

**WelCom June 2019:**

In this month's Catholic Thinking series, **Brendan Daly**, Judicial Vicar and lecturer in canon law at Good Shepherd College – *Te Hēpara Pai*, discusses synodality and canon law and the problems of sexual abuse that have occurred because of a lack of synodality.

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## Synodality and Canon Law

Brendan Daly.

In recent times there has been much discussion of the causes of the sexual abuse crisis in the Church. The Australian Royal Commission's Report into Institutional Responses to Child Sexual Abuse in its Final Report identified an interplay of factors that contributed to the Catholic Church's response to child sexual abuse:

*Child sexual abuse by Catholic clergy and religious may be explained by a combination of psychosexual and other related factors on the part of the individual perpetrator, and a range of institutional factors, including theology, governance and culture. The same theological, governance and cultural factors that contributed to the occurrence of the abuse also contributed to inadequate responses of Catholic institutions to that abuse.*

The Royal Commission's summary report illustrated inadequacies in organisational structure and governance:

*The powers of governance held by individual diocesan bishops and provincials are not subject to adequate checks and balances. There is no separation of powers, and the executive, legislative and judicial aspects of governance are combined in the person of the pope and in diocesan bishops. Diocesan bishops have not been sufficiently accountable to any other body for decision-making in their handling of allegations of child sexual abuse or alleged perpetrators.... The hierarchical structure of the Catholic Church created a culture of deferential obedience in which poor responses to child sexual abuse went unchallenged*

The Royal Commission strongly argued for transparency and accountability in governance with more meaningful and participatory involvement of all members of Christ's faithful.

Pope Francis had been promoting synodality meaning the active participation of all members of the Church in its processes of discernment, consultation and cooperation at every level of decision-making and mission. Pope Francis believes that this renewal of the Church cannot be deferred. He has stated, 'the path of synodality is the path that God expects from the Church of the third millennium.'

Many of the problems of sexual abuse have occurred because of a lack of synodality. There have been tensions concerning the nature of 'Church' and the relationships between the component parts of the People of God ever since the Second Vatican Council. These tensions have manifested themselves in many ways, including in calls for reform of ecclesial governance and administration. The revelations of appalling, widespread sexual abuse of children by clerics and in Church organisations and the mishandling of complaints of abuse

have focussed attention on cultural reform and practical renewal as essential parts of the response to the crisis.

There needs to be a restoration of trust and credibility in the Church as a safe place for all who come to it so that it can carry out its Gospel mission. The social and cultural transformation can only occur if all of the people of God are involved in Church governance. As Pope Francis said in his *Letter to the People of God*, 20 August 2018:

*I am conscious of the effort and work being carried out in various parts of the world to come up with the necessary means to ensure the safety and protection of the integrity of children and of vulnerable adults,.... Together with those efforts, every one of the baptised should feel involved in the ecclesial and social change that we so greatly need.*

*It is impossible to think of a conversion of our activity as a Church that does not include the active participation of all the members of God's People. Indeed, whenever we have tried to replace, or silence, or ignore, or reduce the People of God to small elites, we end up creating communities, projects, theological approaches, spiritualities and structures without roots, without memory, without faces, without bodies and ultimately, without lives. This is clearly seen in a peculiar way of understanding the Church's authority, one common in many communities where sexual abuse and the abuse of power and conscience have occurred.*

*The only way that we have to respond to this evil that has darkened so many lives is to experience it as a task regarding all of us as the People of God. This awareness of being part of a people and a shared history will enable us to acknowledge our past sins and mistakes with a penitential openness that can allow us to be renewed from within. Without the active participation of all the Church's members, everything being done to uproot the culture of abuse in our communities will not be successful in generating the necessary dynamics for sound and realistic change.*

Pope Francis considers synodality as a constitutive dimension of the Church. The International Theological Commission stated, 'the ecclesiology of the People of God emphasises in fact the common dignity and mission of all the baptised, in the exercise...of their charisms, vocations and ministries, concretely manifest and realise [the Church] being a communion in walking together, in gathering together and actively participating in all its members in its mission evangelising.'

Synodality applies at all levels of the Church. Synodality applies at the universal level in the relationship of the Pope to the bishops and the local churches. Synodality already exists in bishops' conferences, diocesan pastoral councils, priests' councils, college of consultors and parish councils. The participation of the laity is required in other structures and organisms. More importantly than the structures, there needs to be a conversion of minds and hearts because without this there is the danger that structures will exist and will simply be 'masks without heart or a face'.

*Brendan Daly, BTh, PG Dip Theol, PhD (Ottawa), JCD (St Paul's), is a priest from the diocese of Christchurch and was ordained in 1977. He studied canon law in Ottawa in the 1980s, completing a doctorate in canon law in 1986 with a thesis concerning infant baptism. He taught at Holy Cross College from 1987 and was rector of Holy Cross Seminary from 1995–2000. Since 2002 he has been principal lecturer in canon law at Good Shepherd College – Te Heparā Pai. He is Judicial Vicar on the Tribunal of the Catholic Church for New Zealand. His research interests include baptism, marriage, canon law, sacramental theology and pastoral issues.*