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ARCIC 230/Jurisdiction/1

Jurisdiction

(P^{er} dis lin as)

1. Jurisdiction may be defined as the ~~public~~ authority of a legitimate ^{ecclesiastical} superior to govern the faithful in matters pertaining to their spiritual welfare. The immediate universal jurisdiction attributed to the Bishop of Rome is a service which comes to him because of his office and which he may exercise directly over the whole koinonia or any part of it. The Roman Catholic attribution of such jurisdiction to the Bishop of Rome is a source of anxiety to Anglicans. (Authority in the Church, paragraph 24(d)) Anglican anxieties include such fears as the following: that the Pope may usurp the rights of a metropolitan in his province or a bishop in his diocese: that authority centralized in Rome will have little understanding of cultural diversity and local conditions: that matters referred to the Pope may be prevented by the power of the curia from being brought to his attention: that freedom of action and conscience may be imperilled.

2. Jurisdiction is given for the effective fulfilment of an office which determines its exercise and limits. It varies according to the specific functions of the episcopate concerned. ~~Jurisdiction associated with different levels of episcopate concerned.~~ Jurisdiction associated with different levels of episcopate (i.e. of primates, metropolitans and diocesan bishops) is not in all respects similar in kind. The use of juridical terms does not mean that exactly the same authority is attributed to all those exercising episcopate at different levels. The jurisdiction of a metropolitan in his province is not merely the exercise in a broader context of the jurisdiction exercised by a bishop in his diocese: ~~the~~ difference in jurisdiction is a difference in kind.

3. Each bishop is entrusted with a pastoral authority co-extensive with the responsibility of his episcopo. This authority is both required and limited by the bishop's task of teaching the faith through the proclamation and explanation of the word of God, of exercising responsibility for the administration of the sacraments in his diocese and of maintaining his Church in holiness and truth. (cf. Venice 5). It implies that decisions taken by the bishop in performing his task have an authority which the faithful in his diocese have a duty to respect. This authority of the bishop, usually called jurisdiction, ^{involves a ~~responsibility~~ responsibility for} may be defined as the right to ~~make~~ ^{and imposing} the decisions that are required by his office, ~~for the sake of the~~ koinonia. It is not the ^{arbitrary} power of one man over the freedom of others: it is a necessary condition if the bishop is to serve his flock as its shepherd. [Similarly, the needs of a province sometimes require ^{the bishop's} a primate decisions binding the bishops of his province.] So too, within the universal koinonia and the collegiality of all the bishops, the universal primate exercises ~~and must be seen to exercise~~ the jurisdiction necessary to the fulfilment of his functions, ^{faith &} the chief of which is to ~~serve~~ ^{the} unity of the whole Church.]

4. The bishop of Rome, as universal primate, should exercise ^{of the see to exercise} his ministry not in isolation but in collegial association with his brother bishops (Venice 21 and 23); but this in no way reduces his ^{own} ~~personal~~ responsibility on occasion to speak and act for the whole Church. Concern for the universal church is intrinsic to the nature of ^{all} episcopal office; and it is ~~to help the diocesan bishop to make~~ ^{is helped} this ^{concern} ~~universal dimension~~ a reality ^{by the universal jurisdiction of the universal} that the universal primate ~~has to possess~~ ^{But} universal jurisdiction. This does not imply that the universal primate is the source from which diocesan bishops derive their authority, nor has he the right to undermine the authority of the ^{nor does he authoritatively make}

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diocesan bishop. Since the Church is the ~~eucharistic~~ communion² of all the local churches, primacy is not an autocratic power over the Church but a service in and to ^{it} the Church.

5. No precise canonical limits can be set to the scope of such jurisdiction. Its limits are moral and derive inevitably from the nature of the Church and of the universal primate's pastoral office. The jurisdiction is given for "the building up and not the overthrowing of the Church". ~~[This jurisdiction is called in the technical language of Vatican I immediate because it is not necessarily mediated through the diocesan bishop. Moreover it affords a right of appeal from a diocesan bishop. It is because the universal primate, in collegiality with his fellow bishops, has the task of safeguarding the faith and unity of the universal Church that the diocesan bishop accepts his authority.]~~

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6.7 This collegial and primatial responsibility for preserving the distinctive life of the local churches involves a proper respect for their customs and traditions, provided they do not contradict the true faith and do not disrupt communion. The unity of all the churches through the service of the universal primacy ^{to the unity of all the churches} must not be confused with ^{the imposition of} a uniformity that stifles legitimate diversity. ^{Catholicity is} Uniformity is not the same thing as catholicity; but the search for unity and ~~the~~ concern for catholicity cannot be divorced.

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7. If these principles concerning the nature of jurisdiction are accepted as being in line with the understanding which both Anglicans and Roman Catholics share with regard to the Church's structure, there remain specific practical questions about their application in a united Church. Anglicans need the ~~re~~assurance that ^{will} the acceptance of the universal primacy of Rome would not involve

the suppression of theological, liturgical and other traditions which they value. ^{or the imposition of traditions wholly alien traditions.} ~~The Roman Catholic Church has in fact experience of embracing a variety of traditions.~~

~~The words of Pope Paul VI in 1970 make it clear that this recognition of the individuality of the Anglican tradition is desired by authority within the Roman Catholic Church.~~ ^{~ this insertion we recall the words of Paul VI in 1970:} "There will be no seeking to lessen the legitimate prestige and the worthy patrimony of piety and usage proper to the Anglican Church."