

MT. ST. MICHAEL
Tuesday Evening Doctrine Classes – 6:30-7:30 p.m.

CATHOLIC DOCTRINE ON THE PAPACY

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February 12 & 19, 2019

JURISDICTIONAL RIGHTS AND PREROGATIVES OF THE POPE
From 1911 *Catholic Encyclopedia* article on “The Pope”

In virtue of his office as supreme teacher and ruler of the faithful, the chief control of every department of the Church's life belongs to the pope. In this section the rights and duties which thus fall to his lot will be briefly enumerated. It will appear that, in regard to a considerable number of points, not merely the supreme control, but the whole exercise of power is reserved to the Holy See, and is only granted to others by express delegation. This system of reservation is possible, since the pope is the universal source of all ecclesiastical jurisdiction. Hence it rests with him to determine in what measure he will confer jurisdiction on bishops and other prelates.

1. As the supreme teacher of the Church, whose it is to prescribe what is to be believed by all the faithful, and to take measures for the preservation and the propagation of the faith, the following are the rights which pertain to the pope:
 - a. it is his to set forth creeds, and to determine when and by whom an explicit profession of faith shall be made (cf. Council of Trent, Sess. 24, cc. 1 and 12);
 - b. it is his to prescribe and to command books for the religious instruction of the faithful; thus, for example, Clement XIII has recommended the Roman Catechism to all the bishops.
 - c. The pope alone can establish a university, possessing the status and privileges of a canonically erected Catholic university;
 - d. to him also belongs the direction of Catholic missions throughout the world; this charge is fulfilled through the Congregation of the Propaganda.
 - e. It is his to prohibit the reading of such books as are injurious to faith or morals, and to determine the conditions on which certain classes of books may be issued by Catholics;
 - f. his is the condemnation of given propositions as being either heretical or deserving of some minor degree of censure, and lastly
 - g. he has the right to interpret authentically the natural law. Thus, it is his to say what is lawful or unlawful in regard to social and family life, in regard to the practice of usury, etc.
2. With the pope's office of supreme teacher are closely connected his rights in regard to the worship of God: for it is the law of prayer that fixes the law of belief. In this sphere very much has been reserved to the sole regulation of the Holy See. Thus
 - a. the pope alone can prescribe the liturgical services employed in the Church. If a doubt should occur in regard to the ceremonial of the liturgy, a bishop may not settle the point on his own authority, but must have recourse to Rome. The Holy See likewise prescribes rules in regard to the devotions used by the faithful, and in this way checks the growth of what is novel and unauthorized.
 - b. At the present day the institution and abrogation of festivals which was till a comparatively recent time free to all bishops as regards their own dioceses, is reserved to Rome.
 - c. The solemn canonization of a saint is proper to the pope. Indeed it is commonly held that this is an exercise of the papal infallibility. Beatification and every permission for the public veneration of any of the servants of God is likewise reserved to his decision.
 - d. He alone gives to anyone the privilege of a private chapel where Mass may be said.

- e. He dispenses the treasury of the Church, and the grant of plenary indulgences is reserved to him. While he has no authority in regard to the substantial rites of the sacraments, and is bound to preserve them as they were given to the Church by Christ and His Apostles, certain powers in their regard belong to him;
 - f. he can give to simple priests the power to confirm, and to bless the oil of the sick and the oil of catechumens, and
 - g. he can establish diriment and impedient impediments to matrimony.
3. The legislative power of the pope carries with it the following rights:
- a. he can legislate for the whole Church, with or without the assistance of a general council;
 - b. if he legislates with the aid of a council it is his to convoke it, to preside, to direct its deliberations, to confirm its acts.
 - c. He has full authority to interpret, alter, and abrogate both his own laws and those established by his predecessors. He has the same plenitude of power as they enjoyed, and stands in the same relation to their laws as to those which he himself has decreed;
 - d. he can dispense individuals from the obligation of all purely ecclesiastical laws, and can grant privileges and exemptions in their regard.
 - e. In this connection may be mentioned his power to dispense from vows where the greater glory of God renders it desirable. Considerable powers of dispensation are granted to bishops, and, in a restricted measure, also to priests; but there are some vows reserved altogether to the Holy See.
4. In virtue of his supreme judicial authority
- a. *causae majores* are reserved to him. By this term are signified cases dealing with matters of great moment, or those in which personages of eminent dignity are concerned.
 - b. His appellate jurisdiction has been discussed in the previous section. It should, however, be noted that the pope has full right, should he see fit, to deal even with *causae minores* in the first instance, and not merely by reason of an appeal (Trent, Sess. XXIV; cap. 20). In what concerns punishment,
 - c. he can inflict censures either by judicial sentence or by general laws which operate without need of such sentence.
 - d. He further reserves certain cases to his own tribunal. All cases of heresy come before the Congregation of the Inquisition. A similar reservation covers the cases in which a bishop or a reigning prince is the accused party.
5. As the supreme governor of the Church the pope has authority over all appointments to its public offices. Thus
- a. it is his to nominate to bishoprics, or, where the nomination has been conceded to others, to give confirmation. Further, he alone can translate bishops from one see to another, can accept their resignation, and can, where grave cause exists, sentence to deprivation.
 - b. He can establish dioceses, and can annul a previously existing arrangement in favour of a new one. Similarly, he alone can erect cathedral and collegiate chapters.
 - c. He can approve new religious orders, and can, if he sees fit, exempt them from the authority of local ordinaries.
 - d. Since his office of supreme ruler imposes on him the duty of enforcing the canons, it is requisite that he should be kept informed as to the state of the various dioceses. He may obtain this information by legates or by summoning the bishops to Rome. At the present day this *jus relationum* is exercised through the triennial visit *ad limina* required of all bishops. This system was introduced by Sixtus V in 1585 (Constitution, "Rom. Pontifex"), and confirmed by Benedict XIV in 1740 (Constitution, "Quod Sancta").
 - e. It is to be further observed that the pope's office of chief ruler of the Church carries with it *jure divino* the right to free intercourse with the pastors and the faithful. The *placitum regium*, by which this intercourse was limited and impeded, was therefore an infringement of a sacred right, and as such was solemnly condemned by the Vatican Council (Constitution, "Pastor Aeternus," cap. iii). To the pope likewise belongs the supreme administration of the goods of the Church.
 - f. He alone can, where there is just cause, alienate any considerable quantity of such property. Thus, e.g., Julius III, at the time of the restoration of religion in England under Queen Mary validated the title of those laymen who had acquired Church lands during the spoliations of the previous reigns.
 - g. The pope has further the right to impose taxes on the clergy and the faithful for ecclesiastical purposes (cf. Trent, Sess. XXI, cap. iv de Ref.).