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*Equality and Inequality of „Christ’s Faithful” from a
Perspective of Philosophy and Theology of Canon Law*

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The aim of this paper is, starting from *CIC* (1983) can. 204. § 1 and 2, to clarify with accuracy the meaning of that equality and inequality which exists among the Church's members. Therefore the purpose of this work is of a canonical character, and because canon law is a part of theology, and because philosophy is *ancilla theologiae*, this paper needs indispensably contain philosophical and theological sections too.

From Christ's will the Church is a hierarchical organization, of which follows that regarding the inside structure of the Church we can talk of equality in a more narrow perspective than of inequality. In consequence until the Second Vatican Council canon law and systematic theology spoke very rarely, and mainly in the first centuries about the equality of the members of the Church.

As a main topic put into the forefront, equality among the members of the Church was dogmatically treated first time in the Second Vatican Council, in its dogmatic constitution *Lumen Gentium*, and in its footsteps in canonical language in the *Code of Canon Law* (1983). Therefore in this paper first we have to consider what was the teaching purpose of the Council and what are the problems of the interpretations of its teaching. In relation to this we point out that the Second Vaticanum spoke of the Church as „people of God”, and intentionally viewed the Church rather from a sociological perspective. Thus it gave a greater emphasis to the general priesthood that originates from baptism and therefore to the potentials of the active operation of the laity, and less emphasis was given to the ministerial priesthood and its activity. However, because the Council was declared by its two popes to have a pastoral and not a dogmatic perspective, it did intentionally not want to pronounce any dogma – although it did one about the collegiality of the bishops –, a great many of the wording of its statements are ambiguous and to be explained carefully, according to the *analogia fidei*, in the light of the previous Councils. And because the *CIC* (1983) strives to convert the Council's teaching into canonical terms, therefore canon 204. § 1 and 2 must be interpreted with the conciliar picture of the Church in the background.

We examine the concepts „people of God” and „Christ's faithful”, and explain a more exact meaning of their relation; further we strive to define the equality and inequality that exists between „Christ's faithful”, as well as their cause; we examine the relation of the whole Catholic Church to other Christian communities, as well as, closely related to this, what it means that the society established by Christ subsists in (*subsistit in*) the Catholic Church.

Inside the Church besides the theme of equality also that of inequality – which is specific to the topic of the ministerial priesthood – has an actual importance, because the identity of Catholic priests got into a crisis of identity. The reason of this is on one side the harmful influence of a protestant model, on the other side the influence of secularization. But it made also great damage that a part of modern theologians view the ordained priest not as the representative of Christ, but rather that of the Church, and consequently deny the specific meaning of the ministerial priesthood.

In accordance with our purpose first we examine what is the extension of the concepts „people of God” and „Christ’s faithful” in the *CIC* (1983), with special concern to Book II. In this consideration we see that the people of God consists of both clerics and non-clerics, and the term „Christ’s faithful” consequently applies to all baptised person. After having analysed the sources of can. 204 § 1 we can state that the concepts „people of God” and „Christ’s faithful” are synonyms.

Because „Christ’s faithful” according to can. 204 § 1 participate in the priestly, prophetic and kingly powers of Christ, hereafter we examine the comprehension of this threefold power and office relating it to the clerics and the laity respectively. The priestly power of a cleric, according to the Tridentine Council, extends first of all and specifically to the bloodless renewal of Christ’s sacrifice on the cross in the celebration of the mass.

The fullness of the prophetic power, according to the teaching of Vatican Council I, means the infallibility of Peter’s successor, the pope, in case he speaks *ex cathedra*, that is a) for the whole Church, b) as supreme pontiff, c) in matters of faith and morals d) irrevocably defining a teaching (cf. Mt 16,18).

The prophetic (teaching) power of the pope and the bishops is *potestas propria*, together they form the „teaching Church”. The priests and deacons receive the prophetic power from their commission as a *potestas delegata*.

The fullness of the kingly power (power of governance) according to Vatican I means the proper, ordinary and immediate governing power (*potestas propria, ordinaria et immediata, potestas iurisdictionis*) of the pope (legislative and applicative) for the whole Church. The pope may delegate this power with a particular character to the bishops.

A part of this kingly power is the judiciary power, which contains also the power of absolution, which is subdelegated to each priest by the bishop (cf. teaching of the Council of Trent: *DH* 1764).

The priestly power of lay catholics (universal priesthood) comes from baptism, and according to *LG* 10-11 it consists of the passive acceptance of sanctification and of witnessing it. About the difference between the priesthood of clerics and the laity Pius XII writes extensively in his *Mediator Dei* encyclical.

The prophetic power (and obligation) of the catholic laity founded on baptism means that they should transmit to those subordinated to them what, in the light of revelation, their natural reasoning learned from the divine teaching. In case of catholic lay parents this obligation is accompanied with that which comes from their parenthood, that is as parents it is their obligation to transmit to their children whatever they hold as truth. (cf. can. 226 § 2).

The kingly power of the catholic laity founded on baptism means that by words and example they should bring up those entrusted to them to be obedient members of the Church. A special case is with parents, because for them the obligation coming from baptism is accompanied with the one coming from natural law regarding to them as parents.

Following this we must examine what kind of philosophical means we have in order to be able to define what is the relation between a cleric's participation of Christ's threefold power and a lay person's participation of it „according to his or her particular conditions”. In order that we may give a scientific answer with philosophical and canonical accuracy we recall some philosophical truths that will lead us to the answers of our questions, namely to the *doctrine of analogy*. Therefore we pose the following eight questions:

1. What is our first scientific concept? We look for that concept, whose extension we are able to define without the previous distinguishing of their accidents and proprieties. This is the concept of the *being as being (ens ut ens)*.
2. What are the scientifically certain principles?
 - a) The principle of contradiction: it is impossible that something is true and not true from the same perspective and in the same time. This principle cannot be denied or taken into doubt, because it must be presupposed to the very act of denial or doubting.

- b) The principle of identity: everything is identical with itself.
- c) The principle of the exclusion of a third: from two contradictory judgements either one is true or the other, there is no third option.
- d) The principle of sufficient reason of being: everything that exists necessarily has sufficient reason for its being what it is.
- e) The principle of causality: everything that comes into being necessarily must have its sufficient cause.
- f) Our intellect is able to get to know the truth.
- g) The thinking being exists.
- h) Everything is true that is obvious for our intellect.
- i) Our senses can not err regarding their proper object.
- j) The comprehension of our universal concepts is objective, their extension is subjective.

We demonstrate our points from b) to j) reducing them to the principle of contradiction: we demonstrate that their denial leads to contradiction. Eventually the demonstration of every truth happens by its reduction to the principle of contradiction.

3. What are the modes of reduction to the principle of contradiction?

- a) Deduction: with the help of a proposition of greater extension.
- b) Induction: with the help of a proposition of minor extension. The two species of this latter one are
 - aa) Complete induction, which draws its conclusion from the examination of all the particular cases. A complete induction started from the individual cases is impossible, because we cannot be certain of whether all the cases of the past and present in fact became examined.
 - bb) Not complete deduction, in which we do not examine every single case, but only some of them and from these ones we conclude to all the other. The two species of this are
 - α) Not complete, but sufficient induction, which from the examined cases draws conclusion for all the others with full certainty. This is impossible in all those cases, when we want to draw conclusions regarding the proprieties of concrete

bodies, because to perform this we would have to change all the external circumstances of the individual body, which is theoretically impossible.

β) Not complete and not sufficient induction in which the examination of some cases results only in a probability.

4. What is the definition of science? Science is a system of intellectual knowledge justified by its final, intrinsic passive cause. This is so, because a firm knowledge can be attained only by deduction, that is by drawing conclusion from the more universal concept to a less universal. Further, a more universal concept, regarding its comprehension, is the passive intrinsic cause for a less universal concept that belongs under it.
5. What is the division of sciences? They may be divided most profoundly according to the three stages of abstraction, because the most universal concept of each stage, the being, the quantity and the body, is the exclusive source of knowledge, and it is the integrating factor, or subject of science (*subiectum scientiae*) for scientific knowledge.
6. What are the perfect sciences and where is the place of philosophy among them? Perfect sciences are: metaphysics, mathematics and cosmology, because metaphysics is able to certify by its own means all its propositions by reducing them to the principle of contradiction; mathematics and cosmology do this with mediation with the help of metaphysics, but they approach the principle of contradiction in the way possible for their nature. Two of these three perfect sciences, metaphysics and cosmology, are called philosophy, because they are closer to each other than mathematics to either of them. (Psychology, ethics and sociology may be considered as the specific parts of cosmology.) Empirical sciences (among them natural sciences) are to be considered as imperfect sciences, because their method is always the „not complete and not sufficient induction”, which never gives certainty only probability, and therefore these one lack the essential means of the perfect sciences. From this comes that a proposition of a natural science can never invalidate a philosophical proposition.
7. What is the place of theology among sciences, because canon law belongs to theology? Theology as a science, which is built upon revelation, is logically and ontologically possible. It is also provable historically that in fact it has happened. It is a perfect science, because it participates in the absolutely certain divine knowledge which does not deceive and cannot be deceived. The subject of the science of theology is God revealing himself.

8. What is the analogy of the concept? Analogy is something mediate between univocation and equivocation, that means, a universal concept may be stated not only in a univoc sense. The analogy of predicability is determined by the analogy of the being. The two kinds of species of analogy:

a) *Analogia proportionis* (or otherwise *analogia attributionis*). This is founded upon the relationships of causalities, because every efficient cause brings into being an effect similar to itself. In the case of such an analogy the being that bears a certain given perfection is called the *princeps analogatum*, and the other beings in a causal relation with this are called *analogata*.

b) *Analogia proportionalitatis* is the analogy founded upon proportions. The concept of *ens* is in this sense predicable about God and the creatures, as well as about the substance and the accidents. The *ens* is not predicable about God and the creatures in a univoc sense, because God's essence is being itself, while creatures only participate from being. But there exists an analogy between God and the creatures. The foundation of this is the equality of the proportion of essence and being. The essence of God relates to His being just as the essence of a creature relates to its being.

Being cannot be stated in the same sense about the substance and the accidents, because the essence of the substance is such, to which in itself being is due, but the essence of the accidents is such to which in itself being is not due, but only as it exists in a bearer subject or substrate. But there exists an analogy between the substance and the accidents whose foundation is the equality the proportion of essence and being. The essence of the substance relates to its being just as the essence of an accident relates to its being.

A third kind of analogy is the *analogia proportionalitatis impropriae* or metaphor, which is founded not on the equality of the proportions, but only on the similarity of them.

For the parts of the analogy the scholastic definition is valid: *simpliciter diversa, secundum quid eadem* (they are different in an absolute sense but from a certain point of view they are the same).

After all, with the help of the teaching on analogy we have that philosophical means, with which we are able to define, what is the relation between the participation of

clerics in Christ's threefold power, and the participation of the laity according to their conditions of life in Christ's threefold power. On the ground of this the following statements are possible:

1) We can speak of the priestly power of the catholic laity in the sense of an *analogia proportionis* and an *analogia proportionalitatis impropriae*. In offering the sacrifice of the mass the priest is a *causa efficiens instrumentalis*, while the catholic lay persons taking part at the mass and receiving the sacraments, as a consequence of their baptism, are an *effectus ex opere operato*. Therefore the priestly power of the catholic laity is founded on a relation of causality: *analogia proportionis*.

Pius XI in *Miserentissimus Redemptor* and Pius XII in *Mediator Dei* encyclical says that the laity offers the sacrifice of the mass with the priest in his own mode. This is an analogy of metaphorical characteristic.

2) About the prophetic power of the catholic laity we can speak in the sense of *analogia proportionis*. Their activity of transmitting the truth of the faith to their subordinates comes from a causality, which is founded not on baptism *ex opere operato*, but presupposes the cooperation of the individual, with his act of faith, and therefore this causality works *ex opere operantis*.

The delegated power of bishops may be subdelegated to the catechists.

3) About the kingly power of the catholic laity we can speak in the sense of *analogia proportionis* and *analogia proportionalitatis impropriae*, and in the case of the parents and catechists also in the sense of *analogia proportionalitatis propriae*, but in these last two cases only in the application of law.

4) An orthodox cleric has his priestly power in a univoc sense.

5) About the priestly power of an orthodox cleric – because he denies the papal infallibility –, and about his prophetic power – because he denies the papal primacy –, we can only talk in a *metaphorical* sense.

6) About the priestly power of an orthodox lay person, similarly and for the same reasons as in the case of catholic lay persons, we can talk only in the sense of *analogia proportionis* and *metaphor*.

- 7) About the prophetic power of an orthodox lay person – because of the denial of the papal infallibility –, and of his kingly power – because of the denial of the papal supremacy –, we can talk only in a *metaphoric* sense.
- 8) About the priestly power of the protestants we can talk only in the sense of *analogia proportionis*, because they do not have consecrated bishops and ordained priests, and therefore the priestly power can not be stated of any protestant in a univoc sense. They can not take the Eucharist, therefore their participation in the priestly power means only that they participate of those merits that originate from the mass offered by a priest (catholic or orthodox) for the living and the dead.
- 9) About the prophetic power of a protestant – because of the denial of many dogmas –, and of his kingly power – because of the denial of the papal supremacy –, we can talk only in a metaphoric sense.

Founded on *CIC* (1983) can. 204 § 1 and *LG* 10 we can say that the foundation of the ontological equality of Christ's faithful in the hierarchical Church consist of only and exclusively the effects of baptism.

- 1) Baptism wipes away the original sin equally for all who receives it.
- 2) Baptism wipes away personal sins accidentally committed equally for all who receives it.
- 3) Baptism disposes sanctifying grace equally on everybody, who does not raise an *obex gratiae*.
- 4) All the receivers of baptism equally become a member of the people of God dogmatically and canonically.
- 5) Because baptism is the gate of the sacraments (*ianua sacramentorum*) therefore it gives equal rights to its receivers for the other sacrament. (With the exception of holy orders).
- 6) Through baptism protestants also become equal members of the catholic Church until they, by a personal decision (e.g. by confirmation) separate themselves in faith from the catholic Church.

The basis of inequality among Christians is that the catholic Church by Jesus Christ's will, by *iure divino*, is a hierarchical organization. This is manifested both in the Council of Trient and the First and Second Vatican Council. This appears in the difference between the

ministerial and universal priesthood, and in the final sense it is the effects of the holy orders that are the ontological basis of inequality.

The basis of the inequality in the priestly power of „Christ’s faithful’ is the reception of holy orders. There is inequality in the priestly power also in the ministerial priesthood. The bishop possesses the fullness of the priestly power, only he is capable of ordaining priest. A presbyter does not have this power, neither a deacon, and a deacon does not possess the power of a priest to offer the sacrifice of the mass. This is the second source of inequality inside the Church.

The basis of inequality in the prophetic power is the privilege of the infallibility of the pope. This infallibility, being a *potestas propria*, can not be delegated. The teaching power, as *potestas propria* is a privilege of the college of bishops. This can be delegated by the bishop to priests and to lay catechists. The pope, the bishops and those who participate in the delegated power are the source of further inequality

The basis of inequality in the kingly power is the pope’s universal, immediate power of governance, or primacy. Bishops have delegated power for governance in their diocese. In this power of governance a priest takes part by the confessional iurisdiction. This means the further three sources of inequality.

Therefore despite of the equality caused by baptism, the Church consists first of all of unequal members who are *simpliciter inaequalis, secundum quid aequalis*.

The dogmatic perspectives of equality and inequality:

Conclusions fit to be pronounced as dogmas (*fidei proximum*) in relation with equality and inequality:

- 1) The basis of equality are baptism and confirmation, the basis of inequality is the sacrament of orders.
- 2) The episcopal college is equal in the priestly power, but unequal in the teaching and kingly powers.
- 3) The prophetic and kingly power of a priest is only and exclusively *potestas delegata*.
- 4) All the powers of the pope are *potestas propria*.
- 5) Only the members of the college of bishops possess the fullness of the priestly power.
- 6) Only the pope possesses the fullness of the prophetic and kingly power.

Canonical characteristics relating to equality and inequality:

- 1) Besides punishing that person who is not ordained and yet attempts to celebrate mass, there must be punished both the priest and the lay person in such a case, when except of the consecration, other parts of the mass are said by a lay person.
- 2) Only persons with proper theological formation may be given subdelegation for giving catechesis.
- 3) It is forbidden for any celebrant of the mass to improvise during the mass instead of reading the given liturgical text. Only the text prescribed by the competent authority may be said.
- 4) Unacceptable is the practice that before holy communion the priest announces that a catholic may receive the host as the Body of Christ, and a protestant may receive it as a remembrance of the Last Supper.

During the analysis of can. 204. § 1 we compared the clerical and non-clerical state. The Church may be considered from this point of view as the Body of Christ. Henceforth relating to § 2 we examine the relationship of the church on the whole to the other Christian communities.

The extension and essence of the Church as visible society

The Church as a visible and ordered society extends to Peter's successor, to the bishops in communion with him, and to those people who are in sacramental, symbolical, and hierarchical communion with them. Communion in the sacraments means that the person accepts in faith all the sacraments of the Church.

Christ founded an only saving society: *LG* 8;. Leo XIII: *Sapientiae Christianae*.

Christ founded an ordered society: 1Kor 12,27; Kol 1,18; Leo XIII: *Satis Cognitum*.

Christ founded the Church upon Peter and the apostles in communion with him: *LG* 3; Mt 16,18; 28,18-20; Jn 20,21.

Only and exclusively the catholic Church is the Church founded by Christ: *LG* 18; I. Vatican Council: constitution *Pastor Aeternus*; *CIC* (1983) can. 204 2 §.

„Subsistit in” in can. 204 § 2 means that the Church can not share her subsistence founded by Christ with any other church or ecclesiastical community, because subsistence is such an

act, which – added to the essence of an individual substance – makes the substance independent from any other substantial principle of being or any other substrate, and makes it incommunicable to anything other.