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## THE EPISCOPAL COLLEGIALITY EXPRESSED BY THE SYNOD OF BISHOPS

KOLEGIALNOŚĆ BISKUPÓW WYRAŻONA PRZEZ SYNOD BISKUPÓW

### The theory of episcopal collegiality

The doctrine of episcopal collegiality, which corresponds to the ancient tradition of the Church, was rediscovered by the Second Vatican Council.<sup>1</sup> This doctrine emphasizes that, alongside the Bishop of Rome, the highest and full authority in the Church belongs to the college of bishops, even though its exercise is objectively subject to certain limits. Episcopal sacramental ordination (can. 375 §2), hierarchical communion with the head of the Church and communion with other bishops are not merely characteristic features but constitutive elements of the college of bishops. Hierarchical communion therefore serves as the bond that unites and coordinates collegial activity with the head of the Church and among the bishops themselves. This communion is founded on the common gift of the Holy Spirit received by each bishop at episcopal ordination and points to the spiritual bond uniting the bishops with the head of the college.<sup>2</sup> The college of bishops, united in hierarchical communion, has significance not only for its members, but also for the entire Church, which itself represents a communion and is realized as the „sacrament of salvation”. It thus constitutes an organic reality: a structured body with defined relationships and distinct functions, always acting for the good of the whole.<sup>3</sup> The college of bishops may also be understood as a *corpus* animated by love, in which all individual members and ministries are interconnected through

<sup>1</sup> Can. 336 The college of bishops, whose head is the Supreme Pontiff and whose members are bishops by virtue of sacramental consecration and hierarchical communion with the head and members of the college and in which the apostolic body continues, together with its head and never without this head, is also the subject of supreme and full authority over the universal Church.

<sup>2</sup> See also can. 377, 1013, 1382; CD 4, 5; LG 21, 22.

<sup>3</sup> Cf. Codice di diritto canonico commentato, A cura della Redazione di quaderni di diritto ecclesiale (Milano: Ancora editrice) 2001, 333.

an ordered structure, shared co-authority, and consequent subordination and thus co-responsibility.<sup>4</sup>

The Roman pontiff holds full and supreme authority in the Church by virtue of his office as Shepherd of the entire flock. The college of bishops, in which the apostolic body continues uninterrupted, possesses this same authority only in union with its head, that is, the Pope. Accordingly, it belongs to the Pope alone to determine the manner in which the collegial authority of the bishops is exercised. Thus it can be stated that just as the college of bishops cannot exist without the Pope, so it cannot act without him, and certainly not in opposition to his decisions. The episcopal college is in the Church a “subject of supreme and full authority” (*subiectum quoque*) but always acting together and never apart from the Pope.<sup>5</sup> In this way the Pope can, in accordance with his charism and office, exercise his authority freely, whenever, wherever and in any manner he judges appropriate. The episcopal college, for its part, acts through strictly collegial actions in specific circumstances and in response to concrete pastoral needs. At each stage the exercise of collegial authority depends upon papal approval. We can therefore properly speak of a distinct, two-fold subject of full ecclesiastical authority: on the one hand, the Pope, with his personal and unique mandate; on the other, all the bishops in communion with him. These two subjects are distinct but not separated bearers of supreme authority. From this juridical perspective, the hierarchical structure of the Church can be better understood as one in which service and love are paramount.<sup>6</sup>

Can. 336 as well as Chapter III of the Constitution *Lumen gentium* from which this norm is derived must be interpreted in the light of the so-called *Nota explicativa previa*, promulgated by Pope Paul VI together with the Constitution. In the note, the theory of the episcopal college is clearly explained:<sup>7</sup>

1. The term episcopal college is not to be understood merely in a narrow juridical sense as a group of equals who delegate their authority to a president, but rather as a stable body whose structure and activity must be derived from Revelation
2. The parallel between Saint Peter and the other Apostles on the one hand and the Supreme Pontiff and the bishops on the other does not imply a transfer of the extraordinary authority of the Apostles to their successors, nor does it suggest an equality (*aequalitatem*) between the Head and the members of the episcopal college. Instead, it indicates a proportional relationship (*proportionalitatem*) between the former (St. Peter and the Apostles) and the latter (the Roman pontiff and the bishops). This parallel therefore does not express an identity but a similarity (*pari ratione*).

<sup>4</sup> Ibid.

<sup>5</sup> See also LG 22.

<sup>6</sup> Pastores gregis 56 states as follows: “The reality of communion, which is the basis of all intraecclesial relationships and which was also emphasized in the Synod discussions, is a relation of reciprocity between the Roman Pontiff and the Bishops. Indeed, if on the one hand the Bishop, in order to express fully his own office and to establish the catholicity of his Church, must exercise the authority of governance proper to him (*munus regendi*) in hierarchical communion with the Roman Pontiff and with the College of Bishops, on the other hand the Roman Pontiff, the Head of the College, in the exercise of his ministry as Supreme Pastor of the Church (*munus supremi Ecclesiae pastoris*) must always act in communion with all the other Bishops and indeed with the whole Church.”

<sup>7</sup> Paul VI. in Chiapetta, L. (2011): *Il Codice di diritto canonico. Commento giuridico-pastorale* (Bologna 3rd edition: Centro editoriale dehoniano), 431.

3. A hierarchical communion with the Head of the Church and with the other members of the college is required. This communion is not a vague or merely affective bond, but an organic reality which presupposes not only a juridical structure but also guidance inspired by love.
4. The episcopal college, considered as a whole, always presupposes the presence of its Head, the Pope, and cannot exist without him. In communion with its Head, the college is also the subject of supreme and full ecclesiastical authority in the universal Church.
5. Within the episcopal college, the Pope fully retains his exclusive role as Pastor of the universal Church.
6. As Head of the episcopal college, the Roman pontiff exercises certain functions that do not belong to the bishops, such as convoking and presiding over the college and approving its norms.
7. The Supreme pontiff, as supreme Pastor of the Church, can exercise his authority at any time *ad placitum*, in accordance with the nature of his office. By contrast, although the episcopal college always exists, it does not always act as a body. When it does act, it can do so only in union with its Head and never without him, that is, without the Pope's consent and approval at every stage of its activity. Such consent is indispensable and cannot be replaced.

From these principles it follows that the subject of ecclesiastical authority is two-fold, comprising the Roman pontiff and the College of Bishops in union with him. These two subjects, however, are neither separate nor separable. The Roman pontiff's office is of Divine law and the Pope is himself a member and the Head of the College of Bishops; consequently, the College can never act without him.<sup>8</sup>

The bishops, as the other subject of ecclesiastical authority, exercise personal authority within their local Churches. United in the College, and only together, they exercise supreme authority over the universal Church. This authority exists exclusively in union with the Pope and never without him or his approval. Without such a structure, two independent subjects of supreme authority would necessarily arise, leading to tension and conflict between them.

Such a structure, which is unique in the world, confirms the Church's supernatural origin. The authority exercised in the Church is *one and indivisible* even though there are *two* subjects and *two* forms of exercising it. The two subjects are the Pope and the College of Bishops, and thus the exercise of authority may either be personal or collegial. The authority, however, always remains the same, indivisible and belonging to Christ. The Pope represents unity in the Church, while the College expresses diversity of the people of God.<sup>9</sup>

### The exercise of authority of the college of bishops

The bishops comprising the college exercise their full and supreme authority in the Church in two ways:<sup>10</sup>

1. Assembled in a solemn manner in an ecumenical council;

<sup>8</sup> Chiapetta, L. (2011), 431.

<sup>9</sup> *Ibid.*, 432-433.

<sup>10</sup> Can. 337 §1. The college of bishops exercises authority over the universal Church in a solemn manner in an ecumenical council.

2. Dispersed in the world, but acting together in a manner established or approved by the Roman pontiff so that their exercise of authority is a true collegial act.

It is therefore up to the Pope to establish the ways in which the college of bishops will exercise its collegial authority.<sup>11</sup>

The Code of Canon Law states that an ecumenical council constitutes the solemn and most visible form of exercising the supreme collegial authority of the bishops. The same authority, however, may also be exercised without a physical assembly. In such cases, the exercise of collegial authority of the bishops is legally recognised as a *united action* only insofar the college is convoked by the Pope or, at the very least, explicitly approved by him.<sup>12</sup> The reason for this lies in the fact that the college of bishops exercises its competence as a subject of supreme and plenipotentiary authority in the Church only in conjunction with the Roman pontiff, and in accordance with the methods that he himself has at least approved. Although therefore the college of bishops always exists, it does not always act in the narrow and legal sense of the word as a “college of bishops”. The legal exercise of collegiality thus presupposes the affective union of the bishops among themselves and with the Pope and their participation in the „care of all the Churches”.<sup>13</sup> However, we must never forget that the primary charism of a bishop and his primary interest is the governance of the diocese entrusted to him. The bishop must therefore be aware that „ by governing well their own church as a portion of the universal Church, they themselves are effectively contributing to the welfare of the whole Mystical Body, which is also the body of the churches.”(LG 23)

## Synod of bishops

During the preparation of the Second Vatican Council, many theologians and bishops proposed that a permanent episcopal consultative council be created. Within this canonical body, the bishops, together with the Roman pontiff, were to exercise their episcopal ministry in and for the universal Church. It was during the negotiations of the most recent council that it was clearly defined that the college of bishops, in conjunction with the Pope, has the greatest authority in the universal Church. What followed were discussions on how best to coordinate and exercise this authority for the good of all the faithful. Pope Paul VI adopted the idea that the

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§2. It exercises the same authority through the united action of the bishops dispersed in the world, which the Roman Pontiff has publicly declared or freely accepted as such so that it becomes a true collegial act.

§3. It is for the Roman Pontiff, according to the needs of the Church, to select and promote the ways by which the college of bishops is to exercise its function collegially regarding the universal Church.

<sup>11</sup> Examples of the exercise of collegial authority through collegial acts of bishops at the universal level in the modern history of the Church include the declaration of the dogma of the Immaculate Conception of the Blessed Virgin Mary (Pius IX), the formulation and promulgation of the first Code of Canon Law (Benedict XV), the declaration and proclamation of the dogma of the Assumption of the Virgin Mary, body and soul (Pius XII), and the drafting of the second Code of Canon Law (Paul VI and John Paul II).

<sup>12</sup> See also can. 341 §2, 749 §2, 753 of the Code of Canon Law.

<sup>13</sup> Cf. Codice di diritto comentato (2009). A cura della Redazione di Quaderni di diritto ecclesiale (Ancora Editrice S. r. l., Milano), 334.

bishops themselves would help him in his mission and in their own way share with him the responsibility for the governance of the Church.

The Council Fathers thus recognized that the universal mission of the Supreme pontiff requires help and assistance. It is therefore most appropriate that bishops, coming from different parts of the world, would provide the Supreme Shepherd of the Church with effective assistance in a manner that would be flexibly determined each time. If the Pope so decides, bishops may also gather as a council or *coetus* and thus be a sign of the participation of all bishops in the care of the whole Church.<sup>14</sup>

These efforts aimed not to create a body where bishops would exercise their authority independently in the narrow sense, and certainly not where they would compete with the special position of the Pope. This body exists only for the purpose of assisting the Pope in the governance of the universal Church. In no case should it have its own authority independent of the Pope. On 15th September 1965, by issuing the *Motu proprio Apostolica sollicitudo*, Pope Paul VI declared the formal creation of the Synod of Bishops.<sup>15</sup> A month later, in October 1965, its existence was incorporated into the conciliar document *Christus Dominus 5*, stating that „Bishops chosen from various parts of the world, in ways and manners established or to be established by the Roman pontiff, render more effective assistance to the supreme pastor of the Church in a deliberative body which will be called by the proper name of Synod of Bishops. Since it shall be acting in the name of the entire Catholic episcopate, it will at the same time show that all the bishops in hierarchical communion partake of the solicitude for the universal Church”.<sup>16</sup>

The first Synod of Bishops was celebrated in September and October 1967. The creation of this body can be understood as a response to the expectations of the bishops who were considering the creation of a structure through which the episcopal college would be able to exercise its supreme authority in the Church in conjunction with the Pope. This body may also be seen as created by the Pope and entrusted with the task to assist and advise him in the governance of the universal Church. As far as the perception of the bishops is concerned, it seems that the second aspect prevails. In essence, we can agree with the opinions that the synod of bishops is not a form of exercising episcopal collegiality in governing the Church, but it is a way of cooperating with the Roman pontiff in governing it. The very formulation of the canons of the Code, as we will see later, leans towards this direction (can. 342-348). *Motu proprio Apostolica sollicitudo* contains a more detailed description of the exercise of these consultative authority of the college of bishops than the Code itself. In the *Motu proprio*, for example, we can find a definition of the nature and a description of the procedures and purpose of the Synod of bishops. All these provisions, including in particular the norms mentioned in the 1983 Code, are new, since no such institution existed at the time of the 1917 Code. The entire regulation thus in fact comes from *Apostolica sollicitudo*, *Ordo Synodi Episcoporum celebrandae* and *Christus Dominus 5*.

The Synod of Bishops itself is mentioned in can. 334 of the Code, which speaks of its existence as a body assisting the Roman pontiff. The canons dealing with

<sup>14</sup> Beal, J.P./Coriden, J.A./Green, T.J. (2000): *New Commentary on the Code of Canon Law*, ed. by Renken, J.A./Mahwah, N.J (Paulist Press), 454.

<sup>15</sup> [http://www.vatican.va/holy\\_father/paul\\_vi/motu\\_proprio/documents/hf\\_p-vi\\_motu-proprio\\_19650915\\_apostolica-sollicitudo.en.html](http://www.vatican.va/holy_father/paul_vi/motu_proprio/documents/hf_p-vi_motu-proprio_19650915_apostolica-sollicitudo.en.html) (access: 09.02.2025).

<sup>16</sup> <http://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/druhy-vatikansky-koncil/c/christus-dominus> (access: 09.02.2025).

the Synod of Bishops essentially copy the norms defined in *Apostolica sollicitudo*. The specific legal regulations are also contained in *Regolamento* or in *Ordo Synodi Episcoporum celebrandae*, which was promulgated in 1966 and subsequently revised in 1969, 1971 and most recently in 2006. According to this document, the most significant new legal regulations concern the following points:<sup>17</sup>

- clarification of the role of the general relator (art. 15 §1)
- appointment of the president-delegate (art. 2-3, 30)
- appointment of experts, auditors and fraternal delegates (art. 7)
- greater emphasis on elected members of the Eastern Catholic Churches (art. 5-6)
- creation of a special council of the general secretariat (art. 13)
- permission to use national languages in addition to Latin (art. 21)
- possibility to apply the „disceptatio libera inter Patres“ (art. 34 §4)
- modification of the role of the *Relatio post disceptationem* (art. 32) and the *Propositiones* (art. 39)

It is still true that the Synod is one of the juridical organisms that cooperate with the Roman pontiff in the exercise of his supreme authority in a manner appropriate to them.<sup>18</sup>

## The concept and purpose of the synod of bishops

The very first of the Code canons regulating the issue of the synod of bishops defines what this body is and what are the reasons for its existence.<sup>19</sup> The Synod is therefore essentially different from an ecumenical council, both in terms of its composition and in terms of its competence. It is basically an assembly of bishops who have been chosen from different parts of the world and who meet regularly for three basic reasons:<sup>20</sup>

- to create a closer communion between the Roman pontiff and the bishops
- to offer their assistance to the Head of the Church in the form of advice for the protection and growth of faith and morals and for the observance and consolidation of church discipline
- to study questions and problems concerning the activity of the Church in the world

*Motu Proprio* of Paul VI, by which the synod was created, states that the synod of bishops is:

- an institution representing the entire Catholic episcopate
- a central ecclesiastical body belonging in its own way to the Roman pontiff
- a body which essentially has a consultative, not governing, role – whether at the legislative or at the executive level

<sup>17</sup> [http://www.vatican.va/roman\\_curia/Synod/documents/rc\\_Synod\\_20050309\\_documentation-profilelt.html#ordosynodiepiscoporum](http://www.vatican.va/roman_curia/Synod/documents/rc_Synod_20050309_documentation-profilelt.html#ordosynodiepiscoporum) (access: 09.02.2025).

<sup>18</sup> Codice di diritto canonico commentato (2001), 342.

<sup>19</sup> Can. 342 The synod of bishops is a group of bishops who have been chosen from different regions of the world and meet together at fixed times to foster closer unity between the Roman Pontiff and bishops, to assist the Roman Pontiff with their counsel in the preservation and growth of faith and morals and in the observance and strengthening of ecclesiastical discipline, and to consider questions pertaining to the activity of the Church in the world.

<sup>20</sup> Chiapetta, L. (2011), 437-438.

- a body established to advise the Pope „ut Romano Pontifici consiliis adiutricem operam praestet”
- a body „natura sua perpetuum”

Discussing the objectives of the Synod, the *Motu proprio* distinguishes between general and particular objectives:

The general objectives of the Synod are:

- to encourage closer ties and cooperation between the Supreme pontiff and the bishops of the whole world
- to provide concrete and precise information concerning situations of the internal life of the Church and the activities that it must take in the world
- to facilitate agreements between opinions concerning essential points of Church doctrine and regarding the way of acting in the life of the Church

The specific and immediate objectives of the Synod are:

- to exchange of information
- to express opinions on topics for discussion of which the synod was convened.

### **The competence of the Roman pontiff in relation to the synod**

The Synod of bishops represents the entire Catholic episcopate, but at the same time it is a central body of the Holy See, and – like any other institution of the Catholic Church – depends on direct instructions from the Pope. This is clearly defined in can. 344, where the synod competences are also clearly stated. The index of papal competences is nearly a verbatim copy of the *Motu proprio Apostolica sollicitudo*, where, among other things, it is said that the topics to be discussed at the Synod of bishops should be published at least 6 months prior the synod session. The *Motu proprio* also calls for the materials expected to be discussed to be sent to the synod participants. However, this provision is absent from the Code. In essence, these papal rights are analogous to those exercised by the Roman pontiff in relation to an ecumenical council. It seems obvious that the power over a council is comparable to that over a synod, with some differences.<sup>21</sup> Participation in a council is the right and duty of every bishop and only of bishops (can. 339 §1). This means that the Pope does not have the right (or need) to confirm the election of any member of the council. However, the Pope has the right to invite others who are not bishops to the council and to define their roles in it (can. 339 §2). Council participants, just like synod participants, have the right to propose and submit their questions and topics for discussion. However, it is up to the pope to determine the matters to be treated in a council (can. 338 §2).

### **Synodal sessions: types, composition, and conclusion**

The synodal assemblies may be either general or special.<sup>22</sup> In general sessions, the members meet to discuss matters pertaining to the universal Church. In special sessions, they discuss affairs pertaining to a specific ecclesiastical province or

<sup>21</sup> Cf. Beal, J.P./Coriden, J.A./Green, T.J. (2000): 458.

<sup>22</sup> Can. 345 The synod of bishops can be assembled in a general session, that is, one which treats matters that directly pertain to the good of the universal Church; such a session is either ordinary or

region of the world.<sup>23</sup> General assemblies can be held at regular intervals and then they are designated as ordinary general assemblies. They are typically held every three years.

The General Assembly of the Synod is celebrated with a certain regularity.<sup>24</sup> Matters discussed during these sessions have included evangelization, the role of the laity in the Church, family life, the formation of priests, the sacrament of reconciliation, etc. The composition of the General Assembly of the Synod is regulated by canon 346. The main distinguishing feature of the General Assembly is that the majority of its members are elected by the local episcopal conferences. Usually, episcopal conferences of up to 25 members elect one representative, those with 25-50 members elect two representatives, those with 50-100 members elect three representatives, and conferences with more than 100 members elect four representatives.<sup>25</sup> The sessions may also be participated in by patriarchs, archbishops and metropolitans of the Eastern Churches *sui iuris*, representatives of the institutes of consecrated life elected by the union of superiors general, cardinal prefects of the Roman dicasteries, and other persons freely appointed by the Pope.<sup>26</sup> Typically, about 200 participants take part in an Ordinary General Assembly of the Synod.

An Extraordinary General Assembly of the synod is held rarely, almost exclusively in exceptional cases. Most of its participants technically belong to the group that participates in the synod *ex officio* and the categories of participants are the same as those of an Ordinary General Assembly, namely hierarchs of the *sui iuris* Eastern Churches, prefects of the Roman dicasteries, representatives of institutes of consecrated life, those appointed by the Pope, and representatives of the episcopal conferences. In this case, however, episcopal conferences are represented by their presidents rather than by elected delegates. Since these participants are designated by law and known in advance, an Extraordinary General Assembly may be convened relatively quickly. Since each episcopal conference sends only one representative, the number of members of the Extraordinary General Assembly of the synod is also considerably smaller.<sup>27</sup>

Special Assemblies are convened to address issues that require particular or urgent attention. The *Apostolica sollicitudo* distinguishes the various types of synodal assemblies and treats Special Assemblies as a distinct category. The first Special Assembly of the Synod of Bishops was held for the Netherlands in 1980. Subsequently, Special Assemblies were convened for Europe (1991), Africa (1994) and Lebanon (1995). The members of Special Assemblies are drawn from the same categories as those of General Assemblies. However, all participants must have a direct connection with the region or territory to which the synod is dedicated. At Special Assemblies, matters of particular gravity and urgency affecting the Church in the given region may be examined and discussed.

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extraordinary. It can also be assembled in a special session, namely, one which considers affairs that directly pertain to a determinate region or regions.

<sup>23</sup> As per the can. 433 §1 an ecclesiastical region corresponds to uniting several ecclesiastical provinces at the request of the Conference of Bishops and with the approval of the Holy See.

<sup>24</sup> Since its creation, the synod of bishops was held in 1967, 1971, 1974, 1977, 1980, 1983, 1987, 1990, 1994, 2000.

<sup>25</sup> See *Ordo Synodi Episcoporum celebrandae* 6, §1 p. 3

<sup>26</sup> According to *Ordo Synodi Episcoporum celebrandae* 5, and according to *Apostolica sollicitudo* X, papal appointments should not exceed 15 percent of the members of the synod session.

<sup>27</sup> The first Extraordinary General Assembly had 146 members.

Canon 347 specifies two ways in which a synod may be concluded.<sup>28</sup> In fact, canon 344 p. 6 implicitly allows for a third manner of conclusion.<sup>29</sup> At the moment the Pope convokes a synodal assembly, the duration of its proceedings is also determined, including both the date of its opening and that of its conclusion.<sup>30</sup> When the synodal work ends, all participants lose their synodal status, with the exception of the members of the Synod Council (can. 348 §1). Thus, although the Synod of Bishops is a permanent institution, participation in its individual assemblies is always ad hoc. Repeated participation by a particular member does not confer any acquired right, entitlement, or obligation. Moreover, canon 428 §1 provides that when a diocese is vacant, “nothing is to be altered.” This principle applies all the more to the Diocese of Rome and its bishop. Accordingly, when the Holy See is vacant or impeded, canon 335 stipulates that “nothing may be changed in the governance of the universal Church.” Thus, the Pope possesses full authority over the synod and its proceedings. In practical terms, this means that if he judges the continuation of a synodal assembly to be unnecessary or no longer useful, he may freely dissolve it. The legal consequence of such a decision is that all members lose the status they held by virtue of their participation in the synodal proceedings.

## Conclusion

The Synod of Bishops is a relatively recent institution in the history of the Church, yet it has become an active body within the Church. It enables bishops to participate in decision-making processes by communicating to the Holy See the pastoral situations and challenges of their particular countries. One of its clear advantages over an ecumenical council lies in its permanence, or at least in the continuity of its functioning through the office of the General Secretariat. For this reason, the Synod is able to respond with flexibility and promptness to new initiatives and needs of the universal Church. However, it must be emphasized once again that the Synod of Bishops does not possess decision-making authority; it is a consultative body whose role is to advise the Roman Pontiff. The ongoing Synod on Synodality must therefore be assessed in light of this ecclesiological framework, since the Church is not a democracy and her authority is structured hierarchically. This structure should not be viewed negatively: on the contrary, a clearly defined institutional framework does not hinder the growth of charisms but constitutes its *conditio sine qua non*.

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<sup>28</sup> Can. 347 §1. When the Roman Pontiff concludes a session of the synod of bishops, the function entrusted in it to the bishops and other members ceases.

§2. If the Apostolic See becomes vacant after a synod is convoked or during its celebration, the session of the synod and the function entrusted to its members are suspended by the law itself until the new Pontiff has decided to dissolve or continue the session.

<sup>29</sup> Can. 344 The synod of bishops is directly subject to the authority of the Roman Pontiff who according to p. 6 has the right to conclude, transfer, suspend, and dissolve the synod.

<sup>30</sup> The first session of the synod of bishops took place from 29th September 1967 to 24th October 1967.