



Presentation of Synodal Forum I

**“Power and separation of powers in the Church
- Joint participation and involvement in the mission”**

for the Second Reading

at the Fourth Synodal Assembly (8-10 September 2022)

for the implementation text

“Joint consultation and decision-making”

[Result of the ballot in the Forum: 18 Yes]

Introduction

The Second Vatican Council emphasises in its teaching on the Church both the common calling of all faithful to holiness, and the various vocations and gifts within the people of God (*LG 32*). Christ has endowed His Church with various charisms; the body has many parts “and the parts do not have the same function” (*Rom 12:4-5*). In this sense, the Council, and similarly also the Church’s regulation of 1983, declares that “a true equality” rules “with regard to the dignity and to the activity common to all the faithful for the building up of the Body of Christ” (*LG 32*; cf. *can. 208 CIC*). All the faithful have a share in the three offices of Christ, pastors, priests and prophets, according to their own position and task (*LG 10-12/can. 204 CIC*). Priests and bishops exercise their ministry among the people of God by proclaiming the Gospel in the name of Jesus, celebrating the Eucharist on His behalf, and administering the sacraments. Bishops have a special responsibility to serve the unity of the Church (*LG 23*; *can. 386 §2* in conjunction with *can. 392 CIC*); their first task is to proclaim the Gospel (*LG 25*). This leads to the task of leading the particular churches entrusted to them (*LG 27*; *can. 375 CIC*). The bishops can only carry out their tasks in a close connection with the people of God “since pastors and the other faithful are bound to each other by a mutual need” (*LG 32*). They are therefore also obliged by law “to foster various forms of the apostolate in the diocese and [...] to take care that in the entire diocese or in its particular districts, all the works of the apostolate are coordinated under his direction, with due regard for the proper character of each” (*can. 394 §1 CIC*).

It is therefore also part of the task of a bishop to create binding structures of participation and co-determination of the faithful in the diocese that he leads on the basis of their responsibility in all essential questions of the Church's life and of the Church's mission, and to make decisions in binding interaction with the synodal bodies of the diocese.

A path to make this interplay of shared responsibility and leadership ministry binding consists in the self-commitment of the bishop and of the parish priest. The legal starting point for this is formed by the two fundamental norms on the priestly rights of consent or counsel contained in can. 127 *CIC*, and the participation of those who are baptised and confirmed in the exercise of the power of governance of can. 129 § 2 *CIC*.

Motion

The Synodal Assembly is requested to resolve as follows:

The diocesan bishops shall issue regulations for the dioceses and model regulations for the parishes on binding procedures and rules for joint deliberations and decisions of leadership ministry and synodal bodies. The voluntary undertaking on the part of the bishop or pastor to abide by the resolutions of the committee shall be at the centre of the regulations. The framework for the undertaking shall be the binding doctrine and legal order of the Church. The undertaking shall be based on this foundation, and shall not go beyond same.

The procedures must be public; they must be transparent; they must guarantee accountability and supervision. The regulations shall be designed in such a way that the highest possible quality and efficiency of the deliberations and decisions is guaranteed - for example by clarifying responsibilities, reducing duplicate structures, upgrading the organisation of existing committees and councils, and more intensive networking between them. The regulations shall take account of the specific nature of the dioceses on the ground. They shall not need to create new bodies. Instead, existing councils and bodies can be developed into synodal councils of co-responsibility and co-decision.

1. The bishop shall issue a framework regulation for his **diocese**, with the consent of the existing synodal bodies of the diocese, in which the joint responsibility of the faithful and of the bishop is bindingly regulated by the rights of co-consultation and co-decision of representatively-elected faithful. The pastoral situations, which differ regionally, shall also be taken into account when issuing this regulation, as are the previous experiences and structures of the local church. In order to secure the rights of co-consultation and co-decision, a Synodal Council of the diocese is further developed from the existing councils. This council shall jointly discuss and decide on all matters of diocesan significance. Matters of diocesan significance shall include pastoral planning and future perspectives, crucial financial decisions, as well as central changes in personnel planning and personnel development.

The bishop shall undertake to abide by this regulation against the background of can. 127 *CIC* in conjunction with can. 129 *CIC*. The following minimum standards shall apply to this regulation:

- The Synodal Council of the diocese shall be elected in free, equal and secret elections. Its composition shall reflect the people of God in the diocese with its various voluntary and full-

time groups and ministries, and shall be based on gender and generational equity as far as possible. The Council may co-opt additional members by majority vote.

- The Synodal Council of the diocese shall be co-chaired by the bishop and a chairperson elected by the council.
- If the bishop approves a resolution of the Synodal Council of the diocese, this decision shall be legally effective.
- If no legally-effective resolution comes about because the bishop does not concur with it, a new consultation shall take place. If no agreement is reached here either, the council may contradict the vote of the bishop with a two-thirds majority.

If no agreement is reached because the bishop also contradicts this decision, a conciliation procedure shall be initiated the conditions of which have been established in advance, and to which all concerned undertake to adhere. Bishops and Synod members from other dioceses may be involved in these proceedings.

Joint consultation and decision-making must also be regulated in a binding manner when dealing with finances. To this end, it must be determined in each (arch)diocese which bodies (e.g. Church Tax Council, Diocesan Property Management Council, Synodal Council) decide on the budget, the annual accounts, the approval of the actions of the financial officers, and major legal transactions. The competences may be divided among several bodies, but at least the majority in each of these bodies must consist of elected members. Each (arch)diocese shall establish uniform transparency standards and an independent financial audit in order to facilitate synodal participation in financial matters.

Optional priests' council: The priests' council shall be integrated into the Synodal Council of the diocese and, independently of it, shall only discuss topics that exclusively concern priests or that are reserved for the priests' council according to the applicable law.

2. For the **parish**, the bishop shall issue a model regulation in his diocese for the voluntary commitment entered into by the parish priest. Taking local circumstances into account, this shall bindingly regulate the joint responsibility of the faithful and of the parish priest via rights of co-consultation and co-decision of representatively-elected faithful. This regulation develops Synodal Councils in the parishes on the basis of the existing councils (Synodal Council of the parish). The parish priests shall be required to undertake to abide by this regulation in all important decisions - in particular pastoral planning, as well as in important personnel and financial decisions - against the background of can. 127 *CIC* in conjunction with can. 275 § 2 *CIC*. Details of the regulation such as the *modus operandi* and the decision-making procedures shall be determined by the bishop with the consent of the Synodal Council of the diocese.

The following minimum standards shall apply to this regulation:

- The Synodal Council of the parish shall be elected by the eligible faithful of the parish in free, equal and secret elections.
- The Synodal Council of the parish shall be co-chaired by the parish priest and a chairperson elected by the council.

- If the parish priest approves a decision of the Synodal Council of the parish, this decision shall be legally effective.
- If no legally-effective decision comes about because the parish priest does not concur with it, a new consultation shall take place. If no agreement is reached here either, the Synodal Council of the parish may oppose the vote of the parish priest with a two-thirds majority.
- If the parish priest does not concur with the decision of the Synodal Council of the parish, a conciliation procedure shall be initiated. The parish priest or the council may submit the case to the bishop or to the party delegated by the latter in this conciliation procedure.
- **Optional merger:** The parish council or the administrative council shall be merged with the Synodal Council in order to ensure effective co-decision and responsibility of the faithful in unambiguous structures.

3. The diocesan framework regulations and parish model regulations for the joint responsibility of the faithful and of the bishop or parish priest through co-consultation and co-decision rights shall be published. A detailed report shall be submitted to the bishops and the Synodal Councils of the dioceses every three years on the implementation of these regulations, and on experience with the binding structures of co-decision in the diocese (report on synodal responsibility and co-decision of the diocese). On the basis of this report, the bishop and the Synodal Council of the diocese shall evaluate the framework regulation, as well as the model regulation and its implementation in the diocese, and shall continuously develop the binding co-decision structures in the diocese.

These reports and evaluation results from the bishops and Synodal Councils of the dioceses shall be debated on by a synodal body of binding, continuous cooperation in the Church in Germany. This body shall recommend strategies and measures to further develop the binding structures of co-decision in the dioceses. These recommendations shall form the basis for the bishops and the Synodal Councils of the dioceses to further develop the structures in the dioceses. The implementation of the recommendations shall be described in the reports on the synodal responsibility and co-decision of the dioceses.