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ARCIC 230/Jurisdiction/3

JURISDICTION

1. Jurisdiction in the Church may be defined as the authority (potestas) necessary for the exercise of an office. The jurisdiction of the Bishop of Rome as universal primate is called ordinary because it is inherent in his office; it is called universal and immediate because it must enable him directly to serve the unity and harmony of the koinonia as a whole and in each of its parts. The Roman Catholic attribution of such jurisdiction to the Bishop of Rome is a source of anxiety to Anglicans. (Venice paragraph 24(d)). Anglican anxieties include such fears as the following: that the Bishop of Rome 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 legitimate freedom of conscience, thought and action may be imperilled.
2. Jurisdiction is given for the effective fulfilment of an office and this fact determines its exercise and limits. It varies according to the specific functions of the episcopate concerned. The jurisdictions associated with different levels of episcopate (i.e. of primates, metropolitans and diocesan bishops) are not in all respects similar in kind. The use of the same juridical terms does not mean that exactly the same authority is attributed to all those exercising episcopate at different levels. When a metropolitan has jurisdiction in his province this jurisdiction is not merely the exercise in a broader context of the jurisdiction exercised by a bishop in his diocese.
3. Each bishop is entrusted with a pastoral authority co-extensive with the responsibility of his episcopate. 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 the responsibility for making 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. So too, within the universal koinonia and the collegiality of all the bishops, the universal primate exercises the jurisdiction necessary to the fulfilment of his functions, the chief of which is to serve the faith and unity of the whole Church.

4. 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); but 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 the nature of 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 diocesan bishop. Primacy is not an autocratic power over the Church but a service in and to the Church which is a communion in charity of all the local churches.

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. 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 collegiality with his fellow bishops, has the task of safeguarding the faith and unity of the universal Church that the diocesan bishop respects his authority.

6. 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. Catholicity is not the same thing as uniformity. The jurisdiction of the primate is 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 cannot be divorced.

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 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. 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."