

# THE JURISDICTION OF THE BISHOP OF ROME

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THE DEVELOPMENT of the ecumenical dialogue shows that if, at first sight, papal infallibility seems the chief obstacle to recognition of the role of the bishop of Rome in the Church, the problem of universal jurisdiction as presented by Vatican I is the real stumbling block, at least when it comes to dogmatic reflection. Moreover, the impact of infallibility itself cannot be justly estimated unless there is a clear view of the type of "power" that the primacy implies. The *munera* of the bishop of Rome, like those of any bishop, intermingle, and the *munus regendi* is coterminous with the *munus docendi*. We recall S. Bulgakov's remarks about Vatican I: in itself the definition of personal infallibility would be "almost inoffensive," if it were not linked to the three canons of the chapter on pontifical jurisdiction, which he sees as a serious blow aimed at the power of bishops and hence at the freedom of the Church.<sup>1</sup>

It has been deplored that the tussles over infallibility at Vatican I have masked the importance of chapter 3 of *Pastor aeternus*, and especially that the Council fathers, while they were very precise in prescribing the limits of infallible magisterium, were less so about the exercise of the bishop of Rome's jurisdiction over pastors and faithful. Nevertheless, the minority saw clearly and went on raising precisely the difficulties we are still coming up against today. Here was work uncompleted; hardly four years after the Council dispersed, the conflict between the German bishops and Bismarck shows how serious was the failure to complete it.<sup>2</sup> It was impossible to stop there. It was asked: "Will not this be the task of a second Vatican Council?"<sup>3</sup>

Vatican II arrived and gave back to the episcopate its traditional form. Nonetheless, we may regret its timidity on the point we are concerned with. *Lumen gentium*, though it explicitly put primacy back into the setting of episcopal collegiality, was afraid to take up again, in the light

<sup>1</sup> Written in 1929 and published in a French translation in *Le Messager orthodoxe*, 1959 and 1960. See especially no. 8 (1959) 16-17.

<sup>2</sup> Bismarck interpreted the documents of Vatican I as suppressing the powers of the bishops in favor of the papacy. See the replies of the German episcopate and Pius IX's letter in J. M. R. Tillard, "The Horizon of the Primacy of the Bishop of Rome," *One in Christ* 12 (1976) 5-33; or in O. Rousseau, "La vraie valeur de l'épiscopat dans l'église d'après d'importants documents de 1875," in *Irénikon* 29 (1956) 121-42, repeated in Y. Congar and B. D. Dupuy, *L'Épiscopat et l'église universelle* (Paris, 1962) 709-36; or in G. Thils, *Primauté pontificale et prérogatives épiscopales* (Louvain, 1961) 86-94.

<sup>3</sup> Thus E. Amann, in *DTC* 15, 2583.

of this, the question which Vatican I had left in suspense. How reconcile the "immediate and ordinary episcopal jurisdiction" of the bishop in his diocese with the "immediate and ordinary jurisdiction" of the bishop of Rome over all pastors and faithful? Or, to borrow the language of Mgr. Zinelli's final report to Vatican I in the name of the *Deputatio de fide*, how reconcile the full and supreme power (*plena et suprema potestas*) over all the faithful (*in fideles omnes*) held by what Vatican II was to call the episcopal college with the full and supreme power of the bishop of Rome?<sup>4</sup> Theology must try to see this clearly.

This is why, following up earlier studies,<sup>5</sup> we shall look again, in the light of the ecclesiological principles of Vatican II, at the assertion, repeated without nuance in *Lumen gentium* and again in *Christus Dominus*, that in virtue of his charge as vicar of Christ and pastor of the whole Church, the bishop of Rome "habet in ecclesiam . . . plenam, supremam et universalem potestatem, quam semper libere exercere valet" (*LG 22*); "suprema, plena, immediata et universali in curam animarum, ex divina institutione, gaudet potestate" (*CD 2*).<sup>6</sup>

#### THE INTERPRETATION OF "PASTOR AETERNUS" AS SHOWN BY THE DISCUSSIONS OF VATICAN I

Since *Lumen gentium* and *Christus Dominus* clearly intend to stick to the straight path of *Pastor aeternus*, though presenting its dogmatic content in an explicit form which will bring to the forefront the function of the episcopate, it is a good method to begin by looking for the exact thought of Vatican I on the problematical points.

We first have to be precise about the meaning of the word *jurisdictio*—a complex notion the significance of which has varied in different contexts and at different periods.<sup>7</sup> While the documents of Vatican II not only use it rarely—"six times and almost always in contexts of little doctrinal significance"<sup>8</sup>—but even seem purposely to avoid it,<sup>9</sup> the Constitution *Pastor aeternus* of 1870 gives it pride of place, but without ever defining it. It talks of the *primatus jurisdictionis* of Peter and his successors in opposition to a *primatus honoris* (cf. DS 3053, 3054, 3055) and of their *potestas jurisdictionis* (cf. DS 3060, 3061, 3064). It explains that this jurisdiction, which calls for hierarchical subordination and obedience

<sup>4</sup> Text of Zinelli in Mansi 52, 1109–10.

<sup>5</sup> Tillard, "Horizon," and "La primauté romaine," *Irénikon* 50 (1977) 291–325.

<sup>6</sup> The text of *Christus Dominus* goes on: "qui ideo, cum tanquam omnium fidelium pastor ad bonum commune ecclesiae universae et ad bonum singularium ecclesiarum procurandum missus sit, super omnes ecclesias ordinariae potestatis obtinet principatum."

<sup>7</sup> As G. Alberigo shows in his fine article "La jurisdiction," *Irénikon* 49 (1976) 167–80.

<sup>8</sup> *Ibid.*, n. 1.

<sup>9</sup> As does the draft for the new Code of Canon Law, or rather the whole of *Titulus V, De potestatis regiminis exercitio*, canon 97.

“not only in everything that concerns faith and morals but also in all matters ‘quae ad disciplinam et regimen ecclesiae per totum orbem diffusae pertinent’” (DS 3060), is expressed in a “pascendi, regendi ac gubernandi universalem ecclesiam . . . plena potestas” (DS 3059).<sup>10</sup> This accumulation of almost synonymous terms proves to the hilt that by jurisdiction is meant not simply power to “declare the law” or define what should be done, but power of government. The only thing that apparently escapes its competence is the sacramental domain—that which since the thirteenth century has been designated as subject to *potestas ordinis*<sup>11</sup>—even though under their disciplinary aspect the sacraments also depend on jurisdiction. The *suprema magisterii potestas*, with the charism of infallibility, is the exercise of jurisdiction on the plane of *doctrina de fide vel moribus* (cf. DS 3065, 3074). Those subject to it are “all pastors and faithful of whatever rite and rank, separately or all together.”

Vatican I, then, means by jurisdiction the right and the power to rule the Church both in what concerns faith and in what concerns discipline. And this implies the right and the power to exact obedience. To say of the bishop of Rome that he has “full and supreme power of jurisdiction over the whole Church, not only in matters concerning faith and morals but also in what concerns discipline and the regulation of the Church through the world,” as does canon 3 of *Pastor aeternus* (DS 3064), is to say that he has the right and power to rule the whole Church.

It is here that the question arises which was repeatedly put by the minority fathers at Vatican I and haunted the discussions, forcing the *Deputatio de fide*, if not always to modify its language profoundly, at least to give explanations which were extremely important and are today most valuable. How is such an assertion of full and supreme (*plena et suprema*) episcopal, ordinary, and immediate jurisdiction of the bishop of Rome over the universal Church (DS 3064) to be reconciled with maintaining the jurisdiction, also episcopal, ordinary, and immediate, of the bishop of each diocese? Certainly the Council was compelled to add a paragraph to the original schema, explaining that the universal *episcopal* power of the bishop of Rome in no way threatens the episcopal power of the bishop in his diocese (DS 3061)—an explanation of capital importance.<sup>12</sup> But nothing is said about the articulation in practice of these two jurisdictions over the same territory.

Now, so long as it is not clearly established *how* two episcopal, ordinary, and immediate jurisdictions over the same part of the flock are compat-

<sup>10</sup> This comes in fact from the Council of Florence (DS 1307).

<sup>11</sup> See G. Alberigo, *Lo sviluppo della dottrina sui poteri nelle Chiesa universale* (Rome, 1964) esp. 69–101.

<sup>12</sup> Which we owe to Mgr. Spalding, archbishop of Baltimore; see Mansi 53, 246.

ible, there is a great risk, argued the minority speakers, that the balance will be upset and that the local bishop will seem no more than a shadow of the bishop of Rome. Speeches in this sense were plentiful.<sup>13</sup> We may cite that of the bishop of Hippo, Mgr. Felix de Las Cases, given on May 30, 1870, that is, after the text had already been revised:

The schema seems to envisage nothing less than . . . that the pope should really become the single bishop of the whole Church, the others being bishops in name but in reality simply vicars . . . this is very much what an assertion of episcopal, ordinary, and immediate jurisdiction over the whole Church sounds like . . . the pope is *immediate* [Latin] ordinary bishop of every diocese—that of Gubbio as much as that of Rome.<sup>14</sup>

On June 14, shortly before closure was applied to the debates in the aula, Mgr. Bravard, the bishop of Coutances, spoke in the same sense, underlining that to add a paragraph acknowledging the power of the bishops did not settle the question. The risk, he said, is that

the bishops will appear as nothing but vicars of the Roman pontiff, removable at his will, though Christ chose twelve whom he called his apostles, and though all of us who have been assigned to a see have believed that when we received the fulness of the priesthood we were truly and irrevocably espousing that see in the sight of God, and were bound to it as to a married partner.<sup>15</sup>

Reading these speeches carefully, one is quickly convinced that the minority is anxious to safeguard not prerogatives it fears to be cheated of, but a traditional vision of the Church in which the recognized place of the episcopate is central.<sup>16</sup> We should have begun with a schema on the Church, Bishop von Ketteler of Mainz wisely said.<sup>17</sup> And when a whole group of bishops—the Melchite patriarch of Antioch, Gregory Jussef,<sup>18</sup> Bishop Papp-Szilagyi of Grand-Varadin,<sup>19</sup> Bishop Vancsa of Fogaras in Transylvania,<sup>20</sup> Mgr. Bravard of Coutances,<sup>21</sup> Mgr. Bonnaz of Scanad in Hungary,<sup>22</sup> and already in their observations of March 1870 Bishop Forster of Breslau<sup>23</sup> and Bishop Smiciklas of Kreutz<sup>24</sup>—point to the ecumenical side of the problem, they emphasize what is really at stake.

<sup>13</sup> And at all stages of the working out of the document.

<sup>14</sup> Mansi 52, 338.

<sup>15</sup> Mansi 52, 678; see also Mgr. Haynald (52, 668) and Cardinal Schwarzenberg (52, 95: "how can we speak of the center and head, leaving on one side all the rest of the hierarchy?").

<sup>16</sup> Also in the speech of Mgr. Dinkel (Mansi 51, 734) or that of Cardinal Schwarzenberg (51, 733).

<sup>17</sup> Mansi 52, 204.

<sup>18</sup> Mansi 52, 135, 673–75.

<sup>19</sup> Mansi 52, 601–4.

<sup>20</sup> Mansi 52, 691–92.

<sup>21</sup> Mansi 52, 678.

<sup>22</sup> Mansi 52, 302–4.

<sup>23</sup> Mansi 51, 930.

<sup>24</sup> Mansi 51, 969, no. 71.

For if the jurisdiction of the bishop of Rome appears as a “concurrent” jurisdiction with that of the bishops in their own dioceses,<sup>25</sup> it makes him in fact the only bishop in the full sense of the word, since he is the primate and that primacy is affirmed as being exercised over “*cujuscumque ritus et dignitatis pastores atque fideles, tam seorsum singuli quam simul omnes*” (cf. DS 3060). This destroys the *ordo ecclesiae*.

Such is the dogmatic situation brought about by *Pastor aeternus*: on the one hand, a categorical assertion that two ordinary and immediate episcopal jurisdictions are not in competition, though both are exercised over the same subjects and one is primatial; on the other hand, no indication of the way in which these two jurisdictions are articulated. All the same, the Council taken as a whole does not leave us empty-handed. Interpreted in the light of the discussions, some of the Council’s terms lend themselves to a more “traditional” reading of Roman jurisdiction.

The most important point to stress is that in the mind of the Council, at the very least at the moment of the final vote, the exercise of the primacy is measured by the very nature of the episcopate. The *Deputatio de fide* itself admits, in effect, the old axiom that the power of the bishop of Rome is *ad aedificationem non ad destructionem ecclesiae*.<sup>26</sup> Zinelli cited it in his last speech before the votes were counted.<sup>27</sup> And obviously, whatever goes against divine right is *ad destructionem*. Here, then, is an essential limit, imposed by the very nature of the Roman power and the intention of Christ for his Church. Mgr. Zinelli, answering fathers who had proposed corrections, said unambiguously that the full and supreme power of Peter and his successors was not “limited (*coarctari*) by any human power superior to it, but was limited by natural and divine right.” He added immediately that fears of seeing the pope destroy (*destruere*) the episcopate with his *perplena et suprema* power “are vain and futile . . . and wanting in seriousness”: Is not the episcopate precisely of divine right in the Church?<sup>28</sup>

He returned to the point in replying to an amendment proposed by the Melchite Patriarch Gregory Jussef: “no sane person would admit that the pope or a council could destroy divine rights established in the

<sup>25</sup> To borrow the expression of Bishop Gollmayr of Goritz (Mansi 51, 957).

<sup>26</sup> On this axiom see Tillard, “Horizon” 221, n. 7.

<sup>27</sup> Mansi 52, 1105.

<sup>28</sup> “Vani et futiles (parcant verba) illi clamores, qui difficillime ut serii considerari possunt, ne si papae tribuatur perplena et suprema potestas, ipse possit destruere episcopatum, qui jure divino est in ecclesia, possit omnes canonicas sanctiones sapienter et sancte ab apostolis et ecclesia emanatas susque deque evertere, quasi omnis theologia moralis non clamitet legislatorem ipsum subici quoad vim directivam, non quoad coactivam, *suis legibus*, quasi praecepta evidenter injusta, nulla et damnosa possent inducere obrogationem nisi ad scandalum vitandum” (Mansi 52, 1109). This is the reply to Bishop Papp-Szilagy and to Bishop Guilbert (Mansi 52, 1091, 1092).

Church.”<sup>29</sup> On July 16, when the finishing touches were being applied, faced with a *modus* proposed by Bishop Landriot of Rheims,<sup>30</sup> he strongly reiterated the same thing: the bishops are of divine right (*ex institutione divina*), they have ordinary and immediate power in their diocese, and it is not in the power of pope or ecumenical council to destroy (*destruere*) the whole episcopate or anything else in the Church which is of divine right.<sup>31</sup>

It is true that Vatican I, following Bellarmine, looks at the Church from the starting point of the bishop of Rome, and so conceives his jurisdiction as a supreme and universal power *at the service* of whatever “according to the ancient and constant faith of the universal Church” (DS 3052) handed down in the “acta of ecumenical councils and the sacred canons” (DS 3059) and approved “by the perpetual usage of the churches” (DS 3065) is of divine right in the Church, particularly the episcopate. The text is as explicit as could be wished on this point: “the ordinary and immediate episcopal jurisdiction of bishops . . . should be proclaimed, reinforced, and defended by the supreme and universal pastor” (DS 3061). It is a question of *a* divine right which is *at the service* of the divine right of the bishops. Hence the crucial problem—and this has not been sufficiently understood—is precisely to qualify the specific quality of this service rather than the exact nature of the power. Looking through the literature on the subject, one is surprised to notice how little chapter 3 of *Pastor aeternus* is considered in the light of the prologue and the first chapter (DS 3050–55).<sup>32</sup>

A close study of the long and intense debates in the Council about attributing to the bishop of Rome a *potestas ordinaria* which can be exercised in each diocese leads to the same conclusion.<sup>33</sup> Is it not on this point above all that—if the adjective “ordinary” is misunderstood—the jurisdiction of the bishop is in danger of seeming compromised? In these discussions it was gradually seen necessary to identify the characteristics of each of these two jurisdictions over the same territory and the same part of Christ’s flock, and so distinguish them. The remark made by Bishop David of St. Brieuc at the beginning of the discussion,<sup>34</sup> repeated by Bishop Dupanloup of Orléans on June 10<sup>35</sup> and by other bishops, proves very enlightening. The term “ordinary,” he recalls, has two senses.

<sup>29</sup> Mansi 52, 1114.

<sup>30</sup> See this *modus* in Mansi 52, 1271–72.

<sup>31</sup> Mansi 52, 1310.

<sup>32</sup> This is what I set out to do in the two articles cited in n. 5 above.

<sup>33</sup> See G. Thils, *Primauté*, summarized in Thils, “Potestas ordinaria,” in Congar and Dupuy, *L’Episcopat et l’église universelle* 689–707. See also Umberto Betti, “Natura e portata del primato del Romano Pontefice secondo il Concilio Vaticano,” *Antoniano* 34 (1959) 161–244, 369–408.

<sup>34</sup> Mansi 51, 955, no. 37.

<sup>35</sup> Mansi 52, 574.

If it is taken to mean “not delegated,” hence given with the office, it can quite well be used of the pope’s power in a diocese. If it is taken in its usual sense of the day-to-day exercise of the episcopal office for the current needs of the life of the diocese and the leadership of the faithful, as each bishop acts “ordinarily,” then we are sunk in ambiguity. But if we accept the first meaning, the whole problem is to settle the proper nature of the function in question.

Now on July 5, when Mgr. Zinelli, replying to Bishop Dupanloup and speaking in the name of the *Deputatio de fide*, explained the meaning which the latter gave to *ordinaria potestas* and hence the official meaning which the expression was to have in the Constitution, he said with great clarity that it should be taken to mean “not delegated,” *competens alicui ratione muneris*. It is just the canonical meaning of *adnexum officio*, as proposed by the minority. The passage is of great importance:

All [the jurists and teachers of canon law] call “ordinary” that power which belongs to anyone by virtue of his office (*ratione muneris*), “delegated” that which does not belong by virtue of office but is exercised in the name of another for whom it is “ordinary.” With this explanation of terms the *Deputatio de fide* considers the discussion closed. For does not the sovereign pontiff hold by virtue of his office (*ratione muneris*) whatever powers are his? If it is by virtue of his office (*ratione muneris*), then it is ordinary power.<sup>36</sup>

This meaning of “ordinary” allows us (once the *munus* or *officium* referred to has been explained and once it is clear what is specific to it as compared with the *munus* or *officium* of other bishops) to hold that the bishop of Rome’s “ordinary” jurisdiction does not duplicate and render superfluous what the diocesan bishop “ordinarily” does. Mgr. Zinelli himself having illustrated, doubtless rather roughly, the “immediacy” of the papal power by two examples—“Does the pope need the bishop’s permission to confirm or hear confessions?”—is careful to point out:

There is no reason to fear that in the government of particular churches (*particularium ecclesiarum*) confusion will arise from a clash of this ordinary and immediate episcopal power with the power belonging to the bishop of the diocese. The confusion would arise if it were a question of a clash between two equal jurisdictions (*pares*), but not if one is subordinate to the other (*cum altera alteri sit subordinata*). Certainly, if the sovereign pontiff, having the right to perform any properly episcopal act in whatever diocese, were, so to speak, to multiply himself every day without any regard for the bishop (*nulla habita ratione episcopi*) abolishing what had been wisely laid down, he would be using his power *non in aedificationem sed in destructionem*, and confusion in spiritual leadership would ensue. But who could imagine such an absurd hypothesis? All of us, then, should set our minds at rest. We should trust in the moderation of the Holy See

<sup>36</sup> Mansi 52, 1105.

and rest assured that its authority will serve to sustain episcopal power rather than weaken it (*laesioni*).<sup>37</sup>

Certainly, the why and how of this respect for the power of local bishops might have been more solidly explained. And one would have liked a plain statement on the subordination of the two jurisdictions; the whole crux of the problem lies there. Zinelli cleverly avoids committing himself. All the same, in such a context the assertion (however badly supported) that the local bishop's authority will not in practice be brought in question is an important piece of evidence. It is with that conviction in mind that the fathers approved the text.<sup>38</sup>

Thus, at every stage of our inquiry into the intentions of Vatican I, we are brought back to the key question: what is the *munus* of the bishop of Rome? Only in the light of this can the nature, extent, and mode of application of his jurisdiction be determined. We are concerned with a power *adnexum officio* and radically conditioned by it; in other words, with a power necessary to carry out faithfully a *munus* or *officium*, neither more nor less. The *munus* is the guiding principle.

That this *munus* is episcopal cannot be doubted after the discussions of Vatican I and the refusal of the Deputatio de fide to remove the term *episcopalis* from those qualifying the jurisdiction of the bishop of Rome, once it had been added to the original text, which did not contain it. It should be noted that it appears for the first time in the draft distributed to the Deputatio de fide on May 2 and given to the fathers on May 9.<sup>39</sup> Now the Deputatio de fide had been hesitant, even divided, rather inclined to omit the term, which nevertheless reappeared in the text distributed to the fathers on May 9.<sup>40</sup> But the majority, being afraid of the minority who preferred to speak of a primatial power,<sup>41</sup> and scenting in some speeches an echo of the views of Febronius, Eybel, or Tamburini which were directly the target of the first schema,<sup>42</sup> fought obstinately for the retention of the term. Replying to Bishop Dupanloup in the famous speech of July 5, 1870, Mgr. Zinelli, after repeating that the

<sup>37</sup> Ibid.

<sup>38</sup> And everything suggests that many of them would not have approved it otherwise. Note the tone of Mgr. Dupanloup (Mansi 51, 956: from the time of his first "observations") or that of Mgr. Krementz (51, 948). But Mgr. Zinelli did not take up the suggestions made by many, viz., to speak here of *utilitas* or *necessitas* to justify interventions by the bishop of Rome.

<sup>39</sup> Mansi 52, 5.

<sup>40</sup> See on this point W. Dewan, "Potestas vere episcopalis," in *L'Episcopat et l'église universelle* 661-87 (667-69), which clarifies his "Preparation of the Vatican Council's Schema on the Power and Nature of Primacy," *ETL* 36 (1960) 30-67. Text in Mansi 53, 246.

<sup>41</sup> Thus Bishop Haynald of Kalocsa (Mansi 52, 668) or Bishop Las Cases (52, 338) or Bishop Sola of Nice (52, 584).

<sup>42</sup> See Dewan, "Preparation" and "Potestas vere episcopalis" 661-65.



bishops have their power in a fashion limited in the sense that “*episcopis datum est tantum pascere qui in eis est gregem, scilicet determinatas partes gregis illis commissas*” while the bishop of Rome has charge of the whole flock, and that the bishops exercise their power “*dependenter a Petro et Petri successore,*” nevertheless explained that

it must be admitted that the power of the sovereign pontiff is in reality (*realiter*) of the same kind as that of the bishops (*esse eamdem speciem ac potestatem episcoporum*). Why not, then, use the same word to indicate the quality of jurisdiction exercised by the popes and by the bishops, and why not speak of episcopal power in the bishops and of supreme episcopal power in the sovereign pontiff?<sup>43</sup>

Properly understood, the phrases *eadem specie* and *vere episcopalis* allow, not of overexalting the bishop of Rome by setting him in power over the bishops as a whole (as the minority feared), but rather of placing him in the ensemble of bishops. It was in this way that Bishop Simor understood the addition after discussions within the *Deputatio de fide*—which led him to reject it.<sup>44</sup>

It is important to note that in his long speech Zinelli argues from the starting point of the *officium*. The *officium* of the bishop of Rome is genuinely episcopal *officium*, but it is nothing more than that. The primacy which belongs to him is to be understood within the nature of the episcopal *officium* as such, which is identical in kind for him and for every other bishop. There is nothing to allow this ecclesial *officium* to go beyond the field of what is connoted by the episcopate as understood in tradition. Even if this *officium* has something proper to itself, distinguishing it from the function of the diocesan bishop, that something is episcopal. It is, then, because of the episcopal nature of his charge that the bishop of Rome has over the entire Church and hence over each diocese a jurisdiction which, though not doubling either that of the episcopal body as a whole or that of any single bishop, is nevertheless authentically episcopal. Its acts are confined by the nature of the episcopate common to the whole episcopal body. This is why there is only one full and supreme jurisdiction in the Church:

The bishops gathered with their head in an ecumenical council—and in that case they represent the whole Church—or dispersed but in union with their head—in which case they are the Church itself—truly have full power (*vere plenam potestatem habent*). There would be confusion if we were to admit two full and supreme powers separate and distinct from each other. . . . But we admit that the *truly* full and supreme power is in the sovereign pontiff as in the head (*veluti*

<sup>43</sup> Mansi 52, 1104.

<sup>44</sup> Mansi 53, 244.

*capite*) and that the same power, *truly* both full and supreme, is also in the head united to the members, that is to say, in the pontiff united to the bishops.<sup>45</sup>

As there is no body without a head, there is (it should be added) no head without a body. The whole question of the bishop of Rome's jurisdiction ought to be scrutinized in the light of the relation within the one episcopate of body to head and head to body. Only then can the dialectical link be perceived between the kind of power attached to the *officium* of the head (*adnexum officio*) and its measure (or "limit"), which is set by what the episcopal body requires (*a jure divino*) in order to be truly the body of those who are "established by the Holy Spirit as successors of the apostles, to feed and govern as true pastors each one the flock entrusted to him" (DS 3961), in the words of *Pastor aeternus* itself.

The Council debates brought out this fact—of capital importance—that the *officium* determines the *potestas jurisdictionis* and that, contrary to the inclination of some among the majority, the right method is to start from the nature of that *officium* in order to qualify the *potestas*, and not vice versa. If the remarks of some<sup>46</sup> merely emphasized that everything should be weighed in terms of *necessitas* or *utilitas* for local churches as a whole, or even for one of them, others were more precise. Bishop Monserrat y Navarro of Barcelona went to the heart of the matter when he said on June 10, 1870:

we should call the Roman pontiff's jurisdiction ordinary insofar as it is the exercise of the function (*officium*) of primate coming from God . . . since the Roman pontiff in virtue of his primacy (*virtute sui principatus*) provides for whatever has to do with the maintenance of unity (*providet erga ea quae respiciunt ad conservationem unitatis*).

He made clear that this covers not only definitions on faith or morals or worship but also laws of general discipline establishing, regulating, or dispensing (from) the *principia universalis oeconomiae ecclesiae*.<sup>47</sup> He proposed, accordingly, that the text of the Constitution should state explicitly that

the power attached to the primacy of the Holy See, which extends over the universal Church, is ordinary and immediate insofar as *ex officio* that primacy is destined to the maintenance of unity intimately linked with the general good and universal concord (*primatus destinatur ad conservationem unitatis intime conjunctae cum bono generali et concordia universali*), which does not prevent the Roman pontiff exercising it, in an extraordinary way, towards pastors and faithful

<sup>45</sup> The text is that of Mgr. Zinelli (Mansi 52, 1109–10).

<sup>46</sup> Bishop Ketteler of Mainz (Mansi 51, 934), Bishop Melchers of Cologne (51, 937), Bishop Krentz of Ermland (51, 948), Bishop Dupanloup of Orléans (51, 936).

<sup>47</sup> Mansi 52, 598.

of particular churches of whatever rite and dignity, when the well-being of the Church requires it (*dum salus ecclesiae id postulet*).<sup>48</sup>

It is regrettable that the use of the term “extraordinary” caused this amendment to be rejected.<sup>49</sup> Bishop Haynald of Kolocsa also insisted on unity as the purpose of the intervention of the bishop of Rome: “the episcopal power can do absolutely everything that a bishop does when this is necessary to the purpose of the primacy—to preserve unity, to promote concord, to correct faults, to remove abuses, to root out or to save the wrongdoer. . . .”<sup>50</sup>

This view was held by Bishop Caixal y Estrade of Lerida, a majority man, when he explained that the primacy is entirely “ad unitatem communionis in regimine universalis ecclesiae,” so that the members of the Body of Christ may be “sacrae communionis et divinae caritatis unitate sanctificati in unum.”<sup>51</sup> It was to be praised by the *Deputatio de fide* but not followed.<sup>52</sup> Basing himself on the Fathers of the Church, especially Epiphanius and Cyprian, another member of the majority, Fr. Zelli, abbot of St. Paul’s outside the Walls, expressed the “traditional” point of view in a speech of great finesse:

If you go back to what the holy doctor [Cyprian] says elsewhere, “the episcopate is one, each holds a part without dividing the whole,” you understand at once that there is only one bishop in the Church of God, as there is only one bishop in each church, but that nevertheless those bishops are included in the same communion of faith, in harmony, unity, and conjunction because they submit to one bishop in whom the episcopate is one. This is why he adds “but the beginning is from unity and the primacy is given to Peter to show that the Church of Christ is one and that its teaching is one.”<sup>53</sup>

*Potestas* is in function of *officium*, and for it. Here the *officium* finds its essential purpose in the unity of the Church. The *potestas* of the bishop of Rome, then, is related to that of other bishops precisely and formally by this concern with the unity of the ecclesial body as a whole, which the body of bishops is charged to maintain together with its other tasks. This it is that allows the *aedificatio ecclesiae* entrusted to each bishop to be open to the universal koinonia and to remain always within that koinonia. Far from doubling or extinguishing the responsibility of each bishop, on the contrary it gives the latter its true dimension, situates it within the koinonia. And since the relation to the koinonia is present in all the elements of ecclesial life and at all levels, the bishop of Rome’s jurisdiction has as its field “omnes et singulas ecclesias, omnes et singulos pastores et

<sup>48</sup> Mansi 52, 600, 1082.

<sup>49</sup> Mansi 52, 1102.

<sup>50</sup> Mansi 52, 668.

<sup>51</sup> Mansi 52, 1081 (see 52, 658–61).

<sup>52</sup> Mansi 52, 1101.

<sup>53</sup> Mansi 52, 627.

fideles . . . tam seorsum singuli quam simul omnes” (DS 3064, 3060), but from the point of view we have explained.

It is by this service of unity that *Pastor aeternus* justifies the primacy of the bishop of Rome before dwelling on his jurisdiction and his infallible magisterium:

The eternal shepherd and bishop of our souls (1 Pet 2:25), to perpetuate the saving work of our redemption, determined to set up the holy Church, in which, as in the house of the living God, the faithful might be held together by the bond of one faith and one charity. Hence, before he was glorified, he prayed to the Father not only for the apostles but also for those who by their word would believe in him, that all might be one as he and the Father are one (cf. Jn 17:20f.). Therefore, just as he sent the apostles whom he had chosen out of the world in the same way that the Father had sent him (Jn 20:21), so he wished that there should be pastors and teachers in his Church until the end of time (Mt 18:20). But in order that (*ut vero*) the episcopate itself (*episcopatus ipse*) should be one and undivided, and that through priests in harmony among themselves the whole multitude of believers should be kept in unity of faith and communion, he placed blessed Peter over the rest of the apostles and, in doing so, established in him a permanent principle and visible foundation of this two-fold unity (DS 3050).

More than this, having affirmed the very special jurisdiction of the bishop of Rome, the text gives the ultimate reason for this: “so that unity both of communion and of profession of the same faith being safeguarded with the Roman pontiff, the Church of Christ may be one flock under one chief shepherd” (DS 3060).

“PASTOR AETERNUS” IN “LUMEN GENTIUM” AND “CHRISTUS DOMINUS,”  
OR VATICAN I TAKEN UP BY VATICAN II

Vatican II, watched over by a suspicious minority, changed nothing of the letter of *Pastor aeternus*. The decree *Christus Dominus* even on this point shows an incisive precision which would have gladdened the *Deputatio de fide*:

In the Church of Christ the Roman pontiff, as successor of Peter, to whom Christ entrusted the mission of pasturing the sheep and the lambs, has by divine institution supreme, full, immediate, universal power for the care of souls. Moreover, as pastor of all the faithful, charged to procure the common good of the universal Church and the welfare of each of the churches, he holds over all the churches primacy of ordinary power (*CD 2*).

However, the Constitution *Lumen gentium* puts this resumption of *Pastor aeternus* in an entirely new context, marked by a very different ecclesiological perspective. While Vatican I looks at the Church from the starting point of the bishop of Rome, Vatican II starts from the bishops, whom it calls “successors of the apostles” (*LG 18, 20, 22, etc.*), who taken together are the foundation of the universal Church (*LG 19*). By divine

institution the bishops are in all truth the heads of the Church “governing the house of the living God” (LG 18), its pastors (LG 20) and its pontiffs (LG 21), set at the “apex of the ministry” (LG 21) by episcopal consecration. More profoundly still, in governing their churches they are authentic *vicarii et legati Christi* (LG 27). In brief, the Council affirms quite clearly that it is to the *episcopal* body of bishops as a whole, following in the wake of the mission of the apostles, that there belongs the fulness of ministry which builds up, governs, and leads the Church (LG 20, 21).

It is within this common mission of the body of bishops and in function of it that *Lumen gentium* situates the *officium* of Peter, resuming the key passages of the first paragraphs of *Pastor aeternus*:

Jesus Christ, the eternal Shepherd, established his holy Church by sending forth the apostles as he himself had been sent by the Father (cf. Jn 20:21). He willed that their successors, namely, the bishops, should be shepherds in his Church even to the consummation of the world.

In order that the episcopate itself might be one and undivided, he placed blessed Peter over the other apostles and instituted in him a permanent and visible source and foundation of faith and fellowship (LG 18).

Thus it will be noted how different is the accent from that of Vatican I: what the Constitution proposes to do is “to declare and proclaim before all men its teaching concerning bishops, the successors of the apostles, who together with the successor of Peter, the Vicar of Christ and the visible Head of the whole Church, govern the house of the living God” (ibid). We move, then, not from the pope to the bishops, putting all the weight on the former at the risk of leaving the latter in the air, but from the bishops to the pope. All the time it will be carefully kept in mind, by a series of assertions which balance one another, that Christ built the Church not on Peter only but on the apostles with Peter at their head, not on the bishop of Rome alone but on the college of bishops having at its head “the successor of Peter” with his prerogatives (cf. LG 22). This time, quite explicitly, we have the Church presented in its “apostolic” origin and nature, with the bishop of Rome’s function placed within that apostolicity which guarantees but at the same time limits it.

This shift of accent is inseparable from a deeper and infinitely more important development, without which we should not rightly understand what is involved. We are moving from an ecclesiology which takes its departure from the idea of the universal Church to one which sees the Church as a communion of local churches. In what concerns us here, this emergence of an ecclesiology of communion is the great new departure of Vatican II compared with Vatican I—more than the rediscovery of episcopal collegiality which at bottom depends on it. Though taking over what *Pastor aeternus* had arrived at on the primacy of the bishop of Rome, it sets it in a view of the Church which obliges us to give the

*officium* or *munus* of primacy particular features which directly circumscribe the field of its jurisdiction *vere episcopalis, ordinaria, et immediata*.

This ecclesiology of communion should itself be directly related to another fact insisted on by *Lumen gentium*: episcopal authority and its juridical institution are founded on the sacrament of the episcopate. It follows that all hierarchical power in the Church comes from the sacrament, not from an *ordo jurisdictionis* distinct from the sacrament and having its source in the pope. If "the individual bishop, however, is the visible principle and foundation (*visibile principium et fundamentum*) in his particular church, fashioned after the model of the universal Church," and if "in and from such individual churches there comes into being the one and only Catholic Church" (LG 23), it is because everything they put into operation in exercising their office comes to them from the sacrament. Otherwise the Catholic Church, whose constituent principles belong only to the sacramental order, the order of the Spirit, could not have the particular churches as the point of departure for its existence.<sup>54</sup>

Ecclesiology of communion, sacramentality of episcopal *munus regendi*, collegiality—these dominant features of *Lumen gentium* condition one another. On the one hand, the distinction between power of order (sacramental) and power of jurisdiction was plausible only "from the standpoint of a universalist ecclesiology in which the sacraments are a distant fact . . . since discipline, juridical organization, and teaching are the important things in practice."<sup>55</sup> On the other hand, the three functions of ministry—teaching, sanctification, governing (cf. LG 25, 26, 27, also 21)—are not watertight compartments: the Word sanctifies, presiding at the Eucharist is an exercise of authority, government guards fidelity to the Word. Now this mutual influence of the principal lines of the ecclesiology of Vatican II affects the way of understanding the bishop of Rome's jurisdiction over the Church.

From now on everything will be seen as held in dynamic tension within a single mission (that of the episcopal college as such, with its head) and a single power (given in the sacrament). Since the universal Church is in the local church, the mission and power of the bishop who has charge of the local church have necessarily a universal dimension—it belongs to them naturally; "solicitude for the universal Church" is not something added from outside to the pastoral charge of a diocesan bishop (LG 23).

<sup>54</sup> "If [a nonsacramental] power existed, it would be of another nature than the power of grace and so its source would be elsewhere than in the Church" (A. Schmemmann, "La notion de primauté dans l'écclésiologie orthodoxe," in *La primauté de Pierre* [Neuchâtel, 1960] 122).

<sup>55</sup> Alberigo, "La jurisdiction" 175.

Conversely, since the local church is open to the universal Church, the mission and power of the one who is specially responsible for the Church universal must of their nature have a local impact. Hence a series of parallel assertions: a college which in union with its head is "the depositary of supreme and full power over the whole Church" (LG 22); a head who "in virtue of his office . . . possesses full, supreme, universal power over the Church" (ibid.); bishops of whom it is said that

The pastoral office or the habitual and daily care of their sheep is entrusted to them completely. Nor are they to be regarded as vicars of the Roman pontiff, for they exercise an authority which is proper to them, and are quite correctly called "prelates," heads of the people whom they govern. Their power, therefore, is not destroyed by the supreme and universal power. On the contrary, it is affirmed, strengthened, and vindicated thereby . . . (LG 27).

Nonetheless, a reaffirmation that there is only one and the same sacrament, the episcopate, one and the same mission to build up and maintain the Church in *communio*, one and the same power given for this mission but expressed differently in practice according to the *officium*.

Such is the situation of episcopal ministry in the Church. It is to keep alive continually the dialectical tension between two poles: that of unity of communion and that of plurality, that of the universal and that of the particular, but always so as to make possible the presence of the *ecclesia catholica* in the *ecclesia particularis* and the building up of the *ecclesia catholica* from the starting point of the communion of *ecclesiae particulares*. Impossible to let one of the poles be taken away; you would no longer have the Church of God. Impossible also to make the power belonging to one pole spring from the one belonging to the other—in other words, to make the power of the local bishops (separate or combined) find its origin in the power of the bishop of Rome; this would be to reject the sacramental equality of the two powers.

The *Nota praevia* explaining the meaning of chapter 3 of *Lumen gentium* makes clear how this link between the particular and the universal is forged at the entry of a bishop into the episcopal college—on the basis of the sacrament of the episcopate. The explanation takes the form of a comment on the phrase of *Lumen gentium* 22, "A man is made a member of the episcopal body by dint of sacramental consecration and hierarchical communion with the head of the college and its members." Now the role of the bishop of Rome in this "entry into the episcopal body" is accounted for with the help of a distinction, at first sight rather artificial but illuminating, between the *munera* or charges involved in episcopal consecration itself and the *potestates*. The sacrament gives all the *munera*, which are directly ordained to produce the action for which they exist. Nevertheless, this action is possible in the concrete—and thus

the *munera* become actually *potestates*—only through the *canonica determinatio*. This *canonica determinatio* may take the diverse forms enumerated in *Lumen gentium* 24—many of which recognize a large margin of freedom to the churches—but is always in a certain way related to the see that has special responsibility for what is universal in the Church and for its unity. In some fashion it weaves the bishop into the fabric of that communion which is proper to the college. It does not give the *munus*: the *munus episcopale* comes from God. It gives the bishop the place which will enable him to play his part in the communion of the churches, and to play it just where the Spirit appears to need him. Perhaps it has not been sufficiently emphasized that the hierarchical communion in question is “with the head and the members,” not with the head alone. It is not simply a matter of assignment as bishop of such and such a see, but rather of a genuine entry into the unity of the college with all the responsibilities this carries with it. By virtue of his *officium* the bishop of Rome sets the episcopal *officium* and directs it in practice towards the service of that communion. There is his supreme act of jurisdiction. It is explained only in terms of unity. Not only does it not dominate “episcopal power” (as the fathers of Vatican I feared it might), as though it were the source and the measure of this, but it does no more than “situate” that power within the communion and for the communion.

From now on the new bishop becomes not “the vicar of the Roman pontiff” (*LG* 27) but “the vicar and delegate of Christ” in the particular church which is entrusted to him (*ibid.*), exercising in Christ’s name his own ordinary and immediate power. Moreover, by virtue of his entry into the college he becomes, along with his brethren in the episcopate and of course in communion with the bishop of Rome, the “subject of supreme and full power over the whole Church” (*LG* 22). This is to say that the bishop of Rome’s *canonica determinatio* brings about entry into the fulness of collegial power rather than a restriction of it.

It is true that Vatican II vigorously asserts that the Roman pontiff separately has the same power as the college taken as a whole (*LG* 22). The explanation given by the *Nota praevia* (no. 3) is not enlightening and not very convincing. The conciliar data as a whole do not allow the idea that the college owes its “supreme and full power” simply to the presence in its midst of him who possesses that plenitude as head. But it should be noted that, according to *Lumen gentium*, the pope’s freedom of action, at first sight unlimited, is in fact limited by the specific quality of his *officium*: the *vi muneris* (by virtue of his charge). Indeed, the spirit in which the Constitution explains the significance and the necessity of the *canonica determinatio* (which ultimately comes from the pope alone<sup>56</sup>) takes account equally of other acts required for the maintenance

<sup>56</sup> Though it can pass through various channels. *LG* 24 says: “The canonical mission of bishops can come about by legitimate customs which have not been revoked by the supreme



of "unity of faith and communion" (LG 18). His *officium* is the one thing limiting his power. Here is an intrinsic limitation, difficult to measure but always present and imperative.

In July 1964 Paul VI proposed an amendment to the last lines of no. 22, to the effect that the bishop of Rome, in his attitude to the place of the episcopal college and especially to the exercise of "collegial power" (*potestas collegialis*), is accountable only to God (*uni Domino devinctus*).<sup>57</sup> The Theological Commission refused the amendment, on the ground that it was an oversimplification. "The Roman pontiff is bound to observe revelation itself, the basic structure of the Church, the sacraments, the definitions of the first councils, and other things too numerous to mention."<sup>58</sup> The *Nota praevia* explains that it is left to the judgment of the *sovereign pontiff* "to decide in what way the care of the whole flock of Christ . . . is to be exercised both personally and in collegial fashion," and it should be explained that "in regulating, promoting, and approving the collegial exercise he proceeds *intuitu boni ecclesiae*, following his own judgment." Into this process, clearly, there enters what the first paragraphs of chapter 3 of *Lumen gentium* amply explain (to borrow the terms of the Theological Commission's reply to Paul VI's amendment) about the data of revelation itself on the place and mission of the apostolic college, the "basic structure of the Church," the place held simultaneously by the local church and the episcopal college, on the sacraments and particularly on the Eucharist and the episcopate, the "definitions of the first councils." To proceed without regard for these would be to act *ad destructionem* . . . .

Certainly, we have here no precise juridical norm, no limit formulated in clear-cut canonical terms. Doctrine on any one point is given balance by the doctrine as a whole. Which is very inconvenient. Nonetheless, Vatican II, like *Pastor aeternus*, in the last analysis puts its trust not just in the personal judgment of the bishop of Rome but in the active presence of the Spirit in the whole Church. We have shown elsewhere<sup>59</sup> that this is where the *sensus fidelium*, seen as a *conspiratio* of faithful and bishops, comes into play. It should be taken very seriously. The more we think about the difficult problem of what has been called "the risk which the Roman primacy carries from not being juridically limited," the more sure we are that in the end everything comes back to a certain perception of the indefectibility of the Church. Catholic tradition is certain that, if it should occur to the bishop of Rome to go beyond the limits imposed on

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and universal authority of the Church, or by laws made or recognized by that same authority, or directly through the successor of Peter himself."

<sup>57</sup> Text in the excellent work of reference by G. Alberigo and F. Magistretti, *Constitutionis dogmaticae synopsis historica* (Bologna, 1975) 432 (X, 22, 192-95).

<sup>58</sup> *Ibid.* 456.

<sup>59</sup> See Tillard, "La primauté romaine" 302-4.

his action by his specific *officium*—the maintenance of the Church in communion—bishops and laity would react.

A charismatic *officium*, entirely episcopal, self-limiting—because it cannot go beyond what is imposed by the “maintenance of the Church in unity of faith and communion”—this is what the immediate and ordinary jurisdiction of the bishop of Rome over each particular church is meant to effect. If, as Vatican I and Vatican II continually and strongly insist, this jurisdiction does not duplicate that of the local bishops but rather “affirms, strengthens, and defends it,” this is precisely because, having to do formally and specifically with *the communion of the churches with each other* (in the *koinonia* of faith and charity), it does not primarily and formally concern the internal life of each particular church. It concerns what we have called the opening-out of each particular church towards the universal Church. Here is its connecting point with the *ordinary* jurisdiction (in Vatican I’s sense) of the local bishops. If it happens that it has to intervene in the affairs of a particular church or group of churches, this will never be by taking the place of the local bishop or of those of the region or patriarchate, but by bringing them the help they need to keep their Christian people in the fulness of communion of faith and charity. This is what happens when the bishop of Rome after an ecumenical council sees to it that its decisions are observed. He puts the authority of his *officium* at the service of the responsibility entrusted to the body of bishops as a whole. It is surprising that this has been so little remarked: the present postconciliar period has clearly demonstrated this “service” which the head of the college renders to the bishops by putting the weight of his authority behind the wishes of the council.

If the openness of the particular church towards the universal Church rests fundamentally on communion of faith, it equally implies what *Christus Dominus* calls “solicitude for all the churches” (*CD* 6). Not only should each bishop as a member of the episcopal college “promote every activity common to the whole Church, above all so that the faith may grow and the light of full truth be shed on all men” (*LG* 23), but he should also be careful that the measures he takes in his local church do not hinder communion of faith and charity in the other churches. In grave matters, of the sort which may call for an ecumenical council, it rests with the bishop of Rome—again by reason of his vocation to be at the service of *communion*—to take the necessary steps. He it is who will convoke, preside at, confirm the acts of the council (*LG* 22 and *Nota praevia* 3) or will point out to this or that bishop or group of bishops the danger of such and such initiatives sowing confusion elsewhere.<sup>60</sup> But here again it is clearly not so much a question of one authority imposing

<sup>60</sup> In this way Rome justified its intervention in the problems of the Church of Holland.

itself on another, "violating or frustrating it," as of the authority which has special responsibility for universal *communio* leading his colleagues to exercise fully their own *sollicitudo pro universa ecclesia*.

Finally, it can happen that one church or one region of the Church feels the need to know the mind of the Church on a delicate question of faith or discipline or to know how far it can adapt itself to the life and thought of its cultural environment without endangering its fidelity to essential dogmas and the common faith. In other situations, which are not merely hypothetical and certainly were not so in the past, controversies can arise which threaten unity of belief and practices and bring the risk of schism. In a little collection of articles written in 1938 and recently published posthumously as *Jurisdiction in the Early Church*, Dom Gregory Dix shows that, at the end of the second century,

It was only then, when in the confusion of the Gnostic controversies the communion of Rome had come to be a thing of decisive importance, that the practical consequences of the primacy could begin to be faced by the Church. It took its original shape simply as a standard of reference in doctrine. It was the function of Rome to represent and express the mind of the whole Church in questions of belief. What Rome rejected as repugnant to her own "Apostolic" standards, that the Church as a whole found itself rejecting, and those who accepted it were not of the Church. This may, if one pleases, be described as the local Churches "following the lead" of Rome, as well as in terms of the exercise of a primacy.<sup>61</sup>

But while Rome was acknowledged to have "a power of *effectually* representing the mind of the whole towards a part,"<sup>62</sup> it is clear that this power was seen not as a domination extinguishing local responsibilities but as a fraternal service aimed only at maintaining all in fidelity to the one faith and thus in ecclesial *communio*.<sup>63</sup>

#### CONCLUSION

It seems that, although *Lumen gentium* and *Christus Dominus* simply repeat the language of *Pastor aeternus*, the way in which Vatican II sets the bishop of Rome's jurisdiction over the whole Church within a vision of the communion of the churches and episcopal collegiality provides a key to understanding the nature of that power. It is the fraternal service of a bishop within the mission of the episcopal college, enabling the latter truly to build up the Church as a communion of churches. It enables that responsibility "towards the whole" which each bishop has through his sacramental ordination to come to grips with and achieve its purpose,

<sup>61</sup> G. Dix, *Jurisdiction in the Early Church* (London, 1975) 120.

<sup>62</sup> *Ibid.* 124.

<sup>63</sup> Here we should have to speak of subsidiarity and of the importance attached to it in the work of the synod of 1969. See Tillard, "La primauté romaine" 314-18.

which is the very purpose of ministry. It is the service of a bishop to the bishops as a whole. In its last discussion of the draft *Lex ecclesiae fundamentalis*, after a difficult debate, the Commission for the Revision of the Code voted to retain this sentence at the beginning of the future canon 30: "The Roman pontiff, duly elected, acquires full and supreme power in the Church by divine right, *acceptatione una cum consecratione episcopali*."<sup>64</sup> Whatever may be said about the interpretation of *una cum* and the chronological order of acceptance and consecration,<sup>65</sup> the canon asserts that the jurisdiction of the bishop of Rome, full and supreme though it is, is an episcopal jurisdiction. It has exactly the same sacramental source as that of other bishops, and its fulness is to be understood in relation to that source, in function of the mission for which the sacrament of orders is instituted; to build up *communio*. It is a *potestas* within and for the common *munus*.

<sup>64</sup> Text in *Communicationes*, 1977, 114-16.

<sup>65</sup> See the positions adopted by the *consultores* (*ibid.*).