



*Original text: Italian
Unrevised translation*

1st General Congregation October 2, 2024

PRESENTATION OF THE REPORT OF THE CANONICAL COMMISSION

The Canonical Commission of the Synod was established at the beginning of the First Session in October 2023 and met several times during the same period. Immediately after the conclusion, it organized itself to be able to identify the themes that emerged in the Synthesis Report. The Commission is made up of ten members and chaired by the Prefect of the Dicastery for Legislative Texts and by a Secretary who coordinates and manages the work, relations and discussions between various members.

The Method

From the beginning, various meetings were held to deepen the synodal spirit of the First Session in October by trying to read into it the emerging directions for Law in the Church: Latin and Eastern. All members participated, expounding their theological and canonical reflections on the matter and offering insights for all. One learned to implement the synodal style requested of us by Holy Father Francis by trying to be attentive to the proposals that have emerged so far, especially in the October 2023 session.

Immediately after this date, the Commission gave itself a threefold deadline in relation to the goals to be achieved: some issues addressable in the short term for the October 2024 session, others in the medium term after that, and others in the long term with a view to a broader and more complex revision of the Codes.

Our Commission has gratefully received proposals from various canon law societies and faculties. To ensure the interaction of local churches with the universal church, it will invite canon law society and faculties from around the world to submit their possible reflections.

Topics covered: instructions and clarification of the themes

During the October 2023 meeting, many topics of Canon Law emerged. Some of these were particularly highlighted by the synodal brothers and sisters. Among all the topics, in particular, highlighting those that can be covered in the short term, the canonical discussion focused mainly on the Participation Councils: The Episcopal Council, the Pastoral Council (diocesan/eparchial and parish), the Presbyteral Council and the Synodal Institutions at the interdiocesan level (Provincial and Plenary Councils).

Stages and timelines

*In relation to the themes of the **Councils**, the following are highlighted:*

1. the need to make the diocesan/eparchial and parish Pastoral Councils mandatory, keeping in mind what Saint Paul VI stated about their purpose, that is, to “promote the conformity of the life and action of the People of God with the Gospel” (Mp *Ecclesiae sanctae*, n. 16 § 1);

2. the need to make the Episcopal Council mandatory is also seen, where, in addition to the Vicar General, there is at least one Episcopal Vicar or Episcopal Delegate;
3. the duty of the pastor to ask the Council for indications, addresses, observations, checks, suggestions, etc... but there is also the corresponding right-duty of each member of the body to offer his or her opinion on what is brought to attention and discernment;
4. to underline the importance of consultation in the main decision-making processes, it is considered appropriate that the word *tantum* (only) be eliminated from all the norms that contain this term (e.g., CIC cc. 127, 443§3 and 4, 466, 500§2, 514§1 and 536§2; CCEO cc. 241, 263§4, 273§1, 934§1);
5. provide a norm that guarantees that the majority of the members of the Pastoral Councils are lay people with an adequate presence of women, young people and people living in conditions of poverty or experiencing other forms of marginalization;
6. reconsider the requirement to participate in the Councils (CIC c. 512§3 CCEO c. 273§4): provide—in the manner to be determined (e.g. as guests or invited)—that even those who live complex personal and/or marital situations can participate in these bodies (RdS 18f). In accordance with RdS 18d and 2024 IL 93, membership in the Councils requires “an apostolic profile; that they distinguish themselves [...] by a genuine evangelical witness in the most ordinary realities of life”;
7. in situations where other confessions are present, it is necessary to evaluate that “there can be no synodality without the ecumenical dimension” (RdS 7b), and therefore members of these confessions should be invited as “guests” and without the right to vote when ecumenical needs require their opinion in view of the pastoral program of the local Church;
8. identify particular matters on which the request to express an opinion of such a Council is made mandatory, establishing the duty to consult the body;
9. an adequate minimum number of annual meetings must be established in order to ensure effective functioning and its pastoral fruitfulness;
10. the need to further enhance that “culture of transparency and accountability”: this involves the “accountability” to one or the other Council by the competent ecclesiastical authority (bishop/eparch, parish priest) of the pastoral decisions to be taken and taken (IL 2024 n. 92; cf. also RdS 18 i), which means that the Council can ask for the “accountability” of certain choices, and the authority to give reasons for them.

In relation to the Councils, the end of the October 2024 session of the Synod and the subsequent papal document are indicated in order to complete the work of translating, in the appropriate fora, these indications into canonical norms to be applied.

With regard to particular Councils, the following are highlighted:

1. two fundamental rules of deliberative synodality:
 - a. the obligation of frequent coordination between bishops as well as voluntary adherence to the directives approved together, even when these do not have an expressly binding character;
 - b. activating the higher authority only when this is reasonably necessary (to protect communion, the necessary doctrinal and disciplinary unity, and the effectiveness of the mission).
2. the Provincial Council of the neighboring dioceses had (and should still have) an essential role “able to generate” local communion, promoting and building in and through such periodic synaxis the harmony between the bishops and their relative dioceses, almost as a distant reflection of the perfect unity and harmony of the persons of the Holy Trinity;
3. the restoration of the periodicity and of the authority and decorum of the superior organs of the ecclesiastical province: those of the Metropolitan and of the relative Provincial Council;

4. introduce only norms whose reception is objectively hoped for: the reintroduction of the periodicity of the Provincial Councils seems to be one of such possibilities, since opposition to it would be equivalent to the denial of a two-thousand-year-old ecclesiastical practice
5. to hypothesize a functional institution with “two phases”: a higher episcopal deliberative body (a Provincial Council properly speaking of episcopal composition, to be convened at least every ten years) and a mixed consultative body (in the form of annual diocesan or interdiocesan pastoral councils); institutionally separate and thus creating a system somewhat similar to the Eastern dual of the Episcopal Synod and the Patriarchal Assembly (CCEO cc. 102. 140 ff.), respectively a higher episcopal deliberative body and a mixed consultative body;
6. the combination of the activity of the Provincial Councils and the Pastoral Councils: a real institutional innovation in the Latin context but proven by Eastern law to be compatible with the hierarchical structure of the Church, a theologically “acceptable” initiative based on a broad request from the Latin faithful who desire legal guarantees for a periodic mixed synodal activity also at the local level;
7. in such a “two-phase” system, the presence of the laity would not only be obligatory but also their proportion and participation would be much more significant;
8. for the Provincial Councils, it would be quite appropriate to specify in the Code that the magisterial pronouncements of such synaxis require a majority of at least two thirds, similarly to what happens for the Episcopal Conferences, so that, in the event of less agreement, one is not faced with a “consensus”, but with a theological debate that is still open or with conclusions that are not sufficiently mature; the legislation on the *praevia recognitio / confirmatio romana* of the conciliar provisions should be reasonably flexible, so that such higher intervention can truly benefit local synodality and not become an obstacle to it .

Regarding the time frame for addressing these considerations, the working hypothesis is to publish an Instruction by the competent Dicasteries, in which the norms and their application can be carefully explained.

As for **the protection of Eastern Churches** in difficulty, proposals have been put forward to modify the regulations, for example, in the following topics: commitment of diocesan bishops for the Eastern faithful entrusted to them; integration of priestly and catechetical formation in the Eastern Churches; reform of the norms on ecclesio-ritual membership; and extension of the patriarchal territory. In this regard, inter-dicasterial work is considered necessary.