

## Whither, or Wither, the Plenary Council 2020?

Many concerned Catholics, on many occasions, have commented on the flaws of key stages in the Plenary Council's structures and processes. I argue here that the purpose and scope of the Plenary Council have not been defined adequately or at all by the bishops, that the scope of what is to be considered is far narrower than it should have been and that the bishops are using the processes to justify making minimal changes to the status quo. When overlaid by the flawed structures and processes through which discernment and drafting of milestone reports have been conducted, and the poor quality of those reports, the failure to settle a clear purpose and scope of the Plenary Council has rendered the Plenary Council largely irrelevant. I conclude that the point has been reached when remaining, erstwhile participants should reconsider their participation.

### Purpose and scope of the Plenary Council

Canon 439.1 provides that 'A plenary council, that is, one for all the particular churches of the same conference of bishops, is to be celebrated whenever it seems necessary or useful to the conference of bishops, with the approval of the Apostolic See.' Canon 445 sets out the 'jurisdiction' of a plenary council: 'A particular council, for its own territory, takes care that provision is made for the pastoral needs of the people of God and possesses the power of governance, especially legislative power, so that, always without prejudice to the universal law of the Church, it **is able to decide what seems opportune for the increase of the faith, the organization of common pastoral action, and the regulation of morals and of the common ecclesiastical discipline which is to be observed, promoted, and protected**' (my emphasis).

This seems to imply that a plenary council can have reasonably wide scope, although with the significant limitation that it must operate 'without prejudice' to canon law. It is clearly a responsibility of the Australian bishops to set out the purpose of their Plenary Council but, apart from vague statements, which I discuss below, they have not done so and have instead delegated that responsibility to the Bishops Commission for the Plenary Council, the [Mandate](#) of which includes the function of '3.1. Clarifying and communicating the purpose of a plenary council, with reference to the provisions of the Code of Canon Law, the intentions of the Australian Catholic Bishops Conference (ACBC) in holding a plenary council, the modes of consultation and participation in preparatory stages, and the composition of the Plenary Council 2020.' In my view, neither the ACBC nor the Bishops Commission has properly (or at all, really) set out the purpose and scope of the Plenary Council 2020 (sic). Whether by commission or omission, this failure has misled the laity.

The ACBC decided to hold a Plenary Council at some time between their May 2016 and November 2016 plenary meetings, during the heat of the *Royal Commission into Institutional Responses to Child Sexual Abuse* (the Royal Commission). There is no mention of it in the report of the May 2016 plenary meeting of the ACBC (or in any other media releases in the period), but in the report of the bishops' November 2016 meeting there is a brief reference to the Plenary Council, albeit on page 2:

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While awaiting approval from the Holy Father, the bishops began work to prepare governance, advisory and support structures for the Council.

In the report of the May 2017 plenary meeting of the ACBC, the only references to the Plenary Council were the following profundities, on page 6:

**Plenary Council Executive Committee**

The Commission for the Plenary Council drew the attention of the Conference to the normative practice of naming an advisory body a council. To avoid having an advisory council for a plenary council, and having reviewed the name already established by the Conference in November 2016, the Commission proposed a change of name to an Executive Committee.

The Conference noted that the Commission has received advice from the Holy See concerning the process for obtaining the consent of the Holy Father for a Plenary Council for Australia in 2020, and it is acting on this advice.

By media release on 28 June 2017, having resolved the fundamental question of whether the Plenary executive was to be a council or a committee, the bishops announced the names of those who had ‘accepted appointment’ to the Plenary Council Executive Committee. The bishops said that:

Their appointment followed an extensive confidential process of consultation across the Australian Church to ensure diversity. Together they bring a variety of gifts, competencies and experience to the work of the Executive Committee.

In that media release, the bishops for the first time set out the provenance of the Plenary Council:

The Plenary Council is a response to the call of Saint Pope John Paul II that the Church of the third millennium discerns what the Spirit has been saying and to put into practice pastoral plans with the help of the people of God to prepare for the future.

It also carries forward the call of Pope Francis for the Church to become truly synodal in its engagement with the whole Catholic community.

Archbishop Coleridge said that the Plenary Council will play a crucial role in shaping the Church’s future in Australia. ‘This is no time for the Church to be putting up signs that say, “business as usual”. If we needed any proof, then the Royal Commission has shown that. We need to face the facts, and in the light of the facts, which aren’t always friendly, we have to make big decisions about the future. The Plenary Council will place the Church on a sound footing to respond to what is not merely an era of change but a change of era.’

In March 2018, the President of the ACBC, Archbishop Coleridge, issued a media release announcing the Pope’s approval to hold the Plenary Council. In so doing he had this to say about the purpose of the PC:

The Council will be a unique opportunity for people to come together and listen to God in all the ways God speaks to us, and in particular by listening to one another as together we discern what God is asking of us at this time – a time when the Church in Australia is facing significant challenges.

We sincerely hope the preparation and celebration of the Plenary Council is a time when all parts of the Church listen to and dialogue with one another as we explore together how we might answer the question: ‘What do you think God is asking of us in Australia?’

Perhaps that was a little vague, so helpfully the *Catholic Weekly* on 4 May 2018 came in aid to explain what it was all about<sup>1</sup> (my emphasis):

Catholics might have heard about an event happening in two years’ time in the Catholic Church in Australia called the Plenary Council 2020. They might be under the impression it’s just another meeting of bishops to discuss various matters - something that will not greatly affect them or other ordinary Catholics.

Well, it’s not. It’s actually a meeting of the entire Church in Australia, meaning everyone - bishops, clergy, religious and lay faithful - with the intention of shaping the future course of the Catholic Church in this country. **And while it won’t affect matters of doctrine**, it will have legislative power to **mould practices** within the Australian Catholic Church. So, as a Catholic, the outcome of the meeting will most definitely affect you.

In theory, everyone will be allowed a voice. The word “Plenary” simply means “entire” or “open”.

Through Plenary 2020, the Catholic Church in Australia will determine its **structures and strategies for the future**. And this of course will affect its mission of evangelisation - how it will spread the Good News of Jesus Christ in a culture increasingly adverse to Christian values.

There really couldn’t be a more pressing matter of consideration for Catholics in Australia at this point in time. And this is a theme that Pope Francis has emphasised - how do we evangelise in a culture moving rapidly away from the Christian world view?

“The way in which we locate ourselves in history has changed,” the Pope has written. “Things we thought would never happen, or that we never thought we would see, we are experiencing now, and we dare not even imagine the future. That which appeared normal to us - family, the Church, society and the world - will probably no longer seem that way. We cannot simply wait for what we are experiencing to pass, under the illusion that things will return to being how they were before.”

The recent redefinition of marriage in Australia is a case in point. The culture we now live in - from a moral perspective - would be unrecognisable to someone living in 1937, when the Catholic Church in Australia held its last Plenary Council. Clearly, our current approach to explaining to the wider community the hope we have in us as Catholics is not working.

Later in the article, it was said that:

Despite its rather mundane title, Plenary Council 2020 is in fact an exciting and pivotal moment. It is an opportunity to determine how as Catholics we might re-ignite our Church in Australia and also evangelise the culture around us. How might we recapture that zeal

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<sup>1</sup> This Catholic Weekly piece is incorporated in the official media blog of the Bishops’ Commission for the Plenary Council and is assumed to be authoritative.

for the living God that enflamed the Apostles and the early Christians, and then inspire others with that flame of faith?

It is an opportunity not just to devise new strategies to evangelise the culture around us, but also to engage in the New Evangelisation—that is, evangelising lapsed Catholics.

This is a mammoth task. As evidenced by the outcome of the same-sex marriage vote, and the decline in Mass attendance over recent decades, many Catholics have been successfully evangelised by the secular culture around them.

In a media release issued on its blog on 21 May 2018, reporting on the Pope's blessings for the Plenary Council, the Bishops' Commission for the Plenary Council advised that (my emphasis):

Pope Francis has sent his support and blessings to the Catholic Church in Australia as it commences a three-year process to consider its future through the Plenary Council 2020.

The Church in Australia, on the feast of Pentecost, yesterday marked the official launch of the Plenary Council, which will culminate in gatherings in 2020 and 2021 **to consider the Church's governance, laws and practice**. In a special message for the Catholic community in Australia, Pope Francis said that he hoped "through patient dialogue and faith-filled discernment, the conciliar journey will confirm the Catholics in Australia in a spirit of fraternal unity and missionary discipleship".

Meanwhile, the Plenary Council received only one substantive mention in the August 2018 *Australian Catholic Bishops Conference and Catholic Religious Australia's Response to the Royal Commission into Institutional Responses to Child Sexual Abuse*, curiously in response to recommendations dealing with the selection criteria and transparency in the process for appointing bishops 'which includes the direct participation of lay people'. The ACBC responded inter alia that 'The consultative process towards the Plenary Council is underway and will enable individuals and groups to offer views and advice about the process for appointing bishops.' (As an aside here, whether or not any submissions were received on this, the issue did not make it through the Writing and Discernment Phase into any of the reports.)

I suspect that the ACBC deliberately left the purpose and scope of the Plenary Council vague, maybe because it was too hard, or perhaps more likely to allow more 'wriggle room' on inclusion or exclusion of issues as they got down to the real process of setting an agenda. Scope limitations of the Plenary process are not evident from the three broad questions posed by the bishops in commencing the Listening and Dialogue Phase:

1. What do you think God is asking of us in Australia at this time?
2. What questions do you have about the future of the Church in Australia that you would like the Plenary Council to consider?
3. You are invited to share a story about your experience of faith or an experience of the Church in Australia that has shaped you.

However, as Terry Fewtrell's paper for this workshop makes clear, and despite the depth and breadth of the submissions as reported in the summary official report on the submissions to the Plenary Council, entitled *Listen to what the Spirit is saying – Final Report for the Plenary Council Phase 1: Listening and Dialogue* (the Listening and Dialogue Final Report), the reports which have emerged from the Writing and Discernment Groups are anything but deep or broad.

It is evident from all of this that the underlying purpose set by the Australian bishops for the Plenary Council has been quite limited, and its scope narrow. It seems to me that the purpose has been confined all along to considering fairly minimalist improvements in Church governance and 'to moulding (undefined) Church practices' in Australia, any discussion being further limited in scope to those issues which canonically can be addressed by legislation by Australia bishops. There is the vaguely put claim by Archbishop Coleridge that the process will exemplify the Church 'becoming more synodal in its engagement with the whole Catholic community' (whatever that actually might mean), and I suspect that the bishops will argue that that ill-defined outcome will have been satisfied by the erstwhile consultative processes undertaken, but I doubt the bishops would contemplate any stretching of the notion of 'synodality in engagement' towards more vaguely democratic concepts. 'Doctrine' is seemingly not open for discussion, and given the lack of definition around 'doctrine' (I venture to say that it means here whatever the bishops say it means) it is reasonably clear that many issues that are key to the Church's continuing relevance in Australian society will not be addressed at all.

Indeed, the (motives or) intentions of the bishops might well be gleaned from this extraordinary statement appearing in the report of the ACBC meeting in November 2018:

The bishops shared their hopes for the Plenary Council and their concerns about the Plenary Council process. They noted that some people already have a public voice and have been proactive in communicating their views, while others still need to be drawn into the preparatory process of listening, dialogue and discernment.

It was emphasised that the Plenary Council is for Catholics who are happy and content with the Church and their participation in its life and mission, as well as for those who feel excluded or have become disaffected.

It seems plain from this that the bishops regard the views of Catholics who are 'happy and content with the Church' as normative, and the views of those who 'feel excluded or have become disaffected' as aberrant. This attitude is evident in the ways in which the Plenary processes have been controlled by the bishops (see below), but it also reinforces the view that the purpose and scope of the Plenary are very limited indeed. The 'us and them' views put in the Catholic Weekly article referred to above, and incorporated in the Plenary Commission's website, are also apposite.

### **The Plenary Council – a process of prelatical control and confinement**

As canon 441 says, 'It is for the conference of bishops: 1/ to convoke a plenary council; 2/ to select the place to celebrate the council within the territory of the conference of bishops; 3/ to select from among the diocesan bishops a president of the plenary council whom the Apostolic See must approve; 4/ to determine the agenda and questions to be treated, set the opening and duration of a plenary council, transfer, extend, and dissolve it.'

Strictly in accordance with this, it is the ACBC which, with no or minimal transparency (but with the approval of the Apostolic See), has convoked the Plenary Council, selected the places for it to be 'celebrated', chosen its President (Archbishop Costelloe), selected its executive (via 'an extensive confidential process of consultation across the Australian Church to ensure diversity'), prepared the statutes (rules) of the Council and fixed its timing.

The bishops invited submissions, but after bemoaning the fact that those who wished for reform had a disproportionate voice, they apparently encouraged those who were 'happy and content' to

make submissions; and there are rumours of many ‘form’ submissions coming forward as a result. The bishops then chose not to make the submissions public. The Listening and Dialogue Final Report was intended as the summary document that informed the topics for the six Writing and Discernment Groups, but the National Themes for Discernment to be considered and written upon by the Groups were instead determined by another opaque process controlled by the ACBC without any evident connection with the conclusions in the Listening and Dialogue Final Report upon which the themes purportedly were to have been based. The composition of those Writing and Discernment Groups were determined by yet another opaque process.

### **The Six Thematic Papers**

There are six papers, covering each of the National Themes for Discernment<sup>2</sup>. Terry Fewtrell has reviewed these papers against the areas of focus detailed in the submission from Concerned Catholics Canberra Goulburn and I agree with his observations. I do not propose to go over the grounds in his paper. However, I make the following broad observations, which evince the fundamental flaws in the whole process.

First, there is not even a glimpse, anywhere, of a picture of what an Australian Catholic Church of the future should or might look like. None of the papers, or the papers as a whole, sets out a vision, purpose or even a mission for the church in Australia – something which might perhaps inspire, excite or energise people to join, re-join or remain. I suppose that when doctrine is assumed to be right, what is left is the rather shallow *Theological Vision* in each paper and lists of proposals which the authors may have hoped might improve whatever it is that the Church is doing in Australia now, although it is hard to see how even the lists of proposals would, if implemented, make the Church more relevant in society. The proposals are also disjointed and not connected in any purposeful way. Quite a few proposals are platitudinous, like this one: ‘In reading the signs of the times in the light of the Gospel, the Church in Australia must continue to engage the wider society on shared concerns that resonate with people’s lives such as peace, justice, non-violence, poverty, homelessness and solidarity with humankind.’ It can also be hard to differentiate such proposals from activities that many other non-religious parts of civil society already do or should do. I believe that the Plenary process should instead have commenced with a process of creating a vision, purpose and mission for an ‘Australian Catholic Church’.

Second, all of the papers assume the correctness of current teachings on issues which most Australians would regard as controversial or wrong. This is most evident in commentary on inclusiveness, gender, marriage, sexuality, contraception, divorce and the like. The papers also say a fair bit about ‘young people’, although the proposals are of variable credibility (one paper goes so far as to describe ‘youth festivals’ as ‘strategies’ for youth engagement), but the failure to deal with teachings which most people, including most ‘young people’, clearly do not accept undermines any meaningful proposals in that regard. There are no discernible challenges to any church teachings in the papers. The language in the *Theological Vision* parts is thoroughly outdated and I did not see the sense of much of its inclusion.

Third, as Terry Fewtrell and I have said elsewhere, the papers ‘lack the courage to break open key issues to enable honest consideration of meaningful reform ideas. They lack imagination, relevance, urgency and cohesion.’ This of course includes critical issues such as the role of women and all the elements of inclusiveness. Moreover, they exemplify the processes through which the scope of the Plenary Council continues to be narrowed - the questions asked of the

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<sup>2</sup> The themes, papers and other relevant documents are available here:  
<https://plenarycouncil.catholic.org.au/themes/about-the-themes/>

faithful were broad, the submissions from the faithful (at least as reported in the Listening and Dialogue Final Report) showed depth and covered quite extensively key issues for the Church, but the papers on the National Themes for Discernment have little depth and are narrowly focused.

Fourth, a premise of the Plenary process seems to be that the geographical parish will remain the main unit of the Church, but I think that that organisational model has a remaining life measured in a few years at most; it has already been replaced by accelerating processes of geographical dispersal and mobility but with digital and other forms of congregation. The current COVID-19 crisis has perhaps accelerated underlying trends. The papers give emphasis to enhancing the roles and missions of parishes, but little thought appears to have been given to alternative forms of community or the likelihood of the decline or demise of the geographical parish. More fundamentally, there is no inspiring notion of communion evident in any of them.

Fifth, according to the Listening and Dialogue Final Report there were numerous submissions relating to behaviours of bishops as assessed against more contemporary and appropriate notions of leadership, but none of these leadership concerns has survived into the current Phase. Any change, or indeed reform, agenda will go nowhere unless there is capable leadership. What is also needed is a model of church leadership, indeed an inclusive one, but that seems not to be on the table at all. It is assumed by the bishops, and perhaps others, that the bishops will be the leaders of the future, and no doubt that accords with canon law and the reality of who controls the church treasury, but even if we assume this (which I don't) there has been no debate at all in the Plenary process on the human qualities and capabilities required of future church leaders. Even the issue raised in the Royal Commission about publishing selection criteria and having transparency in the process for appointing bishops 'which includes the direct participation of lay people' has not survived beyond the bishops' initial, and perhaps facile, commitment to include it in the Plenary process.

Sixth, the papers are generally supportive of governance reform, although as with other issues they are very uneven on this. While this is a positive, the papers go nowhere near the depth and breadth of the so far officially suppressed (but unofficially published) report *The Light from the Southern Cross: Promoting Co-Responsible Governance in the Catholic Church in Australia* (the Governance Report) prepared by the Governance Review Project Team. Indeed, the Thematic Papers add nothing to the discussion on the Governance Report and it would be counterproductive to hold back the implementation of the recommendations in the Governance Report at all or specifically to align with the glacial timeframe and limited horizons of the Plenary process.

### **Where to from here?**

The six Thematic Papers are intended to shape the scope of what happens from here, with the drafting of the *instrumentum laboris* (or working document) underway now for submission to the bishops and then on to the Apostolic See for approval. Again, the drafting process is opaque, with no suggestion of participation by the wider Catholic community in the preparation of the document or even that the document will be made available before or after the working document is presented to the ACBC and before it is passed on to the Apostolic See. Catholic reform groups (led by ours) rightly have written already to the President of the Plenary Council making the obvious point that for the remaining shreds of integrity of the Plenary Council a draft of the working document must be published and made widely available prior to its consideration by the ACBC in November.

The absence of transparency in the drafting, and submission for approval, of the working document at this critical point in the Plenary Council process is deeply concerning. If, as is to be assumed from the poor quality of the Thematic Papers, the working document is similarly limited in scope, the Plenary outcomes are predestined and by the time of the Plenary's completion the Australian Church will have achieved nothing much to justify its continuation, other than as a rump institution in society, staffed clerically by foreigners, in competition with many more inclusive secular and religious ones.

Finally, we move to the (penultimate) climax, the first Plenary Council meeting in 2021 and the question of who is to participate in considering whatever it is that emerges on the agenda for that meeting.

Canon law decides who must be called, and empowers bishops to call others, to a Plenary Council. Canon law has determined who has a deliberative vote in Plenary meetings and who may have a consultative vote, and the issues or questions on which there will be a vote will again be determined by the bishops.

There are humans, both clerical and non-clerical, called 'delegates' to that meeting, but their role and 'proper place' are somewhat circumscribed. Consistent with what has gone before, the process of selection of delegates was opaque at best. I remain of the view that persons selected by bishops, on vague criteria following processes lacking rigour or transparency, are 'delegates' of no-one but the bishops. It would be better to call them (as actually described in Canon Law) 'other members of the Christian faithful who have been called [by the bishops] to the Council'.

The limitation placed on the number of people thus called as 'delegates' to the Plenary Council is due to the literal application by the bishops of canon 443.4, which does not permit the total number of invited 'presbyters and other members of the Christian faithful' to exceed half the number of others who have a right to attend (whether those who have that right have deliberative or consultative votes). Those who have that right to attend include all bishops, 'even retired ones', vicars general and episcopal, major superiors of religious institutes and societies of apostolic life, rectors of seminaries, etc. Only bishops have deliberative votes, of course. The application of ratio-based quotas like these obviously dilutes the lay input to whatever the bishops choose to discuss and put to a consultative vote. Finally, the bishops will control the Plenary Council meeting's processes, including the agenda and the framing of any questions put to a consultative vote for the bishops then to consider and determine.

Even then, by canon 446, 'When a particular council has ended, the president is to take care that all the acts of the council are sent to the Apostolic See. Decrees issued by a council are not to be promulgated until the Apostolic See has reviewed them. It is for the council itself to define the manner of promulgation of the decrees and the time when the promulgated decrees begin to oblige.'

And after all of that, it will be for each bishop to decide, in his absolute discretion, whether to implement any of the decisions taken in the Plenary Council anyway.

## **Conclusion**

There will be a point in time when those who have been engaging constructively (albeit, perhaps more in hope than expectation) with steps in this deeply flawed process will decide that they will no longer continue to invest in it. There is a risk anyway that, by continuing to participate, one



could be helping to legitimise the process. I think the time for that sort of decision is now, noting of course that very many have made it already.

However, as Terry Fewtrell and I have said elsewhere, we should continue to ‘call-out the bishops on this process, highlight the contrast with the rich lode of thinking offered by the People and alert the broader Catholic community to the risks of what is obvious manipulation and a rejection, in bad faith, of the earnest expectations of the People.’

Meanwhile, I believe we should continue to demand that Australian bishops move into implementation mode for the recommendations in the Governance Report. There is no justification for delaying that process, or for steering it into the glacial, and considerably less forensic, Plenary Council processes. The Governance Report is hardly a revolutionary manifesto, such as would lay the foundation for a change in the Church’s governance framework from monarchic to democratic, but I retain a vestige of hope that, if substantially implemented, the Report may bring church governance more into line with contemporary Australian social expectations and standards. In contrast to the proposals in the Thematic Reports, the Governance Report’s recommendations appear purposeful, comprehensive, realistic and achievable. While bishops continue to have too much formal power canonically, I also think that the governance review (as its Report says) should be seen as an instrument of change (albeit as Paul Collins has said elsewhere, ‘first steps’) towards a renewed Australian Church. I intend to focus my remaining energies on this, rather than wasting my time on the Plenary Council.

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