be justified only as "lesser evils" when the circumstances do not leave better alternatives.⁶⁷ In other words, while legitimate, those abrogations of the Catholic people's divine right to episcopal elections are nevertheless temporary "*exceptional cases*"⁶⁸ that must end as soon as the serious circumstances necessitating them have passed.⁶⁹ They should not be exploited to deny that popular elections are the best means for choosing bishops in ordinary circumstances. But what are the specific extraordinary situations that for Rosmini would justify the suspension of episcopal elections?

To answer this question, Rosmini, following his usual method, looked to history. He compiled a remarkably large number of precedents, which he used as case studies on this issue. In a few passages, he appears to propose some general conclusions as warranted by history: for instance, episcopal nominations had been reserved to the pope or to a papal legate when the

⁶⁴ *Risposta* no. 164 (237). The right itself remains because, as divinely established, it cannot be annulled even by "the Church."

⁶⁵ *Ibid.* no. 296 (375–76, at 376).

⁶⁶ See the last two paragraphs of section 6 below.

⁶⁷ See Letter I 326–28, Letter II 335, Letter III 346; also *FW* no. 107 (223) and no. 111 (231).

⁶⁸ *Risposta* no. 98 (162–63, at 163, emphasis original); see also nos. 90–91 (154–55, at 155) and *passim*.

⁶⁹ Letter I 333 ("the suspension [of the exercise of the people's right to episcopal elections] must last only as long as its cause"); see 331 and 347 ("the exception must stop when the rule can be applied again").

local church could not participate in elections because of either secular control/oppression of the local church or war.⁷⁰ In another place, he affirms that history witnesses to

the freedom [of the pope] to confirm that election [by clergy and people], when no canon has been violated of those which limit [eligibility] to certain persons—viz. to those who possess the qualities required, and lack those unacceptable—the freedom, finally, of the Church to look after herself in those cases where the election has been carried out against the rules, or where unfortunate circumstances hindered the very possibility of following them.⁷¹

Shortly after, Rosmini affirms that the pope can “rescind those episcopal elections made against canonical prescriptions, or give a pastor to those dioceses that cannot do so by themselves alone”; but, he adds, those are “exceptional cases, which cannot in the least destroy that general rule [of episcopal election by the local church] founded on natural right.”⁷²

Rosmini also listed and commented more extensively on some of the exceptional circumstances that had historically justified not simply the suspension of episcopal elections, but specifically the pope’s intervention through papal reservations.⁷³ As he put it elsewhere, he understood the role of the pope as that of “supplying” the inability of the local church to carry out proper elections when exceptional circumstances prevent it.⁷⁴ I will adduce only three such possible cases that Rosmini found in church history, because they complement the ones mentioned above: the requests, coming from the local churches themselves, for the pope to act as judge in those cases where the election was controversial;⁷⁵ the choice by “the electors” of manifestly “unworthy” candidates; and the failure to elect a bishop within a reasonable period of time. In the two last situations, Rosmini affirms that it fell to either the metropolitan with the neighboring bishops, or to the pope, to “supply” for the deficiency by providing a pastor to the local church.⁷⁶

With regard to this last affirmation, it seems that Rosmini did not completely work out the distinction of competences that should take place

⁷⁰ See *Risposta* nos. 259–60 (327–28), which complements the cases mentioned in *FW* no. 71 (141–42).

⁷¹ *Risposta* no. 291 (368–70, at 369).

⁷² *Ibid.* no. 295 (373–75, at 375; the opening statement of Rosmini’s treatment of episcopal elections grounds the local church’s right of election on natural right: see *FW* nos. 74–75); also, e.g., no. 98 (162–63), nos. 259–60 (327–28), and no. 291 (368–70, at 369).

⁷³ See *Risposta* chap. VII, section ii, nos. 313–21 (400–409).

⁷⁴ *FW* no. 105 (220) and *Risposta* no. 291 (368–70, at 369), where the word “supply” is used.

⁷⁵ *Risposta* no. 319 (408).

⁷⁶ *Ibid.* no. 320 (408–9).

between the various levels of ecclesiastical authority in the above-mentioned exceptional cases of seriously dysfunctional elections—i.e., those marred by secular oppression, corruption, violence, or canonical irregularities. Some of the above extracts from the *Risposta* appear to assume that in similar predicaments the matter would go directly to the pope, perhaps because in the *Risposta* Rosmini is answering primarily charges against the criticisms he had made to papal reservations. Yet in *FW*, as already noted, Rosmini appears to give the main responsibility of correcting a defective election to the diocesan clergy and the neighboring bishops, who would have the right to add a name to those resulting from the popular election; while the pope's task would be limited to choosing among the two or three final candidates. In a footnote in the *Risposta* Rosmini echoes this procedure, observing that “if the clergy and the people let themselves be bribed, they would lose their right to election, which would then fall back to the ecclesiastical authority immediately above.”⁷⁷

It seems possible, then, to summarize Rosmini's position as envisaging a very limited papal role in the appointment of bishops under ordinary circumstances, namely, formally confirming the electoral choice of the majority of the local church. Only in the specific extraordinary situations mentioned above—when the local church is unable to select a bishop, the electoral procedure has been seriously vitiated by corruption or violence, or serious canonical impediments exist against the popular candidate(s)—would the “ecclesiastical authority immediately above” the local church, and eventually the pope, play a more than conventional role. Rosmini proposed as a model what Pope Hadrian I wrote to Charlemagne:

Never did we intervene, nor will we intervene in any election. And we would like also Your Excellency not to interfere in such matters. But whoever is canonically elected by the clergy and people, . . . provided there is no impediment to the sacred order, let him be ordained according to the usual tradition.⁷⁸

Furthermore, even in the extraordinary case of external nomination in which the pope “supplies” for the local church's failure, for whatever reasons, to elect its own bishop, Rosmini repeatedly recalled the principle that

⁷⁷ Ibid. no. 293 (371 n. 92).

⁷⁸ “Numquam nos in qualibet electione invenimus nec invenire habemus. Sed neque Vestram Excellentiam optamus in talem rem incumbere. Sed qualis a clero et plebe, . . . electus canonice fuerit, et nihil sit quod sacro obsit ordini, solita traditione illum ordinamus” (*Concilia antiqua Galliae*, ed. Jacques Sirmond, vol. 2 [1629; Aalen: Scientia, 1970 repr.] 95 and 120, quoted in *FW* no. 82 [172 n. 46]). Rosmini added: “The initial force of this extremely powerful argument was lost to the popes at the time of reservations” (ibid.).

“no unwanted person must be imposed,” which, he elaborated, “is a kind of veto recognized by the Church as a right belonging to Christian people.”⁷⁹

The above also clarifies Rosmini’s protestation of acceptance that the simple faithful “have no ecclesiastical jurisdiction, and much less does the latter come from them,”⁸⁰ and that

the ordinary and constant rule of the Church in episcopal elections has always been . . . that bishops be constituted by the Supreme Pontiff, or by other bishops delegated by him or with his tacit consent . . . ; but that before being constituted by the hierarchical authority, they be elected by the clergy and people of his diocese, with the qualities required by the canons.⁸¹

While such an understanding of papal authority, suggesting as it does that bishops derive their authority from the pope, is undoubtedly influenced by the Ultramontanism of the time and today would generally be regarded as incorrect, the consequences Rosmini drew from it suggest how a high vision of the papacy is not incompatible with the democratic practice of episcopal elections. In effect, what has been said so far suggests that, despite Rosmini’s lofty understanding of papal power, according to him the local church has, for all concrete purposes, ultimate authority as to who will be their bishop. Ideally, as he hoped, that is because they would directly choose their own candidate and have him confirmed and appointed by the hierarchical authorities. But, according to him, the local church would retain her ultimate authority even in the extraordinary case of external imposition—even by the pope—by exercising the inalienable right of rejecting any unwanted candidate.

For the very same reason, Rosmini’s high conception of the papacy did not prevent him from repeatedly deploring the “excess of papal reservations”⁸² as a “lesser evil” at best,⁸³ and an “abuse” at worst,⁸⁴ going so far as calling them the work of the devil who uses them as a “subtle means for disturbing the peace and prosperity of the Church” by taking away what is an inalienable responsibility of the local church.⁸⁵ Of course, Rosmini could have been so explicit for, at his time, papal reservations had almost disappeared in favor of the Catholic monarchs’ privilege of appointing

⁷⁹ Letter III 350. He attributed the principle “Nullus in vitiis detur episcopus”—quoted in *FW* no. 77 n. 8—to Pope Celestine (*PL* 50, 434). Rosmini added that such a veto should be “the work of the majority or the more reliable part of those belonging to the diocese” (Letter III 350).

⁸⁰ *Risposta* no. 152 (224).

⁸¹ *Ibid.* no. 275 (345–46).

⁸² Thus in his introduction to *FW* no. 4 (55).

⁸³ See Letter I 326–28, Letter II 335, Letter III 346; and *FW* no. 107 (223) and no. 111 (231).

⁸⁴ *FW* no. 4 (55); see also no. 105 (219–21, at 221).

⁸⁵ *FW* no. 105 (220); compare the historical treatment at no. 82 (170–72).

bishops within their own country, and he could therefore consider these appointments as an “abuse belong[ing] to history, and common sense will show there is nothing to fear in indicating such obvious abuses when the argument requires this.”⁸⁶

Nevertheless, in this last judgment Rosmini was to prove twice mistaken. First, because just a few months after its publication, the *Five Wounds* was placed on the Index and, as the recent opening of the Archives of the Congregation for the Doctrine of the Faith—which include the old archives of the Congregation of the Index and of the Congregation of the Holy Office—has made possible to ascertain, the points the censors deemed heterodox included Rosmini’s criticism of papal reservations.⁸⁷ Second, because Rosmini did not foresee that, far from having been definitively abandoned to history, the few decades after his death saw a reinstatement of precisely such a system, with the papacy successfully requiring Catholic monarchs to give up their prerogative of episcopal appointment yet reserving it to itself, to the exclusion of the local church.

The limited role Rosmini envisaged for the pope would stand to reason and would be in harmony with tradition; for historically, the centralization in Rome of all episcopal appointments throughout the world is the result of a very recent development, which began only gradually from the second half of the 19th century onward—relatively soon after Rosmini’s death.⁸⁸ In contrast, the still widespread assumption that Rome should have the responsibility for the decision in the election of bishops could hardly show a greater ecclesiological distance from Rosmini and much of the earlier tradition, according to which the role of the Roman See under normal circumstances is limited to a purely formal confirmation of the decision of the local church on a matter, such as the election of its pastor, clearly belonging to the latter’s competence.⁸⁹

⁸⁶ Ibid. no. 4 (55).

⁸⁷ On this see Malusa, “I documenti di una condanna” lxxxvii–xci.

⁸⁸ As late as 1829, when Pope Leo XII died, of the 646 diocesan bishops in the Latin-rite Church, 555 had been appointed by the state, 67 elected by cathedral chapters, and only 24 appointed directly by the pope.

⁸⁹ The constant practice of the Orthodox churches would in fact regard the papal appointment of bishops as subversive. The same applies to the Latin Church’s practice throughout most of its history. In fact, it was only Pope Gregory VII who first tried to modify canon law—which had incorporated the traditional practice of episcopal elections—by adding to it a hierarchical principle, namely, that the metropolitan and/or the pope had to approve the local clergy’s choice. This paralleled another modification, or rather distortion, by twelfth-century canon lawyers who reinterpreted the traditional principle of election by *clerus* and *populus* as meaning that “the clergy mak[e] the decision and the people [applaud] the clergy’s choice without actually having an active electoral right” (Jörg Peltzer, *Canon Law, Careers, and Conquest: Episcopal Elections in Normandy and Greater Anjou, c.1140–c.1230* [New York: Cambridge University, 2008] 1–3, 20–21, at 21, and the rich bibliography.)

5. Some Current Objections to Episcopal Elections

The impeccable theological credentials of episcopal elections are grounded in their being deeply rooted in the undivided church's tradition and in their having been viewed by many important Fathers (including Pope Clement, Cyprian, and Athanasius) as nothing less than divinely ordained. The theoretical justification of their practical usefulness resides in the epistemic and consensus-building value of democratic procedures of public decision-making.

Yet objections against episcopal elections do exist. Their nature, however, is not doctrinal or theological but exclusively pragmatic. Moreover, as we have seen, it is not a question of categorically excluding the subsidiary intervention of the higher authority in exceptional situations, such as, e.g., where a local church is not free to elect its own officials because it is controlled by a political dictatorship.⁹⁰ Rather, the question is whether the election of bishops should be the standard procedure under normal circumstances.⁹¹

A major objection to the reintroduction of episcopal elections is a traditional one that has been regularly rehearsed from the late Middle Ages on. It concerns the danger that elections would *ordinarily* unleash "politicking," "factionalism," even "lobbying" within the local churches. As we have seen, such objections were well known to Rosmini; he insisted, however, that historically such disorders have not been, and should not be taken to be, the norm, but rather the exception. As such, they cannot be used to deny that popular elections are the best means for choosing bishops in ordinary circumstances. As he put it in his *Risposta ad Agostino Theiner*:

In order to demonstrate his thesis, Fr. Theiner should have proved that there can be no means at any time, no circumstances whatsoever, that could avoid the disorders that can occur in elections by Clergy and people. Once he had done so, he would have had the right to conclude that any intervention by the Christian people is always to be excluded. That is the true and only issue. But not only did he fail to solve it; he did not even treat it, address it, or perceive it.⁹²

In other words, there is a sense in which the above objections fail sufficiently to distinguish between the democratic method *in se* and possible distortions of it.

Rosmini did acknowledge, of course, that three "principal causes necessitated the derogation of the old form of episcopal elections by clergy and

⁹⁰ See, e.g., Thomas J. Reese, *Archbishop: Inside the Power Structure of the American Catholic Church* (San Francisco: Harper & Row, 1989) 32, http://woodstock.georgetown.edu/resources/books/Archbishop_Reese_Chapter%201.pdf.

⁹¹ See *Risposta* no. 271 (429–30) and nos. 292 (469) and 297 (478).

⁹² *Ibid.* no. 91 (155).

people: popular ignorance, which made the people indifferent to the choice of bishop; riots and disorders marring the election of bishops by the people; and pressures exerted by barbarian kings who gradually moved toward absolutism and despotism.”⁹³ Nonetheless, Rosmini went on to note confidently that “ignorance . . . has vanished; culture is well-nigh universal,” and absolutism “is daily disappearing in Europe before the advance of constitutional governments, in which people take part.”⁹⁴ As for the threat of factionalism, he could do no more than simply restate several times the obvious, namely, that although “the fear of party factions, dissensions, and scandals in the episcopal elections remain a real danger,” it is one that can be greatly diminished simply by setting up an orderly electoral process.⁹⁵

It seems that the contemporary situation in the West easily justifies a much greater optimism toward episcopal elections than was possible in the first half of the 19th century. Indeed, already in 1970 distinguished Roman Catholic theologians and canon lawyers suggested the reintroduction of episcopal elections by *clerus et populus* precisely because, as Rosmini had already maintained, “the laity are no longer uneducated or illiterate, and are far more disciplined than, say, in the 12th century”; nor is the Church “so involved in the political and economic life of secular society that the State must be intimately involved in the selection of bishops.”⁹⁶

Again, no system is completely sin proof: “abuses can enter any system,” as Bishop Martin Perez de Ayala had already remarked at the Council of Trent precisely in relation to the manner of episcopal appointments.⁹⁷ Or, as Rosmini put it, “in all electoral procedures—and in all human operations for that matter—there are drawbacks, and that system is more appropriate that entails the smaller number of them.”⁹⁸ Indeed, no procedure enacted by sinful humans can guarantee perfect results. The election of bishops by clergy and people is no exception, but neither is any other system: politicking, factionalism, even lobbying can be pursued not only by groups but also by individuals, and therefore can occur even in the current highly

⁹³ Letter III 347–48.

⁹⁴ *Ibid.* 348.

⁹⁵ *Ibid.*

⁹⁶ “Statement of Consensus,” agreed to at the end of the 1970 interdisciplinary symposium sponsored by the Canon Law Society of America, in *Who Decides for the Church?: Studies in Co-Responsibility*, ed. James A. Coriden (Hartford, Conn.: Canon Law Society of America, 1971) 281.

⁹⁷ Cited by Quinn, *Reform of the Papacy* 118; see also 128.

⁹⁸ *Risposta* no. 19 (77); he refers to the identical observations he had made at the beginning of Letter III 341, where he defines his goal as finding “the least disadvantageous way (there are always disadvantages in human affairs) of restoring and up-dating ancient discipline.”

centralized system of appointments, where they could be done by influential cliques within the hierarchy and the Curia.

Rosmini documented and denounced at length the simony and corruption that had flourished in past centuries under centralized systems of episcopal appointments, such as cathedral chapters and papal reservations. Historical evidence suggests that the more episcopal appointments depended on a small clique, the greater the dangers of simony, bribery, and corruption. Rosmini put it more politely, but no less clearly, in statements such as this:

As I have said, and I would like to repeat, such an important choice [i.e. the selection of a bishop] is more subject to deception if it is left in the hands of a single person or small group. Negligence in cases like this is easily possible when the few electors do not have to fear public judgment or can avoid it with impunity.⁹⁹

So if it is true that “abuses can enter any system,” it is no less true that what has been said so far indicates that there is a much higher probability of abuses entering the present system than one based on popular elections. Finally, Rosmini was also very aware of the risks coming from the lack of transparency intrinsic to nondemocratic procedures. So, for instance, with regard to the problem concerning the bad administration of the church’s financial assets (the “fifth wound”)—at that time carried out largely by the clergy—Rosmini proposed greater transparency as a remedy:

When human beings cannot conceal their sins, they do not sin—or at least they do not go on sinning for long. An obligation to present the faithful, and the general public, with an account of their administration would provide the stimulus necessary for awakening many drowsy consciences, and ensure that church offices were in the hands of honest, sincere, devout persons.¹⁰⁰

Also with regard to the dangers of “factionalism” and “lobbying” the same apologetic defense of the status quo, which Rosmini denounced, appears to have been used since then, consisting in arguing from possible abuses in the electoral procedure to dismissing elections altogether, without investigating the causes and possible remedies of such abuses.¹⁰¹ Specifically, “factionalism” seems to be improperly evoked to denote quite simply the plurality of opinions that, short of a complete unanimity, generates rival “factions” among voters. Likewise, “lobbying” may be inappropriately used to indicate public debate, where each party seeks to convince the others of the soundness of their own insight or the appropriateness of their own candidate. In light of Rosmini’s remarks on the advantages

⁹⁹ Letter III 350, altered.

¹⁰⁰ *FW* no. 162 (294–95).

¹⁰¹ See, e.g., the first sentence of *Risposta* no. 395 (474–75, at 474).

of free and public discussion in comparison with the private, unaccountable discernment of a single person, both such “factionalism” and such “lobbying” should indeed be welcomed, for they would greatly enhance the performance of that crucial step that must precede any responsible choice, namely, the gathering of accurate information.

Moreover, Rosmini stated that it would be far better to have an enthusiastic and passionate laity, even divided in “parties” fiercely campaigning in favor of their own candidate, than to have an indifferent one—indeed, he strongly deplored the latter situation.¹⁰² To the extent that it would be possible today to manifest different opinions in a respectful and civil way, a wide deliberative process can be a true process of discernment, likely to yield two positive outcomes, as Rosmini suggested: (1) maximizing the possibility of finding the best person available, and (2) recapturing the attention and interest of a laity often indifferent to church matters—thus being a real pedagogical instrument for “ecclesial education.”

A more sensible objection reflects upon the fact that, with regard to selecting candidates for the episcopacy, people would barely know priests other than their parish priest, and the current radical decline in vocations would merely exacerbate the problem. The danger, as some have suggested, is that the most prominent candidates are likely to be popular priests, perhaps at the head of large and important parishes, whose “electoral base” is thus significantly larger than that of pastors of smaller congregations, even when their reputation does not extend beyond their parish’s boundaries. This, however, is more a consideration about the difficulties of implementing the reintroduction of episcopal elections than an objection against them *per se*. The question, then, is how candidates can best emerge and be known.

Two preliminary considerations are in order. First, it should be made clear today that the pool of voters should extend to laywomen as well as to laymen,¹⁰³ but that eligibility should extend at least to all the male faithful¹⁰⁴—possibly including (married) *virī probati* and/or ecclesial lay

¹⁰² For his affirmation that it is much better to have “heated (as distinct from tumultuous) elections” (“elezioni non già tumultuose, ma accalorate”) than popular indifference see *Risposta* no. 97 (161–62, at 162).

¹⁰³ This contrasts with Rosmini’s position—see n. 54 above.

¹⁰⁴ I do not aprioristically exclude the eligibility of women; however, it is a different issue and would require a separate treatment, which is not possible here. For three concise articles arguing in favor of gender equality in accessing church ministry in light of the more general questions about the nature and role of a Christian priesthood, see David P. Davies, “Women Priests: The Theological Imperative,” *Feminist Theology* 1.1 (September 1992) 89–93; James D. G. Dunn, “Church Ministry: A View from New Testament Theology,” in James D. G. Dunn

ministers already active in parish life.¹⁰⁵ (In fact, nowhere does Rosmini state that “the best person available” should be sought among the clergy only, although he undoubtedly regarded that as the natural praxis in ordinary circumstances).

Second, one must also consider the existence of those supraparochial movements and organizations—besides religious orders and congregations, also lay movements such as, e.g., Catholic Charismatic Renewal, Communion and Liberation, *Comunità di S. Egidio*, *Focolari*, *Neocatecumenals*, *Opus Dei*, *Regnum Christi*, *Voice of the Faithful*, *We Are Church*, to mention but a few—that can help make known and publicize potential episcopal candidates beyond the parish level.

Still, such movements do pose an additional problem, especially where the official church structure is less capable of supporting an active Christian life and the formation of a public opinion among the faithful. There might be the risk, in effect, that ecclesial movements will have a disproportionate power to put candidates forward, compared to the common faithful who lack access to media structures for discussion and participation. Those inequalities are at present inescapable, but they will tend to diminish with a greater and better participation of the faithful in the ecclesial life. The situation would be different where ecclesial mass media exist in sufficient numbers. Even then, however, it is helpful to remember, as Anglican Bishop Stephen Sykes once observed, that “If there is to be debate in the Church, it is essential that the means of communication are not dominated by those whose decisions will prevail.”¹⁰⁶ Everybody should be able to access as well as contribute information about what are believed to be the most outstanding candidates available. All things considered, however, the above difficulties are far from precluding the possibility and indeed desirability of reintroducing episcopal elections.

6. Deciding on When to Require a Temporary Suspension of Episcopal Elections

There is a last difficulty that Rosmini did not completely resolve, namely, that of determining who is to decide both *when* the circumstances are so exceptionally difficult as to require the abandonment of popular elections

and James P. Mackey, *New Testament Theology in Dialogue: Christology and Ministry* (London: SPCK, 1987) 121–40, at 125–26; and Janet Wootton, “The Priesthood of All Believers: Is This What You Want?,” *Feminist Theology* 1.1 (September 1992) 74–79.

¹⁰⁵ On the importance of reintroducing the married priesthood within Roman Catholicism, see, e.g., William E. Phipps, *Clerical Celibacy: The Heritage* (New York: Continuum, 2004) 66–74.

¹⁰⁶ Stephen Sykes, “Power in the Church of England,” *Concilium* 197.3 (1988) 123–28, at 128.

and *who* should intervene. In this case again, Rosmini was not entirely consistent, mostly because he never addressed the problem explicitly and systematically, so that his position on it can only be pieced together from isolated passing remarks. The closest pertinent passage is one in which Rosmini deals with the external intervention, not of the pope, but of the Catholic rulers. “Civil government” he said, “must come to [the Church’s] aid not whenever he feels like it, but when the Church itself asks, wishes, and intends to be helped; this is because she knows her needs, and what suits her.”¹⁰⁷

It remains unclear whether Rosmini understood the same principle also to apply to intraecclesial relations between the different levels of church life and government. On the one hand, a few passages appear to suggest he denied that, and maintained instead the pope’s right to intervene; he held, e.g., that the Holy See “has. . . the right to reserve to itself ecclesiastical elections, when some extraordinary need requires. We must repeat that the See of Rome possesses in perpetuity the right to act to save the Church from danger”,¹⁰⁸ that if the local church gets bribed or corrupted, it loses its voting rights in favor of the ecclesiastical authority immediately above it; that, above all, the pope has the power to “suspend” the “exercise” of the natural and divine right that the faithful have to episcopal elections when exceptional circumstances require it. Of course, Rosmini also made it unambiguously clear that papal interventions had to be limited to exceptional cases, lest they become abuses of power. However, he did not clarify whether, how, and by whom the pope’s decision to suspend episcopal elections and reserve episcopal nominations to himself should be reviewed and held accountable.

On the other hand, more numerous are the passages where Rosmini seemed to presume that the pope should act only when he is asked to do so by the local church, when the latter finds itself in need of external assistance. First there is the already mentioned letter by Pope Hadrian I to Charlemagne, affirming that he had never meddled in episcopal elections and never would—a position Rosmini quoted approvingly.¹⁰⁹ More important still is a letter by Pope Gregory VII to the faithful of Arles, which Rosmini likewise adduced as a model. In it, according to Rosmini, Gregory exhorted the faithful of Arles “to elect for themselves a bishop and, in case they cannot find one, he offered to find and send them a suitable person, but only on condition they promise to welcome him.”¹¹⁰ This suggests that the pope should intervene only when the local church asks him to. Again,

¹⁰⁷ *Risposta* no. 32 (97–98, at 98).

¹⁰⁸ *FW* no. 105 (220); “but,” Rosmini went on, “all other interested parties were united in opposing ordinary and universal reservations.”

¹⁰⁹ *Ibid.* no. 82 (172 n. 46).

¹¹⁰ *Risposta* no. 289 (364 n. 84).

an even clearer instance of that can be found in Rosmini's earlier-mentioned general conclusion that one of the historical reasons that contributed to the growth of papal reservations had been the requests by local churches for an external arbiter in cases of contested elections.¹¹¹

Finally, the key reason for stating that the decision concerning if, when, and how to temporarily bypass popular elections must lie with the local church itself and not with the pope can be traced to Rosmini's already mentioned "one certain principle, confirmed by universal experience. . . [that] generally speaking, only the moral body or moral person concerned is capable of judging what is best for itself," which he understood as entailing that it is only the local church in its entirety that is best suited to judge episcopal candidates.¹¹² As I have noted above, this is the same principle that Rosmini construed as normative for regulating the interventions of the civil government in church affairs.

Such an understanding is in agreement with and indeed required by the principle of subsidiarity. Properly understood, subsidiarity entails precisely that, on the one hand, each decisional level (from the individual upward) has an inalienable responsibility to decide and act within its own operational range and, on the other hand, only those actions that cannot be achieved by the individual or the smaller group alone can be appropriately achieved through recourse to the higher level of a structured community.¹¹³ The important implication is that the division between what can be decided autonomously and what should be decided by delegation must be determined by the delegating individual or group and not by the higher levels: in effect, only the former has the responsibility to decide on the appropriateness and extent of the delegation—including, more to the point, its scope, timing, and recipient. For this reason, only the local church has the right and responsibility to decide if, when, and how to bypass a popular election.

This clarifies why the issue at stake is momentous: episcopal elections are an important component of the local church's self-determination, and are constitutive of the possibility of cooperating responsibly and thus

¹¹¹ Ibid. no. 319 (408).

¹¹² *FW* no. 116 (237–39, at 238).

¹¹³ "This precept [i.e., subsidiarity] holds that authority should reside at the lowest level commensurate with the necessary information and resources for making and implementing decisions, *with the onus of proof on those who would move powers to a higher level*. As a practical matter, this suggests the supremacy of the individual over all decision-making authority, only some of which is to be delegated upwards. The hierarchy thus runs from the bottom to the top: individual to community to region to province to central government to international" (Gordon Gibson, "The Role of Subsidiarity in a Democracy," *Fraser Forum* [May 2000], http://oldfraser.lexi.net/publications/forum/2000/05/section_01.html, emphasis mine).

morally. It is arguable that because he perceived the issue in this way, Rosmini described the right to elections as natural as well as divine. In contrast, the affirmation that the local church does not enjoy freedom of self-determination in that regard, and is instead subject to the ecclesiastical authority which has power to regulate the exercise of that freedom, cannot be based on nature or (political) philosophy. Their only possible justification would accordingly require unambiguous scriptural evidence in that regard—evidence that is, however, generally understood to be lacking. Therefore, in the absence of relevant scriptural guidelines, the default position should be the one that in the past would have been called according to “nature” or “right reason”: namely, that the decision concerning if, when, and how to temporarily bypass popular elections resides with the local church itself, in agreement with the principles of subsidiarity and self-determination.

7. Rosmini's Diagnosis Today

Has anything changed today compared with Rosmini's time that would make his proposed reintroduction of episcopal elections impossible or counterproductive? The answer, as the discussion so far suggests, is no. Among the most important changes is the replacement of a system of royal appointments by a system of papal appointments. It is true, of course, that since its introduction and until now, the practice of well-nigh universal papal reservations could in fact have always been used with the best good will and disinterested zeal. Yet good will does not automatically bring about the best performance, or, alternatively stated, bad appointments can still occur if the system inadequately provides for the best choice, for the reasons Rosmini highlighted. The fact is that, to be responsible, the people's consent to their bishop must be not only free but also informed—or, as Bernard Lonergan would put it, attentive, intelligent, and reasonable. But it can hardly be so if the selection procedure is badly devised, and thus (1) does not sufficiently allow for information-gathering and assessing, and (2) disregards subsidiarity by taking away the inalienable responsibility of those concerned to select for themselves the person they deem most appropriate on the basis of his competence.

With regard to the first point, political philosophy proved to cohere with the earliest ecclesiological practice by further clarifying why and how an electoral procedure is the best way of carrying out the discernment of church officials. One of the most important reasons, developed at some length by political philosophers and ecclesiologists such as Rosmini, is simply that the discernment of the best candidate available to fulfill a certain office and function is best carried out through a free and public discussion by all the members concerned—where all data, insights, and

judgments of fact and of value can emerge and be critically assessed—followed by an election.¹¹⁴

With regard to the second point, it should be noted that to deny that the discernment of those members most apt to be church officials can be done by the local community and that accordingly it should be its own inalienable responsibility, means to deny the faithful the possibility of giving a responsible consent to the choice and appointment of office holders; and that means, in turn, to deny them the possibility of cooperating responsibly. It is therefore quite correct to underscore that the primary objection to any centralized system of appointment disregarding subsidiarity is *moral*—as Pope Pius XI did when he first formulated that principle—rather than pragmatic or based on considerations of efficiency (although the latter, as Rosmini noted, are by no means irrelevant).

In contrast to both points, the current system of episcopal appointments in the Catholic Church does not envisage any public discussion and largely deprives the local church of its inalienable responsibility to select for itself an overseer. Ninety-nine percent of the faithful of a local church are routinely excluded in any significant way from the discernment process, and their inalienable responsibility to discern and choose for themselves an authority is disregarded. In such a situation, the traditional practice of ordination rituals consisting in asking the attending faithful to consent to the episcopal candidate makes little sense,¹¹⁵ for what is being asked is the uninformed, ultimately irresponsible consent of individuals who—as Rosmini observed—most of the time know nothing of that person, and certainly not enough to be able to judge his appropriateness both in general and with regard to the specific situation of the local church he will be appointed to serve.¹¹⁶

In summary, Scripture, tradition, and reason converge to suggest that, for all intents and purposes, the discernment, selection, and appointment of all

¹¹⁴ See Letter III 344. On the epistemic value of a democratic procedure of decision-making, see Giuseppe Badini Confalonieri, “Democracy as a Public Method of Searching for the Truth and the Good: The Epistemological Foundations of the Democratic Method,” trans. Donald E. Buzzelli, http://www.loneran.org/dialogue_partners/badini/democracy_as_a_public_method_of.htm, unpublished English translation (with modifications by Buzzelli) of his “La democrazia come metodo pubblico di ricerca del vero e del bene: I fondamenti epistemologici del metodo democratico,” in *Europa Cristiana e Democrazie Liberali*, ed. Antonio Salvatore (Stresa: Edizioni Rosminiane, 2002) 245–70.

¹¹⁵ Rosmini made the point in *FW* no. 77 (151–54, at 152 n. 5). For a detailed history of the role of the ecclesial consensus in the changing rituals of episcopal ordination throughout history, see Sharon L. McMillan, *Episcopal Ordination and Ecclesial Consensus* (Collegeville, Minn.: Liturgical, 2005).

¹¹⁶ See *FW* nos. 116 and 114.

church officials must occur democratically—the object of such discernment being the possession of the relevant competence(s) for the job, whether humanly acquired skills and/or divinely bestowed charisms. In current Roman Catholicism that would mean, as Rosmini argued, the reintroduction of elections by those concerned as the ordinary method of appointing bishops—and, one could add, other church officials as well.¹¹⁷

CONCLUSION

According to Rosmini, all the advantages mentioned earlier stemming from the reintroduction of episcopal elections should be made known to all the faithful, laity and clergy alike:

All I want is to ensure that everyone, lay people included, realize that the choice of bishops is of divine right and that, as I explained in the previous letter, the Church's entire freedom is of divine right, especially her freedom in elections. . . . All that is needed is to preach this from the rooftops.¹¹⁸

In Rosmini's view, the reintroduction of episcopal elections would give back to the laity an inalienable moral responsibility, while also making them more cognizant of their role in the Church's internal life. The letter's concluding sentence is significant: "Although the Christian people seem indifferent about episcopal elections at present, they will one day appreciate their importance, and restore them."¹¹⁹

¹¹⁷ The 18th-century "trustee" system in U.S. Catholicism, in which laypeople administered the finances and appointed parish priests, is instructive in this regard; see Jay P. Dolan, "The American Catholic Parish: A Historical Perspective 1820–1980," in *The Parish in Transition: Proceedings of a Conference on the American Catholic Parish*, ed. David Byers (Washington: NCCB, 1985) 34–46. Rosmini did not address extensively the question of the election of parish priests, but he did once state in passing that he thought such appointments should be left "to the bishops, and to those who, according to the canon law currently in force, possess the right" to do so (*Risposta* no. 9 [56]).

¹¹⁸ Letter II 334–40 (335).

¹¹⁹ *Ibid.* 340, altered.