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“CHURCH GOVERNANCE –THE IMPERATIVE OF COLLEGIALITY”

BY MARY MCALEESE

Good evening and my thanks to each one of you for being here. Thank-you also to the Von Hügel Institute in the person of Professor John Loughlin for inviting me to give this lecture.

The subject is Church governance- the Church in question is the Latin Rite Catholic Church, sometimes called the Roman Catholic Church of which I am a member.

The subtitle of this talk is- the imperative of collegiality. The word "imperative" is designed to strike a chord of urgency and necessity. The word "collegiality" is shorthand for the modernisation of Church governance and in particular the development of , or more accurately according to some historians, the restoration, of shared collegial governance between the Pope and the bishops. This issue was hotly debated in the 1960's at the Second Vatican Council but nothing changed in practice.

When Francis became Pope a year ago, Church governance was the same unreformed creaking feudal monarchy it had been for generations before the Council, prompting Nicholas Lash to ask if the shutters were not coming down on Vatican II and lamenting that the Church's quasi- civil service known as the Roman Curia had actually intensified its centralised control and in so doing had frustrated the episcopacy in the "recovery of a proper sense of episcopal authority and the development of appropriate structures of collegial governance."¹ That word *recovery* is important here for it is a reminder that the early Church had been synodal and collegial in its governance rather than exclusively primatial. There are some encouraging signs from Pope Francis that significant changes to the governance of the universal Church may be on his radar.

Fifty years ago Pope John XXIII set out to radically update the Church when he convened the Second Vatican Council. He famously wanted a church that was a garden and not a mausoleum.² With his dying breath almost a year later he pleaded for Christian unity in the words, *ut omnes unum sint*.³

¹ LASH, N., "Could the Shutters yet come down? *The Tablet* , 24 January 2009, 13.

² Cf. POPE JOHN XXIII, *Journal of a Soul*, 1999, Journal entry for 9 October 1958.

³ Cf. HEBBLETHWAITE, P., *John XXIII, Pope of the Council* (rev ed.), Glasgow: 1994, 502

Things did not turn out as the Council hoped and Francis has lamented the fact that there has been "more about the law than about grace, more about the Church than about Christ, more about the Pope than about God's word."⁴

The Council subject to the Pope's approval had power to change doctrine and to legislate for the universal Church. In a welter of declarations, decrees, and constitutions the elitist, imperial Church was swept away, at least on paper, particularly in the dogmatic constitution on the Church *Lumen Gentium*. Leaving papal primacy intact *Lumen Gentium* provided for future collegial governance of the Church by the College of Bishops with the Pope as its Head, a critical issue for Church unity as well as more open and accountable governance. There was to be greater decentralisation and subsidiarity with enhanced powers at local level for diocesan bishops and episcopal conferences as well as new structures for sustained real engagement with the laity at parish and diocesan level. The old fixed pyramid with the pay, pray and obey laity firmly at the bottom, and always talked down to, was to be replaced with a vision of the equality of dignity of all the People of God, clergy and laity alike, and each with a share in the Church's tasks of preaching, teaching and governing. The new structures were supposed to ensure closer two-way communication between all levels in the Church. And we did for a while experience the surging energy of change particularly with regard to the liturgy and the new focus on ecumenism. It took almost twenty years to translate the Council's decisions into the new 1983 Code of Canon Law but by then the gravitational pull of powerful centralised conservatism had already stalled the Conciliar momentum. While the faithful and the world moved on the Curial Church remained even further behind the curve.

The great church scholar Ladislav Orsy remarked several years ago, that we have to see the Council not as an immediate revolution but rather a "slow burn" involving a long and complex process of reception that can take centuries rather than decades.⁵ However somewhat prophetically at a Conference in Rome in January 2013 he pointed out that the fifty year mark had proved to be a turning point at other councils and could also be for the Second Vatican Council.⁶ We are now at that point and unexpectedly we have a new Pope whose talk is all of fulfilling the Council.

Rather disarmingly Francis admitted some months into office that he himself learnt the hard way that his own once authoritarian way of making decisions

⁴ EG,39.

⁵ Cf. ORSY, L.M., «Peter and Paul Seminar: the unfinished work of collegiality», *Woodstock Report*, Spring, no 81 (2005).

⁶ Justice Peace and Integrity of Creation Seminar (=JPIC) with Fr. Ladislav Orsy SJ., January 26, 2013: (Rome).

created problems. He added that "Eventually people get tired of authoritarianism".⁷ That is a perfect and succinct summation of the feeling of many contemporary pro Conciliar Catholics who had been living in what James Carroll described to me as "internal exile"⁸, in a Church that was being hollowed out by what Francis has called an "excessive centralisation, which rather than proving helpful complicates the Church's life and her missionary outreach."⁹ But an anti-authoritarian Pope is in itself no guarantee that the Church will change and Francis has said he wants change. Many will already be aware of his stated intention to reform the Curia and his appointment of a group of eight cardinals to advise him on Curial reform. It is headed by Cardinal Maradiaga of Honduras. No group is closer to the Pope than this kitchen cabinet is at the moment. But Francis' plans are considerably more extensive than that and they involve root and branch reform.

Francis has prioritised first the attitudinal changes and then the structural changes he believes are needed to make the Church more pastoral and less bureaucratic. In his Apostolic Exhortation *Evangelii gaudium* of last November he set out a broad program for changes at all levels. Consultation is to involve the entire People of God not just the bishops.¹⁰ Parish(cf. *EG* 28) and diocesan (cf. *EG* 31) structures are to become more participative and inclusive. There is to be a "sound" decentralisation (cf. *EG* 16) and greater subsidiarity at diocesan and episcopal conference level, a better elaborated juridic status for episcopal conferences to underpin their genuine doctrinal authority because they have yet to fulfill their potential to contribute to the "concrete realisation of the collegial spirit" (*EG* 32).

It does not take a genius to recognise the source of Francis's proposals. The language and content are very, very familiar, so familiar that to paraphrase Seamus Mallon, *Evangelii Gaudium* can truly be called *Lumen Gentium* "for slow learners."¹¹

So the new Pope has set a clear reform agenda designed to loosen the tight ecclesial knots and let the joy flow but most ecclesiastically literate eyes are focussed on the big question; will he continue to govern entirely primatially as the sole-decision maker for the Church or will he as was argued at Vatican II and as Christian unity requires, share decision-making with the bishops? And if so how? Crucially, Pope Francis has said the structural governance changes will have to move in a collegial and ecumenical direction.

⁷ Ibid.

⁸ Interview in Boston College for the *New Yorker*, 31 October 2013.

⁹ *EG*, 32.

¹⁰ Cf. Interview by Antonio Spadara S.J. with Pope Francis, published in *America Magazine* September 2013.

¹¹ To borrow the famous phrase of Irish politician Seamus Mallon when he described the Good Friday agreement of 1998 as "Sunningdale for slow learners", a reference to the Sunningdale agreement of 1973.

Cardinal Schönborn recently gave an insight into the unhealthy silencing effects of exclusively primatial rule when he said that he regretted that the Austrian Bishops had not dared to speak out openly on necessary church reforms. "We were" he said "far too hesitant.[...] we certainly lacked courage to speak out openly."¹² So the nub of the matter today is whether Pope Francis intends to move to a system in which the bishops are encouraged, not to be "yes men" but leaders who can speak freely, are not merely consulted but who themselves consult widely at local level and then make decisions collegially for the universal Church along with the Pope.

A close look at how Francis has approached this issue repays the effort. On June 29 2013, to an audience of new archbishops, Pope Francis spoke about "the path of collegiality" as the road that can lead the church to "grow in harmony with the service of primacy." But he asked "How can we reconcile in harmony Petrine primacy and collegiality? Which roads are feasible also from an ecumenical perspective?"

Let's look for a moment at how he might answer these questions that have been hanging in the air, unanswered since Vatican II.

At the moment Francis makes all doctrinal and legislative decisions with occasional advice from two bodies, one is the highly influential College of Cardinals, (all members are papal appointees), best known for their role in electing the Pope, and the other body is the Synod of Bishops, which is an occasional gathering of bishop delegates from episcopal conferences around the world, tasked with advising the Pope on a particular subject. Francis has described both as important places for real and active *consultation* but currently he believes they are much too rigid in form. He says he wants "real, not ceremonial consultation."¹³ So we can expect more lively debates in both fora and indeed one of his first acts as we have seen was to appoint a group from the College of Cardinals to advise him on reform of the Curia. But better consultation is not the same as sharing in decision-making. It would make no impact on the governance obstacles to Christian unity nor would it deliver Conciliar collegial episcopal governance.

The real test of Francis' attitude to collegial episcopal governance of the universal Church involves only two bodies and they are the Synod of Bishops and the much more important and considerably bigger College of Bishops.

The Council acknowledged that the Pope governs with supreme and full primatial authority by divine rule but it also taught for the first time that the College of Bishops, with the Pope as its Head, also has "supreme and full authority over the universal Church by divine authority in a direct line of

¹² Cf. Report by Christa Pongratz Lippitt of interview with Cardinal Schonborn , *National Catholic Reporter* 7 February 2014.

¹³ Cf. Interview by Antonio Spadara S.J. with Pope Francis, published in *America Magazine* September 2013.

succession from the Apostles, but this power cannot be exercised without the consent of the Roman Pontiff".¹⁴

The Council¹⁵ and now canon law set out three ways in which the College of Bishops can exercise that extensive power of Church governance. Not one has been used since the Council.

The first way is in an Ecumenical council.¹⁶ Only the Pope can call a Council and all decisions require his approval. There have been four councils in the past five hundred years and 21 in 1700 years. They are cumbersome affairs which have traditionally brought together all the bishops from around the world. Since the Second Vatican Council the number of bishops has doubled to over five thousand making physical convocation of the entire college logistically more difficult though modern communication technologies might make other forms of convocation feasible.

The second way is through "the united action of the bishops dispersed throughout the world provided that the Pope has publicly declared or freely accepted such an exercise of power".¹⁷ Canonical experts are unclear as to what was intended by this provision but it too could conduce to global episcopal consensus formed without physical convocation.

But it is the third way that gives Pope Francis the best scope to develop collegial episcopal governance because under the law he has complete power to decide the ways in which the College of Bishops may act collegially with regard to the universal Church, according to the needs of the Church.¹⁸ This papal power has never been activated, but of course it could be.

The Pope could for example, create a new process or structure through which the College of Bishops could co-govern the Church with him or he could designate an existing episcopal structure for that purpose. The obvious candidate for the latter would be the current Synod of Bishops, which is a much smaller body of a few hundred delegate bishops drawn from episcopal conferences around the world. But the relationship between the Synod of Bishops and the College of Bishops is one of the great canonical riddles of our time and things are not as easy as they might appear.

First, canonical commentators disagree about whether the College of Bishops can lawfully delegate its powers of governance to a smaller representative body.¹⁹

¹⁴ Cf. *Lumen Gentium* 22 and 1983 Code of Canon Law, canon 336.

¹⁵ Cf. *Lumen Gentium* 22 and 1983 Code of Canon Law, canon 337.

¹⁶ Cf. *Lumen Gentium* 22 and 1983 Code of Canon Law, canon 337 §1.

¹⁷ Cf. *Lumen Gentium* 22 and 1983 Code of Canon Law, canon 337 §2.

¹⁸ Cf. *Lumen Gentium* 22 and 1983 Code of Canon Law, canon 337 §3.

¹⁹ Cf. ALBERIGO, G. — KOMONCHAK, J.A., eds., *History of Vatican II: The mature Council; Second period and intersession: September 1963-September 1964*, vol. III, New York, Leuven 2006, 67. Cf. also POPE JOHN PAUL II, Apostolic Letter *Apostolos Suos*, 21 May 1988, 67.

Second, the Synod of Bishops was created by Paul VI during the Second Vatican Council but it was not created by the Council. In fact it is suspected it was set up precisely to stop the Council from creating a synod that could in law represent the College of Bishops.²⁰ Those who later drafted the Code of Canon law deliberately omitted any reference to the Synod as a body representative of the College of Bishops for fear of the unresolved constitutional implications. The argument goes that if the Synod was legally representative of the College of Bishops, it would operate effectively as a mini-ecumenical council with the full governance powers of the Council. That scenario was emphatically rejected by the then Cardinal Ratzinger.²¹

The Synod has never operated as anything other than an advisory body to the Pope in the exercise of his primatial power. It has never been involved in church governance and that has major ramifications for Christian unity. Synodality and collegiality in other Christian traditions including Anglican and Orthodox are not simply about giving advice or being consulted but about decision-making. The difference is crucial. Archbishop John Quinn put it forcefully back in 1996 when he wrote:

Large segments of the Catholic Church as well as many orthodox and other Christians do not believe that collegiality and subsidiarity are being practised in the Catholic Church in a sufficiently meaningful way. The seriousness of our obligation to seek Christian unity sincerely means that this obstacle to unity cannot be overlooked or dismissed as if it were the quirk of malcontents or the scheme of those who want to undermine the papacy.²²

In its 1998 report, the Anglican-Roman Catholic International Commission while acknowledging convergence on the "need for a universal primacy exercised by the Bishop of Rome as a sign and safeguard of unity within a reunited Church" pointedly asserted "the need for the universal primate to exercise his ministry in collegial association with the other bishops."²³

The current Synod of Bishops does not meet that test of collegial episcopal governance but there are two possible ways, open to Pope Francis, of transforming the Synod into a decision-making body, one involves taking the bull by the horns and making the Synod legally representative of College of Bishops and the other does not.

²⁰ BEAL, J.P.—CORIDEN J.A.—GREEN, T.J., eds., *The New Commentary on the Code of Canon Law*, New York, Mahwah 2000, 454

²¹ Cf. RATZINGER, J., *Church, ecumenism and politics: new endeavours in ecclesiology*, San Francisco 2008, 57.

²² QUINN, J.R., "The claims of primacy and the costly call to unity", *Commonweal*, 12 July 1996.

²³ ANGLO-ROMAN CATHOLIC INTERNATIONAL COMMISSION, *The gift of authority*, (1998) no. 3.

Taking the second one first. Under canon law, the Pope can give decision-making powers to any Synod. No Pope has ever done so and Pope Benedict is on record as being against doing so.²⁴ Yet this is by far the most straightforward way of creating at least an embryonic form of collegial episcopal decision-making in the Catholic Church. The decision making powers would be delegated by the Pope and not by the College of Bishops. Whether it would meet the test of collegiality necessary for Christian unity is not certain but it could be legitimately seen as a *reconciliation* of sorts between primatialism and collegial episcopal governance. It could even be road-tested quite soon.

The Pope has called both an Extraordinary and an Ordinary Synod of Bishops to discuss the challenges facing the family in the context of evangelisation. The role of the Extraordinary Synod which will meet in October is to urgently advise the Pope on the state of the question. So it will essentially narrate a story. The role of the Ordinary Synod which will meet in 2015, will be to identify and suggest to the Pope, new working guidelines in the light of the Extraordinary Synod's findings.

Normally such Synods advise the Pope and he makes the decisions. But it would be politically masterful for Francis to make this Ordinary Synod a decision making body (with him of course at its head and all decisions subject to his approval). He has the power to do so and may well have the contextual impetus.

The preparations for the Extraordinary Synod have involved canvassing grass roots opinions on a range of controversial subjects from artificial contraception to access to the sacraments for divorced and remarried Catholics from cohabitation to gay marriage and much more. When the results are analysed the bishops and Pope are likely to face overwhelming evidence of a strong disconnect, certainly at least in the Western world, between the faithful's opinions and the Church's teaching and practice in a number of areas. If significant doctrinal or procedural changes are to follow they could be much more impactful if they came from a collegial decision of the Pope and the Synod Bishops. Given the grass roots input, filtered through the episcopal conferences, those decisions could truly be said to have evolved from a process that involved each tier of the People of God. It would be a first for the Church.

That is one way to create a closely primatially controlled form of collegial episcopal governance *cum Petro et sub Petro*. The Synod in such a scenario would not be a standing decision-making body but at the Pope's discretion would on occasions be purely advisory and at other times decision-making.

The other way and by far the most exciting, would be for the Pope to use the third way allowed by the Council, and designate the Synod of Bishops as a standing decision-making body representative of the College of Bishops. The

²⁴ Cf. RATZINGER, J., *Church, ecumenism and politics: new endeavours in ecclesiology*, San Francisco 2008, 57.

Synod's powers would be those delegated by the College of Bishops and not those delegated by the Pope. The Synod could indeed become a mini-ecumenical council with supreme and full power of governance. This is the more radical and difficult option constitutionally and for that reason probably the least likely in the short-term but it is the option which would have the least difficulty meeting the test of Christian unity and it would be the most advanced form of episcopal collegial governance currently available to the Church.

So now we know Francis can transform the Synod into a collegial decision-making body but will he? We know he plans to change the Synod in some way. He had said: "Maybe it is time to change the methods of the Synod of Bishops, because it seems to me that the current method is not dynamic. [...] This will have an ecumenical value, especially with our orthodox brethren. From them we can learn more about the meaning of episcopal collegiality and the tradition of synodality. [...] In ecumenical relations it is important not only to know each other better but to recognize what the Spirit has sown in the other as a gift for us."²⁵ In *Evangelii gaudium* he opened up the debate further saying:

Since I am called to put into practice what I ask of others, I too must think about a conversion of the papacy. It is my duty, as the Bishop of Rome, to be open to suggestions which can help make the exercise of my ministry more faithful to the meaning which Jesus Christ wished to give it and to the present needs of evangelization. Pope John Paul II asked for help in finding "a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation". We have made little progress in this regard. The papacy and the central structures of the universal Church also need to hear the call to pastoral conversion.²⁶

Last November at the Press Conference announcing the Extraordinary Synod, the General Secretary to the Synod stated that "with regard to the methodological renewal, the idea is that of transforming the synodal institution into a real and effective tool of communication, through which the collegiality hoped for by the Vatican Council is expressed and achieved[...]" He spoke of changes to structure and methodology which would allow the Synod to "adequately perform its mission of promoting episcopal collegiality, cum petro et sub petro in the governance of the universal Church."²⁷

These strong hints of changes to the synod in the context of advancing both collegiality and church unity make absolutely no sense whatever unless they

²⁵ Cf. Interview between Pope Francis and Antonio Spadaro SJ, in *America Magazine* 30 September 2013.

²⁶ *EG*, 32.

²⁷ Per Mons. L. Baldisseri, General Secretary of the Synod of Bishops at a Press Conference on preparation for The Third Extraordinary General Assembly of the Synod of Bishops, 5 November 2013.

involve synodal decision making. Anything less than that is merely the status quo no matter what language it may be dressed up in.

Francis has warned that he will not move hastily. He needs time for what he describes as "wise discernment." for he believes that "we always need time to lay the foundations for real, effective change".²⁸ And yet he has also spoken of the urgent need for a new balance in the Church otherwise as he has said "the moral edifice of the Church is likely to fall like a house of cards."²⁹

Until now the centre has believed it could only hold through primatialism, and unquestioning obedience to the exclusively top-down teaching magisterium. That tight grip approach has had very damaging consequences for the Church in the modern world. The current grass roots response to the questionnaire from the Extraordinary Synod of Bishops could be a template for the kind of noisy, messy, argumentative Church the Vatican Council envisaged and that Francis seems comfortable with: not top-down, control-driven and passive, but a healthy vibrant *communio* of the diverse engaged in active listening and talking top down, sideways and bottom up, unafraid of bad news, unafraid of healthy debate. Plugging that grass roots debate into the Episcopal conferences and plugging the Episcopal Conferences into the Synod and plugging the Synod into the College of Bishops with the Pope as its head has the potential for a vibrant *communio* in rich diversity, a real leaven in the maelstrom of life.

A decision-making Synod, while historic, would not however change the fact that all decisions would continue to be filtered exclusively through the male, unmarried, clerical episcopacy. The Synod on the Family is a particularly good example of how weak the expertise of that forum can be. It is an advisory body on "the family" comprised entirely of men who have consciously chosen not to be fathers or spouses or to live a family life. The absence of laity and in particular women from ecclesial decision making and high-level spheres of influence is a line that cannot hold, in fact it is a line that is rapidly leaching trust and credibility. Francis has openly acknowledged that but has not yet posited any practical solutions.³⁰

It is hard to know if the charismatic and popular Francis has time on his side. His refreshing approach seems to have slowed the tide of cynicism but whether he can turn the tide remains to be seen.

Somewhat despairingly I wrote a book on collegiality two years ago but dared at least to hope that somehow, something would oxygenate Orsy's slow burn and fan it to a flame. At the end I quoted Teilhard de Chardin's famous statement-

²⁸ *EG*, 32.

²⁹ Cf. Interview between Pope Francis and Antonio Spadaro S.J. in *America Magazine* 30 September 2013.

³⁰ *EG*, 103.

"Some day after mastering the winds, the waves, the tides and gravity [we] shall harness....the energies of love. And then for the second time in the history of the world we shall have discovered fire."³¹

A year later a man arrived from Argentina with a blow-torch in his suitcase. Now hearts are alight with something infinitely more impatient and unforgiving than mere hope, a driven thing called *expectation*. The Church has now entered the heady era of the *imperative of expectation*. Cardinal Maradiaga has said lately "I strongly believe that the Church has reached the dawn of a new era[...]"³² We have heard that before and yet I strongly hope that this time he is right. If not, Hans Kung has repeated his warning that "the Catholic Church will experience a new Ice Age instead of a Spring and run the risk of dwindling into a barely relevant large sect."³³

³¹ DE CHARDIN, T., *Toward the future*, London 1972, 86-87.

³² Interview with Cardinal Maradiaga in Koelner Stadt-Ansieger reported in Vatican Insider, 12 February 2014.

³³ KUNG, H., "The paradox of Pope Francis", *National Catholic Reporter*, 21 May 2013