Holy Spirit and Church Governance

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Canon law is one of the places in the life of the church where an adequate pneumatology has yet to be expressed. The present canonical silence regarding the Holy Spirit and the Spirit’s gifts is a serious matter that needs to be addressed so that a more robust ecclesiology can inform canon law.

This study explores Catholic teaching on the presence and activity of the Holy Spirit in the life of the church and contrasts it with the treatment of the Spirit in canon law. To put it another way, this is an exploration of the “canonical deficit” in regard to the theology of the Holy Spirit. Catholic faith and theology profess strong convictions about the influence of the Spirit on the life of the church, but the church’s rules of governance give slight attention to those actions of the Spirit. “Church governance” here is understood broadly, to include the church’s teaching and sanctifying functions as well as its ruling or pastoring function.

This article proceeds along these steps: (1) fundamental convictions about the Spirit and the church; (2) some specific activities of the Spirit in the life of the church; (3) the theological deficiency in regard to the Holy Spirit; (4) canonical silence about the Spirit; (5) giving voice to the Spirit in the church’s governance.

Fundamental Convictions about the Spirit and the Church

The following are some of the large areas of the Spirit’s influence on the life of the church as stated in official doctrinal statements, especially those of

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the Second Vatican Council. As seen with the eyes of faith, these are major zones of the Holy Spirit’s activity vis-à-vis the church:

(a) **The Holy Spirit animates the church.** The Spirit gives life, unity, and movement to the whole Body of Christ that is the church and for that reason is compared to the life principle, the soul in the human body (*Ad Gentes* [AG], no. 4). Early Christian writers often used this analogy of the Spirit as the soul of the church, basing it on the Spirit’s role in giving life to Jesus Christ at his conception (Matt 1:18, 20) and on the title “Giver of Life” used by the Council of Constantinople and enshrined in the Creed. This relationship of Spirit to church is functional rather than ontological: the Holy Spirit plays in the church the part played in the body by the soul. As such, the Spirit is the vital source of all the church’s activities.

(b) **The Holy Spirit is the principle of the church’s communion.** The Spirit is the source and seal of the church’s unity and cohesion, of that multifold reality called *communio* or *koinonia*. The Spirit unites the church in fellowship and in ministry (*Lumen Gentium* [LG], no. 4). “Communion” names the graced connection of the baptized to the triune God and to one another. It is the profound and mysterious bond of unity that is manifested in common faith, sacraments, and authority. Communion is of the very essence of church, and it comes from the Holy Spirit.

(c) **The Holy Spirit sanctifies the church and its members.** The Holy Spirit not only lives within the church as in a holy temple, but gives grace to the church and its members (LG, no. 4)—both uncreated grace, that is, the Spirit’s own Self, and created grace, both “sanctifying” and “actual” grace. All grace is given by the Spirit. All the church’s worship is carried out in the Holy Spirit: to the Father, through the Son, in the Spirit. In the sacraments of Christian initiation as well as in the sacraments of reconciliation, marriage, and orders, the faithful receive the Holy Spirit.

(d) **The Holy Spirit preserves the church in truth.** The Spirit makes “the living voice of the gospel ring out in the church . . . leading those who believe into the whole truth” causing the message of Christ to dwell in them in all its richness (*Dei Verbum* [DV], no. 8). The same Spirit that guided the writing of Scripture is the Spirit of truth that enlightens the successors of the apostles in faithfully preserving, interpreting, and expounding the word of God (DV, no. 9). The Spirit arouses and sustains a supernatural “sense of faith” in the universal body of the faithful, so that they cannot be mistaken in belief (LG, no. 12).

(e) **The Holy Spirit leads and guides the church.** The community of the disciples of Christ is directed by the Holy Spirit in its pilgrimage toward the Father’s kingdom (*Gaudium et Spes* [GS], no. 1). Just as the Spirit of the Lord came upon Christ and anointed him to preach the Good News to the poor, so the Spirit, sent by Christ from the Father, directs the church as it attempts to bring Christ’s message of salvation to all humankind (AG, no. 4).
The Holy Spirit builds up the church by means of gifts. The Spirit apportions gifts to each person individually as the Spirit wills, and among the faithful of every rank the Spirit distributes special graces by which they are rendered fit and ready to undertake the various tasks and offices that help the renewal and building up of the church according to that word: “To each is given the manifestation of the Spirit for the common good” (1 Cor 12:7). The Holy Spirit is the source of charismatic gifts, both ordinary and exceptional (LG, no. 12; Apostolicam Actuositatem [AA], no. 30). This “charismatic element” belongs to the very nature and life of the church. The charismata, the gifts of the Spirit, are not only present in the church, but they are constitutive of the church and its life. Both hierarchical and charismatic gifts have their source in the same Spirit (LG, no. 4).

The Holy Spirit is God’s pledge for the future. The church journeys on its pilgrim path through history under the guidance of the Spirit, looking forward as well as backward. Christ, when lifted up from the earth, sent his life-giving Spirit down on his disciples, and through the Spirit he constituted the church as a sacrament of salvation. Its earthly project is advanced through the mission of the Holy Spirit and continues by means of the Spirit. The pilgrim church in its sacraments and institutions belongs to this age, carries the figure of this world that is passing, and dwells among those who groan in the pains of childbirth (LG, no. 48). The Spirit is the earnest (the down payment, pledge, security) of things to come, the “promised One” (Luke 24:49). The Spirit points to the future and constantly reminds the church that everything is provisional as we await the fulfillment of all things in Christ.

In view of the foregoing areas of the Spirit’s influence, a serious question arises. The Catholic Church’s own solemn teachings assert that the Holy Spirit acts in these various ways in the life of the church, animating, sanctifying, teaching, guiding, and gifting. Why is it that the Spirit’s pervasive influence over the church in these vital areas is so little acknowledged in the church’s documents of governance?

Specific Activities of the Spirit in the Life of the Church

The following are instances of particular actions or operations directly attributed to the Holy Spirit:

(a) Local churches are gathered in the Holy Spirit. Just as the Spirit makes the whole church one “in fellowship and ministry, instructing and directing it through a diversity of gifts,” so local congregations of the faithful in their own locality “are the new people called by God in the holy Spirit” (LG, no. 26).
(b) *The Holy Spirit enables the assent of faith.* Each member of the Christian faithful becomes a believer only with the aid of the Spirit. “No one can accept the gospel preaching in the way that is necessary for achieving salvation without the inspiration and illumination of the Holy Spirit, who gives to all facility in accepting and believing the truth” (*Dei Filius* [DF], no. 3).

(c) *The Holy Spirit empowers the church’s bishops.* “The apostles were enriched by Christ with a special outpouring of the holy Spirit who came down upon them . . . and this has been handed down to us in episcopal consecration” (LG, no. 21). The bishops are put in place by the Holy Spirit and take the place of the apostles as pastors of souls (*Christus Dominus* [CD], no. 2).

(d) *The Holy Spirit impels the church’s missionary activity.* “The pilgrim church is of its very nature missionary, since it draws its origins from the mission of the Son and the mission of the Holy Spirit, in accordance with the plan of God the Father” (AG, no. 2). The Holy Spirit is indeed the principal agent of the whole of the church’s mission.

(e) *The Holy Spirit renews the church.* The Spirit rejuvenates the church and continually renews it (LG, no. 4). As it journeys through the temptations and tribulations of this present world, the church “under the action of the Holy Spirit” does not cease from renewing itself (LG, no. 9). “Guided by the Holy Spirit” the church continually exhorts her children to purification and renewal so that the sign of Christ may shine more clearly on its face (GS, no. 43).

(f) *The Holy Spirit inspires ecumenical activity.* The ecumenical movement for the restoration of the unity of all Christians has grown and developed through the inspiration of the Holy Spirit (*Unitatis Redintegratio* [UR], no. 1). Efforts and activities to promote Christian unity are being taken “under the inspiring grace of the Holy Spirit” (UR, no. 4).

Once again, in light of these authoritative affirmations of the Spirit’s specific activities in the church, the question emerges: why is it that the church’s canons of discipline so rarely refer to the Spirit’s role, even when they treat explicitly of these very topics?

**Theological Deficiency Regarding the Holy Spirit**

For a very long time theologians have lamented the dearth of theological reflection on the Spirit. They have often referred to the Holy Spirit as “the forgotten God,” “the hidden face of God,” or “the unknown Third Person.” In comparison to teachings and writings about Christ the Son, what was known and taught about God the Spirit was relatively slight. This theological deficiency has been called a “pneumatological deficit.”
The reasons for this “slighting of the Spirit” are many and complex, but they are understandable. The Spirit’s biblical record, though replete (e.g., more than three hundred references in the New Testament), lacks the familiar human narrative the Gospels present about Jesus the Christ. The Spirit does not have a human face. Indeed, the sheer diversity of the biblical images for the Spirit heightens the mystery: breath, wind, living water, tongues of fire, finger of God, dove, anointing, chrism, cloud, Paraclete. It is a complex set of symbols, difficult to bring into clear focus.

The New Testament writers Luke, Paul, and John each present the Spirit in different symbols and actions that do not easily come together in a unified theology. Is the Spirit a sort of force field, or an enveloping atmosphere, or a real person? Indeed, it was not until the fourth-century Council of Constantinople that the church clearly affirmed the Spirit as “holy, Lord and giver of life . . . worshipped and glorified with Father and Son.”

The church’s conflict with and eventual condemnation of the Montanists, a late second-century apocalyptic and enthusiastic movement characterized by its claims of being “Spirit-filled,” cast all such charismatic groups in a negative light from that time on.

The church in the West tended to appeal to Christ the Lord as the sole source of authority, for example, “All power in heaven and earth has been given to me . . .” (Matt 28:19), and “. . . you are Peter, and upon this rock I will build my church, . . . I will give you the keys of the kingdom of heaven” (Matt 16:18-19), to the relative neglect of the “other Paraclete” who dwells within each one of the baptized.

The tragic division of the churches of the East from the West in the eleventh century (1054 C.E.), the disputes that occasioned it, and the diverging theologies that followed it, further diminished the acknowledged role of the Spirit in the life of the Western church, in contrast to the churches of the East.

The Reformers of the sixteenth century stressed the Spirit’s witness within the hearts of the individual believers that enabled them to discern the word of God. At the same time they condemned many of the institutional and sacramental practices of the medieval church. Quite naturally, in reaction the Catholic Counter-Reform insisted more on the authority of the church and the defense of its structures than on the activities of the Spirit.

Since the Counter-Reformation the church’s magisterium has referred to the Holy Spirit as the guarantee of its own teachings and decisions and to the “inner
mission” of the Spirit as the principle of holy living in the souls of individuals. While these two claims about the Spirit’s activity have real merit, they vastly understate the full range of the influence of the Spirit and the Spirit’s gifts in animating, building up, sanctifying, and guiding the church.

This “theological deficiency” regarding the Spirit is being remedied. The Second Vatican Council went a long way toward making up the deficit. It was the major event of the “Catholic pneumatological renaissance.” The council documents proclaim strong elements of a renewed theology of the Holy Spirit. They speak of the Spirit more than two hundred and fifty times. As the foregoing sections of this study have pointed out, the various areas of influence and specific activities attributed to the Holy Spirit in the council’s teachings are substantial.

This long history of an impoverished theology of the Holy Spirit accounts in part for the canonical inattention to the Spirit. But the theology has been vastly enriched over the past half century, while canon law remains Spirit poor.

**Canonical Silence about the Spirit**

Canon law is one of the places in the life of the church where an adequate pneumatology has yet to be expressed. Governance is an important part of the church’s life, and the codes of canon law (for the Latin church and for the Eastern churches) are the central sources for the rules of that governance. What does the 1983 Code of Canon Law (CCL) have to say about the Spirit’s influence and activity in the church? Almost nothing. The Code simply does not reflect the church’s beliefs about the Holy Spirit found in the New Testament and the documents of the Second Vatican Council. The Code mentions the Holy Spirit in seven canons:

(a) Two relate to dioceses and bishops:
Canon 369 describes a diocese as a portion of the people of God entrusted to the bishop and “gathered by him in the Holy Spirit through the gospel and the Eucharist”; it constitutes a particular church. Canon 375 states that bishops, “who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church.”

(b) Two are related to religious life:
Canon 573, sec. 1, describes consecrated life as “a stable form of living by which the faithful, following Christ more closely under the action of the Holy Spirit,” are totally dedicated to God. Canon 605 admonishes bishops “to strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit.”

(c) One refers to the church’s teaching function:
Canon 747, sec. 1, declares that Christ the Lord has entrusted to the church the deposit of faith “so that with the assistance of the Holy Spirit
it might protect the revealed truth reverently, examine it more closely, and proclaim and expound it faithfully.”

(d) One refers to the sacrament of confirmation:
Canon 879 states that confirmation “imprints a character, enriches by the gift of the Holy Spirit the baptized” who is continuing on the path of Christian initiation.

(e) One relates to catechumens:
Canon 206, sec. 1, describes catechumens as “those who ask by explicit choice under the influence of the Holy Spirit to be incorporated into the Church.”

These seven references to the Holy Spirit in the canons are not insignificant, but they are limited to a very few areas among the many affirmed in the church’s own teaching.

It also should be noted that many of the CCL “innovations” do facilitate the activity of the Spirit in the church, even though the canons do not explicitly refer to the Holy Spirit. For example, the provisions for consultative bodies (e.g., diocesan synods, pastoral and financial councils, parish councils, and advisory groups) make it possible for the faithful to be heard in matters of pastoral policy or decision making. They all presume that the Spirit speaks through the persons and groups consulted. There are other illustrations, for instance, the Code insistence on sacramental preparation, catechesis, and ongoing formation that give room for the Spirit to enliven faith. Another example is the set of “empowerment canons” (Cans. 204–231) that articulates the rights and initiatives of the Christian faithful; they implicitly recognize the Spirit’s indwelling presence.

However, it is curious that the Code contains no mention of the Spirit’s charisms, those gifts of grace that build up the church, despite their prominence in both the New Testament and conciliar texts. Indeed, references to charisms were quite deliberately excluded from the Code.

In fact, strange as it might seem, there were many instances in which references to the Holy Spirit were eliminated from earlier draft texts of the CCL. The Spirit was excluded from several places in the sections on the nature and purpose of the church and on those who belong to the Christian faithful and are fully in communion with the Catholic Church. Often no reason was given for the excisions, but the one clearly articulated reason was that the Code is a juridic document, not a theological one. That is to say, the Code is a set of legal rules or statutory provisions and does not pretend to give a thorough or balanced theological treatment of the subjects it regulates. Fair enough; one shouldn’t expect a catechism or theological dictionary in a legal code.

However, the Code refers to Christ about eighty times, and to the Spirit only seven. There are many “doctrinal” canons, that is, those that give theological descriptions (of the sacraments, for example) and do not set forth any law or rule.
Other important theological concepts, like grace, faith, hope, and love, are mentioned scores of times in the Code, but the Spirit only seven times and the charisms of the Spirit not once. One can only suspect that those charged with the reformulation of the Code of Canon Law after the council were wary of the charismatic element in the church. It was clearly affirmed in the council, but canonists are often concerned that the movements of the Spirit (or of those who claim to have the Spirit) are not easily discerned or controlled.

**Giving Voice to the Spirit in the Governance of the Church**

The reason why the Holy Spirit and the gifts of the Spirit must be given space and voice in the church's rules of governance is because of their primacy, that is, because they are essential realities in the life of the church, the very source and dynamic force of its life. Those who belong to the church must always be aware of them.

The reason for the inclusion of the Spirit in the church's canons of discipline is that canon law, like any other legal system, has a formative function as well as a regulatory one. One of its important functions is educative. Laws serve to remind the community of its own ways and values. In addition to the other purposes of law, it also teaches the members of the community the basic convictions and standards of the community.

In this case, the community is the church, the community of faith, the community of Christ’s disciples, the community of those in whom the Spirit dwells. Canon law must speak to the church about the reality and powerful presence of the Holy Spirit of God, because the Spirit lives in and guides the church and builds it up by means of charisms. Quite simply, canon law without adequate reference to the Spirit reflects a severely defective ecclesiology.

Continued canonical silence about the Spirit seems indefensible. In a forthcoming article in *The Jurist*, I suggest about thirty-five theologically grounded additions to the canons to bring some Spirit-balance to the Code. These modest emendations would make the canonical system more theologically authentic. They would not radically alter the Code or church governance in the short term, but such a Spirit-enhanced canonical structure would reflect more faithfully the genuinely trinitarian ecclesiology of the Second Vatican Council.

Such changes would gradually influence the attitude and mind-set of all those who consult and apply the canons, that is, all those engaged in or affected by the church’s governance. Through them the modified canons would help to develop a broader and deeper Spirit-consciousness in the Christian faithful. Ultimately they would change the way the church is governed.
Breaking the Silence

Now that the centuries-long theological deficiency regarding the Holy Spirit has been remedied, at least partially, the canonical silence about the Spirit must be broken. The vast disparity between the church’s strongly professed beliefs about the Spirit and the muted murmur of the canons misrepresents the nature and functions of the church in its own official legislation. The present canonical silence regarding the Holy Spirit and the Spirit’s gifts is a serious matter because it conveys a gravely distorted vision of the church’s own ecclesiology.

Even worse than the disfigured image of the church, this Spirit-silence causes an impaired canonical function that is even more harmful. The canons are often applied without an awareness of the Spirit’s constant underlying presence and power in the life of the church. It is an operational denial of one of the church’s central beliefs.

Today, in the midst of a Catholic pneumatological renaissance, canonists, rule-makers, and pastoral leaders must emerge from their historical silence regarding the Holy Spirit. Now, in this “springtime of the Spirit,” pastoral leaders must become Spirit-bearers for the sake of a more Spirit-conscious church.

References


