



Association for the Rights of Catholics in the Church

I kølvandet på Troslærekongregationens fordømmelser af Edward Schillebeeckx, Jacques Potier og Hans King, dannedes i 1980 organisationen Association for the Rights of Catholics in the Church. Det er en organisation, hvor både gejstlige og lægfolk er aktive.

Her følger et forslag til en forfatning for den katolske kirke, udarbejdet af organisationens jurister i 1998

A Proposed Constitution for the Catholic Church

This Constitution provides the framework within which the Catholic Church governs itself. The Constitution sets forth the fundamental rights and corresponding responsibilities of members and the basic structure for decision-making and action within the Catholic Church. All laws, regulations and customs of the Catholic Church shall be carried out within this Constitution's framework and spirit.

I. PREAMBLE

1. We the people of the Catholic Church hold that because all men and women are created in God's image and likeness and that the same divine teaching on how they should live is written in every human heart, all persons are to be treated with dignity and equality, each person having the same fundamental rights and responsibilities.
2. We hold that by our faith in God through Jesus and our baptism with water and the Holy Spirit, all Christians become "members of the body of Christ," that is, the Church universal, and are committed to living out the Gospel proclaimed and lived by Jesus. We further hold that all Christians who recognize the Ministry of Unity which has historically been exercised by the Bishop of Rome, are members of the Catholic Church (hereafter, simply, the Church).
3. We hold that the Church's mission, grounded in the Gospel, is to proclaim and show forth Jesus' Good News of how to live a fully human life as images of God in individual and communal justice and love. We hold that the Church realizes this mission within the context of the laws which it enacts to foster and preserve the spirit of the Gospel and to assist its members as they endeavor to live in the love of God and neighbor. Fundamental to the Church's mission are certain rights and responsibilities which pertain to all members.

II. RIGHTS AND RESPONSIBILITIES

1. The following are the Church members' fundamental rights, flowing either from their basic human rights or their basic baptismal rights. Each right entails a corresponding responsibility on the part of the rights holders, some of which are so obvious that they do not require specific articulation. In all instances these rights and responsibilities apply to all Catholics, regardless of race, age, nationality, sex, sexual orientation, state-of-life, social or economic position.

A. Basic Human Rights and Responsibilities

1. All Catholics have the basic human rights e.g., (a) freedom of action, (b) freedom of conscience, (c) freedom of opinion and expression, (d) the right to receive and impart information, (e) freedom of association, (f) the right to due process of law, (g) the right of participation in self-governance, (h) the right to the accountability of chosen leaders, (i) the right to the safeguarding of one's reputation and privacy, (j) the right to marry, (k) the right to education and the corresponding duty to exercise them responsibly.
2. As a consequence of the basic human right of freedom of action, all Catholics have the right to engage in any activity which neither causes harm nor infringes on the rights of others.
3. As a consequence of the basic human right of freedom of conscience, all Catholics have the right and responsibility to follow their informed consciences in all matters.
4. As a consequence of the basic human right to receive and impart information, all Catholics have the right of access to all information possessed by Church authorities concerning their own spiritual and temporal welfare, provided such access does not infringe on the rights of others.
5. As a consequence of the basic human right of freedom of opinion and expression, all Catholics have the right to express publicly in a responsible manner their agreement or disagreement regarding decisions made by Church authorities.
 - a) Laity have the right and responsibility to make their opinions known in a responsible manner, especially where they have first-hand experience of the issue at hand.
 - b) Catholic teachers and scholars of theology have a right to, and responsibility for, academic freedom; the acceptability of their teaching is to be judged in dialogue with their peers and, when appropriate, Church authorities. Such scholars and teachers will keep in mind that the search for truth and its expression entails following wherever the evidence leads, and hence, the legitimacy of responsible dissent and pluralism of thought and its expression.
6. As a consequence of the basic human right of freedom of association, all Catholics have the right to form voluntary associations to pursue Catholic aims; such associations have the right to decide on their own rules of governance.
7. As a consequence of the basic human right to due process of law, all Catholics have the right to be dealt with according to commonly accepted norms of fair administrative and judicial procedures without undue delay, and to redress of grievances through regular procedures of law.

8. As a consequence of the basic human right of participation in self-governance, all Catholics have the right to a voice in decisions that affect them, including the choosing of their leaders, and a duty to exercise those rights responsibly.
9. As a consequence of the basic human right to the accountability of chosen leaders, all Catholics have the right to have their leaders render an account to them.
10. As a consequence of the basic human right to the safeguarding of one's reputation and privacy, all Catholics have the right not to have their good reputations impugned or their privacy violated.
11. As a consequence of the basic human right to marry, all Catholics have the right to choose their state in life; this includes the right for both laity and clergy to marry, remain single or embrace celibacy.
12. As a consequence of the basic human right to marry, with each spouse retaining full and equal rights during marriage, all Catholics have the right to withdraw from a marriage which has irretrievably broken down.
 - a) All such Catholics retain the radical right to remarry; and
 - b) All divorced and remarried Catholics who are in conscience reconciled to the Church retain the right to the same ministries, including all the sacraments, as do other Catholics.
13. As a consequence of the basic human rights to marry and to education, all Catholic parents have the right and responsibility,
 - a) To determine in conscience the size of their families,
 - b) To choose appropriate methods of family planning, and
 - c) To see to the education of their children.

B. Basic Baptismal Rights and Responsibilities

1. As a consequence of their baptism, all Catholics have the right to receive in the Church those ministries which are needed for the living of a fully Christian life, including:
 - a) Worship which reflects the joys and concerns of the gathered community and instructs and inspires it;
 - b) Instruction in the Christian tradition and the presentation of spirituality and moral teaching in a way that promotes the helpfulness and relevance of Christian values to contemporary life; and
 - c) Pastoral care that applies with concern and effectiveness the Christian heritage to persons in particular situations.
2. As a consequence of their baptism, all Catholics have the right,
 - a) To receive all the sacraments for which they are adequately prepared,
 - b) To exercise all ministries in the Church for which they are adequately prepared, according to the needs and with the approval or commissioning of the community.

3. As a consequence of their baptism, all Catholics have the right to expect that the resources of the Church expended within the Church will be fairly distributed on their behalf. Among other concerns, this implies that,
 - a) All Catholic women have an equal right with men to the resources and the exercise of all the powers of the Church;
 - b) All Catholic parents have the right to expect fair material and other assistance from Church leaders in the religious education of their children; and
 - c) All single Catholics have the right to expect that the resources of the Church be fairly expended on their behalf.
4. As a consequence of their baptism, as well as the social nature of humanity, all Catholics have the corresponding responsibility to support the Church through their time, talents and financial resources.

III. GOVERNANCE STRUCTURES

A. Fundamental Insights

1. Through the centuries the Church has wrestled with the concrete issues of the exercise of power and law, without which no society can survive, let alone develop humanly. In this long period the Church both benefitted and suffered from many experiments with power and law in a great variety of cultures. In testing them for itself the Church gained wisdom in both negative and positive ways, i.e., it learned much about what works well and what does not.
2. Two key insights gained from all these experiences are fundamental for the governance of the Church in the third millennium. One is that shared responsibility and corresponding freedom are at the heart of being human, both individually and communally. The second is that the most effective means of arriving at an ever fuller understanding of reality is through dialogue which should be carried on both within the Church and with those outside the Church. It is on this long experience and wisdom of the Church, especially these two key insights, that this Constitution draws and builds in its governance structures.

B. Principles

1. It is of the essence of the Church to be a community. The most basic unit of that Church community is where members daily live their lives, beginning with the family and other intimate associations. Beyond this the fundamental unit of the Church is a local community, most often but not exclusively the geographical parish.
2. It is, however, also of the essence of the Church that it is a communion of communities, so that the local communities are also united in intermediate level communities, most often but not exclusively the geographical diocese, and they in turn in national communities, and these finally in the global community of the universal Catholic Church. In addition, other communions of church communities, such as regional or multinational communions, may be developed as warranted, based on geography, language, or other factors.

3. In keeping with the spirit of the Gospel, developing human experience, and the dynamic Christian tradition, especially its two key insights of shared responsibility-corresponding freedom and dialogue, the following basic principles shall shape the governing structures and regulations of the Church:
 - a) The principle of subsidiarity shall rule throughout the Church, that is, all decision-making rights and responsibilities shall remain with the smaller community unless the good of the broader community specifically demands that it exercise those rights and responsibilities.
 - b) Throughout the Church the formulations and applications of the tradition shall be arrived at through a process of charitable and respectful dialogue.
 - c) Throughout the Church each community shall form its own body of governing regulations.
 - d) Throughout the Church leaders shall be elected to office through appropriate structures, giving voice to all respective constituents.
 - e) Leaders shall hold office for a specified, limited term.
 - f) A separation of legislative, executive and judicial powers, along with a system of checks and balances, shall be observed. This entails representatively elected councils and leaders, as well as established judicial systems at all levels. All branches share responsibility in ways appropriate to the spirit of the Gospel and this Constitution.
 - g) All leaders and councils will regularly provide their constituents an account of their work, including financial accounts, to be reviewed by an outside auditor when appropriate.
 - h) All groupings of the faithful, including women and minorities, shall be equitably represented in all positions of leadership and decision-making.

C. Councils

1. At every level of church communion - local, diocesan, national, and universal, or other as warranted representative councils shall be established which shall serve as the principal decision-making bodies. Each council is to observe the following:
 - a) The principles of subsidiarity and dialogue are to characterize the deliberations and decisions of each council.
 - b) Members of the councils shall be elected in as representative a manner as possible, including, when appropriate, representatives of various organizations within that church.
 - c) Members of councils shall serve for a specified term of office.
 - d) Councils at each level shall formulate their own body of governing regulations, bearing in mind the appropriate regulations of the broader communities.
 - e) Each council's governing regulations shall determine the number, manner of election, and term of office of members, how the chair is chosen, and how decision-making responsibilities are to be distributed, as well as specifying other church procedures, preserving the basic governance principles expressed in this Constitution.
 - f) The rule of one person, one vote shall prevail in all councils.

- g) At the national, multinational and universal levels, councils shall include among its members at least 30% commissioned office-holders of ministries and 30% other faithful.
- h) No one shall have veto power.

a) Local Church

1. The members of every Parish (or equivalent) shall elect a Council, which shall be the principal decision-making body of the Parish. The Pastor shall be an *ex officio* member of the Council.
2. If there is not already a parish body of governing regulations, the Parish Council shall formulate such, to be approved by the Parish, bearing in mind the appropriate regulations of the regional and broader communities.
3. The Parish Council, either directly or through committees, shall bear ultimate responsibility for Parish policy on worship, education, social outreach, administration, finances and other activities carried out in the name of the Parish.

b) Diocesan Church

1. Every Diocese shall elect a Diocesan Council, which shall be the principal decision-making body of the Diocese. The Bishop of the Diocese is *ex officio* a member of the Council, which shall be composed of office-holders and laity.
2. If there is not already a Diocesan Constitution and/or body of governing regulations, the Diocesan Council shall formulate one or both, to be approved by two-thirds of the Parish Councils of the Diocese, bearing in mind the appropriate regulations of the national and international communities.
3. The Diocesan Council, either directly or through committees or agencies, shall bear ultimate responsibility for diocesan policy and regulations on worship, education, social outreach, administration, finances and other activities carried out in the name of the Diocese.

c) National Church

1. Normally the Diocesan Councils of a nation will establish a National Council. If for reasons of size or other constraints certain Diocesan Councils decide that establishing a National Council would not be appropriate for them, they shall apply to the General Council for permission to join or establish an appropriate alternative superior Council. The National Council, or its alternative, shall be the principal decision-making body of the national Church. A bishop and a layperson elected by the National Council shall be Co-Chairs of the National Council.
2. If there is not already a National Constitution and/or body of governing regulations, the National Council shall formulate one or both, to be approved by two-thirds of the Diocesan Councils of the nation, bearing in mind the appropriate regulations of the universal Church.

3. The National Council, either directly or through committees or agencies, shall bear ultimate responsibility for national policy and regulations on worship, education, social outreach, administration, finances and other activities carried out in the name of the National Council.

d) Multinational Church

1. If several National Councils (e.g., of a continent or discrete geographical area, etc.) decide it would be helpful to gather formally, they will formulate a multinational body of regulations by which to govern themselves, to be approved by the National Councils involved, preserving the basic governance principles expressed in this Constitution.

e) Universal Church

1. The National Councils shall every ten years elect a General Council, which shall function as the principal decision-making body of the universal Church. The General Council shall bear ultimate responsibility for the formulation of the laws and regulations governing the universal Church as well as the establishment of policies and regulations concerning doctrine, morals, worship, education, social outreach, administration, finances and other activities carried out in the name of the universal Church, bearing especially in mind the principle of subsidiarity. The Pope and a layperson elected by the General Council shall be Co-Chairs of the General Council.
2. The members of the General Council, being a total of 500, shall be elected in staggered fashion for ten year terms. The General Council shall meet at least once a year.
3. The General Council is composed of 500 delegates chosen by the National Councils proportional to the number of registered Catholics in the countries concerned. Countries with a smaller number of Catholics than required for at least one delegate shall join together into larger units.
4. If there is not already a General Council Constitution and/or body of governing regulations, the first General Council shall formulate one or both, to be approved by two-thirds of the National Councils, preserving the basic governance principles expressed in this Constitution.
5. The Constitution of the General Council and its governing regulations, together with the governing regulations of all the offices which it shall set up, shall all have the same legal status as the Constitution. Any amendments to the aforementioned shall be subject to the section V Amendments procedures of this Constitution.
6. The General Council shall set up within its first year the Papal Election Commission. Any amendments to the Constitution and governing regulations of the Papal Election Commission shall be subject to the section V Amendments procedures of this Constitution. The Papal Election Commission shall be independent of the General Council.
7. The General Council shall through committees or agencies bear ultimate responsibility for implementing the laws, regulations and policies of the universal Church.

D. Leaders

a) General

1. All leaders, including commissioned holders of ministries, shall be appropriately trained and experienced.
2. Commissioned holders of ministries are church leaders who normally work full-time for the church and are chosen by the appropriate church community to act in its name.
3. All commissioned holders of ministries shall be chosen in a manner which shall give a representative voice to all those who are to be led by them. This is especially true of the local Pastor, the Diocesan Bishop, and the Pope.
4. All commissioned holders of ministries shall serve for specified terms of office. The Diocesan Constitution shall specify the term and renewability of office of the Pastor. The National Constitution shall specify the term and renewability of office of the Diocesan Bishop.
5. All commissioned holders of ministries can be removed from office only for cause, following a procedure of due process based on principles enunciated in this Constitution.
6. All commissioned holders of ministries have responsibilities and corresponding rights which must be specified by the respective constitutions; those of Pastor, Bishop and Pope are especially laid out here.

b) Pastor

1. Pastors shall be chosen by the parish (or its equivalent) and approved by the Bishop and the Diocesan Council in accordance with the procedures set forth in the Diocesan Constitution.
2. The Pastor shall serve as the leader of the Parish pastoral team. Within the policies set by the Parish Council, they bear the main responsibility for the worship, spiritual and moral instruction, and pastoral care dimensions of the Parish. This responsibility entails:
 - a) Worship that reflects the joys and concerns of the gathered community and instructs and inspires it;
 - b) Instruction in the Christian tradition and the presentation of spirituality and moral teaching in a way that promotes the helpfulness and relevance of Christian values to contemporary life; and
 - c) Pastoral care that applies with love and effectiveness the Christian heritage to persons in particular situations.
3. Pastors have both a right to and responsibility for proper training and continuation of their education throughout the term of their office.
4. Pastors have a right to fair financial support for the exercise of their office, as well as the requisite liberty needed for the proper exercise thereof.

c) Bishop

1. The Bishop shall be chosen by the Diocesan Council in accordance with the Diocesan Constitution, bearing in mind the appropriate regulations of the national and international communities, including consultation with and subsequent confirmation by the appropriate committees of the National Council and General Council.
2. The Bishop shall serve as the leader of the Diocesan pastoral team. Within the policies set by the Diocesan Council, they bear the main responsibility for the worship, spiritual and moral instruction, and pastoral care dimensions of the Diocese, bearing in mind the principle of subsidiarity.

d) Pope

1. The Pope of the universal Church shall be elected for a single ten-year term by Delegates selected by the National Councils.
 - a) The number of Delegates from National Councils to the Papal Election Congress shall be proportional to the number of registered Catholics in a nation, to be determined by an appropriate international committee.
 - b) The Delegates shall be chosen as representatively as possible, one-third being bishops.
2. The Pope together with the General Council and their agencies and committees bear the main responsibility for carrying out the policies set by the General Council, especially in the areas of the worship, doctrinal, moral and spiritual instruction, and pastoral care functions of the universal Church, bearing in mind the principle of subsidiarity.

IV. JUDICIAL SYSTEM

A. Principles

1. The Catholic Church is a pilgrim church, always in need of reform and correction. Disputes, contentions, and crimes against the rights of members will regrettably occur. These are to be resolved by processes of conciliation and arbitration. Where this proves impossible, Catholics may take such cases to the Church's tribunals for adjudication. All Catholics are entitled to fair and due process under ecclesiastical law. All personnel involved in the Church's judicial system shall be appropriately trained and competent.
2. A system of diocesan, provincial, national and international tribunals shall be established, which shall serve as courts of first instance, each with designated courts of appeal. These tribunals shall be governed by this Constitution and subsequent laws in keeping with it.

B. Tribunals

a) Local and Regional

1. Every diocese shall establish a tribunal, or make other arrangements, for the judicial hearing of contentious and criminal cases which are brought before it by its people.
 - a) Diocesan tribunals shall have competence over all matters which pertain to the internal order of the local and regional Church. These include all acts defined by the general ecclesiastical law as administrative acts, crimes, jurisdictional disputes, and matters of equity and restitution.
 - b) Diocesan tribunals shall conduct their operations according to the procedural law established by the universal Church.
 - c) Appeals against the judgment of the diocesan tribunal shall be heard by the tribunal of the respective ecclesiastical province.
2. All cases involving a diocesan Bishop shall be heard by the national tribunal.

b) National

1. The National Council shall establish where appropriate provincial appellate courts and an appellate tribunal which shall serve as court of second instance for all cases, judicial or administrative, which are brought before it by its provincial tribunals. Appeals from the decisions of this tribunal shall be heard by the Supreme Tribunal.

c) International

1. Where there are no National Tribunals the General Council shall establish multi-national appellate tribunals which shall serve as courts of second instance.
2. The General Council shall establish a Supreme Tribunal which shall serve as the court of final appeal for all cases brought before it by lower courts or by the General Council.
3. The Supreme Tribunal shall hear cases charging illegal or unconstitutional actions by the Pope.
4. There shall be no judicial appeal from the judgments of the Supreme Tribunal.

C. Continued Fitness for Office of Leaders

Church leaders shall serve out their elected term of office unless the question of competence and continued fitness for office is formally raised in accordance with constitutionally established norms. Determination of such competence and fitness for office may be made by the office-holder's ecclesiastical superior or by the appropriate Council, due process being observed. In the case of the Pope, such determination is to be made by a regular or special session of the General Council.

V. AMENDMENTS

This Constitution can be amended by a three-quarter vote of the General Council, and a subsequent ratification by three fourths of the National Councils within a five year period after the passage of the amendment by the General Council.

VI. IMPLEMENTATION

This Constitution will come into force upon its adoption by a duly authorized Constitutional Convention.

September 19, 1998 Version (with minor corrections)