



Presentation

of 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 action text

“Joint consultation and decision-making” (draft file)

The Synodal Assembly is requested to resolve as follows:

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

It is therefore also part of the task of a bishop to create binding structures of participation and co-determination of the faithful in the diocese that he leads on the basis of their responsibility (cf. can. 212 §3 CIC) in all essential questions of the Church's life and of the Church's mission, and to make decisions in binding interaction with the synodal bodies of the diocese. A path to make this interplay of shared responsibility and leadership ministry binding consists in the self-commitment of the bishop and of the parish priest. The legal starting point for this is formed by the two fundamental norms on the priestly rights of consent or counsel contained in can. 127 CIC, and the participation of those who are baptised and confirmed in the exercise of the power of governance of can. 129 CIC. The intention of the synodal cooperation in the Church expressed therein is taken up by the diocesan bishops in creating and shaping co-responsibility bodies and councils in their dioceses and parishes. To this end, the diocesan bishop issues a framework regulation for the diocese, and a model code for the parishes, in each of which the voluntary commitment of the bishop or parish priest to the decisions of the body or council is regulated in binding form. This voluntary undertaking on the part of the bishop or parish priest is however suspended if a decision violates the faith or legal order of the Church.

The procedures of joint deliberation and decision must be public; they must be transparent; they must guarantee accountability and supervision. They aim to bring about cooperation between the different parts of the Body of Christ through regulated co-consultation and co-decision (cf. 1 Cor 12:12-27). This reorganisation should examine how the quality of consultations and decisions can be improved by clarifying responsibilities, reducing duplicate structures, as well as more intensive networking, and if necessary organisational development of existing committees and councils, and these consultations and decisions can be made more efficient. There is also a need to clarify in this regard how external expertise can be used, as this serves the unity and the diversity of the Church in equal measure.

These principles of joint deliberation and decision-making mean:

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

As stated above, the bishop undertakes to abide by this code against the background of can. 127 CIC in conjunction with can. 129 CIC. The following minimum standards apply to this code:

- The Synodal Council of the diocese is elected in free, equal and secret elections. Its composition reflects the people of God in the diocese. The council may co-opt additional members by majority vote.
- The Synodal Council of the diocese is co-chaired by the bishop and a chairperson elected by the council.
- The Synodal Council of the diocese can modify draft decisions of the bishop, or make its own decisions on matters of diocesan significance.
- If the bishop approves a decision of the Synodal Council of the diocese, this decision is legally effective.
- If no legally-effective decision comes about because the bishop does not concur with it, a new consultation takes place. If no agreement is reached here either, the council can contradict the vote of the bishop with a two-thirds majority.
- If no agreement is reached because the bishop also contradicts this decision, a conciliation procedure is initiated the conditions of which have been established in advance, and to which all concerned undertake to adhere.
- **Optional priests' council:** The priests' council is integrated into the Synodal Council of the diocese and, independently of it, only discusses topics that exclusively concern priests or that are reserved for the priests' council according to the applicable law.

2. For the **parish**, the bishop issues a model code in his diocese for the voluntary commitment entered into by the parish priest. This bindingly regulates the joint responsibility of the faithful and of the parish priest via rights of co-consultation and co-decision of representatively-elected faithful. This code either establishes new Synodal Councils in the parishes, or further develops the existing councils (Synodal Council of the parish). The parish priests are required to undertake to abide by this code in all important decisions - in particular pastoral planning, as well as in important personnel and financial decisions - against the background of can. 127 CIC in conjunction with can. 275 § 2 CIC, insofar as the binding faith and legal order of the Church is not affected. Details of the code such as the modus operandi and the decision-making procedures are determined by the bishop with the consent of the Synodal Council of the diocese.

The following minimum standards apply to this code:

- The Synodal Council of the parish is elected by the eligible faithful of the parish in free, equal and secret elections.
- The Synodal Council of the parish is co-chaired by the parish priest and a chairperson elected by the council.
- If the parish priest approves a decision of the Synodal Council of the parish, this decision is legally effective.
- If no legally-effective decision comes about because the parish priest does not concur with it, a new consultation takes place. If no agreement is reached here either, the

Synodal Council of the parish can contradict the vote of the parish priest with a two-thirds majority.

- If the parish priest does not concur with the decision of the Synodal Council of the parish, a conciliation procedure is initiated. The parish priest or the council may submit the case to the bishop or to the party delegated by the latter in the conciliation procedure.
- **Optional merger:** The parish council or the administrative council is merged with the Synodal Council in order to ensure effective co-decision and responsibility of the faithful in unambiguous structures.

3. The diocesan framework regulations and parish model codes for the joint responsibility of the faithful and of the bishop or parish priest through co-consultation and co-decision rights are published. A detailed report is submitted to the bishops and the Synodal Councils of the dioceses every three years on the implementation of these codes, and on experience with the binding structures of co-decision in the diocese (report on synodal responsibility and co-decision of the diocese). On the basis of this report, the bishop and the Synodal Council of the diocese evaluate the framework regulation, as well as the model code and its implementation in the diocese, and continuously develop the binding co-decision structures in the diocese. These reports and evaluation results from the bishops and Synodal Councils of the dioceses are debated on by a synodal body of binding, continuous cooperation in the Church in Germany. This body recommends strategies and measures to further develop the binding structures of co-decision in the dioceses. These recommendations form the basis for the bishops and the Synodal Councils of the dioceses to further develop the structures in the dioceses. The implementation of the recommendations is described in the reports on the synodal responsibility and co-decision of the dioceses.