The Church, Women and Authority: Why Not? -Gerry O’Hanlon SJ

I want to begin my reflections by noting, with Pope Francis, that ‘the most important thing’, the ‘first proclamation’, is ‘that Jesus Christ has saved you’ (SJ interview), it is ‘the beauty of the saving love of God made manifest in Jesus Christ’ (EG 36), so that ‘mercy is the greatest of all the virtues’ (EG, 37) and ‘Jesus Christ is the face of the Father’s mercy’ (Bull of Indiction). This is the mystery at the heart of the Christian faith, the joy of the Gospel, good news for all men and women – God as Trinity, as love, wanting to share this love with us, who are trying to be good but are also vulnerable and sinners.

It is from this basic starting point of enormous gratitude in response to the mystery of God’s love that we worship but also that we question. Faith seeking understanding (Anselm), as practised by the likes of Aquinas and so many others.

Our question is about the exercise of authority by women in the Catholic Church. And since the Church is meant to mirror, to reveal the love of God, the kingdom of God, it is right that we are disturbed, even angry, when it becomes apparent that in its practice the Church has become in this matter of authority and women an anti-sign, instead of a sacrament, of God’s love. But note, I am suggesting that the questioning, the disturbance, the anger, the campaigning for justice emerge from a deep appreciation of God’s love –otherwise it runs the danger of losing touch with its roots and becomes arid and self-consuming.

This disturbance is clearly shared by Pope Francis. He has spoken about the need to broaden the opportunities for a stronger presence of women in the church, stating that ‘the feminine genius is needed wherever we make important decisions’ and that the ‘challenge today is this: to think about the specific place of women in those places where the authority of the church is exercised for various areas of the church’ (SJ interview). In EG he speaks of the need for ‘a more incisive female presence in the Church’, stating that the presence of women must be guaranteed ‘where important decisions are made, both in the Church and in social structures’ (103) and that this presents the Church ‘with profound and challenging questions which cannot be lightly evaded’ (104).

In facing this challenge Francis gives a hint of how to proceed: not, for him, by way of ordination (not open for discussion), but rather by distinguishing between sacramental power and power in general. He seems to be hinting here that there is too close an identification between the sacrament of Orders and jurisdiction/power in general, and that we ought to look to the dignity conferred by Baptism as a basis for a more generous participation in power and authority by lay women and men alike (102-104).

I want to proceed now in two steps: first by exploring a bit further the suggestion of Francis about power, and then by posing some questions to the current teaching on ordination.

I: Sacred Power

An historical perspective is helpful in this matter – as indeed in so many disputed issues: we sometimes imagine that because things are so they have always been so and must be so. This was the great discovery of Vatican II in their ressourcement approach: by going back to the sources they discovered that things could be and were sometimes different than they now are.

In this context, and for our question, the eminent canon lawyer and theologian Ladislas Orsy is most helpful (see Discourse about the Laity, 35-45). He notes that the ecumenical councils of the first millennium, called by the Byzantine emperors and empresses, were surely acts of jurisdiction by laymen and laywomen. The majority of participants at the Council of Florence were not ‘in orders’; therefore ‘lay votes’ had a real impact on the determinations concerning the reunion of the Eastern and Western churches. Abbesses for centuries exercised ‘quasi-episcopal jurisdiction’ in governing ‘quasi-dioceses’- except in dispensing sacraments for which ordination was necessary. Such ‘lay prelates’ had ‘the power of jurisdiction’ – with the full and direct support of the Holy See well into the nineteenth century (39). In short, the historical evidence of lay people participating in decision-making processes in the church is over-whelming, from at least the fourth century and well into the 20th (America, 1996).

Of course that is not the situation today. Orsy describes it thus: ‘In the beginning of this twenty-first century we live in the middle of a paradox- and the faithful are hardly aware of it. On the one hand, the pronouncements of Vatican II brought remarkable results and opened the door for an increased promotion of the laity. On the other hand, the official policy of the church based on a recent theological opinion that found its way into the revised code of canon law excludes the laity from any major decision-making processes – reversing an immemorial tradition’ (35-36).

What has happened is that a theological opinion about ‘the sacred power’, not sufficiently debated by theologians, has become standard and has been incorporated into the Revised Code of Canon Law (1983), in particular in Canon 129. This canon specifies that those who have received sacred orders are qualified for the power of governance, also called the power of jurisdiction; lay members of the Christian faithful can cooperate in the exercise of this same power. The words are carefully chosen: cooperate is not the same as participate, and means in effect that laypersons are excluded from significant decision-making processes, that no layperson is admitted ‘into the inner sanctuary’ that is to have a significant role in building the church from within. Consultation yes, deliberation no. Orsy, who is careful with words, says that the exclusion of laity from participation in government is ‘a novelty and an unwarranted ideology’ (America, 1996).

This trend was already apparent, post Vatican 1, in the first part of the twentieth century and led Pius XI to issue his famous statement shortly before his death in 1939: ‘ The Church, the mystical Body of Christ, has become a monstrosity. The head is very large but the body is shrunken. You, the priests, must rebuild that body of the church and the only way that you can rebuild it is to mobilize the lay people’. It is at the heart of the problem of clericalism which Pope Francis has clearly identified as blight on our church.

If the challenge of Francis is to be met – to imagine a role for laypeople, and in particular women, in the decision making processes of the church – then canon 129 has to be removed and we have to return theologically to the understanding of baptism outlined in the Dogmatic Constitution on the Church Lumen Gentium which referred to church as the People of God. Through baptism each of these people – lay and cleric alike –receives a share in the 3-fold office of Jesus Christ as prophet (teacher), priest, and king (governance) – LG, 31. There is no historical precedent, as we have seen, for limiting this power of governance to matters external to the church.

What might happen if this challenge were met and the necessary theological and canonical work done? Well, it would seem that laypeople (including of course women) could be voting members of synods or councils; full members of decision-making bodies in the ordinary administration of the church – e.g. Roman congregations and offices; in charge of the assets of the church; duly qualified lay preachers of the word – all on the basis of the sacred power given to every Christian through baptism.

I simply note by way of conclusion to this point that decision making needs to change at all levels of the church. It is true that the role of laity is constrained by canon 129 – and so, for example, parish councils are only advisory, consultative, not deliberative. But diocesan councils, assemblies and even synods are also predominantly consultative – the bishop retains sovereignty. And then, at a higher level, the Synod of Bishops, as presently constituted, is purely consultative so that, technically, the Pope may decide on his own. Only Ecumenical Councils – with and under the Pope- have decision making powers. All this needs to change. In practise this is beginning to happen - the present Pope has made it clear that he wants open debate, real and not just token consultation, the ‘sense of the faithful’ to be attended to, a more dynamic Synod of Bishops which has real power. But all this, at this point, is discretionary and is not the law of the church – for it to be sustainable and flourish (also after the present pontificate) it requires proper theological and legal underpinning.

Why is any of this important? Because we have seen the terrible consequences of exclusively clerical power, and we know that it is a great loss –a sinful omission in fact- not to involve the wisdom of the wider People of God in the decision making as well as the making of teaching in our church.

The Question of Ordination

The principal document outlining the Church’s teaching on the ordination of women, Inter Insigniores, was published by the Congregation of the Doctrine of the Faith in October 1976. The teaching was reconfirmed by Pope John Paul II in his Apostolic Letter Ordinatio Sacerdotalis, May 1994, with the addendum (n 4) that this was not just a disciplinary matter, open to further debate, but was a ‘judgement to be definitely held by all the Church’s faithful’.

The principal argument in both documents is ‘that the Church, in fidelity to the example of the Lord, does not consider herself authorized to admit women to priestly ordination’ (Inter Insig, Intro). This argument is based on the fact that Jesus called only men to be part of the twelve, that the early apostolic community maintained this ‘men only’ norm, as did the subsequent tradition down through the ages. The document maintains that the practice of Jesus ‘was not in order to conform to the customs of his time, for his attitude towards women was quite different from that of his milieu, and he deliberately and courageously broke with it’ (n 2). Similarly when the early apostolic community encountered Greco-Roman civilisation with its more liberal attitude to women they could have envisaged conferring ordination on women ‘if they had not been convinced of their duty of fidelity to the Lord on this point’ (n 3).

This argument –from Tradition, based on Scripture-needs careful examination. Apart from the questionable exclusive identification of priesthood with the 12 (they were the eschatological foundation of the new people of God, based on the 12 tribes of Israel, not just priests), there is the admission in Inter Insigniores itself that ‘it is true that these facts do not make matters immediately obvious...a purely historical exegesis of texts cannot suffice’ (n 2). This admission is more striking when one considers the Report of the Pontifical Biblical Commission (April 1976, part of which was leaked and published in July 1976 and whose membership included such eminent scripture scholars as Raymond Brown and Carol Martini). Their Report, in an unfinished document, recorded the following three votes:

1) A unanimous (17-0) vote that the New Testament does not settle in any clear way and once and for all whether women can be ordained priests

2) A 12-5 vote in favour of the view that scriptural grounds alone are not enough to exclude the possibility of ordaining women and

3) A 12-5 vote that Christ’s plan would not be transgressed by permitting the ordination of women

Now, given that Inter Insigniores itself acknowledges that the modern question concerning the ordination of women is posed in a way ‘which classical theology scarcely touched upon’, and given the admitted lack of clarity around the biblical evidence, it is surely strange that the appeal to Tradition can be couched in such absolute terms – ‘I declare that the Church has no authority whatsoever to confer priestly ordination on women’ (OS, 4). I note further that, despite the solemnity of the language in OS and undoubted authoritative weight, theological opinion is clear that we do not have here infallible teaching (see O’Donnell/Orsy).

A second argument is advanced in Inter Insigniores by way of showing the ‘fittingness’ (ex convenientia/analogy of faith) that theological reflection can discover to support the norm that has been claimed to exist. This argument states that the priest acts not in his own name but ‘in persona Christi’, that it is important in the Eucharist and in all the sacraments that the priest be a sign of Christ bearing ‘natural resemblance’ to him and that ‘Christ himself was and remains a man’ (n 5). This argument is sometimes developed theologically along the lines of an anthropology of complementarity which seeks to discern the ‘genius of women’ to reside in the activity receptivity that accompanies love, and to suppose that public leadership is more the domain of men.

Again, serious questions arise. Are not women also made in the image of likeness of God, who is neither male nor female? Cannot women also be ministers of sacraments (by way of exception in Baptism and quite normally in matrimony)? A basic principle of soteriology is that ‘what has not been assumed has not been saved’ – surely the humanity of Christ is more important than his sexuality, since otherwise female sexuality has not been saved which would be heretical? Are not superior in women’s religious congregations understood to be acting ‘in persona Christi’? And, finally, whatever about the real and pervasive differences between men and women (often denied by those who stress cultural factors only), can they really be described in terms of public leadership, at a time when in other domains the Church praises the leadership role of women in public life?

Conclusion:

There are, then, serious questions concerning the Church’s present teaching on the ordination of women. We need to acknowledge more openly that historically Tradition has developed and changed, often due to the ‘sense of the faithful’. In particular if we attend to the verse in Galatians 3, 28 – ‘There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female’, we can observe that the mind of Jesus on these matters was not so obvious to the early church as to prevent, already within the New Testament corpus itself, a conflict about how to resolve the matter of Jews and Gentiles; that it took the best part of two millennia to sort out the Christian stance on slavery; and that, clearly, we are still in the throes of confronting the gender issue. The change of argument from the inferiority of women to their complementarity (understood to preclude from ordination) may well mask an ongoing misogyny and patriarchy, however unconscious.

Nonetheless, because the Church has been so vehement in its denial of female ordination it is arguable that to tackle this issue first and head-on would be to threaten unity at a fundamental level. It may be better to ask women with a sense of priestly vocation to continue for a time to patiently carry the pain they feel in being denied the realisation of their desire and instead quickly to open up the possibility of the ministry of diaconate for women. Our own Bishop Leo O’Reilly has already called for this. Apart from being less threatening to ecclesial unity this move would have the merit of testing the waters, allowing the ‘sense of the faithful’ to discern the aptness of this development of public ministry for women and the magisterium, accordingly, to read the signs of the times.

However there need be no delay or hesitation about following up on the challenge posed by Francis himself in envisaging a more visible and authoritative role for women in our church, apart altogether from the question of orders. I have indicated the lines along which we must proceed in this issue, and not to do so would be unconscionable.

Francis himself (‘the feminine genius’) may at times reveal a rather old-fashioned image of women in some of what he says. What is important however is his recognition of the problem, and, more significantly still, his opening up of the church to debate, real consultation, respect for the ‘sense of the faithful’, a collegial approach to teaching so that bishops (including himself!) are ‘to listen to everyone and not simply to those who would tell him what he likes to hear’ (EG, 31). This is surely the most hopeful sign for the future, a sign which can outlive the pontificate of Francis himself: a way of proceeding that is intent on listening to the promptings of the Holy Spirit through the voices of the faithful and which creates the appropriate structures and institutions to allow this to happen. In this way we can hope that the questioning and often just anger, which questions like the role of women in the church give rise to, may be handled in such a way that they are a clear manifestation of the ever-greater love of God and our grateful response.

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