

## **EXPLORING SYNODALITY THROUGH THE LENS OF FRANCIS'S MAGISTERIUM: THEOLOGICAL AND CANONICAL IMPLICATIONS FOR LOCAL CHURCHES**

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### **Abstract**

*It is an undeniable truth that since 2013, the Church, through the headship of Francis, has been engaged with the constitutive element of the Church known as synodality. However, it is not as innovative a phenomenon as it may seem. The Church has adopted it from the ancient period down to the medieval epoch without excluding the modern and contemporary periods. It accounts for the reason why a salient terminology applied by Vatican II in the description of the Church as a communion conveys the practice of synodality. On this note, since Vatican II, an organ that unites the entire Church has been the synod of bishops. This gives credence to why Paul VI instituted it with the motu-proprio Apostolica sollicitudo (1965). It is a body that manifests the collegiality of the bishops. In it, he outlines that this organ of communion can be ameliorated in future. As a result, this essay investigates the reasons why Francis has taken up synodality more as a mantra since 2013, which is evidenced in several of his interventions – audiences, documents such as Evangelii gaudium (2013), Episcopalis communio (2018) and many more. The study discovers that what is pivotal in synodality regarding Francis's magisterium is a continuation of the theology of Vatican II and that of the post-conciliar predecessors – John Paul II and Benedict XVI magisterium. The underpinning factor is geared towards strengthening the various canonical participative and co-responsibility structures in the local churches.*

**Keywords:** Synodality, Collegiality, Communion, Synod of Bishops, Participative Structures.

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## 1. Preamble

The Church has demonstrated enough willpower towards the actualisation of synodality in its decision-making process. Francis seems to be the prime promoter. Yet, a critical examination of post-conciliar papal magisterium only affirms a continuation, as evident in their mantra – Paul VI on collegiality, John Paul II on ecclesial *ad intra* communion, Benedict XVI on co-responsibility, and Francis on synodality.

However, it is practically impossible to examine the topic of synodality as a constitutive element of the Church without references to the apostolic constitution *Episcopalis communio* (2018)<sup>2</sup>, which abrogated some articles in the motu proprio *Apostolica sollicitudo* of Paul VI (1965)<sup>3</sup>. In the same vein, the core reason for the adoption of synodality is the application of inclusivity in arriving at decisions in the Church. It, thus, raises a fundamental question: Is it a decision-making process or decision-taking process? Inherent in the aforementioned, is the question of the various participative, representative and co-responsibility ecclesial structures. It is intertwined with the questions of ordinary and extraordinary magisterium within the universal Church and the various consultative and deliberative structures of communion in the local and sub-regional/ national churches.

As a result, the article examines the theme from the theological and canonical perspectives. It embraces interdisciplinary methodology. An insight into the research of the *International Theological Commission* conveys that it examines the theme of synodality in her 9<sup>th</sup> quinquennium, which spanned from 2014-2017, leading to its publications titled; *Synodality in the Life and Mission of the Church* (2018)<sup>4</sup>. Moreover, it examined the theme of *Sensus fidei* earlier in 2014. The above-mentioned fact illustrates that synodality is a topic of interest for both disciplines - Canon law and Theology. It would not be out of place to infer that both studies – *Sensus fidei* (2014) and synodality (2018) - by the *International Theological Commission* prepared the grounds for *Episcopalis communio* that changed the configuration of *Apostolica sollicitudo* in the adoption of *sensus fidei*<sup>5</sup> and synodality by Francis. Another question that this article would tend to address is: What does this teaching portend for the various canonical structures in

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<sup>2</sup> FRANCIS, Apost. Const. *Episcopalis communio*, 15 September 2018, *L'Osservatore Romano*, 19 September 2018, 4-6.

<sup>3</sup> PAUL VI, M.p. *Apostolica sollicitudo*, 15 September 1965, in *AAS* 57 (1965) 775-780.

<sup>4</sup> INTERNATIONAL THEOLOGICAL COMMISSION, *De synodalitate in vita ac munere Ecclesiae*, 3 March 2018, in *Comm.* 50 (2018) 180-236.

<sup>5</sup> INTERNATIONAL THEOLOGICAL COMMISSION, *Il Sensus fidei nella vita della Chiesa*, 1 November 2014, in *Regno-Documenti* 59 (2014) 633-654.

existence? Were they hitherto not in existence, or did it only enforce what were formerly in existence but in recessive or in redundant mood?

## 2. From «*Collegialitas Affectus*» and «*Collegialitas Effectiva*» to Synodality

For the avoidance of doubts, *Episcopalis communio* is a document issued by Francis on the Synod of Bishops in 2018. It replaced *Apostolica sollicitudo* (1965) of Paul VI. In the first instance, *Apostolica sollicitudo* was issued by Paul VI on the second day of the last session of Vatican II that took place between 14 September and 8 December 1965. With the death of John XXIII on 3 June 1963, Paul VI was elected on 21 June 1963. Soon after his election, Paul VI, on 22 June 1963<sup>6</sup> made lucid of his intention to continue with the Second Vatican Council began by his predecessor in order to formulate the true and immutable doctrine declared by the Councils of Trent and Vatican I. He expressed his desire in several instances: His apostolic letter *Cum proximus*; meeting with the Roman Curia; and his address at the beginning of the second session; on 14<sup>th</sup>, 21<sup>st</sup> and 29<sup>th</sup> September 1963, respectively<sup>7</sup>. He was clear in his thoughts on the necessity to promote the collegiality of bishops<sup>8</sup>. On this note, the *motu proprio* was promulgated only after the third session (14 September to 21 November 1964) that saw the promulgation of the second dogmatic constitution on the Church, *Lumen gentium*. *Apostolica sollicitudo* was therefore meant to put into action some contents in chapter three of *Lumen gentium* on the hierarchical structure of the Church, especially on the Episcopate.

As a result, even before the decree on the implementation of the contents found in chapter three of *Lumen gentium*, by this, we refer to *Christus Dominus*, *Apostolica sollicitudo* was already in existence. It conveys the importance of the theme of collegiality in the mind of Paul VI<sup>9</sup>.

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<sup>6</sup> Cf. A. MELLONI, «L'inizio del secondo periodo e il grande dibattito ecclesiologico», in G. ALBERIGO-AL., ed., *Storia del Concilio Vaticano II*, III, Bologna 1995, 21-23.

<sup>7</sup> Cf. PAUL VI, Apost. Lett. *Cum proximus*, 14 September 1963, in *AAS* 55 (1963) 729-733; ID, Allocution to the members of the Roman Curia, 21 September 1963, in *AAS* 55 (1963) 793-800; ID, Allocution at the beginning of the Second Conciliar Session of Vatican II, 29 September 1963, in *AAS* 55 (1963) 841-858.

<sup>8</sup> For holistic insight on the Vatican II Council, cf. T. GUARINO, «The Priesthood and Analogy: A note on the Formation and Redaction of *Lumen gentium*, 10», in *Angelicum* 67 (1990) 310-320; H.A., WALTER, *the documents of Vatican II*, New York 1966, 740-741.

<sup>9</sup> The works that readily comes to mind on collegiality as it pertains to Vatican II and post-conciliar documents are: J.A. CORIDEN, «The Synod of Bishops: Episcopal Collegiality still seeks Adequate Expression», in *Jurist* 64 (2004) 116-136; G. GHIRLANDA, «De Hierarchicae communionis ut elemento constitutivo episcopalis iuxta *Lumen gentium*», in *Periodica* 69 (1980) 31-57; L.A.G. TAGLE., *Episcopal Collegiality and Vatican II, The influence of Paul*

John Paul II enforced it further when, after the tenth Ordinary General Assembly of the Synod of Bishops in 2001, he proclaimed the post-synodal exhortation *Pastores gregis* (PG) on 23 June 2003<sup>10</sup>. The document focuses on the life and ministry of bishops. The unity of the Church is founded on the communion of the Apostles<sup>11</sup>. The College of Bishops, in communion with the head but never without the head, promotes this ecclesial unity. However, the particular Churches are not subordinate to the universal Church. It is not the case, as the Sacred Tradition states and John Paul II affirms, that the particular Churches are not the sum of the universal Church or that the federation of particular Churches is not the sum of the universal Church since each particular Church exists in itself (cf. PG 8). However true it might be, the virtual unity of these particular Churches is entrusted to the bishops, who must be in communion with the College. The bishops become members of this body through episcopal consecration and hierarchical communion with the College and its head.

Consequently, the concern of all members for the Universal Church is the basis for the connection between the particular Churches and the Universal Church. In the words of John Paul II, this is called *affectus collegialis* and *collegialitas effectiva*. The former can be seen from the various institutions such as the Synod of Bishops, the particular councils and the Bishops' Conference (cf. PG 57-58, 62-63)<sup>12</sup>, but *Collegialitas effectiva*<sup>13</sup> denotes the means by which the bishops consciously act for the interests of the universal Church, i.e. actually through an Ecumenical Council.

Therefore, the unity of the particular Church, as logically as the *communio Episcoporum*, is a prelude to communion in the particular Churches. The bishops carry out their actions on the basis of hierarchical communion with the head.

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VI, Quezon city 2004; N. LODA, *La Collegialità nella Chiesa con particolare riguardo alle varie forme di collegialità Episcopale*, Roma 1995; G.H TAVARD, «Collegiality According to Vatican II», in *Jurist* 64 (2004) 82-115.

<sup>10</sup> JOHN PAUL II, Apost. Exhort. *Pastores gregis*, 16 October 2003, in *AAS* 96 (2004) 825-92.

<sup>11</sup> Some points on collegiality were treated in the work of N. Loda, cf. N. LODA, *La Collegialità nella Chiesa*, 123-124.

<sup>12</sup> The collaboration of the bishops is necessary for the universal Church, cf. J. VILLAR, *El colegio Episcopal Estructura teológica y pastoral*, Madrid 2004, 204-210.

<sup>13</sup> The argument between *collegialitas affectiva* and *collegialitas effectiva*, varies from different authors. However, what is clear is that the communion of the bishops, which exists at all times amongst the bishops either at the institutional level or in solidarity, is known as *collegialitas affectus*. Still, *collegialitas effectiva* is when the bishops act jointly through deliberative votes and consensus. In this case, it would mean that sometimes, the Synod of Bishops falls under this *collegialitas effectiva*, when the Pope gives the synod the deliberative power rather than the consultative power.

Likewise, the unity of all the faithful with their heads in the particular Churches is essential for the universal Church. The bishops (together with their priests) are the first proclaimers of the Gospel (cf. *PG* 65). The *missio ad gentes* can only be achieved through their striving for the holiness of all the faithful (cf. *PG* 41). Equally, the lay faithful or *sensus fidei fidelium* (cf. *LG* 12) are at the heart of the unity and mission of the Church. Their number constitutes the majority, so they must be encouraged to evangelise the world through the proper use of their charisms and participation in other ecclesial ministries (cf. *PG* 51).

### 3. Synodality from *Episcopalis Communio*

It is impossible to attempt synodality without allusion to *Episcopalis communio*, which, according to scholars, is the most fundamental mantra of the current magisterium. However, Francis's indication towards promoting inclusivity in the Church's affairs had earlier been discussed in several of his audiences and fora<sup>14</sup>. Hitherto, its examination is in the aforementioned document. At the 50<sup>th</sup> anniversary of the Synod of Bishops, Francis affirms:

«For Blessed Paul VI, the Synod of Bishops had to propose again the image of the Ecumenical Council and reflect its spirit and method. The pontiff himself envisaged that the synodal body, with the passage of time, can be further improved. She echoed it twenty years later when John Paul II stated that perhaps collegial responsibility can be expressed fuller with the synod. Finally, in 2006, Benedict XVI approved some changes to the *Ordo Episcoporum* [...] After reiterating that the people of God is made up of all the baptised called to form a spiritual home and a holy priesthood, the second Vatican Council proclaims that the totality of the faithful, having the anointing (Jn 2,20,27), cannot be mistaken in believing and manifests this property through the supernatural sense of the faith of all the People when from the bishops to the last faithful shows its universal consensus in matters of faith and morals»<sup>15</sup>.

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<sup>14</sup> Francis indicated his intention for synodality in the following audiences: FRANCIS, Apost. exhort. *Evangelii gaudium*, 24 November 2013, in *AAS* 105 (2013) 1019-; ID, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1138; ID, All. *Address at the 5<sup>th</sup> convention of Italian Church at Florence*, 10 November 2015, ([www.va](http://www.va)) (access, 1.05.2024); ID, All. *To the Italian Conference of Bishops on the 73<sup>rd</sup> General Assembly*, 20 May 2019, ([www.va](http://www.va)) (access 1.05.2024).

<sup>15</sup> FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, in *AAS* 107 (2015) 1139-1140: «Per il Beato Paolo VI, il Sinodo dei Vescovi doveva riproporre l'immagine del Concilio ecumenico e rifletterne lo spirito e il metodo. 2 Lo stesso Pontefice prospettava che l'organismo sinodale «col passare del tempo potrà essere maggiormente perfezionato». 3 A lui faceva eco, vent'anni più tardi, San Giovanni Paolo II,

In *Evangelii gaudium*, *Episcopalis communio* and other magisterial documents, as well as in some of his addresses, Francis questions the core character of baptism as a means of communion. He recalls the teachings of his predecessors and calls for a synodal Church<sup>16</sup>. Francis himself admitted the continuity of teaching in *Lumen fidei* when he acknowledged that his predecessor, Benedict XVI, completed the encyclical on charity and hope. He even referred to the above-mentioned document, to which he added some writings and completed it, as a true example of the continuity of the Church's teaching<sup>17</sup>.

Under the above premise, this article attempts to deduce from the magisterial teaching of Francis what the effective co-responsibility of all *Christifideles* concerns. In this sense, the question of synodality can be deduced from his various documents: *Lumen fidei* (2013); *Evangelii gaudium* (2013); Audience on the occasion of the celebration of the 40th anniversary of the institution of the Synod of Bishops (2015); *Episcopalis communio* (2018); and from some of his other documents and pronouncements.

### 3.1 Ecclesial Synodality

Francis shows a dominant inclination towards synodality in various forums, documents, audiences and speeches. This is the reason why it is the linchpin of the theme of the 16th Ordinary General Assembly of the Synod of Bishops: For a *Synodal Church: Communion, Participation and Mission* (2021-2024)<sup>18</sup>. Even as

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allorché affermava che «forse questo strumento potrà essere ancora migliorato. Forse la collegiale responsabilità pastorale può esprimersi nel Sinodo ancor più pienamente. Infine, nel 2006, Benedetto XVI approvava alcune variazioni all'*Ordo Synodi Episcoporum* [...] Dopo aver ribadito che il Popolo di Dio è costituito da tutti i battezzati chiamati a «formare una dimora spirituale e un sacerdozio santo». 6 il Concilio Vaticano II proclama che «la totalità dei fedeli, avendo l'unzione che viene dal Santo (Cfr. 1 Gv 2, 20.27), non può sbagliarsi nel credere, e manifesta questa sua proprietà mediante il senso soprannaturale della fede di tutto il Popolo, quando “dai Vescovi fino agli ultimi Fedeli laici” mostra l'universale suo consenso in cose di fede e di morale». Our translations.

<sup>16</sup> Cf. G. GHIRLANDA, «La const. ap. *Episcopalis communio*: Sinodo dei vescovi e sinodalità», in *Periodica* 108 (2019) 621-622. G. Ghirlanda, in the above article, connected the renewal of the synod of bishops by Francis to previous Popes – Paul VI and John Paul II – regarding the theme of communion. Synodality has occupied the minds of some authors, even before the reform of the synod of bishops. From this perspective, the works of Eugenio Corecco abound. C. Fantappiè did a synthesis on E. Corecco research on the practice of synodality in the Church, cf. C. FANTAPPIÈ, «Chiesa e sinodalità: per un confronto con Eugenio Corecco», in *Ephemerides iuris canonici* 58 (2018) 461-470; A.O. OSHEIM, «Stepping forward toward a Synodal Church», in *Theological Studies* 80 (2019) 370.

<sup>17</sup> FRANCIS, Encycl. *Lumen fidei*, 29 June 2013, in *AAS* 105 (2013) 558, n. 7.

<sup>18</sup> This synod is on the basis of *Episcopalis communio* that explain a special Synod that could adopt different sections in the way and manner of ecumenical Councils (*EC* art 1 3° §3).

earlier stated, the *International Theological Commission* discussed the theme of synodality in 2017 with the title, *Synodality in the Life and Mission of the Church*<sup>19</sup>

In attempting to explore synodality from the beginning of his ministry, Francis encourages all to break new ground<sup>20</sup>. This becomes clear when he quotes in *Lumen fidei* how Nietzsche encouraged his sister Elisabeth to take risks, to break new ground. Faith is understood as a leap into the unknown<sup>21</sup>. He affirms in *Lumen fidei*: «(Faith) is professed from within the body of Christ as a concrete communion of believers. It is against this ecclesial backdrop that faith opens the individual Christian towards others»<sup>22</sup>. To arrive at synodality, one must look at the question of faith as a memory that existed prior to humanity and leads to communion<sup>23</sup>. Unity is not compatible with freedom of thought and personal autonomy<sup>24</sup>.

In his address to the delegation of the Ecumenical Patriarchate of Constantinople, Francis affirms that the careful examination of the principle of synodality in the Church and the service of the one who presides will make an important contribution to the progress of relations between our churches<sup>25</sup>. Furthermore, in his speech on the 50th anniversary of the establishment of the synod, he indicated that Paul VI wanted the synod to reflect the image and spirit of the ecumenical Council – an institution of cooperation<sup>26</sup>. A synodal Church listens and is able to discern<sup>27</sup>. Therefore, listening (to one another and to what the Holy Spirit is saying to the Church)<sup>28</sup> and discernment is important in the practice of synodality<sup>29</sup>.

Regarding the link to hierarchical power, Francis maintains that hierarchical communion explains the link between the Pope and the bishops. Though the bishops are *cum* and *sub* the Pope, that is, they are with him and under him, Francis maintains that hierarchical communion can best be realised through synodality<sup>30</sup>. In this sense, the various participatory bodies and cooperative

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<sup>19</sup> ITC, *De synodalitate in vita ac munere Ecclesiae*, 3 March 2018, *Comm.* 50 (2018) 180-236.

<sup>20</sup> FRANCIS, *Encycl. Lumen fidei*, 29 June 2013, in *AAS* 105 (2013) 556, n. 2.

<sup>21</sup> *Ibid.*, 556, n. 3.

<sup>22</sup> *Ibid.*, 567, n. 22.

<sup>23</sup> Cf. *Ibid.*, 569, n. 25.

<sup>24</sup> *Ibid.*, 586, n. 47.

<sup>25</sup> FRANCIS, *All. Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1138.

<sup>26</sup> *Ibid.*, 1139.

<sup>27</sup> *Ibidem.*

<sup>28</sup> *Ibidem.*

<sup>29</sup> A.O. OSHEIM, «Stepping forward toward a Synodal Church», 373-378.

<sup>30</sup> FRANCIS, *All. Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1141.

institutions at the different levels of the Church should be strengthened. These include the universal and particular levels, the ecclesial regions, the provinces, and even the pariah communities. These are institutions that best describe synodality<sup>31</sup>.

Moreover, he urged what he called the humanism of Christians – humility, disinterest and bliss - and called on the various sub-national Churches to adopt these as a gesture of synodality<sup>32</sup>. Such a process is essential to shed new light on doctrine. Francis affirms that new doubts, questions and investigations could be raised<sup>33</sup>. However, there are some fundamental elements of the Church, such as some doctrines and, of course, dogmas, that are not within the doubts envisaged by Francis. At the end of his speech on 10 November 2015, Francis declared that every community, every parish and every institution, every diocese and circumscription, and every region should try to work in a synodal way<sup>34</sup>. Also, while referring to the 2018 document of the *International Theological Commission* on Synodality<sup>35</sup>, Francis maintains that synodality promotes the participation of all the people of God in the *missio ad gentes*. It involves the totality of the members. While collegiality is communion between the bishops, ecclesial synodality reflects an authentic communion, which is the true way of manifesting the collegiality of the bishops<sup>36</sup>. This explains why the current form of the Synod of Bishops, in accordance with *Episcopalis communio*, emphasises the importance of synodality<sup>37</sup>.

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<sup>31</sup> FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 1142-1143.

<sup>32</sup> FRANCIS, All. *Address at the 5<sup>th</sup> convention of Italian Church at Florence*, 10 November 2015, (www.va) (access, 1.05.2024).

<sup>33</sup> *Ibidem*.

<sup>34</sup> *Ibidem*.

<sup>35</sup> FRANCIS, All. *To the Italian Conference of Bishops on the 73<sup>rd</sup> General Assembly*, 20 May 2019, (www.va) (access 1.05.2024).

<sup>36</sup> *Ibidem*.

<sup>37</sup> Some authors support the claim that synodality is the aim of *Episcopalis communio*, cf. A. MODRIĆ, «La sinodalità nel sistema giuridico della Chiesa», in *Periodica* 107 (2018) 564-566; L.M. SISTACH, «La reforma del Sínodo de los Obispos», in *Ius communionis* 7 (2019) 113-115; J.A. RENKEN, «Synodality: A constitutive element of the Church; Reflections on Pope Francis and Synodality», in *Studia canonica* 52 (2018) 7-23; G. GHIRLANDA, «La const. ap. *Episcopalis communio*», 630-631. In addition, some authors had earlier explained that Francis wants the synod to adopt the practice of synodality as a structure. For more on such authors, cf. W. NAPIER, «What made Synod 2014 and 2015 so interesting? Collegiality and Synodality», in *Jurist* 76 (2016) 328-331; P. ERDÖ, «A proposito dei due Sinodi sulla famiglia», in *Veritas et ius* 10 (2015) 39-42.



### 3.2 Innovation to the Synod of Bishops

Francis sees the Synod of Bishops as an institution of synodality. This becomes clear in his words in 2015 on the occasion of the 50th anniversary of the establishment of the Synod of Bishops, when he used the words *Journeying together*<sup>38</sup>, in reference to the synod and affirmed that from the beginning of his ministry as Bishop of Rome, he had endeavoured to strengthen the synod, which is one of the most precious legacies of the Second Vatican Council<sup>39</sup>. As Paul VI stated in *Apostolica sollicitudo*, the synod could still be improved<sup>40</sup>. In fidelity to the continuation of the magisterium, Francis expressed a firm desire to continue on this path<sup>41</sup>.

Specifically, he shows the relationship between the synod and the laity when he affirms that what the Lord asks of us is, in a sense, already contained in the word 'synod', the common journey, the laity, the pastors, is an easy concept to put into words, but not so easy to put into practice<sup>42</sup>. To accompany this change, he also referred to the people of God, which is a consequence of baptism, a result of the royal priesthood<sup>43</sup>. This represents the meaning of *sensus fidei* as it is anchored in *Lumen gentium* (cf. LG 12)<sup>44</sup>. *Sensus fidei*, which explains the role of all believers, does not limit the meaning of *Ecclesia docens* and *Ecclesia discens*<sup>45</sup>. The Synod of Bishops is an institution of listening for the whole people of God. They all share in the three *munera Christi*<sup>46</sup>.

In order to reach an appropriate ecclesial decision, the institution of the synod of bishops can, therefore, be of central importance. It can be an organ of episcopal collegiality within the synodal Church, which includes all the faithful<sup>47</sup>.

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<sup>38</sup> FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1138.

<sup>39</sup> FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1139.

<sup>40</sup> PAUL VI, M.p. *Apostolica sollicitudo*, 25 September 1965, *AAS* 57 (1965) 775.

<sup>41</sup> The seems to be a movement from communion to co-responsibility and synodality, FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1140.

<sup>42</sup> *Ibid*, 1139.

<sup>43</sup> FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1139.

<sup>44</sup> M. Hauke captures the role of the lay faithful in the consultative process of the synod as a manifestation of the *sensus fidei*, cf. M. HAUKE, «Il sensus fidei dei laici», 187-189.

<sup>45</sup> FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo Episcoporum*, 17 October 2015, 1140.

<sup>46</sup> *Ibidem*.

<sup>47</sup> *Ibidem*.

As a result, the synod was renewed with the constitution *Episcopalis communio*, which updated *Apostolica sollicitudo* (1965). It consists of two parts. The second part is the substantive legal structure, which brought innovations with the various consultation phases. It emphasises the importance of involving the laity<sup>48</sup>.

#### 4. Canonical Structures and Institutions

The various ecclesial structures could be misleading as there are some institutions that are both deliberative and consultative, while there are some that are representative but only consultative, like the presbyteral Council, while some are only consultative since they offer only counsels and sometimes consent. It gives a reason why there is a need to distinguish between the following terminologies: communion – co-responsibility – participatory/representative organs. Other words such as representation, advisory, consultative and deliberative revolve around the above-mentioned terms.

1) *communion*: this is based on the reception of baptism, which confers equality and dignity among all the faithful with different obligations and duties (cf. can. 204 §1). According to G. Ghirlanda: «Communion is built through specific bodies of co-responsibility and participation»<sup>49</sup>. The consequence illustrates the reality of co-responsibility and participation of all the people of God<sup>50</sup>. Therefore, communion is achieved through co-responsibility and participatory bodies.

2) *co-responsibility*: it is premised on the fact that there are different levels of ecclesial communion among all Christ's faithful. What this portends is that co-responsibility can be understood from the *sensus fidei* of all the faithful. If can. 127 is taken into consideration<sup>51</sup>, it would reveal the difference between co-responsibility and participation. In the words of G. Ghirlanda: «Co-responsibility occurs when all members of a collegial body have the same decision-making power regarding an object»<sup>52</sup>. A typical example rests on the nature of a particular council. In this case, a particular council is an organ of co-responsibility for those who have a deliberative vote but of participation for those who have no deliberative vote – the non-bishops. Also, the ecumenical Council is a body of co-

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<sup>48</sup> G. GHIRLANDA, «La const. ap. *Episcopalis communio*», 629; J.I. ARRIETA, «SINODALITÀ E SINODO DEIVESCOV», 276.

<sup>49</sup> G. GHIRLANDA, «Il libro II del codice», 438: «comunione che si costruisce attraverso organismi specifici di corresponsabilità e di partecipazione». Our translations.

<sup>50</sup> Cf. G. GHIRLANDA, «Atto giuridico e corresponsabilità», 256.

<sup>51</sup> G. Ghirlanda did a synthesis on can. 127 as it pertains to juridical acts and co-responsibility in the Church. For more insight, cf. G. GHIRLANDA, «Atto giuridico e corresponsabilità», 231-240.

<sup>52</sup> G. GHIRLANDA, «Il libro II del codice», 438: «Corresponsabilità si ha quando riguardo ad un oggetto tutti i membri di un organo collegiale hanno la stessa potestà decisionale». Our translations.

responsibility. What this instance demonstrates is that there are some organs that are both co-responsibility and participatory.

3) *participatory bodies*: it is broad in its application. A participatory structure is consultative by nature. It can be both representative and consultative, such as the Presbyteral Council, and an advisory organ can only be representative of one or more categories as not all members of such or such categories can be part of it. Thus, even if by a representative in the strictest sense, it is understood that the members are elected from the base. A good example to demonstrate the above statement will be the College of consultors<sup>53</sup>.

### **5. Theological and Canonical Relevance: Participative and Co-responsibility Bodies**

From the analysis of the inventions in the apostolic constitution *Episcopalis Communio*, earlier allocution of 17 October 2015, what is clear from the current structure and teaching on the synod of bishops is that it is a constitutive element of the Church. This means that the hierarchical ministry can be better understood by adopting inclusivity for the entire People of God. The preparatory and the application phases lend credence to why the structures of participation, co-responsibility and communion should be strengthened. The document states: «The Synod assembly itself must be followed by the implementation phase, so as to initiate the reception of the Synod's conclusions in all the local Churches, once they have been accepted by the Roman Pontiff» (EC 7).

This part focuses on the various structures of participation and co-responsibility in the particular regional Churches. It is viewed in the particular Churches – the diocesan levels – as in diocesan synods, pastoral councils, finance councils, presbyteral Councils, and College of consultors<sup>54</sup>. It is likewise seen at the regional and provincial levels: conferences of bishops, provincial councils, and particular councils<sup>55</sup>.

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<sup>53</sup> J.T. EDERAINE, *The Synod of Bishops in the Light of Episcopalis communio*, Historical, Theological and Juridical studies, Rome 2020, 76-79; G. GHIRLANDA, «Il libro II del codice», 438.

<sup>54</sup> Some authors have examined the practical nature and realities of synodality and the various participative organs in the particular Churches. Some of the researched articles were written before the current reforms, while some others were occasioned by *Episcopalis communio*. This underscores the realities of the impact and contents of the current configuration of the synod of bishops in the light of *Episcopalis communio*. Some of the authors include: L.N. LUSABE, «Evolution of participative structures», 160-203; R. REPOLE, «Spunti in vista di una riforma», 335-339; G. INCITTI, «Prospettive giuridiche», 389-393; J. SAN JOSÈ PRISCO, «Sinodalidad en la Iglesia particular», 403-413; D. VITALI, «I soggetti della sinodalità», 176-177.

<sup>55</sup> The various organs of participation and co-responsibility in a country are known in the *CIC/1983* as a grouping of particular Churches. Francis refers to them as the second level

## 5.1 Participative Structures at the Parish Level

Vatican II refers to the parish as the people of God (cf. *PO* 6d)<sup>56</sup>. As a result, the first of the synodal journey begins from the parish<sup>57</sup>. There are various bodies of synodality in the parish that should be strengthened. The first and last point of the synodal journey rests on the people of God (cf. *EC* 7), and the various institutions found among the people of God are not outdated (cf. *EG* 28). Francis's assertion is based on the fathers of the Second Vatican Council decree *Christus Dominus*, where priests were encouraged to work together with the lay faithful and conduct themselves in their midst after the example of the master<sup>58</sup>.

There are various organs of participation at this level that include: (a) Parish pastoral council (cf. can. 785). In this body, the parish priest is the chairman or president, while some lay members who are skilled in some specific useful fields are members. The juridical consequence is that it is consultative as it offers assistance to the pastors. In this case, it fills the stipulations in can. 212 §3, as the laity participates in the affairs of the Church. It becomes a fruit of various experts. However, the recommendation is that it should be made obligatory so that the members can have deliberative votes.

(b) Parish Finance Council: This is a council that is mandatory (cf. can. 547) for accountability and transparency. However, there are some parishes that lack this body. The difference between the parish pastoral council and the finance council is that the former is optional because it is the prerogative of the diocesan bishops to decree it, but the latter is obligatory. The pastoral Council deals with all issues that pertain to the pastoral life of the parish, while the finance council pertains to finance only. On a final note, the pastoral Council consists of members from various fields of life, and the finance council consists of members who are experts in finance<sup>59</sup>.

(c) The laity council that helps to organise the different lay associations and pious societies in the Church.

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of Churches, that is, the regional and provincial Churches, in his 17 October 2015 allocution, cf. FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo*, 1143. For more insight, cf. D. VITALI, «I soggetti della sinodalità», 177; J.A. RENKEN, «Synodality: A constitutive element», 18-20.

<sup>56</sup> It is innovative to state the least that the parish was referred to as the people of God, cf. cf. G. GHIRLANDA, *Introduzione al diritto ecclesiale*, 171.

<sup>57</sup> L. CLAVELL, «Il primo livello di sinodalità», 305. Some regional churches have practical experience with the functionality of communion at the parish level; a good example is France, cf. M.P. VALDRINI, «La synodalité dans l'Église», 19-23. The parish pastoral council functions well in France, and it has a statute that regulates its activities. It equally functions in many parishes in Nigeria.

<sup>58</sup> VATICAN II, Decree *Christus Dominus*, n. 9.

<sup>59</sup> For more on the nature of parish pastoral and finance councils, see L. CLAVELL, «Il primo livello di sinodalità», 306; J.A. RENKEN, «The management of Church property», 618.

## **5.2 Participation and Consultation in the Local Churches**

The actual first place of synodality, according to Francis, is the particular Church. He outlined some of these structures, such as diocesan synods, presbyteral councils, College of consultors, diocesan pastoral councils, etc<sup>60</sup>. Some of these structures are both representative and consultative in nature. Vatican II had already stressed the significant aspect of communion in the particular Church<sup>61</sup>.

The first instance is the (a) Diocesan synod, which is not an innovation of the Second Vatican Council since it is apt in can. 356 of *CIC/1917*. On this basis, Vatican II never treated it as it was within the discussion on the schema of the diocesan pastoral Council. But it is regulated with cann. 460-468 of *CIC/1983*. However, while the precedent Code - can. 356 of *CIC/1917* made it obligatory every ten years to hold a diocesan synod; the current Code, *CIC/1983*, did not legislate on its frequency. One opines that the innovation of the diocesan pastoral Council must have been the reason for the lack of time restrictions in convening the synod. This synod is premised on the baptismal character since it is an assembly of chosen priests and other lay members of the diocese. One would propose that the content in can. 356 of *CIC/1917* can be re-adopted going further to create more inclusivity of the laity in the decision-making process of the diocese.

(b) Diocesan pastoral Council (cf. can. 511). It is an innovation of the Second Vatican Council. Although it is not obligatory, it is imperative to hold periodic meetings once it has been established (cf. can. 514 §2)<sup>62</sup> and it is within the bishops' prerogative to convoke it and appoint members (cf. can. 514 §1).

(c) Presbyteral Council: It is juridically obligatory and must be constituted. This is an example of both representative and consultative diocesan structure. It is a consultative body (cf. can. 500 §2), and it ceases once there is *sede vacante* (cf. 501 §2). It is an organ of communion between the bishop and the priests. It is not a deliberative organ but a consultative one. The doctrinal basis is the unity between priests and the bishops on the ontological level. It explains the sacramental communion between priests and the bishops.

(d) College of consultors: It is a creation of Vatican II (cf. *CD 27b*). The members are chosen or nominated from the Presbyteral Council (cf. can. 502 §1). It is a sizeable group from the body of the priest's senate that assists the bishops in important diocesan matters. The consent and opinion of the Council is sought for

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<sup>60</sup>Cf. FRANCIS, All. *Occasione L anniversariae memoriae ab inita Synodo*, 1142-1143.

<sup>61</sup>VATICAN II, *Christus Dominus*, n. 11a.

<sup>62</sup>L. Clavell analysed the nature in a more detailed manner, making references to the allocution of Francis, cf. L. CLAVELL, «Il primo livello di sinodalità», 303.

the appointment and removal of a finance officer for the diocese (can. 494 §§1-2) in the administration of temporal goods (cf. can. 1277).

(e) Diocesan finance council<sup>63</sup> (cf. 1280 *CIC/1983*): it is mandatory. It has can. 1520 §1 of *CIC/1917* as its precedent canon. The composition is according to the norm of can. 492. It should consist of at least three members, priests or laity who are skilled in financial affairs and civil law.

### **5.3 Participative Structures in the Sub-national Level**

In the Code of Canon Law, it is found in the ordering of particular Churches<sup>64</sup>. These include (a) Episcopal conferences (cf. *CD* 37-38). There are three types of episcopal conference: the national conference (cf. can. 448 §1); the supranational conference, which comprises members from more than one nation; and the in-franational conference, which comprises members from a part of a nation (cf. can. 448 §2). The conference of bishops can only be erected and suppressed by the Pope after hearing from the bishops involved (cf. can. 449 §1)<sup>65</sup>.

(b) Particular Council: It possesses ordinary power since it can legislate (cf. can. 445). It is a particularly solemn and extraordinary one that can be convoked by an ecclesiastical province after consulting with the Holy See and can be convened by the episcopal conference after the appropriate permission<sup>66</sup>. It comprises bishops, priests, lay faithful and even religious. In this particular Council, the members have a deliberative vote, while the other members have a consultative vote. This means that the particular Council is an organ of co-responsibility for the bishops since they have a deliberative vote, and it is an organ of participation for the non-bishops since they possess a deliberative vote. Its decree is juridically binding, and as well as the ordinary can dispense since it is binding only on the region. It is never a permanent organ.

(c) Provincial Council: it is one of the organs of co-responsibility invented at the Second Vatican Council<sup>67</sup>. It is regulated by can. 431. It consists of the archdiocese and the suffragan dioceses. It possesses juridical personality *ipso iure* (cf. can. 432 §2).

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<sup>63</sup>VATICAN II, Past. const *Gaudium et spes*, nn. 42, 76.

<sup>64</sup>G. Ghirlanda achieved a painstakingly written article on the ordering of particular churches, where he treated themes such as particular councils and episcopal conferences, cf. G. GHIRLANDA, «Concili particolari», 117-132.

<sup>65</sup>A. BORRAS, «Évolutions souhaitables en matière de synodalité», 284-290; A. MODRIĆ, «La sinodalità nel sistema giuridico», 561.

<sup>66</sup>G. GHIRLANDA, «Concili particolari», 119.

<sup>67</sup>Cf. VATICAN II, Decree *Christus Dominus*, n. 40a.

(d) Regional Council: It can only be erected as a juridic person (cf. can. 433 §2). It helps to promote pastoral initiative within a particular region that could comprise several metropolitan provinces. In the case of Nigeria, it could be formulated according to the six geopolitical zones: the Northwestern region, the North Central region, the Northeastern region, the South Western region, the South-Eastern region, and the Northeastern region.

## 6. Conclusion

From the various parts of this study, the introduction, and taking into consideration the various sub-topics, the paper concludes with the following observations and recommendations for the Church in Nigeria as areas that could possibly be strengthened:

- (a) Synodality as a constitutive element in the Church, as Francis opined in various forums, is based on the conciliar documents. It is a continuation of the magisterium of his post-Vatican II conciliar predecessors. It is an ongoing reception and understanding of the conciliar teaching.
- (b) To comprehend synodality appropriately, it is expedient for researchers or investigators to understand the contents apt in the work of the *International Theological Commission* study on *Sensus fidei* in the life of the Church (2014) and the study on *synodality in the life and mission on the Church* (2018). It helps in appreciating the content therein in *Episcopalis communio*.
- (c) *Episcopalis communio*, therefore, will be better understood from the perspective of Chapter Three of *Lumen gentium* and taking into consideration the *motu-proprio Apostolica sollicitudo* that birthed the Synod of Bishops in 1965. It was mainly an affair of the collegiality of Bishops, but collegiality makes more sense in the light of synodality. As without the entire people of God, collegiality would make little impart. As the bishops are the promoter of unity in the various local churches as affirmed in *Pastores gregis* (2003), and as such they must involve the entire people of God in the decision-making process on issues that concern the dioceses. It does not restrict the personal responsibility of the bishops in decision-taking, but rather leads credibility to the exercise of their *munere*.
- (d) The need for inclusivity is on the basis of the effects of baptismal character that empowered all recipients to share in the common priesthood, and as such, they exercise the three *munere* of priestly, kingly and prophetic roles (cf. *LG* 10-11), but each according to his or her degree. The common priesthood does not impede the ministerial priesthood and the exercise of the *potestas ordinis*. There is a difference

in the exercise of *potestas ordinis* and *potestas regiminis*. In this case, while the exercise of the former is limited to the ministerial priesthood, the exercise of the latter can be delegated; hence, the reception of the common priesthood is sufficient to exercise *potestas regiminis*.

- (e) The study observes that the existence of the various participative structures from the parish to the National levels is are basic necessities in the Church. On this basis, these various structures can be strengthened, especially the finance committee at the parish level and the diocesan finance council. Also, the conference of bishops and even the provincial conference could apply the adequate use of the particular Council since it is a deliberative and consultative structure and representative as all categories of the People of God participate when convened. Through it, the Church could legislate for their various ecclesiastical jurisdictions after obtaining the *recognitio* without prejudice to the infringement on the personal responsibility of bishops in their particular churches, as clear in *Apostolos suos* (1998) of John Paul II. There is a degree of expectation that an ordinary magisterium will result at the end of the 16<sup>th</sup> *Ordinary General Assembly of the Synod of Bishops* (2021-2024) titled '*For a Synod Church, Communion, Participation, Mission*' - that would enforce and strengthened some of the canonical structures. If contextualisation on implementation will be required, the particular Council may serve the purpose appropriately.