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RECEIVING VATICAN II THROUGH THE SYNOD ON SYNODALITY: THE PROCESS, THE OUTCOME AND THE CHALLENGE OF IMPLEMENTATION IN A WORLDWIDE CHURCH¹

RECEPCJA SOBORU WATYKAŃSKIEGO II
PRZEZ SYNOD O SYNODALNOŚCI: PRZEBIEG, REZULTATY
I WYZWANIA ZWIĄZANE Z WDRAŻANIEM
W KOŚCIELE POWSZECHNYM

ABSTRACT

Sixty years after the promulgation of the Dogmatic Constitution on the Church *Lumen Gentium*, pope Francis convoked the Synod on Synodality. With the Synod the Church has entered into a new phase of its reception. Possibly one of the most relevant fruits of the Synod was the transformation from a static Church with occasional modifications to a Church characterized by a permanent flow leading to a continuous circularity. This was given shape in the interaction of the local Church with the Church universal which in turn was expanded by an awareness of the catholicity of the Church in which there is an exchange of gifts. The process created an awareness of context and diversity beneath which there is a deeply sensed unity. The

Sześćdziesiąt lat po ogłoszeniu konstytucji dogmatycznej o Kościele *Lumen gentium* papież Franciszek zwołał Synod o synodalności. Wraz z Synodem Kościół wkroczył w nową fazę recepcji tego dokumentu. Jednym z najbardziej znaczących owoców Synodu była przemiana Kościoła – z instytucji statycznej, w której wprowadzano okazjonalne zmiany, w Kościół charakteryzujący się stałym przepływem i ciągłą cyrkulacją. Proces ten urzeczywistnił się przez wzajemne oddziaływanie Kościoła lokalnego i Kościoła powszechnego, które zostało pogłębione przez nową świadomość katolicykości Kościoła, wyrażającą się w wymianie darów. Dzięki temu powstała wrażliwość na kontekst i różnorodność, zakorzenione w głęboko odczuwanej

¹ The manuscript is a slightly reworked version of two lectures with slightly different accents. The first lecture: “*In quibus et ex quibus: The Mutual Interiority as a Principle of a Synodal Church – Canonical Reflections*,” given at the conference “*Dal Concilio al sinodo. Rilettura di un cammino di chiesa, a 60 anni dalla Lumen gentium (1964–2024)*” held at the Pontifical Gregorian University on October 29, 2024. The second lecture: *The Synod on Synodality: The Process, the Outcomes and the Challenge of Implementation in a Worldwide Church*, given at the Conference: “*Christianity in Europe. Questions on Unity*” held at the University of Silesia in Katowice (Poland) on November 5, 2024.

formal closing of the Synod in 2024 coincides with the inauguration of the implementation. Canonical provisions have a specific task in this. The study attends to synodal participative bodies at all levels of the Church. Special consideration is given to the diocesan pastoral council, episcopal conferences and plenary and provincial councils.

jedności. Formalne zakończenie Synodu w 2024 r. zbiega się z rozpoczęciem etapu wdrażania jego postanowień. Prawo kanoniczne ma do odegrania w tym procesie szczególną rolę. Niniejsze studium koncentruje się na synodalnych ciałach uczestniczących we wszystkich poziomach życia Kościoła. Szczególną uwagę poświęcono diecezjalnej radzie duszpasterskiej, konferencjom episkopatu oraz so-borom plenarnym i prowincjalnym.

“Hitting the reset button!” This was the title of a lecture I gave in 2016² shortly after pope Francis had shared his views on the institution “Synod of Bishops”, fifty years after it had been erected by pope Paul VI.³ Deeply rooted in Vatican II, pope Francis attended to integrating the doctrines of primacy, collegiality and synodality.

“Hitting the reset button” means that the system with which a computer works is reconfigured. The programs and files on the computer remain the same, but they are repositioned or rearranged in relation to each other in such a way that the working conditions for the task to be accomplished is optimized. With the 2021–2024 Synod on Synodality, pope Francis invited the Church to enter under the guidance of the Holy Spirit into a process of a reconfiguration of the acting subjects within the Church to optimize its missionary task. Rooted in the doctrine of Vatican II, the pope invited the Church to reflect on how the different members of the people of God in light of their baptism as well as their charisms, vocations, ministries, offices and tasks on the one hand and in light of the context with its needs and possibilities on the other hand, best discern *together* how the mission entrusted to the Church can be more credible and effective.

Sixty years after the promulgation of the Dogmatic Constitution on the Church, *Lumen Gentium*, as well as the Decrees *Unitatis Integratio* and *Orientalium Ecclesiarum*, the Church has thus undertaken a most remarkable process through which it made a further decisive step in the reception of Vatican II. The 2021–2024 Synod entitled *For a Synodal Church: Communion – Participation – Mission* “launched the church into an experience of both *ressourcement*, a return to the sources of the Church’s tradition [going back to the council of Jerusalem], and *aggiornamento*, an updating or refreshing of the Church’s traditions, that had been the agenda of Vatican II.”⁴ Aware that the need for an *aggiornamento* is a continuous invitation to the whole Church to read the signs of *our* times in each place, pope Francis

² *Reforming the Church by Hitting the Reset Button: Reconfiguring Collegiality within Synodality because of “sensus fidei fidelium”*. In: *The Canonist* 8 (2017), 235-261.

³ Pope Francis’ Address during the Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops, October 17, 2015. The address has no numbers of paragraphs. I will refer to it as Pope Francis’ Synod Address 2015. Cf. https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html (access: 18.01.2025).

⁴ Wood, S.K. (2025): *A Synodal Church: The Christian Faithful on Pilgrimage* (Lanham: Rowman & Littlefield) 1.

convoked the Synod with a double task: become more synodal in order to improve the missionary task.

Pope Francis chose the “Synod of Bishops” as the modality for that reflection. As an institution the Synod of Bishops is itself a fruit of the Second Vatican Council. Whereas the Synod of Bishops found its roots predominantly in the doctrine on the collegiality of bishops, the 2021–2024 Synod unfolded over the years into a process in which the whole people of God were involved. It became a Synod that gave expression to the doctrine of synodality. It turned out to be a Synod which not only declared doctrinally that synodality is a “constitutive dimension of the Church” (ITC 1, Synod FD 2024, 12 and 28), but it also assisted the Church in living out the doctrine because of its missionary task.

The current study focuses first on the way how specific ecclesiological innovative aspects of Vatican II found an application through the Synod; through that application light was shed on the meaning of the doctrines. The Synod turned into a learning by doing: the learning about synodality deepened as the Church engaged in practicing it. Abstract formulated doctrines which stood as juxtapositions side by side in Vatican II, turned into a lived reality which led to an understanding of different doctrines and how they relate to each other. Secondly, this study attends to the challenge of implementing the outcomes of the Synod with the help of canonical provisions. The outcome of the Synod in the sense of theological content is addressed between these two parts, but will be only presented in a summary form.

1. Ecclesiological Innovative Aspects of the Synodal Process



The First Vatican Council⁵

The saying “A picture is worth a thousand words” appears so true when attending to ecclesiological shifts that have occurred over the past roughly 140 years from Vatican I (1869–1870) till the closing session of the 2024 Synod on Synodality. The First Vatican Council taught the doctrine on the infallibility of the papacy.

⁵ <https://www.lachristite.eu/archives/2013/10/10/28187126.html> (access: 18.01.2025).

Paintings about that council express the ecclesial understanding: the Holy Spirit shines on as indicating to work through the pope alone.

Ninety years later the Church gathered in the Second Vatican Council (1962–1965): bishops clarified, for example, the relationship between the Roman Pontiff and the (college of) bishops. Again, an image reveals the ecclesiology: in St. Peter’s Basilica the bishops from around the world gathered to deliberate. This time the bishops were seated in two long “choir stalls” facing each other. The pope is seated at the head of the choir stalls. Hence, the council was a gathering of the college of bishops “cum et sub petro.” The bishops, who were mainly diocesan bishops, shared as witnesses the faith of the local Churches entrusted to their care. They expressed the hopes and joys, the griefs and anxieties as well as the faith of their communities. The episcopacy from around the world felt enriched by listening and sharing how the one faith in Christ unfolded locally at times with great joy, at other times with or despite immense difficulties.

The council laid the basis for what was going to be known as the doctrine on episcopal collegiality, a term which, however, did not appear in the council. It was because of both their experience and the doctrine on collegiality that the Synod of Bishops as an institution came about: the bishops desired having regular exchanges between themselves and they felt that the pope should hear from the bishops directly about local concerns and opportunities.



The Second Vatican Council⁶

Sharing of Gifts (LG 13 and 23)

Yet, Vatican II did more than developing the doctrine on collegiality: by inserting the chapter on the People of God in *Lumen Gentium*, the council wanted to emphasize what all hold in common before any differentiation was to be made.

⁶ https://commons.wikimedia.org/wiki/File:Vatican_II_in_session.jpg?uselang=pl (access: 18.01.2025).

By doing so, the “Second Vatican Council was indeed like a seed thrown onto the field of the world and the Church” (Synod FD 2024, 5). In our days, this newly expressed doctrinal perspective has now been captured with the notion of “synodality”: “The Synod 2021–2024 continues to draw upon the energy of that seed and develop its potential, putting into practice what the Council taught about the Church as Mystery and Church as People of God, called to holiness through a continual conversion that comes from listening to the Gospel. In this sense, the synodal journey constitutes a further act of reception of the Council, thus deepening its inspiration and reinvigorating its prophetic force for today’s world” (Synod FD 2024, 5).

As a result, the Synod provided the people of God with an opportunity to meet and encounter each other in different configurations be it in parishes, dioceses, or continental assemblies. Soon a new term could be heard in the world of ecclesiology and canon law: ecclesial gatherings. In ecclesial gatherings the people of God convene under the leadership of the bishop(s) to discern a specific question together, but in light of their proper task and responsibility.

The Synod on Synodality, which may well be characterized as a synodal *process* – precisely because its own structure unfolded as no longer static, but dynamic – itself underwent fundamental changes over the course of its three year celebration. The whole process unfolded as a continuous learning by doing. As time progressed people began to grasp better what synodality stands for and requires. Its meaning and potential unfolded while it was being practiced. A key protagonist in this process is the Holy Spirit. To engage in a synodal process requires a capacity to listen attentively, trust and have the capacity and willingness to reconsider, adapt and adjust. It must be acknowledged that not each and every person found and finds this always easy, and thus respect for as well as patience with others was and is asked for.

Possibly the most important aspect of the Synod was precisely this: the Synod assisted the Church in moving away from being static with possibly periodic changes, toward being a dynamic living body. A dynamic living body which is characterized by a permanent flow, back and forth, a circularity between the local Church and the Church universal, mutually enriching each other. It implies a dynamic exchange and receiving of gifts between persons and between local churches. The doctrine expressed in *Lumen Gentium* that the Church exists “in and from” the local Churches, summarized with the expression *in quibus et ex quibus* (LG 23), turned with and through this Synod from a mere doctrine expressed on paper into a lived reality.

This found a clear expression in October 2021 when pope Francis opened the Synod with the invitation to all diocesan bishops around the world to open the Synod in their local Churches a week later. The process of listening and discerning starts at the grassroots to express that the process begins with all baptized. In parishes and small communities people shared their hopes and joys, fears and anxieties with the help of ten suggested themes for reflection.⁷ They did so by

⁷ Synod of Bishops, *For a Synodal Church: Communion- Participation – Mission. Preparatory Document* (Vatican: Synod of Bishops 2021) , <https://www.synod.va/en/news/the-preparatory-document.html> (access: 09.01.2025).

means of a conversation in the Spirit.⁸ Their findings were collected in diocesan reports which were submitted to episcopal conferences, which mandated teams – not individuals – to bring the different voices into a report and submit it to the General Secretariate of the Synod.⁹ In the Fall of 2022 a team of theologians from all over the world convened in Frascati to pray with, discern and analyse the reports submitted by 112 out of 114 Episcopal conferences and by 15 Eastern Churches as well as the insightful reports from the Roman Curia, the international conferences of Major Superiors of men (USG) and of women (UISG), and approx. 1000 communications sent to the Secretariat of the Synod expressing the views of sometimes rather large groups.

Initially, some might have thought these reports were merely submitted, but soon it turned out that they were in fact offered for the good (in a more traditional language one would say: for the edification) of the whole Church and her mission.

The question arose: What to do with the rich content of these reports? It was felt that for the good of the Church and its mission, three things should occur. First, ask the people locally: did we really hear you well? Is this what you said? *Restitutio*, given back to the people, was a term that soon became a household word in the synodal vocabulary. Second, there was a desire to give the people an opportunity to listen to and hear what the faithful in other countries and parts of the world had shared. What had the others answered, when they responded to the question that guided the whole process: “What is the Spirit saying to the churches?” (Rev. 2:29). For this reason, the Frascati document which is entitled “Enlarge the Space of your Tent”¹⁰ has many quotations from the different reports received. The interaction between a local church and Rom was thus expanded with an interaction between the local Churches as such. The intention was a sharing of gifts, which meant being truly catholic (LG 13). Third, the question arose as to how to provide for the sharing of gifts in such a way that it strengthens the local Churches and the Church as a

⁸ The Secretariat for the Synod issued a guideline on how to practice the conversation in the Spirit: <https://www.synod.va/en/resources/documents/documents-for-the-first-stage/documents-for-the-local-national-stage/official-documents.html> (access: 21.01.2025). It also produced a video: https://www.youtube.com/watch?v=ixQSg5_I7hk (access: 21.01.2024).

⁹ Unlike previous synods in which individuals – often clerics alone – had collected, evaluated and summarized responses, the Synod on Synodality saw team work with different members of the faithful at all levels. The change from individuals to teams on all levels of the synod also bears ecumenical relevance.

¹⁰ The title “Enlarge the Space of your Tent” refers to the desire expressed around the world to be a Church in which each and every person is welcomed and listened to, and in which each person is seen as a protagonist, not as an object to be talked about. The desire to be inclusive could be heard throughout the process. The Final Document says in n. 50: “Others continued to express the pain of feeling excluded or judged because of their marital status, identity or sexuality. The desire for more real and meaningful relationships is not only a longing to belong to a close-knit group but may also reflect a deep sense of faith. The evangelical quality of relationships in a community is decisive for the witness that the People of God are called to make in history. ‘By this everyone will know that you are my disciples, if you have love for one another.’ (Jn 13:35). [...] To be a Synodal Church, we are required to open ourselves to a genuine relational conversion that redirects each person’s priorities, and we must once again learn from the Gospel that attending to relationships is not merely a strategy or a tool for greater organisational effectiveness.”

whole (*Ecclesia universa – Gesamtkirche*)? The next step was innovative: ecclesial continental gatherings were organized.

Ecclesial Continental Gatherings

To assist the Church in moving forward in this process, it was decided to discuss the so-called Frascati document in continental gatherings. Why continental gatherings? There was a sense that the local churches in a particular context might want to share how the findings can help them to move forward in being a missionary church in their own specific context while being aware of the differences around the globe and possibly even within their continent. Through the continental meetings an understanding and appreciation of what it means to live diversity in unity, i.e. to live pluralism, was awakened. The sharing about the insights reported in the Frascati document in continental gatherings strengthened indeed the awareness that context really matters.

How were the continental gatherings organized? The already existing structures for cooperation between episcopal conferences in their respective continent was used and was complemented with gatherings in the Middle East and North America.¹¹ Yet a decisive change was made as well: having had a consultation of the people of God in the local Churches, that is, of all the baptized, it was felt appropriate to ask the Episcopal conferences whether they desired a continental meeting of bishops only, or a meeting in which other members of the faithful would participate as well. The Episcopal conferences overwhelmingly responded that they favoured the latter. The words “ecclesial gatherings” and “ecclesial assemblies” could soon be heard. Not only was the sharing of gifts from the local Churches, represented by their bishops, appreciated, but also of individual baptized persons with different ecclesial vocations. The notion of catholicity (LG 13) found expression here as well.¹²

This whole process formed the basis for the 2023 Assembly of the XVI Ordinary General Synod and had a decisive impact on its composition, way of operating and topics discussed.

It was in particular the *experience* of that process that made the Church aware of the need to recognize and appreciate the particularity of the context of each local Church, along with its history and tradition (Synod 2024 FD 124). The Final Document reads: “The Church cannot be understood apart from its roots in a specific

¹¹ There are five existing continental bodies: Consejo Episcopal Latinoamericano y Caribeno (CELAM), Federation of Asian Bishops Conferences (FABC), Council of Bishops’ Conferences of Europe (CCEE), Symposium of Episcopal Conferences of Africa and Madagascar (SECAM), Federation of Catholic Bishops of Conferences of Oceania (FCBCO). North America has no continental structure and the Middle East with predominantly Eastern Churches had a gathering of its own.

¹² The continental gatherings were rather diverse in the composition and format of the meetings. Together with my colleague, Vimal Tirimanna, we invited two participants of each gathering to describe the dynamics, the composition, the atmosphere, the spirituality, the liturgy, etc. Their contributions together with the reports of each continental gathering submitted to the General Secretariat of the Synod are collected in Wijlens, M./Tirimanna, V. (eds.) (2023): *The People of God have Spoken: Continental Ecclesial Assemblies within the Synod on Synodality* (Dublin: Columba) 369p.

territory, in that space and time where a shared experience of encounter with the saving God occurs.” (Synod FD 2024, 110). The Synod expressed: “The appreciation of contexts, cultures and diversities, and of the relationships between them, is key to growing as a missionary Synodal Church and to journeying, prompted by the Holy Spirit, towards the visible unity of Christians.” (Synod FD 2024, 40). The Final Document articulates well how the *in quibus et ex quibus* was experienced and thus shed a deep spiritual light on the abstract doctrine: “Gathered from every tribe, language, people and nation and living in different contexts and cultures, the synodal process gave us the «spiritual taste» (EG 268) of what it means to be the People of God. The People of God is never the simple sum of the Baptised but the communitarian and historical subject of synodality and mission still on pilgrimage through time and already in communion with the Church in heaven. Within the plurality of contexts where the local Churches are rooted, the People of God proclaim and bear witness to the Good News of salvation.” (Synod FD 2024, 17).

It is worthy to note how the Synod connected this experience to the doctrine of the catholicity of the church as expressed in *Lumen Gentium*: “... the synodal process highlighted the spiritual heritage of the local Churches, in which and from which the Catholic Church exists and the need to combine their experiences. By virtue of catholicity, “the individual parts bring their own gifts to the other parts and to the whole Church, in such a way that the whole and individual parts grow greater through the mutual communication of all and their united efforts towards fullness in unity” (LG 13). The ministry of the successor of Peter «safeguards legitimate differences while taking care that what is particular not only does no harm to unity but rather is conducive to it» (ibid., cf. AG 22).” (Synod FD 2024, 37).



The Sixteenth Ordinary General Assembly of the Synod, the closing session¹³

The group photo made at the end of the Synod says it all: After the Final Document had been voted on, had been accepted by all and then handed over to pope

¹³ <https://www.vaticannews.va/en/vatican-city/news/2024-10/synodality-a-conversion-aimed-at-becoming-more-missionary.html> (access: 18.01.2025).

Francis, he responded by accepting it, making the content his own and giving it to the Holy people of God.¹⁴ There was a great sense of relief. Then everyone convened for a group photo. Unlike the liturgical celebrations during the Synod when each group was assigned different types of chairs (upholstered chairs with arm rests for cardinals, upholstered chairs without armrest for bishops, simple chairs for priests and plastic chairs for other members of the faithful) which were also placed at designated spots creating different “classes” and “blocks”, for the group photo at the end of the Synod no one was directed to a position, so they all took their places spontaneously. The photo shows: the pope standing not above or in front, but *amidst* the people of God together with the bishops as shepherds of local Churches. All the baptized with their different charisms and vocations and ministries who had come from their local Churches from around the world gathered. Furthermore, the fraternal delegates of different denominations were included. They had participated in all conversations and deliberations with a right to speak. The photo depicts the local and global as well as the catholicity; it depicts a generative tension between diversity and unity, which is brought together and stands in peaceful harmony. Obviously all were delighted because the process had been concluded so successfully. And yet there is something else: the photo reveals some space in between the people. It is not a closed group. The space expresses what had been heard so often throughout the Synod expressed both by the pope and by the people of God throughout the world: there is space for everyone. The phrase “Enlarge the space of your tent” finds expression in the photo: all are welcome, there is space for everyone. The invitation to include all is not a mere opening to listen to all. The invitation has eschatological relevance, as pope Francis revealed in his closing address: “You are well aware that my task is to protect and promote the harmony which – as Saint Basil teaches us – the Spirit continues to disseminate in God’s Church, in the relations between the Churches, despite all the efforts, tensions and divisions that mark its journey towards the full manifestation of the Kingdom of God, which the Prophet Isaiah asks us to imagine as a banquet God will prepare for all peoples. All of them and everyone, in the hope that none will be missing. Everyone, everyone, everyone! Nobody left outside: everyone.”¹⁵

As mentioned before, the photo was taken after the assembly had accepted in consensus the Final Document, had subsequently presented it to the Roman Pontiff, who upon receiving it, declared that he made the document his own and that he handed it over – or more appropriately – handed back the fruits of the labour to the Holy People of God. With this action he inaugurated the implementation phase. As pope Francis said in his concluding address when he announced that he did not intend to issue an Apostolic Exhortation, but that the approval of the

¹⁴ Pope Francis’ Final Greeting at the Second Session of The XVI General Ordinary Assembly of the Synod of Bishops (2–27 October 2024), 17th General Congregation on October 26, 2024, <https://www.vatican.va/content/francesco/en/speeches/2024/october/documents/20241026-sinodo-vescovi.html> (access: 18.01.2025).

¹⁵ Ibid.

document itself would be sufficient: “There are already highly concrete indications in the Document that can be a guide for the mission of the Churches, in their specific continents and contexts. This is why I am making it immediately available to everyone, it is the reason I said that it should be published.” The pope continued by implicitly placing the petrine ministry within the synodal journey, when he said: “In this way, I wish to recognize the value of the synodal journey accomplished, which by means of this Document I hand over to the holy faithful people of God.”¹⁶ By hitting the reset button, the Synod and the pope’s action shed new meaning on the doctrines on primacy, collegiality and synodality as well as underscored the mutual dependency of these doctrines. The hitting of the reset button paved the road to engage in being a missionary church with new energy.

2. Doctrinal Insights of the 2021–2024 Synod

Since the main focus of this study does not lie with an analysis of the theological content of the Synod, only the main points relevant for this study will be listed briefly.

Indubitably, among the main themes of the whole process that find expression in the Final Document is the attention to and appreciation for the work of the Holy Spirit. Whereas hitherto a Christological foundation dominated sacramental and ecclesiological reflections, the Synod complemented this with a much more pneumatological understanding. The Final Document uses the term Holy Spirit 53 times. Furthermore, a hugely important change has occurred in that the reflections about being a Synodal Church begin with the sacrament of baptism. In practice this means that the Synodal Church is not considered primarily through the lenses of ordination as a consequence of a Christological approach, but rather begins with a consideration on the people of God whose identity flows from baptism.¹⁷ A baptismal theology in combination with a pneumatological emphasis allow for a Church that is on the one hand unfolding as dynamic and open, while on the other hand constantly in need of purification (LG 8). It is a pilgrim Church. The communal aspect of baptism is acknowledged: “«It has pleased God, however, to sanctify and save men and women not individually and without regard for what binds them together, but to set them up as a people who would

¹⁶ Ibid.

¹⁷ The international research group of theologians and canon lawyers, Peter and Paul Seminar, studied the necessity to change the framework from within a reflection about participation in leadership and mission is to occur. Instead of focusing on ordination which implies that laity are seen as “non” ordained, it argues in favor of a baptismal ecclesiology which leads to the doctrine on people of God. It considers (ordained) ministry within the people of God. The project is entitled: “Called to Serve in the Vineyard of the Lord: Reframing the Understanding of Participation in Mission and Leadership in a Synodal Church.” All sixteen contributions are published in *Studia canonica* 58 (2024) 7-430. For the table of content see: https://www.uni-erfurt.de/fileadmin/fakultaet/katholisch-theologische/Professuren/Kirchenrecht/Dokumente/Flyer_Participation_in_Mission_and_Leadership_-_Studia_canonica_2024_-_23.09.2024.pdf (access: 18.01.2025).

acknowledge Him in truth and serve Him in holiness» (LG 9)“ (Synod 2024 FD 16). The people of God are nourished by the Eucharist in their journey towards the Kingdom. “The People of God is never the simple sum of the Baptized but the communitarian and historical subject of synodality and mission still on pilgrimage through time and already in communion with the Church in heaven” (Synod 2024 FD 17). From baptism flows the awareness of an equality in dignity of all persons who belong to the people of God. This forms the basis for the doctrine that synodality is constitutive of the Church: “Synodality is the walking together of Christians with Christ and towards God’s Kingdom, in union with all humanity. Orientated towards mission, synodality involves gathering at all levels of the Church for mutual listening, dialogue, and community discernment. It also involves reaching consensus as an expression of Christ rendering Himself present, He who is alive in the Spirit. Furthermore, it consists in reaching decisions according to differentiated co-responsibilities. Along these lines, we can understand better what it means to say that synodality is a constitutive dimension of the Church (ITC 1).” (Synod 2024 FD 28). This understanding requires to attend to relationships between the different members and vocations, between men and women and the equality that exists between them (Synod 2024 FD 52).

Furthermore, the ecclesiological point of departure of baptism allows for understanding and integrating the possibility for gifts from the Holy Spirit such as charisms, vocations and ministries for the good of the mission of the Church (Synod 2024 FD 57-67). Special attention needs to be given to the role of women: Although there is an equality of men and women, “women continue to encounter obstacles in obtaining a fuller recognition of their charisms, vocation and place in all the various areas of the Church’s life.” (Synod FD 60). Consequently, “this Assembly asks for full implementation of all the opportunities already provided for in Canon Law with regard to the role of women, particularly in those places where they remain underutilized” (Synod 2024 FD 60). The Synod forcefully continues: “There is no reason or impediment that should prevent women from carrying out leadership roles in the Church: what comes from the Holy Spirit cannot be stopped. Additionally, the question of women’s access to diaconal ministry remains open. This discernment needs to continue” (Synod 2024 FD 60). The request is made that women as well as laymen participate in the executive and judicial domains at all levels of the Church (Synod FD 77).¹⁸

When a baptismal ecclesiology, which accentuates relationships, is combined with a pneumatology consideration there is a basis for what is expressed as “discerning together.” Such discerning together resulted for the first synodal event of the church to seal its conclusions with the words “For it has seemed good to the Holy Spirit and us” (Acts 15:28). The Spirit guides the community in its discernment.

¹⁸ Wijlens, M. (2024): *Laypersons Participating in Leadership and Governance in a Synodal Church: Canonical Developments Calling for Theological Reflections and a Paradigm Shift*. In: *Studia canonica* 58, 53-77.

Whereas the Final Document takes recourse to the doctrine on *sensus fidei* as reflection on discernment, it also outlines what the elements of a discernment should include (Synod FD 84) and presents the structure of a decision-making process (Synod 2024 FD 87-94). A baptismal foundation, furthermore, opens the possibility for recognizing the baptism of other Christians who also belong to Christ's Church and for acknowledging that in and through their communities the Holy Spirit works as well (cf. UR 3). For this reason, a Synodal Church also needs to listen to those who belong to other Churches and ecclesial communities which indeed occurred in the 2021–2024 Synod.¹⁹

From baptism arises a co-responsibility of all for the mission of the Church. The unfolding of the co-responsibility is further determined and to be developed considering the different charisms and vocations given to the Church through individual persons. The co-responsibility for the mission in combination with the equality of the dignity of all baptized leads not only to the need to engage together in discernment processes but also requires support through transparency, accountability and evaluation (FD 95): “Decision-making does not conclude the discernment process. It must be accompanied and followed by practices of accountability and evaluation undertaken in a spirit of transparency inspired by evangelical criteria.” (Synod 2024 FD 95). Hence there is a need to reflect about accountability not only for those in leadership towards God or the pope, but also towards the other members of the faithful. Transparency is not just a matter of administrative or procedural requirements, but is a “fundamental attitude grounded in the Sacred Scriptures” (Synod 2024 FD 96). As a consequence, the Synod calls for criteria, structures and methods of evaluation (Synod 2024 FD 100). They are to be developed by the local Churches and their groupings (Synod 2024 FD 101). For the exercise of co-responsibility and accountability, different participatory bodies are to be established (Synod FD 102-108). Remarkable is that from the beginning of the synodal process in 2021, people around the world have insisted that the diocesan and parish pastoral council be made mandatory (Synod FD 104). Yet the Synod also underscores that the mode of operating as well as the composition and the rights exercised through these consultative bodies need attention (Synod FD 105-106). Furthermore, the formation of all members of the faithful (bishops, priests, religious and lay persons) is asked for (Synod FD 141-149).

¹⁹ During the 2024 Assembly of the Synod there was an ecumenical vigil which commemorated “the anniversary of the opening of the Second Vatican Council, and also highlighted the 60th anniversary of the publication of the Dogmatic Constitution on the Church, *Lumen Gentium*, and the Decree on Ecumenism, *Unitatis Redintegratio*. promulgation of the Decree on Ecumenism, *Unitatis redintegration in 1964*”, <http://www.christianunity.va/content/unitacristiani/en/news/2024/2024-10-14-ecumenical-prayer-vigil-on-the-occasion-of-the-synod-.html> (access: 20.01.2025).

3. Implementing the Synod through Participative Bodies in the Local Church

The closing of the Synod marks the opening of the implementation phase. Synodality as a “constitutive dimension of the Church” (ITC 1, Synod 2024 FD, 12 and 28) has to characterize the operations, discernment processes and institutions at all levels of the Church: local, regional, and universal (cf. Synod FD 2024, 28, 30, 89). How does canon law come into play?

Canonical norms will assist the community in implementing the vision. The tricky part, however, lies with the need to not only revisit the canonical norms in light of the results of the 2021-2024 Synod, but to also undertake these processes of reviewing and drafting new norms in a synodal mode and engaging theologians and canon lawyers from around the world.²⁰ It implies to see to it that the discernment process of revisiting the norms itself is synodal and respects already the need for an increased decentralisation.

Another aspect that deserves attention is context. Context in combination with synodality has a double relevance: First, both need to be considered in the process that leads to providing norms for these bodies as well as in the modality chosen for their structure and operation. Second, the appropriation within diverse local contexts implies once more the interaction of the local and universal, of the *in quibus et ex quibus*, which then leads to a diversity in unity.

Furthermore, the Synod has decided that there is a need for accountability and evaluation. This as well needs to be part of the process of revisiting existing canonical norms. The interplay of these different aspects will likely require a continual movement between what already exists and what is still emerging—between the local Churches, with their unique contexts, needs, and possibilities, and the universal Church, which provides a framework that safeguards unity while allowing individual communities to flourish and grow. Hence, the process of revisiting the current legislation is itself governed by the generative tension of local-universal (*in quibus et ex quibus*) as well as by catholicity: sharing with and receiving from

²⁰ The Peter and Paul Seminar, an international research group of theologians and canon lawyers has attended to necessary reforms of canon law ever since its foundation in 1998. The scholars engage with their different expertise together in a discernment process. The idea that canon lawyers work without listening to the expertise of theologians has proven to be dangerous. Cooperation is indispensable also because theologians can help determine what value a certain doctrine has (hierarchy of truth), or which modalities of canonical institutions originate e.g. from certain civil law contexts. In more recent times the Peter and Paul Seminar has undertaken three study projects which had a major impact on the 2021–2024 Synod. Eight out of fourteen members of the Peter and Paul Seminar participated in the worldwide Synod. The three projects are: *Called to Serve in the Vineyard of the Lord: Reframing the Understanding of Participation in Mission and Leadership in a Synodal Church*. In: *Studia canonica* 58 (2024) 7-430; *Accountability in a Synodal Church*. In: *Studia canonica* 56 (2022) and *Diversity and Unity: Rethinking the Teaching Office of the Episcopal Conference in a Worldwide Church*. In: *Studia canonica* 53 (2019) 5-332 (translated in Italian: Routhier, G./Wijlens, M. (eds) (2023): *Diversità e unità: ripensare il munus docendi delle conferenze episcopali in una chiesa mondiale* (Milano: EDB) 390p.).

others. This may also apply to canonical provisions others already have. Diversity in unity, as well as catholicity ought to mark this process.

A cautionary remark must be made: Although no law can provide for the internal disposition, nevertheless a mandatory structure, a good composition of the body as well as identified tasks can help to provide for the *experience* which might change the operations and thus help people to grasp what it means to be a synodal church. The English language knows a lovely expression: it takes two to tango. Indeed, the bishop/the parish priest as well as the members of the participative bodies carry together a responsibility to see to it that these bodies operate in a way that allows the Church to be synodal, not for its own sake, but for being a more effective and missionary church. In this sense, these bodies like the 2021–2024 worldwide Synod, will be a learning by doing. Regular evaluations as proposed by the Final Document (nr. 100) will help optimize it. “It takes two to tango” also means that the local and the whole (universal) live in a permanent interaction. For this reason, canon lawyers from around the world need to be involved in drafting the law that constitutes the general framework. They need to enrich this framework with the experience and wisdom arising from their respective local contexts, while at the same time securing that the general framework leaves room for concretizing synodality locally.

3.1. Participative Bodies in the Diocese: Parish and Diocesan Pastoral Councils

The implementation of the Synod will be most acutely felt in parishes and dioceses. In order not to lose the momentum and to boost the hope that so many faithful around the world experienced, it is important to begin the implementation, so to speak, on the ground, that is, in the local church. The Final Document of the Synod lists the following decision making bodies for the local church: “Diocesan Synod (cf. CIC, can. 466), Presbyteral Council (cf. CIC, can. 500, § 2), Diocesan Pastoral Council (cf. CIC, can. 514, § 1), Parish Pastoral Council (cf. CIC, can. 536), Diocesan and Parish Finance Council (cf. CIC, cann. 493 e 537). In the Eastern Catholic Churches these are: Eparchial Assembly (cf. CCEO, cann. 235 ss.), Eparchial Finance Council (cf. CCEO, cann. 262 ss.), Presbyteral Council (cf. CCEO can. 264), Eparchial Pastoral Council (cf. CCEO cann. 272 ss.), Parish Councils (cf. CCEO can. 295).” (Synod FD 2024, 103). The Final Document underscores that the members participate “on the basis of their ecclesial role and differentiated responsibilities and capacities (charisms, ministries, experiences, competencies etc.)”

The Synod not only insisted that the parish and diocesan councils be made mandatory, as had been requested at all stages of the synodal process, but that they can also play their role, not just in a pure formal way, but in ways appropriate to their diverse local contexts (synod FD 103-104).

The final document addresses a number of issues that need consideration when drafting new canonical provisions for diocesan and parish pastoral councils:

3.1.1. *Method of selecting members*

Whereas the 2023 Synthesis Report²¹ and the 2024 *Instrumentum laboris*, entitled “*How to be a Missionary Synodal Church*”²² stated that the majority of the members should not be appointed by the diocesan bishop or parish priest (Syn Rep. 18 I & 2024 IL 92), the 2024 Final Document does not mention this, nor does it contradict it. It writes simply: “Particular attention should be given to the way members are selected. When no election is envisaged, a synodal consultation should be carried out that expresses as much as possible the reality of the community or the local Church, and the relevant authority should proceed to the appointment on the basis of its results, respecting the relation between consultation and deliberation” as described in the document (Synod FD 2024, 105). The difference raises a very interesting canonical question: The 2023 Synthesis Report results from a vote taken by the Assembly. What is the status of the 2023 Synthesis Report and the votes taken on the points in that report? Has the 2024 Final Document incorporated the 2023 Synthesis Report? In a letter dated February 22, 2024, pope Francis wrote: “The *Synthesis Report* of the First Session of the Sixteenth Ordinary General Assembly of the Synod of Bishops, approved on 28 October 2023, enumerates many important theological issues [...] not without juridical and pastoral repercussions [...] that] require in-depth study.”²³ Moreover, the 2024 session did not intend to repeat what had already been agreed on. Its task was to deepen what was not clear yet. Furthermore, as the *Final Document* itself recalls, the work of the Groups and Commissions that had been established in the meantime are already part of the implementation phase. They have the task of assisting the Holy Father in pastoral and governance choices (Synod FD 8).

The passage in the Final Document on the method of providing members for the synodal bodies seem to reflect a canonical impreciseness, as the drafters might not have realized that the provision for membership can be manifold. Canon law knows different modalities such as free conferral, presentation, *ex officio*, election, appointment etc. (c. 146-183 CIC). The provision can also be a mixture of these methods: some members might be appointed *ex officio*, others through election and again others by appointment. For example, the law can determine that the vice-president of the parish pastoral council of each parish in a diocese is *ex officio* a member of the diocesan pastoral council, whereas this same vice-president might have been elected to the parish pastoral council by the parishioners.

Considering that the spirit of the Synod and of the Document is to engage the different members of the faithful because of the co-responsibility flowing from baptism in participative bodies, precisely because the bishop alone is not the diocese, and considering that the Final Document treats the participative bodies in the

²¹ <https://www.synod.va/content/dam/synod/assembly/synthesis/english/2023.10.28-ENG-Synthesis-Report.pdf> (access: 20.01.2025).

²² <https://www.synod.va/content/dam/synod/assembly2024/il/ENG-INSTRUMENTUM-LABORIS-A4.pdf> (access: 20.01.2025).

²³ <https://www.vatican.va/content/francesco/en/letters/2024/documents/20240222-lettera-card-grech.html> (access: 20.01.2025).

section under the heading “Transparency, Accountability and Evaluation”, it would seem that both the bishop and the parish priest should not personally appoint the majority of the members to these bodies. It would contradict the intention of these bodies and would not support the desire for more transparency and accountability. In any case, the call for a more accountable Church could well result in regularly checking the canonical provisions for parish and diocesan pastoral councils and the implementation of the respective norms. Such evaluations would be part of checking how much progress has been made in becoming a more synodal church. The evaluation could be part of an *ad limina* report (Synod FD 2024, 101).

3.1.2. *The composition*

Who are the members of the councils? In line with the 2023 Synthesis Report and the 2024 Final Document, the law (or statutes) can determine that there must be a majority of laypersons, with an adequate presence of women, young people and people living in conditions of poverty or experiencing other forms of marginalization (SynR. Rep. 04, 9 B-C and M; 18 H; Synod FD 2024, 106).²⁴

3.1.3. *Requirements of the members: (CIC c. 512 § 3-CCEO c. 273 §4)*

The Synod has asked that those who live in complex loving relationships can also participate in these bodies (Syn. Rep. 18F). This request is in line with the post-synodal Apostolic Exhortation *Amoris Laetitia*.²⁵ The 2024 Final Document makes a provision that “these bodies include Baptised who are committed to living their faith in the ordinary realities of life, who are recognisably committed to an apostolic and missionary life, not only those engaged with organising ecclesial life and services internally. In this way, the ecclesial discernment will benefit from a greater openness, an ability to analyse reality and a plurality of perspectives.” (Synod FD 2024, 106).²⁶

3.1.4. *Ecumenism*

Recognising their baptism as well as the fact that the Holy Spirit has not refrained from working in other Churches and Ecclesial Communities (UR 3), and

²⁴ Synod FD 2024, 50 highlights: “Unfortunately, others continued to experience the pain of feeling excluded or judged because of their marital situation, identity or sexuality. The desire for more real and meaningful relationships is not only an authentic longing to belong to a close-knit group, but may also reflect a deep sense of faith. The evangelical quality of relationships in a community is decisive for the witness that the People of God are called to make in history. “By this everyone will know that you are my disciples, if you have love for one another.” (Jn 13: 35). The most eloquent sign of the Holy Spirit’s action in the community of disciples is the invitation to relationship extended to those most in need, which flows from a renewal of grace and accords with the teaching of Jesus.”

²⁵ After having listened to the synod on the family, pope Francis entrusted “the church to make changes to the composition of participating bodies” enabling “the participation of baptized men and women living in complex situations of loving relationships” (*Amoris laetitia* 299 – SynR. 18f).

²⁶ This requirement reflects what was in SynRep. 18D & 2024 IL 93, namely to have members with an “apostolic disposition, distinguished [...] by a genuine evangelical witness in ordinary life.”

in conformity with provisions already in place for a participation of fraternal delegates in ecumenical councils and Synods of bishops, the diocesan and parish pastoral council could also provide for the participation of members of other churches or ecclesial communities. Representatives of other religions could be invited as well when appropriate. The Final Document writes: “It may be appropriate to provide for the participation of delegates from other Churches and Christian Communions, as happened during this Synodal Assembly, or representatives of the religions present in a territory.” (Synod FD 2024, 106). They could be given a right to speak, but not to vote (Syn. Rep.7B & M). The Final Document leaves it to the local churches and their groupings to “more appropriately indicate criteria for the composition of participatory bodies suitable to each context.” (Synod FD 2024,106).

3.1.5. *Items for the agenda*

The current law does not provide for members of diocesan and parish pastoral councils to submit items for the agenda. The norms for the presbyteral council, however, do make such a provision (c. 500 §1). In order to promote co-responsibility and to give shape to the canonical right and duty already found in the Code of Canon Law, namely that all have a right to make their concerns known to the pastors (c. 212 §1), and that “according to the knowledge, competence and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reference toward their pastors and attentive to common advantage and the dignity of the person” (c. 212 §3) a similar provision for the diocesan and parish pastoral councils could be issued. Hence the Final Document states: “It is also necessary to ensure that members of diocesan and parish pastoral councils are able to propose agenda items in an analogous way to that allowed for in the presbyteral council” (Synod FD 2024, 105).²⁷

3.1.6. *A right to be consulted*

In some specific cases determined by the law, the presbyteral council has a right to be consulted before the bishop can place an act. Once the law determines this, the consultation affects the validity of the act by the bishop: in case the consultation did not occur, the act is null and void, because it is invalid (c. 127).²⁸ A provision could be made that on certain or the same topics on which the presbyteral

²⁷ Several reports from Episcopal Conferences submitted to the General Secretariat of the Synod in the Spring of 2024 request that the diocesan and parish pastoral council be consulted before the approval of the annual budget of the diocese/parish as well as an annual financial report be presented to these bodies.

²⁸ Although “to be heard”, that is to be consulted, does not mean that the authority who hears or consults is bound by the advice given, nevertheless the law determines that the authority may not neglect the advice in particular when it is unanimous without a “reason which is overriding in the superior’s judgement” (c. 127 §2 n. 2 CIC; 934 § 2 n. 2 CCEO).

council is to be heard, the diocesan pastoral council must be heard as well. Currently, the diocesan bishop is obliged to hear the presbyteral council on several topics, such as:

- a. celebrating a diocesan synod (461 §1);
- b. erecting, suppressing or notably altering a parish (c. 515 §2);
- c. establishing prescripts for the allocation of offerings for parochial functions and the remuneration of clerics performing them (c. 531);
- d. establishing a parish pastoral council (c. 536 §1);
- e. permitting to build a new church (c. 1215 §2);
- f. relegating a church to profane but not sordid use (c. 1222 §2);
- g. imposing a moderate tax for diocesan needs on public juridic persons subject to the diocesan bishop (c. 1263).

On the basis of the previous considerations, one could envision that the diocesan pastoral council as well as the parish pastoral council of the parish concerned should be heard in matters that are of greater importance for them such as:

- a. erect, suppress or notably alter a parish (c. 515 §2);
- b. permit building a new church (c. 1215 §2);
- c. relegate a church to profane but not sordid use (c. 1222 §2).

3.1.7. *Frequency of meetings*

It could be determined that the diocesan and parish pastoral council are to meet at least twice or three times a year (c. 514 §2).

3.1.8. *Right to Information and Free Speech*

The law for the Eastern Churches has a norm securing that those who are to provide advice or consent 1) must be provided with all necessary information and 2) that in every way the persons consulted be given the freedom to speak their mind (c. 934 §3 CCEO). Such a provision should be considered for the Latin Code as well because it would strengthen the requirements of transparency and accountability.

3.1.9. *“Merely” consultative*

The Final Document offers a careful consideration about the relevance and distinction between giving counsel or consent. It acknowledges: “In a synodal Church, the authority of the Bishop, of the Episcopal College and of the Bishop of Rome in regard to decision-taking is inviolable as it is grounded in the hierarchical structure of the Church established by Christ; it both serves unity and legitimate diversity (cf. LG 13). Such an exercise of authority, however, is not without limits: it may not ignore a direction which emerges through proper discernment within a consultative process, especially if this is done by participatory bodies.” (2024 Synod FD 92). Therefore, the Final Document continues: “It is not appropriate to set the consultative and deliberative elements involved in reaching a decision in opposition to each other: in the Church, the deliberative element is undertaken with

the help of all and never without those whose pastoral governance allows them to take a decision by virtue of their office. For this reason, the recurring formula in the Code of Canon Law, «merely consultative» vote (*tantum consultivum*) should be reviewed to eliminate the possibility of ambiguity.” (2024 Synod FD 92). The Final Document concludes from this: “It seems appropriate to carry out a revision of Canon Law from a synodal perspective, clarifying the distinction and relation between consultation and deliberation and shedding light on the responsibilities of those who play different roles in the decision-making process” (2024 Synod FD 92). Indeed, the word “merely” (*tantum*) devalues and undermines the relevance of the different steps in a discernment process and does not give sufficient expression to the relevance of listening to the *sensus fidelium*.²⁹

Considering all these aspects, where can the local churches go from here? The respective canonical norms in both the Latin and Eastern Code can be easily changed. No major obstacles are in the way. It all concerns merely ecclesiastical law.

Is it necessary to wait for canonical provisions before these aspects can be implemented? The good news is that with regard to the topics mentioned before, there is no need to wait for a change of canon law be it for the Latin or Eastern Churches. The provisions mentioned here not only originate from a document that enjoys papal approval and belongs to the ordinary magisterium, they also do not contradict the current law, but in fact develop it further.³⁰ Hence, the points listed above could already be considered in the statutes of the diocesan and parish pastoral councils that diocesan bishops – preferably in a synodal way – can issue within their local church today.

3.2. Plenary Councils

The 2024 *Instrumentum Laboris* 95-99 attended to forms of cooperation of local churches. The Final Document speaks about them in a chapter IV entitled “Conversion of Bonds.” From early times onwards, neighbouring churches living in similar contexts gathered to share and assist each other in material as well as doctrinal and disciplinary matters. Their cooperation has been structured through provincial and plenary councils. These bodies give expression to “catholicity” (LG 13) and *solicitude* for the whole Church which includes, of course, those in their immediate vicinity. Unlike an Episcopal Conference, in which bishops meet among themselves, particular councils gather the local *churches* to discern under

²⁹ In 1980 Robert D. Kennedy wrote a most insightful study on participation in decision-making processes: *Shared Responsibility in Ecclesial Decision-Making*. In: *Studia canonica* 14, 5-23.

³⁰ The meaning of canonical provisions can develop also because the reasoning that gave rise to them might itself have developed. Cf. Wijlens, M.: *Becoming a Synodal Church: Receiving Evolving Doctrine through Canonical Norms*, In: Becquart, N./Renczes, P. (eds.) (2024), *Theology Responding to the Challenge of Synodality. Proceedings of International Conference Held at the Pontifical Gregorian University. Rome, 27-29 April 2023* (Città del Vaticano: Libreria Editrice Vaticana) 153-173.

the leadership of their bishops (c. 439).³¹ One could say: Episcopal Conferences are episcopal bodies, plenary and provincial councils are ecclesial.³² Whereas the Episcopal conference gives primarily expression to the *communio episcoporum* in a certain territory, the particular council – be it a plenary or provincial council – gives expression to the *communio ecclesiarum* and *communio fidelium*.³³

LG 23 addresses the relation between the whole church and the dioceses by using the expression *in quibus et ex quibus* and speaks as well about the *solicitudo* that each bishop must have for the whole church. The *solicitudo*, however, is not limited to the bishop as a person, but extends to the church he presides over. In the same section the Council states: “By divine providence it has come about that various churches, established in various places by the apostles and their successors, have in the course of time coalesced into several groups, organically united, which, preserving the unity of faith and the unique divine constitution of the universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and spiritual heritage” (LG 23). *Lumen Gentium* then refers to what today is called *ecclesiae sui iuris*: “In like manner the Episcopal bodies of today are in a position to render a manifold and fruitful assistance, so that this collegiate feeling may be put into practical application.” (LG 23) *Lumen Gentium* underscores therefore that these bodies are not to be conceived as standing in between the whole and local church. Rather, these bodies such as plenary councils and provincial councils, as well as Episcopal conferences are ordered as a cooperation of local churches in a certain vicinity. Christus Dominus refers to them under the heading “Concerning Bishops Cooperating for the Common Good of Many Churches (CD 36). In conformity with this the 1983 Code of Canon Law treats the different forms of cooperation under the heading “Groupings of Particular Churches” cc. 431-459). Systematically the legislator did not locate them between the section “Supreme Authority of the Church” (cc. 330-367) and the particular Churches (cc. 368-430) but placed them after the latter. The title “Groupings of Particular Churches” and

³¹ An Episcopal Conference differs a bit, because not churches, but primarily bishops meet. Conferences came about as of about 1830 (Belgium had the first one) and were only formally recognized by the Church as of Vatican II. Yet, the council could not agree on the theological nature of the conference and thus decided, what it did in so many cases, not to close the conversation, but leave it for post Vatican II discernment, while at the same time allowing to move forward. Practical questions would be dealt with as they would arise. Over the past 60 years the doctrinal authority of the Conferences has especially been a topic of discussion. One point of the debate concerns the nature of the Conference: is it a gathering of those bishops who belong to the college of bishops and who exercise a pastoral ministry in a certain territory or is it a meeting of bishops who rooted in their local churches gather to solve together topics that concern their respective churches? The understanding of the connection of a bishop with his diocese determines the response to this question. The 2021–2024 Synod was neither the place nor did it have the intention to solve these questions. Yet it is of great relevance to be aware of the questions, because they impact further considerations.

³² Hence the *ecclesial* bodies existing in the Latin Church are the parish pastoral council, diocesan pastoral council, a diocesan synod, provincial council and a plenary council.

³³ Cf. Wijlens, M. (2019): *Representation and Witnessing in Synodal Structures. Rethinking the “munus docendi” of Episcopal Conferences in Light of “communio fidelium”, “communio ecclesiarum” and “communio episcoporum”*. In: *Studia canonica* 53, 75-106.

the location in the Code reveal that they cannot be considered as *intermediate* institutions between the supreme authority and the local churches. Regretfully the 2024 Final Document uses in Nr. 119 the word “intermediate” and the corresponding ecclesiological perspective. The question may be raised whether the drafters were sufficiently aware of Vatican II and the legislator’s decision in conformity with the council. The documents issued since the beginning of the 2021–2024 Synod, as well as the modality chosen, namely pope’s Francis’ invitation to begin in the local churches and to have a *restitutio* of their reports in continental gatherings testify to the ecclesiological understanding of Vatican II confirmed by the 1983 Code.

By systematically ordering the institutions for cooperation *after* the local church, Vatican II and the Code of Canon Law express that the local church needs to be in *communio* and dialogue with other Churches to fulfil its own missionary task. Although the Code of Canon Law does use the terminology of a “particular” Church, it determines that this term refers in particular to dioceses (c. 368) which are considered not to be a part (*pars*) of the whole church, but a portion (*portio populo Dei*) of the people of God (c. 369 CIC). Furthermore, it is important that the Code of Canon Law always treats the community before the officeholders. Thus, the diocese (c. 369-374 CIC) is dealt with before the norms on bishops (c. 375-411 CIC), the norms on the parish (c. 515-516) are placed before the norms on the parish priests and other forms of leadership of the parish (c. 517; 519 ff). In this way the ministry is located within and thus in service of the community.

The Final Document holds a section on “Bonds of Unity” with the subheading “Episcopal Conferences and Ecclesial Assemblies” (Synod FD 2024, 124-129). Hence, the Final Document also opens with Churches – not with bishops – and states that the guiding principle of the relationship among Churches “is the perspective of communion through the sharing of gifts.” (Synod FD 2024, 124). “This combines attention to the bonds that form the unity of the whole Church with the recognition and appreciation of the particularity of the context of each local Church, along with its history and tradition.” (Synod FD 2024, 124). It explains that a synodal style implies allowing Churches to move at different paces, which “can be valued as an expression of legitimate diversity and as an opportunity for sharing gifts and mutual enrichment.” (Synod FD 2024, 124).

The subsequent number presents Episcopal Conferences as an expression and implementation of the collegiality of bishops: “Episcopal Conferences express and implement the collegiality of bishops in order to foster communion between Churches and respond more effectively to the needs of pastoral life. They are a fundamental tool for creating bonds, sharing experiences and good practice among the Churches, and for adapting Christian life and the expression of faith to different cultures.” The collegiality of the bishops is immediately complemented with synodality when the Final Document adds: “With the involvement of the whole People of God, they also play an important role in the development of synodality.” (Synod FD 2024, 125). The Final Document indicates how this might unfold for the territory of an Episcopal Conference: “To realise a “sound «decentralization»” (EG 16)

and an effective inculturation of faith, it is necessary not only to recognise the role of Episcopal Conferences, but also to rediscover the institution of particular councils – both provincial and plenary. The periodic celebration of these councils was an obligation for much of the Church’s history and is currently provided for in the canon law of the Latin Church (cf. CIC cann. 439-446). They should be convened periodically.” (Synod FD 2024, 129).³⁴

Provincial councils are for a province, plenary councils for the territory of an Episcopal Conference.³⁵ In case there is only one ecclesiastical province within the territory of a nation, the norms for a plenary council apply for the celebration of a provincial council (c. 439 §2). The Final Document reminds that the periodic celebration of these councils was an obligation throughout much of the churches’ life. It, however, incorrectly states that canon law would also prescribe this today (Synod 2024 FD 129): the 1983 Code does not hold such a provision.

A few aspects of the particular councils are of interest.

3.2.1. *The Participants*

The law distinguishes between those who must be called and those who may be called. All bishops active in the territory *must* be called, other titular bishops *may* be called. Once the bishops are members of the council they have a deliberative vote. (c. 443 §1-2).³⁶

Some other persons *must* be invited as well: such as vicar generals and episcopal vicars, some rectors of seminaries and deans of faculties of theology in the territory as well as some major superiors male and female (!) chosen by their peers (c. 443 § 3).

Quite remarkable is that for a provincial council there is an obligation for the presbyteral councils and the diocesan pastoral councils within the province to each send two members designated collegially by them (c. 443 §2).

Who *may* also be invited? Priests and other members of the faithful, but their number may not exceed the total number of those who must be invited. Finally,

³⁴ Particular councils are either provincial or plenary, the former being for an ecclesiastical province, the latter for the territory of an episcopal conference. Food for thought might be obtained from a reflection on the systematic order currently in the Code of Canon Law and based on *Christus Dominus*: Within the section “groupings of churches”, the first section deals with particular councils, which is followed by Episcopal Conferences. The synodal ecclesial bodies structure precedes the mere episcopal body. The section on episcopal conferences is followed by a discussion about continental structures. It calls for a clarification of the theological and canonical status of continental ecclesial assemblies and a groupings for Episcopal Conferences (Synod FD 2024, 126).

³⁵ No (local) church can be church without living catholicity, which means sharing and receiving the gifts between people and between churches for the benefit of all. The catholicity goes hand in hand with the *sollicitudo* for the other churches. The *catholicity* then also calls for moving from a mere episcopal gathering to an *ecclesial* one, that is, a gathering in which not only bishops convene, but also other members of the faithful.

³⁶ For brevity sake the norms are extremely summarized. For accuracy, the norms (c. 439-446) need to be consulted.

guests may also be invited.³⁷ These persons have a right to fully participate in the discernment process, but have a consultative vote.

3.2.2. *The Task of these Councils*

A plenary council is to be celebrated “whenever it seems necessary or useful to the conference of bishops, with the approval of the Apostolic See” (c. 439 §1). Whereas there have been discussions about the legislative and teaching authority of Episcopal Conferences, it is good to recall that throughout history and up till today, plenary councils enjoy “the power of governance, especially legislative power”³⁸. “A particular council, for its own territory, takes care that provision is made for the pastoral needs of the people of God and possesses the power of governance, especially legislative power, so that, always without prejudice to the universal law of the Church, it is able to decide what seems opportune for the increase of the faith, the organization of common pastoral action, and the regulation of morals and of the common ecclesiastical discipline which is to be observed, promoted, and protected.” (c. 445). The teaching authority of these councils is confirmed by the 1983 Code as well (c. 753).

3.2.3. *Excursus: The Plenary Council of Australia*

During the 2023 Assembly of the Synod reports about the plenary council celebrated by the Church of Australia were listened to with great intensity. They became an incentive for the Synod to ask that the Church takes a closer look at the already existing norms on particular councils and the way the Australian Church had implemented them.³⁹ The 2023 Synthesis Report asked in particular to attend to its composition (Syn.Rep. 19 H and 20E).

3.2.3.1. From a Report on Abuse to the Plenary Council. The Australian Church found itself in a deep crisis due to sex abuse scandals, in particular after the state set up a “Royal Commission into Institutional Responses to Child Sexual Abuse.”⁴⁰ The Report of the Commission revealed serious systemic issues. The Catholic Church was asked to respond to the challenges identified by the Commission. The abuse caused a serious breach of trust. It seems the Australian bishops felt that they alone – and thus as an Episcopal Conference – could not restore trust in the Catholic Church, neither internally nor within society. For something good to emerge from the crisis, it seemed “all hands needed to be on deck.” “All

³⁷ To a provincial council must also be invited: “Cathedral chapters and the presbyteral council and pastoral council of each particular church are to be invited to provincial councils in such a way that each of them sends two of their members designated collegially by them; however, they have only a consultative vote” (c. 433 §5).

³⁸ Here a difference with the Episcopal Conference may be noted: the latter is only competent to issue decrees in cases where universal law has prescribed it or a special mandate of the Apostolic See has established it (c. 455 § 1) This restriction is not applicable to the particular councils.

³⁹ For more information see: <https://plenarycouncil.catholic.org.au/> (access: 02.11.2024).

⁴⁰ <https://www.childabuseroyalcommission.gov.au/> (access: 02.11.2024).

hands on deck” meant that all the people of God had to be involved. The gifts and charisms of everyone were needed for the good of (the mission of) the Church. As a response, the Episcopal Conference decided to convoke a plenary council. Yet, in attending to the composition of the participants as foreseen by the Code of Canon Law (c. 443 CIC), the Australian bishops felt that the participation of those who may be invited was too restrictive. They petitioned the Holy See to grant a special permission (indult) to allow for the participation of more presbyters and other members of the faithful than the law would allow for. Crucial was the canonical stipulation that their number was not to exceed half of those who are bishops and who had to be invited *ex officio* (c. 443 § 4). The Holy See granted the permission to invite 44 more persons than foreseen by the law. The plenary council ended up being composed of 40 active and 4 retired bishops, hence 44 in total, as well as 275 other members of the faithful.

3.2.3.2. *Discernment and Decision Taking.* How did the discernment and decision-making and taking procedure unfold in the plenary council in Australia? The non-episcopal members participated fully in the discernment process which was concluded with a consultative vote. This consultative vote was taken before the bishops voted. The unique responsibility of the bishops was recognized in that after having listened to the other faithful and knowing the outcome of their consultative vote, the bishops took a deliberative vote.⁴¹ Because of the positive experience of the Australian Church, the 2023 Synthesis Report proposed to reconsider the current canons on the composition of the council in light of the Australian indult granted (SynRep. 19 H).

The experience of the Australian Church indubitably contributed to the 2024 Assembly of the Synod, which recommend, as outlined above, the more frequent celebration of plenary councils.

3.2.4. *Recognitio*

Returning to the general provisions on plenary councils, one issue remains which also concerns the Episcopal conferences, namely the procedure for and involvement of the Holy See in issuing the decrees of the council or conference.

After having closed the plenary council the president of the council – who does not need to be the president of the episcopal conference – has to submit all acts to the Apostolic See. Decrees may not be promulgated until the Apostolic See has granted a so-called *recognitio* (c. 446).⁴² The *recognitio*, an act which could be seen as a sign of the communion of the Churches, is more than a mere formality.

⁴¹ An interesting point is that the plenary council decided that each diocese is to celebrate a diocesan synod to see to the implementation of the decisions of the plenary council in its local church. In this way the peculiarity of each diocese can be considered and respected.

⁴² This is a requirement that had been a custom, but became obligatory as of 1588 (by pope Sixtus V).

The Holy See can change the decree content wise, but the plenary council would remain the authority issuing it.⁴³

3.5. Why are plenary councils not celebrated?

All of this sounds very promising and yet, plenary councils are hardly ever celebrated. What could be the reason? History reveals that the required *recognitio* is a major obstacle with regard to the way the Apostolic See intervenes in the decision as well as the time the procedure takes.⁴⁴ The Apostolic See can and does make changes to the decisions made by the councils and then imposes them. (This might also happen to decisions of Episcopal Conferences). Furthermore, it might take years for the Apostolic See to respond to the requested *recognitio*. This risks the momentum to be lost, reception be delayed and by the time the response arrives even another bishop might be in place. Hence, both the procedure and the time it takes to obtain the *recognitio* have been the subject of debate in relation to decisions of plenary councils and Episcopal Conferences.

The Final Document 129 – in line with the 2024 *Instrumentum laboris* (nr. 99) – thus calls for a reform of the *recognitio* that would allow for a timely promulgation of the decrees by “specifying precise deadlines or, in cases of purely pastoral or disciplinary matters (not directly concerning issues of faith, morals, or sacramental discipline), by introducing a legal presumption equivalent to tacit consent” (Synod FD 2024, 129).⁴⁵

⁴³ A *recognitio* is also to be obtained for decrees issued by Episcopal Conferences. Although the Final Document does not speak of the *recognitio* for Episcopal conferences, it does ask for a study of the theological and canonical statues of the Conferences, which, one could argue, implies the role of the Apostolic See in granting a *recognitio*. On September 3, 2017, pope Francis issued modifications for the domain of liturgy abolishing the need for a *recognitio*, and instead asking for a *confirmatio*. (Francis, Motu Proprio *Magnum principium*. https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20170903_magnum-principium.html [access: 02.11.2024]). For further reflections on the *recognitio* see Incitti, G. (2018): *In margine al motu proprio “Magnum Principium”. Il coraggio di ritornare al Concilio*. In: *Ephemerides iuris canonici* 58, 151-179. Rumor has it that although there was a change in terminology with the intention to change the practice, the latter has not come about. If this is true, it would confirm that a change truly requires above all a change in disposition, not only in words.

⁴⁴ Provost, J.H. (1984): *Particular Councils*. In: Consociatio Internationalis Studio Iuris Canonici Promovendo (eds), *Le nouveau Code de droit canonique: V^e Congrès international de Droit canonique* (Ottawa: Saint Paul University) vol. 1, 537-562.

⁴⁵ The provision originates from the scholarly work of the Hungarian Peter Szabo, expert in this Synod and specialist for Eastern canon law. He raised the question: If a matter needs a local decentralized provision precisely because of context, available means, customs etc., does a centralized *recognitio* possibly contradict such an awareness? Szabo reflects on a general hermeneutical reflection based on a sound principle: “Juridical arrangements possible in the Eastern Code cannot be considered as theologically impossible in Latin canon law.” He invokes this principle because the Eastern Churches are not subject to an intervention or participation by the Apostolic See for decisions of similar bodies. That means that the provision for the Latin Church is of a merely ecclesiastical nature: it could thus be changed. Since there are certainly advantages and disadvantages to having some involvement of a higher level, a solution might well be found in introducing a gradual procedure.

Conclusion

Sixty years after Vatican II, the Church has entered into a new chapter of the reception of Vatican II. It has done so through and with the 2021–2024 Synod on Synodality. This step into a new phase was marked by an interaction of a theological reflection on the doctrine, a participation in experiencing synodality and a reflection about the doctrine in light of the experience. It was governed and accompanied not only by serious theological reflections of scholars in the field, but above all by the participation of the people of God under the guidance of the Holy Spirit. To discern the sense of the faithful regarding the decisions made by the bishops at Vatican II, Pope Francis has provided, through the Synod, a means of listening to what the Spirit is saying to the Churches (Rev 2:9) in our time. In particular the doctrine on the sense of the faithful that as “seed thrown onto the field of the world and the Church” (Synod FD 2024, 5) shed light on the doctrine, precisely because the whole people of God began to be engaged in the process.

Vatican II taught that doctrine develops. The 2021–2024 synodal process demonstrates that this is not only a doctrine of the council with regard to different subjects, but that this doctrine on development also applies to the doctrine on development itself as well as to other doctrines that the council taught. With the 2021–2024 Synod, the Church moved from being static with occasional modifications to being in motion permanently. An interaction and circularity of different agents on all levels and by way of all institutions in the Church has come about, leading to a permanent transformation. For canon law this poses an immense challenge, above all because the norms must provide for an ongoing process and must thus secure that the ongoing process is not stifled by the norms.

The possibly most challenging aspect for canon law is the following: considering that the Synod values locality, context, (legal) culture and customs, what does this mean for the canonical structures? In relation to this, the Final Document (nr. 114ff) speaks about people inhabiting places and spaces which then raises the question as to how to hold diversity and unity in a healthy and generative tension? What does inhabiting places and spaces, as professor Antonio Autiero at a recent conference reflected on,⁴⁶ imply for the canonical system as such and for specific norms? In entering that reflection, the words by Madeleine Delbrêl, which pope Francis gave voice to as he closed the last general session of the Synod, can be

Szabo refers to the provision currently in use for the Metropolitan Churches *sui iuris*: they can promulgate the decrees once they have received a simple notification from the Apostolic See informing that the decrees and decisions have arrived. Such a provision gives the Holy See an opportunity to intervene when necessary, but it also respects the authority of bishops who in a plenary council or an episcopal conference made decisions with the required majority. Szabo, P. (2019): *Episcopal Conferences, Particular Councils, and the Renewal of Inter-Diocesan “deliberative Synodality”*, In: *Studia canonica* 53, 265-296, here 279-286.

⁴⁶ Autiero, A.: *La Chiesa e il suo “luogo”*: per una ecclesiologia in contesto lecture given at the conference “Dal Concilio al sinodo. Rilettura di un cammino di chiesa, a 60 anni dalla Lumen gentium (1964-2024)” held at the Pontifical Gregorian University on October 29, 2024.

a guide: “There are places where the Spirit blows, but there is one Spirit who blows in every place.”⁴⁷

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⁴⁷ Pope Francis, *Final Greeting at the Second Session of The XVI General Ordinary Assembly of the Synod of Bishops (2-27 October 2024), 17th General Congregation on October 26, 2024*. The address is published at the end of the document entitled *Final Report* <https://www.synod.va/en/news/final-document-of-the-xvi-assembly.html> (access: 24.01.2025).

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Słowa kluczowe: synod o synodalności, prawo kanoniczne, jedność Kościoła, Kościoły lokalne, prymat i synodalność

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