

3. The Bishop in a Synodal Church

Theological Briefing Papers for the Synod 2023

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Summary

Attention to the bishop in the official documents has increased. The *Vademecum* mainly speaks of the role of the bishop in organizing the Synod 2021-2024 (in § 4.2). In the *Instrumentum Laboris*, the bishop is itself a topic of reflection, especially in worksheet 2.5, “How can we renew and promote the bishop’s ministry from a missionary synodal perspective?” The bishop plays a role too in worksheets 2.4 (on ordained ministry in relation to baptismal ministries), 3.1 (on the service of authority), 3.4 (on structures for synodality), and 3.5 (on reforming the Synod of Bishops).

The bishop is arguably the main topic of academic literature on synodality, with over 180 documents (out of 651) featuring 50 reference or more to the term bishop or episcopal. Many academics note that the magisterial reception of Vatican II has focused on the authority of bishop and on the authority of the pope, with considerable hesitation to acknowledge intermediate levels of collaboration, such as the Conference of Bishops. They also note that the magisterial reception has tended to focus on the figure of the bishop without taking into account the faithful with whom he makes out the People of God and for whom he has a pastoral responsibility. Finally, many note that Pope Francis has brought a change in this regard. A couple of academics makes various proposals for renewal that promote local collaboration amongst bishops and involving lay people.

Detailed Analysis

Statistics

- A word search with the noun bishop and the adjective episcopal yields 28,600 hits in 97% of the documents (634 out of 651). Over 180 documents have 50 references or more to

these terms. Only 18 documents do not have any reference at all. This makes the bishop a major theme in the academic literature, and the major topic of these briefing papers.

- The titles of the contributions give a similar impression. A vast number mention the words bishop, collegiality, the magisterium, the Synod of Bishops, etc. in their titles.

1) The Development of Magisterial Teaching on the Bishop

- The most complete overviews of magisterial teaching are provided by Legrand 2017 and Madrigal. Schüller gives a succinct general overview of the various relationships between pope and bishop according to Church documents. Vitali explains with great detail *Lumen Gentium*, chapter 2 and 3 (Vitali 2016), and Legrand 2021 lists various elements in chapter 3 that suggest a non-universalist ecclesiology of a communion of churches.
- Many authors criticize the centralist and universalist tendency of magisterial teaching, and the tendency to think of the bishop without his people (Brighenti, Legrand, Madrigal, Noceti, Rahner, Schüller, and many others).
- Almost all authors note the renewal that Pope Francis has initiated in *Evangelii Gaudium* as well as in other statements, and in his way of organizing synods and the Synod 2021-2024. With an increased appreciation of the People of God, the *sensus fidelium*, and the local Church, Francis distances himself from a centralist, universalist, and bishop-centered magisterial interpretation of *Lumen Gentium*, chapter III.
- The Eastern Catholic and Orthodox experience points in a similar direction. Denysenko notes that “the [Orthodox] rite of a bishop’s ordination shows that the ministry of primacy is always exercised in dialogue with fellow bishops (the synod) and the laity (ecclesial collegiality)” and Kaptijn elaborates similar views on the basis of the Code of Canons of the Eastern Churches (CCEO). (See also the *Briefing Paper* on Liturgy.)
- Szabó gives various reasons why magisterial teaching and canon law can change. First, not all rules are directly based on revelation. Moreover, the Code of Canons of the Eastern Churches suggests other possible ways of doing things. Finally, canon law should facilitate salvation as much as possible, including in new contexts. Szabó makes 8 concrete proposals for changes (see below). (See also the *Briefing Paper* on Canon Law.)
- A couple of other voices are more moderate. For example, Graulich shows that the post-conciliar period has been a period of constant renewal and that Pope Francis highlights

aspects that other popes mentioned also. Vitali focuses, not on new rules, but on a new three-phase dynamic “circular” process of a) listening to the people of God, b) discerning (especially by the pastors), and c) putting into practice (by hierarchical decision taking and by the faithful’s reception) (Vitali 2016 and 2022). (Luciani introduces a similar concept, namely, *restitutio*, see the *Briefing Paper* on Participation.)

2) The diocesan bishop

- Legrand strongly deplores defining the bishop as someone who “is constituted a member of the Episcopal body in virtue of sacramental consecration and hierarchical communion with the head and members of the body” (*Lumen Gentium* 22) without considering his being part of a community. Similarly, Noceti strongly criticizes the post-conciliar interpretation of *in persona Christi* for focusing on the link between Christ and the ordained minister without considering the community, the “ecclesial We.” As a consequence, reflections on the bishop are more about power than communion (Brighenti), with little attention for enhancing the local diocesan Church, enhancing regional Churches (e.g., episcopal conferences), and re-imagining the Curia (Legrand).
- In the same line, authors highlight Pope Francis’ “inverting the pyramid” (Rush) and “gear shift” (Wijlens) by situating the bishop in the context of the people of God and its *sensus fidelium*. The bishop is primarily a fellow faithful with the same dignity as the other members of the people of God, and only then a bishop. Therefore, too, he may learn from the faithful’s sense of the faith as much as teaching them. (See also the *Briefing Paper* on Participation.)
- Legrand makes the following concrete suggestions to promote a practice of the bishop in contact with the people:
 - Consulting with lay people for appointing bishops, and a ritual for the reception by the people of the newly ordained bishop (Legrand, see also Denysenko).
 - Calling a diocese “the local Church” rather than “the particular Church,” for the latter tends to promote universalism (Legrand).
 - Promoting diocesan synods, advisory bodies such as the diocesan pastoral council, and structures for the bishop’s accountability (Legrand).
 - Rethinking the theological and practical status and functioning of auxiliary and emeritus bishops who don’t have the charge of a local Church; the question is relevant as it applies to 48% of the bishops (Legrand, see also Szabó, Wijlens).

3) The Conference of Bishops and other intermediate levels

- The practice of bishops exercising their pastoral duty together in specific circumstances and territories can be supported with references to Vatican II (especially LG 23 and 26; CD 36-38). However, authors criticize the post-conciliar magisterium's functional and pragmatic treatment of the episcopal conference as a useful pastoral instrument (with limited teaching power), without robust elaboration of its theological status and canonical functioning (Brighenti, Madrigal, Rahner, Scerri). Especially Rahner criticizes the Conference's weak status because effective (and not merely affective) "horizontal collegiality" forms a crucial part of *communio* (see also Brighenti); Scerri draws on history to give examples of groupings of Churches contributing to magisterial teaching.
- Pope Francis seems to be promoting the role of the local Church (viz., bishops' conferences) as intermediate instances of collegiality. In his writings he quotes from Conferences of Bishops much more frequently than his predecessors (Scerri), and he has added a continental stage to the Synod 2021-2024 (Scerri). Foundational notions are the following: decentralizing in favor of the local Church; inculturation; highlighting that a bishop is related to his people, so that collegiality and synodality merge (Madrigal, Schüller, Wijlens). Schüller comments that greater collaboration and autonomy would require a "change of mentality" amongst the bishops.
- Especially Szabó makes concrete proposals "for the renewal of interdiocesan/regional synodal institutions in order to achieve wider synodal activity in the Latin Church, more open to lay involvement." These are based on a sacramental (and not exclusively institutional) notion of the bishop. He adds that it may be easier to achieve them by reviving particular synods than by revising episcopal conferences, though.
 - To revise the role of titular bishops, who do not have the charge of a diocese, in order to promote the relationship of the bishop with the faithful (in jargon: the *communio episcoporum* and the *communio ecclesiarum*) (see also Legrand, Wijlens).
 - To develop the idea of the bishop's responsibility beyond his own diocese (see also Legrand).
 - To grant general legislative power to episcopal conferences, like Eastern episcopal synods have, in order to promote and facilitate inculturation (see also Schüller).

- To lower the requirement of a two-thirds majority to a simple absolute majority in case of purely disciplinary questions. Rahner suggests revising the unrealistic requirement of absolute consensus.
- To replace the requirement of a Roman *recognitio* with something lighter and more dialogical (also Schüller).
- To add two rules that stipulate both a bishop's willingness to follow the conference (which safeguards *communio*) and the conference's modesty in defining binding rules (which safeguards autonomy). (See also Rahner's criticism of the focus on "the exclusive autonomy of each bishop.")
- To grant teaching authority to episcopal conferences—preferably on the basis of consensus—in order to promote and facilitate inculturation, like Eastern episcopal synods have.
- To design advisory bodies with lay people, after the example of the Eastern Catholic Church (cf. Kaptijn).

4) The Synod of Bishops and the Pope

- The Synod of Bishops in its current form is an advisory body to the Pope rather than an instance of collegiality. The reasons for this gap are various, but include the fact that not the entire college of bishops is represented, that non-bishops can be invited also, and its consultative rather than decision-taking role (Borras, Graulich, Schüller, Vitali); still, it is "already a corrective of Roman centralization" (Borras).
- Pope Francis has put greater stress on the laity's involvement and on listening to the laity. Most authors consider this revolutionary; Graulich recalls that the concrete functioning has undergone various changes and that other Popes have also spoken about the role of the laity, and therefore suggests this is rather a development, not a revolution.
- In terms of future developments, Schüller proposes a couple of juridical measures such as synods every three years, greater involvement in choosing and elaborating the topic, and more space for freedom of discussion. Vitali seems to opt for something more spiritual, noting that the stress on listening turns the Synod of Bishops into a circular and dynamic process rather than an event (Vitali 2022) (see above).

Materials: Major Recommended Readings

- Brighenti**, Agenor, “Sinodalidad eclesial y colegialidad episcopal. El referente del estatuto teológico de las conferencias episcopales,” in *La sinodalidad en la vida de la Iglesia: Reflexiones para contribuir a la reforma eclesial*, ed. by Rafael Luciani and María del Pilar Silveira (Madrid: San Pablo, 2020), 95-113.
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- Denysenko**, Nicholas E., “Primacy, Synodality, and Collegiality in Orthodoxy: a Liturgical Model,” *Journal of Ecumenical Studies* 48 (2013): 20-44.
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- Noceti**, Serena, “*In Persona Christi*: Limits and Potential of An *Espressione abusata*,” *Studia Canonica. Revue canadienne de droit canonique* 56 (2022): 441-470.
- , “Ministerio y potestas. Una reflexión teológica sobre el ministerio ordenado y el poder en los documentos del Concilio Vaticano II,” *Seminarios sobre los ministerios en la Iglesia* 67 (2022): 179-204.
- Rahner**, Johanna, “Der Geist weht wo er will?: Von Kollegialität, Synodalität und Subsidiarität zwischen Bischof und Bischofskonferenz,” in *Die Lehrkompetenz der Bischofskonferenz*, ed. by Thomas Schüller and Michael Seewald (Regensburg: Friedrich Pustet, 2020), 115-142.
- Rush**, Ormond, “Inverting the Pyramid: The *Sensus Fidelium* in a Synodal Church,” *Theological Studies* 78 (2017): 299-325.

- Scerri**, Hector, “The Status of Episcopal Conferences and a Re-discovered Ecclesial Orthopraxis: Vibrant Echoes of the Local Churches in the Magisterium,” *ET Studies* 8 (2017): 309-333.
- Schüller**, Thomas, “Papst und Bischöfe in gemeinsamer und eigener Verantwortung: Papst Franziskus und seine Anstöße für eine Stärkung des bischöflichen Amtes aus kirchenrechtlicher Perspektive am Beispiel der Bischofskonferenzen und Bischofssynode,” *ET Studies* 8 (2017): 271-288.
- Szabó**, Péter, “Episcopal Conferences, Particular Councils, and the Renewal of Interdiocesan ‘Deliberative Synodality’,” *Studia Canonica. Revue canadienne de droit canonique* 53 (2019): 265-296.
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