

## Appendix B

### TRADITION AND THE ORDINATION OF WOMAN: A QUESTION OF CRITERIA

#### INTRODUCTION

On November 18, 1995, the Congregation for the Doctrine of the Faith published its reply (or *Responsum*) to the question whether the teaching presented in Pope John Paul II's Apostolic Letter *Ordination Sacerdotalism* (May 1994) is to be understood as "belonging to the deposit of faith" (RD, p. 401; see endnote for abbreviations and sources of the texts cited hereafter). Its reply was affirmative. Thus, according to the Congregation, the teaching that the Church has no authority whatsoever to confer priestly ordination on women requires the definitive assent of the faithful, since it is "founded on the written Word of God, and from the beginning [it has been] constantly preserved and applied in the Tradition of the Church, [and] it has been set forth infallibly by the ordinary and universal Magisterium" (RD, p. 401).

The *Responsum* has received considerable attention and comment. Theologians, canonists, and Church leaders have offered both affirmation and critique. Because the *Responsum* maintains that the Church's lack of authority in this matter belongs to the deposit of faith (that is the exclusion of women from the priesthood is an essential component of the truth which God has revealed for the sake of our salvation), many have concluded that this teaching must be definitively held by all of the Catholic faithful. Others, however, have questioned the nature of the *Responsum's* authority and the substance of its assertions.

Such reactions are not surprising, since infallibility is rarely invoked so explicitly, and the integrity of the Church's proclamation of the Gospel is at issue. The CDF's reply comes in a time when we are increasingly aware of the evil of discrimination against women and its extent, even within the Church. Moreover, while the urgency of Christian unity grows more and more apparent, as Pope John Paul II has shown in his encyclical *Ut Unum Sint*, the *Responsum* seems to solidify the division between the Churches that ordain women for ministry and those that do not.

We, the members of the Catholic Theological Society of America, consider it our duty to present the following considerations on certain questions raised by the *Responsum*. As theologians we must contribute our efforts, with the help of the Holy Spirit, towards a deeper understanding and more effective proclamation

of revealed truth (GS, #44). As we have before, so in this matter we wish to collaborate with our bishops in furthering the mission of the Church today.

The *Responsum* raises questions that are fundamental to theology not only as faith seeking understanding in and for the Church but also as disciplined inquiry within the academy. Among such questions are the following:

By what criteria can the Church today be certain that a traditional (i.e., perennial) teaching belongs to the Tradition that alone is authoritative, the *Verbum Dei traditum*, and thus belongs to the deposit of faith?

By what criteria can the Church today be certain that a traditional doctrine has been taught infallibly by the ordinary and universal Magisterium?

By what criteria can the Church today be certain that a perennial practice, even one that goes back centuries, belongs to the divine constitution of the Church? And if such certainty is lacking, what are the moral criteria which would justify or prohibit continuation of the practice?

As Joseph Ratzinger has rightly argued, ". . . not everything that exists in the Church must for that reason be also a legitimate tradition; in other words, not every tradition that arises in the Church is a true celebration and keeping present of the mystery of Christ. There is a distorting, as well as a legitimate, tradition. . . . Consequently, tradition must not be considered only affirmatively, but also critically" (Ratzinger, 185).

Many within and outside the Church deem the refusal to ordain women as a distorting tradition, even to the point of infidelity to the Gospel. It is especially urgent, therefore, that the Church's teaching regarding this tradition be considered both affirmatively and critically. Such critical theological analysis should contribute to accurate understanding and authentic respect for the teaching authority which is Christ's gift to the Church. Since the ordination of women is now a "Church-dividing issue," this analysis should also promote that unity of the whole Church of Christ to which the Roman Catholic Church is unalterably committed.

The CTSA is convinced that the grounds on which the Church has based its tradition regarding the ordination of women have not yet received the reexamination which the full resources of the Catholic theological community can and should provide. Obviously, there is no question of attempting such a complete reexamination in this brief statement. Here we propose to recall some of the criteria by which one can judge whether a particular tradition is truly part of Tradition as *Verbum Dei traditum* and briefly to suggest how these criteria might be applied in the present case.

#### ANTIQUITY ALONE IS NOT NORMATIVE

While the Eastern Churches, during many centuries, numbered deaconesses among their clergy, and there is plausible evidence that such women were

ordained for their ministry, it has been the unbroken tradition of the orthodox Churches of both East and West to ordain only men to the priesthood and the episcopate.

While so ancient a tradition must surely be respected, merely as a matter of practice it would still not exclude the possibility of change. Other traditions regarding the role of women in the Church, equally ancient and well attested, have been changed. For example, as recently as 1970, the Congregation for Divine Worship declared, "The traditional liturgical norms of the Church prohibit women (young girls, married women, religious) from serving the priest at the altar, even in women's chapels, houses, convents, schools and institutes" (LI, 217). The numerous decrees of popes and councils which, through the centuries, had repeatedly inculcated this norm, show that this exclusion was based on the belief that there was something gravely improper about any kind of ministry of a woman in the sanctuary at the celebration of the Eucharist. There was not only a traditional practice, but also a traditional belief that justified it. The abrogation of this norm means that the Church no longer holds the belief on which its practice had been based. This in turn must mean that the Church has reexamined the grounds for this traditional belief and found them wanting. We can conclude from this instance that the Church has recognized that its traditional belief about the impropriety of any service of women in the sanctuary is really not a tradition of faith, based on divine revelation. It is, rather, a human tradition. It may have been justified at a previous stage in the Church's history, but is not part of the Tradition in the sense of *Verbum Dei traditum*. Therefore, it could be changed and in fact it has been changed.

From this change concerning the exclusion of women from serving at mass, three conclusions can be drawn regarding the question of the ordination of women to the priesthood. First, the restriction of the priesthood to men, simply as an unbroken traditional practice is not necessarily an unchangeable element of the constitution of the Church. Whether it is unchangeable depends on the nature of the belief that justified the practice. Second, the question whether the belief that women should not be ordained to the priesthood is a genuine tradition of faith depends on the warrants for that belief. Third, it is possible that a reexamination of the warrants for the Church's belief that women should not be ordained to the priesthood may lead to the conclusion that that particular tradition is really not part of the *Verbum Dei traditum* and therefore is not an unchangeable element of the deposit of faith.

Recent statements from Rome on the question of the ordination of women show that the Roman magisterium itself has recognized the need to reexamine the warrants for the Church's traditional belief in this matter. Some arguments which have been used in the past do not appear in recent official statements. Other warrants are now being proposed as the basis in revelation for the Church's belief that women cannot be ordained as priests. We see this fact as a confirmation of our view that there is urgent need for a critical reassessment of the Church's tradition concerning the ordination of women. We suggest that this

could begin with the criteria proposed by the Council of Trent for determining whether a particular tradition is of divine or of merely human origin.

When the Council of Trent declared that certain traditions deserve equal veneration with Scripture, it specified that such traditions must have the Gospel as their source, must have been received by the Apostles from the very mouth of Christ, or have been revealed to them by the Holy Spirit, and have been preserved without interruption in the Catholic Church (DS 1501). On the basis of this conciliar decree we can identify some criteria for determining whether a particular tradition is really part of the *Verbum Dei traditum*.

First, one would look for evidence in Scripture that would show that the particular tradition has the Gospel as its source.

Second, one would look for evidence that the belief which has sustained the traditional practice in the past has been a genuine belief of Christian faith, and not merely a human conviction.

Third, one would look for the evidence that the tradition enjoys a consensus of faith which endures to the present time.

#### EVIDENCE FROM SCRIPTURE

The texts of Scripture that were most frequently used in the past to prove that women were not apt subjects for ordination to the priesthood are found in the Pauline corpus. The first is the following passage from 1 Corinthians: "As in all the churches of the holy ones, women should keep silent in the churches, for they are not allowed to speak, but should be subordinate, as even the law says. But if they want to learn anything, they should ask their husbands at home. For it is improper for a woman to speak in church" (1 Cor 14:33-35). The second is from 1 Timothy: "I do not permit a woman to teach or to have authority over a man. She must be quiet. For Adam was formed first, then Eve. Further, Adam was not deceived, but the woman was deceived and transgressed" (1 Tim 2:12-14).

It hardly seems necessary to spell out the reasons why these texts have not been invoked in the recent statements of the Roman magisterium as the scriptural basis of the tradition against ordaining women to the priesthood. However, there is no denying that these texts have played a major part in justifying that tradition throughout history. Particularly significant is the interpretation which the passage from 1 Timothy offers of the Genesis account of the creation of Eve and of her role in the Fall. This interpretation, clearly conditioned by a cultural bias, provided a scriptural basis for the common conviction that women were inferior to men and were more easily led astray, a conviction that certainly contributed to the belief that women were unsuited for ordination to the priesthood. While such arguments are not being invoked today, one cannot ignore the extent to which the traditional belief that women should not be ordained depended on such exegesis.

The claim that the tradition restricting priestly ordination to men is "founded on the written Word of God" is now being based on the fact that Jesus chose

only men among the Twelve and that it was only to them that he said at the Last Supper, "Do this in remembrance of me" (1Cor 11:24). This is taken to mean that Jesus set an example which the Twelve and all their successors were to follow.

Here we can do no more than mention some of the reasons why many reputable Catholic biblical scholars have not found this argument convincing. It involves the supposition that by choosing only men for the Twelve Jesus intended to express his will concerning the sex of those who would in the future preside at the Eucharist. Since Jesus left the Church to make so many decisions on its own regarding the organization of its ministry, scholars judge it very doubtful that he intended to lay down such a particular prescription regarding the sex of future candidates for ordination, or, indeed, that he explicitly set up the practice of ordination itself. It is far more likely that his choice of only men for the Twelve was determined by the nature of their symbolic role as "patriarchs" of restored Israel, and by the fact that they were to be the official witnesses to his resurrection, sent out to a world which did not recognize women as credible witnesses. Furthermore, there is need to distinguish among the Twelve, the apostles, and the disciples.

However, it is also argued that the fact that the apostles chose only men for the roles of leadership in the Churches which they founded shows that they did understand Jesus's choice of only men for the Twelve to have given them an example which they were to follow in choosing their own coworkers and successors. In the earlier period of the New Testament, women were coworkers with men in ministry, as can be seen for example by Paul's remarks in Romans 16. In the later period, to which 1 Timothy 2:12-14 belongs, it is clear that women were being excluded from roles that involved teaching and authority over men. The reason which the author of the Pastorals gave for this exclusion, however, had nothing to do with an example given by Jesus. Instead, he based the unsuitability of women for these roles on a culturally biased interpretation of the story of the creation of Eve and her role in the Fall. Furthermore, there is very little evidence to show that the Church's subsequent practice in choosing only men as bishops and presbyters was determined more by an intention to remain faithful to an example set by Jesus than by the kind of reason proposed by the author of 1 Timothy, who was thought to be St. Paul himself.

#### IS THE TRADITION BASED ON FAITH?

Studies of the history of this tradition have shown that, while there are some references to the fact that Jesus chose only men among the Twelve, the more consistent basis for the exclusion of women from ordination to the priesthood has been the conviction that women were not apt subjects for such ministry because of the inferiority of their sex. This is the reason proposed by most of the medieval theologians and canonists, including St. Thomas Aquinas. It is true that Duns Scotus thought that the decision to exclude women from the priesthood must

have been made by Christ. But his argument was that it would have been an injustice to women if the Church has excluded them on its own authority. Today many will agree with his premise but not with his conclusion, since it is based on the idea that Christ could have done justly what it would have been unjust for the Church to do.

It cannot be denied that the conviction the women are by nature inferior to men has played a major role throughout most of the Church's history in supporting the belief that women should not be ordained to the priesthood. To the extent that it was based on this conviction which is surely not warranted by divine revelation, the traditional belief the women should not be priests can hardly be described a genuine belief of faith.

#### IS THERE A GENUINE CONSENSUS OF FAITH TODAY?

If one accepts the evidence that in former times the belief that women should not be priests was based largely on a human conviction regarding the natural inferiority of their sex, could one still argue that at least now in the Catholic Church there is a genuine consensus of faith in this matter, since it is now believed that the exclusion of women from the priesthood is a matter of fidelity to the revealed will of Christ?

In this regard one might invoke a parallel in the case of the doctrine of the Immaculate Conception of Mary. There was no consensus of faith on this doctrine throughout most of the Church's history, but the consensus that was eventually achieved in recent centuries was judged adequate grounds for defining it as a dogma of faith in 1854. Is there in the Catholic Church today a consensus of faith that women must be excluded from the priesthood out of fidelity to the will of Christ that would justify a declaration that this doctrine is a revealed truth and has been taught infallibly by the ordinary universal magisterium?

Several key factors present in the case of the doctrine of the Immaculate Conception are lacking in the present case. After centuries of dispute, Catholic theologians had come to agree that the doctrine was at least implicitly contained in the deposit of faith. At that time there was also clear evidence of the consensus fidelium in believing that Mary was conceived without sin. The universal episcopate had responded positively to Pope Pius IX's question whether they judged that the doctrine should be defined as a dogma of faith. Even before it was defined, there was good reason to say that this doctrine fulfilled the conditions for infallibility both of the universal consensus of the faithful and of the ordinary universal magisterium.

None of these conditions is clearly and certainly fulfilled with regard to the teaching that the Church must exclude women from ordination to the priesthood out of fidelity to the revealed will of Christ. And no doctrine should be understood as having been infallibly taught unless this is manifestly the case.

## THE MORAL STATUS OF THE TRADITION

When traditions involve not only beliefs but religious and moral practices, their status is presumably subject to theological assessment which includes moral assessment as well. This implicitly acknowledged in both *Inter Insigniores* and *Ordinatio Sacerdotalis* when it is insisted that "the nonadmission of women to priestly ordination cannot mean that women are of lesser dignity nor can it be construed as discrimination against them" (II 35-39; OS 3). The "Vatican Reflections on the Teaching of *Ordinatio Sacerdotalis*" focuses the issue sharply, identifying as "an absolutely fundamental truth of Christian anthropology, the equal personal dignity of men and women" (VR, 404), thereby disavowing gender discrimination and any contemporary appeal to the inferiority of women as grounds for excluding them from ordination. The implication is that were any practice to entail unjustifiable discrimination, it would be judged immoral and foreign to the deposit of faith.

Certain arguments are put forward in these documents to show why the practice of limiting ordination to men is not discriminatory. The first, albeit implicit, is that this practice is a matter of divine law. The "real reason" for the practice, which justifies it as well as explains it, is that "Christ established things this way" (OS 2). There are, however, at least two difficulties with this argument. The first, noted earlier, is the fragility of the scriptural and historical warrants for a normative claim regarding the intentions of Jesus and the subsequent rationale for the tradition. The second is the lack of satisfactory fit between a seemingly voluntaristic divine command and an otherwise unjustifiable practice. That is to say, the Catholic tradition of moral thought and practice has been profoundly shaped by the belief that the divine will is not arbitrary and thus moral norms overall "make sense." Hence, it is never sufficient to say simply, "This is the law;" God's will asks not only for obedience but also for some degree of understanding.

Indeed, the papal documents and the CDF statements recognize this second difficulty. Therefore, they add other arguments to the claims of divine establishment. These are, as they describe them, not conclusive demonstrations but arguments for the "appropriateness" or "fittingness" of this practice in a divine plan for the Church (II 25; OS 2; VR, p. 405). To allay any fears of gender discrimination, an appeal is made to the dignity of Mary as evidence that the selection of men for ordination is not meant to signal that men are of superior worth to women; a special vocation or call is identified as the only access to ordination, as opposed to a claim on the basis of a human or Christian right; and a reminder is issued that the highest dignity of any Christian is found not in a specific role or function but in the achievement of charity, a gift and a virtue not limited by gender.

These arguments, too, have appeared unsatisfactory to many theologians primarily because they seem to miss the point of gender discrimination. To

acknowledge the highest dignity of Mary, for example, is to recognize her unique call; it says nothing about depriving women as a group of access to ordained ministry. Ordination of any individual to the priesthood is a response to a call and not a recognition of a right; yet this proposition says nothing about the justice or injustice of limiting the possibility of such a call to membership in a gendered group. To affirm that moral worth is determined by the greatness of one's charity simply does not engage the issues of unequal treatment of persons and of injury to the common good that may be entailed by the exclusion of women from ordination.

Whatever questions remain to be resolved regarding these arguments, the Roman texts adduce a further and more central argument for the appropriateness of ordaining men but not women. It is a standard argument for justifying differential treatment of persons in a way that does not constitute unjust discrimination. In this particular case, it is an argument for the existence of differences between men and women that not only explain but also justify the eligibility of one gender and not the other for ordination to the priesthood.

This argument has two bases. The first is the iconic appropriateness of men who, precisely as male, can represent Christ (and the Church, insofar as men are said to represent Christ as head of the Church). This point plays a prominent role in *Inter Insigniores*, though it is not brought forward explicitly into *Ordinatio Sacerdotalis*. In the time between the writing of these two documents, there was sharp and widespread opposition to it, especially as it tends to undermine the baptismal dignity of the Christian. The question of who can represent Jesus Christ is complex, but many theologians have been very skeptical about sex as determinative of who will be recognized precisely as *in persona Christi*.

The second basis is a theological anthropology that affirms a fundamental complementarity between the sexes—a complementarity the undergirds role differentiation particularly in the Church. Although it has emerged late in the discussions of priestly ordination, the gender complementarity argument is now frequently the centerpiece of replies to charges of gender discrimination in the non-ordination of women. Roman documents take a certain understanding of gender differentiation and complementarity so seriously that they link Jesus's choice of male apostles to a fundamental element of human nature. That is, Jesus's choice of only men as members of the Twelve represents an "ontological and anthropological truth of the creation of the two sexes" (OS 2; VR, p.405). In other words, a natural difference between men and women legitimizes the differentiation of their roles in the Church. Different but complementary, women and men are nonetheless equal, and the exclusion of women from ordained ministry does not constitute unjust discrimination. From this the conclusion is drawn that the principle of human equality is not violated but respected in the form of complementarity. A "difference of fact on the level of functions and service" does not represent any "personal superiority" of men in relation to women (II, 30).

A theological anthropology built upon this understanding of gender complementarity, however, faces serious problems. It has not been shown satisfactorily



to belong to the revealed Word of God, either by direct word or by the diverse examples of biblical men and women. Practically speaking, beyond anatomical and physiological differences, it is notoriously difficult to identify gender-specific traits or capabilities that translate into different social roles. Moreover, in the past and in the present, theories of gender complementarity have yielded certain consequences, which have consistently involved patterns of superiority and inferiority, domination and subordination—not of equality. All of the documents agree that the principle of equality is a primary principle of justice in the Church as well as in society generally. The issue, however, is not equality of honor, as the documents imply, but equality of participation in the life of the community of faith. The issue is not only equality before God, but equality of human persons, female and male before one another.

A theory of gender complementarity, then, is vulnerable regarding the accuracy and adequacy of the theological anthropology it assumes, as well as the justice of its consequences. It cannot, as it stands, mitigate the problems of unjust discrimination that the exclusion of women from ordination appears to entail. Our aim here, however, is not to resolve problems such as these in opposition to the Vatican documents; it is, rather, to underline their seriousness. An adequate inquiry into the question of whether the nonordination of women is a matter of divine revelation includes an examination of the morality of the practice. If the practice can be judged to be unjust in itself and productive of further unjust consequences, it greatly diminishes the fullness of the Church's life and the effectiveness of its mission and ministry.

#### CONCLUSION

Vatican II declared, "The truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power" (DH, #1). Consequently, in accord with our responsibility as theologians, we have considered some of the fundamental issues raised by the *Responsum* of the Congregation for the Doctrine of the Faith. We have drawn upon well-known and widely accepted principles of Roman Catholic theology. In so doing, we have been led to affirm that the whole Church, and especially its pastors and theologians, must continue to inquire into the Church's authority and responsibility in this matter. Faithfulness to divine revelation in our time may require change. This change would not be a judgment upon the Church of the past but a duty of the Church of the present.

## ENDNOTE

- DH Vatican II. *Dignitatis Humanae* (Declaration on Religious Freedom).
- DS Denzinger-Schonmetzer, eds. *Enchiridion Symbolorum Definitionum et Declarationum de rebus fidei et morum*. Rome: Herder, 1965.
- GS Vatican II. *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World).
- II Congregation for the Doctrine of the Faith. *Inter Insigniores; On the Admission of Women to the Ministerial Priesthood*. *Origins* 6 (3 February 1977): 519-24.
- LI Congregation for Divine Worship. "Third Instruction on the Correct Implementation of the Constitution on the Sacred Liturgy" (*Liturgiae Instaurationes*). *AAS* 62 (1970), 692-704. Reprinted in Flannery, Austin, O.P., ed., *Vatican Council II. The Conciliar and Post Conciliar Documents*. Collegeville: Liturgical Press, 1975. 209-21.
- OS Pope John Paul II. *Ordinatio Sacerdotalis*. *Origins* 24 (9 June 1994): 50-52.
- Ratzinger Ratzinger, Joseph. "The Transmission of Divine Revelation," in Vorgrimler, Herbert, ed., *Commentary on the Documents of Vatican II*, vol. 3. New York: Herder and Herder, 181-98.
- RD Congregation for the Doctrine of the Faith, "Reply to the *dubium* concerning the teaching contained in the apostolic letter *Ordinatio Sacerdotalis*." (28 October 1995). *Origins* 25 (30 November 1995): 401, 403.
- VR "Vatican Reflections On the Teaching of *Ordinatio Sacerdotalis*," *Origins* 25 (30 November 1995): 403-405.