

## CAN THE CHURCH BE A DEMOCRACY?

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### Abstract

The Church has a divinely instituted nature, which naturally inclines her to “democratic” practices. These were very early in evidence, much before similar practices began to appear in secular society. However, democracy as we know it, has many shortcomings and flaws. So, it is not for the Church to model herself on any existing democracy, but rather to integrate into her practice those democratic elements which enhance her already existing democratic nature, and to eliminate those elements which are not in harmony with it. During the post-Vatican II period, much has been achieved in this regard, especially in recognizing the rightful role of the laity; but more still needs to be done.

**Keywords:** Bishops; Democracy; Laity; Rights; Structures; Synods

### Introduction

This question is partly prompted by the fact that today close to 170 countries of the world claim to be democracies. The word itself is derived from the Greek “demos-kratia,” meaning rule of the people. The Athenians are reputed to have been the first to establish democracy in the early 6<sup>th</sup> century B.C. The idea was popularized in modern times by Abraham Lincoln’s famous reference, in his Gettysburg address (1863), to “government of the people, by the people and for the people shall not perish from the earth.” Between

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the extremes of democracy and dictatorship, there exist other forms of government such as monarchy, oligarchy and aristocracy. The world has seen all these in the course of history. The Church, immersed as she is in history and society, cannot but be affected by the social and cultural structures and trends of thought of the age in which she lives. Thus, as P. Fransen explains, “the Constantinian conception of the State, Germanic feudalism, the autocracy of the *ancient régime* and the modern centralizing concept of the State have, each in its turn, exercised their influence on the concrete historical form” of the Church.<sup>1</sup> In borrowing from secular society, the Church should aim at expressing her divine constitution better and at adjusting it more successfully to our times (LG, 44). However, certain borrowings may be outdated or even harmful. So, in our own day, Pope John XXIII called for clearing “the dust of the Empire gathered since Constantine on Peter’s throne.”<sup>2</sup>

## 1. Democracy

If democracy is today the most popular form of government (even in countries where dictatorship is imposed), it is so because it allows for greater freedom of expression and action. Furthermore, democracy enables peaceful change, improves the quality of decision making and is more sensitive to the needs of the people. Vatican II stated: “Since the Church has a visible and social structure as a sign of her unity in Christ, she can and ought to be enriched by the development of human social life” (GS, 44). However, in the case of democracy, we know that it is also susceptible of subversion. Long ago prophet Isaiah (10:1-2) warned: “Ah, you who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right ...” Bribery, violence and electoral malpractices contribute to the subversion of democracy. Democracies have an opposition party; but the laity in the Church should not be viewed as an opposition party, which is an inferior position. They are *partners* in dialogue. Party interests tend to predominate over the common good; in some countries the Constitution itself is flouted, due to a compliant judiciary. How some of these evils have plagued also the Church, for example, in papal elections, is well documented by M. Walsh.<sup>3</sup> Before all sessions of Vatican II the bishops had to take a pledge composed at the

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<sup>1</sup>*Thought*, 1963, N. 148, 68.

<sup>2</sup>Yves Congar, *Power and Poverty in the Church*, Baltimore: Helicon, 1964, 127.

<sup>3</sup>M. Walsh, *The Conclave*, Norwich: Canterbury Press, 2003; I have reviewed this book for *Jeevadhara* No. 226 (2008) 340-349.

beginning of the 17<sup>th</sup> C.: “Let us not be corrupted by the acceptance of presents or discrimination of persons.” At the present time, *The Tablet* correspondent C. Lamb, noted: “Well funded lobby groups and media organizations are seeking to influence the next conclave.”<sup>4</sup>

## 2. Nature of the Church

In order to answer the question posed in the title of this article, we must first ask, “What is the nature of the Church, to which she must always be true?” Here lies the crux of the matter. We must say that the Church is divinely instituted (by Christ) as a fellowship of “brothers” (1 Pt 5:9) or “disciples,” with an apostolic office exercised as servants of their fellow disciples or brothers/sisters. Jesus refers to his disciples as “my brothers” (Jn 20:17). Discipleship ranks prior to office in the Church (Lk 6:13; Mt 10:1), so that all office holders must first be disciples. Vatican II refers to Church members as “disciples” more than twenty times. However, the effectiveness of office or ‘power’ does not derive from the people, but from Christ (Mt 18:18; 28:16-20). In other words, office is a representation of Christ within the social visibility of the Church; it represents the divine initiative of Christ in coming among his people, in order to form them into a ‘people of God.’ So there is authority in the Church by the will of Christ, but the office holders shall not, like the rulers of the Gentiles, “lord it over them,” nor act as “tyrants over them” (Mt 20:25).

By introducing a chapter (2) on “People of God” before that on the hierarchy (ch. 3) in LG, the council wished to explain what is common to all the members of the Church, prior to any distinction of office or state (Religious life). The dignity attached to Christian life as such is first affirmed and inside this reality the ‘official’ structure of the Church is situated. Sharing as they do in the priesthood of Christ, Christians are exhorted to “be a holy priesthood to offer spiritual sacrifices ...” (1 Pt 2:5). Within the fellowship of God’s People there should be no clerical clique or ‘caucus’ which would reduce the laity to passivity or silence. All members of the People of God “share a common dignity from their rebirth in Christ” (LG 32); all are called to holiness (Cfr LG, ch. 5). “And if by the will of Christ some are made ... shepherds *on behalf of*<sup>5</sup> others, yet all share a true *equality* 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). In this context, it is understandable that “People of God” is the term most used by the

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<sup>4</sup>“Dark Arts in Pursuit of the Seat of Peter,” *The Tablet*, 15/22 August 2020, 10.

<sup>5</sup>Italics by the author. The change in the text from “over” to “on behalf of” others was made at the request of 30 bishops: *Acta Synodalia* (Vatican, 1973), Vol. III, Part I, 273 & Vol. II, Part, III, 351.

council for the Church (282 times). It brings out the idea that all are co-responsible and interdependent.

Another significant statement is found in LG 12:

The body of the faithful as a whole, anointed as they are by the Holy One (cfr Jn 2:20, 27), cannot err in matters of belief. Thanks to a supernatural sense of the faith [*sensus fidei*] which characterizes the people as a whole, it manifests this unerring quality when, 'from the bishops down to the last member of the laity,' it shows universal agreement in matters of faith and morals.

The faith of the whole Church comes to concrete expression through her official, divinely appointed teachers, that is the body of bishops. LG 12 goes on to note, that the Holy Spirit allots his charisms "to everyone according as he will" (1 Cor 12:11). Accordingly, "he distributes special graces among the faithful of every rank. By these gifts he makes them fit and ready to undertake the various tasks or offices advantageous for the renewal and building up of the Church..." The office holders must ensure that all charisms work for the building up of the Body of Christ.

### **3. Democratic Practices in the Church**

The foregoing theological principles make it possible, and even necessary to incorporate certain 'democratic' practices into the Church's way of functioning, in order to enhance her divinely instituted nature. In fact, a glance at the earliest Church practice reveals this happening in a spontaneous manner. Thus, when complaints arose among the disciples regarding the fair distribution of food, the apostles asked the whole community of the disciples/brothers to "select from among yourselves seven men of good standing, full of the Spirit and of wisdom, whom we may appoint to this task" (Acts 6:3). The selection is done by the disciples, but the seven are appointed by the apostles, with prayer and the laying on of hands (Acts 6:1-6). A very striking example of collaboration between office holders and the other disciples is seen in the resolution of the most severe controversy over the necessity of observing the Law of Moses (Acts 15). The issue threatened to divide the Church in her very infancy and reduce her to a mere Jewish sect. So "the apostles and the elders met together to consider this matter" (Acts 15:6). Only after there had been much debate, Peter stood up and narrated his own remarkable apostolic experiences with Gentiles and concluded, "we believe that we will be saved through the grace of the Lord Jesus, just as they will" (Acts 15:11). The assembly then continued to listen in silence to the experiences of Paul and Barnabas.

Finally, James summed up the whole debate; and the conclusion was sent in a letter from the apostles and elders to the gentile converts of the nascent Church.

### 3.1. Choice of Bishops

This 'democratic' pattern continued into the early centuries. St Cyprian testified, that from the beginning of his episcopate he decided to do nothing without consulting his clergy and gaining the consensus of the people.<sup>6</sup> St Ambrose was made bishop of Milan by popular acclaim; St Augustine was selected for the priesthood by the congregation of Hippo.<sup>7</sup> Popes and councils of the 4<sup>th</sup> and 5<sup>th</sup> centuries often repeated the maxim of Pope St Leo I: "The one who is to preside over all, should be chosen by all" (Eph 10:4).<sup>8</sup> And Pope Celestine I held that no one should be given as bishop to unwilling people. However, in course of time this practice gave way to increased episcopal influence, in order to prevent "human covetousness" (St Ambrose),<sup>9</sup> and other such drawbacks. Till Pius IX (1846-1878) only a handful of bishops outside the Papal States were directly appointed by the Pope. But the Code of Canon Law of 1917 (C. 329, §2) changed the situation by stating, that "the Roman Pontiff freely nominates bishops," that is everywhere and without having to involve others in his choice. This is repeated in the revised Code (C. 377, §1). Whereas the practice of the earlier centuries may be termed "democratic," it has its shortcomings: how will people know whether a candidate possesses the necessary qualifications? Would we have better bishops if they were elected? Many nominal Catholics, uninterested in the Church, might vote, to the great detriment of the Church. How to prevent group interests and malpractices from vitiating the election? Today, in contributing to the selection of Episcopal candidates, the papal Legate is to seek the opinion of lay persons of outstanding wisdom, "if he judges it expedient" (C. 377, §3). This is an advance on the 1917 Code which was silent on this point. It is beyond the scope of this essay to discuss other ways of improving the choice of bishops.<sup>10</sup>

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<sup>6</sup>H.J. Sieben, "Episcopal Conferences in Light of Particular Councils during the First Millennium," *The Jurist* 48 (1988) 30-56.

<sup>7</sup>A.J.M. Mausolf, *Saint Companions for each Day*, Mumbai: St Paul's, 2005, 332, 462.

<sup>8</sup>Quoted from R. Kotje, "The Selection of Church Officials: Some Historical Facts and Experiences," *Concilium* 7/3 (1971) 117-126 (at p 119).

<sup>9</sup>Kotje, "The Selection of Church Officials," 119.

<sup>10</sup>E.g. the needs and challenges facing the diocese, and the type of person required to tackle these, could be discussed in open forum before seeking names of priests who might be best suited for this ministry.

Titles and insignia for leaders, which set up artificial barriers between clergy and laity, have long ago been relinquished in democracies. The leaders are referred to simply by their designations, for example, “Mr President” or “Mr Prime Minister.” This is a “democratic” practice which Church leaders should have long since emulated, if not pioneered. Through titles the clergy set themselves on a pedestal and are treated like little lords. This leads to domination, so that servility is mistaken for obedience and prudence is mistaken for saying what is pleasing to authority.

### 3.2. Synods and Councils<sup>11</sup>

Given the origins of the Church, one might say that synodality is in the genes of the Church. Hence it is not surprising, that no country and no other religion has a continuous conciliar history so long as that of the Catholic Church.<sup>12</sup> In fact, the Chapters of Religious Orders may be considered forerunners of the Parliaments which first emerged in Europe. Thus, Pope Francis said: “Synodality is a constitutive element of the Church,” which should be “an entirely synodal church” (Speech, 17/10/’15).<sup>13</sup> The terms “council” and “synod” were earlier used interchangeably, synods generally referring to smaller assemblies. The latter is derived from the Greek word “syn-hodos” meaning “together on the way” or journeying together. During the first millennium and to a lesser extent, up to the beginning of the 17<sup>th</sup> century, hundreds of councils/synods were held in the Church. Cyprian calls the synod a “coming together,” in order to achieve a “consensus”;<sup>14</sup> this was meant to be a discernment, under the guidance of the Holy Spirit. In many of the councils, lay persons were present, with the right to vote. All councils provided a forum for views to be expressed and heard. At the Council of Constance, theologians, canonists and important lay personages enjoyed full voting rights. The democratic process was fostered by the frequent exchanges of letters, visits, consultation. This was important, because the authority of a council depended, not only on its size, but also on its reception in the neighbouring churches. It is remarkable that in spite of persecutions, the bishops still gathered in councils. Can. 6 of Lateran IV (1215) obliges bishops to hold diocesan

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<sup>11</sup>I am indebted here to: Norman Tanner and Francis Thonippara.

<sup>12</sup> Norman Tanner, *Was the Church too Democratic?*, Bangalore: Dharmaram Publications, 2003, 6-7.

<sup>13</sup> [https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco\\_20151017\\_50-anniversario-sinodo.html](https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html) (accessed on 7 Aug 202).

<sup>14</sup>Sieben, “Episcopal Conferences in Light of Particular Councils during the First Millennium,” 31.

synods annually, in order to implement the decisions of the provincial Councils; this is repeated by the Council of Basel (1433): session 15. Lateran V (1515) reduced the frequency to tri-annual. However, the Council of Trent began making it obligatory to send conciliar decrees to the Holy See, for possible correction. Thus, the importance of synods was reduced in proportion as the papal primacy grew. So, during the 2<sup>nd</sup> millennium the regional councils gradually lost their vitality and became merely means for enforcing papal policies. After Trent, due to excessive centralization, provincial Councils were hardly useful in resolving local church problems and practically died out. Nevertheless, the Code of Canon Law acknowledges that such Councils provide a wider context of dialogue and consultation (C. 443 §4-6). The participation of the laity was never so low in church history as at Vatican I: apart from bishops, only Generals of Religious Orders and Presidents of Orders of monks could vote.<sup>15</sup> The present Episcopal Conferences are an organic development of the earlier Councils in the Church (CD 36).

Significantly, the most serious schisms occurred in the absence of councils: break with the Eastern Church and then the Reformation. Likewise, the two most serious attempts at healing the eastern schism came through councils: of Lyons II (1274) and Florence (1439). However, the post-Vatican II Synods of Bishops in Rome have been limited to providing consultation and advice to the Pope and remain “on the fringes of genuine Roman authority.” They have “been a great disappointment to many bishops from all parts of the world,” in the evaluation of Arch. Quinn.<sup>16</sup> Divarkar found them “increasingly becoming a potent instrument of centralization and uniformity.”<sup>17</sup> This is not surprising, since the Synod of Bishops held in Rome cannot determine its own composition, agenda, or frequency of its meetings; it cannot publish its conclusions on its own (see Canons 342-348).

Hence the principle of subsidiarity, which is applicable in civil life, must be practiced in the Church.<sup>18</sup> In his very first Apostolic Exhortation (*Evangelii Gaudium*, 2013), Pope Francis admitted: “Excessive centralization, rather than proving helpful, complicates the Church’s life and her missionary outreach.” This calls for a “pastoral conversion” of the papacy and the central structures of the

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<sup>15</sup>Hans Küng, *Structures of the Church*, University of North Carolina Press, 1963, 79, 82.

<sup>16</sup>Quinn, *Reform of the Papacy*, Herder & Herder, 1999, 111-113.

<sup>17</sup>Parmananda Divarkar, “What Really is the Synod?” *Vidyajyoti* 63, 1, (1991) 3-6.

<sup>18</sup>Pius XII, Speech to new Cardinals (Dec 1946), *Acta Apostolicae Sedis* 38 (1946) 145.

universal Church (N. 32). So, subsidiarity forms an important 'democratic' principle to be practiced in the Church. Democracy teaches us the importance of maintaining a delicate balance between the various branches of government. This is especially applicable to the relationship between the college of bishops and its head.<sup>19</sup> If bishops are viewed as "mere tools of the Pope, his officials, without responsibility of their own" (a view solemnly rejected by Pope Pius IX in 1875),<sup>20</sup> this would mirror dictatorship rather than a democratic ethos.

### 3.3. The Roman Curia

This has been termed "the longest running bureaucracy in world history" and is still felt to operate like a 17<sup>th</sup> century royal court.<sup>21</sup> It needs to imbibe the democratic ethos. Pope Francis has been engaged in its reform since the beginning of his pontificate. The Curia is at the service of the universal episcopate, which is the supreme governing body in the Church. Hence the Roman Congregations should ascertain the views of the episcopate before bringing out any important document.

### 3.4. "Democracy" at the Grass Roots

The Revised Code of Canon Law (1983) makes cautious progress on the earlier one, thus leaving room for still further developments. A diocesan pastoral council (C. 511-514) and parish councils (C. 536) "may" be set up. These must be truly representative of all social conditions, professions and apostolates. *Mixed pastoral teams* are visualized: C. 517, §2; the late 1960's had seen some attempts in this line.

The following provisions mark a progress over the earlier Code. Lay persons may serve as diocesan administrator of finances (494, §1), and diocesan Chancellor (482). Laity may be asked to participate in regional councils of bishops, as experts or advisers (228, §2). They may preach the homily at children's masses (Directory 1973, N. 24).<sup>22</sup> They may be formal "missionaries" (AG 23; C. 784). If no cleric is available, they may assist at marriage (1112) and conduct funerals (Gen. Instr. N. 22, §4).<sup>23</sup>

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<sup>19</sup>I have discussed this in "The Petrine texts," *Vidyajyoti* 84, 1 (2020) 52-61.

<sup>20</sup>Neuner-Dupuis, *Christian Faith*, Bangalore: TPI, 2004 (7<sup>th</sup> ed.), N. 841.

<sup>21</sup>Norman Tanner, "Reform of the Roman Curia," *Concilium* (2013/5) 24, 89.

<sup>22</sup>Congregation for Divine Worship, *Directory for Masses with Children*, Vatican, 1973, N. 24.

<sup>23</sup>Congregation for Divine Worship, "Introduction," *Rite of Funerals*, Bangalore: CBCI Commission for Liturgy, 1983, nn. 5 & 19.

In all this we should know how to go beyond the letter of the law, to the spirit. The Church had no canon law for long, but had communion. Of course, the laity who participate in intra-Church activities should receive suitable training for the purpose.

A remarkable example of lay participation is the *Palliyogam*, which has been operative in the Syro-Malabar/Malankara churches since the early centuries. It was a decision-making body, comprising at least local priests and heads of families. It decided upon: approval of candidates for the priesthood, punishment for public sinners, reconciliation of conflicts, maintenance of church building and personnel. At the Synod of Diamper (1599), there were 153 priests, 671 laymen: all signed the decrees at the end of the Synod.<sup>24</sup>

### 3.4.1. In Ministries

The history of ministries is complex. Ordering and ranking them was a gradual process. A number of ministries, which were being exercised by the laity, gradually came to be absorbed by the clergy, as mere stepping stones to the priesthood. This unfortunate clerical monopoly was part of the growing clericalism in the Church and contradicted the variety of functions in the mystical Body of Christ and the universal priesthood of believers. Even the conferral of the ministries of lector and acolyte was reserved to clerics.

In 1972 Pope Paul VI moved to correct this situation, through his *Motu Proprio*, "Ministeria Quaedam." He abolished the order of "Sub-Deacon" in the Latin Rite: to this order belonged the ministries of lector and acolyte, in which lay men can now be "installed," though on occasion women could be asked to perform these ministries (see C. 230). He left it to the Bishops' Conferences to decide if they wanted to institute more ministries. This will de-clericalise these ministries, while leaving intact the role of the clergy to exercise a *unifying spiritual leadership*, as facilitators and catalysts.

### 3.4.2 Rights of the Laity

The earlier Code had only one canon (682) on the rights of the laity (to receive 'spiritual goods' from the clergy). The revised Code (Bk 2, Part 1, Titles 1 & 2) contains what some have termed a sort of 'Declaration of Human Rights.' Whereas Title 1 refers to all the "faithful", that is clergy and laity, Title 2 specifically concerns the laity. The *common good* of the Church is fostered by the exercise of rights and duties by the faithful, so that restraint may be imposed "only when and in so far as necessary" (DH 7).

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<sup>24</sup>K.T. Sebastian, *The Era of the Lay People*, Bandra: Pauline Publications, 1998, ch. 9.

*To all the faithful (comprising clergy & laity) belong the right:*

- To freedom of expression (212, §3), which can sometimes be a “duty” (LG 37)
- To receive the Word of God and the sacraments: 213
- To worship according to their own rite, and to their own form of spiritual life: 214
- To establish associations and hold meetings: 215; (but see C. 216; AA 24)
- To apostolic action, by their own initiative: LG 33; AA 3; C. 216. The laity are not delegated by nor are they a mere appendage of the clergy; they are not a sort of ‘auxiliary clergy.’
- To a Christian education: 217
- Experts have the right to research and expression of it: 218
- To vindicate one’s rights before competent ecclesiastical forum: 221, §1. No penalties may be imposed except according to law: 221, §3

An earlier draft had included a right to information. It was omitted, “because of the practical difficulties it might cause and the danger of harming persons’ reputations.”<sup>25</sup>

*Specifically, the laity have the right:*

- To higher education in theology and Scripture, in ecclesiastical institutions: 229, §1-2
- To a commission to teach these: 229, §3
- To a worthy remuneration: 231, §2
- Every diocese must have a Finance Council comprising at least three of the faithful: 492, §1. Every parish must have a Finance Council comprising the faithful: 537

*Some Observations*

Commentators have observed, that since “Christ’s faithful have the obligation to provide for the needs of the Church” (C. 222, §1), their right to know how funds are spent should have been stipulated. Furthermore, there is no machinery for the redress of rights, except for marriage cases; a provision in this context was deleted by the Pope in the final draft. The tendency of the bishop is to support the pastor in a conflict situation. On the other hand, there was fear that episcopal authority and pastoral efficiency might suffer. So, if one has a grievance against a Church administrator (bishop, chancellor,

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<sup>25</sup>Morrissey, “The New Code and the Laity” *The Furrow*, 37, 6 (1986) 378.

parish priest), one may approach his superior, as outlined in C. 1732-'9). This may be difficult where the grievance is against the bishop, whose superior is the bishop of Rome. This leaves many priests and laity disgruntled, as they do not see a clear, expeditious and easily available remedy.

In some matters, Canon Law could be improved upon, to harmonise it better with 'democratic' rights. Thus, Huysmans<sup>26</sup> cites Canons 1718 and 1720 which speak of "extra-judicial" or administrative criminal procedures. This, it would seem, only doubtfully guarantees the right to self-defence. The bishop could easily manipulate the proceedings; he is prosecutor, judge and imposes punishment. This would be contrary to the U.N. Declaration of Human Rights (art. 11/1) and the European Convention on Human Rights (art. 6:1). Lateran IV (1215) had indicated that no one may be prosecutor and judge in the same case (C. 8). But some Roman Congregations make laws, enforce them and judge those who violate them.<sup>27</sup>

## Conclusion

By virtue of her divinely instituted nature, the Church has what we may call a "democratic ethos." It is not for the Church to fit into any pre-existing mould, but rather to integrate into her functioning those democratic elements which would enhance her already existing democratic nature. While much has been achieved in this regard since Vatican II, more can certainly be done.

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<sup>26</sup>R. Huysmans, "The Inquisition for which the Pope did not Ask Forgiveness," *The Jurist* 6, 2 (2006) 469-482.

<sup>27</sup>T.J. Reese, "From a Seventeenth Court to a Modern Service," *Concilium* (2013/5) 88-96, at 90.