

Collegiality, Synodality, and the Synod of Bishops

LAWRENCE J. WELCH
Kenrick-Glennon Seminary
St. Louis, MO

FROM THE BEGINNING of his pontificate, Pope Francis has indicated his intention to promote greater episcopal collegiality and synodality in the Catholic Church. There is a clear ecumenical interest in the Holy Father's intention. He observed, in his now famous interview¹ with the Jesuit magazine *America*, that the Catholic Church can learn more about the meaning of collegiality and synodality from the Orthodox churches. The pope described synodality as the walking together of the people, the bishops and the pope. He observed that "synodality should be lived at various levels."² Pope Francis pointed out how important it is for ecumenical relations "to recognize what the Spirit has sown in the other as a gift for us."³ He went on to remark that he was committed to continuing the discussion of the joint Catholic-Orthodox Commission about how to exercise the Petrine primacy. Clearly, the pope sees the challenge of promoting greater collegiality and synodality as connected with a new way or more collegial way of exercising the Petrine ministry.

Pope Francis has signaled that the reform of the synod of bishops is one way that he intends to pursue the promotion of episcopal collegiality. The Holy Father has revised the methodology of the synod of bishops not only with the aim of greater efficiency but, as the secretary of the Synod Cardinal Lorenzo Baldeserri explained, "the idea is that

¹ "A Big Heart Open to God," *America* (September 30, 2013), 28. For the Italian original see "Intervista del Direttore a Papa Francesco," *La Civiltà Cattolica* (19 Settembre 2013): 449–477.

² "A Big Heart Open to God," 28; "Intervista del Direttore a Papa Francesco, 466.

³ Ibid.

of transforming into a real and effective tool for communion, through which the collegiality hoped for by the Vatican Council II is expressed and achieved.”⁴

Numerous bishops and others have voiced concerns about the methodology of synod. It has been criticized as being less focused on discussion and more on the participants giving speeches prepared long in advance. Pope Benedict XVI responded to this criticism by tweaking the methodology to allow for a greater focus on the synod’s working document and for more time devoted to discussion. Still, the synod has been criticized as not allowing for substantial progress with regard to urgent issues facing the Church.⁵ Some argued that the purpose of the synod seemed inverted with the bishops looking to the pope for advice instead of bishops informing and advising the pope.⁶ Others complained that the bishops were presented with a pre-determined agenda leading to an already conceived outcome. Some theologians criticized the synod for functioning as merely an advisory body with no authority beyond what the Pope conceded to it. One historical theologian went so far as to say that the synod actually worked against collegiality because it was advisory.⁷

The pope’s initiative in revising the synod’s methodology so that it might function as a better instrument of collegiality has raised some expectations that he may make even more substantial changes to the institution of the synod. This movement toward reform of the synod has brought out into the open again previous discussions among theologians and canonists about the nature of the synod and how it should function. Should it function not merely as an institution that meets at regular intervals but as a permanent standing body assisting the pope

⁴ Vatican.va, November 5, 2013 media briefing.

⁵ For example Bishop Robert Lynch harshly criticized the synod as “a highly controlled exercise” and “something of an exercise in futility.” See his address to the Catholic Health Association General Assembly, “The Church We Love: Reimaged or Reimagined?” (June 22, 2014): 2.

⁶ See the discussion in Kevin E. McKenna, “Pope Benedict XVI and the Synod of Bishops,” December 10, 2007.

⁷ John O’Malley, *What Happened at Vatican II* (Cambridge, MA: Belnap Press, 2008), 252–253. O’Malley believes that from the very moment of its creation the institution of the synod was doomed—at least in terms of episcopal collegiality. He thinks that *Apostolica Sollicitudo*, the motu proprio of Paul VI that created the synod, “was an expression of papal primacy, not of collegiality, a word never mentioned in the text.” According to O’Malley “with one stroke the text cut collegiality off from grounding in the institutional reality of the church.”

in the universal governance of Church? Currently, under canon law the pope can grant the synod deliberative power making its decisions binding on the universal Church. Should the synod exercise deliberative powers frequently or even permanently so that it might be a clear sign of the episcopal college's responsibility for governance of the universal Church? Without a deliberative synod is not the college of bishops deprived of an instrument to exercise its power and responsibility for the universal Church? Closely related to these questions is the issue of how to understand theologically what the synod is doing if it were to exercise deliberative power.

I will examine two proposals about how members of the episcopal college might become instruments for the government of the universal Church. The first proposal from Archbishop John Quinn⁸ involves making the synod of bishops a deliberative body and the second, the Bologna proposal,⁹ calls for the creation of a small permanent body of bishops that would be an instrument for exercising the government of the whole Church. In describing these proposals I will determine on what basis the authors believe the bishops could act as this kind of instrument. Would it be action of the pope granting a synod or body of bishops the authority over the rest of the bishops and the universal Church? Would it be a matter of the pope sharing his authority over the episcopal college and the universal church? I will pay attention to the understanding of the episcopal college that is operative in each proposal that the authors states or implies.

I will argue that the case of the pope granting the synod of bishops deliberative power would be a matter of the synod exercising delegated papal power and authority. A synod with deliberative power may be a more collegial way of exercising the Petrine ministry and is a partial realization of collegiality¹⁰ but it is not a full collegial act—a collegial act in the strict sense—of the whole college of bishops. If a deliberative synod amounts to an auxiliary exercise of the primacy the pope, then its ability to promote greater collegiality and synodality in the Church will be limited. The ecumenical reception maybe welcoming at first but with an understandable concern as to whether the Church will pursue collegiality in a way that is broader and less centralizing.

The purpose of the article is not to question whether a reformed synod of bishops can be an important and necessary instrument of

⁸ *Ever Ancient, Ever New* (New York: Paulist Press, 2013).

⁹ *L'officina bolognese 1953–2003* (EDB, 2004).

¹⁰ See *Lumen Gentium*, §23, for the notion of *collegialis affectus*.

communion and collegiality. Clearly, it can and should be as desired by the Second Vatican Council. Since theologians have raised the issue of the relationship between the synod and the supreme power in the Church, I believe it is necessary to examine this relationship in the light of what revelation discloses about the nature of apostolic college and what Vatican II teaches about it and collegiality.

Before turning to these proposals, however, I want to briefly discuss the nature of the apostolic college as founded by Christ. I believe this overview will be helpful because the apostolic college as instituted by Christ is the reality that the college of bishops has to be measured against today and always. Second, I will review what *Lumen Gentium* teaches about episcopal collegiality and the supreme power in the Church because all of the proposals about the synod that will be examined discuss collegiality in relation to this power. After evaluating the proposals, I will suggest briefly two other ways that could contribute to greater exercise of collegiality and synodality. These suggestions are intended to be a response to the desire of Pope Francis to think more deeply about the possibilities for greater collegiality and synodality. In important and urgent matters that the Church faces there could be a more frequent exercise of collegiality by the universal ordinary and universal magisterium dispersed throughout the world (*Lumen Gentium*, §25). This would involve an exercise collegially of the supreme authority of the Church in a joint action on some matter of doctrine or something related to doctrine. Last, I will suggest that in the interest of promoting synodality that the Church should revive the practice of holding provincial councils. The Second Vatican Council's Decree the Ministry of Bishops, *Christus Dominus*, §36, expressed the hope that the venerable tradition of councils and synods would flourish with renewed strength.

Collegiality and the episcopal college according to *Lumen Gentium* and the teaching of Pope Benedict XVI

LG 19: The Lord Jesus, after he poured forth prayers the Father, called to himself those whom he wished, and he appointed Twelve to be with him whom he would send out to preach the kingdom of God (see Mk 3, 13-19; Mt 10, 1-42). These apostles (see Lk 6, 13) he established as a college or a permanent group over which he placed Peter, chosen from among them (see Jn 21, 15-17).¹¹

¹¹ All quotations of English translations of the documents of Vatican II are from Norman Tanner, S.J., ed., *Decrees of the Ecumenical Councils*, 2 vols. (Washington D.C.: Georgetown University, 1990).

LG 22: Just as, by the Lord's decree, St. Peter and the other apostles constitute one apostolic college, so in a similar way the Roman Pontiff, Peter's successor, and the bishops successors, of the apostles are joined together.

What is episcopal collegiality? Cardinal Avery Dulles gave a succinct definition:

The doctrine of collegiality came to the fore at Vatican II, which taught that the entire body of bishops, together with the pope as their head, constitutes a collegium, that is to say, a stable group that perpetuates the corporate ministry of the apostles with and under Peter. As a group the pope and the bishops in communion with him succeed to the college of the apostles in teaching authority and in the pastoral government of the universal Church.¹²

Continuing this line of thought, we can go a step further and say that collegiality is an expression and manifestation of the communion of the Church. The one Church is a communion of individual particular churches. The one Church is fully present and operative in the individual particular churches provided that the churches do not live as if they were self-sufficient and in isolation from the others. The relationship is manifested in the unity of communion between bishops.¹³ Just as a particular church does not fully exist on its own so a bishop does not exist on his own.¹⁴ That is to say, a bishop is not a bishop on his own but only in reference to the entire college of bishops—those who were bishops before and those who are bishops with him. It follows, too, for *Lumen Gentium*¹⁵ that a basic form of collegiality is when a bishop

¹² "John Paul II and the Teaching Authority of the Church: Like a Sentinel," (1997 Nash Lecture, Campion College, University of Regina), 3.

¹³ *Lumen Gentium*, §23: "The individual bishops, however, are the visible principle and foundation of unity in their own particular churches, formed in the likeness of the universal church; in and from these particular churches there exists the one in unique Catholic Church. For this reason individual bishops represent their own church, while all of them together with the Pope represent the whole church in the bond of peace, love and unity."

¹⁴ On this point also see Congregation for the Doctrine of the Faith, "Letter to Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion," 1992.

¹⁵ *Lumen Gentium*, §23: "For the rest, it is a holy reality that by governing well their own churches as a portion of the universal church, they themselves make

governs his diocese well and in doing so makes an indispensable contribution to the well-being of the universal church.

The episcopal college and collegiality in a basic sense refer to something universal, but something universal as it comes to us in divine revelation and in the history of salvation. To understand these realities correctly we must look to how they are connected to Jesus and his mission which he shares with the apostles. *Lumen Gentium* clearly supposes and affirms that they are so connected but it does not give a detailed explanation. For the purposes of this study, I can do no more than give a general overview pointing out some key points of importance. The audiences of Pope Benedict XVI in the spring of 2006 on the mystery of the relationship between Christ and the Church can be very helpful here.

In his audiences Pope Benedict pointed out that we should understand the apostolic college in the context of Jesus's mission and preaching of the kingdom of God. Situated in the context of the faith and hope of Israel, we can see that the mission of Jesus has a communitarian and universal finality. The kingdom encompasses the restoration of Israel as a corporate entity. This follows simply from the whole of the Old Testament idea of salvation, as having a corporate dimension: the "people" is the first and preeminent object of salvation. So, in the first instance, the proclamation is to Israel, the "lost sheep of the house of Israel," (Mt 10:6) for it is Israel, as a whole, that is to be saved. The preaching and mission of Jesus, thus, bears on Israel as a whole, thus on people as a "called," "gathered," or "to be gathered," Jesus called Israel to conversion and labored to purify, gather and unite the People of God in the time of the kingdom of God that arrived in his coming.¹⁶

Although the beginning stage of this gathering was first to the house of Israel, the people of the promise (Mt 15:24) all the nations would be gathered through the first gathering of the lost sheep of the house of Israel. Jesus is the "eschatological shepherd" who gathers together the lost sheep (Lk 15:4-7 and Mt 18:12-14; Jn 10:11 and the figure of the Good Shepherd) and this gathering is a prophetic sign of the salvation of

an effective contribution to the whole mystical body, which is also a body of churches."

¹⁶ This, of course, does not mean that the individual's freedom is ignored; but the exercise of the freedom of accepting the salvation of the kingdom is one and the same thing with the renewed entry (and for the nations eventual entry) into the solidarity of the people of God.

all the nations and the universalization of the covenant.¹⁷ Pope Benedict points out that Jesus fits a prophetic profile that can be seen in the book of the prophet Ezekiel. In the messianic expectation, God's promises to Israel would be fulfilled at the time when God, through his chosen one, gathered together his people like a shepherd does his flock: "I will save my sheep so that they may no longer be despoiled....I will appoint one shepherd over them to pasture them, my servant David. . . . And my servant David shall be prince in their midst" (Ezek 34:22-24). And thanks to this gathering the kingdom of God would be proclaimed to all the nations: "Then I will display my glory among the nations, and all the nations will see the judgment I executed, the hand I laid upon them" (Ezek 39:21).

A clear sign of the intention of Jesus to gather together the eschatological people of God is his institution of the Twelve (Mk 3:1, 3-16; cf. Mt 10:1-4; Lk 6:12-16). Jesus establishes the Twelve so that they might be witnesses and coworkers with him of the coming of the kingdom of God. The Twelve apostles share in his mission. Their very number—twelve—is itself a prophetic and symbolic sign of this same mission. The Twelve undoubtedly refer to the twelve tribes of Israel and points to re-founding of the people of God. Citing the conclusion of the book of Ezekiel (37:15-19; 39:23-29; 40-48) as an example, Pope Benedict observed that after the demise of "the system of the 12 tribes" Israel hoped for and awaited their reconstitution as a sign that the eschatological time had arrived for Israel. With the appointment of the Twelve, Jesus signals that the definitive time has arrived. Pope Benedict observes:

By their mere existence, the Twelve—called from different backgrounds—have become a summons to all Israel to conversion and to allow themselves to be reunited in a new covenant, full and perfect accomplishment of the old. By entrusting to them the task of celebrating his memorial in the Supper, before his passion, Jesus shows that he wanted to transfer to the entire community, in the person of its heads, the commandment of being a sign and instrument of the eschatological assembly begun by him.¹⁸

¹⁷ Audience of March 22, 2006. All quotations from Pope Benedict XVI's Wednesday audiences are taken from the English translation available on the Vatican website.

¹⁸ Audience of March 5, 2006. On May 3, 2006 the Pope explained that the number twelve also referred to universality of the ministry they received from the Lord: "Their number not only expresses continuity with the holy root, the

Jesus did not choose and send out the apostles independently of one another. He chose and sent them out as members of the Twelve. We see this awareness in all four Gospels with the expression “one of the Twelve” (Mt 26:14; Mk 14:10, 20, 43; Lk 22:3, 47; Jn 6:72; 20:24.) The individual apostle has an authority he derives from the Lord only because of the fact that Lord endowed the twelve—the college—with such authority.¹⁹ Before Jesus died on the cross, at the Last Supper, he prayed to the Father for the unity of the apostles, “so that they also may be in us that the world may believe” (Jn 17:21). After his Resurrection, the Lord handed over to the Apostles the same mission that he had received from the Father. The universal character of this mission is clarified and made most apparent after the death and resurrection of Jesus. The Lord sends the apostles “into the whole world” (Mk 16:15) and to “all nations” (Mt 28:19; Lk 24:47) “and to the ends of the earth” (Acts 1:8).

Two things are important in the Lord’s sending of the Apostles. First of all, they are witnesses not to an idea but to the person of Christ who shares with them his universal mission. The Apostles are called to gather all the nations into the eschatological people of God, into the new covenant, the communion of love in the Lord Jesus—what came to be called the Church. The collective responsibility of the Apostles—in their continuation of the mission of Jesus—is universal and for the whole people of God. What is clear is that the apostles did not possess some sort of authority and only afterwards came together as a college. An individual apostle has an authority he derives from the Lord only because of the fact that He endowed the college with such authority. Christ did not first grant individual powers to the apostles and then only later bring them together as a unity, as one. Rather, He created the apostles as one

Israel of the 12 tribes, but also the universal destiny of their ministry, which brings salvation to the ends of the earth. It is expressed by the symbolic value that numbers have in the Semitic world: 12 results from the multiplication of 3, a perfect number, times 4, a number that makes reference to the four cardinal points, therefore, the whole world.”

¹⁹ In a book co-authored with then Father Ratzinger, Karl Rahner observed: “If each apostle were first of all an individually authorized representative of Christ, then no subordination of the individual apostles to Peter (or rather, no subordination of the apostles to a college with Peter as its head) would ever be possible. The individual apostle would then have immediately from Christ an authority of such a kind that he would not possess it *qua* member of the college. He could not be held accountable to Peter or to the college, but only to Christ, the direct source of his authority” (*The Episcopacy and the Primacy*, trans. Kenneth Baker, [Edinburgh-London: Nelson, 1962], 76).

body so that they could represent and be a sign and instrument of the eschatological assembly, the church.

It is against this background that we must understand the episcopal college and collegiality. This is the reality that the episcopal college succeeds and perpetuates. *Lumen Gentium* teaches that the college of bishops as a whole succeeds the apostolic college.²⁰ The college is one and indivisible in its very nature because it is the sign and instrument of the re-founded, eschatological people of God. The single college founded by Christ perpetuated by the college of bishops always refers to a universal whole. In his commentary on *Lumen Gentium*, Karl Rahner observed, rightly, about the college of bishops that

the totality of the bishops and the power of this totality are not the subsequent sum of the individual bishops and their powers, but rather this comprehensive unity, being morally legitimate, sacramentally grounded (article 21), and thus produced by the Spirit, (objectively) preexists the individual bishops as such.²¹

Indeed, according to *Lumen Gentium* the college of bishops united to the pope has supreme and full power over the universal Church. It teaches that the supreme power is one, having two modes of action: the entire apostolic college with and under the pope and the pope acting “alone” as primatial head and pastor of the whole Church. To quote *Lumen Gentium*, §22,

However, the college or body of bishops does not have authority unless this is understood in terms of union with the Roman pontiff, Peter’s successor, as its head, and the power of this primacy is maintained intact over all, whether they be shepherds or faithful. For the Roman pontiff has, by virtue of his office as vicar of Christ and Shepherd of the whole church, full, supreme and universal power over the church, a power he is always able to freely exercise. *However, the order of bishops, which succeeds the college*

²⁰ *Lumen Gentium*, §22: “Just as, by the Lord’s decree, St. Peter and the other apostles constitute one apostolic college, so in a similar way the Roman Pontiff, Peter’s successor, and the bishops successors, of the apostles are joined together.”

²¹ Rahner, “Kommentar zu LG Artikel 18 bis 27,” 225, *Lexikon für Theologie und Kirche.E*, vol. 1 (Freiburg im Breigau: Herder, 1966) as cited and translated by Maximilian Heim, Joseph Ratzinger, *Life in the Church and Living Theology*, trans. Michael J. Miller (San Francisco: Ignatius Press, 2007), 127.

*of apostles in teaching authority and pastoral government, and indeed with the apostolic body continued to exist without interruption, is also the subject of supreme and full power over the universal church, provided it remains united with its head, the Roman pontiff, and never without its head; and this power can be exercised only with the consent of the Roman pontiff.*²²

Only the pope exercising his supreme authority as the visible head of the college and body of bishops, or the entire college itself with him can exercise supreme power and make decisions that are binding on individual bishops and the universal Church. The college of bishops can exercise the supreme authority of the Church in an ecumenical council or when the bishops dispersed throughout the world engage in a united action together with the pope. Again, *Lumen Gentium*, §22,

*The supreme power over the whole church which this college enjoys is solemnly exercised in an ecumenical Council. There is never an ecumenical Council which is not confirmed as such or at least accepted by such by the successor of Peter. It is the prerogative of the Roman pontiff to convoke these councils, to preside over them and to confirm them. This same collegiate power can be exercised by the bishops throughout the world in conjunction with the Pope, provided that the head of the college calls them to collegial action or at least approves of, or willingly accepts, the united action of the dispersed bishops in such a way that the result is a truly collegial act.*²³

²² Emphasis mine.

²³ Emphasis mine. This teaching of *Lumen Gentium*—that the episcopal college enjoys the supreme power in the universal Church—is connected to its affirmation that the bishops by divine institution have succeeded the place of the twelve apostles (*Lumen Gentium*, §20). Like the Twelve, the bishops receive their powers from directly Christ and just as Peter, as head of the college receives his power from Christ. This stands in contrast to a “monarchical” opinion defended by some Fathers at the Council which envisioned the Church as a kind of pyramid where the pope occupied at position at the top as the sole subject of supreme power. It was thought that the pope, who was the subject of supreme power alone, could transmit this plenitude of power to the college of bishops if he wished. Presumably, he could transmit the power to a smaller group of bishops as well. *Lumen Gentium* as we have seen holds that both the pope and the college receive their powers directly from Christ and that both can exercise the supreme authority of the Church. Avery Dulles commenting on this very point wrote: “It stands to reason that if the college has supreme power, it could not receive it from another authority within the same society.” According to

Besides an ecumenical council, *Lumen Gentium* speaks about the possibility of the exercise of the supreme power by what is known as the “ordinary universal magisterium,” that is the united action of the pope and the bishops dispersed throughout the world. This is mentioned again in *Lumen Gentium*, §25 when it speaks of the possibility of the ordinary universal magisterium teaching a doctrine infallibly. *Lumen Gentium* clearly understands the exercise of the supreme power in the universal Church as something exercised by the whole college whether in an ecumenical council or outside of one by the ordinary universal magisterium. These two ways of acting in which the college of bishops can exercise the supreme power in the universal church is presented in *Lumen Gentium* as founded in the nature of the episcopal college itself. Therefore is not something that is capable of being changed.

Proposal for a Deliberative Synod of Bishops as an Instrument for the Universal Governance of the Church.

John R. Quinn, Archbishop emeritus of San Francisco, addresses the problem of “excessive centralization” in the Catholic Church, in his book *Ever Ancient, Ever New*.²⁴ Quinn wants to use the example of the Eastern Churches and their structures of communion in synods and patriarchates as a way out of the problem. In a chapter entitled “Structures of Communion: Deliberative Synods,” he reviews the history of recommendations from bishops “to share with the pope in the governance of the universal church”²⁵ before and during the Second Vatican

Dulles the monarchical position was conceived by Cardinal Cajetan and other theologians in the sixteenth century against conciliarism. Curial theologians later took it up in opposition to Gallicanism. Dulles identifies Cardinal Charles Journet and Marie-Rosaire Gagnebet, O.P. as defenders of this theory at Vatican II. See “Primacy and Collegiality,” in *Pope John Paul II on The Body* (Philadelphia: Saint Joseph’s University Press, 2007), 181–2. For another overview of the monarchical position see Luis Tagle, “Episcopal Collegiality and the Ecclesiological Project of Vatican II,” *Landas* 7 (1993): 149–60. Today, the monarchical position is defended by the leader of the traditionalist Society of St. Pius X, Bishop Bernard Fellay. Fellay explicitly rejects the teaching of *Lumen Gentium*, §22 claiming that it contradicts Vatican I. He declares “Only the pope holds in a habitual and constant manner the supreme power, which he communicates only in special circumstances to councils, when so doing appears opportune to him.” See “We vigorously protest these canonizations” in *Letter to Friends and Benefactors* no. 82.

²⁴ John R. Quinn, *Ever Ancient, Ever New* (New York: Paulist Press, 2013).

²⁵ *Ibid.*, 28.

Council. Quinn calls attention to specific proposals that came from the Melkite Patriarch Maximos Saigh IV and Dutch Cardinal Bernard Alfrink. Both wished to see a body of bishops that would not just be advisory but “that would truly share in the general government of the Church.”²⁶ Quinn seems to consider the proposal of Patriarch Maximos to be particularly important. In a speech to the council Fathers, Maximos observed that because the Lord entrusted the church in a special way to Peter, the apostles and their successors, then it follows from this doctrinal truth that both the successor of Peter, the pope, and the college of bishops have a universal role in the governance of the church. On this basis, Maximos proposed that a synod should be created that would meet at regular intervals. This synod, composed of bishops from around the world would take part in the universal governance of the church the pope. Maximos argued that the pope should not be expected to govern the large, universal institutional church without assistance.

Quinn argues that the idea of a council or synod of bishops that would share in the governance of the Church is not something completely new in the church’s history. He points out that before the sixteenth century and the Council of Trent, the cardinals in Rome met frequently with the pope and functioned as something like a permanent synod. This practice faded away after the Council of Trent because the cardinals who were diocesan bishops had to observe the law of residence in their home dioceses. Quinn also sees as important the Roman Synods which, in the first millennium, came to decisions regarding doctrine and disciplinary matters. Continuing into the second millennium Roman synods involved bishops from all over the church in the West. Quinn recalls how Pope Gregory VII saw the synods as important instruments of reform. He claims that bishops in these synods did not play a secondary role saddled with the job of simply ratifying the decisions of the pope. These Roman synods foreshadowed the medieval Western councils. Quinn is of the opinion that “the historical Roman synod could, therefore, be a model for a modern deliberative synod. Such a structure stands in continuity with long practice and history of the church.”²⁷ The Roman Synods did not diminish the authority of the pope but expressed his authority

²⁶ Ibid., 30. Quinn does not mention it but Cardinal Giacomo Lercaro of Bologna also gave a speech that spoke in favor of a new organ that would represent faithfully the entire episcopal college. See Giacomo Cardinale Lercaro, *Per la forza dello spirito. Discorsi conciliari del card. Giacomo Lercaro*, edited by L’Istituto per le Scienze Religiose, Edizioni Dehoniane (Bologna, 1984), 196–205.

²⁷ Ibid., 33.

and intensified the Church's unity and helped to bring about significant reforms. Quinn wishes to refute the idea that the cultivation of collegial structures would somehow diminish and limit papal primacy.

Pope Paul VI's establishment of the synod of bishops²⁸ responded to the desires of many bishops before and during the council. While the pope decreed that the Sovereign Pontiff can grant deliberative power to the synod, all the synods held since Vatican II have been only advisory. Quinn explains, "In fact, no Synod to date has been given deliberative power, and (as a consequence) the synods held since Vatican II have not been a sharing by bishops in the government of the universal Church but are rather a way for bishops to collaborate with the pope in his primatial function."²⁹ At the Second Vatican Council, many bishops, conscious of their role as successors of the apostles looked for way that would enable them to participate with the pope in the governance of the universal Church. Quinn believes this desire might be finally realized and excessive decentralization might be lessened if the pope granted a deliberative power to a synod of bishops. He argues that "In this case, the bishops would not simply advise the pope about his primatial ministry. Rather, the bishops together with the pope would make decisions regarding matters for the universal Church."³⁰

For Quinn it would be most fitting for extraordinary synods to be given a deliberative role because their membership is made up of presidents of episcopal conferences from the Latin Church and the patriarchs and major archbishops of the Eastern Catholic churches. These are bishops who have pastoral care of a diocese and who, because of their election by their fellow bishops, have broader responsibilities in the life of their respective churches. Together with the pope, they are uniquely qualified to decide great issues of importance that affect the life of the whole church. Quinn claims that a deliberative synod would find its deepest doctrinal roots in the teaching of *Lumen Gentium*, §22 which teaches that the order of bishops succeeds the college of the apostles in teaching authority and pastoral government and also the subject of supreme full power over the universal church provided it remains united with its head the pope and never without him. The emeritus archbishop of San Francisco thinks that:

²⁸ *Apostolica Sollicitudo* (1965).

²⁹ Quinn, *Ever Ancient, Ever New*, 34.

³⁰ *Ibid.*

A deliberative synod of bishops presided over by the pope would be a sign of the responsibility of the Episcopal college for government of the whole Church. But a synod is not an ecumenical council and is not the subject of 'supreme and full power over the universal church.' What would be the grounds for this kind of synod having decision making authority in the Church? The only way this would be possible would be for the pope to grant to the synod deliberative power so as to share with him the authority for making decisions binding on the whole Church.³¹

Quinn thinks that a synod of Bishops is capable of receiving a deliberative power from the pope, exercising it with him, because only bishops by divine institution have succeeded to the place of the apostles. Clearly, he proposes that a deliberative synod should be understood as a true sharing by the bishops in the government of the universal church and not a matter merely collaborating with the pope in his primatial function. The latter, in Quinn's eyes, would be what a synod of bishops would be doing without deliberative power.

Evaluation

There is no question that the pope can give the synod of bishops deliberative power. But what does it mean? How do we understand what is going on if the pope were to grant such power? What form of collegiality would it involve precisely? While Quinn admits that the synod is not the subject of supreme and full power over the universal church, nevertheless in his proposal the synod would in effect exercise it because the pope would give the synod decision making authority binding on the universal church. This conferral by the pope would be something other than enabling the synod to exercise delegated papal power. In the end, Quinn's proposal assumes that the pope can, by judicial fiat, simply give to a subset of the college of bishops (the synod) power and decision making authority over the rest of the bishops and the universal church. Can the pope do this? There are good reasons to think that the pope cannot. These have to do with the fact that the apostolic college, which the episcopal college succeeds and perpetuates, comes to us from revelation as something indivisible. For a pope to grant a subset of the episcopal college power and authority over the whole college would violate this indivisibility. How could the episcopacy be one and undi-

³¹ Ibid., 35.

vided if, at certain times, some part of it could act and make decisions binding on the whole college of bishops and the universal church? A few bishops cannot be delegated to represent the whole college even by the pope. The pope can delegate them to represent himself, but not to represent the college. It is important to be clear about who can represent the whole college of bishops. The only structure within the Church that can represent the unity of the whole college and body of bishops is its visible principle and foundation of unity, its head, the pope.³²

If the episcopacy is one and undivided, as *Lumen Gentium*, §22 teaches, then decision making authority that is binding on the whole church is exercised by the whole episcopal college with the pope and not by some part or organ of it. It is because the entire college and the pope succeeds the apostles and St. Peter that it is said to govern “the house of the living God.”³³ The entire college, not some part of it, succeeds the college of apostles in teaching authority over the universal Church. The pope must still receive the college as Christ constituted it. The successor of Peter cannot change this structure. In other words, the pope does not have the power to grant a synod of bishops, or some other group, authority over the universal Church no matter how temporary or episodic without changing the nature of the college itself as founded by Christ³⁴ As we have seen *Lumen Gentium* teaches that to make decisions binding on the universal Church is a matter of the entire episcopal college acting together with the pope exercising its supreme and full power over the universal Church or the pope acting alone as head of the college, exercising his supreme governance over the whole Church. An observation of Walter Kasper made about the office of bishop as divinely instituted is pertinent here. He pointed out that the office can be “neither dispensed with nor so limited in its functions either by the Petrine office or by bishops’ conferences or by post conciliar diocesan councils nor made

³² *Lumen Gentium*, §18, 23.

³³ *Lumen Gentium*, §18.

³⁴ *Lumen Gentium*, §23 comes to mind again here: “The individual bishops who have pastoral government over the portion of the people of God has been entrusted to their care, but not over other churches nor over the universal church. But as members of the Episcopal college and legitimate successors of the apostles, the individual bishops, to the institution command of Christ, are bound to be concerned about the whole church, and even though this solicitude is not exercised by any act of jurisdiction, nevertheless it makes a very great contribution to the well-being of the universal church.” It would seem that just as individual bishops do not exercise their solicitude for the universal church by an act of jurisdiction neither could a group of bishops.

dependent on them that de facto it can no longer fulfill the proper lawful and pastoral responsibility conferred upon it by Jesus Christ.”³⁵

No bishop can delegate to some central organ his responsibility for his church or his responsibility to be solicitous for the universal church. To be sure, individual bishops are subject to the supreme and universal authority in the church, but to try to make them subject to anything less than that would be to usurp their power, authority and responsibility to govern their churches. But this would be the result if a group of bishops, something less than the whole episcopal college, were somehow given authority to make binding decisions for the whole Church. In this way, the synod could become, ironically, a new form of centralism. To think that the synod could be empowered to act as a central magisterial organ over the college of bishops, is to think of the college of bishops and collegiality in more of a political sense than a theological one. I certainly do not think Archbishop Quinn intends these outcomes in his proposal but it is hard to see how what he proposes avoids them in the end.

None of the foregoing is to deny that the pope can give a synod deliberative power. But this power he can give is not a proper power but a delegated one. A deliberative synod would be a matter of the bishops assisting the pope in his primatial ministry. It would not be a matter of the synod of bishops somehow representing the episcopal college. Were the pope grant to deliberative power to a synod, *Apostolica Sollicitudo*³⁶ and the Code of Canon Law (canon 343) make it clear that this deliberative power depends on the pope ratifying the decisions of the synod. Decisions made by a deliberative synod would be binding on the universal church because of the pope’s ratification of them. Such a synod would be in the words of a canonist “an auxiliary instrument of the primatial activity” of the pope.³⁷ A deliberative synod would be certainly

³⁵ Walter Kasper, “Zur Theologie und Praxis des bischöflichen Amtes,” in *Bischöfsbestellung: Mitwirkung der Orstkirche?*, ed. B. Korner, 18–39 (Graz: Styria, 2000), 27f, as quoted and translated by Heim, *Joseph Ratzinger: Life in the Church and Living Theology*, 118.

³⁶ *Apostolica Sollicitudo*, §II, “The Synod of Bishops has, of its very nature, the function of providing information and offering advice. It can also enjoy the power of making decisions when such power is conferred upon it by the Roman Pontiff; in this case, it belongs to him to ratify the decisions of the Synod.”

³⁷ Gian Piero Milano, *Exegetical commentary on the Code of Canon Law*, v. II/1, eds. Ángel Marzoa, Jorge Miras, and Rafael Rodríguez-Ocaña (Chicago: Midwest Theological Forum, 2004), 627. Also, the canonist John Johnson argues that a synod exercising decision-making power would be “exercising delegated papal power”. See *New Commentary on the Code of Canon Law*, ed. John Beal et al.

an instance of an intense, although partial, form of collegiality (*collegialis affectus*) where an important group of bishops acts together with the pope in such a way that is of benefit to the whole church with a wide range of consequences that might lead to vitally important things in the life of the church. Still, it would not be a matter of the pope making the synod an instrument for exercising the power of the college of bishops. If a deliberative synod is a matter of bishops exercising delegated papal power then it is less of a sign of the responsibility of the episcopal college for the governance of the whole Church than Archbishop Quinn imagines. A manifestation of the principle of episcopal collegiality involving the supreme power over the universal Church would involve an ecumenical council or a joint action of the members entire college dispersed throughout the world.³⁸

Bologna Proposal for a New Collegial Body of Bishops as an Instrument for the Universal Governance of the Church

Another proposal for greater collegial governance of the Church dates to 1978 but was only made public in 2004 in a book edited by Giuseppe Alberigo.³⁹ The proposal was made in the form of a memo given to participants of the two papal conclaves in August 1978. The memo came from the “Documentation Center – Institute for Religious Sciences” founded in Bologna by Fr. Giuseppe Dossetti. It was written by unnamed members of the Institute.

The Bologna memo proposes a new institution for putting into effect the shared responsibility the bishops have for the universal Church: the formation of a new collegial body under the presidency of the pope that

(New York: Paulist Press, 2000), 457.

³⁸ Thus *Lumen Gentium*, §25: “Although individual bishops do not enjoy the prerogative of infallibility, nevertheless, even though dispersed throughout the world, but maintaining the bond of communion among themselves and with the successor of Peter, when in teaching authentically matters of faith concerning faith and morals they agree about the judgment as one that has to be definitively held, they infallibly proclaim the teaching of Christ. This takes place even more clearly when they are gathered together in an ecumenical Council and are the teachers and judges of faith and morals for the whole church their definitions must be adhered to with the obedience of faith.”

³⁹ *L'officina bolognese 1953–2003*. The book describes the forty-year work of the Documentation Center—Institute for Religious Sciences and includes documents written by Dossetti and other documents inspired by him. All quotes of this document in English are taken from the translation available on the blog of Sandro Magister. <http://chiesa.espresso.repubblica.it/articolo/21473?eng=y> (accessed July 8, 2014). This is the only English translation I am aware of.

would be made up exclusively of members of the episcopal college. This body would be analogous to a permanent synod of the Eastern Church.⁴⁰ It would be ideally composed of no more than 12 individual members allowing for stability and efficiency. It would meet at least biweekly to consider the problems and issues facing the universal Church and would make decisions with regard to them. The writers of the Bologna memo insist:

It would need to be clear that this is not an instrument for coordinating the congregations of the Roman curia, but rather a new body situated at the highest leadership level of the Catholic Church, expressing and putting into effect the shared responsibility of the universal episcopal college with its head, the bishop of Rome. This would imply making the collegial manner of exercising supreme responsibility in the Church the ordinary one, and making the personal way an exception.

The memo also says that decisions usually would be made unanimously but in cases of necessity by a majority always including the pope's vote. This proposal conceives of this new body composed of a small, limited number of bishops exercising something that is the responsibility of the whole universal episcopal college with its head, namely, the governance of the universal Church. This body of bishops under the presidency of the pope would "preside over the common aspects of Church life" and "would consider on at least a biweekly basis the problems facing the Church as a whole, and would make the related decisions." All of these activities would involve the new collegial body in the governance of the universal Church and therefore exercising, in effect, the supreme power over the universal Church. Overall, the Bolognese memo appears to envision this governance as regularly and usually exercised by what amounts to a subset of the episcopal college—a kind of episcopal senate—together with the pope. This proposal seems to think it best that it be a rare thing for the pope to exercise personally the supreme power of the Church. In other words, this proposal believes that a small group created from certain members the episcopal college can take up the shared responsibility and the authority of the whole college with the pope for the governance of the universal church. Such an arrangement, according to the proposal, would put into effect the

⁴⁰ The important difference being, of course, that this new body would put into effect the "shared responsibility" of the episcopal college with its head.

doctrine of episcopal collegiality.

Evaluation

This arrangement suggested by the Bologna memo suffers from the problem of denying, at least on a practical level, the Church's understanding and teaching about the indivisibility of the college of bishops and the supreme power of the Church. As we have seen, Christ instituted the apostolic college as one and indivisible so that it might continue his universal mission and be the sign and instrument of the whole eschatological assembly of the people of God, the church. If, as *Lumen Gentium*, §22 teaches, the college of bishops *cum et sub Petro* is the subject of supreme power over the universal Church because the bishops as a whole succeed the college of apostles and perpetuates its existence, then a few chosen members of the college cannot exercise the supreme power over the universal church without denying the wholeness and indivisibility of the college itself. Due to this nature of the college of bishops, there is nothing in *Lumen Gentium* that envisions the possibility of forming a central government of the Church by delegating to a chosen group of bishops the faculty of participating in the supreme power over the universal church. Unless, of course, the actions of this new "collegial" body of twelve bishops would be a matter of delegated papal power—something the Bologna memo clearly does not mean. *Lumen Gentium* is quite clear that only the pope or the entire college can exercise the kind of governance the Bologna proposal would have the group of twelve exercise.

The Bologna memo is more far-reaching than proposals like those of Archbishop Quinn. It would limit, in effect, not only the personal exercise of supreme power by the pope but also its exercise by the whole college. This follows from the reality that the new body of twelve bishops would be usual and regular way of putting into effect the shared responsibility for the governance of the universal church and the usual way the doctrine of collegiality would be put into effect. Ecumenical Councils, presumably would continue to be rare and the exercise of the whole college outside of an ecumenical council while not denied presumably would be even rarer. The Bologna memo's proposal for the usual and regular exercise of episcopal collegiality rests on different conception and understanding of the episcopal college than is found in *Lumen Gentium*. The Bologna memo seems more inspired by the logic of political theories of representative government insofar as it proposes that a small body of twelve bishops and the pope would put into effect

the shared responsibility of the episcopal college for the universal church.

**Toward Greater Collegiality:
A Possibility from *Lumen Gentium*, §25**

As we have seen, the Second Vatican Council teaches in *Lumen Gentium*, §25 that the supreme authority of the Church can be exercised outside of an ecumenical council by the ordinary universal magisterium, that is, the members of the episcopal college dispersed throughout the world in unity with the pope. The head of the college, the pope can either initiate such action or freely approve of a united, joint action of the bishops scattered throughout the world. Since the Second Vatican Council something like this possibility was exercised in the encyclical *Evangelium Vitae*. For example, the encyclical explicitly invokes the teaching authority of the ordinary universal magisterium with regard to the direct killing of the innocent, direct abortion, and euthanasia.⁴¹ The pope explicitly says that he is teaching in communion with the bishops of the Catholic Church and refers in a note to *Lumen Gentium*, §25 in each of the three doctrinal formulations.⁴² The pope's language in each of the formulas makes it clear that he is confirming a teaching that he and the bishops want all Catholics to hold definitively.

The technology of modern communications have made it even easier for the whole college to act outside of an ecumenical council and be involved in important decisions facing the Church. Today it is not hard to imagine that if there were some great matter facing the Church, most members of the episcopal college dispersed throughout the world could probably be contacted and brought together rather quickly in most cases. Of course joint action is not simply a matter of rapid communications but timely joint action would be difficult without it. The possibilities here would not have to be limited to doctrinal issues. While, as *Lumen Gentium*, §25 teaches, the ordinary universal magisterium can teach doctrines infallibly there is nothing in the texts of Vatican II that would limit the exercise of the supreme power to these matters. The joint action of the members of the episcopal college together with the pope could involve pastoral and other matters that have far-reaching consequences for the Church. Even when the pope initiated the joint action of the whole episcopal college this would be a centralizing action but interven-

⁴¹ See the discussion in Dulles, "John Paul II and the Teaching authority of the Church: Like a Sentinel," 7–9.

⁴² See *Evangelium Vitae*, §57, 62 and 65 with regard to the direct killing of the innocent, direct abortion, and euthanasia.

tions from the center would be more collegial. Of course, a matter for joint action might first originate with the bishops as well. None of this would deny the power and at times the necessity of interventions from the pope acting alone for the good of the Church. Decisions binding on the whole Church, however, would not always be a matter for the pope acting alone or through a deliberative synod or a case for an ecumenical council.

A collegiate act of all the bishops dispersed throughout world and united with the pope would be a greater and more intense form of collegiality than a synod given deliberative power by the pope because it would be an act of the whole college of bishops together with its head, the pope. In other words, it is a form of collegiality in the strict sense or what is called effective collegiality. The synod of bishops is still an important and necessary instance of collegiality even if as I have argued it is “an auxiliary instrument of the primatial activity of the pope.” The synod could even be involved in the preparation for joint action. It could prove to be invaluable for referring a matter for deliberation by the members of the episcopal college scattered throughout the world and its head the pope. This could be an important function of the synod that would increase its collegial activity. It would be a matter of a distinguished group of bishops alerting the entire episcopal college and the pope about an important matter that they think calls for the joint action.

A Step Toward Synodality: Provincial Councils

An important layer of collegiality, although partial, that could go a long way towards realizing greater synodality is the provincial council. These gatherings are a form of collegiality because they involve bishops coming together, in virtue of the bonds of unity, charity, and peace, for the good of a group of particular churches. In this way they manifest and express what *Lumen Gentium*, §23 called *collegialis affectus*. This form or degree of collegiality, which does not involve acts that bind the universal church, is important and necessary. If the universal church is a communion of particular churches, as *Lumen Gentium* teaches, then meaning of collegiality is not reduced or exhausted to whenever the entire college of bishops acts for the whole church.

A provincial council should be distinguished from a plenary council “which is held for all the particular churches belonging to the same conference of bishops.”⁴³ A provincial council is more limited and is

⁴³ C. 439. §1.

held “for all the various particular churches of the same ecclesiastical province.” An ecclesiastical province is a certain territory comprised of an archdiocese, headed by a metropolitan archbishop, and a group of neighboring dioceses and other particular churches.⁴⁴ The Second Vatican Council in its Decree on Bishops, *Christus Dominus*, §36, expressed the “earnest desire . . . that the venerable institutions of synods and councils should flourish with renewed strength. . . .” The Decree understands synods and councils as expressions of communion. Their origin is presented as being located in the bonds of fraternal charity and apostolic zeal for the universal mission of the Church. Recalling the experience of the church from early centuries, the Decree observes that synods and councils came into being because bishops wanted to share “their abilities and their wills for the common good and for the welfare of the individual churches.” These councils and synods were a means for local churches to find a common way for the teaching of the truths of the faith and the ordering ecclesiastical discipline.

Unfortunately this desire of the fathers at Vatican II for the flourishing of councils has not been realized. Provincial councils have been rare after Vatican II. Historically, these gatherings have made some significant contributions to the life of the church. We know that by the end of the second century bishops had adopted the practice of gathering in synods or councils to address problems that were faced in common by seeking a consensus about how to solve them. These matters could involve many things: pastoral matters, correction of abuses, settling of disputes, problems regarding Christian conduct and morality and sometimes, the choice of a new bishop for a church in the province. The importance of synods and provincial councils for the life of the church in the early centuries is evident in canons of the Council of Nicea. Nevertheless, in later centuries, for a number of reasons, provincial councils did not become a regular institution despite legislation mandating or encouraging their practice. Lateran IV (1215) decreed that provincial councils be held every year but this requirement was not long observed.

The Council of Trent, in its Decree on Reform, lamented the lapse of provincial councils. Trent sought to revive the practice of regular, consistent meetings of provincial councils. The Council mandated that metropolitan archbishops should summon a council in their province at least every three years. As a result of this requirement there were

⁴⁴ The 1983 *Code of Canon Law* in C. 368 defines particular churches as 1) dioceses; 2) territorial prelatures; 3) territorial abbaies; 4) apostolic vicariates; 5) apostolic prefectures; and 6) apostolic administrations “erected in a stable manner.”

numerous councils that met in European provinces at the end of the sixteenth century. The practice soon diminished but there were a series of provincial councils in the middle to late nineteenth century although not with the frequency called for by Trent. The triennial requirement was ended in the 1917 *Code of Canon Law* which prescribed that provincial councils were to be summoned and held in every province every twenty years. Even this requirement for less frequent meetings did not succeed in reviving a consistent practice of holding provincial councils. Historically, experience has shown that when provincial councils have met they met because of pressing doctrinal and pastoral matters that faced local churches rather than because of a legal requirement. Perhaps reflecting this reality, the 1983 *Code of Canon Law* does not legislate the frequency of provincial councils but opts in favor of the pastoral judgment of the diocesan bishops in the province. Now, provincial councils are to be “celebrated whenever it seems opportune in the majority of the diocesan bishops of the province.”⁴⁵

The 1983 *Code* specifies that the metropolitan is responsible for convoking a provincial council with the consent of the majority of suffragan bishops. The metropolitan is to preside over it.⁴⁶ The *Code* legislates who must and who can be called to a provincial council. There are some important changes from the 1917 *Code* which required some representative clergy to be invited but made no mention of lay persons.⁴⁷ The list of those called in the 1983 *Code* is worth reviewing because of the opportunity afforded for a wide cross section of the Church that inevitably would include lay Christian faithful with a consultative vote. Diocesan bishops, coadjutor and auxiliary bishops and certain titular bishops must be called and have the right of deliberative vote.⁴⁸ The following members in the territory of a province must be called to provincial or particular councils but only with a consultant vote: vicars general and the episcopal vicars of all the particular churches in the territory of the province, the major superiors of religious institutes and societies of apostolic life for men and women, rectors of ecclesiastical and Catholic universities, the deans of faculties of theology and canon law which have office in the territory of the province, some of the rectors of major seminaries (elected by the rectors of the seminaries) which are located in the terri-

⁴⁵ C. 441, §1.

⁴⁶ C. 442, §1.

⁴⁷ C. 282, §3.

⁴⁸ C. 443, §1–2.

tory of the province whose number is to be determined by the bishops.⁴⁹ It should be noted that because deans of theology and canon law are among those who must be called with consultative vote that lay persons could be among them. Presbyters and other members of the Christian faithful—meaning lay persons and religious—can be (not must be) called to a particular or provincial council but only with a consultative vote.⁵⁰ The *Code* stipulates that two members from the cathedral chapters and the presbyteral council and pastoral council of each particular church are to be invited with consultative vote.⁵¹ This would inevitably involve lay faithful who are members of diocesan pastoral councils. Finally, the canon also allows for others to be invited as guests if it is thought to be appropriate and expedient in the judgment of the bishops.⁵² This would seem to allow for guests from separated Churches and ecclesial communities.

Provincial councils afford the opportunity to focus on pastoral activity and the needs of the Christian faithful in the development of the life of faith. These councils can have important legislative functions. As one commentator on canon law has noted,

particular councils can issue *leges*, general decrees and general executory decrees, instructions, individual decrees and precepts. They can exhort, issue warnings, arrange common activities and provide in a variety of other nonbinding ways for the development of church life. They can also present the needs and opinions the Christian people the higher authorities in the church.⁵³

The widespread participation envisioned by 1983 *Code* means that a particular council would be a sizable meeting. Persons who ordinarily do not participate in the gatherings of bishops would have a chance to be an important and meaningful presence. Their participation would allow bishops to have a breadth and depth of knowledge and advice from a cross-section of the church that might not ordinarily surface. There would be the possibility of collaboration of lay persons from a variety of

⁴⁹ C. 443, §3.

⁵⁰ C. 443, §4. It also specifies that their number should not exceed half of the number of those mentioned in the first three categories.

⁵¹ C. 443, §5.

⁵² C. 443, §6.

⁵³ James Provost, "Particular Councils," in *The New Code of Canon Law*, ed. M. Theriault and J. Thorn (Ottawa: St. Paul University, 1986), 1:551.

different places and situations of life from within the church. A provincial council would be a chance for the voice and perspective of women, religious and lay, to surface in the life of the pastoral governance of the church in a way that is not happening at the present time.

If synodality is the walking together of the people, the bishop and the pope, and if synodality should be lived at various levels in the Church then reviving provincial councils is not only desirable but necessary. Provincial councils would not be permanent standing bodies assisting the pope in the universal governance of the church. They would not be actions of the entire episcopal college. They would not be instruments of effective collegiality. They would be an instance of affective collegiality whereby a group of bishops would be working together for the common good of their particular churches in a province. They certainly would be an answer to the desire of the Second Vatican Council to see synods and councils flourish with renewed strength. Provincial councils could be an essential part of a movement toward greater synodality in the Church because they involve a broader and more representative participation of priests, religious, and lay people than is possible in other local gatherings such as episcopal conferences comprised exclusively of bishops.

Provincial councils also have the potential for being important for collegiality in another respect. It is sometimes overlooked or underappreciated that *Lumen Gentium*⁵⁴ understood bishops as sharing in the government of the universal church by leading and governing their particular churches in charity, unity and holiness. In this way, the bishop and his church contributes to the building up of the universal Church and puts his church's living diversity at the service of the unity of the Church. This reality is crucial for collegiality.⁵⁵ Without it, collegial governance will not really be possible and the kind of centralization where too many matters are drawn into the center will not be overcome. It stands to reason that if provincial councils can be of some help to bishops in the task of governing their particular churches well, then provincial councils can be important for this fundamental reality of collegiality. Lastly, these councils could prove to be important ecumenically by showing that the

⁵⁴ *Lumen Gentium*, §23, See note 11.

⁵⁵ Negatively speaking, the failure of bishops to govern their churches works against collegiality. The lack of collegiality is not simply a matter of Roman centralism. The sexual abuse crisis is a dramatic example. The failure of some bishops to respond properly and compassionately to victims of sexual abuse and their failure to properly discipline the perpetrators of abuse did not just have devastating consequences for the bishops' own particular churches, it obviously harmed the universal church as well.

Catholic Church is serious about pursuing the pastoral governance of the Church in a way that is less centralizing while remaining in communion with the center, the pope, the bishop of Rome.

Summing up and Concluding

This study began by drawing attention to the statements of Pope Francis that the Catholic Church can learn more about the meaning and practice of collegiality and synodality. It noted that the reform of the methodology of the synod of bishops is one way in which Pope Francis intends to pursue the promotion of episcopal collegiality. The efforts of the Pope have led to the expectations in the part of some for more substantial changes to the institution of the Synod. After giving an overview of the church's teaching on the episcopal college and collegiality in *Lumen Gentium* and the papal magisterium of Pope Benedict XVI, I examined two proposals for reform that would make the Synod, or some smaller group of bishops, a deliberative institution with power to make decisions binding on the universal Church. There is no doubt a deliberative synod as envisioned by the Church's legislation could be important and necessary instrument of communion and collegiality. I argued though that if the pope gave a synod deliberative power that this would be a matter of the bishops assisting the pope in his primatial ministry, a kind of a collegial extension of his the pope's supreme authority over the universal Church. A deliberative synod would not and could be a matter of the pope giving to a subset of the college of bishops (the synod or some other group) power and decision-making authority over the rest of the bishops and the universal church. A few bishops cannot be appointed to represent the whole college even by the pope. This would violate the nature of the college's indivisibility as founded by Christ. The nature of the episcopal college is one and indivisible because of the reality it succeeds and perpetuates namely the college of apostles founded by Christ as a sign and instrument of the re-founded, eschatological people of God. In this way, the indivisibility of the episcopal college like that of the apostles with Peter as their chief is bound up with Jesus's proclamation of the kingdom of heaven. Therefore, the indivisibility of the college is not simply a practical arrangement that the pope or the Church can sometimes suspend in favor of a representative form of government.

Finally, I suggested two other ways that could contribute to greater exercise of collegiality and synodality. There could be joint action, outside of an ecumenical council, of the entire episcopal college with the pope involving important matters of doctrine or even some urgent

pastoral matters related to doctrine. Such joint action would be an instance of the supreme power over the church exercised collegially. Last, I have argued that if synodality is to be promoted at various levels in the Church, as Pope Francis desires, then provincial councils, which would involve a wide participation from a cross section of the Church, could go a long way towards realizing the walking together of the people, the bishops, and the pope.

N V

