

SYNODALITY, THE SYNOD STRUCTURE AND *ECCLESIA SEMPER REFORMANDA*

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Abstract

The Catholic Church is constituted of 24 Individual Churches – 23 from the Eastern tradition and the Roman Church (Western). They are in communion of faith and fellowship. In the East there is a synodal structure of governance. Pope Paul VI constituted the Synod of Bishops (1965), not as an instrument of governance, but as an instrument of the widest possible consultation in the whole church. It consists of Bishops and other officials of the Western Church plus Bishops and representatives of the Eastern Churches. Fifty years later, Pope Francis has introduced the possibility of the Synod of bishops sharing in the ordinary papal *magisterium*. However, both the synodal structure of the East and the synod of bishops are institutions that take on the forms of this passing world and therefore in need of constant reform (cf. LG 48). The tension is between synodality (an ideal) and synodal governance/synodal consultation (an institutional, therefore, imperfect, form of the ideal). This tension will never be resolved permanently. There is and will be the embodiment/ institution versus the call of the spirit inviting to constant discernment and conversion.

Keywords: Eastern Churches; *Ecclesia Semper Reformanda*; Inculturation; Latinization; Synod; Synodality; Synod of Bishops

The first Church meeting in the apostolic age was the meeting in Jerusalem (Acts 15), where unanimous decisions were reached, after heated discussions. Meetings referred to as “synods” were meetings

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held by bishops in various regions (2nd century). But the unanimity that characterized the Jerusalem meeting has not always been found especially in some of the early important synods (now referred to as ecumenical councils), where there were spin offs of dissident churches moving out of communion with the See of Peter. "Synodality is a fundamental quality of the Church as a whole... Broadly, it refers to the active participation of all the faithful in the life and mission of the Church."¹ Synodality function where bishops meet in the spirit of the apostles functioning as a "college" with and under Peter (cf. LG 23-24). Pope Francis commemorating the 50th anniversary of the institution of the Synod of Bishops (17 October 2015²) said: "It is precisely this path of synodality, which God expects of the church in the third millennium." This sentiment is echoed in the opening statement of the International Theological Commission in their document on *Synodality in the Life and Mission of the Church* (#1).³

Synodality is the ideal. Synods are human instruments fashioned for the implementation of synodality. To my knowledge there are three such institutions (a) the synods of the Eastern Churches,⁴ which is not discussed in this article (b) the Synod of Bishops established in 1965, which will be discussed in the present article (c) the synodal path of the German Church⁵ merely referred to, but still too early to evaluate. They are disparate in nature with different

¹Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church, "Synodality and Primacy during the first millennium: Towards a common understanding in service to the unity of the church," Chieti, 21 September 2016, #3 at: http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/ch_orthodox_docs/rc_pc_chrstuni_doc_20160921_synodality-primacy_en.html

² http://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html

³ http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html

⁴ Functioning in accordance with *Codex Canonum Ecclesiarum Orientalium* (1990).

⁵During the next two years, the 230 members, including 69 bishops and 69 lay persons of the Central Committee of German Catholics (ZdK) will focus on four themes, according to the statutes: "Power, participation, and separation of powers"; "Priestly way of life"; "Women in Church ministries and offices"; "Sexual morality." The group will meet without following structures of canon law. It seems to be the following of parliamentary procedure. Marc Card. Ouellet, "Synodal Way of the Catholic Church in Germany" has cautioned that it may lead to schism. (Cf. <https://www.churchmilitant.com/news/article/vatican-moves-to-curb-german-synodal-assembly>). Further information at: <https://fsspx.news/en/news-events/news/synodal-path-german-national-church-9-synod-statutes-53978>

outcomes expected. The contention of the article is that many human factors come between the ideal of synodality and the functioning of synods in all its forms. And therefore, this article will deal with some theological issues in that perspective and the constant call to reformation – as discernment and conversion in that situation.

Catholic Church = Twenty Four Churches in Communion

The *Annuario Pontificio* published every year lists several rites (in the sense of particular Churches) within the Catholic Church. That is to say, all these churches are in communion with each other. Another term is that these are “uniate” churches (=united with the See of Rome) as distinct from the orthodox churches (which are autocephalous = “self-headed” = entities not dependent on any other).⁶ The development of the role and function of the episcopate and principally that of the Bishop of Rome has had a very uneven development. That development has been influenced by the historical environment.

Besides its early development under persecution from Judaism and from the Roman Empire, we have an interplay between Empire and religious authority especially after Christianity was recognized as the state religion and received various privileges. In addition, the Roman Empire was divided into the Western sector (with capital in Milan 286 AD) and Eastern sector (with capital in Constantinople 330 AD), leaving Rome to the Bishop of Rome. The spirit of nationality was not significantly operative in the Western church at the time. However, it was an important factor in Oriental/ Eastern Christendom. In the West, in place of national unity as the controlling motive, there was substituted the unity of the ecclesiastical empire, where the Bishop of Rome developed slowly into the Roman papacy. The Churches of the Roman tradition followed a more centralized hierarchical model of governance.

⁶There are 24 churches or groups/ families of churches listed

A. Eastern rites of Alexandrian tradition: Coptic, Eritrean, Ethiopic (3).

B. Eastern rites of Antiochian tradition: Malankara, Maronite, Syrian (3).

C. Eastern rite of Armenian tradition: Armenian Church (1).

D. Eastern rites of Chaldaean or East-Syrian tradition: Chaldean, Malabar (2).

E. Eastern rites of Constantinopolitan or Byzantine tradition: Albanian, Belarussian, Bulgarian, Byzantine Church of Croatia, Serbia and Montenegro, Greek, Greek-Melkite, Hungarian, Italo-Albanian, Macedonian, Romanian, Russian, Ruthenian, Slovak, Ukrainian (14).

F. Latin rite (1).

In the East, there was a “synodal structure” of government,⁷ which continues to operate in those churches today. The Synod is the chief governing body of the Eastern Church. Ordinarily, the Synod meets two to three times each year. The day-to-day administrative responsibility of the church and its ministry is mostly delegated to the Synod Working Committee which is appointed by The Synod.

A Focal Issue

The two traditions of the churches in the Western and Eastern sectors of the ancient Roman Empire developed under different theological perspectives.⁸ The early Councils/ Synods, when there were doctrinal issues in the church, were convened by the emperors and there was a joint decision making of the issues, while the Emperor undertook to implement the decisions. In the course of the historical development of the church in the Latin West, the church of the bishop of Rome assumed many of the administrative, political, and social welfare functions of the ancient Roman state in the West especially following the invasion of the Germans.

One person (Bishop of Rome) exercised three distinct functions: first, bishop of a diocese (Rome); secondly, metropolitan of the western patriarchate⁹ and thirdly a claim as primate of the universal

⁷See for example. J. Meyendorff, ed., *The Primacy of Peter: Essays in Ecclesiology and the Early Church*, Crestwood, NY 1992, 91-143; M.A. Fahey, “Eastern Synodal Traditions: Pertinence for Western Collegial Institutions,” in T.J. Reese, ed., *Episcopal Conferences: Historical, Canonical and Theological Studies*, Washington, DC, 1989, 253-265; C. Konstantinidis, “Authority in the Orthodox Church,” *Sobernost* (incorporating *Eastern Churches Review*), 3, 2 (1981) 197-209; L.J. Patsavos, “The Synodal Structure of the Orthodox Church,” *St Vladimir’s Theological Quarterly* 39, 1 (1995) 71-98.

⁸Compare the views of Eusebius of Caesarea and Augustine in regard to State-Church. In Eusebian political theology, the Christian emperor appears as God’s representative on earth in whom God himself “lets shine forth the image of his absolute power.” Augustine did not simply identify the state with the earthly city and the church with the city of God. He perceived that the state existed not simply in opposition to God but as a divine instrument for the welfare of humankind. The *civitas dei* (“city of God”) and the *civitas terrena* (“earthly city”) finally correspond neither to church and state nor to heaven and earth. They are rather two opposed societies with antagonistic orders of value that intersect both state and church and in each case show the radical incompatibility of the love of God with the values of worldly society.

⁹It is an interesting development that in March 2006 the *Annuario Pontificio* took the international ecclesiastical community by surprise when without an explanation, it dropped from among the papal titles the description “Patriarch of the West.” This

communion of churches. At first, it was a case of *primus inter pares* (Cf. Clement of Rome); this eventually developed into a claim to universal jurisdiction over all churches.¹⁰ As Eamon Duffy¹¹ says, there is no straightforward development of the unfolding of the powers of the popes to the point that exists today.

Polyhedron Image of the Church

Pope Francis speaks of the “Amazonian polyhedron.”¹² He uses a similar image in speaking of the church in the context of globalization. The image assists us in our understanding of two different modes of governance between the Roman Church and the

decision had obviously come from a directive of Pope Benedict XVI himself. In June 2007, the bishops of the Orthodox Ecumenical Patriarchate expressed their concern about the pope’s decision to remove the first title while retaining other titles. Cf. Michael K. Magee, *The Patriarchal Institution in The Church: Ecclesiological Perspectives in the Light of the Second Vatican Council*, Rome: Herder 2006. Some say Benedict’s decision was influenced by Adriano Garuti, *Il Papa patriarca d’Occidente? Storia e attualità* (Bologna: Edizioni Studio Domenicano, 2007) who had argued that the title was imprecise and historically obsolete, and could be interpreted as downplaying the pope’s universal authority. The decision was surprising since Professor Joseph Ratzinger in the 1960s had speculated that even additional patriarchates in the West might assist the papal ministry. Indian Jesuit canonist and professor at Rome’s Pontifical Oriental Institute, George Nedungatt, who also served as a consultant for the new Code of Canons of the Eastern Churches, is critical of Garuti’s scholarship, and he cites sources that show the importance previously attached to the title “Patriarch of the West.” Cf. G. Nedungatt, “The Patriarchal Institution in the Church Between Ecclesiology and Ecumenism,” in G. Karukaparambil, ed., *Tūvaik: Studies in Honour of Rev. Jacob Velliyan* (Syrian Church Series, 16), Kottayam: Mad’nahā Theological Institute, 1995) 38-62; “Authority of Order and Power of Governance,” *Eastern Churches Journal* 2 (1995) 135-168.

⁶Canon 331 (of 1983) says: By virtue of his office he [Pope] possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely; Cf. 331-335. The same expression is found in Canon 43 of the 1990 Code of the Oriental Churches.

¹¹*Saints and Sinners*, New Haven, CN: 42014) Yale University Press 1997; J.D. Beethan, “Report on Papal Prerogatives and Titles,” faculty.cua.edu/Pennington/.../BeethamPaperOne.html; R J. Capio, “The Papacy: A Case Study in Organizational Longevity,” *Journal of European Studies* 26, 4 (1996) 437-450.

¹²*Querida Amazonia* #29 at: http://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20200202_querida-amazonia.html) says: “The Amazon region is host to many peoples and nationalities, and over 110 indigenous peoples in voluntary isolation (IPVI) (31). Their situation is very tenuous and many feel that they are the last bearers of a treasure doomed to disappear, allowed to survive only if they make no trouble, while the postmodern colonization advances. They should not be viewed as ‘uncivilized’ savages. They are simply heirs to different cultures and other forms of civilization that in earlier times were quite developed.”

Eastern Churches. In a message to a festival on the Social Doctrine of the Church (6 December 2013), he explained:

I would like to translate the theme into an image: the sphere and the polyhedron. Take the sphere to represent homologation, as a kind of globalization: it is smooth, without facets, and equal to itself in all its parts. The polyhedron has a form similar to the sphere, but it is multifaceted. I like to imagine humanity as a polyhedron, in which the multiple forms, in expressing themselves, constitute the elements that compose the one human family in a plurality. And this is true globalization. The other globalization—that of the sphere—is an homologation.¹³

The Issues in Process

1. The entire Church is in communion, based on the Word of God. All are to hear and ponder the Word. All are under the Word of God.

2. The basic structure of governance in the Churches is hierarchical.

3. This basic structure of governance is set within for a structure derived from the form of this world (cf. LG 48), which by its very reality belongs to this passing world and cannot claim invariability and perfection. That will emerge in the eschatological age, when there will be no structures.

4. In the Eastern Churches, there is a synodal structure of governance, while the Latin Church governance gradually came to be centralized on the Pope.¹⁴ Beginning with Vatican II, there has been the introduction of the “Synod of Bishops” as a forum for the widest possible consultation of the church as a whole—both East and West. Both are what can be called “synodal structures.”

Synodality and Synodal Structure/s

There is a distinction to be made between synodality,¹⁵ which is a concept meaning the synergy between the authority of bishop/s and

¹³ http://www.vatican.va/content/francesco/en/messages/pont-messages/2013/documents/papa-francesco_20131121_videomessaggio-festival-dottrina-sociale.html

¹⁴Till about the 19th century, various states had the right to appoint their bishops. The process was centralized with the present situation of the Pope nominating practically all the bishops of the Roman Church. (Code of Canon Law of 1917 and 1983). In contrast, the Synod chooses their Bishops in the Eastern Churches and seek the *placet* of the bishop of Rome.

¹⁵ Bishop Robert Barron, after an *ad limina* visit to Rome said that what synodality proposes is a structured conversation among all the relevant

the Holy Spirit poured out on the whole Church and the synodal structure,¹⁶ which is an institution formed to give concrete articulation and workability to the concept.

Pope Francis said in his letter to the German people (2019):¹⁷

In substance we speak of a *synodus* [a joint way] under the guidance of the Holy Spirit, that is to walk together and with the whole Church under his light, his guidance and his ‘irruption,’ to learn to hear and to discern the ever new horizons, which he wishes to provide. Because synodality presupposes the ‘irruption’ of the Holy Spirit.¹⁸

How do we find this way? The Eastern Churches do so using their synodal structure of governance; the Latin Church does so by its synodal system of wide (universal) consultation. The existence of these structures does not mean that they are the final answer. They are structures that take on the forms of this world and must always stand in need of renewal. When gathered together it is possible that “personal interests” predominate over what the Spirit is saying.¹⁹ Hence, the emphasis of the Pope on “discernment”²⁰ and similar terms.

ecclesiastical players—bishops, priests and laity—for the sake of learning the voice of the spirit.

¹⁶About synodal structures, there is what can be called a *theologia negativa*, rather than an articulation of what it should be.

¹⁷ http://www.vatican.va/content/francesco/it/letters/2019/documents/papa-francesco_20190629_lettera-fedeligermania.html

¹⁸In sostanza si tratta di un *synodos* sotto la guida dello Spirito Santo, ossia camminare insieme e con tutta la Chiesa sotto la sua luce, la sua guida e la sua irruzione, per imparare ad ascoltare e discernere l’orizzonte sempre nuovo che ci vuole donare. Perché la sinodalità presuppone e richiede l’irruzione dello Spirito Santo. *English translation by the author.*

¹⁹Pope Francis says in the Letter to German People #12: “...Neanche la sinodalità può sfuggire a questa logica, e deve essere sempre accompagnata dalla grazia della conversione affinché il nostro operato personale e comunitario possa rappresentare e assomigliare sempre più a quello della kenosis di Cristo.” We can note how the Synods on the family (2014, 2015) were hijacked by the issue of communion for divorced and remarried; the Synod for the Amazon (2019) by the question of ordaining married *viriprobati*. But in both issues—the family and the Amazon—this was not the central issue. Had the group really been open to the Spirit on the central issue, the other matters may well have fallen into place. The central focus of the synod on family life was family life, the nature of married love and its challenges, etc... The real issues in the Amazon Synod were the depletion of the forest and the fate of indigenous people.

²⁰ Cf. *Episcopalis Communio* (2018) #7: During every Synodal Assembly, consultation of the faithful must be followed by discernment on the part of the Bishops chosen for the task, united in the search for a consensus that springs not from worldly logic, but from common obedience to the Spirit of Christ. Attentive to

In a Letter to the German people, 29 June 2019²¹ the Pope highlights several concerns (a) There is needed a movement both from the top down and the bottom up. (b) The temptation to think that structural reform and bureaucratic renewal will solve present and future problems becomes a form of Pelagianism. (c) Good organization without the “newness of the gospel” is fizz (d) Most importantly,

To recover the primacy of evangelization to safeguard the future with faith and hope, because it is evangelizing. The church begins to evangelize itself... a state of vigilance and of conversion maintains such a reality alive and operative. Vigilance and conversion are gifts which only the Lord can give... I wish to walk by your side...²²

Having said this, structurally there are:

INSTITUTION	VERSUS	SPIRIT AS WIND/ FIRE
Office (Institutional) claiming power over its subjects		
Discipline flowing from sovereignty - with law	(To be harmonized by discernment and constant listening to the Spirit.)	Charismatic/ free gifts of Holy Spirit that uplift individuals for the sake of the community.
Government - hierarchy - with power of individuals and groups		

the *sensus fidei* of the People of God – “which they need to distinguish carefully from the changing currents of public opinion.”

²¹ http://www.vatican.va/content/francesco/it/letters/2019/documents/papa-francesco_20190629_lettera-fedeligermania.html

²² ... recuperare il primato dell’evangelizzazione per guardare al futuro con fiducia e Speranza perché “evangelizzatrice, la Chiesa comincia con l’evangelizzare se stessa. ...’evangelizzazione è un cammino discepolare di risposta e conversione nell’amore a Colui che ci ha amati per primo ... , uno stato di veglia e di conversione che permetta di mantenere vive e operanti tali realtà. Veglia e conversione sono doni che solo il Signore ci può regalare... .Desidero camminare e camminare al vostro fianco, con la certezza che, se il Signore ci ha ritenuti degni di vivere questo momento, non lo ha fatto per mortificarci o paralizzarci di fronte alle sue sfide, ma per far sì che la sua Parola, ancora una volta, provochi e faccia ardere il cuore come lo ha fatto con i vostri padri, di modo che i vostri figli e le vostre figlie abbiano visioni e i vostri anziani tornino a fare sogni profetici (Letter to the German People). *Translation into English by the author.*

The two are to be harmonized by a process of discernment²³ (*not* democratic crunching of numbers/ votes; the majority has it). It is a constant process. It cannot be institutionalized. It is a call for vigilance, constant conversion in hope of the “eschatological coming of the Lord.”

The Spirit of Vatican II and the Establishment of the Synod of Bishops

It is perhaps correct to say that against the perceived errors of Luther, Trent stressed the ministerial priesthood (over against the common priesthood of all the baptized). Vatican I which ended abruptly due to the annexation of Rome defined papal infallibility and it led to what might be called “creeping infallibility.” When Vatican II took place, it was already in a changed world and the “power” configurations in the Church had changed considerably. Most importantly, the Church had lost its temporal power. John XXIII wanted the Council to be a moment of *aggiornamento* rather than a moment of confrontation and condemnation. It was in this atmosphere and especially in the formulation of LG that the need of some instrument of regular consultation was considered. LG was significant in its structure.

We note three points. First, LG begins dealing with the mystery of the church with its statement “Haec Ecclesia... *subsistit in Ecclesia catholica*” (LG 8, emphasis added). The meaning of this statement is still debated.²⁴ Secondly, the chapter headings deal with the mystery

²³Cf. Guy Consolmagno, “Faith in the Search”, *The Tablet* (22 Oct 2016) 32 says in regard to the selection of the Superior General of the Jesuits: “By Jesuit rules, no one can put himself or anyone else forward as a candidate. Instead, we spent a week in prayer and quiet conversations before electing Fr Arturo Sosa Abascal as our new leader. While our method does not require complex equipment, I am struck by how similar it is to our scientific searches. Both require careful observations, looking for sometimes subtle shifts ... movements this time not of planets, but of our interior dispositions. We have faith that in this way we have discovered the one whom the Holy Spirit, whom we cannot see, has nudged into our orbit” (Note Consolmagno, born 1952 is a PhD from University of Arizona; now a Jesuit Brother and curator of Vatican Meteorite Collection, he considers that the end result of discernment is comparable to the results of scientific research!).

²⁴Congregation for the Doctrine of the Faith, *Dominus Iesus* (August 6, 2000) at: http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20000806_dominus-iesus_en.html Its presupposition is that the Catholic Church is the sole true Church of Christ. Cf. Francis Sullivan, “The Meaning of ‘subsistit’ as Explained by the Congregation for the Doctrine of Faith” *Theological Studies* 69, 1 (2008) 116-124; Karim Schelkens, “Lumen Gentium’s ‘subsistit in’

of the church, the people of God, the hierarchical constitution of the church, the laity, the universal call to holiness, religion, the eschatological nature of the church and Blessed Virgin Mary. The mystery of the Church and eschatological nature of the church marks God's role; its embodiment on earth is as people of God within which its various organizational functions exist, including the episcopacy. A third remark is that it needs to be noted that the word *synodus* is used several times in the documents and always refers to the assembled council.

The International Theological Commission says that synodality is not explicitly found as a term or as a concept in the teaching of Vatican II; but it is fair to say that synodality is at the heart of the work of renewal the Council was encouraging—the ecclesiological aspects outlined above; ministries of the people of God, etc. So, as the International Theological Commission says: “Synodality is the specific *modus vivendi et operandi* of the Church, the People of God, which reveals and gives substance to her being as communion when all her members journey together, gather in assembly and take an active part in her evangelising mission” (#6). An authentic manifestation of synodality naturally entails the exercise of the collegial ministry of the Bishops (#7). Note that we have spoken of “synodality” and not the synodal structure, the ideal and not the institution. In regard to the establishment and reform of structures, there is still a long way to go, and we try to trace the steps so far and not our hopes and expectations.

The First Step – Paul VI

It was just after the promulgation of LG (1964) that Paul VI constituted the Synod of Bishops by the *Motu Proprio* (September 1965) *Apostolica Sollicitudo*.²⁵ Before speaking of the details of the constitution and structure of the synod he admitted in the spirit of LG 48 that, “This Synod, which, like all human institutions, can be improved upon with the passing of time, is to be governed by the following regulations.²⁶” It is to represent the universal church; but its power and control is in the hands of the Pope. These provisions

Revisited: The Catholic Church and Christian Unity after Vatican II,” *Theological Studies* 68, 4 (2008) 875-893.

²⁵ http://w2.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19650915_apostolica-sollicitudo.html

²⁶ http://w2.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19650915_apostolica-sollicitudo.html

are incorporated in the 1983 Code of Canon Law 342-348. Can. 342 says:

The synod of bishops is a group of bishops who have been chosen from different regions of the world and meet together at fixed times to foster closer unity between the Roman Pontiff and bishops, to assist the Roman Pontiff with their counsel in the preservation and growth of faith and morals and in the observance and strengthening of ecclesiastical discipline, and to consider questions pertaining to the activity of the Church in the world.

What motivated the establishing of the Synod? Paul VI says as follows:

Hence it is only fitting, especially during the celebration of the Second Vatican Ecumenical Council, that this conviction has taken firm root in us concerning the necessity and importance of making every greater use of the bishops' assistance in providing for the good of the universal Church. It was also the Ecumenical Council that gave us the idea of permanently establishing a special Council of bishops, with the aim of providing for a continuance after the Council of the great abundance of benefits that We have been so happy to see flow to the Christian people during the time of the Council as a result of Our close collaboration with the bishops.²⁷

It was to be a consultative body with governance in the hands of the Pope. This had been the situation until the 2019 Amazonian Synod.

A Second Step – An Elaboration by Pope Francis

In previous Synods, the Synod membership handed the Pope their conclusions and the Pope wrote a message to the church at large based on their findings, as he deemed fit. But in the case of the 2019 Synod, Pope Francis followed a rather different procedure. He released the concluding report of the Synod unchanged and wrote his Apostolic Exhortation (2020), *Querida Amazonia*.²⁸ He offers his opinion (speaking out the sentiments of his heart) contributing as *primus inter pares* to the collective wisdom of his fellow bishops.²⁹ At the very outset (#2) he says:

²⁷ Paul VI, *Apostolic Sollicitudo*.

²⁸ http://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20200202_querida-amazonia.html

²⁹ As Pope Francis said on the occasion of the 50th anniversary of the establishment of the Synod of Bishops: "I am persuaded that in a synodal Church, greater light can be shed on the exercise of the Petrine primacy. The Pope is not, by himself, above the Church; but within it as one of the baptized,

In this Exhortation, I wish to offer my own response to this process of dialogue and discernment. I will not go into all of the issues treated at length in the final document. Nor do I claim to replace that text or to duplicate it. I wish merely to propose a brief framework for reflection that can apply concretely to the life of the Amazon region a synthesis of some of the larger concerns that I have expressed in earlier documents, and that can help guide us to a harmonious, creative and fruitful reception of the entire synodal process.³⁰

It is a very interesting approach. He voices his own opinion and vision, speaking from the heart³¹ – as one bishop among his fellow bishops. He does not quote selectively from the final report, nor does he take a position on their proposals. My personal assessment is that in following this approach, he is sending a message to the whole church, “This is how far we the bishops gathered in synod were able to get; what have you got to say and contribute to the discussion.”³² Of course, he does not say this explicitly.

In fact, in the Apostolic Constitution, *Episcopalis Communio* (15 Sep 2013³³), Pope Francis wishes to place the Synods within the perspective of LG 48 – the pilgrim Church in need of constant reform. Paul VI also had said, “all human institutions, can be improved upon with the passing of time.”³⁴ In the prologue prior to the canonical norms, Paul VI says:

Another fruit of the Synod of Bishops is that it highlights more and more the profound communion that exists in Christ’s Church both between the Pastors and the faithful (every ordained minister being a baptized person among other baptized persons, established by God to feed his flock), and also between the Bishops and the Roman Pontiff, the Pope being a

and within the College of Bishops as a Bishop among Bishops, called at the same time – as Successor of Peter – to lead the Church of Rome which presides in charity over all the Churches.”

³⁰*Querida Amazonia* #2.

³¹*Querida Amazonia* # 7.

³²It is my opinion that he followed a similar procedure in regard to the situation of marriage and its issues cf. Nihal Abeyasingha, “Amoris Laetitia and Sensus Fidelium,” *Compass: A Review of Topical Theology* 50 (Summer 2016) 29-41. The International Theological Commission in their report 2017, #9: “In conformity with the teaching of *Lumen Gentium*, Pope Francis remarks in particular that synodality “offers us the most appropriate framework for understanding the hierarchical ministry itself” and that, based on the doctrine of the *sensus fidei fidelium*, all members of the Church are agents of evangelization. Consequently making a synodal Church a reality is an indispensable precondition for a new missionary energy that will involve the entire People of God.

³³ <http://www.synod.va/content/synod/en/the-synod-of-bishops/apostolic-constitution-episcopalis-communio.html>

³⁴ Cf. Paul VI, *Apostolica Sollicitudo*.

“Bishop among Bishops, called at the same time – as Successor of Peter – to lead the Church of Rome which presides in charity over all the Churches.” This prevents any one subject from existing independently of the other.³⁵

In particular, the College of Bishops never exists without its Head; but likewise, the Bishop of Rome, who possesses “full, supreme, universal power over the Church, and... is always able to exercise it without impediment,” “is always joined in full communion with the other Bishops, and indeed with the whole Church.” In this regard, “there is no doubt that the Bishop of Rome is in need of the presence of his Brother Bishops, of their guidance and of their prudence and experience. Indeed, the Successor of Peter must proclaim to all who ‘Christ, the Son of the Living God’ is, and at the same time he must pay attention to what the Holy Spirit inspires on the lips of those who – accepting the word of Jesus who declares: ‘you are Peter’ (cf. Mt 16:16-18) – fully participate in the Apostolic College.”

Moreover, I am confident that, by encouraging a “conversion of the Papacy... 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,” the activity of the Synod of Bishops will be able to make its own contribution to the reestablishment of unity among all Christians, according to the will of the Lord (cf. Jn 17:21). By doing so, it will help the Catholic Church, according to the desire expressed years ago by John Paul II, to “find 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.”³⁶

I cite one section entitled “Delivery of the Final Document to the Roman Pontiff.” I cite this because it envisages the possibility that with and under Peter/ the Bishop of Rome, the synod can become part of the ordinary papal *magisterium*.

§1. Once the approval of the members has been obtained, the Final Document of the Assembly is presented to the Roman Pontiff, who decides on its publication.

If it is expressly approved by the Roman Pontiff, the Final Document participates in the ordinary *Magisterium* of the Successor of Peter.

§2. If the Roman Pontiff has granted deliberative power to the Synod Assembly, according to the norm of canon 343 of the Code of Canon Law, the Final Document participates in the ordinary *Magisterium* of the Successor of Peter once it has been ratified and promulgated by him.

³⁵ Cf. Francis, *Episcopalis Communio* #10.

³⁶ Francis, *Episcopalis Communio*, #10

In this case, the Final Document is published with the signature of the Roman Pontiff together with that of the members (*Episcopalis Communio* #18).

Invitation to those Competent to Contribute

GS 42 had said:

Let the layman not imagine that his pastors are always such experts, that to every problem which arises, however complicated, they can readily give him a concrete solution, or even that such is their mission. Rather, enlightened by Christian wisdom and giving close attention to the teaching authority of the Church, let the layman take on his own distinctive role.

In addition, there is an explicit invitation to competent persons and bodies to submit their studies through the bishops or directly to the synod secretariat.³⁷

Of course, this is really an old tradition in Councils of the Church. At the time of the Renaissance, theologians had a right to participate in the Councils like the Bishops (with voting rights); but they have lost that right since. The teaching function of the Church cannot occur without the contributions of all components. If we say it can, we have denied that they are true components of the teaching process. The theologian, therefore, has a teaching role not only in the sense that he mediates and applies decisions of the hierarchy, but in the more authentic sense that he analyses the Christian message in contemporary times by exploring, questioning, innovating, hypothesizing. His reflection, analysis, and formulation are a necessary prerequisite for the proper (contemporary and persuasive) expression of the faith by hierarchical leaders. In this sense, he educates the hierarchical *magisterium*.³⁸

Conclusion

Every follower of Christ in the early days of the church was known as people of "The Way..." (Acts 9:2; 22:4; 19:23; 24:14, etc.) He/she is

³⁷Francis, *Episcopalis Communio*, #9.

³⁸Cf. Richard A. McCormick, "The Teaching Role of the Magisterium and of Theologians," https://scholar.google.com/scholar?start=0&q=Theologians+at+councils&hl=en&as_sdt=0,5; Minnie Nelson, "The Voice of Theologians in General Councils from Pisa to Trent," *Theological Studies* 59, 3 (1998) 420-441; Leo Donald Davis, *The First Seven Councils (325-787): Their History and Their Theology*, Collegeville, MN: Liturgical Press, 1983.

important to the life and mission of the church.³⁹ Today in the spirit of Vatican II, they are said to be in *Syn + 'odos*= The entire Church walking together in synergy with and under Peter (and his College) under the guidance of the Holy Spirit. For this, structures are needed. The forms of synodal practice may vary as presently in the Latin and Eastern usages and *ad experimentum* the German synodal path. But structures will not function in the spirit of synodality without discernment and conversion.⁴⁰ Both the Eastern Churches functioning under the synodal structure and the Roman church according to a more centralized structure have their own “scandals” to confess in our time.

In his address at the 50th anniversary of the Institution of the Synod of Bishops, Pope Francis said,

The Synod of Bishops is the point of convergence of this listening process conducted at every level of the Church’s life. The Synod process begins by listening to the people of God, which “shares also in Christ’s prophetic office” according to a principle dear to the Church of the first millennium: “Quod omnes tangit ab omnibus tractari debet.” The Synod process then continues by listening to the pastors. Through the Synod Fathers, the bishops act as authentic guardians, interpreters and witnesses of the faith of the whole Church, which they need to discern carefully from the changing currents of public opinion.⁴¹

So, the Church moves forward remembering that the entire people of God enjoys a *sensus fidei* and is infallible in believing. From this, flows the duty of the hierarchy to listen attentively, keenly in obedience to God as he speaks through his people.⁴² Synodality is a concept of

³⁹Cf. Nihal Abeyasingha, *Laity: Pray, Pay, Obey to Co-responsibility for the Church* (Saarbrücken: Blessed Hope Publishing 2014). Cf. for contribution of non-hierarchical church to peace in Northern Ireland, John D. Brewer, Gareth I. Higgins, Francis Teeney, *Religion, Civil Society and Peace in Northern Ireland*, Oxford: Oxford University Press, reprint edition 2014).

⁴⁰ Cf. footnote 19 above.

⁴¹ http://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html

⁴²Cf. Paul J. Fitzgerald, “A Model for Dialogue: Cyprian of Carthage on Ecclesial Discernment,” *Theological Studies* 59, 2 (1998) 236-253. Cyprian described this complex process by the use of four technical terms, each entailing an essential and necessary step in a single, integrated operation: *iudicium*, *testimonium*, *suffragium*, and *consensus*, (“choice,” “testimony,” “election,” and “acceptance”). It would be interesting also to read Robert J. Brodrick, *Charismatic and Pastoral Power: A Foucauldian Analysis of the CDF Investigation of Leonardo Boff*, PhD Dissertation, Boston College 2018, https://www.academia.edu/36120988/Charismatic_and_Pastoral_Power_A_Foucauldian_Analysis_of_the_CDF_Investigation_of_Leonardo_Bof

importance in our time as the synergy between the charism and personal authority of the Bishop, on the one hand, and, on the other, the gift of the Holy Spirit poured out on the whole community. It is the search to harmonize the institutional/ structural authority of bishop and the Holy Spirit manifesting itself in various ways among the People of God. The structures are the “best” human attempts to embody this concept according to the constraints of time, place and the inevitable presence of sin in its many forms. The journey continues and the church keeps moving forward as we await the blessed hope and the coming of Our Lord and Saviour Jesus Christ.