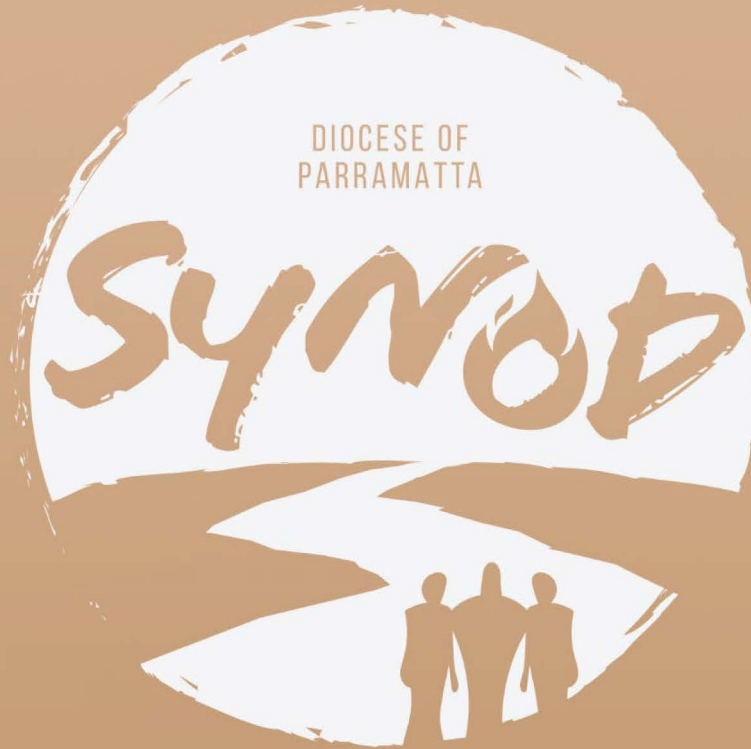




DIOCESE of
PARRAMATTA



INSTRUCTIONS ON DIOCESAN SYNODS

The content of this document has been taken from the Congregation for Bishops, Congregation for the Evangelisation of Peoples and has been made available on the Diocese of Parramatta website for the purposes of the Diocesan Synod process and event in 2023.



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PROLOGUE

In the Apostolic Constitution *Sacrae Disciplinae Leges*, with which the Code of Canon Law (1983) was promulgated, the Holy Father, Pope John Paul II, numbered among the principle elements which, according to the Second Vatican Council, express the true and genuine image of the Church "...the doctrine whereby the Church is presented as the People of God and its hierarchial authority as service; the further doctrine which portrays the Church as a *communio* and then spells out the mutual relationships between the particular and the universal Church, and between collegiality and primacy; and likewise, the doctrine by which all members of the People of God share, in a manner proper to each of them, in the threefold priestly, prophetic and kingly office of Christ" [1].

The Code of Canon Law, in fidelity to the teaching of the Council, presents a renewed idea of the traditional institution of the *diocesan Synod*, in which the aforementioned ecclesiological insights converge. Hence, the juridical norms to be observed in the celebration of such ecclesial sessions are set forth in Canons 460-468.

Diocesan Synods, always regarded as important instruments in effecting conciliar renewal, have been or are about to be celebrated in a growing number of dioceses, especially since the promulgation of the Code of Canon Law. In this respect particular mention may be made of the Second Pastoral Synod of the diocese of Rome, concluded on the Solemnity of Pentecost 1983, which offered the Roman Pontiff Pope John Paul II an important teaching opportunity. In recent times it is noted that expressions of diocesan communion have also adopted other forms, sometimes described as "diocesan assemblies". While such assemblies often include elements of diocesan Synods, they do, however, lack a precise canonical character.

It is considered thus more than opportune to clarify the dispositions of canon law with regard to diocesan Synods as well as to determine and develop those procedures to be adopted in their execution [2]. In so far as "diocesan assemblies" or other such ecclesial gatherings resemble the object and composition of diocesan Synods, and to ensure their legal effect in the government of a particular diocese, it is desirable that they should be formally situated within the canonical discipline of the Church by reference to the prescriptions of law currently in force and by this present Instruction.

Attached to the present Instruction is an Appendix of the principle matters concerning the celebration of diocesan Synods which, as foreseen by the Code of Canon Law, are to be determined by diocesan norms. It is hoped that it may be of assistance to those involved in the preparation of diocesan Synods.

The Congregation for Bishops and the Congregation for the Evangelization of Peoples, competent authorities for what pertains to the exercise of episcopal ministry in the Latin Church [3], present this following Instruction to all of the bishops of the Latin Rite. In so doing it is intended both to reply to the requests for fraternal assistance in this matter which have been received from many bishops, and to remedy certain defects and inconsistencies which have arisen.

I. INTRODUCTION ON THE NATURE AND PURPOSE OF THE DIOCESAN SYNOD

Canon 460 describes the diocesan Synod as an "assembly" (coetus) of selected priests and other members of Christ's faithful of a particular Church which, for the good of the whole diocesan community, assists the diocesan Bishop" [4].

1. *The purpose of the diocesan Synod* is to assist the Bishop in the exercise of the office proper to him, namely, that of governing the Christian community.

This purpose determines the particular roles to be ascribed to those priests who partake in the work of the Synod "as wise collaborators with the Order of Bishops, their helpers and chosen instruments, and who are called to serve the People of God" [5]. The Synod also offers the Bishop the opportunity of calling to cooperate with him and with his priests some members of the laity as well as some chosen religious. This is a particular form of that responsibility and concerns all of the faithful in building up the Body of Christ [6].

In the process of the Synod, the Bishop also exercises the office of governing the Church entrusted to his care. He determines its convocation [7], proposes the questions to be discussed in the Synod [8] and presides at the synodal sessions [9]. Moreover, it is the Bishop who, as sole legislator, signs the synodal declarations and decrees and orders their publication [10].

The Synod is thus "contextually and inseparably an action of episcopal governance and an event of communion, thus expressing that nature of hierarchical communion which belongs to the profound nature of the Church" [11]. The People of God is thus not an amorphous aggregate of the disciples of Christ, but is rather a priestly community, organically structured from its inception according to the will of its Founder [12], whose head, in every diocese, is the Bishop, the visible source and foundation of unity and its sole representative [13]. Thus any attempt to place the Synod in opposition to the Bishop on the grounds of "representation of the People of God" is contrary to the authentic order of ecclesial relations.

2. Those who participate in the Synod "assist the diocesan Bishop" [14] by formulating their *opinion* or "*votum*" with regard to the questions which have been proposed by him. This "*votum*" is defined as "*consultative*" [15], so as to indicate that the Bishop remains free to accept or not the recommendations made to him by the members of the Synod. However, this does not imply that such a "*votum*" is of little importance or merely an "*external*" consultation involving someone with no responsibility for the final outcome of the Synod. In virtue of their experience and their counsel, those who participate in the Synod also collaborate actively in drawing up those declarations and decrees, which are properly called "*synodal*" [16], and by which the episcopal government of the diocese is inspired for the future.

For his part, the Bishop directs discussions during the synodal sessions and, as a true teacher of the Church, he will instruct and correct when such is deemed necessary. Having heard the members of the Synod, his will be the duty of discernment of the various opinions expressed, he will scrutinise everything and retain that which is good [17]. At the conclusion of the Synod, the Bishop, by signing the synodal declarations and decrees, *vests with his authority* all that is taught or obliged by them. In this way episcopal authority expresses its true character of ministry - which implies "*hearing its subjects*" and "*calling on them to cooperate generously*" [18] in seeking to discern the will of the Spirit at a given moment in a diocese - and not the imposition of an arbitrary will.

3. *Communion and mission*, both indispensable aspects of the Church's pastoral activities, constitute "*the good of the diocesan community*" mentioned in Canon 460 as the final object of the Synod.

The work of the Synod is to promote acceptance of the Church's salvific doctrine and to encourage the faithful in their following of Christ. Since the Church is "*sent into the world to proclaim and bear witness to that communion by which it is constituted, as well as to actualize it and to spread it*" [19], the Synod also seeks to further that apostolic zeal which inspires so many ecclesial activities promoted by the guidance of lawful Pastors. As all community and missionary renewal is necessarily dependant on the holiness of God's ministers, it is appropriate that such should be concerned with the continued betterment of clerical life, the formation of the clergy and the promotion of vocations to the priesthood and to the religious life.

The Synod not only manifests and actualizes ecclesial communion in a diocese, it also *builds up and fosters* that same unity, especially in its declarations and decrees. Hence it is necessary that the synodal documents accurately reflect the universal Magisterium of the Church and apply common canonical discipline to the particular circumstances obtaining in

the various dioceses. The ministry of the Successor of Saint Peter and that of the College of Bishops are not elements extraneous to a particular Church. Rather, they are essential elements [20] of every particular Church and for the foundation of all diocesan communion.

In this way, the Synod contributes in shaping the pastoral activities of the particular Church and lends continuity to its own liturgical, spiritual and canonical traditions. The local juridical patrimony as well as the guidelines for the pastoral government of the diocese will be themselves the object of careful reflection and study on the part of the Synod, always bearing in mind the need for renewal and, where necessary, remedying lacunae in diocesan norms. The Synod will also evaluate the adequacy of pastoral programmes already in place, and with the help of divine grace, propose new pastoral plans where such are deemed desirable.

II. COMPOSITION OF THE SYNOD

1. *"The diocesan Bishop presides over the diocesan Synod. The Vicar General or an Episcopal Vicar may be delegated to discharge this office at the individual sessions of the Synod"* [21]. In so delegating, preference should always be given to one already vested with the episcopal dignity (Coadjutor or Auxiliary Bishop).

2. The following, "ex officio", are "de iure" members of the Synod:

- Coadjutor and Auxiliary Bishops,
- Vicars General, Vicars Episcopal, Vicars Judicial,
- Canons of the Cathedral Chapter,
- Members of the Council of Priests,
- Rectors of Major Seminaries,
- Vicars Forane [22].

3. The following are *elected members of the Synod*:

- 1) "Lay members of Christ's faithful, not excluding members of institutes of consecrated life, to be elected by the pastoral council in the manner and number determined by the diocesan Bishop" [23].

In selecting lay members of the Synod, Canon 512 § 2 should be followed in so far as possible [24]. To assure the validity of their contribution for the good of the Church, it is important that the lay faithful taking part in the Synod should be chosen from amongst those distinguished by their "firm faith, good morals and prudence" [25]. It is an

indispensable requisite that these members of the lay faithful be in a canonically regular situation in order to take part in the Synod.

- 2) "At least one priest from each vicariate forane is elected by all of those who have the care of souls there; another priest is also to be elected, to take the place of the first if he should be prevented from attending" [\[26\]](#). The provisions of Canon 463 § 1, n. 8, as is evident, refer to priests in their role as elected members and not to deacons or laypersons. It will be for the Bishop to determine the number of priests to be elected from each vicariate forane. In instances of dioceses of smaller dimensions, there is nothing contrary to the convocation of the entire presbyterate.
- 3) "Some superiors of religious institutes and of the societies of apostolic life which have a house in the diocese: these are to be elected in the number and manner to be determined by the diocesan Bishop" [\[27\]](#).
- 4) *Members of the Synod freely nominated by the Bishop*: "the diocesan bishop may also invite others to be members of the diocesan Synod, whether clerics or members of institutes of consecrated life or lay members of the faithful" [\[28\]](#).

This group of synodal members should be selected from among *those ecclesial vocations or the various apostolic works* not sufficiently represented amongst elected members, to give adequate expression to the true make up of the diocese. Thus it is important that there should be an adequate presence of permanent deacons amongst the clergy. Other members of the faithful should be chosen for their "knowledge, competence and position" [\[29\]](#) whose valued opinion will undoubtedly enrich the synodal discussions.

- 5) Synodal members, once lawfully designated, have the right and the obligation to *participate* in the sessions of the Synod [\[30\]](#). "A member of the Synod who is lawfully impeded from attending, cannot send a proxy in his or her place, but is to notify the diocesan Bishop of the reason for not attending" [\[31\]](#).

The Bishop has the right and the duty to remove from the Synod, by decree, any synodal member whose opinions are contrary to the doctrine of the Church or who reject episcopal authority. The possibility remains, however, of recourse, according to the norm of law, against such a decree.

- 6) Should the diocesan Bishop deem it opportune, ministers or members of other Christian Churches or ecclesial communities not in full communion with the Catholic Church may be invited to attend the Synod as *observers* [32].

The presence of such observers can, amongst other things, enrich the synodal discussions by helping to give a "greater role to ecumenical concerns in normal pastoral work, thus increasing knowledge of one another, reciprocal charity, and, if possible, fraternal cooperation" [33].

The selection of such observers should normally be done in cooperation with the leaders of these Churches or ecclesial communities, who are in a position to choose those persons most suitable to represent them.

III. CONVOCAATION OF THE SYNOD

A. Convocation

1. A diocesan Synod may be celebrated "when the diocesan Bishop, after consulting the Council of Priests, judges that the circumstances suggest it" [34]. It rests therefore with the prudent judgment of the Bishop to determine the frequency with which a Synod should be convoked bearing in mind the pastoral needs of the particular Church entrusted to his care or the exigencies of diocesan government.

The circumstances which would suggest the convocation of a Synod are various in nature: lack of an overall diocesan pastoral plan; the need to apply at local level norms and other directives; acute pastoral problems requiring pastoral solutions; a need to further a more intense ecclesial communion, etc. In determining the opportunity of convoking a Synod, the information concerning his diocese available to the Bishop in virtue of his *pastoral visitation* will be of particular importance. More than enquiries or polls, such information will permit the Bishop to individuate the pastoral needs of the faithful committed to his care as well as those pastoral means best suited to meeting them.

Should the diocesan Bishop perceive it as opportune to convoke a Synod, he is required to consult the Presbyteral Council - which represents his clergy and assists him in his government of the diocese [35]. He is also required to have their considered advice concerning the celebration of a Synod as well as with regard to the question or questions to be examined by it.

Once it is decided to convoke a Synod to consider specific questions, the diocesan Bishop is required to issue a decree of convocation which is promulgated in his diocese, usually on the occasion of some liturgical festival of particular solemnity.

2. "Only the diocesan Bishop can convene a diocesan Synod. A person who has interim charge of a diocese cannot do so" [\[36\]](#).

"If a Bishop is responsible for a number of dioceses, or has charge of one of his own and of another as Administrator, he may convene one diocesan Synod for all of the dioceses entrusted to him" [\[37\]](#).

B. Preparatory Commission and Synodal Directory

1. From the outset of the Synod, the Bishop is obliged to constitute a *preparatory commission*.

The members of this preparatory commission are chosen by the Bishop from amongst the clergy and other faithful *who are distinguished by their pastoral prudence and by their professional competence* and who, in so far as possible, reflect the various charisms and ministries of the People of God. Some members should be expert in the disciplines of Canon Law and Sacred Liturgy.

It is the task of the preparatory commission to assist the Bishop especially in matters pertaining to the organization and preparation of the Synod. The preparatory commission also helps the Bishop in drawing up the synodal Directory, in his determining those questions to be proposed for synodal deliberation, as well as in the designation of the synodal members. The diocesan Bishop, or his delegate in the event of being unable to do so, presides over the meetings of the preparatory commission.

The Bishop may also make dispositions for the establishment of a synodal *secretariat* which is to be directed by a member of the preparatory commission. The function of such a secretariat is to assist the Synod as far as organizational matters are concerned: transmission and archiving of documentation, drawing up minutes, direction of logistical matters, as well as matters relating to finances and accounting. The establishment of a *press office* would also be most useful as it would ensure that accurate information is made available to the "media" and thus serve to avoid possible distorted reports with regard to the work of the Synod.

2. With the assistance of the preparatory commission, the Bishop provides for the publication of the *synodal Directory* [\[38\]](#).

Amongst other matters, the "Directory" is required to establish:

- 1) *The composition of the Synod.* The Directory assigns a specific number of synodal members to each category, determines the criteria by which members of the laity, institutes of consecrated life [\[39\]](#), Superiors of religious institutes and societies of apostolic life [\[40\]](#) are elected. Such criteria should avoid introducing an excessive number of members into the Synod as such is likely to impede effective participation in it.
- 2) *The norms by which elections of synodal members are to be conducted* and for the eventual election of those members to cover the offices which are to be exercised in the Synod. In this regard, the prescriptions of Canons 119, n. 1 and 164-179 are to be observed, taking into account any necessary adaptations [\[41\]](#).
- 3) *The various offices* to be exercised in the Synod (presidency, moderator, secretary), the *various commissions* of the Synod and their composition.
- 4) *The "modus procedendi"* (or procedural norms) of the meetings of the Synod, together with indications concerning the length and mode of synodal interventions (oral and written), and voting ("placet", "non placet", "placet iuxta modum").

The usefulness of this Directory for the preparatory stages of the Synod would suggest that it should be drawn up at the initial phase of the synodal process, without prejudice, of course, to eventual modifications or additions that might be required in the light of subsequent experience.

Generally it is regarded as useful to proceed to the designation of synodal members as soon as possible, as they can contribute much to the preparatory work of the Synod.

C. The Preparatory phases of the Synod

The preparatory phase of the Synod is understood, above all, as affording the Bishop assistance in determining those questions to be proposed for synodal deliberation.

It is always necessary to organize this phase in such a way as to involve - in different manners, depending on circumstances - *the various diocesan and apostolic*

initiatives present in a particular Church. Thus, the work of the Synod becomes "an adequate practical apprenticeship in the ecclesiology of communion of Vatican II" [42], and disposes the faithful to accept, at the conclusion of the Synod, what "is decided by the pastors who, as teachers and rulers of the Church, represent Christ" [43].

In what follows, some general directives on procedure are set out, which every Pastor will know best how to adapt and apply while bearing in mind the good of the particular Church and the characteristics of the Synods which they propose to celebrate.

1. *Spiritual, catechetical and formational preparation.*

Convinced that "the secret of the success of the Synod, as of every other ecclesial event and initiative, is in fact *prayer*" [44], the diocesan Bishop invites all of the faithful, clerics, religious and laity, and especially monasteries of contemplative life, to a "common ongoing intention: the Synod and its results" [45] so that it might become an authentic event of grace for the particular Church. In this regard he will also exhort the pastors of souls to a similar purpose, and place at their disposal those necessary means to assist in solemn liturgical gatherings as well as for daily gatherings which take place during the celebration of the Synod.

The celebration of the Synod affords the Bishop a *privileged opportunity for the formation* of the faithful. It leads to a well articulated catechesis of the faithful with regard to the mystery of the Church and the participation of all the faithful in her mission. Such catechesis is carried on in the light of the teaching of the Church's Magisterium and particularly that of the Second Vatican Council. To this end, concrete directives can be given to priests for preaching.

All should be informed with regard to *the nature and purpose of the Synod* and the scope of its deliberations. In this regard, and without overlooking the use of other means of communication, the publication of a small informative booklet may prove useful.

2. *Diocesan Consultation.*

The faithful should be afforded the opportunity of expressing their needs, their desires and their opinions with regard to the topics being dealt with in Synod [46]. Moreover, the clergy of the diocese should be asked separately to formulate proposals by way of response to the pastoral challenges with which they are confronted.

The Bishop will decide the actual manner in which such consultation should take place. It should try to reach all "vital forces" of the People of God present and operating in a particular Church [\[47\]](#): parochial communities, institutes of consecrated life and societies of apostolic life, ecclesial associations and other significant organisations, educational institutions (seminaries, universities, ecclesiastical faculties and catholic schools).

In providing suitable directives for consultation, the Bishop should also be aware of the danger of pressure groups - oftentimes a regrettable reality - and he should always avoid creating unjustified expectations with regard to the effective acceptance of their proposals.

3. *Determining the questions.*

The Bishop then proceeds to *determine those questions* on which the synodal debate will concentrate. One useful procedure in this regard would be the elaboration of questionnaires, arranged according to subjects, with each subject introduced by a report illustrating its meaning in the light of the doctrine and discipline of the Church as well as the results of the preceding consultation. [\[48\]](#) This task should be entrusted to groups of experts in the various disciplines and pastoral spheres, which, under the direction of the preparatory commission, will prepare their drafts for the approval of the Bishop.

Finally, the approved texts of these questionnaires should be transmitted to the members of the Synod and sufficient time allotted for them to be studied before the initiation of the synodal sessions.

IV. CONDUCTING THE SYNOD

1. *The actual Synod* consists properly of the synodal sessions. Therefore, an equilibrium should be maintained between the period of preparation for the Synod and its celebration. The synodal sessions should be arranged over a period of time so as to permit sufficient time to study the questions raised during the sessions, as well as to make interventions during the discussions.
2. Since, "quibus communis est cura, communis etiam debet esse oratio" [\[49\]](#) the celebration of the Synod moves by prayer. The prescriptions set out in the *Caeremoniale Episcoporum* for the celebration of Synods are to be observed for the solemn liturgies at the opening and closure of the Synod, as well as for those celebrated during the synodal sessions [\[50\]](#). These liturgical celebrations should be open to all of the faithful and not just to the members of the Synod.

It is desirable that the synodal sessions - or at least the more important ones - should be held in the Cathedral, the location of the Bishop's "cathedra", and visible image of Christ's Church [51].

3. Before commencing the synodal discussions, the members of the Synod make *the profession of faith* in accordance with the norms of Canon 833, n. 1 [52]. The Bishop will not omit to point out the significance of this act so as to foster the "sensus fidei" amongst the members of the Synod and to inspire them with love for the doctrinal and spiritual patrimony of the Church.
4. The various themes to be examined in turn in Synod are introduced in outline form by a brief report, after which discussion begins.

"All questions proposed are to be subject to the free discussion of the members in the sessions of the Synod" [53]. The Bishop will ensure that the members of the Synod have the possibility of *freely expressing* their opinions on the questions proposed for discussion, in accordance, however, with the time limits established by the Directory of the Synod [54].

In view of the bonds uniting the particular Church and her Pastor with the universal Church and the Roman Pontiff, the Bishop has the duty *to exclude from the synodal discussions* theses or positions - as well as proposals submitted to the Synod with the mere intention of transmitting to the Holy See "polls" in their regard - discordant with the perennial doctrine of the Church or the Magisterium or concerning material reserved to Supreme ecclesiastical authority or to other ecclesiastical authorities [55].

At the end of the interventions, a *resumé* of the contributions of the synodal members should be made so as to facilitate further study of the matters raised by them.

5. During the session of the Synod, the opinions of its members may be solicited by means of a vote. Since the Synod *is not a college* with decisional capacity, such votes are not intended as a binding majority decision. It should be explained, rather, that their purpose is to indicate the degree of concurrence amongst the synodal members with regard to a given proposal [56].

Concerning the outcome of the synodal votes, the Bishop *always remains free* to determine what weigh is to be attributed to their results. Consequently, he may wish to accept the common view expressed by the members of the Synod, unless there should exist some grave obstacle to be evaluated by him "coram Domino".

6. The Bishop, by opportune dispositions, will entrust to the members of the various commissions the task of preparing the draft texts of the synodal documents.

In the preparation of such documents every effort should be made to arrive at precise formulations intended to assist the pastoral ministry and to avoid generalizations or merely reducing such texts to exhortations which render them less effective.

7. "If he judges it prudent, the diocesan Bishop can suspend or dissolve the diocesan Synod" [57] should grave obstacles arise in continuing the Synod and make such a decision either convenient or necessary: for example, should the orientation of the Synod become irremediably contrary to the teaching of the Church or should social conditions disturb its peaceful procedure.

In the absence of particular reasons which would counsel against it, before issuing a decree of suspension or of dissolution, the diocesan Bishop shall seek the opinion of the Council of Priests - which is to be consulted in matters of major importance [58]. However, the diocesan Bishop remains free in making the final decision.

"Should the episcopal See become vacant or impeded, the diocesan Synod is suspended by virtue of the law itself, until such time as the diocesan bishop who succeeds in the See decrees that it be continued or declares it terminated" [59].

V. SYNODAL DECLARATIONS AND DECREES

1. Once the synodal sessions shall have concluded, the diocesan Bishop will proceed to the *final drafting* of the synodal decrees and declarations. He signs them and he orders their publication [60].
2. By the terms "decrees" and "declarations" the Code of Canon Law envisages the possibility that texts emanating from Synods consist, on the one hand, of *true juridic norms* - that may be termed "constitutions" or otherwise - or *directives for future pastoral programmes* and, on the other, of opportune *affirmations* of the truth of the Catholic faith or morals, especially in relations to more important aspects of the life of the particular Church.
3. "*The diocesan Bishop alone signs the synodal declarations and decrees, and only by his authority may these be published*" [61]. Thus, the synodal decrees and declarations should bear the diocesan Bishop's signature and his alone. These

documents should also be drawn up in such form and words as make it evident that the Bishop is their author.

In view of the intrinsic connection between the Synod and the episcopal ministry, the publication of synodal acts which do not bear the signature of the diocesan Bishop is illicit and such cannot in any way be regarded as "synodal" declarations in the true sense of that term.

4. By means of synodal decrees, the diocesan Bishop promotes and fosters the observance of those canonical norms which the circumstances of diocesan life most required [62]; regulates those matters which the law entrusts to his competence [63] and applies the discipline which is common to all of the particular Churches.

They are *juridically invalid* [64] those synodal decrees which are contrary to superior law: that is, the universal law of the Church; the general decrees of particular Councils and of the Conference of Bishops [65]; the general decrees of the meeting of the Bishops of a Province in matters of its competence [66].

5. "The diocesan Bishop is to communicate the text of the declarations and decrees of the Synod to the Metropolitan and to the Conference of Bishops" [67] so as to promote communion in the episcopate and normative harmony in the particular Churches within a given geographic or demographic region.

When all matters concerning the Synod shall have been completed, the diocesan Bishop will transmit, through the Pontifical Representative, a copy of the synodal documentation to the Congregation for Bishops or to the Congregation for the Evangelization of Peoples, for their information.

6. Should the synodal documents - especially its normative documents - not make provision for their *application*, once the Synod shall have concluded, the diocesan Bishop shall make provision with regard to their execution, entrusting them eventually to the competent diocesan offices.

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This present instruction of the Congregation for Bishops and the Congregation for the Evangelization of Peoples seeks to foster proper and adequate direction of diocesan

Synods, ecclesial institutions which have been held in high esteem throughout the centuries and currently are the object of renewed interest, and which, with the help of the Holy Spirit, will continue to serve the communion and mission of the particular Churches.

This Instruction comes into force for all diocesan Synods celebrated three months from the date of its publication.

APPENDIX TO THE INSTRUCTION ON DIOCESAN SYNOD

Areas entrusted by the Code of Canon Law to the legislative power of the the diocesan Bishop

This present appendix affords a list of those matters whose regulation at diocesan level is retained as either necessary or convenient by the prescriptions of the *Codex Iuris Canonici*. The list does not include those canonical prescriptions which require the adoption of provisions of a particular character [68], such as approvals, particular concessions, permissions, etc.

At the outset it should be noted that "in the diocese entrusted to his care, the diocesan Bishop has all ordinary, proper and immediate power required for the exercise of his pastoral office, except in those matters which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to some other ecclesiastical authority" [69]. Consequently, the diocesan Bishop may exercise that legislative power not only to complement or determine superior juridical norms where such oblige or permit him, but also, bearing in mind the needs of the local Church and of the faithful, to regulate at diocesan level, with regard to any pastoral matters not reserved to the supreme authority or to some other ecclesiastical authority. In the exercise of such power, however, the Bishop is obliged to observe superior law [70].

However, the Bishop should employ that rule of good government which recommends prudence and discretion so as to avoid unnecessary use of power where counsel and persuasion are sufficient to accomplish a given end. Rather than promulgating new norms, the Bishop is more likely to have to use his authority to promote that discipline which is common to the entire Church or, when necessary, to insist upon the observance of ecclesiastical law. This task is truly a duty imposed upon the Bishop since, as custodian of the unity of the universal Church, he has special responsibility with regard to the ministry of

the word, the celebration of the sacraments and sacramentals, the worship of God and the cult of the saints, and the administration of temporalities [\[71\]](#).

It should also be mentioned that the diocesan Bishop is free to issue norms without a diocesan Synod, since in the context of the diocese, legislative power is proper and exclusive to him. For the same reason, the diocesan Bishop is obliged to exercise legislative power personally [\[72\]](#). He is not permitted to legislate together with other persons, organisms or diocesan assemblies.

Not all of the matters which follow can be treated of appropriately in a diocesan Synod. Thus it would not be prudent indiscriminately to submit matters concerning the life and ministry of clerics for the consideration of the members of the Synod. In other specific pastoral areas, it may be convenient for the diocesan Bishop to hear the Synod with regard to general criteria or principles but delay issuing precise norms in their regard until after the closure of the Synod. As has already been mentioned [\[73\]](#), it is left to the prudent decision of the Bishop to decide on matters to be discussed in Synod.

I. On the exercise of the "munus docendi"

In the dioceses entrusted to their pastoral care, the Bishops are "moderators of the entire ministry of the word" [\[74\]](#). It is their duty to ensure that the canonical prescriptions concerning the ministry of the word are faithfully observed and that the whole Christian faith is correctly transmitted in their dioceses [\[75\]](#). The Code of Canon Law is explicit with regard to this duty of the diocesan Bishop and attributes to him ample competence in the following areas:

1. *Ecumenism*: it is for the Bishops, both individually and collectively in the Conference of Bishops, to issue practical norms with regard to matters concerning ecumenism which conform to the dispositions of the supreme authority of the Church in this matter (cf. Canon 755 § 2).

2. *Preaching*: it is for the diocesan Bishop to promulgate norms for the regulation of preaching which are to be observed by those who exercise this ministry in his diocese (cf. Canon 772 § 1). Particular examples of this duty are:

- eventual restriction of the preaching (cf. Canon 764).
- particular dispositions in matters concerning the manner of preaching, congruent with the needs of the faithful: spiritual retreats, parochial missions etc. (cf. Canon 770).

- their solicitude to ensure that the word of God is proclaimed to those who do not avail themselves of ordinary pastoral care and to those who do not believe (cf. Canon 771).

3. *Catechesis*: it is the competence of the diocesan Bishop, in conformity with the prescriptions of the Apostolic See, to establish norms concerning catechesis (cf. Canon 775 § 1), its adaptations to the diverse needs of the faithful (cf. Canons 777 and 1064), and to make provision with regard to the proper formation of catechists (cf. Canon 780).

4. *Missionary Activity*: it is for the diocesan Bishop to promote missionary activity within his diocese (cf. Canon 782 § 2), and to direct and coordinate missionary activity, should his diocese be in a missionary territory (cf. Canon 790).

5. *Catholic Education*: it is the competence of the diocesan Bishop to regulate that which pertains to Catholic religious instruction and education imparted in all schools or broadcast by the social communications' media, bearing in mind possible norms in these matters established by the Conference of Bishops (cf. Canon 804 § 1) [76]. The general regulation of catholic schools also pertains to the diocesan Bishop as well as the exercise of vigilance with regard to the conservation of their catholic identity (cf. Canon 806).

6. *Social communications*: it is the duty of the diocesan Bishop to be vigilant with regard to publications and the use of the social communications media (cf. Canon 823).

II. On the exercise of the "munus sanctificandi"

Bishops are "the moderators, promoters, and guardians of the entire liturgical life in the Churches entrusted to their care" [77]. Bearing in mind the dispositions of the supreme authority of the Church, it is the competence of the diocesan Bishop to lay down norms concerning liturgical matters in his diocese which are binding on all [78]. The *Codex Iuris Canonici* attributes some particular responsibilities to the normative power of Bishops in this regard:

- to regulate matters pertaining to the participation in the liturgy of the non ordained faithful, while observing the dispositions of superior law in such matters (cf. Canon 230 §§ 2 and 3) [79];
- to establish those cases of "grave necessity" in which some of the sacraments may be administered to non-Catholics Christians, should the Conference of Bishops have made no provision in the matter (cf. Canon 844 §§ 4 and 5);
- to determine those conditions which permit the reservation of the Most Blessed Eucharist in private houses or its being carried from place to place (cf. Canon 935);

- to regulate matters pertaining to the exposition of the Most Blessed Sacrament by non-ordained members of the faithful in places where there are insufficient sacred ministers (cf. Canon 943);
- to regulate matters concerning processions (cf. Canon 944 § 2);
- to determine those cases in which is verified a true necessity with regard to collective absolution, bearing in mind the criteria established with regard to this matter by the Conference of Bishops (cf. Canon 961 § 2).
- to establish norms with regard to the communal administration of the Sacrament of the Anointing of the Sick at celebrations where several sick persons are present (cf. Canon 1002);
- to establish norms for Sunday celebrations in the absence of a priest which observe the prescriptions of the universal law of the Church in this matter (cf. Canon 1248 § 2).

III. On the exercise of the "munus pascendi"

1. Concerning diocesan organisation

In addition to the diverse provisions required for adequate pastoral government of a diocese, the following are entrusted to the diocesan Bishop:

- norms pertaining to chapters of canons (cf. Canons 503, 505, and 510 § 3);
- the constitution of a diocesan pastoral council and the drawing up of statutes for it (cf. Canons 511 and 513 § 1);
- norms to ensure the pastoral care of parishes in the absence of the parish priest (cf. Canon 533 § 3);
- norms pertaining to parochial registers and books (cf. Canon 535 § 1; cf. also Canons 895, 1121 § 1 and 1182);
- to decide with regard to the constitution of parochial pastoral councils and to determine norms for their regulation (cf. Canon 536);
- to issue norms for the regulation of parochial finance councils (cf. Canon 537);
- to further determine the rights and duties of parochial vicars (cf. Canon 548);
- to further determine the faculties of vicars forane (cf. Canon 555; cf. also Canon 553).

2. Concerning clerical discipline

Canon 384 prescribes that the diocesan Bishop "is to ensure that (priests) fulfil the obligations proper to their state. He is to see that they have the means and the institutions needed for the development of their spiritual and intellectual life. He is to ensure that they

are provided with adequate means of livelihood and social welfare, in accordance with the law".

Other Canons determine further aspects of this episcopal ministry:

- For what pertains to the discharge of those obligations proper to the clerical state see: Canon 277 § 3 (celibacy); Canon 283 § 1 (duration of absence from the diocese); Canon 285 (avoidance of what is unbecoming to the clerical state).
- For what pertains to the development of the spiritual and intellectual life of priests see: Canon 276 § 2, n. 4 (spiritual retreat); Canon 279 § 2 (ongoing doctrinal formation); Canon 283 § 2 (holidays).
- For what pertains to the provision for the livelihood and social welfare of clerics see: Canon 281.
- Finally, it pertains to the Bishop to promote good order and reciprocal cooperation between all clerics who minister in his diocese (cf. Canon 275 § 1).

3. Concerning the financial administration of the diocese:

Within the limits of universal and particular law, the diocesan Bishop is responsible for the entire administration of those ecclesiastical goods subject to his power (cf. Canon 1276 § 2). In economic matters, it is also his competence:

- to levy moderate taxes within his diocese in accordance with the norms of law (cf. Canon 1263);
- in the absence of dispositions established by the Conference of Bishops, to issue norms for the regulation of questing and financial appeals within his diocese (cf. Canon 1262);
- to authorise special collections for the needs of the Church when such is necessary (cf. Canons 1265 and 1266);
- to lay down norms concerning the distribution of offerings made by the faithful for parochial liturgical functions, and with regard to the remuneration of those clerics who perform them (cf. Canon 531);
- to define specific conditions for the constitution and acceptance of pious foundations (cf. Canon 1304 § 2).

- [1] Apostolic Constitution *Sacrae Disciplinae Leges*, of 25 January 1983 (AAS 75 [1983], vol. II, pp. VII-XIV).
- [2] Cf. Canon 34 § 1.
- [3] Cf. Apostolic Constitution *Pastor Bonus* of 28 June 1988 (AAS 80 [1988], pp. 841-912), articles 75, 79, and 89.
- [4] "coetus delectorum sacerdotum aliorumque christifidelium Ecclesiae particularis, qui in bonum totius communitatis dioecesanae Episcopo dioecesano adiutricem operam praestant...".
- [5] Dogmatic Constitution *Lumen Gentium*, n. 28; cf. Conciliar Decree *Presbyterorum Ordinis*, nn. 2 and 7.
- [6] Cf. Dogmatic Constitution *Lumen Gentium* nn. 7 and 32; Cf. Canon 463 §§ 1 and 2.
- [7] Cf. Canons 461 § 1 and 462 § 1.
- [8] Cf. Canon 465.
- [9] Cf. Canon 462 ' 2.
- [10] Cf. Canon 466.
- [11] Cf. Pope John Paul II, Homily of 3 October 1992, in "L'Osservatore Romano" (English edition) of 14 October 1992, pp. 7-8.
- [12] Dogmatic Constitution *Lumen Gentium* n. 11.
- [13] Cf. ibidem n. 23.
- [14] Canon 460.
- [15] Cf. Canon 466.
- [16] Cf. Canons 466 and 467.
- [17] Dogmatic Constitution *Lumen Gentium* n. 12 citing I Thess 5, 12 and 19-21.
- [18] Cf. ibidem n. 27.
- [19] Cf. Congregation for the Doctrine of the Faith, letter to the Bishops of the Catholic Church *Communio notio*, of 28 May 1992 (AAS 85 [1993] pp. 838-850), n. 4.
- [20] Cf. ibidem n. 13.
- [21] Canon 462 § 2.
- [22] Cf. Canon 463 § 1, nn. 1, 2, 3, 4, 6 and 7.
- [23] Canon 463 § 1, n. 5.
- [24] Canon 512 § 2 : "The members of Christ's faithful assigned to the Pastoral Council are to be selected in such a way that the council truly reflects the entire portion of the People of God which constitutes the diocese, taking account of the different regions of the diocese, of social conditions and professions, and of the part played in the apostolate by the members, whether individually or in association with others".
- [25] Canon 512 § 3.
- [26] Canon 463 § 1, n. 8.
- [27] Canon 463 § 1, n. 9.
- [28] Canon 463 § 2.
- [29] Canon 212 § 3.
- [30] Cf. Canon 463 § 1.
- [31] Canon 464.
- [32] Canon 463 § 3.
- [33] Pope John Paul II, Audience of 27 June 1992, in *L'Osservatore Romano* (English edition), 15 July 1992, pp.7-8.
- [34] Canon 461 § 1.
- [35] Canon 495 § 1.
- [36] Canon 462 § 1.
- [37] Canon 461 § 2.
- [38] With regard to such a "Directory" see Canon 95.
- [39] Cf. Canon 463 § 1, n. 5.
- [40] Cf. Canon 463 § 1, n. 9.

[41] It should be noted that the texts of some of these canons leaves it free for the Synodal Directory to dispose otherwise.

[42] Pope John Paul II, Allocution of 29 May 1993, in *L'Osservatore Romano* (English edition), 2 June 1993, pp. 1-2.

[43] Dogmatic Constitution *Lumen Gentium* n. 37.

[44] Pope John Paul II, Homily 3 October 1992, cited in footnote 11.

[45] Pope John Paul II, Audience of 27 June 1992, cited in footnote 33.

[46] Cf. Canon 212 §§ 2 and 3.

[47] Cf. Pope John Paul II, Audience of 27 June 1992, cited in footnote 33.

[48] A different procedure could also be adopted in which, for example, the drafts of the synodal documents could be prepared. While having undoubted advantages, this procedure also involves the risk of restricting the liberty of the synodal members by asking them to express opinions with regard to documents which are practically in the final stages of redaction.

[49] *Caeremoniale Episcoporum* n. 1169.

[50] Cf. *Caeremoniale Episcoporum*, Pars VIII, Caput I, "De Conciliis Plenariis vel Provincialibus et de Synodo Dioecessana", nn. 1169-1176.

[51] Cf. Apostolic Constitution *Mirificus eventus*, of 7 December 1965 (AAS 57 [1965] pp. 945-951).

[52] Cf. AAS 81 (1989), pp. 104-105 containing the text of the profession of faith to be made in the Synod.

[53] Canon 465.

[54] Cf. *supra* III, B, 2.

[55] Cf. Conciliar Decree *Christus Dominus* n. 8; Cfr. also Canon 381.

[56] In this respect, it should be noted that Canon 119, n. 3 ("that which affects all as individuals must be approved by all") is not applicable to the Synod, unlike taking certain common decisions within a true college with decisional capacity.

[57] Canon 468 § 1.

[58] Cf. Canon 500 § 2.

[59] Canon 468 § 2.

[60] Cf. Canon 466.

[61] *Ibidem*.

[62] Cf. Canon 392.

[63] Cf. the Appendix to this Instruction.

[64] Cf. Canon 135 § 2.

[65] So that the decisions of Particular Councils and Episcopal Conferences are juridically binding norms, and true general decrees, they must receive the "recognitio" of the Holy See: cf. Canons 446 and 455.

[66] Concerning the competence of the meeting of the bishops of a province, cf. Canons 952 § 1 and 1264.

[67] Canon 467.

[68] Cf. Canon 35.

[69] Canon 381 § 1.

[70] Cf. Canon 135 § 2; cf. also Instruction on Diocesan Synods V, 4.

[71] Cf. canon 392.

[72] Cf. Canon 391 § 2.

[73] Cf. Instruction on Diocesan Synods III, A, 1; III, C, 3.

[74] Canon 756 § 2.

[75] Cf. Canon 386.

[76] Although not included in the list of Canons mentioned in the letter of the Cardinal Secretary of State of 8 November 1983 concerning which Conferences *are obliged* to issue complementary norms, Canon 804 appears amongst those canons with regard to which the Conference *may issue* complementary norms. However, such complementary norms have been found greatly convenient. The aforementioned list was prepared so as to assist Conferences of Bishops in identifying those areas in which they have competence.

[77] Canon 835 § 1.

[78] Cf. Canon 838 §§ 1 and 4; Cf. also Canon 841.

[79] On the question of the service of women at the altar and the position of the diocesan Bishop, cf. the *responsum* of the Pontifical Council for the Interpretation of Legal Texts of 11 July 1992, together with the letter of the Congregation for Divine Worship and the Discipline of the Sacraments, published in AAS 86 (1994), pp. 541-542.