

Instrumentum Laboris: An analysis and assessment

Terry Fewtrell

3 May 2021

Executive Summary

- The Instrumentum Laboris (IL) is a failure as an aid to the development of a meaningful agenda for the opening sessions of the Plenary Council (PC).
- It should be rejected as unworthy of a statement that seeks to lead the members of the PC in discerning the guidance of the Holy Spirit.
- Its contorted and opaque presentation is likely to deliver only a slightly different 'business as usual' result for the Australian Church. This is unacceptable.
- The document is deceitful and confounding. It is misleading and selective. Rather than illuminating it confuses and complicates.
- It highlights a significant failing of the PC process to date, namely the distortion and manipulation of the Discernment process.
- Ordinary Australian Catholics advised at the submission stage that they were intensely sceptical that the processes of the PC would be undertaken in good faith and take proper account of the views of the People of God.
- This document confirms the worst fears of Australian Catholics that this process is inadequate and has been corrupted.
- Fresh thinking and perspectives are needed in whatever process is to be undertaken to prepare an agenda ahead of the opening of the PC.

Background and Context

The IL document released by the Plenary Council Secretariat is the latest in a series of documents leading to the first formal sessions of the Council. It follows the separate report document relating to the original submission stage, 'Listen to what the Spirit is saying – Final Report Phase: Listening and Dialogue' (L&D) and the Discernment Groups stage (DG).

The IL "seeks to offer an account of what the People of God have expressed through the earlier stages" (para 3). It also presents itself as the pen ultimate document preceding the finalisation of an agenda for the first formal session of the Plenary Council (PC).

I have previously undertaken reviews and analyses of the outcomes documents for the two earlier stages. In preparing those documents I approached the analysis from the basis of the key points set out in the original submission to the PC lodged on behalf of Concerned Catholics Canberra Goulburn (CCCCG). In order to maintain a consistent line of analysis, I have approached this review of the IL document in a similar methodology. Specifically, therefore, I have endeavoured to ascertain, at this pre-agenda stage, how the key issues identified in the CCCC submission are presented and considered and, as a consequence, to draw some conclusions as to the extent those issues are likely to be dealt with and progressed in the formal sessions of the PC.

By way of background, the CCCG submission addressed 5 key areas of focus. These were framed as how does the Catholic Church in Australia become and continue to be:

- a *transparent* church?
- an *accountable* church?
- a *non-clericalist* church?
- a properly *inclusive* church?
- a truly *humble* church?

In the review of the submission stage, I drew attention to the fact that the L&D document summarising the overall submission input indicated that the issues raised by CCCG were shared by the vast bulk of Australian Catholics. In other words, the issues we considered should be key considerations for the PC were similarly viewed by many in the Catholic community. The L&D document also reported that many of these views were expressed strongly by a large number of Australian Catholics. This situation overall was encouraging for those seeking significant reform in the Australian church.

The subsequent six Discernment Group reports proved to be less encouraging. My overall assessment was that the only area where the urge for significant reform emerged was in relation to Accountability. Based on a fair analysis of the six reports, it seemed that much of the deposit of wisdom coming from the People on the key issues had been 'milled out' of the process. This appeared to result from the deliberate avoidance, dismissal or re-interpretation of input, leaving only anodyne perspectives that would not address issues of substance. In some cases, there was evidence that issues were just 'run into the long grass' so that they were, *by fiat*, not open to further consideration. The outlook for realistic and meaningful reform that emerged from this stage of the PC process was not at all encouraging. In summary the legitimate Hope that many Australian Catholics had invested in the PC process appeared to be an illusion. Worse than that, it was hard to avoid the assessment that the bishops through their thuggish involvement in the Discernment Groups (detailed in the earlier document), had deliberately and brutally, sanitised much of the emerging outcomes. Later information emerging from various groups as to their process and conduct, sadly only corroborated that assessment.

In light of the above, it became highly significant as to how the next document in the process, the IL, would treat issues and whether it offered realistic prospects that reform issues would be fairly and realistically considered during the formal PC sessions. Hence the importance of this current document. It is also worth noting that the IL document, seemingly unlike those previous, was submitted to the Vatican by the Australian Bishops and does contain, without this being clarified, some input and amendment by Vatican officials.

Purpose

As indicated above, the IL document is a precursor to the formal agenda for the PC sessions. It states that “it is offered to the (PC) delegates...as an aid in this vital task” (para 11). It goes on to say: “in identifying and considering these various topics the skeleton of an agenda for the first formal assembly of the Plenary Council begins to emerge” (para 14). It adds a qualifier to that statement that “ongoing discernment” will allow the areas which need to be explored, to be specified. It is not clear who will have input into that further discernment.

This is an important issue as the use of the terminology of ‘discernment’ has been one of the ill-defined concepts in the whole PC process. We are told that it is not consensus, but neither does it seem to be a bona fides listening and sharing process. It was at the Discernment phase of the process that the real input and concerns of ordinary Australian Catholics was cast aside. Australian Catholics have understandable and legitimate scepticism of this process and it would be foolish and counter-productive of the hierarchy and PC Secretariat to think that it can simply continue to apply this *modus operandi*. There is a significant trust deficit arising from the Discernment phase which has only highlighted what was made clear in the submission stage, that there is considerable scepticism and suspicion about the good faith of the whole process.

Throughout the IL document there are copious references to the need for further discernment and reflection on numerous issues. This is seen partly as a tool for further delay and inertia and also as an opaque mechanism that allows clerics and the Australian episcopacy to ‘call the tune’ or in common parlance ‘to play their Holy Spirit card’. It is imperative that the full assembly appreciates the tenuousness of the residual trust that many in the Australian Catholic community have in this process. This is an issue that must be exposed and discussed at the very opening stages of the PC Assembly, as potentially it will have momentous implications for the acceptance and credibility of the PC outcomes.

Document Complexities

In evaluating the IL document, it needs to be said upfront that it fails significantly in its stated aim of facilitating the development of an agenda that could be considered relevant and reasonable. Instead of being illuminating, it is opaque and confounding. It purports to provide background and context to earlier PC stages but does so selectively. It then addresses the six Discernment reports, grouped three a-piece in successive chapters. At the conclusion of each of these two chapters it presents a one page of dot points that could purport to be a ‘beta cut agenda’, but which in both cases are highly selective and somewhat incoherent.

These characteristics are typical of the style of the document. It misrepresents input from the submission stage, purporting to bring forward views expressed by the People of God, when in fact it is at times deceptive and applies its own value assessments. Examples are phrases such as ‘echoed in many submissions’, “a number of submissions urged”, “was

strongly affirmed” and “some comments were made” or “strong concern”. These are used, seemingly, to imply levels of support, when in reality they are misleading. This device misleads and confuses, with no methodological clarity.

The document also engages in several discrediting techniques that can be grouped as follows:

Filtering: *techniques that fail to convey a clear statement or seek to devalue particular views: such as-*

- *A section on The Contribution of Women (at para 55) refers to “the **perceived** underrepresentation of women in formal leadership and decision-making roles is a challenging issue.....”*
- *Downplaying of the significance and need to address Clericalism, as implied in para 53.*
- *There is no presentation of the reality of priest numbers, current and projected, as a way of framing discussion on priesthood. At the very least this is unhelpful.*
- *There is little indication that the widespread and intense feelings of ordinary Catholics calling for reform are reflected in this document, as they were in the initial review of submissions.*
- *It is significant that there is no reference to the widespread and harsh criticism of the bishops made by Australian Catholics in original submissions to the PC.*

Opaqueness: *This relates to the document overall and the fact that as a preliminary to the formation of an agenda, one would expect it to be drawing clear themes and illuminating linkages and logical stepping off points for the consideration of grouped topics. Examples are:*

- *Clericalism, as in the Discernment reports, continues to be treated in a rather anodyne way that understates its real significance, as recognised by Pope Francis. This is underscored by the failure to use a more realistic definition of clericalism. Clericalism’s impact is understated, (para 53) where it is implied as being a problem only in some places, rather than cultural, structural and behavioural.*
- *Chapter IV is particularly opaque in not providing a sense of what it is trying to say. It doesn’t recognise the church’s loss of credibility as collateral damage from the sexual abuse scandal.*
- *The treatment of Governance is disjointed and often incoherent. There is no facilitating or sharpening the focus.*
- *Pope Francis’ call for a culture of encounter is addressed (paras 155 – 161) but the discussion doesn’t seem to know where this leads to or how to proceed.*

Steering: *This relates to efforts or suggestions that certain issues need to be considered and some do not. As indicated, there is terminology used that is confusing, suggesting some issues should be considered - the implication being that others should not. The Discernment Reports contained blatant efforts to curtail discussion on some topics, such as women’s diaconate and ordination.*

- *The IL document states: “it is open to the PC to explore ...ways in which women in particular might be more fully involved in all aspects of the church’s life while upholding the Church’s teachings on the nature of ordained ministry in the Catholic Church” (para 127). This would appear to be a blanket prohibition even though the ordination of women as deacons has a long history in the early Church;*
- *At para 110, the IL states: “Council delegates may need to distinguish which matters touch on the universal doctrine and discipline of the Church and are therefore beyond the competence of a Plenary Council...Some matters are a settled part of the Church’s magisterium. Others would require a change of universal law or practice. Other matters again might be referred to the Holy See as recommendations or for a determination.” Advocates for reform know and understand these distinctions, but the advice suggests that much is likely to be classified in a ‘not for us’ category. These decisions must surely be left to the Council members.*

Treatment of the five key points of CCCG submission

The following summarises the coverage given to the key points in the CCCG submission. For the purposes of this analysis, I am treating the two items *Accountable* and *Transparent* as a combined topic under the heading of *Governance*.

Governance

This topic has been given fresh insight and a virtual roadmap through the Report on the Light of the Southern Cross (LSC), commissioned by the bishops. However rather than leverage this clarity and insight, the IL document grinds away again on related issues that only serve to confuse and obfuscate. The involvement of lay people in the governance of church entities, parishes and dioceses is grouped under a heading of *Co-responsibility in the Church*.

This of itself is useful, however the document goes out of its way to claim that such co-responsibility has become a notable characteristic of the Australian church in recent decades. In doing so it misrepresents what has happened (largely the need to allow lay people to take over roles previously performed by clerics and religious) as an initiative of church leadership, rather than being honest and recognising that it was something the church was largely forced to do in view of the decline in vocations.

This pattern of misrepresenting the past, and by implication, downplaying the task that lies ahead, is disappointing, deceptive and unworthy of a process seeking guidance from the Holy Spirit.

The IL document states: “It is open to the Plenary Council to explore ways in which this co-responsibility might be formalised and expanded, and the ways in which women in particular might be more fully involved in all aspects of the Church’s life while upholding the Church’s teachings on the nature of the ordained ministry in the Catholic Church.” (para 127) At para 129 the IL states: “Collaboration between the laity and the clergy in governance is already an established aspect of the Church’s life in many areas. An

evaluation of this in the life of the Church in Australia would be worthwhile.” This would appear to be a classic deflection to avoid significant decision making - a transparent delaying tactic.

What emerges from the IL’s consideration of governance is a lesser emphasis than was placed on this issue by the Discernment Reports. This is all the more curious given that the LSC exposition provides a very practical and considered way forward. The need for governance reforms was at the heart of the Royal Commission’s report. It is breathtaking that a document such as the IL, at this stage in the PC process, could appear to be deflecting both the need and urgency for such reform. To fail to even articulate some principles for considering this issue is irresponsible, if not deceitful.

Non-Clericalist

Clericalism is discussed in the IL document under the heading ‘co-responsibility’. At paragraph 53 it states: “...when clergy are seen to be exercising power without accountability or transparency; a ‘culture of clericalism’ that promotes privilege and enables abuse of power is a significant concern”. It then goes on to say that “in other parts of the Church a very healthy relationship between clergy and laity recognises different but complementary charisms and opportunities for co-responsibility”, invoking Diocesan Pastoral Councils as one such vehicle for shared governance. This would be fine, were it not for the fact that at present only 7 of Australia’s 28 dioceses have working DPCs. The Australian Catholic community should not tolerate this blatant misrepresentation of reality.

The IL document concludes (at para 125) a discussion on priests, by suggesting consideration be giving to enhancing formation, resourcing and support for the clergy. However, it is notable that at no point does the document contemplate the need or desirability of opening the priesthood to married men and women. It seems that either there is not the imagination to conceive of a church with married clergy (notwithstanding the recognition that the document does give to the shortage of priests in rural areas), or there is not the courage to pursue that matter.

It is a sad testament that the document is seemingly keen to urge a review of diocesan boundaries due to financial inequities but resists reasonable approaches to ensuring a supply of sacramental gifts to isolated and rural areas that could be achieved by the ordination of married men and women of proven faith and commitment.

In Chapter III, para 123, the IL document states: “Submissions to the Council also raised what Pope Francis, among others, has identified as the danger of an unhealthy culture of clericalism within the priesthood and in the wider Church”. This is very insightful misrepresentation on two levels. Firstly, the statement fails to mention the strength of feeling on clericalism expressed in the submissions from the Catholic community. In the (L&D) report on the submission stage, it was stated clericalism was an issue “most widely discussed by participants (Ch 7 p 81 of the report). But in the IL document there is no suggestion of these views being very strongly expressed. Secondly the statements that Pope Francis has made on Clericalism (particularly in his Letter to the People of God) are much

stronger. In fact, he described clericalism as an 'evil', adding that "to say NO to abuse is to say an emphatic NO to all forms of clericalism".

It is reasonable to draw the conclusion that the treatment of clericalism in the IL is a deceitful and underhand attempt to undermine the findings regarding clericalism made by the Royal Commission. Such dishonesty and misrepresentation, on this of all topics, arguably destroy the credibility of the whole IL document. Again, this should be called-out by the Catholic community for the deception that it is. Not only does it minimise a Royal Commission finding, it misrepresents the Australian Catholic community and the Pope!

Para 123 does go on to raise questions as to the causes of clericalism and the influences that contribute to it and how the Church should best respond. Significantly however, there is no linking of the clericalism issue to questions of culture, which are otherwise referenced throughout the document. This is curious as the acknowledgement of cultural issues in the IL is a significant development on the Discernment Papers, where culture was virtually not mentioned at all. Any consideration of reform in the church must at least comprehend the significance culture has in explaining current church characteristics and in initiating any meaningful reform programs.

Notwithstanding an apparent unwillingness to confront clericalism, it is notable that discussion on this topic is not likely to deliver much until it is based on a shared realistic definition of what the problem is. As was noted in the earlier review documents prepared on behalf of CCCG, the definition of clericalism referenced in the PC documents is anodyne and understates the real character and form of the 'evil'. An alternate definition has been advanced in earlier CCCG analyses.

It is hard not to conclude that the treatment of clericalism in the IL document is the product of thinking that is fully entrenched in a clericalist mindset. The overall, and only logical, conclusion to be drawn from the IL's treatment of clericalism is that little of substance is proposed, little clarity has been shed on the topic and little confidence can be had that meaningful reform initiatives will result.

Inclusive

The CCCG submission specifically identified the need to urgently address the church's relationship with women and marginalised groups in the community. It made the point that attitudes of exclusion and exclusivity are wrong as an ecclesial principle and radically out of step with contemporary governance and social values. As a broad summary the response of the IL document is minimalist in relation to women, (more of the same with some emphasis on better listening) in relation to those on the margins and a belated and somewhat surprising call to explore ways the church can "embrace an Aboriginal way of being Christian in spirituality, theology, liturgy and discipleship".

This last-mentioned matter, which was specifically referenced in the CCCG submission, appears to signal an openness to an authentically Australian spiritual journey, which has languished for more than 50 years, despite passionate advocacy from people such as priest/archaeologist Eugene Stockton. This is a positive development to be welcomed, but

one that in its own way serves to highlight the timidity and lack of leadership displayed by Australian bishops during the past half century.

In relation to the role of women in the Australian church, the L&D report on the submission stage indicated that there was “considerable support from a large group of participants” for the ordination of women, in addition to “very strong” support for properly acknowledging and enhancing the role of women. The CCCG submission also called for the re-instatement of women to the ordained diaconate, along with the appointment of women to head Vatican dicasteries. Pope Francis has initiated the latter, but it would appear the matter of ordained women deacons, not to mention priests, is a step too far for the local church to contemplate. Nevertheless, there is a clear obligation on the PC to acknowledge these calls and to have them advocated to Vatican authorities as the strong, earnest views of Australia’s Catholics.

Based on the coverage of these questions in the IL document it seems unlikely that matters relating to women as deacons and priests will be formally recognised as agenda items.

Humble

The CCCG submission to the PC noted that the posture and perceptions of the Church worked against the reception of its basic message. The submission urged that an assured response to this situation would be for the Church “to go back to what is its essential and basic task”. This course was already the counsel of Pope Francis, as is again quoted in the IL document: “concentrate on the essentials” and not become “obsessed with the disjointed transmission of a multitude of doctrines” (para 71).

The IL document however seems unable to rise above a general urging that the church listen more. While appropriate and correct, that is what this document exemplifies the Church is still not doing. There are repeated examples of a disjunction between what the Australian People of God have said in the L&D report and what this current document appears to be proposing or pushing towards.

As has been pointed out, the document differs from earlier documentation in placing a repeated emphasis on culture – to identify where it needs reform and how it is critical to any renewal/reform efforts. Unfortunately, the document is timid and limited in presenting any linkages to key issues that would sharpen the focus that should be given to culture. This is particularly the case in relation to transparency, governance, priesthood and seminary training, all of which should be facilitative in achieving a humble church. Culture in the IL is just a word.

Just as there is a disconcerting approach to downplaying clericalism, so too the concept of a humble church appears to be approached only from within a clericalist frame.

Some Conclusions

As a facilitating document that should lead readily to a meaningful and relevant agenda for the formal PC sessions, the IL is a failure. Part of that failure stems from the apparent decision to work within the 'framework' of the earlier Discernment Groups and Papers. This has meant that the outcome is dense, confusing and unhelpful to clear thinking and insight. It is akin to what my former Christian Brothers teachers would have called 'woolly thinking'. It needs to be noted that the Discernment Groupings and framework were the result of direct intervention by the bishops.

President of the Australian Bishops Conference, Archbishop Mark Coleridge, describes the PC as coming at "a moment of crisis" for the church in Australia. That being so, the IL document is indeed critical to responding to that crisis. It is a sad irony that there seems to be less clarity at this stage of the PC journey regarding the key focus areas of an agenda, than was apparent after the initial input from ordinary Australian Catholics. This stands as an indictment of the subsequent stages in this process and the conceptual framework of the IL document.

Surely the bishops and the PC secretariat are not asking Australian Catholics to suspend their normal intelligent, common sense and recognised abilities to deal with complex matters and devise practical workable solutions, so as to discern the intentions of the Holy Spirit. And yet that is what this document seemingly requires.

On virtually all of the five key focus areas identified by CCCG there can be no real confidence that the issues that need to be considered and addressed will be dealt with in an honest, professional and proper way. Attempts to minimise Royal Commission findings only reinforce this conclusion.

The document stresses on several occasions that the PC process ought not result in 'business as usual'. A reasonable assessment is that the Instrumentum Laboris makes it more likely than not that business as usual will characterise the outcomes. This is a sad predicament and an unacceptable one. It is ironic that a document which acknowledges the danger of being "paralysed by fear and excessive caution" (para 197), seems almost certain to deliver just that. It does not facilitate the Church in Australia to "step bravely into the future" (para 198).

Moving Forward to a realistic Agenda

1. The document is yet a further example of how the bishops can't imagine a different and relevant church. Throughout the PC process it has been clear that the people can and somehow the people have now to assert themselves, so that they are allowed to show the bishops how.
2. One key to proceeding meaningfully is to make the dictum of Pope Francis the centrepiece: ***Concentrate on the Essentials***. The current document seems intent on confusing and confounding. It blurs the focus rather than sharpens it.
3. One of the main reasons the PC process is at this perilous stage is due to the confusion and exploitation of the venerable process of religious Discernment. This is clearly being manipulated by people who seemingly have a very clear, but undisclosed, agenda.
4. Members of the PC will need to confront this matter as a first order issue, both prior to and during the opening sessions of the Council. The deceit and manipulation that has occurred to date must be called for what it is - the opposite of a Holy Spirit inspired process. Discernment is slated to be an on-going feature of further sessions; however it should be boycotted if no honest examination of this matter is undertaken, either ahead of or at the start of the sessions.
5. It is important that the lay members of the Plenary Council take a firm stand on matters such as Discernment, as the PC process is being presented as Synodality in action. That claim must not be allowed to stand. If the point is not made at this stage in the process (at the beginning of the formal sessions) it won't be made convincingly at all.
6. The IL document is presented to Australian Catholics with the blessing and endorsement of the Vatican. It is important therefore that reform minded Catholics are proactive in rejecting the document prior to the commencement of formal sessions. This must be done publicly and with national and international impact.
7. It is significant that the first of the delayed formal sessions of the Plenary Council is scheduled to begin in October 2021. This will be 59 years, almost to the day, that the Second Vatican Council opened on 11 October 1962. It is notable in this context that at that early session of the Vatican Council, the Fathers rejected the papers prepared for them on various topics and insisted that they be reworked to better reflect the challenges that needed to be addressed and the relevance of the times. Members of the Plenary Council should be urged to do likewise and formally reject the Instrumentum Laboris and request that a simpler, more focussed statement be prepared as a guide to their deliberations.
8. Whatever further discussions or discernment are to take place prior to settling an agenda, must be an open transparent process that includes representatives of lay Catholics, including reform advocates.

Terry Fewtrell
for Concerned Catholics Canberra Goulburn

3 May 2021