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ARTICLE

Synodal structures in the Roman Catholic diocese

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Abstract

One of the ten guiding principles from the 1967 Synod of Bishops on the revision of the 1917 Code of Canon Law was that a new Code should present the office of bishop in accord with the norms given in the conciliar decree, *Christus Dominus*. In the 1917 Code, canon 329 stated that bishops 'govern with ordinary power under the authority of the Roman Pontiff'. The change in the revised Code would reflect that bishops do not act as vicars of the Pope but as vicars and legates of Christ. To support the bishop in his ministry, there are a number of structures outlined in the Code which provide him with opportunities for consultation and listening, and which allow participation by others, both clergy and lay faithful. After defining what is meant by the word 'diocese', this article considers the role of bishops, and then looks at the channels outlined in the 1983 Code for 'consultation' and 'listening'. After briefly outlining the challenges arising in terms of processes, accountability, and consultation, this article examines the possible shared principles between the Roman Catholic and the Anglican tradition.

Keywords: Anglican communion; diocesan synod; Roman Catholic Church

The diocese

In the 1983 Code of Canon Law,[1] the following definition is given:[2]

> A diocese is a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium, so that, adhering to

[1] *The Decree Concerning the Pastoral Office of Bishops in the Church*, 28 October 1965 stated in paragraph 8:
(a) To bishops, as successors of the Apostles, in the dioceses entrusted to them, there belongs per se all the ordinary, proper, and immediate authority which is required for the exercise of their pastoral office. But this never in any way infringes upon the power which the Roman pontiff has, by virtue of his office, of reserving cases to himself or to some other authority.
(b) The general law of the Church grants the faculty to each diocesan bishop to dispense, in a particular case, the faithful over whom they legally exercise authority as often as they judge that it contributes to their spiritual welfare, except in those cases which have been especially reserved by the supreme authority of the Church.

[2] See the *Dogmatic Constitution on the Church, Lumen Gentium* (21 November 1964): 'Bishops, as vicars and ambassadors of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of

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> its pastor and gathered by him in the Holy Spirit through the gospel and the Eucharist, it constitutes a particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative.[3]

This definition is derived almost verbatim from one of the documents of the Second Vatican Council,[4] and establishes that as a general rule this 'portion of the people of God' is territorially divided,[5] confers primarily to a bishop the pastoral care of a community, and designates the presbyterate as sharers in the bishop's work. Dioceses themselves are to be divided into distinct parts or parishes, and to foster pastoral care through common action, several neighbouring parishes can be joined into special groups (canon 374).

A diocese is only erected by the Supreme Pontiff (canon 373), although it is the Dicastery for Bishops which deals with all matters concerning the constitution, division, union, suppression, and any other changes to particular Churches and of their groupings. This is done in cooperation with Bishops and Episcopal Conferences, and having gathered other necessary information. A see may become vacant on the death, resignation,[6] transfer to another diocese, or deprivation.[7] In the case of such a vacancy, this Dicastery also deals with all matters concerning the appointment of a new diocesan bishop.[8] Its website tells us that it does so:

> … by considering the proposals presented by the particular Churches, the Episcopal Conferences and the Pontifical Representations, and after having consulted the executive officers of the respective Episcopal Conference and the

their flock in truth and holiness, remembering that he who is greater should become as the lesser and he who is the chief become as the servant. This power, which they personally exercise in Christ's name, is proper, ordinary and immediate, although its exercise is ultimately regulated by the supreme authority of the Church, and can be circumscribed by certain limits, for the advantage of the Church or of the faithful. In virtue of this power, bishops have the sacred right and the duty before the Lord to make laws for their subjects, to pass judgment on them and to moderate everything pertaining to the ordering of worship and the apostolate'.

[3] 1983 Code of Canon Law, canon 369. Canon 368 speaks of 'particular churches' which 'are first of all dioceses, to which, unless it is otherwise evident, are likened a territorial and territorial abbacy (a certain portion of the people of God, entrusted to a prelate or abbot), an apostolic vicariate and an apostolic prefecture (a certain portion of the people of God not yet established as a diocese due to special circumstances, and entrusted to an apostolic vicar or apostolic prefect who governs it in the name of the Supreme Pontiff), and an apostolic administration erected in a stable manner' (not erected as a diocese due to special and particularly grave reasons and entrusted to an apostolic administrator). Unless established otherwise, these are equivalent to a diocese. See canons 370, 371.

[4] *Christus Dominus*, Decree Concerning the Pastoral Office of Bishops, 28 October 1965.

[5] cf. canon 372 §1.

[6] See canon 416. A bishop may tender his resignation on the grounds of age or ill-health (see canon 401) or on the grounds that he is no longer able to bear the burden of office, or whose position has become untenable. The case of Bishop Byrne, formerly of the Diocese of Hexham and Newcastle is one example of this. See Patrick Hudson, '"Succession of errors" forced bishop to resign, says Vatican Report', *The Tablet*, 4 May 2023.

[7] Deprivation is a canonical penalty and governed by the canons on penal law (cf. canon 196, and the canons in Book 6 of the Code).

[8] Canonical requirements for the suitability of a candidate for the episcopate are outlined in canon 378, among these being that he has certain qualities, is at least 35 years of age, and has been ordained to the priesthood for at least 5 years.

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> Metropolitan. In appropriate ways, it also engages in this process the members of the people of God of the dioceses in question.[9]

This process is not without some challenge on its transparency, as is discussed below.

The bishop

Of bishops in general, the Code of Canon Law states:

> Bishops, who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance.[10]

The Directory for the Pastoral Ministry of Bishops of 1974[11] contributed to the current canonical thinking promulgated in the 1983 Code. This document was wide-ranging in its coverage on the identity and mission of the bishop, that he has power which is ordinary (related to his office as diocesan bishop), proper (exercised in his own name, not vicariously in the name of another), and immediate (directed toward all in the diocese without the mediation of another).[12] However, the supreme authority of the Church can control and limit its exercise, whether by the law or by a decree of the Supreme Pontiff.[13] A practical means of accountability for bishops is the requirement that he make a report to the Supreme Pontiff on the state of his diocese every five years and to present himself in Rome.[14] He is also required to have oversight of parishes by visiting the diocese annually in whole or in part, so that he has visited entirely at least every five years personally or, if legitimately impeded through others (for example, an auxiliary bishop.[15]

Consultation and listening

There are a number of channels in the Code for 'consultation' and 'listening'. The bishop is exhorted to listen to presbyters as assistants and counsellors, and he is directed to consult his coadjutor and auxiliary bishops. One of the roles of the papal legate is to assist the bishop and providing counsel,[16] and there is also support provided by the various dicasteries of the Roman Curia. Although there is nothing

[9] See also canon 377.

[10] Canon 375 §1

[11] Congregation for the Clergy, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, 1974.

[12] Ibid, para 64; canon 381 §1.

[13] An example of this can be seen in canon 1405 where the Supreme Pontiff reserves the right to judge cases mentioned in canon 1401 certain categories of people, including cardinals and legates.

[14] Canons 399, 400.

[15] See canon 396.

[16] Canons 384, 407.

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explicit about consulting lay people generally, canon 212 states that they may make known their needs and desires, and also that they may manifest their opinion on matters relating to the good of the Church.

Additionally, there are formal structures, one being the Conference of Bishops, where diocesan bishops have a deliberative vote.[17] Diocesan synods, convoked alone by the bishop, consist of selected priests and lay people as participants, where the bishop is the only legislator, and the other participants have a consultative vote.[18] The Council of Priests, presided over by the bishop, consists of those elected by the presbyterate themselves, *ex officio* members, and some who are appointed by the bishop. The agenda is set by the bishops and the members. Here again, the participants have only a consultative vote, and the bishop only requires consent in cases expressly defined by law.[19] Drawn from this presbyteral council the bishop appoints some priests who constitute a College of Consultors for five years. This is presided over by the bishop, and there are various functions defined by law, particularly when a see is vacant.[20] The bishop must also hear the College in placing acts of administration which are more important in the light of the economic condition of the diocese, and must receive their consent to place acts of extraordinary administration. The chapter of canons is a college of priests that performs more solemn liturgical functions in a cathedral, and it is for the members of the chapter to fulfil the functions that the law or the diocesan bishop entrusts to it. While the chapter can draw up its own statutes, it is for the bishop to approve, change, or abrogate these. Finally, the diocesan curia consists of institutions and people who assist the bishop in the governance of the whole diocese, and among these being vicars general and vicars episcopal, who must be priests. Their powers are outlined in canon 479.[21] Of note is the requirement in canon 480 that both are 'never to act contrary to the intention and mind of the diocesan bishop'.

There are two distinct committees on which lay people can be represented, namely the diocesan pastoral council and the finance council. The first should consist of members of the Christian faithful – clerics, members of institutes of consecrated life, and 'especially laity'.[22] They are to be chosen in such a way to be representative of the people in the diocese, and the council is convoked and presided over by the diocesan bishop, and possesses only a consultative vote. Nevertheless, the International Theological Commission notes the possible broadening of the activity of the council (citing Pope John Paul II's exhortation in 1988),[23] proposing

[17] See canons 447–459.

[18] See canons 460–468.

[19] See canons 495–501. Commentators differ on whether or not any such cases exist in the universal law. See Canon Law Society of America, *New Commentary on the Code of Canon Law* (2000), 659.

[20] See canons 272, 377 §3, 404 §1, 404 §3, 413 §2, 419, 421 §1, 422, 485.

[21] Canon 479

[22] Canon 512 §1.

[23] John Paul II, Apostolic Exhortation on the Vocation and Mission of Lay People in the Church *Christifideles Laici*, 1988, '… on a diocesan level this structure [diocesan pastoral councils] could be the principle form of collaboration, dialogue, and discernment as well. The participation of the lay faithful in these Councils can broaden resources in consultation and the principle of

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it 'as the most appropriate permanent structure for implementing synodality in the local Church'.[24]

The second committee is that described as the Finance Council (*consilium a rebus oeconomicis*). The diocesan bishop must establish this committee, composed of at least three members of the Christian faithful, who are skilled in financial affairs and civil law.[25] Members of the finance council are to be named for a five-year term renewable for further terms. The finance council has a number of obligations and duties outlined in Book V of the Code (The Temporal Goods of the Church). In addition, the finance council is to prepare an annual budget of the income and expenditure foreseen for the coming year and to examine a report of receipts and expenses at the accounting year end.[26] The diocesan bishop must consult the finance council in carrying out the more important acts of administration in the light of the economic situation of the diocese.[27] Furthermore he needs the consent of the council in carrying out acts of extraordinary administration; the nation of such acts being defined by the national conference of bishops.[28] The bishop must also name a finance officer, who must be skilled in financial matters and distinguished for honesty, and who is appointed for a five-year term renewable,[29] and whose role is to administer the goods of the diocese under the authority of the bishop and in accordance with the budget determined by the finance council.

However, given the injunction in canon 1284, that administrators are to take care that the ownership of ecclesiastical goods is protected by civilly valid methods, all diocese of England and Wales are incorporated as charities. Each charity has a trustee board consisting of a mix of clergy and lay faithful, an example of which is given in the Appendix below. However, this board is not only consultative because all trustees are jointly (collectively) responsible for the charity. Trustees are required to be critical and objective, and challenge assumptions in making decisions:

> No one should be able to direct the trustees or drive decisions through without sufficient consideration. Trustees who simply defer to the opinions and decisions of others aren't fulfilling their duties … Decisions do not usually have to be unanimous (depending on your governing document), but once the

collaboration – and in certain instances also in decision-making – if applied in a broad and determined manner'.

[24] International Theological Commission, 2018.

[25] cf. canon 492. As Farrelly points out, in reading this canon in conjunction with canon 228, there is a presumption that the faithful are in fact Catholics. See A Farrelly, 'The Diocesan Finance Council: Functions and Duties According to the Code of Canon Law' (1989) 23 *Studia Canonica* 149–166.

[26] Canon 493.

[27] 'Consultation' is not binding but, as Green points out: 'When the bishop or pastor is to consult a given group, he must not simply come to the meeting with his mind made up and basically seek its ratification of a decision already made. He must seek out the opinion of each member of the group, whether or not such an opinion is actually expressed. He should also create a climate of open and honest discussion and free exchange of opinion'. T G Green, 'Shepherding the Patrimony of the Poor: Diocesan and Parish Structures of Financial Administration' (1996) 56 *The Jurist* 706–734, 711.

[28] Canon 1277.

[29] Canon 494.

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> trustees have made a decision, they must all comply with it, including any who disagree.[30]

This sets up a potential challenge for the bishop who has a majority of lay trustees on his board (see Appendix below). On the one hand, as a trustee (and chair of the board) he has to defer to the opinion of the majority. Canonically, on the other hand, the weight of the responsibility to govern the diocese falls on his shoulders. Such a potential conflict has the possibility of blurring the boundaries between 'decision making' and 'decision taking'.[31]

Challenges

In the light of the child sexual abuse crisis and subsequent challenges, the process for the appointment of bishops has come under some scrutiny. Recommendation 16.8 from the Australian Royal Commission requested that the Holy See establish a transparent process for the appointment of bishops which would include the direct participation of lay people. This was communicated to the Holy See by the Australian Bishops Conference.[32] It is not clear whether Pope Francis's appointment of three women to the Dicastery of Bishops in 2022 gave more than a nod to this request.[33] Certainly, it appears that there is more to do, as the report, *The Cross of the Moment*, also calls for a consideration of how to achieve greater transparency in the process, and more involvement by the baptised, in the appointment of bishops. It also suggests that this is a task that could involve the Bishops' Conference engaging with the papal nuncio and the relevant dicastery in Rome.[34]

Secondly, there is a perception that there is a lack of accountability of bishops. Richard Scorer, an English lawyer who has represented many victims of sexual abuse, and in relation to the case of Bishop Byrne of Hexham and Newcastle, states that this case 'raises a much wider issue for the Catholic Church which is the unlimited and

[30] Charity Commission of England and Wales, The Essential Trustee: what you need to know; what you need to do, 3 May 2018.

[31] 'In a diocese, for example, it is necessary to distinguish between the process of *decision-making* through a joint exercise of discernment, consultation and co-operation, and *decision-taking*, which is within the competence of the Bishop, the guarantor of apostolicity and Catholicity. Working things out is a synodal task; decision is a ministerial responsibility'. International Theological Commission, 2018, 69. One example of a conflict between bishop and trustees is that of Hexham and Newcastle, where three lay trustees resigned.

[32] Australian Catholic Bishops Conference and Catholic Religious Australia's Response to Royal Commission into Institutional Responses to Child Sexual Abuse, August 2018, https://catholic.org.au/images/pdf/ACBC%20CRA%20Response%20to%20the%20Royal%20Commission.pdf, accessed 11 February 2025.

[33] 'Pope names three women to Vatican's Dicastery for Bishops', Vatican News, Deborah Castellano Lubov, 13 July 2022, https://www.vaticannews.va/en/pope/news/2022-07/pope-francis-names-three-women-to-vatican-dicastery-for-bishops.html#:~:text=Pope%20Francis%20appoints%20three%20women%20to%20the%20Vatican%27s,of%20the%20World%20Union%20of%20Catholic%20Women%27s%20Organizations, accessed 11 February 2025.

[34] P Jones, M Pound and C Sexton, *The Cross of the Moment*, Durham University Centre for Catholic Studies, April 2024, 174.

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unaccountable power of bishops'.[35] This is also reflected in *The Cross of the Moment*, which looks at the abuse crisis, and quotes one bishop who said: 'it cannot be that the bishop gets to decide, chapter and verse, on everything in the diocese … without any sense of being accountable to somebody else'.[36]

This same report also calls into question the issue of effective communication and transparency within Church structures. It claims that these are either absent and inadequate and, while there may be good reasons for particular decisions, they are not explained. The report continues:

> More significantly, there are no regular structured mechanisms through which those affected by decisions can raise concerns and enter dialogue either before or after decisions are made. The only channel left is individual letters or emails to bishops, which is not often a useful way to handle much of what matters to people, either for bishops or for those who are troubled. There is rarely any feedback, either at diocesan or national level, to enable the wider community of faith to feel that their views and concerns matter and have been taken seriously.[37]

Finally, it may be that what is required is a change of attitude – an active commitment to greater transparency – that moves from a lack of explanation and secrecy to a sharing of everything that is possible. This might entail publishing the agenda of the Bishops' Conference meetings, and making space within dioceses where people can ask questions and get answers about diocesan decision making.[38]

Shared principles

Given the above, I suggest that there are a number of shared principles between both traditions. These are (i) that the diocese is (generally) considered the local church; (ii) that the diocese is under the care and jurisdiction of the bishop; and (iii) that lay people can cooperate in various ways in the power of governance, although with limitations and, as recent discussions suggest in the Catholic Church, there is some pressure for change in terms of participation, transparency, and accountability.

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[35] 'Bishop Robert Byrne ignored safeguarding warnings and put people at risk, report says', ITVX, Tyne Tees, 12 June 2023.

[36] Jones et al (note 34), 123.

[37] Ibid, 124.

[38] Ibid, 174.

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Appendix

Sample of composition of diocesan boards of trustees (as at September 2024)

Diocese	Clergy (including bishop)	Religious	Lay men	Lay women	Total trustees
Hexham and Newcastle	5	1	1	2	9
Brentwood	5	0	1	2	8
Salford	5	0	5	2	12
Westminster	6	0	3	2	11
East Anglia	3	0	0	4	7
Southwark	4	0	2	1	7
Portsmouth	7	0	4	2	13
Clifton	6	0	3	2	11
Arundel and Brighton	4	1	5	1	11
Lancaster	6	1	3	2	10

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