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Attention of: Archbishop Carlos Gustavo Castillo Mattasoglio;
Members of *Study Group 9*

Monday, 31 March 2025

Dear Archbishop Castillo Mattasoglio,

Dear Members of Study Group 9,

Re: Proposed Constitution for the Catholic Church

We are delighted to submit to you a proposal of a *Constitution for the Catholic Church*, coordinated by the Wijngaards Institute for Catholic Research (WICR). Below are some of points of attention.

- The goal of the constitution is to offer to Study Group 9 one possible way to integrate commonly proposed reforms into *a legal framework that is coherent, pragmatic, as well as compatible with biblical studies, theological research, and ecumenical dialogues.*
- The commonly proposed reforms in question have been regularly put forward during the grassroots, diocesan consultations of particular churches from around the world, as part of Phase 1 of the Synod on Synodality.
- The proposed constitution builds on that grassroots consultation, and it is the result of an interdisciplinary collaboration between bible scholars, church historians, theologians, canon lawyers, and scholars from other relevant disciplines.
- The general idea has been inspired by the official Vatican agreement that such a *Lex Ecclesiae Fundamentalis* would be both possible and desirable, and the laborious work by the Pontifical Commission for the Revision of the Code of Canon Law, which worked on it between 1965 and 1980, before its completed draft was eventually shelved.
- More recently, the project also responds to the formal recommendation by the “Synodale Weg” (Synodal Way) of the Catholic Church in Germany that “the discussion on a *Lex ecclesiae fundamentalis*, and its norms which are fundamental for the legal system of the entire Church, must be rekindled and brought to a positive conclusion” (see their Foundational Document 3 “Power and separation of powers in the Church – Joint participation and involvement in the mission”, available at https://www.synodalerweg.de/fileadmin/Synodalerweg/Dokumente_Rednen_Beitraege/beschluesse-broschueren/Englisch/SW-3_Power-and-Separation-of-Powers-in-the-Church_Foundational-Text.pdf, p. 17 par. 74; the original German is available

https://www.synodalerweg.de/fileadmin/Synodalerweg/Dokumente/Reden_Beitraege/beschluesse-broschueren/SW3-Grundtext_MachtundGewaltenteilunginderKirche_2022_NEU.pdf, see p. 44).

Please note also the biblical, theological, and canonical pedigree of the proposed constitution:

- The proposed constitution itself has benefited from the contributions of an interdisciplinary and international Working Group of 24 scholars from 13 countries, plus a number of other academics who have been contacted *ad hoc*, when their advice was needed on particularly complex issues.
- It has now been endorsed by 67 scholars from 17 countries: Australia, Austria, Brazil, Canada, Colombia, Germany, India, Ireland, Italy, Mexico, Netherlands, Philippines, Poland, Spain, Switzerland, UK, USA.
- All but five signatories are Catholic academics, with expertise in biblical studies, church history, Catholic theology, canon law, human rights law, and so on. Five academics are bible scholars who belong to other Christian Churches, and who regard the proposed constitution as compatible with the bible and the history of Christianity: they have endorsed it as “ecumenical co-signatories”.
- The constitution also takes into account the ecumenical concerns and constitutional proposals of other Christian Churches: in particular, the official “*Principles of Canon Law Common to the Churches of the Anglican Communion*” (2008), and the *Constitution of the Lutheran World Federation*.

The proposed constitution is available in five languages (English, Spanish, German, Italian, and French). It can be read online or downloaded as a PDF at this address:

<https://www.wijngaardsinstitute.com/proposed-constitution-catholic-church/>

Cognizant of your workload, and in order to save you time, we have put together a document offering an overview of the constitution: its background, precedents, a summary of its key proposals, its main documentary sources, and more. That executive summary document is enclosed below, for your convenience.

We trust you will find the Proposed Constitution for the Catholic Church a helpful aid to the synodal study and discussions of your group.

With respectful wishes,

Miriam Duignan

Executive Director

Wijngaards Institute for Catholic Research

A Proposed Constitution for the Catholic Church An Overview

by the Wijngaards Institute for Catholic Research

for the Attention of the Members of Study Group 9: Theological criteria and synodal methodologies for shared discernment of controversial doctrinal, pastoral, and ethical issues (summary report 15)

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Introduction

The Catholic Church is currently structured around an unelected, self-selecting male-only priestly caste, which alone wields all legislative, executive, and judicial power. Laypeople, who account for more than 99% of church members, are excluded from church governance, and women and LGBT people doubly so on account of their gender and sexual orientation.

A new ground-breaking Constitution for the Catholic Church proposes to radically upend that setup. It codifies democratic features which are consistent with: precedents in the bible and church history; fundamental human rights (which successive popes have encouraged states to respect, but which current church law is far from integrating in their entirety); and recent grassroots demands voiced during from the ongoing worldwide consultation of Catholics kick-started by Pope Francis as part of the so-called “Synod on Synodality” for a more participatory church.

Key proposals

Among the key proposals of the constitution are the following:

- **Universal right to participate in church governance.** All Catholics have a right to participate in the government of the church, as required both by their fundamental human rights (UDHR Art. 21) and by their baptismal rights:

“All Catholics are co responsible for the fulfilment of the Church’s mission, and therefore have an inalienable right to participate in its government, either directly or via freely chosen and duly deputed representatives. The Church has a responsibility to protect and promote such a right at every level of its communion” (Art. 28, see Art. 8)

- **Non-discrimination.** The selection of candidates for any church office, including sacramental ministry, must be done without discrimination based on race, gender, sex, sexual orientation, marital status, and economic or social condition. Churches have the right to determine any academic or professional qualifications for offices requiring specialised knowledge.

- **Subsidiarity, federalism and decentralisation.** “Every church and decisional level in the church has an inalienable right and responsibility to determine both what decisions and actions falls within their competence, and what instead should be decided by delegation to, or accomplished better in cooperation with, the higher level.

Conversely, each higher decisional level may only undertake those decisions and actions which the lower level freely delegates to them, and may not impose restrictions on the lower levels as to matters for decision or action without their consent” (Art. 34).

- **Leaders must be elected and representative of their constituents.** Church officials exercising legislative or executive functions (called “church representatives” and “church leaders” respectively) must be representative of the church community they serve. Accordingly, at each level of church governance, candidates to those ministries should be elected through direct or indirect universal suffrage.

- **Consent.** “Official church laws and doctrines passed by church representatives must reflect the consent of the churches or communities to which they apply, and they are to be regarded as valid for as long as they enjoy that consent” (Art. 31).

Explicit consent is verified by means of the legitimate legislative process, through elected representatives.

Tacit consent is verified by means of process of reception of laws and doctrines, to be ascertained whenever needed by means of independent sociological surveys.

- **Decentralisation, including on doctrinal matters.** “At every level of the Catholic communion, a church has the right, either directly or through freely chosen representatives, and compatibly with its belonging to and interdependence with the one, holy, catholic, and apostolic church, to interpret the deposit of faith, pass doctrinal decisions, and determine doctrinal standards and the limits of permissible theological opinion: including by determining what are matters of opinion and what are instead matters about which agreement is essential to preserve cooperation with the other Churches of the Catholic Communion.

In so doing, it shall cooperate closely with, and take into considerations the deliberations of, other Christian Churches which belong to the one, holy, catholic and apostolic Church and are engaged in the same process of discernment” (Art. 30).

- **Separation of powers.** The power of governance shall be divided between the legislative, executive, and judicial branches. Each branch is separated from the others, as well as from the so-called “sacramental power”, so that “A person or body holding one of those powers [...] shall not concomitantly hold any of the others”. In other words: priests and bishops can only exercise the sacramental power, and they can no longer exercise any of the powers of governance (legislative, executive, or judicial), and much less do so exclusively.

- **Leaders are legally required to take into account specialist knowledge whenever required by the matter at hand:** “Should a decision require specialist knowledge – e.g. in biblical studies, theology, canon law, medicine, psychology, economics, sociology, etc. – church representatives and leaders, both individually or in groups, have a legal duty to seek and take into account relevant and independent expert advice” (Art. 68). “Membership of [...] independent expert advisory bodies shall be selected via an open and transparent peer review process, whose criteria for selection must include relevant expertise, lack of conflict of interests, independence from church representatives and church leaders, and good standing within the relevant scientific community” (Art. 70).

- **Leaders must be accountable.** Church officials exercising legislative or executive power must only serve for a limited term of office, recommended to be five years.

They should report at least annually on their actions, including their financial management.

All Catholics have a right to challenge the lawfulness and constitutionality of decisions, actions or omissions made by individual or bodies holding the legislative, executive or administrative power, via a process of judicial review.

- **There must be full freedom to Join and Leave the Church.** “By virtue of the universal freedom of conscience and religion, acquiring as well as relinquishing juridical membership of the Catholic Church entailing the acceptance of ecclesiastical rights and responsibilities must be the result of a free choice.

Such a free choice can only be made by an adult with the sufficient use of reason, shall have a formal, public expression, and shall confer all the juridical rights and responsibilities of church membership” (Art. 5).

Signatories

As of the end of 2022, it has been endorsed by 67 scholars from 17 countries: Australia, Austria, Brazil, Canada, Colombia, Germany, India, Ireland, Italy, Mexico, Netherlands, Philippines, Poland, Spain, Switzerland, UK, USA – a testimony to the global outlook of the document, and to the fact it reflects the aspirations for freedom of many Catholics from around the world.

All but five signatories are Catholic academics, with expertise in biblical studies, church history, Catholic theology, canon law, human rights law, and so on. Five academics are bible scholars who belong to other Christian Churches, and who regard the proposed constitution as compatible with the Bible and the history of Christianity: they have endorsed it as “ecumenical co-signatories”.

The Constitution has also been endorsed by four Catholic organisations: *International Church Reform Network*; *We Are Church International*; *Scottish Laity Network* (UK); and *Root & Branch* (UK).

Among the signatories are:

- Prof. Agnes Brazal, theologian at the Ateneo de Manila in the Philippines;
- Most Reverend William Morris, the former bishop of the Catholic diocese of Toowoomba, Australia;
- Prof. Mary McAleese, former President of Ireland, law professor, and canon lawyer;
- Prof. José María Vigil, theologian who coordinates the Latin-American Theological Commission of the Ecumenical Association of Third World Theologians;
- Professors Sabine Demel (University of Regensburg, Germany) and Adrian Loretan (University of Lucerne, Switzerland), both of whom are canon lawyers with expertise in constitutional and human rights law;
- Sr. Dr. Philippa Rath OSB, Benedictine theologian, author, elected member of the Committee of German Catholics, and elected delegate of the German Conference of Religious Superiors to the Forum “Women in Services and Offices of the Church” of the “Synodale Weg” (“Synodal Way”) of the Catholic Church in Germany.
- Se. Dr. Patricia Rumsey, Abbess of a Poor Clare monastic community in Arkley, North London.

Endorsements and comments

Some of the academic signatories have offered the following endorsements or comments:

Prof. Thomas Hieke, PhD, Professor of Old Testament, Faculty of Catholic Theology, Johannes Gutenberg University Mainz, Germany: “This draft constitution is a magnificent prophetic vision of a Catholic Church as it should be – and as it could become. Indeed, this is a different Catholic Church, and this is what we urgently need. Only in this way can we leave behind the church of child abuse, homophobia, clericalism and the repressive exercise of power.”

Dr. Toni Bernet-Strahm, PhD in Catholic Systematic Theology, Theological author, former director of the Swiss Catholic overseas development non-profit RomeroHaus Lucerne, Switzerland; former Vice-president IRAS COTIS (Community for Interreligious Work in Switzerland): “Current canon law is blocking a synodal church that recognises the dignity of all the baptised. It is imperative to avoid a conflict within the Catholic Church between human rights and faith. The Church urgently needs a new church constitution that respects both. I’m delighted that the one coordinated by the Wijngaards Institute does exactly that.”

Prof. Daniel Bogner, PhD, Professor of Moral Theology, University of Fribourg, Switzerland: “So many voices today deplore the monarchist constitution of the church in canon law. Now there is a very courageous draft for a reform. What particularly impresses me is that this draft struggles to take up the spirit of the Gospel and the heritage of tradition on the one hand, but on the other hand to open up this heritage and to develop it further again and again. That is precisely what ‘being Catholic’ means.”

Dr. Raquel Mallavibarrena, PhD, Representative of We Are Church Spain, Madrid, Spain: “This document is necessary for the urgent reform of the Catholic Church, it is very complete, very well founded and responds to what Catholic reform groups around the world have been asking for many years. Hopefully it will serve to generate a profound debate in the Synod of Synodality so that the Catholic Church can be credible in the 21st century.”

Prof. Adrian Loretan, Professor of Canon Law & Law and Religion, Center of Comparative Constitutional Law and Religion (CCCLR), Faculty of Theology, University of Lucerne, Switzerland: “The Second Vatican Council (1962-65) fundamentally changed the ecclesiastical view towards the human person. In several places it forcefully affirmed the equal dignity of each human person and their

inviolable personal freedom as a basis for a world with equal rights for all. It went as far as concluding that ‘with respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language or religion, is to be overcome and eradicated as contrary to God’s intent’” (*Gaudium et Spes*, par. 29). This new constitution is a wonderful example of how such equality and freedom can be codified”.

Prof. Peter Nissen, Prof. of Theology (Emeritus), Radboud University, Netherlands: “This is a beautiful initiative and a wonderful document! I completely endorse its principles and I will gladly support it.”

Prof. Michael Lawler, Professor of Theology (Emeritus), Creighton University, Omaha NE, USA: “In these days, when the Catholic Church is engaged in rediscovering the ancient charism of synodality, the Proposed Constitution for the Catholic Church underscores ecclesial realities that are at the heart of synodality. All baptized Catholics, by the design of Christ and his Church, are equal and have the freedom and responsibility to pursue and enhance the mission of Christ and the Church. That mission is the service of all women and men and, in our grossly economically unbalanced world, as Jesus so often reminded us, particularly the poor. No one, no matter what authority she or he is thought to enjoy in the Church, is free to bar any of the baptized in Christ from actively propagating that mission.”

Prof. Rachel Joyce Marie O. Sanchez, PhD, Assistant Professor, Department of Theology, Ateneo de Manila, Philippines: “I am endorsing this proposal because I see it as a concrete step towards the church becoming a ‘discipleship of equals’ based on the inclusive table-fellowship we have seen Jesus realized during his ministry. I appreciate how theologians and academics have put their heads together to dialogue with church authorities in this constructive process. The proposed constitution reflects synodality both in terms of its content and in the process it's taken to bring it up.”

Prof. Pedro Paulo A. Funari, PhD, Professor, Department of History, IFCH, Universidade Estadual de Campinas (Unicamp), Brazil: “The Proposed Constitution aims at living together (“Convivencia”, “Ubuntu”), in collaboration, contrary to any exclusion, subordination or destruction: “The entire law is fulfilled in a single decree: ‘Love your neighbor as yourself’ (Galatians 5:14)”.

Fr. Max Stetter, Catholic priest and missionary, Pfarrer Initiative, Germany; Member of the International Church Reform Network (ICRN) Steering Committee: Attention to the Second Vatican Council inspired Pope Francis to launch a courageous synodal process. But his goal of a “listening church” must find a structural implementation if it is not to remain just words. The Catholic Church has long seen itself as a “*societas perfecta*” (“perfect society”). It has long called for the world outside it to respect the fundamental human rights and the so-called “integral human development”. The well-documented, extensive clerical abuse of power require that more attention be paid to implementing those standards inside the Catholic Church itself. We can no longer postpone replacing those structures in that church that contradict gospel values and thwart spiritual growth, with those which facilitate the discernment of the signs of the time and guarantee human and baptismal rights to the People of God. One could do much worse than starting with the Constitution for the Catholic Church proposed by the Wijngaards Institute for Catholic Research.

Prof. José María Vigil, PhD, Professor of Theology, coordinator of the Latin-American Theological Commission of the Ecumenical Association of Third World Theologians: “CONGRATULATIONS! This is a fantastic initiative and text! Thank you very much to the Wijngaards Institute.”

In addition to the above endorsements, two Catholic scholars have reached the conclusion that a constitution is needed, and have done so independently from each other and before the publication of the Constitution proposed by the Wijngaards Institute for Catholic Research. Their comments are worth quoting in full:

Dr. Doris Reisinger, PhD in Catholic Theology, philosopher, theologian, author, and former Catholic nun: “the bitter truth is: a reform needs a minimum of functioning structure, a constitution, a legal order, a foundation that can carry the reform without itself being in need of reform. And this foundation does not exist in the Catholic Church. If there is one bishop who has said something true with regard to abuse, it was Heiner Wilmer who said, ‘the abuse of power is in the DNA of the Church’” (from her acceptance speech for the Herbert Haag Prize in Theology in Luzern, March 2022, entitled „Jedes Vertrauen in die katholische Kirche verloren“ (“I have lost of confidence in the Catholic Church”, available at <https://www.zhkath.ch/kirche-aktuell/spiritualitaet-seele/jedes-vertrauen-in-die-katholische-kirche-verloren>).

Prof. Felix Wilfred, PhD, founder and current director of the Asian Centre for Cross-Cultural Studies, Chennai. Before that, he held senior academic and ecclesiastical positions as former Dean of the Faculty of Arts, and Chairman of the School of Philosophy and Religious Thought, University of Madras, India; former President of the International Theological Review Concilium; former member of the Vatican International Theological Commission; former secretary (for about ten years) of the Office of Theological Concerns of the Federation of Asian Bishops’ Conferences; and former President of the Indian Theological Association. He has also been visiting professor in several International Universities, including the University of Frankfurt, University of Munster, University of Nijmegen, Boston College, East Asian Pastoral Institute, Manila, and Fudan University, China. As ICCR Professor he held the Chair of Indian Studies at Trinity College, Dublin, Ireland. He gave the prestigious Duffy Lectures at Boston College in early 2023.

In an April 2022 interview, Prof. Wilfred stated: “we need a basic, fundamental law in the Church (“*lex ecclesiae fundamentalis*”) like nations having a constitution. It was Pope Paul VI who for the first time proposed that the Church should have a fundamental law. However, it was put in cold storage. We need to bring it back, especially in light of events such as clerical sexual abuse. We do not have a proper criminal law in the Church. Clerical offenses like sex abuse are not just sins but also crimes to be punished. Such crimes have serious social complications, and you cannot reduce them to a moral issue alone.” (Rock Ronald Rosario, “Interview with Father Felix Wilfred. Synodal talks meaningless without fundamental changes”, UCANews (26 April 2022), available at <https://www.ucanews.com/news/synodal-talks-meaningless-without-fundamental-changes/97017>).

Background of the Constitution

The proposed constitution is the result of almost a year’s work by an interdisciplinary Working Group of 24 academics from 13 countries, with expertise in bible studies, church history, theology, canon law, and other relevant disciplines, plus a number of other academics who have been contacted *ad hoc*, when their advice was needed on particularly complex issues, coordinated by the Wijngaards Institute for Catholic Research (a non-profit think tank based in the UK, more about it [here](#)).

The proposed constitution is not without precedents within the Catholic Church itself: starting from 1965, the Pontifical Commission for the Revision of the Code of Canon Law worked on a draft of a *Lex Ecclesiae Fundamentalis* (or Fundamental Law of the Church) which it completed in 1980. Then Pope John Paul II decided not to publish it, and the constitution was shelved.

More recently, the constitution responds to the demands for greater equality in the church which have emerged from Argentina to Germany to South Korea during the worldwide consultations of local churches for the “Synod on Synodality” (2021-24).

It does so by integrating many of those democratising proposals which have emerged from the grassroots into a legal framework which is coherent, pragmatic, as well as compatible with biblical studies, theological research, and ecumenical dialogues.

The constitution also incorporates the fundamental human rights, and so it heals one of the most glaring inconsistencies afflicting current Catholic teaching: on the one hand, for decades now official papal teaching has been encouraging states to respect them – John Paul II described the Universal Declaration of Human Rights as “a true milestone on the path of humanity’s moral progress”, and a March 2024 Vatican document on human dignity (*Dignitas infinita*) insisted that those fundamental human rights are based on the *inalienable* dignity of each human being – and yet, on the other hand, many of those same rights are severely limited or disregarded in the canon law currently in force.

Sources of the Constitution

The constitution proposed here did not emerge from scratch: in addition to its foundational reliance on the Bible, Church history, and the documents of the Second Vatican Council, it is indebted to a number of documents which have attempted to draft a similar constitution in the recent past.

First and foremost, it incorporates almost verbatim excerpts from the “Proposed Constitution for the Catholic Church” which had been coordinated by Prof. Leonard Swidler and the Association for the Rights of Catholics in the Church (ARCC). The text of such a proposed constitution (available [here](#)) went through various rounds of consultation and revision between 1994 and 1998.

Secondly, the constitution borrows from “The Principles of Canon Law Common to the Churches of the Anglican Communion” (2nd rev. edn. 2022, available [here](#)) – i.e. the official constitutional principles regulating the relationships between the constituent churches of the Anglican Communion, originally published in 2008 and first revised in 2022 – and, to a lesser extent, the constitution of the Lutheran World Federation (2010, available [here](#), see particularly Art. IV on the scope and remit of a worldwide office of coordination).

Those two constitutional documents have themselves gone through an extensive drafting process to test their compatibility with the Bible, Church history, and Christian theology. Any future discussion of the Constitution proposed here should presume the same compatibility to apply to those of its sections which borrow from them.

Conversely, those same sections – which, significantly, include those on the autonomy of the churches and the section on the worldwide level of governance and the papacy – may prove to be more easily acceptable to other Christian Churches than the current highly centralised Catholic polity, thus facilitating ecumenical cooperation.

Such an ecumenical cross-fertilisation also fits well with the methodology of “Receptive Ecumenism”, now officially adopted by the Anglican-Roman Catholic International Commission (ARCIC), and it follows the spirit of John Paul II’s request to other Christian churches for help in devising a papacy acceptable to all (*Ut Unum Sint* 96).

Thirdly, and for analogous reasons, the constitution borrows from the “Principles of Christian Law”, which were drafted between 2013 and 2017 by an interdenominational committee of experts in church law, and are at attempt at making the above mentioned 2008 Anglican principles of canon law suitable to all mainstream Christian Churches.¹

Fourthly, the text borrow a few insights from the final, complete draft of the official Vatican proposal of a constitution for the Roman Catholic Church, dated April 1980: *Pontificia Commissio Codici Iuris Canonici Recognoscendo, Lex Ecclesiae Fundamentalis seu Ecclesiae Catholicae Universae Lex Canonica Fundamentalis* (henceforth *LEF*), available [here](#), in Latin. As mentioned above, such a final draft was submitted to Pope John Paul II who, however, decided to shelve it: accordingly, it was never officially published.

Fifthly, it includes some important insights from the 1983 *Codex Iuris Canonici* (henceforth *CIC*), especially from its section informally known as the “Charter of Rights” of Catholics in the Church (canons 208–231, available [here](#)), as well as from its section on “custom” (cc. 23–28), the repeated and habitual beliefs and practices which can determine both the creation and the revocation of church laws: another way to express the insight, fundamental to the Constitution, according to which it is the consent of the church (*con-sensus ecclesiae*) which determines church beliefs and practices.

The incorporation of extracts from both the April 1980 final draft of the *LEF* and the 1983 *CIC* highlights some essential elements of continuity between them and the constitution proposed here, in spite of the otherwise substantial discontinuity with both documents, to the extent that they still codify a deeply authoritarian, non-democratic Catholic Church.

Sixthly, the constitution proposed here includes some extracts from the *Universal Declaration of Human Rights* (UDHR, 1948), available [here](#). The *CIC* does not include all the rights listed in the UDHR which are relevant to the Catholic Church, and that is one of its most significant flaws, and one which should urgently redressed (more on this below).

Seventhly, it includes some extracts from the UK Government Office for Science, “Revised code of practice for scientific advisory committees and councils” (13 August 2021), available [here](#). A constitution for a worldwide organisation such as the Catholic Church, which is regularly faced with complex problems requiring specialised expertise, needs guidelines about how such expertise can be integrated in its decision-making process.

Eighthly, the section on the Roman Curia takes into account *Praedicate Evangelium*, namely the new constitution for the Roman Curia, nine years in the making, published in March 2022 ([here](#)).

All the references and direct quotations from those documents are **not** highlighted in the text made available online, so as not to distract from its own coherence.

¹ Mark Hill and Norman Doe, “Principles of Christian Law,” *Ecclesiastical Law Journal* 19, no. 2 (May 2017): 138–55, <https://doi.org/10.1017/S0956618X17000035>.

Finally, in order to provide an overview of the key points of the proposed constitution, the WICR team has put together a PowerPoint presentation, which you can access online [here](#).

Goals of the Proposed Constitution

The principal reason for drafting such a constitution is to generate discussion of it, both among participants at the Synod on Synodality, and in the Catholic Church at large, by providing a pragmatic, legally coherent and theologically rigorous model of a more participatory Catholic Church based on the principles of equality, human rights, subsidiarity, and co-responsibility.

Specifically, the two main goals are:

- To suggest one possible way to integrate commonly proposed reforms into a legal framework that is coherent, pragmatic, as well as compatible with biblical studies, theological research, and ecumenical dialogues;
- To propose a possible legal framework for agreed rights, principles, and standards which all church laws must abide by, and against which they must be assessed.

Final Considerations

The Constitution incorporates into church law the fundamental human rights. Since the *Universal Declaration of Human Rights* (1948), the papacy has repeatedly asked secular states to respect those rights, and yet the current Code of Canon Law (published in 1983) severely limited some of those rights and did not incorporate others.

The Catholic Church is currently structured around an unelected, self-selecting male-only priestly caste, which alone has all legislative, executive, and judicial power in the church. Laypeople – i.e. 99%+ of the church – are excluded from that, and women and LGBT people doubly so on account of their gender and sexual orientation.

Such a structure has long been shown to be unwarranted on its own merits: that is, it goes against the bible itself, which is the foundational text of the Catholic Church. That is, of course, before we even get to the fact that it also goes obviously, brazenly even, against the principles of equality and justice of all people which the Catholic Church preaches in society.

At its heart, the message of Jesus, the Good News, is a message of liberation and freedom. As the apostle Paul insisted repeatedly in the bible, “It is for freedom that Christ has set us free”. Now, at its best, democracy is inclusive and allows all its members to exercise their God-given freedom, responsibility, and gifts for the common good.

That is, democracy is the only polity which allows people to extend the scope of their freedom and responsibility from the limited domain of the decisions and actions they are *individually* responsible for, to the broader domain encompassing the *common* decisions and actions through which they cooperate in the life of the communities they share – that is, those “decisions affecting all” which, therefore, should be the (co)responsibility of, and decided by, all (“what affects all should be decided by all” – *quod omnes tangit, ab omnibus approbari debet*).

If that is indeed the case, then to put it bluntly, *a Church can either be a non-democratic monarchy, or it can be Christian: it can't be both*. Conversely, a church is Christian to the extent it is truly democratic and “liberal”, in the sense of *empowering people to extend their freedom and responsibility for self-determination to become co-responsibility and co-determination of church actions which touch all*. What the

Constitution is asking is for the Catholic Church to radically reform its governance structure to finally embody the original mandate to liberate people, and to set them free.

The next and final section contains more material on this topic.

Educational Resources for Discussing the Proposed Constitution

To facilitate engagement with the proposed Constitution (2022), in addition to the present document, the following resources are available:

- Toni Bernet-Strahm, “Entwerft ein neues Kirchenrecht! Ein Aufruf”, *Feinschwarz, Theologisches Feuilleton* (4 November 2021), available at <https://www.feinschwarz.net/entwerft-ein-neues-kirchenrecht/>
An article in German offering one possible procedure to draft a constitution for the Catholic Church, and propose it for discussion and adoption to Catholics worldwide. An automatic English translation of the article can be accessed here: https://www.feinschwarz-net.translate.google.com/entwerft-ein-neues-kirchenrecht/?x_tr_sl=auto&x_tr_tl=en&x_tr hl=en-US&x_tr_pto=wapp
- Luca Badini Confalonieri, “Draft Constitution for the Catholic Church” (September 2024), presentation setting out why the Catholic Church needs a Constitution for all its 1.4 billion members, with Fr Helmut Schüller (founder of the Priests’ Initiative in Austria) and followed by Q&A, video available at <https://www.youtube.com/watch?v=hGkJ1GO3OHU&t=2478s>
- Luca Badini Confalonieri, “A Constitution Proposed for the Catholic Church” (October 2023), 14-min video available at <https://youtu.be/4PXWhFnPsTk?t=1708>; transcript available at: <https://drive.google.com/file/d/1hBnuHjfGvH57xHjPXnuwbUK4sYyTRoWw/view?usp=sharing>.
A 14-min video presentation of the constitution, highlighting its key features.
- Luca Badini Confalonieri, “A Proposed Constitution for the Catholic Church” (PowerPoint presentation), available at https://drive.google.com/file/d/1eNtGH0QGssGm_9H9y77CS_RfEqi7vPN/view.
Another quick summary of the key features of the proposed Constitution.
- Luca Badini Confalonieri, *Democracy in the Christian Church: An Historical, Theological and Political Case*, Ecclesiological Investigations 16 (London: T&T Clark, 2012), also available as an ebook online.
While most of that book is rather academic, the final chapter six “A Democratic Ecclesiology” (freely available at <https://www.churchauthority.org/resources2/confalonieri.asp>, with permissions of the author and publisher) provides some guidelines for church reform in a democratic perspective.
- “A Proposed Constitution for the Catholic Church: Supporting Evidence” (forthcoming)
The most comprehensive academic research providing the latest biblical, historical, philosophical, canonical, and theological evidence in support of the most delicate and potentially controversial proposals advanced in the Proposed Constitution.
- John N. M. Wijngaards, “A Constitution for the Catholic Church. The Idea of Creating a New Constitution for the Church Is Not New,” *La Croix International*, August 30, 2022, sec. World news, <https://international.la-croix.com/news/religion/a-constitution-for-the-catholic-church/16523>.

- Root & Branch, “Bristol Text”, section 2. “Church Authority”, available at <https://www.rootandbranchsynod.org/the-bristol-text>.
- Wir Sind Kirche (“We Are Church”), “Batschunser Erklärung zur Notwendigkeit einer neuen Kirchenverfassung” (“Batschuns Declaration on the Need for a New Church Constitution”), Batschuns, Austria, June 2010, available at https://www.wir-sind-kirche.at/sites/default/files/2010_06_24_batschunser_erklärung_0.pdf (in German).

The Batschuns declaration builds on the ARCC “Proposed Constitution for the Catholic Church” (1998).

- The many documents (mostly in German), which support the Batschuns Declaration (including the ARCC Constitution and interventions by Prof. Leonard Swidler): <https://www.wir-sind-kirche.at/artikel/fuer-eine-kirche-mit-zukunft-eckpunkte-fuer-eine-menschenrechtskonforme-kirchenverfassung>.

In addition, many of the resources developed for an earlier proposal, namely the above mentioned “A Catholic Constitution for the Catholic Church” coordinated by Prof. Leonard Swidler, can still be of use:

- Association for the Rights of Catholics in the Church (ARCC), “A Proposed Constitution for the Catholic Church” (1998), available at <https://www.arcc-catholic-rights.net/index.php/constitution/a-proposed-constitution-for-the-catholic-church>.

The text of the constitution coordinated by Prof. Leonard Swidler and the Association for the Rights of Catholics in the Church.

- Leonard J. Swidler, *Toward a Catholic Constitution* (New York: Crossroad, 1996), freely available at <https://archive.org/details/towardcatholicco0000swid>.

This book complements the text of the ARCC constitution. It contains the main biblical, historical, and theological evidence in support of a democratic constitution for the Catholic Church, and considerations on how to work towards making such a constitution a reality.

- Leonard J. Swidler, “A Catholic Constitution for the Catholic Church” (2002), available at <https://www.arcc-catholic-rights.net/index.php/constitution/a-catholic-constitution-for-the-catholic-church>

A presentation given in 2002 containing an eight-step programme for implementing the ARCC constitution. Analogous points are also presented in the “Introduction” to that constitution, available at <https://www.arcc-catholic-rights.net/index.php/constitution/introduction-to-constitution>.

- ARCC, “Suggested Text for Organizations to Introduce A Proposed Constitution for the Catholic Church as a Working Document,” available at <https://www.arcc-catholic-rights.net/index.php/constitution/suggested-text-to-introduce-catholic-constitution>.
- ARCC, “Why a Parish Constitution/Charter/Plan of Operation/etc.?” (2018), available at <https://www.arcc-catholic-rights.net/index.php/constitution/why-a-parish-constitution-charter-plan-of-operation-etc>
- ARCC, “Parish (Diocese) Constitutional Procedural Guidelines”, available at <https://www.arcc-catholic-rights.net/index.php/constitution/parish-diocese-constitution-procedural-guidelines>
- Synodal Way of the Catholic Church in Germany (“Synodale Weg”, 2019-2023), <https://www.synodalerweg.de/english/documents>

All the documents produced and approved by the Synodal Way, including those approving the establishment of a National Synodal Council, a deliberative body composed of diocesan bishops as well as democratically elected representatives of the Catholic Church in Germany.

- Luke Coppen, “What’s the Swiss Church’s New ‘Synodality Commission’?” *The Pillar*, April 11, 2024, <https://www.pillarcatholic.com/p/whats-the-swiss-churchs-new-synodality>.

Description of the “Synodality Commission” which the Catholic Church in Switzerland wants to establish as a decision-making body for itself.