

Appendix A

TRADITION AND THE ORDINATION OF WOMEN

For consideration at the CTSA convention in Minneapolis.

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 *Ordinatio Sacerdotalis* (May 1994) is to be understood as "belonging to the deposit of faith" (RD, p. 401; *ut pertinens ad fidei depositum* [ASS, 1114]; see list of sources for abbreviations of the texts cited here and 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). Later, the Congregation issued a collection of previously published material devoted to these issues (DII).

Because the *Responsum* maintains that the Church's lack of authority to ordain women to the priesthood is a truth that has been infallibly taught, many have concluded that the question whether women can be ordained has now been so definitely settled that no future pope or council could decide otherwise. However, comments published since the *Responsum* was issued indicate that not a few Catholic theologians have questioned both the level of its authority and the warrants for its assertions.

It is important to distinguish between the Pope's teaching in *Ordinatio Sacerdotalis* and the teachings of the Congregation for the Doctrine of the Faith in its *Responsum*. John Paul II has taught that the Church has no authority to ordain women to the priesthood and that this teaching, grounded in the unbroken Tradition of the Church must be definitely held. The Congregation has declared that this doctrine pertains to the deposit of faith and it has been taught infallibly by the ordinary and universal Magisterium.

With what authority have these statements been made? Cardinal Ratzinger has confirmed that it was not the Pope's intention to issue an *ex cathedra* definition in *Ordinatio Sacerdotalis*. Hence, it is not an infallible papal definition, but an exercise of the ordinary papal Magisterium. According to Vatican II, this calls for a response of *religiosum obsequium* (LG, 25). Theologians have taken this to mean a sincere effort to conform one's judgment to the judgment of the Pope. Experience shows that such an effort may not suffice to overcome a person's doubts and bring one to sincere internal assent.

The CDF's *Responsum* does not change the doctrinal weight of *Ordinatio Sacerdotalis*. It does not raise its teaching to the level of an *ex cathedra* definition even when it declares that its doctrine has been taught infallibly. Canon law makes it clear that no doctrine is to be understood as infallibly defined unless this is manifestly established (Canon 749.3). Hence, whether a doctrine has been infallibly taught is a question of fact and the law of the Church requires that this fact be clearly established.

The law of the Church, it would seem, justifies Catholic theologians in raising the question whether the reasons offered by the Congregation "clearly establish" the fact that this doctrine has been infallibly taught. The reasons offered are that this teaching is "founded on the written word of God," has been "from the beginning constantly preserved and applied in the tradition of the Church," and "it has been set forth infallibly by the ordinary and universal Magisterium."

Legitimate questions can be raised about each of these reasons, and their probative force. How can it be shown that this doctrine "belongs to the deposit of the faith"? How is it "founded on the written Word of God"? Has it "from the beginning [been] constantly preserved and applied in the Tradition of the Church"? Is it a doctrine that "has been set forth infallibly by the ordinary and universal Magisterium"?

This paper is offered as a contribution to the discussion of these questions. Thus, the scope and aims of this paper are quite limited. It does not intend to present arguments for or against the ordination of women. The question it raises is whether the reasons given by the Congregation justify the assertion that the definitive assent of the faithful must be given to the teaching that the Church has no authority whatsoever to confer priestly ordination on women.

I. "founded on the written Word of God"

The claim that the tradition restricting priestly ordination to men is "founded on the written Word of God" is twofold: first, that Christ did not call women to the apostolic ministry since he selected only men as members of the twelve; and second, that the apostles themselves, faithful to the practice of Christ, chose only men for priestly offices, those of bishop, presbyter, and their equivalents.

Biblical evidence 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" (1 Cor 11:24), has been taken to reveal his will that only men should ever be ordained to the priesthood.

Here we can do no more than mention some of the reasons why many reputable Catholic biblical scholars have not found this argument convincing. They question the suppositions that Jesus' words to the Twelve constituted ordination as it is understood today; that the Twelve are the only precursors of ordained ministers today, in light of the fluidity of ministries in the early Church; that "the apostles" were coextensive with "the Twelve"; and that by choosing only men for the Twelve Jesus intended to express his will concerning the sex of those who would preside at the Eucharist in the future. Since Jesus left the Church under the guidance of the Holy Spirit to make 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. The majority of exegetes hold, instead, that Jesus' choice of only men for the Twelve was determined by the nature of their symbolic role as "patriarchs" of restored Israel.

It is also argued, however, 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' choice of only men for the Twelve to have given them an example which they were to follow in choosing their own co-workers and successors. Here again scholars find the argument inconclusive. In the earlier period of the New Testament, St. Paul had a number of women as his co-workers in ministry. 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, the author based the unsuitability of women for these roles on an interpretation of the story of the creation of Eve and her role in the Fall: "For Adam was formed first, then Eve. Further, Adam was not deceived, but the woman was deceived and transgressed" (1 Timothy 2:13-14). This passage so interpreted was used as the 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. Indeed, there is very little evidence to show that the subsequent practice of choosing only men as bishops and presbyters was determined by an intention to remain faithful to an example set by Jesus, rather than by the kind of reasons proposed by the author of 1 Timothy, who was thought to be St. Paul himself.

As the majority of the members of the Pontifical Biblical Commission concluded in 1976, "It does not seem that the New Testament by itself alone will permit us to settle in a clear way and once and for all the problem of the possible accession of women to the presbyterate" (PBC, 96).

II. "from the beginning constantly preserved and applied in the Tradition of the Church"

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 Roman Catholic Church and the Eastern Churches to ordain only men to the priesthood. Furthermore, when the question has been raised about the suitability of women for such ordination, a negative answer has been given consistently by early Christian writers, by medieval theologians, and by recent popes.

There is no doubt about the traditional practice of excluding women from the priesthood and episcopate, or about the traditional conviction that women were unsuited for such offices in the Church. Obviously, such long-standing traditions must not be lightly changed or dismissed. Yet, as Joseph Ratzinger noted in his commentary on *Dei Verbum*, "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 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). A traditional practice that seemed appropriate in the past may no longer be appropriate in a new cultural context. A traditional conviction, when subjected to critical examination, may be recognized as based on cultural attitudes rather than on divine revelation. It may become clear that it was not really a tradition of authentic Christian faith. The Church has never taken antiquity to be the sole criterion of an authoritative Tradition.

The recent documents *Ordinatio Sacerdotalis* and the *Responsum* on the question of the ordination of women show that the Roman Magisterium itself has recognized the need to reexamine the grounds on which the Church's traditional belief in this matter have been based. Some arguments which have been used in the past do not appear in recent official statements. Other reasons are now being proposed as the basis in revelation for the Church's belief that women cannot be ordained as priests.

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, it is undeniable that a consistent argument for the exclusion of women from the priesthood was rooted in the conviction that women were not apt subjects for such ministry because of the inferiority of their sex and/or their state of subjection in the social order.

In 1976, The CDF's Declaration *Inter Insigniores* gave some references to the Fathers in the section entitled "The Tradition Constantly Preserved by the Church." This text is the only place where the CDF has offered patristic evidence. The references provided, however, are all problematic. Irenaeus (*Adversus Haereses* 1, 13, 2) objects to the superstitious hoax of a Gnostic religious service, but not to the fact that it is women who are involved. Tertullian (*De Praescriptione Haereticorum* 41, 5) and the *Didascalia Apostolorum*, Chapter 15, object to women teaching and baptizing, but these activities are possible for women in the Church today and these sources say nothing about their ordination. The *Apostolic Constitutions* (Bk. III, c. 6), drawing on the *Didascalia Apostolorum*, confirms the same position without adding anything significant. It does cite Jesus' way of acting, but explains it by the natural inferiority of women. Firmilian, in a letter to Cyprian (among Cyprian's letters, n. 75 in the Oxford edition) objects to a heretical baptism and eucharist performed by a woman under demonic influence; he is directly concerned about the demonic influence, not that the minister is a woman. Origen (*Fragmenta in 1 Cor.* 74) argues from 1 Corinthians 14:34 against women preaching in the Church, something permitted today in some circumstances. St. Epiphanius clearly and strongly opposes the ordination of women (*Panarion* 49, 2-3; 78, 23; 79, 2-4, t. 2 GCS 37, pp. 473, 477-79) but does so because he shares the widespread prejudice of his society that "Women are unstable, prone to error, and mean-spirited" (79, 1.6). Finally, St. John Chrysostom argues not from the example of Christ or the Church's duty to follow him (as the CDF says) but from the greatness of the tasks a bishop must perform. Clearly, these passages reflect a conviction that women are inferior to men and hence unable to perform priestly

activities, not that they must be excluded from ordination to the priesthood out of fidelity to the will of Christ.

Inferiority and/or subjection in the social order were the primary reasons proposed by most of the medieval theologians and canonists, including St. Thomas Aquinas (*Commentary on the Sentences*, IV, dist. 25, quest. 2, art. 1) and St. Bonaventure (in his *Commentary on the Sentences*, IV, dist. 25, quest. 2, art. 1). Commenting on the same section of the *Sentences* in his *Opus oxoniense*, Duns Scotus held 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 had 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.

In sum, the conviction that women are by nature inferior to men and were divinely intended to be subordinate to men in the social order 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 past teaching that women could not be ordained was based on these convictions which are not warranted by divine revelation, that teaching is open to serious theological reinvestigation.

Furthermore, sacramental development is a matter of development in practice as well as in teaching. It is an area in which faith and practice are clearly intertwined, and one in which practical implications have often imposed a fresh consideration of doctrinal positions. The development of the practice and teaching of marriage and penance in particular give ample evidence of how the two fields of practice and doctrine interact. In an era where new practical issues emerged, there also emerged a new approach to the understanding of the Church's teaching on these sacraments.

The same principle is applicable in the case of ordination. As was remarked by Saint Jerome, while the terminology of presbyter and bishop was constant in the early tradition on order, the custom and practice of these orders had evolved due to changing circumstances (*Epistula CXLVI*; PL 22, 1192-94; *In Titum* 1,5; PL 26, 562-63). In the Middle Ages and in the time of the Reformation, the episcopacy and priesthood were subjected to new structuring and given fresh doctrinal explanation in face of historical circumstances. The Second Vatican Council ushered in a new era of the practice and theology of ministry on account of changing ecumenical and historical circumstances. It is within this new practical and doctrinal context that the issue of women's ordination has arisen, so that new questions have to be considered.

In addition, adequate evaluation of the reasoning prohibiting the ordination of women requires moral as well as theological assessment since, as both *Inter Insigniores* and *Ordinatio Sacerdotalis* acknowledge, "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 34-39; OS 3). The "Vatican Reflections on the Teaching of *Ordinatio Sacerdotalis*" focus the issue sharply, identifying as "an absolutely fundamental truth of Christian anthropology, the equal personal dignity of men and women" (VR, 404), thereby disavowing gen-

der 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.

The argument from divine law, that "Christ established things this way" (OS 2), is not in itself sufficient to satisfy questions of unjust discrimination. The insufficiency here lies not so much in the fragility of scriptural and historical warrants for the argument, but in its failure to meet the demands of traditional Catholic moral theology. That is, the Catholic moral tradition has consistently premised itself on the belief that the divine will is not arbitrary, and that moral norms must thus overall "make sense." Hence, it is never sufficient to say simply, "This is the law." God asks not only for obedience but also for some degree of understanding.

Indeed, the papal documents and the CDF statements recognize this specific difficulty by proposing additional arguments from the "appropriateness" or "fittingness" of this practice in the divine plan for the Church (II 25; OS 2; VR, p. 405). Certain Roman texts justify the restriction of ordained ministry to men by appeals to iconic appropriateness and/or to beliefs in a natural gender complementarity. The use of these appeals in support of gender role differentiation has been contested in Catholic moral as well as systematic theology by those who argue that the "effective history" of the practices supported by these appeals can be shown to involve consistent patterns of superiority and inferiority, domination and subordination, rather than of equality.

While the magisterium presents arguments for fittingness as an explanation and corroboration of what is taught, rather than as the foundation of the teaching, it is always necessary to study tradition to see how much these arguments have affected teaching about matters of substance. All discussion of theological anthropology, therefore, in its influence on the question of ordination, needs careful examination.

The purpose here, however, is not to resolve problems such as these either in opposition to or in agreement with the Vatican documents. It is, rather, to underline their seriousness, and in so doing to recognize that 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.

III. "it has been set forth infallibly by the ordinary and universal Magisterium"

The final strand of the converging arguments supporting the restriction of ordained ministry to males is the claim that "it has been set forth infallibly by the ordinary and universal Magisterium."

This statement of the Vatican Congregation makes it clear that the claim that the doctrine excluding women from ordination to the priesthood has been infallibly taught is not based on the dogma of papal infallibility, but rather on the teaching enunciated by Vatican II about the infallible teaching of the whole body of Catholic bishops, including, of course, the Bishop of Rome. The following is the statement of Vatican II to which the Response of the Congregation refers:

Although the individual bishops do not enjoy the prerogative of infallibility, they do nevertheless proclaim Christ's doctrine infallibly even when dispersed around the world, provided that while maintaining the bond of communion among themselves and with Peter's successor, and teaching authoritatively on a matter of faith and morals, they are in agreement that a particular judgment is to be held definitively.

The reference of the *Responsum to Lumen Gentium* 25, 2, means that according to the Congregation, all the conditions laid down in that paragraph for infallible teaching, are actually fulfilled in this case. There is no doubt about the fact that Pope John Paul himself has taught that the doctrine excluding women from the priesthood is to be held definitively. But papal teaching alone, unless it is a solemn definition, is not enough to make the doctrine infallible. For a doctrine to be taught infallibly by the ordinary and universal magisterium it has to be evident that the whole body of Catholic bishops is teaching the same doctrine and obliging the faithful to give it their definitive assent.

How evident does this have to be? Canon 749.3 of the Code of Canon Law replies: "No doctrine is understood to be infallibly defined unless this fact is clearly established." In other words, the burden of proof is on the one who claims that a doctrine has been infallibly taught. A statement of the Congregation for the Doctrine of the Faith, even approved by the Pope, does not settle the issue. As noted earlier, whether a doctrine has been infallibly taught is a question of fact, and canon law requires that this fact be clearly established.

In the present case, this means that it has to be a clearly established fact that the whole body of Catholic bishops is agreed in teaching that the doctrine excluding women from ordination to the priesthood is a truth to which the Catholic faithful are obliged to give an irrevocable assent. How could this be demonstrated? In his encyclical on the value and inviolability of human life, *Evangelium vitae*, Pope John Paul indicates one way in which this could be done: namely, by consulting all the bishops. In that document the Pope specifically referred to an "aforementioned consultation" when he declared that he was teaching "in communion with the bishops" who "albeit dispersed throughout the world, have shown unanimous agreement . . ." (EV, no. 62). Another way it could be demonstrated is suggested by canon 750 of the Code of Canon Law, where it says that when a doctrine is proposed as divinely revealed by the ordinary and universal magisterium, this is "manifested by the common adherence of Christ's faithful." In support of its assertion that the doctrine excluding women from the priesthood has been taught infallibly by the ordinary, universal magisterium, the Congregation did not, and indeed could not, appeal either to a consultation of all the bishops or to the common adherence of the Catholic faithful.

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 the responsibility proper to Roman Catholic theologians, this paper offers considerations on some of the fundamental issues raised by the *Responsum* of the Congregation for the Doctrine of the Faith. It draws upon well-known and widely accepted principles of Roman Catholic theology. The paper supports the conviction that the whole Church, and especially its pastors and theologians, must continue to inquire into the exercise of the Church's authority and responsibility in this matter.

There are serious doubts regarding the nature of the authority of this teaching and its grounds in Tradition. There is serious, widespread disagreement on this question not only among theologians, but also within the larger community of the Church. Once again, it seems clear, therefore, that further study, discussion, and prayer regarding this question by all the members of the Church in accord with their particular gifts and vocations are necessary if the Church is to be guided by the Spirit in remaining faithful to the authentic Tradition of the Gospel in our day.

SOURCES

- DH Vatican II. *Dignitatis Humanae* (Declaration on Religious Freedom).
- DII Dall' "Inter Insigniores" all' *Ordinatio Sacerdotalis*. "Documenti e commenti. CDF: Libreria Editrice Vaticana, 1997.
- EV Pope John Paul II. *Evangelium vitae*. *Origins* 24 (6 April 1995): 690-730.
- 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.
- LG Vatican II. *Lumen Gentium* (Dogmatic Constitution of the Church).
- OS Pope John Paul II. *Ordinatio Sacerdotalis*. *Origins* 24 (9 June 1994): 50-52.
- PBC Pontifical Biblical Commission report. *Origins* 6 (1 July 1976): 92-96.
- Ratzinger Ratzinger, Joseph. "The Transmission of Divine Revelation," in *Commentary on the Documents of Vatican II*, vol. 3, ed. Herbert Vorgrimler. 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. Official text in *Acta Apostolicae Sedis* 87 (1995) 1114. (AAS)
- VR "Vatican Reflections on the Teaching of *Ordinatio Sacerdotalis*," *Origins* 25 (30 November 1995): 403-405.