THE PRESBYTERAL COUNCIL AS AN EXPRESSION OF SYNODALITY

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Thesis submitted to Saint Paul University,
in partial fulfilment of the requirements for
the Doctorate in Philosophy Canon Law

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ABSTRACT

Synodality is undeniably a significant focus in the ecclesiology of Pope Francis. Although difficult to define, this ecclesiological model has enormous potential and yet poses a challenge to all the faithful as a constitutive key to understanding ecclesial ministry and governance. As a fresh phase in the reception of the Second Vatican Council, synodality generates a personal and pastoral conversion of mentalities and structures to a new way of proceeding in the Church where pastors and faithful pray, meet, work together, take counsel together, and build up consensus. This thesis offers possibilities to promote synodality by encouraging and developing participative structures at the level of the particular Church. Indeed, the principal objective of this dissertation is to examine the possibility of refashioning aspects of the presbyteral council in accordance with the *ecclesiogenesi*s that comes from the current synodalisation of the Church.

In order to achieve this objective, the thesis reviews the significance of synodality and its ramifications for ecclesial renewal and reform (chapter one). The study identifies the participative structures in the particular Church, their limitations, and possible remedies. The dissertation recognises the critical role of the diocesan bishop and the priests in promoting and cultivating synodality in the particular Church; it underscores that a renewed and accentuated initial and ongoing formation in synodality for future and current pastors is imperative (chapter two). The thesis grounds the theological and juridical significance of the presbyteral council in history. It reviews the council's mission and functions in the *ius vigens*, it explores some possibilities to overcome the challenges the council faces, and it proposes a new consensus model for the council's functioning (chapter three). The study concludes by considering whether or not examining the governing council *(regiminis consilium*) of the Personal Apostolic Administration of St John Vianney and the three Personal Ordinariates for former Anglicans provides a model from which the presbyteral council might learn in order to enhance and intensify its synodal *modus agendi* (chapter four).

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ACKNOWLEDGEMENTS

The preparation of this dissertation involved the assistance and encouragement of numerous individuals. I am indebted to my thesis director, Monsignor John A. Renken. His guidance, professional expertise, and generous availability indisputably helped bring this project to a fruitful completion.

I extend my thanks to Rev Dr Wojciech Kowal O.M.I., all the professors, support staff, library staff, and my fellow-students of the Faculty of Canon Law, all of whom have been extraordinarily supportive throughout my years of study at Saint Paul University, Ottawa. I am also grateful to Rev Dr James Bradley and Very Rev Jamie Workman for their kind assistance.

I am grateful to successive Bishops of Lancaster: to the late Bishop Patrick O'Donoghue for his kindness and support from my earliest days as a priest, to Bishop Michael Campbell O.S.A., who initiated my studies in canon law, and to Bishop Paul Swarbrick, who has encouraged me to complete them.

Finally, in a special way, I would like to thank my mother, Mrs Anne Billing, and all my family and friends, for their own encouragement and to my housemates, Fr Daniel Etienne and Canon Timothy J. Sullivan, for their kindness, accommodation, and practical support during the course of my studies in canon law.

ABBREVIATIONS

AA	SECOND VATICAN COUNCIL, Decree *Apostolicam actuositatem*
AB	CONGREGATION FOR BISHOPS, Decree *Animarum bonum*
AC	BENEDICT XVI, Apostolic Constitution *Anglicanorum coetibus,*
AAS	*Acta Apostolicae Sedis*, Rome, 1909-
ASS	*Acta Sanctae Sedis*, Rome, 1865-1909
AG	SECOND VATICAN COUNCIL, Decree *Ad gentes*
50th Address	FRANCIS, Address in Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops
AS	CONGREGATION FOR BISHOPS, *Directory Apostolorum successores*
c.	canon
cc.	canons
CCC	*Catechism of the Catholic Church*
CCEO	*Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgates, fontium annotatione auctus*
CCLA	CAPARROS, E. et al. (eds.), *Code of Canon Law Annotated*
CD	SECOND VATICAN COUNCIL, Decree *Christus Dominus*
CIC	*Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus*
CIC-17	*Codex iuris canonici, Pii X Pontificis maximi iussu digestus*
CLD	*Canon Law Digest*
CLSA	Canon Law Society of America
CLSGBI	Canon Law Society of Great Britain and Ireland

Abbreviations

2019 CN	CONGREGATION FOR THE DOCTRINE OF THE FAITH, Complementary Norms for the Apostolic Constitution *Anglicanorum coetibus (Revised 2019)*
DV	SECOND VATICAN COUNCIL, Dogmatic Constitution *Dei Verbum*
EC	FRANCIS, Apostolic Constitution *Episcopalis communio*
EG	FRANCIS, Apostolic Exhortation *Evangelii gaudium*
EI	SACRED CONGREGATION FOR BISHOPS, *Directory Ecclesiae imago*
EM	CONGREGATION FOR THE CLERGY et al., Instruction *Ecclesiae de mysterio*
ES I	PAUL VI, Apostolic Letter *motu proprio, Ecclesiae sanctae I*
Exegetical Comm	MARZOA, A., J. MIRAS, R. RODRÍGUEZ-OCAÑA (eds.) and E. CAPARROS (gen. ed. of English translation), *Exegetical Commentary*
FLANNERY1	FLANNERY, A. (gen ed.), Vatican Council II, vol. 1
FLANNERY2	FLANNERY, A. (gen ed.), Vatican Council II, vol. 2
GS	SECOND VATICAN COUNCIL, Pastoral Constitution *Gaudium et spes*
LG	SECOND VATICAN COUNCIL, Dogmatic Constitution *Lumen Gentium*
NMI	JOHN PAUL II, Apostolic Letter *Novo Millennio Ineunte*
OC	SACRED CONGREGATION FOR THE CLERGY, Circular Letter *Omnes Christifideles*
OT	SECOND VATICAN COUNCIL, Decree *Optatam totius*
PDV	JOHN PAUL II, Post-synodal Apostolic Exhortation, *Pastores dabo vobis*
PG	JOHN PAUL II, Post-synodal Apostolic Exhortation, *Pastores gregis*
PO	SECOND VATICAN COUNCIL, Decree *Presbyterorum ordinis*
PS	SACRED CONGREGATION FOR THE CLERGY, Circular Letter *Presbyteri sacra*

Abbreviations

Ratio Fundamentalis	CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis Institutionis Sacerdotalis*
SC	SECOND VATICAN COUNCIL, Constitution *Sacrosanctam Concilium*
s.	statute
ss.	statutes
Syn 2018	INTERNATIONAL THEOLOGICAL COMMISSION, Document on *Synodality in the Life and Mission of the Church*
UR	SECOND VATICAN COUNCIL, Decree on Ecumenism *Unitatis redintegratio*
UT	SYNOD OF BISHOPS, Document *Ultimis temporibu*

GENERAL INTRODUCTION

The impetus for the present study is the increasingly significant theological principle of synodality as a constitutive dimension, or dynamic aspect, of the Church. Synodality is the ecclesiological model experienced as the central theological *leitmotif* of the pontificate of Pope Francis. It marks a new phase in the reception of the Second Vatican Council. In his "landmark" address on synodality, on 17 October 2015, to mark the 50th anniversary of the institution of the synod of bishops, Pope Francis declared synodality to be the new ecclesial way of proceeding. It is a constituent and processual reality that involves the constant review of patterns of deliberation and discernment at all levels and in all structures of government. Thereafter, the *cantus firmus* of many of Francis's noteworthy addresses and homilies has been the call to embrace a synodal Church of reciprocal listening, continual discernment, and the participation and co-responsibility of all the baptised.

The present study will seek to contribute to a deeper understanding of synodality as it characterises the Church's renewed way of living and working (*modus vivendi et operandi*) rooted in a dynamic of the *sensus fidei fidelium.* While many understand the current momentum toward a synodal Church as primarily connected to the synod of bishops,[1] this study is concerned with synodality experienced and developed in and through recalibrating and developing the participative structures in the particular Churches. Furthermore, this study will seek to "rethink" creatively (FRANCIS, *EG*, no. 33) the presbyteral council to see if it can be further reshaped and enhanced in its

[1] This understanding is rooted especially in the light of the XVIth ordinary general assembly of the synod of bishops, themed: "For a Synodal Church: Communion, Participation, and Mission" (2021-2023), particularly the first phase of listening to and consulting the People of God in the particular Churches (October 2021-April 2022).

synodal *modus agendi* by the *ecclesiogenesi*s emanating from the current synodalisation of the Church.

The central questions in this study will be: Is it possible to provide a working definition of synodality? How is synodality related to but distinct from collegiality? Are there different versions of synodality expressed across the globe? (Chapter One) What can the diocesan bishop do to promote synodality in the diocese entrusted to his care? How can the formation of future priests and bishops assist in embedding synodality within the *presbyterium* and among the faithful of the particular Church? What ongoing formation in synodality and synodal *praxis* is necessary for priests to cultivate synodality in their ministry? (Chapter Two) Is a consensus model of deliberation a desirable manner of proceeding for the presbyteral council when a vote is not strictly necessary? (Chapter Three) Is the synodal model of the governing council (*regiminis consilium*) found in the Personal Apostolic Administration of St John Vianney and the Personal Ordinariates for former Anglicans a practical model that could be taken up by the universal law for the particular Churches? (Chapter Four)

This study should be of academic interest, of ecclesiological significance, and contemporary value to the Faculty of Canon Law at Saint Paul University and to canonists and ecclesiologists elsewhere. We are aware that there is at least one prior thesis that directly and seriously addresses synodality,[2] that others address participative structures of the particular Church,[3] and that others concern the mission and functions

[2] P. EDAYÉ, L'exercice du gouvernement épiscopal dans l'Église. Cinq ans d'orientations canoniques et pastorales à partir de la vision du Pape François, JCD Thesis, Ottawa, Saint Paul University, 2018.

[3] L.N. LUSABE, An Analysis of Participative Structures in Selected Particular Churches in Eastern Africa in Light of the 1983 Code of Canon Law, JCD Thesis, Ottawa, Saint Paul University, 2017; ID., *Participative Structures in the AMECEA: Five Selected Participative Structures in the AMECEA: The Diocesan Synod, the Diocesan Finance Council, the Presbyteral Council, the College of Consultors, and the Diocesan Pastoral Council,* Berlin, Peter Lang GmbH, Internationaler Verlag der Wissenschaften, 2020.

of the presbyteral council.[4] None of these, however, appear to deal directly and substantially with the application of synodality to the participative structures of the particular Church (nor, specifically, to the presbyteral council). There are a few theses concerning the Personal Ordinariates for former Anglicans[5] and even fewer concerning its governing council.[6] This current dissertation hopes to make a worthy and distinctive contribution to canonical science in synodality, especially regarding the development of the presbyteral council.

The principal sources of this thesis will be the pertinent documents of the Second Vatican Council, the Holy See, the 1983 Code of Canon Law, the 2013 apostolic exhortation of Pope Francis *Evangelii gaudium,* Francis's address for the 50th anniversary of the synod of bishops, and the 2018 document on synodality from the International Theological Commission. The study will also utilise other ecclesial documents and the latest available books, addresses, commentaries, and articles of systematic theologians, ecclesiologists, and canonists in the analysis of this study that pertains mainly to the canonical discipline of the Latin Church with only occasional explicit reference to the legal system(s) of the Eastern Churches *sui iuris*.

The structure of the current dissertation will be according to four interconnected and systematic chapters as follows:

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[4] J.E. OKOSUN, The Collaborative Role of the Presbyteral Council in the Governance of a Diocese in Law and Statutes, JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 2012; G.L. COULTER, Juridical Manifestations of the Presbyterium, JCL thesis, Rome, Pontifical University of the Holy Cross, 2004; R.R.U. CALVO, Consultation and the Presbyteral Council: New Emphasis in the *ratio legis*, JCD thesis, Rome, Pontificia Studiorum Universitas, A.S. Thoma Aq. in Urbe, 1986; R.E. HEMBERGER, Consultation in the 1983 Code of Canon Law, JCL thesis, Washington, DC, The Catholic University of America, 1985.

[5] For example, see J.D. BRADLEY, The Provenance and Purpose of Personal Ordinariates Erected Under the Auspices of the Apostolic Constitution *Anglicanorum cœtibus*, JCD thesis, The Catholic University of America, Washington, DC, 2017.

[6] For example, see J.R. WORKMAN, The Governing Council of the Anglican Ordinariate. JCL thesis, The Catholic University of America, Washington, DC, 2013.

Chapter one will explore the theological basis for synodality. It will attempt to draw out a working definition for synodality and ascertain its broad implications while offering possibilities for how it might be taken forward, at every level, as a constitutive key to understanding ministry and governance. The first chapter will evaluate the XVIth ordinary general assembly of the synod of bishops, its opportunities and challenges. It will review various other synodal initiatives worldwide. It will conclude by investigating how synodal *praxis* can be developed further within the participative structures in the particular Churches.

Chapter two will examine the synodal significance of the participative structures envisaged by the Code of Canon Law at the level of the particular Churches. It will attempt to identify and provide a canonical commentary on the various participative structures found in dioceses and parishes. The second chapter will investigate the unique role of the diocesan bishop in promoting synodality within the particular Church, mainly through his capacity to govern in and through his collaboration with its participative structures in a synodal manner that is both transparent and accountable. This second chapter will explore the significance and necessary intensification of initial and ongoing formation for an ordained ministry more equipped for a synodal Church. It will conclude by assessing how the ministry of diocesan priests, in their relationships with each other and with their diocesan bishop, impacts the cultivation of a broader synodality within the diocese and its parishes.

Chapter three will trace the historical development of the presbyteral council. It will review the mandate for establishing the presbyteral council in the various texts of the Second Vatican Council, and in related legislation issued shortly after the Council. The chapter will provide a canonical analysis of the purpose and functions of the presbyteral council as it appears in the 1983 Code of Canon Law. It will investigate

how the presbyteral council demonstrates consultation, consent, and building consensus. This analysis leads to an examination of the potential of a consensus model of deliberation. The chapter will address the relationship and tensions between the presbyteral council and the college of consultors, and the other participative structures. It will conclude by exploring the constraints experienced by the presbyteral council and will offer possibilities to overcome these, including reference to a method that uses a consensus model of deliberation.

Chapter four will acknowledge the existence of ecclesiastical circumscriptions other than a diocese. It will trace the roots and mission of the Personal Ordinariates for former Anglicans and explore the significance of its governing council (*regiminis consilium*), which also is found in the Personal Apostolic Administration of St John Vianney. Chapter four will compare the functions of the governing council with the competencies of both the presbyteral council and the college of consultors. The chapter will carefully consider possible insights from the functions of the governing council for the rest of the Latin Church. Meanwhile, chapter four will evaluate the implications of more frequent use of particular councils. Finally, it will consider whether updated instructions from the Holy See on participative structures and processes would be helpful, given contemporary issues, together with a review of the need for effective formation for the lay faithful in synodal skills and practice.

CHAPTER ONE

SYNODALITY: A CONSTITUTIVE DIMENSION OF THE CHURCH

Introduction

This initial chapter seeks to review the theological and canonical basis for a growing significance in synodality for the Church during the pontificate of Pope Francis. The chapter will attempt to review various texts of Pope Francis, but mainly his 50th anniversary address on 17 October 2015, and the 2018 document of the International Theological Commission on synodality as well as the works of theologians and canonists. The chapter will seek to propose a working definition for synodality and so to tease out the broad implications of synodality for the life and mission of the Church while offering possibilities for how synodality might be taken forward by the Church, at every level, as a constitutive key to understanding ministry and governance.

This first chapter will evaluate the importance of the XVIth ordinary general assembly of the synod of bishops, its opportunities and challenges, together with those synodal initiatives that are currently taking place or are being planned by particular Churches or their groupings around the world. The chapter will also examine how synodal *praxis* can be developed further, especially by the recalibration and maturation of those canonical participative structures in the particular Churches.

1.1. The Significance of Synodality in the Church

From the outset of Francis's pontificate, as the newly-elected Bishop of Rome greeted the crowds in Rome on 13 March 2013, synodality was announced in the form of a journey: "And now, we take up this journey: Bishop and People. This journey of the Church of Rome which presides in charity over all the Churches. A journey of

fraternity, of love, of trust among us. Let us always pray for one another."[1] This first and spontaneous indication of Francis's ecclesiology was to prove to be significant for post-conciliar ecclesiology and the contemporary thrust towards synodality.

"All of us together"[2] could well be the strapline for the vision and style of Pope Francis[3] as he invites the entire Church to "go forward on the path of synodality."[4] On multiple occasions, Francis has explained the necessity[5] and beauty of "journeying together." It has become a significant motif of his pontificate.[6] Indeed, Francis's emphasis on reviving synodality in the Church was present in an early interview on 19 August 2013: "We must walk together: the people, the bishops, and the pope. Synodality should be lived at various levels."[7]

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[1] FRANCIS, First Greeting of the Holy Father, 13 March 2013, https://www.vatican.va/content/francesco/en/speeches/2013/march/documents/papafrancesco_20130313_benedizione-urbi-et-orbi.html (9 June 2021).

[2] FRANCIS, Message at the General Audience, 26 June 2013, https://www.vatican.va/content/francesco/en/audiences/2013/documents/papa-francesco_20130626_udienza-generale.html (9 June 2021).

[3] See V. POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church, in *Asian Horizons,* 14 (March 2020), 182.

[4] FRANCIS, Homily on the Solemnity of Saints Peter and Paul and the Imposition of the Sacred *Pallium*, 29 June 2013, http://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130629_omelia-pallio.html (9 June 2021).

[5] Pope Francis's emphasis on the synodal nature of the Church certainly influenced the 2018 reflections of the International Theological Commission on the theme of synodality. See INTERNATIONAL THEOLOGICAL COMMISSION, Synodality in the Life and Mission of the Church, 2 March 2018, (=INTERNATIONAL THEOLOGICAL COMMISSION *Syn 2018*), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html (23 June 2021).

[6] Michele Giulio Masciarelli describes synodality as the "idea madre" of the teaching of Pope Francis on the Church and mission. See M.G. MASCIARELLI, *Un popolo sinodale: Camminare insieme*, Todi, Tau Editrice, 2016, 11. See also, M. COLERIDGE, "From Wandering to Journeying: Thoughts on a Synodal Church," *The Cardinal Knox Lecture*, Catholic Leadership Centre, Melbourne, 16 May 2016, https://gippslandordinariate.files.wordpress.com/2016/05/the-knox-lectur21.pdf (9 June 2021).

[7] FRANCIS, Interview with Fr Antonio Spadaro, 19 August 2013, ahttps://www.vatican.va/content/francesco/en/speeches/2013/september/documents/papa-francesco_20130921_intervista-spadaro.html (28 July 2021).

This synodal impulse pervades all the critical moments of the pontificate of Francis, the various assemblies of the synod of bishops, and his broader approach to governance in the Church. It creates a new kind of relationship between the centre and peripheries, between the ordained and lay faithful, and between the particular Churches and the universal Church.[8] The following section of this thesis will review the increasing significance of synodality in the life of the Church.

1.1.1. The Ecclesiologies of the Second Vatican Council

In order to understand synodality, it is necessary to review the teachings of the Second Vatican Council. A. Dulles offers the reminder that though many different biblical images of the Church[9] and "models of Church" (ecclesiologies)[10] are undoubtedly present in the texts of the Second Vatican Council,[11] the metaphors of the People of God,[12] Sacrament,[13] and Servant[14] are the most iconic images endowed by the Council Fathers.[15]

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[8] M. FAGGIOLI, "From Collegiality to Synodality: Promise and Limits of Francis's 'Listening Primacy'," in *The Irish Theological Quarterly,* 85 (November 2020), 2.

[9] A. DULLES, *Models of Church*, London, Image Books, 2002, 22.

[10] Ibid.

[11] Principally, SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium*, 21 November 1964 (=*LG*), in *AAS*, 57 (1965), 5–75, English translation in A.P. FLANNERY, (gen. ed.), *Documents of Vatican II,* vol. 1, new revised edition, Northport, Costello Publishing Company, 1992 (=*FLANNERY1*), 350-426 and SECOND VATICAN COUNCIl, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, 7 December 1965 (=*GS*), in *AAS*, 58 (1966), 1025-1115, in *FLANNERY1*, 903-1001. Unless otherwise stated, the Flannery edition of the conciliar documents will be used throughout this work.

[12] SECOND VATICAN COUNCIL, *LG*, no. 4, in *AAS*, 57 (1965), 6–7, in *FLANNERY1*, 351-352.

[13] Ibid., no. 1, in *AAS*, 57 (1965), 5, in *FLANNERY1*, 350.

[14] SECOND VATICAN COUNCIL, *GS*, no 3, in *AAS*, 58 (1966), 1026-1027, in *FLANNERY1*, 904-905.

[15] Ibid.

Indeed, the documents of the Second Vatican Council, especially *Lumen gentium* and *Gaudium et spes,* undoubtedly speak to the desire of the Council Fathers to move away from a predominantly static, juridical vision of the Church to a vision that is more open and dynamic.[16] Put another way, at the Council, the Church as an institution is subordinated to the mystery of Christ.[17] Hence, the Second Vatican Council rebalances the unduly one-sided pre-conciliar stress on the Church as a hierarchical institution and highlights that the whole People of God (lay faithful, religious, clergy and bishops) are called by baptism to participate together in the one mission of Christ.[18] Moreover, Xavier notes that, through this new vision, the hierarchy, without detriment to its authority, receives a new orientation, the service of the whole People of God.[19]

Again, a renewed and rebalanced understanding of the Church modifies a standard pre-conciliar view of the Church as the Church universal,[20] centralised in the Vatican under the supreme authority of the pope. According to this understanding, each diocese tended to be understood as an administrative division of the Vatican, and each parish, an administrative subdivision of the diocese.[21] The Second Vatican Council affirmed that the local Church is fully Church,[22] upholding, too, that the local and the

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[16] See A. ACERBI, *Due ecclesiologie: Ecclesiologia giuridica ed ecclesiologia di comunione nella Lumen gentium*, Bologna, Edizioni Dehoniane, 1975.

[17] J. XAVIER, "The Church of the People: Ecclesial Vision of Pope Francis," in *Vidyajyoti Journal of Theological Reflection,* 80 (August 2016), 589.

[18] R.P. MCBRIEN, *Catholicism*, London, Geoffrey Chapman, 1994, 683.

[19] XAVIER, "The Church of the People," 590.

[20] Ibid.

[21] R.P. MCBRIEN, *Catholicism*, 684.

[22] SECOND VATICAN COUNCIL, *LG*, no. 26, in *AAS*, 57 (1965), 31, in *FLANNERY1*, 381; SECOND VATICAN COUNCIL, Decree on the Pastoral Office of Bishops in the Church *Christus Dominus,* 28 October 1965, (=*CD*), no. 11, in *AAS*, 58 (1966), 681, English translation in *FLANNERY1*, 572. See also W. AYMANS, *Das synodale Element in der Kirchenverfassung,* München, Max Hueber, 1970, 318-324.

universal Church are not independent of each other, expressing this with the terminology of "in quibus et ex quibus."[23]

Xavier notes, however, that a further shift took place in ecclesiology from the 1980s onwards, with a new emphasis placed on *communio or koinonia* ecclesiology. This is very evident in the *relatio finalis* of the 1985 extraordinary synod of bishops,[24] where *communio* was proposed as an important key for interpreting the Council's documents: "The ecclesiology of *communio* is the central and fundamental idea of the council's documents."[25] The 1992 letter *Communionis notio* from the Congregation for the Doctrine of the Faith[26] confirmed the same understanding but focused on the language of "hierarchical communion."[27] Xavier attributes this development to the years immediately following the Council, where heated debate on the prevalent ecclesiology of the Second Vatican Council meant that "the People of God" was frequently used for dissent against the hierarchy.[28] Consequently, such discussion drove the conciliar ecclesiology into an "either-or" situation: the Church as "mystery" or as "the People of God." Xavier notes that, in order to overcome this impasse, the 1985

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[23] SECOND VATICAN COUNCIL, *LG*, no. 23, in *AAS*, 57 (1965), 27, in *FLANNERY1*, 376-378.

[24] XAVIER, "The Church of the People," 591.

[25] SECOND EXTRAORDINARY SYNOD OF BISHOPS, The Final Report of the 1985 Extraordinary Synod, C.1, at *EWTN*, https://www.ewtn.com/catholicism/library/final-report-of-the-1985-extraordinary-synod-2561 (23 June 2021).

[26] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Communionis Notio*, 28 May 1992, in *Enchiridion Vaticanum* XIII, Bologna, 1995, 937, no. 1787, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_28051992_communionis-notio_en.html (13 September 2021).

[27] B.P. FLANAGAN, "Changing the Church Through Synodality," in M.D. CHAPMAN and V. LATINOVIC, (eds.), *Changing the Church: Transformations of Christian Belief, Practice, and Life*, Cham, Palgrave Macmillan, 2021, 336.

[28] XAVIER, "The Church of the People," 591. Benedict XVI also discussed this point in his final days as Roman Pontiff. See BENEDICT XVI, Address at the Meeting with the Parish Priests and the Clergy of Rome, 14 February 2013, https://www.vatican.va/content/benedict-xvi/en/speeches/2013/february/documents/hf_ben-xvi_spe_20130214_clero-roma.html (21 October 2021).

extraordinary synod fathers proposed the idea of "communio" as the hermeneutical key to interpreting the various ecclesiologies of the Council.[29] In turn, due to the stress on "communio" in its various "visions and versions,"[30] the notion of "the People of God" slowly faded away.[31]

Now, as D. Vitale observes, the papacy of Francis has brought the ecclesiology of "the People of God" back into the ecclesiological arena[32] given that Francis has expressed his own preferred starting point for reflection on the Church early on in his pontificate: "The image of the Church I like is that of the holy, faithful People of God."[33]

1.1.2. Synodality: A Fresh Reception of the Second Vatican Council

Even if it must be recognised that the term "synodality" is not explicitly found in the texts of the Second Vatican Council,[34] it can be affirmed that the need for synodality is at the heart of the work of renewal promoted by the Council.[35] In his 2019 Letter to the Pilgrim People of God in Germany, Pope Francis explains that synodality forms part of the "reception and further development" of the Second Vatican Council.[36]

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[29] XAVIER, "The Church of the People," 591.

[30] See D. DOYLE, *Communion Ecclesiology: Visions and Versions,* Maryknoll, NY, Orbis, 2000, 1.

[31] XAVIER, "The Church of the People," 591.

[32] D. VITALE, "Una chiesa di popolo: il sensus fidei come principio dell'evangelizzazione," in H.M. YANEZ, (ed.), *Evangelii Gaudium: il testo ci interroga: Chiavi di lettura, testimonianze e prospettive*, Rome, GBP, 2014, 59-60.

[33] FRANCIS, "A Big Heart Open to God," at *America*, 30 September 2013, http://americamagazine.org/pope-interview (24 June 2021).

[34] See O. RUSH, "Inverting the Pyramid: The *Sensus Fidelium* in a Synodal Church," in *Theological Studies,* 78 (2017), 304.

[35] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* nn. 5-6.

[36] FRANCIS, Schreiben von Papst Franziskus an das pilgernde Volk Gottes in Deutschland, no. 9, 29 June 2019, https://www.vatican.va/content/francesco/de/letters/2019/documents/papa-francesco_20190629_lettera-fedeligermania.html, (22 September 2021). English working translation by Bishop M. G. Campbell.

For M. Czerny, synodality is the key that translates and synthesises the ecclesiology of communion expressed by the Council.[37] M. Grech agrees that synodality is the category that best comprises all the conciliar themes that have often been opposed to one another in the post-conciliar period.[38] Several scholars have noted how the pontificate of Pope Francis has ushered in what could be called a new or fresh phase in the reception[39] of the Second Vatican Council.[40] Thus, the Church is receiving the Council afresh, entering into its dynamics, and making efforts for a conversion to a new vision and new practices.[41]

R.R. Gaillardetz observes that three conciliar teachings appear prominently in the developing notion of synodality: Firstly, Pope Francis grounds synodality in the

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[37] M. CZERNY, "Towards a Synodal Church," at *La Civiltà Cattolica*, 25 January 2021, 6, https://www.laciviltacattolica.com/toward-a-synodal-church/ (17 June 2021).

[38] As expressed in A. TORNIELLI, "Cardinal Grech: The Church is Synodal Because it is a Communion," at *Vatican News,* 21 July 2021, https://www.vaticannews.va/en/vatican-city/news/2021-07/cardinal-grech-synod-synodality-interview-communion.html (22 July 2021).

[39] From an article by Walter Kasper appearing in *L'Osservatore Romano*, 11 April 2013 as reported by John Thavis, at J. THAVIS, "Cardinal Kasper: Pope Francis has Launched 'New Phase' on Vatican II," 13 April 2013, https://www.johnthavis.com/post/cardinal-kasper-pope-francis-has-launched-new-phase-on-vatican-ii-1 (24 June 2021). See also R.R. GAILLARDETZ, "The 'Francis Moment:' A New Kairos for Catholic Ecclesiology," in *CTSA Proceedings,* 69 (2014) 63; https://www.academia.edu/11181655/_The_Francis_Moment_A_New_Kairos_for_Catholic_Ecclesiology_ (9 June 2021); M. WIJLENS, "Reforming the Church by Hitting the Reset Button: Reconfiguring Collegiality within Synodality Because of *Sensus fidei fidelium*" in *The Canonist,* 8 (2017), 261; EDAYÉ, L'exercice du gouvernement épiscopal, 266.

[40] Alphonse Borras notes three descriptions of the Church over the past half century: 1) THE CHURCH AS THE PEOPLE OF GOD. Vatican II focused on the Church as "the People of God," which emphasizes God as the author of the Church, which is the Body of Christ and the Temple of Spirit. This acknowledges the origin of the Church. 2) THE CHURCH AS *COMMUNIO*. Communio ecclesiology focuses on the nature which participates in the life of God through diverse charisms, vocations, sensibilities. This acknowledges the organic character of the Church. 3) THE CHURCH AS SYNODAL. More recently, this concept focuses on the process which builds up the Church and emphasises the participation of the baptized in its mission in the world. This emphasizes the dynamic dimension of the Church. (A. BORRAS, "Évolutions souhaitables en matière de synodalité sur le plan des 'instances intermédiaires'," in L. BALDISSERI [ed.], *A cinquant'anni dell'Apostolica sollicitudo. Il Sinodo dei Vescovi al servizio di una Chiesa sinodale*. Vatican City, Libreria editrice Vaticana, 2016, 263-265).

[41] L. ÖRSY, *Receiving the Council: Theological and Canonical Insights and Debates,* Collegeville, MN, Michael Glazier Books, 2009, xi.

Council's theological image of the Church as pilgrim.[42] This particular image is found in the very first conciliar document, the Constitution on the Sacred Liturgy *Sacrosanctum concilium*.[43] Secondly, synodality evokes a Church attentive to the Word of God,[44] for participation in the development of tradition is not limited to the magisterium but includes theologians and all the baptised.[45] This means the entire Christian faithful are given a supernatural instinct for the faith *(sensus fidei fidelium), a* "nose of faith"[46] that offers the baptised an active role in the life of a "listening" Church.[47] Thirdly, synodality draws upon the council's teaching that the Holy Spirit bequeaths to the entire Church both charismatic and "hierarchic gifts"[48] that mutually support one another within a coessential but not competitive relationship.[49]

1.1.3. Defining Synodality

Synodality is not easy to define.[50] However, the use of biblical images can be helpful. In the Old Testament, the Hebrews walked along together in the wilderness.

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[42] R.R. GAILLARDETZ, "The Synodal Shape of Church Ministry and Order," in *Concilium,* 2 (2021), 99.

[43] SECOND VATICAN COUNCIL, Constitution on the Sacred Liturgy *Sacrosanctum concilium*, 4 December 1963, (=*SC*), no.2, in *AAS,* 56 (1964), 97–98, English translation in *FLANNERY1*, 1–2.

[44] GAILLARDETZ, "The Synodal Shape," 99.

[45] SECOND VATICAN COUNCIL, Dogmatic Constitution on Divine Revelation *Dei Verbum*, (=*DV*), 18 November 1965, in *AAS*, 58 (1966), no. 8, 820–821, English translation in *FLANNERY1*, 754-755.

[46] FRANCIS, Address to the Italian Theological Association, 29 December 2017, https://www.vatican.va/content/francesco/en/speeches/2017/december/documents/papa-francesco_20171229_associazione-teologica-italiana.html (15 January 2022).

[47] SECOND VATICAN COUNCIL, *LG*, no. 12, in *AAS*, 57 (1965), 16-17, in *FLANNERY1*, 363-364.

[48] Ibid., *LG*, no. 4, in *AAS*, 57 (1965), 6–7, in *FLANNERY1*, 351-352.

[49] GAILLARDETZ, "The Synodal Shape," 98.

[50] See E.A. ALLEN, "As Pope Opens Synod, Experts Extol 'Synodality' but Struggle To Define It," at *Crux*, 9 October 2021, https://cruxnow.com/vatican/2021/10/as-pope-opens-synod-experts-extoll-synodality-but-struggle-to-define-it/ (9 October 2021).

They experienced the guiding hand of God, who led them as a pillar of cloud by day and a pillar of fire by night.[51] The gospels, too, can be understood as "synodal" in that they recall how the disciples journeyed with Jesus[52] and shared in his ministry. The "Gospel of Emmaus"[53] also provides a scriptural model for synodality in practice; fellow disciples conversing together about their struggles and the seeming failure of the Cross, fleeing and finding themselves far from Jerusalem and unaware of Christ, yet then finding him waiting for them on the Way.[54]

In this respect, it is worth noting that the word "synod" itself comes from the Greek word composed of the preposition "σύν" *syn* meaning "with" and the noun "ὁδός" *hodos* meaning "path" and so it is characteristic of the history of the pilgrim Church, *walking* or *journeying together.* The Church is the "People on the move."[55] With this perspective, Francis reminds the entire ecclesial community: "To walk together is the *constitutive way* of the Church; the *figure* that enables us to interpret reality with the eyes and heart of God; the *condition* for following the Lord Jesus and being servants of life in this wounded time. The breath and the pace of the Synod show what we are, and the dynamism of communion that animates our decisions."[56]

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[51] Ex 13:21.

[52] Lk 8:1-3.

[53] Lk 24:13–35.

[54] See P. PIZZABALLA, "Letter of Patriarch Pierbattista Pizzaballa to the Diocese: Synodal Journey in the Holy Land," 15 October 2021, https://www.lpj.org/posts/letter-pierbattista-pizzaballa-diocese-our-synodal-journey-holy-land.html?s_cat=1102 (21 October 2021).

[55] EDAYÉ, L'exercice du gouvernement episcopal, 266.

[56] FRANCIS, Introductory Speech at the Opening of the Work of the 70th General Assembly of the Italian Bishops's Conference, 22 May 2017, 3, https://www.vatican.va/content/francesco/en/speeches/2017/may/documents/papa-francesco_20170522_70assemblea-cei.html (17 June 2021).

Thus, synodality concerns an interactive and dynamic[57] path taken together,[58] a *modus vivendi et operandi* under the guidance of the risen Lord and the Holy Spirit, by all the People of God with the wide variety of its members and a co-responsible and converging exercise of the various charisms and ministries for the sake of the common good.[59] Synodality expresses, with various nuances, the fact that the Church is a "pilgrim" people, accompanying one another on the journey[60] and regularly taking the counsel of the Holy Spirit together upon the way, led by the pope and the bishops. P. McPartlan observes that, in its broadest sense, synodality refers to the corporate life of communion that unites all the members of the body of Christ, each of whom, through baptism, has gifts, charisms, experience and expertise, and an active role to play in the life and mission of the Church.[61]

The synodal nature of the Church is intrinsic to its working and style and is a practical working out of communion. Quoting from Saint John Chrysostom, Pope Francis says that "Church and Synod are synonymous," since the Church is nothing

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[57] See J.D. FARIS, "Synods, Councils, and Assemblies: Hierarchical Structures as Expressions of Synodality," in *CLSA Proceedings,* 78 (2016), 189.

[58] FRANCIS, Address to the Faithful of the Diocese of Rome, 18 September 2021, https://www.vatican.va/content/francesco/it/speeches/2021/september/documents/20210918-fedeli-diocesiroma.html (19 September 2021).

[59] "Jesus is the pilgrim who proclaims the good news of the Kingdom of God (Luke 4:14-15; 8:1; 9:57; 13:22; 19:11), teaches 'the way of God' (Luke 20:21) and points the way to it (Luke 9:51-19:28). In fact, He Himself *is* 'the way' (John 14:6) that leads to the Father; in the Holy Spirit (John 16:13). He shares with everyone the truth and love of communion with God and our sisters and brothers. Living communion according to the standard of Jesus' new commandment means walking together in history as the People of God of the new covenant, in a way that fits the gift received (John 15:12-15). In his account of the disciples at Emmaus, Luke gives us a living icon of the Church as People of God, guided on its way by the risen Lord, who lights it up by His Word and feeds it with the Bread of Life (Luke 24:13-35)." (See INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 16).

[60] Cardinal Donald W. Wuerl views accompaniment as an extension of synodality (see D.W. WUERL, "Pope Francis: Fresh Perspectives on Synodality," in *CLSA Proceedings*, 78 [2016)] 13).

[61] See the remarks of P. McPartlan in the interview at J. LEWIS, "Theologian Says Church Needs Both Synodality and Primacy," at *Crux*, 28 January 2019, https://cruxnow.com/interviews/2019/01/theologian-says-church-needs-both-synodality-and-primacy/ (21 October 2021).

other than the "journeying together" of God's flock along the paths of history towards the encounter with Christ the Lord."[62] With the historian J. O'Malley, one can recognise that "from a historical viewpoint, traditional church governance was synodal."[63] Indeed, the Council of Jerusalem[64] shows a synodal dynamic from the very beginnings of the Church.[65]

Synodality refers to the Church's corporate decision-making, "to the involvement and participation of the whole People of God in the life and mission of the Church"[66] and can be defined as "a structured conversation among all of the relevant ecclesial players, bishops, priests, and laity, for the sake of hearing the voice of the Spirit."[67] to express their needs and desires (c. 212, §2), to share their informed opinion on matters pertaining to the good of the Church (c. 212, §3), and to offer their opinion on matters of their expertise (c. 218). Synodality is not only a *methodos* but an *odos*, not only a method but the mode or way of being (*modus essendi*) for the Church on mission.[68] As A. Borras observes, synodality is, for the most part, a principle of *ecclesiogenesis*, in that synodality builds up the People of God and, at the same time,

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[62] FRANCIS, Address in Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops, 17 October 2015, in *AAS*, 107 (2015) 1138-1144. English version https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html (10 June 2021).

[63] J. O'MALLEY, *When Bishops Meet: An Essay Comparing Trent, Vatican I, and Vatican II,* Cambridge, MA, 2019, 58.

[64] Acts 15:4-29.

[65] See A. MELLONI and S. SCATENA (eds.), *Synod and Synodality. Theology, History, Canon Law, and Ecumenism*, Münster, LIT Verlag, 2005, 113.

[66] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no.7.

[67] R. BARRON, "What is Synodality?" at *Word on Fire,* 18 February 2020, https://www.wordonfire.org/resources/article/what-is-synodality/26635/ (7 May 2021).

[68] M. GRECH, "Towards a Synodal Irish Church: Address of Cardinal Mario Grech to the Bishops of Ireland," at IRISH CATHOLIC BISHOPS'S CONFERENCE, 3 February 2021, https://catholicnews.ie/towards-a-synodal-irish-church/ (17 June 2021).

shapes them to "reform" them, to make them continually conform to what God wants here and now for the ecclesial body of Christ inhabited by his Spirit.[69] If the Church follows the path of synodality, all the faithful must be the first to be converted to a different style.[70]

Synodality is a way of ecclesial living and functioning found not only in one structure like the synod of bishops or the diocesan synod but at *all* levels of the Church and by *all* the baptised. M. Coleridge explains: "Synodality means not some of the bishops some of the time but all of the Church all of the time."[71] The Church is the community of those believers "belonging to the way of the Lord."[72] Jesus Christ is the Way,[73] the wayfarer, and the actual destination. Consequently, the Church follows this synodical rhythm of life: movement and pause, walking and meeting, *synodality* and *synod*.[74] Synodality is indeed the "constitutive"[75] way of being and acting for the entire Church.

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[69] A. BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures: A Canonist's Point of View," in A. SPADARO, C. M. GALLI, M. FAGGIOLI, and D. S. YOCUM, (eds.) *For a Missionary Reform of the Church: The Civiltà Cattolica Seminar,* Mahwah, NJ, Paulist Press, 2017, 219.

[70] FRANCIS, Address to the Roman Curia, 23 December 2021, https://www.vatican.va/content/francesco/en/speeches/2021/december/documents/20211223-curiaromana.html (23 December 2021).

[71] M. COLERIDGE, "From Wandering to Journeying: Thoughts on A Synodal Church," The Cardinal Knox Lecture, Catholic Leadership Centre, Melbourne, 16 May 2016. https://gippslandordinariate.files.wordpress.com/2016/05/the-knoxlecture21.pdf (9 June 2021).

[72] Acts 9:2.

[73] John 14:6.

[74] A. SPADARO and C.M. GALLI, "The Synodal Church," at *Civiltà Cattolica,* 26 October 2018, https://www.laciviltacattolica.com/the-synodal-church/ (9 June 2021).

[75] FRANCIS, Introductory Speech at the Opening of the 70th General Assembly of the Italian Bishops's Conference, 22 May 2017, http://www.vatican.va/content/francesco/it/speeches/2017/may/documents/papa-francesco_20170522_70assemblea-cei.html (9 August 2021).

1.1.4. Influences upon the Synodality of Pope Francis

As well as from the teachings of the Second Vatican Council,[76] the ecclesiology of Francis is greatly influenced by the "theology of the people," which interprets the "faithful People of God" as an important source for theological reflection.[77] This school was mainly developed by Argentinian thinkers: Lucio Gera, Rafael Tello, and Juan Carlos Scannone[78] and became an alternative to the more radical Latin American "Liberation Theology."

Moreover, J. Haers observes[79] that those familiar with Ignatius of Loyola's *Spiritual Exercises,*[80] as well as the dynamic governance and leadership principles set out in the *Constitutions* of the Society of Jesus, will quickly draw parallels between Francis' understanding of synodality and the dynamics of spiritual discernment – particularly "common apostolic discernment."[81] Haers proposes that "common apostolic discernment," as understood by Francis, is an excellent tool to put synodality into practice,[82] as found in Ignatian spirituality.[83]

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[76] See C. WOODEN, "Pope Says Vatican II Shaped His Theology, Including in Social Teaching," at *Crux,* 28 September 2021, https://cruxnow.com/vatican/2021/09/pope-says-vatican-ii-shaped-his-theology-including-in-social-teaching/ (29 September 2021).

[77] For further details, see J.C. SCANNONE, "Pope Francis and the Theology of the People," in *Theological Studies*, 77 (2016), 118-135.

[78] On Lucio Gera, Rafael Tello, and Juan Carlos Scannone, see M. BORGHESI, *The Mind of Pope Francis: Jorge Mario Bergoglio's Intellectual Journey*, translated by B. HUDOCK, Collegeville, MN, Liturgical Press, 2018; R. LUCIANI, *Pope Francis and the Theology of the People*, translated by P. BERRYMAN, Maryknoll, NY, Orbis Books, 2017.

[79] J. HAERS, "A Synodal Process on Synodality: Synodal Missionary Journeying and Common Apostolic Discernment," in *Louvain Studies,* 43 (2020), 216.

[80] See J.A. MUNITIZ and P. ENDEAN, *Saint Ignatius of Loyola, Personal Writings: Reminiscences, Introduction, and Notes*, London, Penguin Books, 1996.

[81] HAERS, "A Synodal Process," 216.

[82] Ibid.

[83] Ibid.

Hence, Francis' advocacy of a revived synodality[84] for the whole Church demonstrates, in a particular way, the profound impact of the work of the Latin American Episcopal Council (CELAM),[85] founded in 1955, and the region's particular way of proceeding as expressed in the CELAM documents at Medellin (1968),[86] and again at Aparecida (2007) in which the then-Cardinal Bergoglio certainly played a significant role.[87] B.E. Hinze[88] observes that Francis' approach to synodality also incorporates certain convictions drawn from his study of the works by Michel de Certeau on conflict,[89] Romano Guardini on antinomies,[90] and Gaston Fessard's dialectical approach to the way Ignatius of Loyola's *Spiritual Exercises* treats discerning the call of individual and collective identities and missions in freedom. [91]

1.2. Synodality in Ecclesial Texts

This section critically investigates the theological notion of synodality and its philosophical and theological underpinning principles, as expressed explicitly and implicitly in ecclesial texts, principally by Pope Francis.

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[84] FAGGIOLI, "From Collegiality to Synodality," 2.

[85] In Spanish: *Consejo Episcopal Latinoamericano* and in Portuguese: *Conselho Episcopal Latino-Americano.* See the official website http://www.celam.org/ (28 November 2021).

[86] See R. LUCIANI, "From Collegiality to Synodality in Latin America," in *Asian Horizons: Dharmaram Journal of Theology* 14 (2020), 151-166.

[87] H. OSPINO and R. LUCIANI, "How Latin America Influenced the Entire Catholic Church," at *America,* 21 August 2018, https://www.americamagazine.org/faith/2018/08/21/how-latin-america-influenced-entire-catholic-church (13 May 2021).

[88] B.E. HINZE, "Dreams of Synodality, Specters of Constraint," in *Louvain Studies,* 43 (2020), 300.

[89] On Certeau and conflict, see M. de CERTEAU, "La Loi du Conflit," in *L'etranger ou l'union dans la difference*, Paris, Desclee de Brouwer, 1969, 21-43.

[90] See M. BORGHESI, *The Mind of Pope Francis*, *Jorge Mario Bergoglio's Intellectual Journey*; R. GUARDINI, *Der Gegensatz. Versuche zu einer Philosophie des Lebendig-Konkreten*, Mainz, Der Werkkreis im Matthias-Grünewald-Verlag, 1925. 101-142.

[91] See G. FESSARD, *La Dialectique des "Exercices Spirituels" de Saint Ignace de Loyola*, Paris, Aubier, 1956. 6-24.

This analysis, with the assistance of the work of theologians and canonists, includes a treatment of the documents of the Second Vatican Council; the works and texts of various episcopal conferences throughout the world; the apostolic exhortation of Pope Francis, *Evangelii gaudium* of 24 November 2013; the address on synodality, given by Francis on 17 October 2015 to mark the 50th anniversary of the establishment of the synod of bishops; and the 2018 document on synodality written by the International Theological Commission. The study also evaluates the contents and impact of the 2018 apostolic constitution *Episcopalis communio* of Pope Francis.

1.2.1. Building Synodality in *Evangelii gaudium*

On first appearances, the first apostolic exhortation of Pope Francis, *Evangelii gaudium* of 24 November 2013,[92] does not affirm a great deal directly on synodality, except for a brief mention on the need for the Catholic Church to learn from the experience of synodality of the Orthodox.[93] However, no. 119 of the exhortation locates a significant source for synodal awareness through the *sensus fidei fidelium*,

> The people of God are holy, thanks to this anointing, which makes it infallible *in credendo*. This means that it does not err in faith, even though it may not find words to explain that faith. The Spirit guides it in truth and leads it to salvation. As part of his mysterious love for humanity, God furnishes the totality of the faithful with an instinct of faith – *sensus fidei* – which helps them to discern what is truly of God.[94]

[92] FRANCIS, Apostolic Exhortation on the Proclamation of the Gospel in Today's World *Evangelii gaudium*, 24 November 2013, (=*EG*), in *AAS*, 105 (2013), 1019-1137. English translation *Pope Francis Evangelii gaudium: The Joy of the Gospel,* London, Catholic Truth Society, 2013. (=*CTS Edition*), https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html (22 May 2022).

[93] FRANCIS, *EG,* no. 246, in *AAS*, 105 (2013), 1118-1119, in *CTS Edition*, 117: "In the dialogue with our Orthodox brothers and sisters, we Catholics have the opportunity to learn more about the meaning of episcopal collegiality and their experience of synodality. Through an exchange of gifts, the Spirit can lead us ever more fully into truth and goodness."

[94] Ibid., no. 119 in *AAS*, 105 (2013), 1069-1070, in *CTS Edition*, 62.

It is also necessary to acknowledge that this "programmatic"[95] document of the pontificate of Francis bears some significant collegial work, as C.E. Clifford notes,[96] with its inclusion of many quotations from texts promulgated by regional gatherings of bishops and papal addresses and homilies given in the particular context of such episcopal meetings.[97] *Evangelii gaudium* also lays out the theological and spiritual foundations for applied synodality and makes it the cornerstone for Francis' programme of a comprehensive process of "discernment, purification, and reform"[98] of the whole Church and as the necessary basis for a "pastoral and missionary conversion."[99] In *Evangelii gaudium,* the pope stresses that "becoming a people … is an ongoing process … a slow and arduous effort [which] depends on *four principles* related to constant tensions present in every social reality. These derive from the pillars of the Church's

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[95] See M. FAGGIOLI, "*Evangelii Gaudium* as an Act of Reception of Vatican II," in G. MANNION, (ed.), *Pope Francis and the Future of Catholicism. Evangelii Gaudium and the Papal Agenda*, New York, Cambridge University Press, 2017, 38.

[96] C.E. CLIFFORD, "Pope Francis' Call for the Conversion of the Church in Our Time," in S. VAN ERP and K. SCHELKENS, (eds.), *Conversion and Church: The Challenge of Ecclesial Renewal,* Leiden & Boston, Brill, 2016, 149.

[97] Although impossible to list them all here, they include: JOHN PAUL II, Post-synodal Apostolic Exhortation *Ecclesia in Asia,* 6 November 1999, in *AAS,* 92 (2000), 449-528, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_06111999_ecclesia-in-asia.html (15 January 2022); ID., Post-synodal Apostolic Exhortation *Ecclesia in Africa,* 14 September 1995, in *AAS,* 88 (1996), 5-82, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_14091995_ecclesia-in-africa.html (15 January 2022); ID., Post-synodal Apostolic Exhortation *Ecclesia in America,* 22 January 1999, in *AAS,* 91 (1999), 737-815, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_22011999_ecclesia-in-america.html (15 January 2022); BENEDICT XVI, Post-Synodal Apostolic Exhortation *Ecclesia in Medio Oriente,* 14 September 2012, in *AAS,* 104 (2012), 751-796, https://www.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20120914_ecclesia-in-medio-oriente.html (15 January 2022); ID., Address at the Inaugural Session of the Fifth General Conference of the Latin American and Caribbean Bishops, 13 May 2007, in *AAS,* 99 (2007), 445-460, https://www.vatican.va/content/benedict-xvi/en/speeches/2007/may/documents/hf_ben-xvi_spe_20070513_conference-aparecida.html (15 January 2022); ID., Homily at Mass for the Opening of the Fifth General Conference of the Latin American and Caribbean Bishops, 13 May 2007, Aparecida, Brazil, in *AAS,* 99 (2007), 433-438, https://www.vatican.va/content/benedict-xvi/en/homilies/2007/documents/hf_ben-xvi_hom_20070513_conference-brazil.html (15 January 2022).

[98] FRANCIS, *EG,* no. 30, in *AAS*, 105 (2013), 1032-1033, in *CTS Edition*, 21.

[99] Ibid., no. 25, in *AAS*, 105 (2013), 1030, in *CTS Edition*, 18.

social doctrine."[100] He says that these four principles[101] are "people-building,"[102] another way of stating they are "synodality-building." For D. Christiansen, they are like maxims of a priest-practitioner to the next generation who might be impatient to build a better society but who must assume their part.[103]

The *first* of these people-building principles is that *time is greater than space*:[104] because of the historical dimension of salvation, people-building results from processes, often gradual and over time,[105] that individuals and communities can trigger but not pretend to control through power and self-assertion. The *second* people-building or synodal principle is that *unity prevails over conflict.*[106] This principle acknowledges that, if individuals initiate processes that are in touch with reality and if individuals are empowered and made responsible, then disagreement and conflict are unavoidable. "Conflict cannot be ignored or concealed. It has to be faced."[107] The *third* principle aims at a reconciled diversity, ensuring that people remain in touch with reality (in

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[100] Ibid., nn. 220-221, in *AAS*, 105 (2013), 1110-1111, in *CTS Edition*, 107-108.

See also D. CHRISTIANSEN, "The Global Vision of *Evangelii Gaudium*: Cultural Diversity as a Road to Peace," in MANNION, (ed.), *Pope Francis and the Future of Catholicism,* 214. Here, Christiansen observes that while Francis invests these maxims with the authority of Catholic social teaching, especially their "permanence" and "universality," Christiansen has nowhere found an explicit textual basis for such claims. (See footnote 44: "Pope Francis appeals to the *Compendium of the Social Doctrine of the Church*, Washington DC, USCCB, 2014, no. 161, but that text applies to Catholic Social Teaching in general and not any specific principles").

[101] For background on these principles in the Argentinian "Theology of the People," see J.C. SCANNONE, "Pope Francis and the Theology of the People," in *Theological Studies,* 77 (2016), 118-135.

[102] FRANCIS, *EG*, no. 221 in *AAS*, 105 (2013), 1111, in *CTS Edition*, 108.

[103] D. CHRISTIANSEN, "The Global Vision of *Evangelii Gaudium*," 214.

[104] FRANCIS, *EG*, no. 222-225 in *AAS*, 105 (2013), 1111-1112, in *CTS Edition*, 108-109.

[105] D. CHRISTIANSEN, "The Global Vision of *Evangelii Gaudium*," 215.

[106] FRANCIS, *EG,* nn. 226-230, in *AAS*, 105 (2013), 1112-1113, in *CTS Edition*, 110-111.

[107] Ibid., no. 226, in *AAS*, 105 (2013), 1112, in *CTS Edition*, 110.

connection with the base) and do not get lost in slogans and abstract ideas.[108] This is because *realities are more important than ideas*.[109] Christiansen observes that, with this maxim, the pragmatism of Pope Francis comes decisively into play.[110] The *fourth* and final people-building or synodal principle is that the *whole is greater than the parts,*[111] so unity must transcend conflict.[112]

1.2.2. The Significance of Pope Francis's Address of 17 October 2015

During the 2015 assembly of the synod of bishops, Pope Francis delivered a landmark speech[113] to celebrate the 50th anniversary of the institution of the synod of bishops by Paul VI's *Apostolica sollicitudo* of 1965. This address has been described as the "launchpad" for the impulse of synodality from Pope Francis for the whole Church. M. Faggioli calls this speech the "magna carta" of synodality and the most significant speech on the topic in the post-conciliar Church.[114] In this speech, Pope Francis offers his strongest statement, both explaining and promoting synodality:

> *Synodality,* as a constitutive element of the Church, offers us the most appropriate interpretive framework for understanding the hierarchical ministry itself. If we understand, as Saint John Chrysostom says, that "Church and Synod are synonymous" [SAINT JOHN CHRYSOSTOM, *Explicatio in Ps. 149*, *PG* 55, 493], inasmuch as the Church is nothing other than the "journeying together" of God's flock along the paths of history towards the encounter with Christ the Lord, then we understand too that, within the Church, no one can be "raised up" higher than others. On the contrary, in the Church, it is necessary that

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[108] FRANCIS, *Let Us Dream: The Path to a Better Future*, Simon and Schuster, London, 2020, 126.

[109] FRANCIS, *EG,* nn. 231-233, in *AAS*, 105 (2013), 1113-1114, in *CTS Edition*, 111-112.

[110] D. CHRISTIANSEN, "The Global Vision of *Evangelii Gaudium*," 216.

[111] FRANCIS, *EG*, nn. 234-237, in *AAS*, 105 (2013), 1115-1116, in *CTS Edition*, 112-114.

[111] Already before Francis became pope, he used the polyhedron image as a metaphor in the book FRANCIS, and A. SKORKA. *On Heaven and Earth: Pope Francis on Faith, Family, and the Church in the Twenty-First Century*, London, Bloomsbury, 2013, 157.

[112] FRANCIS, *Let Us Dream*, 105.

[113] FRANCIS, 50th Address.

[114] FAGGIOLI, "From Collegiality," 6.

> each person "lower" himself or herself, so as to serve our brothers and sisters along the way.[115]

The pontiff refers to an "inverted pyramid" in understanding the Church and particularly the hierarchical ministry: "But in this Church, as an inverted pyramid, the top is located beneath the base. Consequently, those who exercise authority are called: "ministers," because, in the original meaning of the word, they are the least of all. It is in serving the people of God that each bishop becomes, for that portion of the flock entrusted to him, *vicarius Christi*."[116]

M. Wijlens observes that the pope expands the limited notion of synodality as an expression primarily of episcopal collegiality to a broader notion that contains all the People of God. Without advocating a democratisation of the Church[117] or changing ecclesiastical doctrine or canon law, synodality becomes the new context and the framework for understanding hierarchical ministry.[118] Moreover, Francis gives emphasis to ecclesial synodality rather than to the hierarchical structure.[119] Wijlens

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[115] FRANCIS, 50th Address.

In the 50th Anniversary Address, the opening sentence of this paragraph appears in the Italian as: "dimensione constitutiva" but in the official Vatican English Translation the phrase is rendered here as: "constitutive element." Consequently, a more accurate translation of the phrase would seem to be "constitutive dimension." See https://www.vatican.va/content/francesco/it/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html (6 October 2022).

Benedict XVI had commented in 2008: "The synodal dimension is constitutive of the Church; it consists of a coming together of every people and culture in order that they become one in Christ and walk together, following him, who said: "I am the way, and the truth, and the life" (Jn 14: 6)" (BENEDICT XVI, Sunday Angelus, 5 October 2008, https://www.vatican.va/content/benedict-xvi/en/angelus/2008/documents/hf_ben-xvi_ang_20081005.html (10 October 2022).

[116] Ibid.

[117] M. WIJLENS, "Learning from the Past for a Future Reform of Canon Law: Hermeneutical and Systematic Theological Reflections," in A. LORETAN and F. WILFRED (eds.), *Revision of the Codes of Canon Law. An Indian European Dialogue*, Zurich, LIT Verlag, 2018, 233-253, 252, (footnote 38). Here, Wijlens asserts that Pope Francis is not advocating a democratization of the Church.

[118] M. WIJLENS, "Reset Button," 236. It should be noted that Pope John Paul II already called for this perspective as he promulgated the Code of Canon Law in 1983. (See JOHN PAUL II, Apostolic Constitution *Sacrae disciplinae leges*, *Code of Canon Law. Latin-English Edition,* Washington: CLSA, 1998, xxx).

[119] WIJLENS, "Reset Button," 236.

proposes that Pope Francis's emphasis on the common synodality of all the faithful reflects a "new configuration." With the principle of synodality, "the reception of Vatican II entered into a new phase because the juxtapositions that were existing between chapter two and three of *Lumen gentium*, where the different doctrines stood side by side, were brought into a new synthesis both on the level of theology and on the level of action."[120] This synthesis promises to have a profound impact on discernment processes and structures of a synodal Church at every level. Francis has made it clear that "it is precisely this path of synodality which God expects of the Church of the third millennium."[121] Thus, synodality is not optional: it is an essential dimension of the Church.[122]

Often in the past, when speaking of the Church as a "perfect society,"[123] the image was one of a traditional pyramid with the pope and bishops at the top and then down through the various "levels" of the Church. Y. Congar remarks that this model quickly led to a "hierarchology"[124] or top-down ecclesiology where the Church is fundamentally the pope and his agents: the bishops: "a mass totally determined by its

[120] Ibid., 249.

[121] FRANCIS, 50th Address.

[122] J.A. RENKEN, "Synodality: A Constitutive Element of the Church: Reflections on Pope Francis and Synodality," in *Studia canonica*, 52 (2018), 24.

[123] See DULLES, Models of the Church, 34.

[124] Y. CONGAR, *Lay People in the Church: A Study for a Theology of Laity,* translated by D. ATTWATER, Westminster, MD, Newman Press, 1965, 45.

summit."[125] A.C. Osheim suggests that this pyramid[126] effectively divided the Church into the teaching Church (*ecclesia docens*) and the learning Church (*ecclesia discens*). However, by inverting the pyramid, Francis recasts authority as being dependent upon reception, listening to and learning from others[127] within the Church.[128] For A. Spadaro and C.M. Galli, hierarchical ministry, through this synodal key, is offered "as a humble service given to the People of God."[129]

Consequently, the pontiff moves forward to translate *communio* ecclesiology into a practical programme, mindful that *all* the baptised are the holy People of God and thus are graced and anointed with the Holy Spirit's gifts and charisms. All the baptised compose the communion of the Church, and so all share in Christ's prophetic office.[130] Indeed, all the baptised participate in the priestly, prophetic, and royal office of Jesus Christ.[131] They participate in the *sensus fidei fidelium,* and so the pontiff insists that a synodal Church is a Church that listens,[132] and that listening "is more than simply

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[125] Y. CONGAR, "Reception as an Ecclesiological Reality," in *Concilium,* 7 (1972), 60. The image of the pyramid had become common for describing preconciliar ecclesiology. Bonaventure Kloppenburg summarizes the notion: "We have been used to thinking of the Church as a pyramid: at the top, the pope, bishops, and priests, who preside, teach, sanctify, and govern, possessed of authority and power; at the base, the Christian people, passive recipients who seem to occupy a clearly inferior and secondary place." (See B. KLOPPENBURG, *The Ecclesiology of Vatican II,* Chicago, Franciscan Herald, 1974, 311).

[126] John Zizioulas remarked that, "all pyramidal notions of church structure vanish in the ecclesiology of communion." in J. ZIZIOULAS, "The Church as Communion: A Presentation of the World Conference Theme," in T.F. BEST and G. GASSMANN, (eds.), *On the Way to Fuller Koinonia,* Faith and Order Paper 166, Geneva, WCC Publications 1994, 107.

[127] See L. ÖRSY, *The Church: Learning and Teaching*, Wilmington, DE, Michael Glazier, 1987.

[128] A.C. OSHEIM, "Stepping towards a Synodal Church," in *Theological Studies,* 80 (2019), 371.

[129] SPADARO AND GALLI, "The Synodal Church."

[130] SECOND VATICAN COUNCIL, *LG*, no. 12, in *AAS*, 57 (1965), 16-17, in *FLANNERY1*, 363-364.

[131] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn. 46; 56.

[132] Pope Francis hopes that the process for the 2021-2023 Synod of Bishops will afford the Church the opportunity to become a listening Church. He also hopes for the Church to become "a Church of closeness," bandaging wounds and healing broken hearts with the balm of God.

hearing." It is a mutual listening where everyone has something to contribute and to learn. The faithful people, the college of bishops, the Bishop of Rome: all listening to each other, and all listening to the Holy Spirit, the "Spirit of truth" (Jn 14:17), in order to know what he "says to the Churches" (Rev 2:7).[133] R. Luciani holds that such listening goes beyond a personal conversion because such listening shapes the relations among ecclesial subjects and thus reconfigures the Church's organisation and structures.[134]

Francis also spoke, in the 50th anniversary address, about the synod of bishops being a "convergence" of the three dimensions of ecclesial *communio* envisaged by the Second Vatican Council: (1) a *communio fidelium,*[135] a communion of all the faithful in the Church; (2) a *communio ecclesiarum,*[136] a communion of all the local Churches throughout the world; and finally (3), a *communio hierarchica*,[137] a communion of all the bishops of those local churches, i.e., the *communio episcoporum*. In light of these three dimensions, one may speak of a *sensus fidelium*, a *sensus ecclesiarum*, and a *sensus episcoporum*. The synod of bishops is that point where these three dimensions

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See FRANCIS, Address for the Opening of the Synod, 9 October 2021, https://www.vatican.va/content/francesco/en/speeches/2021/october/documents/20211009-apertura-camminosinodale.html (9 October 2021).

[133] FRANCIS, 50th Address; See CELAM, *Aparecida Document*, San Bernadino, CA, CreateSpace Independent Publishing Platform, 2014, no. 366.

[134] R. LUCIANI, *Synodality: A New Way of Proceeding in the Church,* New York/Mahwah, N.J., Paulist Press, 2022, 105.

[135] SECOND VATICAN COUNCIL, Decree on Ecumenism *Unitatis redintegratio*, 21 November 1964, (=*UR*), no. 2, in *AAS,* 57 (1965), 91-92, English translation in *FLANNERY1,* 453-455.

[136] SECOND VATICAN COUNCIL, Decree on the Church's Missionary Activity *Ad gentes,* 7 December 1965, (=*AG*), no. 19, in *AAS*, 58 (1966), 969–970, English translation in *FLANNERY1*, 835–836; Ibid., no. 38, in *AAS*, 58 (1966), 984-986, in *FLANNERY1*, 851-852.

[137] SECOND VATICAN COUNCIL, *LG*, nn. 21-22, in *AAS*, 57 (1965), 24-27, in *FLANNERY1*, 372-376.

of ecclesial communion can converge, with the goal of arriving at a *consensus Ecclesiae:*

> The Synod of Bishops is the point of convergence of this listening process conducted at every level of the Church's life. The Synod process begins by listening to the people of God, which "shares also in Christ's prophetic office" according to a principle dear to the Church of the first millennium: "*Quod omnes tangit ab omnibus tractari debet."* The Synod process then continues by listening to the pastors.[138]

It is imperative to note that the pontiff declares that synodality is to be located, *first* and most immediately, in those organs of communion[139] in the local or particular Churches, which must remain connected to the grass-roots, the base.[140]

> The first level of the exercise of synodality is had in the particular Churches. After mentioning the noble institution of the Diocesan Synod, in which priests and laity are called to cooperate with the bishop for the good of the whole ecclesial community [CIC, cc. 460-468], the Code of Canon Law devotes ample space to what are usually called "organs of communion" in the local Church: the presbyteral council, the college of consultors, chapters of canons and the pastoral council [CIC, cc. 495-514]. Only to the extent that these organisations keep connected to the "base" and start from people and their daily problems, can a synodal Church begin to take shape: these means, even when they prove wearisome, must be valued as an opportunity for listening and sharing.[141]

The pope explains that at the *second* level is the bishops together in ecclesiastical provinces and ecclesiastical regions (particular councils and, in a special way, episcopal conferences), listening to the pope, but within the context of synodality.[142] Finally, at the *third level* is the universal Church; Francis affirmed a role for the synod of bishops as "an expression of *episcopal collegiality* within an entirely synodal Church."[143]

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[138] FRANCIS, 50th Address.

[139] Earlier, in FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22, Francis references the same canons (and structures) but calls these bodies "means of participation" rather than "organs of communion" as in his 50th anniversary address.

[140] Pope Francis has remarked, "Let us not forget the real faces of people." (See FRANCIS, Address to the Roman Curia, 23 December 2021).

[141] FRANCIS, 50th Address; see ID., *EG*, no.31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[142] FRANCIS, 50th Address.

[143] Ibid.

1.2.3. The 2018 Document of the International Theological Commission

Arguably, a critical moment in the revival of a broad ecclesial synodality was the release in May 2018, by the International Theological Commission,[144] of a comprehensive document *La sinodalità nella vita e nella missione della Chiesa.*[145] This document[146] (hereafter: *Syn 2018*)[147] harvests the fruits of considerable research[148] following Francis's lead. B.P. Flanagan opines that *Syn 2018* outlines the sources of synodality in both scripture and tradition yet offers a theology of synodality for the contemporary Church[149] since, as it repeats at least three times, synodality is the "*modus vivendi et operandi* of the Church."[150]

[144] The International Theological Commission is an advisory body of theologians appointed by the Holy See to assist the work of the Dicastery for the Doctrine of the Faith.

[145] On the Vatican website *La sinodalità nella vita e nella missione della Chiesa*, dated 2 March 2018, was published on 3 May 2018, in Italian only at first.

[146] The English translation was published in the month of September 2018 *Synodality in the life and mission of the Church* http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html (2 May 2022). The document was the fruit of the work of the Commission and its plenary sessions between 2014 and 2017. For a series of good articles in Italian commenting on the document see P. CODA and R. REPOLE, (eds.), *La sinodalità nella vita e nella missione della Chiesa*, Bologna, EDB, 2019.

[147] For a book with various commentaries on *Syn 2018* see T. SÖDING (ed.), *Der Spürsinn des Gottesvolkes. Eine Diskussion mit der Internationalen Theologischen Kommission. Quaestiones disputatae*, vol. 281, Freiburg, Herder, 2016.

[148] Among many sources, see especially G. FROSINI, *Una Chiesa di Tutti: Sinodalità, partecipazione, e corresponsabilità,* Bologna, Edizione Dehoniane Bologna, 2014; INTERNATIONAL CONGRESS OF CANON LAW, *La synodalité*: *la participation au gouvernement dans l'Église*: *Actes du VIIe Congrès international de droit canonique, Paris, Unesco, 21–28 septembre 1990*, 2 vol., Paris, Letouzey et Ané, 1992; JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH, "Synodality and Primacy during the First Millennium: Toward a Common Understanding in Service to the Unity of the Church," in *Origins* 46:21 (Oct. 20, 2016) 328–31; A. MELLONI and S. SCATENA, (eds.), *Synod and Synodality: Theology, History, Canon Law and Ecumenism in New Contact,* Münster: LIT Verlag, 2005; G. ROUTHIER, "La synodalité dans l'Église locale," in *Scripta theologica* 48 (2016): 687–706; RUSH, "Inverting the Pyramid: The *Sensus Fidelium* in a Synodal Church."

[149] FLANAGAN, "Changing the Church Through Synodality," 334.

[150] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn. 6, 43, 70.

The introduction of *Syn 2018* roots the ecclesiology of synodality "in the footsteps of Vatican II," acknowledging the need to proceed further in the trajectory of the Second Vatican Council.[151] Synodality is rooted scripturally,[152] patristically, and historically in the first and second millennia up to the Second Vatican Council and the post-conciliar period.[153] *Syn 2018* recognises forms and expressions of synodality in other churches and "ecclesial communities."[154] It also acknowledges the need for the consultation of all in the Church in the context of the distinction between deliberative and consultative vote,[155] but also does not equate the consultative vote in the Church with the consultative vote in civil law. Nonetheless, in a synodal Church, pastors need to consult and listen very carefully to the *vota* of the faithful before they make decisions.[156]

The first chapter of *Syn 2018* recalls the synodal character of the Church in the Sacred Scriptures and the Tradition of the 2000-year history of the Church, in both Eastern and Western[157] traditions. The second chapter displays a theology of synodality beginning with its theological foundations and in continuity with the teaching of the Second Vatican Council. It also outlines the synodal life of the Church, considering the mystery of the communion of the pilgrim People of God in its missionary aspect in the world, with special reference to the distinctive properties of

[151] Ibid., no.8.

[152] Ibid., nn.1–23.

[153] Ibid., nn.24–41.

[154] Ibid., nn.36, 115–17.

[155] Ibid., nn.68–69, 73.

[156] Ibid., no.68.

[157] Ibid., nn. 11-41.

unity, holiness, Catholicity, and apostolicity.[158] A. Spadaro and C.M. Galli observe that pastoral and spiritual orientations are proposed upon this theological basis.[159] The third chapter considers the protagonists, structures, processes, and synodal events and *praxis*, including at the level of the particular Churches.[160] The fourth and final chapter proposes lines for pastoral and spiritual conversion and stresses some of the positive ramifications for synodality in ecumenical and social justice movements.[161] B.P. Flanagan underlines the significance of *Syn 2018* in addressing the need for distinctions within synodal practice that reflect the hierarchical constitution of the Church and the differing roles that "all," "some," and "one" (distinguishing forms of overall involvement, synodal participation, and primacy)[162] play in various forms of synodal practice.[163]

For M. Faggioli, if there are limits to *Syn 2018,* this says something about the limits of the vision of synodality as it gradually emerges in the pontificate of Pope Francis.[164] P. De Mey is critical of what he observes in *Syn 2018* as a swift abandonment of the ecclesiology of the People of God in favour of an ecclesiology of *communio,*[165] which defends the notion of a "hierarchical communion" without reservations.[166] De

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[158] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn. 42-70.

[159] SPADARO and GALLI, "The Synodal Church."

[160] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* nn. 71-102.

[161] Ibid., nn. 103-119.

[162] Ibid., nn. 64; 106.

[163] FLANAGAN, "Changing the Church Through Synodality," 337.

[164] FAGGIOLI, "From Collegiality," 9.

[165] P. DE MEY, "Synodality as a Key Component of the Pontificate of Pope Francis: The Difficult Way from Theory to Practice," in M. D. CHAPMAN and V. LATINOVIC, (eds.), *Changing the Church: Transformations of Christian Belief, Practice, and Life*, 328.

[166] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 40; RENKEN, "Synodality: A Constitutive Element of the Church," 28.

May also notes[167] that both Pope Francis and the International Theological Commission repeatedly emphasise the notion of "*cum Petro et sub Petro*."[168]

1.2.4. The apostolic constitution *Episcopalis communio*

Shortly after the release of *Syn 2018,* Pope Francis promulgated, on 15 September 2018, the apostolic constitution *Episcopalis communio*[169] on the synod of bishops, timed to commemorate the 53rd anniversary of its institution by Pope Paul VI.[170] In this apostolic letter, Francis called the synod of bishops "one of the most precious fruits of the Second Vatican Council."[171] Faggioli holds that *Episcopalis communio* is key to understanding Francis's complex attempt to connect this unique expression of papal primacy and increasing episcopal collegiality,[172] the synod of bishops, to a much broader synodality in the entire Church.[173] The most substantial

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[167] DE MEY, "Synodality as a Key Component of the Pontificate of Pope Francis," 328-329.

[168] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 60: "The communion of Churches with each other in the one universal Church illuminates the ecclesiological meaning of the collegial 'we' of the episcopate gathered in unity *cum Petro et sub Petro*." See also the following quotation from the 50th anniversary: "The fact that the Synod always acts *cum Petro et sub Petro* — indeed, not only *cum Petro*, but also *sub Petro* — is not a limitation of freedom, but a guarantee of unity."

[169] FRANCIS, Apostolic Constitution on the Synod of Bishops *Episcopalis communio*, 15 September 2018, (=*EC*), in *AAS,* 110 (2018), 1359-1378, English version http://www.synod.va/content/synod/en/the-synod-of-bishops/apostolic-constitution-episcopalis-communio.html (23 June 2021).

[170] PAUL VI, Apostolic Letter motu proprio Establishing the Synod of Bishops for the Universal Church, *Apostolica sollicitudo,* 15 September 1965, *in AAS,* 57 (1965), 775-780. English translation https://www.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19650915_apostolica-sollicitudo.html (8 August 2021).

[171] FRANCIS, *EC*, no. 1, in *AAS,* 110 (2018), 1359-1360.

[172] The synod of bishops is an institution that gives expression to the doctrine on the papacy and episcopal collegiality. It is not an institution originally intended to give expression to the relationship between the local or particular Churches and the universal Church. Completely in line with this the 1983 Code of Canon Law locates the Synod of Bishops systematically with the supreme authority of the Church, i.e., Pope and college of bishops. (See WIJLENS, "Reset Button," 242).

[173] FAGGIOLI, "From Collegiality," 10. For more on the theme of connecting the synod of bishops, episcopal collegiality (including papal primacy), and ecclesial synodality see A. BORRAS, "Qué Caminos Nos Abre 'Episcopalis Communio' de Cara a Una Reforma Sinodal de La Iglesia Católica?" in *Estudios Eclesiásticos*, 97, September 2022, 801-39.

novelty in *Episcopalis communio* is the explicit marking out that the synod of bishops is made up of a process divided into three distinct phases:[174] (1) *the preparatory phase*,[175] in which the consultation[176] of the People of God on the themes indicated by the Roman Pontiff takes place;[177] (2) *the celebratory phase*,[178] characterised by the assembly meeting of the bishops; and (3) *the implementation phase*,[179] in which the conclusions of the synodal assembly approved by the Roman Pontiff are accepted and implemented by the Churches.

Thus, the drive for extensive consultation at the level of the particular Churches, which Francis introduced in preparation for the 2014 and 2015 synodal assemblies and then utilised again for the assembly in 2018 and 2019, now becomes a mandatory procedure.[180] For this broad, local phase, "the Bishops submit the questions to be

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[174] FRANCIS, *EC*, I, art 4, in *AAS,* 110 (2018), 1369.

[175] Ibid., II, art 5, in *AAS,* 110 (2018), 1370.

[176] It should be noted that questionnaires were sent to the particular Churches via episcopal conferences and to Vatican departments well before the 2014 assembly on the family. The results of these questionnaires helped to form an *Instrumentum laboris*, or working document, for the assemblies of the synod of bishops. Francis, however, gave the process a much wider reach and greater impetus in preparation for the 2014 assembly of the synod on family life issues, asking that the preliminary questionnaire to be distributed as widely as possible to deaneries and parishes so that input from local sources can be received. Subsequent assemblies have followed likewise. Since 2018, in anticipation for the assembly on young people, a website was launched and the use of such online means for synodal submissions is now normative.

[177] FRANCIS, *EC*, II, art 6, in *AAS,* 110 (2018), 1370.

[178] Ibid., III, art 11, in *AAS*, 110 (2018), 1372.

[179] Ibid., IV, art 19, in *AAS,* 110 (2018), 1375.

[180] Though the comments of Cardinal M. Grech at the Moment of Reflection on the eve of the launch of the 2021-2023 Synodal process on 9 October 2021 (and repeated in an address on Tuesday 26 October 2021 at the Convention of the Canadian Canon Law Society): "I wonder, what if, instead of ending the (2023) assembly by delivering the final document to the Holy Father, we were to take another step, that of returning the conclusions of the synodal assembly to the particular churches from which the whole synodal process began? The final document would still be given to the Holy Father (who has always and is recognized by all as the one who issues the decrees) but if it were sent back to Catholics on a local level first, it would manifest at one and the same time the consent of the people of God and of the College of Bishops," would raise the question, if these relatively recent norms will have to be updated again. (See C. WOODEN, "Pope Francis Warns That Synod Could be 'Elitist' Exercise Unless all Have a Voice," at *The Tablet,* 13 October 2021, https://thetablet.org/pope-francis-no-elitist-synod/ [15 October 2021]).

explored in the Synodal Assembly to the priests, deacons and lay faithful of their Churches, both individually and in associations, without overlooking the valuable contribution of consecrated men and women."[181] Moreover, "the contribution of the local Church's participatory bodies, especially the presbyteral council and the pastoral council, can prove fundamental, and from here 'a synodal Church can begin to emerge'."[182] This local consultation of the faithful is then followed by a "discernment on the part of the Bishops." Attentive to the *sensus fidei* of the People of God, bishops must be able to perceive the indications of the Holy Spirit and distinguish them "from the changing currents of public opinion."[183]

Spadaro and Galli observe that, through *Episcopalis communio*, the steps of the path of a "constitutively synodal Church"[184] (that "begins listening to the People of God,"[185] "continues listening to the Pastors,"[186] and culminates in listening to the Bishop of Rome who is called to speak as "Pastor and Teacher of all Christians,")[187] are translated into canonical norms.[188] Such canonical norms not only give expression to a certain reform, but allow for an *ongoing* reform of the Church.[189] Moreover, since collegiality is at the service of synodality, Francis explains in *Episcopalis communio*:

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[181] FRANCIS, *EC*, preamble, no.7, in *AAS,* 110 (2018), 1364. This is a quotation from the 50th Anniversary Address; "Instructions for the Participation of Consecrated Men and Women in the synodal process," at *Synod of Bishops,* 18 January 2022, https://www.synod.va/en/news/instructions-for-the-participation-of-consecrated-men-and-women.html (29 January 2022).

[182] Ibid.

[183] Ibid.

[184] FRANCIS, 50th Address.

[185] Ibid.

[186] Ibid.

[187] Ibid.

[188] SPADARO and GALLI, "The Synodal Church."

[189] WIJLENS, "Reset Button," 238.

"The Synod of Bishops must increasingly become a privileged instrument for listening to the People of God."[190] He adds that, while "structurally it is essentially configured as an episcopal body," it does not exist "separately from the rest of the faithful. On the contrary, it is a suitable instrument to give voice to the entire People of God."[191]

A further significant innovation appears in the section entitled "Delivery of the Final Document to the Roman Pontiff," where it states: "If the Roman Pontiff has granted deliberative power to the Synod Assembly, according to the norm of canon 343 of the Code of Canon Law, the Final Document participates in the ordinary Magisterium of the Successor of Peter once it has been ratified and promulgated by him." This envisages the possibility that *cum et sub Petro*, the synodal assembly's final document can become part of the ordinary papal magisterium.[192]

1.2.5. From Episcopal Collegiality to Ecclesial Synodality

M. Faggioli asserts that the experience of *episcopal synodality* must be seen as distinct from the notion of *episcopal collegiality* developed at the Second Vatican Council (most especially in chapter III of *Lumen gentium*) and in the magisterium and ecclesial *praxis* following the council.[193] Drawing such a distinction in relationship[194] is not always straightforwardly understood.[195] Francis has indicated that the *theological* category of synodality certainly includes, but simultaneously transcends, the *juridical*

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[190] FRANCIS, *EC,* preamble, no. 6, in *AAS,* 110 (2018), 1363-1364.

[191] Ibid.

[192] Ibid., III, art 18, §2, 1374.

[193] FAGGIOLI, "From Collegiality," 15.

[194] SPADARO and GALLI, "The Synodal Church."

[195] See the rather confused explanation of synodality by Fr Charles Grondin in P.J. SMITH, "US Dioceses Prep for the Upcoming Synod on Synodality," at *National Catholic Register*, 8 October 2021, https://www.ncregister.com/news/us-dioceses-prep-for-the-upcoming-synod-on-synodality (14 October 2021).

principle of collegiality.[196] M. Wijlens explains that, at the synods of 2014 and 2015, the exercise of the doctrine of collegiality was put into the context of synodality that includes all members of the faithful, each according to his or her *condicio* and task.[197] A. Borras agrees that the notion of synodality intersects with collegiality. The two notions are distinct, but they support and reinforce each other. The more the Church is "synodal," the more it is "collegial," and vice versa.[198]

M. Faggioli reflects that the Church faces a challenge: *reconciling* collegiality and synodality. This collegiality and the original establishment of the synod of bishops reflect the desire of the Fathers of the Second Vatican Council to increase the role of bishops in the papal governance of the Church.[199] Faggioli acknowledges that the pope could widen the synod of bishops' assembly membership to non-bishops (with a right to vote) in order to embrace ecclesial synodality, but this will inevitably limit its potential for the exercise of (episcopal) collegiality.[200] Alternatively, he could maintain the synod of bishop's assembly membership to predominantly bishops so as to maintain its collegial nature—but he would then restrict its possibilities for synodality.[201] Faggioli notes that Francis is trying to do two things simultaneously: He is attempting

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[196] Ibid.

[197] WIJLENS, "Reset Button," 250.

[198] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 219.

[199] See the comments of Massimo Faggioli in B. MCCORMICK, "Greater Inclusion At the Synod Could Complicate Collegiality Among Bishops," at *America*, 26 October 2018, https://www.americamagazine.org/faith/2018/10/26/greater-inclusion-synod-could-complicate-collegiality-among-bishops (23 June 2021).

[200] Technically, both synodality and collegiality participate in the same dynamism of communion that constitutes the Church, but whereas *synodality* implies the participation of the whole People of God (all the baptised faithful) in the life and mission of the Church, *collegiality* refers to that specific form in which it is defined through the exercise of the ministry of the bishops *cum et sub Petro.*

[201] See the comments of Massimo Faggioli in "Greater Inclusion."

to recover the Second Vatican Council's notion of episcopal collegiality *and* to address the fact that the theology of collegiality is no longer sufficient, by itself, for a synodal Church.

This raises the issue that, if further modifications[202] are made in order for the synod of bishops to become an instrument of ecclesial synodality beyond bishops (e.g., modifications to the synod's membership and voting rights), this might also require a change in the name of the institution itself. Such a change would raise a question, however; where would this leave the "bishops only" general council, or would the synod of bishops supplant the place of the general council?[203]

Syn 2018 clearly states that "the concept of synodality is broader than that of collegiality because it includes the participation of all in the Church and that of all the Churches,"[204] not only the bishops. M. Wijlens notes that synodality no longer expresses exclusively the doctrine of "collegiality" of the bishops with the Pope, but it allows for and requires a participation of all faithful in discernment and, thus, decision-

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[202] At the 2018 ordinary general assembly of the synod of bishops, theologians and journalists appeared to question the strictly episcopal nature of the synod of bishops with pressure mounting for non-bishops, including 'women, to be appointed full voting-members of the assembly. See the report of J. MANSON, "Catholic Women Still Don't Have Suffrage in Their Church," at *National Catholic Reporter,* 25 August 2020, https://www.ncronline.org/news/opinion/grace-margins/catholic-women-still-dont-have-suffrage-their-church (19 June 2021) and C. WOODEN, "Pope Francis Gives a Woman a Vote in Next Synod of Bishops," at *The Catholic Register*, 8 February 2021, https://www.catholicregister.org/faith/item/32693-pope-francis-gives-a-woman-a-vote-in-next-synod-of-bishops (19 June 2021).

The latest *Instruction on the Celebration of the Synod* makes it clear that the normative members of the Synod of Bishops remain bishops, except those "others appointed by the pontiff." See GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, Instruction on the Celebration of Synodal Assemblies and on the Activity of the General Secretariat of the Synod of Bishops, arts. 2.5, 3.5, and 4.5, 1 October 2018, http://secretariat.synod.va/content/synod/en/the-synod-of-bishops/instruction-on-the-celebration-of-synodal-assemblies-and-on-the-.html (13 September 2021).

[203] Massimo Faggioli examines some of these emerging implications in M. FAGGIOLI, "What the Synod of Bishops Means for Vatican II … and 'Vatican III'," at *La Croix International,* 30 October 2019, https://international.la-croix.com/news/religion/what-the-synod-of-bishops-means-for-vatican-ii-and-vatican-iii/11145 (23 June 2021).

[204] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 66.

making processes.[205] One can say that the exercise of the doctrine of collegiality was put into the context of synodality that includes all members of the faithful, each according to his or her vocation.

1.3. Synodality, Renewal, and Reform of the Church

G. Mannion has defined Pope Francis as the catalyst for an "ecclesiological revolution" in the making.[206] This is because, for Francis, the reform and renewal of the Church take place from the inside out, that is, by virtue of a spiritual process that, in turn, changes forms and renews ecclesial structures.[207] In his 2016 Christmas Speech to the Roman Curia, Francis said that "reform is first and foremost a sign of life, of a Church that advances on her pilgrim way, of a Church that is living and for this reason, is *semper reformanda*,[208] in need of reform because she is alive."[209]

Synodality is at the heart of the proposals for Church reform put forward during the current pontificate[210] for a Church centred on mercy and called to permanent conversion. Synodality, Church reform, and conversion are thus intrinsically linked, as this next section will examine. In the celebration of the Eucharist celebrated on 9

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[205] M. WIJLENS, "Reset Button," 236.

[206] G. MANNION, "Francis' Ecclesiological Revolution: A New Way of Being Church a New Way of Being Pope," in G. MANNION (ed.), *Pope Francis and the Future of Catholicism,* 93–122.

[207] CZERNY, "Towards a Synodal Church," 5.

[208] SECOND VATICAN COUNCIL, *UR*, no. 6, in *AAS,* 57 (1965), 96-97, in *FLANNERY1,* 459-460. On the *Ecclesia semper reformanda* motif, especially at the Second Vatican Council**,** see P. DE MEY, "Church Renewal and Reform in the Documents of Vatican II: History, Theology, Terminology," in *The Jurist,* 71 (2011), 369-400.

[209] FRANCIS, Address to the Roman Curia during the Presentation of the Christmas Greetings, 22 December 2016, https://www.vatican.va/content/francesco/en/speeches/2016/december/documents/papa-francesco_20161222_curia-romana.html (13 June 2021).

[210] See especially the proposals made during the seminar organized by the Jesuit magazine *La Civiltà Cattolica* in September 2015 and then published in A. SPADARO, C.M. GALLI, M. FAGGIOLI, and D.S. YOCUM, (eds.), *For a Missionary Reform of the Church.*

November 2013, Pope Francis speaks of the challenge of the Church in this way: "*Ecclesia semper reformanda.* The Church always needs to renew itself because its members are sinners and need conversion."[211]

The following section will treat the ramifications of the synodal impulse for the ongoing renewal and reform of the Church.[212] Of note will be the evaluation of synodality as a work of the Holy Spirit and how a synodal Church is called into a dynamic of careful listening,[213] continual discernment, and an increased sense of active participation and co-responsibility.[214]

1.3.1. Synodality as a Work of the Holy Spirit

Pope Francis is firmly convinced that following the path of synodality is not optional.[215] Synodality is "the path that God expects from the Church of the third millennium."[216] In December 2020, the pontiff wrote: "We listen, we discuss in groups, but above all, we pay attention to what the Spirit has to say to us."[217] J. A. Renken affirms that the spirit and practice of synodality do not create a sort of "democratisation" of the Church, reflecting secular parliamentary or political

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[211] Quoted by Arturo Sosa, in his introduction of the book of R. LUCIANI and C. SCHICKENDATZ, (eds.), *Reforma de estructuras y conversion de mentalidades,* Madrid, Ediciones Khaf, 2020.

[212] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn. 72, 74, 103-104.

[213] On 27 January 2022, Pope Francis urged the Roman Rota to work with a "synodal spirit" highlighting the need for judges to work with great attention to listening, collaboration, and discernment. (FRANCIS, Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year, 27 January 2022, https://www.vatican.va/content/francesco/en/speeches/2022/january/documents/20220127-rotaromana.html [29 January 2022]).

[214] G. ROUTHIER, "The Renewal of Synodal Life in Local Churches," in A. SPADARO, C.M. GALLI, M. FAGGIOLI, and D.S. YOCUM, (eds.), *For a Missionary Reform of the Church,* 254.

[215] RENKEN, "Synodality: A Constitutive Element of the Church," 44.

[216] FRANCIS, 50th Address.

[217] FRANCIS, *Let Us Dream,* 84.

models.[218] For Francis, synodal gatherings are a place of respectful mutual listening to experience the promptings of the Holy Spirit afresh. The pontiff adds: "what is under discussion at synodal gatherings are not the traditional truths of Christian doctrine. The Synod is concerned mainly with how teaching can be lived and applied in the changing contexts of our time."[219]

For Pope Francis, therefore, "the only method of the synod is that of opening oneself to the Holy Spirit, with apostolic courage, with evangelical humility and trusting prayer; so that he may guide us."[220] This is why, in opening the 2018 assembly of the synod of bishops, Pope Francis stated: "[The] Synod is not a parliament. It is a protected space so the Holy Spirit may act."[221] The pontiff has repeatedly and vehemently taken up a similar theme on many occasions.[222]

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[218] RENKEN, "Synodality: A Constitutive Element of the Church," 28.
J.D. Faris also comments, "As a form of government, synodality 'rings true' to democratic sensibilities of the twenty-first century … Synodality presumes active collective involvement. However, synodality is not to be identified with democracy in consideration of significant divergences … Synodal governance is not democratic governance … It must be the object of every participant and process to see the truth under the inspiration of the Holy Spirit. The discernment process might take the form of voting or election, but … it must be the truth and not the majority that necessarily prevails." (J.D. FARIS, "Synods, Councils, and Assemblies," 191-192).

[219] Francis, *Let Us Dream*, 84-85.

[220] FRANCIS, Introductory Remarks at the First General Congregation of the XIV[th] Ordinary General Assembly of the Synod of Bishops on the Family, 5 October 2015, https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151005_padri-sinodali.html (7 August 2021).

[221] FRANCIS, Address for the Opening of the XV[th] Ordinary General Assembly of the Synod of Bishops on Young People, the Faith, and Vocational Discernment, 3 October 2018, http://www.vatican.va/content/francesco/en/speeches/2018/october/documents/papa-francesco_20181003_apertura-sinodo.html (7 August 2021).

[222] FRANCIS, Address to the Participants at the Conference of the Diocese of Rome, 9 May 2019, http://w2.vatican.va/content/francesco/it/speeches/2019/may/documents/papafrancesco_20190509_convegno-diocesi-diroma.html (7 August 2021); ID., Schreiben von Papst Franziskus an das pilgernde Volk Gottes in Deutschland, 29 June 2019; ID., General Audience, 23 October 2019, http://www.vatican.va/content/francesco/en/audiences/2019/documents/papa-francesco_20191023_udienza-generale.html (20 May 2021); ID., Address to Members of the International Theological Commission, 29 November 2019, http://www.vatican.va/content/francesco/en/speeches/2019/november/documents/papa-francesco_20191129_commissione-teologica.html (20 May 2021); A. SPADARO: "Francis' Government: What is the Driving Force of His Pontificate?" at *La Civiltà Cattolica*, 14 October 2020, https://www.laciviltacattolica.com/francis-government-what-is-the-driving-force-of-his-pontificate/ (18 June 2021); FRANCIS, General Audience, 25 November 2020,

At the celebration of the Eucharist for the Solemnity of Corpus Christi on 6 June 2021, Pope Francis added a spontaneous comment to the close of his homily: "If wonder and adoration are lacking; if listening to the Spirit and the primacy of the whole are lacking; there will be no synod. At best, there will be a good Parliament."[223] On 18 September 2021, Pope Francis reminded those present at a gathering of the faithful of the Diocese of Rome that the two-year process leading to the 2023 synod of bishops on the subject of synodality is not about "gathering opinions, …it is about listening to the Holy Spirit."[224] In his discourse at the pre-synod moment of prayer and reflection on 9 October 2021, Pope Francis stressed that the synod of bishops is not a parliament or an investigation into opinions, but "an ecclesial moment" whose protagonist is the Holy Spirit.[225]

1.3.2. A Synodal Church Requires Careful Listening

In his greeting to the bishops at the start of the 2014 assembly of the synod of bishops, Pope Francis spoke of a "general and basic condition" for genuine synodality:

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http://www.vatican.va/content/francesco/en/audiences/2020/documents/papa-francesco_20201125_udienza-generale.html (13 May 2021); J.A. ESTEVES, "Pope: Synodality Must be Based on Reality, Not Fashionable Ideas," at *Crux,* 30 April 2021, https://cruxnow.com/vatican/2021/04/pope-synodality-must-be-based-on-reality-not-fashionable-ideas/ (28 May 2021); FRANCIS, *Let Us Dream*, 84, 86.

[223] See A. TORNIELLI, "Wonder, Adoration, and the Synod," at *Vatican News*, 8 June 2021, https://www.vaticannews.va/en/vatican-city/news/2021-06/wonder-adoration-and-the-synod.html (11 June 2021).

[224] FRANCIS, Address, 18 September 2021.

[225] FRANCIS, Address, 9 October 2021. Similar remarks can be found on 13 January 2022; see ID., Address to Leaders of Catholic Action in France, 13 January 2022, https://www.vatican.va/content/francesco/en/speeches/2022/january/documents/20220113-azionecattolica-francia.html (15 January 2022).

the freedom to speak honestly.[226] He said, "It is necessary to say with *parrhesia*[227] (boldness) all that one feels." However, this must be accompanied, the pope said, by another condition: "the gift of listening."[228] In this respect, J.A. Renken observes: "Honest speaking and mutual listening are essential in effective dialogue, which involves the *trust* that the speaker is truthfully speaking and *trust* that the listener is openly listening."[229] Listening is the keystone in Pope Francis's proposal of a synodal culture or *forma mentis* in the Church.[230] A synodal Church relies upon and expects mutual listening,[231] whereby everyone learns[232] through dialogue.[233] Respectful mutual listening needs to be free of ideology and predetermined agendas, but to journey *together* to seek God's will, allows for any differences that emerge to harmonise.[234]

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[226] FRANCIS, Greeting of Pope Francis to The Synod Fathers during the First General Congregation of the Third Extraordinary General Assembly of the Synod of Bishops, 6 October 2014, https://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141006_padri-sinodali.html

[227] For a comprehensive treatment of *parrhesia* as experienced in the early Church see E. CATTANEO, "Parrhesia: Freedom of Speech in Early Christianity," at *La Civiltà Cattolica,* 14 October 2017, https://www.laciviltacattolica.com/parrhesia-freedom-of-speech-in-early-christianity/ (11 June 2021).

[228] FRANCIS, Greeting to the Synod Fathers, 2014.

[229] RENKEN, "Synodality: A Constitutive Element of the Church," 38.

[230] FRANCIS, 50th Address.

[231] As stated in FRANCIS, Christmas Greetings to the Roman Curia, 21 December 2017, https://www.vatican.va/content/francesco/en/speeches/2017/december/documents/papa-francesco_20171221_curia-romana.html (15 August 2021).

[232] RENKEN, "Synodality: A Constitutive Element of the Church," 15. See also: D.W. WUERL, "Pope Francis: Fresh Perspectives," 13; W. NAPIER, "What Made Synod 2014 and 2015 So Interesting? Collegiality and Synodality!" in *The Jurist,* 76 (2016), 327-338.

[233] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no.111; *GS*, no. 92, in *AAS*, 58 (1966), 1113-1114, in *FLANNERY1*, 999-1000.

[234] FRANCIS, *Let Us Dream,* 92.

Synodal listening "is more than simply hearing."[235] It is a mutual listening in which everyone has something to learn: a true encounter.[236] This encounter includes all the faithful, all listening to each other, and all listening to the Holy Spirit, the "Spirit of truth,"[237] in order to know what he "says to the Churches."[238] For Francis, a synodal process is a prayerful process, rooted in the encounter with Jesus in the prayerful reading of the Sacred Scriptures and through the liturgical life of the Church, and inspired by an openness to the Holy Spirit. Pope Francis says that "we need a respectful, mutual listening, free of ideology and predetermined agendas."[239] This will help all the baptised grow into a listening Church (*Ecclesia audiens*) and a discerning Church (*Ecclesia discernens*).

Such listening is not an easy process. It demands openness to the other,[240] a willingness to learn, a certain courage, frankness in posing questions, the discipline of attending to each other and respecting one another, and a great humility to acknowledge

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[235] FRANCIS, 50th Address.

[236] FRANCIS, Homily at the Holy Mass for the Opening of the Synodal Path, 10 October 2021. https://www.vatican.va/content/francesco/en/homilies/2021/documents/20211010-omelia-sinodo-vescovi.html (10 October 2021).

[237] Jn 14:17.

[238] Rev 2:7, 11, 17, 29; 3:6, 13, 22.

[239] FRANCIS, *Let Us Dream,* 93.

[240] FRANCIS, Homily at the Holy Mass for the Opening of the Synodal Path, 10 October 2021.

another's insight.[241] In a synodal Church, listening, dialogue, and discerning[242] must be habitual and not occasional.[243]

1.3.3. A Synodal Church Continually Discerns

A prominent feature of the pontificate of Pope Francis is that the whole Church is being called to embrace synodality with its various levels of communal discernment.[244] At the opening of the 2021-2023 process for the assembly of the synod of bishops, Francis was careful to explain that such discernment is best placed within the context of adoration, prayer, and living dialogue with the Word of God.[245] Francis recognised that the entire Church has much work to do in the area of discernment when he said, in July 2016: "Today the Church needs to grow in discernment, in the ability to discern."[246]

A "mature evangelical discernment"[247] may be spread over considerable time and requires ordered collaboration.[248] It may, at times, also involve the graced emergence

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[241] Bradford E. Hinze, in a major address to the CLSA in 2008 identifies some challenges related to honest speaking and mutual listening within the Church, "Some people have not developed the communication skills and virtues needed for participatory structures to develop and thrive. Some people find it difficult to listen genuinely and learn from others, especially from those with less or more experience or expertise or people who are different from them in one way or another." (B.E. HINZE, "The Reception of Vatican II in Participatory Structures of the Church: Facts and Friction," in *CLSA Proceedings,* 70 [2008], 48).

[242] At the Mass opening the process for the 2021-2023 synod of bishops on 10 October 2021, Francis emphasized three words to characterise the synodal experience: *encounte*r, *listen,* and *discern.* (See FRANCIS, Homily at the Holy Mass for the Opening of the Synodal Path, 10 October 2021).

[243] A.C. OSHEIM, *A Ministry of Discernment: The Bishop and the Sense of the Faithful,* Collegeville, MN, Liturgical Press, 2016, 41.

[244] L. ÖRSY, "Towards a Theological Evaluation of Communal Discernment," in *Studies in Jesuit Spirituality,* 2 (1970), 129-176.

[245] FRANCIS, Homily at the Holy Mass for the Opening of the Synodal Path, 10 October 2021.

[246] FRANCIS, Address to the Jesuits in Poland on 30 July 2016, quoted in FRANCIS and A. SPADARO, *Open to God, Open to the World*, translated by S. WHITESIDE, London, Bloomsbury, 2018, 174.

[247] A. DULLES and L.J. MCGINLEY, *Church and Society: The Laurence J. McGinley Lectures, 1988-2007,* New York, NY, Fordham University Press, 2008, 152.

[248] Ibid.

of a higher viewpoint: participants who in good faith differ from one another may find, sooner or later, that God is offering a greater gift than either side had hoped for. "The Spirit can work amid differences,"[249] and apparent opposing approaches can be resolved on a higher plane. Therefore, such a discerning Church will inevitably require great patience, especially in periods of conflict and tribulation.

Francis offers the necessary counsel that during such turbulent periods, it is often best to "pitch camp together" so as to wait for the "skies to clear."[250] As J. Ratzinger made clear, "being truly 'synodal' means moving forward *together* in harmony, spurred on by the Holy Spirit."[251]

1.3.4. A Synodal Church Encourages Participation and Coresponsibility

Synodality represents not just the desire and expectation to participate fully in the life of the Church required by the fundamental baptismal equality of all faithful,[252] but, as D. Vitali observes, it is the essential condition for an integral and correct transmission of revelation and its interpretation.[253] Though indirect references are made to this *sense of faith* in various documents of the Second Vatican Council,[254] the

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[249] FRANCIS, Post-synodal Apostolic Exhortation on the Amazon Region *Querida Amazonia,* 2 February 2020, English translation *Pope Francis, Apostolic Exhortation, Querida Amazonia,* Portsmouth, Redemptorist Publications, 2020, no. 108.

[250] FRANCIS, *Let Us Dream,* 94.

[251] J. RATZINGER, "Le funzioni synodali della Chiesa: l'importanza della communione tra I Vescovi," in *L'Osservatore Romano,* 24 January 1996, 4.

[252] L. GIOIA, "The Recent Practice of Synodality and its Ecclesiological Significance in the Light of Pope Francis' *Evangelii Gaudium*," A Paper delivered at the American Academy of Religion, at the seminar "What's the point of Synods?" organized by the Ecclesiological Investigations Group, Atlanta, 21-24 November 2015, 17,.https://www.academia.edu/25532592/The_Recent_Practice_of_Synodality_and_its_Ecclesiological_Significance_in_the_Light_of_Pope_Francis_Evangelii_Gaudium (9 December 2021).

[253] D. VITALI, "La funzione della chiesa nell'intelligenza della fede," in *Rassegna di teologia,* 49 (2008), 15-28, 28.

[254] SECOND VATICAN COUNCIL, *DV*, in *AAS,* 58 (1966), 820-821, in *FLANNERY1*, 754-755; Ibid, no. 15, in *AAS*, 58 (1966), 825, in *FLANNERY1,* 759; SECOND VATICAN COUNCIL Decree on the Ministry and Life of Priests *Presbyterorum ordinis,* no. 9, 7 December 1965, (=*PO*), in *AAS*, 58 (1966), 1005-1006, English translation in *FLANNERY1*, 880-881; SECOND VATICAN COUNCIL, Decree on the Apostolate

principal conciliar text that directly deals with the theme is in *Lumen gentium,* 12. It is significant to note that this notion is explained within the framework of the renewed theology of the People of God:

> The holy people of God shares also in Christ's prophetic office; it spreads abroad a living witness to Him, especially by means of a life of faith and charity and by offering to God a sacrifice of praise, the tribute of lips which give praise to His name. The entire body of the faithful, anointed as they are by the Holy One, cannot err in matters of belief. They manifest this special property by means of the whole peoples' supernatural discernment in matters of faith when "from the Bishops down to the last of the lay faithful" they show universal agreement in matters of faith and morals. That discernment in matters of faith is aroused and sustained by the Spirit of truth. It is exercised under the guidance of the sacred teaching authority, in faithful and respectful obedience to which the people of God accepts that which is not just the word of men but truly the word of God. Through it, the people of God adheres unwaveringly to the faith given once and for all to the saints, penetrates it more deeply with right thinking, and applies it more fully in its life.[255]

This significant teaching emphasises the participation in Christ's prophetic office of all the baptised and anointed People of God. Within that body of the faithful (*universitas fidelium*) lies the work of discernment in matters of faith, aroused and sustained by the Spirit of truth."[256] Moreover, *Dei Verbum*, 8 emphasises the dynamic

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of Lay People *Apostolicam actuositatem,* no. 30, 18 November 1965, (=*AA*), in *AAS,* 58 (1966), 860–862, English translation in *FLANNERY1*, 794–796. SECOND VATICAN COUNCIL*, GS*, no. 7, in *AAS*, 58 (1966), 1029-1030, English translation in *FLANNERY1*, 907-908; Ibid., no. 52, in *AAS*, 58 (1966), 1073-1075, in *FLANNERY1,* 956-957; Ibid., no. 62, in *AAS*, 58 (1966), 1082-1084, in *FLANNERY1*, 966-968; Ibid., no. 59, in *AAS*, 58 (1966), 1079-1080, in *FLANNERY1*, 963-964; SECOND VATICAN COUNCIL, Declaration on the Relation of the Church with Non-Christian Religions *Nostra aetate*, no. 2, 28 October 1965, (=*NA*), in *AAS,* 58 (1966), 740–741, English translation in *FLANNERY1*, 738-739; *AG*, no. 19, in *AAS*, 58 (1966), 969–970, in *FLANNERY1*, 835-836.

[255] This passage (SECOND VATICAN COUNCIL*, LG*, no. 12, in *AAS*, 57 [1965], 16-17, in *FLANNERY1*, 363-364) is at the heart of the Council's teaching on the *sensus fidei*, and has been summarised by C.E Brugger in the following ten points*:*
(1) The *sensus fidei* is an aspect of the Christian people's *sharing in the prophetic office of Christ;* (2) This sharing means rendering a living *witness* to Christ through faith and charity; (3) The subject of the witness – and so the *sensus fidei* – is the *universal body of the faithful,* the whole of the Christian people (including laity, hierarchy, religious); (4) That to which the People of God give witness are *matters of faith and morals;* (5) The means of giving witness is *universal consent* in those matters; (6) The quality of the witness is *infallibility in believing;* (7) That which makes possible this infallible witness to Christ in matters of faith and morals is a *supernatural sense of the faith;* (8) Its source is the *Holy Spirit;* (9) It is active in those who are *faithfully obedient* to the Magisterium; (10) Because of it the People of God are able to *receive* the word of God, *to adhere* to it indefectibly, to understanding it more deeply by making *right judgment* (*recto iudicio*), and *to apply it* more fully to life.
(C.E. BRUGGER, "*Sensus Fidei,* the Magisterium, and the Formation of Conscience," in J. HAMMOND and H. ALVARE [eds.], *Christianity and the Laws of Conscience: An Introduction [Law and Christianity]*, Cambridge, Cambridge University Press, 2021, 74).

[256] SECOND VATICAN COUNCIL, *LG*, no. 12, in *AAS*, 57 (1965), 16-17, in *FLANNERY1*, 363-364.

character of this *sensus fidei fidelium* and the fact that it plays an essential role in the transmission and understanding of revelation:

> For there is a growth in the understanding of the realities and the words which have been handed down. This happens through the contemplation and study made by believers who treasure these things in their hearts through a penetrating understanding of the spiritual realities which they experience, and through the preaching of those who have received through episcopal succession the sure gift of truth.[257]

L. Gioia offers an important reminder that, even amid the cries against clericalism, the totality of the faithful is the depositary of this *sensus fidei fidelium*, not only members of the lay faithful but all the baptised, including those who are ordained ministers. At this level, ordained ministers share in this *sensus* not authoritatively but prophetically, just like every other baptised person.[258] What seems significant here is the sharing of insights and reflection of all the faithful *together* for the sake of the shared mission of the baptised. *Syn 2018* puts it: "The Church is called, in synodal synergy, to activate the ministries and charisms present in her life and to listen to the voice of the Spirit, in order to discern the ways of evangelisation."[259]

A. Borras goes as far as to propose that co-responsibility and synodality are like the two faces of ecclesial life.[260] He notes that hierarchical ministry does not just listen, but it must consult and even seek out and ask for opinions.[261] The need for co-

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[257] Ibid., *DV*, no. 8, in *AAS,* 58 (1966), 820-821, in *FLANNERY1*, 754-755.

[258] GIOIA, "The Recent Practice of Synodality," 18.

[259] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 53.

[260] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 221-222.

[261] Ibid., 223.

responsibility for the Church's mission was a concern for Pope John Paul II in 1988[262] and was underlined by Benedict XV in 2009.[263]

1.3.5. Understanding Synodality and the *sensus fidei fidelium*

When considering synodality, it is essential that the nature and location of the *sensus fidei fidelium* be adequately understood.[264] In this respect, the Second Vatican Council appears to follow the thought of certain nineteenth-century theologians, especially John Henry Newman.[265] C.E. Brugger suggests that Newman's text *On Consulting the Faithful in Matters of Doctrine* perhaps did more than any other contribution to assist the Church's theological understanding of the *sensus fidei fidelium*.[266]

Ultimately, the *sensus fidei fidelium* is that sense of faith within the People of God as a whole together: people who are full of faith, obedient to the Word of God, and led in the ways of faith by their pastors. So, the *sensus fidei fidelium* is the *sense of the faith* deeply rooted in the baptised People of God together who receive, understand, and live the Word of God in the midst of the Church.[267]

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[262] JOHN PAUL II, Address to the Bishops of Canada on their "ad limina apostolorum visit," 28 April 1983, no. 2, https://www.vatican.va/content/john-paul-ii/en/speeches/1983/april/documents/hf_jp-ii_spe_19830428_canada-ad-limina.html (15 January 2022); ID., Post-synodal Apostolic Exhortation *Christifideles laici*, nn. 15, 21, 30 December 1988, (=*CL*) in *AAS*, 81 (1989), 393-521, English translation in *Christifideles Laici*: *Post-synodal Apostolic Exhortation of His Holiness John Paul II on the Vocation and Mission of the Lay Faithful in the Church and in the World*, London, Catholic Truth Society, 1989.

[263] BENEDICT XVI, Opening of the Pastoral Convention of the Diocese of Rome, 26 May 2009, https://www.vatican.va/content/benedict-xvi/en/speeches/2009/may/documents/hf_ben-xvi_spe_20090526_convegno-diocesi-rm.html (13 June 2021).

[264] INTERNATIONAL THEOLOGICAL COMMISSION, *Theology Today, Perspectives, Principles, and Criteria.* Washington, DC, Catholic University of America, 2012, no. 34.

[265] The International Theological Commission argues that in addition to Newman, Johann Adam Möhler (1796–1838) and Giovanni Perrone (1794–1876) were influential on the Second Vatican Council's conception. (INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, London, Catholic Truth Society, 1989, nn. 34-39).

[266] BRUGGER, "*Sensus Fidei*," 77.

[267] INTERNATIONAL THEOLOGICAL COMMISSION, See *Theology Today,* no. 34.

The *sensus fidei fidelium* is undoubtedly important for theologians,[268] especially in light of the Second Vatican Council's allusions to the concept.[269] Theologians are members of the faithful but also offer their unique service to help the bishops[270] so that they and all the faithful, ordained and lay, better understand the terms of an issue and its various dimensions, posing questions and offering observations in light of what the Church receives from today's world.[271]

Within the American and European context, it is not unusual to find theological interpretations of the *sensus fidei fidelium* increasingly viewed through a democratic or sociological prism, with a sort of supposed revelatory or prophetic value.[272] Some have championed a "democratic view of authority" against a more "hierocratic" concept,"[273] arguably making bishops the mouthpieces of a majority.[274] Ultimately, however, a

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[268] Ibid., no. 35.

[269] Theological literature on the "sense of the faithful" is extensive. See O. RUSH, *The Eyes of Faith: The Sense of the Faithful and the Church's Reception of Revelation*, Washington, DC, The Catholic University of America Press, 2009; See ID., "The Prophetic Office in the Church: Pneumatological Perspectives on the *Sensus Fidelium*-Theology-Magisterium Relationship," in R.R. GAILLARDETZ, (ed.), *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church*, Collegeville, MN, Liturgical Press, 2012, 89-112; A.C. OSHEIM, *A Ministry of Discernment*; M. SULLIVAN, *The Road to Vatican II: Key Changes in Theology*, New York, NY, Paulist Press, 2007, 66-68; D. VITALI, "Universitas fidelium in credendo falli nequit (*Lumen gentium* 12): II 'sensus fidelium' al concilio Vaticano II," in *Gregorianum* 86 (2005), 607-628; R.R. GAILLARDETZ, *By What Authority? A Primer on Scripture, the Magisterium, and the Sense of the Faithful,* Collegeville, MN, Liturgical Press, 2003; F.A. SULLIVAN, "The Sense of Faith: The Sense/Consensus of the Faithful," in B. HOOSE, (ed.), *Authority in the Roman Catholic Church: Theory and Practice*, Burlington, Ashgate Publishing, 2002, 85-93; D.J. FINUCANE, *Sensus Fidelium: The Use of a Concept in the Post-Vatican II Era*, San Francisco, CA, Wipf and Stock, 1996.

[270] Amanda Osheim has highlighted an emerging area where theologians can be of special service to the particular Churches in the process of discernment. (OSHEIM, *A Ministry of Discernment*, 189–196).

[271] SECOND VATICAN COUNCIL*, GS*, no. 40, in *AAS*, 58 (1966), 1057-1059, in *FLANNERY1*, 939-940. Ibid, no. 44, in *AAS*, 58 (1966), 1064-1065, in *FLANNERY1*, 946-947.

[272] A prime example of how the term has been applied to sociological data and opinion polls is found in J. BAGGETT, *Sense of the Faithful*: *How American Catholics Live their Faith*, New York, NY, Oxford University Press, 2008.

[273] See P. GRANFIELD, *Ecclesial Cybernetics: A Study of Democracy in the Church,* New York, NY, Macmillan, 1973.

[274] A. DULLES, *The Resilient Church: The Necessity and Limits of Adaptation,* Garden City, New York, NY, Doubleday & Co., 1977, 98.

prophetic voice stems not from an opinion or even a personal insight but from the word of God. Indeed, according to the Second Vatican Council, even the magisterium is not above the Word of God but serves it.[275] It is not that an individual's sense of the faith (*sensus fidei fidelis*) is unimportant, but it must be open to revision and incorporation into a communal and ecclesial discernment. This is because the *sensus fidei fidelium* is generally understood as that supernatural instinct or aptitude of the entire community of believers to make an accurate discernment in matters of faith,[276] as a criterion for discerning whether a doctrine belongs to the living faith.[277] Mindful that the *sensus fidei fidelium* is more than canvassing public opinion[278] or conducting polls inside or outside

[275] Ibid., 99-100.

[276] INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, no. 49.

[277] For example, the spiritual insight from the faithful helped the popes to formulate the doctrines of Blessed Mary's Immaculate Conception (1854) and her bodily Assumption (1950). (See INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, nn. 34, 37, 38, 40, 41, 42, 79).

[278] Certain dispositions are required for authentic participation in the *sensus fidei*. Since it is an exercise in faith, and for faith, it presumes faithfulness in those exercising their baptismal and thus prophetic role in this way. The International Theological Commission identifies these as: a) participation in the life of the Church; b) listening to the word of God; c) openness to reason; d) adherence to the magisterium; e) holiness – humility, freedom and joy, and f) seeking the edification of the Church.

C.E. Brugger offers, in fact, seven conditions or keys for accurately discerning the *sensus fidei fidelium* in the Church, at least on moral matters. He says that those who offer their opinions to the Church as if they are expressions of the *sensus fidei* should: (1) *Participate in the sacraments.* They should be baptized Catholics who maintain at least minimal participation in the sacramental life of the Church to remain in full communion. They should attend mass at least weekly, be faithful to their annual commitment to participate in sacramental confession, and be in a condition of conscience where they are not aware of any mortal sin; (2) *Attend to the word of God.* They should nourish themselves on the word of God, minimally in the cycle of readings in the liturgy. Since the chief propositional source of the *sensus fidei* is the word of God attested to in Sacred Scripture; (3) *Live by faith.* The author of Hebrews says, "Without faith it is impossible to please him. For whoever would draw near to God must believe that he exists and that he rewards those who seek him" (Heb. 11:6). Since the *sensus fidei* is the habit of faith, it is exercised in those who live by faith. Those who live by faith are being "transformed by the renewal of [their] minds," which makes them able to "prove what is the will of God, what is good and acceptable and perfect" (Rom. 12:2). The contrary is one who is "conformed to this world," as Peter was when he rebuked Jesus for going to Jerusalem (Matt. 16:22); (4) *Revere right reason*. One who exercises the *sensus fidei* should believe in the harmony between *fides et ratio,* should see that both open the mind to complementary domains of knowing: faith to "horizons it cannot reach on its own" (FR, 67) and reason to the universe of naturally knowable reality; (5) *Adhere to the Magisterium*. In the Gospel of Luke, Jesus says to the seventy, "He who hears you hears me, and he who rejects you rejects me, and he who rejects me rejects him who sent me" (Luke 10:16). By divine institution, bishops "have succeeded to the place of the apostles, as shepherds of the Church" (*LG*, 20). And so, when they teach authentically in continuity with Scripture and tradition, we hear Christ, and when we set ourselves against these teachings, we oppose Christ. "The *sensus fidei* cannot be authentically developed in believers, except to the extent in

the Church, it is unremarkable to find that Pope Francis agrees[279] with his predecessors[280] that the *sensus fidei fidelium* must not be confused with the sociological reality of majority opinion. Nor can one forget that the magisterium exercises a unique ministry of guidance within the fellowship of the Church.[281] Some theologians assert that the Holy Spirit speaks not only through the faithful but also through the struggles, protestations, and laments of those who might be seen as unfaithful or marginalised.[282] However, it is also argued that precisely because the *sensus fidei fidelium* is the sensitivity of those full of living faith, the voices of those whose faith is dead are, by definition, *not* the voices of the faithful.[283]

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which they fully participate in the life of the Church, and this demands responsible adherence to the Magisterium."[278] (6) *Strive for holiness*. Holiness (or Christian perfection) requires that whatever we do, in word or deed, we do in the name of Jesus Christ (Col. 3:17). Perfect holiness means that everything within us capable of being influenced by our own free choices has been made to express and serve Christ-like charity.[278] This can only take place in the life of one with living faith, since only with faith can we be united with God. One whose faith is dead (i.e., one who lives in unrepentant mortal sin) cannot express Christ-like charity (*CCC*, 1855). None of us has attained Christian perfection but we must be striving for it to share in the *sensus fidei.* Growth in holiness and growth in the *sensus fidei* are proportional, (7) *Seek the common good of the Church.* The *sensus fidei* is just one expression of the "manifestations of the Spirit for the common good" that St. Paul speaks about in his first letter to the Corinthians (1 Cor. 12:7). It is given for the building up of the body of Christ. Actions that cause "discord" impede the common good (v. 25). Actions that serve charity advance it. The *sensus fidei* therefore must always serve charity. (BRUGGER, "Sensus Fidei," 87-88).

[279] FRANCIS, Address to Members of the International Theological Commission, 6 December 2013, https://www.vatican.va/content/francesco/en/speeches/2013/december/documents/papa-francesco_20131206_commissione-teologica.html (5 December 2021).

[280] One point that has been repeated in ecclesial teaching on the *sensus fidei* over the last fifty years is that the opinions of large numbers of Catholics cannot *eo ipso* be equated with the *sensus fidei.* (See BENEDICT XVI, Address to the International Theological Commission on the Occasion of Its Annual Plenary Assembly, 7 December 2012, https://www.vatican.va/content/benedict-xvi/en/speeches/2012/december/documents/hf_ben-xvi_spe_20121207_cti.html (29 November 2021); JOHN PAUL II, Post-synodal Apostolic Exhortation On the Role of the Christian Family in the Modern World *Familiaris consortio,* 22 November 1981, [=*FC*], no. 5, in *AAS*, 74 [1982], 85-86, English translation in *FLANNERY2,* 817-818).

[281] Y. CONGAR, *The Meaning of Tradition*, San Francisco, CA, Ignatius Press, 2004, 79.

[282] J.J. BURKHARD, "*Sensus Fidei*: Recent Theological Reflection (1990–2001)," in *Heythrop Journal* 46 (2005), 464; B.E. HINZE, *Prophetic Obedience: Ecclesiology for a Dialogical Church,* Maryknoll, NY, Orbis Books, 2016.

[283] BRUGGER, "*Sensus Fidei*," 82.

Even noting the dangers, it is undeniable that Pope Francis remains convinced that the magisterium must pay attention to the sense of the faithful while exercising its teaching authority,[284] thus realising that the Spirit-filled community is itself a bearer of revelation.[285] In an interview in 2013, Pope Francis expressed that the *sensus fidei fidelium* considers the whole Church together as infallible in matters of beliefs. The people, he said, "display this *infallibilitas in credendo,* this infallibility in believing, through a supernatural sense of the faith of all the people walking together."[286] M. Wijlens comments that the Second Vatican Council draws an extremely important conclusion from this: that together the Church *in credendo*, the believing Church, is infallible,[287] an expression of infallibility frequently affirmed by the Fathers of the Church.[288]

1.3.6. Some Practical Limitations with the *sensus fidei fidelium*

In 1954, the great theologian Y. Congar in his work *Lay People in the Church,* wrote:

> We speak of *sensus* or *consensus fidelium*, *sensus Ecclesiae, sensus catholicus*, *sensus fidei;* or, as in [Pius XII's] *Munificentissimus Deus*, of *christiani populi fides, communis Ecclesiae fides*. The two sets of terms are not exactly equivalent: they belong to different moments in history and different points of view. But they suppose a common basis, which can be formulated thus: there is a gift of God (of the Holy Spirit) which relates to the twofold reality, objective and subjective, of faith (*fides quae creditur; fides qua creditur*), which is given to the hierarchy and the whole body of the faithful together…and which ensures an indefectible faith to the Church. This gift, we say, relates to the objective reality of faith, that is, the deposit of notions and of realities which constitute tradition (*id quod traditor Ecclesiae; id quod tradit Ecclesia*); correlatively, it relates to subjective reality, that is, to the grace of faith in the *fidelis*, or religious subject, the quasi-instinctive ability that faith has to see and adhere to its object. This subjective aspect of the grace of faith

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[284] XAVIER, "The Church of the People," 603.

[285] FRANCIS, *EG*, no. 119 in *AAS*, 105 (2013), 1069-1070, in *CTS Edition*, 62-63.

[286] Interview with Pope Francis by Fr. Antonio Spadaro, 19 August 2013.

[287] WIJLENS, "Reset Button," 246.

[288] The maxim attributed to Vincent of Lérins (d. c. 445) is perhaps the most famous appeal: "We hold that faith which has been believed everywhere, always, by all. For that is truly and in the strictest sense 'Catholic,' which, as the name itself and the reason of the thing declare, comprehends all universality." (The Commonitory," in P. SCHAFF and H. WACE [eds.], *Nicene and Post-Nicene Fathers of the Christian Church*, series 2, vol. 11, Peabody, MA, Hendrickson, 1995, 132).

> was specially considered by the great thirteenth-century scholastics. But the aggregate of what we have just briefly analysed, which can be called the infallibility of the Church's faith, is a universal traditional belief.[289]

Even with such words, Congar was not at all naïve about the ambiguities and possible missteps of the *sensus fidei fidelium.* Immediately after the positive statement quoted above, he added:

> Too much must not be attributed to the *sensus fidelium*… History tells us of the widespread failures of faith in the Christian people: in the East of the seventh century in face of Islam, in England and the Scandinavian countries in the face of the Protestant Reformation, in unhealthy enthusiasm here and superstitious devotions there, and so on. The treatise on theological criteria sets out to determine certain limits, certain rules or conditions within which the infallibility of the *sensus fidelium* is or is not certainly operative, as it tries to do also in respect of the Fathers, for they too were sometimes mistaken.[290]

Therefore, the history of the Church and the *sensus fidei fidelium* are a somewhat "checkered" and subjective reality with both highs and lows. The formation of the *sensus fidei fidelium* is a multi-faceted and complex reality that varies from person to person, community to community. Factors such as parents and grandparents,[291] the home parish, an influential group of Catholic peers, the type and quality of Catholic schools, influential role-models among the wider family, inspirational parish priests, and devoted religious -- all have a role in shaping the *sensus fidei fidelis* and *sensus fidei fidelium* among Catholics. Both A. Dulles and R.R. Gaillardetz observe that participation in the Church's communion forms and matures an individual's sense of faith.[292] It is not surprising then that ordinary Catholics, lacking a firm grounding in

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[289] CONGAR, *Lay People in the Church,* 288.

[290] Ibid., 288-289.

[291] FRANCIS, Homily at Holy Mass, World Day for Grandparents and the Elderly, 25 July 2021, https://www.vatican.va/content/francesco/en/homilies/2021/documents/20210725-omelia-giornatanonni-anziani.html (29 July 2021).

[292] A. DULLES, "Second General discussion," in CATHOLIC COMMON GROUND INITIATIVE, *Church Authority in American Culture*: *The Second Cardinal Bernardin Conference*, New York, NY, Crossroad, 1999, 119; R.R. GAILLARDETZ, "Power and Authority in the Church: Emerging Issues," in R.R. GAILLARDETZ and E.P. HANHNENBERG (eds.), *A Church with Open Doors: Catholic Ecclesiology for the Third Millennium*, Collegeville, MN, Liturgical Press, 2015, 95.

fundamental doctrines, can be more convinced by the dominant secular arguments and media caricatures[293] of Church teaching than by the actual Church's teaching itself. Indeed, the International Theological Commission states: "Not all the ideas which circulate among the People of God are compatible with the faith."[294] Therefore, it can be the case that popular opposition to particular teachings is, at times, not so much a question of dissent but more a question of genuine ignorance.[295] Human knowledge will always be somewhat distorted by our fallen nature and is always subject to passion and prejudice, and thus a mere headcount will never suffice this side of the *eschaton*.[296]

Consequently, on matters of faith and morals, unless the lay faithful are well-formed and catechised in Catholic teaching, as adults or children, they cannot realistically be expected to *sentire cum Ecclesia* (to think with the Church)[297] and to contribute constructively and fruitfully to synodal structures and processes with an ecclesial maturity. Referring to the Arian crisis of the fourth century, J.H. Newman writes: "Unless [the laity] had been catechised ... in the orthodox faith from the time of their baptism, they never could have had that horror, which they show, of the heterodox Arian doctrine. Their voice, then, is the voice of tradition."[298]

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[293] M. NEARY, Archbishop of Tuam, Homily, 24 July 2021, at *Irish Catholic Bishops's Conference,* https://www.catholicbishops.ie/2021/07/24/religion-is-intended-to-bind-people-together-and-to-god-rather-than-to-divide-and-conquer-archbishop-michael-neary/ (29 July 2021).

[294] INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus Fidei in the Life of the Church*, no. 5; See also CONGREGATION FOR THE DOCTRINE OF THE FAITH, Instruction on the Ecclesial Vocation of the Theologian, *Donum Veritatis*, 24 May 1990, no. 35, in *AAS*, 82 (1990), 1565-1566, English translation in *Origins* 20/8 (1990), 117–26.

[295] A. DULLES, "Humanae Vitae and Ordinatio Sacerdotalis," in CATHOLIC COMMON GROUND INITIATIVE, *Church Authority in American Culture*: *The Second Cardinal Bernardin Conference*, 26.

[296] See A. DULLES, "Sensus Fidelium," in *America,* 155 (1986), 242.

[297] BRUGGER, "*Sensus Fidei*," 87.

[298] J.H. NEWMAN, *On Consulting the Faithful in Matters of Doctrine*, New York, NY, Sheed & Ward, 1961, 76.

C.E. Brugger observes that the poverty of catechesis[299] in many particular Churches worldwide in recent decades is a chief reason why the opinions of baptised Catholics today will depart, sometimes fundamentally, from the truths of divine revelation.[300] Indeed, J. Ratzinger observed in 1985; the result has been a "disintegration of the *sensus fidei,"* so Catholics are often incapable of a comprehensive view of their religion.[301]

1.4. Emerging Implications of Practical Synodality

This section of the study reviews and analyses some of the emerging ecclesial corollaries for a synodal Church, including: (1) the convergence and divergence and in "receptive ecumenism;" (2) the implications for the Church's witness to social and environmental justice; (3) the various evolving synodal processes found at local, national and continental levels around the world, with particular attention to the *Synodaler Weg* in Germany and the theological and canonical concerns surrounding this process; and (4) the potential and anxieties around the process for the XVIth Ordinary General Assembly of the Synod of Bishops (2021-2023).

This section also treats the prospect of developing those synodal participative structures already in existence in the particular Churches and building upon those challenges and opportunities that arise, in view of reflections from ecclesiologists and canonists on current synodal *praxis* in dioceses and parishes. Finally, this section will

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[299] BRUGGER, "*Sensus Fidei*," 87.

[300] By way of example of this, some will look towards the 2019 Pew Survey which suggests that 70 percent of Catholics in the U.S. do not believe in the Real Presence of Christ in the Holy Eucharist. See G.A. SMITH, "Just One-Third of U.S. Catholics Agree With Their Church that Eucharist is Body, Blood of Christ," at *Pew Research Center*, 5 August 2019, https://www.pewresearch.org/fact-tank/2019/08/05/transubstantiation-eucharist-u-s-catholics/ (20 October 2021).

[301] J. RATZINGER with V. MESSORI, *The Ratzinger Report: An Exclusive Interview on the State of the Church*, translated by S. ATTANASIO and G. HARRISON, San Francisco, CA, Ignatius Press, 1985, 73.

look into the future for ecclesial synodality, especially the "parliamentary" form of synodality and the possible or necessary conditions for an authentic, *sensus fidei fidelium*.

1.4.1. The Important Ecumenical Implications of Synodality

Since the Great Schism of 1054, primacy has generally received prominence among Catholics in the West,[302] just as synodality has among Orthodox Christians in the East.[303] The institution which best reflects this ecclesiology is the endemic synod or *endemousa synodos*, *(ἐνδημοῦσα σύνοδος),* where the Byzantine Church considers itself as being permanently gathered in synod.[304] Undeniably, however, one achievement of recent formal Catholic-Orthodox dialogue[305] and the ecclesial convergence[306] therein is the growing recognition that synodality needs primacy to function and that primacy likewise needs synodality. This proves significant for a

[302] See the comments of Piero Coda in A. GAGLIARDUCCI, "International Theological Commission Document Proposes Lived Synodality," at *Crux*, 18 May 2018, https://cruxnow.com/vatican/2018/05/international-theological-commission-document-proposes-lived-synodality/ (7 August 2021).

[303] For further elaboration on synodality as expressed in Orthodox ecclesiology, see A. MILTOS, *Collégialité et synodalité - Vers une compréhension commune entre catholiques et orthodoxes,* Paris, Les Éditions du Cerf, 2019; M. VASILJEVIĆ and A. JEFTIĆ, (eds.), *Synodality: A Forgotten and Misapprehended Vision: Reflections on the Holy and Great Council 2016*, Alhambra, CA, Sebastian Press, 2017; J. CHRYSSAVGIS, (ed.), *Primacy in the Church: The Office of Primate and the Authority of Councils*, 2 vols., Yonkers, NY, St Vladamir's Seminary Press, 2016; S.Ş. SORIN and P. VLAICU (eds.), *La primauté et les primats. Enjeux ecclésiologiques,* Paris, Les éditions du Cerf, 2015; J.C. LARCHET, *L'Église, Corps du Christ, 1: Nature et structure,* Paris, Les Éditions du Cerf, 2012; K. WARE, "Synodality and Primacy in the Orthodox Church," in *International Journal of Orthodox Theology,* 10 (2019), 19-40; and S ŞELARU, "Expressions of the Church's Synodality in the Life and Mission of the Romanian Orthodox Church," in *Louvain studies,* 43 (2020), 260-277.

[304] E. CORECCO, "The Bishop, Head of the Local Church and Discipline," in G. BORGONOVO and A. CATTANEO (eds.), *Canon Law and Communio: Writings on the Constitutional Law of the Church*, translated by L. FEINGOLD, Citta del Vaticano, Libreria editrice Vaticana, 1999, 56-57.

[305] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no.9.

[306] Ibid., no. 116.

renewed effort in the urgent need to consider "a conversion of the papacy."[307] Hence, synodality offers a possible key to a fresh understanding of the papal ministry.[308]

This "mutual exchange of gifts"[309] opens up significant ecumenical possibilities demonstrated in various Catholic-Orthodox dialogue documents[310] and the ARCIC[311] documents for Catholic dialogue with the Anglicans. Speaking during the press conference on 7 September 2021, presenting the 2021-2023 synod of bishops' preparatory document and *vademecum,* M. Wijlens shared her desire that the global synodal process should model itself on "receptive ecumenism,"[312] which approaches dialogue[313] by asking: "where are we [the Church] weak and where can we learn from the others."[314]

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[307] FRANCIS, *EG*, no.32, in *AAS*, 105 (2013), 1033-1034, in *CTS Edition*, 22, with an allusion to John Paul II's *Ut unum sint,* no. 95. See JOHN PAUL II, Encyclical Letter on Commitment to Ecumenism *Ut unum sint* (25 May 1995), (*=UUS)* in *AAS,* 87 (1995), 921-982. English translation *Ut unum sint, Encyclical Letter on the Church's Commitment to Ecumenism,* Catholic Truth Society, London, 1995, 74-75. (*=CTS-UUS)*

[308] J.D. FARIS, "Synods, Councils, and Assemblies," 191; W. KASPER, "Petrine Ministry and Synodality," in *The Jurist*, 66 (2006), 298-309; M.G. MASCIARELLI, *Un popolo sindale*, 107-139;

[309] JOHN PAUL II, *UUS*, no. 87, in *AAS,* 87 (1995), 973, in *CTS-UUS,* 68-69.

[310] Most recently *Documento di Chieti* (2016), which is the fruit of the workings of the International Mixed Commission for Theological Dialogue between the Catholic Church and the Orthodox Church.

[311] ANGLICAN-ROMAN CATHOLIC INTERNATIONAL COMMISSION, "Authority in the Church II," in *The Final Report*, London, SPCK/Catholic Truth Society, 1982, 81-98 and *The Gift of Authority: Authority in the Church Ill,* Toronto, Anglican Book Centre, 1999 and *Walking Together on the Way: Learning to Be Church—Local, Regional, Universal*, London, SPCK, 2018.

[312] The concept of "receptive ecumenism" involves a commitment to critical, but constructively-oriented, discernment in one's own community or tradition, combined with a constructive, yet appropriately critical, reception of other traditions for fruitful growth, reparative healing, and greater Christian and human flourishing.

[313] The Third Anglican-Roman Catholic International Commission (ARCIC) has adopted the approach of receptive ecumenism but under the rubric of "receptive learning." (See J. HAWKEY, "An Anglican Commentary," in O. RUSH and J. HAWKEY, *Walking Together on the Way: Anglican and Roman Catholic Official Commentaries on the ARCIC Agreed Statement*, London, SPCK, 2018, vii).

[314] See J.D. FLYNN, "Synod Guidelines Urge 'Living' Synodality in Local Churches," at *The Pillar,* 7 September 2021, https://www.pillarcatholic.com/p/synod-guidelines-urge-living-synodality (20 September 2021).

Moreover, *Syn 2018* refers to both the 2016 Chieti Document[315] and the 2013 document of the World Council of Churches, *The Church: Towards a Common Vision,*[316]

> It is important to acknowledge with joy that, in our time, ecumenical dialogue has come to recognise synodality as something that reveals the nature of the Church, something essential to its unity in the variety of its manifestations. There is convergence on the notion of the Church as *koinonía,* which is realised in each local Church and in its relation with the other Churches, by means of specific synodal structures and processes. [317]

K. Koch observes that "theological and pastoral efforts to build a synodal Church have a profound effect on ecumenism."[318] No doubt, with further theological exchange and canonical research, will it be possible to discern *if*, *when,* and exactly *how* to apply synodal models of governance derived from Eastern Orthodox ecclesiology to the Latin Church.[319] Moreover, it is not clear that the Orthodox Churches' leadership would easily recognise synodality as currently expressed in the Latin Church to be theologically or canonically equivalent to their own. Besides, given the numerous disputes within the Orthodox Churches[320]

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[315] See the so-called "Chieti Declaration" of 21 September 2016: JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE ROMAN CATHOLIC CHURCH AND THE ORTHODOX CHURCH "Synodality and Primacy During the First Millennium: Towards a Common Understanding in Service of the Unity of the Church," Chieti, 21 September 2016, in *Origins,* 46 (2016-2017), 328-330, http://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/testo-in-inglese1.html (11 June 2021).

[316] WORLD COUNCIL OF CHURCHES, *The Church: Towards a Common Vision*, Faith and Order Paper No. 214, 6 March 2013, https://www.oikoumene.org/sites/default/files/Document/The_Church_Towards_a_common_vision.pdf (22 November 2021).

[317] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 116.

[318] K. KOCH, "Camminare insieme sulla stessa via: Settimana di preghiera per l'unità dei cristiani La sinodalità da un punto di vista ecumenico," at *L'Osservatore Romano*, 18 January 2021, https://www.osservatoreromano.va/it/news/2021-01/quo-013/camminare-insieme-br-sulla-stessa-via.html (21 May 2021).

[319] C.C. PECKNOLD, made this point in "Synodality Upended," at *First Things,* https://www.firstthings.com/web-exclusives/2018/11/synodality-upended (16 February 2020). See also J.A. CORIDEN, "The Holy Spirit and Church Governance," in *The Jurist,* 66 (2006), 352.

[320] On inter-ecclesial Orthodox tensions and disputes in recent years see P.L. GAVRILYUK, "Council Meets Despite Absence of Four Patriarchates Under the Sway of Russia," at *America,* 7 July

and the Anglican Communion[321] that frequently centre upon how authority is exercised, not all would agree that these versions of synodality are the most desirable for imitation. However, receptive learning from the *praxis* of synodality in the Eastern Catholic Churches *sui iuris* might offer some possibilities.[322]

1.4.2. Synodality as a Model for Serving Justice and Human Fraternity

As well as having an *ad intra* aspect for the Church, synodality also has an *ad extra* dimension[323] with profound ramifications for the world it serves. Synodal processes can offer a model of authority as service and assist in a more participative and inclusive decision-making style in the secular order.[324] Pope Francis has reminded all that "authority becomes service when it shares, involves and helps people to

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2016, https://www.americamagazine.org/issue/historic-orthodox-council-meets-despite-absence-four-churches (18 June 2021); F.D'AVILLEZ "Interview: Metropolitan Hilarion On the Orthodox crisis," at *The Catholic Herald*, 27 September 2018, https://catholicherald.co.uk/interview-metropolitan-hilarion-on-the-orthodox-crisis/ (18 June 2021); L. PETER, "Orthodox Church Split: Five Reasons Why It Matters," at *BBC News*, 17 October 2018, https://www.bbc.co.uk/news/world-europe-45877584 (18 June 2021); J. LUXMOORE, "Russian Prelate Says Ecumenical Patriarch Wants To Be a 'Pope'," at *The Tablet,* 7 July 2021, https://www.thetablet.co.uk/news/14301/russian-prelate-says-ecumenical-patriarch-wants-to-be-a-pope- (19 July 2021). For information on tensions in the light of the recent invasion of Ukraine by Russia see CNA STAFF, "Ukrainian Orthodox Church (Moscow Patriarchate) Declares its 'Full Independence', " at *CNA*, 28 May 2022, https://www.catholicnewsagency.com/news/251400/uoc-mp-declares-its-full-independence (12 June 2022).

[321] On the debates and disputes concerning the authority and function of the General Synod of the Church of England see M. CHAPMAN, "Does the Church of England Have a Theology of General Synod?" at *Journal of Anglican Studies,* 11 (2013), 15-31; E. THORNTON, "Review Group: Oh, and The General Synod Needs Reforming, Too," at *Church Times*, 14 September 2021, https://www.churchtimes.co.uk/articles/2021/17-september/news/uk/review-group-oh-and-the-general-synod-needs-reforming-too?utm_campaign=Church%20Times%20RSS%20Daily%20bulletin%202.0&utm_source=emailCampaign&utm_content=&utm_medium=email (14 September 2021).

[322] This is not always easy as sometimes the word *synodality* for Eastern Churches *sui iuris* is sometimes, in fact, used to represent the Latin Church notion of collegiality among bishops. An example of this is found in the article L.R. SAKO, "Card. Sako: Eastern Church Model for a Renewed Synodality," at *Asia News*, 1 July 2021, http://www.asianews.it/news-en/Card.-Sako:-Eastern-Church-model-for-a-renewed-synodality-53542.html (19 July 2021).

[323] See comments of Cardinal Luis Antonio Tagle in an address reported on in the news article S. MACDONALD, "Vatican Official Concerned By Populist Leaders 'Hijacking' Religion," at *Crux*, 10 March 2021, https://catholic-sf.org/news/vatican-official-concerned-by-populist-leaders-hijacking-religion (17 August 2021).

[324] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn, 118-119.

grow."[325] This means that the fraternal bonds involving the Church "will be more credible if in the Church [we] live our respective ministries as a service to the gospel, the building up of the reign of God, and the care of our common home."[326]

M. Grech proposes that an essential characteristic of the synodal process in the Church is fraternal dialogue.[327] He asserts that this culture of fraternal dialogue can help all assemblies to become places of encounter.[328] C. Theobald suggests that this fraternal dialogue can open a path to overcome the "struggle between competing interests."[329] A.C. Osheim views ecclesial solidarity as necessary in developing a true form of synodality[330] that offers a way for the Church to live out its apostolic call to encounter others and share the Gospel.[331] Pope Francis desires a "fraternal Church, one that is an agent of fraternity in our world."[332]

In this sense, the words of Pope Francis's 50th anniversary address are significant when he declared that "a synodal Church is like a standard lifted up among

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[325] FRANCIS, Address to the Roman Curia, 23 December 2021.

[326] See remarks of Pope Francis in " 'Always Together' Pope Francis and The Unfinished Work of Vatican II," at *La Croix International,* 29 September 2021, https://international.la-croix.com/news/religion/always-together/14963 (1 October 2021).

[327] M. GRECH, "An interview with the New Secretary of the Synod of Bishops," at *La Civiltà Cattolica*, 23 October 2020, https://www.laciviltacattolica.com/bishop-mario-grech-an-interview-with-the-new-secretary-of-the-synod-of bishops/?utm_source=newsletter&utm_medium=email&utm_campaign=LCC_Campaign_Non_Paid_14-Oct-2020+05 (24 May 2021).

[328] Ibid.

[329] C. THEOBALD, *Dialogue and Authority Between Society and Church*, Prolusion at the *Dies Academicus* of the Theological Faculty of Triveneto, 22 November 2018, www.fttr.it/wp-content/uploads/2018/11/THEOBALD-prolusione-dies-Fttr-22-11-2018.pdf (3 December 2021).

[330] A.C. OSHEIM, "Stepping towards a Synodal Church," 385.

[331] Ibid., 392.

[332] See the full text of Pope Francis' Speech Before Religious Entities in Cyprus, at *Rome Reports,* 2 December 2021, https://www.romereports.com/en/2021/12/02/full-text-of-pope-francis-speech-before-religious-entities-in-cyprus/ (2 December 2021).

the nations[333] in a world that calls for participation, solidarity,[334] and transparency in the administration of public affairs."[335] In the book *Let Us Dream*, Pope Francis offers a further reflection:

> This synodal approach is something our world now needs badly. Rather than seeking confrontation, declaring war, with each side hoping to defeat the other, we need processes that allow differences to be expressed, heard, and left to mature in such a way that we can walk together without needing to destroy anyone. This is hard work; it needs patience and commitment – above all to each other.[336]

1.4.3. Synodal Processes around the Globe

Currently, it is impossible to ignore the reality that a number of particular Churches and their groupings are taking up the momentum of practical projects in synodality expressed in various forms.[337] More synodal initiatives can be expected to emerge going forward.[338] J.A. Renken observes that some of these new processes and structures, such as the Ecclesial Conference of the Amazon (CEAMA),[339] will follow

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[333] Is 11:12.

[334] The theological understanding of solidarity is found strongly in JOHN PAUL II, Encyclical Letter on Social Concern *Sollicitudo Rei Socialis*, 30 December 1987, in *AAS,* 80 (1988), 513-586, and BENEDICT XVI, Encyclical Letter on Integral Human Development in Charity and Truth *Caritas in Veritate*, 29 June 2009, in *AAS,* 101 (2009), 641-709.

Gerald Beyer attempts to show how contemporary Catholic social teaching can provide a link between solidarity and synodality. (G.J. BEYER, "The Meaning of Solidarity in Catholic Social Teaching," in *Political Theology,* 15 [2014], 7-25).

[335] FRANCIS, 50th Address; ID., *EG*, nn, 186-192, in *AAS*, 105 (2013), 1098-1100, in *CTS Edition*, 94-97); ID., Encyclical Letter on the Care of the Environment *Laudato Si,'* 24 May 2015, nn. 156-162, in *AAS,* 107 (2015), 910-912, English translation *Pope Francis Laudato Si*, London, Catholic Truth Society, 2015, 77-79.

[336] FRANCIS, *Let Us Dream*, 82.

[337] A point that delights Pope Francis in FRANCIS, *Let Us Dream*, 84.

[338] Amanda Osheim wonders if new synodal structures at the level of the particular Church may need to be created, especially given the increasing numbers of lay ecclesial ministers and lay theologians, a structure which draws these two groups together for discussion and discernment may yield particular pastoral and theological insights for the local Church. (OSHEIM, *Ministry of Discernment,* 189–96). In this respect, C.M. Kelly envisions a particular role for moral theologians in creating "a genuine culture of discernment in the church." (C.M. KELLY, "The Role of the Theologian in the Church: A Proposal in Light of *Amoris Laetitia*," in *Theological Studies* 77 [2016], 923, https://doi.org/10.1177/0040563916666824 [21 December 2021]).

[339] See V. DEBLOCK, "Pope Francis Officially Recognizes the Ecclesial Conference of Amazonia," at *La Croix International,* 19 October 2021, https://international.la-

experimental synodal practices in various contexts.[340] This is not an episcopal conference but an ecclesial conference, because, as R. Luciani observes, it involves all the baptised "at different levels of participation in joint processes of discernment and decision-making."[341] Furthermore, the connection between the emergence of synodality and the Church's efforts to rebuild its credibility from the sexual abuse crisis is particularly striking in Germany, Australia, Latin America, and Ireland.[342] This motivation can lead to a positive synergy for enlightened change and unity in purpose but also to heightened and even, at times, unrealistic or imbalanced expectations and demands.[343]

The controversial *Synodaler Weg* in Germany[344] has drawn a particular engagement from the Apostolic See[345] and much media attention. It has elicited theological and canonical concern given its strong "parliamentary" character in that the

croix.com/news/religion/pope-francis-officially-recognizes-the-ecclesial-conference-of-amazonia/15069 (20 October 2021).

[340] RENKEN, "Synodality: A Constitutive Element of the Church," 32.

[341] LUCIANI, *Synodality*, 137.

[342] In this respect, see the final paragraph of the article by Dr Nichola Brady in N. BRADY, "Synodal Pathway Seeks To Acknowledge the Hurts that Exist Within our Church," at *The Irish Times*, 4 October 2021, https://www.irishtimes.com/opinion/synodal-pathway-seeks-to-acknowledge-the-hurts-that-exist-within-our-church-1.4690833?mode=amp (16 October 2021); see also I. SAN MARTÍN, "Unique LatAm Summit Identifies Abuse Victims as pastoral priority," at *Crux,* 29 November 2021, https://cruxnow.com/church-in-the-americas/2021/11/unique-latam-summit-identifies-abuse-victims-as-pastoral-priority (29 November 2021).

[343] See CNA STAFF, "German Catholic Bishop Suggests 'Synodal Way' is Using Abuse Crisis to Reshape Church," at *Catholic News Agency*, 30 September 2021, https://www.catholicnewsagency.com/news/249137/german-catholic-bishop-suggests-synodal-way-is-using-abuse-crisis-to-reshape-church (30 September 2021); J. LIEDL, " 'Misdiagnosis' — or Worse? German Synodal Path's Solutions to Abuse Crisis Questioned," at *The National Catholic Register*, 29 April 2022, https://www.ncregister.com/news/misdiagnosis-or-worse-german-synodal-path-s-solutions-to-abuse-crisis-questioned (6 May 2022).

[344] Hereafter *The Synodaler Weg*. See REGISTER STAFF, "The German Synodal Path: An Explainer," at *National Catholic Register*, 1 March 2022, https://www.ncregister.com/news/the-german-synodal-path-an-explainer (19 March 2022).

[345] FRANCIS, Schreiben von Papst Franziskus an das pilgernde Volk Gottes in Deutschland, 29 June 2019.

synodal assembly attempts to vote for matters that touch upon doctrine.[346] This particular expression of synodality appears similar to the dynamic of the General Synod of the Church of England.[347] It has a notable precursor in and through the momentum and influence from a significant post-conciliar experience in the Federal Republic of Germany: the national synod or the so-called "Würzburg Synod" of 1971-1975.[348]

Pope Francis himself, in June 2019, issued a strong letter to the Church in Germany,[349] warning that if the *Synodaler Weg* continued on the set course, it would result in "multiplying and nurturing the evils it wanted to overcome."[350] Pope Francis described evangelisation as the "guiding criterion par excellence, by which we can recognise all the steps we are called to take as an ecclesial community."[351] As the German episcopate continued undeterred, bishops from other nations have offered their

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[346] See G.E. MURRAY, "Germany's Schismatic Synodal Way," at *The Catholic Thing*, 22 May 2021, https://www.thecatholicthing.org/2021/02/22/germanys-schismatic-synodal-way/ (29 May 2021).

[347] NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND, General Synod, https://www.churchofengland.org/about/leadership-and-governance/about-general-synod (22 October 2021).

[348] For more on "The Würzburg Synod," see B. FRANCK, "Experiences of National Synods in Europe after the Council" in *Concilium,* 5 *(*1992), 82-97. Consideration is also given in this essay to: The Pastoral Council of the Netherlands (1968-1970); The Pastoral Synod of the Democratic Republic (1973-1975); The Austrian Synodical Process (1973-1974); The Swiss Synod (1972) and the Luxembourg Synod (1972-1981).

[349] For an analysis of the letter see D. FARES, "Evangelical Imbalances Francis Writes to the People of God in Germany," at *La Civiltà Cattolica,* 28 July 2020, https://www.laciviltacattolica.com/evangelical-imbalances-francis-writes-to-the-people-of-god-in-germany/ (28 May 2021).

[350] FRANCIS, Schreiben von Papst Franziskus an das pilgernde Volk Gottes in Deutschland, 29 June 2019. Here the Pope highlights several concerns: (a) There is needed both a movement from the top down and the bottom up; (b) The temptation to think that structural reform and bureaucratic renewal will solve present and future problems becomes a form of pelagianism; (c) Good organization without the newness of the gospel is "fizz"; and (d) Most importantly, to recover the primacy of evangelisation.

[351] Ibid. See also CNA STAFF, "Cardinal Kasper: Synodal Way's 'Original Sin' Was to Set Aside Evangelization," at *Catholic News Agency,* 9 November 2021, https://www.catholicnewsagency.com/news/249541/cardinal-kasper-synodal-way-s-original-sin-was-to-set-aside-evangelization (10 November 2021).

own interventions on the *Synodaler Weg,*[352] mindful of the collegial duty of all bishops to promote and safeguard the unity of faith and the discipline common to the whole Church."[353]

On 4 September 2019, Cardinal Marc Ouellet, the prefect for the Congregation for Bishops, wrote to Cardinal Reinhard Marx, then-president of the German episcopal conference, in order to transmit the Pontifical Council for Legislative Texts's legal assessment of the draft statutes for the synodal assembly governing the proceedings of the *Synodaler Weg.*[354] This analysis of the Pontifical Council is very instructive, concentrating on three principal points: (1) *The end envisioned by the synodal path is illegitimate*. The subjects to be debated during the two years of the synodal path are grouped into four themes: (a) *Power, participation, and separation of powers;* (b) *Sexual morality*; (c) *Priestly way of life*; and (d) *Women in Church ministries and offices*. The Pontifical Council states: "it is obvious that these subjects do not concern only the Church in Germany, but the universal Church, and that these subjects, with few exceptions, cannot be the subject of resolutions and decisions by a particular

[352] See S. AQUILA, "A Response to "Forum I" of the German Catholic Synodal Path: An Open Letter to the Catholic Bishops of the World", at *Catholic News Agency*, 13 May 2021, https://www.catholicnewsagency.com/storage/pdf/a-response-to-forum-i-of-the-german-catholic-synodal-path.pdf (29 May 2021); S. AQUILA, "My Letter on 'Synodal Way' is a Call to Conversion, Not Division," at *Catholic News Agency*, 28 May 2021, https://www.catholicnewsagency.com/news/247829/archbishop-aquila-my-letter-on-synodal-way-is-a-call-to-conversion-not-division (29 May 2021).

[353] SECOND VATICAN COUNCIL, *LG*, no. 23, in *AAS*, 57 (1965), 27, in *FLANNERY1*, 376-378.

[354] Cardinal Marc Ouellet, Prefect of the Congregation of Bishops, advised Cardinal Reinhard Marx of this in a letter of 4 Sept and attached an analysis by the Pontifical Council for Legislative Texts of proposed statutes for the German "synodal way." See the media report E. CONDON, "Vatican: German Synod Plans 'Not Ecclesiologically Valid'," at *Catholic News Agency*, 12 September 2019, https://www.catholicnewsagency.com/news/42243/vatican-german-synod-plans-not-ecclesiologically-valid (24 June 2021).

Church."[355] Since the ZdK[356] agreed to participate in the synodal route provided that the opening of the consultation and the binding nature of the decisions were guaranteed,[357] one can ask: How can a particular Church make binding decisions "when the issues addressed concern the universal Church"?[358] (2) *The synodal path is actually a particular council but refuses to use this name*. The Pontifical Council goes on to note that "it is clear from the articles of the draft statutes that the episcopal conference intends to convene a particular council in the sense of canons 439-446, without employing these terms."[359] The Pontifical Council reminded the German bishops that they must follow the procedures and rules for particular councils as provided in canon law. Moreover, in the absence of any approach to the Apostolic See for a particular council to take place, the Pontifical Council insists that the German bishops follow the canonical rules[360] for any "diocesan assembly" or, *a fortiori,* at a national assembly.[361]

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[355] See the analysis of the proposed statutes for the German "synodal way," by the PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, Letter of 1 August 2019, Prot. No. 16701/2019, at *Synodale Beiträge*, 4 September 2019, file:///C:/Users/Robert/Downloads/03_KODFBN_DE_20211004_Schreiben__Bischofskongregation_Rat_Gesetzestexte_deutsche_Arbeitsuebersetzung_der_DBK%20(1).pdf (21 December 2021), English working translation provided by Bishop M. G. Campbell.

[356] The "ZdK" are the Central Committee of German Catholics. See E. CONDON, "Analysis: Who are the Central Committee of German Catholics?" at *Catholic News Agency*, 6 September 2019, https://www.catholicnewsagency.com/news/42191/analysis-who-are-the-central-committee-of-german-catholics (20 October 2021).

[357] DER SYNODALE WEG, Rules of Procedure of the Synodal Path, 31 January 2020, 1, §1, https://www.synodalerweg.de/fileadmin/Synodalerweg/Dokumente_Reden_Beitraege/Synodaler_Weg-Geschaeftsordnung-des-SW-engl.pdf (21 December 2021).

[358] PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, Letter of 1 August 2019, Prot. No. 16701/2019.

[359] Ibid.

[360] As per the CONGREGATION FOR BISHOPS, CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, Instruction on Diocesan Synods *Instructio de Synodis dioecesanis agendis*, 19 March 1997, in *AAS,* 89 (1997), 706-727. (=1997 Instruction on Diocesan Synods). English Translation in J.A. RENKEN, *Particular Churches*: *Their Internal Ordering, Commentary on Canons 460-572,* Ottawa, Faculty of Canon Law, Saint Paul University, 2011, 357-375, Prologue, 358.

[361] PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, Letter of 1 August 2019, Prot. No. 16701/2019.

However, it would seem this is precisely what the German bishops and the ZdK wanted to avoid,[362] as the following point conveys: (3) *The composition of the Synodal Assembly is against the law*. The Pontifical Council analysis states that in:

> […] articles 3 and 5 referring to the synodal assembly and to the presidency of the "synodal way," the impression is given that the episcopal conference and the ZDK are in equal standing between themselves: they command an equal number of participants, they share parity of rights to the presidency, have a deliberative vote, etc. Such parity between the bishops and the laity cannot stand ecclesiologically. There is a common responsibility in the Church and all the faithful "are called to actualise, in accordance with the condition of each, the mission which God has entrusted to the Church to fulfil in the world" (can. 204 §1; can. 208). This does not mean however that the Church has a democratic structure, and that decisions are taken by the majority of the faithful.[363]

Moreover, the Pontifical Council reminds the organisers of the synodal way that "synodality in the Church, to which Pope Francis often refers, is not synonymous with democracy or majority decisions, but is a different way of participating in the decision-making process."[364] Indeed, the Pontifical Council justifies its position, very precisely, by citing *Syn 2018,* no. 69, which distinguishes between elaboration and decision-making: "Elaboration is a synodal task; the decision is a ministerial responsibility." Meanwhile, as the *Synodaler Weg* continues, concern remains to be expressed within

[362] In February 1969, the in German episcopal conference voted on a resolution for the convocation of a communal or "joint" synod of the dioceses of the Federal Republic of Germany. This way of proceeding avoided presenting this synod as a particular council, which would have required the prior agreement and convocation by the Apostolic See and the approval of all its documents. The "synodal path" of today is therefore a resumption of an old idea, so as to avoid the same legal constraints.

[363] PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, Letter of 1 August 2019, Prot. No. 16701/2019.

[364] Ibid.

Germany[365] and beyond[366] regarding the scope, content,[367] and ramifications of this synodal process.[368]

Beyond Germany, there have been numerous diocesan synods in France and Italy in recent times.[369] Likewise, there have been abundant diocesan synods in the United States.[370] Elsewhere, the Diocese of Kolda, in southern Senegal, celebrated its

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[365] See E. PENTIN, "Germany's 'Synodal Way' Divides Local Catholics," at *National Catholic Register*, 21 February 2022, https://www.ncregister.com/news/germany-s-synodal-way-divides-local-catholics (19 March 2022).

[366] See POLISH EPISCOPAL CONFERENCE, Letter of Fraternal Concern from the Episcopate's President Regarding the German "Synodal Path," 22 February 2022, https://episkopat.pl/letter-of-fraternal-concern-from-the-episcopates-president-regarding-the-german-synodal-path/ (19 March 2022); CNA STAFF, "Nordic Catholic Bishops: German 'Synodal Way' Fills Us With Worry," at *Catholic News Agency*, 10 March 2022, https://www.catholicnewsagency.com/news/250628/nordic-catholic-bishops-german-synodal-way-fills-us-with-worry (19 March 2022); ID., "German Catholic Bishops' Leader Responds to Polish Archbishop's 'Synodal Way' criticisms," at *Catholic News Agency*, 24 March 2022, https://www.catholicnewsagency.com/news/250782/german-catholic-bishops-leader-responds-to-polish-archbishop-s-synodal-way-criticisms (25 March 2022; ID., "German Catholic Bishops's Leader Replies to Nordic Bishops's 'Synodal Way' Critique," at *Catholic News Agency*, 5 April 2022, https://www.catholicnewsagency.com/news/250888/german-catholic-bishops-leader-replies-to-nordic-bishops-synodal-way-critique (6 April 2022); ID., "Bishops Sign Letter Warning that Germany's 'Synodal Path' Could Lead to Schism," at *Catholic News Agency*, 12 April 2022, https://www.catholicnewsagency.com/news/250945/fraternal-letter-bishops-germany-synodal-path (13 April 2022); B. FRAZE, "Head of German Bishops Defends Synodal Pathway," at *The Tablet*, 18 April 2022, https://www.thetablet.co.uk/news/15304/head-of-german-bishops-defends-synodal-pathway (20 April 2022).

[367] See CNA STAFF, "German 'Synodal Way' Members Back Text Calling for Women Priests," at *Catholic News Agency*, 4 February 2022, https://www.catholicnewsagency.com/news/250298/german-synodal-way-members-back-text-calling-for-women-priests (19 March 2022); ID., "German 'Synodal Way' Meeting Ends with Call for Same-Sex Blessings, Change to Catechism on Homosexuality," at *Catholic News Agency*, 7 February 2022, https://www.catholicnewsagency.com/news/250313/synodal-way-meeting-ends-with-call-for-same-sex-blessings-change-to-catechism-on-homosexuality (19 March 2022).

[368] See C. PONGRATZ-LIPPITT, "Germany Seeking Dialogue with Rome over Reforms," at *The Tablet*, 13 March 2022, https://www.thetablet.co.uk/news/15120/germany-seeking-dialogue-with-rome-over-reforms (19 March 2022); CNA STAFF, "Top Vatican Cardinal: 'Legitimate Concerns' about Germany's 'Synodal Path'," at *Catholic News Agency*, 15 April 2022, https://www.catholicnewsagency.com/news/250994/cardinal-koch-synodal-path-germany (16 April 2022); A.C. WIMMER, "Cardinal Kasper Warns German Synodal Way Risks 'Breaking its Own Neck', " at *Catholic News Agency*, 22 June 2022, https://www.catholicnewsagency.com/news/251612/cardinal-kasper-warns-german-synodal-way-risks-breaking-its-own-neck (27 June 2022).

[369] For example, in Italy, in the Diocese of Porto-Santa Rufina and in the Diocese of Savona-Noli. (See "Italia: La geografia dei Sinodi diocesani," at *Blog de Il Regno sui Sinodi dei vescovi*, 21 May 2021, http://www.lindicedelsinodo.it/2021/05/italia-la-geografia-dei-sinodi-diocesani.html#more [21 December 2021]).

[370] In the past decade, diocesan synods have been held in the U.S (arch)dioceses of Milwaukee, Washington, San Diego, Bridgeport, Detroit, Burlington, Vermont, Hartford and Springfield, Illinois. The Diocese of Dallas is holding one in December 2021. (See J. LIEDL, "Diocesan Synods Provide

first synod in 2020, lasting for three years, and the Diocese of Rabat, in Morocco, has been holding its second synod since May 2021.[371] In the United Kingdom, a diocesan synod in Liverpool took place in June 2021.[372] On the national level, there is the (particular) plenary council of October 2021[373] in Australia, whose origins preceded both the "Royal Commission into Institutional Response to Child Sexual Abuse" (2013-2017) and the election of Pope Francis. However, it was delayed due to the COVID-19 pandemic.[374] Indeed, the Jesuit-run magazine, *America,* has raised the notion of such a (particular) plenary council for the United States on several occasions.[375] In addition, the Church in Venezuela held its last session of its plenary council on 7 October

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Opportunities To Be a 'Listening Church'," at *National Catholic Register*, 26 February 2021, https://www.ncregister.com/news/diocesan-synods-provide-opportunities-to-be-a-listening-church [21 December]).

[371] See "What Might Africa Contribute To the Synod on Synodality?," in *La Croix International,* 16 September 2021, https://international.la-croix.com/news/religion/what-might-africa-contribute-to-the-synod-on-synodality/14891 (16 September 2021).

[372] ARCHDIOCESE OF LIVERPOOL, https://synod2020.co.uk/ (26 May 2021); see also Pastoral Letter read at all Masses in the Archdiocese of Liverpool on Saturday 27 and Sunday 28 November 2021, http://www.liverpoolcatholic.org.uk/index.php?p=2465 (26 November 2021).

[373] See C. MARES, "Australian Bishops Begin Nine-Month Plenary Council," at *Catholic News Agency,* 3 October 2021, https://www.ncregister.com/cna/australian-bishops-begin-nine-month-plenary-council (6 October 2021).

[374] See AUSTRALIAN PLENARY COUNCIL, https://plenarycouncil.catholic.org.au/; https://plenarycouncil.catholic.org.au/fantheflame/ (26 May 2021); AUSTRALIAN CATHOLIC BISHOPS'S CONFERENCE MEDIA BLOG, "How Australia Made the Journey to a Plenary Council," 26 August 2021, https://mediablog.catholic.org.au/how-australia-made-the-journey-to-a-plenary-council/?fbclid=IwAR3vHVoWF-VHw3I2O-CyqgQ8nto0aoZqgDSPxiXHrUwYHeQLpTJAa7sSI48 (8 September 2021).

[375] See P.J. MURNION, "The Potential of a Plenary Council," at *America,* 28 October 2002, https://www.americamagazine.org/issue/409/article/potential-plenary-council (25 March 2022); M. MALONE, "The Editors: Is it Time for the U.S. to Hold a Plenary Council?" at *America,* 22 April 2021, https://www.americamagazine.org/politics-society/2021/04/22/editorial-catholic-evangelization-plenary-council-united-states-240512 (30 May 2021) and B.P. FLANAGAN, "Bishops' Meetings Won't Heal the U.S. Church. We Need a Fourth Plenary Council Involving all Catholics," at *America*, 12 July 2021, https://www.americamagazine.org/faith/2021/07/12/plenary-council-united-states-church-bishops-241026 (19 July 2021).

2006.[376] The fourth chapter of this study will examine the particular council, especially in the context of the Australian plenary council.

In Italy, the bishops have responded, after some reluctance, to Pope Francis's 2015 persistent invitation for a national "synodal process."[377] This call was repeated in February 2021,[378] and the Italian bishops's "charter of intent" indicates practical moves toward such a project.[379] Interestingly, the president of the Italian bishops's conference has already indicated that their "synodal journey" will not be like the German *Synodaler Weg.*[380] In Ireland, after the diocesan synod in Limerick in April 2016,[381] work on a national initiative for a "synodal pathway" is now well underway.[382]

At the supra-national level, there is also the first-ever ecclesial assembly for the region of Latin America and the Caribbean,[383] encompassing the territories of the

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[376] R.B. CASTILLO, "El Concilio Plenario de Venezuela. Una buena experiencia sinodal (2000-2006)," in R. LUCIANI (ed.), *La sinodalidad en la vida de la Iglesia. Reflexiones para contribuir a la reforma eclesial*, San Pablo, Madrid, 2020, 293-328.

[377] See C. LAMB, "Pope Calls Italian Church to Synod," at *The Tablet,* 31 January 2021, https://www.thetablet.co.uk/news/13808/pope-calls-italian-church-to-synod (28 May 2021) and E. PENTIN, "After Six Years' Resistance, Pope Francis Gets His Synodal Way for Italy," at the *National Catholic Register*, 21 June 2021, https://www.ncregister.com/news/after-six-years-resistance-pope-francis-gets-his-synodal-way-for-italy (22 June 2021).

[378] See A. GAGLIARDUCCI ,"Pope Francis, What is His Project for The Church in Italy?" at *Catholic News Agency,* 30 January 2020*,* https://www.catholicnewsagency.com/column/54113/pope-francis-what-is-his-project-for-the-church-in-italy (26 May 2021).

[379] ITALIAN BISHOPS'S CONFERENCE, Charter of Intent, 24-27 May 2021, https://www.chiesacattolica.it/wp-content/uploads/sites/31/2021/06/01/CartadIntenti_Assemblea.pdf (22 June 2021).

[380] See C. MARES, "Italian Cardinal: Our Synodal Journey Will Not Be Like Germany's," at *Catholic News Agency*, 28 May 2021, https://www.catholicnewsagency.com/news/247819/italian-cardinal-our-synodal-journey-will-not-be-like-germanys (29 May 2021).

[381] DIOCESE OF LIMERICK, Limerick Diocesan Synod, April 2016, http://www.synod2016.com/ (26 May 2021).

[382] IRISH CATHOLIC BISHOPS'S CONFERENCE, *Synodal Pathway for the Catholic Church in Ireland*, https://www.catholicbishops.ie/synod/ (26 May 2021); "The Synodal Pathway of the Catholic Church in Ireland," https://synod.ie/ (24 January 2022); M. GRECH, "Towards a Synodal Irish Church."

[383] See I. SAN MARTÍN, "Pope Francis Calls for 'Prayer and Dialogue' as Latin American Ecclesial Assembly Opens," at *Crux*, 22 November 2021, https://cruxnow.com/church-in-the-americas/2021/11/pope-francis-calls-for-prayer-and-dialogue-as-latin-american-ecclesial-assembly-opens/ (22 November 2021).

Council of Latin American Episcopal Conferences (CELAM). This body has a synodal tradition experienced in their successive meetings, from 1968 in Medellin to Aparecida in 2007. These gatherings proposed an ecclesial reconfiguration based on an ecclesiology of small communities.[384] This novel assembly promises to touch upon the ecclesial life of some 377 million Catholics in the region and promises to have a strongly synodal character. Like the German *Synodaler Weg,* this structure is a type of ecclesiological and canonical novelty, as it is neither a national or provincial particular council nor a diocesan synod.[385] The assembly itself began in Mexico City on 21 November 2021.[386]

Going forward, ecclesial leadership in the particular Churches and their groupings will do well to ensure that their proposed synodal projects carefully avoid "parliamentary" synodality but rather advance the prayerful discernment proposed by Pope Francis. All such synodal initiatives will benefit from an early and ongoing dialogue with the pertinent dicasteries of the Apostolic See to ensure good practice based upon a sound legal framework.

1.4.4. The XVIth Ordinary General Assembly of the Synod of Bishops

On 7 March 2020, it was announced by Cardinal L. Baldisseri, then-general secretary for the synod of bishops, that the next ordinary assembly of the synod of bishops would be held in October 2022; on the topic: "For a Synodal Church:

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[384] R. LUCIANI, "Medellin como acontecimiento sinodal: Una eclesialidad colegiada fecundada y completada," in *Revista Horizontes*, 50 (2018), 482-516.

[385] See I. SAN MARTÍN, "Archbishop Says Latin American Assembly is Synodal, But Not A Synod," at *Crux,* 15 October 2021, https://cruxnow.com/church-in-the-americas/2021/10/archbishop-says-latin-american-assembly-is-synodal-but-not-a-synod/ (16 October 2021).

[386] On the Latin American Ecclesial Assembly, a kind of "synodal" regional assembly (21-28 November 2021) see the official assembly website https://asambleaeclesial.lat/ (30 May 2021); "Latin American and Caribbean Ecclesial Assembly: Overflow of the Spirit," https://asambleaeclesial.lat/wp-content/uploads/2021/09/DOCUMENTO_FUNDAMENTOS_ENG.pdf (11 October 2021).

Communion, Participation, and Mission."[387] However, the bishops throughout the world were subsequently notified,[388] and a further announcement was issued by the general secretariat for the synod of bishops on 21 May 2021[389] that this next assembly would be delayed (due to the Covid-19 pandemic) and would now incorporate an extended consultation process to unfold in three phases.

In an interview on 21 May 2021, the current general secretary for the synod of bishops, Cardinal M. Grech, explained that the innovations resulted in the "transformation of the synod from an event into a process."[390] As illustrated by the press release and accompanying document of the synodal process and infographic,[391] the now-global synodal process, opened by the pope on 9-10 October 2021, was inaugurated in dioceses throughout the world on 17 October 2021. Three phases mark this synodal journey: *a diocesan phase* (October 2021-April 2022), during which individual faithful are invited to participate in their diocesan (and parish) consultation. Thereafter, the diocese will gather these contributions, including an ecumenical

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[387] C. WELLS, "Synod of Bishops to Take Up Theme of Synodality in 2022," at *Vatican News*, 7 March 2020, https://www.vaticannews.va/en/pope/news/2020-03/synod-of-bishops-to-take-up-theme-of-synodality-in-2022.html (21 December 2021).

[388] GENERAL SECRETARIAT FOR THE SYNOD OF BISHOPS, Letter of Cardinal Mario Grech, General Secretary for the Synod of Bishops Sent to All the Bishops of the World, 20 May 2021, http://secretariat.synod.va/content/synod/en/news/letter-by-cardinal-mario-grech-outlining-the-reasons-for-the-rec.html (16 October 2021).

[389] GENERAL SECRETARIAT FOR THE SYNOD OF BISHOPS, Press Release, XVIth Ordinary General Assembly of the Synod of Bishops, 21 May 2021, http://secretariat.synod.va/content/synod/en/news/press-release--xvi-ordinary-general-assembly-of-the-synod-of-bis.html (23 May 2021).

[390] M. GRECH, "Transformation of Synod to Create Space for People of God," at *Vatican News*, 21 May 2021, https://www.vaticannews.va/en/vatican-city/news/2021-05/cardinal-grech-interview-synod-secretariat-changes.html (23 May 2021).

[391] GENERAL SECRETARIAT FOR THE SYNOD OF BISHOPS, Document of the Synodal Process, XVIth Ordinary General Assembly of the Synod of Bishops, 21 May 2021, http://secretariat.synod.va/content/synod/en/news/document-of-the-synodal-process--xvi-ordinary-general-assembly-o.html (16 October 2021).

dimension and contribution,[392] and compile them into a report for transmission to their national episcopal conference secretariat,[393] which will collate all the diocesan reports into one[394] and transmit this to the general secretariat of the synod of bishops in Rome.[395] These reports will help form the first *instrumentum laboris* for broad discussion by bishops and conferences of religious in the *continental*[396] *phase* (October 2022-March 2023). A second draft of the *instrumentum laboris* will then be compiled from the continental or regional bodies' reports and sent to assembly participants in the synod of bishops set for October 2023, ready for the final, *universal phase* of the synod, which culminates with the celebration of the synod of bishops itself presided over by the Bishop of Rome.[397]

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[392] See PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY and GENERAL SECRETARIAT FOR THE SYNOD OF BISHOPS, Joint Letter of Cardinals Koch and Grech to Bishops Responsible for Ecumenism, 7 November 2021, http://www.christianunity.va/content/unitacristiani/en/news/2021/2021-10-29-letter-of-cardinals-koch-and-grech.html 12 November 2021); ASSEMBLY OF CATHOLIC ORDINARIES OF THE HOLY LAND, Letter from the Catholic Ordinaries to the Heads of the Christian Churches in the Holy Land, 24 January 2022, https://www.lpj.org/cached_uploads/download/2022/01/24/lett-heads-of-churches-en-1643029229.pdf?_mhk=50c05a2def2991e2ed23c1b70ce5849f9db10b8e341fe626d722baf075f8bf399be557784e10e63361ff36094a097f7c (29 January 2022).

[394] See VATICAN NEWS STAFF WRITER, "National Synod Day for Church in England and Wales," at *Vatican News*, 2 June 2022, https://www.vaticannews.va/en/church/news/2022-06/national-synod-day-synodality-england-wales-synthesis.html (6 June 2022); S. MACDONALD, "Church in Ireland Must 'Renew and Refresh' says Archbishop," at *The Tablet*, 21 June 2022, https://www.thetablet.co.uk/news/15601/church-in-ireland-must-renew-and-refresh-says-archbishop (27 June 2022); T. HENEGHAN, "French Bishops Send Two Synodality Reports to Rome," at The Tablet, 22 June 2022. https://www.thetablet.co.uk/news/15611/french-bishops-send-two-synodality-reports-to-rome (27 June 2022); CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES, "Synod National Synthesis Released," 28 June 2022, https://www.cbcew.org.uk/synod-national-synthesis-released/ (4 July 2022).

[395] The deadline for the presentation of the summaries of the consultations by episcopal conferences has been extended to 15 August 15 2022 communicated in GENERAL SECRETARIAT FOR THE SYNOD OF BISHOPS, Press Release, XVI[th] Ordinary General Assembly of the Synod of Bishops, 29 October 2021, https://www.synod.va/content/dam/synod/news/2021-10-29_news_new_deadline/EN_Press_Release-29.10.2021.pdf (7 November 2021).

[396] A. Borras observes these continental assemblies. are not episcopal conferences in the true sense, and thus do not have the same competence, but they have as their purpose the goal to "promote and protect the greater good" (c. 459, §1: *ad maius bonum promovendum ac tuendum).* (A. BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 231).

[397] FRANCIS, 50[th] Address.

How more than a billion Catholics scattered in particular Churches across the globe can discern or walk together, according to a single global programme at relatively short notice,[398] is far from clear.[399] For smaller dioceses, it seems their engagement will be more difficult.[400] M. Wijlens's claim that the announcement to amplify the participation of dioceses "aims to address the problem that the practice of synodality is foreign to many bishops"[401] may well also be true. If, however, the diocesan phase for the next assembly of the synod of bishops will be enough to address such a deficiency is entirely another question.[402]

Moreover, there is still the lingering coronavirus pandemic to contend with.[403] Even for those countries in the more developed world, the global struggle to cope with continuing government health restrictions and the difficulty in gathering together, to get back, after COVID, to regular Mass attendance, sacramental life, school work, and charitable works means that, for some, the timing could hardly be more challenging.[404]

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[398] See R.J. DE SOUZA, "2023 Synod Faces a Credibility and Practicality Gap," at *National Catholic Register,* 17 September 2021, https://www.ncregister.com/commentaries/2023-synod-faces-a-credibility-and-practicality-gap (16 October 2021).

[399] See GENERAL SECRETARIAT FOR THE SYNOD OF BISHOPS, "Synod of Bishops Offers Initial Assessment of Synodal Process," at *Vatican News*, 7 February 2022, https://www.vaticannews.va/en/vatican-city/news/2022-02/synod-bishops-synodality-first-stage-initial-assessment.html (8 February 2022).

[400] See J. LAVENBURG, "Smaller Dioceses Struggle to Realize Pope's Synod Vision," at *Crux,* 16 October 2021, https://cruxnow.com/church-in-the-usa/2021/10/smaller-dioceses-struggle-to-realize-popes-synod-vision/ (16 October 2021).

[401] See comments by Myriam Wijlens in C. LAMB, "Synodality Takes Flight," at *The Tablet*, 29 May 2021, https://www.thetablet.co.uk/features/2/20074/church-reform-synodality-takes-flight (28 May 2021).

[402] See D. SADOWSKI, "Prelates See Synodal Process as Holy Spirit's Realm to Inspire the Church," at *Crux*, 6 November 2021, https://cruxnow.com/cns/2021/11/prelates-see-synodal-process-as-holy-spirits-realm-to-inspire-the-church/ (8 November 2021).

[403] For a useful article on synodality and solidarity in the light of the recent COVID-19 pandemic see I.P. OKPALEKE, "Ecclesial Governance in Unusual Times: A Theological Exploration of the Relationship between Synodality and Global Solidarity," in *Louvain Studies,* 43 (2020), 278-296.

[404] R.J. DE SOUZA, "2023 Synod on Synodality: A Process About Processes," at *National Catholic Register,* 26 May 2021, https://www.ncregister.com/commentaries/2023-synod-on-synodality-a-process-about-

On 7 September 2021, the general secretariat of the synod of bishops presented a 22-page preparatory document[405] and an accompanying 42-page *vademecum*[406] to aid the synodal process of 2021-2023, leading into the 2023 assembly of the synod of bishops**.** The two fundamental and underlying questions in this process are: "How does this 'journeying together' take place today on different levels (from the local level to the universal level), allowing the Church to proclaim the Gospel? What steps is the Spirit inviting us to take in order to grow as a synodal Church?"[407] While acknowledging that such questions are to be answered by examining Scripture and the Tradition of the Church, the *vademecum* notes that it is also to be done by listening "especially to those at the margins, discerning the signs of the times."[408] The *vademecum* adds: "Whatever the local circumstances, the diocesan contact person(s) are encouraged to focus on maximum inclusion and participation, reaching out to involve the greatest number of people possible, and especially those on the periphery who are often excluded and forgotten."[409] The *vademecum* expressly states that the listening process must include "Catholics who rarely or never practice their faith."[410]

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processes?fbclid=IwAR12plH3sVJc0VQzEyATXXAGk0QlcbgGEPi5T5j0vvsVvDDXeOcHcP-I16s (29 May 2021).

[405] GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, Preparatory Document: For a Synodal Church: Communion, Participation, and Mission, 7 September 2021, http://www.synod.va/en/news/preparatory-document.html (13 September 2021).

[406] GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, *Vademecum* for the Synod on Synodality: Official Handbook for Listening and Discernment in Local Churches, 7 September 2021, http://www.synod.va/en/news/vademecum-for-the-synod-on-synodality.html (13 September 2021).

[407] Ibid., no. 1.3; See also C. MARES, "Synod on Synodality Organizers Want Local Stage to Focus on One Fundamental Question," at *Catholic News Agency*, 24 November 2021, https://www.catholicnewsagency.com/news/249694/synod-on-synodality-organizers-want-local-stage-to-focus-on-one-fundamental-question (26 November 2021).

[408] Ibid.

[409] Ibid., no. 1.5.

[410] Ibid., no. 2.1.

Some Catholics will quickly realise that the inclusion of Catholics who "rarely or never" practice the faith or who are poorly catechised[411] will likely give a platform to those who take issue with Church teaching on a variety of issues.[412] The *vademecum* appears to clear the way for dissenting or minority opinions to be taken as an authoritative voice over the settled or majority view: "Views should not be excluded simply because they were expressed by a small minority of participants. Indeed, …the 'minority report' can be a prophetic witness to what God wants to say to the Church."[413]

These concerns seem to connect with the views of theologians who, like J.J. Burkhard, resist attempts to identify only practising and committed Catholics and Christians as the subjects of the *sensus fidei fidelium.*[414] Others like A. Dulles are clear that the *sensus fidelium* "exists only in believers who are disposed to 'think with the Church' (*sentire cum Ecclesia*) and is never separable from the guidance of pastors."[415] Speaking of the *sensus fidei fidelium* in 2012, Benedict XVI remarked that "invoking it in order to contest the teachings of the magisterium would be unthinkable, since the *sensus fidei* cannot be authentically developed in believers, except to the extent in

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[411] Cardinal Mario Grech attempted to address this when he stated: "If the bishops do not listen to those who are poorly catechized, we will never know how to heal the poorly catechized through our magisterium. As a result, when properly understood and engaged, the synodal process is meant to heal doctrinal confusion and anarchy." ("Interview with Cardinal Grech," 9 October 2021).

[412] See CNA STAFF, "Synod of Bishops' Resources Website Links to Women's Ordination Group," at *Catholic News Agency*, 19 January 2022, https://www.catholicnewsagency.com/news/250140/synod-of-bishops-resources-website-links-to-women-s-ordination-group (24 January 2022).

[413] GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, *Vademecum* for the Synod on Synodality, Appendix D.

[414] J.J. BURKHARD, "The *Sensus Fidelium*: Old Questions, New Challenges," in *CTSA Proceedings,* 70 (2015), 38.

[415] A. DULLES, "Criteria of Catholic Theology," in *Communio,* 22 (1995), 311.

which they fully participate in the life of the Church, and this demands responsible adherence to the magisterium, to the deposit of faith."[416]

1.4.5. Developing Synodality in the Participative Structures of the Particular Churches

J.A. Renken draws attention to the fact that c. 368 explains that the one and only Catholic Church exists in the local or particular Churches.[417] Renken explains how the canonical tradition, first of all, describes particular Churches as dioceses, as they are the most complete example of the particular Church.[418] J.I. Arrieta notes that a particular Church is a community of the faithful, hierarchically structured, relatively autonomous and self-sufficient, and in a relationship of reciprocal proximity with the universal Church.[419] He adds that a diocese is defined as a portion of the People of God (*portio populi Dei*) entrusted to the pastoral care of a bishop with the cooperation of his presbyterate. All are united in the Holy Spirit through the Gospel and the Eucharist, in communion with other Churches and with the head of the college of bishops.[420]

In *Evangelii gaudium*, 30-31, Pope Francis gives an impetus to a "missionary conversion" in the particular Church.[421] His 50th anniversary address clearly indicates that the *first level* of synodal *praxis* involves an engagement with the structures of

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[416] BENEDICT XVI, Address to the International Theological Commission 2012.

[417] J.A. RENKEN, *Particular Churches and the Authority Established in Them, Commentary on Canons 368-430,* Ottawa, Faculty of Canon Law, Saint Paul University, 2011. 14-15.

Henri de Lubac appears to prefer the term "particular Church," for a diocese which is the term generally used by canonists, whereas Christopher Ruddy indicates that Jean-Marie Roger Tillard preferred the term "local church." This study uses both terms. (H. DE LUBAC, *Les églises particulières dans l'Église universelle*, Paris, Aubier, 1971, 44; C. RUDDY, *The Local Church: Tillard and the Future of Catholic Ecclesiology*, New York, NY, Crossroad, 2006, 6).

[418] RENKEN, *Particular Churches and the Authority Established in Them,* 15.

[419] J.I. ARRIETA, *Governance Structures within the Catholic Church*, Montreal, Wilson & Lafleur, 2000, 51.

[420] Ibid., 52.

[421] FRANCIS, *EG,* nn. 30-31, in *AAS*, 105 (2013), 1032-1033, in *CTS Edition*, 21-22.

participation in the particular Churches.[422] Thus, the questions that accompany the diocesan phase for the 2021-2023 synod of bishops significantly emphasise practical synodality at the diocesan and parish level.[423] These questions intend to bring about a new impulse to review how these current structures of synodality function, and how their functioning could be more synodal. Indeed, synodality must be given room to breathe, mature, and grow[424] at the level of the particular Churches through those normative "organs of communion"[425] or "means of participation."[426] These structures will be considered in chapter two of this work.

M. Faggioli notes that few diocesan bishops understand synodality, which leads to an uneven reception[427] of Francis's efforts towards synodality.[428] A. Borras opines that there is still much to do in dioceses[429] and parishes in this pastoral conversion.[430] G. Routhier is convinced that, to some extent, the *deficit* of synodal life experienced in

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[422] FRANCIS, 50th Address.

[423] GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, *Vademecum* for the Synod on Synodality, no. 5.3.

[424] M. FAGGIOLI, "Pope Francis's Struggle to Bring Forth a Synodal Church," at *La Croix International*, 26 December 2018, https://international.la-croix.com/news/religion/pope-francis-struggle-to-bring-forth-a-synodal-church/8784 (23 June 2021).

[425] FRANCIS, 50th Address.

[426] FRANCIS, *EG*, no.31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 22.

[427] See B. FRAGA, "Synod Phase for Local Listening Gets an Uneven Start in US dioceses," at *La Croix International,* 14 December 2021, https://international.la-croix.com/news/religion/synod-phase-for-local-listening-gets-an-uneven-start-in-us-dioceses/15363 (21 December 2021).

[428] M. FAGGIOLI, "Pope Francis's Struggle to Bring Forth a Synodal Church."

[429] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 220.

[430] CONGREGATION FOR THE CLERGY, Instruction, The Pastoral Conversion of the Parish Community in the Service of the Evangelisation of the Church, nn. 34-35, 27 June 2020, English translation *The Pastoral Conversion of the Parish Community in the Service of the Evangelisation of the Church,* London, Catholic Truth Society, 2020, 21. Also FRANCIS, *EG,* no. 27 in *AAS*, 105 (2013), 1031, in *CTS Edition*, 19-20; Ibid., no. 189, in *AAS*, 105 (2013), 1099, in *CTS Edition*, 95.

the particular Churches is partially due to an overly theoretical approach.[431] Finally, E. Corecco holds that such structures do not work (or work less well than was expected) because they are lived according to a political "notion of power" as if they were "little parliaments" and not service (*diakonia*) structured within communion.[432]

1.4.6. The Future for Synodality?

It will be increasingly necessary to learn from both the Anglican tradition[433] and the German experience of the *Synodale Weg*[434] in order to avoid the dangers of a highly divisive parliamentary form of synodality,[435] which is precisely what Pope Francis has repeatedly stated synodality is not. The authentic spirit and practice of synodality are realities beyond the concept of democracy.[436] In an increasingly aggressive secular age, a healthy and fruitful synodality appears to require the following presuppositions from all synodal participants and leadership: (1) the virtue and experience of faith[437] lived

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[431] G. ROUTHIER, "The Renewal of Synodal Life in Local Churches," 250.

[432] E. CORECCO, "Synodal or Democratic Structure of the Particular Church?" in G. BORGONOVO and A. CATTANEO (eds.), *Canon Law and Communio: Writings on the Constitutional Law of the Church*, 85-86.

[433] See the interview C. WELLS, "Archbishop Welby: Church is Synodal When Walks Together, Serving, Not Dominating," at *Vatican News*, 6 October 2021, https://www.vaticannews.va/en/church/news/2021-10/anglican-archbishop-canterbury-welby-interview-cop26-south-sudan.html (8 October 2021).

[434] E. PENTIN, "Cardinal Kasper on German Synod: 'Many Wonder Whether All This Is Still Entirely Catholic'," at *National Catholic Register*, 23 September 2021, https://www.ncregister.com/news/cardinal-kasper-on-german-synod-many-wonder-whether-all-this-is-still-entirely-catholic (25 September 2021).

[435] In the context of the Synodal Pathway in Ireland, Dr. Nichola Brady acknowledges that one of the most common misunderstandings the Steering Committee is encountering is the idea that "synodal assemblies are parliamentary-style debates where the objective is to win votes for particular decisions." (N. BRADY, "Synodal Pathway Seeks to Acknowledge the Hurts that Exist Within Our Church," at *The Irish Times*, 4 October 2021, https://www.irishtimes.com/opinion/synodal-pathway-seeks-to-acknowledge-the-hurts-that-exist-within-our-church-1.4690833?mode=amp [16 October 2021]).

[436] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 208.

[437] INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, footnote 6.

within a particular Church;[438] (2) a deep and mature sense of communion with the wider Catholic Church and with the successor of Peter;[439] (3) a sound level of Christian formation, catechesis, and proper understanding of synodality, including intentional formation in spiritualities of discernment;[440] and (4) a vibrant holiness among the participants humbly seeking further sanctification.[441]

A robust programme of formation and catechesis during any synodal process and proceedings, and those that prepare for and flow from them, will surely help form spiritually mature and co-responsible adult Catholics who, in and through their synodal engagement, will *sentire cum Ecclesiae*: to feel, sense, and perceive in harmony with the Church,[442] to take up that "evangelising duty of proclaiming the Gospel to the men and women of our time" as "a service."[443] This formation effort will also help avoid the temptation of entering into the dynamics of power-politics, ensuring that evangelisation and the growth of the mission of the Church are the concrete goals of synodality in practice.[444]

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[438] CELAM, *Aparecida Document*, no.164.

[439] See the text of Pope Francis communicated on 4 October 2021, at AUSTRALIAN PLENARY COUNCIL, Message from the Holy Father Pope Francis, 4 October 2021 https://plenarycouncil.catholic.org.au/wp-content/uploads/2021/10/Message-from-the-Holy-See-to-Archbishop-Mark-Coleridge.pdf (6 October 2021).

[440] OSHEIM, *Ministry of Discernment,* 187–188.

[441] See the remarks of Archbishop Nikola Eterović, the Apostolic Nuncio to Germany to the German episcopal conference: "The Lord Jesus calls on us constantly to follow the path of ecclesial communion, Catholic faith and holiness in our times, especially among pressing ecclesial and social challenges." (See L. ZENGARINI, "German Bishops Turn Attention to Synod and Abuse Scandal," at *Vatican News*, 21 September 2021, https://www.vaticannews.va/en/church/news/2021-09/germany-bishops-general-assembly-synod-abuse-scandal.html [21 September 2021]).

[442] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 56.

[443] PAUL VI, Post-synodal Apostolic Exhortation on Evangelization in the Modern World *Evangelii nuntiandi*, 8 December 1975, no.1 in *AAS,* 68 (1976), 5-6. English translation in A. FLANNERY (gen. ed.), *Vatican Council II: More Post Conciliar Documents*, vol. 2, new rev. ed., Northport, NY, Costello Publishing Co., 1998, 711. (=*FLANNERY2*).

[444] In the aforementioned letter, Pope Francis reminded the German bishops that evangelisation must be the main goal of their "synodal way."

Many Catholics today hear about synodality in terms almost exclusively connected to the synod of bishops. This is not altogether helpful because synodality is much more than an activity of the synod of bishops, nor is it the domain of bishops only. M. Faggioli notes that the limitations of linguistics have veiled the reality that the synod of bishops was intended to make papal governance more collegial.[445] A further question also arises: is the renewal in synodality merely a revival of episcopal collegiality through the episcopal conferences, rather than a genuinely synodal reform of the entire Church? This study proposes that synodality is best built at the level of the particular Churches, particularly in and through recalibrating and developing their participative structures, which involve all the faithful.

Meanwhile, the impulse towards synodality will continue to challenge and reshape the current style of episcopal governance, including in the particular Churches.[446] The current structures of ecclesial governance are still primarily shaped by an ecclesiology that is largely *episcopalist* and by a *praxis* often marked by *clericalism* and *hierarchicalism*[447] and by a modern-day push for *greater*

[445] FAGGIOLI, "From Collegiality," 16.

[446] GAILLARDETZ, "The Synodal Shape," 98.

[447] This is a term used by James Keenan, of Boston College, in the article of T. ROBERTS, "A Mensch, a Church in Recovery, and Hierarchical Culture Examined," at *National Catholic Reporter*, 26 March 2019, https://www.ncronline.org/news/accountability/ncr-connections/mensch-church-recovery-and-hierarchical-culture-examined (18 October 2021). See also M. Slatter's remarks, explaining the term M. SLATTER, "Clerical Identity Crisis: Flock and Pasture Can't Tell Shepherd Who He Is," at *National Catholic Reporter,* 11 March 2019, https://www.ncronline.org/news/accountability/clerical-identity-crisis-flock-and-pasture-cant-tell-shepherd-who-he (18 October 2021); EDAYÉ, L'exercice du gouvernement épiscopal, 263.

democratisation of the Church, together with a tendency towards *separatism*.[448] A sound understanding and practice of synodality promises to displace such tendencies.[449]

Perhaps the most significant challenge and opportunity for synodality in the particular Churches is the appropriate selection and formation of ecclesiastical leadership: notably, that of diocesan bishops,[450] but also of priests, deacons, and lay leaders who not only can embrace synodal co-responsibility and *praxis* in the structures of participation but also can lead it, a point stressed by M. Grech.[451] The second chapter of this study will address this issue.

Conclusion

This initial chapter has reviewed the theological and canonical basis for the significance of synodality in the Church during the pontificate of Pope Francis. It has examined the works of theologians and canonists, various texts of Pope Francis (mainly his 50th anniversary address given by Pope Francis on 17 October 2015), and the 2018 document of the International Theological Commission on synodality. The chapter has presented a working definition for synodality and explored the broad implications of synodality for the life and mission of the Church. It proposes possibilities for how synodality might be taken forward by the whole Church as a constitutive key to understanding ministry and governance.

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[448] See S. SHERRIFF, "Catholic Church is Failing to Embrace Reform, says McAleese," at *The Tablet,* 13 September 2021, https://www.thetablet.co.uk/news/14490/catholic-church-is-failing-to-embrace-reform-says-mcaleese (14 September 2021).

[449] J. KEENAN, "Vulnerability and Hierarchilism," in *Melita Theologica,* 68 (2018), 129-142; RENKEN, "Synodality: A Constitutive Element of the Church, 43-44.

[450] T.J. GREEN, "Selected Issues in Developing Structures of Diocesan Communion," *The Jurist,* 69 (2009), 435-436.

[451] GRECH, "Towards a Synodal Irish Church."

While noting the importance of the XVIth Ordinary General Assembly of the Synod of Bishops, and its opportunities and challenges, the chapter also asserts that the limited propensity towards viewing synodality as a revival in episcopal collegiality solely or predominantly in and through the synod of bishops is best rebalanced by building practical synodality at the level of the particular Churches. The study holds that synodal *praxis* can be developed further, especially in the utilisation and maturation of the participative structures in the particular Churches, given the emphasis on the particular Churches as the first place of listening in Pope Francis's 50th anniversary address and in *Evangelii gaudium,* 30-31.

This chapter suggests that a sound understanding of synodality will encourage an approach beyond the notions of "power" or "democracy." In this light, the current study offers several pastoral orientations for an improved pastoral *praxis* that will secure the future of an authentic ecclesial synodality at the level of the particular Church and take it forward into an ecclesial maturity.

CHAPTER TWO

SYNODAL PARTICIPATION AT THE LEVEL OF THE PARTICULAR CHURCHES

Introduction

The second chapter of this thesis seeks to review the synodal significance of the participative structures envisaged by the Code of Canon Law at the level of the particular Churches and the esteem attributed to them by Pope Francis. It will attempt to identify succinctly the various principal structures of participation found at both parish and diocesan levels. The chapter will examine if there are, in current ecclesiastical *praxis,* any anomalies regarding the synodal functioning of these structures, as well as areas for potential growth and improvement.

This chapter will treat the unique role of the diocesan bishop in promoting synodality within the particular Churches, mainly through his capacity to govern the diocese in a synodal manner that is also transparent and accountable. The chapter will review how such modelling of synodality by the diocesan bishop in practices of dialogue, listening, and learning together with the presbyterate and the lay faithful, principally in and through the participative structures, significantly builds up a synodal Church.

This second chapter will examine the significance and necessary content of initial *and* ongoing formation for a presbyteral and episcopal ministry equipped for a synodal Church. In addition, the chapter will assess how the ministry of diocesan priests, in their relationships with each other and with their diocesan bishop, impacts the cultivation of a broader sense of synodality within the diocese and parishes.

2.1. The Function of Participative Structures

As was examined in chapter one, the impetus of Pope Francis for ecclesial synodality promises to have an ongoing and profound impact on the value of participation and discernment in the decision-making structures and processes of the entire Church. This is the case at the level of the particular Churches, their groupings, and for the wider universal Church.[1]

A. Ekpo draws attention[2] to how these participative structures can bring about a certain *conspiratio* or "breathing together" of the faithful and the pastors, referred to by J.H. Newman[3] and taken up and affirmed by *Dei Verbum*, 8[4] and *Lumen gentium*, 12[5] at the Second Vatican Council. For S. Euart, these ecclesial structures help to describe the nature of the Church itself, its mystery, and its participation in the Trinitarian communion of the Father, the Son, and the Holy Spirit.[6] These structures are not "ends" in themselves and synodality is more than a synod or a council.[7] They are, however, valuable "means for helping the Church to be more clearly the sign and instrument of communion with God and with others,"[8] acknowledging the baptised with dignity, rights, and obligations.[9]

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[1] WIJLENS, "Reset Button," 237.

[2] A. EKPO, The *Sensus Fidelium* and Canon Law: An Exploration, A Dissertation Submitted in Total Fulfilment of the Requirements of the Degree of Doctor of Philosophy, Faculty of Theology and Philosophy, Australian Catholic University, 2013, 209.

[3] J.H. NEWMAN, *Conscience, Consensus, and the Development of Doctrine*: *Revolutionary Texts*, New York, Doubleday, 1992, 392-428.

[4] SECOND VATICAN COUNCIL, *DV*, no. 8, in *AAS*, 58 (1966), 820–821, in *FLANNERY1*, 754-755.

[5] Ibid., *LG,* no. 12, in *AAS*, 57 (1965), 16–17, in *FLANNERY1*, 363-364.

[6] S. EUART, "Structures for Participation in the Church," in *Origins*, 35 (2005), 20.

[7] LUCIANI, Synodality, 140.

[8] S. EUART, "Structures for Participation in the Church," in *Origins*, 35 (2005), 20.

[9] J.H. PROVOST, "Canon Law and the Role of Consultation," in *Origins*, 18 (1989), 795.

The following section will discuss how the various structures of participation in the particular Churches give practical expression to the synodal dynamism of consultation, Spirit-assisted active participation, and creative and receptive dialogue among the agents of the *sensus fidei fidelium*.[10]

2.1.1. The Significance of the Participative Structures for Pope Francis

In *Evangelii gaudium,* Francis calls on diocesan bishops to make full use of the resources and structures of participation already available and to ensure that each of these participative bodies in their dioceses is working effectively.[11] Similarly, A. Borras holds that it is imperative to make full use of and ensure the proper functioning of the *existing* canonical institutions of participation.[12] Pope Francis points to the essential and vital role of the participative bodies in becoming a synodal Church. In his address to the clergy and others at Assisi on 4 October 2013, the pontiff declared, "How needed pastoral councils are! A bishop cannot guide a diocese without pastoral councils. A parish priest cannot guide the parish without the parish council."[13] As proposed in chapter one, it is necessary to keep in focus how, in *Evangelii gaudium,* 31, Francis

[10] EKPO, *Sensus Fidelium* and Canon Law, 209.

[11] FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[12] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 220.

[13] FRANCIS, Address to the Clergy, Consecrated People, and Members of Pastoral Councils, Assisi, 4 October 2013, http://www.vatican.va/content/francesco/en/speeches/2013/october/documents/papa-francesco_20131004_clero-assisi.html (5 January 2022). Similar positive remarks concerning participative structures in the Particular Church can be found at FRANCIS, Address to the Bishops of Mozambique on their "ad limina" visit, 9 May 2015, https://www.vatican.va/content/francesco/en/speeches/2015/may/documents/papa-francesco_20150509_ad-limina-mozambico.html (15 January 2020); ID., Address to the Bishop of Bangladesh, Dhaka, 1 December 2017, https://www.vatican.va/content/francesco/en/speeches/2017/december/documents/papa-francesco_20171201_viaggioapostolico-bangladesh-vescovi.html#Unprepared_Remarks_of_the_Holy_Father_before_entering_the_Cathedral__ (15 January 2022).

describes the canonical bodies in a particular Church as important "means of participation" and refers to the canons that speak of them.[14]

Again, in his address at the 50th anniversary address of the institution of the synod of bishops, Pope Francis repeated that synodality must be exercised in the "organs of communion" at the different levels of the Church. He says: "The first level of the exercise of synodality is had in the particular Churches," where there are "the noble institution of the diocesan synod," and the other "organs of communion," namely, "the presbyteral council, the college of consultors, chapters of canons, and the pastoral council."[15] The pope added a cautionary remark: "Only to the extent that these organisations keep connected to the 'base' and start from people and their daily problems, can a synodal Church begin to take shape: these means, even when they prove wearisome, must be valued as an opportunity for listening and sharing."[16]

Hence, S.S. Karambai comments that, in *Evangelii gaudium,* 31, "Pope Francis has underscored a common purpose for every participative body, which is 'the missionary aspiration of reaching everyone'."[17] Karambai continues that "this common purpose is supposed to be the undercurrent source energy and guiding principle from which each participative structure must draw its 'modus operandi'."[18] Pope Francis dreams "of a 'missionary option,' a missionary impulse capable of transforming

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[14] See cc. 460-468 on the diocesan synod; cc. 492-494 on the diocesan finance council and the finance administrator; cc. 495-502 on the presbyteral council and the college of consultors; cc. 511-514 on the diocesan pastoral council and cc. 536-537 on the parish pastoral council and the parish finance council; see also FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[15] FRANCIS, 50th Address.

[16] Ibid.

[17] S.S. KARAMBAI, "Consultative Bodies in the Particular Churches Revisited in the Light of *Evangelii Gaudium,*" in LORETAN, and WILFRED, (eds.), *Revision of the Codes. An Indian-European Dialogue*, 284.

[18] Ibid., 285.

everything, so that the Church's customs, ways of doing things, times and schedules, language, and structures can be suitably channelled for the evangelisation of today's world rather than for her self-preservation."[19] Thus, the pope encourages each particular Church "to undertake a resolute process of discernment, purification and reform"[20] and to move beyond the dangers of ecclesial introversion.[21] Francis invites "everyone to be bold and creative in this task of rethinking the goals, structures, style, and methods of evangelisation in their respective communities."[22]

In this light, participative structures can no longer be viewed merely as a means to fulfil the mandatory requirements of formal consultation before deciding on aspects of pastoral and organisational issues in the particular Church.[23] Instead, they are to be understood as genuine organs of dialogue.[24] Francis insists that the diocesan bishop will not only want to encourage, but he will need to develop, these canonical "means of participation" ("and other forms of pastoral dialogue") "out of a desire to listen to everyone and not simply to those who would tell him what he would like to hear."[25] A.C. Osheim observes that these structures offer organisational frameworks within which the bishop can exercise his ministry,[26] adding that, to varying degrees, these

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[19] FRANCIS, *EG*, no. 27, in *AAS*, 105 (2013), 1031, in *CTS Edition*, 19-20.

[20] Ibid., no. 30, in *AAS*, 105 (2013), 1032, in *CTS Edition*, 21.

[21] C.J., GLENDINNING, "Pastoral Conversion and the Exercise of Authority in the Church: An Examination of Pope Francis's Criteria for the Reform of Ecclesiastical Structures," in *Studia canonica,* 52 (2018), 445.

[22] FRANCIS, *EG*, no. 33, in *AAS*, 105 (2013), 1034, in *CTS Edition*, 22-23.

[23] KARAMBAI, "Consultative Bodies in the Particular Churches," 286

[24] Ibid.

[25] FRANCIS, *EG*, no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[26] OSHEIM, *A Ministry of Discernment,* 81.

structures have the potential, should they be renovated, to become structures, not only of participation but of "ecclesial discernment."[27]

Pope Francis in *Evangelii gaudium* emphatically calls for "an ecclesial renewal which cannot be deferred."[28] This will include a "renewal of structures": (1) which will make them more mission-oriented; (2) which will make ordinary pastoral activity more inclusive and open at every level; and (3) which will inspire in pastoral workers a constant desire to go forth and elicit a positive response to the summons to friendship extended to everyone by Jesus.[29] Indeed, J.A. Renken notes[30] that this renewal invites a certain "rethinking" regarding the participative bodies in the particular Church (in the diocese and the parish) referenced explicitly by Pope Francis in the apostolic exhortation itself.[31] Renken highlights that theologians, canonists,[32] and, above all, pastors are all asked to accept this invitation to "rethink" boldly and creatively these participative bodies.[33]

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[27] Ibid., 185.

[28] FRANCIS, *EG*, nn. 27-33, in *AAS*, 105 (2013), 1031-1034, in *CTS Edition*, 19-23.

[29] Ibid., no. 27, in *AAS*, 105 (2013), 1031, in *CTS Edition*, 19-20.

[30] J.A. RENKEN, "Pope Francis and Participative Bodies in the Church: Canonical Reflections," in *Studia canonica,* 48 (2014), 221.

[31] FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[32] Significantly, in his 6 October 2017 message to the participants of the gathering in Rome of the sixteenth international congress of the *Consociatio Internationalis Studio Iuris Canonici Promovendo*, Pope Francis commented that "canon law can be a privileged instrument for favouring (the Second Vatican Council's) reception over time and in the succession of generations." He added that "synodality in church governance" is one of "the great themes where canon law can also fulfil an educational function, facilitating in the Christian people in the growth of a feeling and of a culture that responds to conciliar teaching." (FRANCIS, Message of the Holy Father for the 16th International Congress of the *Consociatio Internationalis Studio Iuris Canonici Promovendo*," 6 October 2017, https://www.vatican.va/content/francesco/es/messages/pont-messages/2017/documents/papa-francesco_20170930_codice-diritto-canico.html [14 August 2021]).

[33] RENKEN, "Pope Francis and Participative Bodies in the Church," 208; see FRANCIS, *EG,* no. 27, in *AAS*, 105 (2013), 1031, in *CTS Edition*, 19-20.

2.1.2. Identifying the Participative Structures in the Particular Churches

In identifying the participative structures in the particular Church, Renken observes that four of these structures are mandated by universal law to exist at all times (the diocesan finance council, the presbyteral council, the college of consultors, and the parish finance council).[34] Two others can be mandated by the particular law of the diocesan bishop (i.e., the diocesan pastoral council and the parish pastoral council).[35] Renken also highlights that a further structure would be convoked occasionally by the diocesan bishop (the diocesan synod)[36] when circumstances are judged as such to suggest it. Indeed, S.S. Karambai notes with interest how, when Pope Francis refers to the participative structures in *Evangelii gaudium*, he takes it for granted that the seven bodies will exist in the particular Church, together with other forms of pastoral dialogue.[37]

Renken describes these participative bodies as gatherings of members of the Christian faithful who, bearing divine gifts[38] and having various but complimentary ecclesial roles, collaborate in the mission of the Church, which is evangelisation.[39] This understanding is underpinned by *Evangelii gaudium,* which presents a participatory ecclesiology that invites everyone to assume a synodal role in the evangelising community of "missionary disciples" in a Church that "goes forth."[40]

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[34] RENKEN, "Pope Francis and Participative Bodies in the Church," 208, 215.

[35] Ibid.

[36] Ibid., 208.

[37] KARAMBAI, "Consultative Bodies in the Particular Churches," 290.

[38] FRANCIS, *EG,* no. 130, in *AAS*, 105 (2013), 1074-1075, in *CTS Edition*, 67-68; *LG,* no. 12, in *AAS*, 57 (1965), 16–17, in *FLANNERY1*, 363-364.

[39] RENKEN, "Pope Francis and Participative Bodies in the Church," 209 and echoed in CONGREGATION FOR THE CLERGY, The Pastoral Conversion of the Parish Community in the Service of the Evangelisation of the Church, no. 110.

[40] FRANCIS, *EG*, no. 24, in *AAS*, 105 (2013), 1029-1030, in *CTS Edition*, 17-18.

2.1.2.1. The Diocesan Synod

Although there is no explicit mention of the ancient[41] institution of the diocesan synod[42] in the documents of the Second Vatican Council, (the only reference is found in *Christus Dominus*, 36,[43] where the Council Fathers highly recommended the practice of synods and councils in the Church), J. Galea-Curmi asserts that "the experience of the Council and many elements of the teaching of the Council helped create a renewed understanding and, to a certain extent, a re-interpretation of the diocesan synod."[44] The 1973 *Directory*[45] *of the Pastoral Ministry of Bishops* discussed the diocesan bishop and the work of the diocesan synod in chapter six. Number 162 of this directory considers synods and pastoral visitation to be matters of extraordinary importance in the ministry of a bishop that "will cost the bishop long hours of careful labour to prepare for, organise, and accomplish."[46]

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[41] For a study of the history of diocesan synods, see L. JENNINGS, "A Renewed Understanding of the Diocesan Synod," in *Studia canonica*, 20 (1986), 320-329.

[42] According to Barbara A. Cusack, the diocesan synod has been a vehicle for pastoral governance in particular Churches since the fourth century. (B.A. CUSACK, "Title III: The Internal Ordering of Particular Churches [cc. 460-572]," in J.P. BEAL, J.A. CORIDEN, T.J. GREEN [eds.], *New Commentary on the Code of Canon Law*, New York, Paulist Press, 2000, 611). James Coriden, in surveying the development of diocesan synods, has shown that the first evidence for their occurrence is in the sixth century, noting that one of the most significant diocesan synods was held at Auxerre, sometime between 561 and 605. (J.A. CORIDEN, "The Diocesan Synod: An Instrument of Renewal for the Local Church," in *The Jurist,* 34 [1974], 68-93).

[43] SECOND VATICAN COUNCIL*, CD*, no. 36, in *AAS*, 58 (1966), 692, in *FLANNERY1*, 586.

[44] J. GALEA-CURMI, *The Diocesan Synod as a Pastoral Event: A Study of the Post-Conciliar Understanding of the Diocesan Synod*, Rome, Lateran Pontifical University, 2005, 43.

[45] For helpful reflections on directories as a distinctive curial literary form, see F. MORRISEY, *Papal and Curial Pronouncements; Their Canonical Significance in Light of the Code of Canon Law.* 2nd ed., M. THÉRIAULT (rev. and ed.), Ottawa, Faculty of Canon Law, 1995, 34-36.

[46] SACRED CONGREGATION FOR BISHOPS, *Directory on the Pastoral Ministry of Bishops*, *Ecclesiae imago,* 22 February 1973, (=*EI*), no. 162. English Translation by Benedictine Monks of the Seminary of Christ the King, Mission, B. C., Ottawa, Publications Service of the Canadian Catholic Conference, Ottawa, 1974.

For the 1983 Code, the diocesan synod[47] is a juridical organ of the diocese[48] in which the bishop, making use of the aid and counsel of the various components of the diocesan community, solemnly exercises the office and ministry of shepherding the flock and adapting the norms of the universal Church to the particular situation of the diocese.[49] Consequently, the synod is not just an *ad hoc* convocation but an identifiable canonical entity facilitating the diocesan bishop's exercise of his legislative role.[50] The convocation of the diocesan synod is still left to the judgment of the diocesan bishop after he has consulted with the presbyteral council (c. 461 §1). A. Rehrauer comments that "respecting the wisdom of the presbyterate and its relationship to him, the bishop will probably follow the advice because he needs the cooperation and enthusiasm of the presbyterate to insure an effective celebration."[51]

The 1997 Instruction[52] *De synodis dioecesanis agendis* states that c. 512, §2 should be followed, insofar as possible, so that the synod truly represents the entire faithful

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[47] For some thoughtful reflections on diocesan synods see B.E. HINZE, *Practices of Dialogue in the Roman Catholic Church: Aims and Obstacles. Lessons and Laments*, New York, Continuum, 2006, 38-63. See also E. DUFFY, "Processes for Communal Discernment: Diocesan Synods and Assemblies," in *The Jurist,* 71 (2011), 71-90; T.J. GREEN, "Contemporary Challenges to Episcopal Governance: Reflections on the 2004 Directory on the Ministry of Bishops and other Pertinent Texts," in *The Jurist,* 68 (2008), 435-438.

[48] J.I. ARRIETA, *Governance Structures within the Catholic Church*, 232; Also on this topic, see A. REHRAUER, "Diocesan Synods," in *CLSA Proceedings*, 49 (1987), 1–15; F. DANEELS, "De Dioecesanis corresponsabilitatis organis," in *Periodica*, 42 (1981), 301–324; J.A. FUENTES, "Il Sinodo diocesano," in *Ius canonicum*, 42 (1981), 543–466.

[49] ARRIETA, *Governance Structures within the Catholic Church*, 232.

[50] See *Schema canonum Libri II De Populi Dei* (of 1977) where it spoke of the diocesan synod as the "normal institution to update the particular legislation of the diocese." (*Communicationes*, 12 [1980], 315, c. 271). For comments on various dimensions of the exercise of the diocesan bishop's legislative role, see M. WIJLENS, " 'For You I am a Bishop, With You I am a Christian,' " in *The Jurist,* 56 (1996), 68-91.

[51] REHRAUER, "Diocesan Synods," 8.

[52] The instruction (c. 34, §1) is a general administrative norm, clarifying and executing the prescripts of the Code that is directed to "those whose duty it is to see that the laws are executed" (in this case, primarily, the bishops of the Latin Church).

People of God in the diocese. This would take into account the different regions of the diocese, the different social conditions and professions,[53] the synod members's "firm faith, good morals, and prudence"[54] Diversified synod participation is crucial in fostering the common good of the diocese.[55] This was a notable concern of the code commission.[56]

J.A. Renken draws our attention to the fact that the "diocesan synod is the occasion for the Christian faithful to build up the Body of Christ (c. 208), to strengthen *communio* (c. 209, §1), to promote the growth of holiness of the Church (c. 210), to evangelise (c. 211), to express their needs and desires (c. 212, §2), to express their informed opinion on matters pertaining to the good of the Church (c. 212, §3), to express their opinion on matters of their expertise (c. 218)."[57] J.P. Beal adds that the synod provides a balance in the hierarchical structuring of the Church and ensures that episcopal governance is enriched by the serious contributions and cooperation of all the baptised.[58] A. Ekpo asserts that the diocesan synod helps the diocesan bishop listen to, seek out, and discern the *sensus fidei fidelium* of his diocese.[59] At the very least, diocesan synods have generally been successful in educating the diocesan bishop about the people and the concerns of his diocese.[60]

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[53] CONGREGATION FOR BISHOPS, CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, 1997 Instruction on Diocesan Synods, II, 3.

[54] Ibid.

[55] HINZE, *Practices of Dialogue,* 43, where he speaks of social, geographic, racial, and ethnic diversity.

[56] *Communicationes,* 12 (1980), 316-317.

[57] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 17.

[58] J.P. BEAL, "The Exercise of the Power of Governance by Lay People: State of the Question," in *The Jurist,* 55 (1995), 1-92.

[59] EKPO, *Sensus Fidelium* and Canon Law, 238.

[60] Ibid., 238-239.

Following the papal invitation for a bold and imaginative "rethink"[61] of the various participative bodies in the particular Church, M. Faggioli suggests that now is the opportune time for a modification of c. 461 in the universal law, that the noble and ancient structure of the diocesan synod[62] be convoked, at least every ten years and at times even more regularly if judged pastorally appropriate after the diocesan bishop has consulted first with the presbyteral council.[63] V. Poothavelithara holds that the diocesan synod or eparchial assembly should be convoked at least every five years.[64] Either way, such a modification would undoubtedly help realise ecclesial synodality and help embed it in the particular Churches. Moreover, it is increasingly evident that in an increasing programmatic secular society, the diocesan synod will need to have an increasingly robust catechetical and rich liturgical[65] impetus and utilise an effective system of intra-diocesan communications.[66] This will help form spiritually mature and co-responsible adult Catholics who, in and through synodal processes, will "*sentire cum Ecclesiae*: feel and sense in harmony with the Church."[67]

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[61] FRANCIS, *EG*, no. 27, in *AAS*, 105 (2013), 1031, in *CTS Edition*, 19-20.

[62] CONGREGATION FOR BISHOPS, *Apostolorum successores*, 22 February 2004, (=*AS*), English edition *Directory for the Pastoral Ministry of Bishops*, Vatican City, Libreria Editrice Vaticana, 2004, esp. nn. 166-175 on the diocesan synod and no. 67 on criteria for the exercise of legislative governance.

[63] In fact, Faggioli, calls for "some provision requiring the celebration of diocesan synods and particular councils at least every ten years." (M. FAGGIOLI, "For a Reform of the Central Government of a Collegial and Synodal Church Fifty Years After Vatican II," in A. SPADARO, C.M. GALLI, M. FAGGIOLI, and D.S. YOCUM, [eds.], *For a Missionary Reform of the Church,* 368).

[64] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 206.

[65] This is implied by the fact the 1997 Instruction on Diocesan Synod refer to the diocesan synod being "celebrated." (See the 1997 Instruction on Diocesan Synods, prologue; nn. III, 1; IV, 2; V, 6).

[66] See HINZE, *Practices of Dialogue*, 58-59, on the importance of fine-tuning communications throughout the synodal process to foster parish, deanery, and diocesan level dialogue.

[67] INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, no 90; FRANCIS, Schreiben von Papst Franziskus an das pilgernde Volk Gottes in Deutschland, 29 June 2019, no 9; INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 56; 108.

For the diocesan synod to work well, the diocesan bishop will undoubtedly need to be committed to permitting a genuinely free discussion of issues.[68] At the same time, he is also duty-bound to guard against expressions of opinion contrary to the perimeters of revealed Tradition.[69] He will need to clarify, from the outset and from time to time during the course of the synod, the synod's competency in relation to higher (universal) authority so as to avoid unreal or exaggerated expectations. He will also need to use such occasions as "teaching moments" in an intentional catechetical effort to create a renewed unity and energy among all the baptised.

2.1.2.2. The Diocesan Finance Council

Canon 1520 of the 1917 Code envisaged a council with the diocesan bishop as the president and with two or more suitable men (*duobus vel pluribus viris idoneis*) to oversee the administration of the ecclesiastical goods in the diocese.[70] Before performing administrative actions of greater significance, determined by law, the diocesan bishop was either to seek the advice of the council (CIC-1917 c.1520, §3; c.1415, §2; c.1532, §§2,3; c.1533; c.1541, §2; c.1547, c.1653, §1) or to obtain its consent (CIC-1917 c.1532, §3; c.1533; c.1538, §1; c.1539, §2; c.1541, §2; c.1653, §1). In many dioceses, the diocesan consultors or the cathedral chapter, who were priests, were also appointed to the council of administration.[71]

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[68] See c. 465.

[69] This is apparently a pressing issue for the Church in Germany given that from 30 January – 1 February 2020, the German bishops held their first synodal assembly as part of their "Synodal Way."

[70] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 184.

[71] J.A. ALESANDRO, "The Internal Ordering of Particular Churches," in J.A. CORIDEN, T.J. GREEN, AND D.E. HEINTSCHEL (eds.), *The Code of Canon Law: A Text and Commentary*, commissioned by the CLSA, New York, Paulist Press, 1985, 398.

In the *ius vigens*, the diocesan finance council assists the diocesan bishop who is the administrator of the temporal goods of the diocese. Other than his duties in civil or charity law, the diocesan bishop has three canonical functions[72] in his diocese regarding its temporal goods: (1) he represents the juridic person of the diocese (c. 118) and is therefore responsible for the ecclesiastical goods which belong to it; (2) he is responsible for supervising the ecclesiastical goods of the juridical persons which are subject to him (c. 1276, §1); and (3) he administers the goods of a public juridic person which does not have its own administrator (c. 1279, §2).[73] The finance council assists the diocesan bishop in fulfilling these responsibilities by offering counsel and, in some cases, consent.

The diocesan finance council is a mandatory participative body in every diocese (c. 492, §1). Its role is, at times, consultative to the diocesan bishop (c.494, §§1,2; 1263; 1281, §1; 1305; 1310), and yet at other times, the diocesan bishop requires it to give its consensual vote (cc. 1277; 1292, §2; 1295). If the diocesan bishop fails to obtain its counsel or consent before he acts in these instances, his action is invalid (see c. 127, §1, §2).[74] As well as those specific matters requiring the consent or consultation of the council, the diocesan bishop is to hear the council in matters of greater financial importance (c. 1277).

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[72] In the UK, the diocesan trustees (in civil law) often fulfil the canonical functions of the diocesan finance council. As an example, see DIOCESE OF LANCASTER, http://www.lancasterdiocese.org.uk/wp-content/uploads/2019/07/CLARIFICATORY-NOTE.pdf (7 January 2022).

[73] LUSABE, *Participative Structures,* 71.

[74] RENKEN, *Particular Churches: Their Internal Ordering, 460 – 572,* 107.

This thesis takes the position of Eduardo Molano who affirms: "By analogy, the provisions of [c.127] § 2 regarding the value that must be given to the consent or advice of individual persons are applicable to the consent or advice given by colleges or groups" (E MOLANO, "Commentary on Canons 113-128," in JUAN IGNACIO ARRIETA [ed.], Code of Canon Law Annotated, 4th ed., Montreal, Wilson & Lafleur, 2022, 112).

The diocesan finance council is also responsible for ensuring the proper preparation of a properly prepared annual diocesan budget and for reviewing the financial reports submitted by the diocesan finance officer (c. 493).[75] J.A. Renken notes, however, that in practice, the preparation of these involves the collaboration of many persons. Nonetheless, the discipline of c. 493 clarifies that the finance council must develop and endorse the final versions of each.[76]

Membership of the diocesan finance council is open to all the Christian faithful, but especially to those with expertise in financial affairs and civil law and those with outstanding integrity (c. 492, §1). A knowledge and appreciation of canon law would also seem appropriate.[77] Suitable permanent deacons could undoubtedly be included.[78] The Code does not explicitly mention that members of the lay faithful are to be included in the council's membership.[79] However, the prerequisite of expertise in financial affairs and civil law, as well as a sensitivity for social justice and ethical investments,[80] indicate their inclusion (c. 228, §2). Diocesan statutes would offer further

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[75] According to c. 493 other functions of the diocesan finance council are found in Book V, "The Temporal Goods of the Church." (RENKEN, *Particular Churches: Their Internal Ordering, 460–572*, 111-112 lists these functions).

[76] RENKEN, *Particular Churches: Their Internal Ordering, 460–572*, 110.

[77] Ibid., 107-108.

[78] CONGREGATION FOR BISHOPS, *AS,* no, 192.

[79] KARAMBAI, "Participation of the Laity in Decision-Making Structures of the Local Church," at *The Canon Law Society of India,* no. 2, http://www.canonlawsocietyofindia.org/research/participation-of-the-laity-in-the-dicision-making-structures-of-the-local-church/ (8 September 2021).

[80] In their pastoral letter, "Economic Justice for All: Catholic Social Teaching and the U.S. Economy," the U.S. bishops stated: "Although it is a moral and legal fiduciary responsibility …to ensure an adequate return on investment for the support of the work of the church …stewardship embraces broader moral concerns…. We …praise efforts to develop alternative investment policies, especially those which support enterprises that promote economic development in depressed communities and which help the church respond to local and regional needs." (NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "Economic Justice for All: Catholic Social Teaching and the U.S. Economy," in *Origins,* 27 [1986], 446).

specifications, including perhaps even a definite percentage of lay membership in the council.[81] The impact of particular law should not be underestimated.[82]

S.S. Karambai notes with concern the phenomenon, not especially unusual in smaller dioceses, where the same "ex officio" members are often designated in both the college of consultors *and* the diocesan finance council.[83] He continues that, because these office-holders, particularly vicars general or episcopal vicars,[84] participate in the bishop's power of governance and are expected to reflect his mind and will, the diocesan bishop consulting them may sometimes be equivalent to consulting himself![85] Karambai also notes that, when the same persons are members of both the college of consultors *and* the diocesan finance council, whose counsel or consent the diocesan bishop has to obtain separately before placing an administrative act, the bishop consults the very same members twice in different garb.[86] Consequently, Karambai proposes a need to rectify these anomalies with appropriate legislation.[87]

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[81] Ibid.

[82] In the United States each suffragan bishop, at the end of the fiscal year, is to send to the metropolitan the names and professional titles of the members of his diocesan financial council; the date the finance council met during the preceding fiscal year and since the end of that fiscal year; a signed statement attesting to the review and discussion of audited financial statements of the diocese; and a statement that the diocesan financial council was indeed consulted according to the norms of canon law.

On 18 November 2021, the USCCB renewed its "Resolution on Diocesan Financial Reporting," (https://www.usccb.org/news/2021/us-bishops-approve-action-items-their-agenda-fall-general-assembly [18 November 2021]).

[83] KARAMBAI, "Consultative Bodies in the Particular Churches," 287-288.

[84] It is important to note that the vicar general and the episcopal vicar are never to act against the will and mind of the diocesan bishop (c. 480).

[85] KARAMBAI, "Consultative Bodies in the Particular Churches," 288.

[86] Ibid.

[87] Ibid., 291.

2.1.2.3. The Presbyteral Council

The presbyteral council is a group of priests established within each diocese, alongside, but distinct from, the cathedral chapter and the consultors.[88] Its establishment is mandatory in accord with the motu proprio *Ecclesiae sanctae I*, 15.[89] It finds an explanation as to its purpose in c. 495, §1: "In each diocese a presbyteral council is to be established, that is, a group of priests (*sacerdotes*) which, representing the presbyterate, is to be like a senate of the bishop and which assists the bishop in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the people of God entrusted to him." Consequently, the diocesan bishop is to consult the presbyteral council not simply in cases specifically determined by universal law[90] but in all important matters facing the diocese (c. 500, §2).

J.E. Okosun notes[91] that the Fathers of the Second Vatican Council repeatedly stressed the relationship of communion between the diocesan bishop and the presbyterate.[92] They gave renewed emphasis on the mutual dependency and unity in the episcopal-presbyteral relationship.[93] Therefore, it is not surprising that

[88] LUSABE, *Participative Structures,* 79.

[89] PAUL VI, Apostolic Letter motu proprio On the Implementation of the Decrees *Christus Dominus*, *Presbyterorum ordinis* and *Perfectae caritatis*, *Ecclesiae sanctae I,* 6 August 1966, (=*ES I*), no. 15, §1, in *AAS*, 58 (1966), 766, English translation in *FLANNERY1*, 600.

[90] See cc. 461, §1; 515, §2; 531; 536, §1; 1215, §2; 1222, §2; 1263.

[91] OKOSUN, The Collaborative Role of the Presbyteral Council, 40.

[92] SECOND VATICAN COUNCIL*, LG*, no. 28, in *AAS*, 57 (1965), 33–34, in *FLANNERY1*, 384.

[93] Ibid., *CD*, no. 16, in *AAS*, 58 (1966), 680–681, in *FLANNERY1*, 573; Ibid., no. 28, in *AAS,* 58 (1966), 687, in *FLANNERY1*, 580.

Presbyterorum ordinis, 7[94] builds upon the themes of *Lumen gentium* and *Christus Dominus* and even provides a detailed treatment of the presbyteral council.[95]

S.S. Karambai observes that, when considering the competence of the presbyteral council in particular, the *ius vigens* states that this body is endowed with a consultative competence, and the diocesan bishop is to seek its counsel in matters of major importance and obtains its consent only in the cases expressly defined in the law (c. 500, §2). Karambai acknowledges that while many situations are specified in the common legislation for getting its counsel, no single case has yet been determined to require its *consent* in the universal law.[96] This could be re-examined given that despite assigning to the presbyteral council such a preeminent and responsible role, the common law does not adequately empower its competence in universal law. Karambai describes this discrepancy as "glaring"[97] when compared to the college of consultors (cc. 1277; 1292, §1).

2.1.2.4. The Diocesan Pastoral Council

As with the presbyteral council, the diocesan pastoral council is a new institution that originates in the Second Vatican Council's decree *Christus Dominus,*

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[94] Ibid., *PO*, no. 7, in *AAS*, 58 (1966), 1001, in *FLANNERY1*, 875-878.

[95] LUSABE, *Participative Structures,* 78.

[96] KARAMBAI, "Consultative Bodies in the Particular Churches," 289.
Juan Arrieta holds that the selection of the pastor consultors (c. 1742, §1) is a matter in which the *consent* of the presbyteral council is required rather than merely counsel. (J.I. ARRIETA, "Commentary on Canons 412-514," in E. CAPARROS, M. THÉRIAULT and J. THORN [eds.], *Code of Canon Law Annotated*, 2nd ed., E. CAPARROS and H. AUBE [eds.], Montréal, Wilson & Lafleur, 2004, 414).
Gordon Read takes the view that no such cases exist in the universal law but that the diocesan bishop could issue particular law which would establish certain matters requiring consent. (See G. READ, "Particular Churches and Their Groupings: Commentary on Canons 368-572," in G. SHEEHY et al. [eds.], *The Canon Law: Letter & Spirit, A Practical Guide to the Code of Canon Law,* Canon Law Society of Great Britain and Ireland, Collegeville [MN], The Liturgical Press, 1995, 277).
CCEO c. 269, §2 refers to the bishop's needing consent only in cases expressly determined in common law.

[97] KARAMBAI, "Consultative Bodies in the Particular Churches," 290.

27[98] and was established in law by *Ecclesiae sanctae I,* 16.[99] This body originates from the Council Fathers's desire, and strong recommendation, to have a council made up of presbyters, religious, and laity, in which the diocesan bishop presides. It has the duty to study and reflect upon pastoral issues and to draw up *together* practical conclusions that would guide the diocesan bishop in his mission as pastor of the particular Church.[100]

Although it is mandatory for the diocesan bishop to establish the presbyteral council, the same legal obligation does not exist regarding establishing the diocesan pastoral council. The creation of a diocesan pastoral council (c. 511: *constituatur*) is conditioned upon the diocesan bishop's evaluation of pastoral circumstances (*quatenus pastoralia adiuncta id suadeant*). On the one hand, A. Borras observes that the Code goes somewhat further than the Fathers of the Second Vatican Council, who strongly recommended the creation of the diocesan pastoral council (*Christus Dominus,* 27: *valde optandum est*).[101] On the other hand, he also notes, regretfully, that the (Latin) Code did not resume the statement of its purpose as formulated by Paul VI after the Second Vatican Council: to promote compliance of the diocesan life and activity with the gospel.[102]

The participants of the 1971 assembly of the synod of bishops discussed the importance of pastoral councils in their document on the ministerial priesthood *Ultimis*

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[98] SECOND VATICAN COUNCIL, *CD*, no. 27, in *AAS*, 58 (1966), 687, in *FLANNERY1*, 580.

[99] PAUL VI, *ES I*, no. 16, in *AAS*, 58 (1966), 766, English translation in *FLANNERY1*, 601.

[100] F. LOZA, "The Pastoral Council (cc. 511-514)," in A. MARZOA, J. MIRAS. and R. RODRIGUES-OCANA (eds.), E. CAPARROS (Eng. gen. ed.), *Exegetical Commentary on the Code of Canon Law*, vol. II/2, Montréal, Wilson & Lafleur, Limitée, 2004, 1242.

[101] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 228.

[102] Ibid. Referring to PAUL VI, *ES I*, no. 16, §1, in *AAS*, 58 (1966), 766, English translation in *FLANNERY1*, 601.

temporibus.[103] They envisaged councils in which the diocesan bishop, priests, religious, and lay faithful study and consider *together* a pastoral programme and express their co-responsibility for the Church. This led to the Sacred Congregation for the Clergy, in 1973, issuing the circular letter to bishops concerning pastoral councils, *Omnes Christifideles*.[104] This letter further elucidated the principles of *Christus Dominus*, 27 and *Ecclesiae sanctae 1*, 16-17 on the diocesan pastoral council.[105] According to this letter, the pastoral questions involving jurisdiction are more appropriately directed to the presbyteral council.[106] However, diocesan bishops may still bring such matters to the attention of the pastoral council for its consideration.[107] Highlighting the diocesan pastoral council's representative nature and the membership of the lay faithful,[108] the letter also promoted the establishment of pastoral councils in parishes.[109]

In his post-synodal apostolic exhortation *Christifideles laici* in 1988, Pope John Paul II confirmed the importance of pastoral councils when he said: "In fact, on a diocesan level this structure could be the principal form of collaboration, dialogue, and

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[103] SYNOD OF BISHOPS, document on the ministerial priesthood *Ultimis temporibus* (approved for publication by Pope Paul VI, 30 November 1967), in *AAS*, 63 (1971), 897-922; English translation in *FLANNERY2*, 672-694.

[104] SACRED CONGREGATION FOR THE CLERGY, circular letter on pastoral councils *Omnes Christifideles* (25 January 1973), (=*OC*). at: http://www.vatican.va/roman_curia/congregations/cclergy/documents/rc_con_cclergy_doc_19730125_omnes-christifideles_it.html English translation in *CLD*, vol. 8, 280-288.

[105] As observed by LUSABE, *Participative Structures*, 98.

[106] SACRED CONGREGATION FOR THE CLERGY, *OC*, no. 9.

[107] Ibid.

[108] Ibid., no. 7.

[109] Ibid., no. 12.

discernment."[110] *Apostolorum successores* of 2004 stated that "ideally" every diocese should have a pastoral council.[111]

While not currently obligatory for Latin dioceses, the diocesan pastoral council is required according to *Anglicanorum coetibus* (2009)[112] and the 2019 *Complementary Norms*[113] for the personal ordinariates for former Anglicans. This legislation draws upon the synodal style of governance found in the Anglican Communion. This may well show the way for the wider Latin Church to embed this structure more broadly as constitutive law.[114] Certainly, S.S. Karambai holds that leaving the decision to have a diocesan pastoral council entirely to the discretion of the diocesan bishop does not seem to be faithful to the teaching of the magisterium.[115] P. Edayé holds that the diocesan pastoral council should become compulsory and be set as constitutive law.[116] It is worth

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[110] JOHN PAUL II, Post-synodal Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World *Christifideles laici*, no. 25, 30 December 1988 (=*CL*), in *AAS*, 81 (1989), 436. English translation in *Christifideles laici: Post-synodal Apostolic Exhortation of His Holiness John Paul II on the Vocation and the Mission of the Lay Faithful in the Church and in the World,* London, Catholic Truth Society, 1989*,* 25.

[111] CONGREGATION FOR BISHOPS, *AS*, no. 184.

In a 2012 article, Tom Gallagher mentions that half of the 195 dioceses in the United States have diocesan pastoral councils, according to a 2003 survey by the U.S. Conference of Catholic Bishops. (T. GALLAGHER, "Pastoral Councils are a Work in Progress," at *National Catholic Reporter*, 9 May 2012, https://www.ncronline.org/news/spirituality/pastoral-councils-are-work-progress [12 January 2022]).

A 2020 Australian report shows that two-thirds of Australian dioceses lack a pastoral council. (See AUSTRALIAN CATHOLIC BISHOPS'S CONFERENCE [ACBC] and CATHOLIC RELIGIOUS OF AUSTRALIA [CRA] IMPLEMENTATION ADVISORY GROUP, *The Light from the Southern Cross: Promoting Co-Responsible Governance in the Catholic Church in Australia*, 1 May 2020, 104, https://static1.squarespace.com/static/5acea6725417fc059ddcc33f/t/5f3f79e41aac2871be0fba5c/1597995610389/The+Light+from+the+Southern+Cross+FINAL+%2815+August+2020%29.pdf [5 January 2022]).

[112] BENEDICT XVI, Apostolic Constitution *Anglicanorum coetibus,* art. X, 4 November 2009, (=*AC*), in *AAS,* 101 (2009), 985-990, English translation in: *Benedict XVI, Anglicanorum coetibus, Apostolic Constitution and Complementary Norms,* London, Catholic Truth Society, 2009.

[113] CONGREGATION FOR THE DOCTRINE OF THE FAITH, Complementary Norms for the Apostolic Constitution *Anglicanorum coetibus,* 9 April 2019, (=*2019 CN*), arts. 13, §1 & 2; English translation https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/04/09/190409a.html (12 January 2022).

[114] See c. 86.

[115] KARAMBAI, "Consultative Bodies in the Particular Churches," 290.

[116] EDAYÉ, L'exercice du gouvernement episcopal, 274.

recalling that *Syn 2018* declared: "Bringing about an effective synodal dynamic in a local Church also requires that the diocesan pastoral council and parish pastoral councils should work in a coordinated way and be appropriately upgraded."[117]

A. Borras observes that the diocesan pastoral council is undoubtedly a structure of synodality.[118] A. Ekpo further asserts that the pastoral council is one of the structures for the expression and reception of the *sensus fidelium* in the Church.[119] Indeed, the pastoral council is a structured means for receptive dialogue in the Church.[120] If the diocesan pastoral council is primarily responsible for long-range planning,[121] the presbyteral council might profitably specify diocesan priorities and determine ways of implementing them.[122] The competence of the diocesan pastoral council is said to be "to investigate, assess, and propose practical conclusions" concerning the pastoral works in the diocese (c. 511) with a consultative vote (c. 514, §1) with no jurisdictional role.[123] Nowhere in the Code is the diocesan bishop required to consult the diocesan pastoral council for the validity of an act.[124]

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[117] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 84.

[118] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 227.

[119] EKPO, *Sensus Fidelium* and Canon Law, 211.

[120] Ibid., 212.

[121] The central role of pastoral planning for pastoral councils is a prominent theme in the article by J.A. RENKEN, "Pastoral Councils: Pastoral Planning and Dialogue among the People of God," in *The Jurist,* 53 (1993), 132-154.

[122] See T.J. GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 435, on the presbyteral council in relation to the diocesan pastoral council.

[123] For further details, see CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 667.

[124] LOZA, "The Pastoral Council," 1252. Despite this situation, there is no reason why particular law could not require such consultation for specific acts.

The determination of the diocesan bishop (c. 512, §1) regarding the formation, the organisation, and the *modus operandi* of diocesan pastoral councils[125] is reflected in that such pastoral councils vary in size, structure, procedures, and frequency of meetings. Membership will include priests and permanent deacons, members of institutes of consecrated life, and especially (*praesertim*) members of the lay faithful. In its circular letter of 1973 concerning pastoral councils, *Omnes Christifideles*, the Sacred Congregation for the Clergy stressed that the majority of the members (*maior pars*) should be lay faithful.[126] Karambai asserts that the spirit of the law indicates that the major portion of the membership is drawn from the lay faithful.[127] T.J. Green observes that *Ecclesiae imago*, 204, but not in *Apostolorum successores,* linked parish pastoral councils to the diocesan pastoral council, whose members may logically be chosen from such groups.[128]

2.1.2.5. The College of Consultors

For many Latin dioceses established before the 1917 Code, the cathedral chapter held pride of place in the diocesan structure. This cathedral chapter came to be called the *senatus et consilium* of the diocesan bishop (CIC-1917 c. 391, §1). Its erection was reserved to the Apostolic See (CIC-1917 c. 392), and it had a consultative function in certain administrative matters of the diocese,[129] besides a significant role in the vacant see and some liturgical functions.[130] Apart from the cathedral chapter, a canonical body

[125] EUART, "Structures of Participation," 21.

[126] SACRED CONGREGATION FOR THE CLERGY, *OC,* no.7.

[127] KARAMBAI, "Participation of the Laity," no.3.

[128] Ibid.

[129] CIC-1917 cc. 386; 388; 403; 406; 454 §3; 895; 958, §1, 3º; 1234, §1; 1292; 1303, §4; 1359, §2; 1428, §1; 1520, §1; 1532, §3; 1533; 1541, §2; 1574, §2; 1653, §1; 2292.

[130] CIC-1917 cc. 113; 381-382; 391, §1; 397; 412; 413.

known as the diocesan consultors (*coetus consultorum dioecesanorum*) was sometimes found as a new institution and only in certain ecclesiastical territories. This body originated in the nineteenth century in the United States, particularly from the diocesan synod of Mobile in 1835,[131] the provincial councils of Baltimore,[132] and the three great plenary councils of Baltimore in 1852, 1866, and 1884.[133] It arose because it was judged that the rather complex and historical structures of Europe,[134] necessary for a cathedral chapter, did not fit easily with the "new world" ecclesiastical territories of the Americas under *Propaganda Fide*.[135] The bishops of Australia,[136] Latin America,[137] Manila in the Philippines,[138] and Quebec[139] would all follow likewise. Though first preference was still given to the cathedral chapter, the 1917 Code gave the institution of diocesan consultors recognition in the universal Church and recommended its canonical erection

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[131] J. SHEA, *History of the Catholic Church in the United States*, vol. 3, New York, The Mershon Company Press, 1890, 700.

[132] T. MAYNARD, *The Story of American Catholicism*, New York, The Macmillan Company, 1941, 240-241; G.P. FOGARTY, *The Vatican and the American Hierarchy from 1870 to 1965,* Wilmington, DE, Michael Glazier, 1985, 33-35.

[133] J. BARRETT, *A Comparative Study of the Councils of Baltimore and the Code of Canon Law*, Canon Law Studies, no. 83, Washington, DC, Catholic University of America, 1932, 72-73.

[134] For a historical summary of chapters of canons see J.A. ABBO and J.D. HANNAN, (eds.), *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church,* 2nd rev. ed, vol. 1, St. Luis: Herder, 1960.

[135] P. GUILDAY, *A History of the Councils of Baltimore,* New York, Arno Press and the New York Times, 1969, 78. See also W. MILLER, The Juridical Configuration of the Diocesan Consultors with Particular Reference to the Church of the United States of America: An Historical-Juridical Study, excerpts of JCD dissertation, Rome, Pontificia Universitas Lateranensis, 1975, 32.

[136] *Acta et Decreta Concilii Plenarii Australasiae, habiti apud Sydney, A.D. 1885, a Sancta Sede recognita,* Sydney, F. Cunningham & Co., 1887, canons 29-34.

[137] *Acta et Decreta Concilii Plenarii Americae Latinae, in Urbe celebrate Anno Domini MDCCCXCIX*, Rome, Typis Vaticanis, 1902, canons 242-246.

[138] *Acta et Decreta Concilii Provincialis Manilani I, in Urbe Manila celebrati Anno Domini MDCCCVII*, Rome, Typis Polyglottis Vaticanis, 1910, canons 280-285.

[139] *Acta et Decreta Concilii Plenarii Quebecensis Primi, Anno Domini MCMIX,* Quebec, Typis L'Action Sociale Limitée, 1912, canons 117-121.

in those dioceses where no cathedral chapter existed (CIC-1917 cc. 423-428).[140] This historical information is significant as the functions of both the cathedral chapter and the diocesan consultors before 1983 form the foundation for today's college of consultors.[141]

In the *ius vigens,* the cathedral chapter no longer serves as the diocesan bishop's "senate and counsel" (CIC-1917 c 391, §1); nor does it assume authority during a vacant see (CIC-1917 cc. 431-435; 443). These functions are now performed by the presbyteral council and the college of consultors. The college of consultors, like the presbyteral council, is a participative body of presbyters that must be constituted and operative in each diocese according to the "foundational law" of c. 502, §1.[142] The college consists of six to twelve priests appointed for a five-year term by the diocesan bishop, who presides over this body (c. 502). The functions (*munera*) of the college (*collegium*)[143]

[140] The diocesan consultors were also called "the senate of the bishop" and had all those consultative functions assigned to the cathedral chapters (CIC-1917 c. 427).

[141] This study holds (as does John Renken) that the college of consultors succeeds, in the main, the cathedral chapter and diocesan/eparchial consultors of the earlier twentieth century legislation, with obvious modifications in *munera.* Renken holds that the *fontes* for the current c. 520 include sections of CIC-1917 cc. 423-428 and that the *fontes* for CCEO c. 271 include sections of *Cleri sanctitate* cc. 458-462. Nonetheless, the current legislation in both Codes is significantly different from that of the earlier bodies of law. (J.A. RENKEN, "The College of [Eparchial] Consultors: A Comparison of Latin and Eastern Law," in *Studia canonica,* 44 [2010], 446, footnote 3).

Juan Arrieta describes the college of consultors as "an organizational novelty" intended to assist the diocesan bishop in governance. (J.I. ARRIETA, "La configuracion juridica del colegio de consultores," in *Ius canonicum,* 24 [1984)], 784).

Mario Marchesi also calls the college or consultors an "innovation." (M. MARCHESI in "Commentary on c. 520," in *Exegetical Commentary on the Code of Canon Law,* vol. 11/2, 1218).

[142] LUSABE, *Participative Structures,* 91.

[143] Because the college of consultors in a *collegium* it must observe all the Code's provision on collegiate bodies. These include cc. 124-128 on juridic acts, and cc. 164-179 on elections. Many of these provisions are for validity, including the procedure to be followed in consulting and obtaining consent. (c. 127, §1).

are determined from the various canons of the Latin Code,[144] even if neither Code provides a summary definition of the college.[145]

Sede plena, the college's routine *munera* are found in cc. 502, §1; 404, §1, mainly in the administration of temporal goods (cc. 494, §§1-2; 1277; 1292, §1),[146] but the diocesan bishop is certainly free to take up additional matters with the college.[147] The college also has a role *sede impedita* (cc. 404, §3; 413, §§1-2). Indeed, it has a most significant role *sede vacante*, when it continues to exist, assuring the stability of pastoral governance in the particular Church (cc. 272; 383, §3; 413, §2; 419; 421, §1; 422; 428; 430, §2; 485) and when it is entrusted with the functions of the presbyteral council, which ceases to function in such a situation (c. 501, §2).

J.E. Okosun notes that both the presbyteral council and the college of consultors have a close relationship, and he suggests that the presbyteral council is the "nursery" for the college of consultors.[148] This is because the college of consultors are chosen from the presbyteral council (c. 502, §1),[149] except for the situation provided for in c. 502, §3, where "the episcopal conference can determine that functions of the college of consultors be entrusted to the chapter." [150] E. Duffy notes that this can give the chapter

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[144] See cc. 272; 377, §3; 404, §§1,3; 413, §2; 419; 421, §1; 422; 485; 494, §§1-2; 501, §2; 833, 4º; 1018, §1, 2º; 1277; 1292, §1.

[145] A point observed by J.A. RENKEN, "The College of (Eparchial) Consultors: A Comparison of Latin and Eastern Law," 445.

[146] In the Eastern Code, see CCEO c. 262, §§1-2; c. 263, §1; c. 1036, §1, 1º-2º.

[147] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 662.

[148] OKOSUN, The Collaborative Role of the Presbyteral Council, 97.

[149] Ibid. For more on the relationship between the two bodies and their distinctive functions, see J.H. PROVOST, "Presbyteral Councils and Colleges of Consultors: Current Law and Some Diocesan Statutes," in *CLSA Proceedings*, 49 (1987), 194-211.

[150] Canon 502, §3 permits each episcopal conference (by complementary norms) to entrust the functions of the college of consultors to the cathedral chapter. In some countries, the conference has left this choice to the discretion of the diocesan bishop. (CONFERENCE OF CATHOLIC BISHOPS OF INDIA, Complementary Legislations to the Code of Canon Law, 4, https://ccbi.in/wp-content/uploads/2015/12/Complementary-Legislations-to-the-Code-of-Canon-Law-1.pdf [6 January

a much more extensive role than the liturgical one more generally ascribed to it in the universal law.[151] It is also the kind of ecclesiological architecture that could be exploited by an unscrupulous diocesan bishop[152] or by a group of senior and self-interested clerics around him. At best, it does not easily allow for a broad sharing of participation as the Second Vatican Council envisaged.

B.A. Cusack stresses that, whereas the presbyteral council is described as a kind of "senate" to the bishop, the college of consultors is not given this title.[153] While the scope of the activities of the presbyteral council is broad and includes every aspect of the pastoral ministry of the diocesan bishop, the functions of the college of consultors are narrower and specified by the universal law itself.[154] Okosun points to the practical reasons for this.[155] Whereas the universal law does not currently require the diocesan bishop to request consent from the presbyteral council, it does require him to receive consent from the college of consultors in several stipulated cases.[156]

2022]; CANADIAN CONFERENCE OF CATHOLIC BISHOPS, Complementary Norms to the 1983 Code of Canon Law, [Decree No. 4, Official Document No. 531. 14-05-85], 37, https://www.cccb.ca/wp-content/uploads/2020/06/184-292.pdf [6 January 2022]; IRISH CATHOLIC BISHOPS'S CONFERENCE, Decrees of the Irish Episcopal Conference, Decree No. 4, https://www.catholicbishops.ie/wp-content/uploads/2012/11/DECREE-87_88.pdf [6 January 2022]).

In other countries, however, such a move has been ruled out as unnecessary. (CATHOLIC BISHOPS'S CONFERENCE OF NIGERIA, *Particular Complementary Norms to the Revised Code*, Onitsha, Vicatex [Nig.] Ltd, 1985, 22).

[151] E. DUFFY, "Presbyteral Collegiality: Precedents and Horizons," in *The Jurist,* 69, (2009), 150.

[152] Ibid.

[153] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 661.

[154] J.A. RENKEN, "The College of (Eparchial) Consultors: A Comparison of Latin and Eastern Law," 487.

[155] OKOSUN, The Collaborative Role of the Presbyteral Council, 99.

[156] See cc. 1277; 1291; and 1295, which concern acts of extraordinary administration. The diocesan administrator also needs the consent of the college: see cc. 272; 485; and 1018, §1, 2°.

S.S. Karambai observes a possible danger when bishops designate members of participative bodies who are likely to tell the bishop what he would like to hear.[157] This, Karambai holds, is more apparent in such bodies as the diocesan finance council and the college of consultors, where the members are designated solely by the bishop.[158] For the college of consultors, the diocesan bishop could, if he so wished, designate all the consultors from among the *ex officio* and nominated members of the presbyteral council, comprising none from the freely elected members of the "presbyterium."[159] However, Karambai asserts that the process of consultation (critical and creative participation, which is crucial to arrive at effective decision-making) is more likely to be vibrant among the elected members than among *ex officio* and nominated members.[160]

2.1.2.6. The Parish Pastoral Council

At the parish level, no canonical body of participation was prescribed either in the 1917 Code or in the Eastern *motu proprios.* It should be noted, however, that there were indeed structures of participation in some of the Eastern Catholic Churches *sui iuris* as part of their own traditions and customs. Indeed, in both the Ukrainian

[157] KARAMBAI, "Consultative Bodies in the Particular Churches," 287-288.

[158] Ibid., 287.

[159] Ibid.

[160] Ibid. A point also referred towards the end of the news article S. MACDONALD, "Bishops Urged to Treat Priests Better," at *The Tablet,* 5 November 2021, https://www.thetablet.co.uk/news/14674/bishops-urged-to-treat-priests-better (7 November 2021).

Church[161] and the Armenian Church,[162] the lay faithful had significant roles, in the life of the Church, especially in the administration of temporal goods.[163]

Within the legislation of the Latin Church in the period before the Second Vatican Council, a participatory or synodal approach was not a familiar feature in ecclesial elaboration.[164] While certain priests had some possibilities of participation, the lay faithful were mostly excluded from such elaboration. Even though the parish pastoral council is not explicitly mentioned in the documents of the Second Vatican Council, the theological principles that underpin it can be found in *Lumen gentium,* 37 and, more specifically, *Christus Dominus,* 27.[165] The circular letter *Omnes Christifideles* was the first document to mention parish pastoral councils explicitly.[166] The first Directory for the Pastoral Ministry of Bishops *Ecclesiae imago* also offered encouragement when it stated: "if the good of the faithful requires it, that in every parish, among the offices of the apostolate, parish pastoral councils be set up and that these be aligned with the diocesan [pastoral] council."[167] A. Borras states that synodality can indeed be expressed formally through the parish pastoral council.[168]

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[161] S. SENYK, "The Union of Brest: An Evaluation," in B. GROEN and W. VAN DEN BERCKEN (eds.), *Four Hundred Years Union of Brest (1596-1996): A Critical Re-evaluation,* Eastern Christian Studies, 1, Louvain, Peeters, 1998, 11.

[162] T. NERSOYAN, "Laity in the Administration of the Armenian Church," in *The Position of the Laity in the Law of the Oriental Churches, Proceedings of the Third Congress of the Society of the Law of the Oriental Churches,* in *Kanon* 3 (1977), 96-119.

[163] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 185.

[164] Ibid.

[165] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 285-287.

[166] SACRED CONGREGATION FOR THE CLERGY, *OC,* no. 12. (As observed in RENKEN, "Pastoral Councils: Pastoral Planning and Dialogue among the People of God," 138).

[167] SACRED CONGREGATION FOR BISHOPS, *EI,* no. 204.

[168] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 228.

The 1997 Instruction *Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests* lists the parish pastoral council and the parish finance council among the structures for collaboration in the particular Church "so necessary to that ecclesial renewal called for by the Second Vatican Council [which] have produced many positive results and have been codified in canonical legislation."[169] In 2002, the Congregation for the Clergy's Instruction *The Priest, Pastor and Leader of the Parish Community* also strongly encouraged pastoral councils at the parish level.[170] Similar encouragement is found in the latest Directory on the Pastoral Ministry of Bishops *Apostolorum Successores* in 2004,[171] which insists that the establishment of the parish pastoral council is "desirable."[172] *Apostolorum successores* clearly explains that "the pastor should never fail to seek the opinion of his collaborators regarding the varied questions arising in parish life, particularly through the parish pastoral council (where it exists) or through other forms of participation in parish life."[173]

By analogy with the diocesan pastoral council, this body must reflect the parish community's diversity. It participates in the formulation of decisions, although the responsibility for making decisions lies with the *parochus* (see c. 536, §1).[174] The

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[169] CONGREGATION FOR THE CLERGY et al., Instruction on Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests *Ecclesiae de mysterio*, art. 5, 15 August 1997, (=*EM*), in *AAS*, 89 (1997), 867. Official English version *Instruction on Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests,* Vatican City, Libreria Editrice Vaticana, 1997, 25-26.

[170] CONGREGATION FOR THE CLERGY, Instruction, *The Priest, Pastor and Leadership of the Parish Community*, 4 August 2002, in *Origins*, 32 (2002-2003), 373-388. no. 26.

[171] CONGREGATION FOR BISHOPS, *AS,* no. 211.

[172] Ibid., no. 210.

[173] Ibid., no. 211.

[174] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 228.

council "assists in fostering pastoral activity" in a parish (c. 536, §1). Further, like the diocesan pastoral council, this parish structure is currently not mandatory but can be established, should the diocesan bishop decide, after first consulting the presbyteral council. (c. 536, §1).

Syn 2018, 84, stated: "it seems necessary to review the canonical norm which at present only suggests that there should be a parish pastoral council and to make it obligatory."[175] S.S. Karambai also proposes that parish pastoral councils be mandated in the universal legislation itself.[176] Such a mandatory establishment would be constitutive law (c. 86) and so would not be dependent upon the discretion of the diocesan bishop.[177] *Syn 2018* asserts that, as the Church learns the value of synodality as the "constitutive"[178] way of being and acting, the parish pastoral council offers a structure of listening, dialogue, and shared discernment of missionary disciples, always subject to, and under the guidance of the Holy Spirit.[179] Far from being simply a bureaucratic organ,[180] whether at the diocesan or parish level, the pastoral council exists to enable the faithful to make known their needs and desires[181] in light of their own knowledge, experience, and competencies.[182]

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[175] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 84.

[176] KARAMBAI, "Consultative Bodies in the Particular Churches," 291.

[177] RENKEN, "Pope Francis and Participative Bodies in the Church," 44-45.

[178] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 120.

[179] Ibid., no. 113.

[180] CONGREGATION FOR THE CLERGY, The Pastoral Conversion of the Parish Community in the Service of the Evangelisation of the Church, no. 110.

[181] See c. 212, §2.

[182] See c. 212, §3; c. 228, §1.

2.1.2.7. The Parish Finance Council

A finance council for every parish is mandatory in the *ius vigens* (c. 537). S.S. Karambai notes, however, from his own experience, that this legislation is not taken seriously everywhere. [183] Moreover, Karambai describes that it is not unusual to find no distinction made between the parish pastoral council and the parish finance council or to discover that the parish finance council functions as a sub-committee of the parish pastoral council.[184] Both J.A. Renken and Karambai note that these practices are contrary to the legislation of the Latin Code.[185] Although these two parish councils are interrelated in many respects, they have distinct identities with specific competence, membership, and functions.[186]

As for the Latin Church, CCEO c. 295 provides, for the Eastern Churches *sui iuris*: two parish councils, one pastoral *and* another financial. The specifics of such councils are left to the particular law of each *sui iuris* Church.[187] In 1998, the synod of bishops of the Syro-Malabar Church promulgated particular norms on this matter.[188] According to these norms, the relevant participatory structure in the Syro-Malabar

[183] KARAMBAI, "Participation of the Laity," no. 5.

[184] Ibid.

[185] KARAMBAI, "Participation of the Laity," no. 5; RENKEN, "Pope Francis and Participative Bodies in the Church," 223.

[186] J.A. RENKEN, "Parishes, Pastors, and Parochial Administrators" in *New Commentary on the Code of Canon Law*, 711.

[187] See T.J. GREEN, "Commentary on CCEO c. 295," in *A Practical Commentary to the Code of Canons of the Eastern Churches,* 605.

[188] The Syro-Malabar Major Archiepiscopal Church has enacted the statutes called *Palliyogam - Procedure Rules.* (See Synodal News, no. 11 [1998], 45-74 and later *Code of Particular Law of the Syro-Malabar Church,* Syro-Malabar Major Archiepiscopal Curia, Mount St. Thomas, 2013, 108-134).

parish is called *palliyogam,*[189] comprising of two layers,[190] namely, *potuyogam* and *prathinidhiyogam*. The *pratinidhiyogam* is parallel to the parish pastoral council of the Latin Code, but its competence includes most of the functions of the parish finance council. The Syro-Malankara Catholic Church also promulgated similar norms in 2012.[191]

According to the norms of the *lex lata* of the Latin Code, each parish *may* have two parish councils: a parish pastoral council and a parish finance council (cc. 536-537). However, the establishment of the parish pastoral council is not mandatory in the Code (c. 536), but the parish finance council is an obligatory body (c. 537).[192] J. A. Renken notes that the parish finance council is a synodal structure in the parish which assists the *parochus* in the management of the temporal goods in the parish.[193] Since it involves broad participation in the management of church property, such a synodal

[189] The *Palliyogam,* as an expression of the communion of the People of God in the parish, is intended to advise and assist the parish priest and to work in cooperation with him, exercising the pastoral ministry and administering financial matters of the parish.

[190] There are two forms of *Palliyogam,* namely, *potuyogam* and *pratinidhiyogam*. Potuyogam is a body consisting of all the heads of families in the parish and members of the *pratinidhiyogam* and others. *Pratinidhiyogam* means a body consisting of those elected by the *potuyogam* or by the heads of families in the meetings of the ward/family unit, and others duly elected or nominated or posted ex-officio as members and approved by the local hierarch as per eparchial statutes.

[191] The *Code of Particular Canons of the Syro-Malankara Catholic Church* contains canons on "Parish General Body" (*Itavaka Pothuyogam*) and "Parish Committee" (cc. 142-185). (*The Code of Particular Canons of the Syro-Malankara Catholic Church,* Major Archiepiscopal Curia, Trivandrum, 2012, 27-31).

[192] See G. GOUBERT and S. MAILLARD, Interview with Pope Francis, at *La Croix*, 17 May 2016, https://www.la-croix.com/Religion/Pape/INTERVIEW-Pope-Francis-2016-05-17-1200760633 (28 October 2021).

[193] J.A. RENKEN, "The Management of Church Property in a Synodal Church: Towards Eliminating Financial Misconduct," in *Studia canonica,* 52 (2018), 619.

structure has a vital role in deterring financial malfeasance,[194] in cultivating responsible attitudes, and in promoting transparent stewardship.[195]

Regarding the parish finance council membership, c. 537, §1 prescribes that the Christian faithful are selected "according to universal law and norms issued by the diocesan bishop." The constitution, membership, and competence of the parish finance council are to be governed by diocesan norms and statutes[196] and the universal laws on temporal goods (cc. 1254-1298).

2.1.2.8. Other Forms of Participation

There are also other forms of participation in the life of the Church. There is, for example, a synodal character to the work of the curia of each particular Church. The diocesan curia encompasses institutions and individuals that assist the diocesan bishop as servant leader through guiding pastoral action, caring for diocesan administration, and making canonical judgments (c. 469). A.C. Osheim draws attention to the fact that curial officials are to be characterised by professional competencies, passion for ministry, and by lives of faithfulness.[197] Moreover, E. Duffy notes that the diocesan curia is essential to the proper coordination of the diocesan administration, although the ultimate responsibility still resides with the diocesan bishop.[198] In this respect. T.J. Green observes that *Apostolorum successores,* 177 embodies the Code's concern for the responsibility of the diocesan bishop in assuring coordination of the various curial

[194] Ibid., 611.

[195] CONGREGATION FOR THE CLERGY, The Pastoral Conversion of the Parish Community in the Service of the Evangelisation of the Church, nn. 106-107.

[196] Ibid., 618-620. Renken observes the importance of particular law in this respect and suggests specific matters to be taken up by such legislation.

[197] OSHEIM, *A Ministry of Discernment,* 80.

[198] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 151.

entities to ensure the appropriate functioning of diocesan services and administrative continuity.[199] Moreover, the diocesan tribunal, wherein judicial power is exercised, is an integral part of the diocesan curia and so, in a certain sense, is a participative structure in a particular Church.[200]

J.A. Renken observes that the *ius vigens* makes provision for two other specific participative structures; First, the council of the mission (*consilium missionis*, c. 502, §4).[201] This is an obligatory organ in an apostolic vicariate and apostolic prefecture[202] (c. 371, §1), which fulfils the functions of the presbyteral council and college of consultors (see c. 502, §4) and, in fact, replaces these bodies. Renken recalls that this council, composed of a least three missionary priests, is to be heard by the vicar or prefect in more serious matters, personally or by letter.[203] Second, the governing council (*consilium regiminis*), established first for the Personal Apostolic Administration of Saint John Maria Vianney[204] and then further found in the personal ordinariates established for former Anglicans. This council assists the ordinary in the governance of the ordinariate; it is a collegial body that enjoys competencies usually reserved for a presbyteral council and college of consultors in a diocese.[205] These bodies

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[199] GREEN, "Contemporary Challenges to Episcopal Governance," 433.

[200] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 59.

[201] Ibid., 126. The council of the mission was found in the 1917 Code (c. 302).

[202] An apostolic vicariate or apostolic prefecture is a certain portion of the People of God which has not yet been established as a diocese due to special circumstances (see c. 371, §1).

[203] RENKEN, *Particular Churches: Their Internal Ordering, 460-572,* 126.

[204] This administration was created for Western Brazil (Campos) by a decree of erection of 18 January 2002, issued by the Congregation for Bishops by virtue of special empowerment of Pope John Paul II. (CONGREGATION FOR BISHOPS, decree establishing the personal apostolic administration of Saint John Mary Vianney *Animarum bonum*, 18 January 2002, (=*AB*), in *AAS*, 94 [2002], 305-308, in RENKEN, *Particular Churches and the Authority Established in Them,* Appendix VII, 285-287). The governing council is an integral part of this decree and the said decree marks the first time this canonical institute appears.

[205] BENEDICT XVI, *AC,* art. X, §2, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 12, §1.

do not exist in the personal apostolic administration and personal ordinariates. The governing council for the personal ordinariates is treated more fully in chapter four of this study.

There are also other structures of participation at the level of the particular churches: the particular councils[206] in the Latin Church (cc. 439-446), and in the patriarchal/major archiepiscopal/metropolitan assembly (*conventus*) in the Eastern Churches *sui iuris* (CCEO cc. 140-145; 152; 172).[207] The particular council is treated in chapter four of this study.

S. Euart notes other participative structures at the level of the particular Churches.[208] These include councils, commissions, and boards in dioceses to advise diocesan bishops on education, social services, justice and peace, ecumenism, youth ministry, and other pastoral matters.[209] Euart also draws attention to a more recently-established and esteemed participative body, the diocesan review board/safeguarding commission.[210] This significant body advises the diocesan bishop on matters related to abuse allegations in the diocese and oversees the motivating and monitoring of comprehensive safeguarding awareness, policy, training, and good practice.[211]

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[206] Significantly, with regard to the particular councils in the Latin Church, the 1983 Code eliminated the restriction against women and lay persons being members, insisted upon by the previous Code (CIC-1917 c. 282, §3; c. 286, §4). Though bishops have a deliberative vote, all members of the faithful, lay, religious and clergy participate with a consultative vote (cc. 443, 444).

[207] A study of the patriarchal/major archiepiscopal/metropolitan assembly is beyond the scope of this work.

[208] EUART, "Structures of Participation," 23.

[209] Ibid.

[210] For an example of the terms of reference for such a body, in the national context of the Catholic Church in England and Wales, see http://www.lancasterdiocese.org.uk/wp-content/uploads/2015/05/Safeguarding-TOR-July-2015.pdf (6 October 2021). Such a structure is currently being reconfigured in all Catholic dioceses of England and Wales following the review leading to *The Elliot Report,* https://www.cbcew.org.uk/independent-safeguarding-review-published/ (20 December 2021).

[211] EUART, "Structures of Participation," 23.

At the parish level, there are numerous, but not always formal,[212] committees, commissions, and groups that express a specific participative and synodal dynamic.[213] At the deanery level also, many dioceses have two significant structures; (1) a deanery clergy conference where the priests of the deanery meet with their dean regularly to discuss areas of pastoral concern and to provide priestly fraternity; and (2) a deanery pastoral council that includes lay representatives, religious, permanent deacons, and priests. In the future, universal legislation that includes these infra-diocesan synodal structures would be welcome.[214]

Euart also gives special attention to the mandatory parish visitation by the diocesan bishop,[215] in accord with cc. 396-398. This visitation is one way, confirmed by centuries of experience, through which the diocesan bishop exercises his central unifying function in the diocese.[216] This form of visitation could be described as a "synodal event" in that it affords a direct and personal contact for an encounter between the diocesan bishop and parish clergy and for the diocesan bishop to meet and dialogue with the parish pastoral council and the parish finance council.[217]

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[212] A. Borras emphasises that this more *informal* synodality must not be neglected. (BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 236). J.A. Renken also stresses that informal synodality is important, as it builds teamwork and relationships of trust. (RENKEN, "Synodality: A Constitutive Element of the Church," 26).

[213] See J. STANWIX, "Growing the Synodal Parish - The Cornerstone of a Synodal Church," at *La Croix International,* 27 January 2022, https://international.la-croix.com/news/religion/growing-the-synodal-parish-the-cornerstone-of-a-synodal-church/15545 (29 January 2022).

[214] See GREEN, "Contemporary Challenges to Episcopal Governance," 445-446.

[215] EUART, "Structures of Participation," 23.

[216] SECOND VATICAN COUNCIL, *LG*, no. 23, in *AAS*, 57 (1965), 27, in *FLANNERY1*, 376-378.

[217] CONGREGATION FOR BISHOPS, *AS*, no. 221.

2.1.3. Assessing the Effectiveness of the Participative Structures[218]

When reflecting upon the effectiveness of the participative structures in the particular Church, E. Corecco observes that these bodies were often troubled by a "profound crisis" just a few years after their institution.[219] He maintains the origin of this is a crisis of theological conceptions[220] as these new synodal structures are frequently conceived and instrumentalised in view of a "worldly logic of power" or "democratisation" of the Church.[221]

Another difficulty can be how sometimes the Code speaks of a participative body as having "only" (*tantum, tantummodo*) a consultative vote. J.A. Renken,[222] S.S. Karambai,[223] and A. Borras each observe that the adverb is unnecessary and unhelpful.[224] Indeed, the adverb "only" or "merely" can appear demeaning and hardly encourages the work of the participative bodies in the particular Church.[225] Therefore,

[218] FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22. Here, Francis calls the canonical participative bodies in a particular Church "means of participation" and refers to cc. 460-468 on the diocesan synod; cc. 492-494 on diocesan finance council and the finance officer; cc. 495-502 on the presbyteral council and the college of consultors; cc. 511-514 on the diocesan pastoral council; c. 536 on the parish pastoral council; and c. 537 on the parish finance council.

[219] E. CORECCO, "Synodal or Democratic Structure of the Particular Church?" 76.

[220] Ibid., 77-78.

[221] Ibid., 78-79.

[222] RENKEN, "Pope Francis and Participative Bodies in the Church," 228.

[223] KARAMBAI, "Consultative Bodies in the Particular Churches," 289.

[224] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 237.

[225] Renken, in fact, recommends that collective reference be made to "participative bodies" rather than "consultative bodies" given that one or another body may elicit a consensual vote or a deliberative vote in some matters. (RENKEN, "Pope Francis and Participative Bodies in the Church," 223-224).

Renken recommends that participative bodes not be referred to as "only" consultative[226] and that the Legislator eliminate this unnecessary adverb in future legislation.[227]

Renken notes that the *ius vigens* identifies several instances, for certain matters, when participative bodies, each with its unique *raison d'être*,[228] offer a consultative vote,[229] (less frequently) a consensual vote,[230] and (even less frequently) a deliberative vote.[231] With a renewed synodal consciousness in the Church, he wonders if it would be wise to identify more instances for all three kinds of votes,[232] especially those requiring the deliberative vote of participative bodies.[233] Poothavelithara also proposes, where possible, a greater use of the deliberative vote for participative structures.[234]

Renken observes that[235] at the level of the universal Church, the Code already provides that the pope can endow the synod of bishops with a deliberative vote, in which case he ratifies its decisions (c. 343).[236] Renken envisages the possibility of a similar arrangement involving other participative bodies, including those at the level of the particular Church,[237] where a deliberative vote could be assigned in specific, clear,

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[226] Ibid., 228-229.

[227] Ibid., 229.

[228] RENKEN, "Pope Francis and Participative Bodies in the Church," 212.

[229] Ibid., 213.

[230] Ibid., 214.

[231] Ibid.

[232] Ibid., 230.

[233] Ibid.

[234] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 206.

[235] RENKEN, "Pope Francis and Participative Bodies in the Church," 230.

[236] FRANCIS, *EC*, art 18, §2, in *AAS,* 110 (2018), 1374.

[237] RENKEN, "Pope Francis and Participative Bodies in the Church," 230.

and precisely identified matters to a participative body, whose decision would then need to be ratified by the competent superior.[238] Such an application does, in fact, already exist, in legislation concerning the governing council (*regiminis consilium*), of the Personal Apostolic Administration of St John Vianney in Campos, Brazil[239] and the personal ordinariates established for former Anglicans.[240] In short, however, when the governing council has a deliberative vote, its decisions are operative only after the involvement of a higher authority.[241] Renken envisages that a similar kind of deliberative vote could be given, in certain clearly defined matters, to the currently existing participative bodies of the other particular Churches. After the body has placed a deliberative vote, the superior authority would approve it and even implement it.[242]

2.2. The Role of the Diocesan Bishop in Promoting Synodality

J.A. Alesandro states that the call for consultation is a "hallmark" of the 1983 Code, and that consultation is the way that canon law balances the hierarchical structure of the Church.[243] Consequently, it is not surprising to find numerous papal texts offering encouragement for the participative structures in the particular Church from Pope John

[238] Ibid.

[239] CONGREGATION FOR BISHOPS, *AB*, 18 January 2002.

[240] RENKEN, "Pope Francis and Participative Bodies in the Church," 230.

[241] Ibid., 232.

[242] Ibid.

[243] J.A. ALESANDRO, "The Code of Canon Law: Reflecting on the Past Twenty-Five Years and Looking to the Future," in *CLSA Proceedings*, 69 (2007), 22.

Paul II[244] and Pope Benedict XVI.[245] As well as his 1988 apostolic exhortation *Christifideles laici*,[246] John Paul II's strongest statement in support of the participative bodies of the particular Church came in the 2001 apostolic letter for the close of the Jubilee year 2000, *Novo millennio ineunte.* The pontiff stated:

> Communion must be cultivated and extended day by day and at every level in the structures of each Church's life. There, relations between Bishops, priests and deacons, between Pastors and the entire People of God, between clergy and Religious, between associations and ecclesial movements must all be clearly characterized by communion. To this end, the structures of participation envisaged by Canon Law, such as the Council of Priests and the Pastoral Council, must be ever more highly valued. These of course are not governed by

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[244] JOHN PAUL II, Address to a Group of Bishops from the United States of America on their "ad limina" visit, 9 September 1983, no. 1, https://www.vatican.va/content/john-paul-ii/en/speeches/1983/september/documents/hf_jp-ii_spe_19830909_usa-ad-limina.html (15 January 2022); ID., Address to the Bishops of Guinea on their "ad limina" visit, 20 October 1984, https://www.vatican.va/content/john-paul-ii/fr/speeches/1984/october/documents/hf_jp-ii_spe_19841020_guinea-ad-limina.html (15 January 2022); ID., Address to the Bishops of France (Eastern Region) on their "ad limina" visit, 30 January 1987, no. 8, https://www.vatican.va/content/john-paul-ii/fr/speeches/1987/january/documents/hf_jp-ii_spe_19870130_francesi-est-ad-limina.html (15 January 2022); ID., Address to the Polish Bishops of the Krakow Province on their "ad limina" visit, 12 November 1987, no. 3, https://www.vatican.va/content/john-paul-ii/pl/speeches/1987/november/documents/hf_jp-ii_spe_19871112_polonia-ad-limina.html (15 January 2022); ID., Address to the Bishops of South-West France for their "ad limina" visit, 7 February 1992, no. 3, https://www.vatican.va/content/john-paul-ii/fr/speeches/1992/february/documents/hf_jp-ii_spe_19920207_francia-sud-ovest-ad-limina.html (15 January 2022); ID., Address to the French Bishops of the Provence-Mediterranean Apostolic Region on their "ad limina" visit, 1 December 1992, nn. 4; 6, https://www.vatican.va/content/john-paul-ii/fr/speeches/1992/december/documents/hf_jp-ii_spe_19921211_francia-ad-limina.html (15 January 2022); ID., Address to the Bishops of the United States of America on their "ad limina" visit, 2 October 1993, no. 4, https://www.vatican.va/content/john-paul-ii/en/speeches/1993/october/documents/hf_jp-ii_spe_19931002_alaska-ad-limina.html (15 January 2022); ID., Post-synodal Apostolic Exhortation *Ecclesia in Africa,* no. 88; ID., Address to the Bishops of Myanmar on their "ad limina" visit, 5 July 1996, no. 3, https://www.vatican.va/content/john-paul-ii/en/speeches/1996/july/documents/hf_jp-ii_spe_19960705_myanmar.html (15 January 2022); ID., Address to the Bishops of Zimbabwe on their "ad limina" visit, 4 September 1998, no. 6, https://www.vatican.va/content/john-paul-ii/en/speeches/1998/september/documents/hf_jp-ii_spe_19980904_ad-limina-zimbabue.html (15 January 2022); ID., Post-synodal Apostolic Exhortation *Ecclesia in America*, no. 36; ID., Address to the Bishops of Lithuania during their "ad limina" visit, 17 September 1999, no. 8, https://www.vatican.va/content/john-paul-ii/en/speeches/1999/september/documents/hf_jp-ii_spe_17091999_ad-limina-lituania.html (15 January 2022); ID., Post-synodal Apostolic Exhortation *Ecclesia in Asia*, 6 November 1999, no. 25; ID., Post-synodal Apostolic Exhortation *Ecclesia in Europa*, 28 June 2003, no. 28, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_20030628_ecclesia-in-europa.html (15 January 2022);

[245] BENEDICT XVI, Address to the Third Group of Bishops from Poland on their "ad limina" visit, 17 December 2005, https://www.vatican.va/content/benedict-xvi/en/speeches/2005/december/documents/hf_ben_xvi_spe_20051217_ad-limina-poland.html (15 January 2022); ID., Address to the Bishops of Kenya on their "ad limina" visit, 19 November 2007, https://www.vatican.va/content/benedict-xvi/en/speeches/2007/november/documents/hf_ben-xvi_spe_20071119_bishops-kenya.html (15 January 2022).

[246] JOHN PAUL II, *CL*, no. 25, in *AAS*, 81 (1989), 436; no. 27 in *AAS*, 81 (1989), 440-442.

> the rules of parliamentary democracy, because they are consultative rather than deliberative; yet this does not mean that they are less meaningful and relevant.[247]

In the 2003 apostolic exhortation *Pastores gregis,*[248] John Paul II declared that the diocesan bishop's frequent meetings with his priests, deacons, consecrated persons, and the lay faithful are significant for an effective episcopal ministry.[249] This is, in part, because "in the Church, the school of the living God, Bishops and the faithful are all fellow disciples, and all need to be taught by the Spirit."[250] The exhortation clarifies that each diocesan bishop needs to "make every effort to develop structures of communion and participation within his particular Church, which make it possible to listen to the Spirit who lives and speaks in the faithful."[251] The 2004 Directory for the Pastoral Ministry of Bishops, *Apostolorum successores*, outlines seven fundamental principles for the bishop's pastoral governance, including communion, cooperation, and respect for the competence of others.[252] T.J. Green observes that a service-oriented

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[247] JOHN PAUL II, Apostolic Letter *Novo Millennio Ineunte,* 6 January 2001*, (=NMI),* no 45, in *AAS,* 93 (2001), 298-299. English translation *Novo Millennio Ineunte Apostolic Letter of His Holiness Pope John Paul II to the Bishops, Clergy and Lay Faithful at the Close of the Great Jubilee of the Year 2000*, Boston, Pauline Books & Media, 2001, 58-60. This text cites and echoes CONGREGATION FOR THE CLERGY et al., *EM*, art 5; and JOHN PAUL II, Address on the Participation of the Laity in the Priestly Ministry, 22 April 1994, https://www.vatican.va/content/john-paul-ii/it/speeches/1994/april/documents/hf_jp-ii_spe_19940422_fedeli-laici.html (15 January 2022), English translation https://www.ewtn.com/catholicism/library/address-to-the-participants-of-the-symposium-8273 (15 January 2022).

[248] JOHN PAUL II, Post-synodal Apostolic Exhortation on the Role of Bishops *Pastores gregis,* 16 October 2003, (=*PG*), in *AAS,* 96 (2004), 825-925, English translation http://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_20031016_pastores-gregis.html (22 September 2021).

[249] Ibid., no. 28, in *AAS*, 96 (2004), 861-863.

[250] Ibid.

[251] Ibid., no. 44, in *AAS*, 96 (2004), 883-885.

[252] CONGREGATION FOR BISHOPS, *AS,* nn. 58-60.

exercise of episcopal authority presupposes[253] a healthy respect for and attentiveness to the broader ecclesial community's opinions, wishes, and needs.[254]

A.C. Osheim draws attention to the fact that the diocesan bishop's dialogue with the faithful and with experts in particular fields assists with the diocesan bishop's ongoing learning about the diocese's context, needs, and resources,[255] forming him into "a person of discernment."[256] Thus, *Apostolorum successores* says that diocesan bishops will need to "avoid authoritarianism" and "be ready to listen to the faithful and seek their cooperation and their counsel, through the channels and structures provided for by canonical discipline."[257]

In Pope John Paul II's *ad limina* address to the bishops of Pennsylvania and New Jersey region on 11 September 2004, the pontiff quoted *Pastores gregis,* 44, which states the need for each bishop to develop "a pastoral style which is ever more open to greater collaboration with all."[258] However, John Paul continues with an important caveat: "a commitment to creating better structures of participation, consultation and shared responsibility should not be misunderstood as a concession to a secular

[253] It will not be surprising if a component on synodality will be introduced as an integral aspect of the courses for newly-appointed bishops organised by the Dicasteries for Bishops and for the Eastern Churches and by the Dicastery for Evangelization respectively. Episcopal conferences could also provide similar training events within their own territories. Such developments would underscore the synodal expectations responsibilities of the diocesan bishop to the particular Church entrusted to his care.

[254] GREEN, "Contemporary Challenges to Episcopal Governance," 433.

[255] OSHEIM, *A Ministry of Discernment,* 71.

[256] Ibid., 55.

[257] CONGREGATION FOR BISHOPS, *AS*, no. 66.

[258] JOHN PAUL II, Address to the Bishops of the Ecclesiastical Region of Pennsylvania and New Jersey (U.S.A.) on their "ad limina" visit, 11 September 2004, no. 3, https://www.vatican.va/content/john-paul-ii/en/speeches/2004/september/documents/hf_jp-ii_spe_20040911_ad-limina-usa.html (15 January 2020).

"democratic" model of governance…."[259] The pontiff would make similar remarks just a few months later to another group of U.S. bishops.[260]

The following section will review some practical and symbolic ways by which the style and manner of governance of the diocesan bishop can lead on and cultivate a synodal participation in the particular Church. This treatment will mainly concern how the diocesan bishop considers the participative structures in the diocese, how he relates with them, and how he interacts with them, for the good of the Church's mission.

2.2.1. The Diocesan Bishop's Capacity in Promoting Synodal Governance

V. Poothavelithara points out that bishops and priests can adequately fulfil their ministry only by "walking with" all the People of God and listening sincerely to them.[261] He proposes that the participative bodies play an essential role in a diocese and the parishes in facilitating such collaboration. However, pastors are not to use them as means to implement only their own plans and projects but to listen to the faithful genuinely and to discern, using these structures, the path of the Gospel together.[262]

Pope Francis has frequently called the entire Church to "the art of listening,"[263] but insists that bishops be "Apostles of listening who know how to lend an ear even to

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[259] Ibid.

[260] JOHN PAUL II, Address to the Bishops of the Ecclesiastical Provinces of Louisville, Mobile and New Orleans (U.S.A.) on their "ad limina" visit, 4 December 2004, no. 4, https://www.vatican.va/content/john-paul-ii/en/speeches/2004/december/documents/hf_jp-ii_spe_20041204_bishops-usa.html (15 January 2022).

[261] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 204.

[262] Ibid.

[263] See FRANCIS, Message for the 49th World Communications Day, 23 January 2015, https://www.vatican.va/content/francesco/en/messages/communications/documents/papa-francesco_20150123_messaggio-comunicazioni-sociali.html (28 October 2021); HOLY SEE PRESS OFFICE, " 'Listen!': Vatican announces theme for World Communications Day," at *Vatican News*, 29 September 2021, https://www.vaticannews.va/en/pope/news/2021-09/listen-vatican-announces-theme-for-world-communications-day.html (24 January 2022); C. WELLS, "Pope's Communications Day message: 'Listening is essential for dialogue'," at *Vatican News*, 24 January 2022,

what is unpleasant to hear."[264] Thus, the bishop must listen – not only to those who share his views and tell him what he wants to hear – excluding no one from his concern.[265] For the entire People of God, but especially for priests, bishops will need to be fathers, friends, and brothers, always open to dialogue.[266] In his 2018 apostolic constitution *Episcopalis Communio*, Francis reminded bishops that they are "both teacher and disciple,"[267] reminiscent of the words of F.A. Sullivan, who says, "before a bishop can teach what the Church has handed on to him, he must first listen to it, before he can belong to the 'teaching Church' (*Ecclesia docens*) he must belong to the 'learning Church' (*Ecclesia discens*)."[268]

M. Wijlens wonders: "How do diocesan bishops become aware of the working of the Holy Spirit among the particular Church in their care? What instruments do bishops use to discover how the Holy Spirit works through the people entrusted to their care?"[269] Almost, by way of response, Pope Francis has repeatedly indicated that bishops must make themselves available to listen to and to dialogue with their priests, but also with the wider faithful, and specifically with the participative bodies of the diocese, so as to better accompany and minister to the people in their care and to discern

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https://www.vaticannews.va/en/pope/news/2022-01/listening-is-essential-for-communication-says-pope-francis.html (24 January 2022).

[264] FRANCIS, Address to Bishops Participating in the Course Promoted by the Congregation for Bishops and by the Congregation for The Eastern Churches, 12 September 2019, https://www.vatican.va/content/francesco/en/speeches/2019/september/documents/papa-francesco_20190912_corso-vescovi.html (29 October 2021).

[265] FRANCIS, *EG*, no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[266] CELAM, *Aparecida Document*, no. 188.

[267] FRANCIS, *EC,* no. 5.

[268] F.A. SULLIVAN, "The Bishop's Teaching Office," in D.A. STOSUR, (ed.), *Unfailing Practice and Sound Teaching: Reflections on Episcopal Ministry*, Collegeville, MN, Liturgical Press, 2003, 72-73.

[269] WIJLENS, "Reset Button," 260.

the movement of the Holy Spirit.[270] Even if some bishops appear somewhat nervous about a possible erosion of episcopal authority[271] in a synodal Church, when the diocesan bishop himself rejects episcopal "autocracy"[272] and actively models a synodal approach to governance, he will likely cultivate and stimulate attitudes of collaboration and synodality within the diocese.

2.2.2. The Need for Transparency and Accountability in Governance

Although *Apostolorum successores* teaches that the diocesan bishop possesses an ordination-based power,[273] T.J. Green asserts that if that power is effective in practice, it depends significantly on his moral authority among all the faithful.[274] Indeed, if ecclesiastical authority is to be received through a synodal key of service,[275] Green argues that the diocesan bishop should personalise such a commitment to diocesan accountability by his integrity and openness.[276] For Green, the diocesan

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[270] FRANCIS, Address to a Group of Recently Appointed Bishops Taking Part in a Course Organised by the Congregation for Bishops and by the Congregation for the Eastern Churches, 19 September 2013, https://www.vatican.va/content/francesco/en/speeches/2013/september/documents/papa-francesco_20130919_convegno-nuovi-vescovi.html (29 October 2021); ID., Address to the Bishops Appointed Over the Last Year, 10 September 2015, https://www.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150910_nuovi-vescovi.html (29 October 2021); ID., Address to Participants in the Plenary Session of the Congregation for the Clergy, 1 June 2017, https://www.vatican.va/content/francesco/en/speeches/2017/june/documents/papa-francesco_20170601_congregazione-clero.html (15 January 2022); ID., Address to the Bishops Ordained Over the Past Year, 14 September 2017, https://www.vatican.va/content/francesco/en/speeches/2017/september/documents/papa-francesco_20170914_nuovi-vescovi.html (29 October 2021).

[271] See M. BOWLING, "Episcopal Autocracy 'Has to Go' – Australian Plenary Council," at *The Tablet*, 4 October 2021, https://www.thetablet.co.uk/news/14573/episcopal-autocracy-has-to-go-australia-plenary-council (7 October 2021).

[272] Ibid.

[273] CONGREGATION FOR BISHOPS, *AS,* no. 158.

[274] GREEN, "Contemporary Challenges to Episcopal Governance," 446.

[275] See M. WIJLENS, "The Doctrine of the People of God and Hierarchical Authority as Service in Latin Church Legislation on the Local Church," in *The Jurist,* 68 (2008), 328-349.

[276] GREEN, "Contemporary Challenges to Episcopal Governance," 447.

bishop must be a man who acts justly and equitably. Moreover, he is to initiate, or at least sustain, various collaborative processes and set an example of accountability in pursuing the Church's mission.[277]

R.J. Kaslyn observes that the diocesan bishop must follow "the norm of law" (c. 391) and maintain *communio* in exercising that authority.[278] In other words, a bishop is, in a certain sense, accountable for his exercise of the power of governance in the particular Church that is entrusted to him. Consequently, Kaslyn maintains that the accountability of diocesan bishops is not alien to the Church but rather is an essential element in the ecclesiology of *communio.*[279] All of the Christian faithful, ordained (including bishops) and lay, by virtue of their baptism, are called to exercise responsibility for the good of the Church, including the participation of the other faithful and consultation with them.[280]

J.A. Renken observes that if participative bodies perform their service to *communio* properly, they need to be provided fully with the information necessary to elicit a responsible vote.[281] For example, the Code itself requires that any persons giving counsel or consent in matters of alienation "are not to offer advice or consent unless they have first been thoroughly informed both of the economic state of the juridic person whose goods are proposed for alienation and previous alienations" (c.1292, §4;

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[277] Ibid., 458.

[278] R.J. KASLYN, "Accountability of Diocesan Bishops: A Significant Aspect of Ecclesial Communion," in *The Jurist,* 67 (2007), 139.

[279] Ibid.,150.

[280] Ibid.

[281] RENKEN, "Pope Francis and Participative Bodies in the Church," 224.

c. 1295).[282] *Mutatis mutandis*, Renken argues that the same transparent disclosure should be required *whenever* a participative body is expected to offer a vote of any kind. He asserts that if members of participative bodies must be sincere in their votes, the superior authority must ensure they can do so.[283]

T.J. Green is swift to underscore that because power in the Church is fundamentally ministerial in character,[284] bishops should not function in an isolated or authoritarian fashion but instead need to trust others as sources of learning and self-discovery.[285] Accountability and a desire from the diocesan bishop to humbly work with others[286] is undoubtedly necessary for the administration of temporal goods and in the vital area of safeguarding children, young people, and vulnerable adults.[287] J.A. Renken holds that with more active synodality in the Church, those in leadership will hopefully become more pastorally and financially accountable.[288]

T.J. Green also hopes that an increased synodal style in the Church might improve the discernment and selection of bishops in a renewed system that reflects the theological and ecclesial integrity of the particular Church, the bishop's fundamental relationship to that Church, and the importance of significant particular Church

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[282] CCEO c. 1038, §1 reflects CIC c. 1292, §4, but CCEO c. 1038, §2 adds: "Counsel, consent or confirmation is considered not to have been given, unless, in seeing them, previous alienations are mentioned."

[283] RENKEN, "Pope Francis and Participative Bodies in the Church," 224.

[284] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 422.

[285] Ibid., 423.

[286] See C. BAUER, "Macht in der Kirche: Für einen postklerikalen, synodalen Aufbruch," in *Stimmen der Zeit,* 144 (2019), 537.

[287] B. CUPICH, 2nd Presentation: Vatican Meeting on the Protection of Minors in the Church, 22 February 2019, https://www.vatican.va/resources/resources_card-cupich-protezioneminori_20190222_en.html (23 September 2021); See also P. HÜNERMANN, "Synodalität—Jus Divinum im Jus humanum," in *Cristianesimo nella Storia*, 39 (2018), 470–76.

[288] See RENKEN, "The Principles Guiding the Care of Church Property," in *The Jurist,* 68 (2008), 136-177.

participation.[289] In this light, Green highlights a critical concern *before* any episcopal appointment is made: whether or not an individual candidate is open to and personally capable of engaging with a constructive and productive synodal working with various structures of communion.[290]

2.2.3. Modelling a Synodal Style of Governance

B.E. Hinze observes that the contribution to participatory structures from laypeople,[291] and especially women, have, at times, been restricted or not welcomed, attributing this to an older model of priestly and hierarchical authority at work.[292] However, it is not only some lay faithful who can feel marginalised. Hinze suggests that significant numbers of priests do not sense they are invited to collaborate with their bishop in the governance of the diocese, especially on the presbyteral council.[293] L.N. Lusabe remarks that it is unfortunate that some diocesan bishops "have given the impression" that the diocesan participative bodies are not important or even essential to ecclesial life.[294] On the contrary, all need each other in the Church for the sake of the mission.[295] J.H. Provost notes that these bodies are "practical expressions of the reality that the Church is God's work and lives from the presence of the Spirit dwelling in our midst and needs to have structures through which it stays in touch with the impulses of

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[289] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 435. For a more comprehensive treatment on the selection of bishops, see J.M. HUELS and R.R GAILLARDETZ, "The Selection of Bishops: Recovering the Traditions," in *The Jurist,* 59 (1999), 348-376.

[290] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 436.

[291] See C. MCDONNELL, "What Ever Happened to The Easter People?" at *La Croix International*, 6 November 2021, https://international.la-croix.com/news/religion/what-ever-happened-to-the-easter-people/15165 (12 November 2021).

[292] HINZE, "The Reception of Vatican II," 48.

[293] Ibid., 49.

[294] LUSABE, *Participative Structures*, 158.

[295] Ibid., 159.

the Spirit."[296] Action which ignores or is indifferent to such participation "is taken at the peril of the officeholder and perhaps to the detriment of the Church and its mission."[297]

However, it is not as if the hierarchical ministry is unimportant in a synodal Church. A. Borras notes that the ordained ministry, *par excellence*, the episcopate, is "structuring:"[298] attesting to the Church's profound catholicity in a communion both *diachronic* (over the centuries) and *synchronic* (among local churches).[299] Indeed, M. Grech remarks that synodality cannot be fostered and implemented without the service of those who exercise authority.[300] At the same time, this requires a new style of leadership inspired by the art of listening and dialogue, which can be described as a collaborative ministry[301] or leadership.[302]

On a practical level, V. Poothavelithara asserts that meetings of participative structures should be organised so all members can engage and contribute with honest speaking and mutual listening. Consequently, enough time should be available for the meetings instead of "hurryburry" gatherings.[303] Not only should the agenda be prepared and communicated well in advance, but all the necessary information should

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[296] PROVOST, "Canon Law and the Role of Consultation," 796.

[297] Ibid., 797.

[298] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 224.

[299] Ibid., 225.

[300] GRECH, "Towards a Synodal Irish Church."

[301] On the subject of Collaborative Ministry, see CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES, *The Sign We Give: Report of the Working Party on Collaborative Ministry,* London, Rejoice Publications, 1995. (=*The Sign We Give*), https://www.cbcew.org.uk/wp-content/uploads/sites/3/2018/11/sign-we-give-1995.pdf (17 January 2022).

[302] GRECH, "Towards a Synodal Irish Church."

[303] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 205.

accompany it. As far as possible, transparency should be given priority over secrecy.[304] In this spirit, Poothavelithara proposes that reports of meetings of the presbyteral, pastoral, and finance councils be published in the diocesan bulletin, and that a network of communication be established among these bodies.[305] He also stresses that before and after these meetings, there needs to be preparatory and follow-up discussions at the deanery/pastoral area and parish levels. This ensures a "back-and-to" flow of information,[306] essential to ensuring a "connection to the base."[307]

2.3. The Formation and Ministry of Priests in a Synodal Church

The impetus of Pope Francis towards a fully synodal Church undoubtedly raises questions about the ministerial formation of diocesan priests, including: How can synodal *praxis* be integrated into the formation of priests and bishops? How might this formation stimulate a willingness to incorporate an attentiveness to the *sense of the faithful* among the People of God, promote a more collaborative ministry, and nurture a sense of missionary discipleship among all the baptised?[308] Undeniably, in a synodal Church, priests will increasingly need to learn to work out their own baptismal and priestly calling together with other priests, their diocesan bishop, and with the lay faithful "in a climate of discernment and synodality."[309]

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[304] Ibid.

[305] Ibid.

[306] Ibid.

[307] FRANCIS, 50th Address.

[308] FRANCIS, *EG*, no. 24, in *AAS*, 105 (2013), 1029-1030, in *CTS Edition*, 17-18; no. 120 in *AAS*, 105 (2013), 1070, in *CTS Edition*, 63.

[309] FRANCIS, Meeting with the Bishops, Greeting of the Holy Father at Santiago Cathedral Sacristy, 16 January 2018, https://www.vatican.va/content/francesco/en/speeches/2018/january/documents/papa-francesco_20180116_cile-santiago-vescovi.html (18 January 2022).

The Congregation for the Clergy's 2016 *Ratio Fundamentalis Institutionis Sacerdotalis*[310] emphasises that priestly formation, "both initial and ongoing, must be seen through a unifying lens, which takes account of the four dimensions of formation proposed by *Pastores Dabo Vobis.*"[311] Indeed, the *cantus firmus* of the *Ratio Fundamentalis* is its emphasis on the integration of all four dimensions of formation: human, spiritual, intellectual, and pastoral. These dimensions are linked together in the "journey of faith and of gradual and harmonious maturity."[312] Hence, the *Ratio Fundamentalis* ensures not only the academic dimension but also the development of "a well-structured and balanced personality"[313] together with a spiritual life that helps the seminarian grow as a "disciple of Jesus who is destined to be a pastor."[314]

B.E. Hinze wonders how Francis's vision of synodality can take deep root at the level of the particular Church if it is not formed in seminaries and cultivated in diocesan presbyterates led by diocesan bishops who are themselves capable of synodal leadership and who can encourage positive synodal *praxis* among priests and permanent deacons.[315] Hinze questions how synodality will be cultivated to be effectively expressed in diocesan and parish pastoral councils and diocesan and parish finance

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[310] CONGREGATION FOR THE CLERGY, *The Gift of the Priestly Vocation Ratio Fundamentalis Institutionis Sacerdotalis*, 8 December 2016, (=*Ratio Fundamentalis*), Vatican City, *L'Osservatore Romano*, 2016, http://www.clerus.va/content/dam/clerus/Ratio%20Fundamentalis/The%20Gift%20of%20the%20Priestly%20Vocation.pdf (12 November 2021).

[311] Ibid., Introduction, no. 3.

[312] CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis,* no. 28.

[313] Ibid., no. 63.

[314] Ibid., no. 62.

[315] HINZE, "Dreams of Synodality," 309.

councils. He wonders, too, if priests receive sufficient training in seminary or ongoing formation in order to share pastoral leadership and missiological discipleship.[316]

Unfortunately, there is no explicit mention of "synodality," "a synodal Church," or a "synodal style or manner" of sharing in ecclesial governance in the latest *Ratio Fundamentalis* itself. Consequently, it is critical[317] that episcopal conferences draw up, update, and renew their own *Ratio Nationalis*[318] and charters/programmes of priestly formation[319] using the *Ratio Fundamentalis,*[320] but also supplementing and shaping these[321] using the critical texts on synodality that this study has examined in its first

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[316] Ibid., 309. Moreover, in this connection see the US Bishops's document on lay ecclesial ministry: UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Co-Workers in the Vineyard of the Lord*: *A Resource for Guiding the Development of Lay Ecclesial Ministry,* Washington, D.C., USCCB Publishing, 2005.

[317] L. BERGIN, "Shaping the Future," in R.R. GAILLARDETZ, T. H. GROOME and R. LENNAN (eds.), *Priestly Ministry and the People of God: Hopes and Horizons*, Maryknoll, NY, Orbis Books, 2022, 48.

[318] In accord with the Second Vatican Council, local *ratios* will ensure that local Churches develop programmes of formation fashioned for their own context. (SECOND VATICAN COUNCIL, Decree on the Training of Priests *Optatam totius*, no. 1, 28 October 1965, [=*OT*], in *AAS*, 58 [1966], 713-714, English Translation in *FLANNERY1*, 708).

[319] The guiding document for the United States of America is the *Program of Priestly Formation*, Fifth Edition, which was promulgated in 2006. This stands as the *Ratio Nationalis* for the United States. The 2006 program does not refer to "synodality" or a "synodal" style of ministry or governance, but does refer to important collaboration in general ecclesial life (no. 12), a spirit of collaboration with others (no. 239), a spirit of collaboration between seminarians in the seminary community (no. 262) and between seminarians and others (n. 270), as a skill in human formation (no. 280a). (UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Program of Priestly Formation*, Fifth Edition, 2006, Washington, D.C., USCCB Publishing, 2006, https://www.usccb.org/upload/program-priestly-formation-fifth-edition.pdf [11 October 2021]).

The U.S. bishops adopted the sixth edition of the USCCB's Program of Priestly Formation on 12 November 2019. However, it awaits a "recognitio," from the Dicastery for the Clergy before it can be implemented in the United States. (M. PATTISON "Update: Bishops OK New Edition of Program of Priestly Formation," at *Catholic News Service,* 12 November 2019, https://www.catholicnews.com/update-bishops-ok-new-edition-of-program-of-priestly-formation/ [20 January 2022]).

[320] This includes making a distinction between the four stages of formation from the 2016 *Ratio Fundamentalis*: The *Propaedeutic Stage* (nn. 59-60); the *Discipleship Stage of Philosophical Studies* (nn. 61-67); the *Configuration Stage of Theological Studies* (nn. 68-73); and finally, the *Pastoral Stage (Vocational Synthesis)* (nn. 74-79).

[321] By way of example, the pertinent document for the Catholic Church in England and Wales is the 2015 Charter for Priestly Formation. This document has no reference at all to the term "synodality" or to a "synodal mode" of ministry and governance. It does refer, however, to the importance of collaboration for the pastoral care and promotion of vocations (no. 33) and notes the significance of collaboration with others along with decision-making and management of conflict and change as a skill

chapter. Undoubtedly, there will be much work for diocesan bishops and episcopal conferences to "catch up" in this regard.

The following section of this chapter will offer orientations for cultivating a synodal impulse and *praxis* in diocesan priests' initial (pre-ordination) and ongoing (post-ordination) formation. Indeed, such initial *and* ongoing formation should assist in enabling priests for a more collaborative ministry and for synodal working between themselves, their bishop, and especially with members of the lay faithful.

2.3.1. Initial Formation for Priestly Ministry in a Synodal Church

The initial formation of candidates for the priesthood will mainly be in a seminary, the "heart of the diocese,"[322] but will also include significant pastoral periods in the diocese crucial for their healthy and fruitful pastoral ministry with others in the service of the Church. E. Martin explains that, as well as emphasising an integrated and graduated model of priestly formation, the *Ratio Fundamentalis* is at pains to stress the communitarian aspects of seminary formation.[323] This means that priests and others responsible for the formation of seminarians are themselves to be a necessary example and reference point in the principles of collaboration and synodality: openness to ideas, consultation, and a willingness to listen.[324]

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to be developed by a seminarian (no. 159). In no. 165, it states: "It is important that religious and lay men and women be involved in the pastoral formation programme, according to their specific expertise, to help the seminarians to see the value of the fruitful collaboration of all the baptised." No. 181 states: "Seminarians are to be encouraged to develop mature and collaborative relationships with all with whom they interact in their time of formation." (CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES, *Your Ministers, Your Preachers, Your Priests: A Charter for Priestly Formation for England and Wales*, 2015, https://www.cbcew.org.uk/wp-content/uploads/sites/3/2018/11/charter-priestly-formation.PDF [11 October 2021]).

[322] SECOND VATICAN COUNCIL, *OT,* no. 5, in *AAS*, 58 (1966), 716-717, in *FLANNERY1*, 711-712.

[323] E. MARTIN, in D. MARMION, M. MULLANEY, and S. RYAN (eds.), *Models of Priestly Formation: Assessing the Past, Reflecting on the Present, and Imagining the Future,* Collegeville, MN, Liturgical Press, 2019, Foreword, xxii.

[324] See CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES*, The Sign We Give,* 55.

Pope Francis wants all those who wish to serve the Church in priestly ministry to realise that "the Church must become increasingly synodal: capable of walking together, united in harmonious diversity, where everyone can actively participate and where everyone has something to contribute."[325] Vital to the ministry of the priest, then, is the ability to live and foster synodality in the community he is called to serve.[326] Formation in discipleship helps to prepare seminarians who can meet the challenges presented by Pope Francis for the priests of today and tomorrow: to be priests who "accompany"[327] God's scattered people and heal their wounds, "as in a field hospital;"[328] who are shepherds who know "the odour of the sheep,"[329] and who are missionaries, witnessing to "the joy of the Gospel."[330] For this ministry, seminarians will need to be helped frequently to understand that they are being formed for a way of life, which by its very nature is "communal" and "relational."[331] Unfortunately, those already ordained, including bishops and formators, may have missed out on such formation themselves. This serves only to highlight the need for regular ongoing

[325] FRANCIS, Message for the 2022 World Day of Prayer for Vocations, 8 May 2022, https://www.vatican.va/content/francesco/en/messages/vocations/documents/20220508-messaggio-59-gm-vocazioni.html (6 May 2022).

[326] BERGIN, "Shaping the Future," 50.

[327] FRANCIS, "A Big Heart Open to God."

[328] Ibid.

[329] FRANCIS, Homily at Chrism Mass, 28 March 2013, https://www.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130328_messa-crismale.html (20 November 2021).

[330] The title of the 2013 apostolic exhortation by Pope Francis.

[331] JOHN PAUL II, Post-synodal Apostolic Exhortation *Pastores dabo vobis*, no. 12, 25 March 1992, (=*PDV*) in *AAS,* 84 (1992), 675–677, English translation *Pastores dabo vobis,* London, Catholic Truth Society, 1992, 31-34; CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES, *The Sign We Give,* 19.

formation opportunities to address this lack which can demonstrate itself in avid individualism.[332]

The decree of the Second Vatican Council on the training of priests, *Optatam totius*, makes clear the urgent need to train all future priests to think and act in a spirit of communion:

> The student should be thoroughly penetrated with a sense of the Mystery of the Church, which this holy Council has set particularly in relief. Their sense of the Church will find expression in a humble and filial attachment to the Vicar of Christ and, after ordination, in their loyal cooperation with the bishop, in harmony with their fellow-priests. By this means they will bear witness to that unity which draws men to Christ.[333]

A similar exhortation on the value of fostering a spirit of communion is found in c. 245, §2:

> Students are to be formed that, imbued with the love of the Church of Christ, they are bound by humble and filial charity to the Roman Pontiff, the successor of Peter, are attached to their own bishop as faithful co-workers, and work together with their brothers. Through common life in the seminary and through relationships of friendship and of association cultivated with others, they are to be prepared for fraternal union with the diocesan *presbyterium*, whose partners they will be in the service of the Church.[334]

One of the primary objectives that priestly formation must nurture is the ability to work with others: in communion with one's bishop, other priests, and members of the lay faithful.[335] The seminarian must never forget that he has come from the Christian community and returns to this community upon ordination.[336] He will be mindful that the Spirit of God always goes *before* the missionary, priest, or bishop and is already at work in the life and history of every people before the bishop or priest's arrival and will

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[332] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service: Reflections on the Presbyteral Council," in *Origins* 21 (1991-1992), 419.

[333] SECOND VATICAN COUNCIL, *OT*, no. 10, in *AAS*, 58 (1966), 719-720, in *FLANNERY1*, 715-716.

[334] See c. 245, §2.

[335] Repeated several times in JOHN PAUL II, *PDV*, nn. 18, 26, 43, 59, in *CTS Publication*, 45-48, 67-71, 116-119, 158-160; CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis*, no. 119.

[336] Hebrews 5: l; CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis,* Introduction, no. 3.

still be there when he departs.[337] Thus, the days of a diocesan priest as a "lone ranger" are long past.[338] St. John Chrysostom is clear in his *Six Books on the Priesthood* that "the most basic task of a Church leader is to discern the spiritual gifts of all those under his authority and to encourage those gifts to be used to the full benefit of all. Only a person who can discern the gifts of others and can humbly rejoice at the flourishing of these gifts is fit to lead the Church."[339]

In the 1992 apostolic exhortation *Pastores dabo vobis,* Pope John Paul II writes: "the total gift of self" as a foundational virtue for all priests and a prerequisite for communion, co-responsibility, and collaboration.[340] Thinking and acting in the spirit of communion will help the seminarian acknowledge, respect, and appreciate the numerous gifts, talents, and charisms of all the faithful.[341] *Presbyterorum ordinis* states that such formation can also help seminarians and priests avoid jealousy, envy, and unproductive rivalry.[342] John Paul II states that the healthy awareness of one's own vocation, identity, and gifts, as well identifying these in others, together with the need

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[337] An insight given in FRANCIS, Address to Representatives of the NeoCatechumenal Way, 1 February 2014, https://www.vatican.va/content/francesco/en/speeches/2014/february/documents/papa-francesco_20140201_cammino-neocatecumenale.html (28 October 2021); ID., Address to the Newly Appointed Bishops Participating in the Formative Courses Organized by the Congregations for Bishops and for the Oriental Churches, 16 September 2016, https://www.vatican.va/content/francesco/en/speeches/2016/september/documents/papa-francesco_20160916_corso-formazione-nuovi-vescovi.html (29 October 2021); ID., Address to the Bishops Ordained over the Past Year, 14 September 2017, https://www.vatican.va/content/francesco/en/speeches/2017/september/documents/papa-francesco_20170914_nuovi-vescovi.html (29 October 2021).

[338] See M.L. MCCRORY, "New Priest Told to Expect a New Era of Teamwork," at *The Irish Times*, 30 June 2014, https://www.irishnews.com/news/2014/06/30/news/new-priest-told-to-expect-a-new-era-of-teamwork-95581/ (20 January 2022).

[339] JOHN CHRYSOSTOM, *Six Books on the Priesthood*, translated by G.W. BUTTERWORTH, Crestwood, NY, St. Vladimir's Seminary Press, 1964, 44.

[340] JOHN PAUL II, *PDV,* no. 23, in *AAS,* 84 (1992), 691–694, in *CTS Publication,* 57-61.

[341] Ibid., no. 59, in *AAS,* 84 (1992), 761–762, in *CTS Publication,* 158-160.

[342] SECOND VATICAN COUNCIL, *PO*, no. 8, in *AAS,* 58 (1966), 1003-1005, in *FLANNERY1,* 878-880. Similarly, ID., *AG*, no. 4, in *AAS*, 58 (1966), 950-951, in *FLANNERY1*, 816.

to apply mutual respect and trust, patience, gentleness, and understanding, are all essential qualities that priests will increasingly need to exercise in their collaborative role in diocesan governance.[343]

Pastores dabo vobis stresses that human formation or "affective" maturity is the basis of all priestly formation[344] and encompasses the ability of a man to acknowledge emotions responsibly and to integrate them constructively. Hence, this moulding of the human personality in the virtues should be directed towards achieving specific objectives, as Pope John Paul II taught:

> Future priests should therefore cultivate a series of human qualities, not only out of proper and due growth and realisation of self, but also with a view to the ministry. These qualities are needed for them to be balanced people, strong and free, capable of bearing the weight of pastoral responsibilities. They need to be educated to love the truth, to be loyal, to respect every person, to have a sense of justice, to be true to their word, to be genuinely compassionate, to be men of integrity, and especially, to be balanced in judgment and behaviour.[345]

B. Dolphin remarks that the focus in *Pastores dabo vobis* and the *Ratio Fundamentalis* on human formation has allowed seminary formation to be personalised and better tailored to the growth and development of each individual moving forward at his own pace.[346] This can lead to a greater level of scrutiny and accountability that can be challenging for seminarians *and* for the ministry of seminary formators and staff. Indeed, all seminary staff are called to become collaborative, with more religious and laypeople, including women,[347] working alongside priests in formation work.[348]

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[343] See JOHN PAUL II, *PG,* no. 28, in *AAS*, 96 (2004), 854-855.

[344] JOHN PAUL II*, PDV,* no. 43. in *AAS,* 84 (1992), 731–733, in *CTS Publication,* 116-119.

[345] Ibid.

[346] B. DOLPHIN, "Training for Catholic Priesthood in Ireland Today: Looking Back to Look Forward," in D. MARMION, M. MULLANEY, and S. RYAN (eds.), *Models of Priestly Formation,* 92.

[347] Ibid, 92-93.

[348] See CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES*, The Sign We Give,* 55-56.

2.3.2. Practical Aspects in Priestly Formation for Synodality

Undeniably, there have been many new expectations for governance in the Church since the Second Vatican Council.[349] Consequently, it is increasingly evident that both the initial *and* ongoing formation of priests needs to include cultivating skills and practice for building a more intentional synodal priestly ministry. For example, it will be essential for seminarians to have regular pastoral reflection on challenging pastoral placements in parishes, hospitals, prisons, and schools specifically chosen to assist them in a flexible, collaborative ministry and sound *praxis*.[350] Particularly helpful in supporting ministry in a synodal Church is a supervised pastoral formation that includes education in practical skills and processes relevant to working collaboratively, including decision-making, working for justice and peace,[351] planning and facilitating projects in teams, working with pastoral councils, and resolving conflict.[352]

Much will be expected from future priests to encourage and nurture the gifts and contributions of the lay faithful. For this to be realised, there needs to be a conversion of heart and mind and disciplined training for welcoming and listening to one another.[353] The 2021-2023 assembly of the synod of bishops might well encourage

[349] M.A. FAHEY, "Diocesan Governance in Modern Catholic Theology and in the 1983 Code of Canon Law," in J.K. MALLETT (ed.), *The Ministry of Governance*, Washington, D.C., CLSA, 1986, 133.

[350] See CATHOLIC BISHOPS'S CONFERENCE OF ENGLAND AND WALES, *The Sign We Give,* 55.

[351] CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis*, nn, 63, 172, 11.

[352] See Ibid., 56.

[353] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 107.

theological symposia[354] to discuss a renewal in synodal practices of priestly formation among scholars, diocesan bishops, and formation staff.[355]

2.3.3. Ongoing or Permanent Formation of Priests

Pastores dabo vobis,[356] the 2013 *Directory for the Ministry and the Life of Priests*[357] and the *Ratio Fundamentalis*[358] place great emphasis on the ongoing formation of priests. H. Zollner notes that the seminarian and priest need to be convinced of the need for ongoing or permanent formation rather than indulging in the myth that with ordination, his formation is "complete."[359] Rather, "the priest not only 'learns to know Christ' but, under the action of the Holy Spirit, he finds himself within a process of gradual and continuous configuration to (Christ), in his being and his acting, which constantly challenges (him) to inner growth."[360] The "Boston College Seminar Report" says, priests require "life-long" formation because they need "updated

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[354] See ASIANEWS STAFF, "Vatican: Forming Priests, A Fundamental Question For The Future of the Church," at *AsiaNews*, 12 April 2021, http://www.asianews.it/news-en/Vatican:-forming-priests,-a-fundamental-question-for-the-future-of-the-Church-52848.html (11 October 2021).

[355] After a two-year study, scholars from Boston College produced a report on the renewal of the priesthood and ministry for a contemporary Church. (BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "To Serve the People of God: Renewing the Conversation on Priesthood and Ministry: Boston College Seminar on Priesthood and Ministry for the Contemporary Church," [="Boston College Seminar Report"] in *Origins,* 48 [2018], 484-493, https://www.bc.edu/content/dam/bc1/schools/stm/faculty-research/BC%20Priesthood%20document%20-%20Origins%20-%2027%20Dec%202018.pdf [20 January 2022]). From 2-3 January 2020, a conference took place at Boston College to build upon this report. (See https://www.bc.edu/content/dam/bc1/news/2020/PriesthoodSeminar/Communique%20from%20Boston%20College%20Conference%20on%20Ministry%20and%20Priesthood%201-6-20.pdf [20 January 2022]).

[356] JOHN PAUL II, *PDV,* nn. 70-82, in *AAS,* 84 (1992), 778–800, in *CTS Publication,* 185-218.

[357] CONGREGATION FOR THE CLERGY, Directory for the Life and Ministry of Priests, 2013, Rome, Libreria Editrice Vaticana, Rome, 2013, nn. 87-115, http://www.clerus.org/clerus/dati/2013-06/13-13/Direttorio_EN.pdf (20 January 2022).

[358] CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis,* nn. 80-88.

[359] H. ZOLLNER, "Formation of Priests: Assessing the Past, Reflecting on the Present, Imagining the Future," in D. MARMION, M. MULLANEY, and S. RYAN (eds.), *Models of Priestly Formation,*174.

[360] CONGREGATION FOR THE CLERGY, *Ratio Fundamentalis*, no. 80.

theological reflection and continued development in key areas of ministry including: presiding, counselling, and pastoral planning."[361] B. Dolphin notes the significance of the challenging transition from seminary to the parish for the newly-ordained, especially when the current parish model is breaking down in some dioceses.[362] She asks how seminary formation is managing this challenge.[363]

Whereas the initial formation of future priests is essential in cultivating the spirit and *praxis* of synodality, by itself, it will not be sufficient. Ongoing or permanent formation strives to arouse the diocesan priest's appreciation of the Church as a mystery, communion, and mission[364] so as to cause searching self-reflection on emerging pastoral questions. Ongoing formation should, in turn, assist him in living out his priestly ministry in a spirit of co-responsibility with all the faithful.[365] All formation is an experience of ongoing discipleship since "priests never stop being disciples of Jesus, who follow Him."[366] A. Dulles wrote, "the sacrament of ordination is rightly understood as an instance of discipleship…. Only mature disciples, thoroughly schooled in the ways of the Lord, should be presented for ordination."[367] Pope Francis

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[361] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 491.

[362] See S. ROSSETTI, *Why Priests Are Happy: A Study of the Psychological and Spiritual Health of Priests,* Notre Dame, IN, Ave Maria Press, 2011.

[363] DOLPHIN, "Training for Catholic Priesthood," 96.

[364] Ibid.

[365] JOHN PAUL II, *PDV,* nn. 73-75, in *AAS,* 84 (1992), 787–792, in *CTS Publication,* 198-207.

[366] FRANCIS, Address to the Plenary of the Congregation for the Clergy, 3 October 2014, https://www.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141003_plenaria-congregazione-clero.html (25 September 2021).

[367] DULLES, *Models of Church*, 216-217.

has remarked that the Church and the world "need mature and well-balanced priests, fearless and generous pastors, capable of closeness, listening, and mercy."[368]

Ongoing formation for priests will need to take multi-dimensional forms, including: spiritual direction, recollection days, and retreats;[369] formal sabbaticals and academic studies;[370] and study days, courses, workshops, seminars and meetings of the priests, with the diocesan bishop in attendance, during which a specific theological, canonical, or pastoral study can take place.[371] It will be important, too, that diocesan authorities work with priests to create a culture in the particular Church in which priests value post-ordination development and in which the diocesan bishop encourages it.[372]

2.3.4. Synodality as an Antidote to Clericalism[373]

For Pope Francis, "one of the evils of the Church, even a perversion, is a clericalism that detaches the priest and the bishop from the people."[374] He laments that there is still "much resistance to overcoming the image of a Church rigidly distinguished between leaders and subordinates, between those who teach and those

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[368] FRANCIS, Speech to the October 2016 International Conference on Pastoral Work for Vocations, 21 October 2016, https://www.vatican.va/content/francesco/en/speeches/2016/october/documents/papa-francesco_20161021_pastorale-vocazionale.html (20 January 2022); FRANCIS, Address to the International Theological Symposium on the Priesthood, 17 February 2022, https://www.vatican.va/content/francesco/en/speeches/2022/february/documents/20220217-simposio-teologia-sacerdozio.html (18 February 2022).

[369] As stressed in BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 491.

[370] The use of online means and remote learning (including webinars) should also be included.

[371] LUSABE, *Participative Structures*, 156.

[372] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 491.

[373] A phrase used by Archbishop Lazarus You Heung-Sik, Prefect of the Dicastery for the Clergy. (See CNA STAFF, "Pope Francis: Path to 2023 Synod on Synodality Faces Three 'Risks'," at *Catholic News Agency*, 9 October 2021, http://www.catholicnewsagency.com/news/249236/pope-francis-path-to-2023-synod-on-synodality-faces-three-risks [9 October 2021]).

[374] FRANCIS, Address, 18 September 2021.

who must learn, forgetting that God loves to reverse the positions."[375] Francis declares that "sometimes there is some elitism in the presbyteral order that makes it detached from the laity, and the priest ultimately becomes the 'master of the house' and not the shepherd of a whole Church that is moving forward."[376] This is probably why the "Boston College Seminar Report" proposes that the intellectual formation of future diocesan priests take place in a university setting rather than a seminary setting.[377] However, not all would agree with this as the way forward.[378]

In *Evangelii gaudium,* 102, Pope Francis states that excessive clericalism can exclude members of the lay faithful from a share in decision-making.[379] Clericalism is "a great distortion" that nullifies the character of Christians and undervalues baptismal grace.[380] This attitude runs contrary to the desire for missionary discipleship[381] and is a "caricature of the vocation we have received." Clericalism can also exist among lay persons who can bestow an unfounded entitlement on the clergy to whom they defer or

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[375] Ibid.

[376] FRANCIS, Address, 9 October 2021. This has echoes of similar remarks found in his *Letter to the People of God* (SEE FRANCIS, Letter to the People of God, 20 August 2018, https://www.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco_20180820_lettera-popolo-didio.html [11 October 2021]), repeated in his 2021 address to the Roman Curia where he describes clericalism as "a perverse temptation," that tends to makes us think "of a God who speaks only to some, while the others must only listen and obey." (See FRANCIS, Address to the Roman Curia, 23 December 2021).

[377] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 491.

[378] See the comments of Michael Sean Winters and Bishop Robert McElroy in M.S. WINTERS, "New Boston College Report on the Priesthood Addresses Pressing Need," at *National Catholic Reporter,* 28 January 2019, https://www.ncronline.org/news/opinion/distinctly-catholic/new-boston-college-report-priesthood-addresses-pressing-need (20 January 2022).

[379] FRANCIS, *EG*, no. 102, in *AAS*, 105 (2013), 1062-1063, in *CTS Edition*, 54.

[380] FRANCIS, Letter to Cardinal M. Ouelette, President of the Pontifical Commission for Latin America, 19 March 2016, https://www.vatican.va/content/francesco/en/letters/2016/documents/papa-francesco_20160319_pont-comm-america-latina.html (22 September 2021).

[381] FRANCIS, Address to the Leadership of the Episcopal Conferences of Latin America, 28 July 2013, https://www.vatican.va/content/francesco/en/speeches/2013/july/documents/papa-francesco_20130728_gmg-celam-rio.html (22 September 2021).

approximate themselves to clerics because they seek some share in clerics's entitlement and status.[382]

J.A. Renken proposes that the spirit and practice of synodality can help lead to an end of clericalism,[383] serving as an antidote to clericalism by underscoring that "the only authority is the authority of service, the only power is the power of the cross."[384] Renken does urge caution, however, given that "clergy" and clericalism are not synonyms. Clergy are a gift within the communion of the Church.[385] Synodality does not take away the leadership role of the sacred ministers. Indeed, pastors in the Church are to be the "guarantee of unity"[386] and a "safeguard of faith"[387] ordained for mission.[388] The hierarchical ministry has the structured responsibility, under the guidance of the Holy Spirit, to discern the true path of the Gospel and to strengthen others.[389] This is not the same as an exaggerated deference to the clergy and bishops supposed to know and decide everything.[390]

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[382] See RENKEN, "The Management of Church Property in a Synodal Church," 603.

[383] RENKEN, "Synodality: A Constitutive Element of the Church," 40.

[384] FRANCIS, 50th Address; J.A KOMONCHAK, "Theological Perspectives on the Exercise of Synodality," in L. BALDISSERI (ed.), *A cinquant'anni dell'Apostolica sollicitudo. Il Sinodo dei Vescovi al servizio di una Chiesa sinodale*, Vatican City, Libreria Editrice Vaticana, 2016, 356.

[385] RENKEN, "Synodality: A Constitutive Element of the Church," 40.

[386] FRANCIS, 50th Address.

[387] FRANCIS, Opening Address to the Third Extraordinary General Assembly of Synod of Bishops, 6 October 2014, http://www.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141006_padri- sinodali.html (21 September 2021).

[388] S. BEVANS, "Ordained Discipleship," in R.R. GAILLARDETZ, T.H. GROOME and R. LENNAN (eds.), *Priestly Ministry and the People of God: Hopes and Horizons*, Maryknoll, NY, Orbis Books, 2022, 132.

[389] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 204.

[390] EDAYÉ, L'exercice du gouvernement épiscopal, 266.

2.3.5. The Task of Priests in Cultivating Synodality

In *Pastores dabo vobis*, Pope John Paul II calls the priest a "man of communion."[391] For John Paul, to build up and participate in a communion demands that a priest "not be arrogant or quarrelsome, but affable, hospitable, sincere in his words and heart, prudent and discreet, generous and ready to serve, capable of opening himself to clear and brotherly relationships and of encouraging the same in others, and quick to understand, forgive, and console."[392] John Paul II says: "The ordained ministry has a radical 'communitarian form' and can only be carried out as 'a collective work'."[393] Such collaboration can be challenging as it requires being open to possibilities that come from beyond oneself,[394] necessitating the readiness to "cross borders that protect one's safe space, dispel illusions of being invulnerable and in total control, and surrender the inviolability of one's good idea."[395]

L.N. Lusabe notes that, to realise the common cause for ministry, priests must collectively and individually make a conscious effort to promote those qualities and styles of living capable of deepening the spirit of communion, cooperation, and collaboration through participative structures.[396] J.E. Okoson remarks that "this style of diocesan life is indeed necessary to fortify the foundation for collaboration made during the years of seminary formation."[397] The "Boston College Seminar Report"

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[391] JOHN PAUL II, *PDV,* no. 18, in *AAS,* 84 (1992), 684–686, in *CTS Publication,* 45-48; Ibid., no. 43, in *AAS,* 84 (1992), 731–733, in *CTS Publication,* 116-119.

[392] JOHN PAUL II, *PDV*, no. 43, in *AAS*, 84 (1992), 655, in *CTS Publication,* 118.

[393] Ibid., no. 17, in *AAS*, 84 (1992), 682-684, in *CTS Publication,* 43-45.

[394] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 491.

[395] D. GAST and W. CLARK, "Collaboration in a Pastoral Key," in D. GAST and W. CLARK (eds.), *Collaborative Pastoral Leadership*, Lanham, MD, Lexington Books, 2017, 197.

[396] LUSABE, *Participative Structures*, 147.

[397] OKOSUN, The Collaborative Role of the Presbyteral Council, 187.

holds that such "collaboration brings into relief the fact that Christian initiation gives us a shared but differentiated responsibility for the life and mission of the Church, and calls us to work together on equal terms."[398]

In a synodal Church, priests will increasingly be encouraged to work with each other with an "ecclesial sensitivity,"[399] with their diocesan bishop and with other Christian faithful, especially women[400] as fellow-disciples with different gifts and responsibilities.[401] As the "Boston College Seminar Report" says: "The likelihood that priests will appreciate the leadership of women in ministry increases when women, single, married, and religious, have played a significant and positive role in diocesan seminaries."[402]

2.3.6. Coresponsibility of Priests in the Governance of the Diocese

P. McPartlan observes that, with the Second Vatican Council, the ancient concept of the *presbyterium* has been renewed.[403] For E. Duffy, the diocesan priest is always located in the context of the *presbyterium* to which he belongs, in union with its bishop; thus, priests do little on their own behalf but act in the name of the bishop in whose priesthood they share.[404] Indeed, J.E. Okosun holds that priests be aware that

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[398] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 489.

[399] FRANCIS, Speech to the 68th General Assembly of the Italian Bishops's Conference, 18 May 2015, https://www.vatican.va/content/francesco/en/speeches/2015/may/documents/papa-francesco_20150518_conferenza-episcopale-italiana.html (24 September 2021).

[400] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 491.

[401] BEVANS, "Ordained Discipleship," 134.

[402] BOSTON COLLEGE SCHOOL OF THEOLOGY AND MINISTRY, "Boston College Seminar Report," 489.

[403] P. MCPARTLAN, "Presbyteral Ministry in the Roman Catholic Church," in *Ecclesiology 1*, (2005), 23.

[404] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 146.

they are co-responsible with their bishop in promoting the welfare of the diocese and should take that responsibility seriously."[405]

B. O'Leary observes that the realities of the Church as *communio* and ministry point to the values of "interrelatedness, interdependence, entwined destinies, shared experience, and ultimately the community of the Trinity as the paradigm for all human community."[406] Mindful that most decision-making processes and the dialogue surrounding them are complex and multi-faceted endeavours, E. Duffy suggests that decision-making requires sensitivity to a range of human, cultural, social, psychological, and spiritual factors.[407] Consequently, he calls for an ongoing reappraisal of any structure which vests too many demands in one officeholder.[408]

Duffy argues that, if priests were better socialised into a more synodal or collegial approach to leadership with their bishops and one another, they would be better disposed to offer more synodal forms of leadership with their parishioners.[409] Indeed, building a truly synodal Church, where pastors walk together with their parishioners,[410] requires the formation of ordained *and* lay ministers with a robust set of people skills, including the ability to build consensus, to consult and seek advice and expertise from each other, to welcome in each other gifts and ideas,[411] and to utilise them for the good of the mission of the Church.

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[405] OKOSUN, The Collaborative Role of the Presbyteral Council, 188.

[406] B. O'LEARY, "Communal Discernment: An Ignatian Perspective," in *Religious Life Review,* 43 (2004), 22.

[407] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 152.

[408] Ibid.

[409] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 154.

[410] FRANCIS, *EG*, no. 45, in *AAS*, 105 (2013), 1039, in *CTS Edition*, 28.

[411] RENKEN, "Synodality: A Constitutive Element of the Church," 34.

Conclusion

This second chapter has reviewed the significance of the participative structures in the particular Church and the renewed positive focus placed upon them by Pope Francis. The chapter has identified the principal participative structures found at parish and diocesan levels, and it has also recognised apparent anomalies in the *lex lata* regarding the functioning of these structures, together with possible resolution in the *lex ferenda.*

The chapter has examined the critical role of the diocesan bishop in building synodality at the level of the particular Church. It has highlighted that the diocesan bishop who actively encourages the lay *and* ordained faithful through the development of the participative structures, and, who is committed to listening and learning through these, will find that such synodal working is a significant aid to his ministry of discernment.

This chapter has also reviewed the importance of effective initial *and* ongoing formation for seminarians and priests for a fruitful collaborative ministry that garners the gifts and charisms of all the faithful. Evidently, there is much work to do to build a synodal Church: (1) by diocesan bishops, episcopal conferences, and seminary formators, to ensure that the theology and *praxis* of synodality are fully integrated and embedded into national *ratios*, charters of priestly formation, and seminary programmes; (2) by diocesan bishops and ordained and lay faithful, to ensure that formation in the art of synodality is an essential part of ongoing formation programmes for priests and lay people.

Finally, this chapter has noted that in the ministry of well-formed diocesan priests, in their relationships with each other and with their diocesan bishop, the cultivation of a healthy and life-giving synodal *praxis* promises to continue to have an

ongoing, positive, and far-ranging impact among all the baptised as missionary disciples walking together in their particular Church.

CHAPTER THREE

THE SYNODAL NATURE OF THE PRESBYTERAL COUNCIL

Introduction

The third chapter of this thesis begins by tracing the historical roots and development of the presbyteral council. It will review the impetus and mandate for establishing the presbyteral council in the various texts of the Second Vatican Council, followed by the pertinent legislation from the Holy See in the decade immediately after the Council. The chapter will examine the purpose of the presbyteral council as it appears in the 1983 Code of Canon Law as a body of priests that is a mandatory structure in a diocese, representing the *presbyterium* and advising the diocesan bishop in the governance of the diocese. The chapter will review consultation, consent, building consensus, and how the presbyteral council expresses these notions. It will also explore the post-codal texts concerning the council.

This chapter will also review and evaluate the general norms of the *ius vigens* for membership of the presbyteral council, the significance of effective council statutes, and the various norms that govern the functioning of the presbyteral council. It will also address the relationship between the presbyteral council and the college of consultors, and with the other participative structures. Finally, it will address the challenges experienced by the presbyteral council working within an increasingly synodal Church while examining the synodal character of the presbyteral council.

3.1. The Historical Development of the Presbyteral Council[1]

At the beginning of this chapter, it is necessary to acknowledge that collaboration has been an integral aspect of ecclesial governance from the earliest era

[1] J.E. Okosun provides a helpful overview of the historical background prior to the Second Vatican Council to the presbyteral council in OKOSUN, The Collaborative Role of the Presbyteral Council, 6-37.

of the Church.[2] This collaboration was apparent in the portrait of the presbyteral colleges that governed some of the earliest Christian communities collegially[3] within the apostolic period in Jerusalem[4] and beyond[5] and then into the patristic period.[6] Even when the bishop gradually emerged as the head of the college of presbyters and attained a superior position in the third century, the college of presbyters became his counsellors.[7]

With the spread of Christianity in the third and fourth centuries after the legalisation of Christianity, presbyters were increasingly sent to the countryside, where they exercised a more individual ministry.[8] Indeed, as the Church grew, this led to the gradual breakdown in the collegial nature of the *presbyterium,*[9] giving way to separate ministries exercised by individual presbyters.[10] However, B. Botte notes that

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[2] J.H. PROVOST, "The Working Together of Consultative Bodies - Great Expectations?" in *The Jurist*, 40 (1980), 260; J.W. PURCELL, "The Institute of the Senate of Priests," in *The Jurist*, 38 (1978), 133.

[3] Today, we might also describe this style or mode of collaboration as "synodal."

[4] G. D'ERCOLE, "The Presbyteral Colleges in the Early Church," translated by E.A. CARPENTER, in *Concilium*, 7 (1966), 12; F. SULLIVAN, *From Apostles to Bishops: The Development of the Episcopacy in the Early Church*, New York, Newman Press, 2001, 60; T.G. BARBERENA, "Collegiality at the Diocesan Level: The Western Presbyterate," translated by P. BURNS, in *Concilium*, 1 (1965), 11.

[5] L.B. PORTER, "Principles of Collegiality from Portraits of Presbyteral Assemblies in Acts," in *The Jurist*, 51 (1991), 86-87; D'ERCOLE, "The Presbyteral Colleges," 13; R.B. ENO, "Shared Responsibility in the Early Church," in *Chicago Studies*, 9 (1970), 134.

[6] J.E. LYNCH, "Co-responsibility in the First Five Centuries: Presbyteral Colleges and the Election of Bishops," in *The Jurist*, 31 (1971), 17.

[7] J.W. PURCELL, "The Institute of the Senate of Priests," 136; G. LUTTENBERGER, "The Decline of Presbyteral Collegiality and the Growth of the Individualization of the Priesthood (4th-5th centuries)," in *Recherches de theologie ancienne et medievale,* 48 (1981), 23.

[8] W.D. WALZ, The Juridical Status of the Senate of Priests, J.C.D. dissertation, The Catholic University of America, 1968, 14; LUTTENBERGER, "The Decline of Presbyteral Collegiality," 24.

[9] BARBERENA, "Collegiality at the Diocesan Level," 8, 24.

[10] PURCELL, "The Institute of the Senate of Priests," 137.

collaboration was not extinguished altogether.[11] Instead, a new body emerged, the cathedral chapter, consisting of those priests centred on the cathedral with the bishop.[12] This body was consulted by the bishop in the administration of the diocese and became known as "the bishop's senate,"[13] reaching its high point of influence between the 12th and the 14th centuries.[14] By the time of the Fourth Lateran Council (1215), the cathedral chapter assumed certain legal rights and became progressively powerful,[15] so much so that bishops sometimes perceived it as a hindrance or challenge to them rather than a help in church governance.[16] This would undoubtedly lead to calls for a reform of the powers of the cathedral chapter,[17] resulting in the Council of Trent modifying the powers of the chapter.[18]

As mentioned in 2.1.2.5. of this study, with the spread of the faith to the Americas and Australia, a new juridical structure was developed, the diocesan consultors,[19] to substitute for the cathedral chapter, which was felt to be too

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[11] B. BOTTE, "Collegiate Character of the Presbyterate and Episcopate," in R. ROUQUETTE (ed.), *The Sacrament of Holy Orders: Some Papers and Discussions concerning Holy Orders at a Session of the Centre de Pastorale Liturgique,* London, Aquin, 1955, 76-77.

[12] J. GILCHRIST, "Cathedral Chapter," in *New Catholic Encyclopedia*, vol. III, New York, McGraw-Hill Book Company, 1967, 249.

[13] PURCELL, "The Institute of the Senate of Priests," 136-137; J.H. PROVOST, "Diocesan Administration: Reflections on Recent Developments," in *The Jurist*, 41 (1981), 82.

[14] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 413.

[15] PURCELL, "The Institute of the Senate of Priests," 137; GILCHRIST, "Cathedral Chapter," 250.

[16] GILCHRIST, "Cathedral Chapter," 250; PURCELL, "The Institute of the Senate of Priests," 139.

[17] OKOSUN, The Collaborative Role of the Presbyteral Council, 22-23; PURCELL, "The Institute of the Senate of Priests," 139.

[18] PURCELL, "The Institute of the Senate of Priests," 139; NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 413.

[19] Though a cathedral chapter was instituted in New Orleans in 1793 before that area became part of the United States. (NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 413).

cumbersome for these fledgling Churches.[20] The 1917 Code would further restrict and redefine the role of the cathedral chapter and, in fact, recognised both the cathedral chapter and the diocesan consultors in the universal law.[21]

3.1.1. The Presbyteral Council in the Texts of the Second Vatican Council

The Second Vatican Council (1962-1965) firmly re-established a theological basis for consultation and collaboration.[22] With its renewal of emphasis on the *presbyterium*, the Second Vatican Council would call for the cathedral chapter's revision.[23] G.L. Coulter notes that while being a consultative body, the cathedral chapter was not judged to be sufficiently representative of the priests of the diocese.[24] Although created by the Second Vatican Council, the presbyteral council is understood as the "heir to the presbyteral colleges of the New Testament and patristic times, and emphasises collaboration and communication between priests and the diocesan bishop in the governance of a diocese."[25]

This section will examine the documents of the Second Vatican Council that most directly deal with the question of presbyteral unity and dialogue that led to the

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[20] See also P. GUILDAY, *A History of the Councils of Baltimore,* New York, Arno Press and the New York Times, 1969, 78; W. MILLER, The Juridical Configuration of the Diocesan Consultors with Particular Reference to the Church of the United States of America: An Historical-Juridical Study, excerpts of JCD dissertation, Rome, Pontificia Universitas Lateranensis, 1975, 32.

[21] PURCELL, "The Institute of the Senate of Priests," 139-140; GUILDAY, *A History of the Councils of Baltimore*, 78. See also MILLER, The Juridical Configuration of the Diocesan Consultors, 32.

[22] PROVOST, "Presbyteral Councils and College of Consultors," 194.

[23] E. CORECCO, "Priesthood and Presbyterium in the Code," in G. BORGONOVO and A. CATTANEO (eds.), *Canon Law and Communio: Writings on the Constitutional Law of the Church*, 187.

[24] G.L. COULTER, Juridical Manifestations of the Presbyterium, 33.

[25] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 411. See also CALVO, Consultation and the Presbyteral Council, 38-39.

presbyteral council being established. These pertinent texts are: *Sacrosanctum concilium*, *Lumen gentium*, *Christus Dominus,* and *Presbyterorum ordinis.*

3.1.1.1. *Sacrosanctum concilium*

The first document of the Second Vatican Council, the Constitution on the Sacred Liturgy, *Sacrosanctum concilium,* of 1963, speaks of the close bond between the bishop and his presbyterate as they gather around the altar for the celebration of the Eucharist:[26]

> The bishop is to be considered as the High Priest of his flock from whom the life in Christ of his faithful is in some way derived and upon whom it in some way depends. Therefore, all should hold in the greatest esteem the liturgical life of the diocese centred around the bishop, especially in his cathedral Church. They must be convinced that the principal manifestation of the Church consists in the full, active participation of all God's holy people in the same liturgical celebrations, especially in the same Eucharist, in one prayer, at one altar, at which the bishop presides, surrounded by his priests and ministers *(a suo presbyterio et ministris circumdatus).*[27]

E. Duffy notes that this text is significant because it relies heavily on the writings of Ignatius of Antioch, thus indicating the council's desire to retrieve an early understanding of the bishop-*presbyterium* relationship and to reorder ministerial relationships accordingly.[28] P. McPartlan observes that it also indicates a desire to relocate ecclesiology in the context of the eucharistic celebration.[29] McPartlan also notes that *presbyterium,* as used in this document, would be better left untranslated.[30] Nonetheless, Duffy remarks that this terminology used very frequently by the Council

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[26] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 141.

[27] SECOND VATICAN COUNCIL, *SC,* no. 41*,* in *AAS,* 56 (1964), 111, in *FLANNERY1*, 14-15.

[28] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 141.

[29] MCPARTLAN, "Presbyteral Ministry," 13.

[30] Paul McPartlan prefers to use "presbyterium" in translating *Sacrosanctum concilium*, no. 41, because to translate it as "college of priests," as Flannery renders it, lapses into a pre-conciliar mindset and vocabulary. (P. MCPARTLAN, "Presbyteral Ministry in the Roman Catholic Church," 13). Gary L. Coulter also suggests leaving the word "presbyterium" untranslated because it is sometimes translated as "presbyterate," which can have a generic reference and therefore does not indicate clearly enough when it is the priests of a particular diocese with their bishop that are meant (COULTER, Juridical Manifestations of the *Presbyterium*, 2).

is important in stressing the importance of a group of presbyters gathered around its diocesan bishop at the heart of a local Church and celebrating the liturgy.[31]

3.1.1.2. *Lumen gentium*

The Dogmatic Constitution on the Church, *Lumen gentium*, of 1964, translates into dogmatic terms the liturgical teaching of *Sacrosanctum concilium* on the office of the diocesan bishop.[32] It begins by explaining that the presbyters who comprise the *presbyterium* assist the bishop in the governance of the diocese.[33] It presents the ministerial priesthood as a participation in the one priesthood and mission of Jesus Christ and relates it to the ministry of the college of the bishops.[34]

> Christ, whom the Father hallowed and sent into the world (Jn 10:36), has, through his apostles, made their successors, the bishops, namely, sharers in his consecration and mission; and these, in their turn, duly entrusted in vary in degrees various members of the Church with the office of their ministry. Thus the divinely instituted ecclesiastical ministry is exercised in different degrees by those who even from ancient times have been called bishops, presbyters and deacons.[35]

Hence, *Lumen gentium*, 28 clearly illustrates that it is through the sacrament of orders that priests are consecrated to the three *munera* of Christ.[36] Re-echoing the teaching of *Sacrosanctum concilium, Lumen gentium*, 28 continues that since bishops and presbyters share in the same priesthood, "the priests, prudent cooperators of the episcopal college and its support and mouthpiece, called to the service of the people of God, constitute, together with their bishop, a unique sacerdotal college (*presbyterium*)

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[31] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 141-142.

[32] MCPARTLAN, "Presbyteral Ministry," 15.

[33] LUSABE, *Participative Structures*, 76.

[34] Ibid., 76.

[35] SECOND VATICAN COUNCIL, *LG*, no. 28, in *AAS*, 57 (1965), 33-34, in *FLANNERY1*, 384.

[36] LUSABE, *Participative Structures*, 77.

dedicated as it is to a variety of distinct duties."[37] *Lumen gentium* is also able to place the relationship between the bishop and presbyters within the broader context of the diocese and the universal Church, a relationship of communion building up the entire body of Christ. Of the priests, it says:

> In each local assembly of the faithful they represent in a certain sense the bishop, with whom they are associated in all trust and generosity; in part they take upon themselves his duties and solicitude and in their daily toils discharge them. Those who, under the authority of the bishop, sanctify and govern that portion of the Lord's flock assigned to them render the universal Church visible in their locality and contribute efficaciously towards building up the whole body of Christ (Eph 4:12).[38]

3.1.1.3. *Christus Dominus*

The 1965 Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus,* 11 describes a diocese as "a section of the People of God entrusted to a bishop to be guided by him with the assistance of his clergy."[39] Hence, the *presbyterium* is placed alongside the bishop in the task of preaching, building up the unity of the community, preaching the Gospel and celebrating the Eucharist. Building upon the foundation for communion in *Lumen gentium*, the Council Fathers repeatedly emphasised in *Christus Dominus* the mutual dependency and unity that should characterize the episcopal-presbyteral relationship.[40] Priests are called "prudent cooperators with the episcopal order."[41] Number 16 of *Christus Dominus* states that the

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[37] SECOND VATICAN COUNCIL, *LG*, no. 28, in *AAS*, 57 (1965), 35, in *FLANNERY1*, 385. CALVO, Consultation and the Presbyteral Council, 123-124, gives a summary of the fundamental theological points of *Lumen gentium* which laid the basis for the emergence of the presbyteral council.

[38] SECOND VATICAN COUNCIL, *LG*, no. 28, in *AAS*, 57 (1965), 35, in *FLANNERY1*, 385-386.

[39] Ibid., *CD,* no. 11, in *AAS*, 58 (1966), 677-678, in *FLANNERY1*, 569. Flannery renders the word *presbyterii* as *clergy*. Norman Tanner renders the word as *his priests* (N. TANNER (ed.), *Decrees of the Ecumenical Councils*, 2 vols., London/Washington, Sheed and Ward/Georgetown University Press, 1990. 924), whereas Walter Abbot translates the word as *presbytery* (W.A. ABBOTT (ed.), *The Documents of Vatican II*, New York, America Press, Association Press, 1966, 403).

[40] OKOSUN, The Collaborative Role of the Presbyteral Council, 40.

[41] SECOND VATICAN COUNCIL, *CD*, no. 15, in *AAS,* 58 (1966), 679-680, in *FLANNERY1*, 571.

diocesan bishop should regard the priests as "sons and friends." Indeed, he should "be ready to listen to them and cultivate an atmosphere of easy familiarity with them, thus facilitating the pastoral work of the entire diocese."[42] Later, the conciliar decree adds:

> The relations between the bishop and the diocesan clergy should be based before all else on supernatural charity, so that their unity of purpose will make their pastoral activity more effective. Therefore, to ensure an increasingly effective apostolate, the bishop should be willing to engage in dialogue with his presbyters, individually and collectively, not merely occasionally, but if possible, regularly.[43]

Furthermore, diocesan priests should be united among themselves and genuinely zealous for the spiritual welfare of the whole diocese."[44] Crucially, *Christus Dominus* also declares:

> Among the cooperators of the bishop in the governing of the diocese are included the priests who constitute his senate or council, such are the cathedral chapter, the council of consultors, or other committees according to the circumstances and character of different localities. These councils, and especially the cathedral chapters, should be reorganized, as far as is necessary, to suit contemporary needs.[45]

3.1.1.4. *Presbyterorum ordinis*

P. McPartlan notes that in the 1965 Decree on the Ministry and Life of Priests, *Presbyterorum ordinis*, the strictest link between priests and bishops is found.[46] He observes that this document emphasises that through ordination and mission, priests are given a share in the threefold function of Christ as priests, prophets, and kings;[47] in addition, the sacrament of orders joins the ministerial priesthood to the episcopal order and differentiates it from the universal priesthood of all the faithful.[48] *Presbyterorum*

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[42] Ibid., no. 16, in *AAS*, 58 (1966), 680-681, in *FLANNERY1*, 573.

[43] Ibid., no. 28, in *AAS*, 58 (1966), 687, in *FLANNERY1*, 580.

[44] Ibid.

[45] Ibid., no. 27, in *AAS*, 58 (1966), 686-687, in *FLANNERY1*, 579.

[46] MCPARTLAN, "Presbyteral Ministry," 22.

[47] Ibid.

[48] SECOND VATICAN COUNCIL, *PO*, no. 2, in *AAS*, 58 (1966), 992, in *FLANNERY1*, 865.

ordinis, 7, also stresses that "all priests share with the bishops the one identical priesthood and ministry of Christ. Consequently, the very unity of their consecration and mission requires their hierarchical union with the order of bishops."[49]

This means that diocesan bishops "should be glad to listen to their priests' views and even consult them and hold conferences with them about matters that concern the needs of pastoral work and the good of the diocese."[50] L.N. Lusabe proposes that such a bond between the bishops and his priests means that cooperation and dialogue between them should not simply be priests carrying out episcopal decisions.[51] Rather, cooperation involves the active participation of presbyters in the decision-making process of the bishop.[52] J.E. Okosun recalls that dialogue demands from both the bishop and the presbyters the sharing of ideas and the mutual humility and openness to accept those ideas which best promote the good of the diocese and the universal Church.[53] Accordingly, *Presbyterorum ordinis,* 7, goes on to explicitly declare: "… a group or senate of priests should be set up in a way suited to present-day needs… This group should represent the body of priests and by their advice could effectively help the bishop in the management of the diocese."[54]

3.1.2. The Presbyteral Council in Post-Conciliar Texts

L.N. Lusabe describes the presbyteral council as a development of the post-conciliar period[55] given that because, although the presbyteral council's theological

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[49] Ibid., no. 7, in *AAS*, 58 (1966), 1001, in *FLANNERY1*, 875.

[50] Ibid., no. 7, in *AAS*, 58 (1996), 1001, in *FLANNERY1*, 876.

[51] LUSABE, *Participative Structures,* 78.

[52] Ibid.,78-79.

[53] OKOSUN, The Collaborative Role of the Presbyteral Council, 43.

[54] SECOND VATICAN COUNCIL, *PO*, no.7, in *AAS*, 58 (1966), 1002, in *FLANNERY1,* 876-877.

[55] LUSABE, *Participative Structures*, 76.

underpinning was outlined in the aforementioned documents of the Second Vatican Council,[56] it was concretely realised in the 1966 motu proprio *Ecclesiae sanctae I* and by several documents issued since the Second Vatican Council, but before the 1983 Code.[57]

The pertinent documents to be examined in this section are: the motu proprio *Ecclesiae sanctae I* (1966), the circular letter *Presbyteri sacra* (1970), the document on the ministerial priesthood *Ultimis temporibus* (1971), and the 1973 Directory on the Pastoral Ministry of Bishops, *Ecclesiae imago* (1973).

3.1.2.1. *Ecclesiae sanctae I*

Building specifically upon the theological foundations for the presbyteral council provided by the conciliar documents, the 1966 apostolic letter motu proprio of Pope Paul VI, *Ecclesia sanctae I*[58] established it as a canonical institute in each diocese.[59] L.N. Lusabe clarifies that the motu proprio called for the establishment of a new institution, distinct from the cathedral chapter and the board of diocesan consultors.[60] Number 15 of *Ecclesia sanctae I* mandates the establishment of a presbyteral council and briefly examines the characteristics and the purpose of the council:

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[56] Mario Marchesi states that even before the Council, the *Acta et Documenta Concilio Oecumenico Vaticano II Apparando,* indicate at least seventeen more or less explicit allusions to the need to create that kind of presbyteral council. (M. MARCHESI, "The Council of Priests and College of Consultors [cc. 495-502]," in *Exegetical Comm*, vol. II, no. 2, 1194; *Acta et documenta Concilio Oecumenico Vaticano II apparando,* Series I, Appendix, vol. II, P. I, 415–530).

[57] LUSABE, *Participative Structures*, 76.

[58] The purpose of *Ecclesiae sanctae I* was to prepare norms for the experimental implementation of four major decrees of the council while awaiting the special commission on the new Code of Canon Law to establish more definitive norms. (LUSABE, An Analysis of Participative Structures,108-109).

[59] LUSABE, *Participative Structures*, 79.

[60] Ibid.

> There is to be in each diocese a council of priests, a group or senate of priests, representing the presbyterium, which by its advice will give effective assistance to the bishop in ruling the diocese. The manner and forms of its working are to be determined by the bishop. In this council the bishop shall hear the views of his priests and discuss with them the pastoral needs and the good of the diocese.[61]

Lusabe observes that no details are given on the exact manner of operation of the council, which are left to the diocesan bishop.[62] *Ecclesia sanctae I* does, however, make it clear that membership of the council shall be only priests.[63] Furthermore, since religious priests working in the diocese share in the same priesthood, number 15 of the document mentions the need for their inclusion in the council.[64]

Ecclesiae sanctae I states that the council of presbyters is consultative,[65] even if its counsel is undoubtedly to be sought and taken seriously by the diocesan bishop. The document also stipulates that the council of presbyters ceases to exist when the see falls vacant unless, in exceptional circumstances to be recognized by the Holy See, the vicar capitular or apostolic administrator confirms it in existence.[66] Moreover, *Ecclesiae sanctae I* makes it clear that the incoming diocesan bishop has the obligation to establish a new presbyteral council after taking canonical possession of the diocese.[67]

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[61] PAUL VI, *ES I*, no. 15, §1, in *AAS*, 58 (1966), 766, in *FLANNERY1*, 600.

[62] LUSABE, *Participative Structures*, 79.

[63] Ibid.

[64] PAUL VI, *ES I*, no. 15, §1, in *AAS*, 58 (1966), 766, in *FLANNERY1*, 600.

[65] Ibid., no. 15, §3, in *AAS*, 58 (1966), 766, in *FLANNERY1,* 600.

[66] Ibid., no. 15, §4, in *AAS*, 58 (1966), 766, in *FLANNERY1*, 600.

[67] Ibid., no. 15, §4, in *AAS*, 58 (1966), 766, in *FLANNERY1*, 600.

3.1.2.2. *Presbyteri sacra*

The 1970 Circular Letter of the Sacred Congregation for the Clergy *Presbyteri sacra*[68] resulted from survey feedback from the presidents of episcopal conferences subsequent to the implementation of *Ecclesiae sanctae I*.[69] It reiterates the theological underpinning of the presbyteral council[70] and addresses the council's role and the obligation of the diocesan bishop to establish it, describing its composition, competence, and consultative nature.[71]

Number 5 of the *Presbyteri sacra* states: "[from] the hierarchical communion which exists between the bishop and the presbyters, there necessarily follows the scope and function of the presbyters' council which, to be sure, somehow manifests in an institutional manner that very communion. As a result, the establishment of this kind of council, to be carried out in each diocese in accord with the motu proprio, *Ecclesiae sanctae*, is described as obligatory."[72]

Number 6 of *Presbyteri sacra* states that the composition of the presbyters' council should express the whole presbyterate of the diocese: "the following are represented within its make-up: (a) the different ministries (pastors, assistants, chaplains, etc); (b) the regions or pastoral zones of the diocese; (c) the different age

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[68] SACRED CONGREGATION FOR THE CLERGY, Circular Letter on the Presbyteral Council *Presbyteri sacra*, 11 April 1970 (=*PS*), in *AAS*, 62 (1970), 459-465, English translation in *CLD*, vol. 7, 383-390.

[69] SACRED CONGREGATION FOR THE CLERGY, *PS*, no. 4, in *AAS*, 62 (1970), 461, in *CLD*, vol. 7, 386; RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 122; NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 411.

[70] SACRED CONGREGATION FOR THE CLERGY, *PS*, no. 1, in *AAS*, 62 (1970), 459-460, in *CLD*, vol. 7, 384.

[71] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 122.

[72] SACRED CONGREGATION FOR THE CLERGY, *PS*, no. 5, 461, in *CLD*, vol. 7, 386.

groups or generations of presbyters."[73] To be included also are the religious priests "who exercise the care of souls in the diocese or give themselves to the works of the apostolate under the jurisdiction of the bishop."[74] Number 7 indicates that the majority of the members of the council are to be selected by a vote of all the priests; other members are to be designated directly by the bishop or declared to be members by the very fact that they hold an office which should be represented in the council.[75]

According to number 8, "the competence of the presbyters' council is to assist the bishop by its counsel in the government of the diocese. Therefore, questions of *major moment*, whether they pertain to the sanctification of the faithful or the doctrine to be given to them or to the general administration of the diocese, should be treated by the council, if, that is, the bishop proposes them or, at least, admits them for consideration."[76] Number 9 is clear that the presbyteral council, though a consultative organ, "is preeminent among other organs of the same kind."[77]

Number 10 of *Presbyteri sacra* declares that "the title and function of the bishop's senate in the government of the diocese belongs only to the presbyters' council. However, with regard to the earlier senate of the bishop, that is, the cathedral chapter where it exists, and the board of consultors where that is had ... the said institutions should retain their own proper functions and competency until they are revised."[78]

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[73] Ibid., no. 6, in *AAS*, 62 (1970), 462, in *CLD*, vol. 7, 387.

[74] Ibid.

[75] Ibid., no. 7, 463, in *CLD*, vol. 7, 387.

[76] Ibid., no. 8, 463, in *CLD*, vol. 7, 388.

[77] Ibid., no.9.

[78] Ibid., no. 10, 464, in *CLD*, vol. 7, 389.

J.E. Okosun observes that *Presbyteri sacra* represents a "milestone" in the historical formation of the presbyteral council and in the discipline governing it.[79] Indeed, the letter shows the presbyteral council as the preeminent consultative body and important collaborative instrument that promotes the welfare of the entire diocese.[80] J.A. Renken notes that *Presbyteri sacra* certainly influenced the *coetus De sacra hierarchia* in initially drafting the proposed canons on the presbyteral council.[81]

3.1.2.3. *Ultimis temporibus*

The document on the ministerial priesthood issued from the second general assembly of the synod of bishops in 1971, *Ultimis temporibus,*[82] contributed to the developing *praxis* concerning the role of the presbyteral council. From its own introduction, the 1971 synodal document was issued by way of response to the crisis experienced by many priests after the Second Vatican Council.[83]

Ultimis temporibus spoke to the relationship between bishop and priests in the diocese.[84] This topic allowed, in turn, for a treatment on the significance of the presbyteral council.[85] The document addressed the nature of the presbyteral council and

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[79] OKOSUN, The Collaborative Role of the Presbyteral Council, 49.

[80] Ibid.

[81] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 122.

[82] SYNOD OF BISHOPS, document on the Ministerial Priesthood *Ultimis temporibus,* 30 November 1971 (=*UT*), in *AAS,* 63 (1971), 897-922, English translation in *FLANNERY2*, 672-694.

[83] See SYNOD OF BISHOPS, *UT*, Introduction, in *AAS*, 63 (1971), 898-903, in in *FLANNERY2*, 672-676.

[84] Ibid., Part II, Section II, no. 1. in *AAS*, 63 (1971), 918-920, in in *FLANNERY2*, 690-691.

[85] OKOSUN, The Collaborative Role of the Presbyteral Council, 50.

the spirit that should guide its functioning.[86] It described the council as a form of "institutional manifestation of the brotherhood among priests."[87]

Ultimis temporibus explained that the goal of the presbyteral council is to promote the mission of the Church.[88] To achieve this objective, "it is the task of this council, among other things, to seek out clear and distinctly defined aims, to suggest priorities, to indicate methods of acting, to assist whatever the Spirit frequently stirs up through individuals or groups, and to foster the spiritual life, whence the necessary unity may more easily be attained."[89] *Ultimis temporibus* also emphasises the need for religious priests to collaborate with the diocesan bishop.[90]

3.1.2.4. *Ecclesiae imago*

The 1973 Directory on the Pastoral Ministry of Bishops, *Ecclesiae imago,* is a further document that addresses the purpose and function of the presbyteral council in a diocese. L.N. Lusabe explains that, though not a legislative document, this directory is a combination of the theological principles of the Second Vatican Council and their practical application.[91]

The highlight of *Ecclesiae imago* is its furtherance of the specific nature of "the council of presbyters."[92] The council, which is the only senate of the bishop, constitutes the primary organ that aids the bishop through counsel and, by so doing, positions him

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[86] LUSABE, *Participative Structures*, 83; SYNOD OF BISHOPS, *UT*, II, no. 1, in *AAS*, 63 (1971), 919, in *FLANNERY2*, 690-691.

[87] SYNOD OF BISHOPS, *UT*, II, no. 1, in *AAS*, 63 (1971), 919, in *FLANNERY2*, 690.

[88] Ibid.

[89] Ibid., in *FLANNERY2*, 691.

[90] SYNOD OF BISHOPS, *UT*, II, no. 1, in *AAS*, 63 (1971), 920, in *FLANNERY2*, 691.

[91] LUSABE, An Analysis of Participative Structures, 109.

[92] Ibid., 122.

to act with an informed conscience.[93] Although *Ecclesiae imago* represents no specific development in the understanding of presbyteral councils, it reemphasises the issues mentioned in previous documents, reminding bishops of the collaborative role of the presbyteral council in diocesan governance.[94]

Ecclesiae imago states that the council is to prepare its own constitution (statutes), subject to the approval of the diocesan bishop, after taking into account what the Apostolic See and the episcopal conference have stated on the subject.[95] It also re-echoes the requirement for episcopal conferences to form guidelines for each diocesan bishop to follow and adapt to his own diocese concerning the presbyteral council, the pastoral council, their mutual relationships, and their cooperation with other consultative bodies.[96]

3.1.3. The Presbyteral Council in the 1983 Code

The canons (cc. 495-501)[97] of the 1983 Code of Canon Law, describing the presbyteral council, begin with c. 495 by stating that "in each diocese a presbyteral council is to be established, that is, a group of priests which representing the *presbyterium* is to be like a senate of the bishop."[98] Interestingly, J.E. Okosun notes[99]

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[93] SACRED CONGREGATION FOR BISHOPS, *EI,* no. 113.

[94] LUSABE, *Participative Structures,* 84.

[95] Ibid.

[96] Ibid.

[97] The 1983 Code of Canon Law significantly revised the section on cathedral chapters; the 32 canons of the 1917 Code cc 391-422) were reduced to eight (cc 503-510). The advisory responsibilities of the cathedral chapter were eliminated, unless the episcopal conference determine otherwise (c. 502, §3). Thus, the function of the chapter is now mostly liturgical. In some dioceses, however, the statutory role of the cathedral chapter is affected by concordats and other arrangements with the government. (NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 413).

[98] Canon 495, §1: "In unaquaque dioecesi constituatur consilium presbyterale, coetus scilicet sacerdotum, qui tamquam senatus sit Episcopi, presbyterium repraesentans …."

[99] OKOSUN, The Collaborative Role of the Presbyteral Council, 56.

that the word "presbyteral" was first used in connection with this council in *Ecclesiae sanctae I.*[100] The fuller term "presbyteral council" was subsequently adopted by the legislator in the 1983 Code.[101] Okosun and J.I. Arrieta note that in English, this concept is synonymous with the colloquial titles found in regular use in dioceses, the "council of priests" or the "senate of priests."[102]

J.H. Provost observes that the presbyteral council was formalised in the 1983 Code to broaden the role of the existing "senatus" of the bishop, the cathedral chapter, or consultors.[103] J.I. Arrieta remarks that the presbyteral council is the institutional manifestation of the communion between the diocesan bishop and the presbyters who collaborate with him in ministry. For this reason, the collaborative function concerning the diocesan bishop, carried out by the cathedral chapter in the 1917 Code, has been assumed in the 1983 Code by the presbyteral council and the college of consultors.[104]

A. Borras emphasises that the 1983 Code incorporates into the law the reality of the presbyterate (c. 245, § 2; c. 369; c. 400, § 2; 495, §1; c. 529, §2; c. 757). Borras remarks that the presbyteral council appears as the foremost institutional translation of this collaboration of the presbyterate with its bishop in terms of the "governance of the diocese" (cf. c. 495, §1).[105] He stresses that their bond is inherent in the priestly ministry shared between the presbyterate and the diocesan bishop to which they have been

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[100] PAUL VI, *ES I*, nn. 15 and 17, in *AAS*, 58 (1966), 766-767, in *FLANNERY1*, 600-602; See also M. MARCHESI, "Council of Priests," 1190.

[101] OKOSUN, The Collaborative Role of the Presbyteral Council, 56.

[102] Ibid; J.I. ARRIETA, "Title III: The Internal Ordering of Particular Churches (cc. 460-514)," in *CCLA*, 409.

[103] PROVOST, "Presbyteral Councils and College of Consultors," 194.

[104] ARRIETA, *Governance Structures within the Catholic Church*, 237.

[105] A. BORRAS, "L'évêque diocésain, son Conseil episcopal et le Conseil presbyteral au service du government du diocese," in *Studia canonica*, 49 (2015), 126.

ordained.[106] P. Eyt describes the ecclesial consequences of this bond: "There is no presbyterate without a bishop, just as there is no bishop who is not necessarily surrounded by a presbyterate."[107]

3.1.3.1. A Mandatory Structure of Governance in a Diocese

It is clear from c. 495, §1 that a presbyteral council must be established in each diocese (*in unaquaque dioecesi constituatur consilium presbyterale*). This means that the juridical requirement for establishing this group of priests (*coetus sacerdotum*)[108] is not a discretionary decision for a diocesan bishop, as with the diocesan pastoral council (c. 511). Instead, this is a mandated group that serves like a senate of the bishop (*tamquam senatus Episcopi*).[109]

J.E. Okosun explains that this mandatory requirement for a presbyteral council in each diocese "flows from the Second Vatican Council's teachings on the nature of the Church, the ministerial priesthood and canonical mission."[110] In addition, Okosun points out that the council "is also rooted in the value of consultation in canon law, which in numerous instances requires a superior to seek advice (c. 127) before carrying out certain acts of administration."[111]

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[106] Ibid., 124-125.

[107] P. EYT, "Le fondement doctrinal du presbytérium," in *Revue de Droit Canonique*, 20 (1970), 142.

[108] John Renken proposes that since the presbyteral council is composed of priests (i.e., *sacerdotes* – a term inclusive of both bishops and presbyters), it would more appropriately be identified as "the sacerdotal council." (See RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 119).

[109] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 119.

[110] OKOSUN, The Collaborative Role of the Presbyteral Council, 59.

[111] Ibid.

Alternative provision is made for vicariates and prefectures apostolic[112] and the ordinariates for former Anglicans.[113] The special provision for the former is the council of the mission (*consilium missionis*, c. 495, §2 and c. 502, §4). For the latter, it consists of a governing council (*consilium regiminis*) and is composed of at least six priests; it exercises the functions specified in the Code for the presbyteral council and the college of consultors and those areas specified in the 2019 *Complementary Norms*.[114]

3.1.3.2. Representing the Presbyterate in the Diocese

The presbyteral council is described in c. 495, §1 as a group of priests which represents the presbyterate of the diocese. M. Marchesi notes that "the diocesan presbyterium is the matrix for the existence and activities of the council."[115] B.A. Cusack states that while "the entire presbyterate functions as collaborators with the diocesan bishop in his pastoral care of the diocese, this council symbolizes, represents, and concretizes that collaboration by its direct interaction with the diocesan bishop in a manner that ordinarily would not be feasible with the entire presbyterate of a diocese."[116] Hence, the presbyteral council has a relationship with the diocesan bishop, the presbyterate and the particular Church.[117]

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[112] c. 495, §2 requires the vicar or prefect appoint a council composed of at least three missionary priests whose opinions, even by letter, he is to hear in more serious affairs. This adaptation still underpins the importance of consultation and collaboration, even in smaller or developing particular Churches. (OKOSUN, The Collaborative Role of the Presbyteral Council, 60). The council of the mission is referred to in 2.1.2.8.

[113] Referred to in 2.1.2.8. and explored in further depth in chapter four of this study.

[114] Referred to in 2.1.2.8. of this study and explored further in chapter four of this work; BENEDICT XVI, *AC,* art. X, §2, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 12, §1.

[115] MARCHESI, "Council of Priests," 1194.

[116] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 653.

[117] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416.

Marchesi points to four principal kinds of representation in juridical doctrine: voluntary, legal, organisational, and political.[118] J.E. Okosun proposes that the representation of the presbyteral council does not conform to any of the first three. Nor, given that the Church is theological in nature and that its sovereignty does not lie with the people but with Christ, is it possible to apply political representation directly to the presbyteral council.[119] Nevertheless, M. Marchesi proposes that the council could be regarded as an "indirect political representation."[120] However, "it is a representation more moral, than strictly quantitative."[121]

Crucially, the council members do not supplant the role of the entire presbyterate as "assistants and counsellors"[122] to the diocesan bishop but rather facilitate the process by which he attends and listens to them.[123] A. Borras draws attention to the fact that the representation and competence of the presbyteral council are to embrace the diocese's entire life and is not limited or reduced to a particular section of ecclesial life, even to predominantly the needs or business of the clergy.[124] J.A. Renken indicates that the scope of the council's interest is certainly greater than simply those issues affecting the life and ministry of priests.[125]

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[118] MARCHESI, "Council of Priests," 1194.

[119] OKOSUN, The Collaborative Role of the Presbyteral Council, 57.

[120] MARCHESI, "Council of Priests," 1196.

[121] ARRIETA, "Particular Churches," 410.

[122] See c. 384.

[123] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 654.

[124] BORRAS, "L'Évêque Diocésain," 127.

[125] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 119-120; Mario Marchesi also comments that, if the focus of the presbyteral council were only priestly concerns, it would perhaps more properly be called a "commission for the clergy." (MARCHESI, "Council of Priests," 1196); NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service,"419 concurs with these sentiments but also affirms the council's concern for the spiritual and material needs of the presbyterate.

3.1.3.3. A Body that Advises the Diocesan Bishop

J.I. Arrieta draws attention to the fact that the advisory aspect is an essential purpose for the establishment of the presbyteral council.[126] B.A. Cusack stresses that, while the diocesan bishop must take certain matters to the council for its consideration, ultimately, the bishop himself must decide about taking action on these matters.[127] Nonetheless, the diocesan bishop makes his decision in light of the advice he hears from the council. Consequently, the council is said to have a consultative vote. As his council, the members assist the diocesan bishop in the decision-making process and are an essential part of the decision even though they do not actually make it.[128]

Since the presbyteral council does not exist apart from the one they advise and since they do not convene themselves or establish their own agenda, they can never act without or apart from the bishop (c. 501, §3). Whether the diocesan bishop consults collectively (c. 127, §1) or individually (§2), it is important to underline what the Code says: "Although not obliged to accept their opinion even if unanimous, a superior is nonetheless not to act contrary to that opinion, especially if unanimous, without a reason which is overriding in the superior's judgement" (c. 127, §2, 2).[129] Borras notes that, otherwise, in general, the superior who listens to the persons whose opinions he sought on a given question, *de facto,* will follow their unanimous opinion (*votum concors*). He

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[126] ARRIETA, *Governance Structures within the Catholic Church*, 238.

[127] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 659.

[128] Ibid.

[129] See CIC-1917, c.105.

Regarding c. 127, Eduardo Molano affirms: "By analogy, the provisions of [c.127] § 2 regarding the value that must be given to the consent or advice of individual persons are applicable to the consent or advice given by colleges or groups" (E MOLANO, "Commentary on Canons 113-128," in JUAN IGNACIO ARRIETA [ed.], Code of Canon Law Annotated, 4th ed., Montreal, Wilson & Lafleur, 2022, 112).

is not obliged to do so, but in general, he will.[130] J.A. Renken and J.P. Beal both remark that if a leader does not accept the recommendation presented by a synodal structure, the leader should explain transparently the rationale for the non-acceptance[131] This would reflect the canonical wisdom of c. 127, §2.[132]

Indeed, J.A. Renken notes that such a consultative vote is not intended to be a "mere formality" to be tolerated so that, once the vote is given, the superior can do whatever he has already decided, no matter what the consultative vote is.[133] Instead, Renken argues that a consultative vote is an important involvement of the participative body for the common good of the particular Church.[134] Therefore, it should be respected and esteemed, so much so that a superior should not have determined a course of action in advance of receiving it.[135]

The 1983 Code marks out *seven* specific situations in which the diocesan bishop is required to seek out the counsel, or advice, of the presbyteral council[136] prior to acting. The diocesan bishop is required to hear (*audire*) the council's advice. The seven canons requiring the diocesan bishop to hear the presbyteral council are as follows:

(1) Before he convokes a diocesan synod in an individual particular Church (c. 461, §1).

(2) Before he erects, suppresses, or alters parishes (c. 515, §2).

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[130] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 237.

[131] RENKEN, "Synodality: A Constitutive Element of the Church," 31; J.P. BEAL, "Consultation in Church Governance: Taking Care of Business by Taking after Business," in *CLSA Proceedings*, (2006), 50; INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, footnote 82.

[132] Ibid., 31-32, footnote 50.

[133] RENKEN, "Pope Francis and Participative Bodies," 225.

[134] Ibid

[135] Ibid.

[136] Together at times with other bodies or persons.

(3) Before he establishes prescripts, that provide for the allocation of offerings for certain parochial functions (stole fees) and the remuneration of clerics fulfilling these same functions (c. 531).

(4) Before he decides that a pastoral council be established in each parish […] (c. 536, §1).

(5) Before he gives consent to build a [new] church (c. 1215, §2).

(6) Before he relegates a church building to profane but not sordid use (c. 1222, §2).

(7) Before deciding to impose a moderate tax for the needs of the diocese upon public juridic persons subject to his governance (c. 1263).

Renken remarks that, even in cases for which the pastors are competent to take the decision individually, they should still seek the collective effort to reach consensus, if at all possible, "Careful and mutual listening must be the habitual attitude whereby disciples spontaneously interact."[137]

3.1.3.4. Defining Consultation[138]

According to the International Theological Commission, the word "consult" includes the idea of seeking a judgement or advice as well as inquiring into a matter of fact.[139] Consultation is a theological and ecclesial practice that is an integral part of the history of the Church.[140] It is a form of collaboration and coresponsibility.[141] In the 17th century, Suarez considered consultation a reasonable and prudent way to seek the truth

[137] RENKEN, "Synodality: A Constitutive Element of the Church," 35-36.

[138] For a comprehensive treatment of "consultation" in the context of the Church see INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, nn. 120-122.

[139] INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, no. 121.

[140] See also INTERNATIONAL THEOLOGICAL COMMISSION, *Sensus fidei in the Life of the Church*, no. 122; Y. CONGAR, "Quod omnes tangit, ab omnibus tractari et approbari debet," in *Revue historique de droit francais et etranger*, 36 (1958), 210-259, esp. 224-228; J.A. KOMONCHAK, "Theological Perspectives on the Exercise of Synodality," 356, footnote 19.

[141] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 417.

since "the bringing together of many opinions contributes greatly to the discovery of truth."[142] Pope Benedict XIV recognised the value of the diocesan bishop receiving counsel from the cathedral chapter: "Although the bishop is not bound to follow it, he is instructed by reasons his counsellors give him, and he is taught, less he act precipitately or thoughtlessly."[143]

J.E. Okosun observes that, as part of the canonical doctrine, a historical controversy occurred that centred upon whether or not the requirement to seek consultation was essential for the validity of an act.[144] The main question for canonists was whether or not consultation was required for a juridical act when it was mandated by law.[145] On the one hand, A. Boudinhon asserted that consultation could not be regarded as an intrinsic and necessary element of the juridical act.[146] C. Bastnagel, on the other hand, argued that if the ecclesiastical authority or the law establishes that certain conditions are essential, even if preliminary to an act, as in the case of consultation, they become as indispensable for the constitution of the act as are the causal elements which actually produce the act. Consequently, he concluded that c. 105, 1° of the 1917 Code made counsel or consultation a *conditio sine qua non* for the valid constitution of the superior's act.[147] In the 1983 Code, this controversy finds a

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[142] F. SUAREZ, *De Legibus*, VIII, xiii, 5, in Tom. 6.

[143] BENEDICT XIV, *De Synodo Diocesano*, XIII, cap. 1, no. 6.

[144] OKOSUN, The Collaborative Role of the Presbyteral Council, 61.

[145] A. ALAGUSELVAN, *Priests' Council, a Representative Body of the Presbyterium in the Governance of the Diocese: Juridical Study of Canon 495§1 and Its Relevance in Today's Context* (Extractum), Rome, Pontificia Universitas Urbaniana, 1998, 34.

[146] A. BOUDINHON, "Circa c. 105, 1°, An nullus semper sit actus superioris non petito consilio?" in *Ius Pontificium,* 8 (1928), 29-35.

[147] C. BASTNAGEL, "The Requirements of Consultation for Valid Action," in *The Jurist,* 9 (1949), 377.

resolution in c. 127, §2, 2° as it states that "if counsel is required, the act of a superior who does not hear those persons is invalid."[148]

3.1.3.5. Consent

J.A. Renken observes that, sometimes, the *lex lata* requires that a participative structure offers its consensual vote to a superior. In such a case, the law requires the body be convoked according to c. 166 (and does not permit proper law or particular law to provide otherwise, as is possible with a consultative vote) and the consensual vote of an absolute majority of those present must be obtained (c. 127, § 1).[149] Should the superior not seek the consent of the individuals, or if the superior acts contrary to the opinion of all or any of them, the superior's subsequent action is invalid. The superior is enabled by the consensual vote to perform the action but is not required to do so.[150]

Renken also notes that, at other times, the *ius vigens* assigns to a participative structure the ability to elicit a deliberative vote, that is, a vote to make a certain decision.[151] This is a vote distinct from one which is consultative or consensual, both of which enable a superior to make a decision or to perform an action which otherwise the superior could not do validly. Rather, a body with a deliberative vote makes its own decision within the scope of its own competence.[152] Renken clarifies that seldom do structures of synodality function with a consensual vote, and even less often do they function with a deliberative vote. Instead, they function most commonly with a

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[148] See footnote 74 on p. 94 and footnote 129 on p. 170.

[149] RENKEN, "Pope Francis and Participative Bodies in the Church," 214.

[150] Ibid.

[151] Ibid.

[152] Ibid.

consultative vote,[153] which, as Pope Francis explains in the context of the synod of bishops, is not a limitation of freedom, but a guarantee of unity."[154]

According to c. 500, §2, the bishop needs the consent of the presbyteral council "only in cases expressly defined by law." As mentioned in 2.1.2.3. of this study, opinions differ on whether or not there are cases in the universal law that require the deliberative vote of the presbyteral council,[155] even if its involvement is undoubtedly required in c. 1742, §2.[156] Nevertheless, given that the canon speaks of *ius* and not *ius universale*, the law in this context also includes the scope of particular law.[157]

3.1.3.6. Building Consensus

J.E. Okosun observes that several canonists have written upon the inadequacy of describing the presbyteral council strictly in terms of whether it be consultative or deliberative.[158] Both terms derive from civil society and do not entirely fit into the ecclesiastical sphere.[159] R.R.U. Calvo acknowledges an " 'either/or' situation is created: either one has the power to decide (the deliberative vote) or one does not (the consultative vote). Thus, these terms do not adequately describe how bishop and priests

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[153] RENKEN, "Synodality: A Constitutive Element of the Church," 30.

[154] FRANCIS, 50th Address.

[155] See 2.1.2.3. of this study (footnote 533). John A. Renken, like Juan I. Arrieta, holds that the diocesan bishop requires the presbyteral council's *consent* rather than counsel for the selection of the pastor consultors in c. 1742, §1. (RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 134).

[156] OKOSUN, The Collaborative Role of the Presbyteral Council, 65.

[157] Ibid., 96-97. See also the comments of Cardinal N. Jubany in M. MARTÍNEZ TÁRRAGA, *El Consejo presbiteral, senado del obispo: Una corresponsabilidad posible en la Iglesia dioecesana,* Madrid, Propaganda Popular Católica, 1973, 91, footnote 152; P. VALDRINI, "La constitution hiérarchique de l'Église," in P. VALDRINI (ed.), *Droit canonique*, Paris, Dalloz, 1999, 2nd ed., 157.

[158] OKOSUN, The Collaborative Role of the Presbyteral Council, 66.

[159] Ibid., 66-67. See also F. COCCOPALMERIO, "De persona iuridica iuxta schemas Codicis novi," in *Periodica*, 70 (1981), 382-383. Vilela also shares this opinion in view of the danger of projecting onto the ecclesiastical sphere categories derived from the civil society. (A. VILELA, "Réflexion théologique sur les conseils presbytéraux," in *Nouvelle revue théologique*, 94 [1972], 596).

work together through the presbyteral council but merely prescribe what each separate entity (bishop vs. presbyterate) can or cannot do."[160]

Calvo continues that "the terms thus do not inform the collaborative effort itself or indicate the dynamic of cooperative decision-making."[161] Interestingly, Okoson notes that some have proposed the "consensus" model as one that better expresses the unique and collaborative relationship between the diocesan bishop and the presbyteral council.[162] In describing the dynamic of consensus, B. Rossi proposes that, through it, the diocesan bishop's unique authority in governance is balanced with the aspirations of priests who desire a more significant role in decision-making.[163] W. Hughes puts it similarly: "the final decision is obviously important. Yet the way that the final decision is reached can often be equally important. The authority of the executive leader needs to be tempered by the ability of the participants to influence the decision."[164]

R.T. Kennedy highlights that decision-making is not the same as power, and shared responsibility does not mean wrestling power from those in ecclesial offices.[165] Understood from the perspective of power, decision-making quickly becomes centred upon those who make the final choice in a deliberative voting process. This leads to what Kennedy calls "the crippling impasse of consultative versus decision-making approaches."[166] M. Wijlens argues: "the tradition of the Church has always been to talk

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[160] CALVO, Consultation and the Presbyteral Council, 255.

[161] Ibid.

[162] OKOSUN, The Collaborative Role of the Presbyteral Council, 68.

[163] B.A. ROSSI, *Priests' Senates*, Rome, Pontificia Universitas Gregoriana, 1979, 241.

[164] W. HUGHES, "Not Lords, but Servants," in *Origins*, 15 (1985-1986), 482.

[165] R.T. KENNEDY, "Shared Responsibility in Ecclesial Decision Making," in *Studia canonica*, 14 (1980), 5–23.

[166] Ibid., 9.

long enough to be able to arrive at a decision that reflects more or less a consensus of all involved."[167] Wijlens draws on the work of H. Hattenhauer[168] when she remarks: "It is not a majority vote that decides the issue, but a time-consuming and painstaking procedure in which God and the faithful participate, leading to a consensus."[169] Indeed, J.E. Okosun observes that *Ultimis temporibus* invited both the diocesan bishop and the presbyteral council to strive towards a model of consensus[170] in its declaration that: "The activity of this council cannot be fully shaped by law. Its effectiveness depends especially on a repeated effort to listen to the opinions of all in order to reach a consensus with the bishop, to whom it belongs to make the final decision."[171]

A. Borras emphasises that the presbyteral council certainly takes part in the "elaboration of decisions" which fall to the diocesan bishop to take.[172] R. Luciani holds that decisions are "accepted and ratified by the bishop not as his own opinion but as the *sensus totius ecclesiae*."[173] S. Dianich maintains, "No form of valid, authentic authority is conceivable outside of the ecclesial consensus."[174] Borras notes that just as the *ecclesia* is never without the *ministerium*, the community is never without its pastor.[175]

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[167] M. WIJLENS, "Parish Pastoral Councils," in E. DUFFY (ed.), *Parishes in Transition*, Dublin, Columbia Press, 2010, 144.

[168] See H. HATTENHAUER, "Zur Geschichte von Konsens- und Mehrheitsprinzip," in H. HATTENHAUER and W. KALTERFLEITER (eds.), *Mehrheitsprinzip, Konsens und Verfassung*, Heidelberg, C.F. Müller Juristischer Verlag, 1986, 1–22.

[169] WIJLENS, "Parish Pastoral Councils," 144–145, footnote 27.

[170] Ibid.

[171] SYNOD OF BISHOPS, *UT*, II, no. 1, in *AAS*, 63 (1971), 920, in *FLANNERY2*, 691.

[172] BORRAS, "L'Évêque Diocésain," 129.

[173] LUCIANI, Synodality, 141.

[174] S. DIANICH, *Diretto e teologia, Ecclesiologia e canonistica per una riforma della Chiesa*, Bologna, EDB, 2015, 165.

[175] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 237.

Exchanges, debates, and other discussions are carried out in union with him, never without him, by working together.[176] Important here is the distinction between the elaboration of a decision (*law-making*) and the taking of a decision (*law-taking*).[177] The International Theological Commission understands this in the following way:

> A synod, an assembly, a council cannot take decisions without its legitimate Pastors. The synodal process must take place at the heart of a hierarchically structured community. In a diocese, for example, it is necessary to distinguish between the process of *decision-making* through a joint exercise of discernment, consultation and cooperation, and *decision-taking,* which is within the competence of the Bishop, the guarantor of apostolicity and Catholicity. Working things out is a synodal task; decision is a ministerial responsibility.[178]

J.E. Okosun opines that the work of building consensus presupposes that the diocesan bishop cultivates and utilises the presbyteral council members to examine and reflect upon pastoral issues and to give their opinions or advise respectfully and yet without fear or prejudice based upon their convictions.[179] The hope is that, in and through such a dialogue, presbyteral council members arrive at a consensus after the members have scrutinised an issue from various perspectives.[180] T.J. Green opines that, without prejudice to his authority, only exceptionally should the bishop reject the consensus of broad-based consultative structures, especially after a careful review of the relevant decisional data (c. 127, §2, 20; *CCEO*, c. 934, §2, 3°).[181]

3.1.4. The Presbyteral Council in Post-Codal Texts

Following the promulgation of the 1983 Code, a number of ecclesial documents from the Holy See refer to the presbyteral council and its essential role in the

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[176] Ibid.

[177] Ibid., 237-238.

[178] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 69.

[179] OKOSUN, The Collaborative Role of the Presbyteral Council, 69.

[180] Ibid., 69.

[181] GREEN, "Contemporary Challenges to Episcopal Governance," 433.

governance of the diocese. B.A. Cusack affirms that this teaching on the presbyteral council is consistent with the conciliar and immediate post-conciliar foundations.[182] This section will treat the post-codal texts: *Ecclesiae de mysterio* of 1997, *Pastores gregis* of 2003 and *Apostolorum successores* of 2004.[183]

3.1.4.1. *Ecclesiae de mysterio*

The 1997 interdicasterial "Instruction on Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests," *Ecclesiae de mysterio*, references the positive fruit received through the various participatory structures in the particular Church that the Second Vatican Council called for and considered necessary for ongoing ecclesial renewal.[184]

F.R. McManus notes that the reception of the instruction by the ecclesial community in 1997 was largely negative.[185] Nonetheless, J.E. Okosun highlights that *Ecclesiae de mysterio*, observes that the participative structures reflect the nature of the Church as communion, and it names the presbyteral council as the first among these structures.[186] The instruction stresses the unique role of the presbyteral council based upon the fact that it "is founded on the common participation of the bishop and his

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[182] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 653.

[183] Other than a few variations, the presbyteral council plays the same role in the Latin and in Eastern Churches *sui iuris.* (CUSACK, "Title III: The Internal Ordering of Particular Churches [cc. 460-572]," 653). Although beyond the scope if this study, to read a fuller treatment of the differences between the Latin and Eastern Codes on the presbyteral council, see OKOSUN, The Collaborative Role of the Presbyteral Council, 100-107.

[184] CONGREGATION FOR THE CLERGY et al, *EM*, no. 4, art. 5, in *AAS*, 89 (1997), 867, in *English Vatican edition,* 25.

[185] F.R. MCMANUS, "Canonical Overview: 1983-1999," in J.P. BEAL, J. CORIDEN, and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*, 17.

[186] OKOSUN, The Collaborative Role of the Presbyteral Council, 108.

priests in the same priesthood and ministry."[187] This explains why membership is reserved only to *sacerdotes* (bishops and presbyters)[188] but not to deacons, non-ordained members of the faithful, and priests who have lost the clerical state or have abandoned the sacred ministry.[189]

3.1.4.2. *Pastores gregis*

The 2003 post-synodal apostolic exhortation of Pope John Paul II, *Pastores gregis*, addresses the vocation and mission of the bishop in the Church.[190] The exhortation describes the Church as an organically structured community imbued with numerous charisms, ministries, and services that aim to attain a common end, which is salvation.[191] Moreover, *Pastores gregis* assigns the diocesan bishop with the responsibility of bringing together this unity in diversity by promoting a coordinated and "collaborative effort."[192]

The exhortation also urges the diocesan bishop "to make every effort to develop within his particular Church structures of communion and participation which make it

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[187] CONGREGATION FOR THE CLERGY et al., *EM*, no. 4, art. 5, § 1, in *AAS*, 89 (1997), 867-868, in *English Vatican edition,* 25; See also *The Catechism of the Catholic Church,* of 1994: "Priests can exercise their ministry only in dependence on the bishop and in communion with him." (1567).

[188] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 123.

[189] CONGREGATION FOR THE CLERGY et al., *EM*, no. 4, art. 5, § 1, in *AAS*, 89 (1997), 867-868, in *English Vatican edition,* 25; On 16 April 1980, in reviewing the suggestions of various consultative organs on the 1977 *Schema,* the *coetus De populo Dei* did not accept the recommendation that deacons be members of the presbyteral council (see *Communicationes*, 13 [1981], 129); Similarly, the CONGREGATION FOR THE CLERGY, Directory for the Ministry and Life of Permanent Deacons, *Diaconatus originem*, 22 February 1998, says: "42. … [Deacons] may not, however, act as members of the presbyteral council, since this body exclusively represents the presbyterate (see *LG*, 28; *CD*, 27; *PO*, 7; c. 495, § 1);" J.H. PROVOST, "Auxiliary Bishops as Members of the Presbyteral Council," in P.J. COGAN (ed.), *CLSA Advisory Opinions 1984-1993*, Washington, CSLA, 1995, 102; NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416.

[190] LUSABE, An Analysis of Participative Structures, 247.

[191] JOHN PAUL II, *PG*, no. 44, in *AAS,* 96 (2004), 883-885.

[192] OKOSUN, The Collaborative Role of the Presbyteral Council, 109.

possible to listen to the Spirit who lives and speaks in the faithful, in order to guide them in carrying out whatever the same Spirit calls them to do for the true good of the Church."[193]

According to *Pastores gregis,* the diocesan bishop is to adopt a pastoral style that is ever more open to collaboration: "There is a type of reciprocal interplay between what a bishop is called to decide with personal responsibility for the good of the Church entrusted to his care and the contribution that the faithful can offer him through consultative bodies such as the diocesan synod, the presbyteral council, the episcopal council and the pastoral council."[194]

3.1.4.3. *Apostolorum successores*

The 2004 Directory for the Pastoral Ministry of Bishops, *Apostolorum successores*, proves to be a helpful document that significantly updates its 1973 predecessor directory *Ecclesiae imago.*[195] *Apostolorum successores* has a fundamentally pastoral-juridical character and purpose.[196] In its section on the presbyteral council, *Apostolorum successores* emphasises its theological basis, representative nature, and function.[197] J.A. Renken observes that *Apostolorum successores*, 182 explains that the presbyteral council expresses the hierarchical *communio* between the diocesan bishop and the presbyterate.[198] This is why the presbyteral council is the unique "senate" of the bishop and has a different status than

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[193] Ibid.

[194] Ibid.

[195] CONGREGATION FOR BISHOPS, *AS*, Introduction.

[196] T.J. GREEN, "The 2004 Directory on the Ministry of Bishops: Reflections on Episcopal Governance in a Time of Crisis," in *Studia canonica*, 41 (2007), 120.

[197] OKOSUN, The Collaborative Role of the Presbyteral Council, 110.

[198] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 124.

associations of priests.[199] Not only does *Apostolorum successores* state that the presbyteral council facilitates dialogue between the bishop and the presbyterate, but it also states that the council serves to foster fraternity between the different groups of priests in the one diocese.[200] The directory emphasises that this council is mandatory in every diocese.[201]

Apostolorum successores brings out clearly the power of the diocesan bishop in relation to the council: "The presbyteral council must never act without the knowledge of the Bishop, who alone is competent to convoke the council, preside over it, determine the questions to be treated by it, and make public the content of the discussions and any decisions taken."[202] *Apostolorum successores* emphasises that, by its nature, the council is consultative and is called to assist the diocesan bishop in the governance of the diocese. Therefore, the diocesan bishop is free to make the final decision after obtaining the council's opinion, except when universal law or particular law requires the council's consent on certain questions.[203] However, *Apostolorum successores* clarifies that the diocesan bishop is not to act contrary to the unanimous opinions of the councillors without a serious and overriding reason.[204]

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[199] SACRED CONGREGATION FOR THE CLERGY, *PS*, no. 10, in *AAS*, 464, in *CLD,* vol. 7, 389: "the title and function of the bishop's senate in the government of the diocese belongs only to the priest's council."

The same congregation, in 1979, declared that the Association of Chicago Priests could not be recognized as such as senate. (SACRED CONGREGATION FOR THE CLERGY, Response of January 17, 1979, in *CLD,* vol. 9, 243-244, also available at: https://www.vatican.va/roman_curia/congregations/cclergy/documents/rc_con_cclergy_doc_17011979_assoc_en.html [4 January 2022]).

[200] CONGREGATION FOR BISHOPS, *AS*, no. 182.

[201] Ibid.

[202] Ibid.

[203] Ibid.

[204] CONGREGATION FOR BISHOPS, *AS*, nn. 165; 171; 182 and re-echoing CONGREGATION FOR BISHOPS, CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, 1997 Instruction on Diocesan Synods, V, 5b.

Indeed, Renken notes that *Apostolorum successores*, 182 asks diocesan bishops to seek sincere dialogue with the presbyteral council; to encourage them to adopt constructive, responsible, and far-sighted positions; to promote a climate of ecclesial communion among them; and to demonstrate the importance of the council.[205] J.E. Okosun notes that *Apostolorum successores* describes some of the values that the diocese could derive from the collaborative role of this council in diocesan governance.[206] These values include: providing an appropriate forum for developing an overall perspective on the situation of the diocese, for discerning the promptings of the Holy Spirit as expressed through people or groups, for exchanging ideas and experiences, and for determining clear objectives for the exercise of various diocesan ministries, proposing priorities and suggesting methods.[207]

3.2. The Establishment of the Presbyteral Council

Establishing a presbyteral council[208] presupposes proper and sound instruction of the *presbyterium* and the diocesan bishop about the nature and proper role of the presbyteral council prior to any election.[209] Such formation might involve workshops and well-researched printed material with a role description for prospective members.[210] Consequently, the onus is on priests to discern carefully the election of

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[205] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 124.

[206] OKOSUN, The Collaborative Role of the Presbyteral Council, 111.

[207] *Apostolorum successores* proposes some new areas in which the presbyteral council could collaborate with the diocesan bishop in shepherding the People of God in the diocese. The areas include: the administration of goods (no. 189), the suspension or dissolution of the diocesan synod (no. 187), preaching (no. 122), and the establishment of common statutes for vicariates forane or deaneries (no. 217).

[208] Mario Marchesi proposes a formal procedure to be followed (with three stages) to make it clear that a presbyteral council has been constituted. (MARCHESI, "Council of Priests," 1192-1193).

[209] OKOSUN, The Collaborative Role of the Presbyteral Council, 73.

[210] Ibid., 195 -196.

their representatives to the presbyteral council. This would involve considering whether the preferred candidates have the requisite time, interest, energy, and commitment to fulfil the demands of that office.[211] Much rests upon those elected having the capacity to discern well so that the presbyteral council is "seen to function as a body able to provide independent advice and assistance to the Bishop."[212]

This section will identify how the presbyteral council is established. It will treat the significance of the norms of the episcopal conference in this regard, those who should be members of the council, the method of their identification, the size of the membership, the members' tenure of office, and the constitutive elements required in effective council statutes.

3.2.1. The Members of the Presbyteral Council

In cc. 497-499 of the *lex lata,* the various issues relating to the composition and membership of the presbyteral council are addressed. L.N. Lusabe observes that the Code is silent regarding the total number of members of the presbyteral council.[213] It falls to the diocesan statutes to do this.[214] B.A. Cusack proposes that these canons propose norms for the membership of all presbyteral councils while deferring to local statutes in particular respects.[215] Consequently, c. 497 provides three means of becoming members of the council:

> In what pertains to the designation of members of the presbyteral council:
>
> 1° the priests themselves are freely to elect about half, according to the norm of the following canons and of the statutes;

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[211] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 419.

[212] READ, "Particular Churches and their Groupings," 276.

[213] LUSABE, *Participative Structures,* 87.

[214] ARRIETA, *Governance Structures within the Catholic Church*, 239.

[215] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

> 2° according to the norm of the statutes, some priests must be *ex officio* members, that is, members who are to belong to the council by reason of the office entrusted to them;
>
> 3° the diocesan bishop is freely entitled to appoint others.

M. Marchesi says that "with their appointments, the bishops complete the representation and plug some gaps produced by the results of the elections; the presence of a holder of several important offices contributes to a greater balance of opinions and furnishes a greater competency."[216] B.A. Cusack observes that once priests are on the council, there does not appear to be any distinction among the members: they share "an equality of place."[217]

3.2.1.1. Membership by Election

The categories of priests (*sacerdotes*) who have the right to active (i.e., the right to elect) and passive voice (i.e., the right to be elected) in constituting the presbyteral council are provided for in c. 498.[218] This canon addresses both the right to elect council members and the right to be elected as a council member:

> §1 The following have the right of election, both active and passive, in constituting a presbyteral council:
>
> 1° all secular priests incardinated in the diocese;
>
> 2° secular priests not incardinated in the diocese and priests who are members of some religious institute or society of apostolic life, who reside in the diocese and exercise some office for the good of the diocese.
>
> §2 To the extent that the statutes provide for it, the same right of election can be conferred on other priests who have a domicile or quasi-domicile in the diocese.[219]

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[216] MARCHESI, "Council of Priests," 1203.

[217] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[218] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 130.

[219] Canon 498, §1; The *Complementary Norms* to *Anglicanorum coetibus* adds that: "The presbyters, while constituting the presbyterate of the [Anglican] ordinariate, are eligible for membership in the presbyteral council of the diocese in which they exercise pastoral care of the faithful of the ordinariate." (See CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 8, §1).

B.A. Cusack also stresses that the Code is clear that the chosen manner of election must be part of the statutes and must be formulated in such a way as to guarantee the representational nature of the council.[220] She notes that incardinated priests include not only those who are in active ministry but also those who are retired, whether they are residing in the diocese or outside the diocese.[221] Moreover, to exercise some office for the good of the diocese, a priest does not necessarily have to hold a strictly diocesan office. J.I. Arrieta clarifies that the law only requires that the diocese benefits from the ministry of an individual priest in one way or another.[222] *Intuitu claritatis,* however, it would seem appropriate for the council statutes to mention precisely those ineligible to participate in the election process.[223]

The 1983 Code also elucidates in c. 499 the manner of electing members: "The manner of electing members of the presbyteral council must be determined in the statutes in such a way that, insofar as possible, the priests of the *presbyterium* are represented, taking into account especially the different ministries and various regions of the diocese."[224] Thus, this canon clarifies that the statutes must establish the manner of electing members, mindful that the presbyteral council is, by its nature, representative of the whole presbyterate.[225] Though the canon points out only two sources of representation, ministry and geography,[226] these are not exhaustive. Even if

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[220] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[221] Ibid., 656.

[222] ARRIETA, "Particular Churches," 413.

[223] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 656.

[224] See c. 499.

[225] LUSABE, *Participative Structures,* 88.

[226] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 131.

the elected have been the expression of a specific vote of a deanery, pastoral area, age group, or ministry, once a member of the council, he will not be a representative of that single group but of all the *presbyterium*.[227] The same can be validly said for the members *ex officio* and the members nominated by the diocesan bishop.[228] An effort should certainly be made to encourage religious priests to participate in the council.[229]

Apostolorum successores, 182 adds an interesting clause, new to the *ius vigens*, suggesting that for a diocese with a very small number of priests, all of them could be summoned such that an assembly of the presbyterate would take the place of the formal presbyteral council.[230] However, J.E. Okosun maintains that this provision is an exception to the rule.[231]

G. Read observes that the stipulation of c. 497, 1°, mandating the priests to freely elect *dimidia circiter pars* (about half)[232] of the presbyteral council membership, is intended to form a council that is capable of providing independent advice to the bishop without bias.[233] B.A. Cusack notes that the phrase "about half" appears to be a

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[227] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416.

[228] G. INCITTI, *Il consiglio presbiterale: Alle origini di una crisi,* Bologna, Edizioni Dehoniane, 1996, 100.

[229] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416.

[230] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 132.

[231] This point must be understood as an exception to the rule. It should not be interpreted as an excuse not to have the presbyteral council because the presbyteral council is mandatory for every diocese. Rather, it should be interpreted to mean that, no matter the condition of the diocese, the diocesan bishop should not be without this consultative body of the *presbyterium.* So, even if the number of priests in the diocese is too small to have a presbyteral council separate from the general assembly of priests, this assembly should incorporate the juridical responsibility of the presbyteral council. (OKOSUN, The Collaborative Role of the Presbyteral Council, 112, footnote 141).

[232] Victor G. D'Souza suggests that *dimidia circiter pars* is peacefully understood to range between 45% and 55% of the total composition of the presbyteral council. (V.G. D'SOUZA, "Elected Members in the Council of Priests: A Number Game?" in *Studies in Church Law*, 5 [2009], 485).

[233] READ, "Particular Churches and their Groupings," 276.

compromise and lacks the legal precision one might expect.[234] She comments that previous documents on presbyteral councils had specified that the *majority* of the membership should result from election.[235] Nonetheless, it will be for the statutes to offer more clarity.[236]

3.2.1.2. Membership *ex officio*

Not every member of the presbyteral council is to be elected; such a statute would be contrary to the universal law, which calls for some *ex officio* members.[237] Indeed, the second means of membership of the presbyteral council, according to c. 497, 2°, is by virtue of office. The canon presupposes that the offices deputed as a basis for council membership are explicitly mentioned in the council statutes in light of the council's role in the life of the particular Church.[238]

Indeed, J.M. Huels observes that the diocesan bishop cannot dispense with *ex officio* members, given that the canon uses the phrase *esse debent*, not *esse possunt*, indicating that this, in fact, is constitutive law (c. 86).[239] B.A. Cusack notes that since the presbyteral council serves the diocesan bishop in his governance function, those

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[234] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[235] Ibid; See SACRED CONGREGATION FOR THE CLERGY, *PS*, no 7, in *AAS*, 62 (1970), 463, in *CLD*, vol. 7, 387.

Renken observes that the "1980 Schema canon 417 had said that a suitable part (*congrua pars*) of the presbyteral councilors should be elected. Reflecting upon the Schema, Ermenegildo Cardinal Florit of Florence and Franz Cardinal König of Vienna suggested that the Code require election of about half (*dimidia circa pars*) the presbyteral councilors. They said that "*congrua pars*" is too vague and that requiring election of about half of the councilors would assure better the representation of all the presbyters. The Secretariat accepted this modification. See *Relatio*, 116" (See RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 129, footnote 17).

[236] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[237] ALESANDRO, "Internal Ordering of Particular Churches," 402.

[238] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[239] J.M. HUELS, "Categories of Indispensable and Dispensable Laws," in *Studia canonica*, 39 (2005), 41.

who hold significant governance offices in the diocese would undoubtedly be suitable for council membership.[240]

Presbyteri sacra notes that the offices leading to *ex officio* membership will likely vary depending on the criteria established by the episcopal conference.[241] Cusack proposes that given that the role of the presbyteral council is to foster good governance in the diocese, the vicar general, the episcopal vicars, and the moderator of the curia (if not a vicar general) are usually designated as *ex officio* members of the presbyteral council.[242] This latter designation can facilitate more significant interaction and collaboration between the council and the diocesan curia in aiding the diocesan bishop in his governance.[243]

3.2.1.3. Membership by Appointment

The third way of membership of the presbyteral council is appointment by the diocesan bishop. This allows the diocesan bishop to appoint other priests to serve in the council though it is not mandatory for him to do so,[244] nor can the statutes deny this right.[245] This provision means that if he feels that some priests can enhance the quality of advice offered by the presbyteral council and yet have not been designated by election or office, the diocesan bishop can appoint them as members of the council.[246]

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[240] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[241] SACRED CONGREGATION FOR THE CLERGY, *PS*, no 7, in *AAS*, 62 (1970), 463, in *CLD*, vol. 7, 387.

[242] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[243] Ibid.

[244] Ibid., 656.

[245] ALESANDRO, "Internal Ordering of Particular Churches," 403.

[246] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 656; NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 419.

Such episcopal appointments can help correct any shortcomings in the council's broad representation.[247]

J.A. Alesandro recommends the statutes indicate how many members are appointed to the presbyteral council by the diocesan bishop and under what conditions, provided that such determinations are simply norms for the exercise of this right (which he accepts by approving the statutes) and not a denial of the right itself.[248]

B.A. Cusack offers the caution that the diocesan bishop takes care that the total number of *ex officio* and appointed members does not far exceed half of the total membership of the entire council.[249] Care should also be made that *ex officio* or appointed members do not also take elected places (e.g., from the deaneries) on the council, even if proposed to be helpful. This "doubling-up" will quickly affect the balance and representation of the *presbyterium* on the council.[250] J.A. Alesandro observes that in no case may the council statutes provide for the episcopal appointment of so many members that half of the total council membership ceases to be freely elected by the priests.[251]

3.2.2. The Size of the Presbyteral Council and Term of Office by Members

Although the Code does not speak directly to the actual size of the presbyteral council, given that the college of consultors is chosen from this council, it would seem

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[247] SACRED CONGREGATION FOR THE CLERGY, *PS*, no. 6, in *AAS*, 62 (1970), 462, in *CLD*, vol. 7, 387.

[248] ALESANDRO, "Internal Ordering of Particular Churches," 403.

[249] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655. This can sometimes happen as a result of the reduction of the number of priests and subsequent reconfiguration of parishes and deaneries over the years, where a council has used deanery representation in elections and the statutes have not been monitored, reviewed and updated.

[250] Sometimes this "doubling-up" can be a pragmatic attempt to save individuals from attending council meetings, but does not necessarily help ensure a broad representation of the *presbyterium* in a diocese.

[251] ALESANDRO, "Internal Ordering of Particular Churches," 403.

that the membership of this council could not be less than six.[252] Although the council is to be large enough to be truly representative, it should not be too large if it is to be effective.[253] Therefore, the council statutes should indicate the size of the council membership and the specified number of members determined by election, office, and appointment.[254]

Canon 501, §1 centres upon the tenure of membership of the presbyteral council: "Members of the presbyteral council are to be designated for a time determined in the statutes, in such a way, however, that the entire council or some part of it is renewed within five years." This canon expresses that the presbyteral council has stability, but each member does not have permanence.[255] Thus, it is clear that the tenure of membership is an important issue for the statutes to address.[256] Such renewal of membership allows for fresh minds in the council's business and for as many priests as possible to contribute in the synodal governance of the diocese.[257]

J.H. Provost notes that some statutes do not specify how many and which positions will serve as *ex officio* members. Some do not specify the number of additional members the bishop may appoint. In others, it is not specified how many elected members there will be.[258] For some councils, however, a formula is set in the

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[252] Ibid.

[253] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416.

[254] READ, "Particular Churches and their Groupings," 276; ARRIETA, *Governance Structures within the Catholic Church*, 239; ALESANDRO, "Internal Ordering of Particular Churches," 403.

[255] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 660.

[256] Ibid., 655.

[257] OKOSUN, The Collaborative Role of the Presbyteral Council, 81.

[258] PROVOST, "Presbyteral Councils and College of Consultors," 201.

statutes, such that the *ex officio* and appointed members combined cannot surpass a certain percentage of the elected members.[259]

3.2.3. The Importance of Effective Statutes[260]

Canon 496 stipulates: "The presbyteral council is to have its own statutes approved by the diocesan bishop, attentive to the norms issued by the conference of bishops." Whatever the exact application of the term "statutes,"[261] it certainly seems sensible that the elements which characterize formal statutes as found in c. 94, §1 should equally apply to this instrumental document of the presbyteral council.[262] Statutes should be precise[263] and include the purpose, governance, and methods of operation of the presbyteral council.[264] According to the *lex lata*, other matters to be determined by the statutes include the manner of electing members (c. 497, 1°); priests who are *ex officio* members (c. 497, 2°); the rights of active and passive voice of priests who have domicile or quasi-domicile in the diocese (c. 498, §2); the procedure for

[259] OKOSUN, The Collaborative Role of the Presbyteral Council, 81.

[260] Sometimes this instrumental document is called the Constitution. (ALESANDRO, "Internal Ordering of Particular Churches," 402). John Renken notes that "the presbyteral council will likely have its own 'rules of order' *(ordines)* which are observed during its meetings and which bind all its members: these rules of order define things pertaining to the constitution, direction, and ways of proceeding of the presbyteral council (see c. 95)." (RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 127-128, footnote 15).

[261] It is sometimes argued that the sense in which the concept "statutes" is used concerning the presbyteral council is not strictly the same as it is used in this canon, given that c. 94 uses this term to refer to the governing documents of juridic persons, and the presbyteral council is not a juridic person. (R. PAGÉ, *Les Églises particulières*, Montréal, Les Éditions Paulines, 1985, 124-125). However, others propose that this canon is quite applicable since the canon does not mention "juridic persons" but references "aggregates of persons or of things," and there are aggregates of persons or things which are not actually juridic persons. (See ALESANDRO, "Internal Ordering of Particular Churches," 402; ARRIETA, "Particular Churches," 411; Canon 115, §2 and 3 gives the definition of aggregates of person and of things).

[262] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 654.

[263] For a work that intensively treats various statutes of presbyteral councils see OKOSUN, The Collaborative Role of the Presbyteral Council, 119-168.

[264] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 127.

election (c. 499); and the term of office for council members (c. 501, §1). In addition, the statutes should include provision for sub-committees[265] and speak to the council's relationship with other consultative structures within the diocese.[266] B.A. Cusack notes that provision for certain council committees or *ad hoc* groups for specific questions[267] should also be included.[268] In their document *United in Service*, the bishops of the United States recommend the usefulness of council sub-committees.[269]

The episcopal conference has the right to issue norms for diocesan bishops within their territory to consider before approving the presbyteral council's statutes.[270] J.I. Arrieta notes that such norms will assure some level of uniformity in a particular territory.[271] For approval, proposed statutes must be signed by the diocesan bishop and notarised by the chancellor or another notary.[272] A regular review of the statutes by the council should ensure it monitors its own aims and objectives and operates according to said statutes. Subsequent changes in the statutes require the diocesan bishop's approval.[273]

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[265] See as an example of possible sub-committees: J. WOODS, "Archbishop, Fellow Priests Rely on Work of Presbyteral Council," at *Catholic New York*, 26 January 2011, https://www.cny.org/stories/archbishop-fellow-priests-rely-on-work-of-presbyteral-council-,4377 (2 February 2022).

[266] OKOSUN, The Collaborative Role of the Presbyteral Council, 72.

[267] CONGREGATION FOR BISHOPS, *AS*, no. 182 and 200.

[268] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 654.

[269] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 420.

[270] The Catholic Bishops's Conference of Nigeria has provided a sample constitution (a sample is not required of it by law) for the presbyteral council. (CATHOLIC BISHOPS'S CONFERENCE OF NIGERIA, *Particular Complementary Norms to the Revised Code*, Onitsha, Vicatex [Nig.] Ltd, 1985, 12- 21).

[271] ARRIETA, "Particular Churches," 411.

[272] Ibid; READ, "Particular Churches and their Groupings," 276.

[273] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416.

J.H. Provost detects that, in a few cases, statutes can, at times, betray a certain sense of distrust of the diocesan bishop or the members.[274] He also observes that some statutes are vague, generic, or simply lift *verbatim* the canons from the Code. In such statutes, there appears little application to the local situation[275] or desire to speak to practical questions with precision.[276]

3.3. The Functioning of the Presbyteral Council

Given the words of Pope John Paul II at the beginning of his Petrine ministry, that "a spirit of collaboration and shared responsibility" characterise presbyteral councils,[277] the way that council business is organised and how council meetings take place is important.[278] J.E. Okosun offers the reminder: "Since the present Code and other Church documents have considered the presbyteral council as a necessary organ of governance in the diocese, its organisation must be taken seriously."[279] Hence, "the meetings should be run professionally. Disorganised meetings promote apathy and give the impression that the council does not take its responsibilities seriously."[280]

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[274] PROVOST, "Presbyteral Councils and College of Consultors," 208.

[275] Ibid.

[276] Ibid.

[277] JOHN PAUL II, Encyclical Letter on the Redeemer of Man, *Redemptor hominis,* 4 March 1979, no. 5, in *AAS*, 71 (1979), 264-265, Vatican English edition, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html (12 February 2022).

[278] JOHN PAUL II, Address to the Italian Bishops of Sardinia on their visit "ad limina apostolorum," 15 December 1981, https://www.vatican.va/content/john-paul-ii/pt/speeches/1981/december/documents/hf_jp-ii_spe_19811215_vescovi-sardegna.html (15 January 2022); JOHN PAUL II, Meeting with the Pastoral Council and the Presbyteral Council, Lyons, 6 October 1986, https://www.vatican.va/content/john-paul-ii/fr/speeches/1986/october/documents/hf_jp-ii_spe_19861006_cons-presbiterale-lione-francia.html (15 January 2022).

[279] OKOSUN, The Collaborative Role of the Presbyteral Council, 194.

[280] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 420.

This section seeks to review whose practical duty it is to convoke meetings of the presbyteral council, preside over it, and set the agenda. It will also examine how these tasks are to be carried out. It will also be necessary to treat how the matters are to be submitted for consideration by the presbyteral council and how the acts of the council meetings are to be published and communicated.

3.3.1. Convocation

According to c. 500, §1: "It is for the diocesan bishop to convoke the presbyteral council, preside over it, and determine the questions to be treated by it or receive proposals from the members."[281] Therefore, even if the diocesan bishop fails to convene the presbyteral council and yet proceeds to carry out an act for which the law requires him to consult it first, it would seem, according to the *lex lata*, that the council cannot convoke itself, nor can any individual member convene it[282] even if the diocesan bishop may delegate someone else to call individual meetings on an *ad hoc* basis.[283]

This is because the council has its foundation in the one priesthood of Christ (*unum presbyterium*) and is called to act always in union with the diocesan bishop. As such, the presbyteral council's very existence is dependent on him.[284] In this sense, the council cannot be understood as acting apart from the diocesan bishop. Its advisory function is *primarily* and *directly* related to him and only indirectly to the pastoral benefit of the diocese.[285]

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[281] This role of the diocesan bishop is comparable to that of the pope *vis-à-vis* the synod of bishops (cc. 342-348), convoking, presiding, and setting the assembly's agenda.

[282] BORRAS, "L'Évêque Diocésain," 129-130.

[283] ALESANDRO, "The Internal Ordering of Particular Churches," 405.

[284] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 658.

[285] ALESANDRO, "The Internal Ordering of Particular Churches," 405.

The Code does not stipulate how often the diocesan bishop should convoke the council,[286] though clearly, the council will need to meet often enough to fulfil the specific juridical purpose of the council, that of assisting the bishop in the governance of the diocese.[287] Canonists appear to differ on whether or not council statutes could legitimately state the frequency of meetings.[288] Nevertheless, this matter should be included clearly in the statutes,[289] approved by the diocesan bishop in any case, after taking cognisance of any relevant norms of the episcopal conference.[290] Indeed, some conferences have offered legislation through complementary norms on this matter.[291]

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[286] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 658; RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 133.

[287] MARCHESI, "Council of Priests," 1196.

[288] Roch Pagé maintains that the statutes could determine the frequency or regularity of the meetings (PAGÉ, *Les Églises particulières*, 141). However, Juan Arrieta holds that such statutory regulation of the frequency of meetings would violate the bishop's right to convoke the council (ARRIETA, "Particular Churches," 414).

[289] CONGREGATION FOR BISHOPS, *AS*, no. 182.

[290] OKOSUN, The Collaborative Role of the Presbyteral Council, 84.

[291] In this respect, various episcopal conferences have issued complementary norms on this matter. The relevant particular law for Canada states:

> In accord with the prescriptions of c. 496, the Canadian Conference of Catholic Bishops hereby decrees that the Presbyteral Council in each diocese shall have an Executive Committee, chaired by the diocesan bishop or his delegate. The Presbyteral Council is to meet at least twice a year, it has a consultative vote. The term of office of priests elected to the Presbyteral Council or appointed by the diocesan bishop is not less than two years or more than five years, renewable. The duties of the Presbyteral Council shall be coordinated with those of other diocesan groups. (effective 10 October 1987).

(CANADIAN CONFERENCE OF CATHOLIC BISHOPS, Complementary Norms to the 1983 Code of Canon Law, 1996, [Decree No. 26, Official Document No. 591. 28-03-88], 33, https://www.cccb.ca/wp-content/uploads/2020/06/184-292.pdf [4 February 2022]).

The particular law for the United States reads:

> The National Conference of Catholic Bishops, in accord with the prescriptions of canon 496, hereby decrees that statutes of the presbyteral council are to include the provision that the council shall meet at least four times a year, in order that it may effectively fulfill its purpose of aiding the diocesan bishop in the governance of the diocese according to the norm of law (See c. 495, §1). The statutes of the presbyteral council are to be developed in accord with the provisions of canons 497 through 501. (effective 1 December 1999).

(UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, "Canon 496, Statutes of the Presbyteral Council," 1 November 1999, https://www.usccb.org/beliefs-and-teachings/what-we-believe/canon-law/complementary-norms/canon-496-statutes-of-the-presbyteral-council [4 February 2022]).

The particular law for the Philippines states:

> To provide statutes of the Presbyteral Council

However, the statutes should clarify that the diocesan bishop could cancel meetings that may not be necessary and convene the council for additional meetings if there is an urgent or pressing need.[292]

3.3.2. Presiding and Chairing

The 1983 Code calls for the diocesan bishop not only to convoke the meetings of the presbyteral council but to "preside over" them (c. 500, §1). R. Pagé and B.A. Cusack propose that the diocesan bishop need not preside personally but can do so through another.[293] J.A. Renken agrees.[294] However, *Apostolorum successores* states that the diocesan bishop alone is competent to preside over the council.[295] Cusack remarks that "the diocesan bishop should normally preside with other provisions available for exceptional cases."[296]

In some dioceses, the diocesan bishop is both the president of the presbyteral council *and* chairs its meetings. In other dioceses, the diocesan bishop "presides," but

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1. There should be a presbyteral council that is composed of ex-officio, elective and appointive members, of which at least one half is elective.
2. Ex-officio members shall hold office for as long as they are in the position to which the ex-officio membership is attached. All elected members shall hold office for a term of two (2) years, and they may be re-elected, but not for a third consecutive term. All appointive members shall hold office for a term of two (2) years, and they may be reappointed, but not for a third consecutive term.
3. The presbyteral council should have its regular meetings at least quarterly.
4. Though the presbyteral council is a consultative body, however, the diocesan bishop should seriously consider its advice.

(CATHOLIC BISHOPS'S CONFERENCE OF THE PHILIPPINES, Updated Complementary Norms to The 1983 Code of Canon Law of the Catholic Bishops' Conference of the Philippines (CBCP), 1, http://cbcponline.net/wp-content/uploads/2020/03/Philippines-Updated-Complementary-Norms-to-the-1983-Canon-Law-of-the-CBCP-approved.pdf [4 February 2022]).

[292] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 658; RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 133.

[293] PAGÉ, *Les Églises particulières*, 142-144. See also CUSACK, "Presbyteral Council," 658.

[294] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 133.

[295] CONGREGATION FOR BISHOPS, *AS*, no. 182.

[296] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 658.

the members elect a chair and officers to run the meetings.[297] Renken clarifies that while the canon says that the diocesan bishop is the *president* of the presbyteral council, nothing prevents the designation of a *chairperson* to conduct its meetings.[298] J.A. Alesandro concurs, even on a temporary or occasional basis.[299] Indeed, the office of a designated chairperson and any other "officers" should be explicitly addressed in its statutes.[300] Chairing requires specific skills and training.[301]

Even if the diocesan bishop presides but does not chair presbyteral council meetings, care is needed to avoid a dynamic where the diocesan bishop becomes detached from or peripheral to the council.[302] Indeed, the presbyteral council can never act apart from the diocesan bishop.[303] *Apostolorum successores* appears to support this concern when it states that the diocesan bishop "should avoid giving the impression that the council lacks purpose and should chair the meetings in such a way that all its members can freely express their opinions."[304] Of note is that *Apostolorum successores* explains that the diocesan bishop "chairs" the diocesan synod,[305] the college of consultors,[306] and the diocesan pastoral council[307]

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[297] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 416-417.

[298] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 133, footnote 23.

[299] ALESANDRO, "The Internal Ordering of Particular Churches," 405.

[300] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 133, footnote 23.

[301] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 420.

[302] Ibid., 418.

[303] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 133.

[304] CONGREGATION FOR BISHOPS, *AS*, no. 200.

[305] Ibid., no. 167.

[306] Ibid., no. 163.

[307] Ibid., no. 184.

3.3.3. Setting the Agenda

Canon 500, §1 of the 1983 Code is clear that it is the responsibility of the diocesan bishop to gather and set the agenda for meetings of the presbyteral council. However, since the council comprises members from across the diocese who may be better aware of local pastoral issues and suggestions, the council members are encouraged to present proposals and agenda items.[308] These proposals must certainly receive the prior approval of the diocesan bishop to be included on the agenda.[309] The diocesan bishop could also present to the presbyteral council any other matter relating to the pastoral governance of the diocese for which he would wish to seek and receive its advice. Some dioceses have a steering, standing, or agenda committee led by the diocesan bishop to assist with this function.[310] Indeed, the agenda, papers, and any request for feedback need to be received in sufficient time and in a coordinated manner with the meetings of other participative structures, such as deanery clergy conferences.[311]

Notwithstanding the matters that the diocesan bishop and the council members raise, certain matters *must* be brought to the council for its consultation.[312] Generally, meetings will involve a broad range of matters in which the input from the council will assist the bishop in his governance of the diocese. Undeniably, many councils have developed processes by which issues or proposals generated from the wider

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[308] OKOSUN, The Collaborative Role of the Presbyteral Council, 86.

[309] Ibid.

[310] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 659; OKOSUN, The Collaborative Role of the Presbyteral Council, 86.

[311] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 419.

[312] See 3.1.3.3. of this work.

presbyterate, priests in the deaneries, the diocesan pastoral council, and others, can be considered for the agenda.[313]

The presbyteral council can be an effective "bridge," even if not the sole one, between the diocesan bishop and the *presbyterium*,[314] especially if its processes of agenda-making and discussions are "connected to the base."[315] Since he is an integral part of this back-and-forth flow of communication[316] and expression of needs and concerns, the diocesan bishop will ensure that the presbyteral council will not act apart from him when setting the agenda.[317]

3.3.4. Maintaining and Communicating the Acts of the Council

Accurate minutes of the presbyteral council meetings (including all the major acts of the council) should be taken, maintained, and distributed to council members and approved.[318] This is the case, even if some items are marked as confidential. B.A. Cusack observes that the statutes should define how the minutes and other information are published and distributed.[319]

J.I. Arrieta insists that council members do not have the right to divulge to others the matters on which they have been consulted until the diocesan bishop makes such matters public.[320] J.E. Okosun is clear that this remains the case whether or not the

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[313] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 659.

[314] G. CARRETTO, "Il Consiglio Presbiterale. Espressione giuridica e realizzazione postconciliare del presbiterio diocesano," in *Apollinari*s, 44 (1971), 264.

[315] FRANCIS, 50th Address.

[316] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 205, referred to in 2.2.3. of this study.

[317] READ, "Particular Churches and their Groupings," 277.

[318] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 420.

[319] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 660.

[320] ARRIETA, "Particular Churches," 414.

diocesan bishop acts in conformity with the counsel he has received. By respecting such confidentiality, the council's integrity is protected, and division among the presbyterate can better be avoided.[321] The diocesan bishop remains free to divulge the acts of the council either personally or through another means, for example, via the council's secretary or the diocesan communications office.[322]

Okosun recommends it prudent for the statutes to describe how the acts of the council are to be made public and by whom and to whom.[323] These might well include sharing a version of the minutes with other members of the presbyterate, members of institutes of consecrated life and societies of apostolic life, permanent deacons, as well as other participative structures in the diocese such as the finance council, the pastoral council, and the college of consultors.[324] Appropriate and reciprocal sharing might encourage synodal collaboration.

3.3.5. Cessation, Dissolution and Re-establishment

Canon 501, §§2 and 3 describes *two* ways of dissolving the presbyteral council:

> §2 When a see is vacant, the presbyteral council ceases and the college of consultors fulfills its functions. Within a year of taking possession a bishop must establish the presbyteral council anew.
>
> §3 If the presbyteral council does not fulfill the function entrusted to it for the good of the diocese or gravely abuses it, the diocesan bishop, after having consulted with the metropolitan, or, if it concerns the metropolitan see itself, with the suffragan bishop senior in promotion can dissolve it but must establish it anew within a year.

A. Borras remarks that "in so far as it [the presbyteral council] is the bishop's senate, it cannot act without him."[325] Consequently, when the see is vacant (c. 501, §2),

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[321] OKOSUN, The Collaborative Role of the Presbyteral Council, 86.

[322] Ibid., 86-87.

[323] Ibid., 87.

[324] Ibid.

[325] BORRAS, "L'Évêque Diocésain," 127.

the council ceases to exist by the law itself (*a iure*). During this period, the council's functions are assumed by the college of consultors.[326] Nevertheless, since the presbyteral council is a most necessary instrument of participation in the governance of the diocese, the new diocesan bishop is obliged to re-establish a new council within a year of assuming canonical possession of the diocese.[327]

The second provision (c. 501, §3) can only be executed under the most serious of circumstances, for example, when the council fails to fulfil the function (*munus*) committed to it or gravely abuses it.[328] Before the diocesan bishop can dissolve the council under such a "rare"[329] set of circumstances, the Code obliges him first to consult carefully with the metropolitan and, in the case of the metropolitan, first to consult with the most senior suffragan bishop (by appointment). In order for such an act of dissolution to have juridical force, the diocesan bishop needs to issue a written decree, stating the reasons (c. 51), at least in a summary form and properly notarised (c. 474), with a copy sent to each council member (c. 54).[330] The diocesan bishop must re-establish the council within a year of its dissolution.[331]

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[326] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 137.

[327] John Renken holds that after the new bishop has taken canonical possession, the college of consultors no longer substitute for the presbyteral council. He also alerts that, when the presbyteral council has been dissolved by the diocesan bishop, no diocesan group assumes its tasks; in such situations, the bishop cannot perform validly acts which require his prior consultation with the presbyteral council. (See RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 137-138).

[328] Barbara Anne Cusack says: "Presumably obstinate refusal to assemble when convened by the bishop or a failure to address issues of major importance he presents to them would be grounds for the council's dissolution." (CUSACK, "Title III: The Internal Ordering of Particular Churches [cc. 460-572]," 660).

[329] READ, "Particular Churches and their Groupings," 278.

[330] CUSACK, "Title III: The Internal Ordering of Particular Churches [cc. 460-572]," 660.

[331] RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 138.

3.4. The Synodal Character of the Presbyteral Council

Chapter two of this study has focussed on how the effectiveness of the presbyteral council depends substantially on how well the diocesan bishop listens attentively to the *presbyterium* and how willing he is to study and discuss with them the serious pastoral matters facing their particular Church.[332] E. Duffy adds that much will also rely upon how open and honest priests are with their diocesan bishop and how trusting the diocesan bishop is of the *presbyterium*.[333] He acknowledges that the law cannot easily legislate for such attitudinal change, but it should strengthen the emphasis which it gives to this consultative process.[334]

What seems especially important is the diocesan bishop's creating a climate of communion, being attentive to the concerns of his priests, and searching together with them for pastoral solutions to pressing diocesan concerns.[335] *United in Service* describes the success of the work of the presbyteral council as "a joint venture" of the diocesan bishop and the priests.[336] However, "without the diocesan bishop's wise direction, support and collaboration, and without his presence and participation, it cannot flourish."[337]

This section will treat the synodal collaboration between the presbyteral council and the college of consultors and other participative structures in the particular Church. It will review the challenges the presbyteral council faces in a synodal Church and

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[332] See 2.2 of this study.

[333] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 152-153.

[334] Ibid., 153.

[335] CONGREGATION FOR BISHOPS, *AS*, no. 182.

[336] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 417.

[337] Ibid.

evaluate its synodal character and increasing potential in embracing a consensus model in the elaboration of decisions.

3.4.1. The Presbyteral Council and the College of Consultors

B.A. Cusack observes that, while the presbyteral council and the college of consultors are connected, they also have separate and distinct functions.[338] A. Alaguselvan notes that both "have competence in pastoral, financial, and governing matters, although legally the presbyteral council is 'preeminent.'"[339] J.H. Provost observes a certain "overlapping" between them.[340] Nonetheless, he asserts that "the senate" is more deeply rooted in the ongoing reality of the diocese.[341] Not only is the presbyteral council "preeminent" in advising the diocesan bishop, but unlike the consultors, who by definition are the "bishop's men," the senate relates to all the *presbyterium,* bishop and priests together.[342]

Provost observes three practical problems concerning these two bodies since the Second Vatican Council.[343] He notes: (1) The competencies of the two bodies were not clearly distinguished, and consequently, it was difficult to coordinate them.[344] Sometimes, presbyteral councils came to be so enmeshed in the concerns of priests that they appeared to lose sight of their broader function of aiding the bishop in diocesan

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[338] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 652.

[339] A. Alaguselvan cites SACRED CONGREGATION FOR THE CLERGY, *PS* no. 9. The presbyteral council "is affirmed to be a special consultative organ because by its nature and its procedural process it is preeminent among other organs of the same kind." (ALAGUSELVAN, *Priests' Council,* 58).

[340] PROVOST, "The Working Together of Consultative Bodies," 272.

[341] Ibid.

[342] SACRED CONGREGATION FOR THE CLERGY, *PS*, nn. 5-10, in *AAS*, 62 (1970), 461-464, in *CLD, vol.* 7, 386-389; PROVOST, "The Working Together of Consultative Bodies," 272.

[343] PROVOST, "Presbyteral Councils and College of Consultors," 195.

[344] Ibid.

governance.[345] (2) There was a fear that the diocesan bishop would consult the two bodies independently, and would then by a "divide and conquer" approach go ahead and do whatever he wished, without the restraints envisioned in the law.[346] In other dioceses, the two groups often were so opposed on various issues that the diocesan bishop was left without effective advice. Most frequently, however, they were just not informed about what each other was doing, and their advice was, therefore, less helpful.[347] (3) The complaint arose that there were "too many meetings."[348] discussing the same items with many of the same people,[349] one time at a consultors' meeting and the next at the presbyteral council or the diocesan pastoral council.

From the perspective of membership, Provost notes that to be appointed to the college of consultors, a priest must be currently serving on the presbyteral council (c. 502, §1). Unless particular law has determined otherwise, the diocesan bishop is free to select whomever he wishes from among the presbyteral council members, including just the *ex officio* or appointed members.[350] Provost notes that it is only required that a priest is on the presbyteral council at the time of his appointment to the college of consultors. If his term on the presbyteral council expires prior to the expiration of his term on the college of consultors, he remains a consultor even though he is no longer a

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[345] See PAUL VI, *ES I*, no. 15, §1, in *AAS*, 58 (1966), 766, in *FLANNERY1*, 600.

[346] PROVOST, "Presbyteral Councils and College of Consultors," 195.

[347] Ibid.

[348] Ibid.

[349] KARAMBAI, "Consultative Bodies in the Particular Churches," 288, referred to in 2.1.2.2. of this study.

[350] Ibid., 198.

presbyteral council member.[351] In fact, the Commission for the Authoritative Interpretation of the Code confirmed this in one of its early responses.[352]

In some dioceses,[353] the presbyteral council serves as the college of consultors; the two bodies are co-terminus. While technically this might be possible, it seems to be contrary to the *mens legislatoris*, who envisions two separate bodies.[354] In addition, the diocesan bishop should only choose the priests from the council who would be the best consultors, e.g., the priests who are more experienced, knowledgeable, and trustworthy.[355] Provost observes that a common practical solution is that if a consultor ceases to be a member of the presbyteral council, he becomes an *ex officio* member of the council for the duration of his term on the consultors.[356]

In their document *United in Service*, the bishops of the United States suggest that the diocesan bishop might assemble the college of consultors, since it is a relatively small group, to discuss a delicate or urgent issue that needs an immediate response.[357] On the other hand, he might consult the presbyteral council to seek counsel regarding the pastoral governance of the diocese and to encourage and be encouraged by the priests.[358] J.H. Provost holds that the diocesan bishop *and* priests need to make both

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[351] Ibid.

[352] PONTIFICAL COMMISSION FOR THE AUTHORITATIVE INTERPRETATION OF THE CODE OF CANON LAW, Responsa ad proposita dubia (11 July 1984), in *AAS*, 76 (1984), 747. English translation in RENKEN, *Particular Churches: Their Internal Ordering, 460-572*, 139-140, footnote 41.

[353] See R. PAGÉ, "Le Conseil presbyteral, dix ans apres le decret *Presbyterorum ordinis*," in *Studia canonica,* 8 (1974), 237-254; L. MARTINEZ SISTACH, "Consejos Presbiterales y Pastorales Dicesonas en Espana: Bilance de su situacion," in *Estudio Eclesiasticos*, 51 (1976), 147-182.

[354] J.I. ARRIETA, "La configuración juridica del Colegio de Consultores," in *Ius Canonicum,* 24 (1984), 783-793.

[355] CIC-1917, c. 423.

[356] PROVOST, "Presbyteral Councils and College of Consultors," 200.

[357] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 418.

[358] Ibid.

bodies work in such a way that they do not interfere with one another but provide assistance in the governance of the diocese.[359]

3.4.2. The Presbyteral Council and Other Participative Structures

G. Wainwright proposes that, when the faithful (ordained and lay) take counsel together and face important matters in the particular Church together, it is the diocesan bishop who needs to summon and preside over the group and foster the process of promoting, discerning, and articulating a consensus to build the Church in truth and love.[360] Accordingly, it falls to diocesan bishops to initiate or at least sustain various mission-orientated collaborative processes.[361] Also important is the diocesan bishop's role in insisting that participative structures engage within their own competencies and hold in unity and collaboration the various structures of participation in the particular Church.[362] This is not always easy as the Code does not provide comprehensive guidance on their coordination.[363]

Since the Code requires a presbyteral council, a college of consultors, and a diocesan finance council, and since it proposes a diocesan pastoral council, there is a real danger of conflict and competition for "turf" among these councils unless the responsibilities of each are delineated and distinguished.[364] Collaboration between them is also necessary for good order.[365] J.H. Provost maintains that the Code and the

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[359] PROVOST, "Presbyteral Councils and College of Consultors," 208.

[360] G. WAINWRIGHT, "Episcopacy and the Reintegration of Ecclesial Unity," in *The Jurist*, 66 (2006), 250.

[361] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 425.

[362] PAUL VI, *ES I*, no. 17, §1, in *AAS*, 58 (1966), 767, in *FLANNERY1*, 601.

[363] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 418.

[364] BEAL, "Consultation in Church Governance," 51.

[365] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 418.

magisterial documents suggest that pastoral councils are best suited for long-range planning, and the presbyteral council is designed for setting aims, priorities, and methods for implementing long-range planning.[366]

Among the participative structures of the particular Church this study has comprehensively reviewed in 2.1.2.1.-2.1.2.8., there is also the diocesan finance council which has the task of "preparing each year, in accordance with the instructions of the diocesan bishop, a budget of receipts and expenses drawn up for the whole diocese" (c. 493). One can envisage an annual interaction, at least, even if indirectly, between the diocesan finance council and the presbyteral council concerning the setting of the ordinary tax level based upon a review of the annual diocesan budget.[367] On occasion, it may even be beneficial for members of both bodies to meet together, for example, if there was a need to set an extraordinary tax. Likewise, a diocesan financial emergency might occasion close collaboration between these bodies and the diocesan pastoral council.[368]

One should also mention the diocesan pastoral council (c. 511), which reflects "the entire part of the people of God who make up the diocese" (c. 512, §2). J.H. Provost observes that as presbyteral councils came to be predominantly focused on priests' concerns,[369] diocesan pastoral councils sometimes took over the task of providing effective advice on financial and other governance issues.[370] This is unfortunate as the

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[366] PROVOST, "Presbyteral Councils and College of Consultors," 196.

[367] See c. 1263.

[368] *Apostolorum successores* suggests that, in certain important financial matters, "it might also be helpful (for the diocesan bishop) to consult the diocesan pastoral council." (CONGREGATION FOR BISHOPS, *AS*, no. 189).

[369] PROVOST, "Presbyteral Councils and College of Consultors," 196.

[370] Ibid.

pastoral council can play a potentially significant role in studying and making *pastoral* recommendations (c. 511; CCEO, c. 272), testing the research of others, and reviewing various decisional options to be presented to the bishop.[371]

If the diocesan finance council[372] reviews annual parish financial reports to assure financial accountability (c. 1287, § 1), it raises the question, at least for T.J. Green, whether or not the diocesan pastoral council might review comparable spiritual reports to assure spiritual accountability. This engagement might be beneficial in preparing the quinquennial report (c. 399; CCEO, c. 296, §2).[373] Indeed, J.P. Beal opines: "Couldn't the diocesan pastoral and financial councils and the presbyteral council join forces to conduct annual or at least periodic reviews of the effectiveness of diocesan agencies?"[374] This approach would seem to be supported by *Ecclesiae sanctae I*, 17.[375]

Within the diocesan curia, with its different structures that help "in the governance of the whole diocese" (c. 469), there is also the episcopal council.[376] The Code sets out the mission of this structure in quite a generic manner, "to favour better pastoral activity" (c.473, §4). *Apostolorum successores*, however, gives a little more detail: its mission is "to coordinate all diocesan pastoral activity."[377] A. Borras remarks that, as an organ of "coordination" at the service of the diocesan bishop, the episcopal

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[371] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 432.

[372] Ibid.

[373] Ibid., 433.

[374] BEAL, "Consultation in Church Governance," 32.

[375] PAUL VI, *ES I,* no. 17, §1, in *AAS*, 58 (1966), 767, in *FLANNERY1*, 601.

[376] BORRAS, "L'Évêque Diocésain," 115.

[377] CONGREGATION FOR BISHOPS, *AS*, no. 177.

council is like a "cabinet."[378] However, he cautions that it should not strive for anything except the greatest cohesion among all, *conspirantes in unum,* with the outlook of the diocesan bishop and the diocesan pastoral plan.[379] Hence, the episcopal council should not eclipse the presbyteral council. The episcopal council is "the institutional transfer" of the participation in the *potestas sacra* of the bishop in an ordinary and vicarious manner (c. 473, §4). In contrast, the presbyteral council is the "institutional transfer" of the collaboration of the presbyterate in the governance of the diocesan bishop.[380]

3.4.3. Challenges for the Presbyteral Council

A. Borras remarks that a tension currently exists between, on the one hand, the persistence of a monocratic style, that is, autocratic episcopal governance, and on the other, the widespread incidence of a democratic ethos which produces expectations of a more democratic style.[381] This tension is conducive to either the authoritarianism of isolated power or the paralysis of dispersed power. Consequently, Borras holds that it is not an exaggeration to say that the presbyteral council, as it currently works, is "useless." There appear to be four principal reasons for his negative assessment:[382]

(1) The presbyteral council is often viewed like a parliament, trade union, or a lobby or pressure group.[383] This challenge cannot be overcome except by an ecclesiological conversion that understands that the Church is an organic and structured communion, and that the presbyteral council is an institutional expression of a particular

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[378] BORRAS, "L'Évêque Diocésain," 120.

[379] Ibid., 133.

[380] Ibid.

[381] Ibid., 130.

[382] Ibid., 134.

[383] Ibid.

bond of consecration and the mission of priests with their bishop *in this place*.[384] (2) In a number of dioceses, there exists an assembly (or council) of deans or archpriests (c. 553, §1),[385] with whom the diocesan bishop meets periodically "to discuss the problems of the diocese and to be informed of the situation of the parishes."[386] Although these meetings can be helpful, this arrangement might cut across the presbyteral council *secundum mentem legislatoris*. (3) Many diocesan bishops appear to operate according to a minimalist vision of governance,[387] governing their dioceses mainly using the organs of the diocesan curia, especially their episcopal council.[388] They seem pained at having to involve the presbyteral council in diocesan governance.[389] (4) There is an atmosphere of tiredness or discouragement on the part of priests.[390] This can contribute to a reductive approach to the presbyteral council, where it becomes a space for debate, ideas, questions, and even valuable listening by the diocesan bishop. However, this does not translate into a place of healthy coresponsibility on the part of the priests in diocesan governance.[391]

Borras argues that these difficulties do not constitute insurmountable barriers but will nonetheless require enlightened and determined engagement from the diocesan

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[384] Ibid.

[385] Ibid., 135.

[386] CONGREGATION FOR BISHOPS, *AS*, no. 218.

[387] BORRAS, "L'Évêque Diocésain," 135.

[388] Ibid; A. VIANA, "Consejo episcopal," in J. OTADUY, A. VIANA and J. SEDANO (eds.), *Diccionario general de Derecho canonico*, vol. 2, Pamplona, Universidad de Navarra-Thomson Reuters Aranzadi, 2012, 585.

[389] BORRAS, "L'Évêque Diocésain," 135.

[390] Ibid., 136.

[391] Ibid.

bishop to address them.[392] Undoubtedly, priests and presbyterates will also have to recommit to a considerable revitalisation of the presbyteral council in their own particular Church. Indeed, a council that knows that the diocesan bishop will listen to it will likely work with greater enthusiasm.[393]

T.J. Green gives attention to more practical constraints for the presbyteral council in the *ius vigens*. He acknowledges with frustration that, while the diocesan bishop is to hear the council *in negotiis maioris momenti,* technically, this is necessary only if the law expressly prescribes it.[394] Indeed, Green argues that such a "preeminent" ecclesial body should enjoy broader deliberative options comparable to the college of consultors and the diocesan finance council in certain financial matters (cc. 1277; 1292, §1; CCEO, cc. 1036, §1, 1).[395] He also questions the limitation of that deliberative vote of these two bodies to certain financial matters.[396]

Several canonists hold that the diocesan bishop has such broad discretion in shaping the agenda (c. 500) that it seems to limit the presbyteral council's pastoral effectiveness as well as the trust the legislator initially intended for the council. The same canonists argue that such a heavy *modus agendi* from the diocesan bishop does not adequately reflect the theology on the closeness of bishop-presbyter bonds.[397]

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[392] Ibid., 137.

[393] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 418.

[394] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 431.

[395] GREEN, "Contemporary Challenges to Episcopal Governance," 441.

[396] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 431.

[397] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 652; DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 148-149; KASLYN, "Accountability of Diocesan Bishops," 131-132; GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 430-431; HINZE, "The Reception of Vatican II," 35-36.

E. Duffy remarks that the fact that the presbyteral council lapses during a *sede vacante* and its functions are assumed by the college of consultors appears as an "overly cautious prescription."[398] Duffy notes that the council is made to depend entirely upon the diocesan bishop, whereas the *presbyterium* continues to exist even during a vacant see.[399] He wonders if the council should not continue and be in place when a new diocesan bishop is appointed, offering advice and support to the new diocesan bishop before he constitutes a new council after he has a sense of the diocese and its needs.[400]

3.4.4. The Presbyteral Council: A New Method?

This study has affirmed that the presbyteral council is a genuinely synodal structure. This is confirmed by the apostolic exhortation *Evangelii gaudium,* 31, wherein Pope Francis describes the canonical bodies in the particular Church, including the presbyteral council, as an important "means of participation."[401] Indeed, Francis has explicitly repeated that synodality be exercised in these "organs of communion," at the first level, in the particular Churches, in his epochal address for the 50th anniversary of the institution of the synod of bishops.[402] Even with some qualification,[403] there is no

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[398] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 149.

[399] Ibid;

[400] DUFFY, "Presbyteral Collegiality: Precedents and Horizons," 149. Thomas Green argues similarly that the presbyteral council should not cease *sede vacante* since it best expresses the ongoing reality of the presbyterate. (GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 431).

[401] FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

[402] FRANCIS, 50th Address.

[403] Alphonse Borras does not appear to view the presbyteral council as not being a *strictly formal* synodal institution, but rather primarily a ministerial body that assists the bishop in the governance of the diocese (see c. 495, §1). This seems to be due to the fact the presbyteral council does not *directly* touch on the diocesan *ecclesia*, but relates primarily to the presbyterate around the bishop. (BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 228).

Eugenio Corecco, on the other hand, refers to the presbyteral council as one of the synodal structures of the particular Church. (E. CORECCO, "Synodal or Democratic Structure of the Particular Church?" 76).

question that the presbyteral council, among others, has a genuinely synodal character,[404] marked by mutual listening, sharing, and close collaboration and dialogue, provided it remains "connected to the 'base'" and people's daily problems.[405] This is true in the daily mission of the particular Church and in a time of a worldwide synodal process.[406] Francis is clear that, from both the presbyteral council and the pastoral council, "a synodal Church can begin to emerge."[407]

In a synodal Church, one could easily ask if the presbyteral council could not increasingly operate by what Pope John Paul II calls "pondered agreement in matters of discussion."[408] J. Strynkowski proposes that John Paul II appears to suggest a "middle ground" between consultative and deliberative modes, a "consensus" model by way of a group thinking and praying through issues together and coming to an agreement that is perhaps nearly unanimous without having to take a vote.[409] This would mean embracing a synodal vision of decision-making in the presbyteral council through the practice of consensus that presupposes a process of consultation, listening, dialogue, and discernment.[410]

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[404] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn. 80, 81.

[405] FRANCIS, 50th Address.

[406] FRANCIS, *EC*, preamble, no.7, in *AAS,* 110 (2018), 1364.

[407] Ibid; FRANCIS, 50th Address; ID., *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22; GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, Preparatory Document: For a Synodal Church, 7 September 2021, no. 31; ID., *Vademecum* for the Synod on Synodality, nn. 1.5, 3.5, 4.2, 4.3, 5.3, 8.

[408] JOHN PAUL II, *NMI*, no 45, in *AAS,* 93 (2001), 298-299, Pauline Books English translation, 58-60.

[409] J. STRYNKOWSKI, "Consultation in the Documents and Practice of the Holy See since Vatican II," in *CLSA Proceedings,* (2006), 60.

[410] H. OSPINO, "A Closer Look at Synodality and its Promise for a More Inclusive Church," at *The National Catholic Reporter*, 23 August 2021, https://www.ncronline.org/news/opinion/closer-look-synodality-and-its-promise-more-inclusive-church (20 February 2022).

It is necessary to acknowledge that the canons of the *ius vigens* do not stipulate precisely *how* a presbyteral council will arrive at its advice and recommendations; current *praxis* includes balloting and discernment.[411] It is also helpful to observe that in February 2005, the World Council of Churches decided upon a consensus model of decision-making where possible.[412] Moreover, given the increased impetus for greater synodal *praxis* in the Catholic Church under the pontificate of Pope Francis, one could see that, as J.E. Okosun observes, there might be an increased expectation in the *lex ferenda* that mandates, or at least recommends, consensus as a preferred decisional process for the presbyteral council.[413] This would build upon the sentiments of *Ultimis temporibus*[414] and also appears to be in accord with a suggestion made by Cardinal M. Grech on 9 October 2021 regarding the dynamics of the assembly of the synod of bishops, verifying consensus and the assembly's consideration of the final document.[415]

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[411] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 420.

[412] In February 2005, the World Council of Churches departed from a system of parliamentary or majority votes so as to embrace a consensus model of decision-making. (F. DEGENHARDT, "Consensus: A Colourful Farewell to Majority Rule," at *World Council of Churches*, 6 October 2005, https://www.oikoumene.org/news/consensus-a-colourful-farewell-to-majority-rule [11 February 2022]). It was felt that the "parliamentary" system can often result in a significant minority voice still ending up on the "losing" end of a vote. (W. WILTSCHEK, "Consensus: 'A Better Way of Reflecting the Nature of the Church'," at *World Council of Churches*, 22 February 2005, https://www.oikoumene.org/news/consensus-a-better-way-of-reflecting-the-nature-of-the-church [11 February 2022]). In times of deadlock, the consensus approach offers a number of possible ways to proceed in such situations: the disputed issue can be adjourned or referred to a smaller working group, the meeting can pause for breath by observing a moment of silence or prayer, or the different points of view can be recorded or delegates could record that a consensus of opinion was not possible at that point. A formal vote is still possible but is viewed as a last resort, except for constitutional or financial matters. (WORLD COUNCIL OF CHURCHES, *Guidelines for the Conduct of Meetings of the World Council of Churches,* https://www.oikoumene.org/sites/default/files/Document/pb-01-consensusmanual.pdf [11 February 2022]).

[413] OKOSUN, The Collaborative Role of the Presbyteral Council, 69.

[414] SYNOD OF BISHOPS, *UT*, II, no. 1, in *AAS*, 63 (1971), 920, in *FLANNERY2*, 691.

[415] GENERAL SECRETARIAT OF THE SYNOD OF BISHOPS, Message of Cardinal M. Grech, Moment of Reflection at the Beginning of the Synodal Process, 9 October 2021, https://www.synod.va/content/dam/synod/common/opening/12.-MESSAGGIO_GRECH-EN.pdf (23 February 2022).

Perhaps, after the 2021-2023 assembly of the synod of bishops, a new instruction or circular letter from the Dicastery for the Clergy on the mission and function of the presbyteral council would be timely and could include this suggestion for enhanced synodality through a consensus model.[416]

Okosun adds that there might also be a necessity for a canonical procedure that the diocesan bishop would need to follow to act validly against a unanimous or a consensus opinion or counsel of the presbyteral council.[417] Such a clear procedure would give juridical expression of affirmation of the Church's teaching on the relationship between the diocesan bishop and the presbyteral council and the significance of this council in diocesan pastoral governance.[418]

Trust among those consulting and being consulted, frequent meetings, a maximising of the participation of all concerned, a serious preparation of the presbyteral council's agenda, and persistent and renewed efforts and impetus to arrive at a consensus[419] all will aid efforts to re-energise and recalibrate the synodical role of the presbyteral council among the particular Churches. In this way, the presbyteral council will positively take its part in the elaboration of decisions,[420] along with the diocesan pastoral council and the other participative structures, together with the pastoral authority with the ultimate responsibility to *assume* them.[421] Then, the synodal spirit,

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[416] A new circular letter or instruction on the presbyteral council might be forthcoming in light of the XVIth ordinary general assembly of the synod of bishops (2021-2023). A new instruction on the diocesan council would be advantageous too.

[417] OKOSUN, The Collaborative Role of the Presbyteral Council, 69.

[418] Ibid.

[419] NATIONAL CONFERENCE OF CATHOLIC BISHOPS, "United in Service," 409; 411-421.

[420] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 69.

[421] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 238.

where "mutual listening, exchange and communication, sharing and solidarity, the desire to reach consensus, or a common conviction,"[422] will serve "the missionary aspiration of reaching everyone."[423]

Conclusion

This third chapter has traced the historical development of the presbyteral council. It has focussed upon the mandate for the establishment of the presbyteral council in the various texts of the Second Vatican Council, followed by an examination of the legislation issued in the decade immediately after the Council. The chapter has reviewed the mission of the presbyteral council as it appears in the 1983 Code of Canon Law: as a mandatory body of priests representing the *presbyterium* that advises the diocesan bishop in the governance of the diocese. The chapter has also evaluated the meaning of the notions of consultation, consent, and building consensus, as they specifically relate to the presbyteral council. It has also considered the orientations of the post-Codal texts concerning the council.

After reviewing the norms of the *ius vigens* for presbyteral council membership, the chapter has highlighted the significance of effective and precise statutes for each presbyteral council. The chapter has reviewed the norms that govern the operation of the council. It has examined how the relationship of the presbyteral council and the college of consultors and other participative structures bring both challenges and opportunities. Finally, this third chapter has opened up the possibility for the presbyteral council to develop an intentional model of consensus-based discussion with possible modifications in the *lex ferenda.* These modifications would provide a needed impetus

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[422] B. FRANCK, "Les expériences synodales après Vatican II," in *Communio* 3 (1978), 77.

[423] FRANCIS, *EG,* no. 31, in *AAS*, 105 (2013), 1033, in *CTS Edition*, 21-22.

to elucidate the synodal character of the presbyteral council and would undoubtedly be a further step to embracing a constitutively synodal Church

CHAPTER FOUR

FUTURE POSSIBILITIES FOR SYNODALITY AND IMPLICATIONS FOR THE PRESBYTERAL COUNCIL?

Introduction

The fourth chapter of this thesis acknowledges the existence of ecclesiastical circumscriptions other than a diocese. In so doing, it will trace the roots and mission of the personal ordinariates for former Anglicans. It will treat how such personal ordinariates safeguard aspects of Anglican patrimony and, at the same time, enable the integration of groups into the Catholic Church. The chapter will examine the governance of the personal ordinariates and evaluate the significance of its governing council as an aspect of Anglican patrimony. It will review the governing council's membership, officials, and principal functions, and compare the governing council with the competencies of both the presbyteral council and the college of consultors.

This chapter will review the prospects for growth in synodality for the participative structures in the particular Churches, especially the presbyteral council. To do this, it will seek to draw possible lessons from the principal functions of the governing council for the rest of the Latin Church. While recognising the increased use of diocesan synods, the chapter will also evaluate the implications of a possible more frequent use of particular councils. Finally, it will consider whether or not updated instructions from the Holy See on participative structures and processes would be helpful, together with a review of the need for effective formation for all the faithful in synodal skills and practice.

4.1. The Personal Ordinariates for Former Anglicans

D.L.C.M. Galles notes that "for a variety of historical reasons there are in the Latin Church a number of territorial circumscriptions which escape the usual pigeon-

holing as dioceses."[1] Among these, as of 2022, are forty territorial prelatures,[2] eleven territorial abbacies,[3] eighty-two apostolic vicariates,[4] thirty-nine apostolic prefectures,[5] eight apostolic administrations,[6] eight missions *sui iuris*,[7] eighteen personal ordinariates erected for the faithful of Eastern Churches[8] *sui iuris* in Latin territories without a proper hierarchy of their own,[9] as well the thirty-six ordinariates for the

[1] D.L.C.M. GALLES, "*Anglicanorum Coetibus* - Some Canonical Investigations on the Recent Apostolic Constitution," in *The Jurist,* 71 (2011), 203.

[2] *Annuario Pontificio 2022*, Libreria Editrice Vaticana, Città del Vaticano, 2022, 1004-1015; 1779.

[3] Ibid., 1016-1018; 1779-1780.

[4] Ibid., 1034-1049; 1781.

[5] Ibid., 1050-1054; 1782.

[6] Ibid., 1055-1056; 1782.

[7] Ibid., 1058-1059; 1782.

[8] It is necessary to acknowledge the apostolic letter *Officium supremi Apostolatus* of 1912 by which Pope Pius X provided for the spiritual assistance of the Ruthenian rite faithful resident in the Latin territories of Canada. (PIUS X, Apostolic Letter *Officium supremi Apostolatus,* 15 June 1912, in *AAS,* 4 [1912], 555-556). However, J.D. Bradley (See BRADLEY, The Provenance and Purpose of Personal Ordinariates, 279, footnote 75) reminds us that this provision was in turn a development of the controversial 1907 apostolic letter *Ea semper.* (PIUS X, Apostolic Letter *Ea semper,* 14 June 1907, in *ASS,* 41 [1908], 3-12. This earlier provision caused such dissatisfaction amongst the Eastern clergy in the United States that large numbers broke communion with Rome over the matter). Further developments took place in 1924, but from the time of the Second World War the erection of actual structures for the care of the Eastern Catholic faithful in Latin territories was preferred, to the point that the ordinary would be a Latin bishop. (SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, *Cum Episcopo Græco-Rutheno*, 17 August 1914, in *AAS,* 6 [1914], 458-463). (See *Annuario Pontificio 2022,* 1780).

[9] *Annuario Pontificio 2022*, 1019-1023; 1780. See SACRED CONGREGATION FOR THE ORIENTAL CHURCH, *Ordinariatus in Brasilia constitutur pro fidelibus rituum orientalium*, 14 November 1951, in *AAS,* 44 (1952), 383-383; SACRED CONGREGATION FOR THE ORIENTAL CHURCH, *Ordinariatus pro omnibus Christifidelibus ritus orientalis in Gallia degentibus instituitur*, 27 July 1954, in *AAS,* 47 (1955), 612-613; JOHN XXIII, Apostolic Constitution *Exarchatus pro Ucrainis in Gallia*, 22 July 1960, in *AAS*, 53 (1961), 341-342; JOHN XXIII, Apostolic Constitution *Exarchatus pro Armenis in Gallia*, 22 July 1960, in *AAS*, 53 (1961), 343-344; SACRED CONGREGATION FOR THE ORIENTAL CHURCH, *Ordinariatus pro fidelibus ritus orientalis in Argentina erigitur*, 19 February 1959, in *AAS*, 54 (1962), 49-50; PAUL VI, Apostolic Constitution *Ucrainorum fidelium*, 9 February 1968, in *AAS*, 60 (1968), 547-549; PAUL VI, Apostolic Constitution *Quod providentur*, 29 November 1971, in *AAS,* 64 (1971), 408-409; PAUL VI, Apostolic Constitution *Hæc Romana et Apostolica Sedes,* 29 November 1971, in *AAS,* 64 (1971), 409-410; PAUL VI, Apostolic Constitution *Eius Vicarius*, 29 November 1971, in *AAS*, 64 (1971), 411-412; PAUL VI, Apostolic Constitution *Cum præterito exeunte sæculo*, 24 April 1978, in *AAS,* 70 (1978), 385-386; JOHN PAUL II, Apostolic Constitution *Armeniorum fidelium*, 3 July 1981, in *AAS,* 74 (1982), 5-6; JOHN PAUL II, Apostolic Constitution *Ut sit*, 23 August 1982, in *AAS,* 75 (1983), 423-425; JOHN PAUL II, Apostolic Constitution *In Petro apostolorum principe*, 30 June 1986, in *AAS*, 78 (1986), 1211.

faithful attached to the military.[10] J.D. Bradley observes that the juridic structure of the three current personal ordinariates for former Anglicans[11] is based upon the Personal Apostolic Administration of St John Vianney in Campos, Brazil,[12] in the first place, established by the decree of the Congregation for Bishops, *Animarum bonum*[13] of 2002 and the aforementioned military ordinariates[14] established by the apostolic constitution *Spirituali militum curæ*[15] of 1986, in the second place.[16] However, it is important to be

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[10] *Annuario Pontificio 2022,* 1025-1032; 1781.

[11] Ibid., 1024; 1780.

[12] Ibid., 1057. The clergy and lay faithful of this union remained attached to the pre-conciliar liturgical books of the Roman rite, and entered into a schismatic situation because of the irregular manner of their establishment following the illicit consecration of Bishop Licinio Rangel in 1991. On 15 August 2000, Rangel, together with twenty-five priests, petitioned Pope John Paul II for reconciliation with the Catholic Church, and for the lifting of the excommunication imposed on Rangel. The group also included around 28,000 members of the lay faithful associated with the union. On 25 December 2001, Pope John Paul II lifted the excommunication imposed on Rangel and restored him to full communion. (JOHN PAUL II, Personal Letter to Bishop Licinio Rangel and the Sons of the Union of Saint John Mary Vianney of Campos, Brazil *Ecclesiae unitas*, 25 December 2001, in *AAS*, 94 [2002], 267-268, English translation in RENKEN, *Particular Churches and the Authority Established in Them,* Appendix VI, 283-284 and at https://www.vatican.va/content/john-paul-ii/en/letters/2002/documents/hf_jp-ii_let_20020119_mons-rangel.html [23 March 2022]); See also the Administration's official website https://www.adapostolica.org/ (25 March 2022).

[13] CONGREGATION FOR BISHOPS, *AB*.

[14] Even though these are often known by different names, by permission of the Apostolic See, they are all *de iure* ordinariates. (BRADLEY, The Provenance and Purpose of Personal Ordinariates, 298).

[15] The latest provision for military ordinariates was established by the apostolic constitution *Spirituali militum curæ,* promulgated in 1986, and is thus not included in the 1983 code. (JOHN PAUL II, Apostolic Constitution on a New Ordering for the Spiritual Care of the Military *Spirituali militum curae*, 21 April 1986, [=*SMC*], in *AAS,* 78 [1986], 481, English translation in RENKEN, *Particular Churches and the Authority Established in Them,* Appendix VI, 255-259).

Spirituali militum curæ replaces the earlier provision established by the instruction *Solemne semper*, promulgated in 1951 during the pontificate of Pope Pius XII, which provided for military vicariates, and also subsequent decrees erecting individual vicariates. (SACRED CONSISTORIAL CONGREGATION, Instruction *Solemne semper,* 23 April 1951, in *AAS,* 43 [1951], 562-565).

[16] J.D. BRADLEY, "Brief Note on the Appointment of a Bishop for the Personal Ordinariate of the Chair of Saint Peter," 24 November 2015, 3, https://www.academia.edu/18948194/Note_on_the_Appointment_of_a_Bishop_for_the_Personal_Ordinariate_of_the_Chair_of_Saint_Peter (25 March 2022). Furthermore, Bradley observes that *Animarum bonum* and *Anglicanorum coetibus* are documents which are all but identical in layout, format, and content. (BRADLEY, The Provenance and Purpose of Personal Ordinariates, 286).

Galles notes the great similarities between the military and personal ordinariates for former Anglicans, (GALLES, "Some Canonical Investigations," 207).

Ghirlanda identifies the military ordinariates serve as a basis for the structural foundation for the personal ordinariates for former Anglicans but makes no mention at all of *Animarum bonum or* the personal apostolic administration of Saint John Mary Vianney. (G. GHIRLANDA, "The Significance of

clear that personal ordinariates are "not considered as Particular Ritual Churches" but as part of the Latin Church *sui iuris*.[17] Nor are they to be considered as personal prelatures.[18]

Following the pre-announcement on 20 October 2009 by the Congregation for the Doctrine of the Faith,[19] on 4 November 2009, Pope Benedict XVI issued his apostolic constitution *Anglicanorum coetibus,* whereby he provided for the establishment of personal ordinariates for former Anglicans desiring to enter into full communion with the Catholic Church. The apostolic constitution *Anglicanorum coetibus* introduces a canonical structure that provides for such corporate reunion[20] by establishing personal ordinariates that allow groups of Anglicans to enter full

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the Apostolic Constitution *Anglicanorum Coetibus*," in *The Messenger of the Catholic League: Anglicans and Catholics in Communion, Patrimony, Unity, Mission*, 292 [April-August 2010], 14-15).

[17] GHIRLANDA, "The Significance of the Apostolic Constitution," 15; J.I. ARRIETA, "Gli ordinariati personali," in *Ius Ecclesiae*, 22 (2010), 156-157; GALLES, "Some Canonical Investigations," 210-211; G. GHIRLANDA, "La Costituzione Apostolica *Anglicanorum coetibus*," in *Periodica*, 99 (2011), 394.

[18] Currently, there is only one personal prelature in existence: The Prelature of the Holy Cross and Opus Dei (*Annuario Pontificio 2022,* 1033). See GHIRLANDA, "The Significance of the Apostolic Constitution" 15; ARRIETA, "Gli ordinariati personali," 159-161; E. BAURA, "Personal Ecclesiastical Circumscriptions. The Personal Ordinariates for Faithful from the Anglican Communion," in *Philippine Canonical Forum*, 12 (2010), 128-129; GALLES, "Some Canonical Investigations," 213; GHIRLANDA, "La Costituzione Apostolica," 394-406.

[19] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Adnotatio circa Ordinariatum Personalem pro Anglicanis Catholicam Ecclesiam ingredientibus*, 20 October 2009, in *AAS*, 101 (2009), 939-942, Official English version, *Note of the Congregation for the Doctrine of the Faith about Personal Ordinariates for Anglicans Entering the Catholic Church*, https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2009/10/20/0650/01517-1.html (21 March 2022).

[20] Although *Anglicanorum coetibus* provides structures for those coming into the Catholic Church corporately, each individual must still manifest the personal desire to enter the personal ordinariate in writing (BENEDICT XVI, *AC*, art. IX, in *AAS,* 101 [2009], 989, in *CTS Edition*, 11); indeed, each must make the profession of faith, receive the sacraments of Christian initiation (with due regard for c. 845), and be registered in the apposite register of the personal ordinariate (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 5, §1). See also ARRIETA, "Gli ordinariati personali," 153; BAURA, "Personal Ecclesiastical Circumscriptions," 129-130, J.M. HUELS, "*Anglicanorum coetibus*: Text and Commentary," in *Studia canonica*, 43 (2009), 416.

communion with the Catholic Church while preserving elements of the distinctive Anglican spiritual and liturgical patrimony.[21]

Also on 4 November 2009, the Congregation for the Doctrine of the Faith issued *Complementary Norms*[22] concerning the application of *Anglicanorum coetibus*, though both documents were not released to the public until 9 November 2009. On 15 January 2011, the Congregation for the Doctrine of the Faith erected the Personal Ordinariate of Our Lady of Walsingham for the territory of the episcopal conference of England and Wales.[23] Following this, several small groups of faithful from the Scottish Episcopal Church were received into the full communion of the Catholic Church and placed under the pastoral care of the Personal Ordinariate of Our Lady of Walsingham.[24] On 1 January 2012, the congregation erected the Personal Ordinariate of the Chair of Saint Peter within the territory of the episcopal

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[21] HOLY SEE PRESS OFFICE, Press Release, 9 November 2009, at https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2009/11/09/0696/01642.html (26 March 2022).

[22] CONGREGATION FOR THE DOCTRINE OF THE FAITH, Complementary Norms for the Apostolic Constitution *Anglicanorum coetibus*, 4 November 2009, in *L'Osservatore Romano* (9-10 November 2009), 7. English translation in: *L'Osservatore Romano* (English) (11 November 2009), 4, and http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20091104_norme-anglicanorum-coetibus_en.html (10 April 2022). This is a general executory decree which "more precisely determine[s] the methods to be observed in applying the law." (c. 31; see also cc. 32-33).

Throughout this work the 2019 revision of this text is referred to unless explicitly mentioned to the contrary.

[23] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Decree of Erection of the Personal Ordinariate of Our Lady of Walsingham*, 15 January 2011, (=*Decree of Erection, POOLW)*, in *AAS,* 103 (2011), 129-133, Vatican English translation, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110115_decree-erection-walsingham_en.html (25 March 2022).

[24] THE PERSONAL ORDINARIATE OF OUR LADY OF WALSINGHAM, *Personal Ordinariate of Our Lady of Walsingham in Scotland under the Patronage of Saint John Henry Newman*, https://www.ordinariate.scot/ (7 April 2022). Although a personal ordinariate is limited to the territory of a particular episcopal conference (in this case, England and Wales), provision has been made for these faithful to be cared for by priests of the Personal Ordinariate of Our Lady of Walsingham. (BRADLEY, The Provenance and Purpose of Personal Ordinariates, 214).

conference of the United States.[25] On 7 December 2012, with permission of the Congregation for the Doctrine of the Faith, the territory of that ordinariate was extended into Canada, with the establishment of the deanery of St John the Baptist.[26] The Personal Ordinariate of Our Lady of the Southern Cross was erected on 15 June 2012 for the territory of the episcopal conference of Australia[27] but also came to embrace two communities in Japan[28] and a community in the parish of Cairns with Duaun Island, Torres Strait.[29]

The following section will survey the roots and mission of the personal ordinariates for former Anglicans, including the history of attempts from various groups of Anglicans at corporate reconciliation with the Catholic Church, leading to the establishment of the personal ordinariates.[30] It will also treat some of the significant

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[25] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Decree of Erection of the Personal Ordinariate of the Chair of Saint Peter,* 1 January 2012, (=*Decree of Erection, POCSP*), in *AAS,* 105 (2013), 852-855, Vatican English translation, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20120101_chair-of-st-peter_en.html (25 March 2022). This decree is virtually identical to the earlier one erecting the Personal Ordinariate of Our Lady of Walsingham, with obvious modifications (e.g., change in name of the personal ordinariate, the episcopal conference, identification of the patron).

[26] BRADLEY, The Provenance and Purpose of Personal Ordinariates, 230-231.

[27] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Decree of Erection of the Personal Ordinariate of Our Lady of the Southern Cross,* 15 June 2012, in *AAS,* 104 (2012), 599-603, Vatican English translation, https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20120612_decree-erection-ordinariate-our-lady-southern-cross_en.html (25 March 2022).

[28] In February 2015, a congregation of the Traditional Anglican Church of Japan was received as the Ordinariate Community of St Augustine of Canterbury in Tokyo. (THE PERSONAL ORDINARIATE OF OUR LADY OF THE SOUTHERN CROSS, *The Ordinariate Community of St. Augustine of Canterbury, Tokyo, Japan,* http://www.ordinariatejapan.org/index.html [6 April 2022]). In June 2016, a priest was ordained for the Ordinariate Community of St Laurence of Canterbury in Hiroshima (See "Ordinariate Ordination in Hiroshima, Japan," at *Ordinariate News*, 12 June 2016, https://ordinariateexpats.wordpress.com/2016/06/12/ordinariate-ordination-in-hiroshima-japan/ [6 April 2022]).

[29] See "Confirmations and Ordination of First Torres Strait Island Priest in a Joyous Weekend in Cairns," at *The Personal Ordinariate of Our Lady of the Southern Cross*, 27 May 2019, http://www.ordinariate.org.au/news/kopel-gibuma-ordination-and-confirmations/ (6 April 2022).

[30] For a detailed study of attempts at restoring full communion through forms of corporate reunion see BRADLEY, The Provenance and Purpose of Personal Ordinariates.

characteristics of the personal ordinariates in safeguarding Anglican patrimony and enabling Catholic integration. It will especially examine how the personal ordinariates are governed, specifically treating the Personal Ordinariate of Our Lady of Walsingham.

4.1.1. Roots and Mission of the Personal Ordinariates

In the period immediately before the promulgation of the apostolic constitution *Anglicanorum coetibus* and the Congregation for the Doctrine of the Faith's *Complementary Norms,* "many requests [had] been submitted to the Holy See from groups of Anglican clergy and faithful in different parts of the world who wish[ed] to enter into full visible communion with the Catholic Church."[31] These requests involved definite overtures from the Traditional Anglican Communion since the mid-1990s,[32] some contacts with *Forward in Faith* over the same period and discussions with bishops and theologians from the Church of England[33] in light of the ordination of women as priests[34] and bishops[35] and of practising homosexuals as bishops in the Anglican

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[31] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Adnotatio*, 20 October 2009.

[32] See S. WEATHERBE, "Anglo-Catholic Bishops Vote for Rome," at *National Catholic Register,* 3 July 2010, https://web.archive.org/web/20100313174543/http://www.ncregister.com/register_exclusives/anglo-catholic_bishops_vote_for_rome/ (22 March 2022).

[33] GHIRLANDA, "La Costituzione Apostolica," 373-430; W. TIGHE, "The Genesis of *Anglicanorum Coetibus*," a paper presented at the 2011 Anglican Use Conference, Arlington, Texas, the United States, at https://ordinariateportal.wordpress.com/2011/07/19/william-tighe-the-genesis-of-anglicanorum-coetibus/ (21 March 2022); J. WYNNE-JONES, "Anglican Bishops in Secret Vatican Summit," at *The Telegraph*, 5 July 2008, https://www.telegraph.co.uk/news/uknews/2254269/Anglican-bishops-in-secret-Vatican-summit.html (21 March 2022).

[34] BBC NEWS TEAM, "1992: Church of England Votes for Women Priests," at *BBC News*, http://news.bbc.co.uk/onthisday/hi/dates/stories/november/11/newsid_2518000/2518183.stm (23 March 2022).

[35] S. BATES, "Barriers to Women Bishops Removed," at *The Guardian*, 12 July 2005, https://www.theguardian.com/uk/2005/jul/12/gender.religion (23 March 2022); M. PARSONS, "Remembering the Right Rev. Barbara Harris, the First Female Bishop in the Anglican Communion," at *Religion and Politics*, 1 December 2020, https://religionandpolitics.org/2020/12/01/remembering-the-right-rev-barbara-harris-the-first-female-bishop-in-the-anglican-communion/ (23 March 2022).

On the eve of the decision of the Church of England to ordain women bishops in 2008, Cardinal W. Kasper addressed the Lambeth Conference, stating that such an act would affect "directly the goal

Communion.[36] Hence, *Anglicanorum coetibus* can be interpreted as a pastoral response to those Anglicans striving toward Catholic unity.[37]

Meanwhile, in the joint statement by the Archbishop of Westminster, V. Nichols, and the Archbishop of Canterbury, R. Williams, both made clear:

> The Apostolic Constitution is further recognition of the substantial overlap in faith, doctrine and spirituality between the Catholic Church and the Anglican tradition. Without the dialogues of the past forty years,[38] this recognition would not have been possible, nor would hopes for full visible unity have been nurtured. In this sense, this Apostolic Constitution is one consequence of ecumenical dialogue between the Catholic Church and the Anglican Communion.[39]

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and the level of what we pursue in dialogue." (W. KASPER, "The Lambeth Conference 2008: Address by Cardinal Walter Kasper," 30 July 2008, at *The Pontifical Council for Promoting Christian Unity Information Service*, 129 [2008/III], 143-149).

[36] J.D. BRADLEY, "Increase in Wisdom and Stature: Personal Ordinariates from Benedict XVI to Francis," in *The Jurist,* 77, (2021), 51; See also G. FRANKEL, "Appointment of Gay Bishop Threatens to Split Church of England," at *The Washington Post*, 29 June 2003, https://www.washingtonpost.com/archive/politics/2003/06/29/appointment-of-gay-bishop-threatens-to-split-church-of-england/8f4702b3-0437-42ed-8f5a-0e7e60a9932b/ (23 March 2022); BBC NEWS TEAM, "Gay Appointment Splits UK Anglicans," at *BBC News,* 6 August 2003, http://news.bbc.co.uk/1/hi/uk/3128161.stm (23 March 2022).

[37] R. WADDELL, "The Anglican Patrimony in *Anglicanorum coetibus* and the Complementary Norms," in T. ROWLAND *(ed.), The Anglican Patrimony in Catholic Communion: The Gift of the Ordinariates*, London, T&T Clark, 2021, 25.

Lumen gentium, no. 8, acknowledges that "elements impelling towards Catholic unity" existed in non-Catholic churches and ecclesial communities (*LG*, no. 8, in *AAS*, 57 [1965], 12, in *FLANNERY1*, 357) and *Unitatis redintegratio*, no. 13, taught that the Anglican Communion had "a special place having retained in part many Catholic traditions and institutions." (*UR*, no. 13, in *AAS,* 57 [1965], 100, in *FLANNERY1,* 463). In 1970, at the Canonisation Mass for the Forty English and Welsh Martyrs, Pope Paul VI acknowledged "the legitimate prestige and the worthy patrimony of piety and usage proper to the Anglican Church." (PAUL VI, Homily at the Mass of Canonisation of the Forty Martyrs of England and Wales, 25 October 1970, https://www.vatican.va/content/paul-vi/it/homilies/1970/documents/hf_p-vi_hom_19701025.html [21 March 2022]). In 1996, Pope John Paul II, in a letter to Cardinal E. Cassidy to mark the seventy-fifth anniversary of the *Malines Conversations*, specifically referred to the preferred ecumenical model of "the Anglican Church united not absorbed." (As noted in R. DONOHOE, Continuity or Discontinuity? *Apostolicae curae* to *Anglicanorum coetibus*, Doctoral thesis, Gregorian University, Rome, 2014, 269).

[38] Referring mainly to the agreements of the *Anglican Roman Catholic International Commission* (*ARCIC*) https://iarccum.org/org/?o=6 (28 March 2022) and the *International Anglican Roman Catholic Commission for Unity and Mission* (*IARCCUM*) https://iarccum.org/org/?o=7 (28 March 2022).

[39] JOINT STATEMENT BY THE ARCHBISHOP OF WESTMINSTER AND THE ARCHBISHOP OF CANTERBURY, "Personal Ordinariates for Anglicans Entering the Catholic Church," at *Catholic Bishops of England and Wales*, 20 October 2009, https://www.cbcew.org.uk/vatican-congregation-for-the-doctrine-of-the-faith-releases-note-about-personal-ordinariates-for-anglicans-entering-the-catholic-church/ (28 March 2022).

Pope Benedict XVI spoke warmly about *Anglicanorum coetibus* during his state visit to the United Kingdom in 2010. He set the apostolic constitution firmly within the ongoing ecumenical dialogue of the *Anglican Roman Catholic International Commission* (*ARCIC*)[40] and the *International Anglican Roman Catholic Commission for Unity and Mission* (*IARCCUM*). The pontiff described *Anglicanorum coetibus* as "a prophetic gesture that can contribute positively to developing relations between Anglicans and Catholics."[41]

This was not the first time that Anglicans had joined the Catholic Church as groups. At the beginning of the twentieth century, two Anglican religious communities had entered full communion with the Church.[42] Since 1980, the *Pastoral Provision* had been implemented in the United States, providing for groups of Anglicans to form "personal parishes" within current diocesan structures.[43] The situation that presented

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[40] Long-time Anglican member of ARCIC, (now a Catholic priest and member of the Personal Ordinariate of Our Lady of Walsingham), Michael Nazir-Ali appreciates the work and achievements of ARCIC, but expresses frustration that each time an agreement was reached on important issues, some part of the Anglican Communion would take unilateral action that cast doubt on the strength of the agreement. (M. NAZIR-ALI, "From Anglican to Catholic," at *First Things,* April 2022, https://www.firstthings.com/article/2022/04/from-anglican-to-catholic [28 March 2022]).

[41] BENEDICT XVI, Address to the Bishops of England, Scotland, and Wales, Oscott College, Birmingham, 19 September 2010, https://www.vatican.va/content/benedict-xvi/en/speeches/2010/september/documents/hf_ben-xvi_spe_20100919_vescovi-inghilterra.html (28 March 2022).

[42] Two examples are (1) the Anglican Benedictine Abbey of Caldey Island on 5 March 1913 (see P. ANSON, *Abbot Extraordinary: A Memoir of Aelred Carlyle, Monk and Missionary*, London, Faith Press, 1958; H. GILBERT, "Commemoration of the Centenary of the Monks's Conversion on Caldey," at *EWTN*, 27 March 2013, https://www.ewtn.com/catholicism/library/commemoration-of-the-centenary-of-the-monks-conversion-on-caldey-1580 [23 March 2022]); and (2) the Franciscan Friars and Sisters of the Atonement, New York on 30 October 1909, CATHOLIC NEWS SERVICE STAFF, "Atonement Friars at Assembly Discuss Pope's Call for 'Synod on Synodality'," at *Crux*, 23 March 2022, https://cruxnow.com/church-in-the-usa/2022/03/atonement-friars-at-assembly-discuss-popes-call-for-synod-on-synodality [23 March 2022]).

[43] BRADLEY, "Personal Ordinariates from Benedict XVI to Francis," 52; GHIRLANDA, "La Costituzione Apostolica," 374-389; J.M. SHEEHAN, A New Canonical Configuration for the "Pastoral Provision" for Former Episcopalians in the United States of America? JCD Thesis, Pontificia Universitas Santae Crucis, Facultas iuris canonici, Rome, 2009, 23-81; UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, "*Anglicanorum coetibus*: Questions and Answers," in *Origins*, 41 (2011-2012), 461-462.

itself this time seemed to involve more people in more places than previously,[44] and more importantly, for R. Waddell, many of the groups had an "ecclesial configuration;" the churches of the *Traditional Anglican Communion* had a hierarchical structure with bishops, priests, and lay faithful.[45] According to G. Ghirlanda, they simply lacked, from the Catholic point of view, a valid ministry that would make their communities "hierarchically vertebrate."[46]

S.J. Lopes comments that from 1960 to 2005, there were no fewer than seven serious attempts to bring about a corporate reunion of an Anglican ecclesial community with the Catholic Church.[47] Most of these efforts had, however, failed.[48] Lopes suggests that a new approach was required, involving a juridical structure, allowing for the incardination of priests and the canonical membership of the lay faithful so that their distinctiveness was not lost.[49] Ultimately, this led to a new approach culminating in the Apostolic Constitution *Anglicanorum coetibus*[50] and a corporate reunion of Anglican groups of faithful with the Apostolic See,[51] according to a model described in the

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[44] GHIRLANDA, "La Costituzione Apostolica," 381.

[45] WADDELL, "The Anglican Patrimony," 26.

[46] ARRIETA, "Gli ordinariati personali," 151; 154.

[47] S.J. LOPES, "Unity of Faith in a Diversity of Expression: The Work of the Congregation for the Doctrine of the Faith," given at the *Institutfiir Historische Theologie - Liturgiewissenschaft snd Sakramententheologie Katholisch-Theologische Fakultdt*, University of Vienna, on 28 March 2017, https://prelaturaspersonales.org/wp-content/uploads/2012/02/Bishop_Lopes_28March17_Lecture.pdf (28 March 2022), 12.

[48] Although beyond the scope of this work, a tragic example of this was in the years 1977-1982 with the Anglican Diocese of Amritsar in India which had sought to be reconciled *en masse*. (BRADLEY, The Provenance and Purpose of Personal Ordinariates, 95-101). See also D. SEPER, *United not absorbed: Geschichte und Gottesdienst der Katholiken anglikanischer Tradition,* Vienna, Lit Verlag GmbH & Co., 2020, 53-58; LOPES, "Unity of Faith in a Diversity of Expression," 14.

[49] LOPES, "Unity of Faith in a Diversity of Expression," 12.

[50] Ibid; BRADLEY, "Personal Ordinariates from Benedict XVI to Francis," 50.

[51] BRADLEY, "Personal Ordinariates from Benedict XVI to Francis," 50.

famous words of Dom Lambert Beauduin of the Malines Conversations, "united, not absorbed."[52]

4.1.2. Safeguarding Anglican Patrimony and Enabling Catholic Integration

G. Ghirlanda explains that the personal ordinariates for former Anglicans seek to respond to *two* principal needs: (1) to maintain the liturgical, spiritual, and pastoral traditions of the Anglican Communion within the Catholic Church, as a precious gift nourishing the faith of the members of the ordinariate and as a treasure to be shared; and (2) the need to integrate fully into the life of the Catholic Church groups of faithful, or individuals, coming from Anglicanism.[53] J.D. Bradley proposes that the liturgical forms and texts are not in themselves the Anglican patrimony, as some might give the impression,[54] but an important vehicle through which the essence of the patrimony is communicated.[55] That essence, he says, is "the virtue of religion,"[56] by which he means

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[52] The Malines Conversations were "quasi-official" on the Anglican side by the time of the second conversation on 14-15 March 1923 and Rome approved and encouraged them. See B. BARLOW, *A Brother Knocking at the Door: The Malines Conversation* 1921-1925, Norwich, The Canterbury Press, 1996; L. BEAUDUIN, "L'eglise anglicane unie, mais non absorbee," in Lord HALIFAX (ed.), *The Conversations at Malines* 1921-1925, London, Philip Allan & Co. Ltd, 1925, 241-261; W. FRERE, *Recollections of Malines*, London, Centenary Press, 1935; GHIRLANDA, "La Costituzione Apostolica," 375; M. REATH, *Rome and Canterbury: The Elusive Search for Unity*, Lanham, Rowman and Littlefield, 2007, 33-34; M. VICKERS, *Reunion Revisited. 1930s Ecumenism Exposed*, Leominster, Gracewing, 2017; R. WILLIAMS, *The Malines Conversations: The Beginnings of Anglican-Roman Catholic Dialogue,* New York/Mahwah, N.J., Paulist Press, 2021; M. YELTON, *Anglican Papalism: A History 1900-1960*, Norwich, Canterbury Press, 2005, 35-37.

[53] GHIRLANDA, "The Significance of the Apostolic Constitution," 16.

[54] W. ODDIE, "The Anglican Catholic Patrimony Which the Ordinariate Will Bring Has Been Enriching Us For Years," at *The Catholic Herald*, 11 March 2011, https://catholicherald.co.uk/the-anglican-catholic-patrimony-which-the-ordinariate-will-bring-has-been-enriching-us-for-years/ (27 March 2022); C. LAMB, "Anglican Patrimony For Ordinariate Defined," at *The Tablet*, 5 December 2013, https://www.thetablet.co.uk/news/3262/anglican-patrimony-for-ordinariate-defined (27 March 2022); J. A. DI NOIA, "Anglican Patrimony: A Perspective from the Holy See," at *Faith*, 1 September 2019, https://www.faith.org.uk/article/anglican-patrimony-a-perspective-from-the-holy-see (27 March 2022).

[55] J.D. BRADLEY, "The Virtue of Religion: The Irreducible Essence of The Anglican Patrimony," in T. ROWLAND (ed.), *The Anglican Patrimony in Catholic Communion: The Gift of the Ordinariates*, London, T & T Clark, 2021, 75-76.

[56] Ibid., 76.

"a way of being, a way of doing, even a way of speaking."[57] Bradley affirms: "The liturgical expression of the Anglican patrimony must be a fundamental expression of a lived reality, of a culture, and ethos that runs through the entire life of the personal ordinariates."[58] Indeed, it would seem to Ghirlanda that the Anglican patrimony may encompass more than just liturgical, spiritual, and pastoral traditions but may also include elements of theological traditions.[59]

Indeed, aspects of synodal governance form part of this greater Anglican patrimony, not only cherished by former Anglicans in the personal ordinariates but are also treasures to be shared for the good of the entire Church.[60] S.J. Lopes describes the breadth of scope for Anglican patrimony: "[Anglican patrimony] includes our distinctive form of liturgical prayer, our emphasis on the encounter with the transcendent God whom we worship in the beauty of holiness. It is a way of structuring parish life, of reverencing the domestic Church, of applying old lessons to the new challenges of religious education, and of sharing the responsibilities of governance."[61] Interestingly, for this study, K. Newton makes clear that included within Anglican patrimony is "our tradition and systems of governance."[62]

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[57] Ibid., 79.

[58] Ibid., 83.

[59] GHIRLANDA, "La Costituzione Apostolica," 386-389; R. WADDELL, "The Anglican Patrimony," 28.

[60] BENEDICT XVI, *AC,* art. III, in *AAS,* 101 (2009), 987, in *CTS Edition*, 8.

[61] S.J. LOPES, "The Mission of Catholic Education in the Ordinariate of the Chair of Saint Peter," at *Saint Alcuin Classical Academy*, Oakwood, GA, February 2022, http://alcuinacademy.org/wp-content/uploads/2022/02/The-Mission-of-Catholic-Education-in-the-Ordinariate.pdf (27 March 2022).

[62] K. NEWTON, "Mgr Keith Newton: What is the Ordinariate?" at *Ordinariate Portal*, *29 January 2011,* https://ordinariateportal.wordpress.com/2011/10/02/mgr-keith-newton-what-is-the-ordinariate/ (27 March 2022).

D.L.C.M. Galles notes that the personal ordinariates are structured so that the synodical tradition of the former Anglicans can find a new expression.[63] N. Doe remarks that it is often said that the Anglican Church is "episcopally led and yet synodically governed."[64] Moreover, G. Ghirlanda explicitly states that the personal ordinariates are required to comport with the Anglican synodal tradition.[65] C. Hill goes as far as to say that *Anglicanorum coetibus* appears to emphasise the importance of the Anglican synodal tradition "in a remarkable way."[66]

Ghirlanda clarifies that both *Anglicanorum coetibus* and the *Complementary Norms* want to ensure that Anglican patrimony is safeguarded and nurtured within the personal ordinariates.[67] Ghirlanda outlines how this is guaranteed:[68]

> 1. by the concession to the Ordinariate of the faculty to celebrate the Eucharist and the other sacraments, the Liturgy of the Hours and other liturgical celebrations according to the liturgical rites proper to the Anglican tradition and approved by the Holy See, without, however, excluding liturgical celebrations according to the Roman Rite;
>
> 2. by the fact that the Ordinary may determine specific programmes of formation for seminarians of the Ordinariate living in a diocesan seminary, or may establish a house of formation for them (BENEDICT XVI, *AC,* art. VI, §5 in *AAS,* 101 [2009], 988-999, in *CTS Edition*, 10; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 10 § 2); the seminarians must come from a personal parish of the Ordinariate or from Anglicanism (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 10, §4);
>
> 3. by the concession that those who were married Anglican ministers, including bishops, may be ordained priests according to the norms of the Encyclical Letter of Paul VI *Sacerdotalis coelibatus*, n. 42 and of the Declaration *In June*, while remaining in the married state (BENEDICT XVI, *AC,* art. VI, §1, in *AAS,* 101 [2009], 988, in *CTS Edition*, 9);
>
> 4. by the possibility that, following a process of discernment based on objective criteria and the needs of the Ordinariate (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019*

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[63] GALLES, "Some Canonical Investigations," 207.

[64] N. DOE, *Canon Law in the Anglican Communion: A Worldwide Perspective,* Oxford, Clarendon Press, 1998, 43-45; 102-104; 349.

[65] GHIRLANDA, "La Costituzione Apostolica," 395.

[66] C. HILL, "What is the Personal Ordinariate: Canonical and Liturgical Observations," in *Ecclesiastical Law Journal* 12, no. 2 (May 2010), 206.

[67] GHIRLANDA, "The Significance of the Apostolic Constitution," 17.

[68] Although beyond the scope of this work, these elements show a great deal of the provisions of the personal ordinariates.

> *CN*, art. 6, § 1), the Ordinary may also petition the Roman Pontiff, on a case by case basis, to admit married men to the priesthood as a derogation of *CIC* can. 277, §1, although the general norm of the Ordinariate will be to admit only celibate men (BENEDICT XVI, *AC,* art. VI, §2, in *AAS,* 101 [2009], 988, in *CTS Edition*, 10);
>
> 5. by the fact that the Ordinary may erect personal parishes, after having consulted with the local Diocesan Bishop and having obtained the consent of the Holy See (BENEDICT XVI, *AC,* art. VIII, §1, in *AAS,* 101 [2009], 989, in *CTS Edition*, 11);
>
> 6. through the capacity to receive into the Ordinariate Institutes of Consecrated Life and Societies of Apostolic life coming from Anglicanism, and of erecting new ones;
>
> 7. by the fact that, out of respect for the synodal tradition of Anglicanism: a) the Ordinary will be appointed by the Roman Pontiff from a *terna* of names presented by the Governing Council (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 4, § 1); b) that the Pastoral Council will be obligatory (BENEDICT XVI, *AC,* art. X, §4, in *AAS,* 101 [2009], 989, in *CTS Edition*, 12); c) that the Governing Council, composed of at least six priests, apart from fulfilling the duties established in the Code of Canon Law for the Presbyteral Council and the College of Consultors, will also exercise those duties specified in the *Complementary Norms* which include in some cases giving or withholding consent or of expressing a deliberative vote (BENEDICT XVI, *AC,* art. X, §2, in *AAS,* 101 [2009], 989, in *CTS Edition*, 11-12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, Art. 12).[69]

For C. Hill, the competencies of the aforementioned governing council go significantly *beyond* the *lex lata* for current participative structures in the Catholic Church and, indeed, the role of a bishop's council and diocesan synod in the Church of England.[70] N. Doe, however, insists that *Anglicanorum coetibus* respects the synodal tradition in a "vastly weaker form."[71]

G. Ghirlanda notes that the integration of the personal ordinariates into the life of the Catholic Church is especially assured by those norms that govern the profession of faith and the relationships of the personal ordinariate with the episcopal conference and with diocesan bishops.[72] According to these norms:[73]

> 1. the *Catechism of the Catholic Church* will be considered the authentic expression of the faith of the members of the Ordinariate (BENEDICT XVI, *AC,* art. I, §5, in *AAS,* 101 [2009], 987, in *CTS Edition*, 8);

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[69] GHIRLANDA, "The Significance of the Apostolic Constitution," 17-18.

[70] HILL, "What is the Personal Ordinariate," 206.

[71] N. DOE, "The Apostolic Constitution *Anglicanorum Coetibus*: An Anglican Juridical Perspective," in *Ecclesiastical Law Journal* 12, no. 3 (2010), 313.

[72] GHIRLANDA, "The Significance of the Apostolic Constitution," 18.

[73] Again, these provisions convey the character and mission of the personal ordinariates.

2. a Personal Ordinariate will be erected by the Holy See within the territorial confines of an Episcopal Conference, after having consulted with that Episcopal Conference (BENEDICT XVI, *AC,* art. I, §1, in *AAS,* 101 [2009], 987, in *CTS Edition*, 7);

3. the Ordinary will be a member of his respective Episcopal Conference and will be obliged to follow its directives, unless they are incompatible with the Apostolic Constitution *Anglicanorum coetibus* (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 2);

4. the ordination of ministers coming from Anglicanism will be absolute, on the basis of the Bull *Apostolicae curae* of Leo XIII of 13 September 1896. Given the entire Catholic Latin tradition and the tradition of the Oriental Catholic Churches, including the Orthodox tradition, the admission of married men to the episcopate is absolutely excluded (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 11, §1);

5. the priests incardinated into an Ordinariate constitute its presbyterate, but are obliged to cultivate bonds of fraternal unity with the presbyterate of the Dioceses in whose territory they exercise their ministry. They are to encourage joint initiatives and pastoral and charitable activities, which may be regulated by agreements between the Ordinary and the Diocesan Bishop or Bishops concerned (BENEDICT XVI, *AC,* art. VI, §4, in *AAS,* 101 [2009], 988, in *CTS Edition*, 10; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 3). The Complementary Norms envisage the possibility of mutual pastoral assistance between priests incardinated into the Ordinariate and those incardinated into Dioceses in which there are faithful of the Ordinariate (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN* art. 9, §§1 and 2);

6. the priests of the Ordinariate are eligible for election to the Presbyteral Council of the Dioceses in whose territory they exercise the pastoral care of the faithful of the Ordinariate (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 8, §1);

7. the priests and deacons of the Ordinariate are eligible to be members of the Pastoral Council of the Dioceses in whose territory they exercise their ministry (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 8, §2);

8. the authority (*potestas*) of the Ordinary is exercised together with the Diocesan Bishop in the circumstances envisioned in the *Complementary Norms* (BENEDICT XVI, *AC,* art. V, in *AAS,* 101 [2009], 988, in *CTS Edition*, 9; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 5, §2);

9. candidates for Holy Orders will be formed together with other seminarians, especially with regard to doctrinal and pastoral formation, even though particular programmes or houses of formation may also be established for them (BENEDICT XVI, *AC,* art. VI, §5, in *AAS,* 101 [2009], 988-999, in *CTS Edition*, 10; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 10, §2);

10. before establishing a personal parish, the Ordinary must listen to the opinion of the Diocesan Bishop of the area (BENEDICT XVI, *AC,* art. VIII, §1, in *AAS,* 101 [2009], 989, in *CTS Edition*, 11);

11. the Complementary Norms establish when the rights and duties proper to a parish priest of the Ordinariate are to be exercised in mutual pastoral cooperation with the parish priest of the territory in which the personal parish has been erected (BENEDICT XVI, *AC,* art. VIII, §2, in *AAS,* 101 [2009], 989, in *CTS Edition*, 11; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 14, §2);

12. the competent tribunal for judicial cases regarding the faithful of the Ordinariate is that of the Diocese in which one of the parties has domicile, presuming that the Ordinariate has

not constituted its own tribunal (BENEDICT XVI, *AC,* art. XII, in *AAS,* 101 [2009], 990, in *CTS Edition*, 12).[74]

Furthermore, the Personal Ordinariate of Our Lady of Walsingham's Decree of Erection addresses other practical issues[75] that had not yet been considered in *Anglicanorum coetibus* and its *Complementary Norms.*[76] As the personal

[74] Ibid., 19-20.

[75] As do the Decrees of Erection for the Personal Ordinariate of the Chair of Saint Peter and the Personal Ordinariate of Our Lady of the Southern Cross.

[76] These issues include:

- that the personal ordinariate is a particular Church *(Decree of Erection, POOLW,* art. l);

- that *all* Anglicans who wish to enter the personal ordinariate must manifest their desire in writing *(Decree of Erection, POOLW,* art. 3);

- that the personal ordinariate is to establish a program of catechetical formation for Anglicans seeking to enter it, lasting for a congruent period of time, with content established by the ordinary and approved by the Congregation for the Doctrine of the Faith (*Decree of Erection, POOLW,* art. 3);

- that the ordinary, in agreement with the Congregation for the Doctrine of the Faith and the Episcopal Conference of England and Wales, is to establish a specific programme of theological, spiritual, and pastoral pre-ordination formation for former Anglican clergy who wish to become Catholic clergy *(Decree of Erection, POOLW,* art. 4);

- that a cleric who does not belong to the personal ordinariate must receive faculties to assist at marriages of the faithful belonging to it from the ordinary of the personal ordinariate or the *parochus*[14] of the personal parish of the personal ordinariate to which the member belongs *(Decree of Erection, POOLW,* art. 5);

- that the ordinary has deliberative vote in the episcopal conference *(Decree of Erection, POOLW,* art. 6);

- that a former Anglican cleric already a Catholic cleric can be incardinated in the personal ordinariate *(Decree of Erection, POOLW,* art. 7);

- that members of the personal ordinariate outside the territory of the Episcopal Conference of England and Wales remain members but are bound, like *vagi*, only to the universal and particular laws operative in their current territory *(Decree of Erection, POOLW,* art. 9);

- that members of the personal ordinariate who move permanently can transfer to the personal ordinariate of their new locale, if such exists *(Decree of Erection, POOLW,* art. 10);

- that members can depart the personal ordinariate and thereby become members of the diocese of their residence *(Decree of Erection, POOLW,* art. 10);

- that the apposite register identifying the former Anglicans who belong to the personal ordinariate is to be maintained in its seat *(Decree of Erection, POOLW,* art. 13).

ordinariates grow in maturity, other issues can be expected to be addressed in new pieces of legislation.[77]

Anglicanorum coetibus foresees the approval of "liturgical books proper to the Anglican tradition" approved by the Holy See for use by the ordinariate communities.[78] Hence, from 2012, the Apostolic See approved various liturgical rites drawn from the Anglican tradition. First, in that year, there were the particular calendars for the three ordinariates and a Lectionary for Mass.[79] This was followed later that year by rites for funerals and marriage.[80] Then, in May 2013, the *Ordo Missae*, and in December 2013, the rite of baptism, were both issued.[81] The rites of baptism, marriage, and funerals were subsequently published as *Divine Worship: Occasional Services*.[82] J.D. Bradley

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This footnote is an adaptation based upon the analysis of John Renken made in the context of the Decree of Erection for the Personal Ordinariate of the Chair of Saint Peter. (J.A. RENKEN, "The Personal Ordinariate of the Chair of Saint Peter: Canonical Reflections," in *Studia canonica*, 46 [2012], 14).

[77] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 14.

[78] BENEDICT XVI, *AC,* art. III, in *AAS,* 101 (2009), 987, in *CTS Edition*, 8.

[79] *On the Liturgical Calendar:* CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree, 15 February 2012, prot. no. 76/12/L (England and Wales); Decree, 15 February 2012, prot. n. 75/12/L (United States); Decree, 30 April 2013, prot. no. 280/13/L (Australia). *On the Lectionary:* CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree, 15 February 2012, prot. no. 77/12/L (United States); Decree, 15 February 2012, prot. no. 78/12/L (England and Wales); Decree, 14 February 2013, prot. no. 280/13/L (Australia).

[80] *On The Order of Funerals:* CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree, 22 June 2012, prot. no. 168/12/L (England and Wales); Decree, 22 June 2012, prot. no. 169/12/L (United States); Decree, 22 June 2012, prot. no. 357/12/L (Australia). *On The Order of Solemnisation of Holy Matrimony*: CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree, 22 June 2012, prot. no. 359/12/L (England and Wales); Decree, 22 June 2012, prot. no. 360/12/L (United States); Decree, 22 June 2012, prot. no. 357/12/L (Australia). 37. *On the Order of Mass*: CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree, 7 May 2013, prot. no. 274/13/L (United States); Decree, 7 May 2013, prot. no. 275/13/L (England and Wales); Decree, 7 May 2013, prot. no. 276/13/L (Australia).

[81] *On the Order of Holy Baptism*: CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree, 12 December 2013, prot. no. 7 85/13/L (United States); Decree, 12 December 2013, prot. no. 786/13/L (England and Wales); Decree, 12 December 2013, prot. no. 787/13/L (Australia).

[82] *Divine Worship: Occasional Services*, London, Catholic Truth Society, 2014.

notes the significance[83] of *Divine Worship: The Missal,* published in 2015 and including the previously authorised *Ordo Missae*.[84] The Rubrical Directory or *praenotanda* of *Divine Worship: The Missal,* stipulates that it "gives expression to and preserves for Catholic worship the worthy Anglican liturgical patrimony."[85] Furthermore, between 2020 and 2021, two editions of *Divine Worship: Daily Office* were published for the three current personal ordinariates.[86]

4.1.3. Governance of the Personal Ordinariates

The ordinary's role in the personal ordinariate is similar to that of the diocesan bishop.[87] The ordinary must be a bishop or a priest[88] and receives his appointment by the Roman Pontiff based on a *terna* presented by the governing council.[89] The *Complementary Norms* state that the obligations of the diocesan bishop to the people entrusted to his care apply equally to the ordinary.[90] He governs the faithful of the ordinariate in the name of the Roman Pontiff [91] and exercises his power "jointly with that of the local diocesan bishop in those cases provided for the *Complementary*

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[83] BRADLEY, "Personal Ordinariates from Benedict XVI to Francis," 60.

[84] CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, Decree *Christi corporis*, 27 May 2015 in *Divine Worship: The Missal*, London, Catholic Truth Society, 2015, 5-6.

[85] *Divine Worship: The Missal,* Rubrical Directory, 3.

[86] These two editions represent the provision for the Divine Office, drawn from the Anglican prayer book tradition, for the clergy and lay faithful of the personal ordinariates. (*Divine Worship: Daily Office* [North American Edition], Pine Beach, NJ, Newman House Press, 2020; *Divine Worship: Daily Office* [Commonwealth Edition], London, Catholic Truth Society, 2021).

[87] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 32.

[88] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN,* art. 4, §1.

[89] BENEDICT XVI, *AC*, art. IV, in *AAS,* 101 (2009), 987, in *CTS Edition*, 9; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art 12, §4a.

[90] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 4, §1.

[91] BENEDICT XVI, *AC*, art. V(b), in *AAS,* 101 (2009), 988, in *CTS Edition*, 9; GHIRLANDA, "The Significance of the Apostolic Constitution," 17.

Norms."[92] The ordinary is a member of the local episcopal conference and follows its decisions as they are compatible with *Anglicanorum coetibus* and the *Complementary Norms*.[93]

J.M. Huels argues, as does D.L.C.M. Galles,[94] that the ordinariate's members "belong to two jurisdictions, the Latin Catholic territorial diocese and the ordinariate."[95] Hence the diocesan bishop and the ordinary would "exercise their power cumulatively, as in the military ordinariates.[96] J.R. Workman notes that if this is the case, then two "overlapping authorities"[97] would govern the members of the ordinariate; they would be bound by the jurisdiction of the ordinariate while at the same time by the particular law of the diocese in which they reside.[98] Workman continues that this type of "dual jurisdiction" or "cumulative jurisdiction" could lead to conflicts between members of the ordinariate, the ordinary, and the local diocesan bishop.[99] However, J.A. Renken holds that "the ordinary and the diocesan bishop do *not* have cumulative jurisdiction…[100] Instead, each has jurisdiction in distinct, complementary, and parallel realms, but in the same matters… exercised in a cooperative and coordinated way"[101]

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[92] Ibid.

[93] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 2, §1.

[94] GALLES, "Some Canonical Investigations," 222-223; 232.

[95] HUELS, "Text and Commentary," 398.

[96] Ibid.

[97] WORKMAN, The Governing Council of the Anglican Ordinariate, 25.

[98] Ibid.

[99] Ibid.

[100] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 29; GHIRLANDA, "La Costituzione Apostolica," 394, 410-413.

[101] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 30.

to serve the pastoral needs of the members of the ordinariate. Workman holds that Renken's understanding seems to present a more balanced and practical view of the cooperation needed between the ordinary and the local bishop, thus reducing the possibility of conflict over jurisdiction.[102] This is because the ordinary and the local bishop each possess their own jurisdictional authority on the same issues but in such a way that complements the other.[103]

J.M. Huels also argues that the power of the ordinary is somewhat limited when compared to that of a diocesan bishop, arguing that the "ordinary of [*Anglicanorum coetibus*] does not have all the powers of a diocesan bishop or even of a vicar general or episcopal vicar because he is not a local ordinary."[104] This approach leads Huels to conclude that the ordinary "does not have legislative or judicial power"[105] but possesses executive power only. Renken, however, takes a contrary position in that he argues that the ordinary has executive, legislative, and judicial power:

> The omission of canon 391 has led some canonists to conclude that the ordinary does not have the same legislative, executive, and judicial power as a diocesan bishop. With the promulgation of the Decree of Erection of the Personal Ordinariate of the Chair of Saint Peter, which by its reference to c. 372, §2 makes it clear that the personal ordinariate is a particular Church (See *Decree of Erection, POCSP*, art. 1), however, the rights and responsibilities of the ordinary are clear. Since the personal ordinariate is juridically a particular Church, it follows that its ordinary, like others who preside over particular Churches, has the same rights and responsibilities as a diocesan bishop to whom he is juridically equivalent…From this, one properly concludes that the ordinary has legislative, executive, and judicial power.[106]

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[102] WORKMAN, The Governing Council of the Anglican Ordinariate, 26.

[103] Ibid.

[104] HUELS, "Text and Commentary," 400.

[105] Ibid., 401.

[106] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 31-32. Also see footnote 56 in Renken's article in which Renken states that he is directly addressing the analysis of Huels that the ordinary only possesses executive power.

Like Renken,[107] G. Read also concludes that this reference to canon 372, §2[108] indicates that the personal ordinariate is, juridically, a particular Church.[109] However, the fact that *Anglicanorum coetibus* does not explicitly state that the personal ordinariate is, juridically, a particular Church has led some canonists to hold the contrary position.[110]

J.R. Workman notes that Renken's point also seems a better reflection of *Anglicanorum coetibus*, art. V,[111] which states:

> The power (*potestas*) of the Ordinary is:
> a. *ordinary*: connected by the law itself to the office entrusted to him by the Roman Pontiff, for both the internal forum and external forum;
> b. *vicarious*: exercised in the name of the Roman Pontiff;
> c. *personal*: exercised over all who belong to the Ordinariate;[112]

Workman acknowledges that Huels makes a good point when he proposes that the power of the ordinary is somewhat limited compared to that of the diocesan bishop, in that the diocesan bishop exercises proper power while the ordinary exercises vicarious power in the name of the pope.[113] However, Huels's point does not

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[107] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 32. Renken's argument interprets article V of *Anglicanorum coetibus* in light of article 1 of the Decree of Erection of the Personal Ordinariate of the Chair of St Peter.

[108] There is a specific reference in the footnote to Article 1 of the Decrees of Erection of each of the three ordinariates to c. 372, §2, which states the power by which each personal ordinariate has been established as a particular Church.

[109] G. Read remarks:

> [The Personal Ordinariate of Our Lady of Walsingham] is juridically equivalent to a diocese and specific reference is made in the footnote (n. 3) [in its Decree of Erection] to canon 372, §2 and so it is clearly stated to be a particular church similar to those listed in canon 368. This has important implications since some have questioned the power of the ordinary where the Code refers specifically to the diocesan bishop rather than local ordinary (canon 134).

(G. READ, "Comment [on the Decree of Erection of the Personal Ordinariate of Our Lady of Walsingham]," in *CLSGBI Newsletter,* 165 [March 2011], 8).

[110] See, for example, ARRIETA, "Gli ordinariati personali," 161; 166-167; HUELS, "Text and Commentary," 391.

[111] WORKMAN, The Governing Council of the Anglican Ordinariate, 28.

[112] BENEDICT XVI, *AC*, art. V, in *AAS*, 101 (2009), 988, in *CTS Edition*, 9.

[113] WORKMAN, The Governing Council of the Anglican Ordinariate, 28.

necessarily lead to the conclusion that the ordinary does not exercise executive, legislative, and judicial power. Workman underscores that Renken's reflection on the explicit reference to c. 372, §2[114] leads him to conclude that the ordinariate is a particular Church structure comparable to a diocese.[115] Renken continues the analogy and further argues that the ordinariate's ordinary is juridically comparable to a diocesan bishop because each governs comparable particular church structures.[116]

4.2. The Governing Council in the Personal Ordinariates for Former Anglicans

J.R. Workman recognises that the ordinary, who possesses vicarious papal power to govern the personal ordinariate, does not govern in isolation.[117] *Anglicanorum coetibus* and the *Complementary Norms* provide him with a governing council[118] to assist him in the exercise of his office and ministry.[119] J.M. Huels emphasises that this governing council is a collegial body and acts collectively by a vote of its members.[120] Workman identifies that this little-known body "fits into the synodal style of governance of the Anglican patrimony."[121] He notes that the governing council required by *Anglicanorum coetibus* and the *Complementary Norms*[122] in many ways reflects the collaborative style of governance involving lay and clerical members

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[114] See c. 372, §1, which defines the predominantly territorial character of a particular Church.

[115] WORKMAN, The Governing Council of the Anglican Ordinariate, 28.

[116] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 32.

[117] WORKMAN, The Governing Council of the Anglican Ordinariate, 28.

[118] BENEDICT XVI, *AC*, art. X, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12.

[119] WORKMAN, The Governing Council of the Anglican Ordinariate, 29.

[120] HUELS, "Text and Commentary," 411.

[121] WORKMAN, The Governing Council of the Anglican Ordinariate, 29.

[122] See BENEDICT XVI, *AC,* art. X, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12.

of the Anglican Church.[123] At the same time, these documents give the ordinary all the vicarious power he needs to govern effectively the faithful entrusted to him.[124]

In the Personal Ordinariate of Our Lady of Walsingham, the members of the governing council are also trustees of the civil entity or registered charity.[125] Thus, the governing council has to work closely with the finance council[126] made up of priests *and* lay faithful that look after the financial affairs of the ordinariate on behalf of the governing council. Like the diocesan finance council (cc. 492-494), the ordinariate's finance council assists the ordinary in his responsibility to set an annual budget and levy (c. 1263) paid by each group so that the ordinariate can function in a similar way to a Catholic diocese.[127] However, whereas c. 511 says the diocesan bishop can determine whether or not to establish a pastoral council in the diocese, the personal ordinariate *must* have a pastoral council.[128] J.R. Workman observes that the synodical

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[123] WORKMAN, The Governing Council of the Anglican Ordinariate, 30. It is necessary to acknowledge, however, that the governing council (*consilium regiminis*), in fact, appears as a canonical institute in the prior Personal Apostolic Administration of St John Vianney in Campos, Brazil. (CONGREGATION FOR BISHOPS, *AB*, art. X, §1 *AAS*, 94 [2002], 307, in RENKEN, *Particular Churches and the Authority Established in Them,* Appendix VII, 287).

[124] WORKMAN, The Governing Council of the Anglican Ordinariate, 31.

[125] See CHARITY COMMISSION FOR ENGLAND AND WALES, The Ordinariate of Our Lady of Walsingham, https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5017955/trustees (1 April 2022).

[126] BENEDICT XVI, *AC*, art. X, §3, in *AAS*, 101 (2009), 989, *in CTS Edition*, 12.

[127] CHARITY COMMISSION FOR ENGLAND AND WALES, The Ordinariate of Our Lady of Walsingham,, *Trustees's Report and Financial Statements for the Year,* https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5017955/accounts-and-annual-returns (1 April 2022).

[128] BENEDICT XVI, *AC*, art. X, §4, in *AAS,* 101 (2009), 989, in *CTS Edition*, 12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 13. Priests and deacons incardinated into the personal ordinariate can also become members of the pastoral council of the diocese in which they exercise their ministry within the personal ordinariate. (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 8, §2).

tradition of a collaborative ministry between bishops, clergy**,** and the lay faithful expressed in such mixed bodies is an integral part of the Anglican patrimony.[129]

The following section will focus on the governing council of the personal ordinariates and explore its membership and officials using *Anglicanorum coetibus*, its *Complementary Norms*, and the mostly unknown Statutes of the Governing Council of the Personal Ordinariate of Our Lady of Walsingham. It will also examine and illustrate the council's principal functions and compare it with the presbyteral council and the college of consultors in the dioceses.

4.2.1. Membership and Officials of the Governing Council

The forty-two *Statutes of the Governing Council of the Personal Ordinariate of Our Lady of Walsingham*[130] (hereafter *Statutes, GCPOOLW*)[131] are divided into eight sections, entitled: (1) Nature of the Governing Council (ss. 1-3); (2) Membership of the Council (ss. 4-10); (3) Officials of the Governing Council (ss. 11-12); (4) Functions of the Governing Council (ss. 13-18); (5) Procedure of the Governing Council (ss. 19-28); (6) Commissions of the Governing Council (ss. 29-30); and; (7) Vacancy of the Office of Ordinary (ss. 31-40); (8) Various Provisions (ss. 41-42).

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[129] WORKMAN, The Governing Council of the Anglican Ordinariate, 46-47. For more analysis on both the finance and pastoral councils of the ordinariate see HUELS, "Text and Commentary," 412-413.

[130] Kindly supplied to the author by Monsignor Keith Newton, Ordinary of the Personal Ordinariate of Our Lady of Walsingham. (Statutes of the Governing Council, Personal Ordinariate of Our Lady of Walsingham, 26 October 2011, [=*Statutes, GCPOOLW*]).

[131] Article X of *Anglicanorum coetibus* and article 12, §1 of the *Complementary Norms* require the governing council to function according to its own statutes approved by the ordinary and confirmed by the Holy See, i.e., the Congregation for the Doctrine of the Faith. The statutes of the governing council must at least fulfil the requirements of c. 94. The council's statutes provide the necessary elements that give it structure and purpose. Each governing council drafts its own statutes that will define its membership, purpose, order, and organisation that help it achieve its mission to assist the ordinary in the governance of the ordinariate.

The first task of the statutes is to determine the membership of the governing council, which needs to meet the prescriptions of law which provides the requirements.[132] Statute 4 explains that "The Governing Council consists of 8 to 12 priests,[133] at least half of whom must be elected by the *presbyterium* of the ordinariate."[134] Neither *Anglicanorum coetibus* nor the *Complementary Norms* elaborate on how the other half of the council membership is designated. However, J.R. Workman looks to the presbyteral council to find an answer.[135] B.A. Cusack observes that c. 497 "provides three means of attaining membership on the presbyteral council: by election, office, or episcopal appointment."[136] From this, Workman holds that one can argue that the ordinary may freely appoint other members, or the statutes might determine some members *ex officio*.[137] Again, Workman looks to c. 498 on the criteria for election to the presbyteral council[138] to emphasise that the membership on the governing council should be genuinely representative of the diversity of the entire presbyterate of the ordinariate. Indeed, the election process alluded to in the statutes[139] will highlight this point, recalling that the purpose of this diverse representation is to provide the ordinary with a broad range of perspectives in the ordinariate.[140]

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[132] WORKMAN, The Governing Council of the Anglican Ordinariate, 65.

[133] BENEDICT XVI, *AC*, art. X, §2, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12.

[134] *Statutes, GCPOOLW*, s. 4; (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12, §5; c. 497,1°).

[135] WORKMAN, The Governing Council of the Anglican Ordinariate, 47.

[136] CUSACK, "Title III: The Internal Ordering of Particular Churches (cc. 460-572)," 655.

[137] See BENEDICT XVI, *AC*, art. X, §2, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12, §1.

[138] WORKMAN, The Governing Council of the Anglican Ordinariate, 47.

[139] *Statutes, GCPOOLW*, ss. 9-10.

[140] WORKMAN, The Governing Council of the Anglican Ordinariate, 48.

When it comes to who exactly may serve on the governing council, Workman notes a difference of opinion over the membership described in article X, §2 of *Anglicanorum coetibus* and article 12, §5 of the *Complementary Norms*.[141] These articles appear to be clear in their description of membership for the governing council. However, J.M. Huels asserts:

> Half the members are elected by the priests of the ordinariate (*CN*, art. 12, §5). This does not imply that half the members must be priests, but there must be a minimum of six priest-members. The composition of the entire membership, as well as the selection of the other half of the members not elected by the priests, are matters to be determined in the ordinariate's statutes.[142]

Huels argues that article 12, §5 of the *Complementary Norms* does not explicitly establish the governing council membership for priests only.[143] Therefore, according to Huels' argument, membership is open to members of the lay faithful, should the ordinariates statutes allow it.[144] Workman observes that if this view is correct, not only would it give the laity a much greater share in church governance than they have currently, but the lay faithful of the personal ordinariate would be responsible for providing not only consultation but also consent on specific actions before the ordinary could act validly.[145]

Contrary to Huels's position, J.A. Renken argues, "since the governing council assumes the role of the presbyteral council and the college of consultors, it is reasonable to conclude that its members are only priests.[146] Workman holds that Renken's

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[141] Ibid.

[142] HUELS, "Text and Commentary," 410.

[143] Ibid.

[144] Ibid.

[145] WORKMAN, The Governing Council of the Anglican Ordinariate, 45.
It would also mean that they would exercise a considerably greater participation in the governance of the ordinariate than members of the lay faithful currently have in the governance of a diocese. (WORKMAN, The Governing Council of the Anglican Ordinariate, 45-46).

[146] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 45.

conclusion offers some insight into what might be a reasonable approach to the issue.[147] He proposes that,[148] in assuming the role of the presbyteral council and the college of consultors, the governing council takes on their function as mentioned somewhat generically in *Presbyterorum ordinis,* 7.[149]

Statute 5 stipulates**:** "The Ordinary, though not a member of the council, presides at any meeting of the governing council (c. 500, §1)."[150] Statute 6 states that, in addition to the elected priests, the assistants to the ordinary and the chancellor (only if also a priest) are *ex officio* members (c. 497, 2°).[151] J.R. Workman observes that neither article X of the constitution nor article 12 of the *Complementary Norms* requires that some members be appointed *ex officio*, but it does not exclude this possibility. Statute 7 clarifies that the Ordinary shall freely appoint the remaining members (c. 497, 3°).[152] Statute 8 states that: "The elected and appointed members of the Governing Council will serve for a period of up to five years, but may be re-appointed or re-elected after that time. When the five-year term is over, the Governing Council exercises its proper function until a new Governing Council is established."[153] Statute 9 explains that the right to active and passive voice in the election shall be held by priests incardinated into the ordinariate unless they are absent from the ordinariate unlawfully, or they no longer exercise their sacred ministry, or for any other proportionately grave

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[147] WORKMAN, The Governing Council of the Anglican Ordinariate, 46.

[148] Ibid.

[149] SECOND VATICAN COUNCIL, *PO*, no. 7, in *AAS,* 58 (1966), 1001-1003, in *FLANNERY1*, 875-878.

[150] *Statutes, GCPOOLW*, s. 5.

[151] Ibid., s.6.

[152] Ibid., s. 7.

[153] Ibid., s. 8.

reason.[154] Finally, statute 10 clarifies that the elections shall be by postal ballot and conducted by the chancellor or his delegate.[155]

Concerning officials of the governing council, statute 11 states that the council's chairman, as distinct from the president, and the council's secretary, are appointed by the ordinary and provides the option for the ordinary to create other offices to assist the governing council.[156] The chairman has term limits as defined by statute 12**:** "The chairman, who must be a member of the Governing Council, shall hold office for five years. This appointment may be renewed for a further five-year term."[157] Workman observes that "this term limit assures that one person is not burdened with this work for longer than ten years."[158] He explains that the office of secretary records the activities of the governing council and publishes the minutes of their meetings[159] to the presbyterate, which offers some transparency in the governing of the ordinariate. As well as ensuring that the agenda is appropriately arranged,[160] the secretary will be mindful that the "minutes are most important for recording the votes[161] and the opinions of the council members regarding those actions of the ordinary for which consultation

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[154] Ibid., s. 9.

[155] Ibid., s. 10.

[156] Ibid., s. 11. The statute provides some flexibility in naming other officers that might prove useful, such as a vice-chairman. (WORKMAN, The Governing Council of the Anglican Ordinariate, 71).

[157] *Statutes, GCPOOLW*, s. 12.

[158] WORKMAN, The Governing Council of the Anglican Ordinariate, 70.

[159] Statute 19 stipulates: "Meetings of the Governing Council shall take place at least four times a year at the discretion of the Ordinary." (*Statutes, GCPOOLW,* s. 19).

[160] In accord with *Statutes, GCPOOLW,* s. 26.

[161] In accord with *Statutes, GCPOOLW*, ss. 24-26.

or consent are required."[162] An agenda committee[163] and special commissions[164] for the council can be instrumental. Experts, including members of the lay faithful, can aid these commissions.[165]

4.2.2. Principal Functions of the Governing Council

The apostolic constitution *Anglicanorum coetibus* declares: "The personal ordinariate is governed according to the norms of universal law and the present apostolic constitution and is subject to the Congregation for the Doctrine of the Faith and other dicasteries of the Roman curia in accordance with their competencies. It is also governed by the *Complementary Norms* and any other specific norms given for each ordinariate."[166] J.A. Renken explains further that several bodies of law (*ius*) govern the personal ordinariate: (1) the universal law of the Latin Church, including the special laws of *Anglicanorum coetibus*; (2) the *Complementary Norms*; (3) the norms in the decree of erection of each personal ordinariate; (4) other particular laws of the ordinariate; and; (5) other applicable particular laws, especially those of the episcopal conference.[167]

J.M. Huels observes that the governing council exercises the functions assigned by the Code to the presbyteral council (cc. 495-501), the college of consultors (c. 502),

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[162] WORKMAN, The Governing Council of the Anglican Ordinariate, 70.

[163] *Statutes, GCPOOLW,* s. 26.

[164] Ibid., s. 29.

[165] Ibid., s. 30.

[166] BENEDICT XVI, *AC*, art. II, in, *AAS,* 101 (2009), 987, in *CTS Edition*, 8.

[167] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 26

If an episcopal conference includes the territory of more than one nation, the personal ordinariate will comprise these same nations. (RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 15). Furthermore, personal ordinariates are established within the confines of an episcopal conference. Indeed, more than one personal ordinariate may be erected within the boundaries of a single episcopal conferences. (GHIRLANDA, "La Costituzione Apostolica," 413).

and the responsibilities stipulated by the *Complementary Norms*[168] requiring its deliberative, consensual, and consultative vote.[169] Careful attention also needs to be given to statutes of the governing council for the individual personal ordinariates, which are to be approved by the ordinary and confirmed by the Holy See[170] and bring together the requirements of *Anglicanorum coetibus,* the *Complementary Norms, and* the *Decree of Erection* for the specific personal ordinariate in question.

Statue 13 of the statutes of the governing council for the personal ordinariate of Our Lady of Walsingham stipulates that the governing council has a *deliberative vote*[171] (a) when choosing a *terna* of names to be submitted to the Holy See for the appointment of the ordinary; (b) when proposing changes to the *Complementary Norms* of the ordinariate to present to the Holy See; and (c) when formulating the statutes of the governing council, the statutes of the pastoral council and the rule for houses of formation. Here, Huels observes that the governing council acts on the matter on its own, and the ordinary is obliged to observe the results. Furthermore, according to the statutes, the ordinary or another presides over the governing council, but the ordinary is not a member of it and does not vote with it unless, in the case of a deliberative vote,

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[168] HUELS, "Text and Commentary," 410.

[169] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12 §§ 1-3.

John Huels clarifies: "Three different kinds of votes are mentioned. (1) *Consultative vote.* When consultation is required by law, the ordinary cannot validly act unless he has consulted the GC [Governing Council]. He is not required, however, to abide by this consultation, even if it is unanimous, but he should not act contrary to the majority, especially if it is unanimous; unless he has an overriding reason (c. 127, 2, 2°). (2) *Consensual vote.* When consent is required, the ordinary cannot act validly without obtaining the consent of the GC (c. 127, 2, 1°). (3) *Deliberative vote*. The GC acts on the matter on its own, and the ordinary is obliged to observe the results. The ordinary or another, according to the statutes, presides over the GC. but the ordinary is not a member of it and does not vote with it unless, in the case of a deliberative vote, the statutes would permit this" (HUELS, "Text and Commentary," 411).

[170] BENEDICT XVI, *AC,* art. X, in *AAS,* 101 (2009), 989, in *CTS Edition*, 11-12.

[171] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, 12, §4.

the statutes permit this.[172] However, J.A. Renken draws attention to the fact that "in deliberative matters, the decisions of the governing council are subject to implementation or approval by a higher authority.[173] The fact that this higher authority is often the ordinary further demonstrates that he is not a member of the governing council.[174]

Statute 14 states that the ordinary must seek the *consensual vote* of the governing council before: (a) placing acts of extraordinary administration as defined by the episcopal conference (of England and Wales); (b) alienating the goods of the ordinariate when the value of the goods is within the range of the minimum and maximum amounts determined by the episcopal conference (of England and Wales); (c) permitting a juridical person subject to the ordinary to alienate goods whose value is within the range of the minimum and maximum amounts determined by the episcopal conference (of England and Wales); (d) erecting territorial deaneries;[175] (e) admitting a candidate to Holy Orders;[176] (f) erecting, suppressing or notably altering a personal parish;[177] (g) erecting or suppressing a house of formation for the purpose of transmitting Anglican patrimony;[178] and; (h) approving a programme of formation for the purpose of transmitting Anglican patrimony.[179]

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[172] HUELS, "Text and Commentary," 411; Huels remarks that it may be helpful if. in the case of a deliberative vote. the statutes permitted the ordinary to break a tie. (HUELS, "Text and Commentary," 411, footnote 49).

[173] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 46.

[174] Ibid.

[175] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 4, §3.

[176] Ibid., art. 6, §1; art. 12, §2.

[177] Ibid., art. 12, §2.

[178] Ibid., art. 10, §2, art. 12, §2

[179] Ibid; *Statutes, GCPOOLW*, s. 14.

Statute 22 states**:** "The consent of the Governing Council is given by the absolute majority of the members present and voting (c. 127, §1). If consent is not given, the Ordinary cannot act against it."[180] Huels highlights that when a vote is to be taken, the one who presides must convoke the governing council to a meeting according to the norm of c. 166 unless, regarding a consultative vote, the statutes do not require a formal meeting.[181] Huels remarks that, for an absolute majority, more than fifty per cent of those present must vote in the affirmative; so, abstentions have the same effect as a negative vote.[182]

Statute 15 makes clear that the ordinary must seek the advice or *consultative vote* of the governing council[183] before: (a) appointing or removing the financial administrator of the ordinariate; (b) placing acts of administration which are of major importance in light of the financial situation of the ordinariate; (c) calling a synod of the ordinariate; (d) establishing regulations concerning the allocation of offerings received on the occasion of the performance of certain parochial functions and the remuneration of clerics who fulfil these functions; (e) consenting to the building of a new church; (f) allowing a church to be converted to secular use; (g) imposing a moderate tax for the needs of the ordinariate upon the public juridical persons subject to his governance; and (h) submitting matters to the Congregation for the Doctrine of

[180] *Statutes, GCPOOLW*, s. 22. See c. 127, §2, 1°; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN,* art. 12, §2; HUELS, "Text and Commentary," 411.

[181] HUELS, "Text and Commentary," 411.

[182] Ibid.

[183] *Statutes, GCPOOLW*, s. 15. Statute 23 allows for cases where the ordinary seeks the advice of the council members, individually, if circumstances require it, without convening the council formally (c. 127§1).

the Faith concerning further faculties or responsibilities of the ordinary to be determined by the congregation.[184]

Further to these matters, statute 16 clarifies that the ordinary is to consult the governing council on any matter concerned with promoting the pastoral activities of the ordinariate and the principles governing the formation of clergy.[185] In particular, the ordinary will also ensure that the matters considered by the ordinariate's pastoral council[186] will be brought to the governing council when necessary. J.M. Huels notes that when consultation is required by law, the ordinary cannot validly act unless he has consulted the governing council. However, he is not required to abide by this consultation, even if it is unanimous, but he should not act contrary to the majority, especially if it is unanimous, unless he has an overriding reason.[187]

4.2.3. Comparing the Governing Council with the Presbyteral Council and College of Consultors

J.R. Workman observes that the governing council is comparable to both the presbyteral council and the college of consultors.[188] Indeed, *Anglicanorum coetibus* juridically compares the governing council with the presbyteral council and the college of consultors and their competencies[189] by giving consent, providing consultation, and,

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[184] *Decree of Erection, POOLW,* art 2.

[185] *Statutes, GCPOOLW*, s. 16; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12, §3.

[186] BENEDICT XVI, *AC*, X, §4, in *AAS,* 101 (2009), 989, in *CTS Edition*, 12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 13.

[187] HUELS, "Text and Commentary," 411; Statute 23 makes clear that the ordinary is not bound by the advice given, even if is unanimous. Nevertheless, without what, in his judgement, is an overriding reason, the ordinary should not act contrary to the advice, especially if the governing council was of one mind (c. 127, §2, 2°).

[188] WORKMAN, The Governing Council of the Anglican Ordinariate, 58.

[189] Ibid; BENEDICT XVI, *AC*, art. X, §2, in *AAS*, 101 (2009), 989, in *CTS Edition*, 11-12.

at times, casting a deliberative vote in those areas defined in the Code for the presbyteral council and college of consultors.[190] Workman notes that one might say that the governing council is somewhat of a "hybrid" of both the presbyteral council and the college of consultors in terms of its competencies.[191] He highlights,[192] however, that the *Complementary Norms* also grant competencies beyond those described for these bodies.[193]

A significant difference between the governing council and the presbyteral council and the college of consultors is that the governing council is given a *deliberative* vote on certain matters.[194] For Workman, the most intriguing competency is the governing council's right to submit a *terna* of names to the Holy See for the appointment of the ordinary.[195] This right and duty finds some resonance with c. 377, §3, which requires the papal representative to consult with individual members of the college of consultors prior to the selection of a bishop. However, the governing council has the right to proactively present the names of three candidates it considers worthy of being appointed as ordinary.[196] However, J.A. Renken clarifies that the governing council cannot make binding its deliberative vote for "in deliberative matters, the

[190] WORKMAN, The Governing Council of the Anglican Ordinariate, 30.

[191] Ibid.

[192] Ibid.

[193] See CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12.

[194] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12, §4; *Statutes, GCPOOLW*, s.13. As described in section 4.2.2. of this study.

[195] WORKMAN, The Governing Council of the Anglican Ordinariate, 59.

[196] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *2019 CN*, art. 12, §4; *Statutes, GCPOOLW*, s.13; WORKMAN, The Governing Council of the Anglican Ordinariate, 59.

decisions of the governing council are subject to implementation or approval by a higher authority."[197]

The comparative nature of the governing council with the presbyteral council and the college of consultors is demonstrated when statute 14 stipulates[198] that the ordinary must seek the *consent* of the governing council before: (a) placing acts of extraordinary administration as defined by the episcopal conference (a parallel of c. 1277 in the Code for the diocesan bishop obtaining the consent of the college of consultors); (b) alienating the goods of the ordinariate when the value of the goods is within the range of the minimum and maximum amounts determined by the episcopal conference (a parallel of c. 1292, §1 in the Code for the college of consultors); (c) permitting a juridical person subject to the ordinary to alienate goods whose value is within the range of the minimum and maximum amounts determined by the episcopal conference (a parallel of c. 1292, §1 in the Code for the college of consultors);

A comparison is also evident in statue 15 that stipulates[199] that the ordinary must seek the *advice or counsel* of the governing council before: (a) appointing or removing the finance administrator of the ordinariate (a parallel of c. 494, §§1 and 2 in the Code for the diocesan bishop consulting the college of consultors); (b) placing acts of administration which are of major importance in light of the financial situation of the ordinariate (a parallel of c. 1277 for the college of consultors); (c) calling a synod of the ordinariate (a parallel of c. 461, §1 for the presbyteral council); (d) establishing regulations concerning the allocation of offerings received on the occasion of the performance of certain parochial functions and the remuneration of clerics who fulfil

[197] RENKEN, "The Personal Ordinariate of the Chair of Saint Peter," 46.

[198] *Statutes, GCPOOLW*, s.14.

[199] *Statutes, GCPOOLW*, s.15.

these functions (a parallel of c. 531 for the presbyteral council); (e) consenting to the building of a new church (a parallel of c. 1215, §2 for the presbyteral council); (f) allowing a church to be converted to secular use (a parallel of c. 1222, §2 for the presbyteral council); (g) imposing a moderate tax for the needs of the ordinariate upon the public juridical persons subject to his governance (a parallel of c. 1263 for the presbyteral council).[200]

As a further responsibility for the governing council, statute 17 explains that the council is to draw up a list of parish priests from which the ordinary will select two consultants when it is necessary to follow the procedure for the transfer or removal of a parish priest (just as the presbyteral council is required to do in accord with c. 1742, §1, c. 1750).[201] Statute 18 clarifies that except for the provision of statute 13(a) or when the office of the ordinary is vacant, "the Governing Council can never act without the Ordinary" (the presbyteral council is given a similar reminder in c. 500, §3).[202] Statute 27 stresses: "All those attending meetings of the Governing Council are required to observe confidentiality regarding the proceedings of the Governing Council within the limits and according to the manner determined by the law or by the Ordinary" (c. 127, §3; c. 471, 2°).[203] The Statutes do not neglect to mention that "it is for the Ordinary alone to decide how the acts of the Governing Council are to be made public and

[200] Statute 16 makes clear that:

"The Ordinary is also to consult the Governing Council on any matter concerned with promoting the pastoral activities of the Ordinariate and the principles governing the formation of clergy (CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 12, §2). In particular, the Ordinary will ensure that the matters considered by the Ordinariate Pastoral Council (BENEDICT XVI, *AC*, art. X, §4 in *AAS*, 101 (2009), 987, in *CTS Edition*, 12; CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 13) will be brought to the Governing Council when necessary." (*Statutes, GCPOOLW*, s. 16).

[201] *Statutes, GCPOOLW*, s. 17.

[202] Ibid., s. 18.

[203] Ibid., s. 27.

communicated to the priests and faithful of the Ordinariate."[204] Again, this echoes c. 500, §3 concerning the presbyteral council.

The governing council has a significant role during a vacancy of the office of ordinary. For example, statute 31 states: "When the office of Ordinary becomes vacant, the governance of the Ordinariate devolves upon the Governing Council until an Administrator is elected, unless the Holy See has provided otherwise."[205] This parallels c. 419 for the college of consultors. Furthermore, the same statute clarifies: "The Governing Council is to notify the Holy See of the death of the Ordinary as soon as possible." This parallels c. 422 regarding the college of consultors.[206] Similar to c. 421, §1 as a duty of the college of consultors upon a vacant see, statute 32 states: "The Governing Council must convene within eight days of receiving notification that the office of Ordinary is vacant to elect an Administrator."[207] Similar to cc. 423-425, such an election "shall be conducted in accordance with the norms of law." Similar to c. 422 for the college of consultors, statute 33 stipulates, "The Administrator must notify the Holy See of his election as soon as possible[208] and make his profession of faith in the presence of the Governing Council."[209] This latter prescription parallels c. 833, 4° for the college of consultors.

Similar to c. 485 pertaining to the college of consultors, statute 35 stipulates that the administrator can only remove the chancellor and other notaries with the consent of

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[204] Ibid., s. 28.

[205] Ibid., s. 31.

[206] Ibid., s. 31.

[207] Ibid., s. 32.

[208] Ibid., s. 33.

[209] Ibid.

the governing council.[210] Statute 36 requires that the administrator only give dimissorial letters for the ordination of ordinariate clergy with the consent of the governing council[211] (a parallel of c. 1018, §1, 2° for the college of consultors). Similar to c. 272 for the college of consultors, statute 37 clarifies that where the office of the ordinary has been vacant for a year, the governing council is required to give its consent for the administrator to grant excardination, incardination**,** or permission for a cleric to move to another particular Church.[212] Similar to c. 382, §3 for the college of consultors, statute 39 clarifies that "The new Ordinary is to present the apostolic letter of appointment to the Governing Council when he takes canonical possession of the Ordinariate."[213] Similar to c. 501, §2 for the presbyteral council and a new diocesan bishop, statute 40 clarifies that "within a year of his appointment, the Ordinary is to set up a new Governing Council."[214]

4.3. Further Prospects for Growth in Synodality

Given that the ongoing reception of the Second Vatican Council is a "work in progress,"[215] canonists will need to reflect, with others, on the extent to which ecclesial structures express conciliar experience and teaching.[216] Accordingly, J.A. Renken recommends a "respectful dialogue" among pastors, systematic theologians, ecclesiologists, and canonists so as to discern even more matters concerning which the

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[210] Ibid., s. 35.

[211] Ibid., s. 36.

[212] Ibid., s. 37.

[213] Ibid., s. 39.

[214] Ibid., s. 40.

[215] GREEN, "Selected Issues in Developing Structures of Diocesan Communion," 419.

[216] Ibid.

participative structures, including the presbyteral council, offer votes that are consultative, consensual, and even deliberative.[217] Renken recommends that the conclusions of such a dialogue[218] be presented to the competent ecclesiastical authority so that the Legislator may discern possible modifications in the *praxis* of the Church concerning the *modus operandi* of the participative bodies.[219]

M. Wijlens draws attention to the fact that this dialogue and discernment will call upon a deeper reflection on two levels: first, it is necessary to check whether existing legislation should be revised in light of new insights,[220] and second, the question arises whether and, if so, to what extent, the new insight(s) can and must have an impact on the interpretation of existing norms.[221] She is conscious that "the understanding of the doctrine governing the 1983 Code continues to evolve after its promulgation and must be considered when interpreting it."[222] Wijlens is also mindful that the doctrine governing an institution (i.e., the presbyteral council, the college of

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[217] RENKEN, "Pope Francis and Participative Bodies in the Church," 233.

Pierre Edayé holds that the diocesan synod, the college of consultors, the presbyteral council, and the pastoral council, each be given in certain cases, a deliberative voice. (EDAYÉ, L'exercice du gouvernement episcopal, 274).

[218] The international research group *Peter and Paul Seminar* is currently conducting a collaborative research project *Accountability in a Synodal Church*. The *Seminar* gathers both systematic theologians and canon lawyers from European and North American context to reflect together on necessary reforms of the Church in the area of ecclesiology. The group was established by Ladislas Orsy in 1998. Current members are Catherine Clifford, James Coriden, Peter DeMey, Eugene Duffy, Joseph Fameree, Astrid Kaptijn, Gilles Routhier, Laurent Villemin, and Myriam Wijlens. The restoration of the unity of the church is an overriding goal of the seminar and subjects of research have been: *Collegiality of Bishops*; *Leadership in the Local Church*; *Conversion of the Church*; and *Liturgy as Litmus Test of Reform in Ecclesiology*. The studies of the first three conferences were published in *The Jurist* (in 2004, 2008/2009, and 2011), and of the latter in *Questions liturgiques* 2012 and 2014.

[219] RENKEN, "Pope Francis and Participative Bodies in the Church," 233.

[220] WIJLENS, "Reset Button," 251. One might add recovered ecclesiological insights like synodality.

[221] Ibid., 251; 257.

[222] Ibid., 244; see also M. WIJLENS, "Vatican II and the Interpretation of the Code," in *Proceedings of the Canon Law Society of Australia and New Zealand*, 45 (2011), 3-19.

consultors, the governing council) might require different responses and solutions because what might be good, appropriate, and fitting for one place might not be feasible in another. Differences in culture, civil law, available personnel, and financial means might also lead to a diversity in modalities.[223]

In this light, the following section will seek to identify insights from the principal functions of the governing council of the personal ordinariates for the benefit of the wider Latin Church. It will also recognise the increase in diocesan synods around the globe and examine the implications of possibly more frequent celebration of particular councils. The section will consider the need to update the instructions from the competent Roman dicasteries[224] concerning the participative structures examined in this study.[225] The section will close by reviewing the necessity for effective and ongoing formation in synodality for all the baptised, especially for members of the lay faithful.

4.3.1. Drawing Lessons from the Governing Council for the Rest of the Latin Church

Pope John Paul II, in his apostolic constitution *Sacrae disciplinae leges*, acknowledges that "the Catholic Church has been accustomed to reform and renew the laws of canonical discipline so that, in constant fidelity to her divine Founder, they may be better adapted to the saving mission entrusted to it."[226] L. Orsy argues that a legal

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[223] WIJLENS, "Reset Button," 256.

[224] The new apostolic constitution on the Roman Curia means that from 5 June 2022 the former Roman congregations are now dicasteries. (FRANCIS, Apostolic Constitution on the Roman Curia and its Service to the Church and to the World *Praedicate Evangelium*, 19 March 2022, https://www.vatican.va/content/francesco/en/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html [7 July 2022]).

[225] As treated in sections 2.1.2.1. - 2.1.2.8. of this study.

[226] JOHN PAUL II, Apostolic Constitution *Sacrae disciplinae leges,* 25 January 1983, in *AAS*, 75 II (1983), VII, English translation in *Code of Canon Law: Latin-English Edition*, prepared under the auspices of the CLSA, Washington, CLSA, 1999, xxvii.

system must provide for both stability and for adaptation.[227] J.A. Alesandro remarks that "the law is sometimes a way to effect reform, at other times a means for consolidating movements of renewal."[228] Alesandro recognises that as "circumstances change. Laws are amended. Values ebb and flow."[229] He notes that "new challenges emerge which the extant law may or may not be suited to address."[230] Alesandro recognises that in many areas, the 1983 Code has "been flexible enough to respond to the 'signs of the times.'"[231] However, F. Morrisey notes that "the world has evolved at a frenetic pace," so "the 1983 legislation will now have to be adjusted somewhat to respond to new situations."[232] J.A. Coriden voices, however, the hope that modifications to the *lex lata* be made in a participative or synodal manner.[233]

Pope John Paul II called for "corrective measures by the legislator or for specific norms for the application of the code,"[234] and Pope Benedict XVI spoke about the ongoing adaptations required in canon law:

> If canon law is to fulfil this invaluable service it must first of all be a well-structured law. In other words, on the one hand it must be bound to the theological foundation that gives it reasonableness and is an essential title of ecclesial legitimacy; on the other, it must keep up with the changing circumstances of the historical reality of the People of God. Furthermore, it must be formulated clearly, without ambiguity, and must always be in harmony with the rest of the Church's laws.

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[227] L. ÖRSY, "Das Spannungsverhaltnis zwischen Bestandigkeit und Entwicklung im kanonischen Recht," in *De processibus matrimonialibus*, 8 (2001), 299-312.

[228] ALESANDRO, "Reflecting on the Past Twenty-Five Years and Looking to the Future," 11.

[229] Ibid.

[230] Ibid.

[231] Ibid., 18.

[232] F. MORRISEY, "Twenty-Five Years of the 1983 Code: Reflections on the Past; Thoughts for the Future," in *CLSA Proceedings*, 70 (2008), 2.

[233] J.A. CORIDEN, "Necessary Canonical Reform: Urgent Issues for Action" in *Louvain Studies*, 26 (2001), 151-153.

[234] JOHN PAUL II, Address to the Tribunal of the Roman Rota, 22 January 1996, https://www.vatican.va/content/john-paul-ii/en/speeches/1996/january/documents/hf_jp-ii_spe_19960122_roman-rota.html (21 March 2022).

> It is therefore necessary to abrogate norms that prove antiquated; to modify those in need of correction; to interpret - in light of the Church's living Magisterium - those that are doubtful, and lastly, to fill possible *lacunae legis.* As Pope John Paul II said to the Roman Rota: "The very many expressions of that flexibility which has always marked canon law, precisely for pastoral reasons, must be kept in mind and applied" (JOHN PAUL II, Address to the Roman Rota, 18 January 1990, no. 4). It is your task in the Pontifical Council for Legislative Texts to ensure that the work of the various bodies in the Church that are required to dictate norms for the faithful always reflects, all together, the unity and communion that are proper to the Church.[235]

P. Edayé holds that Pope Francis, in continuity with John Paul II and Benedict XVI,[236] seeks to adapt the Code of Canon Law to new realities, and so to revise its structure, content and application so that it corresponds better to the reception today of the Second Vatican Council.[237] Francis has also encouraged the work of updating canon law[238] so as "to render it more organic and in conformity with the new situations and problems of the current socio-cultural context…."[239] Francis explains that since "norms are meant to govern the life of the community in the course of time, they must take account of changes in society and new needs of the People of God, for which reason it is at times necessary to modify and adapt them to changed circumstances."[240] Indeed, any

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[235] BENEDICT XVI, Address to the Participants in the Study Congress Organised by the Pontifical Council for Legislative Texts on the Occasion of the 25th Anniversary of the Promulgation of the Code of Canon Law, 25 January 2008, https://www.vatican.va/content/benedict-xvi/en/speeches/2008/january/documents/hf_ben-xvi_spe_20080125_testi-legislativi.html (21 March 2022).

[236] EDAYÉ, L'exercice du gouvernement episcopal, 275.

[237] Ibid., 276.

[238] For a full table of modifications, in the Latin Church, made to the *ius vigens* since the 1983 Code of Canon Law, by the Supreme Legislator, see PONTIFICIA UNIVERSITÀ GREGORIANA, Facoltà di Diritto Canonico, *Modifiche ai canoni del CIC*, https://www.iuscangreg.it/cic_modifiche.php (25 April 2022). Similarly, for a table of the modifications made in the law since the 1990 Code of Canons for the Eastern Churches see ID., https://www.iuscangreg.it/cceo_modifiche.php (25 April 2022).

[239] FRANCIS, Address to Participants in the Plenary Assembly of the Pontifical Council for Legislative Texts, 21 February 2020, https://www.vatican.va/content/francesco/en/speeches/2020/february/documents/papa-francesco_20200221_testi-legislativi.html (21 March 2020).

[240] FRANCIS, Apostolic Constitution on Reforming Book VI of the Code of Canon Law *Pascite Gregem Dei*, 23 May 2021, https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html (21 March 2022).

authentic reform of the Church's institutions is, and always must be, ordered toward nothing other than the *salus animarum* (c. 1752).

J.D. Bradley asserts that it is possible to identify the priority of the *suprema lex* present in the personal ordinariates.[241] He describes the personal ordinariates as "an impressive example of ecclesial, ecclesiastical, and institutional flexibility"[242] and "as a legitimate reform to the institutional makeup of the Church, realized for the salvation of souls."[243] Bradley holds that personal ordinariates are "rather agile and realistic responses of structure, law, or ecclesial order to genuine need, oriented toward that ultimate and supreme end."[244] He proposes that the personal ordinariates demonstrate "a certain and even surprising agility and flexibility."[245]

Importantly, G. Routhier calls for a re-reading of *Presbyterorum ordinis*, 7, concerning the council for the *presbyterium*.[246] He highlights that this conciliar passage emphasises that this council "should be set up in a way suited to present-day needs, and in a form and with rules to be determined by law."[247] He underscores that the decree expresses the need to adapt structures to current conditions and needs as set out in footnote 41 of *Presbyterorum ordinis,* 7.[248] He also highlights that *Christus Dominus*,

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[241] BRADLEY, "Personal Ordinariates from Benedict XVI to Francis," 64.

[242] Ibid., 65. In *Evangelii gaudium*, Pope Francis in fact framed this flexible attitude toward ecclesial structures as "the path of a pastoral and missionary conversion which cannot leave things as they presently are." (FRANCIS, *EG*, no. 25, in *AAS*, 105 [2013], 1030, in *CTS Edition*, 18).

[243] BRADLEY, "Personal Ordinariates from Benedict XVI to Francis," 65.

[244] Ibid.

[245] Ibid., 67.

[246] ROUTHIER, "The Renewal of Synodal Life in Local Churches," 257.

[247] SECOND VATICAN COUNCIL, *PO*, no. 7, in *AAS*, 58 (1966), 1002, in *FLANNERY1*, 877.

[248] Not in footnote 40 as Routhier erroneously cites. (ROUTHIER, "The Renewal of Synodal Life in Local Churches," 257).

27 mentions that "these councils, and especially the cathedral chapters, should be reorganised, as far as is necessary, to suit contemporary needs…."[249] Consequently, Routhier affirms that "we have not yet reached the end of this necessary adaptation to present conditions and needs." Thus, "the revival of synodality requires revised institutional forms."[250] This suggests that further reforms concerning the presbyteral council could well be expected to suit better a synodal Church.

One of the aims of the personal ordinariates is to enrich the Latin Church with its distinctive Anglican patrimony, spirituality, and discipline,[251] an enrichment of everyone.[252] Given that the governing council is an integral part of that discipline, J.R. Workman proposes that the Latin Church examine the governing council in all its facets to see how the juridically comparable presbyteral council and the college of consultors might be further enriched by it.[253] From this perspective, Workman proposes that:

(1) The Latin Church might be enriched by the high level of assistance and support the governing council provides for the ordinary.[254] He observes that the governing council has a far greater participation in the governance of the ordinariate than the presbyteral council and the college of consultors do in a diocese.[255] Workman wonders if presbyteral councils and colleges of consultors could possess some of the

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[249] SECOND VATICAN COUNCIL, *CD*, no. 27, in *AAS*, 58 (1966), 687, in *FLANNERY1*, 579.

[250] ROUTHIER, "The Renewal of Synodal Life in Local Churches," 258.

[251] GHIRLANDA, "The Significance of the Apostolic Constitution," 16.

[252] W.J. LEVADA, "Five Hundred Years after St John Fisher: Pope Benedict's Initiatives Regarding the Anglican Communion," in *The Messenger of the Catholic League*, 292 (April-August 2010), 30.

[253] WORKMAN, The Governing Council of the Anglican Ordinariate, 84.

[254] Ibid.

[255] Ibid.

competencies of the governing council and if the statutes[256] of these bodies could define more actions that require consultation than are currently found in the law, especially for actions deemed more important for the pastoral good of the diocese.[257] Such an approach would also help empower the competence of the presbyteral council in universal law.[258] (2) In particular, the college of consultors could have the right to provide a *terna* of names to the Apostolic See during a *sede vacante* situation.[259] Without prejudice to c. 377, §3, it seems possible to grant the college a secret deliberative vote enabling it to provide three names for consideration to the Dicastery for Bishops.[260] Workman acknowledges that the consultors should still be consulted individually, given that a member might be hesitant to share a certain perspective with the group. However, he proposes that a corporate discussion might offer perspectives to one another that would shape a more adequate recommendation.[261]

Interestingly, D.L.C.M. Galles goes even further than Workman and wonders if, perhaps in the *lex ferenda,* the episcopal conference might be given the faculty to

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[256] Currently, the college of consultors is not required in the *ius vigens* to have its own statutes (PROVOST, "Presbyteral Councils and College of Consultors," 206).

[257] WORKMAN, The Governing Council of the Anglican Ordinariate, 85.

[258] KARAMBAI, "Consultative Bodies in the Particular Churches," 290. Referred to in 2.1.2.3. of this study.

[259] Ibid. Currently, according to c. 377, §3 the members of the college of consultors provide an opinion on a possible diocesan bishop individually to the papal legate during a *sede vacante* situation. It should also be noted, however, that in dioceses in Germany, Austria, and Switzerland the cathedral chapter still has a significant involvement in the selection of the diocesan bishop. (R. METZ, "Papal Legates and the Appointment of Bishops," in *The Jurist*, 52 [1992], 273-275). Indeed, since 1858, cathedral chapters in England have been requested to produce a *terna* of possible *episcopabile* at the time of a vacant see. (METZ, "Papal Legates and the Appointment of Bishops," 277; 278-279, footnote 48).

[260] WORKMAN, The Governing Council of the Anglican Ordinariate, 85.
Presumably, the college of consultors could put forward their names after they have led a consultation among the wider faithful of the particular Church. (EDAYÉ, L'exercice du gouvernement episcopal, 272-273).

[261] Ibid.

permit individual diocesan bishops to elect to constitute a governing council *in lieu* of a college of consultors and presbyteral council.[262] Should this modification of the *ius vigens* be accepted by the Legislator, it would help practically address the reality in many particular Churches, that of the decreasing number of priests in the presbyterates for suitable membership of both the presbyteral council and the college of consultors. It could also serve as an alternative to the provision referred to in *Apostolorum successores*, 182,[263] where the diocese has such a small number of priests that an assembly of the entire presbyterate takes the place of the presbyteral council.[264] Such a development, or those modifications proposed by J.R. Workman, would further realise, *in concreto*, the synodality called for by Pope Francis at the level of the particular Churches. Galles's proposal would also pragmatically address the challenge of shrinking presbyterates.

4.3.2. An Increased Practice of Diocesan Synods and Particular Councils

Earlier, this study had reviewed the undeniable momentum to celebrate the diocesan synod (cc. 460–468) throughout the world in recent years and treated the significance of the diocesan synod in the life and mission of the particular Church.[265]

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[262] GALLES, "Some Canonical Investigations," 228, footnote 48.

It would seem that with such a provision it would be opportune to eliminate the provision of c. 502, §3 whereby the episcopal conference can allow that the functions of the college of consultors be entrusted to the cathedral chapter, given that the chapter is not truly representative of the *presbyterium* nor is any part of its membership elected by the presbyterate as a whole. Membership of the cathedral chapter is conferred solely by the diocesan bishop after he has heard the chapter (c. 509, §1).

[263] Referred in this study in section 2.1.2.1.

[264] CONGREGATION FOR BISHOPS, *AS*, no. 182.

[265] In section 2.1.2.1. See also JOHN PAUL II, Speech to Participants in the Diocesan Synod in the Cathedral of Nancy (France), 10 October 1988, https://www.vatican.va/content/john-paul-ii/fr/speeches/1988/october/documents/hf_jp-ii_spe_19881010_sinodo-diocesano.html (15 January 2022); ID., Speech to the Representatives of the Diocesan Synod, Archdiocese of Potenza and Marsico Nuovo, 27 April 1991, https://www.vatican.va/content/john-paul-ii/it/speeches/1991/april/documents/hf_jp-ii_spe_19910427_sinodo-diocesano.html (15 January 2022).

Both canonists and theologians acknowledge that diocesan synods are primarily an act of episcopal legislative governance, although increasingly, diocesan synods may also undertake other activities such as diocesan pastoral planning.[266] Earlier, this work had discussed[267] the limitations of the *ius vigens* in leaving the convocation of the diocesan synod up to the diocesan bishop and has outlined a strong case for reform in this area.[268] T.J. Green holds that the diocesan synod would likely be a more effective vehicle of reform in the particular Church were it to meet more regularly.[269] As the momentum grows for an increased number and greater frequency of diocesan synods, it is increasingly judged that the diocesan bishop's legislative governance role is best exercised within a broad ecclesial context[270] of synodal listening, sharing, and planning[271] at the diocesan *and* interdiocesan levels.[272]

Turning to the inter-diocesan level and particular councils, the Fathers of the Second Vatican Council in *Christus Dominus*, 36, sought that such councils "flourish

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[266] T.J. GREEN, "Ecclesial Conversion: Some Canonical Reflections," in S. VAN ERP and K. SCHELKENS, (eds.), *Conversion and Church: The Challenge of Ecclesial Renewal,* 241; see RENKEN, "Pope Francis and Participative Bodies in the Church," 215; on the doxological, kerygmatic, and pneumatological dimensions of the synod, see E. DUFFY, "Processes for Communal Discernment: Diocesan Synods and Assemblies," in *The Jurist*, 71 (2011), 77–79.

[267] In section 2.1.2.1.

[268] See comments of Piero Coda at A. GAGLIARDUCCI, "International Theological Commission document proposes lived synodality," at *Crux*, 18 May 2018.

[269] GREEN, "Ecclesial Conversion: Some Canonical Reflections," 241.

[270] Ibid., 242.

[271] See J. LIEDL,"Diocesan Synods Provide Opportunities To Be a 'Listening Church'," at *National Catholic Register*, 26 February 2021; DIOCESE OF DALLAS, Synod 2024: Synod Announcement, 17 February 2021, https://synod.cathdal.org/synod-announcement-executive-summary-and-pastoral-letter/ (30 March 2022); ARCHDIOCESE OF LIVERPOOL, *Our Pastoral Plan*, October 2021, https://liverpoolpastoralplan.org.uk/Pastoral%20Plan.pdf (4 April 2022).

[272] As an example of this from history, Charles Borromeo focused on ecclesial reform in accordance with the Tridentine norms. During the nineteen years of his episcopacy, Borromeo convoked as many as six provincial councils and eleven diocesan synods. (See R. MOLS, "St. Charles Borromeo," in *New Catholic Encyclopedia.* Vol. 2, New York, McGraw-Hill Book Company, 1967, 710-712).

with fresh vigour."[273] The 1983 Code stipulates that particular councils may be celebrated at the national or plenary level (cc. 439 and 441) or the provincial level (cc. 440 and 442). Canons 443–446 apply to both types. T.J. Green observes that particular councils have varied historically in their frequency, geographic scope, membership, and issues addressed but have consistently dealt with doctrinal and disciplinary issues and embodied a spirit of ecclesial communion.[274]

M.P. Wilson and M.J. O'Brien note[275] that in his 1998 apostolic letter motu proprio *Apostolos suos* on episcopal conferences, Pope John Paul II recounts the history of particular councils and their contribution to the edification of the Church.[276] Indeed, in the 2003 apostolic exhortation *Pastores gregis,* 62, John Paul II suggests "restor[ing] vitality to the ancient institution of Ecclesiastical Provinces," noting that "common pastoral undertakings will certainly be better planned in meetings of Bishops from the same Province and especially in Provincial Councils." He adds that "a similar function can be carried out by meetings of Bishops of the same Region or by Plenary Councils."[277]

In *Pastores gregis*, John Paul II described the value of this type of collaboration:

> Particular Councils, precisely because they involve the participation of priests, deacons, men and women religious and lay persons, albeit with a consultative vote only, are an immediate expression not only of communion between the Bishops but also of communion between the Churches. As a solemn ecclesial occasion, Particular Councils also demand careful thought in their preparation, which involves all the categories of the faithful, so that they can be a fitting place for decisions of greater importance, especially regarding the

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[273] SECOND VATICAN COUNCIL, *CD*, no. 36, in *AAS*, 58 (1966), 692, in *FLANNERY1*, 586.

[274] GREEN, "Ecclesial Conversion: Some Canonical Reflections," 234.

[275] M.P. WILSON and M.J. O'BRIEN, "Provincial and Plenary Councils: Renewed Interest in an Ancient Institution," in *The Jurist,* 65 (2005), 242.

[276] JOHN PAUL II, Apostolic Letter motu proprio On the Theological and Juridical Nature of Episcopal Conferences, *Apostolos suos,* 21 May 1998, nn. 3-4, in *AAS,* 90 (1998), 644, Official English translation, https://www.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_22071998_apostolos-suos.html (21 April 2022).

[277] JOHN PAUL II, *PG*, no. 62, in *AAS,* 96 (2004), 908.

> faith. The place of Particular Councils cannot therefore be taken by Episcopal Conferences, as the Second Vatican Council made clear when it expressed the hope that Particular Councils would take on renewed vigour.[278]

Apostolorum successores provides the following description for particular councils:

> Particular councils are assemblies of Bishops, in which other ministers and lay faithful may participate with a consultative vote, intended to provide for the pastoral needs of the People of God in a particular territory, adopting appropriate measures for the increase of the faith, for the organization of common pastoral action, for the regulation of morals and for the safeguarding of ecclesiastical discipline.[279]

A. Borras acknowledges that synodality is expressed at the level of groupings of particular Churches (*coetus ecclesiarum*: cc 431-459) on an interdiocesan level, apostolic provinces and regions (cc. 431-434), episcopal conferences (cc. 447-459) and particular councils (both the provincial council and the plenary council).[280] In his 50th anniversary address, Pope Francis calls for the renewal of these "second level" structures so that they are not only "intermediary instances of collegiality,"[281] but within a synodal Church, they become "genuine antennae of synodal listening."[282] *Syn 2018*, 88, seeks to provide further encouragement in a description of particular councils in strongly synodal terms:

> Particular Councils celebrated on a regional level are the specific structure for the exercise of synodality in a grouping of local Churches.[283] Actually, they envisage the participation of the People of God in the processes for discerning decisions in a way that expresses collegial communion not only between Bishops, "but with all the components of that

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[278] Ibid.

[279] CONGREGATION FOR BISHOPS, *AS*, no, 25. In 1140, Gratian included a definition of councils in his collection of ecclesiastical legislation, describing councils as "legally convened assemblies of ecclesiastical dignitaries for the purpose of discussing and determining matters of an ecclesiastical nature." (A.G. CICOGNANI, *Canon Law,* translated by J. O'HARA and F. BRENNAN, Philadelphia, Dolphin Press, 1934, 96).

[280] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 229.

[281] FRANCIS, 50th Address.

[282] O. RUSH, "Plenary Council Participation and Reception: Synodality and Discerning the Sensus Fidelium," http://plenarycouncil.catholic.org.au/wp-content/uploads/2018/05/OrmRushParticipationReception.pdf (29 March 2022). 7.

[283] The 1917 *Code of Canon Law* envisaged the celebration of a provincial Council at least once every 20 years (c. 283); it suggested that it could be celebrated "whenever it seems appropriate" (c. 440).

> portion of the People of God entrusted to them" and, consequently, "communion between the Churches," making them "a fitting place for decisions of greater importance, especially regarding the faith."[284] As well as confirming the extent to which exercising synodal discernment is in the areas of doctrine and policy is appropriate in these Councils, the Code of Canon Law stresses their pastoral character.[285]

Arguably, the opportunity to address pastoral concerns in a broad forum that incorporates members of religious institutes and the lay faithful is a significant advantage of celebrating a particular council compared to an episcopal conference solely for bishops. A. Borras highlights that according to the *ius vigens,* particular councils are composed of bishops, diocesan and titular (c. 443, §1) and, if necessary, *emeriti* (c. 443, §2) must be invited and have the right to a deliberative vote.[286] Other members must also be invited and have a consultative vote, namely vicars general and episcopal vicars, major superiors of religious institutes, rectors of Catholic universities and deans of faculties, and some rectors of major seminaries (c. 443, §§3 and 4).[287] Alongside members with a deliberative or consultative vote, observers can be invited (c. 443).[288] Including particular council participants from all the faithful seems to respect a fundamental principle of synodal coresponsibility, the "common foundation" of Christian baptism.[289] Wilson and O'Brien propose that the deliberations of a particular council provide the opportunity for all participants, both ordained and lay faithful, to reflect together. They underscore that "from the collaborative study together, the juridic acts of governance follow."[290]

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[284] JOHN PAUL II, *PG*, no. 62, in *AAS,* 96 (2004), 908.

[285] See cc. 753 and 445. On particular councils see cc. 439-446.

[286] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 229.

[287] Ibid.

[288] Ibid.

[289] See KLOPPENBURG, *The Ecclesiology of Vatican II,* 309–310.

[290] WILSON and O'BRIEN, "Provincial and Plenary Councils," 265.

Furthermore, Wilson and O'Brien observe that a plenary council gives the bishops broader powers than those of the episcopal conference structure, which can issue general decrees only when prescribed by universal law (c. 455, §1). Instead, a plenary council "possesses the power of governance, especially legislative power" (c. 445), even if that power is always subject to universal law and to the review by the Apostolic See,[291] as has been the case since Pope Sixtus V.[292] Indeed, a plenary council may also execute any other actions it deems appropriate, such as exhortations or pastoral plans.[293] A particular council has teaching authority and can issue magisterial documents (c. 753).

While many particular councils were held in the early and mid-nineteenth century, the number of councils[294] declined after the First Vatican Council. The episcopal conference came to replace the particular council.[295] Indeed, particular councils have fallen, in the main, into desuetude even in mission countries where bishops have traditionally found them to be especially useful.[296] T.J. Green acknowledges that, compared to the seemingly more efficient and permanent episcopal

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[291] BORRAS, "Ecclesial Synodality, Participatory Processes, and Decision-Making Procedures," 230.

[292] WILSON and O'BRIEN, "Provincial and Plenary Councils," 246.

[293] Ibid., 260.

[294] Examples of this activity are found in the provincial councils of Baltimore, (G.P. FOGARTY, *The Vatican and the American Hierarchy from 1870 to 1965,* 33-35) and the three great plenary councils of Baltimore in 1852, 1866, and 1884. (J. BARRETT, *A Comparative Study of the Councils of Baltimore and the Code of Canon Law*, 72-73).

[295] WILSON and O'BRIEN, "Provincial and Plenary Councils," 246; see also GREEN, "Ecclesial Conversion: Some Canonical Reflections," 234.

[296] Ibid. Since the Second Vatican Council, there have been some plenary councils in the Dominican Republic (1990-1993), the Philippines (1991), Venezuela (1998-2000), Nicaragua (1992-1993), Poland (1991-1997), Panama (1993), and Thailand (2015). (Information on the IRISH CATHOLIC BISHOPS'S CONFERENCE, "Frequently Asked Questions on the Synodal Pathway," https://www.catholicbishops.ie/synod/faqs/ [30 March 2022]).

conferences,[297] at present, particular councils contribute relatively little to ecclesial reform,[298] "and thus, the Church is deprived of the possible benefit arising from the insights and experience of such a broad ecclesial assembly."[299]

In recent years, the most high-profile plenary council has been in Australia (2021-2022).[300] Among some, this plenary council has been loaded with various expectations and demands for change in the Church.[301] O. Rush notes that a synodal Church is a Church that listens to the Holy Spirit communicating through the sense of all the faithful, the *sensus fidei fidelium*.[302] P.J. McGregor, however, affirms that since the Holy Spirit bestows upon the Church the *three* theological virtues of faith, hope, and charity, the Church in Australia needs more than a *sensus fidei fidelium* in order to

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[297] John G. Johnson states the following: "Plenary sessions of the episcopal conferences can substitute for celebration of plenary councils, and informal meetings of the bishops of a province can take the place of provincial councils. Certainly, these alternatives require less preparation and prior consultation, and they almost certainly would be less cumbersome and easier to manage." (J.G. JOHNSON, "Book II, Title II: Groupings of Particular Churches," in *New Commentary on the Code of Canon Law*, 578).

[298] GREEN, "Ecclesial Conversion: Some Canonical Reflections," 234-235.

[299] Ibid., 235. James Coriden attributes the reason why particular councils rarely occur to the fact that plenary councils cannot be held without the prior permission of the Holy See and that the norms which both plenary and provincial councils decide upon cannot be promulgated until the Holy See has approved them. (CORIDEN, "Necessary Canonical Reform," 158).

Pierre Edayé calls for a reexamination of the question of the *recognitio* in relation to episcopal conferences and particular councils to make this legal act an expression of communion and not a tool of control. (EDAYÉ, L'exercice du gouvernement episcopal, 272).

[300] L. ZENGARINI, "Plenary Council Calls For More Listening in Australian Church," at *Vatican News*, 11 October 2021, https://www.vaticannews.va/en/church/news/2021-10/plenary-council-calls-for-more-listening-in-church-in-australia.html (26 March 2022).

[301] As examples see M. BOWLING, "Momentum for Catholic Church Reform Builds in Australia," at *The Tablet,* 7 July 2021, https://www.thetablet.co.uk/news/14303/momentum-for-catholic-church-reform-builds-in-australia (2 April 2022); K.J. JONES, "Self-Sabotaging Catholicism Won't Help Australia, Archbishop Says of Plenary Council Prep," at *Catholic News Agency*, 13 April 2022, https://www.catholicnewsagency.com/news/250976/self-sabotaging-catholicism-wont-help-australia-archbishop-says-of-plenary-council-prep (16 April 2022). See also P. COLLINS, *Recovering the 'True Church:' Challenges for Australian Catholicism Beyond the Plenary Council*, Bayswater VIC, Coventry Press, 2022.

[302] RUSH, "Plenary Council Participation and Reception: Synodality and Discerning the *Sensus Fidelium*," 1.

bring about true *communio*.[303] It also needs a sense of the hopeful, a *sensus sperantium,* and a sense of the charitable, *a sensus amantium.*[304]

It remains unclear as to the possible ramifications of the Fifth Plenary Council for Australia and whether or not this ecclesial event will encourage other episcopal conferences to embark upon this path. It seems too early to tell if there might still be a revival of plenary and provincial councils across the global Church[305] as advocated by *Christus Dominus*, 36, and *Pastores gregis,* 62. Some episcopal conferences might remain nervous about following suit, given the level of work involved or the fear of small groups dominating the agenda.[306]

4.3.3. Updating Instructions from the Holy See on Participative Structures

Undeniably, the current COVID-19 pandemic has led to intense use of digital means among Catholics via the plethora of available websites, digital communication platforms, blogs and social media possibilities.[307] C.M. Barnum remarks that "although such ease of access has changed the speed and volume of communication being sent, it has not necessarily increased the effectiveness of communication."[308] Pope Benedict

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[303] P.J. MCGREGOR, "Synodality and the Australian Plenary Council: Listening to and Looking at Those Who Are Living in the Spirit," in *The Irish Theological Quarterly*, 86 (February 2021), 8.

[304] Ibid.

[305] M. BOWLING, "Catholic World has Eyes on Australia's Plenary Council, US Theologian Says," at *The Catholic Leader*, 17 August 2018, https://catholicleader.com.au/news/catholic-world-has-eyes-on-australias-plenary-council-us-theologian-says/ (4 April 2022). Also, Peter Szabó proposes that "the consolidation of local synodality could be ensured more easily and more effectively if, at least as part of the initial steps of a possible reform, emphasis was placed not on episcopal conferences but on the revival of particular councils." (P. SZABÓ, "Episcopal Conferences, Particular Councils, and the Renewal of Inter-Diocesan 'Deliberative Synodality'," in *Studia canonica*, 53, [2019], 288).

[306] WILSON and O'BRIEN, "Provincial and Plenary Councils," 262.

[307] Blogging began around 1997. *Facebook* was launched on 4 February 2004. *Twitter* was launched on 15 July 2006. *Instagram* was launched on 6 October 2010.

[308] C.M. BARNUM, "What We Have Here Is a Failure to Communicate: How Cultural Factors Affect Online Communications Between East and West," in K. ST. AMANT and F. SAPIENZA (eds.), in

XVI observes the new media's many possibilities but urges that these "urgently demand a serious reflection on the significance of communication in the digital age."[309] Even if "translocal communication"[310] is widespread in many parts of the world and is increasingly expected in all walks of life, for Pope Benedict, this phenomenon is not without its challenges.[311]

H. Witte reflects upon the specific challenges for synodality and discernment posed by the reality of online communication as follows: (1) It is imaginable that a group of experts and church leaders living in various parts of the world edits a draft simultaneously with the help of a computer connection. However, a physical encounter, face to face, in the same space and simultaneously, brings about significant added value, for instance, the value of body language. Hence, as a means to help synods, "digitalization is welcome," but "it will not substitute for synodal ways of gathering."[312] (2) Social media tend to send short messages, preferably with the help of images that draw attention. This can mean that "those who possess good skills in this respect dominate the digital traffic and the silencing of those who prefer a more nuanced wording and presentation."[313] Moreover, "short messages often lack any attention to context,"[314] essential in a synodal setting. (3) "Social media makes use of the power of

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Culture, Communication, and Cyberspace: Rethinking Technical Communication for International Online Environments, Routledge, New York, 2017, 131-132.

[309] BENEDICT XVI, Message for the 45th World Communications Day, 5 June 2011, http://www.vatican.va/content/benedict-xvi/en/messages/communications/documents/hf_ben-xvi_mes_20110124_45th-world-communications-day.html (18 March 2022).

[310] P. SAPIENZA, "Nurturing Translocal Communication: Russian Immigrants on the World Wide Web," in *Technical Communication*, 48 (2001), 437.

[311] BENEDICT XVI, Message for the 45th World Communications Day, 5 June 2011.

[312] H. WITTE, "The Impact of Digitalization on Ecclesial Processes of Synodality and Discernment," in *Studia canonica*, 53 (2019), 51.

[313] Ibid.

[314] Ibid.

intervention."[315] However, in a synodal context, not only is online discipline necessary, but more fundamental regulation is required concerning interventions from outside.[316] (4) And finally, "short messages, preferably personalised, are preferred"[317] in digitalised communication, as are images, podcasts, and vlogs. This approach raises questions about communicating a synod as an event and presenting its outcome in written texts.[318]

V. Poothavelithara suggests that online means could be made use of in the process of decision-making and also for collecting public opinions about ecclesial matters.[319] J.A. Renken proposes that online and electronic means can prove very useful for distributing information in readiness for meetings[320] and wonders if for occasional or exceptional gatherings of a participative body (e.g., an urgently scheduled meeting) such means could also be employed.[321] M.A. Nobel proposes that video conference technology could be applied at meetings of the presbyteral council.[322] However, the council statutes would need to indicate this provision and how many council members would participate via video conference at a meeting to have the *quorum* necessary to make decisions (c. 496).[323] Furthermore, Nobel notes that episcopal conferences may

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[315] Ibid.

[316] Ibid., 52.

[317] Ibid.

[318] Ibid.

[319] POOTHAVELITHARA, "Encouraging and Developing the Participative Bodies for a Synodal Church," 206.

[320] RENKEN, "Pope Francis and Participative Bodies in the Church," 229.

[321] Ibid.

[322] M.A. NOBEL, "The Use of Electronic Media in Church Structures," in *CLSA Proceedings*, 77 (2015), 201-202.

[323] Ibid., 201.

wish to provide some guidance as to what kind of circumstances would be appropriate for the use of such technology[324] for presbyteral council meetings when convoked by the diocesan bishop (c. 500, §1). Finally, Nobel proposes that the use of such online technology for council meetings, under certain circumstances, could "help avoid the possibility that the council cannot convene and does not have the quorum necessary for consulting by the bishop,"[325] according to c. 500, §2. This would also help "avoid the situation that the council cannot fulfil its function and is to be dissolved according to canon 501, §3."[326]

Cardinal B. Stella, Prefect of the Congregation for the Clergy, responded, on 8 May 2020, to the questions on such issues from the United States Conference of Catholic Bishops,[327] explaining that: (1) "The underlying *ratio legis* of the aforementioned canons would require that the meetings of the various councils take place through videoconference (e.g. methods such as Skype, Zoom) in such a way that those convoked might be effectively present contemporaneously, even in a virtual manner."[328] (2) "In written Minutes of such meetings, it will be necessary to make

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[324] Ibid.

[325] Ibid.

[326] Ibid. Nobel is also clear in his recommendations for a choice of software that records the meeting *and* provides a transcript that can be used to help draw up the minutes. He does acknowledge that a difficulty can arise when council members are asked for a secret vote instead of a regular show of hands. For this aspect, Nobel proposes that prior to the meeting an online survey or poll-maker can be created and the link distributed to all online participants ensuring that the votes cast are anonymous and immediately visible for all participants, in person and online. (NOBEL, "The Use of Electronic Media," 202).

[327] The United States Catholic Conference of Bishops had sought an opinion on whether the convocations mentioned in cc. 127 and 166 may be carried out by technological means, given that the COVID-19 global pandemic has drastically disrupted the ability of organizational leaders throughout the world to gather.

[328] CONGREGATION FOR THE CLERGY, Letter of Cardinal Beniamino Stella re Canons 127 and 166: Regarding the Use of Telecommunications for the Convocation of Various Ecclesiastical Structures, 8 May 2020, in D. MILLER, P.J. COONEY and M.A. SOUCKAR (eds.), in *Roman Replies and CLSA Advisory Opinions 2020*, Washington, DC, CLSA, 2020, 16.

mention of the legitimate convocation of everyone who has a right to participate, as well as the particular virtual method through which the College or Council was consulted."[329] (3) In order "to guarantee the gathering of the College or Council and not merely the hearing of its members as individuals, consultation by individual telephone calls or emails to the persons who compose the interested diocesan College or Council must be avoided."[330] (4) "Under these same conditions, but only for so long as it remains a necessity (*rebus sic stantibus*), the convocations required by cc. 127 and 166 may be conducted by virtual means."[331] Stella concludes: "However, when possible, such consultations should be delayed until they may be carried out in the usual manner required by law."[332]

Similarly, superiors of religious institutes and societies of apostolic life sought an opinion on whether they could use electronic means for sharing between members of a "*coetus personarum*" ad *mentem* in the sense of c. 627 and with the inclusion of references to cc. 127 and 166.[333] Some religious institutes and societies of apostolic life also formulated a similar request concerning general chapters (c. 631). By way of response to these requests, Cardinal J. Braz de Aviz, Prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, on 1 July 2020, acknowledges that the pandemic "has resulted in the impossibility of travel by members

[329] Ibid.

[330] Ibid.

[331] Ibid.

[332] Ibid., 17.

[333] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Letter of Cardinal João Braz de Aviz re Canons 127, 166, 627, and 631, Regarding the Use of Telecommunications for Sharing between Members of Institutes and Societies, (prot. no. Sp.R. 2452/20), 1 July 2020, in D. MILLER, P.J. COONEY and M.A. SOUCKAR (eds.), in *Roman Replies and CLSA Advisory Opinions 2020*, Washington, DC, CLSA, 2020, 13–15.

of General and Provincial councils or similar bodies."[334] Hence, Braz de Aviz was also able to communicate: (1) Pope Francis granted the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life an "'extraordinary faculty,' approved in specific form which authorizes the Dicastery to dispense for individual cases, the physical presence of councillors according to the prescriptions of c.166, §1."[335] (2) "A meeting using telecommunications, of the Major Superior with his/her Council, is not an ordinary solution for the governance of an Institute or a Province. In fact, once the state of emergency caused by the COVID-19 pandemic is resolved, *habitual* recourse to telecommunications would render meaningless the service of authority which, in consecrated life, calls for personally and responsibly maintaining a network of relationships through correct and effective communication in order to safeguard and promote communion in the institute."[336] (3) The Major Superior, when in the exercise of his/her office is obliged to make use of the work of the Council (c. 627, §1), will submit a request to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life to use telecommunications for a formal meeting with the Council. In this case, the minutes are drawn up as customary."[337] (4) The same dicastery decided: "that in the use of connection systems, confidentiality and, in the case of required secrecy, both must be ensured (c. 127);"[338] the identity of the participants in the

[334] Ibid., 13. Such councillors were unable to comply with the *personal presence* as prescribed by c. 166, §1 and were thus prevented from offering their proper collaboration to the major superior.

[335] Ibid., 13.

[336] Ibid., 14.

[337] Ibid.

[338] Ibid.

telecommunication meeting must be verified;" [339] and "the possibility of intervening in real-time during the deliberations must also be ensured."[340]

In his post-synodal exhortation to young people, *Christus vivit*, Pope Francis shows an awareness that digital communications "privileges images over listening and reading" and "has influenced the way people learn and the development of their critical sense."[341] The pontiff recognises that online means have their "share of limitations and deficiencies."[342] Hence, he offers the reminder that "it is not healthy to confuse communication with mere virtual contact."[343] Indeed, Francis asserts that "the way many platforms work often ends up favouring encounters between persons who think alike, shielding them from debate."[344]

In this context, Cardinal Braz de Aviz offers some pertinent and insightful remarks on the significance of physical presence for processes and structures of synodality towards the close of his aforementioned reply of 1 July 2020. He comments:

> Synodality manifests and concretely realizes being in communion, in walking together, in coming together and in the active participation of all members in the evangelizing mission embodied by their own charism. The secular tradition of chapters calls for *physical presence* as a way of safeguarding and promoting the constant search for the common good. Physical presence combines the demands of representing the "entire institute [...] a true sign of its unity in charity" (can. 631§1). Physical presence is the expression of walking together in direct discussion, and communication, not only verbal, in taking on the challenge of different approaches and, if necessary, in more correctly reconsidering a *status quaestionis* before proceeding to definitive resolutions that bind the whole Institute or Society. Physical presence involves the delicate and complex management of elective

[339] Ibid.

[340] Ibid. Cardinal Braz de Aviz also mentions that the pope decreed that no general or provincial chapters could be held by means of telecommunications, nor the combination of partial physical presence and partial presence through telecommunications, but by means of physical presence only. (Ibid., 15).

[341] FRANCIS, Post-Synodal Exhortation to Young People and to the Entire People of God *Christus vivit,* 25 March 2019, no. 86, English edition *Pope Francis, Christus vivit: Christ is Alive, Apostolic Exhortation to Young People*, Catholic Truth Society, London, 2019, 31-32.

[342] Ibid., no. 88, in *CTS Edition*, 32.

[343] Ibid.

[344] Ibid., no. 89, in *CTS Edition*, 32-33.

> procedures and the election of Major Superiors: events and procedures that cannot be replaced even by the most sophisticated instruments of telecommunications.[345]

Indeed, Braz de Aviz continues his reflection as follows:

> In fact, the exercise of collegiality and collegial acts, by their very nature, cannot be reduced to the sum of the votes of the individual members of the chapter, since the synodal/collegial path itself is an integral part of the formation not only of a majority but, even more, of a consensus that arises from shared discernment. It is well known to all those who have experienced chapters that the formation of consensus is the result of direct *dialogue*, which, through physical presence, is assured with respect to timing and manner of communication. This would not seem as effective solely by means of telecommunications. If for a *coetus personarum* (cf. above) an exception can be considered, its extension would lessen the significance of the exercise of collegiality by depriving it of its *added value*: the exercise of a process of discernment aimed at safeguarding the correctness of methods and the strict evaluation of decisions to promote the pursuit of the common good. A *purely* technical (virtual) collegiality risks weakening the sense of co-responsibility or, at least, weakening the conditions of an accurate assessment of its effectiveness.[346]

These latter remarks of Braz de Aviz concerning consensus have a strong resonance with those of G. Ghirlanda.[347] He underscores that, in deliberations, it is not "the majority of votes that is the issue,"[348] but seeking the truth and the good of the Church together so as to arrive at a consensus by the action of the Spirit toward a unity of opinions and intentions, that is expressed in a convergence toward unanimity. The counting of votes is only a way to verify such convergence.[349] Hence, it is not important whether there are consultative or deliberative votes; what is important is arriving at consensus.[350] This is significant in light of this study's review of the 2005 developments in the consensus model of decision-making in the World Council of Churches, the

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[345] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Letter of Cardinal João Braz de Aviz re Canons 127, 166, 627, and 631, (prot. no. Sp.R. 2452/20), 1 July 2020, 14-15.

[346] Ibid., 15.

[347] G. GHIRLANDA, "Il ministerio pastorale del vescovo nella diocesi: profili canonici," in *Quaderni di Diritto Ecclesiale*, 32 (2019), 121.

[348] RENKEN, "Pope Francis and Participative Bodies in the Church," 229.

[349] Ibid.

[350] Ibid.

October 2021 comments of Cardinal M. Grech on a possible consensus model for assemblies of the synod, and, by extension, possible developments in method for the presbyteral council.[351]

The two aforementioned issues of (1) online communication in synodal deliberations, especially in the context of the functions of participative bodies in the particular Church[352] and (2) an increased emphasis on a consensus model of decision-making, demonstrate the need for an updating of instructions from the Holy See on participative structures in the Church. It is to be hoped that the XVIth ordinary general assembly of the synod of bishops will prove to be an opportunity to bring up to date those documents such as the Circular Letter on the Presbyteral Council *Presbyteri sacra* (1970),[353] the Circular Letter on Pastoral Councils *Omnes Christifideles* (1973), and the Instruction on Diocesan Synods (1997).[354] New instructions and directories would give these participative structures timely impetus and concrete encouragement. Indeed, the inclusion of guidance on the use of online means for meetings of participative structures, post-COVID-19, and synodal processes, together with the inclusion and promotion of the consensus model of synodal deliberation, would help form and grow a synodal Church. A new instruction from the Holy See to aid and encourage the synodal structures at an

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[351] In section 3.4.4.

[352] This might well encourage a much-needed increased engagement and study of the digital arena and Church communication by both theologians and canonists. (See K.G. SCHMIDT, *Virtual Communion: Theology of the Internet and Catholic Sacramental Imagination,* London, Lexington Books/Fortress Academic, 2020).

[353] A new instruction might include consensus as a possible or preferred decisional process for the presbyteral council as mentioned in section 3.4.4. of this study. This would build upon the sentiments of *Ultimis temporibus.* (SYNOD OF BISHOPS, *UT*, II, no. 1, in *AAS*, 63 [1971], 920, in *FLANNERY2*, 691).

[354] Eugene Duffy draws attention to the fact that, although the 1997 Instruction on Diocesan Synods speaks of the bishop exercising a role of discernment during a synod, "in all the discussion about synods and assemblies little attention is paid to a process of discernment as such." (DUFFY, "Processes for Communal Discernment: Diocesan Synods and Assemblies," 83). Indeed, Duffy observes that the current juridical approach to synods and assemblies might, in fact, too easily and unintentionally cast their dynamics into a parliamentary style of operation. (Ibid., 89-90).

intermediary level, such as particular councils, both provincial and plenary, would also be welcome.

4.3.4. The Need for Effective Formation in Synodality

As treated earlier in this study, there is much work to do to strengthen and improve the ongoing formation of bishops[355] and priests in the art of synodality.[356] However, it is also imperative that dioceses and parishes make a significant investment in the provision of formation of the lay faithful, specifically so that they are able and willing to engage with synodal processes and structures in the Church.[357] J.A. Renken recalls that Pope Francis, in the apostolic exhortation *Evangelii gaudium*, reminds pastors that for lay persons to perform their ecclesial function more effectively, their appropriate formation is required, even if it be an "ecclesial challenge."[358] Consequently, Renken recommends that greater efforts be made to strengthen ongoing lay formation, especially of women, in order that they are more effective in their membership of the participative structures in the particular Church and their

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[355] See O. CANTÚ, "As A Bishop, I Was Skeptical About Synodality. The Latin American Church Changed That," at *National Catholic Reporter*, 3 February 2022, https://www.ncronline.org/news/opinion/bishop-i-was-skeptical-about-synodality-latin-american-church-changed (19 March 2022).

[356] Treated in section 2.3., 2.3.1., 2.3.2., and 2.3.3. See also M. GRECH and L. YOU HEUNG SIK, "Letter to the Priests About the Synodal Journey," at *Synod 2021-2023*, 19 March 2022, https://www.synod.va/en/news/letter-to-priests-on-the-synodal-journey.html (19 March 2022); A. JOIN-LAMBERT, "Synodality Must Become Permanent Part of Church's Way of Being," at *La Croix International*, 18 March 2022, https://international.la-croix.com/news/religion/synodality-must-become-permanent-part-of-churchs-way-of-being/15807 (19 March 2022).

[357] In a report submitted to dioceses of England and Wales in support of the synod process, *A Call to Action,* calls for dioceses to make a significant investment in the formation and development of clergy and laity. The report says, "The challenge of the Synod on Synodality lies mainly in the fact that the majority of laity and secular clergy have not been trained to engage in the kinds of discussions and the exercise of discernment that the synodal process requires." (See TABLET NEWS TEAM, "News Briefing: Britain and Ireland," at *The Tablet*, 24 March 2022, https://www.thetablet.co.uk/news/15158/news-briefing-britain-and-ireland [31 March 2022]).

[358] FRANCIS, *EG*, no. 102, in *AAS*, 105 (2013), 1062-1063, in *CTS Edition*, 54; RENKEN, "Pope Francis and Participative Bodies in the Church," 225.

contribution to them.[359] The International Theological Commission (in *Syn 2018*) draws attention to this issue when it states that:

> [The lay faithful] are the immense majority of the People of God and there is much to be learnt from their participation in the various forms of the life and mission of ecclesial communities.… Consulting them is thus indispensable for initiating processes of discernment in the framework of synodal structures. We must, therefore, overcome the obstacles created by the lack of formation and recognised spaces in which the lay faithful can express themselves and act, and by a clerical mindset which runs the risk of keeping them on the edges of ecclesial life.[360]

Investment in such training[361] is essential given that synodal *praxis* requires and presupposes the faithful's ability to engage in the art of synodal sharing, listening, and the exercise of discernment.[362]

Syn 2018 explains that there is a need for the Church to become "the home and school of communion."[363] The document also acknowledges that "without conversion of heart and mind and without disciplined training for welcoming and listening to one another, the external instruments of communion would be of hardly any use; on the contrary, they could be transformed into mere heartless, faceless masks."[364] It is this spirituality of communion that serves as "the guiding principle of education wherever individuals and Christians are formed, wherever ministers of the altar, consecrated

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[359] RENKEN, "Pope Francis and Participative Bodies in the Church," 227.

Myriam Wijlens also notes that there are no legal structures *per se* for ascertaining the "sensus fidei" or even norms expressing an obligation of pastors to listen to the faithful. There is only a norm determining that the faithful may express their needs and desires to the pastors, and to make their opinion known to the pastors and other faithful (c. 212). (M. WIJLENS, "Learning from the Past for a Future Reform of Canon Law: Hermeneutical and Systematic Theological Reflections," in A. LORETAN and F. WILFRED [eds.], *Revision of the Codes of Canon Law. An Indian European Dialogue*, 251).

[360] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 73.

[361] See I. SAN MARTÍN, "Latin American Theologians to Host Online Course for Thousands this Summer," at *Crux*, 8 June 2022, https://cruxnow.com/church-in-the-americas/2022/06/latin-american-theologians-to-host-online-course-for-thousands-this-summer (8 June 2022).

[362] See "News Briefing: Britain and Ireland," at *The Tablet*, 24 March 2022.

[363] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 107; JOHN PAUL II, *NMI*, no. 43 in *AAS,* 93 (2001), 297, in *Pauline Books Edition,* 56.

[364] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 107; JOHN PAUL II, *NMI*, no. 45 in *AAS,* 93 (2001), 297, in *Pauline Books Edition,* 57.

persons, and pastoral workers are trained, wherever families and communities are being built up."[365] Indeed, it is the Eucharist that is "the source and paradigm of the spirituality of communion," for "within it are expressed the specific elements of the Christian life that are called to mould the *affectus synodalis.*"[366]

Formation for synodality will undoubtedly need to include training in practical communication skills essential for "synodal dialogue" that "depends on both courage both in speaking and in listening."[367] *Syn 2018* proposes that because exercising discernment is at the heart of synodal life, processes, and events in the Church,[368] it is "necessary today more than ever … to be formed in the principles and methods of a way of discernment that is not only personal but also communitarian."[369] Indeed, formation in listening and discernment is crucial "to think and feel with the Church" so that all speak and act with the "good spirit." [370]

Effective and ongoing formation in skills useful for the art of synodal sharing, especially in listening and the exercise of discernment, promises to help the growth of authentic and fruitful synodality at every level of the Church. It will assist all the faithful and their pastors to be open to ongoing conversion, renewal, and reform, allowing the

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[365] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 108; JOHN PAUL II, *NMI*, no 45 in *AAS,* 93 (2001), 297, in *Pauline Books Edition,* 57.

[366] These elements are described as: (a) The invocation of the Trinity; (b) Reconciliation; (c) Listening to the Word of God; (d) Communion; (e) Mission. (INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no 109).

[367] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 111.

[368] Ibid., no. 113.

[369] Ibid.; JOHN PAUL II, Address to the Italian Church at the Celebration of its Third Ecclesial Convention, 23 November 1995, https://www.vatican.va/content/john-paul-ii/it/speeches/1995/november/documents/hf_jp-ii_spe_19951123_palermo.html (31 March 2022).

[370] FRANCIS, Address to the 36th General Congregation of the Society of Jesus, 24 October 2016, https://www.vatican.va/content/francesco/en/speeches/2016/october/documents/papa-francesco_20161024_visita-compagnia-gesu.html (23 March 2022).

Holy Spirit who has anointed them[371] to enkindle, renew, and reform them in *koinonia* (communion) and *homothumadon* (being of one accord).[372] Indeed, Pope Francis has reminded all in the Church that *"*the presence of the Spirit gives Christians a certain connaturality with divine realities, and a wisdom which enables them to grasp those realities intuitively."[373] *Syn 2018* affirms that "this connaturality shows itself in a '*sentire cum Ecclesia*:' to feel, sense, and perceive in harmony with the Church. This is required not just of theologians but of all the faithful; it unites all the members of the People of God as they make their pilgrim journey. It is the key to their 'walking together'."[374]

Conclusion

The fourth chapter of this thesis has identified a distinct synodal approach to governance within the Anglican patrimony that has been incorporated into the personal ordinariates for former Anglicans: the canonical institute known as the governing council. This chapter has addressed the governing council's membership, officials, and principal functions. In addition, it has drawn a helpful comparison between the governing council, the presbyteral council, and the college of consultors.

The fourth chapter has surveyed the potential and space for a deeper reflection and growth in synodality concerning participative structures, especially the presbyteral council. It has drawn possible insights from the principal functions of the governing council of the personal ordinariates for former Anglicans for possible concrete incorporation and modifications in the universal law for the rest of the Latin Church in

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[371] SECOND VATICAN COUNCIL, *LG,* no. 12, in *AAS*, 57 (1965), 16–17, in *FLANNERY1*, 363-364.

[372] MCGREGOR, "Synodality and the Australian Plenary Council," 15.

[373] FRANCIS, *EG*, no. 119 in *AAS*, 105 (2013), 1069-1070, in *CTS Edition*, 62-63.

[374] INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 56; ID., *Sensus fidei in the Life of the Church*, no. 90.

dioceses. While recognising the increased use of diocesan synods around the globe, the chapter has also reviewed the implications of an increased frequency of particular councils. Finally, the chapter has identified the implications for synodality of the greater prominence of online means and greater moves towards a consensus model of decision-making. These two developments alone make updated instructions from the Holy See on participative structures and processes more necessary and opportune. The chapter underscores the need for effective formation for all the faithful in synodal principles, practices, and skills, especially for the lay faithful's synodal participation.

GENERAL CONCLUSION

The pontificate of Pope Francis has ushered in a new phase in the reception of the Second Vatican Council, rooted in the ecclesiology of the People of God and in the understanding that chapter two of the dogmatic constitution on the Church *Lumen gentium* has reconfigured the entire Church. In his "magna carta" address on synodality marking the 50th anniversary of the establishment of the synod of bishops, Pope Francis has proposed a new way of proceeding in the Church that leads to a new ecclesiological model in itself: synodality. Since then, Francis has repeatedly called for a synodal Church, a listening Church (*Ecclesia audiens*), and a discerning Church (*Ecclesia discernens*) where pastors and faithful pray, meet, and work together, discern and deliberate together, take counsel together, and build up the *consensus Ecclesiae* living in multiform and polyhedron communion.

In this light, this thesis has evaluated the participative structures at the level of the particular Churches and, specifically, the presbyteral council, through a synodal key. This study represents a serious canonical research project to discover if the council can be further reshaped and enhanced by the *ecclesiogenesi*s that comes from the current synodalisation of the Church and by learning from other ecclesiastical circumscriptions, their ecclesial experience, and their approach to synodal governance.

The central questions of this thesis are:

i. Is it possible to provide a working definition of synodality? How is it related to but distinct from collegiality? Are there different versions of synodality expressed across the globe? (Chapter One)

ii. What can the diocesan bishop do to promote synodality in the diocese entrusted to his care? How can the formation of future priests and bishops assist in embedding synodality within the *presbyterium* and among the faithful of the

particular Church? What ongoing formation in synodality and synodal *praxis* is necessary for priests to cultivate synodality in their ministry? (Chapter Two)

iii. Is a consensus model of deliberation a desirable manner of proceeding for the presbyteral council when a vote is not strictly necessary? (Chapter Three)

iv. Is the synodal model of the governing council (*regiminis consilium*) found in the Personal Apostolic Administration of St John Vianney and in the Personal Ordinariates for former Anglicans a practical model that could be taken up by the universal law for the particular Churches? (Chapter Four)

These questions find a solution or conclusion in the thesis as follows:

Chapter one of the thesis has noted that synodality refers to the Church's corporate decision making, "to the involvement and participation of the whole People of God in the life and mission of the Church" (INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 7).[1] It recognises that synodality is not only a *methodos* but an *odos*, not only a method but the mode or way of being (*modus essendi*) for the Church on mission. The chapter refers to a succinct and valuable working definition of synodality offered by Bishop R. Barron, as "a structured conversation among all of the relevant ecclesial players, bishops, priests, and laity, for the sake of hearing the voice of the Spirit."[2]

Chapter one has noted that *Syn 2018* states: "the concept of synodality is broader than that of collegiality because it includes the participation of all in the Church and that of all the Churches" (INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, no. 66), not only the bishops.[3] The chapter underscores this point highlighted by M.

[1] As cited in section 1.1.3. of this work.

[2] As cited in section 1.1.3. of this work.

[3] As cited in section 1.2.5. of this work.

Wijlens, who recognises that synodality no longer expresses *exclusively* the doctrine of "collegiality" of the bishops with the Pope, but allows for and requires the participation of all faithful in discernment and decision-making processes.[4] The chapter acknowledges that the doctrine of collegiality has been put into the context of synodality that includes all members of the faithful. In a certain sense, synodality broadens and completes the collegiality of bishops. Consequently, the chapter has emphasised that the limited tendency towards viewing synodality as a revival in episcopal collegiality solely or predominantly in and through the synod of bishops is best rebalanced by building practical synodality at the level of the particular Churches, especially in and through the utilisation and maturation of their participative structures.

Chapter one has surveyed various expressions of synodality prevalent across the globe, particularly the *Synodaler Weg* in Germany and in the governance structures of the Church of England. Both versions of synodality appear to use a strongly democratic or parliamentary model of power that directly touches upon doctrine and thus, disturbs ecclesiastical communion, and are at odds with synodality as understood by Pope Francis.[5] The *Latin American Ecclesial Assembly* appears to have its own distinctive flavour and seems, at least at present, to be avoiding the aforementioned pitfalls. The *Fifth Plenary Council for Australia* also appears to be working closely with the Apostolic See in its proceedings. Both carry high expectations.

Chapter two has recognised the critical role of the diocesan bishop in building synodality at the level of the particular Church, through his actively encouraging the lay *and* ordained faithful's ecclesial participation through the habitual use and

[4] As cited in section 1.2.5. of this work.

[5] As cited in section 1.3.1. of this work.

development of the participative structures, and through his evident commitment to listening and learning through these bodies, helping him to become a "person of discernment" and avoiding any authoritarianism and isolationism. The study emphasises that diocesan bishops must be "apostles of listening" open to sincere dialogue, their ministry being marked by transparency and accountability. This point is imperative, as not only do some lay faithful feel marginalised in their contribution to the Church, but, as B.E. Hinze observes, significant numbers of priests do not feel invited to collaborate with their bishop in the governance of the diocese, especially on the presbyteral council.[6]

The essential formation of priests for a synodal Church is a significant motif of chapter two. The chapter observes that there is no explicit mention of "synodality," "a synodal Church," or a "synodal style or manner" of sharing in ecclesial governance in the Congregation for the Clergy's 2016 *Ratio Fundamentalis*. Consequently, it rests with the episcopal conferences to draw up, update, and renew their own *Ratio Nationalis* and charters/programmes of priestly formation using the *Ratio Fundamentalis* and the documents on synodality studied in the first chapter of this thesis. The chapter has expressed the hope that the XVIth ordinary general assembly of the synod of bishops (2021-2023) might encourage symposia to advance a renewal in synodal practices of priestly formation.

Chapter two has proposed that initial or seminary formation integrate both synodal principles and *praxis* so as to stimulate a willingness in future priests to incorporate into their ministry an attentiveness to the sense of the faithful, to promote a more collaborative ministry, and to nurture a sense of missionary discipleship and co-

[6] As cited in section 2.2.3. of this work.

responsibility among all the baptised. Seminary formators will need to be an example and reference point to these principles, so further training in synodality for formators will be necessary. Seminary formation in synodality will especially need to advance human or affective maturity and training in the ability to work with others. Seminarians will need regular pastoral reflection attached to challenging pastoral placements in parishes, hospitals, prisons, and schools specifically chosen to assist them in a flexible and collaborative ministry, in developing a robust set of people skills, in the ability to build consensus, and in nurturing the gifts of the lay faithful in teams.

Chapter two has emphasised that ongoing or permanent formation of priests is essential in cultivating the principles and *praxis* of synodality. This should take multi-dimensional forms, including: spiritual direction, recollection days and retreats, formal sabbaticals and study days, courses, workshops, seminars and meetings of priests, but with the diocesan bishop's attendance, by way of example but also for his own development. Indeed, both initial and ongoing formation in synodality should practically assist in enabling priests for a more collaborative ministry and for a more pronounced synodal working between themselves, their diocesan bishop, and especially with members of the lay faithful.

Chapter three has sought to move beyond the discussion about power and who makes final decisions in the Church to *how* decisions are formed. The chapter acknowledges the encouragement given by Pope John Paul II for "pondered agreement in matters of discussion" (JOHN PAUL II, *NMI*, 45), the indication for the presbyteral council given by *Ultimis temporibus* (SYNOD OF BISHOPS, *UT*, II, 1), the example given by the 2005 move of the World Council of Churches for a consensus model of decision-making, and the comments of Cardinal M. Grech on 9 October 2021 concerning votes and consensus in the assembly of the synod of bishops. Thus, the chapter proposes that

the consensus model of deliberation is a desirable manner of proceeding for the presbyteral council when a vote is not strictly required. Such a move, if advanced, could further elucidate the synodal character of the presbyteral council and would undoubtedly be a further step in embracing a constitutively synodal Church at the level of the particular Church.

Chapter four looks to the future. It acknowledges that G. Routhier highlights that the conciliar decree *Presbyterorum ordinis*, 7 emphasises that the council of the *presbyterium* "should be set up in a way suited to present-day needs, and in a form and with rules to be determined by law." Routhier underscores that the decree expresses the need to adapt structures to current conditions and needs as set out in footnote 41 of *Presbyterorum ordinis,* 7. He highlights, too, that the decree *Christus Dominus*, 27 also mentions that "these councils, and especially the cathedral chapters, should be reorganised, as far as is necessary, to suit contemporary needs…." Consequently, the chapter recognises with Routhier that "we have not yet reached the end of this necessary adaptation to present conditions and needs" and that "the revival of synodality requires revised institutional forms."[7]

Chapter four notes the need to adapt and modify the law to new ecclesial realities and pastoral circumstances, and for the universal Church to be open and flexible to enrichment from other ecclesiastical circumscriptions with their pragmatism and patrimony. The chapter also highlights the proposal of J.R. Workman that the Latin Church examine the governing council (of the Personal Apostolic Administration of St John Vianney in Campos, Brazil and the three Personal Ordinariates for former

[7] As cited at section 4.3.1. of this work.

Anglicans) to see how the juridically comparable presbyteral council (and the college of consultors) might be enriched by it. From this perspective, Workman proposes that:

> (1) Both presbyteral councils and colleges of consultors could possess some of the competencies of the governing council, and if the statutes of these bodies could define more actions that require consultation than are currently found in the law, especially for actions deemed more important for the pastoral good of the diocese. Such an approach would also help empower the synodal competence of the presbyteral council (and college of consultors) in universal law.[8]
>
> (2) The college of consultors could have the deliberative right to provide a *terna* of names to the Apostolic See during a *sede vacante* situation. Therefore, without prejudice to c. 377, §3, it seems possible to grant the college a secret deliberative vote enabling it to provide three names for consideration to the Congregation for Bishops.[9]

Crucially, chapter four has also underscored and favoured the even bolder proposal of D.L.C.M. Galles, who wonders if, in the *lex ferenda*, episcopal conferences might be given the faculty to permit individual diocesan bishops to elect to constitute a governing council *in lieu* of a college of consultors and presbyteral council.[10] Both proposals (from Workman or Galles) would further realise, *in concreto*, the synodality called for by Pope Francis at the level of the particular Churches. Galles's proposal would also help to address the challenge of shrinking presbyterates.

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[8] As cited in section 4.3.1. of this work.

[9] As cited in section 4.3.1. of this work.

[10] As cited in section 4.3.1. of this work.

This thesis has acknowledged that, whereas the 1983 Code provides a sure foundation for the establishment and operation of the presbyteral council, now, almost forty years after its promulgation, it can be considered whether the *lex lata* is entirely adequate for a synodal Church that is subject to a perpetual reformation (*perennis reformatio*). Alongside the aforementioned proposals, this study raises other specific questions of the *ius vigens* that suggest continuing research and reflection in view of the *lex ferenda*:

- Should the universal law determine a canonical procedure if a participative body, like the presbyteral council, has a unanimous opinion on an issue and the superior decides to act contrary to that opinion?
- Should the universal law specify cases in which the diocesan bishop is to request the deliberative (even if subject to implementation or approval by a higher authority) and consensual vote of the presbyteral council?
- Should the universal law require that the diocesan bishop consult the presbyteral council in more specific instances, particularly in affairs of greater importance?
- Should a future revision of the Code, as law governing the entire Latin Church, mandate the establishment of the diocesan pastoral council and the parish pastoral council, and also regulate the frequency of diocesan synods?

Furthermore, upon the basis of the research and analysis of this thesis, the following pastoral suggestions are also offered:

- Considerable patience is required while further studies, particularly canonical ones, are released on synodality: addressing and engaging with its ecclesial importance as well as the need for careful distinctions within synodal practice that reflect both the hierarchical constitution of the Church (as a guarantee of unity) and the

necessary and differentiated roles that "all," "some," and "one" play in forms of synodal practice (INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018*, nn. 64; 106). In works on consensus-building, it will also be necessary to distinguish between *decision-making* and *decision-taking* (INTERNATIONAL THEOLOGICAL COMMISSION, *Syn 2018,* no. 69).[11]

- More studies on the history, strengths and potential, and practical limitations of the *sensus fidei fidelium*, the presuppositions and conditions for its exercise, and its connections with synodality would be helpful.
- Theologians and canonists need to be encouraged to give attention, in publications and papers, not only to the synod of bishops, but to the promotion and development of the exercise of synodality at the "first level," in the participative structures of the particular Church and in the practical and informal synodality found at diocesan and parish level.
- The leadership of the particular Churches and their groupings should ensure that their proposed synodal projects carefully avoid a methodology of "parliamentary" or "democratic" models that seek to change the doctrine of the faith; instead, leadership should advance the spiritual discernment method with the missionary aim proposed by Pope Francis. Careful collaboration with the Apostolic See *before* proceeding is prudent to ensure that ecclesiologically valid models be used. Local leadership should also ensure that local synodal processes remain open to communion of the particular Churches throughout the world (the *communio ecclesiarum*).

[11] As cited in section 3.1.3.6. of this work.

- A programme of formation and catechesis is required for individuals in preparation for, and during, any engagement with a synodal structure or process. This will help form spiritually mature and co-responsible Catholics who will *sentire cum Ecclesiae* and remedy any catechetical lack experienced that could adversely affect expressions of the *sensus fidei fidelium*.
- Universal legislation and instructions that include reference to infra-diocesan synodal structures (i.e., the deanery clergy conference and deanery pastoral council) would be welcome.
- Appropriate steps should be taken by those ecclesiastical authorities entrusted with such a function to ensure that *episcopabile* are open to and personally capable of synodal working with others, including with the participative structures at the level of the particular Churches.
- A component on synodality should be introduced as an integral aspect of the courses required for newly-appointed bishops organised by the Dicasteries for Bishops and the Eastern Churches and by the Dicastery for Evangelization. Episcopal conferences could also provide similar training events in their own territories. Such developments would underscore the synodal expectations and responsibilities of the diocesan bishop to the particular Church entrusted to his care.
- The statutes for each presbyteral council should be regularly reviewed by the presbyterate and the diocesan bishop to ensure they are adequately precise, speak to proper membership proportions (e.g., with around 50% elected), ensure broad representation from all sectors of the presbyterate, and are suited to local circumstances as far as possible.
- The statutes of the presbyteral council should explicitly mention the frequency of meetings, mindful that a body that meets only two or three times a year can have

little impact on the regular rhythms of the pastoral governance of the diocese. Statutes should certainly allow for extraordinary convocation by the diocesan bishop.

- Each election to the presbyteral council presupposes proper instruction of the *presbyterium* and the diocesan bishop about the nature and mission of the council. After that, the *onus* is on priests to discern carefully whether candidates for election to the council have the requisite time, interest, energy, and commitment for the role.
- The presbyteral council agenda should be thoroughly prepared and communicated well in advance, with all the necessary information.
- As far as possible, transparency and good communication should be given priority over secrecy in presbyteral council proceedings. Consequently, apt reports of meetings of the presbyteral council and the other participative structures should be published in the diocesan bulletin/newspaper, with the appropriate facility for follow-up consultations and feedback, if necessary, from other participative bodies and, crucially, from "the base," the clergy and people of the deaneries and parishes.
- The COVID-19 pandemic has helped identify both the opportunities for connection and the challenging implications for synodality caused by the increased use of online or digital means. This phenomenon, and the momentum towards a consensus model of deliberations for meetings of participative structures, especially the presbyteral council, make updated instructions from the Holy See on participative structures (and the presbyteral council) and synodal processes more necessary and opportune.

It is evident that Pope Francis envisions a Church that "walks together" but is nonetheless unafraid to engage in dialogue, to listen genuinely to opinions and to discuss proposed reforms with *parrhesia* (boldness) that will challenge assumptions

like: "we have always done it this way" (FRANCIS, *EG*, no. 33). Undoubtedly, a synodal Church will increasingly hold a rich diversity of pastoral approaches and will respect legitimate and creatively faithful adaptations in ecclesial structures that are responsive to the needs of a missionary Church.

It is hoped that this study is a judicious response to the prophetic invitation of Pope Francis in *Evangelii gaudium* "to be bold and creative" (FRANCIS, *EG*, no. 33) and to "re-examine" (FRANCIS, *EG*, no. 43) the participative structures in the particular Church for the sake of increasing the "missionary impulse capable of transforming everything" (FRANCIS, *EG*, no. 27). Indeed, a principal aim of this thesis is to form an appreciation that synodality is best built at the level of the particular Churches (FRANCIS, *EG*, nn. 30-31; FRANCIS, 50th address), especially in and through recalibrating and developing their participative structures, including the presbyteral council. Furthermore, this study has attempted to "rethink" creatively (FRANCIS, *EG*, no. 33) the structure of the presbyteral council, to endow it with an even more pronounced synodal character by drawing upon the competencies of the aforementioned governing council (*regiminis consilium*).

Finally, embedding synodal principles and *praxis* among diocesan bishops, within presbyterates, in the seminaries, and in diocesan and parish communities will continue to be challenging and will take some time. It will face inertia, indifference, and even resistance. The synodalisation of the Church will undoubtedly entail a sometimes-painful reform of mentalities that reach beyond clericalism and hierarchicalism to make way for the synodal attitudes of reciprocal listening, discernment, and dialogue among all Christ's faithful (*Christifidele*s). An ongoing and personal conversion and purification in each baptised person will be necessary. Taking forward the contributions of this thesis will undoubtedly require the grace of a pastoral

and synodal conversion and an uncompromising commitment to a synodal Church, for "it is precisely this path of synodality which God expects of the Church of the third millennium" (FRANCIS, 50th Address).

APPENDIX

Statutes of the Governing Council

Personal Ordinariate of Our Lady of Walsingham

Nature of the Governing Council

1. The Governing Council of the Personal Ordinariate of Our Lady of Walsingham is constituted in accordance with the Apostolic Constitution *Anglicanorum Coetibus* and its associated Complementary Norms, the Decree of Erection of the Personal Ordinariate of Our Lady of Walsingham and the norms of Universal Law.

2. These statutes provide a certain framework of norms which enable and encourage the work of the Governing Council to assist the Ordinary in the mission of shepherding the faithful of the Ordinariate entrusted to his care.

3. The Governing Council assists the Ordinary in the governance of the Ordinariate. It has the rights and responsibilities accorded by the Code of Canon Law to the Council of Priests and the College of Consultors, as well as regarding those areas specified in the Complementary Norms and other specific Norms approved for the Ordinariate by the Holy See.[1]

Membership of the Council

4. The Governing Council consists of 8 to 12 priests,[2] at least half of whom must be elected by the presbyterium of the Ordinariate.[3]

5. The Ordinary, though not a member of the Council, presides at any meeting of the Governing Council.[4]

6. In addition to the elected priests, the following are to be *ex officio*[5] members of the Governing Council:
   a) the Assistants to the Ordinary
   b) the Chancellor (only if also a priest)

7. The Ordinary shall freely appoint the remaining members.[6]

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[1] BENEDICT XVI, *AC*, art. X, §1 and 2, CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 12, §1; canons 495ff.

[2] BENEDICT XVI, *AC*, art. X, §2.

[3] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 12, §5; canon 497,1°

[4] canon 500, §1.

[5] canon 497, 2°.

[6] canon 497, 3°.

8. The elected and appointed members of the Governing Council will serve for a period of up to five years, but may be re-appointed or re-elected after that time. When the five year term is over, the Governing Council exercises its proper function until a new Governing Council is established.

9. The right to active and passive voice in the election shall be held by priests incardinated into the Ordinariate, unless they are absent from the Ordinariate unlawfully or they no longer exercise their sacred ministry or for any other proportionately grave reason their right is restricted by the Ordinary.

10. The elections shall be by postal ballot and conducted by the Chancellor or his delegate.

Officials of the Governing Council

11. The chairman, secretary and others who help to organise the meetings of the Governing Council are appointed by the Ordinary.

12. The chairman, who must be a member of the Governing Council, shall hold office for five years. This appointment may be renewed for a further five-year term.

Functions of the Governing Council

13. The Governing Council has a deliberative vote only in the following matters:[7]
    a) when choosing a *terna* of names to be submitted to the Holy See for the appointment of the Ordinary
    b) when proposing changes to the Complementary Norms of the Ordinariate to present to the Holy See
    c) when formulating the Statutes of the Governing Council, the Statutes of the Pastoral Council and the Rule for Houses of Formation.

14. The Ordinary must seek the consent of the Governing Council before:
    a) placing acts of extraordinary administration as defined by the Bishops' Conference of England and Wales[8]
    b) alienating the goods of the Ordinariate when the value of the goods is within the range of the minimum and maximum amounts determined by the Bishops' Conference of England and Wales[9]
    c) permitting a juridical person subject to the Ordinary to alienate goods whose value is within the range of the minimum and maximum amounts determined by the Bishops' Conference of England and Wales[10]

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[7] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 12, §4.

[8] canon 1277.

[9] canon 1292, §1.

[10] canon 1292, §1.

d) erecting territorial deaneries[11]
e) admitting a candidate to Holy Orders[12]
f) erecting, suppressing or notably altering a personal parish[13]
g) erecting or suppressing a House of Formation for the purpose of transmitting Anglican patrimony[14]
h) approving a programme of formation for the purpose of transmitting Anglican patrimony[15]

15. The Ordinary must seek the advice of the Governing Council before:
    a) appointing or removing the finance administrator of the Ordinariate[16]
    b) placing acts of administration which are of major importance in light of the financial situation of the Ordinariate[17]
    c) calling a synod of the Ordinariate[18]
    d) establishing regulations concerning the allocation of offerings received on the occasion of the performance of certain parochial functions and the remuneration of clerics who fulfil these functions[19]
    e) consenting to the building of a new church[20]
    f) allowing a church to be converted to secular use[21]
    g) imposing a moderate tax for the needs of the Ordinariate upon the public juridical persons subject to his governance[22]
    h) submitting matters to the Congregation for the Doctrine of the Faith concerning further faculties or responsibilities of the Ordinary to be determined by the Congregation.[23]

16. The Ordinary is also to consult the Governing Council on any matter concerned with promoting the pastoral activities of the Ordinariate and the principles

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[11] CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 4, §3.

[12] Ibid., art. 6, §1; art. 12, §2.

[13] Ibid., art. 12, §2.

[14] Ibid., art. 10, §2; art. 12, §2.

[15] Ibid., art. 10, §2; art. 12, §2.

[16] canon 494, §1.

[17] canon 1277.

[18] canon 46, 1§1.

[19] canon 531.

[20] canon 1215, §2.

[21] canon 1222, §2.

[22] canon 1263.

[23] Decree of Erection, art. 2.

governing the formation of clergy.[24] In particular, the Ordinary will ensure that the matters considered by the Ordinariate Pastoral Council[25] will be brought to the Governing Council when necessary.

17. The Governing Council is to draw up a list of parish priests from which the Ordinary will select two consultants when it is necessary to follow the procedure for the transfer or removal of a parish priest.[26]

18. With the exception of the provision of statute 13(a) or when his office is vacant, the Governing Council can never act without the Ordinary.[27]

Procedure of the Governing Council

19. Meetings of the Governing Council shall take place at least four times a year at the discretion of the Ordinary.

20. In cases where the Governing Council exercises a deliberative vote, a two-thirds majority of members present and voting is required. Apart from the provision contained in Statute 13a, the approval of the Ordinary must also be given.

21. In cases where the Ordinary is required to seek the consent or advice of the Governing Council on a particular point, he should ensure appropriate time and information is given so that the members of the Council can give their opinions sincerely.[28]

22. The consent of the Governing Council is given by the absolute majority of the members present and voting.[29] If consent is not given, the Ordinary cannot act against it.[30]

23. In cases where the Ordinary is seeking the advice of the Council, the Ordinary may do this individually if circumstances require it, without convening the Council formally.[31] The Ordinary is not bound by the advice given, even if is unanimous. Nevertheless, without what, in his judgement, is an overriding

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[24] CN 12, §3.

[25] BENEDICT XVI, *AC*, art. X, §4, CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 13.

[26] canons 1742, §1; 1750.

[27] canon 500, §3.

[28] canon 127, §3.

[29] canon 127§1.

[30] canon 127, §2, 1°.

[31] canon 127, §1.

reason, the Ordinary should not act contrary to the advice, especially if the Governing Council was of one mind.[32]

24. In order to be accepted as a resolution of the Governing Council, a proposition must receive a two-thirds majority of the members present and voting and have the approval of the Ordinary.

25. In a particular case, the Ordinary or the chairman may direct that the vote be by way of a secret ballot, in which case the chairman will appoint two scrutineers from among the members present.

26. Three weeks before the meeting, an Agenda Committee (Ordinary, chairman and secretary) will meet to organise an agenda. The final agenda, determined by the Ordinary,[33]will be sent by the secretary to members, with relevant papers, 14 days before the meeting. All items submitted for discussion shall be accompanied by explanatory notes unless, in the opinion of the Agenda Committee, such documentation is not needed.

27. All those attending meetings of the Governing Council are required to observe confidentiality regarding the proceedings of the Governing Council within the limits and according to the manner determined by the law or by the Ordinary.[34]

28. It is for the Ordinary alone to decide how the acts of the Governing Council are to be made public and communicated to the priests and faithful of the Ordinariate.

Commissions of the Governing Council

29. When necessary, the Ordinary may establish commissions which meet between the meetings of the Governing Council to help in the preparation of the matters to be discussed by the Governing Council and to make recommendations concerning the proposals made by the Governing Council.

30. Experts, including lay people, may be asked to help in the work of these commissions.[35]

Vacancy of the Office of Ordinary

31. When the office of Ordinary becomes vacant, the governance of the Ordinariate devolves upon the Governing Council until an Administrator is elected, unless

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[32] canon 127, §2, 2°.

[33] canon 500, §1.

[34] canons 127, §3, 471, 2°.

[35] canon 228, §2.

the Holy See has provided otherwise.[36] The Governing Council is to notify the Holy See of the death of the Ordinary as soon as possible.[37]

32. The Governing Council must convene within eight days of receiving notification that the office of Ordinary is vacant to elect an Administrator.[38] This election shall be conducted in accordance with the norms of law.[39]

33. The Administrator must notify the Holy See of his election as soon as possible[40] and make his profession of faith in the presence of the Governing Council.[41]

34. The Administrator is bound by the obligations and enjoys the powers of the Ordinary, excluding those matters which are excluded by the nature of things or by the law itself.[42] However, during the vacancy, no innovation is to be made.[43]

35. The Adminstrator can remove the Chancellor and other Notaries only with the consent of the Governing Council.[44]

36. The Administrator may only give dimissorial letters for the ordination of Ordinariate clergy with the consent of the Governing Council.[45] Moreover, he may not give them to those to whom admission to orders was refused by the Ordinary.[46]

37. If the office of Ordinary has been vacant for a year, it is for the Governing Council to give its consent so that the Administrator may grant excardination, incardination or permission for a cleric to move to another particular Church.[47]

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[36] canon 419.

[37] canon 422.

[38] canon 421, §1.

[39] canons 423-425.

[40] canon 422.

[41] canon 833, 4°.

[42] canon 427, §1.

[43] canon 428, §1.

[44] canon 485.

[45] canon 1018, §1, 2°.

[46] canon 1018, §2.

[47] canon 272.

38. The Administrator ceases from office when the new Ordinary takes canonical possession of the Ordinariate.[48]

39. The new Ordinary is to present the apostolic letter of appointment to the Governing Council when he takes canonical possession of the Ordinariate. A record of fact is to be made by the Chancellor.[49]

40. With the appointment of the new Ordinary, all elected and appointed members of the Governing Council lapse and new elections and appointments become necessary. Within a year of his appointment, the Ordinary is to set up a new Governing Council.[50]

Various Provisions

41. Proposals for changes to the Statutes may be discussed at the Governing Council and voted on in accordance with Statutes 13c and 20. If a proposal is adopted by the Governing Council, it will have no effect unless it has the approval of the Ordinary and is confirmed by the Holy See.[51]

42. If the Governing Council does not fulfil the office entrusted to it for the welfare of the Ordinariate, or if it gravely abuses that office, it can be dissolved by the Ordinary, after consulting the Holy See. In this situation, the Governing Council must be reconstituted within a year.[52]

These Statutes, drawn up by mandate of article 12 of the Decree of Erection of the Personal Ordinariate of Our Lady of Walsingham issued by the Congregation for the Doctrine of the Faith on 15 January 2011, were approved by the Ordinary and the Interim Governing Council on 26 October 2011 in accordance with article 12§1 and article 12§4c of the Complementary Norms for the Apostolic Constitution *Anglicanorum Coetibus*.

Fr Kristian Paver JCL
Chancellor

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[48] canon 430, §1.

[49] canon 382, §3.

[50] canon 501, §2,

[51] BENEDICT XVI, *AC*, art. X, §1, CONGREGATION FOR THE DOCTRINE OF THE FAITH, *CN*, art. 12, §1.

[52] canon 501, §3.

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BIOGRAPHICAL NOTE

Robert P. BILLING was born in Blackpool, England, on 8 October 1975. Following his education in Blackpool, he trained for the Priesthood at St Patrick's College, Maynooth, Ireland, from 1995 to 2001. Fr Billing was ordained a priest for the Diocese of Lancaster, England, on 14 July 2001 and completed the STL in Maynooth in 2002. He then served in parish work in Kendal and Preston, and from December 2004 to May 2018, he served as Bishop's Secretary/Diocesan Secretary, Diocesan Communications Officer and Secretary to the Trustees of the Diocese of Lancaster. From March 2006 to July 2013, he was also Chaplain to Our Lady's Catholic College, Lancaster. From September 2018 to June 2020, Fr Billing completed his JCL, and from September 2020, he commenced his doctoral studies in canon law.