



Presentation

of the Synodal Forum I

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

for the First Reading

at the Second Synodal Assembly (30 September - 2 October 2021)

for the basic text (draft file)

Introduction

The Catholic Church is in a serious crisis. She can only fulfil Her mission if She recognises the character, causes and dimensions of this crisis, faces up to the crisis, and makes a serious effort to find solutions. The crisis of the Church needs to be defined within a broader context of societal and cultural change processes, but not limited to such general factors. Firstly, there are tensions within and between the doctrine and practice of the Church. Secondly, a divide exists between how power is actually conceived and exercised in the Church, on the one hand, and the demands of the Gospel and the standards of a plural, open society in a democratic constitutional state, on the other.

It is a matter of the conversion and renewal of the Church with regard to Her system of power. According to *Lumen gentium* 8, the Church is not only a spiritual entity, She is also a society constituted in and for this world. A look at history shows that there were many ways of shaping these structures of the Catholic Church, at different times and depending on the socio-cultural environment and respective challenges, and that these ways need to be evaluated differently when looked at from today's perspective. They can and should be put to the test once more in the light of the Holy Scripture and of the Second Vatican Council. The sense of faith of the people of God calls for greater shared responsibility, cooperative action and enforceable participation rights.

The crisis is coming to a head in the abuse scandal. The MHG study has shown forcefully and in disturbing diversity that sexualised violence committed by clergy against children and juve-

niles, the hushing up of offences, and the protection of perpetrators, are caused not only by individual psychological factors, but also by systemic ones. In particular, it reveals the current power structure within the Church, which has favoured certain criminal and abusive acts and made it difficult to counter them internally as well as to cooperate with the public authorities. It is therefore all the more important that those with responsibility in the Church undertake a critical self-reflection with regard to these structural and ideational factors that enable or promote the abuse of power. The task is to develop standards and criteria for concretions that serve to bring about valid, sustainable spiritual and structural renewal.

As the Synodal Assembly of the Catholic Church in Germany, we therefore recognise in conscientious and self-critical reflection, and in an effective reform within the Church's power structures, that there is a key challenge if the mission of the Church is to be realised in the world of today. If the Church wishes to be able to claim spiritual and moral authority, both internally and externally, Her understanding and use of power must be critically examined, and if necessary reformed: Does this Church's power really serve the proclamation of the Gospel, and does it serve people? Where does it become autonomous? Where does it promote and where does it hinder the experience of God's unlimited creative life power?

An examination of the Church's power system would be necessary in any case in the interest of successful inculturation into a free, democratic society based on the rule of law. This is not about uncritically adopting practices from society. Inculturation is not a one-way street. The Church also always has a prophetic-critical mission towards its social partners¹. And one may naturally not overlook the fact that democracy as a political system and a way of life is also exposed to a variety of dangers. Popes since Pius XII have nevertheless repeatedly accorded democracy a preferential position² as a state form. In recognition of the development of modern democratic states, the Second Vatican Council advocated the idea of a fundamental separation of and constructive cooperation between the Church and the political community (*Gaudium et spes* 76). In order to be able to provide motivation and resonance for a democratic culture, especially in the pre-political domain, the Church must therefore answer to democratic achievements. Its system of law and power must be recognisable as an expression of and resource for those strong positive values that form the ethos of free, democratic ways of life.

This shows that the surrounding society can no longer understand and comprehend the Church's system of power in many instances. Yes, the Church is publicly suspected of using Her own legal system to discriminate against certain sections of the population, to undermine democratic procedural standards, and to immunise Herself against critical enquiries about Her doctrines and organisational structures. The Synodal Path builds on theologically-sound reforms and concretely-modelled changes in order to address legitimate accusations, rebuild trust in the Church, and make space for faith in the God of life.

The kernel to the problem is the manner in which power - that is power to act, power to interpret and power to judge - is understood, justified, transferred and exercised in the Church. A theology of the Church has developed, a spirituality of obedience and a practice of the office which unilaterally binds this power to ordination and declares it to be sacrosanct. The

¹ Cf. Francis, Letter to the pilgrim people of God in Germany, 29 June 2019, No. 7.

² Cf. Pius XII, Radio message to the world, 24 December 1944.

Church is thus shielded from criticism, disconnected from supervision, and inured to separation. Conversely, vocation and charisms, dignity and rights, competences and responsibility of the faithful in the Catholic Church are not taken into account according to the significance that they have to the people of God. Their access to the Church's ministries and offices is restrictively regulated without the task of evangelisation coming sufficiently to the fore as a decisive criterion. The respective ministries, offices, roles and responsibilities too are not sufficiently closely linked to the charisms, competences and qualifications. Not only access to power, but also the selection and guidance of those to whom this power is entrusted, require an honest evaluation and reform. The Church-related exercise of power also requires a settled personality and spiritual maturity. This too is not always taken into account when offices are assigned.

These factors justify, cause and promote the abuse of power, which obscures the mission of the Church. Precisely because this obscuration reaches into the institutional core of the Church, it also affects the image of God that is proclaimed and lived, and thus the innermost point of all evangelisation. The Church's aspirations and reality must become more closely aligned once again.

Since the problem of power concerns concrete structural questions related to the separation of powers, supervision of power and participation, these issues are particularly focused on here. Questions closely connected to this include those of gender equality, and the question of the mission and shape of the ordained ministry. When it comes to the issue of options for a successful life in a partnership, in addition to questions of content there is also the debate as to which Church authorities may be entrusted with interpretative and judgemental authority, according to what criteria and on the basis of which competences.

The programme in brief

A theological justification is needed so that it is possible to speak about power and the separation of powers in a clear, understandable manner which can be used to guide future behaviour. This is provided in this basic text from two perspectives. The first part provides the theory, whilst the second part reflects on the practice.

- The first part clarifies the manner and reasons for speaking of the Church in a manner that makes it possible to analyse both the current crisis as well as the basis for sustainable changes in its system of power. The "hermeneutics" are crucial here: the manner in which well-founded statements can be made regarding the Church.
- The second part provides a structure regarding the steps that lead to the necessary changes, in which directions they lead, and how they are connected with one another. The "pragmatics" are crucial here: the transparent logic to effectively achieve goals.

Both parts are about renewing the system of power, and especially the leadership structure, in the Catholic Church through greater participation on the part of all faithful so that the proclamation of the Gospel in word and deed is better served.

On this basis, there will be a series of submissions from Forum I regarding individual resolutions in which key points will be specified to demonstrate what the necessary changes look like, and how they can be implemented in a verifiable manner.

Organising the work in Forum I in this way makes it clear that the proposals regarding individual decisions are neither arbitrary nor actionistic, but are justified and ordered by sound theology and a transparent grid. It also becomes clear that the theological clarifications are not optional, but that they converge on comprehensible options and justify precise changes.

The text is divided into nine sections. Each begins with the subject 'We'. This 'We' is the Synodal Assembly. Should the Assembly adopt this text, it expresses nine times its intention to go forward on the path of conversion and renewal of the Church.

Part I continues with **section 1**, a diagnosis of the crisis: **"Where do we stand - and what lies ahead?"** The upheaval of the Church's processes of change is placed in the context of general societal transformation. Institutions and organisations have lost trust overall. In relation to the Churches, this loss of trust is however connected in an elementary sense with the perceived abuse of religious power.

After setting this context, the text takes up its fundamental communicative stance with **section 2**. As a Synodal Assembly, we respond to society: We seek to regain the trust that we have lost, and will take the necessary steps to do so: **"We have understood!"**

Section 3 reformulates this fundamental communicative concern of the text making use of the revelation theology of the Second Vatican Council. As Churches of this Council, we know that we can only learn to fulfil our mission if we seek out and interrogate the whole diverse network of places where God's revelation is received. The Second Vatican Council has emphasised two places of faith here in particular: the 'signs of the time', and the 'sense of faith of God's people'. These two places seem to us to be extremely informative for the theme of a reformed system of power in the Church: **"We are on a path of learning."**

This path of learning is embarked on subject to a proviso of legitimate plurality. It is possible to take up well-founded but different theological positions with regard to the upcoming decisions on the Synodal Path. **Section 4** therefore formulates the attitude: **"We wish to learn to live with theological diversity in the unity of the Church"**. The willingness to learn as a Church in the interplay of consolidation and renewal is based on the conviction of being able to create a new manifestation of the Church's conflict culture.

Plurality is not arbitrary, and it is not an end in itself. There are theological constants. **Section 5** therefore embeds the text in the ecclesiology of the Second Vatican Council. The Church is defined here as a sacrament: as a sign and as an instrument. The concept of the sacrament comes into focus if one reflects on the legitimate use of power by the Church and collects information both from the sources of tradition, and from the experiences and insights of the present, namely those of a democratically-shaped surrounding culture. The text presents a dynamic interpretation of the programmatic description of the Church by considering the characteristics of the 'signs' and of the 'tool'. This makes it possible to describe the definition of the Church's power in both spiritual and structural terms: **"We aspire to be a sign and a tool of unity and salvation."**

Part I has thus developed a hermeneutic in which it becomes clear that tradition and reform are two sides of the same coin. Tradition (*traditio*) is a living historical process involving jointly following the Apostolic faith. This is witnessed in the Holy Scripture, and thus the Church has repeatedly found and determined Herself anew in the course of history in the many *traditiones*, in “teaching, life and worship” (*Dei verbum* 8). In short: Tradition and reform reflect one another and challenge one another. If the effort for reform, as the basis for doctrinal and ecclesiastical creativity, gives up its reference to tradition, it becomes homeless and its ties are weakened. And if the Church’s tradition is not shaped in a way that is learning and relevant to the present, it ossifies and only has any value as a museum-piece.

It would now be impermissible, however, to jump directly from this general outline out of sections 1 to 5 into concrete recommendations for change. This is because there is a need to identify precise terms, standards, criteria, access requirements and grids.

This is the task of **Part II** of the text, which is based on the clarifications in Part I, and shows in which way and at which points conclusions are to be drawn. In order to create the necessary clarity which will allow an open debate and targeted decision-making in a spiritual atmosphere within the Synodal Assembly, four sections are marked here which first develop the legal framework and the target-orientated standards and criteria before, firstly, the access requirements and, secondly, the fields of action and decision-making procedures are characterised.

Section 6 is entitled: “**We need clear terms and precise distinctions.**” This makes it clear what the Forum means when it speaks of “power” and “separation of powers”. There is a general understanding, which is primarily taken from the political sphere. But there is also a specific understanding of canon law which must remain firmly in view if reform proposals are to be well founded and expedient. This focuses on the task of defining the relationship between the power of ordination, on the one hand, and the power of leadership and jurisdiction, on the other, in a more differentiated way than is currently the practice in Germany. Much can be done with the help of the current canon law. There are however also fundamental questions that need to be clearly identified and answered if the legislative, executive and judicial powers are to be more precisely differentiated, thus facilitating mutual supervision, limitation and mediation.

Section 7 indicates: “**We jointly define standards and criteria.**” These standards and criteria follow from the renewed image of the Catholic Church. They aim to promote participation, prevent abuse, strengthen transparency and supervision, introduce accountability, and strengthen synodality. The standards and criteria result from the necessity and the chances of inculturation in the democratic culture of life, in which the Church’s leitmotifs from Scripture and tradition are rediscovered.

Section 8 states: “**We address conditions for access and promote competences.**” The question of access to the Church’s offices and ministries is highly contentious in some cases. There is a need for close coordination, especially with the Forum which works on priests’ future role and way of life, and the Forum which works on women’s access to ministries and offices of the Church. With regard to administrative tasks, there are already good initiatives to promote the

equality of women. Celibacy for priests is also part of the agenda. Last but not least, clarifications are needed in order to open up women's access to the ordained ministry in the Church.

The task in **section 9** is: “We describe fields of action and decision-making procedures”. The section develops a grid permitting clarification regarding three questions as to where changes are possible and necessary. (1) How can the liturgy, witness and *diaconia* be strengthened in the spirit of the community of faith? (2) Where are reforms necessary and possible at the levels of the parish, the diocese, the Bishops' Conference and the universal Church in order to serve the cause of evangelisation? (3) In which dimensions of the Church's leadership do greater transparency and supervision, more participation and subsidiarity, more effectiveness and diversity need to be ensured?

The nine sections of this text thus provide a matrix of clear rationales, terms and references. This matrix allows the concrete proposals for change put forward separately in the Synodal Assembly to be sorted and recognised in terms of their contribution to the fulfilment of the great task of reforming the Church's system of power, and especially the power of leadership.

Part I:

Reforming our own power structures as a fundamental activity of a Church on the Path

1. Where do we stand? And what lies ahead?

Dimensions and challenges of the crisis

A sustainable spiritual and institutional conversion needs an honest, nuanced definition of the crisis, and (cf. sections 3-5) a reassurance about the Church's claim and mission. The current crisis of the Catholic Church affects different levels, and has multiple causes. In the context of the sexualised and spiritual abuse of charges by clergy, a plausibility crisis of the Christian faith, a *crisis of trust* in the Church's actors, and a *systemic crisis* in terms of the use and abuse of power by the Church, intertwine and reinforce one another in terms of their causes and their consequences.

- The *plausibility crisis of faith* is a moment of comprehensive religious and cultural change, which is particularly evident in open, Westernised societies in which the differentiation between religious and secular spheres is taken for granted. Secularisation processes are neither comprehensive nor linear. Spiritual and religious needs continue to claim space, but ties to the Church are becoming fluid. There continues to be a demand for church rites on the occasion of family or biographical events, but offers from independent providers of rituals are increasingly being taken up. Basic Christian beliefs, namely faith in a personal God who intervenes in history for the salvation of the world, are also dissipating. In short: The cultural (self-)understanding and intellectual approval of the Church's denominational, symbolic and social form of the Christian faith is dissolving. This has not only been the case since the abuse scandal, but it has accelerated it massively.

- The *Church's crisis of credibility* concerns first of all the institution and the social realm of the Church. But it also reaches faith. Many who resign their Church membership retain their faith, but the crisis of credibility of the Church costs others their faith. Trust in God always also lives amongst other things from personal experiences and from contact with credible witnesses to this faith. Faith lives from shared traditional ways of expressing and celebrating it. Where the social context of faith breaks down, personal faith loses an important foundation. Studies³ have proven that alienation from congregations and from Church institutions, as well as from the Church's rituals and offers of meaning, are an important factor motivating people to leave the Church. There is explicit mention of the Church's (power) structures being perceived as backward or not up-to-date, this also applying to the Church's positions on questions of human rights and other rights, and (relational and sexual) ethical questions, in particular with regard to gender equality, in the evaluation of LGBTQI sexual orientations, and in dealing with failure and new beginnings (e.g. marriage after divorce). Experiences of discrimination and exclusion in the Church have cast lasting doubt - even among highly-committed members of the Church - on the credibility of this Church, whose mission is to enable trust in God and in community. The experience and even the very knowledge of clerical superiority over charges, be it on a physical, psychological or spiritual level, destroys trust. In this process, the Church may betray in Her practice what She is in relation to Christ; She may go against Her aspiration to be a sign and an instrument of salvation for people, and become instead a sign and instrument of disaster. In the context of the abuse scandal, She represents an obstacle to faith for many people. This situation becomes the acid test for children and juveniles, women and men engaging in voluntary work, and those who work for the Church on a full-time or part-time basis, for priests and lay people who are committed to the Church and stand up for Her in their families and at work, in parishes and Caritas, in schools and universities.
- The *institutional crisis* of the Church stems not only from individual misconduct which was made possible under the protection of the institution, but also from a culture of exaltation of the spiritual office and in structures and attitudes secured by church law which "protect" ministers from critical questioning, as well as from sustainable supervision, limitation and counter-power. In the sexual and spiritual abuse that happens in a religious institution, and in the context of sacralised power, the acting person fails again and again, as does at the same time the institution that enables this action and which covers up their actions in a purported attempt to protect the aspired-to sanctity of the system. Where institutional protection is placed above the protection and defence of the victims of this institution, the aspiration of the Church is thwarted. Then the sign of salvation becomes the space of damnation. Faith in the Gospel, on the other hand, offers people prospects for action and meaning. This faith could and should release creative forces; it represents a power of life. This power of faith is to be communicated generously in the Church - i.e. shared and communicated, and made tangible. People are to come into contact with God's creative life power through sacramen-

³ Cf. Markus Etscheid-Stams, Regina Laudage-Kleeberg, Thomas Rünker (eds.), *Kirchenaustritt - oder nicht? Wie Kirche sich verändern muss*, Freiburg/Basel/Vienna 2019

tal signs. The Church has the authority to set these signs. The power of God is comprehensive. It seeks the best, and thus includes the life realities of people beyond borders and hierarchies, as they establish origin, social or religious status and gender (cf. Gal 3:28) because it aims at the salvation of people.

We wish to understand and exercise power and responsibility in the Church in such a way that we can rediscover and bring to bear the creative and liberating power of God.

The proclamation of the Gospel of God's reign and the celebration of faith will only have a credible and missionary impact if relationships within the Church - both interpersonal and organisational - recognisably correspond to the gospel of Jesus Christ and if, where this is not the case, credible corrections are made.

2. We have understood!

The mission of the Church as a debt to culture and society

More than half a million people terminated their membership of one of the two major Christian Churches in 2019 alone. 272,771 people left the Catholic Church. The number of people leaving the Church has doubled since 1990. Significantly higher figures (increases of more than 50,000 each compared to previous years) are recorded in the years following the revelation of sexualised violence by clergy (2010 and 2018) and the financial scandal in the diocese of Limburg (2013). Many church members are considering leaving, and also more and more older people are resigning their membership. Not only in Germany, but worldwide, there are more and more new and disturbing reports about abuse of power in sexual, spiritual and financial terms. Whilst the analysis and correction of factors that enable or fail to effectively prevent violence against minor charges is gradually gaining (legal) contours, and has triggered intensive theological reflections, other problems such as spiritual abuse of or violence against (religious) women, and adult charges (e.g. in religious orders, spiritual communities or seminaries) have so far hardly been recorded and dealt with. Nationally and internationally, depths of actions on the part of the Church have been revealed that no one would have thought possible. The credibility of those with responsibility in the Church has been severely damaged. The strength and willingness of many, especially many women, to continue to commit themselves in the Church, to shape the Church on the ground, and to stand up for this Church, are exhausted.

We have understood

- that an enlightened and plural society cannot and will not accept such structurally-embedded abuses of power. It must expose them, denounce them, punish them and do everything in its power to prevent their continuation. This requires active, transparent cooperation between the Church and state authorities. The Church can only be grateful for this critical publicity;
- that abuse of power may be legitimised and concealed neither in canon law nor theologically or spiritually. It distorts the idea of spiritual authority, and counteracts the theology of the office, which empowers not engage in to arbitrariness, but orders to

exercise the ministry. It simply represents a disregard, at times even criminal disregard, of both civil-liberal and Christian values and standards of law and justice;

- that power - both in the religious context and also when it is transferred as a ministry - and requires spiritual depth, can only achieve blessed effects when it is shared, limited and supervised, and when it is granted, and if necessary withdrawn, within the framework of comprehensible quality standards. Where instruments to supervise power are lacking, the power to shape and interpret is transformed into arbitrariness - also and especially in the Church;
- that the Church cannot claim any privileges and special rights in a free, democratic society which exempt Her from the normal supervision of a democratically-ordered public. Moral and spiritual authority can also not simply be asserted or demanded. Rather, the Church Herself must, and wishes, to earn the attention and esteem of society again and again - like as all other institutions;
- that spiritual leadership must also be effectively bound by law and legal protection;
- that leadership must always also be co-determined by those concerning whom decisions are made; an important proposal is that the Church's decision-making bodies are therefore also to be elected, and should be regularly re-elected so that the powers granted to them can be confirmed or assigned to others;
- that very many people have indirectly effected a corresponding deselection, which is not yet possible in the Church, by leaving the Church - increasingly even people who were formerly closely involved in the Church, people who volunteered in the liturgy, who were committed to Caritas and pastoral care, or were in the Church's ministry. Many are so repelled by a power-abusing Church that this has eclipsed other experiences of the Church;
- that the fact of their leaving the Church does not by any means always signify that they are actually turning away from God. On the contrary: Many of them have found the Church so inimical to their relationship with God that they have had to free themselves from Her;
- that there is no energy left over to take up a full-time or voluntary office in the Church if committed people do not also have any rights of co-decision. Participation in decision-making processes, and in the specific form assumed by the Church, is no polite gesture, but a right and a precondition for the possibility to assume responsibility in a self-determined manner. It is also required by theological principles: The right and duty to play an active part in all the Church's processes are founded in baptism and confirmation;
- that sharing and supervising power do not signify opposition to the authority of offices. In fact, the attribution of authority increases when it commits itself to abide by unambiguous quality standards that have been established by others;
- that power is not attributed to a person in order to assert it, but in order to shape with it. Intelligent, transparent use of power is not only just, but also effective.

Perhaps the most important thing:

We have understood that many parts of society consider a Church which is primarily concerned with itself to be unattractive and useless. Questions of structure and legitimacy are undoubtedly challenges that we have to face. But the question is not the fulfilment of the task set, but only its precondition. People are also interested in whether the Church offers them a space in which to experience and encounter God, and whether She fulfils a critically-prophetic mission towards society. The Church should be close and concrete, and should offer an orientation. This is the task of all faithful.

We have understood that we will be judged on how we honour this debt.

3. We are on a path of learning.

The breakthrough of the Second Vatican Council in terms of revelation theology and its ecclesiological formalisation

The Second Vatican Council has initiated a self-critical debate on the Church's handed-down understanding of Herself, and has opened up paths towards renewal. There are two defining aspects to this: On the one hand, the assurance in the sources (the "resources") of the Apostolic faith, as revealed by Scripture and tradition, and on the other hand the learning-receptive dialogue with the knowledge of scholarly research and the cultural developments of the present, which in their own way offer a key to gaining an understanding of God's will. Neither the Biblical and Church tradition, nor the "signs of the time", give clear instructions for the possible *aggiornamento* of the Church. And neither of these two reference points can be simply adapted uncritically. Recourse to Holy Scripture needs valid Biblical hermeneutics based on the exegetical state of the art. Seeking reassurance in the Church's tradition needs valid historical hermeneutics which also perceive the detours and deviations of the history of the Church and of dogma, remember what has been forgotten, and know about the context of theological concepts rooted in the time of their promulgation and in the Church's structures. And openness for an inculturation of the Church in societies of the present naturally requires an awareness of the potential dangers ensuing from a time and from its contemporary social order. A discernment of spirits is needed. The signs of the time are to be interpreted in the light of the Gospel (*Gaudium et spes* 4). Uncritical acceptance of contemporary standards would be just as one-sided as their blanket rejection on the grounds that, given that She is a religious institution, She has nothing to learn from secular standards. This interweaving of resourcing in Scripture and tradition and *aggiornamento* in learning-receptive contact with the present has been substantiated in terms of revelation theology and lent concrete shape in ecclesiological terms in the Council.

3.1 God's revelation in the Church's tradition

It was theologically decisive for the Second Vatican Council to describe revelation and faith in terms of a dialogue between the Word of God and the human response. "In His goodness and wisdom God chose to reveal Himself and to make known to us the hidden purpose of His will

by which through Christ, the Word made flesh, man might in the Holy Spirit have access to the Father. ... Through this revelation, therefore, the invisible God out of the abundance of His love speaks to men as friends" (*Dei verbum* 2). Revelation, which is understood personally, historically and dialogically, creates a historical and personal space of communication in which God's living word - Jesus Christ - is heard and appropriated, interpreted and passed on. No tradition is thus started off by a text or a doctrine, but by a living event of encounter which is communicatively handed down. A network of witnessing instances of faith ("*loci theologici*") is called on in ecclesiological terms in which interpretation, appropriation and transmission of the event that is Christ takes place and to which the Church's weight (authority) is assigned.

The first and most important of these authorities is Holy Scripture; it is "*norma normans non normata*", a canonical witness to the Apostolic faith, forming the material and criteriological foundation for the Church's faith. As the Word of God "in human fashion" (*Dei verbum* 12), it is to be interpreted and absorbed according to all the rules of the art and scholarship. In the "*traditio apostolica*" of the oral tradition, the Church leads in many ways "in teaching, life and worship", and through history "hands on ..., all that she herself is, all that she believes" (*Dei verbum* 8).

In addition to and according to Scripture and tradition (the "*loci theologici primi*"), other so-called "*loci theologici secundi*" have been identified in the course of the history of theology. Tradition is thus recognised as a multi-perspective historical process. Different Church instances contribute to the assurance of a contemporary form of that which is Catholic. Tradition takes place in dialogue: through the whole Church - today one would say: by virtue of the "*(con-)sensus fidei fidelium*" -, through the instances of the Church's Magisterium that are set up differently in the course of history, through outstanding holy persons, through theology. In addition to these great figures of the Church, "other" instances independent of revelation, today we would say: external instances ("*loci alieni*"), were already named in the 16th Century which help to understand the Revelation: human reason, philosophy and history; supplemented today by the human conscience, the cosmos of the sciences, social and cultural developments, insights of the ecumenical dialogue and other cultures and religions.

Two moments of this powerful concept of theological places were specifically highlighted in the Second Vatican Council through the ecclesial appreciation of the faithful and their "intuition" (cf. *Lumen gentium* 12), and the revelation-theological reception of the "signs of the time" (*Gaudium et spes* 4): the significance of externally-gained insights for a deeper understanding of the Gospel, as well as a contemporary shaping of the Church's structures (cf. *Gaudium et spes* 44), and, synchronously as well as diachronically, the dialogical interpretation of God's Word by different expertises: lay believers, theological experts, and representatives or instances of the Church's Magisterium. The latter is also integrated into the network of the "*loci theologici secundi*". Neither can unanimity in the people of God (the "*consensus fidelium*") therefore be played off against decisions of the episcopal or Papal Magisterium, nor do the different instances of the Church's Magisterium stand outside the complex communication structure of the whole Church. Because it is not above God's Word, but in the structure of its interpretive instances, it needs dialogue with the other "hearers of the word". Because it is meant to serve unity in faith, it needs the ability to moderate and to integrate, to lend

weight to the different places of discovery and witness of faith. This applies to the universal Church as well as to the different levels of the local church: As servants and guarantors of unity, the Pope and the bishops, each in their area of responsibility, ensure that the different voices and instances of the Church are heard and listen to one another, contribute their respective competence, and take responsibility, and that upcoming deliberation and decision-making processes are structured synodally and realised in the spirit of synodality.

The revelation-theological and the ecclesiological renewal of the Council thus intertwine. This is not a mere pragmatic reform of structures, but a fascinating and demanding synodal renewal of the Church's self-understanding. This also constitutes a major motivation for today's processes of conversion of the Church, and marks the theological and communicative level that such a renewal should maintain:

- God's revelation has been handed down once and for all - but its reception and interpretation take place in a human way, i.e. within the framework of historically- and culturally-determined understanding processes. This was already the case in the Bible. Not lastly for this reason, all reforms still need to seek hermeneutical reassurance in the Bible.
- These understanding processes do not take place in a monological or directive sense through a single "*locus theologicus*", but synodally: in a network of different instances ("*loci theologici primi et secundi*"), which themselves differ in their role within the Church, responsibility and expertise, but not in their source (revelation), their object (faith and ethos), and their capacity for truth (knowledge of faith). None can be replaced or superseded by another. Weight is given to each instance; each is historical, i.e. dynamic and time-bound in equal measure. Their synodal interaction is to be depicted structurally.
- The "externality" of faith, that is insights, experiences and developments of the time, is not only the context and addressee of the Church's proclamation. It is itself a resonating space of the Gospel, and therefore a separate, irreplaceable and indispensable complex of theologically-relevant "*loci*" by means of which the Church explores the Gospel: "Let me learn about you, your thinking and speaking, your questions and being, so that I can learn anew the message which I have to deliver to you." (Bishop Klaus Hemmerle)

3.2 The Church on the path through time

The breakthrough in revelation theology corresponds to a corrected self-understanding of the Church. The static image of the self-enclosed, self-sufficient "*societas perfecta*" is just as incompatible with the realisation of being a learning Church as is the "*ecclesia militans*", the contentious Church that relies on delimitation. The Council established an alternative to these images of the Church in the fundamental part of the Constitution on the Church (cf. *Lumen gentium* 9-17) with the historical, dynamic image of the "*ecclesia peregrinans*", of the people of God on the Path. It portrays a pilgrim Church which has not yet reached Her destination, which does not form a holy enclave beyond the course of the world, and which needs "the others" in order to be faithful to Her mission. God is generous, as it says in *Ad gentes* 11, He

distributes His treasures among many nations and times. The Church is out to seek and find God and His traces, also in the “strange”, unexpected places (cf. *Gaudium et spes* 4, 11, 44); She is moving on with all people of good will on the Path in a joint quest for truth (cf. *Dignitatis humanae* 3), in solidarity with their joys and griefs, their thinking and deciding (cf. *Gaudium et spes* 1; *Ad gentes* 22); with respect for their dignity and conscience (cf. *Gaudium et spes* 16).

This self-understanding reflects the willingness, as a Church, to learn from the surrounding culture and society: from its language and experiences, its perceptions and ways of thinking, its social processes and organisational structures. “With the help of the Holy Spirit, it is the task of the entire People of God, especially pastors and theologians, to hear, distinguish and interpret the many voices of our age, and to judge them in the light of the divine word, so that revealed truth can always be more deeply penetrated, better understood and set forth to greater advantage.” At the same time, the Church “can and ought to be enriched by the development of human social life, not that there is any lack in the constitution given her by Christ, but that she can understand it more penetratingly, express it better, and adjust it more successfully to our times” (*Gaudium et spes* 44).

We see ourselves as a learning Church. To this end, we want to use the whole network of places and instances in which God can be revealed. We want to learn our common Church’s mission anew - also and especially from those with whom and for whom we are on the Path as a Church.

4. We want to learn to embody theological diversity in the interest of the unity of the Church.

Plurality as legitimate diversity of different core beliefs - also within the Church

Whilst the aforementioned paradigm shift in the theology of revelation, together with its radical ecclesiological reorientation for theological reception, is largely undisputed, the conclusions to be drawn are not so at all. It cannot be overlooked, and is also clearly stated by the secular side: The overall situation in theology and in the Church gives the impression of being divided and polarised.

It is important to recognise that this is neither a weakness of the Church, nor a moral failure or a failure of leadership on the part of those with responsibility. Rather, a plurality of ways of thinking and living as well as cultural multilingualism in the house of the Church is legitimate, and even called for. Diversity is not un-Catholic, let alone heterodox. As history shows, and with a view to the global character of the Church becoming ever more urgent, cultivating diversity without breaking apart as a community can be understood as the very hallmark of what it is to be Catholic. Multiperspectivity of questions regarding the truth is an imposition, but also a ‘sign of the times’. It challenges us to learn. As we saw in section 3, the Church can no longer specify Her mission independently of the forms of thought of Her time and culture, and of Her secular responsibility, She - in Her own foundations - must therefore be constitutively involved in the given challenges and pressures of the spiritual time.

Dealing with complexity in an attentive and ambiguity-sensitive manner can be regarded as a fundamental signature of intellectual contemporaneity - and also captures today's theology. Theology too does not therefore only pursue the one core perspective, not the one truth of the religious, moral and political worldview, and not the one form of thought that can lay claim to ultimate authority. Legitimate views and ways of life can co-exist in the Church too, even on core beliefs. In fact they can even simultaneously assert a theologically-justified claim to truth, accuracy, comprehensibility and honesty, and still contradict one another in terms of their statement or in their language.

Holding such ambiguity to be legitimate when interpreting doctrinal statements, and accepting it in this plurality, can be evaluated very divergently. Some will positively recognise in it God's will for freedom that shapes His creation; others will be concerned about whether such ambiguity in answers to ultimate questions is useful to people. There is no doubt that the reference to the Gospel is constitutive for the Church. There will be agreement on this, even if there may be dispute as to which measure and which decision corresponds more closely to this point of reference.

The fact that plurality is legitimate in questions of truth and doctrine, and that it constitutes an opportunity, also relates to the debates on the Synodal Path. There is a need to soberly observe and endure it: Very different theological ways of thinking also co-exist in the Church in Germany. They each have their own theological correctness; they do not have to be dissolved into a harmonising third party or squeezed into homogenising formats. Given a legitimate diversity of interpretations of how and for what purpose the Church is to serve, the task is to develop a Church culture of conversation and of learning from one another. This also applies to coordination in the different universal Church contexts, and on the different levels of the universal Church.

A Church culture of conflict which deserves to be referred to by that name is above all characterised by the fact that the protagonists do not permit themselves to fall into two traps:

- They will *firstly* refuse, and will consciously avoid denying one another Catholicity and Catholic legitimacy. Rather, they will cultivate a willingness to learn from the others' positions, to listen to one another and to the working of the Spirit in this dialogue. At the same time, they will challenge themselves to justify their own positions plausibly and transparently, as a legitimate interpretation of the Gospel, and to clarify them by putting forward arguments. Positivist argumentations cannot satisfy this requirement, be they legal positivist, naturalist, secularist or of any other kind.
- *Secondly*, they will resist this, and will avoid conducting this debate, at the expense of concrete decisions and reforms. The ability to act must not be jeopardised by blocking discourse. The debate must be constructive and solution-orientated. The need for correction and reform must therefore be answered when no final synthesis has yet been reached.

Conflicts must be perceived, interpreted and addressed in processes of spiritual discernment in community, in which the faithful listen to one another and to the working of the Holy Spirit, with different attitudes. In such joint learning processes, which serve the purpose of unity and

the strength of the faith of the Church, fundamental questions can thus be posed which aim to further develop the doctrine, and in line with the latter, the Church's legal order.

As a Synodal Assembly, we know that our debating and deciding can always only be a fragment of what should be expressed. But this insight must not prevent us from acting responsibly. It is a matter of fundamental decisions shaping the Church which require courage and trust in God. Catholicity means for us that we know of our fundamental common origin and about our different interpretations; we struggle with one another for the best possible solution; we respect our differences, even when it comes to core convictions; we strive to perceive the legitimate concerns in other positions. In an awareness of our responsibility as representatives of the Catholic Church in Germany for the Synodal Path, in the course of serious synodal deliberations, and out of respect for the standards of a democratic society, we expect majority recommendations and decisions to also be supported by those who themselves have voted differently. We expect everyone to examine the implementation of the decisions in a thorough and publicly-transparent manner. We expect everyone to do their part to promote the ability of the Synodal Assembly to act.

5. We follow the aspiration to be signs and instruments of unity and salvation.

5.1 The sacramentality of the Church ...

We hold the conviction that sustainable spiritual and institutional conversion also includes reassuring ourselves of the meaning of the central identity formula of the Second Vatican Council. The Council declared in programmatic terms: "Christ is the Light of nations" - and developed the essence of the Church from this starting point: "[...] the Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race" (*Lumen gentium* 1),

What conclusions can be drawn from this description of the Church for a reformulation of Her structures and operations, namely for a renewed understanding and a renewed organisation of the Church's office?

Different interpretations come together here too, and these justify differing conclusions:

Some conclude from the "fundamental sacramentality" of the Church, guaranteed by Christ, the "original sacrament", that it is not permissible to democratise Her systems of power. They stress that the Church's ordained ministry must secure the "indivisibility" of God, relate Christ and the Church to one another, and distinguish them from one another. This is said to touch on questions that may not be subject to changing majorities, or to any kind of human disposal.

Others are similarly concerned to protect the indisposability of God, to relate Christ and the Church to one another, and to distinguish them from one another. But they draw different conclusions as to how this should be accomplished. Precisely because of the sacramental description of the Church, they see the legitimisation of the theological and social-ethical demand to prove Her structures by taking up and appropriating standards analogous to democra-

cy and the rule of law. They recognise in this the possibility of a reciprocal translation and critique of secular and religious institutions.

These theological differences reach deep into the fundamental hermeneutical questions of the Church's self-understanding, of the Church's authorities, and especially of the Church's Magisterium, its organisations and its canonical formulation. One will have to struggle here for a possible connection of the concerns and for the greatest possible consensus.

The paper presented here follows a clearly-contoured, theologically-founded heuristic on the sacramentality of the Church. We hold the following reflections on sacramentality to be convincing. Above all, we see them as a more appropriate response to the need to reform the Church's system of power, which has become alarmingly clear through the abuse of power in the Church, and which will be further detailed in sections 6-9.

As the Synodal Assembly, we accept the sacramentality of the Church as a challenge: We want this Church to become credible again as a place where people find a personal relationship with Jesus Christ and experience God's healing power in the sacraments, in proclamation and in fellowship. In order to be authentically and effectively regarded as the "sign and instrument" of this connectedness with God and with one another, we are working to reform the Church's system of power.

Crucial for the understanding of the sacramentality of the Church developed here is its elaboration as a dynamic and an aspiration. In a pictorial approach, sacramentality itself can be explained as follows: A sign ("*signum*") must be understood, and in order to do so it must speak the language of its recipients. It is not a meaningful sign if it is not understood, but only a dead letter. It must mean something, thus be audible - not merely loud, but the bearer of a message. It must make itself heard and resound in the heart. If it triggers neither resonance nor echo despite a fundamental readiness to receive it, a sign not only refers to nothing, but it even deceives. And what is to serve as a *tool* ("*instrumentum*") must be handy and efficient, designed for its effectiveness and safe to use. In short: A sacrament must have a signal effect. It must be convincing.

Transferred to the complex reality of the Church, the institutional structure of which is to serve "the Spirit of Christ, who vivifies it, in the building up of the body" (*Lumen gentium* 8), this means that both aspects of a sacramentally-analogous understanding of the Church - credibility/meaning ("*signum*") and effectiveness/functionality ("*instrumentum*") - are to be combined in conceptual terms and proven in attitude and structures. A renewed system and exercise of the Church's power must prove itself worthy of the trust that the faithful are to place in Her. The Church falls short of Herself and of Her purpose when She obscures the signal emanating from Her mission through a misguided internal power structure. However, this is precisely what has come to light in recent years: Through a misconceived focus on sacralised power, the Church has not only squandered the bond with countless members who have renounced their membership, but Her credibility and ability to forge alliances within society, as well as, at least in the eyes of many concerned, Her justification to speak of saints and salvation. Because She hermetically shielded this talk of saints from the achievements of liberal standards such as transparency, participation and supervision - from today's proven plausibility and effectiveness -, and because She struggled against them in Her practice to a staggering degree, this talk is discredited in society today. Especially at institutional level, She must therefore be measured by whether She actually points beyond Herself like a sacrament, and really fosters fellowship with God and with one another.

The reform of the Church's power structures is therefore not some kind of manoeuvre involving cultural refinements that adapt the Church to the zeitgeist. It is required for the sake of the sacramentality of the Church. Time, writes Pope Francis (cf. *Evangelii gaudium* 222-225), is greater than space, and realities are greater than ideas (cf. *Evangelii gaudium* 233). In this sense, it is important to set processes in motion and to open up areas of testing in the Church's structures and attitudes which render credible and real the idea and essence of the Church to be a sign and instrument of unity with God and with one another. For the Church is not an end in Herself, but a means for Christ, the light of the nations, to shine in the whole

world (cf. *Lumen gentium* 1). For this reason alone, preservation of the system must never take precedence over all else. The Church must never succumb to the temptation to revolve around Herself.

Whilst the Church, understood in the sacramental sense, is not an end in Herself, this also applies to the sacramental office. This office is responsible not for human rule becoming effective in salvific terms, but the life-giving power of God. It is a sacramental sign which points to Christ and receives its authority from Him. This does not absolve the minister from supervision and criticism. In fact quite the reverse: The sacramental office does not establish privileges, but is a call to render service. Precisely because it not only organises a function, but is based on an empowerment and makes it possible to represent Christ, the Head of the Church, the sacrament of the *ordo* always calls to mind the difference between Christ and the minister. It does not sacralise the ordained, but empowers him to “act in the person of Christ the Head” (*Presbyterium ordinis* 2): for “the care of the faithful as individuals and ... the formation of a genuine Christian community” (*Presbyterium ordinis* 6) which, imbued with the spirit of Jesus Christ, lives by His word and proclaims His death and resurrection in the Eucharist. It is in the service of the vitality of the Church that She may manifest and live what She is called to do. For Her purpose lies in Her externality: in the well-being of the world and in the unity of humankind as the passion of the one, holy God to whom all praise is due.

We wish to help ensure that the Church can be experienced as a space in which to experience community with God and with one another. In view of the distortion of the Church’s mission by the Church’s abuse of power and the associated distortion of this aspiration, it is to be examined how the theology and organisation of the Church’s structures and offices can be refined in such a way that they are also convincing in today’s communication framework within a liberal legal order, and serve the essence and mission of the Church.

5.2 ... as an inspiration and a task to be performed

The Second Vatican Council related the sacramentality of the Church not only to Her institutional side, but also to the community of the faithful. In the same way as the Church is called on to be the “sign and instrument” (*Lumen gentium* 1) of unity, the faithful are called on to be a “witness and a living instrument of the mission of the Church itself” (*Lumen gentium* 33, cf. *Apostolicam actuositatem* 2). The heuristic developed above for the sacramentality of the Church can therefore similarly be made fruitful for the witness of the faithful. The hoped-for signal emanating from their faith is based on the fact that they have been consecrated to a “holy priesthood” by virtue of their baptism and confirmation (*Lumen gentium* 10) and sent out to build up and shape the Church and the world in the spirit of the Gospel. All faithful, laity and clergy, without prejudice to any further differentiation in the manner of their participation, have their part to play in all the essential processes of the Church: proclamation, pastoral work and the liturgy. (cf. *Sacrosanctum concilium* 14 and frequent other mentions, *Lumen gentium* 10; 30-38).

The Second Vatican Council takes up fundamental Biblical insights here. Baptism forms the basis for partaking of the body of Christ (1 Cor 12:13), and calls us to play an active role in the life of the Church (1 Cor 12:12-27). Baptism is the full expression of being a child of God, vested with all the rights arising from this status (Gal 3:26-4:7). The prayer to “Abba, Father!”, which calls the Holy Spirit into the hearts of the faithful (Gal. 4:6; cf. Rom. 8:15) expresses the maturity rooted in the freedom of faith. There is *one* baptism – for *all* who believe in Jesus Christ (cf. Eph 4:4-6). In the power of the Spirit, baptism overcomes the discriminatory differences that prevail in “the world” between Jews and Greeks, slaves and free persons, male and female (cf. Gal 3:28). It must also exert its anti-discriminatory effect for relations within the Church today. Paul says that the unity of the body of Christ goes hand in hand with the diversity of the members that form this body, and are indispensable in their respective distinctiveness (1 Cor 12:14-27; cf. Rom 12:6-8 and Col 1:18; Eph 1:22; 4:15). Paul refers these members to the charisms which are given to all the faithful (1 Cor 12:1-11,28-31; Rom 12:3-5). What is meant here is not spontaneous intuitions, but inspired competences that contribute to the inner and outer growth of the Church (cf. 1 Cor 14). The Apostolate too is a charism according to this understanding, as are prophecy, teaching, helping and leading: Everything that connects the faithful with God, and thereby with one another and with people (cf. *Lumen gentium* 1; 31), is traced back to God’s grace, which is to be accepted and shaped. All these gifts establish responsibility; they demand recognition and enable cooperation.

The Church’s leadership ministry develops in the New Testament so that “evangelists”, “pastors” and “teachers” (Eph 4:11) serve the growth of the body of Christ, acting on the foundation of the apostles and prophets (Eph 2:20-21). The office of the “bishop” (*episkopos*) crystallises in the Pastoral Epistles (1 Tim 3:1-7). He works together with deacons (1 Tim 3:8-13), and is connected with presbyters (Tit 1:5-9), albeit accompanied by severe repression of women. Out of these beginnings arose the tangible concept of a bishop presiding over a local church, even though other forms of leadership, e.g. a presbyteral system, were also long practiced at the formative beginnings of the Church. It is in these processes of institutionalisation that the approach described by Paul comes to the fore that it is the Spirit of God who gives the many gifts, some of which become permanent leadership ministries without being distinguishable by virtue of greater or lesser grace. This approach pursued under the theology of charismata, which is thus pneumatological in essence, needs to be recalled in the critique and future development of the Church’s structures.

The ecclesiological task to be accomplished today is to define - both in the understanding of the sacramental ministry and in understanding as well as exercising the leadership tasks - the interaction within the common priesthood of all and the particular priesthood of the ministry in such a manner that the *communio* structure of the Church is clearly expressed and takes on a social and juridical form which makes one-sided relationships of domination impossible and creates a commitment to those possibilities of participation by all that are sustained by the working of the Spirit. We take up this approach on the Synodal Path in the theology of baptism and in the gifts of the Spirit with a view to making the faithful living witnesses of the common mission of the Church, whom the sacramental ministry serves, and lending it concrete shape for the legitimisation of tasks, responsibilities and competences in a variety of Church ministries.

Part II: Necessary steps on the path towards reforming the Church's power structures

These places are the Holy Scripture, which fundamentally bears witness to the Word of God, and tradition, which develops along dynamic lines, the signs of the time and sense of faith of God's people, the Magisterium and theology. There are close, reciprocal relationships between these places. When they are shaped in the spirit of the Gospel, a close network emerges in which faith and action, praying and serving, missionary witness and the living unity of the Church develop.

In the process of renewal, which is thus theologically and spiritually formed, the Catholic Church does not refer only to herself. She gains clarity of judgment in the necessary discernment of spirits and strength in the journey of following Christ (*Unitatis redintegratio*) through the ecumenical dialogue in which she engages with sisters and brothers in faith. Crucial importance attaches to hearing the voice of the poor, marginalised and persecuted. Jesus was sent to "bring glad tidings to the poor" (Lk 4:18: Is 61:1) - as was the Church, in His name.

To better carry out this ministry in today's world, the Catholic Church has the opportunity, but also the duty, to further develop the structures in which she organises power in order to ensure the proper governance of the Church. The aim is to ensure the shared responsibility and participation of all the faithful in both deliberative and decision-making processes, and to mediate between them anew with the special ministry of bishops and priests. This enables the freedom of faith, without which the Church would not even exist, to become the decisive principle of fellowship within the Church.

Concrete changes are needed in order to achieve this goal, and these need to be decided along the Synodal Path in such a way that they are verifiably implemented in the dioceses. The Church's practice needs to be changed if it hinders good structures of power sharing and shared responsibility; if it supports both, this good practice needs to be safeguarded and further developed.

The changes strengthen the unity and diversity of the Catholic Church, which is sent to proclaim the Gospel. They intensify the interaction between all members of the Church who have different ministries and tasks. The specific ministry carried out by bishops, priests and deacons is renewed spiritually and structurally⁴. The relationship between the sacramental structure and the organised acts of the Church is intensified because the richness of vocations and gifts is put to better use. The tasks of pastoral leadership increase in meaning by taking on new forms⁵.

It would not be possible to achieve the goal were it not possible to attract and qualify people who are able to play their part in the Church on the basis of their faith and exercise ministries there, including leadership tasks. That said, there are frequently insufficient suitable applicants. Not all ordained persons are actually suited for taking on pastoral leadership tasks. Large numbers of the faithful are deterred by the prevailing structures from taking an interest in a ministry within the Church. The Church's power structure needs to be further developed in order to generate a fresh impetus for evangelisation. The access restrictions to the Church's offices must be dismantled; vocational pastoral care needs to be re-orientated in order to combine the insights that have been attained in personnel development with spiritual training.

The concrete reform measures touch on canon law in many places, be it at diocesan level or at the level of the universal Church. Canon law establishes a framework intended to serve the mission of the Church. It is to be applied and further developed on the basis of Holy Scripture, and in the dynamics of the vital tradition of the Church, in such a way as to enhance the mission of the Church and the community of the faithful. There is a need to precisely detail which of the concrete reform projects can already be implemented today and are required, on the basis of the law as it stands. It should also be clearly stated where the agenda needs to include further reforms and fundamental changes in the constitution of the Church, i.e. in the rights of the faithful and in the structure of the Church. This includes separating powers in a manner that is appropriate to the Church, so that an exact distinction is made between the executive, legislative and judiciary, allowing power to be supervised and limited.

The necessary changes relate to all the fundamental activities of the Church (liturgy, *martyria*, *diaconia*), where the fellowship of the Church (*communio*) finds expression, at all levels of activity (local, regional, national, universal), and not least in the Church's legislation, administration and courts. It is essential that the command going out from Jesus Christ to all who are baptised, and the concomitant responsibility incumbent on all faithful to proclaim the Gospel, also be placed in a legal framework through structures of common deliberations and decisions in the Church, so that those who give their commitment to the Church know exactly what rights and duties they are working with.

The conversion and renewal of the Church include concrete structural changes which guarantee greater control of power on the basis of a visible separation of powers, pave the way for new access to Church ministries and offices, and enhance the shared responsibility of all the faithful for the mission of the Church.

⁴ It is essential here to coordinate with Forum II, which contemplates the priestly way of life today.

⁵ The German Bishops' Conference has made a start with its statement on the renewal of the pastoral ministry: "Gemeinsam Kirche sein" (2015) with regard to the direction which the development should take.

6. We need clear terms and precise distinctions

In common usage, the term “power” refers first and foremost to opportunities to influence human interactions and to shape their structures. Those who have power have opportunities to enforce their convictions and their will, even in the face of opposition. The Synodal Forum “Power and separation of powers” is about the power which is associated with exercising leadership tasks in the Church.

The Church’s law defines unambiguous terms for different tasks and ministries that are to be undertaken in the Church. It establishes precise distinctions that clarify different responsibilities and rights. This is where the reflections and initiatives of the Synodal Path come in. Canon law however needs to be developed on. This is inspired from Biblical witness and the mediation of the living Church tradition with the principles of democratic societies. This involves relating insights from different “places” of the network of theological insight to one another in such a way that a path emerges on which the Church can develop in this time. The democratic principles include the separation of powers in the meaning of “checks and balances”, i.e. independent courts, accountability and effective supervision of those who make decisions, as well as comprehensive opportunities for participation in political opinion-forming and decision-making processes, and a guarantee of fundamental rights that are not subject to decisions on the part of the majority. If these principles can be implemented in a manner that is appropriate to the Church’s mission, not only will the tasks to be performed by bishops and pastors become better defined, but also the rights of participation of all the faithful will be strengthened. Participation is the active involvement of all Christians in the community with Jesus Christ in the fellowship of the Church, which is founded in baptism (1 Cor 12:13), celebrated in the Eucharist (1 Cor 10:16-17), and lived out in the liturgy, *martyria* and *diaconia* of the Church according to the different gifts of the Spirit (1 Cor 12:4-11, 28-31; 14:1-19, 26-31).

The power that is legitimately exercised in the Church can be traced back to the authority (*potestas*) with which Jesus Christ has endowed the Church so that She can perform the ministry of preaching the Gospel in word and deed. Because the place of the Church is the world, power to shape - as power to act, power to interpret and power to judge - must also be organised in it, not least in the leadership of the Church. The Synodal Path focuses on making a precise distinction between Christologically-founded authority, and forms of exercising power that are necessary from an organisational point of view. This differentiation does not mean opposition, but makes it possible to clarify competences, hone profiles and create new connections between the members of the people of God.

6.1 Terms clearly defined in canon law

When it comes to dogmatics, canon law speaks of three offices or tasks (*munera*) of the Church: leading, teaching and sanctifying. The Dogmatic Constitution *Lumen gentium* refers them back to the three offices of Jesus Christ, pastor, prophet and priest (*Lumen gentium* 10): All the faithful participate in all three offices, in different ways. Canon law lays down this principle (can. 204 § 1 CIC), thus underlining the active participation in the mission of the Church of all who are baptised. The special priesthood of the ministry (*ordo*) is necessary for the sake of the common priesthood of all because it lends expression to the fact that the

Church cannot proclaim God's Word and celebrate the sacraments on its own strength, but that Jesus Christ, in the power of the Holy Spirit, renders the Church the instrument of God's universal salvific will.

According to the Church's theory of powers, which is incorporated in the Code of Canon Law of 1983, the Church's power is concretised in two differentiated powers, the "power of ordination" and the "power of governance" or "power of jurisdiction", detailed in canon law.

- The "power of ordination" (*potestas ordinis*) is conferred when priests and bishops are ordained. It is based on divine law. The power of ordination enables acts to be carried out which are reserved to the ordained, especially in the liturgy and in the celebration of the sacraments. This entails above all the possibility to preside over the Eucharist; the power of absolution (*potestas absolvendi*), which is central to the sacrament of confession, is based on the priestly power of ordination.
- The power of governance (*potestas regiminis*), which is regarded together with the power of jurisdiction (*potestas iurisdictionis*), is based on divine law and relates to the Church's offices of divine or Church law in order to empower the minister to lead the Church, and so to promote the life of the Church in faith. The power of governance includes legislative (*potestas legislativa*), judicial (*potestas iudicativa*) and executive power (*potestas executiva vel administrativa*).

6.2 Precise distinctions

The Church's legal system is open to structural reform, but it must also open itself up to a structural debate. One key is to strengthen spiritual leadership whilst ensuring that all faithful participate responsibly. Spiritual leadership is a method of leadership that gives space to the Spirit of God by tying the exercise of power to the common witness of faith that is rooted in listening to the Word of God. Responsible participation is a consequence of the sense of faith that is alive in those who are baptised.

Differentiations in canon law

Canon law caters for essential differentiations which show that the assumption of important tasks in worship (liturgy), in the proclamation (*martyria*) and in Caritas (*diaconia*) may not be understood as a privilege of ordained ministers of the Church. Rather, all faithful are called by their baptism and encouraged by their confirmation to take their share in the fulfilment of all three tasks (*tria munera*). This is shown by many examples from practice and the law:

- *Caritas*, which is one of the fundamental activities of the Church, is not bound to the ministry of priests and deacons, but is a task of all who are baptised and confirmed.
- Teachers of religion take part in the official proclamation ministry of the Church, on the basis of their own mission (*missio canonica*), which confers responsibilities and rights. The same applies to professors of theology, who teach with an episcopal mandate (*mandatum*), or with episcopal permission (*nihil obstat*).

- Many liturgies can be led not only by clergy, but by all baptised and confirmed persons who are qualified and, where appropriate, commissioned to do so, e.g. Liturgy of the Hours, devotions, Word of God celebrations.
- The administration of baptism is not the preserve of ordained ministers, or of those who are affiliated with the Church, even if as a rule is to be administered by ordained ministers (can. 861 CIC).
- According to the tradition of the Church in the West, the spouses administer the sacrament of marriage to one another. A priest or deacon assists in this act.
- Judicial office can be conferred on faithful who are qualified to perform this service, without needing to be ordained; they act collegially with a priest or deacon.
- By no means all priests have power of governance and jurisdiction in the Church. A distinction is also made among bishops between diocesan bishops, auxiliary bishops and curia bishops.
- It is common practice in the Orders for superiors to have power of jurisdiction, but not power of ordination. Power of jurisdiction is often conferred on them by law only for a limited period after an election.
- The baptised and confirmed who have received theological training and have been commissioned by the Church are active and responsible in the pastoral ministry, including in leadership roles.
- Large numbers of administrative tasks are taken on by non-ordained individuals. The fact that they provide not only ancillary services, but also perform leadership tasks, is an established practice in many places, and corresponds to the need for administrative work to be done by professionals.
- According to current law, diocesan property management is carried out by a diocesan finance officer (can. 494 CIC), whilst a Diocesan Property Management Council exercises supervision (can. 492-493 CIC). A collegial body for property management (referred to as parish council or similar) has been established in parishes in Germany for well over 100 years.

The distinctions made in the Church's law must be taken up and enhanced⁶. One approach is to coin a broader definition of "ministries" (*ministeria*) determining the official acts of the Church⁷. Canon law regulates at parish and diocesan levels above all the competences of the respective presiding priest, so that all other faithful act first and foremost as recipients of priestly or episcopal pastoral care. There is however a need to also enhance the rights of all faithful through particular law, not only to experience good pastoral care, but also to become actively involved in it, in order to help build up the Church and contribute to Her mission.

⁶ On 8 February 1977 the Congregation for the Doctrine of the Faith stated during the process of the reform of the Code that only offices that were intrinsically hierarchic (*uffici intrinsecamente gerarchici*) were the preserve of the ordained: *Pontificium Consilium de legum textibus interpretandis, Congregatio plenaria diebus 20-29 octobris 1981 habita*, Vatican 1991, 37.

⁷ Pope Paul VI took an important initiative with his *motu proprio Ministeria quaedam*, in: *Acta Apostolicae Sedis LXIV* (1972) 529-534. This text names, together with the abolition of the consecration of the lower orders, the liturgical services of the lector and the acolyte. These may also be conferred on lay people. The approach of the *motu proprio* still refers to preclerical ministries, and it only speaks of men. As a consequence of the approach, ministries are described which can be assumed by all faithful on the basis of the grace that they have received on baptism, and with the power of confirmation. This development is opened by the statement: "There is nothing to prevent the Bishops' Conferences from requesting from the Apostolic See, in addition to the ministries common to all in the Latin Church, others which they consider necessary or very useful to introduce in their countries for particular reasons."

This participation can be assured via diocesan law to a certain extent. Ways have thus already emerged and proven themselves in many dioceses to create structures of shared responsibility and co-decision between the faithful and priests in the parishes and at diocesan level. These need to be identified, coordinated and enhanced on the Synodal Path. There is however also a need to readjust the Church's constitutional structure in order to strengthen the rights of the faithful in the governance of the Church. Experience here shows that contributing to bodies of the Church becomes more attractive as the elected members of the Church discover that they can participate in decision-making and in shaping the Church, that their outlook on the problems and opportunities for the direction to be taken in the future has become relevant.

Perpetuating a living tradition

The scandal of sexualised violence perpetrated by clerics, and the glaring errors committed in dealing with these crimes on the part of individuals with responsibility, have further aggravated a profound crisis in the Church. This also affects its institutional form. The shortcomings of the latter can primarily be traced back to the Church's development from the 19th Century onwards and up to the Second Vatican Council. The result of this long journey was a Church Constitution that united all diocesan competences in the office of the bishop, and all parish competences in the office of the parish priest, but provided no effective supervisory mechanisms operated by the faithful. At the same time, the Church's office was sacralised in such a manner that its holders were able to immunise themselves against substantial criticism of their conduct. The faithful often accepted them as authorities whose assessments and decisions were not to be questioned, as "pastors" by virtue of divine legitimacy, whom they had to obey as "sheep". The time for such models has passed, and rightly so given that they were not well founded in theological terms. For the holiness of the Church lies in Her vocation to be, through the proclamation of the Gospel in word and deed, a "sign and instrument" of God's universal salvific will (*Lumen gentium* 1). The ordained ministry is at the service of the calling of all faithful. This service is obscured when the aura of holiness is conferred on all possible leadership, administrative and legal acts, or onto the person of the minister himself.

Today's crisis reveals that the strong development of the Church's system of power, which can be observed throughout the entire history of the Church, must now be continued in order to overcome the aforementioned narrowing, and to re-establish the genuine breadth of the Church's ministry. In relation to the Church's constitution, there is also a need for a living tradition in the present. The Church must not give the impression that the absolute monarchy which, similar to democracy, had developed in the political arena is the model for the power structures established in the Catholic Church. The Church is not committed to a particular form of governance. She has always also practised, preserved and strengthened elements of democratic decision-making, from the election of Popes, Abbots and Superiors, through Council resolutions, to synods in which, as in the Würzburg Synod of 1971-1975, clergy and laity have participated by attending and voting.

The task to be performed in our time is to develop structures in which power is exercised in the Church that prevent sexual and spiritual abuse as well as poor decision-making on the part of overburdened ministers, enable transparent decisions to be taken, sharing responsibility with the faithful, and promote the ministry of the Gospel in all these. This model of Church

leadership structures is based on the proclamation of Jesus, who urges the disciples to exercise power not as the rulers do, who oppress their peoples, but to show greatness precisely in serving - as the Son of Man Himself did (Mk 10:41-45; Mt 20:24-28; Lk 22:24-27).

6.3 Conclusions

We advocate using the current canon law to establish precise definitions and distinctions in order to remove obstacles which complicate or prevent participative structures of pastoral work in the Church.

We are committed to applying the existing canon law in such a way that power is delegated in the dioceses to those who are baptised and confirmed, and that effective supervisory procedures are established.

We are also committed to amending the existing canon law in such a way that a system of separation of powers, participation in decision-making, and independent scrutiny of power, is established which is appropriate for the Church and which is based on the independent dignity of each baptised person.

We are convinced that, for the sake of the vocation of all God's people, the monistic structure of powers must be overcome according to which the legislative, executive and judicial powers are bundled exclusively in the office of the bishop, and where all leadership authority at the level of the parish lies with the parish priest, who whilst he can delegate this partially to others, can also reassume it at any time in the event of a conflict occurring.

7. We define standards and criteria together

Standards and criteria for the organisation of shaping power in the sense of strengthening the rights of all faithful follow from the theological principles of Catholic ecclesiology. They need to be thoroughly spiritual in order to develop and assume validity so that they can be better aligned with the mission of the Church. The pastoral leadership task, which is assumed in a specific manner by the bishops and parish priest, serves not least to safeguard these standards and criteria.

Social psychology recognises that the uncontrolled, intransparent exercise of power triggers fear, and political science recognises that the exercise of power without supervision and transparency leads to power being abused. This is also the case in the Catholic Church. She must however be a welcoming Church because She proclaims Good News. She is charged and commanded to convey nearness, trust, encounter and attentiveness, without becoming overbearing or indiscreet. This conviction and attitude, which shape the sacramental and spiritual as well as the diaconal and catechetical acts of the Church, go far beyond attaining moral credibility. They need structures, standards and criteria by which to communicate the Gospel openly "by the power of the holy Spirit" (Rom 15:13).

7.1 Common standards

Taking a look at the New Testament reveals a wealth of situations, challenges and decisions which have been taken by virtue of the Holy Spirit on the basis of broad participation by the congregations, with special responsibility assumed by the Apostles. The history of the Church reveals numerous constellations in which not only bishops but also religious and qualified lay people have taken responsibility with regard to questions of faith, morals and discipline, ranging right up to resolutions of the Council. Beginning with the Constitution on the Sacred Liturgy, the Second Vatican Council clearly corrected the previous opposition of active ministers and passive laity in pursuing the goal of also enabling and promoting the active, conscious participation of the faithful without ordained ministry in the Church, in the liturgy, in proclamation, and in pastoral leadership. It was ultimately a matter at the time, and to the present day, of the common responsibility of all who are baptised and confirmed for the mission of the Church. With regard to the Church's leadership structures, it is important to formulate participation rights that also facilitate, promote and guarantee this shared responsibility in cases of conflict.

Creating freedoms, securing participation rights and preventing abuse

The Church must create freedom for the faithful so that they can develop their personal gifts for evangelisation. This makes it important to make the asymmetrical power imbalance that prevails in the Church transparent, thus reducing the establishment of structures of communicative reciprocity. A tried-and-tested means lies in framework regulations and other contract-like arrangements which establish procedures and steer processes so that - especially in conflicts - an uncontrolled and unjustified recourse to power is prevented. It is necessary to strengthen the individuals, to guide their growth in faith, hope and love, and to promote their ability to reflect on the Church in order to better place the Church as a whole at the service of the Gospel. Spiritual growth and guidance must be secured in the freedom of faith. This calls for a framework that safeguards against abuse, for standards that are adhered to, and for processes that are well established. The discussion has long focussed on the sexualised violence perpetrated by ministers and on the concealment of their offences. It has now become clearer what abysses are opening up, including when it comes to spiritual abuse, the process of coming to terms with which has only just begun.

In order to ensure that the faithful are entitled to participate, and to prevent the abuse of the power of ordination and leadership, standards must be observed that arise from the Church's mission in the world.

- *The personal vocation of the faithful is to be discerned and nurtured in the Church.* This requires spiritual guidance. It offers a great opportunity to develop the Church's mission in the spirit of faith. Excessive expectations can however cause major harm. Applying pressure to make specific life decisions which supposedly only correspond to the personal calling, or to make extreme sacrifices, which are supposed to be necessary for the sake of faith, is an abuse of power, whether it be on the part of superiors, or of spiritual counsellors. Personal relationships must be characterised by faith in God's kindness to humankind; they must serve the freedom of development of the personality. Spiritual guidance must pursue this goal, as must, in other ways, the Church's leadership.

- *Conversations and encounters, consultations and decisions in the Church, are to be suitable to correspond to and to serve the candour of faith.* The separation between the *forum internum* and the *forum externum* is important. But confidentiality must not be abused. Any discussion aimed at absolving of responsibility must not be used for subsequent manipulation. Building up a culture of conversation which is fulfilled in discourse and prayer, in fraternal correction (*correctio fraterna*) and spiritual encouragement from the Holy Spirit belongs to the possibilities available to the Church, and therefore also to the tasks that She must perform.
- *The Church, which is called to be a sign and instrument of salvation in the world and for the world, must strive not to become an outwardly-closed system or to form an authoritarian internal structure.* It is part of the fundamental orientation of the Second Vatican Council, founded on the Bible, that the faithful take an active part in social life, maintain intensive contacts also outside Church circles, and seek out opportunities to work together there with a view to improving social conditions. The Church thus remains open to outsiders; She develops Her missionary and diaconal power, but also respects people's choice to stay away from the Church or to leave Her.
- *It contradicts the Gospel if people in the Church fear punishment for behaviour that does not conform to the system.* Denunciation is an evil that must be resolutely opposed. Communications by the faithful within and outside the Church must not be monitored or disparaged by Church ministers.
- *A plurality of lifestyles, traditions of piety and theological positions within the Church does not pose a threat, but is an asset that deepens the living unity of the Church.* "Stop judging, that you may not be judged" (Mt 7:1). The ability of the faithful to engage in critical reflection is to be encouraged, and internal censorship avoided. No one has authority to decide single-handedly on the content of faith and principles of morality; no one has the right to interpret faith and moral teaching with the intention of urging others to engage in actions that only serve their own interest or correspond to their own ideas, but clash with the convictions of others.

In order for these standards to be met, there needs to be an appropriate formation of one's own conscience and attitude, which is fostered through theological training and spiritual guidance, as well as the structural supervision of the use of power.

Inculturation into democracy

Taking a look at the democratic societies of the present, we see that there are guaranteed rights and organised processes of participation in politics, industry and administration, in education and in associations and societies, which are characterised by elections and the separation of powers, by accountability, supervision and limits on the number of terms of office, by participation and transparency. If the Catholic Church is to remain faithful to Her mission She must become inculturated in societies characterised by democratic processes.

Democratic society is founded on the idea of freedom and the equal dignity of all people: Decisions that affect everyone are made together. This perception of humankind is founded in the Biblical narratives, which present humankind as made in God's image (Gen 1:26-28), called to responsibility and freedom. This perception is reflected in the obligation incumbent on state institutions to guarantee or bring about human rights, and to enable the members of

society to jointly shape the rules and conditions under which they live together. This is the idea on which liberal democracy is based.

Democracy is not rendered obsolete by virtue of the fact that institutions and their practices are deficient, e.g. because powerful interest groups seize control of politics and steer it in a direction that destroys the natural environment and harms social cohesion⁸. It is precisely in the moment of danger that the high value of democracy becomes clear. Where today's populist movements deny pluralism, set themselves up as spokespersons of a 'true people' against 'the elites', and "classify entire peoples, groups, societies and governments as "populist" or not"⁹, it is necessary to defend democracy and its institutions, but not to compromise the guiding principle of democracy.

Making a distinction between the State and the Church

The Church recognises democracy and human rights as a form of coexistence that corresponds to people's freedom and equal dignity. In line with the Second Vatican Council (*Lumen gentium* 32), canon law speaks of the true equality of the faithful on the basis of baptism (can. 208 CIC). Despite the need to distinguish between the Church and the State, this normative foundation must also be recognised and made effective in the Church's system of power: in the shape of equal participation and shared responsibility for Her mission. The goal of a separation of powers appropriate for the Church is first of all to effectively bind ministers' actions to a law with which they must comply, and to have this legal obligation reviewed by courts which are not subject to instructions. Over and above this, the demand for supervision of power aims to adequately involve those who are affected by the actions of the ministers in all important decisions, and to provide them with effective instruments of supervision. In these processes, it is mostly elected representatives of those affected who are to participate in the decisions and supervise power effectively.

Democratic societies must make a fundamental distinction between the State and religious communities. The Church also emphasises this distinction, but it does not mean that an antithesis may be established between the Church and democracy (*Gaudium et spes* 76). Quite the contrary, it is necessary to overcome the acute antagonism between the Church and democracy, and to create forms of common deliberation and decision-making in the Church that are appropriate to the fulfilment of Her mission.

Democracy is not only a form of state governance, but also a way of life: People come together as free and equal, learn from one another, listen to the experiences and arguments of others, and struggle together to find good solutions. Such learning processes are possible when a willingness to engage in dialogue, mutual respect, and openness to new, different arguments shape the interactions. People who encounter one another as equals in this manner and live in a vital democratic state also expect this in their Church. The Church's arrangements must not fall short of the general social standards and criteria; related to the Church's mission, they take on characteristic forms. What this means in the hierarchy of the Church is that, in this

⁸ Encyclical letter *Laudato Si'* of the Holy Father Pope Francis on care for our common home (24 May 2015), et al. Nos. 53-54, 156 and 189.

⁹ Encyclical letter *Fratelli tutti* of the Holy Father Pope Francis on fraternity and social friendship (4 October 2020), No. 156.

light, the representation and safeguarding of the reign of Jesus Christ requires a renewal both in terms of how it is to be understood, and how it is to be achieved.

Synodality as a principle of the Church

The Church has a long tradition of joint deliberation and decision-making structures in the shape of synods¹⁰. This synodal momentum must be enhanced in view of the vocation and rights of all the faithful¹¹. Church law currently provides that only bishops have decision-making rights at synods. This restriction must be overcome without denying to bishops pastoral leadership ministry. The synodality of the Church is more than the collegiality of the bishops. The synodal momentum in the Church includes a new togetherness of all who are baptised and confirmed, in which the differences between the various vocations, including those between ministries and offices, are not levelled out, but attention is given to ensuring that all concerned are heard and that the voice of the poor, the weak and the marginalised is heard in particular. Synods that meet in the spirit of Jesus Christ cannot merely deliberate, but will also decide. The synodal momentum belongs as much to the parish level as it does to the diocese and to the bishops' conference, all the way to the level of the universal Church.

7.2 Joint criteria

The criteria mentioned below presuppose the current law of the Church, which emphasises pastoral leadership carried out by bishops and parish priests. They show the means by which the participation of all faithful in deliberative and decision-making processes in the Catholic Church can be assured on a sustainable basis. They focus on linking to the sense of faith of the people of God, and to a legal order of the Church which is developed in such a way that generally-accepted legal principles are fully guaranteed. They clarify how factual appropriateness becomes the criterion for the Church's actions.

Linking to the sense of faith of the people of God

It is important for the Catholic Church that decision-making processes are linked with the interests and ideas of the faithful, which in turn are rooted in their sense of faith.

This linkage requires qualified participation in all of the Church's consultative and decision-making processes.

- An essential form is synodal co-consultation and co-decision. It must not be limited to ultimately non-binding hearings or consultations, but must include guaranteed rights that also ensure participation in decision-making processes.
- The position of the existing bodies must be strengthened so that they can not only advise but also decide at both parish and diocesan level. The councils must be democratically legitimised. They also take on legislative tasks which the bishop performs together with them. They must supervise the executive. If it is envisaged that the bishop or the parish priest can exercise a veto, a qualified majority must be established which can be used to overrule this veto if necessary.
- An essential form of participation is the right to vote. Anyone who is entrusted with a leadership ministry in the Catholic Church must be elected by the people of the Church

¹⁰ Cf. *Internationale Theologische Kommission*, Die Synodalität in Leben und Sendung der Kirche (Verlautbarungen des Apostolischen Stuhles 215), Bonn 2018.

¹¹Cf. *Central Committee of German Catholics*, Synodalität – Strukturprinzip kirchlichen Handelns, Bonn 2016.

to do so, where appropriate via elected representatives. As long as the law of the Church as a whole does not provide for elections, appropriate forms are to be found under diocesan law to effectively involve the people of God in selecting individuals to assume a leadership ministry in the Church.

There is a need to build and secure effective supervision.

- Transparency is needed: public scrutiny of who makes decisions, according to what principles, using what procedures, and in pursuance of what goals, what effects decisions have, how these effects are reviewed, and how the reviews are evaluated.
- The faithful must have access to complaint and arbitration boards, as well as to Ombudsperson's Offices and to Church administrative courts that are not subject to instructions, in order to solve problems in transparent procedures and to find effective legal protection against decisions of the Church's institutions.
- Transparency in an administrative or judicial procedure also includes a right to inspect the files for those concerned.

Time-limited responsibility is an important instrument.

- Anyone holding an office must be accountable to the faithful for the conduct of that office.
- Anyone taking up an office is to be appointed for a limited time, and must either relinquish the office after the end of the term of office, or stand for re-election.

Both of these lead to a major shift in the understanding and responsibility of the office: to provide protection against an over-elevation of the office, and to enable those who exercise the office to become more deeply embedded in the *communio* of the faithful. This reinforcing of the Church's community is the goal. It is a good Catholic practice which should be developed further. Election for a limited time is the norm in many orders. Tenure limits are now the rule for parish priests. The age limit already applies to bishops: They remain bishops after retirement, but no longer have the power of governance. The same applies if the age limit is different than at present, or a bishop is for example not re-elected. Depending on the Concordat in force, the Pope either confirms the duly elected candidates in Germany, or appoints them after consultation in the local church. Bishops can ask the Pope for a dispensation - including if they realise that they are not/no longer supported by the faithful whom they are supposed to lead.

Obligation to abide by the law

It is important for the Catholic Church that decisions are bound to the law in such a way that general rules of fairness, transparency and supervision, recognised as legitimate, are comprehensively guaranteed so that arbitrariness is effectively ruled out. The participation of the faithful may not be allowed to depend on the favour of the bishop in question.

- The possibility currently available to the faithful to assert a violation of their rights before the Apostolic See is to be improved in such a way that hurdles are removed and procedures enabling them to be heard are improved.
- The Apostolic See is requested to respect the organising rights of the diocesan bishops who serve the organisation of the pastoral ministry in the field and the promotion of

evangelisation. Examples are the sermons given by qualified faithful who are commissioned to carry out this ministry in the celebration of the Eucharist and in the organisation of parishes and parish leadership.

- It is important within the dioceses to strengthen the rights of parishes and communities vis-à-vis those of the diocesan decision-making and administrative powers, not least in financial matters.

Diocesan legislation is to be linked in to superordinate regulations of the local church prescribing framework regulations for the territorial scope of the German Bishops' Conference. The fundamental rights of the faithful must be fully respected and protected. Legal security and protection must be guaranteed for all members of the Church. The goal is to bundle these fundamental procedures and rights in a uniform document. To this end, the discussion on a *Lex ecclesiae fundamentalis*, and its norms which are fundamental for the legal system of the entire Church, must be rekindled and brought to a positive conclusion.

Factual appropriateness

Decisions in the Catholic Church must be factually appropriate. This requires the following principles to be taken into account:

- *Professionalism*: Qualification is a prerequisite for the assumption of responsibility and of decision-making powers.
- *Diversity*: Bodies are to be composed on the basis of the equal dignity of all who are baptised (can. 208 CIC), that is they are to be as representative as possible, including gender-appropriate and diverse.
- *Effectiveness*: Tasks are to be assigned and procedures are to be structured in such a way that the necessary resources are available for power to be exercised effectively.
- *Solidarity*: Decisions must enhance the *communio* of the Church, and in particular help the weaker to assert their rights.
- *Subsidiarity*: Decisions are made by the lowest authority that is able to do so in terms of personnel, institutions and expertise.
- *Sustainability*: Decisions are also made in the interest of future generations.
- *Transparency*: The objects of planning procedures and decision-making processes are to be disclosed to those affected by them in such a way that they can raise their concerns in good time. The decisions and the reasons that have led to them must be presented to them without undue delay, and in full.

7.3 Conclusions

We advocate ensuring that the possibilities which exist in the law of the Church are put to better use so that all who are baptised and confirmed play an active role in the proclamation of the Gospel, in the pastoral work in the parishes and - through elected representatives - in all important decisions of the Church.

We are committed to the synodality of the Church being sustainably developed so that the rights of deliberation and decision-making of the entire people of God are guaranteed.

We are committed to ensuring that the Church's decisions link in to the sense of faith of God's people - in innovative procedures promoting dialogue between those who exercise leadership tasks and the other members of the Church.

We are also committed to reforming canon law in such a way that the general principles of fairness, transparency and supervision are implemented on the basis of a fundamental rights charter of the Church.

We are convinced that the structural changes in the Catholic Church's system of power promote freedom of faith in the community of the Church, and at the same time make the ministry exercised by bishops and priests clearer and more attractive, because on the one hand it is relieved of overburdening and excessive demands, and on the other hand it is embedded more deeply in the community life of the Church by enhancing synods, bodies and elections.

8. We address requirements for access and promote competences

Reforms are not only called for to manage flaws and seek stopgap solutions. The common goal is to promote evangelisation, enhance the unity of the Church, and make better use of the competences of the faithful.

8.1 Leadership tasks

It is certainly possible and necessary given the provisions of canon law as it currently stands for faithful who are qualified and called to assume leadership tasks in the Church which are usually, but by no means necessarily, assumed by clerics. This concerns the whole field of the Church's administrative activities and Her courts. It also concerns leadership of parishes and communities, or participation in this, without prejudice to the overall responsibility of the bishop.

Particular significance attaches in this context to the establishment of full equality and participation of women. The spectrum ranges from leadership tasks in Vicariates General and parishes, to filling top offices in Church organisations, as well as in dicasteries and nunciatures. Many dioceses already have initiatives in the leadership of Church authorities, schools and charitable institutions that need to be developed further.

8.2 Celibacy

With regard to access to the priesthood, celibacy is under debate. Celibacy has long been part of the discipline of the Latin Church, but is neither obligatory in Churches united with the Apostolic See, nor does it exclude married Protestant pastors from the priesthood should they convert. The question of celibacy for secular priests has been openly discussed at the Amazon Synod. The focus is on the one hand on resolving the pastoral problems, which are exacerbated in Germany by a dramatic decline in the number of active priests, and especially also in the ordination of priests, and on the other hand on the question of whether a great benefit for the exercise of the priestly ministry might not be derived from a married lifestyle, as is the case in the Orthodox Church.

Celibacy has profoundly influenced the spirituality of the priesthood in the Roman Catholic Church; it is a treasure which the faithful do not want to do without.

But the fact that those who are proven in faith and life (the talk is mostly of "*viri probati*") can also be ordained as priests needs to be reconsidered in view of the pastoral challenges, the charisms given, and the positive experiences with ordained deacons. There is still a need for an open discussion on this matter. This should lead to a vote being taken in Germany which is addressed to the Apostolic See and gathers together experiences of the universal Church so that different pastoral situations can be responded to in the field in different ways.

8.3 Enabling women to access the *ordo*

Due to the exclusivity of access, the question of admitting women to ordained ministries, which will also be discussed in Synodal Forum 3, is also a question of power and of the separation of powers. It is important to reinforce the living unity of the Church, and at the same time to allow regional differences to apply.

Whether women can be ordained to the diaconate is currently under renewed discussion at the Apostolic See. Forum 1 calls for a well-founded vote to be cast on the Synodal Path. This is being prepared together with Forum 3, and aims to have women admitted to the diaconate.

Pope John Paul II declared in his Apostolic Letter *Ordinatio sacerdotalis* that the Church is not authorised to admit women to priestly ordination. Due to new insights in the witness of the Bible, in the developments of tradition, and in the anthropology of the genders, however, the coherence of his argument and the validity of his statement are often questioned. There is a need to mediate between the witness of Scripture and tradition, on the one hand, and the signs of the time and sense of faith of God's people, on the other. Forum 1 proposes that the Church in Germany should also take a well-founded vote on the question of the admission of women to the *ordo* on the Synodal Path which contains an invitation to the universal Church and the Apostolic See to study the questions raised anew and to find solutions.

8.4 Conclusions.

We advocate ensuring that the possibilities that church law already offers are consistently applied to promote equality.

We are also committed to ensuring that ministries and offices in the Church are made accessible to all who are baptised and confirmed, and occupied according to their charisms and vocations, their aptitude, qualification and performance.

We are therefore furthermore committed to casting qualified votes so that those among the faithful who are called and qualified, irrespective of their gender and state of life, are given access to all the Church's ministries and offices - including all ordained ministries.

We are convinced that the re-clarification of the access requirements creates a basis ensuring that the gifts of the Spirit which are given to the Church are more effective, and the witness of the Gospel becomes stronger.

9. We describe areas for action and decision-making procedures

The stimuli for reform which the Synodal Path triggers through its resolutions relate to all areas, levels and decisions of the Church's activities.

9.1 *The Church's fundamental activities: liturgy, martyria and diaconia*

Liturgy (worship), *martyria* (witness to faith) and *diaconia* (charity) are often mentioned as the fundamental activities of the Church. They all presuppose and shape the community (*communio*) of the Church. The more intense the community, the more credible the celebration, the clearer the witness, and the more convincing the ministry to and with the poor. It becomes clear with regard to the liturgy, *martyria* and *diaconia* that the *communio* of the Church is not an end in itself, but rather unites the faithful with Jesus Christ, and with one another, and that She carries out Her service to the Gospel at the heart of the world.

Liturgy

The liturgy needs a reevaluation of the community which is celebrating it. It still remains focused on the clergy in many forms. The spirit of the liturgy is enhanced when the participation of the whole congregation gathered to worship is intensified. The liturgy becomes all the more alive the more diverse the ways are in which it is celebrated, not only in the Eucharist, but also in forms that do not require to be presided over by a priest or deacon, but can also be led by faithful who are not ordained. It is important in the celebration of the Eucharist to emphasise, firstly, the significance of the testimonies of faith, which the faithful give with their life and past experiences, and secondly to emphasise the sermon, the interpretation of the Gospel, not only as an essential task of ordained deacons and priests, but also as a service of all those who are commissioned by the bishop because they have the necessary theological qualifications, even if they are not ordained.

Martyria

The *martyria* requires competent intermediation between the witness of faith from Scripture and tradition on the one hand, and the signs of the time and sense of faith of God's people on the other. Only a Church which is orientated to proclaim to people the Good News of God's unconditional devotion in word and deed takes seriously Her mission, which corresponds to Her mission to be a sign of salvation for the world. The Magisterium of the bishops, which serves the unity, the truth and freedom of faith, needs in the structure of witness an open, critical and constructive dialogue both with the faithful, from whose rich life experiences and own sense of faith they can particularly benefit, as well as with theology, the task of which is not least to explore new possibilities of reflection on faith and of churchhood. The legal quality and the practice of the *missio canonica* and the *nihil obstat* procedures must be markedly improved, in particular by making them more transparent, by reinforcing the rights of those concerned, and by giving them the possibility to appeal to a higher authority which impartially forms its own judgement. The Catholic Church needs a broad-based qualification offensive in order to lend expression to witness to God, which is laid down in the midst of life, in the voices of as many of the faithful as possible.

Diaconia

Diaconia is a fundamental aspect of the Church's activities which receives the greatest attention in society, but is underestimated within the Church again and again. On the one hand, it is important to appreciate the voluntary work done by individuals in their families, in parishes, associations and societies, as well as in independent projects. On the other hand, there is a need for institutionalised *Caritas* which works on a professional basis to make an indispensable contribution as part of the Church's mission in the service of Her neighbours. A profile of charitable Christian institutions is created through advocacy, by supporting those who would otherwise be forgotten, by fostering solidarity and through a human relationship between the leadership and the employees. The employees' duties of loyalty need to be thoroughly revised so that partnership decisions are no longer subject to sanctions. The objective is upheld that employees' personal values and the institutions' mission statements should be consistent with one another.

9.2 The levels of organisation of the Church: local, regional, national, universal

The Roman Catholic Church maintains active ecumenical relations with numerous other Churches and church communities. We hope to see an even closer connection at organisational level in future. That said, the following is confined to Roman Catholic organisational structures.

The structure below does not capture the whole range of the organisation of the Church's life. It focuses only on parishes, dioceses and the Bishops' Conferences, as well as on the universal Church. The goal is to precisely address fundamental resolutions and individual decisions. Religious orders, as well as associations and societies, are structured differently. Recognised by the Church, they have developed forms of organisation from which the whole Church can learn a great deal.

The resolutions of the Synodal Path aim to develop procedures at all levels that enhance synodality, collegiality and subsidiarity, participation and cooperation. This also includes the levels not specifically reflected here, namely the pastoral realm, the deaneries and the regions.

The level of the parishes¹²

There is a wide variety of commitment in the parishes, not only on the part of deacons, but also from full-timers, as well as those holding ancillary and voluntary positions. The fact that the number of priests is decreasing has a drastic impact on the Church's life; it cannot be overlooked that it is difficult in many places to find young men for the pastoral ministry, and that voluntary commitment decreases as soon as long-term commitments are involved. Addressing the structural questions will not of course already solve these problems, but if these changes are not tackled, the future does not look rosy. These changes have been initiated in many dioceses - albeit in varying ways.

- The dioceses have opted for different models of how parishes are formed, structured and led. The differences are explained by the differences in the historical traditions and pastoral situations. Two things need to be safeguarded and developed: on the one hand to ensure that information is exchanged and evaluation is carried out in such a way as to allow for an orientation towards best practices to develop, and on the other hand active participation on the part of those concerned in the structural decisions that are taken.
- With regard to the subsidiarity principle, there is a need to markedly reinforce the possibilities for action at the foundation of the Church. These include parishes and local communities, but also the varied institutions of categorial pastoral work. The development at local level of new forms of faith life in the Church, and new solutions to specific challenges, however requires a reliable financial foundation. The election of parish priests who are appointed by the bishop enhances the credibility of their ministry.

The autonomy of the associations and societies in terms of their statutes must be ensured. This applies with regard to the orders and communities in terms of their lawful authority in accordance with the mind and designs of their spiritual founders (*patrimonium spirituale* acc. to can. 578 CIC).

The level of the dioceses

A key role is played by the dioceses, in both legal, financial and organisational terms.

- As the "pastor", the bishop is entitled and obliged to improve the conditions for a life of faith that is characterised by participation and sharing, by protecting rights and promoting competences. In the interest of the unity of the Church and of legal security for all the faithful, bishops are required to undertake to abide by framework regulations. They respect the independence of the Church's courts. Their task

¹² The pastoral landscape is currently very much in flux. Different reform processes are being organised in various dioceses, with different terminology. The focus here is on the "parish" because it is a defined term in the Code of Canon Law. The term "parish" is however sometimes defined in different ways in diocesan structural reforms.

is to guarantee transparency and to organise supervision. This enhances their pastoral ministry, which gains legitimacy and spiritual substance¹³.

- The bishop serves the unity of the Church, and is therefore tasked with contributing local experience and needs into the *communio* of the whole Church, and of balancing the relationship between unity and diversity in the One Church that consists of local churches in such a way that the Church as a whole is strengthened. The active participation of God's people in the appointment of bishops reinforces their ministry.
- There is a need for synodal structures at diocesan level which organise a counterpart to the bishop and define the manner in which they work together. These structures are to be networked with the existing bodies and councils in such a way that transparency and supervision, co-consultation and co-decision are guaranteed. At the same time, initiatives are being taken to sustainably increase voter participation in elections to such bodies.

The local churches become more visible, attractive and creative as networks of faith where both episcopal and synodal momentum is enhanced.

The Bishops' Conference

An important level of the organisation of the Church is the Bishops' Conferences.

- The level of the Bishops' Conference has been weak in recent decades due to the reinforcement of the diocesan level by the Second Vatican Council. Because the dioceses in Germany receive church tax funds, the Conference is financially dependent on their subsidies. This complicates the funding, and thus the work of those institutions that have taken on tasks at this level that cannot be performed well at diocesan level. In the spirit of the principle of subsidiarity, there is a need today to reinforce the organisations and institutions at supra-diocesan level. Their funding needs to be safeguarded by all dioceses in line with their ability to contribute. The interdiocesan financial equalisation should also be further developed.
- The cooperation on which the Synodal Path has embarked must be strengthened and made permanent. Binding decisions that affect all Catholic dioceses in Germany are to be discussed and decided together by the Bishops' Conference and other faithful, both ordained and non-ordained. It is especially appropriate to further strengthen the profile of the Synodal Assembly as an institution and as a place of common reflection, representation and leadership.
- A democratically-legitimised organisation of the "laity" exists in Germany in the shape of the Central Committee of Catholics, which reflects Catholic life in diocesan councils, associations and societies. The Committee also needs to undergo a democratic renewal in the course of a reform of the power structures in the Catholic Church.
- In the same way as the conferences between orders, the councils of priests need a stronger joint representation in Germany.
- The existing joint institutions of the German Bishops' Conference and the Central Committee of Catholics are to be reviewed and developed further along the lines of the synodal principle.

¹³ A good approach is adopted in: *Gemeinsam Kirche sein. Wort der deutschen Bischöfe zur Erneuerung der Pastoral* (Die deutschen Bischöfe 100), Bonn 2015.

The universal Church

The Catholic Church is a universal Church. Unity with the Pope, who exercises the Petrine ministry together with the bishops, is fundamental. It is reinforced by the Synodal Path. There is a need for an open dialogue, including with the Apostolic See, on reforms that do not take the same shape in every time and place, but reflect in their dynamism the richness of the gifts and tasks that the Holy Spirit gives to the Church. Necessary reforms in our Church are also being discussed in other places in the world. There is therefore a need for a Synodal Forum in the universal Church too, a Universal Church Assembly, a new Council in which the faithful, both with and without an ordained ministry, deliberate and decide together on theological and pastoral questions, as well as on the constitution and structure of the Church.

9.3 Finance, human resources development and planning: matters of church governance

Finance

Canon law provides for participative structures in financial matters, and these need to be elaborated: in terms of expanding the supervisory powers of independent bodies whose members are elected by the faithful (directly or indirectly), and in terms of systematically incorporating criteria of ethically-sustainable asset management.

Human resources development

Special attention is needed in the selection, training and guidance of the personnel working for the Church. The Catholic Church must carefully select, prepare and guide those individuals who proclaim God's Word, make God's love tangible, and celebrate hope on Her behalf.

Especially in the church context, the expectations placed on persons with responsibility are high, since they must embody the message of faith, hope and love with their actions, words and attitudes. This is contrasted by the experience that superiors do not live up to their leadership responsibility, or quite deliberately abuse their power. People lose their voice, their dignity is deeply wounded, and they are devastated to the core when they are confronted with abuse. There is a need for effective prevention, effective victim protection, and effective reparation.

People fall silent when they are passed over for important decisions. Some do protest, but others simply walk away. The creeping exodus is a big problem, and this can only be resolved by a ruthless analysis of the problem and by well thought-out countermeasures.

The focus is not only on individuals with their concerns. The whole complex of personnel selection and management, basic and further training, and guidance in the often difficult tasks and paths, must be taken into account. Who is qualified and who can be made qualified to take on such an important task? And who is called?

A degree in theology provides employees in the pastoral ministry and teachers of religious education with the necessary knowledge to deal with the content of faith and its proclamation. Spiritual guidance enables spiritual depth, a personal path in faith, and a solid foundation for a living relationship with God without which a ministry in the Church and openness for people

and their vibrant diversity is not conceivable. The handling of power and responsibility, for which good preparation is needed, has received little attention so far.

It is important to distinguish between different forms of power when it comes to addressing the questions of leadership responsibility and power: On the one hand, there is formal authority based on ordination or jurisdiction. On the other hand, there is natural authority which is not bound to structures or positions, but rather to the individual personality. The two will coincide in an ideal case.

Finally, when dealing with those individuals within the Church who have power, it is also a question of examining which leadership offices in the Church absolutely must be part of the priestly ministry, and which do not need to be. Access to all leadership offices which are not indispensable to the priestly ministry should be mandatorily opened to all who are baptised and confirmed.

Tasks to be carried out in *personnel matters*

- firstly, the task of organising, through framework regulations, interrelations between and the co-existence of bishops, priests, deacons, full-time, part-time and voluntary workers in the pastoral ministry in a transparent, reliable and crisis-proof way,
- and on the other hand the task of determining more precisely how the legitimacy and quality of leadership personnel can be enhanced through elections, taking into account the applicable conditions of church law and state-church law both for bishops and pastors, as well as for all other leadership roles. The associations and societies hold elections to fill limited-term leadership positions, as do the religious orders. It is unclear why it should be any different in congregations, parishes and dioceses; the fact that it is different undermines the credibility and standing of the Church in the present time.

Linked to this, there is a need to evaluate and if necessary re-format the entire process of applying for pastoral ministries, through guiding employees through to retirement and disbursing retirement benefits.

Planning: decision-making processes

When it comes to planning, there is a need not only to clarify the undisputed leadership responsibility of bishops and pastors, but also for those affected to be involved in an organised, legally-clarified way.

- An important area of planning is the formation of organisational structures. These relate both to episcopal administrations (ordinariates or Vicariates General) as well as to parishes, congregations and communities (in the great diversity of the newly-introduced nomenclatures).
- Another core area of planning is the development of pastoral initiatives to enhance evangelisation. The tasks range from designing the order of worship (times, places, forms) to developing digital communication strategies, from qualifying the catechesis to optimising Caritas, and from nurturing the life of the community to organising public relations work.

The planning includes consultations and decisions, evaluations and steering. It relates to all areas of pastoral work; at diocesan as well as at parish and community levels.

9.4 Conclusions

We advocate ensuring that the opportunities for participation and the rights of all who are baptised and confirmed are reinforced in the liturgy, in the proclamation of faith and in *diakonia* through organisational and structural changes on the basis of the applicable church law.

We are committed to ensuring that the principles of solidarity and subsidiarity are binding standards of action at all levels of the Church's activities.

We are also committed to ensuring that the criteria of participation and legality, transparency and supervision, professionalism and the preservation of legitimate expectations apply in all areas of the Church's activities, from the financial regulations through personnel development, to the planning processes.

We are furthermore committed to ensuring that the profound changes to the power structure of the Catholic Church which are necessary for the sake of evangelisation take place, and will agree on ways to initiate these changes, also with regard to amendments to canon law.

We are convinced: that the individual is the starting point and objective of all decisions. He or she takes responsibility to the degree to which he or she is involved in decisions. For this reason, the Church's decision-making structures are also to become participatory. For we are "called for freedom" (Gal 5:13).