

## Particular Councils: a resource rarely used in Australia

*This is the first of a series of articles looking at particular councils or synods. It is a general examination of their origins, characteristics and capacity. Others will examine the seven particular councils, provincial and plenary, which have been held in Australia since 1844, as well as the preparations for the 2020 Australian Plenary Council, and what that council might have on its agenda.*

### Towards a synodal church

In its 1965 *Decree on the Bishops' Pastoral Office in the Church (Christus Dominus)* the Second Vatican Council declared that it “earnestly desires that the venerable institution of synods and councils flourish with new vigour” (n. 36).

Aware that synods had waned significantly, the Council wanted to reverse that lapse. More recently, Pope Francis, echoing the Council, has said that “the world in which we live ... demands that the Church strengthen cooperation in all areas of her mission, and it is precisely the path of synodality which God expects of the Church in the third millennium. A synodal church is like a standard lifted up among the nations” (Address to Synod of Bishops, 17 October 2016). But transitioning to a synodal church will largely depend on bishops to take up the challenge. This may be hard for some, as “synodality does not mean some of the bishops some of the time, but all the Church all of the time” (Archbishop Coleridge, Knox Address, 2015).

Throughout the Church's history synods and councils have been the traditional forum for discussion and decision-making on how Christians understand their faith, live it, and confront the issues of their times in the light of their understanding of the Gospel. The term ‘synod’ (Greek Συνέδριον, *synedrion*) derives from *syn* ‘together’ and *hodos* ‘road’ or ‘way’, and signifies a ‘journeying together’, an ‘assembly’, or a ‘meeting’. It is synonymous with the Latin *concilium* or ‘council’, and both terms are, in a generic sense, interchangeable.

From earliest times different types of ecclesial synods or councils have existed. Those that have endured are four: ‘diocesan’, for single local or particular churches; ‘provincial’, for all the particular churches of an ecclesiastical province; ‘plenary’, for all the particular churches of a nation; and ‘ecumenical’, for all the churches of the known world (*oecumene*). All can make laws for the particular churches which come under their jurisdiction. Other synods have also arisen, but faded into disuse: Councils of the Apostolic See, convened by some popes in the 7<sup>th</sup> century as emergency synods; Synods of Residents or a Standing Synod (*synodus endemousa*), convened by the patriarchs of Constantinople when neighbouring bishops were visiting or living in the city; and Mixed Synods, which in the early Middle Ages brought together ecclesiastical and civil rulers of a kingdom to jointly discuss matters of church and state.

Following the Second Vatican Council, a new synod, the Synod of Bishops, emerged, established by Pope Paul VI in 1965 to express the collegiality of the bishops of the world and to serve as an advisory body to the pope. From 1980 to 2010 this Synod has met for

nine 'Special' or 'Continental' Synods, to discuss issues of importance in supra-national regions. All have had an essentially consultative function.

In canon law, provincial and plenary synods are known as 'particular councils'. They are occasions for the bishops of one or more ecclesiastical provinces (or of a whole nation) and other members of the local churches attending, to "take care that provision is made for the pastoral needs of the people of God ... and to decide what seems opportune for the increase of the faith, the organization of common pastoral actions, and the regulation of morals and of the common ecclesiastical discipline which is to be observed, promoted and protected (C. 445). They are also the highest form of communion between the local or particular churches of a province or nation.

### **A tradition of synods**

The first Christian synod took place in Jerusalem around 49-54 CE, to decide whether gentile Christians were to be bound by Jewish laws, such as circumcision. The Apostles, Peter, James and Paul, assembled with Paul's companion, Barnabas, and the elders of the Jerusalem Jewish-Christian community. The discussion and debate, recorded in the Acts of the Apostles (15: 6-29) and Paul's letter to the Galatians (2: 1-21), was lively and robust, but concluded with an outcome "decided by the Holy Spirit and ourselves" and agreed to by "the whole church".

This first Christian synod was almost certainly modelled on the Jewish Great Sanhedrin, the supreme political, religious and judicial body in Palestine during the Roman period before and after the destruction of Jerusalem, and first mentioned by Josephus (37-100 CE): "Gabinus [the Roman Pro-Consul to Syria] divided the country into five *synodoi* or *synedria*" (*Jewish Wars* 1:170).

Like the Greek *synedrion*, the Hebrew סְנֵהֶדְרִין *sanhedrîn* means a 'sitting together' or 'coming together', hence 'assembly', 'meeting', or 'council'. The Gospels and Hellenic sources speak of the Sanhedrin as a political and judicial council headed by the high priest (John 18; 13-27; Acts 4:3-22). The Rabbinic sources refer to it as a chiefly legislative body dealing with religious matters and, in rare cases, acting as a court to try a false prophet or high priest. The Great Sanhedrin was a 71-member assembly of learned men permanently situated in the Jerusalem Temple, from whence the law went forth to all Israel. It was the final authority on the *halakhah*, the collective body of Jewish religious laws derived from the written and oral Torah. The penalty for any scholar who contravened its decisions was death. The members of the Great Sanhedrin came mainly from two rival groups: the Sadducees, a conservative, traditionalist sect of mostly wealthy Jewish priests, merchants and aristocrats, who dominated the temple worship; and the Pharisees, a group who assigned authority to the oral law of the Torah. A third group, the Scribes, were laymen with a deep knowledge of the law. Besides the Great Sanhedrin, other *sanhedrin* existed in the lesser cities in Israel, usually made up of 23 to 71 appointed men.

The next Christian synods appear in the 2<sup>nd</sup> century, with several bishops in Asia Minor gathering around 170 CE to deal with the Montanism heresy. Others were held in Gaul (177 CE) and Rome (189-190 CE), and in the early 3<sup>rd</sup> century, in Greece, Alexandria, Carthage,

Rome, Antioch and Narbonne. By the mid-3<sup>rd</sup> century there were annual synods in Cappadocia and frequent synods in almost all the ecclesiastical provinces, which were usually co-terminus with the civil provinces of the Roman Empire.

While many of these early synods were called 'provincial', others from the 4<sup>th</sup> and 5<sup>th</sup> centuries were designated 'plenary' (Latin *plenarium* or *plenum* meaning 'full' or 'complete') as they gathered bishops from several ecclesiastical provinces or a wider territory. St Augustine referred to ecumenical councils as plenary, and some provincial synods were also called plenary. Later, however, only synods attended by the bishops of several provinces and presided over by an authorized delegate or legate of the Bishop of Rome were called plenary. Much later, some plenary synods/councils were called 'national'.

The early synods were almost always convened by the leaders of the Christian communities to settle disputes, to discuss the treatment of those who had lapsed during persecutions, and to give directions to their communities. Their ultimate origin was the community gathered in worship. And even though they increasingly followed the procedures and protocols of the corresponding civil entities, these synods and councils always retained liturgical acts as an integral part of their proceedings, confirming that they were above all 'sacred' gatherings. While there were various reasons for convening them, all had the one supreme goal: the promotion of the well-being of the Church through the mutual consultation of its pastors. It was also understood that all decisions were arrived at with the aid of the Holy Spirit, presiding over the assembly in the same manner as at the Council of Jerusalem. Bishops decided on issues in the name of the Church and reached their decisions by unanimous acclamation, which were then recorded as the Church's canons or laws. Anyone who would not agree was excluded from the Church's communion.

The ancient and consistent custom of the Church has been that plenary synods or councils can only be convoked or celebrated with the approval of the Bishop of Rome, and often he would appoint a special delegate to preside over these gatherings. The *1983 Code of Canon Law* requires express Apostolic authorization (C. 439). Hence, unless assemblies of bishops, even of a whole nation, follow the prescribed synodal forms and have proper Apostolic authorization, they cannot be recognized as plenary councils.

It was the need for good governance of dioceses with similar interests within an ecclesiastical province that gave rise to provincial synods. As early as the First Council of Nicaea (325 CE), the bishops of individual provinces were ordered to meet twice each year (Canon 5). Later councils prescribed annual provincial synods: Trullo in 692 (Canon VI), 2<sup>nd</sup> Nicaea in 787 (Canon 6), and the 4<sup>th</sup> Lateran Council in 1215 (Canon 6). But their various prescriptions had meagre success until the Councils of Basle (1433) and Trent (1545-63) called for triennial provincial synods (Trent, Session 24, Chapter 2).

A wave of provincial synods, spearheaded by Milan's Bishop Charles Borromeo, followed, but soon waned. Another wave emerged in the 19<sup>th</sup> century, especially in the 'mission territories' under the jurisdiction of the Sacred Congregation de Propaganda Fide, but rarely with the prescribed regularity.

The *1917 Code of Canon Law* mandated provincial councils to be celebrated at least every 20 years, and allowed a plenary council to be held whenever “several ordinaries of the ecclesiastical provinces [of a nation] come with a petition to the Roman Pontiff, who will designate a Legate to convoke and preside over the Council” (Cc. 281,283). The decrees of both provincial and plenary councils, once approved by the Apostolic See and promulgated, applied throughout all the relevant territory and local ordinaries could not dispense from them without just cause (C. 291). The president of provincial and plenary councils opened and concluded the council and determined the order of handling the agenda (C. 288). Under the *1917 Code* only bishops (with a deliberative vote) and other ordained secular or religious clergy (with a consultative vote) could attend a provincial or plenary council (Cc. 282,286). Laypersons, both male and female, were excluded. Both these councils were exclusively clerical affairs.

### **Vatican II and particular synods**

In his Opening Address at the Second Vatican Council, Pope John XXIII stated: “The Councils ... of a provincial or regional character, which have been held down through the years, are important, prove clearly the vigour of the Catholic Church, and are recorded as shining lights in her annals”. Following the Council, the *1983 Revised Code of Canon Law* introduced significant changes to the frequency, membership and agenda of particular synods. The basis for these changes was the *Dogmatic Constitution on the Church (Lumen Gentium)* which speaks of the dynamic nature of the Church as ‘communion’, where each of the faithful participates in the mission of the Church by virtue of baptism, and there exists an interrelationship among all the Christian faithful founded upon mutual respect and trust, with the goal of helping the Church fulfil its mission as the sign and means of salvation (n. 12-17). It also speaks of the right of all the faithful to express their needs and wishes to the sacred pastors, especially their spiritual needs, a right deriving from “the freedom and confidence which befits children of God and sisters and brothers in Christ” (n. 37).

The fact that Vatican II called for synods to flourish implicitly indicated that, for too long, most bishops had been reluctant, or afraid, to convene synods, whether diocesan or particular. But even since the Council, most bishops have preferred to use their national episcopal conferences - a ‘kind of council’ which meets at least once a year and functions with many characteristics of a synod - to deal with the pastoral, governance and other issues central to the Church’s mission.

Though episcopal conferences may be a pragmatic option, the *1983 Code* makes it quite clear that they were never intended to take the place of a plenary council, which allows for a more comprehensive discussion of issues by a wider group of the faithful, and is more than an assembly of ‘bishops only’. A plenary council is an assembly of the ‘faithful’, namely, clerics, religious and laity who have an entitlement to speak and give witness to the Church as a hierarchically ordered community of believers, and has far greater legislative authority than any episcopal conference.

### **Canonical norms for particular councils**

The norms for convening particular councils, provincial and plenary, are set out in the 1983 *Code* (Cc. 439-446).

Regarding plenary councils, the decision to hold one can only be made by an episcopal conference representing all the particular churches of the territory under its jurisdiction, and it must have the co-terminus approval of the Apostolic See, since such a council involves the exercise of supra-diocesan power, especially legislative, which goes beyond the power of individual bishops and even that of an episcopal conference. An episcopal conference can determine to hold a plenary council “whenever it seems necessary or useful” (C. 439).

The episcopal conference not only convokes a plenary council, but also selects the place where it is to be held within its territory, chooses from among its own members an ordinary to act as council president (who must be approved by the Apostolic See), determines the agenda and the questions to be treated, sets the opening date and duration, and transfers, extends, and dissolves it (C. 441).

The 1983 *Code* also specifies those who ‘must’ and who ‘can’ be called to attend a plenary council, and distinguishes between those who have a ‘deliberative’ vote, those who have a ‘consultative’ vote, and those who have no vote (see Table 1) (C. 443).

**Table 1: Participants and guests at a plenary council**

Those who <u>must</u> be called	Voting Rights	Those who <u>can</u> be called	Voting Rights
Diocesan bishops <sup>1</sup>	Deliberative	Titular bishops retired or living in territory	Deliberative
Coadjutor & auxiliary bishops	Deliberative	Priests <sup>4</sup>	Consultative
Titular bishops with a special function <sup>2</sup>	Deliberative	Other members of the Christian Faithful <sup>6</sup>	Consultative
Vicars general of all particular churches	Consultative		
Episcopal vicars of all particular churches	Consultative		
Major superiors of religious institutes <sup>3</sup>	Consultative		
Rectors of Catholic universities <sup>4</sup>	Consultative		
Deans of theology & canon law faculties	Consultative		
Rectors of major seminaries in territory <sup>5</sup>	Consultative	Others (as guests, but not participants)	Nil

Notes: 1. Administrators of vacant dioceses are legally equivalent to diocesan bishops. 2. The special function, given by the Apostolic See or Episcopal conference, must be exercised within the territory of the conference. 3. Includes societies of apostolic life of both men and women. The number to be called will be determined by the episcopal conference and elected by all the major superiors with a presence in the territory. 4. Also includes ecclesiastical universities with a seat in the territory. 5. The number will be determined by the episcopal conference and elected by all the rectors. There is no mention of other clerics, such as deacons. 6. These may include non-ordained religious and other lay men and women. Their numbers will be determined using a special calculation: add all the bishops, vicars, religious superior and academics, and divide by 2. Only fewer than that number can be called to participate.

Among those who must and can attend are bishops, other ordained clerics, religious men and women, and lay men and women. The episcopal conference has some latitude in determining the number of major superiors (of male and female religious institutes), rectors of major seminaries, priests, and other members of the Christian faithful who ‘must’ be called, but the total number of priests and members of the faithful who ‘can’ be called cannot exceed half the number of the following participants combined: all bishops, all vicars general, all episcopal vicars, all major superiors, all university rectors, all faculty deans, and all seminary rectors. It is a limitation probably designed to prevent pressure groups from

attempting to take over the council. The diversity of participants makes it clear that a plenary council is not merely an assembly of ministers to the particular churches, but a gathering of all the particular 'churches' of the nation in communion.

All participants may speak (give their 'consultative vote') at a plenary council, but only bishops have the final 'deliberative' vote. Guests, who are not participants, may not speak. All those who are called to a plenary council must attend, unless they have a just reason not to, and must inform the council president (C. 444). The involvement of all participants is considered essential to the synodal process, inferring that all have the requisite knowledge, competence and prestige to contribute freely to all discussions within the council (C. 212).

A plenary council has the power of governance, especially the power to make laws, for the pastoral needs of the people of God in all the particular churches within its territory. It can decide on what will foster the growth of faith, what will preserve the good order and moral health of the community, and better coordinate common pastoral action. However, whatever it decides must not prejudice the universal law of the Church (C. 445). A plenary council can not only fix what is broken, but also improve healthy churches to make them more alive and mission focussed.

When a plenary council has concluded, the president must forward all its decrees ('acts') to the Apostolic See for review and approval. Only after that approval has been given may the decrees be promulgated, and then in the manner and with a date of effect set down by the plenary council (C. 446). This requirement to submit the council's acts to the Apostolic See is intended to reinforce the communion of the particular churches with the Bishop of Rome and to ensure that the decrees respect the universal law of the Church. However, it is the plenary council, not the Bishop of Rome, which promulgates the decrees and makes them effective in its territory.

Peter J Wilkinson  
30 July 2017