

# Who governs the Catholic Church? It's an open question.



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Pope Francis arrives for the final session of the Synod of Bishops for the Amazon at the Vatican Oct. 26, 2019. (CNS photo/Paul Haring)

*Editor's note: This essay is adapted from a symposium at the Lumen Christi Institute in Chicago, Ill., on Nov. 4, 2019. A response by Russell Hittinger, "[A diversity of authority: Church governance throughout history.](#)" can be found [here](#).*

As every Catholic knows, the pope runs the church. Is it not exceedingly strange, therefore, to call church governance an open question? Yes, it is strange, but I feel

compelled to do so for three reasons. First, I have just published a book, *When Bishops Meet*, in which the third chapter is entitled “Who Is in Charge?” That question arose with unavoidable force as I compared and contrasted the last three church-wide councils: Trent, Vatican I and Vatican II. That review of the councils showed clearly that, historically speaking, the question of who runs the church is complex—and cannot be reduced to the papacy.

Is this simply an academic issue of no immediate import? I think not. The sexual-abuse crisis has moved the question of who runs the church from the peaceful groves of academe to the public square. This is a second reason to examine the question of church governance. The crisis first broke in Boston in 2001 but soon revealed itself as a church-wide problem of profound import. The many measures already taken by the bishops of the United States to deal with this crisis have had good effect. We hope and pray that the rigorous measures Pope Francis has mandated will have a similar effect worldwide. Much remains to be done, but a good beginning has been made.

We must not forget that. We also must not forget that, as the years have passed since 2001, it has become clear that at its roots the crisis is a crisis of leadership. The leaders of the church, the men in charge of the church’s well-being, failed to take the measures we had every right to expect them to take.

The third reason I feel compelled to address that issue is the emergence of synodality—the promotion of synods as an appropriate and needed component in the life of the church in today’s world—in recent documents from the Holy See. It in essence promotes a modification of the current processes of church governance and polity. Unfortunately, theologians and the Catholic media in the United States have paid scant attention to this development. In that regard, we lag behind other parts of the church.

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What's a Council for?

What do ecumenical councils do? What are they for? Why do we need them? Up until the Second Vatican Council (1962-65), councils were essentially legislative and judicial bodies. They made laws and rendered judgment of guilt or innocence on persons accused of the ecclesiastical crime of heresy. They acted thus as a legislative assembly and a court of criminal justice.

In that regard, Vatican II is utterly different because it did not see itself as primarily legislative and judicial. It had a different purpose because it had adopted literary forms different from law-making and verdict-rendering. Although good order in the church was of course a concern of the council, Vatican II was a meeting in which the bishops explored and articulated anew the church's identity, recalled and developed the church's deepest values and proclaimed to the world the church's sublime vision for humanity. Until we understand that shift in definition of what Vatican II intended to accomplish, we search in vain for a satisfactory grasp of what it was all about.

Who is in charge at a council? Who are the persons constitutive of councils and who holds the decision-making authority? I suggest there are four groups: the popes and the Roman Curia, the theologians, the laity and other influences—that is, those persons (like Luther) or those larger realities (like the modern world) that very much influenced a given council even though they were not Catholic and not physically present. These entities played different roles in each of the three councils. In the Council of Trent, for instance, the Roman Curia played no direct role, which is altogether different from its major role in both the First Vatican Council and Vatican II. There is a dynamism intrinsic to the synodal aspect of church governance.

Even with that dynamism, the councils have shown remarkable stability through the two millennia of their history. They show stability and continuity with one another because the bishops have from the beginning constituted their essential and core membership and have unfailingly exercised in them the decision-making authority. That holds for the 21 councils Catholics generally recognize as ecumenical, or church-wide, and for the hundreds upon hundreds of diocesan, regional or national councils/synods that have flourished through the centuries.

What difference did they make? This question includes what we normally mean when we ask how successfully a council was implemented but also goes beyond to such things as a council's unintended consequences. These were often more important than the intended consequences. In their impact, the councils were often as much a cultural institution as an ecclesiastical one.

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#### Trent and All That

By the fourth century, three agents shared responsibility in church governance: popes, bishops with their synods and secular authorities. After the Great Eastern Schism of the 11th century, when the Greek-speaking and Latin-speaking churches decided to go their separate ways, the popes began to assume ever-greater authority, including the right to convoke councils.

Moreover, as national monarchies developed at about that time in France, England and elsewhere, the Holy Roman Emperor's authority lost much of its political punch, even though the prestige of the office remained high. Other than that, by the time of the Council of Trent in the 16th century, the three agents had changed

little in their essential functions regarding church governance. In that regard, they acted sometimes as partners, sometimes as rivals.

Trent was the last council in which this trinity was fully operative. The cry for a council to resolve the issues raised by Luther broke out almost immediately after his excommunication in 1521. Holy Roman Emperor Charles V took up the cry and became the most consistent, insistent and authoritative advocate for it over the next 25 years. Pope Clement VII, fearful that a council might try to depose him, slithered out of every corner into which the emperor forced him, but the next pope, Paul III, agreed to convoke a council at Trent, hundreds of miles from Rome. Had it not been for the emperor's constant pressure, the council might never have taken place.

Pope Paul III wanted to restrict the council's agenda to answering the doctrinal questions Luther raised, hoping to keep reform of the church, especially reform of the Roman Curia, in his own hands. The emperor insisted the council also undertake church reform, and do so before addressing doctrinal issues. Caught between these two pressures, the council decided on the sensible course of doing both, and doing them in tandem.

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For the Council of Trent, the rulers chose most of the theologians. In 1551, Queen Mary of Hungary, for instance, sent eight. The pope sent two. At Vatican II, in contrast, Pope John XXIII or Pope Paul VI chose every one of the almost 500 theologians officially accredited to the council. At Trent, moreover, all rulers and political entities of any size sent envoys to the council to represent their concerns. Even if they were laymen, the envoys had the privilege of addressing the council

when they presented their credentials. In 1562, for instance, Sigismund Baumgartner, a lay envoy of the Duke of Bavaria, addressed the council and pleaded for the ordination to the priesthood of married men of proven integrity—for German-speaking lands, at least.

In its closing measures, the council mandated that the three traditional agents in church governance see to the proper implementation of its decrees. It reminded the princes of their duty to enforce them. It decreed that every bishop should hold a synod annually in his diocese to do the same and to care for the ongoing needs of the local church. It handed certain tasks over to the papacy. This seeming recipe for conflict worked out reasonably well for the next century or so.

### **The Council to End All Councils**

The next ecumenical council (1869-70), Vatican I, was the first council in history in which the laity did not play an active part. The cardinals organizing the council did not, in principle, want to exclude the secular authorities; but the political situation of Europe after the French Revolution was so volatile, so shifting and such a seesaw between monarchy and republic that they did not know how to proceed. Thus, rulers lost their role more by default than by deliberate choice.

The council also famously defined papal primacy and infallibility. Just how that decree was to be interpreted was a matter of great controversy at the time, but it had the effect of persuading people that the pope could and should make all decisions. Thus, there was no need for further councils. Although Vatican I said not a word about them, the collegial tradition of synods was badly sidelined. For example, in the United States, there were no more Councils of Baltimore after 1878.

Third, after the council, the pope gradually acquired exclusive control over the appointment of bishops. This was not so much an effect of the council as it was of

the changed political situation in Europe. When in 1870 the new Italian monarchy finally united Italy, the concordats of the Holy See with the former Italian states like the Kingdom of Naples became dead letters. Every one of those concordats had granted the state a right in the nomination of bishops. Because the Holy See deemed the new Italian monarchy utterly illegitimate, it made no concordat with it to replace those that had disappeared.

Therefore, Pius IX had a free hand in episcopal appointments. During 1870 and 1871, he appointed over 100 bishops to Italian sees. No pope ever before had that power. After Italy, the same pattern began to prevail elsewhere. Finally, in 1965, the young Juan Carlos of Spain surrendered the privilege of the Spanish Crown in that regard. For the first time in the history of the church, the appointment of bishops became an exclusively clerical process.

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### Opening the Windows of the Church

When Pope John XXIII announced a new council in 1959, he put to flight the idea that Vatican I was the council to end all councils. Not only that: The council's most important enactment was its affirmation of the synodal or collegial tradition of the church in the form of episcopal collegiality. That provision in the third chapter of the "Dogmatic Constitution on the Church" ("Lumen Gentium") stated that the college of bishops with and under the successor of St. Peter governs the church. The provision reaffirmed the ancient and fundamental ecclesiological tradition that the governance of the Catholic Church is both hierarchical and collegial.

In other documents, the council applied the collegial principle to bishops' relationships with their priests and priests with their flocks. Episcopal collegiality most obviously comes into play in an ecumenical council, but is not restricted to

such rare occasions. The council recognized the need to find an institution to make collegiality operative as an ongoing mode of church governance.

Before it could begin to address that issue, Pope Paul VI intervened and created the Synod of Bishops. By making the Synod of Bishops a purely consultative body, the pope redefined the word synod so that it was no longer synonymous with council, which is a decision-making body. In any case, after the council some bishops complained that the Synod of Bishops sometimes seemed merely a rubber stamp for decisions reached even before the bishops met.

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### Walking Together

Let us now fast-forward from 1965 to 2001 and the explosion of the sexual-abuse scandal—and to 2018, when it intensified with the report of the attorney general of Pennsylvania and the defrocking of Cardinal Theodore McCarrick. A perennial question took on new urgency: Who will guard the guardians? While the measures now in place have been reasonably effective, I have begun to think that we need to fit the crisis and its solution into the larger tradition of church governance that Pope Francis is proposing.

Pope Francis is a complex man, not easily understood. Nonetheless, three influences upon him have been paramount: his life in the Global South, his Jesuit vocation and his understanding and appropriation of Vatican II. He is the first pope in 50 years who did not take part in the Second Vatican Council. In a paradoxical way, his nonparticipation has been an advantage, because he is not on some deep psychological level still fighting the battles of the council.



Among the council's teachings that he has especially taken to heart is collegiality, as was clear while he was still archbishop of Buenos Aires. At that time, he persuaded Pope Benedict to restore authority to Celam, the Conference of Bishops of Latin America. As pope, he has most clearly advocated for collegiality in the way he handles the Synod of Bishops. Under him, the synod has in theory retained its consultative function, but he has given the bishops a new freedom of expression, has regularly introduced laypeople as active members of the meetings and has arguably seen to it that the final document represents the true outcome of the debates.

In the past few years, however, the synodal issue has risen to a new level of prominence and articulation. On March 18, 2018, the International Theological Commission issued an extraordinary report entitled "Synodality in the Life and Mission of the Church." Pope Paul VI established the commission in 1969, just after Vatican II. Its remit is to advise the magisterium of the church, especially the Congregation for the Doctrine of the Faith, on issues current in the church. The report unmistakably makes church governance an open question because it advocates a change in the way church governance has generally functioned since Vatican I. It advocates the reintroduction of diocesan, regional, national and international synods as a regular feature of church life.

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The scholarship that undergirds the document is first-rate on every aspect of the subject. The document is, however, more than an academic review of the issue, which is what we normally expect from the International Theological Commission. This document looks to action. It advocates synodality and suggests how it is to be made operative.

It opens with a prologue in which it makes some remarkable assertions about the immediacy of synodality for the church today. It quotes, for instance, the allocution Pope Francis gave in 2015 on the occasion of the 50th anniversary of Pope Paul's creation of the Synod of Bishops. "It is precisely this path of Synodality that Christ expects of the church of the third millennium." Francis stressed that synodality is "an essential dimension of the church." It is impossible to speak of the tradition of the church without speaking of synods. The above review of the history of councils/synods altogether supports that assertion.

With this document, the commission wants "to offer useful guidelines for deepening the theological basis of Synodality and practical orientations for what it means for the church's mission." I would add: and for what it means as a mode of church governance—as a mode of being church.

After establishing the scriptural and historical basis for synodality, the document moves on to the theology of synodality. Next it presents a program for making synodality work in the church. It also reveals the ambitious scope of the proposal. It envisages synodality as operative on every level of church structure—diocesan, regional or national, and international. It explicitly states, moreover, that "the participation of the faithful is essential" at every level.

The final chapter, "Conversion to Renew Synodality," tackles the problem that neither bishops nor people are accustomed to acting in a synodal fashion. Without quite saying so, the chapter acknowledges that a change of mentality will not be easy. Implementing synodality, we must conclude, is a long-term project. Will it happen at all? Is it just "pie in the sky, bye and bye"? Perhaps. But if it should be implemented even in a partial and imperfect way, it will by definition have an impact on church governance because synodality is about church governance.

The document itself specifies that one of the positive effects would be to eliminate procedures that do not work or that work only in a one-sided way. In that regard, I think of the possibility of the process of nominating bishops being modified by lay voices gathered officially in synod. At least that is a possibility. Time will tell.

Is church governance an open question? On the one hand, the governance of the Catholic Church has been remarkable for its stability, due in large part to the decision-making authority bishops have enjoyed from the very beginning. With all its warts, the stability of the governance of the church has allowed the church to survive every crisis in its history. On the other hand, the governance of the church has been dynamic. Persons other than the bishops have played official or semi-official roles in that governance also from the beginning of the church. Nor have the roles they played remained static, as is clear even in how differently theologians functioned in Trent than in Vatican II.

Today, two factors have thrown the dynamic element into new prominence. The sexual-abuse crisis has forced us to ask hard questions about church leadership—that is, church governance. The promotion by the Holy See of a renewal of the synodal tradition now similarly compels us to ask hard questions about the status quo of church governance. For all its stability, church governance has been and remains an open question. Stay tuned.

**[\[Explore America's in-depth coverage of Pope Francis.\]](#)**

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