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ARCIC 248/Jurisdiction/1

JURISDICTION

15. Jurisdiction in the Church may be defined as the authority (potestas) necessary for the exercise of an office. In both our communions it is given for the effective fulfilment of office and this fact determines its exercise and limits. It varies according to the specific functions of the episcopo concerned. The jurisdictions associated with different levels of episcopo (i.e. of primates, metropolitans and diocesan bishops) are not in all respects identical.

The use of the same juridical terms does not mean that exactly the same authority is attributed to all those exercising episcopo at different levels. Where a metropolitan has jurisdiction in his province this jurisdiction is not merely the exercise in a broader context of that exercised by a bishop in his diocese.

16. Each bishop is entrusted with the pastoral authority needed for the exercise 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 providing for the administration of the sacraments in his diocese and of maintaining his Church in holiness and truth (cf. Venice 5). Hence decisions taken by the bishop in performing his task have an authority which the faithful in his diocese have a duty to accept. This authority of the bishop, usually called jurisdiction, involves the responsibility for making and implementing 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, but a necessity if the bishop is to serve his flock as its shepherd. (cf. Elucidations 5)

So too, within the universal koinonia and the college of bishops, the universal primate exercises the jurisdiction necessary for the fulfilment of his functions, the chief of which is to serve the faith and unity of the whole Church.

17. Difficulties have arisen because of the misunderstanding of the technical terms universal, ordinary and immediate, applied to papal jurisdiction by the 1st Vatican Council. The jurisdiction of the Bishop of Rome as universal primate is called ordinary and immediate (i.e. not mediated) because it is inherent in his office; it is called universal simply because it must enable him to serve the unity and harmony of the koinonia as a whole and in each of its parts.

The attribution of such jurisdiction to the Bishop of Rome is a source of anxiety to Anglicans (Venice par.24(d)), who fear, for example, that the Bishop of Rome could usurp the rights of a metropolitan in his province or a bishop in his diocese; that centralised authority might not always understand local conditions or respect legitimate cultural diversity; that rightful freedom of conscience, thought and action could be imperilled.

18. Moreover the Bishop of Rome, as universal primate, should exercise, and be seen to exercise, his ministry not in isolation but in collegial association with his brother bishops (Venice 21 and 23). This in no way reduces his own responsibility on occasion to speak and act for the whole Church. Concern for the universal church is intrinsic to all episcopal office; a diocesan bishop is helped to make this concern a reality by the universal jurisdiction of the universal primate. But the universal

primate is not the source from which diocesan bishops derive their authority, nor does his authority undermine that of the metropolitan or diocesan bishops. Primacy is not an autocratic power over the Church but a service in and to the Church which is a communion in charity of local churches.

19. The scope of universal jurisdiction is clear but cannot be given precise canonical definition. Its limits are moral: they derive inevitably from the nature of the Church and of the universal primate's pastoral office. In virtue of his jurisdiction, given for the building up of the Church, the universal primate has the right in special cases to intervene in the affairs of a diocese and to receive appeals from the decision of a diocesan bishop. It is because the universal primate, in collegial association with his fellow bishops, has the task of safeguarding the faith and unity of the universal Church that the diocesan bishop is subject to his authority.

20. 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. Jurisdiction is given to the primate to enable him to further catholicity as well as unity, to foster and draw together the riches of the diverse traditions of the churches. The search for unity and concern for catholicity must not be divorced.

21. Even though these principles concerning the nature of jurisdiction be accepted as in line with the understanding which Anglicans and Roman Catholics share with regard to the Church's structure, there remain specific questions about their practical application in a united Church. Anglicans are entitled to assurance that 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 wholly alien traditions. We believe that what has been said above provides grounds for such assurance. In this connection 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."