

CHAPTER IV

RESIDENTIAL BISHOPS

13. The Office and Dignity of Bishops

Christ "did not come to be served but to serve" (Mt 20:28), and the men he himself wished till the end of time to succeed the Apostles¹ in the office of teachers and pastors for the building up and ministry of his Church, these the Holy Spirit has appointed as Bishops to govern the Church of God (see Acts 20:28).² Individual Bishops, as vicars and legates of Christ,³ rule the individual Churches entrusted to them with proper, ordinary and immediate jurisdiction in unity with the Roman Pontiff and under his authority,⁴ ever mindful, as fathers of the faithful and shepherds of their flocks,⁵ of the admonition of the Prince of Apostles: "Tend the flock of God which is your charge, not by constraint but willingly, not for shameful gain but eagerly, not as lording it over your charges but by becoming from the heart a pattern to the flock. And when the Chief Shepherd comes, you will receive an unfailing crown of glory" (1 Pet 5:2-4). Not only can and must Bishops direct by counsel, persuasion, example, but they also have real and proper power not only in the internal and sacramental forum but also in the external and public forum. For they have the power to command by laws that bind in conscience, and this not only in matters relating to doctrine and morals, worship and sanctification, but also in those relating to discipline and external ecclesiastical administration. Finally, they can and at times they must, with great prudence and charity, coerce, compel and punish the erring and the contumacious by external judgment and salutary penalties for the public good, for the good of souls, indeed for the good of the delinquent himself.⁶ Every bishop, therefore, taken from among men and beset with weakness, must have compassion on the ignorant and the erring (see Hb 5:1-2); and, ever stirring up the grace that is in him through the imposition of hands (see 2 Tm 1:6), let him fulfill the various duties of his office as a living image of the Good Shepherd who laid down his life for his sheep (see Jn 10:11); and, since he must one day render an account to God for souls (see Hb 13:17), he must care also, by prayer, preaching and charity, for those who do not yet belong to his sheepfold.

14. Primacy and Episcopacy

Although ordination to the highest level of the Priesthood, together with the office of sanctifying, also confers the offices of teaching and governing which constitute jurisdiction,⁷ nevertheless, Bishops do not receive the exercise of jurisdiction from their sacred ordination itself, but in virtue of a mission, a mission that they receive, not from the Church insofar as it is the congregation of the faithful, nor from the faithful, even if gathered in great numbers, nor from the civil power, but from the supreme governing authority of the Church. For, as St. Leo the Great says, Blessed Peter the Apostle "was inundated with such copious effusions from the very spring of all charisms [Jesus Christ] that, since he alone received much, nothing passes on to anyone else except by participating in him."⁸ This mission can be conferred by legitimate customs never revoked by the supreme and universal power of the Church, or by laws enacted or ratified by that same authority, or directly by the successor of Peter himself; and, if he should be opposed, Bishops cannot assume the office, and they can be deposed, transferred or reinstated by

him.⁹ Furthermore, Bishops are so subject to the supreme power of the Roman Pontiff that he can extend or restrict the exercise of their ordinary jurisdiction, even by exempting subjects; for the Roman Pontiff possesses sovereign authority over all other ordinary powers, as well as immediate and episcopal power of jurisdiction both over each and every Church and over each and every shepherd and member of the faithful.¹⁰

They err greatly, however, who maintain that Bishops have only delegated power and not a proper and ordinary power linked to the episcopal office itself. They also err greatly who maintain that this power of Bishops can be abolished, absorbed, or increased by the supreme pontifical power, or that the power of Bishops is not of divine origin and truly proper and so does not pertain to the constitution of the Church itself but can be changed into something else. By no means, then, are the rights of Bishops diminished by the authority of the Vicar of Christ, since, on the contrary, they are asserted, strengthened and defended by the supreme and universal Shepherd, as St. Gregory the Great said: "My honor is the honor of the universal Church. My honor is the solid vigor of my brothers. Then am I truly honored, when due honor is not denied to anyone."¹¹

15. The Relationship of Bishops to the Entire Church

Because Bishops individually are a center and foundation and principle of unity in their particular Churches, and because it is in these Churches and out of them, formed as they are in the image of the universal Church, that the one and only Catholic Church exists, whose center and foundation and principle of unity is the successor of Peter, the Vicar of Christ himself, each bishop represents his own Church, and all of them together with the Pope represent the whole Church "in the bond of Peace" (Eph 4:3) and of love.¹² Although bishops taken singly or even gathered in great numbers do not have power over the entire Church nor over any Church other than those committed to their charge except by participation in the power of the Roman Pontiff,¹³ still they are bound to show a real solicitude for the whole Church; and, although this is not a power of jurisdiction, still, as the powerful support of fraternal communion, it contributes greatly to the benefit of the universal Church.¹⁴ For Bishops must promote and safeguard the unity of faith and discipline common to the whole Church, instruct their faithful towards a love for the entire Mystical Body of Christ, especially for suffering members and those undergoing persecution for justice's sake (see Mt 5:10), and finally promote every activity common to the whole Church, especially that the faith may grow and the light of full truth dawn upon those who sit in darkness and in the shadow of death (see Lk 1:79). Finally, it is a sacred truth that by governing well their own Churches as a part of the Universal Church, they greatly contribute to the good of the whole Mystical Body which is, according to St. Basil, itself a Body of Churches.¹⁵

16. The College of Bishops

The College of Bishops, which succeeded the College of the Apostles in teaching authority and pastoral government, in which indeed the College of the Apostles continues to live on, and which continuously bears witness to the mission of Jesus Christ and to his teaching and

laws, is believed to be, along with its head, the Roman Pontiff, and never without this head, the one subject of full and supreme power over the whole Church.¹⁶ But the power of this College, even its ordinary power insofar as it is inherent in the office, is legitimately exercised only in an extraordinary manner¹⁷ and in devoted subordination to the Vicar of Jesus Christ on earth, when, as, and to what extent he deems it expedient in the Lord.¹⁸ As for the constitution of this august College, all residential Bishops living in peace with the Apostolic See are by their own right members of it,¹⁹ and no Bishop, whether residential or not, can belong to this College unless by direct act or by tacit consent he is admitted into it by the successor of Peter, the Vicar of Christ, and Head of the College.²⁰

NOTES

¹ See the Council of Trent, *On the Sacrament of Orders*, ch. 4 (Dz960); Vatican I, *On the Church of Christ*, c. 3 (Dz1828).

Leo XIII, *Satis cognitum* (ASS 28 [1895-96], p. 732): "Just as the authority of Peter must remain perpetual in the Roman Pontiff, so bishops, who succeed to the Apostles, inherit their ordinary power."

Pius XII, *Mystici Corporis* (AAS 35 [1943], p. 209): "He imparted the threefold power to the Apostles and to their successors;" "Therefore they should be held in reverence by the people as by divine law successors to the Apostles" (p. 212).

CIC, can 329, 1.

Provincial Council of Cologne, 1860 (Mansi 48, 106): "Therefore, from its very beginning the whole Church has believed that bishops 'succeed to the Apostles by vicarious ordination' [St. Cyprian, *Letter 69*], that they 'receive the succession from the Apostles and, with succession to the Episcopate, the sure charism of truth' [St. Irenaeus, *Adv. haer.*, IV, ch. 26, 43], and preside in God's place [St. Ignatius, *Epistle to the Magnesians*, 6]."

Third Provincial Council of Quebec, 1863 (Mansi 48, 411): "[The holy Fathers and Doctors] often and openly teach that bishops are the princes of the Church, the successors of the Apostles, and legates of Christ himself."

Provincial Council of Cologne, 1863 (Mansi 48, 519): "Anyone who knows the series of bishops in the Church, which has been, by the Holy Spirit's guidance, continuous since the Ascension of Christ, does not doubt that bishops are the legitimate successors of the Apostles... Bishops who have succeeded to the place of the Apostles."

Second Plenary Council of Baltimore, 1866 (Mansi 48, 912): "Bishops, who are successors of the Apostles."

² The text, which can be discussed exegetically, is cited because it is used in Church documents quite often; see: Council of Trent, *On the Sacrament of Orders*, c. 4 (Dz960); Vatican I, *On the Church of Christ*, c. 3 (Dz1828); the provincial Councils of Cologne, 1860 (Mansi 48, 106), and Kalocsa, 1863 (Mansi 48, 519), the Second Plenary Council of Baltimore, 1866 (Mansi 48, 912), the provincial Councils of Ravenna, 1855 (Mansi 47, 201), and Vienna, 1858 (Mansi 47, 782).

³ See the provincial Councils of Cologne (1863) and Quebec (1863), cited in note 1; Benedict XIV, *Brief Romana Ecclesia* (*Benedicti Papae XIV Bullarium*, t. IV, [Rome, 1758], p. 21): "...as a bishop, who represents Christ and carries out his role;" Pius XII, *Mystici Corporis*, l.c. p. 211: "they feed and rule in the name of Christ;"

Leo XIII, *Satis cognitum*, l.c., p. 732: "they should not be considered the vicars of the Roman Pontiff" (insofar as the power of bishops is not delegated by the Pope, therefore, they cannot be called vicars of the Roman Pontiff. Therefore, this vicarious power must be Christ's.); *Letter, Officio*

Sanctissimo (ASS 20 [1887], p. 264).

Iacobus Lainez, *Disputationes Tridentinae*, t. I (Innsbruck, 1886), pp. 232f: "...[adversaries] argue from the titles and prerogatives which the Fathers grant to bishops. For they call them *vicars of Christ*... They are also said to *carry out Christ's role*... We reply that bishops do indeed have these prerogatives... *Although they are called and are vicars of Christ*, they are not *vicars general* over the whole Church, but only in their own dioceses. And therefore they are created by the vicar general who can only be placed at the head by Christ..."

⁴ See Vatican I, *On the Church of Christ*, c. 3 (Dz1828);

Draft of a Second Dogmatic Constitution on the Church of Christ, Revised in accordance with the Comments of the Most Reverend Fathers, c. 4 (Mansi 53, 310): "...and they rule the Churches entrusted to them with proper and ordinary power. Individually, therefore, in each one's Church and gathered in Synods, they make decisions about doctrine and discipline, pass laws, make judgements... The other prelates are subject to the Roman Pontiff, individually in administering their own Churches and together in dealing with the common needs of the Church."

Leo XIII, *Satis cognitum*, l.c., pp. 732ff; Pius XII, *Mystici Corporis*, l.c., pp. 211f; CIC, can. 329, 1; can. 334, 1;

Provincial Council of Cologne, 1863 (Mansi 48, 519): "...having immediate authority over the clergy and people, as legitimate and proper pastors, they shepherd the Lord's flock within the limits of their dioceses."

⁵ On bishops as "Fathers", see: the Provincial Councils of Reims, 1857 (Mansi 47, 562); Cologne, 1860 (Mansi 48, 107); Kalocsa, 1863 (Mansi 48, 520), and Utrecht, 1865 (Mansi 48, 675). "Fathers of the faithful" is used to indicate that power in the Church is that of a father in a family and that juridical power must be governed by the spirit of affection that must exist between the faithful and bishops. For bishops as "pastors", see: Vatican I, *On the Church of Christ*, c. 3 (Dz1828); Pius XII, *Mystici Corporis*, l.c., p. 211; CIC, can. 334, 1; can. 2214, 2.

⁶ See Benedict XIV, Epistle *Ad assiduas* (*SS.mi D. N. Benedicti XIV Bullarium*, t. IV, p. 163: "#1. You see that the author of this horrid product tends and is headed towards weakening, shaking, and quite eliminating the power which Christ our Lord and Savior conferred on his Church *not only to direct by advice and persuasion, but also to command by laws, and to coerce and force the deviant and stubborn by external judgements and salutary penalties*. He so subjects the Church's ministry to secular domination that he says that it is the latter that has the role of investigating and judging every external and visible matter of governance. A depraved and pernicious system, long ago rejected by the Apostolic See *and expressly condemned as heretical*, especially by Our Predecessor, John XXII, in the Constitution, *Licet iuxta doctrinam*..."

Pius VI, Constitution *Auctorem fidei*, #4-5 (Mansi 38, 1265; Dz1504-1505); CIC, can 335,1; Vatican I, *First Draft of a Dogmatic Constitution on the Church of Christ*, c. 10 (Mansi 51, 543): "There are two types of power in the Church, power of orders and power of jurisdiction. With regard to the latter, we teach that it is not only power in the internal and sacramental forum, but also power in the external and public forum, power that is absolute and quite complete, that is, legislative, judicial, and coercive. The subject of this power are the shepherds and teachers given by Christ, and they exercise it freely and independently of all secular dominion. Therefore, with full authority they rule the Church of God by needed laws that oblige in conscience, by definitive judgements, and by salutary penalties for the guilty, even if they are unwilling; and they do this not only with regard to matters that concern faith and morals, worship and sanctification, but also with regard to matters concerning the external discipline and administration of the Church."

Ibid., can. 11-12 (Mansi 51, 552): "Canon XI: If anyone says that the Church was established as a society of equals, that bishops have an office and ministry indeed, but no proper power of government

that is theirs by divine ordination and that they can exercise freely, *Anathema sit*. Canon XII: If anyone says that the power conferred on his Church by Christ our Lord and Savior is only power to guide by advice and persuasion, but not power to command by laws and to coerce and force the deviant and the stubborn by external judgement and salutary penalties, *Anathema sit*." There are several other texts, *Ibid.* (Mansi 51, 589-97, 625-26).

Vatican I, *Draft of a Dogmatic Constitution on the Church*, c. 8 (Mansi 53, 314): "Finally, against the perverse doctrine of some innovators, we determine and declare that by divine ordination ecclesiastical governance does not pertain only to the internal and sacramental forum, but also to the external and public forum, and that full authority has been given to the Church by God, not only to guide by advice and persuasion, but also to command by laws and to coerce and force the deviant and stubborn by external judgement and by salutary penalties. It is clear that the Apostles themselves and the prelates who succeeded them have in every age used this power both to decide matters pertaining to faith and morals and to divine worship and the sanctification of the faithful and in establishing and sanctioning external discipline." *Ibid.*, can. 12 (Mansi 53, 316): "If anyone says that this power is only directive and not legislative, judicial, and coercive, *Anathema sit*."

⁷ See the Preface for the Consecration of a Bishop.

⁸ *Sermo 4 de natali ipsius* (PL 54, 159); see his *Epist.* 10 (PL 54, 629).

⁹ See the Council of Trent, *Canons on the Sacrament of Orders*, can. 8 (Dz968); Clement VI, Epistle *Super quibusdam* (C. Baronius, *Annales Ecclesiastici*, t. VI [Lucae 1750], p. 529; Dz 570h, 570p); Pius VI, Brief *Super soliditate*, #4 (A.A. Barberi, *Bullarii Romani Continuatio*, t. VII (Rome 1843), p. 672f; Dz 1500;

Ibid., #16 (p. 675): "...for the other bishops, however, it is necessary that each one's specific portion of the flock be assigned to him not by divine but by ecclesiastical law, not by the mouth of Christ, but by hierarchical ordination, so that he may exercise ordinary power of governance over it. Anyone who would wish to deprive the Roman Pontiff of this supreme authority of assignment would be attacking the legitimate succession of so many bishops throughout the world, bishops who rule over churches originally founded by apostolic authority, either separated from others or united together with them, and who have received the mission to rule them from the Roman Pontiff. This great and wonderful sharing of power could not be attacked without immense disturbance of the Church, therefore, and danger to episcopal governance. This sharing of power was given by divine condescension to the Chair of Peter so that, as Leo the Great said, Peter might properly rule over all those whom Christ also principally rules; and if there is something which Christ wished other princes to share with Peter, *he always gave through Peter what he did not deny to others.*"

Pius IX, *Syllabus*, #50-51 (ASS 3 [1867], p. 173; Dz1750-51); CIC, can. 329,2; can. 332,1;

Vatican I, *Draft of a Second Dogmatic Constitution on the Church*, c. 4 (Mansi 53, 310): "But because the primacy was given to Peter so that the one Church of Christ and the one Chair would be manifest, the other prelates are subject to the Roman Pontiff, both singly in administering their own churches and all together in dealing with common matters of the Church. For it belongs to the supreme hierarch to establish new churches, to define the limits or even to abolish those already established, *to choose their own pastors for them or to confirm those elected, to expand and restrict their ordinary power*, to pass judgement on the acts of individual bishops and of synods, and, should there be need, to remove the prelates themselves from their office. Nor can the latter arrange or decide anything for the whole Church unless they have been called by the reigning Pontiff to share in his solicitude..."

¹⁰ See Pius VI, *Super soliditate*, l.c.; *Auctorem fidei*, #6-8, 45 (Dz 1506-1507, 1545); Vatican I, *On the Church of Christ*, c. 3 (Dz 1827-31); CIC, can 218,2; Leo XIII, *Romanos Pontifices* (ASS 13 [1880], p. 483ff; CIC, can. 893-94, 2245,2-3; Vatican I, *Draft of a Second Dogmatic Constitution on the Church*, c.

4 (Mansi 53, 310; see note 6). That the bishops' exercise of ordinary jurisdiction can be expanded or restricted is proved by common laws, by exceptions, etc.

¹¹ St. Gregory, *Letter to Eulogius, Bishop of Alexandria*, Bk. 8, c. 30 (PL 77, 933); Vatican I, *On the Church of Christ*, c. 3 (Dz 1828); Leo XIII, *Satis cognitum*, l.c., p. 737 (Dz 1962); Pius XII, *Mystici Corporis*, l.c., p. 212. Leo XIII, *Est sane* (ASS 21 [1888], pp. 321f): "It is our task to watch and to see to it that the divine power of bishops remains safe and inviolate. It is also our task to command and to see to it that it everywhere enjoys its honor and that nothing is ever lacking in Catholics of the just obedience and reverence it deserves. For the divine edifice, which is the Church, most surely rests, as upon its visible foundation, first of all on Peter and his successors, and then on the Apostles and their successors, the bishops, so that anyone who hears or scorns them hears or scorns Christ the Lord. Bishops comprise by far the most venerable part of the Church, for it teaches and rules men by divine law; for that reason whoever resists them or stubbornly refuses to listen to what they say, removes himself far from the Church (Mt 13:17). Nor is this obedience to be kept, as if within boundaries, only for matters pertaining to Christian faith, but is rather to be rendered far more widely, to all those things that episcopal power encompasses. Within the Christian people they are indeed teachers of the holy faith; but they also preside as rulers and leaders, and they preside in such a way that one day they will have to render to God an account concerning the salvation of all those whom God has entrusted to them."

¹² St. Ignatius, *Epistle to the Philadelphians*, 3,2; 8,1 (PG 5, 700, 704); *Epistle to the Smyrnians*, 8,1 (PG 5, 713); St. Cyprian, *Letters* 69, 27, and 76 (PL 4, 406, 298; PL 3, 1140); *On the Unity of the Catholic Church*, 4-6 (PL 4, 498-501); St. Leo the Great, *Sermon 4* (PL 54, 149f); Vatican I, *On the Church of Christ*, cc. 1, 3, and 4 (Dz 1821, 1827, 1837); Leo XIII, *Satis cognitum*, l.c., p. 733f (Dz 1960); *Epistle Testem benevolentiae* (ASS, 31 [1898-99], p. 479; Dz 1976); *Letter of the Holy Office to the Bishops of England* (ASS 2 [1866], p. 685f; Dz 1686); Martin V, *Bull Inter cunctas*, #5-6 (Dz 657-58); Pius VI, *Super soliditate*, ##1, 5, 20, 22 (l.c., pp. 671, 673, 676): "#20: The prelates of France in 1681 issued a very clear testimony to the primacy of the Roman Pontiff, a witness in full agreement with the views mentioned of the teachers at Paris and with the constant tradition of their forebears: 'He is the Head of the Church, the center of unity. He has over us the primacy of authority and of jurisdiction conferred on him in the person of St. Peter by Jesus Christ. Whoever would depart from this truth would be a schismatic, indeed a heretic.'"

¹³ Fourth Lateran Council, c. 5 (Dz 436); Second Council of Lyons, *Profession of Faith of Michael Palaeologus* (Dz 466); Clement VI, *Super quibusdam*, l.c.; CIC, can. 271-80; Vatican I, *Draft for a Second Dogmatic Constitution on the Church*, c. 4 (Mansi 53, 310, 321): "Nor can [bishops] arrange or decide anything for the universal Church unless they have been called by the Roman Pontiff to share in his solicitude. And although, when gathered by him, as true judges they issue both decrees on faith and disciplinary laws, it is the Roman Pontiff's role not only to convoke and dissolve their general councils but also to direct and to confirm them." All power above that of the bishop, therefore, is a participation in the power of the Pope, for example, the power of an archbishop or a patriarch, etc.

¹⁴ St. Gregory, *Letter to Eulogius* (l.c., p. 933): "My honor is the honor of the universal Church. My honor is the strong vigor of my brothers." Pius IX, *Quanta cura* (Dz 1688); Pius XI, *Rerum Ecclesiae* (AAS, 18 [1926], p. 69): "...thus it follows that care for spreading the faith so belongs to Us that you must without hesitation, so far as the singular and proper performance of your duties allows, share in this task with Us and assist Us in it;" Pius XII, *Fidei donum* (AAS 59 [1957], p. 236f): "...but, if every bishop is proper pastor only of the portion of the flock entrusted to his care, his quality as legitimate successor of the Apostles by divine institution renders him in solidarity responsible for the Church."

¹⁵ St. Basil, *On Isaiah*, 15,296 (PG 30, 637), collated with St. Gregory the Great, *Morals*, 4,7:12 (PL 75, 643). Similar things are found in Clement of Alexandria, Cyril of Alexandria, John Damascene, and

others.

¹⁶ The teaching is found in the theology of Ecumenical Councils and in the teaching on the succession to the Apostles and their College. Bishops united in council along with the Pope constitute one tribunal, are true judges of the faith and legislators; the right to take part in a Council belongs to all residential bishops (see the official Report of Bishop Zinelli in Mansi 52, 1109f).

Vatican I, *Draft of a Second Dogmatic Constitution on the Church of Christ*, c. 4 (see note 4 above), and further: "But bishops are not without the supreme role of teaching and governing the universal Church. For that pontifical role of binding and loosing which was given to Peter alone was also given to the college of Apostles, only in union with their head, in the words of the Lord: 'Amen, I say to you, whatever you bind on earth will be bound in heaven; whatever you loose on earth will be loosed in heaven' (Mt 18:18). For that reason from the beginning of the Church, the decrees and statutes of ecumenical councils have quite rightly been received with supreme reverence and a like submission by the faithful, as if they were the judgements of God and the decisions of the Holy Spirit." (See also there, Kleutgen's report on the revised draft; pp. 321-23).

N.B. The body or college in itself prescind from the question whether it is the subject of only the power of jurisdiction or also of other powers.

¹⁷ It is said, "in an extraordinary manner": this follows from the fact that Ecumenical Councils are not, absolutely speaking, necessary; the *action* of the Body of Bishops, therefore, insofar as it is a *juridical* action, is not by divine institution permanent in the Church.

¹⁸ The doctrine is contained in the theology of Ecumenical Councils, especially in the truths about their juridical convocation and juridical confirmation; see the Fifth Lateran Council, *Pastor aeternus* (Dz 740); CIC, can. 222-29; for other documents, see H. Schauf, *De Conciliis Oecumenicis* (Rome 1961).

¹⁹ The doctrine is found in the theology of Ecumenical Councils and especially in the teaching on the right to participate in Ecumenical Councils; CIC, can. 223,1:2.

²⁰ The doctrine derives from and is contained in the truth about the Primacy, the Roman Pontiff as Head of the Body of Bishops, and about the office of bishops.