

# German bishops' assembly will proceed despite Vatican objections

The head of the German bishops' conference told Vatican officials last week that addressing controversial theological topics during the German bishops' proposed "binding synodal path" will be a service to the universal Church.

We hope that the results of forming an opinion (on these matters) in our country will also be helpful for the guidance of the Universal Church and for other episcopal conferences on a case-by-case basis. In any case, I cannot see why questions about which the Magisterium has made determinations should be withdrawn from any debate, as your writings suggest," Cardinal Reinhard Marx wrote in a Sept. 12 letter to Canadian Cardinal Marc Ouellet, who is head of the Vatican' Congregation for Bishops.

"Countless believers in Germany consider [these issues] to be in need of discussion," Marx added.

Marx's letter informed the Vatican that the German synodal process will continue as planned, despite recent instructions from the Vatican curia and pope, and will treat matters of universal teaching and discipline.

The letter followed a week of coverage concerning plans by the German bishops to create a Synodal Assembly with "deliberative power" to address issues including the separation of power in the Church, priestly life, women's access to ministry and office in the Church, and sexual morality.

The letter was a response to the Vatican's most recent intervention in German preparations for a synodal process, in which Ouellet sent Marx a four-page legal assessment of the German plans, which concluded that the Synodal Assembly is contrary to instructions from Pope Francis and "not ecclesologically valid."

The legal analysis especially criticized German plans to discuss matters of discipline and doctrine that have already been decided by the Church's universal teaching or universal law.

"It is easy to see that these themes do not only affect the Church in Germany but the universal Church and – with few exceptions – cannot be the object of the deliberations or decisions of a particular Church without contravening what is expressed by the Holy Father in his letter," concluded the legal review, signed by Archbishop Filippo Iannone, head of the Pontifical Council for Legislative Texts.

Catholic News Agency reported Sept. 5 that the executive committee of the German bishops' conference in August had approved draft statutes for the

creation of a Synodal Assembly, in partnership with the Central Committee of German Catholics – a lay group that has called for the ordination of women, an end to clerical celibacy, and the blessing of same-sex unions in churches.

At the same meeting, the German bishops' executive committee rejected an alternative synodal plan that was drafted to reflect the instructions of Pope Francis, issued to the bishops in a June letter to all the faithful of Germany. Those instructions warned the bishops against falling into a "new Pelagianism," and insisted that synodality could not be used as an excuse for reducing Church governance and teaching to a democratic process.

In his Sept. 12 letter to Ouellet, Marx registered his apparent disapproval at the Vatican's decision to present its legal advice without consulting him first.

"Perhaps a conversation before sending these documents would have been helpful," Marx wrote.

In an apparent rejection of the Vatican's legal assessment, Marx added that the Church in Germany will "conduct a consultation of our own kind that is not covered by canon law."

The legal opinion of the Pontifical Commission for Legislative Texts, sent to the Germans by Ouellet, concluded that the bishops seem intent on convening a particular council "without using the word" as a means of passing binding resolutions without Roman approval.

A council differs from a synod in that, with Vatican approval, it is able to make new policies for the Church in a particular reason.

But Marx said Germany's plans are not for a council, or even a synod in the traditional sense, but something unique and not anticipated by canon law.

"The Synodal Way is a sui generis process," Marx wrote. "The draft statutes should therefore by no means be read and interpreted through the lens of canonical instruments such as a plenary council. It is not a Particular Council!"

The cardinal's letter also insisted that the Vatican legal assessment is based on a draft of the German plans which "has long been outdated" and had since been "further developed in July and August."

The version of the statutes passed by the German bishops' executive committee on Aug. 19 was obtained and published by CNA.

While Marx noted that the statutes include a recognition of the authority of both the diocesan bishop and the episcopal conference, Article 2 of the current statutes say that the Synodal Assembly "has deliberative power."

Despite Marx's insistence to Ouellet that the statutes underwent further changes in August, CNA has obtained internal documents from the German bishops' conference that show that the statutes most recently voted on by the executive committee, were drafted Aug. 1 and remained unchanged through the end of that month.

CNA has confirmed with officials at both the Congregation for Bishops and the Pontifical Council for Legislative Texts that the Vatican was already in possession of the most recent draft of the German synodal statutes by the time Ouellet's letter was sent to Marx on Sept. 4.

The current version was also considered by Marx to be sufficiently finalized that he instructed conference officials to prepare authorized translations of the statutes in various languages following the Aug. 19 meeting. Senior conference officials told CNA that it is the intention of the German bishops to create an example which can be "exported" to other parts of the world.

The results will be "helpful for the guidance of the universal Church and for other episcopal conferences," Marx wrote.

The text of Marx's letter was released to German media over the weekend, appearing in the *Frankfurter Allgemeine* newspaper.