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Insights from *Instrumentum Laboris*

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Insights from *Instrumentum Laboris*

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Summary: The Vatican's Synod Office has recently issued the "Instrumentum laboris", known as the working document, which will provide guidance for the upcoming second session. This article scrutinises its clarion call for the possible revision of canonical provisions to promote increased cooperation and co-responsibility of the lay faithful. The focal points include the stably instituted lay ministries, participatory bodies, the significance of consent and consultation, and the imperative need to establish canonical provisions for regulatory measures aimed at ensuring the accountability and credibility of the ecclesial structures.

Zusammenfassung: Das Sekretariat der Bischofssynode hat kürzlich das „Instrumentum laboris“, auch bekannt als Arbeitsdokument, herausgegeben, das als Leitfaden für die bevorstehende zweite Sitzung dienen soll. In diesem Artikel wird die darin enthaltene Aufforderung zur möglichen Überarbeitung der kanonischen Bestimmungen zur Förderung einer verstärkten Zusammenarbeit und Mitverantwortung der Laien untersucht. Zu den Schwerpunkten gehören die fest eingerichteten Laienämter, die Mitwirkungsgremien, die Bedeutung von Konsens und Konsultation sowie die dringende Notwendigkeit, kanonische Bestimmungen für Aufsichtsmaßnahmen festzulegen, die darauf abzielen, die Rechenschaftspflicht und Glaubwürdigkeit der kirchlichen Strukturen sicherzustellen.

1 Introduction

The General Secretariat of the Synod of Bishops released a working document, also known as "*Instrumentum Laboris*" (IL),¹ on 9 July 2024. The *Instrumentum Laboris* will form the basis for the discernment and discussion for the participants of the second session of the XVI Ordinary General Assembly of the Synod of Bishops to be held in October 2024 in the Vatican. It will guide discussions during the Synod's second session from 2 to 27 October 2024. In October 2021, the "Synod on Synodality" was initiated by Pope Francis. This synod has been extended until October 2024, providing additional time for thoughtful reflection and careful discernment from the local and universal Church. The first part of the Universal Phase of the Synod was held in October 2023, and the second will be in October 2024. This article seeks to offer an analysis of the *Instrumentum Laboris* from a canonical perspective, with a focus on highlighting its canonical significance. Nevertheless, before delving into an analysis of the canonical relevance of the *Instrumentum laboris*, it is essential to provide a concise overview of its structure, the overarching theme, and the ten study groups established by the Pope.

¹ <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2024/07/09/240709d.html>. An *Instrumentum laboris* is a Vatican document used at a General Assembly of the Synod of Bishops. It is based on responses to the *Lineamenta* and is sent to Bishops' Conferences and other relevant bodies before Bishops' Conferences, Roman Curia, and Eastern Churches. The assembled members during the Synod will discuss the contents of the *Instrumentum laboris*, and are free to modify or even rewrite it completely over the course of the Synod.

2 Structure of Instrumentum Laboris

The *Instrumentum Laboris* consists of five sections. The Introduction is followed by a section addressing the foundations of the understanding of synodality. Next are three closely interwoven parts: (i) Relationships that sustain the Church, (ii) Paths that support the dynamism of relationships, and (iii) Places or the concrete contexts of lived relationships. Each section will be the subject of prayer, exchange and discernment in one of the modules that will mark the work of the Second Session.

3 The Theme for the Second Session

The theme for the second session in October is “How to be a missionary synodal Church.” The discussions are the next step in the synod’s overarching theme: “For a synodal Church: Communion, Participation and Mission.” The first session focused on “How does a synodal Church describe itself?” while the upcoming session will consider “How to be a synodal Church in mission?” The two Sessions are interconnected and part of a more extensive process outlined in the Apostolic Constitution *Episcopalis communio*,² which will extend beyond October 2024. One can expect a further deepening of the shared understanding of synodality, a better focus on the practices of a synodal Church, and the proposal for some changes in Canon Law as well, which would enhance lay participation in a meaningful way. The *Instrumentum laboris*, based on the Synthesis Report³ (SR) after the first session and on further consultation with local Churches, listed several shared proposals and concerns for Canon Law that should be addressed at the second session. The Synthesis Report, in one of the proposals under the title, “1. Synodality: Experience and Understanding” in Part I on “The Face of the Synodal Church” called for a wider revision of the Code of Canon Law and the Code of Canon Law of the Oriental Churches is called for at this time (SR 1 R)

4 The Formation of ten Study Groups (Coetus studiorum)

Throughout the synodal process journey (2021-2024), additional significant and divergent questions always arose, and they were discussed in the first 2023 session. In an effort to address these crucial theological and canonical issues related to the renewal of the Church, Pope Francis formed ten Study Groups⁴ in February 2024. These groups were established to thoroughly

² Francis, Apostolic Constitution: *Episcopalis communio* (15.09.2018), in: *Communicationes* 50 (2018) 375-394; *Arroba Conde, Manuel Jesús*, *Articulus explanans constitutionem apostolicam episcopalis communio*, in: *Communicationes* 50 (2018) 460-463.

³ The Synthesis Report of the First Session of the XVI Ordinary General Assembly of the Synod of Bishops, entitled “A Synodal Church in Mission,” was approved by the members of the assembly on 28 October 2023. It can be found at: <https://www.synod.va/en/synodal-process/the-universal-phase/documents.html>. The report, which summarizes discussions at the assembly of the Synod of Bishops, said the Church may need more welcoming pastoral approaches, especially to people who feel excluded, but also acknowledged fears of betraying traditional church teachings and practices. Among the topics addressed in the report were clerical sexual abuse, women’s roles in the Church, outreach to the poor and the concept of “synodality” itself.

⁴ The themes emerging in the Summary Report of the First Session and assigned to the ten Study Groups are: 1. Some aspects of relations between the Eastern Catholic Churches and the Latin Church (SR 6). 2. Listening to the cry of the poor (SR 4 and 16). 3. Mission in the digital environment (SR 17). 4. The revision of the *Ratio Fundamentalis Institutionis Sacerdotalis* in a missionary synodal perspective (SR 11). 5. Some theological and canonical matters regarding specific ministerial forms (SR 8 and 9). 6. From a synodal and missionary perspective, the revision of the documents governing the relations between Bishops, Religious and Groupings of Churches (SR 10). 7. Some aspects of the figure and ministry of the Bishop (criteria for selecting candidates to the episcopate, judicial function of the Bishop, nature and conduct of *ad limina Apostolorum* visits) from a missionary synodal perspective (SR 12)

examine the issues, as they have significant implications for Church governance. This approach was chosen instead of waiting until the upcoming second session of the Synod to ensure that the issues are given the attention they deserve. The organisers of the Synod had announced that the second session would be refocused on the theme of synodality and would, therefore, eliminate specific divergent questions, such as, among many others, the women diaconate⁵ and blessings of those couples who are not considered to be married according to the Magisterium of the Church, including same-sex couples. However, the Dicastery for the Doctrine of the Faith indeed showed with the Declaration *Fiducia supplicans*⁶ and the subsequent Press release concerning the reception of *Fiducia supplicans*⁷ that he did not need the Synod to decide on the question of blessing. All the ten Study Groups must submit their work to the Pope by June 2025.

5 Possible Canonical Provisions Envisaged by *Instrumentum Laboris*

Since Vatican II saw the Church primarily as *Communio* and accentuated the common priesthood of the Christian faithful, emphasis on the participatory or representative nature of the pastoral organs and the participation of the lay faithful is highlighted. This is also very well reflected in the *Instrumentum laboris*, which echoes the mind of the universal Church. Though there could be many avenues for this, a few important ones are delved into in brief.

5.1 Stably Instituted Lay Ministries

Instrumentum laboris focuses on the stably instituted lay ministry, to be conferred by the Bishop on lay faithful once in a lifetime via a prescribed liturgical rite after appropriate discernment and adequate formation (IL 29-30). After Motu proprio *Ministeria quaedam*⁸ (1972), Pope Paul VI envisaged many more ministries to be stably exercised by the lay faithful after an installation, apart from lector and acolyte (can. 230). They can be called baptismal ministries to indicate their common root, *i.e.*, baptism (cann. 204, 208), and to distinguish them from ordained ministries rooted in the sacrament of Order. "Lay ministries" are specific expressions of the priestly and the royal condition of every baptized person. The "ordained ministries" belong to certain members of the *Christifideles* (Christ's faithful), who as Bishops and priests receive the mission and capacity to act *in persona Christi capitis* or as deacons to serve the people of God in ministries of the liturgy,

and 13). 8. The Role of the Pontifical Representatives in a missionary synodal perspective (SR 13). 9. Theological criteria and synodal methodologies for a shared discernment of controversial doctrinal, pastoral and ethical issues (SR 15). 10. The reception of the fruits of the ecumenical journey in ecclesial practices (SR 7). Cf. <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2024/07/09/240709d.html>

⁵ One of the proposals in no. 9 on "Women in the Life and Mission of the Church" in the Synthesis Report states: "Theological and pastoral research on the access of women to the diaconate should be continued, benefiting from consideration of the results of the commissions specially established by the Holy Father, and from the theological, historical and exegetical research already undertaken. If possible, the results of this research should be presented at the next Session of the Assembly." However, it seems that the report will not be presented in the second session. Rather, it will be presented to the Secretariat of the Synod, and it will be followed up subsequently.

⁶ Dicastery for the Doctrine of the Faith, Declaration: *Fiducia Supplicans* (18.12.2023), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dof_doc_20231218_fiducia-supplicans_en.html.

⁷ Dicastery for the Doctrine of the Faith, Press release concerning the reception of *Fiducia supplicans* (04.01.2024), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dof_doc_20240104_comunicato-fiducia-supplicans_en.html.

⁸ Paul VI, Motu Proprio: *Ministeria Quaedam* (15.08.1972), in: AAS 64 (1972) 529-534. *Ministeria quaedam* is one of the many documents issued after Vatican II to implement Council's reforms.

the word and charity.⁹ The lay ministers are not called to act simply as substitutions for the delegation or execution of that which is proper to the clerics but to an exercise of ecclesiastical office which is proper to them and thus allows them to respond to their fundamental vocation.¹⁰

Instrumentum laboris introduces that men and women exercise the ministry of coordinating a small church community, the ministry of leading moments of prayer (at funerals or otherwise), extraordinary ministry of communion (IL 29, cann. 910 § 2; 230 § 2), or other services not necessarily liturgical. The Latin and Eastern Canon Law already prescribe that lay faithful may also administer baptism (can. 861 § 2) in extraordinary situations. According to the Canon Law of the Latin Church, the Bishop may delegate lay faithful to assist at marriages (can. 1112 § 1). However, it is useful to continue reflecting on how to entrust these ministries to the laity in a more stable form (IL 29). Lay faithful assuming such roles in the Church is emphatically underscored in the Instruction *Ecclesiae de Mysterio* (15 August 1997).¹¹ This reflection should be accompanied by further consideration of how the Church can promote more forms of lay ministry, including outside the liturgical sphere.

Already in 2021, Pope Francis modified the can. 230 and included women in the stably instituted ministries of lector and acolyte through the Apostolic Letter *Spiritus Domini*.¹² In the same year, Pope Francis established another stable lay ministry of catechists through the Apostolic Letter *Antiquum Ministerium*,¹³ empowering the lay faithful as catechists (can. 776).¹⁴ A mandate from the legitimate authority must define the time and manner of their exercise. Some theological and canonical questions concerning the question of the ordination of women to the diaconate (IL 17) have been entrusted to the Dicastery for the Doctrine of the Faith (Study Group No. 5). Like charisms, ministries must also be recognised and promoted and valued (LG 30).

5.2 Decision-Making/Taking Process: Consent and Consultation

It is important to promote a synodal Church by involving everyone in the decision-making process. According to Canon Law, in several situations, superiors must consult before making decisions. There are many bodies at the diocesan and parish level to be consulted on certain circumstances as prescribed in Canon Law.¹⁵ This means that the authority should not ignore

⁹ *Benedict XVI*, Apostolic Letter: *Omnium in mentem* (26.10.2009), in: AAS 102 (2010) 10, art. 2; cf. *Ambrose, Merlin Rengith*, The Amendment in Can. 230 §1. Its Juridical Implications for Women as Lector and Acolyte, in: *Indian Theological Studies* 58 (2021) 95-119, 100-101.

¹⁰ *Rayappan, Arulselvam*, Involvement of Laity in the Teaching Office of the Church, in: *Canonical Studies* 32 (2018) 85-105, 96.

¹¹ *Congregation for the Clergy et al.*, Instruction: *Ecclesiae de Mysterio* (15.08.1997), in: AAS 89 (1997) 852-877.

¹² *Francis*, Motu Proprio: *Spiritus Domini* (10.10.2021), in: AAS 113 (2021) 169-170.

¹³ *Francis*, Motu Proprio: *Antiquum Ministerium* (10.05.2021), in: AAS 113 (2021) 527-534. For more study on this topic: *Ambrose, Merlin Rengith*, Lay Ministry of Catechist in Light of the Apostolic Letter *Antiquum ministerium*, in: *Vidyajyoti Journal of Theological Reflection* 87 (2023) 444-445. *Ambrose, Merlin Rengith*. "Stable Lay Ministry of Catechist. Intent and Impact of the Apostolic Letter: *Antiquum Ministerium*", at: DOI 10.5282/nomokanon/250.

¹⁴ Paul VI, Motu Proprio, *Ministeria Quaedam* (15.08.1972), in: AAS 64 (1972) 529-534. Paul VI issued Moto proprio *Ministeria quaedam* and opened the door to the renewal of the experience of ministeriality of the lay faithful, reborn by baptism, confirmed by the seal of the Spirit, nourished by the living bread that came down from heaven". That is why, just before the 50th anniversary of this groundbreaking document *Ministeria quaedam*, Pope Francis published two Apostolic Letters in the form of Motu proprio enhancing baptismal ministries of lay faithful rooted in their common priesthood: The first, *Spiritus Dominus* (10 January 2021), which modified can. 230 §1 of CIC 1983 on the access of women to the instituted stable ministry of the Lector and Acolyte. The second is *Antiquum ministerium* (10 May 2021), which established the new ministry of Catechist, in addition to Lector and Acolyte.

¹⁵ At the diocesan level: College of Consultors (can. 502), Diocesan Synod (cann. 460-468), Episcopal Council (can. 473 § 4), Diocesan Pastoral Council (cann. 511-514), Diocesan Finance Committee (cann. 492-494), Council of Priests (cann. 495-501); At the parish level: Parish Pastoral Council (can. 536), Parish Finance Committee (can. 537); In the Religious Institutes, Superior Generals have

the consultation or advice received. While the consultative opinion does not bind the authority, they should not disregard it without an overriding reason if there is a general agreement (can. 127 § 2, 2°).¹⁶ Ignoring the general agreement would damage the synodal bond that unites them. In the Church, exercising authority does not mean imposing arbitrary will but rather serving as a moderating force in the common search for what the Spirit requires in service of the unity of the People of God. Secondly, an orientation that emerges in the consultative process as the outcome of proper discernment, especially if carried out by the participatory bodies of the local Church, cannot be ignored, for it is done in obedience to the Spirit. No. 70 (IL) states, “any opposition between consultation and deliberation is therefore inadequate: in the Church, deliberation takes place with the help of all, never without the pastoral authority that takes decisions by virtue of its office.”

5.2.1 The Adverb “only” (*tantum, tantummodo*)

Instrumentum Laboris no. 70 states that the recurring formula in the Code of Canon Law (can. 443 §3, 466, 500 §2, 514 §1, 536 §2) which speaks of a ‘consultative vote only’ (*tantum consultivum*), diminishes the value of consultation, and it gives a clarion call that this adverb “only” should be corrected. This goes in line with J.A. Renken’s opinion that the adverb “only” (*tantum, tantummodo*) adds nothing to explain the modus operandi of the participative body, which is already understood by the adjective “consultative” (*consultative*). To say that a participatory body has a “consultative vote” is adequately clear and properly accurate, and further explanation by way of the adverb “only” is absolutely unnecessary.¹⁷ The inclusion of the adverb “only” can be taken to imply a diminishment of the participatory body’s contribution to the life of the Church. J.A. Renken states that the inclusion of the adverb “only” implies that “its labors are ‘only’ effective or useful after a superior authority judges them to be accurate or appropriate. It could be taken to imply that the participatory body is not worthy of trust and that a superior authority with more wisdom and gifts must check the accuracy, appropriateness or relevance of its recommendations.”¹⁸ He also recommended the praxis of not referring to participatory bodies as “only” consultative. Moreover, he also recommended that the legislator eliminate this unnecessary adverb in future legislation.

5.2.2 “*Tantum*” in the *Schema* Development of the Code of Canon Law

In fact, during the *schema* development of the canon on the pastoral council (can. 514), Archbishop Bernardin, in the meeting of *coetus studiorum* for the drafting of the Code of Canon

General councils, Provincial Superiors have Provincial councils, and Local Superiors have Local councils to advise them by way of consultation.

16 Can. 127 § 1: “When it is established by law that in order to place acts a superior needs the consent or counsel of some college or group of persons, the college or group must be convoked according to the norm of can. 166 unless, when it concerns seeking counsel only, particular or proper law provides otherwise. For such acts to be valid, however, it is required that the consent of an absolute majority of those present is obtained or that the counsel of all is sought.”

§ 2: “When it is established by law that in order to place acts a superior needs the consent or counsel of certain persons as individuals: 1° if consent is required, the act of a superior who does not seek the consent of those persons or who acts contrary to the opinion of all or any of them is invalid; 2° if counsel is required, the act of a superior who does not hear those persons is invalid; 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 judgment.”

§ 3: “All whose consent or counsel is required are obliged to offer their opinion sincerely and, if the gravity of the affair requires it, to observe secrecy diligently; moreover, the superior can insist upon this obligation.”

17 Renken, John Anthony, Pope Francis and Participative Bodies in the Church, in: *Studia Canonica* 48 (2014) 203-233, 228.

18 *Ibid.*

Law, commenting on the parish pastoral council, suggested deleting the word “only” (*tantum*) to increase the pastoral council’s importance. The reply of the Secretariat was that the text “only” should remain as it is, and only a consultative nature should be observed since the parish priest (*parochus*) is the proper pastor of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan Bishop.¹⁹

Moreover, no. 71 of *Instrumentum Laboris* exhorts the effective participation of women in drafting and decision-making and taking process in the Church, as called for in reports received from the Bishops’ Conferences across the globe. It remains to be seen how the Code of Canon Law will be amended in relation to i) the effective participation of women in decision-making and ii) striking a balance between “‘only’ a consultative vote”,²⁰ superior’s decision, and consent. The consent and consultation are known as deliberative and consultative vote/voice.²¹ The only difference between consent and consultation lies in the binding nature of consent.

5.3 Diocesan and Parish Pastoral and Financial Councils

Many Bishops’ Conferences have highlighted the importance of adopting Diocesan and Parish pastoral and financial councils (cann. 492, 511, 536, 537). These councils are essential for planning, executing, and evaluating pastoral activities to improve them (IL 91). Canon Law already envisages these structures. The appropriate adaptations of these structures could prove to be even more suitable for giving a concrete form to the synodal approach. Already in Apostolic Exhortation *Evangelii Gaudium*, Pope Francis invites the faithful to “An ecclesial renewal, which cannot be deferred” (EG 27-33). He advocates for restructuring, making it more mission-oriented and inclusive at all levels.²²

The need to reshape the profile of these bodies and their *modus operandi* in order to move in this direction is underscored in the *Instrumentum laboris*. Significantly, this will require attention to how members are appointed, aiming to ensure that their composition reflects that of the community they serve (diocese/parish) to promote a culture of transparency and accountability credibly. It is, therefore, necessary that the majority of members are not chosen by the authority but designated in another way, effectively expressing the reality of the community or local Church (IL 92). The participation of the laity in the councils is due to cann. 204, 208 and 228 § 2.²³ The text emphasizes the importance of baptism as the foundation of the participation of the lay faithful. Lay persons have a baptismal calling to apply their knowledge, prudence, and integrity to assist the Church leaders as experts or advisors, even in councils according to the law.

¹⁹ Pontifical Commission for the Revision of the Code of Canon Law, *Relatio complectens synthesim animadversionum ab Em. mis atque Exc. mis Patribus commissionis ad novissimum schema Codicis Iuris Canonici exhibiturum, cum responsibus a secretaria et consultoribus datis*, Vatican City 1981, 128.

²⁰ The phrase “Only a consultative vote” appears in Particular Councils (can. 443 §3), Diocesan Synod (can. 466), Council of Priests (can. 500 §2), Diocesan Pastoral Council (can. 514 §1), Parish Pastoral Council (can. 536 §2). It is an expression that comes across with a certain amount of negativity and tends to dampen enthusiasm, but when understood correctly and exercised prudently by the authority, it provides a true share in the power of governance as well as demanding something special of those consulted. The paramount importance of consultation appears in can. 407, which reiterates the need for the diocesan Bishop to consult with his auxiliaries in matters of greater importance, and the reason given: “For the greatest present and future good of the Diocese”.

²¹ College of consultors exercise deliberative vote (consent) when the diocesan administrator during the *sede vacante* permits excardination or incardination (can. 272). The Council of Priests has to be consulted (consultative voice/vote) by the diocesan Bishop before he erects a parish (can. 515 § 2).

²² Francis, Apostolic Exhortation: *Evangelii Gaudium* (24.11.2013), in: AAS 105 (2013) 1031-1034, nos. 27-33; Renken, Pope Francis and Participative (note 18), 205.

²³ De Punzio, *Pietro, Gli organismi di partecipazione ecclesiale*, Torino 2010, 13.

Instrumentum laboris also strongly emphasized that these councils (diocesan and parish pastoral councils – cann. 511, 536), whose establishment is currently optional/discretionary, should be made mandatory by law (IL 93). The optional character of these bodies appears in the cann. 511 and 536.

Can. 511 states:

“In every diocese and to the extent that pastoral circumstances suggest it, a pastoral council is to be constituted which under the authority of the bishop investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese.”²⁴

Can. 536 states:

“If the diocesan bishop judges it opportune after he has heard the presbyteral council, a pastoral council is to be established in each parish, over which the pastor presides and in which the Christian faithful, together with those who share in pastoral care by virtue of their office in the parish, assist in fostering pastoral activity.

§2. A pastoral council possesses a consultative vote only and is governed by the norms established by the diocesan bishop.”

These two canons clearly outline the optional character of these two bodies and this was already highlighted in the conciliar and post-conciliar documents of Vatican II. Therefore, the concept of the pastoral council is a novelty in CIC 1983, the sources of which can be found in the conciliar and post-conciliar documents.²⁵

5.3.1 Conciliar and Post-Conciliar Documents

The Decree on the Pastoral Office of Bishops *Christus Dominus* (28 October 1965) prescribed:

“It is highly desirable that in every diocese a special council be established, presided over the diocesan Bishop himself, in which clergy, religious and laity specially chosen for the purpose will participate. It will be the function of this council to investigate and consider matters relating to pastoral activity and to formulate practical conclusions concerning them.”²⁶

The Decree on the Church’s Missionary Activity, *Ad gentes* (7 December 1965) states, “For better coordination of missionary activity, the bishop should, as far as possible, establish a pastoral council in which clergy, religious, and lay people would have a part through elected delegates.”²⁷ The post-conciliar Motu Proprio *Ecclesiae sanctae*, I, 16 stipulates, “the pastoral council may be established in different ways. Clerics, religious and laity, specially designated by the Bishop, take

²⁴ In the drafting stage of this can. 511, there were efforts to strengthen the obligatoriness of this council based on conciliar and post-conciliar texts. However, it was ultimately decided that the circumstances in each diocese were quite different, so the canon should not mandate the councils; rather, it should be left to each diocese to decide based on their needs and circumstances. Cf. *Cusack, Barbara Anne*, Commentary on Can. 511, in: Beal, John B. / Coriden, James A. / Green, Thomas J. (eds), *New Commentary on the Code of Canon Law*, Mahwah, NJ: Paulist Press 2019, 668-669.

²⁵ *Linczenbold, Levente*, The Theological and juridical Significance of the Pastoral Council as a Body Serving the Cooperation of the Bishop and the Laity, in: *Folia Theologica et Canonica* 9 (2020) 129-146, 130-131.

²⁶ *Vatican II*, Decree: *Christus Dominus* (28.10.1965), in: AAS 58 (1966) 673-701, no. 27; English transl. in: *Flannery, Austin* (ed.), *Vatican Council II. The Conciliar and Post-Conciliar Documents I*, Mumbai 2010, 506-527.

²⁷ *Vatican II*, Decree: *Ad gentes divinitus* (07.12.1965), in: AAS 58 (1966) 947-990, no. 30; English transl. in: *Flannery, Austin* (ed.), *Vatican Council II. The Conciliar and Post Conciliar Documents I*, Mumbai 2010, 715-752.

part in the work of the pastoral council".²⁸ The Sacred Congregation for the Clergy issued the circulation letter *Omnes Christifideles*,²⁹ which reported that "pastoral council is important and helpful."³⁰ The Sacred Congregation for Bishops issued the Directory on the Pastoral Ministry of Bishops, *Ecclesiae imago*, which exhorted the need for diocesan and parish pastoral councils.³¹

5.3.2 *Schema* Development on Consultative Nature and Optional Character of the Councils

Surprisingly, in the *schema* development of cann. 511 and 536 on pastoral councils, one can find the discussions of *coetus studiorum*, which initially recommended the obligatory nature of these councils. In the first draft of these canons, obligatory nature was required and not recommended. However, subsequently, all the consultors recommended their establishment without making it a compulsory requirement in the diocese because they considered that the circumstances and needs of the dioceses would vary from diocese to diocese. This is how these pastoral councils were made optional and not obligatory in the canons.³² Moreover, initially, during the drafting of the canon, it was called parish council. However, another consultor suggested adding the adjective "pastoral" to underscore their competence, which does not extend to governance, the administration of temporal goods, etc.³³

Following the promulgation of the Code of Canon Law in 1983, the Catholic Bishops' Conference of India (CBCI) issued a strong recommendation for the establishment of diocesan and parish pastoral councils in every diocese and parish across the country. This move aimed to enhance the organization and functioning of the Church at the diocesan and parochial levels, facilitating greater community involvement and decision-making in the spiritual and administrative aspects of the Church.³⁴ However, approximately four decades after the publication of this directive, it is unfortunate to observe that a majority of dioceses and parishes have not established the necessary participatory structures as outlined. The Conference of Catholic Bishops of India (CCBI), issuing pastoral guidelines to address neo-pentecostalism in 1997, stated that parish councils are to be established wherever they do not exist and be made instruments for building up the parish as a true fellowship, as they share in the pastoral mission of the Church.³⁵ Therefore, establishing the pastoral council would require that everyone opens up to the spirit of Vatican II to encourage the participation of the lay faithful towards enabling them to render their baptismal vocation for the mother Church, being co-responsible.

According to the Code of Canon Law (cann. 537, 492), the establishment of parish finance committees and diocesan finance committees is mandated and not optional. The prescribed canonical provision for establishing mandatory participatory bodies at the diocesan and parish levels in India has not received adequate attention. This deficiency impedes the full engagement

²⁸ Paul VI, *Motu proprio: Ecclesiae sanctae I* (31.08.1966), in: AAS 58 (1966) 757-775, no. 16; English transl. in: Flannery, Austin (ed.), *Vatican Council II. The Conciliar and Post-Conciliar Documents I*, Mumbai 2010, 528-544.

²⁹ *Sacred Congregation for the Clergy*, Circular Letter on Pastoral Councils: *Omnes christifideles* (25.01.1973), in: *Enchiridion Vaticanum 3*, 1196-1211, no. 5.

³⁰ *Ibid.*

³¹ *Congregation for Bishops*, Directory on the Pastoral Ministry of Bishops: *Ecclesiae Imago* (22.02.1973), in: EV 4:1945-2328, no. 204.

³² *Pontificia Commissio Codici Iuris Canonici Irecognoscendo*, Art. VII: De Consilio Pastoralis, in: *Communicationes 13* (1981) 138.

³³ *Ibid.*, 146.

³⁴ *CBCI Commission for the Laity*, Pastoral Councils in Dioceses and Parishes, New Delhi 1984.

³⁵ *CCBI Secretariat*, Neo-Pentecostalism. A Pastoral Response, New Delhi 1997, 5

and cooperation of the lay faithful in serving the Church. The failure to form these participatory bodies also obstructs the realisation of transparency within the Church, as advocated by the *Instrumentum laboris*. It is essential to address these shortcomings by ensuring the establishment of these committees to uphold both the canonical requirements and principles of transparency, co-responsibility and collaboration.

Moreover, *Instrumentum laboris* for the second session of the Synod in October 2024, aims to change these optional bodies of parish and diocesan pastoral councils into mandatory ones (IL 93). This idea was originally part of the canonical *schema* development of these bodies and would be very beneficial if it is approved during the second session. It would enhance cooperation and co-responsibility of the laity in the governance of the Church (can. 129 § 2). The possibilities of participation and the exercise of co-responsibility by the lay faithful, in the variety of their charisms, vocations and ministries, will be significant for the synodal Church.

5.4 Role of Women

The term “women” appears 48 times in the *Instrumentum laboris* as a way to utilise inclusive language that respects both genders. In the context of the ministries outlined in the *Instrumentum laboris*, the inclusion of “men and women” as ministers implies an imperative to prevent the exclusion of women.³⁶

Included in the participatory avenues is also the possibility for women judges in all the canonical processes.³⁷ The Synthesis Report of the first session already pointed out the need for the formation of women to render their service as judges in the judicial contentious and penal trials. The Synthesis Report indicated the dire need to ensure the participation of women in the Church and its functions. It states:

“It is urgent to ensure that women can participate in decision-making processes and assume roles of responsibility in pastoral care and ministry. The Holy Father has significantly increased the number of women in positions of responsibility in the Roman Curia. This should also happen at other levels of Church life, in consecrated life and dioceses. Provision needs to be made in Canon Law accordingly.”³⁸

In the structures and roles within particular Churches and in the various offices and functions of the Church, it is feasible and appropriate to consider including women, particularly in positions that do not require the power of Order. There is a strong emphasis on the necessity for communal and shared formation, involving men and women, consecrated individuals, ordained ministers, and candidates for ordained ministry. This collaborative approach aims to foster mutual knowledge, esteem, and cooperation. Particular attention is needed to ensure women’s participation in the formation program alongside priests, religious, and laypeople, and to grant women access to teaching and formation roles in theological faculties, institutes, and seminaries. Study Group 4 focuses on revising the formation of candidates for ordained ministry from a missionary synodal perspective, with a global call to improve preaching formation. Therefore,

³⁶ IL 29.

³⁷ *Ibid.*, 16.

³⁸ One of the proposals in no. 9 on “Women in the Life and Mission of the Church” in the Synthesis Report states.

the *ratio fundamentalis*³⁹ (2016) as per can. 242⁴⁰ is subject to undergo a revision in order to revise the formation, which is expected to be synodal.

5.5 Canonical Norms for Accountability and Credibility (IL 73-79)

Accountability and transparency must be integral at all levels, including authority structures, for the synodal Church to be welcoming, and this is due to the *communio* ecclesiology.⁴¹ Accountability and transparency must extend beyond addressing sexual and financial abuse to include pastoral plans, evangelisation methods, and respecting human dignity, such as in working conditions within Church institutions. Regular evaluation of ministerial responsibilities is necessary to foster growth and improve service.⁴²

In addition to observing what is already provided for in the canonical norms regarding control criteria and mechanisms, it is up to the local Churches and their groupings to develop procedures for effective transparency and accountability, considering the civil regulatory framework, societal expectations, and available expertise. Essential canonical measures include the functioning of financial affairs of various councils, publishing annual financial statements, reporting on mission performance, safeguarding initiatives, promoting women's participation, and periodically evaluating those in ministry and leadership. One example of such spirit that would promote the accountability of the superior could be found in can. 492, which states that "at the end of the year, the financial administrator must give the finance committee an account of income and expenditure." The principle of accountability takes into account also the canonical provisions on the liability of the administrators for illicit and invalid acts (can. 1281 § 3).⁴³ These steps are crucial for the credibility and implementation of the synodal process.⁴⁴ Such accountability, both to legitimate superiors and to the faithful, is another example of the renewal in Vatican II, which takes the basic concept of the people of God seriously.⁴⁵ This will create an opening towards a "mutually accountable Church".⁴⁶ Creating an atmosphere of accountability and credibility requires structures and processes wherein persons consider themselves responsible not only to superiors but also to the people of God they serve.⁴⁷ It remains to be seen how the post-synodal environment in 2025 will introduce the avenues for these canonical provisions in order to address these concerns.

³⁹ *Congregation for the Clergy*, The Gift of the Priestly Vocation *Ratio Fundamentalis Institutionis Sacerdotalis* (8.12.2016), Vatican City 2016, at: <https://www.clerus.va/content/dam/clerus/documenti/ratio-2026/Ratio-EN-2017-01-03.pdf>.

⁴⁰ Can. 242 §1. "Each nation is to have a program of priestly formation which is to be established by the conference of bishops, attentive to the norms issued by the supreme authority of the Church, and which is to be approved by the Holy See. This program is to be adapted to new circumstances, also with the approval of the Holy See, and is to define the main principles of the instruction to be given in the seminary and general norms adapted to the pastoral needs of each region or province."

⁴¹ *Wiljens, Myriam*, Synodality Implies Accountability. Accountability Requires A Synodal Church. A Theological Reflection with Canonical Implications, in: *Studia Canonica* 56 (2022) 413-439, 432.

⁴² IL 76.

⁴³ *D'Souza, Victor George*, General Principles Governing the Administration of Temporal Goods of the Church, in: *Canonical Studies* 20 (2006): 5-39.

⁴⁴ IL 77-79.

⁴⁵ *Lusabe, Lennoxie N.*, Evolution of Participative Structures within the Particular Church Since the Time of Vatican II, in: *Studia Canonica* 52 (2018), 159-203.

⁴⁶ *De Mey, Peter*, Searching for Traces of An Accountable Church During the Long Preparation of the Conciliar Documents, in: *Studia Canonica* 56 (2022), 471-491.

⁴⁷ *Faris, John D.*, The Role of Consultation in Eparchial Governance, in: *Studia Canonica* 56 (2022), 605-627.

6 Conclusion

This *Instrumentum laboris* proposes ideas to bring the Church closer to people, promote the participation of all lay faithful in decision-making and taking through various ecclesial structures, and envision various stably instituted lay ministries. It also highlights the importance of women's roles and the need for transparency and accountability, among other themes. As mentioned above, the imperative to envision canonical norms that empower these visions will undoubtedly be a decisive topic of discussion during the upcoming session in October. Should it align with the Divine will, it will come to fruition.