

THE OBLIGATIONS AND RIGHTS OF THE LAY FAITHFUL: PRESENT REALITY AND FUTURE PROSPECTS

Lay faithful in the Church are envisioning an era of their own - an age of the laity - while clergy seem to think that laity has not come of age! An outgoing church needs an outgoing laity. In line with the previous Popes, Pope Francis has been trying to highlight the role of laity as indispensable to the mission of the Church. He has been emphasizing that lay people cannot be considered 'second class' members after priests and religious; bishops need to show even greater pastoral closeness to lay people; the Spirit works in lay people and it is not the property of the hierarchy; and the voices of laity are an indispensable part of the church governance.

The confusion exists in the area of relationship between the laity and clergy. Long back, a lay person summarized this confusion at a seminar for priests. He said: "We laity address you priests as 'Fathers'; but you address us as 'brothers and sisters.' Are you a father or brother to us?" He said, this basic way of addressing each other indicates the precarious or confused nature of relationship. Secondly, the obsession of clergy vying to adorn their names with prefixes using reverend, very reverend, right reverend, most reverend monsignor betrays their temptation to place themselves on a pedestal to glorify themselves and to lord it over others. These titles belittle the dignity of the laity and create classes even among the clergy, which impoverishes the image of the church as community, family, and people of God.

The lay faithful have felt that the clergy instead of empowering them has neglect them, treated them as objects of pastoral care than faithful persons with rights and obligations, and equal partners in mission and ecclesial dignity. The infantilization of the laity has

its historical roots in a view of laypeople as objects of clerical control: pay, pray and obey, or as Pius X notes in [the 1906 encyclical] *Vehementer nos*, “the right of the laity is to allow itself to be led.” The laity feels that clergy instead of helping them mold their Christian conscience have tried to replace them. “The replacement of conscience is an act of domination, again colonization. It is an abuse of power. The formation of conscience, on the other hand, is life-giving ministry.”¹ Moreover, in their contact, clergy has been rather selective in their relationship with the lay faithful - befriending some and neglecting the majority. In the words of Pope Francis:

Often we have given in to the temptation of thinking that committed lay people are those dedicated to the works of the Church and/or the matters of the parish or the diocese, and we have reflected little on how to accompany baptized people in their public and daily life; on how in their daily activities, with the responsibilities they have, they are committed as Christians in public life. Without realizing it, we have generated a lay elite, believing that committed lay people are only those who work in the matters “of priests”, and we have forgotten, overlooked, the believers who very often burn out their hope in the daily struggle to live the faith. These are the situations that clericalism fails to notice, because it is more concerned with dominating spaces than with generating initiatives. Therefore we must recognize that lay people — through their reality, through their identity, for they are immersed in the heart of social, public and political life, participate in cultural forms that are constantly generated — need new forms of organization and of celebration of the faith.²

We know well that happily the Second Vatican Council has flipped the situation on its head, by ceasing to consider the laity

¹ <https://www.ncronline.org/news/parish/conference-weighs-how-amoris-laetitia-rejects-infantilization-laity>

² Pope Francis, Letter to the President of the Pontifical Commission for Latin America, March 19, 2016, in <https://w2.vatican.va>

“as the extended arm of the clergy”³ to the extent that they obtained their mission from Christ Himself, by virtue of their baptism, not from a mandate of the clergy. Their role in the church has been re-examined and re-vitalized. The Code of Canon Law, often called ‘the last document of the council’ has given them due status with specific rights and obligations. Here in this presentation, we make an effort to look at the present reality of laity and then, envision the future prospects in view of augmenting their juridical status in the light of theology and history.

The Terms: Christ’s Faithful, Cleric and Lay

Canon 107 of the 1917 code stated: “By divine institution there are in the Church *clerics* distinct from the *laity*, although not all clerics are of divine institutions; either of them can be religious”. The canon makes it clear that the clerics are of different orders – but all these orders are not of divine institution. The orders consisting of bishops, priests and deacons belong to divine institution and other orders are by virtue of ecclesiastical institution. The minor orders were not sacraments but sacramentals. By tonsure, a person became a cleric and became incardinated in the diocese (can. 111 §2).

Vatican II document *Lumen gentium* (LG) Chapter IV concerns laity. It says: “The term *laity* is here understood to mean all the faithful except those in holy orders and those in the state of religious life specially approved by the Church” (no. 31). When we come to 1983 code, canon 207 §1 says: “By divine institution, among Christ’s faithful there are in the church sacred ministers, who in law are also called clerics; the others are called lay people.”

Three observations on canon 207 §1: First, the canon places the sacred ministers among the Christ’s faithful – *inter*

³ Walter Kasper, *L’Église catholique, son être, sa réalisation, sa mission*, Paris, Cerf, 2014, p. 300.

christifideles, and not above the people of God. Second, it labels laity as the “others,” insinuating that clergy are more important than the laity. Third, the lay people are neither of “divine institution” nor their ministry is “sacred.” From a positive side, the canon highlights the fact that there cannot be a sacred minister unless he is from Christ’s faithful. When a person becomes cleric, he does not lose his status as a member of the Christian faithful but gains another that provides him with the ability to act with the power of Christ. “The sacramental source of any expression of Christ’s power in the Church is primarily baptism.”⁴ This is highlighted in the oft repeated quote from St Augustine: “For you I am a bishop, with you I am a Christian. The former expresses a duty, the latter a grace; the first a danger, the second salvation”⁵

When we compare the second book of the 1917 and the 1983 code, we find that the 1983 code has incorporated the insights of Vatican II. A plain look at the title itself makes it clear. The second book of the 1917 code was titled “Persons” but the 1983 code names the same persons as “People of God.” By baptism a person became Christ’s faithful. But this term “Christ’s faithful’ generated some debate during the revision of the code as it referred to all baptized persons. Eventually, it was decided that while theologically the term includes all the baptized, even those not in full communion with the Catholic Church, in this canon and in the code it refers only to those in full communion.⁶

As our focus remains on the terms *cleric* and *lay*, let’s concentrate on what we derive from all this explanation of the terms:

First, the term *cleric* and *lay* are hermeneutically polar terms, that is, one term cannot be understood without the other;

⁴ John M. Huels, “Another Look at Lay Jurisdiction,” in *The Jurist*, 41 (1981), p. 68.

⁵ St Augustine, *Serm.* 340,1, cited in LG 32.

⁶ *Communications*, 14(1982), p. 157.

one term without its contrasting term becomes unintelligible. *Lumen gentium* gave the term *lay* a double referent: the laity were not the clergy and religious.

Second, looking at the history of the terms, we might ask some questions: Are the terms *cleric* and *lay* canonical or theological? Is the term *cleric* more extensive than the ordained? Earlier, a person became cleric by receiving tonsure. But majority of theologians do not consider the rite of tonsure to be an ordination. If it is not an ordination, then the term *cleric* seems to be more extensive than ordained.

Third, “orders” or “ordination” has been the *fundamentum* or the criterion used to distinguish clerics from laity. But the concept of orders has undergone a change in history, which in turn has changed understanding of the concept of lay. The ‘clerics’ at one stage of history are ‘lay’ in another period of time. For example, *Ministeria quaedam* by removing tonsure and minor orders changed the meaning of the term *cleric*.

Fourth, we are programmed to think, the term *cleric* did not extend to women. But history of the Church bears testimony to the existence of women deacons. The Code of Justinian had a rite for the ordination of deaconesses. And deaconesses were considered ‘clerics’.⁷ This goes to say the term *clerics* included some women too.

Fifth, the division of people of God into clerics and lay depends on the canonical discipline of the Church at a given time. But this division hasn’t been consistent throughout the church

⁷ A.G. Martimort, *Les diaconesses: essai historique*, Rome, Edizioni Liturgiche, 1982, pp. 107-109; 126-127. Martimort notes that there is not a parity in the function of the deaconesses and of the deacon. In other words, he argues there were not simply male and female deacons; rather, male deacons functioned in the church ministry in one way, while female deaconess functioned in the Church ministry in a different way.

history; when canon law changed, the meaning of ‘cleric-lay’ also changed.⁸

Sixth, since there is nothing in the Scriptures about lay and cleric among the followers of Jesus and no official and immutable decisions by the magisterium on this matter, the terms, clerics and lay cannot be considered belonging to *iure divino*. But this does not mean that the church structure is not of *iure divino*. The institution of hierarchical structure of the church is of divine law. Canon 207 of the 1983 code makes it clear that what is of divine institution is not the lay-clergy distinction but merely the institution of sacred ministry in service of the Church.

Too much emphasis on the canonical distinction between cleric and lay has brought about a negative consequence: the theological understanding of cleric and lay has been neglected. Theologically a neat division of the faithful as clerics and lay is problematic. It may be said that not all Christians are either lay or cleric. By baptism one does not become a lay person, he/she becomes a Christ’s faithful. The terms ‘cleric’ and ‘lay’ give an impression that only two groups exists within the church community, which is not a satisfactory division that includes all the baptized adequately. Is the term cleric or lay applicable in terms of infants and children? These terms become intelligible only in the context of adults. If we are to consider lay and cleric having vocation as in the case of clergy, that could happen only when an adult Christian accepts an additional or *specific vocation* with its own mission; then only he or she becomes a lay baptized Christian or a clerical baptized Christian.⁹

⁸ Keenan B. Osborne, “The Meaning of Lay, Laity and Lay Ministry in the Christian Theology of Church,” in *Antonianum*, 63(1988), pp. 240-242.

⁹ *Ibid.*, p. 254.

Lay and cleric are intra-ecclesial terms or vocations; therefore, being lay or cleric has religious or theological significance only within the Christian community. Outside the community, the distinction has at best a sociological and not theological dimension. As for mission among the non-Christians or in the world, it flows from one's baptismal vocation, which has both extra and intra ecclesial dimension; both centripetal and centrifugal. The mission and ministry as lay or as clerics find relevance specifically within the Church community or in its intra-ecclesial dimension.¹⁰

The sacramentality of the Church is essentially united to the sacramentality of Jesus; so also is the mission and ministry. Jesus transcends cleric and lay; the Church goes beyond cleric and lay. The terms *cleric* and *lay* are meaningless when applied to Jesus and to the Church itself as the People of God. These terms have meaning only in the particularized manifestation of specific missions and ministries, which exemplify in part the *tria munera* of Jesus and the Church. Baptismal ministry is neither clerical nor lay; the foundation of all church mission and ministry derives from the sacraments of initiation (baptism, confirmation and Eucharist) which are again neither lay nor cleric.¹¹

Common and Ministerial Priesthood /Lay-Cleric: Synonymous?

All those in the Holy Orders are clerics but not all clerics are priests (*sacerdos*). All those in Holy Orders do not participate in the ministerial priesthood of Christ. A deacon being not called unto priesthood but only for the service (*non ad sacerdotium, sed ad ministerium*) exercises the common priesthood, while presbyters and bishops participate in the ministerial priesthood and act *in persona Christi capitis*. This shows that some clerics participate in the common priesthood as in the case of lay faithful. Ministerial

¹⁰ Ibid., p. 255.

¹¹ Ibid., p. 257.

priesthood should develop the sense of the other ‘common priesthood’ because the former is at the service of the latter. Basically ministerial priesthood is labor oriented, service/ministry oriented. Our church is a church of laborers. Jesus said, “Pray the Lord of the harvest to *send out laborers* into His harvest” (Mt 9:38) - laborers and not supervisors or CEO.

The Present Legislation on Obligations and Rights

Yves Congar, OP had made a comment in 1953 and obviously it referred to the 1917 code: “The code is not a place to look for an adequate answer to questions about the laity.”¹² We cannot say the same things concerning the 1983 code. This code might not be revolutionary, but indisputably it is substantially new. It has the canonical tradition (something from the past) and it includes new elements from the Council; thus we find in the code “fidelity in newness and newness in fidelity.”¹³ The code is “a great effort to translate this conciliar doctrine and ecclesiology into canonical language.”¹⁴

The 1983 code sees laity as equal in dignity and partnership. The laity are seen within the people of God as Christ’s faithful; the code highlights the principle of equality – common baptism, priesthood, call to sanctity and the principle of variety embedded in the hierarchical principle that takes into account variety of means and form of attaining sanctity, apostolate, different conditions of life, vocations and spirituality.

The 1917 code contained just two canons on Laity: Book Two titled “On Persons” had Part I on Clerics, Part II on

¹² Yves Congar, *Lay People and the Church: A Study for a Theology of Laity*, London, Bloomsbury, 1956, p. 39.

¹³ John Paul II, Apostolic Constitution, *Sacrae disciplinae leges*, January 25, 1983.

¹⁴ *Ibid.*

Religious, and Part III on Laity.¹⁵ Here and there was some reference to laity in subservient role to the clergy. But the 1983 code offers a charter of obligations and rights, first of its kind in ecclesiastical legislation. Title I of Book II enumerates “Obligations of Rights of All Christ’s Faithful”, Title II speaks of “The Obligations and the Rights of the Lay Members of Christ’s Faithful”, and then Title III deals with “Sacred Ministers or Clerics.” In other words, we find lay faithful mentioned before clerics. We need to appreciate the transformation that took place in the minds of the consultors helping in the revision of the code.

The fundamental obligations and rights of the faithful in general and of the laity in particular enumerated in the 1983 code have been relatively well received by both the hierarchy and the faithful. However, the receipt of these provisions is not free of tensions, as evidenced by Cardinal Kasper: “I am concerned especially by [...] the growing distance between the hierarchical vision ‘at the top’ and the vision of the members of the Church ‘at the bottom,’ which is already almost a *de facto* schism. [...] The consciousness of the laity is one of the pleasing fruits of the Second Vatican Council; but after the Second Vatican Council it has also become the source of much misunderstanding and of new controversies.”¹⁶

¹⁵ Canon 682: “Laity have the right of receiving from the clergy,[...] spiritual goods and especially that aid necessary for salvation.” Canon 683: “It is not permitted for laity to wear clerical habit [...]”

Book II of the 1917 code devotes its third part (canons 682-725) to lay people but nonetheless offers minimal information concerning description or definition. The third part of book two *De personis* is dedicated in particular to laity: comprised of only 43 canons (cc. 682-725), 41 of which were relative to the discipline of associations of the faithful which however were not exclusively lay (Giuseppe Dalla Torre, *Considerazioni preliminari sui laici in diritto canonico*, Modena, Mucchi Editore, 1983, p. 33.

¹⁶ Walter Kasper, *L’Église catholique, son être, sa réalisation, sa mission*, Paris, Cerf, 2014, p. 295.

Title I of Part I of the Book II: People of God has canons 208-223 on the obligations and rights of all Christ's faithful and canons 224-231 of Title II outline the obligations and rights of the lay members of Christ's faithful. Canon 224, the first canon of under Title II clearly states:

In addition to those obligations and rights which are common to all Christian faithful and those which are determined in other canons, the lay Christian faithful are bound by the obligations and possess the rights which are enumerated in the canons of this title.

The canon brings out two things: (a) the lay Christ's faithful can find their rights and obligations expressed not only under this and the previous title, but also in several places in the code; (b) the canon does not say that the rights under section two are the exclusive prerogative of lay faithful but they do apply specifically to them. The rights and duties – though not exclusive to them – make a particular reference to them “indicating the *specific way* in which the laity – because of their secular character – are called to live the Christian vocation in the Church and in the world.”¹⁷ Thus 1983 code offers (a) a more detailed and extensive treatment of the obligations and rights of the lay person (cann. 224-231); (b) it is less discriminatory and recognizes the equality of all the baptized in the catholic church while admitting diverse offices and duties based on each ones condition; (c) it offers more avenues to holding an ecclesiastical office and cooperating in the exercise of the power of governance; increased role in consultative participatory bodies.

The canons provide a list of following obligations and rights for the lay faithful:

- a) The right and duty to carry out apostolate (can. 225): This is a task that is common to all the faithful because it flows from baptism (c. 211). In the case of laity the task acquires particular reference to the world of secular realities, which they are to animate and perfect with the spirit of the Gospel.

¹⁷ Joseph T. Martín de Agar, *A Handbook on Canon Law*, Montréal, Wilson and Lafleur Ltée, 2007, pp. 82-83.

- b) The rights and obligations of spouses and parents (can. 226): The canon refers to married state as a vocation, and highlights the duty of spouses to work towards building of the people of God; the right and duty to educate their children (cf. can. 793); freedom in their choice of schools (can. 797). The obligation expressed in can, 226 §1 “is not juridical but moral. Juridically, the religious dimension of the family is set in a framework of tripartite freedom: the freedom of parents to procreate and to educate their children in relation to the ecclesiastical hierarchy, the same right and freedom in relation to the State and to civil society, and the freedom of the children and the spouses amongst themselves with respect to their religious life. There are, therefore, moral obligations, mutual rights, and rights of freedom in relation to third persons.”¹⁸
- c) The right to freedom in temporal affairs (can. 227): the faithful enjoy the same autonomy in temporal matters as any other citizen enjoys; the state cannot discriminate against them because they are Christians and the church does not make herself the representative of catholic citizens in their choices relating to civil life, but they should respect the moral order and the teaching of the magisterium.
- d) Participation of the laity in ecclesiastical organization (can. 228): This canon does not express in terms “of a precise right, but an affirmation of the capacity of the laity to hold certain positions in the Church if they are called by the pastors or by law.”¹⁹ Those who excel in knowledge, prudence, and uprightness are capable of assisting as experts, advisors even in councils. The code offers them opportunities to serve as: chancellor, notary (cann. 483, 1437); diocesan financial

¹⁸ Ernest Caparros, Michel Thieriault and Jean Thorn (eds), *Code of Canon Law Annotated*, Montréal, Wilson and Lafleur Ltée, 1993, pp. 198-199.

¹⁹ Martín de Agar, *A Handbook on Canon Law*, p. 84.

administrator (can. 494); members of diocesan or parish finance councils (cann. 492-484, 537); members in plenary councils, diocesan and parish pastoral councils; they can establish associations (can. 299); guide and direct associations (can. 321); represent the Holy See as member of Pontifical Mission or members of heads of delegations to International councils, conference, or congresses (can. 363); share in the exercise of the pastoral care because of shortage of priests (can. 517 §2), procurator and advocate (can. 1483); promotor of justice and defender of the bond (can.1435); judge (can. 1421, §2); auditors (can. 1428) and assessors (can. 1424).

- e) Right and obligations to a doctrinal formation (can. 229): If lay persons are to take up roles in the Church, they should have adequate formation. Further, the formation in sacred sciences is no longer the domain of clerics and religious alone. If the law says of the duty to educate themselves in sacred sciences, the ecclesiastical authorities have a duty to provide them the opportunities to exercise that right (cf. can. 811 §1). The academic degrees alone do not confer this right to teach theology and other sacred sciences, but by due mandate by the lawful authorities. The lay persons can be missionaries (can.784), catechists (can. 785); and mass media evangelizers.
- f) The capacity to fulfill certain ministries and functions of worship (can. 230): acolytes, lectors – men in stable ministries, and both men and women in temporary basis (can. 230, 910 §2); altar servers; extraordinary ministers of Holy Communion; preachers (can. 766); extraordinary minister of baptism (can. 861 §2); official witness at weddings (can. 1112); to administer sacramentals, and conduct funeral services (can. 1122). These functions can be carried out only in cases of necessity in order to compensate for a lack of clerics and only if the laity are called by authority or by law.

g) Right to decent remuneration for the laity employed in church service and obligation to acquire appropriate formation required to fulfill those services (can. 231). The canon does not distinguish between full and part time involvement for deserving remuneration. The remuneration should take into family wage as prescribed by civil law, and these employees have a right to pension, social security, and health benefits. During the revision of the code, there was some doubt if this canon could eliminate a healthy volunteer spirit that has been both characteristic of Catholics and one of the strengths of the Church. But it was decided to recognize the right in the code though individuals are free to renounce the exercise of such a right.²⁰

The canonical formulation of fundamental rights is expressed in very general terms. Consequently there is a need to rely on jurisprudence and commentaries to determine the scope and application of a given right. Regardless of “which legal system is in place, even in secular society, the courts struggle each day to determine what is meant by a given constitutional right – such as the right to life, the right to marry, the right to remain silent, and so forth.”²¹

²⁰ *Relatio*, p. 74. James A. Coriden, Thomas J. Green and Donald E. Heintschel (eds), *The Code of Canon Law: A Text and Commentary*, Bangalore, TPI, 1996, p. 170.

²¹ Francis G. Morrisey, OMI, “The Rights and Duties of the Faithful According to the Code of Canon Law,” in *Studies in Church Law*, 1 (2005), p. 37. “In addition to the contents of these canons, lay persons continue to possess a strong moral power, a strong innovative influence.... Ultimately they still possess the power of numbers, of finances, of public opinion, of *sensus fidelium*, of conscience and the radical power of shaking the dust from their feet as they exit or worse, stay on apathetically” (Richard C. Cunningham, “The Laity in the Revised Code,” in Edward G. Pfnausch (ed.), *Code, Community, Ministry*, Washington, DC, CLSA, 1992, p. 70).

Laity in the Future Code: Assorted Reflections

“Law is no immutable monolith. Law changes as life changes.”²² Law is an instrument of renewal in the church and yet the same time it is a product of time. Vatican II created a need for a new code. But the code was promulgated 18 years after the council, and by then, it had lost the freshness of the council and appeared “at least partly outdated” at the time of promulgation.²³ Now after 35 years, and with rapid changes in the Church and society, the third millennium hopes for some legislative reforms.

The analogy given by Prof. Morrisey, of a new building is very useful when speaking of prospective legislation. We know that there is a difference between a building seen only on architect’s drawings and one that has been lived in for 35 years. Only after having lived in it, the residents realize that some things that could have been done differently and they also begin to notice certain cracks appearing in the ceiling, leakages, minor defects that call for repairs. As time passes, the building becomes outdated, weak, damaged because of the environmental factors and therefore requires renovation or reconstruction. The same is true of the code. After the code came into effect, some repairs were made with the authentic interpretations, legislative documents and the praxis of the Roman Curia. The strength and weakness of the code became visible only after living with the code.²⁴ In the light of this analogy, we now dare to propose some areas that need changes in the realm of the role of the lay faithful.

²² George Nedungatt, SJ, *Laity and Church Temporalities: Appraisal of a Tradition*, Bangalore, Dharmaram Publications, 2000, p. 487.

²³ Bishop P. L’Huillier, “An Eastern Orthodox Viewpoint on the New Code of Canon Law,” in *The Jurist*, 46(1986), p. 393.

²⁴ Francis G. Morrisey, “*Decimo anno* ... On the Tenth Anniversary of the Code of Canon Law,” in *Studia canonica*, 24(1990), p. 18.

Attitudinal Change

“If the Church is really serious about overcoming the clergy-laity divide then it must be prepared to undergo a three-fold change: a *cognitive* change — the development of a new vision of life and reality; an *attitudinal* change — the acquisition of a new set of values; and a *behavioural* change — the adoption of a new way of acting. Vision, commitment and action are essential ingredients of real change.”²⁵

The first two changes are important in the process of drafting the code, and the third one is a consequence of the first two, and this third change comes through the reception and implementation of the code.

We require an attitudinal change before we change the legislation. Just look at the language of the Apostolic Constitution *Sacrae disciplinae leges*, which begins as: “To our venerable brothers the Cardinals, Archbishops, Bishops, Priests, Deacons and to the other members of the People of God.” Firstly, we see a detailed list of clergy with ranks and files, while the laity together with the religious are just mentioned as the “other members”. It sounds like ‘and the rest’ or etc! Secondly, only the ordained are considered brothers, and the rest remain outside the fraternal bond! Our documents need proper wording and address that do not diminish the dignity and place of lay faithful.²⁶ It’s a strange thing to call the 99.9% of the Catholics “the other members” of the Church. It’s to say that what is of primary value is the priesthood, though in point of fact that is just one of the many vocations in the Church.

²⁵ Kurien Kunnupuram, SJ, “Beyond the Clergy-Laity Divide,” in <https://sedosmission.org/old/eng/kunnumpuram.html>

²⁶ Thomas Hoebel, *Laity and Participation: A Theology of Being the Church*, Frankfurt am Main, Peter Lang, 2006, p. 132.

The change of attitude of the clergy towards the laity presupposes formation of priests and bishops. Clergy needs to identify themselves as “ministers” or “servants” of Christ’s faithful. As Pope Francis says, lay persons “are the protagonists of the church and the world; we are called to serve them, not them to us” and we should not treat lay people as “boarder control agents.” In one of his sermons St Bernard said: Jesus said: *Pasce. Nec mulge seu tonde* (Feed my sheep – Do not shear or milk them). In other words, serve the lay faithful without making them serve us.

Verbal Change: Language Matters

The 1983 code has better sensitivity in the use of words or expressions in the drafting than the previous code. For example, the derogatory expressions towards laity “degradation or reduction to lay status” or “laicization” has been changed to “loss of clerical status”. Still, the code has its own limitation. The language of the code displays an attitude of mistrust, over cautiousness and a kind of bias against the lay faithful with qualified statements: Lay persons “can be admitted”, “should be of good repute”, “are capable of being employed”, “can be invited to participate” and “can supply for.” Some of the offices, positions, and functions available to laity seem to be heavily conditioned, carefully qualified, institutionally circumscribed or hierarchically controlled.²⁷

Avoid Clericalizing the Laity

We are seeing an unprecedented growth in lay participation in all spheres of ecclesial life. Unless we ensure that this positive development is always rooted in *the sound Catholic ecclesiology taught by the Council*, we run the risk of “clericalizing” the laity or “laicizing” the clergy, and thus robbing both the clerical and lay

²⁷ Victor G. D’Souza, “On the Twenty-fifth Anniversary of the Code of Canon Law: Looking back and Forward,” in *Vaiharai*, 13(2008), p. 19.

states of their specific meaning and their complementarity.²⁸ In his address to the members of “Corallo” association, Pope Francis said:

You spoke about *clericalism*. It is one of the evils, one of the evils of the Church. But it is a “complicit” evil, because priests take pleasure in the temptation to clericalize the laity, but many of the laity are on their knees asking to be clericalized, because it is more comfortable, it is more comfortable! This is a double sin! We must overcome this temptation. The layperson must be lay, one who is baptized, with the power that comes from his baptism. A servant, but with his lay vocation, and one does not sell this, one does not bargain with it, one should not be complicit with another person.... No. I am this way! Because that is my identity. I have heard this so many times in my homeland: “In my parish, you know, I have an excellent layman: he is a good organizer.... Your Eminence, why don’t we make him a deacon?” The priest’s suggestion is immediately to clericalize. Let’s make this layman.... Why? Why is the deacon or priest more important than the layman? No! This is the mistake! Is he a good layman? Then let him continue and grow as such. Why treat his Christian identity lightly. In my opinion, clericalism impedes the layman’s growth.²⁹

Clericalization means focusing fundamentally on the things of the clergy and, more specifically, the sanctuary, rather than bringing the Gospel to the world. Clericalism ails the clergy when they become too self-referential rather than missionary. It is the result of a mistaken way of living out the ecclesiology proposed by the Second Vatican Council, which forgets that the visibility and the sacramentality of the Church belong to all the people of God and not just to an illuminated and elected few. But it afflicts lay people worse, when they begin to believe that the fundamental

²⁸ John Paul II, Address to the Lay Representatives of the Catholic Lay People of America in San Francisco, September 18, 1987, no. 5.2

²⁹ Pope Francis, Address to the Members of “Corallo” Association, March 22, 2014, in <http://w2.vatican.va/content>

service God is asking of them is to become greeters, lectors or extraordinary ministers of Holy Communion at Church rather than to live and spread the faith in their families, workplaces, schools neighborhoods and beyond.³⁰ Precious collaboration of the lay faithful, above all where vocations are lacking, cannot become a surrogate for public ministry.³¹

Synodality: Clergy-Laity Walking Together

Synod is a word that comes from the Greek word *synódos*; the prefix *syn* means “with” or “together,” and *ódos* means “way” or “journey.” Thus, *synódos* can be translated as “the way together.” The Acts of the Apostles refers six times to Christianity as “the Way” (*ódos*), as in “the way of the Lord. In the second and third centuries, Christians started using the word *synod* to describe “a gathering” of leaders and disciples and “a communal practice and institution” dedicated to “finding our way together” through group dialogue — honest conversation and attentive listening — aimed at group discernment and decision making. Synodality means finding our way together through group dialogue and discernment.³²

International Theological Commission, which is under the direction of CDF has published a document on March 2, 2018: “The Synodality in the Life and in the Mission of the Church.” It depicts a synodal Church as a participatory and co-responsible Church, in which the Pastors and the other faithful have reciprocal function: Participation and co-responsibility values consultation of all in the Church. “The Church is not identical with her pastors;

³⁰ Roger J. Landry. “Pope Francis and the Reform of the Laity,” in <https://www.catholiceducation.org/en/culture/>

³¹ www.ccwatershed.org/blog/2015/de/20/pope-francis-collaboration-lay-faithful

³² Bradford E. Hinze, “The Ecclesiology of Pope Francis and the Future of the Church in Africa,” in *Journal of Global Catholicism*, 2/1 (2017), pp. 13-14.

that the whole Church, by the action of the Holy Spirit, is the subject or ‘organ’ of Tradition; and that lay people have an active role in the transmission of the apostolic faith.”³³

In this perspective, the participation of the lay faithful becomes essential. They are the immense majority of the People of God and there is much to be learnt from their participation in the various forms of the life and mission of ecclesial communities, from popular piety and generic pastoral care, as well as their specific competency in various sectors of cultural and social life.

Consulting them is thus indispensable for initiating processes of discernment in the framework of synodal structures. We must, therefore, overcome the obstacles created by the lack of formation and recognised spaces in which the lay faithful can express themselves and act, and by a clerical mindset which runs the risk of keeping them on the edges of ecclesial life[85]. This requires a priority commitment in the task of forming a mature ecclesial sense, which, at the institutional level, needs to be transformed into a regular synodal process.³⁴

The greatest challenge today in the church is “to intensify the mutual collaboration of all in evangelizing witness based on everyone’s gifts and roles, without clericalizing lay people and without turning the clergy into lay people, and in any case avoiding the temptation of “an excessive clericalism which keeps them [lay people] away from decision-making.”³⁵ The new Code could provide for better and efficient synodal structures that makes the laity feel that they are equal partners in the mission and ministries of the Church.

³³ International Theological Commission, *Synodality in the Life and Mission of the Church*, March 2, 2018, no. 39.

³⁴ International Theological Commission, *Synodality in the Life and Mission of the Church*, March 2, 2018, no. 73.

³⁵ *Ibid.*, no. 104.

Towards a Valued Consultation

The early church valued the process of consultation; it acknowledged the wisdom in others. St Cyprian wrote: “I have made it a rule, ever since the beginning of my episcopate, to make no decision merely on the strength of my own personal opinion without consulting you (priests and deacons), without the approbation of the people.”³⁶ Cyprian used the expression “suffragio” in describing the role of the whole gathered people: “judged and voted upon by all; the verdict of the whole congregation”. He also said: “The laity have the power of choosing worthy bishops and refusing unworthy ones”. It is interesting to read that the deacon who wrote the biography of Cyprian mentions that Cyprian attributed his election “to the judgment of God and the favor of the laity.”³⁷ Today we have the letterhead of the Bishops with this expression: By the grace of God and the favor of the Apostolic See.”!

The Roman law principle: *Quod omnes tangit ab omnibus tractari et approbari debet* (what touches all must be treated and approved by all” requires ample application in the future code. The document on Synodality reminds us: “This axiom should not be understood in the sense of conciliarism at the ecclesiological level or of parliamentarism at the political level. Rather, it helps to think and exercise synodality in the bosom of ecclesial communion”³⁸ Need for consultation also arises from the fact that our knowledge is conditioned and limited by the perspectives of any single knower, and this fact is admitted by St Thomas who frequently

³⁶ Epistula 14.4, cited in Yves Congar, *Power and Poverty in the Church*, Baltimore, Helicon Press, 1964, p. 43.

³⁷ Francis A. Sullivan, SJ, “St Cyprian on the Role of the Laity in the Decision Making in the early Church,” in Stephen J. Pope (ed.), *Common Calling: Laity and Governance of the Church*, Washington, DC, Georgetown University Press, 2004, p. 41.

³⁸ International Theological Commission, *The Synodality in the Life and in the Mission of the Church*, no. 65.

repeated the medieval saying: *Quidquid recipitur ad modum recipientis recipitur* (Whatever is received is received according to the mode of the receiver). Therefore no single person has a comprehensive view of truth, rather one perspective on it. But a group of persons – a college or council – could come much closer to a truly comprehensive view.³⁹

The Church is a body and in decision making everybody should have his part. ‘The idea that the head “rules” the body makes no sense in the present thinking. The head does not rule the body, and in any case is not one organ, but composed of many. And since many parts influence the whole, even as the whole influences the parts, and since each part expresses only a facet of the whole it is imperative that the ecclesial hierarchy consider the *sensus fidelium*, the mind of the faithful in its decisions.’⁴⁰

“A Synodal Church is a Church that listens [...] faithful people, Episcopal College, Bishop of Rome: each one listening to others; and all listening to the Holy Spirit.”⁴¹ “Synodal dialogue implies courage in speaking and listening. It is not a matter of engaging in a debate in which one interlocutor tries to surpass others or counteracts their positions with blunt arguments, but to express with respect what is perceived in conscience suggested by the Holy Spirit as useful in view of community discernment, open at the same time to grasp how much in the positions of others it is suggested by the same Spirit ‘for the common good’ (1 Cor 12,7).”⁴² For Blessed Paul VI, true dialogue is a spiritual

³⁹ Terence L. Nichols, *That All may be One: Hierarchy and Participation in the Church*, Collegeville, MN, Liturgical Press, 1997, p. 18.

⁴⁰ *Ibid.*, p. 18.

⁴¹ Pope Francis, Speech on the occasion of the Commemoration of the Fiftieth Anniversary of the Institution of the Synod of Bishops, in *AAS*, 107 (2015), p. 1140.

⁴² International Theological Commission, *The Synodality in Life and in the Mission of the Church*, no. 111.

communication,⁴³ which expresses the truth. Benedict XVI highlights that truth “is *logos* that creates *dialogos* and, therefore, communication and communion.”⁴⁴ We hope to see more of synodal process, serious and mandatory consultation of the lay faithful in the future code.

Participation in the Power of Governance

The 1917 code had clearly stated in canon 118 that only clerics could share in the power of jurisdiction. Clerics, according to canon 108 of the 1917 code, were those who received tonsure. Since only clerics had the power of jurisdiction, the condition of being a cleric, not ordination, was necessary for the acquisition of the power of jurisdiction according to the 1917 code. But Vatican II spoke of *sacra potestas* involving power of orders and governance (jurisdiction). The 1983 Code in canon 129 stated:

- §1. Those who have received sacred orders are qualified, according to the norm of the prescripts of the law, for the power of governance, which exists in the Church by divine institution and is also called the power of jurisdiction.
- §2. Lay members of the Christian faithful can cooperate in the exercise of this same power according to the norm of law.

Paragraph two says that the lay people are able to “cooperate” instead of “participate” (*partem habere*). The 1980 and 1982 drafts of the code had the expression *partem habere*. Nevertheless, in the light of the parallel canons the word “cooperate” can be used to mean “co-workers” or “sharers” (can. 545 §1). A cooperator as a co-worker with another is the principal agent.⁴⁵

⁴³ Blessed Paul VI, Encyclical Letter, *Ecclesiam suam*, 6 August 1964, no. 83, in AAS, 56 (1964), p. 644.

⁴⁴ Benedict XVI, Encyclical Letter, *Caritas in Veritate*, 29 June 2009, no. 4, in AAS, 101 (2009), p. 643.

⁴⁵ James Provost, “The Participation of the Laity in the Governance of the Church,” in *Studia canonica*, 17 (1983), p. 434.

Examples for this kind of cooperation in our code are: the parochial vicar (assistant pastor) cooperates with a pastor (can. 545, §1) and the bishop cooperates with the Pope in a variety of ways (can. 334). Being a co-worker rather than the principal agent does not mean that one does not exercise the power that is necessary to perform the ministry. This is a true exercise of governance, not merely a semblance of it.⁴⁶ History shows that jurisdiction wasn't tied to Orders but to canonical mission. Lay persons would be able to exercise jurisdiction because, through baptism, their incorporation into the Church and their relationship with the Christian faithful, they are capable (*habiles*) of designation by competent ecclesiastical authority for canonical mission.⁴⁷

The word “cooperate” used in can. 129 of the 1983 Code is a compromise formula; an imprecise word used to appease both parties of the so called Roman and German school of thought. In my opinion, it could be an example of a “seminal locution”. According to Fr Ladislav Örsy, “seminal locution” is a term or expression which contains the truth but without circumscribing it with precision; it needs to be developed further. It is a broad and intuitive approach to a mystery that leaves plenty of room for future insights and discoveries.”⁴⁸ Now that 35 years have passed

⁴⁶ Barbara Cusack, “Power of Governance: Theoretical and Practical Considerations,” in *Canon Law Society of America Proceedings*, 2 (1990), p. 193.

⁴⁷ The exercise of power of governance by the laity is debated even today. Roman school refers to historical examples which testify to laity having exercised jurisdiction and concludes that, because Vatican II had no intention to break with history, laity can exercise the power of jurisdiction. The Munich (German) school, however, states that the council clearly decided on the oneness of sacred power which is indivisible. The only source of sacred power is ordination. Hence, laity cannot exercise power of jurisdiction. According to this school, the council restored the unity of the powers of orders and jurisdiction.

⁴⁸ Ladislav Örsy, “Magisterium: Assent and Dissent,” in *Theological Studies*, 48(1987), p. 488.

and the word “cooperation” has been understood and practiced in a specific manner, it has “blossomed” over the years following the “law of gradualness.” It’s time for the future legislation to make it an “effective” concept by removing the ambiguity that surrounded it.

The canon does not say that the lay persons are incapable of having power of governance, but they can exercise it according to the norms of law. The law has provided that lay persons could be judges; this office involves the power of governance. If ordination was an absolute requirement, then a lay judge would not have been possible. Though the code does not allow a lay person to function as a single judge, it “permits” the bishop to appoint him and “when it is necessary,” to “form a college” in which the other two judges must be clerics. The *motu proprio*, *Mitis Iudex Dominus Iesus* of Pope Francis that came into effect on December 8, 2015 now states that in a three judge collegiate tribunal, “a clerical judge must preside, the remaining judges can even be laypersons” (can. 1673 §3). Further, in this context, can. 274 §1 stipulating “*Only clerics* can obtain offices which require the power of orders or the power of governance” calls for change.

Creation of Lay Cardinals

In the history of the Church there were some lay cardinals – many were tonsured and in minor orders.⁴⁹ The 1917 code stated

⁴⁹ “The original ‘cardinals’ in the first Christian centuries were friends and counsellors of the Bishop of Rome. Some were ordained deacons or priests and some were not. In those days of persecution these men took on the duty of standing at the door of the house where the service and the subsequent *agapē* feast was being celebrated. They admitted or rejected people hoping to attend the Sacred Liturgy. They also kept watch for soldiers or informers who might interrupt the gathering. Since the word for ‘hinge’ in Latin is *cardo* they became known as ‘hingemen’ – cardinals. Soon many bishops called their advisors ‘cardinals’ but, in time, the Pope decreed that only the advisors of the Bishop of Rome could be known by the title ‘cardinal’ (s.v. “Lay Cardinal,” in https://en.wikipedia.org/wiki/Lay_cardinal#cite_note-5).

that cardinals are men freely selected by the Roman Pontiff from throughout the whole world who are at least constituted in the presbyteral order” (can. 232 §1). This canon officially closed the historical period in which some cardinals could be clergy who had only received first tonsure and minor orders. However, it is stated that in 1968 Pope Paul VI considered appointing the French Catholic Philosopher Jacques Maritain a lay cardinal.

The 1983 Code of Canon Law while maintaining the same norm of the 1917 code adds that those who are not already bishops are to receive Episcopal ordination.⁵⁰ However, any priest who has been nominated for the cardinalate may ask for dispensation from the obligation to be ordained to the episcopacy before being created Cardinal. Elizabeth Fiorenza in her article “Emperor has No Clothes” argues that the role of cardinal does not require being ordained, and that women should press for becoming cardinals, and give up on the ordination question. The office of cardinal was instituted to provide curial counselors for the Pope and does not belong to divine institution or early tradition. Being of merely ecclesiastical law, the future code can make room for lay cardinals.⁵¹ This way, half of the catholic humankind could find some representation in the election of the Pope.

Deciding on Lay Papal Nuncio

In Jesus time the church had no political superstructure, and the Bible contains no diplomatic relationship between Jesus, Herod

⁵⁰ Can. 351 §1 Those to be promoted Cardinals are men [...] at least in the order of priesthood [...]; those who are not already Bishops must receive episcopal consecration.

⁵¹ “Just imagine that, between the eleventh and fourteen centuries, the institution of cardinalate was viewed as coming from divine command (‘ius divinum cardinalatus’), and the cardinals were seen by some ‘sharing in the fullness of papal power and succeeding the apostolic college’ (not the bishops!)” (Felix Wilfred, “Theology and Canon Law: Journeying Together,” in Adrian Loretan and Felix Wilfred [eds], *Revision of the Codes: An Indian European Dialogue*, Zurich, Lit Verlag, 2018, p. 19).

or Pilate. The Church wouldn't suffer harm if it decides to de-clericalize the role of nuncio and open it up to the lay faithful. To be a good nuncio, it is enough to love the church, to have a good theological and canonical formation and to have necessary diplomatic aptitude – not a clerical aptitude.

In order to affirm once and for all time that ministerial ordination to the Roman Catholic priesthood did not serve as an impediment to Catholic women serving as ecclesiastical diplomatic representatives, Pope John Paul II established a 'precedent' in 1995 and appointed Harvard Law Professor Mary Ann Glendon, to serve as the Holy See's senior papal diplomatic representative to the UN's Fourth World Conference on Women held in Beijing, China that year. Gradual inclusion of laity – both men and women – could give the church a better credibility in its relationship with the world.

Women: Lectors, Acolytes and Deacons

Women have to have a special mention among the laity. The 1917 code portrayed women “as less than full adults on a par with me. They are to be protected, separated, observed, supervised, and at least on occasions, even mistrusted.”⁵² But the 1983 has “opened up new opportunities for women, many of whom have moved into church leadership positions at the national, diocesan and parish levels [...] Positions that were once closed to women, such as, chancellor and tribunal judges are now open to them. The appointment of lay persons to church leadership roles challenges the church to clarify the relationship between jurisdiction and ordination.”⁵³

⁵² Lucy Vásquez, “The Position of Women according to the Code,” in *The Jurist*, 34(1974), p. 142.

⁵³ National Conference of Catholic Bishops - Committee on Women, *Statement: From Words to Deeds*, October 13, 1998, in *Origins*, 28(1998-1999), p. 356-357.

If altar servers' role has become open to women then does the ban on admitting women to the installed ministries of lector and acolyte still have a rationale? *Christifideles Laici* ⁵⁴ no. 23 recognized that the *Ministeria quaedam* had gained the attention at the 1987 Synod, which recommended further reconsideration. The Pope responded that a Commission had been created "to provide an in depth study of the various theological, liturgical, juridical, and pastoral consideration which are associated with the great increase today of the ministries entrusted to the lay faithful." It is doubtful if the study has been completed and its results are published.⁵⁵

There is a fresh wind blowing in the Vatican as far as women's role in the Church is concerned. One fifth of Vatican employees are women and they are not doing the cleaning jobs, moreover, as those are done by men. Most of the women are academics. This June (2018) Pope Francis named the first female advisers to the Congregation for the Doctrine of the Faith, the church's central doctrinal body. In January 2017, he appointed two female advisers to the Congregation for Divine Worship and the first female director of the Vatican Museums. The Pontifical Council for Culture has 37 female consultants to advise on

⁵⁴ John Paul II, Postsynodal Apostolic Exhortation, *Christifideles Laici*, December 30, 1988.

⁵⁵ J. Grondelski, Lay Ministries? A Quarter Century of *Ministeria Quaedam*," in *Irish Theological Quarterly*, 63(1998), pp. 275-276.

matters ranging from neuroscience to sports.⁵⁶ In September 2016, the Vatican approved the creation of *Donne in Vaticano*, the first women-only association of the Vatican.

The Apostolic Letter *Ordinatio sacerdotalis* of John Paul II issued on May 22, 1994 declared that “the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church’s faithful.” Soon after this, different opinions emerged on the nature of the teaching proposed by the Apostolic Letter, and the CDF prepared a *dubium* for a response by the Pope: “Whether the teaching that the Church has no authority whatsoever to confer priestly ordination on women, which is presented in the Apostolic Letter *Ordinatio sacerdotalis* to be held definitively, is to be

⁵⁶ Cardinal Pietro Parolin, the Holy See’s Secretary of State, has said he could envisage a woman successor in his position. The role, effectively the Vatican’s Prime Minister, requires the holder to be the Pope’s most senior diplomat while also playing an interlocutor role internally for the Roman Curia. *The Tablet* says that “there has also been speculation that Francis would give women the vote in a papal conclave by creating female cardinals. Being given the cardinal’s red hat does not require ordination beforehand. But the Pope has publicly denied he is planning such a move” (Christopher Lamb, “New female advisory group to counter ‘lack of the presence of women’ in leadership roles in Roman Curia,” March 8, 2017, in <https://www.thetablet.co.uk/news/6827/>)

Just last year, New York Cardinal Timothy Dolan, president of the U.S. Conference of Catholic Bishops, was asked during an interview on Catholic television whether a woman could be named a cardinal. Dolan agreed that it was “theoretically” possible, adding: “I’ve heard it from more than one person, that one time somebody said to Blessed John Paul II, ‘You should make Mother Teresa of Calcutta a cardinal.’ ... And the pope said, ‘I asked her. She doesn’t want to be one.’” So what’s to stop Francis from taking that step — assuming he finds a woman willing to say yes? It could be a tricky move, but there’s a saying in the church that while only God can create the world, only a Pope can create cardinals. The role of the cardinal is not a biblical precept and is a relatively late development in Catholicism — the office in its familiar form was codified in the 12th century, when cardinals were given the exclusive right to elect a pope (David Gibson, “Could Pope Francis Make Women Cardinals,” October 18, 2013, in <https://www.washingtonpost.com/national/on-faith/>)

understood as belonging to the deposit of faith.” The Pope responded in the affirmative on October 28, 1995.

If we intently read and understand, the expression “confer priestly ordination on women” excludes the issue of diaconal ordination, which is not priestly ordination as it is in the case of episcopate and presbyterate. Hence in my opinion, the issue of women’s ordination to diaconate remains open as it has not been definitively decided. Under Pope Francis there have been attempts to recognize the role played by women in the Church, including a papal commission examining the possibility of female deacons, although that group has yet to report its findings.

Mandatory Synodal Structures of Participation

Diocesan and parish pastoral councils which are optional in nature need to be made mandatory. The document on synodality finds it “necessary to revise the canonical norms that currently only suggest the constitution of the parish pastoral council making it compulsory. The implementation of an effective synodal dynamic in the particular Church also calls for the diocesan pastoral council and the parish pastoral councils to work in a coordinated way and to be properly exploited” (no. 84). Looking towards a new code is good, but it is a shame that we haven’t yet put into practice many of the provisions of the existing code, especially that related to governance structures and the role of the laity. In those structures where both laity and clergy participate, where situation calls for, an effort must be made to have an equal number of clergy and laity. The formulation of canons, such as “and other members of Christ’s faithful *may also be called* to particular councils” (can. 443 §4) should be changed to “are to be called” to avoid an impression that the lay participation is at the discretion of the clergy.

The particular councils - both plenary and provincial - constitute the specific structure of the exercise of synodality in a

grouping of particular Churches. The 1917 code provided for the celebration of the provincial council at least once every 20 years (can. 283); but the current code suggests that it be celebrated “whenever it seems opportune” (can. 440). Unfortunately, here in India no ecclesiastical authority has found time to see if it is opportune to convene it. India hasn’t celebrated a plenary council since 1950. The first plenary council of India at the request of the Bishop was held in Bangalore in 1950 after CBCI came into existence in 1944. Without a conversion of hearts and minds, the existing structures of synodality will be “simple masks without heart or a face.”

Formation of the Laity

At the time of the promulgation of *Ecclesia in Asia* in Delhi, Pope John Paul II said: “It is the task of the Pastors to ensure that the laity are formed as evangelizers able to face the challenges of the contemporary world, not just with worldly wisdom and efficiency, but with hearts renewed and strengthened by the truth of Christ. Witnessing to the Gospel in every area of life in society, the lay faithful can play a unique role in rooting out injustice and oppression, and for this too they must be adequately formed. To this end, I join the Synod Fathers in proposing the establishment at the diocesan or national level of lay formation centres to prepare the laity for their missionary work as witnesses to Christ in Asia today.”⁵⁷ Several other recent documents, such as *Christifideles Laici* no. 57, *Ecclesiae de imago* no. 13, highlight the importance and the need for the formation. Just as we have seminaries for formation of seminarians to priesthood, there could be some institutions for the formation of laity. But this formation should suit their secular nature.

⁵⁷ John Paul II, Post-synodal Apostolic Exhortation, *Ecclesia in Asia*, November 6, 1999, no. 45.

Laity in Seminary Formation

If we are forming priests today to minister in the world, there should be formators who belong to the world. Our formation to be holistic should include them – both in seminaries and outside. Otherwise our formation leads to a separate class structure and mindset. “In particular cases, according to the nature of the scientific discipline, the office of seminary professor may also be entrusted to competent laypersons who offer an example of authentic Christian life.”⁵⁸ Further, seminarians should “have greater contact with the concrete realities of family life, since in their future ministry they will largely be dealing with families. The presence of lay people, families and especially the presence of women in priestly formation, promotes an appreciation of the diversity and complementarity of the different vocations in the Church.”⁵⁹ When *Ecclesia in Asia* no. 45 says that “seminarians should be trained to regard women as co-workers in the apostolate” then women should have a role in their formation that includes seminary.

Secular Character and Domain

Lumen gentium 31 says that the laity is characterized by their secular nature and “by their very vocation by their very vocation, seek the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God. They live in the world, that is, in each and in all of the secular professions and occupations.” In other words, “the lay faithful’s *position in the Church*, then, comes to be fundamentally defined by their *newness in Christian life* and distinguished by their *secular character*” (*Christifideles laici*, 15). “The characteristic of the lay state,” says Vatican II, “is a life led in the midst of the world and of secular affairs” (*Apostolicam actuositatem*, 2). It is therefore in his or

⁵⁸ Congregation for Bishops, Directory for the Pastoral Ministry of Bishops, *Apostolorum successores*, February 22, 2004, no. 89.

⁵⁹ Pope Francis, Postsynodal Apostolic Exhortation, *Amoris Laetitia*, March 19, 2016, no. 203.

her *worldly* activity - job, business, family, social and civic life - that the lay person has specially to imitate Christ.

The secular character of the laity is not just about where the laity live in the world; it is not a sociological aspect of the vocation but a theological truth of the call by God to live their ordinary lives in the awareness of their baptismal dignity. This secular character can't be construed to such hard and fast dichotomy been the mission of the laity and the clergy as if to conclude that the world is the domain of the laity and the church is the domain of the clergy. Hence their secular vocation and character does not negate their intra ecclesial ministry. The code shouldn't sound making laity's ministry as exceptions to the ordinary, and it has a character of supply in the absence of clerics.

The Apostles said, "It would not be right for us to neglect the ministry of the word of God in order to wait on tables" (Acts 6:2). They chose others to do other ministries. That's what Apostle Matthew did – no more handling of someone else's money – and maintained his apostleship. That's what Judas didn't do – he held on to temporal goods – and lost his vocation and life. Clergy needs to set their priorities right. Laity has several areas in which they could be experts and having a vocation, for example, in schools as principals, managers, directors of communication centres, hospitals, or financial administrators, estate or property managers or in institutions/roles having a secular character. Clergy can collaborate in these sectors as hospital chaplains, spiritual animators or directors. But clergy has kept to themselves these areas of secular character trying to give laity the role of mini-priests, and thereby underutilizing the formation clergy have received in theology, spiritual animation and pastoral direction. But "it is important that the laity should not become unduly absorbed in ecclesial tasks and services, other than those required by a particular vocation, because it would distance them from the secular realm, whether it be professional, social, economic, cultural or political. These are the areas in which they have a clear

responsibility, and in which, their apostolic action is irreplaceable” (*Apostolorum successors*, 111).

We see a post-conciliar stagnation both in theological and legislative development, and “we have stopped half way” (Congar). When the Roman Curia and Vatican offices see an inflow of lay faithful, even women, holding significant offices, our local church seems to suffer from “laicophobia”. The office of the Prefect of the Dicastery of Communication is held by a layman – Paolo Ruffini – since July 5, 2018. But the CBCI website shows that the chairman and secretary of all the Commissions, including Laity Commission are clerics and religious. In fact, there were some lay secretaries in the past, and now there is a regression. The councils and commissions on family, laity, education, youth, finances and temporal administration should display a partnership of clergy and laity, wherein the offices of chairman, secretary could be lay persons and clergy can guide them in offices of spiritual director or animator. As Pope Francis says: “In truth, the laity who have an authentic Christian formation do not have need of a ‘bishop-pilot’ or a ‘monsignor-pilot’, or of clerical input to assume their proper responsibilities, on all levels: from the political to the social, from the economic to the legislative! They have, rather, all the need of a shepherding bishop!”⁶⁰

Conclusion

Thinking about the role of lay people in the Church has come a long way since the twentieth century. Notable progress is achieved at the Second Vatican Council and in the Code of 1983. But the description of laity we find in the church documents remains at the typological or descriptive level and not at the ontological level. The secular character that the council and the code ascribe to laity is not exclusive to them – clerics too can engage in secular activities and profession. In comparison to its predecessor, the 1983 code is a great innovation. It emphasizes

⁶⁰ Pope Francis, Address to the Italian Bishops’ General Assembly, May 18, 2015.

the baptismal dignity and equality among all Christ's faithful, while admitting diversity of roles based on condition of the faithful. That the lay persons are partners or coworkers with the clergy finds great resonance in the legislation.

The code is a product of time and the effect of the council that took place more than 50 years ago. The situation has dramatically changed and we encounter issues which weren't common then: for example, increasing theological knowledge of laity, the decline in priestly vocations, the scandal of sexual abuse and its covering up by bishops, the accountability in finances, the emergence of lay movements, and awareness of human, civil and ecclesial rights. The legislation not only should respond to the signs of times but should have a prophetic dimension leaving room for the Spirit to chart its way. The new code should work more towards bridging the laity-clergy divide in those areas that do not touch the dogma and fundamental Christian norms, and emphasize on communion, mission and co-responsibility. It should be faithful to the theology and display lack of bias or fear towards the clergy.

“Lead kindly light, amid the encircling gloom, lead thou me on” (John Henry Cardinal Newman). The path of lay people's ministry and their role in the ecclesial community has been far from clear encircled by gloom of uncertainty. We need light so that as church we discern, understand and recognize that path, and take steps one by one as coworkers in the vineyard of the Lord. True the present code has dark shades and limitations, but until a new legislation comes into effect, every catholic is bound to live with it. Taking inspiration from the words of Erasmus, who said “I will put up with this Church until I see a better one”⁶¹ we also can say: “I will follow this Code until the Church gives me a better one!”

- Rev Dr Victor George D'Souza

⁶¹ Thomas P. Scheck (trans), *Erasmus's Life of Origen*, Washington, DC, The Catholic University of America Press, 2016, p. xviii.